

THE UGANDA JUDICIARY SCORECARD



REPORT
2017

FOREWORD

On my own behalf and on behalf of the Centre of the Public Interest Law and the Coalition In Support of Strengthening the Judiciary (CISTIJ), we are proud to present the first ever tool of measuring the performance of the Judiciary under the 2017 pilot project run by CEPIL aimed at promoting an accountable and effective institution of the Judiciary.

The Judiciary's mandate is found in Article 126 (1) of the Constitution of the Republic of Uganda: "Judicial Power is derived from the people and it shall be exercised by the Courts established under this Constitution in the name of the people and in conformity with the law and with values, norms and aspirations of the people." We strongly feel that the Judicial Scorecard is one of the mechanisms of ensuring that the Judiciary is accountable for its performance to the people of Uganda on the exercise of its constitutional mandate.

This scorecard together with the performance enhancement tool currently under consideration by the Judiciary should be able to provide some action points to help the Judiciary to achieve its stated mission: "To be an independent, competent, trusted and accountable Judiciary that administers justice to all."

At the beginning of the project, we had a chance to meet with the leadership of the Judiciary who provided great insight into the process of data collection and allowed us access into court rooms as well as provided data that informed this Score Card. We would like to thank the Chief Justice Hon. Chief Justice Bart Katureebe for his personal support to the project, as well as Justice Jotham Tumwesigye, who on behalf of the Chief Justice helped to critique the methodology. We would also like to thank the Hon. Justice Alfonse Owiny-Dollo the Deputy Chief Justice who flagged off the project and the Chief Registrar, His Worship Paul W. Gadenya for invaluable technical expertise and administrative support.

We extend our gratitude to the Judiciary staff for their support to the project and all Partners of the Coalition In Support of the Independence of the Judiciary; Anti-Corruption Coalition Uganda, Chapter Four, FIDA-Uganda, Foundation for Human Rights Initiative, LASPNET and the Uganda Law Society for the support to the project.

Last but not least we thank the Open Society Initiative for Eastern Africa (OSIEA) for the support to this project.

This being a pilot project we hope that it can be used to roll this out to more judicial stations and importantly that the recommendations from this scorecard will be implemented to ensure the overall improvement in the performance of the Judiciary.



Francis Gimara

Executive Director CEPIL 2017

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ABBREVIATIONS AND ACRONYMS

ADR	Alternative Dispute Resolution
CEPIL	Centre for Public Interest Law
COA	Court of Appeal
CSO	Civil Society Organization
CM Aru	Chief Magistrate Arua
CM Glu	Chief Magistrate Gulu
CM Mbl	Chief Magistrate Mbale
CM Mbr	Chief Magistrate Mbarara
CM Mgo	Chief Magistrate Mengo
CM Msk	Chief Magistrate Masaka
CM Nkw	Chief Magistrate Nakawa
DCC	District Chain Linked Committee
DCJ	Deputy Chief Justice
FGD	Focus group discussion
GoU	Government of Uganda
HC Aru	High Court Arua
HC Glu	High Court Gulu
HC Mbl	High Court Mbale
HC Mbr	High Court Mbarara
HC Mgo	High Court Mengo
HC Msk	High Court Masaka
HC Nkw	High Court Nakawa
JLOs	Justice, law and order
JSC	Judicial Service Commission
KI	Key informant
LC5	Local council 5
SC	Supreme Court
SPSS	Statistical package for social scientists

EXECUTIVE SUMMARY

The Centre for Public Interest Law (CEPIL) is a non-profit making, non-religious and non-partisan organization that was set up to positively contribute to the promotion of good governance and democratic principles in Uganda. CEPIL acknowledges that efficient administration of justice by the institution of the Judiciary is paramount to guaranteeing rule of law, justice and equality in Uganda. In upholding these principles the organization seeks to use law to advocate and lobby for credible responsiveness from policy and decision makers.

One of the most important aspects of this report is the user satisfaction dimension rated the individual performance of a Judge or magistrate together with the overall performance of respective courts to meet strategic goals of the institution as a whole. The agreed performance indicators for service delivery that were deployed in this assessment comprised of six parameters namely: Fairness in the administration of justice, Impartiality, Professionalism, Certainty, Behavior and Attitude, and Communication.

