



ADMINISTRATION OF JUSTICE THROUGH THE LENS OF STAKEHOLDERS

THEME: A PEOPLE-CENTRED APPROACH TO JUSTICE

Panel Discussion Presentation
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Introductory remarks

I am very privileged today to have the rare opportunity of addressing your lordships and other distinguished participants on the Topic: **Administration of Justice through the Lens Of Stakeholders “Theme: A People-centred Approach To Justice”**

My presentation covers:-

- Background to a People-Centred Justice System Globally
- What are the Critical Characteristics of a People-Centred Justice System?
- Who are the Critical Stakeholders in enhancing a People-Centred Justice System in Uganda?
- What are the Objectives of Stakeholders Engagement in Developing a People-centred Justice System?
- What are the existing Bottlenecks to developing a People-centred Justice System in Uganda?
- What are the Key Indicators of challenges to a People-centred Justice System in Uganda?
- Necessary Interventions to enhance a People-centred Justice System in Uganda
- Conclusion

Background to a People-Centred Justice System Globally



- Essentially, People-Centered Justice means placing people at the center of the design, construction, and implementation process of justice policies, services, practices, and procedures.
- This approach seeks to ensure that justice systems are fair, accessible, and responsive to the needs of all individuals and communities, regardless of their social, economic, or cultural backgrounds.
- Access to justice has moved to the forefront of international efforts to achieve sustainable development.
- It was included in the United Nations 2030 Agenda for Sustainable Development (SDG 16), in a commitment to “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”.



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- To secure equal access to justice services, the legal and justice needs of the population should be effectively understood and addressed by the justice system.
- However, legal needs surveys completed in the last three decades globally show that there is a significant gap between the main services provided by justice systems and the services best suited to meeting the everyday legal and justice needs of society.
- The majority of them show that less than **10%** of legal needs are resolved by the formal justice system (**Organization for Economic Cooperation and Development (OECD)/Open Society: Foundations, 2019**).
- Research also shows that many people face a range of barriers to accessing justice, such as cost, complexity, lack of language skills, remoteness and discrimination.
- Making progress towards **SDG 16** thus requires countries to recalibrate their lens toward people-centred design and delivery of legal and justice services, ensuring that all people have access to services that are of high quality, appropriate, targeted, timely and cost-effective.



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- This approach also flows from and reinforces the concept of justice as a public service, guiding the modernisation efforts of the justice systems in many OECD countries.
- It highlights governments' responsibility to provide public services designed to meet the expectation and needs of their people in terms of access.
- The importance of people-centred justice transformation was already acknowledged in the **2018 Riga Statement** on "**Investing in Access to Justice for All!**", adopted by high-level participants of the **4th OECD Global Roundtable** on Access to Justice, and were echoed during **OECD** high-level meetings and subsequent annual **Global Equal Access to Justice Roundtables (OECD, 2021[12])**.
- The **OECD** criteria for people-centred design and delivery of legal and justice services underlined the importance of anchoring the foundation and underlying policy orientation of justice systems in equality and inclusion, accessibility and availability.



- Added to these calls were other global events and declarations including **The Hague Declaration (Ministerial Roundtable on Access to Justice, 2019)**, a ministerial Roundtable at the **Open Government Partnership (OGP) Global Summit** in Ottawa, the launch of the **Justice for All report (Task Force on Justice, 2019)**, and **the Global Dialogue of Justice Leaders (October 2020)** in the context of the **2020 Global Justice Week (Chair of the Global Dialogue of Justice Leaders, 2020)**.

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What are the Critical Characteristics of a People-Centred Justice System?

The **OECD** provides seven critical characteristics for a people-centred justice system:

- A clear and stated purpose of justice systems and of their various components, giving priority to a people-centred approach to meeting the legal and justice needs of all people.
- Ongoing and co-ordinated research and data to build and maintain a sound evidence base that contains what people's most common legal problems are, who experiences these problems, and to what extent they are able to resolve them.
- Ongoing and co-ordinated research and evaluation conducted to identify and maintain an evidence base about what strategies "**work**" most effectively and cost effectively, for whom and in what circumstances, to address legal and justice needs, including in the planning and delivery of legal and justice services.



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- Clear and accessible language for users that interfaces with all justice system components and more broadly, clear communication strategies about justice services.
- Wherever appropriate, co-design of legal and justice services between providers and potential users to consider user's needs and experiences.
- Investment and service organisation in the justice system appropriately reflecting legal and justice needs of the population, including the areas of greatest need in order to ensure efficient resource allocation and access to services for all.
- Systems established for monitoring fair outcomes.





Who are the Critical Stakeholders in enhancing a People-Centred Justice System in Uganda?

- The Judiciary.
- Ministry of Justice and Constitutional Affairs.
- Office of the Directorate of Public Prosecutions.
- Uganda Police Force.
- Uganda Prison Services.
- Uganda Human Rights Commission.
- The Equal Opportunities Commission.
- Law Development Centre.
- Uganda Law Reform Commission.
- Uganda Law Society.
- Legal Aid Service Providers.
- Litigants





What are the Objectives of Stakeholders Engagement in Developing a People-centred Justice System?

