

MANAGING TRAINING FOR
IMPROVED JUDICIAL PERFORMANCE
IN UGANDA

PRESENTED BY:

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OUTLINE

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INTRODUCTION

- Neither Law School nor LDC prepares lawyers for a judicial career. Rather, it prepares lawyers primarily for adversarial practice on behalf of a given client
- Recruitment to the lower bench (Magistrates G1) in Uganda does not require any prior working experience

INTRODUCTION (cont)

- While there are Constitutional requirements for appointment to the Higher Bench, many judicial appointees in their pre-bench life chose what area of the law they practiced in and how they practiced (e.g. prosecutors, advocates in private practice, corporate practice, etc.)

INTRODUCTION (cont')

- On appointment to the bench, a judge of the High Court can be posted in any Division or Circuit & often is called upon to adjudicate on areas of law where he/she did not practice in before.
- Similarly appellate Justices usually have a “mixed menu” in respect of areas of law raised in appeals before them.

INTRODUCTION (cont.)

- Typically, the Judiciary has conducted Induction for new Judicial Officers ranging from 2-3 weeks to equip them with basics skills and tips to undertake their work.
- In the past year, however, we have witnessed a very unfortunate development where the Judiciary deployed newly appointed Judicial Officers in the field (at the lower bench & upper bench) and for over 1 year has failed to find the funds to undertake the induction

The Need for Judicial Training

- Given the above background on our legal training and pre-bench as well as post bench realities, the need for induction & continuous judicial education/training for both newly appointed and serving judicial officers across the board cannot be overemphasized
- Since this is especially so given that Judicial Officers constitute a very important and critical resource for the success of the Judiciary as an institution

CURRENT CHALLENGES

- In managing the Training function in the Judiciary, we faces several challenges
- Current Challenges include:
 - Institutional Challenges
 - Planning Challenges
 - Implementation Challenges
 - Funding Challenges
 - Monitoring & Evaluation Challenges

INSTITUTIONAL CHALLENGES

- Human Resource Challenges at JSI/ Inadequate institutional set-up for delivering training within the Judiciary
- Composition of the Judicial Training Committee (very limited representation of upper bench)
- The on-going need for Individual training for Judicial Officer *vis-a-vis* the capacity needs of the Division where he or she may be currently posted.

INSTITUTIONAL CHALLENGES (cont.)

- Despite the existence of JSI, there are still multiple training clearing houses and implementers
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- Disruption of court business: We are not tracking the no. of days in a year spent on training and travelling for training. (Training in uncoordinated manner by several actors likely to affect the proper administration of justice.)

PLANNING CHALLENGES

- Who & how are training priorities determined)?
- Non-functional Research arm of JSI (our current training activities are not grounded in scientifically identified needs)
- Program conception, design and development
- The budgeting & funding process
- Determination of Dates of training
- Decision about participants to train

Planning Challenges (cont.)

- What kind of training should we be delivering? (Lack of a Comprehensive Needs Assessment)
- What skills do judges need? To what extent does our training impart these skills? What is the depth and breadth of our current training? (Most training activities we offer tend to be a one off affair)
- Individual focused vs Dept/Role focused training.
- Short term skills vis-à-vis long term Education (Cost/Benefit analysis of either approach)
- Lower and upper Bench Training: Rush for the fastest

IMPLEMENTATION CHALLENGES

- Identification and choice of trainees (complaints of inequitable distribution of training opportunities common)
- Identification and choice of facilitators
- Teaching methods:
 - Lecture methods preferred to experiential learning methods
- Venue of Training vis a vis caliber of judges being trained - At JSI, Hotel: What kind of hotel?

FUNDING CHALLENGES

- Issue of funding. (Challenge of knowing how much was approved and when training funds will be released)
- This affects proper planning for training activities

Monitoring & Evaluation Challenges

- Who Tracks those that have been trained?
- Evaluation of training (immediately after training & after a reasonable time)
- Lack of scheduled follow up training for newly appointed members of the bench. (Induction is not enough)
- The ever changing training needs of Judicial Officers to bring them to date on new laws & emerging issues

VISION FOR IMPROVING JUDICIAL TRAINING

- The objective of training judicial officers is to enhance our individual performance, which should in turn result in the delivery of quality and timely justice.
- My Vision for Training is to enhance the capacities of the JSI/JTC to be able to offer capacity building training for all Judiciary staff that will be measurable and that creates a lasting impact on the delivery of justice in Uganda
- This training should be offered using traditional methods and e-based forms of learning to ensure that it causes minimum disruption to our core business

RECOMMENDATIONS

- We need to strengthen the JSI Human Resource, particularly at the top. (We can explore the possibility of 2 part time Deputy Executive Directors – one in charge of Training & one in Charge of Research;
- There is need to establish the Research wing of the JSI to provide empirical data on which Training interventions should be based.

RECOMMENDATIONS (cont.)

- The composition of Judicial Training Committee should be revised.
- Proposals: Enhance the number of Judges & Other lower bench Judicial Officers represented on the Committee:
- Court of Appeal/Constitution Court – 2 (provide an Alternate Member)
- High Court – A representative for each Division
- A Representative each for Registrars, Chief Magistrates, Magistrate Grade 1s;
- Retain SJ, CR, Registrar Planning, PRO, ULS President, LDC and 1 representative of the JSC

RECOMMENDATIONS(cont.)

- There is need to undertake documentation and development of materials for Judicial Officers' use (e.g. Electronic Bench Books, Reference Cards, etc).
- Explore possibilities of having a one well established & funded JLOS Continuing Education College (offering research and training services to the sector).

CONCLUSION

- We have been entrusted with a very serious function of training in the Judiciary
- While challenges are many, they are not insurmountable
- With the necessary support and cooperation from all the stakeholders in training, we can achieve sustainable training outcomes.
- I thank you

CONCLUSION

- If the Judiciary is to play its rightful role in accelerating the transformation of Uganda's economy, the Judiciary will have to make the necessary investments in training not only Judicial Officers at all ranks but also non-Judicial Officers working in different capacities.
- These investments will have to be both financial & human terms.

CONCLUSION

- This will in turn require Government to make the necessary budgetary allocation to the Judicial Studies Institute.
- To allow for better financial management and for management of the training function, JSI should be granted more powers to control funds allocated to training.