Litigants

The Criminal Court, Supreme Court and Commercial Court Divisions which averaged more than 80% in the overall index were evidently perceived to be performing considerably better than most High Court Circuits and the magistrate's Courts. Criminal Division was rated the best performing court with 89.7% score in the overall assessment. It attained very high scores in certainty; professionalism; behavior and attitude and fairness in the administration of justice.

The High Court in Arua with 80.9% overall score in the assessment index was considered the best in the category of High Court circuits followed closely by the Masaka High Court circuit. The major strengths recognized for these two courts were behavior and attitude, communication and fairness in the administration of justice.

Nakawa Chief Magistrate's Court was rated best with notable strengths in behavior and attitude, communication and Fairness in the Administration of justice followed closely by the Arua Chief Magistrate's Court.

Both the High Court in Gulu and the Chief Magistrate Court in Gulu reportedly faced significant challenges in all the six parameters.

Legal Professionals

The best performing Court according to the Legal professionals was the High Court Circuit sitting in Arua which attained the highest score of 97.3% in the overall assessment. Performance from this Court was considered well rounded as manifested by the very high scores it got across all the six parameters.

The Criminal Court, Supreme Court and Commercial Court Divisions received 93.2%, 89.2% and 86.9% scores respectively mainly due to a strong perception about their impartiality, certainty, professionalism, fairness in administration of justice and communication. Meanwhile Land Division and Court of Appeal with 79.2% and 72.2% in overall assessment scores respectively were reportedly having challenges in nearly all the six parameters.

There were spikes in the overall assessment from the Chief Magistrate Courts in Arua and Mbale respectively with both attaining no less than 80%. The Chief Magistrate's Court in Arua stood out for communication, professionalism and impartiality while Mbale Chief Magistrate Court was applauded for Fairness in Administration, certainty and impartiality.

The High Court circuit in Gulu with 52.9% overall assessment score was reportedly having significant challenges in its fairness in the administration of justice; certainty; impartiality; behavior and attitude.

Litigants and Legal professionals combined

The combined scores by both the litigants and legal professionals largely showed commendable performance by the judiciary within their jurisdictions in the administration and delivery of justice.

- Exceptional performance (Over 90%): Criminal Court
- Very Good performance (80% - 90%): Supreme Court, Arua High Court circuit and Commercial Division.
- Good performance (70% - 80%): High Court Masaka, Arua Chief Magistrate Court, Land Division, Nakawa Chief Magistrate Court, Mbarara Chief Magistrate, Mbarara High Court, Mbale Chief Magistrate Court, Mbale High Court, Court of Appeal Division.
- Fair (60% - 70%): Chief Magistrate Mengo, Chief Magistrate Gulu, Chief Magistrate Masaka and
- Low (50% - 60%): Gulu High Court circuit.

Both litigants and legal professionals revealed a stronger appreciation of professionalism, behavior and attitude, and communication by the judges and magistrates. Notable key areas for improvements were Certainty; Impartiality; and Fairness in the Administration of justice. Overall most of the court users and consumers view a lot of room for improvement by the judiciary albeit some administrative and operational challenges.

Civil Society Organizations (CSOs)

Civil Society Organizations believe that the institution of the Judiciary continues to do a commendable job despite the numerous challenges it faces in its attempt to administer justice to the citizenry. CSOs continue to reiterate the need for strengthening independence of the judiciary for enhanced effectiveness in the administration of justice.

1.6 Identification of stakeholders for engagement

Following the completion of reviews of relevant documents, the research team mapped out stakeholders' list using a simple matrix bearing levels of importance and responsibilities of the individual user, consumer or supplier of the justice system in Uganda. This task was carried out to facilitate the selection process of important stakeholders for consultations. The list which included Litigants, Legal professionals, CSOs, JLOs, Judges, Registrars, Magistrates, Clerks, Religious and District leaders was shaped up with the guidance from CEPIL and the Judiciary.