- The objectives of stakeholders' engagement in administration of justice include the following:
- To strengthen people centred justice delivery system.
- Reform and strengthen justice business processes.
- Strengthen the fight against corruption.
- Strengthen legal, regulatory and institutional frameworks for effective and efficient delivery of justice.
- Improve the efficiency and effectiveness of courts.





What are the existing Bottlenecks to developing a People-centred Justice System in Uganda?

- Delayed disposal of cases in Courts [Backlog Problem].
- State interference in Judicial Independence.
- Collapsing doctrine of precedent and Stare Decisis.
- Increasing contradictory decisions by Courts of the same level.
- Unpredictability of length of trial processes from commencement to the end.
- Unethical and flamboyant conduct of legal practitioners [Practicing Advocates].
- Insufficient number of judicial officers especially at the upper bench [High Court, Court of Appeal and Supreme Court].





- Rigid and laborious trial procedures that clog the justice system.
- Administration of justice in a foreign language.
- Lack of inclusive justice. Dumb people cannot appreciate court processes because of lack of interpreters.
- Technological challenges in most parts of the country.
- Poor infrastructure. Some courts in upcountry are housed in dilapidated buildings and cannot operate during rainy season.

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Grade one magistrate warmly welcomed to court premises at Sigulu Island, Namayingo District, by council members.



Being taken around for inspection



What are the Key Indicators of challenges to a People-centred Justice System in Uganda?

- Disrespect of Court Orders.
- Delayed writing and delivery of judgments.
- State interference and administrative letters contradicting Court decisions.
- Disposal of cases after more than five years [LDC Legal alerts always report the duration of cases in Court and unfortunately majority are above five years duration]. E.g recent decision in Electoral appeals (Mootness/Legal limbo)
- Decisions of the same court contradicting one another. This has been majorly in High Court and recently Court of Appeal.
- Failure to distinguish or acknowledge the existence of contrary Jurisprudence.
- Unprofessional exchange between Advocates and Judicial officers in the Court room ; deteriorating courtroom decorum
- Cyber bullying of judicial officers.



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- Increased breach of the sub-judice rule by the members of the Bar
- Increased unnecessary adjournment of cases.
- Summary dismissal of cases for want of prosecution which have delayed in the system for reasons not attributable to litigants whose reinstatements is not automatic.
- Summary dismissal for cases which have delayed to be heard under the guise of weeding out case back log.
- Unscheduled workshops and travels by some Judicial officers warranting rescheduling of court matters .
- Haphazard fixing of hearing dates and unclear fixtures of appellate matters giving preferential treatment to some, no clear criteria of fixing appeals/applications.
- Requirement for letters addressed to the Court asking for hearing dates.
- Failure by trial courts to adhere to guidelines for visiting locus in quo.
- Failure by some Judicial officers to avail their Judgments/Rulings to Ulii
- Usurpation of roles of Registrars by some Judicial officers especially in the High Court e.g. signing hearing Notices and other processes.



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- Unclear administrative powers of the office of the Principal Judge viz a viz the jurisdiction of the Judicial officers in their respective divisions/ circuits culminating into unpredictability and disharmony among stake holders.
- Huddles in migration from the old system to ECCIMIS.
- Lack of uniform training in ECCIMIS.
- Some Lawyers' apathy to adoption of ECCIMIS.
- Failure by the majority of litigants to appreciate ECCIMIS.
- Lack of sensitization of all the Key stake holders about ECCIMIS.
- Failure to allocate realistic timeline for matters.
- Over loading hearing dates or cause listing many cases at the same time before the same Judicial officer.
- Failure to give appropriate timeslots for each matter.
- Lack of respect for senior lawyers by both Judicial officers and senior members of the legal profession.
- Un researched/ ill prepared submissions by some legal practitioners.
- Un researched decisions by some Judicial officers.



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- Failure by some Judicial officers to acknowledge the respective parties' authorities.
- Lack of preparation by some lawyers and some Judicial officers.
- Harassment of self represented litigants.
- Unwarranted interruptions by some Judicial officers.
- Harassment of witnesses by some lawyers and some Judicial officers.
- Lack of Punctuality by some lawyers, some judicial officers and litigants
- Lawyers taking on too much.
- Increase in number of overzealous litigants/ busy bodies.
- Ignorance of working /procedure of courts by members of the Public.
- Weak public relations department of the Judiciary.
- Failure to exhaust ADR by litigants.
- Institution of criminal proceedings by the State before comprehensive investigations.
- Unwarranted objections to bail by the State.
- Improper sanctioning of police files by the State.
- Un coordination between prison authorities and courts culminating in non production of prisoners on their respective hearing dates.



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- Poor remuneration/ lack of uniform pay of lawyers on state briefs.
- Lack of sensitization of the accused/prisoners about their rights.
- Inadequate preparation of Prosecutors.
- Unpredictable criminal sessions.
- Late production of suspects by the State so as to deny them bail.
- In capital offences committal proceedings take long meaning that the accused spend a lot of time on remand and those who deserve bail are denied the opportunity to apply for it.





