

PERFORMANCE ASSESSMENT, MONITORING AND MENTORING OF JUDICIAL OFFICERS-THE GHANA EXPERIENCE

A DISCUSSION WITH UGANDAN JUDGES FACILITATED

BY

ANGELINA MENSAH-HOMIAH JA

AND

AFIA SERWAH ASARE-BOTWE JA

WHAT IS PERFORMANCE REVIEW?

- ▶ Within the context of the Judiciary, formal assessment in which the work of a judge or judicial officer is evaluated objectively to appraise performance in order to identify strengths and weaknesses, offer feedback, and set goals for future performance.
- ▶ Simply put, it refers to how to judge judges.

WHY HAVE PERFORMANCE REVIEWS FOR JUDGES?

- ▶ In general, judicial evaluation as best practice is intended to improve the performance of individual judges and the judiciary as a whole.
- ▶ It is important that judiciaries develop and implement a formal system for the evaluation of judicial performance.
- ▶ The fact of the need for and guarantee of judicial independence does not mean that judges **are not accountable**.
- ▶ Someway or somehow, the performance of a judge and a court must be evaluated, **because courts are financed by public means** and play an important role in the protection of the rule of law in countries and the day-to-day life of citizens and companies.
- ▶ The fact that the performance of judges is evaluated engenders public and institutional confidence.

WHY PERFORMANCE REVIEW? (CONTD.)

A formal system of Judicial assessment ensures **fairness and consistency** in the evaluation of Judges. It provides a mechanism for addressing any perceived biases or disparities in the performance of Judges.

1. **Ensuring Accountability:**

- Performance Reviews help to ensure that judges are held accountable for their "actions" and "decisions", and that they are following the principles of impartiality and integrity.

2. **Facilitating Professional Development:**

- Performance Reviews can identify areas where a Judge may need additional training or support to improve their performance. This will ultimately lead to better decision making and greater public confidence in the judiciary.

WHY PERFORMANCE REVIEW? (CONTD.)

3. Transparency and Public Trust:

- Performance Reviews increase transparency and public trust in the judicial system by providing a clear and objective assessment of a Judge's performance.

4. Quality Assurance:

- Performance Reviews provide an opportunity to assess the overall quality of the court system.
- Identifies areas where improvements can be made to enhance the quality of justice administration.

WHY PERFORMANCE REVIEW? (CONTD.)

5. Public Confidence:

- Performance reviews boost public confidence in the judiciary, by demonstrating that, Judges and by extension Judicial officers, are held to high standards of professional conduct, and that the court system is responsive to the needs of the public, so the public will not resort to "self-help" in addressing their grievances.

6. Judicial Independence:

- Contrary to the general perception that Performance Review negatively impacts the independence of the judiciary, Performance Reviews can be a tool for maintaining Judicial independence, by ensuring that evaluations are based on objective criteria, which are not influenced by political or other extraneous factors.

7. Best Practices:

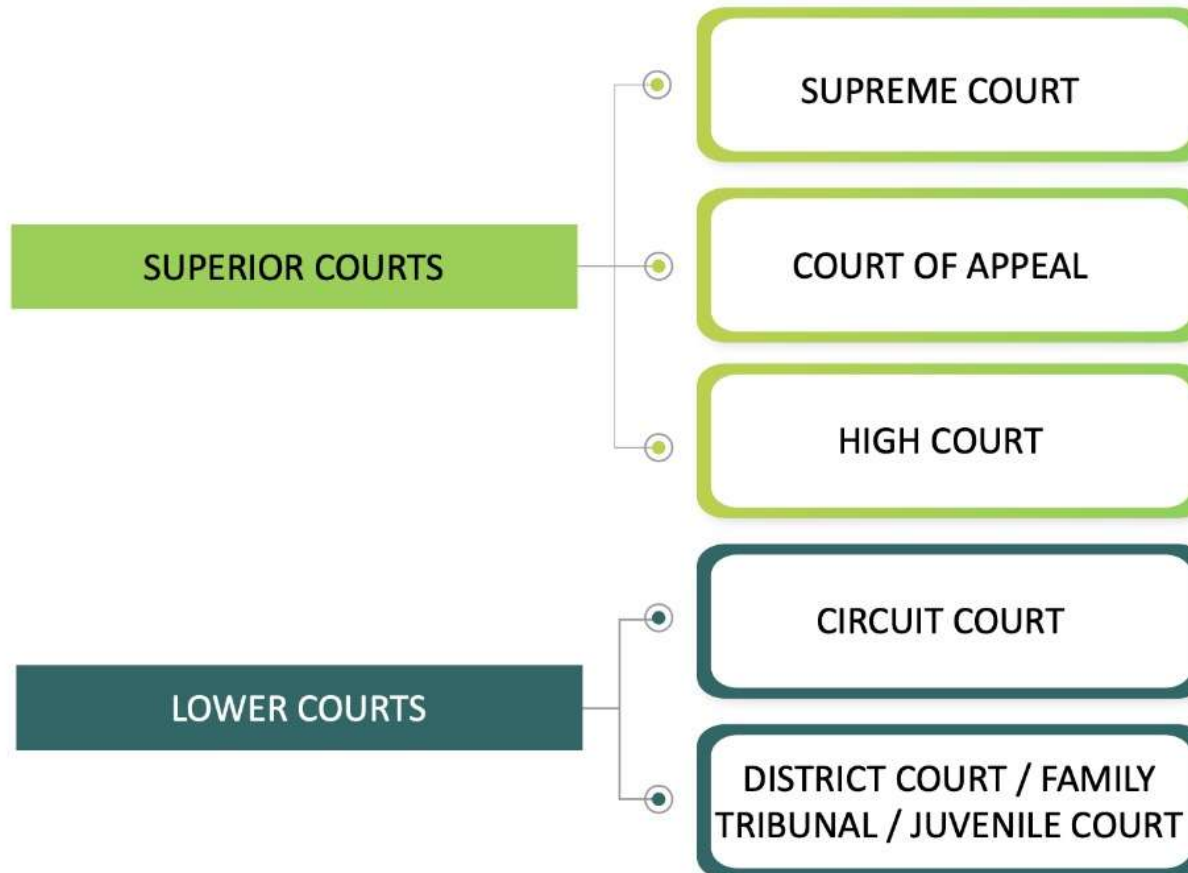
- Helps to identify best practices among Judges, which can be shared and adopted by other judges to improve the overall performance of the Judiciary.

