



## **STAKEHOLDERS ON THEIR VIEW ON THE PERFORMANCE OF THE JUDICIARY**

### **How judicial work affects your institution**

The primary goal of the Justice Law and Order Sector is the promotion of the Rule of Law. The Sector focuses on a coordinated approach to planning and implementation of reforms with a view to improving access to justice for all especially the poor and marginalized. The 3C's – communication, co ordination and cooperation are the principles that guide the Sector in its operations.

The Sector exists to promote the Rule of Law. The Chain of justice that we frequently refer to is based on the understanding that each link in the chain strengthens and supports the next and that ultimately the chain is only as strong as it weakest link. Therefore the role of the Judiciary, as a Sector institution, is essential to maintaining a strong and unbreakable chain of justice.

The Judiciary is also critical to the promotion of the rule of law in various different ways including promoting accessibility of the law, guaranteeing equality before the law; promoting fundamental human rights; ensuring prompt resolution of disputes without prohibitive cost and inordinate delay.

The Chain of justice demands that there be a functional and efficient Judiciary, whether to resolve disputes or to provide clarity on the laws that each Sector institution implements and enforces. Access to justice and maintenance of law and order requires a strong and credible judicial system. Judicial work therefore has an impact on resolution of disputes, whether against private individuals or the State; determination of criminal matters, thereby dispensing justice and decongesting the correctional facilities; providing interpretations of the law and hence reinforcing the standards by which society is governed.

Where the Judiciary has been weak or incapacitated the result has been congestion in places of detention, the misdirection of disputes to bodies that are not mandated to handle them such as the Police, inconsistency in the application of the law and procedures due to numerous interpretations, abuse of the most vulnerable members of society and a general mistrust of the entire justice system. At the outset of the sector wide approach, confidence levels in the justice system were extremely low. It is our intention to see levels of satisfaction in the justice system at 70% by 2017 and the Judiciary is central to this effort.

### **What do we consider to be roadblocks to a better performance of the Judiciary?**

1. Communication
  - a. Effectiveness and Relevance
    - i. Processes and procedures should be well communicated;
    - ii. Communication should provide guidance to other institutions to strengthen systems;
  - b. Successes

- i. Create awareness and publicise successes – this builds confidence in the system by demonstrating that efforts are being undertaken to improve the system;

- c. Challenges

- i. Articulate the challenges and highlight proposals to address them , including those that affect the Judiciary but need to be addressed by other institutions.

## 2. Coordination

- a. Planning –

- i. strengthen the collection of data for management, participation of all in planning, every unit counts and should plan to feed in to the overall institutional plan.

- b. Linkages with other institutions and Scheduling of work

- i. Causelisting involving all relevant stakeholders;
- ii. Internal linkages e.g the role of Resident Judges in planning of sessions.

- c. Consultations.

## 3. Cooperation

- a. Managing results and contributing to the broader sector results

- i. Reducing crime – strengthening deterrence and appropriateness of sentences; prompt adjudication of disputes.
- ii. Decongestion of places of detention – speed and effectiveness; innovations;

- iii. Clarification of procedures and processes through interpretation of the laws; - Guidance to other Sector institutions and stakeholders on the implementation of the law.
- iv. Easing the environment for doing business.
  1. Enforcing contracts;
  2. Resolving disputes;
  3. Clarifying rules and procedures;
  4. Highlighting areas that need legal/policy reforms.

### **Proposed way forward**

1. Judiciary should ensure improvement in lead times across the focus areas, with due regard to those areas that are not addressed by legislation (civil matters);
2. Judiciary to take a lead in oversight of other JLOS actors at the district and regional level, through the DCC's and RCC's;
3. Judiciary to lead in building capacity of other players, especially in the Chain of Criminal Justice to improve the quality of the adjudication process.