KEY NOTE ADDRESS ON THE THEME:

"BUILDING AN EFFECTIVE, ACCOUNTABLE AND INCLUSIVE JUDICIARY"

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DAR ES SALAAM, TANZANIA

My Lords, Chief Justices,
My Lords, the Justices and Judges,
Registrars and Magistrates,
Distinguished Guests,
Ladies and Gentlemen.

Introduction

Although the Universal Declaration of Human Rights proclaims equality of all before the law, the world is short of effective, inclusive and accountable Judiciaries.

The justice system remains elusive especially to the vulnerable and marginalized persons due to institutional and other challenges. The justice system has the highest levels of inequality with the rich using the fast track system as the poor ride on the slowest track littered with delays and corruption. It should not therefore surprise us that public confidence in most Judiciaries remains far below acceptable standards.

Nevertheless, the justice sector is undergoing rapid changes made possible by advancements in management, technology, democratization, rising levels of social consciousness supported by cross fertilization of legal principles and best practices within the Commonwealth and the world at large. These developments will no doubt lead to effective and efficient courts.

Judiciaries are also engaging more with court users to understand their needs so that they can serve them better. Courts are also being run on modern business practices partly forced on them by shrinking budgets but also due to the overwhelming public demand for better service delivery and accountability.

However, it must be emphasized that national governments need to invest in the Judiciaries to deliver justice as a public good. Investing in the Judiciary should be treated as a national priority given the important role the Judiciary plays in society as this paper will show below.

The importance of the Judiciary in society

The primary objective of the Judiciary is to provide a mechanism for peaceful settlement of disputes through a rule based settlement mechanism, where aggrieved persons have a level playing field to present and argue their cases before an impartial judge / tribunal instead of resorting to extra judicial methods that predate the rule of law.

The Judiciary is directed by the Constitution to respect, uphold and enforce the Bill of Rights, founded on universally accepted principles. A strong Judiciary is also needed to provide the stability needed for the economy to grow. A viable and vibrant legal and judicial regime catalyzes, attracts and retains investment and credit. Clean investors are more willing to invest in countries where they can rely on the Judiciary to protect their hard earned investments.

For the poor, a judicial system that guarantees them safety and protection against lawlessness, is a beacon of hope and a strong catalyst for economic growth than billions of dollars spent on projects where there is no peace and protection.

Most importantly, a strong Judiciary acts as a proactive check against the excesses of the Legislature and the Executive.

What then are the minimum standards expected of the Judiciary?

Independence

As a minimum, the Judiciary must be independent. Independence of the Judiciary is a broader concept, which covers both institutional independence and individual independence of its judges to administer justice without interference from any quarter.

In Justice Alliance of South Africa vs. President of Republic of South Africa and others; and Centre for applied legal studies and another vs. President of the Republic of South Africa and others (2011) ZA CC 23, the Constitutional Court said that:

> **Judicial independence is indispensable for the discharge of the judicial function in a constitutional democracy based on the rule of law. The Judiciary should enforce the law impartially and it should function independently of the legislature and executive.**

However, the court emphasized that:

> **Judicial independence is not an end itself but a means to an end. It is the kernel of the rule of law, giving the citizenry confidence that the laws will be fairly and equally applied.**

Institutionally, the Judiciary should enjoy both *de jure* and *defacto* independence. The former requires the independence of the Judiciary to be anchored in practices, polices and laws that are in accord with international standards.

Furthermore an independent Judiciary is one which is assured of adequate resources to do its work. It must also have in a place a mechanism that appoints and disciplines judicial officers in a streamlined process that promotes the highest degrees of integrity and impartiality in the administration of justice. At an individual level, judicial officers must enjoy the independence to make decisions based on the law and facts before them, without interference from any person.

The Judiciary must not only be independent but it must be seen to be independent, because perceptions are critical to the sound administration of justice.

Trustworthiness

The strength and legitimacy of the Judiciary lies in the trust that the court and its judges enjoy in the public domain. This principle was re-echoed in the case of S vs Mamabolo[1], where Kreigler J. observed that:

> **Having no constituency, no purse and no sword, the judiciary must rely on moral authority. Without such authority it cannot perform its vital function as the interpreter of the constitution, the arbiter of disputes between organs of state and, ultimately, as the watchdog over the constitution and its bill of rights- even against the state**.