THE JUDGES AND MAGISTRATES PERFORMANCE REVIEW COMMITTEE-WHAT IS IT?

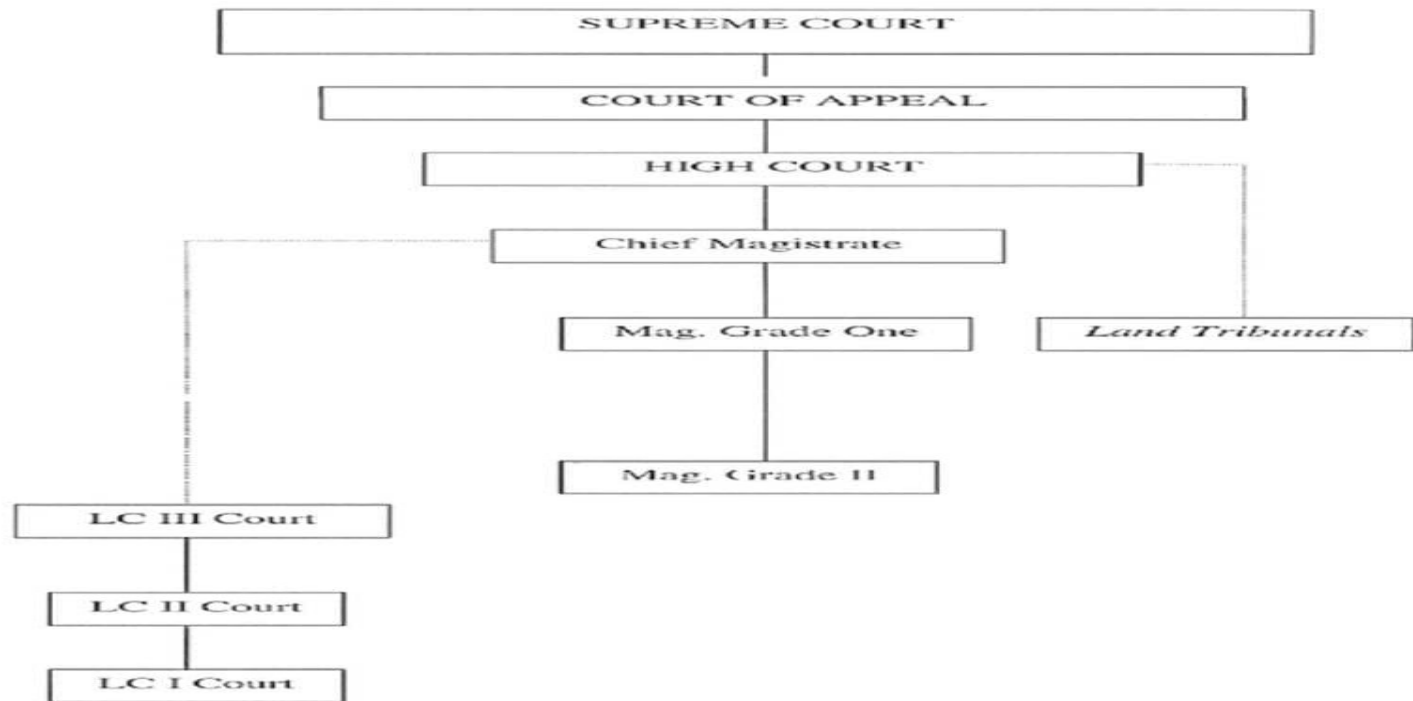
The Committee is made up of the following;