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Necessary Interventions to enhance a People-centred Justice System in Uganda

- Timely hearing and disposal of cases.
- Encourage mobile court system.
- Infrastructure development. While we welcome the Judiciary's erecting of the Supreme Court and Court of Appeal buildings near the Constitutional Square we wish to state that there is need to renovate dilapidated existing court structures, build more courts upcountry to increase access to justice.
- Inclusive justice needs to be emphasized. There is need to provide relevant interpreters for Deaf, Dumb and people with other impairments.
- There is need to prioritize small claim procedure courts.
- Technological advancement and skills building should be promoted as the Justice system is digitalizing its processes.



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- Empowerment and promotion of small claims procedure should be a priority.
- Sensitization of all stakeholders especially the Executive (The Powers that be) to respect all court orders and the Independence of the Judiciary.
- All Judicial officers must adhere to the 60 day rule within which to deliver Judgments/Rulings.
- Ensure timely disposal of cases to avoid mootness of the subject matter and lack of confidence in court.
- Avoid contradictory decisions, acknowledge existing decisions and respect the doctrine of Precedence and Stare Decisis.
- Observance of court room decorum by all players.
- Curbing of cyber bullying of judicial officers by the relevant agencies.
- Respect of the Subjudice rule by members of the Bar and Public.
- Strict adherence to the rules governing granting of adjournments.
- Courts should use their discretion judiciously and only dismiss the matters whose previous delay was attributed to litigants.



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- unscheduled workshops and travels by some Judicial officers should be discouraged.
- Fixtures of hearings in appellate courts should be transparent and should be streamlined on a first come first serve basis save the deserving ones depending on their urgency.
- Trial courts must adhere to the guidelines visiting locus in quo.
- All Judicial officers must avail their judgments and rulings to Ulii and court libraries.
- Registrars should carry out their statutory roles e.g. issuing, signing of Hearing Notices and fixing hearings in consultation with their respective Judicial Officers.
- There should be periodic monitoring and evaluation of the migration from the old system to ECCIMIS and the working of ECCIMIS. It should be replicated thorough out the country.
- Uniform training of all stake holders in the use of ECCIMIS.
- Lawyers should be encouraged to adopt the use of ECCIMIS.
- Practical and Strict timelines should be adopted.



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- Fixing of cases/ matters on the same day should be properly timetabled.
- Each case should be designated appropriate time.
- Similar or related matters should as much as possible be listed on the same day before the same Judicial officer as is in the case in the commercial division of the High Court and other jurisdictions in East Africa.
- There should be respect for both senior lawyers and judicial officers.
- Advocates should be encouraged to carry out sufficient research.
- All Judicial officers should be encouraged to deliver researched decisions reflecting contemporary jurisprudence.
- Judicial officers should acknowledge the respective parties' authorities referred to in their submissions.
- Both lawyers and judicial officers should prepare adequately.
- Self representing litigants should be properly handled.
- Judicial officers should not interrupt unnecessarily.
- Both Lawyers and Judges should not harass witnesses.
- All players should observe punctuality.



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- Lawyers should take on what they can handle.
- Over zealous litigants and busy bodies should be discouraged from clogging the judicial system.
- There should be national legal literacy campaigns about court procedures/open days by the respective courts.
- There should be media programs on court procedures/happenings.
- There should be a vibrant public relations' department of the judiciary.
- Parties should be encouraged to exhaust ADR/ massive sensitization about ADR.
- The State should be encouraged to institute criminal proceedings after comprehensive investigations.
- The State should refrain from unwarranted objections to bail as a matter of course.
- Only deserving Police files should be sanctioned by the State for prosecution.
- There should be increased coordination between prison officials and courts.
- Lawyers on state brief should be remunerated appropriately.



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- The accused on remand should be sensitized about their rights.
- State counsel or prosecutors should do adequate preparation.
- Suspects should be produced early.
- Committal proceedings should be handled expeditiously to enable the accused to apply for bail or to have expeditious hearing where bail is not available.
- Need to develop Key Performance Indicators which judicial officers must achieve in a given financial year.
- Law Council needs to come up with serious sanctions against errant flamboyant Advocates. This may require amending the law and regulations establishing it and expansion of the Law council and increase in its sittings.
- Engage civil society while undertaking decisions that may have an impact on administration of justice to all.
- Need to clarify the parameters of the administration of the office of the principal Judge vis a vis the jurisdiction of Judges in different circuits and divisions of the High court.



Conclusion

- Challenges offer a people-centered approach to addressing complex systemic problems.
- We need to remember that institutions are made up of people, and they create the policies, systems, and structures we live in.
- This is why it is very important to bring the people who are closest to the problem to the table—alongside policymakers, system leaders, and operators – to exchange perspectives, experiences, and solutions.
- Civil society organizations have a key role to play. They have first-hand knowledge of which policies work for whom and when.
- Collaboration and linkages among all the justice stakeholders is critical in achieving a people-centred justice system.





THANK YOU

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