1.7 Key Recommendations

In light of the findings of the study, the CEPIL research team suggests the following recommendations to ensure effectiveness of the institution of the Judiciary in fulfilling its constitutional mandate of administering justice to the citizens from a service delivery perspective:

1. The Judiciary and the Judicial Service Commission should execute continuous training of Judicial Officials to sharpen their skills in the execution of their mandates.
2. The Government of Uganda (GoU) should urgently address the issue of under-funding to the institution of the Judiciary. Arrangements to provide adequate working space for Judges, Registrars, Magistrates and other staff members should be expedited.
3. The Judicial Service Commission be facilitated to carry out recruitment of more Judicial Officials and support staff.
4. There is need to improve Court Systems and Processes to ensure access to Justice by Court users. Computerization of the Court Registry including digitalization of the filing system to ensure efficiency in courts, should be fasttracked.
5. It is important to promote the use of Alternative Dispute Resolution (ADR) mechanisms to manage case backlog. The Uganda Law Society and other stakeholders should engage the government to establish an international arbitration and mediation centre alongside CADER to enable quick disposal of particularly commercial matters.
6. Real and perceived cases of Judicial Corruption should be handled through a multi-sectoral approach involving the Judicial Service Commission, the Inspectorate of Government, DPP, Inspector of Courts and the CSOs dealing in this area.
7. The appreciation and application of this Scorecard is pivoted on the level of support and participation by all the concerned stakeholders. It demands significant human, time and financial inputs. It therefore requires continuous engagement and support at all levels right from inception up to the end of the data collection phase.
8. Greater reliability on this tool depends on the consistency in approach, methodology and frequency of subsequent measurements. This was only a pilot phase and therefore necessary improvements need to be made in the next phase of the Judicial Score Card.
9. Parliament and the Executive should provide the necessary assistance to the Judiciary to enable them execute their mandate and to avoid situations that will lead to industrial action by Judicial Officers.
10. Informal Justice Mechanisms particularly customary law institutions should be strengthened and enabled to function as viable alternatives to the formal Justice Mechanism.

In conclusion from the research undertaken, the institution of the Judiciary is performing above average as far as the dispensation of its Constitutional mandate to the citizenry of Uganda is concerned albeit some institutional and operational challenges. It is our hope that this Scorecard provides a basis for continually assessing and advocating for the desirable performance of the Judiciary, thereby becoming more accountable and effective in the administration of justice from a service delivery perspective.

1.0 INTRODUCTION

1.1 Background

The Constitution of the Republic of Uganda recognizes the fact that Uganda's post independence period has been largely characterized by turbulent political and constitutional instability with a restricted space for freedom, constitutionalism, rule of law and democracy.

It is also clearly spelt out in the Constitution that Uganda will be governed by three independent, but mutually supportive arms of Government namely the Executive, Legislature and the Judiciary; with the idea that government can, and should be legally limited in its powers which are clearly specified upon the aforementioned three arms of the State.

The mandate of the Judiciary as enshrined in Article 126(1) of the Constitution of the Republic of Uganda states that "Judicial power is derived from the people and shall be exercised by the courts established under this constitution in the name of the people and in conformity with the law, values, norms and aspiration of the people". In addition, Article 128(1) states that; "In the exercise of judicial power, the courts shall be independent and shall not be subject to the control or direction of any person or authority". And, that all organs of the state and agencies shall accord to the courts such assistance as may be required to ensure effectiveness in dispensation of its obligations.

As an independent institution the Judiciary's vision is, "Justice for All"; with a mission statement emphasizing "An independent, competent, trusted and accountable Judiciary that administers justice to all".

Specific objectives of the Judiciary are to ensure that:

- Justice is done to all irrespective of their social or economic status.
- Justice is administered in a timely manner without delay.
- Adequate compensation is awarded to victims of wrongs.
- Reconciliation is promoted between parties.
- Substantive Justice is administered without undue regard to technicalities.

Functions

- Administer justice through resolving disputes between Citizen and Citizen and between the State and Citizen;
- Interpret the Constitution and the laws of Uganda;
- Promote the rule of law and to contribute to the maintenance of order in society;
- Safeguard the Constitution and uphold democratic principles;
- Protect human rights of individuals and groups.