The moral authority referred to above is the soft power that the Judiciary relies on to enforce its decisions and compel the other branches of the State to respect and enforce decisions of the

[1] CCT 44/00 (Constitutional Court)

courts. Likewise, the public is more likely to obey court decisions if it holds the courts and its judges in the highest esteem. This is especially true in the business world, where the rate of defaulting on loans is higher in countries with inefficient and less trustworthy judicial regimes than in countries, where the courts are trusted and have therefore, a higher chance of enforcing contractual debts.

A trusted Judiciary is more likely to secure adequate resources from the budget than an inefficient Judiciary, whose relevance may be under question. However, I should caution that this assurance may not be true under dictatorial or less democratic states, where the legislature and executive are less inclined to invest resources in an independent Judiciary**.**

Accountability

The Judiciary is a public institution that is maintained at the public expense and exercises judicial power on behalf of the people. Therefore, the Judiciary as an institution and indeed, its judges must be accountable for the resources they enjoy and the power they exercise. Judges are accountable to the public, to the Constitution, to the Legislature, to the Executive and to their fellow judges in the exercise of judicial power. Judicial accountability is therefore:

> **The cost that a judge expects to incur or profit that he expects to gain in case his/ her behavior or his/ her decisions deviate too much from a generally recognized standard**[2].

According to Justice Sandra Day O'Connor[3] –

> **Judges must be accountable to the public for their constitutional role of applying the law fairly and impartially. True accountability advances judicial independence and the paramount rule of law.**

It follows, therefore, that **judicial integrity and judicial competence are the hallmarks of a judiciary committed to upholding the rule of law and they are the principles for which the Judiciary should be held accountable**.

[2](https://www.legalindia.com/defining-judicial-accountability)

[3]in her paper judicial accountability must safeguard, not threaten, judicial independence: an introduction (2008) 86 Denver University Law Review 1:

I should hasten to add that an accountable Judiciary is one that observes the time tested principles of integrity, impartiality, propriety, diligence, professionalism, equality, transparency and competence that are well expressed in respective codes of conduct for Judicial Officers. Lastly, the **independence of the Judiciary is not likely to be well served if a particular Judiciary does not manage itself effectively, measure its performance accurately, and account publicly for its performance**[4].

Efficiency

The public is concerned about the high cost of accessing justice and most Judiciaries are therefore seeking ways to bring down the cost of accessing justice for 90% of the population in the developing world who cannot afford a lawyer. Most Judiciaries have or are at least in the process of streamlining their business processes, implementing fiscal discipline and case management to reduce redundancies and eliminate unnecessary processes so that cases are promptly and affordably disposed of.

UGANDA'S PATH TO BUILDING AN ACCOUNTABLE, EFFECTIVE AND AN EFFICIENT JUDICIARY

Guided by the 1995 Constitution, Uganda has provided for an independent, accountable and effective Judiciary and set minimum standards for the courts to observe in the administration of justice.

Article 126(1) of the Constitution provides that:

> **Judicial power is derived from the people and shall be exercised by the court established under this Constitution in the name of the people and in conformity with the law and with the values, norms, and aspirations of the people.**

[4](International Journal for court administrators April 2010)

The import of this article is that the ultimate judicial authority, like all the state power, lies in the people and that the Judiciary is accountable to the people and the law.

Article 127 provides that Parliament shall make laws providing for public participation in the administration of justice; again underscoring the importance of the Judiciary as a people's arbiter. In the appointment of judicial officers, article 146(2)(e) of the constitution provides that the Judicial Service Commission shall be composed of 9 Commissioners including two Commissioners representing the public; yet again underscoring the importance of the people and accountability in the administration of justice.

Article 126 (2) of the Constitution provides the foundational principles that courts must observe in administering justice. It provides:

> **In adjudicating cases of both civil and criminal nature, the courts shall, subject to the law, apply the following principles-**
>
> **1) Justice shall be done to all irrespective of their social or economic status;**
> **2) Justice shall not be delayed;**
> **3) Adequate compensation shall be awarded to victims of wrongs;**
> **4) Reconciliation between the parties shall be promoted; and**
> **5) Substantive justice shall be administered without undue regard to technicalities.**

Observance of the above foundational principles of justice ensure that the justice system is not only capable of providing justice as a public good, but does so in a manner that caters for all segments of society, especially the vulnerable and the poor, who are either excluded or feel discriminated against by the mainstream judicial system.