- A Justice of the Supreme Court, who chairs it;
- Four (5) Justices of the Court of Appeal (including the Judicial Secretary (Member/Secretary));
- One Justice of the High Court (just recently elevated to the Court of Appeal);
- A member of the Bar (represented by the Past National President; and;
- The Director in charge of Human Resource

GHANA'S COURT STRUCTURE



The Ugandan Structure*



Structure of the juridical court system in Uganda
(Adonvo 2012)

AMBIT OF THE COMMITTEE'S WORK

The work of the Committee is limited to trial Judges and Magistrates.

The assessment shall be done by;

- a) Assessment of submitted Judgments/Rulings;
- b) Visitation of Courts to observe proceedings
- c) Feedback /Appraisal forms of various categories of court users, Judges and Magistrates;
- d) Mentorship.

POSSIBLE CONCERNS AND CONSTRAINTS

Concerns have been raised about possible adverse views of the exercise of the mandate of the Committee. These are;

- The balance between judicial independence and assessment of the performance of Judges by parties, lawyers and other Judges/Magistrates.*
- Victimization of Judges and Magistrates.
- The concerns were addressed by having sensitization presentations similar to this one (both online and in-person) to give sufficient information to the judges.



ASSESSMENT OF SUBMITTED JUDGMENTS/RULINGS

- Judges and Magistrates would be required to submit their decisions to be assessed by more senior Judges and for them to be given feedback in order to improve their performance.

**Ponder: What about the Registrars in Uganda who perform judicial functions?
How can they be evaluated/mentored and their services improved?**



ASSESSORS/ APPRAISERS

- **Self-appraisal by filling the requisite forms;**
- **Selected High Court Judges to be requested to assess/appraise Circuit Judges and Magistrates.**
- **Supreme Court and Appeal Court Judges to assess/appraise High Court Judges.**
- **A request to be sent through the Judicial Training Institute (JTI) High Court Judges to indicate their willingness to assist.***

CRITERIA FOR EVALUATION

- **Grammar;**
- **Organisation of Judgment**
- **Ability to summarise.**
- **Findings of facts/evaluation;**
- **Application of the law;**
- **Length of Judgment.**

VISITATION OF COURTS TO BE OBSERVE PROCEEDINGS

- **There are plans for members of the Committee to visit trial Courts in the country, observe proceedings and give constructive feedback on their observations.**
- **The Judges/Magistrates to be visited will be given advance notice.**

CATEGORIES OF FEEDBACK / APPRAISAL FORMS

There are three types of Feedback/Appraisal Forms to be used to assess the performance of trial judges and magistrates;

- a) Self-appraisal forms;
- b) Appraisal form for Judges and Magistrates;
- c) Feedback form (Lawyers);
- d) Feedback form (Others).

SELF-APPRAISAL FORMS-TO BE FILLED BY THE APPRAISEE
AND ENDORSED BY THE APPRAISER/MENTOR

..\JUDGMENT ASSESSMENT COMMITTEE\DRAFT SELF-
ASSESSMENT FORM (1).docx

APPRAISAL FORM FOR JUDGES AND MAGISTRATES-TO BE
FILLED BY THE APPRAISER AND ENDORSED BY THE APPRAISEE

..\JUDGMENT ASSESSMENT COMMITTEE\DRAFT APPRAISAL
FORM.docx

FEEDBACK FORM (LAWYERS)-TO BE MADE AVAILABLE AND FILLED BY LAWYER EITHER IN HARD OR SOFT COPY ONLINE

..\JUDGMENT ASSESSMENT COMMITTEE\DRAFT FEEDBACK FORM-LAWYERS (2).docx

FEEDBACK FORM (OTHERS)

[..\JUDGMENT ASSESSMENT COMMITTEE\FEEDBACK FORM-OTHERS.docx](#)

Please note that all these forms are to be filled with factual information.*

WHAT SHALL BE DONE WITH THE DATA?

- **To decide how the data is handled and how often to report.***
- **Could we co-opt Monitoring and Evaluation Division?***



Questions
Answers

**CONCLUSION- WE ARE ACCOUNTABLE SO LETS SHOW
WHAT WE DO.**