Despite the existence of the 1995 Constitution, public opinion is that Judiciary is structurally undermined in the way it discharges its mandate and functions thus contributing to limited progress towards the promotion and sustenance of democracy in Uganda. Some of the identified bottlenecks in this regard include: lack of transparency and politicization of Judges' appointment by the Executive leading in some instances to the appointment of incompetent judicial officers; defiance of court orders; direct interferences with discharge of Judiciary duties; repeated criticism of Judges and Court decisions; lack of adequate funding. In addition over reliance on the Executive for finance and administrative support has inadvertently bred institutional weaknesses in the form of understaffing, case back log and more severely systemic corruption in the Judiciary.

1.2 Rationale

Subsequent to earlier studies done by CEPIL including numerous consultations made with the legal fraternity, Judiciary, other government departments and institutions, it was established that there are many institutional and external inhibitions affecting the effectiveness and efficiency of the Judiciary in executing its mandate and delivery of services to the Public. In view of this, CEPIL intends to boldly contribute to the process of strengthening

the way in which the Institution of the Judiciary works to enhance its delivery of timely, fair and efficient services to all consumers and users of the justice system in Uganda. An accountable and reliable justice system attracts Public confidence in the way a country is being governed thus promoting equity, democracy, rule of law and economic growth. Furthermore, the knock-on effect of this confidence will kindle increased foreign investments into the economy.

Therefore between, August 2017 to mid December 2017 CEPIL commissioned a pilot study to develop a Scorecard Report for the Judiciary in Uganda. The scorecard report provides an assessment report of key performance parameters for measuring the judicial officials and more importantly what the parameters reveal about the officials in terms of their weaknesses and strengths in the delivery of services to consumers and users of the justice system.

This being the first go at the Scorecard for the Judiciary, the results at best can only be described as indicative but expected to improve with subsequent readings. The conceivable operationalisation of this Scorecard is hinged on clarity of stakeholders' understanding of the project objective; level of commitment and participation by the key stakeholders; robustness of methodology used; representativeness and coverage of samples; quality and frequency of data collected to up-date the preceding findings rather than making judgments founded on a single point measurement.

It is important to note that this Scorecard report is in no way intended to name and shame any of the officials whose performance might have been perceived to be unsatisfactory but rather to amicably seek re-alignment where necessary; and reward progress and success for a wonderful job done. Outputs from this scorecard are work shopped with all the concerned stakeholders at various levels to get in their input and agreement before the official release of the final report.

1.3 Research Objectives

- a) To establish a set of measurements parameters, also referred to as a battery of parameters for conducting an assessment of performance of the concerned individual judicial official in executing his or her duties.
- b) To collect information from primary and secondary sources, process the data, and collate them in a meaningful format to facilitate analysis and awarding respective assessment scores using the agreed measurement parameters for the key judicial officials under evaluation.

1.4 The assessment tool

1.4.1 Scorecard

The Judicial Scorecard is a set of parameters and related indicators designed to monitor the extent to which the judicial officers are performing their responsibilities. The Scorecard uses numbers, but it is not about the numbers. It is about the perception, the understanding and the insight required of effective leadership, for example: What is the current performance level compared to the established "controls" (performance targets, objectives, benchmarks)? What should be done to improve poor performance, reverse a declining trend, or recognize good performance? (Strategy formulation)

1.4.2 Why Scorecard is important

This Scorecard is a practical tool that is intended to help the Judiciary get results which are aligned to its mission and goals for ultimately improving quality of planned activities and services; and also to achieve major policy and organizational transformation. Essentially the scorecard contains the core performance measurements as well as the perceptual key drivers for success that are properly linked to the vision, mission, and strategic goals of the Judiciary.

If the right performance measurements have been effectively delivered, they are usually clear, unambiguous and actionable – thus helping to shape the quality of leadership and management in the Judiciary.

Furthermore, the discipline of using this tool provides a conceptual framework to the strategic planning process, management of resources, and effective communication with all the stakeholders.

Following extensive consultations with stakeholders, top management of the Judiciary, Legal professionals and other important stakeholders, here-below are parameters encompassing the core performance measures that were agreed upon.