Challenges that Uganda faces in the administration of justice

Despite the constitutional guarantees, the Uganda Judiciary faces several challenges. Internally, the Judiciary faces the challenge of delay in disposing of cases, corruption both real and perceived, high prison congestion, increasing case load, among others.

Externally, the Judiciary faces threats to its independence resulting from poor funding, poor remuneration, reluctance by the Executive to enforce judicial decisions, delay to enact legislation anchoring the independence of the Judiciary, delay to appoint judicial officers, and latent weaknesses in civil and criminal justice agencies. All these, either individually or collectively undermine public confidence in the Judiciary.

Uganda's response to the challenges

Sector-wide Approach

The Judiciary in Uganda has made remarkable progress in addressing challenges in the administration of justice by focusing on holistic strategies and use of either a system approach or the sector-wide approach. The sector-wide approach acknowledges that the administration of justice is an eco-system, made up of different players, whose collective efforts and mandates are to deliver the public good called justice.

The Judicial ecosystem is made up of the public, the police, the prosecutors, the courts, the prisons, probation services, the ministry of justice and other players, who contribute directly and indirectly towards assisting the courts to administer justice. The administration of justice cannot be effective unless all these players are effective and efficient in discharging their mandates.

This is therefore the reason that motivated Uganda, in 1999, to set up the Justice Law and Order Sector (JLOS), to revamp the administration of justice by strengthening all the key players. JLOS is made up of all institutions charged with the administration of justice, maintenance of law and order, and the observance of human rights. The goal is to address existing challenges in an organized and holistic manner. JLOS institutions have a common strategic investment plan and a common planning and budgetary framework that looks at the whole sector instead of single institutions to improve overall justice outcomes.

For the last 19 years, JLOS institutions have mobilized resources from the Government and Development Partners guided by a secretariat of experts and common planning framework to address justice challenges through a holistic approach. JLOS has focused on rebuilding rule of law of institutions, taking judicial services to hard-to-reach areas, mobilizing donor and public resources to revamp justice services, increasing access to justice, tackling systemic challenges and ensuring that the justice system is effective and efficient.

As a result of the JLOS intervention, the level of satisfaction has increased from 59% in 2012 to 72% in 2016. The index of judicial independence grew from 2.8% in 2014 to 3.41% in 2016. Uganda is also ranked 9th in Africa and the first in East Africa in accessibility and affordability of civil justice; and ranked 12th in Africa and 1st in East Africa in effectiveness of criminal investigation, adjudication and correctional systems. There has also been a 20% reduction in pending cases and a case clearance rate of 125%.

Despite the remarkable successes, a lot still remains to be done. For example, we must convince the Legislature and Executive to increase funding to the Judiciary; reduce the average lead times for civil cases, which stands at an average of 900 days; eliminate case backlog; deal with real and perceived corruption and reform the outdated legal regime.

Case backlog Reduction Strategy

Uganda has designed a comprehensive case backlog reduction strategy whose overall objective is to eliminate case backlog within the next two years. The strategy was informed by a nationwide case census, which established the number of cases and the extent of the case backlog in the system.

Though the dividends of the strategy are yet to be fully realized, we have noted that case backlog has gone down because of some of the interventions. We have introduced performance targets for all judicial officers.

All Judges with delayed and pending judgments have been asked to take leave to write their judgments. This is intended to eliminate delayed judgments, which have been a source of discomfort and sometimes, a concern for the public, who imagine that the court is delaying judgment with the hope of getting a bribe.

Greater public engagement – accountability and voice

We have adopted a systematic way of engaging our stakeholders on a monthly and biannual basis. At a monthly level, all the JLOS actors at a district level meet with the civic leaders and local leaders to discuss removing impediments to the administration of justice using home grown

interventions. Civic leaders raise the concerns of litigants, which are also addressed at the meetings. At biannual level, every court hosts an open day, at which the court show-cases its services and opens up to public scrutiny.

I and other Judiciary leaders have used these events to address concerns of the public and to put across the case for the judiciary better. This honest and frank engagement between the Judiciary and the public has lowered the tensions between the two and promoted mutual respect, which is essential to building an accountable judiciary.

Engagement with the other arms of the state

Improved relations and mutual respect between the Executive, Legislature and Judiciary is essential for the proper functioning of the Judiciary. The Judiciary relies on the Legislature to appropriate resources and enact laws for the proper functioning of the courts.

On the other hand, the Judiciary needs the Executive because it is responsible for policy, initiating laws, making proposals on the budget, making appointments and enforcing court decisions. Conversely, the Legislature and Executive need the Judiciary to administer justice, which is essential for the overall success and development of a country.

Bearing in mind the indispensability of the Legislature and Executive, the Judiciary has pursued a policy of constructive engagement with the other arms of the state. I have on several occasions made the Judiciary's case to the Legislature and the Executive, with a degree of success, without losing sight of the independence of the Judiciary. I have noted that cooperation with the other arms of the state, strengthens the reach of the State to provide services and that challenges are better addressed by effective engagement rather than each arm of the state trumpeting its power.

Addressing Gender Based Discrimination

Addressing gender based discrimination in the Justice System is key to engendering the administration of justice and therefore making the administration of justice inclusive.

The Judiciary's Gender strategy is focused on ensuring that there is gender sensitivity and responsiveness in the delivery of justice in Uganda. Accordingly, the Gender Strategy has committed the Judiciary to:

- Ensure access and delivery of justice to all persons irrespective of gender;
- Create institutional awareness and demonstrable commitment to gender equality amongst judicial officers and other staff of the Judiciary;
- Address gender obstacles in the delivery of justice; and
- Establish systems and mechanisms to address discrimination, enforce women's rights and address unfair treatment based on gender.

Consequently, the Judiciary is promoting more recruitment of female judicial officers to increase their say in the administration of justice. At the magistracy level, we have achieved gender parity, where the women to men ratio is about 50%. At the Judge level, the ratio of women to men is at 43% but slowly moving towards the 50% mark. We are also deliberately promoting higher professional training for women so as to increase their opportunities to access higher offices in the Judiciary.

In addition, we are training judicial officers on how to administer justice through gender lenses; fast tracking cases involving women and cases involving gender based violence; provision of space to breast feeding mothers in some courts; and generally integrating gender in the training of Judiciary staff. We are planning to carry out a gender audit of the laws and procedures in court and other interventions to mainstream gender. The Judiciary has also published a Gender Bench Book to guide judicial officers on gender issues.

Increasing judicial remedies that favor the disadvantaged

Increasing procedures and remedies that are affordable, less formal and easy to use by court users is a game changer for the poor and other vulnerable persons. In recognition of the special challenges that the poor face in accessing court services, the judiciary has introduced the Small Claims Procedure, Plea Bargaining and Alternative Dispute Resolution to fasten the delivery of justice. These initiatives are also meant to assist and empower the vulnerable to effectively use the justice system without being hindered by technicalities which are common in the traditional formal system of justice.

In the recent past, we have rolled out plea bargaining to tackle case backlog and congestion in prisons. We have noted that cases move faster, are resolved at a cheaper rate and that all the parties have more faith in the justice system. We have further noted that involving the victims and the community in the administration of criminal justice produces decisions that are more acceptable to the community and this reinforces public confidence in the administration of justice.

Under the Small Claims Procedure, courts handle claims of less than approximately USD 2,800. Most disputes are disposed of in less than one month. The procedure has been instrumental in assisting the poor individuals, and the small and medium enterprises to recover debts and enforce simple contracts. At the moment, owing to its success rate, filings under the Small Claims Procedure have overtaken that in ordinary civil suits, in respect to cases under the same threshold, demonstrating its effectiveness and acceptability by the public, who have found the procedure user friendly, cheap, accessible and one they can use without the rigors of legal representation.

Relatedly, the use of Alternative Dispute Resolution which has worked wonders in the developed world in reducing case backlog and pressure on the courts, is another area that we are effectively pursuing so as to resolve civil cases promptly and eliminate petty corruption in civil justice. Recently, we introduced appellate mediation in the Court of Appeal to reduce backlog. Initial results show that litigants are more willing to resolve interlocutory matters, family and commercial cases through mediation.