1) Fairness in the administration of justice

- Implements constitutionalism
- Treats both genders equally
- Organisation of case file
- Gives clear orders and decisions based on facts, evidence & law

2) Impartiality

- Ensures availability of case files
- Informs accused of their rights
- Gives time for one to explain their case
- Conducts unbiased proceedings

3) Professionalism

- Clearly knows & understands the case
- Knowledge of Law & rules

4) Certainty

- Tries to resolve case in due time
- Manages Court Calendar

5) Behavior and attitude

- Recognizes culture, religion of others
- Always available in court as scheduled
- Respects court users/ Controls Courtroom
- Explains reasons for absence

6) Communication

- Communicates to court users in a polite way
- Does not use odd / abusive language

The scorecard is then a function of the above six principle responsibilities that are broken down into a set of quantitative and qualitative indicators reflecting statutory responsibilities and functions of the judicial officials or courts.

1.4.3 Steps in preparation of the Scorecard

a) Preparatory groundwork during the inception phase followed by approval and endorsement from CEPIL regarding:

- Objective, methodology, sample sizes, scope of work and timing
- Developed stakeholder list and their selection
- Developed and tested survey instruments for the different categories of respondents
- Trained and briefed facilitators on the techniques of administering the various questionnaires

b) Information gathering

- Implemented data collection process using the approved tools
- Processed and analyzed data collected. The interviews achieved 2,491 returns out of which 301 were from direct courtroom observation, 15 case file reviews; and 2,175 direct interviews with the different categories of respondents.

- Convened FGDs with key stakeholders to identify quality indicators for the service in question. Appropriate scores with supporting reasons were then given to such indicators.
- Stakeholders were asked to provide suggestions on how to improve particular services based on the performance criteria they have identified.

c) Developed Scorecard

- Brainstorming sessions with selected judicial officers, Legal professionals and CEPIL were held in order to agree on the identified evaluation indicators.
- Judicial officials gave reactions to the identified indicators and a firm feedback with possible solutions.

The process of developing a scorecard was pursued rigorously to ensure maximum involvement of all the key stakeholders and a removal of biases from this assessment. A very important consideration in the data collection process was the application of various techniques to act as checks and balances for realization of consequential and credible conclusions.

1.5 Review of Documents

Preceding the design and development of research tools, a review of all the relevant literatures including strategic planning and policy documents were made in order to get a clearer understanding of the contextual framework in which the Judiciary is functioning. This process enriched the teams' knowledge of key stakeholders, and made it possible to better assess past and current performances of the Judiciary.

The list of materials reviewed included:

- o State of the Judiciary Report by CEPIL: 2016
- o Concept Note - Enhancing Judicial Independence in Uganda by Promoting an Accountable & Effective Judiciary by CEPIL: 2016 to 2018
- o Court of Appeal / Constitutional Report at 18th Annual Judges Conference by DCJ: 2015
- o Number of Cases reported by the High Court: 2015
- o Retrospective study of the Progress, Performance and Impact of the Uganda commercial courts by LASER: 1996 – 2015
- o Operating Guidelines for The Justice, Law and Order Sector: 2013
- o Structure and functions of the Judiciary: 2012
- o Judicial Integrity Committee Report: 2011
- o Parliamentary Scorecard Report: 2010
- o Local government Scorecard Report: 2017
- o Constitution of the Republic of Uganda

1.6 Identification of stakeholders for engagement

Following the completion of reviews of relevant documents, the research team mapped out stakeholders' list using a simple matrix bearing levels of importance and responsibilities of the individual user, consumer or supplier of the justice system in Uganda. This task was carried out to facilitate the selection process of important stakeholders for consultations. The list which included Litigants, Legal professionals, CSOs, JLOs, Judges, Registrars, Magistrates, Clerks, Religious and District leaders was shaped up with the guidance from CEPIL and the Judiciary.