We can, therefore, draw lessons from the informality, affordability, and flexibility of these procedures which are the characteristics that are responsible for the success of the Small Claims Procedure, Plea Bargaining and Alternative Dispute Resolution mechanisms to address barriers that hinder the majority of persons from using the formal court system.

Rebuilding the infrastructure

Resources for building judicial infrastructure are severely limited due to budgetary constraints. Through targeted constructions, we have built Justice Centers. Each Justice Center is a one stop

center made up of the court, the Directorate of Public Prosecutions, the Police and Prisons as part of the overall government plan to make hard-to-reach areas safe for human life and productivity. Through this programme, we have reduced the average distances people travel to courts from 72 kms in 2009. We have also ensured that there is a criminal justice agency within a radius of 12 kms in 2016.

Sharing infrastructure by criminal justice agencies in one stop centers has greatly reduced the transaction costs and time as well as ensuring better integration and synergy of the scarce resources available to the Judiciary. Adjournments that were caused by absence of police files and absenteeism of staff have greatly reduced. Physical structures are also being made more amenable to physically challenged persons by introducing rumps, where there are old stairs.

Specialized Courts

Specialized courts have proved to be very effective in addressing vital areas of the economy and public demand for customized court services. In Uganda, we started with the Commercial Court to serve the increasing demand of settling commercial cases as a way of attracting and retaining investors and supporting the rapid transformation and expansion of the economy. We have established the Anti-Corruption Division (ACD) of the High Court to address the challenges of delays in the adjudication of corruption cases. The ACD has the highest conviction rate and is pioneering efforts to trace and recover ill-gotten wealth.

Both the Anti-Corruption Division of the High Court and Commercial Court have User Committees made up of stakeholders to ensure that the courts are able to meet changing needs of users and improve service delivery.

Uganda has also established the International Crimes Division (ICD) to deal with cases under the Rome Statute of the ICC under the complementary principle to try cases that were committed in the two decade war in Northern Uganda. The court also tries terrorism and trafficking in persons cases that would not otherwise be handled efficiently if they were handled in the traditional courts.

Whilst specialized courts can be effective in addressing critical justice needs for the overall good of a country, Judiciaries should not lose sight of improving the entire court system to provide equally competitive services to all instead of focusing on the few.

What else should be done to have an effective accountable and inclusive Judiciary?

1. **Address access to justice for all, especially the vulnerable**

The silver bullet for making the Judiciaries inclusive lies in dealing with inequalities that are now becoming more pronounced in the Justice System. The physical barriers that must be overcome include long delays, prohibitive costs, absence of legal aid, absence of remedies that are preventative, gender biases, lack of adequate information, a formalistic and expensive legal system, poverty and ignorance.

The UNDP[5] says that Judiciaries must focus on immediate and underlying causes that impede access to justice. These include lack of safeguards to access to justice, insufficient mechanisms to uphold justice for all, and failure to identify claim holders. This must be followed by an analysis of the capacity gaps of claim holders and duty holders to help them meet their responsibilities and obligations.

UNDP argues that access to justice must include working on legal outcomes that are just and equitable and focusing on remedies that strengthen the ability and institutional capacity to provide remedies. It is also important that countries should address poverty which is one of the leading causes of vulnerability and disempowerment in the administration of justice as a tool to strengthen the capacity of the poor to enforce their rights and seek services of legal counsel to protect their legal rights within the justice system.

2. **Reduce inequality in the administration of justice**

It is a common fact today that there is a two track system in the administration of justice. The first track is for the rich and privileged while the second track, which is the slowest, is for the poor and most disadvantaged.

[5] Access to Justice , Practice Notes found at :
https://www.un.org/ruleoflaw/files/Access%20to%20Justice_Practice%20Note.pdf

Professor Shvijji says **that delays and corruption equally affect the rich and the poor litigants. But there is no equality of suffering here. For one, the rich and powerful have the means of speeding up and slowing down the cases as they wish.**

Discrimination of the poor is also compounded by the absence of a comprehensive legal aid regime for the indigent. Study after study have found that the absence of legal aid violates the right to a fair trial and undermines the administration of justice especially for the poor.

In order for us to create an inclusive judicial system, we must address barriers which the poor and vulnerable face in accessing the courts. The first point of call is to sensitize the poor and vulnerable to use the justice system. Secondly, the poor must be given a voice, so that they can raise and claim their rights. Thirdly, the procedural rules for accessing the justice system must be simplified. Where necessary, we must endeavor to limit the number of laws one has to contend with to pursue a claim in court. Legal aid must be provided for the indigent and, where possible, legal advice should be provided at the point of entry into the legal system for people to make informed decisions.

3. Reduce and eliminate corruption in the administration of justice

Corruption undermines the reliability of the judicial system generally reinforcing discrimination and disadvantages for the poor and vulnerable groups. According to Transparency International (TI), judicial corruption is a threat to the independence and impartiality of the Judiciary. Judicial corruption is equally a major drawback to having an effective, accountable and inclusive justice system.

The Judiciary ought to adopt a broader definition of corruption which takes into account the Bangalore Principles on Judicial Integrity by defining corruption to cover breach of ethics, integrity, honesty, fairness and compassion. It also entails non-compliance with ethical rules and failure to adhere to widely accepted norms of honesty, fairness, civility and respect for societal interests. At an individual level, ethical judicial officers should be those that exemplify integrity and social responsibility in their personal conduct and support the institutionalization of practices that encourage such conduct by others.

Whereas commitment exists in most Judiciaries to fight corruption, the challenge has been and still remains the methodology for fighting the vice. Victoria Jennnet, Sofie Schuttte and Phillip Jan had this to say:

> **Most Judiciaries have veered from small measures to extreme measures, both of which have not yielded the much needed results. The best way of fighting corruption in the Judiciary is to mainstream anti-corruption efforts in the judicial process**[6].

Several scholars recommend integrating anti-corruption activities at all levels of the Judiciary and adopting a Judiciary specific anti-corruption strategy as opposed to generalized strategies that tend to address symptoms rather than the root causes of corruption.

In addition, Judiciaries should adopt Institutional or sector specific anti-corruption efforts because they are more efficient, have customized tools for dealing with institutional problems, have less political interference, take advantage of synergies, lead to reduction of the cost of services to customers, thereby enjoying economies of scale.

Some of the tools suggested for fighting corruption include **improving access to information, sector specific standards on transparency, anti-corruption legislation, use of ombudsmen, integrity reviews, use of civil society organizations, independent complaint mechanisms, social audits, blacklist or name and shame lists, and developing an integrity management system. The other tools are Judicial Codes of conduct, performance targets, performance evaluation, court user committees, customer care charters, and Ethics training programs**.

The Judiciary of Uganda has adopted a customized anti-corruption strategy which incorporates most of the above tools but broadly focusses on enhancing the capacity of the Judiciary to fight corruption through improving processes, structures and facilities for service delivery; enhancing institutional integrity and performance; and improving public awareness on the role of the Judiciary. The second pillar focuses on strengthening the capacity of the justice system to detect,

[6]In their paper, mapping anti-corruption tools in the judicial sector.

investigate and adjudicate corruption cases. The third pillar focuses on ensuring that there are effective mechanisms for punishing corruption. We have, among other interventions, revamped the Inspectorate of Courts and given it wide powers to inspect all the courts for improved service delivery as well as supplementing the work of the Judicial Service Commission which is mandated to discipline judicial officers.

4. **Improving customer care at the courts**

Effective customer care for litigants at the courts is critical to improving the efficiency, effectiveness, inclusiveness of courts and public trust particularly for many litigants who find it difficult to use the court system.

Customer care can be used to widen and deepen access to justice by employing cost friendly strategies that have proved instrumental in many jurisdictions. Such interventions include locating the courts near public transports points, listing courts in telephone directories, use of mobile courts, video conferencing, concierge services, clean and safe court houses, and adequate space for court users.

In addition, Judges should be visible and involved in their communities outside the court room by participating in town hall meetings, writing columns in the newspapers as well as simplifying the language used in court to a level that ensures that the most disadvantaged is able to dialogue and follow proceedings in court.

5. **Greater use of ICT in the administration of justice**

The World Development Report – 2016 says that **digital technologies have boosted growth, expanded opportunities and service delivery across the world**. According to Jim Yong Kim the World Bank President – **among the poorest 20 percent of the households, nearly 7 out of 10 have a mobile phone. The poorest households are more likely to have access to mobile phones than to toilets or clean water. We must take advantage of this rapid technological change to make the world more prosperous and inclusive.**

Judiciaries can therefore take advantage of the digital revolution and its dividends, among other things, to increase access to justice by linking up the litigants with court; providing information

to litigants using electronic and social media platforms, such as WhatsApp; developing and launching case managed systems to streamline processing of cases; digital presentation of evidence; providing a platform for complaints handling and customer case management; and facilitating sharing of information among judicial officers.

Furthermore, digital technology can be deployed to reduce cost of litigation through electronic service and filing of documents. Digital technology can be used to bypass middle men by directly linking the court to the litigant thereby eliminating opportunistic corruption and reducing transactional costs.

In Africa, ICT offers potential opportunities for Judiciaries to reach out to remote areas through virtual courts to bridge the access gap and substantially reduce inequalities in the justice system.

However, as a word of caution, courts should invest in the most appropriate technology that is suitable for their environment; one that is sustainable and customized along the needs of the users if the courts are to reap the digital dividends.

6. Invest more in the Judiciary

Judiciaries are generally underfunded and suffer perennial cuts in their budgets especially in the developing world. With limited funds courts cannot be efficient nor attend to the needs of all court users particularly those who require special attention. While Judiciaries acknowledge that resources are limited in the national budget, it is important that the following principles are observed in arriving at the Judiciary's budget.

Firstly, funds allocated to the Judiciary must be sufficient to enable it to dispense justice daily and function effectively as an equal arm of the state, with adequate resources to meet short, medium and long-term needs. Secondly, the budget must be adequate to facilitate the courts to administer justice in accordance with Constitutional requirements expected of the Judiciary. Thirdly, funds allocated to the Judiciary must enhance rather than diminish the independence of the Judiciary and if there are any budgetary cuts, they must be done with the strictest regard to the independence of the Judiciary.

It is also suggested that the budget must allow for the timely disposal of the case load and keeping knowledge and skills of judges up-to-date. The court facilities must be appropriate to maintain judicial independence, dignity and efficiency.

However, the Judiciaries must also exercise fiscal discipline and observe value for money principles to ensure the highest value for each dollar invested in the administration of justice. In appropriate circumstances, courts should consider adopting cost saving measures to deal with stressed or underfunded budgets for the overall good of justice.

7. Diversity

Lady Hale says that diversity is good for building inclusive Judiciaries because each different individual adds voice, variety and depth to decision making as everyone brings their own inarticulate premises to the business of making choices inevitably involved in judging[7]. Unfortunately, many Judiciaries do not reflect the composition of their national population and are rightly criticized for not being diverse and inclusive in their appointments.

In the United Kingdom, the Judiciary is encouraging minorities to join the higher bench to avert a crisis. In Uganda, the problem of diversity is usually about gender, religion and ethnicity. Uganda has addressed the problem through a provision in the Constitution that provides that all the appointments must take into account the above concerns. It is therefore suggested that Judiciaries should use affirmative action to bring on board under represented segments of the population. Judges should be trained in diversity as it puts them on notice that ignoring diversity can undermine public confidence in the administration of justice.

CONCLUSION

Building efficient, accountable and inclusive Judiciaries is within our reach if we can build a court system that is capable of meeting the needs of the people. Judiciaries cannot therefore remain inward looking. Judiciaries have to change and embrace people-centric policies if they must remain relevant.

[7] Equality in the Judiciary 21st February 2013 – Menom Memorial Lecture

Transformation of the Judiciary however calls for total personal commitment on the part of judicial officers to adopt modern case management which is anchored on improving the quality of judicial outcomes at the least cost and within the shortest possible time in court.

Judiciaries on their part must not relent in simplifying, customizing and integrating justice services to increase access, maximize customer experience and satisfaction that are necessary for increasing public confidence in the administration of justice.

National Governments must do more than lip service to strengthen Judiciaries by allocating adequate funds to provide services, develop appropriate infrastructure and ICT in particular, put in place appropriate laws, develop legal aid schemes, and generally to provide a conducive environment for the courts to function effectively. After all, courts are part of the human heritage and must therefore be preserved for posterity.

I thank you for listening to me.

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