Stakeholder	Importance	Responsibilities
Chief Justice	High	Overall responsibility for administration and delivery of fair, effective, efficient and timely judicial services to all
Justices of Supreme Court and Court of Appeal	High	Delivery of fair, effective, efficient and timely judicial services
Judges	High	Delivery of fair, effective, efficient and timely judicial services
Chief Registrar	High	Administration of effective, efficient and timely judicial services
Registrar	High	Administration of effective, efficient and timely judicial services
Magistrate	High	Delivery of fair, effective, efficient and timely judicial services
Clerk	High	Administration of effective, efficient and timely judicial services
Office Superintendent	Medium	Administration of effective, efficient and timely judicial services
Ministry Of Justice HQ	Medium	Legal advice and services to the government and public
JLOs (JSC; State Attorney, DPC, Prisons Wardens)	Medium	Legal advice and services to the government and public
Legal Professionals (Advocates)	High	Receive fair, effective, efficient and timely judicial services
Court Bailiffs	Medium	Authority from the judge to do what is necessary to maintain order & uphold the law
District Leaders (local government & political)	Low	Overseeing effective, efficient and timely judicial service delivery to the public
Religious Leaders	Low	Advocating for effective, efficient and timely judicial service delivery to the public
Civil Society Organizations	High	Receive fair, effective, efficient and timely judicial services
Litigants (victims, accused, plaintiff, prisoner, witness)	High	Receive fair, effective, efficient and timely judicial services

Figure 1: Identification of stakeholders for engagement

1.7 Approach

This research was conducted by 24 qualified Research Assistant with a strong coordination and supervision by a team from CEPIL namely: Diana Angwech, David R. Okello, Annet Namugosa, Lydia Angwech. David Livingstone Okello and Mr. Rogers Twesigye provided the technical research expertise in designing the data collection tools; gathering information; data capture, processing and analysis.

During the inception phase, the research team developed and sought approval from stakeholders, especially CEPIL and Judiciary regarding approach to fieldwork, proposed methodology and scope of work for developing the Scorecard. This was intended to build and strengthen consensus at the beginning of the study to avoid possible misunderstanding that could negatively impact on the research processes and the eventual outcomes.

Steps in the development of this Scorecard which included scope of work, identification of the target audience and implementation of fieldwork and time lines were therefore discussed and agreed upon at the initial meetings with CEPIL prior to data collection.

1.7.1 Methodology

The study deployed both qualitative and quantitative techniques in which outputs from the qualitative technique reinforced the design, application, analysis and results for developing the performance indicators. Furthermore the qualitative technique presented greater and meaningful insights, for example; “What the motivation was” as expressed by: – feelings, beliefs, perceptions, needs, values, attitude which allowed an interviewer to capture these reactions without biases.

As highlighted under the development of this Scorecard, the robustness of methodology used underpins reliability of final output. Therefore the team deployed a triangulation technique in order to corroborate and test validity of results from the respective methods. Technically, triangulation assumes that a weakness in one method is compensated for by another; for that reason using multiple methods can help facilitate deeper understanding of salient issues.

All the different categories of questionnaires were carefully structured in line with the identified parameters to elicit appropriate responses from the respective respondents. The relevant survey tools developed were:

a) **Structured questionnaires with semantic scales.** These were administered using a direct face-to-face interview style to litigants and Legal professionals who frequently used the selected courts. During the interview session, each respondent was asked to rate each of the issues while making reference to the semantic scale provided. The interviewing process took on average thirty minutes to complete. By design this process was brief enough to avoid interviewee fatigue and lack of interest in answering questions.

At the data management phase weighting was applied to reflect the individual importance of each performance indicator in line with the functioning and mandate of the Judiciary. 2,110 interviews were achieved for the categories of litigants and Legal professionals.

b) **Key informant (KI) interviews** – used open ended questioning technique to solicit for opinions in a wide range of issues. In order to guide the flow of interview, a question guideline was provided to incorporate questions that would trigger sufficient responses regarding the performance indicators. Specifically this tool targeted judges, registrars and magistrates who are considered adept in the administration of justice and therefore were able to offer expert knowledge for improving service delivery within the Judiciary. In addition this method enabled the research team to get a better understanding and articulation of issues more than what could have been picked out from the close ended format. A total of 17 key informant interviews were carried.

c) **Focus group discussions (FGDs).** This tool was deployed to bring together people from similar backgrounds or experiences to discuss issues concerning performances of the judicial officials in the selected courts. Targeted participants were the religious leaders, local district leaders and other prominent persons in the selected judicial areas. The ensuing discussions were moderated by knowledgeable and experienced facilitators who introduced topics for discussions and helped the groups to participate in lively and natural discussions amongst themselves.

FGDs enabled participants to agree or disagree with each other thereby facilitating free thinking about the performance indicators introduced to them, and also the inconsistencies and variation that exists in a particular community in terms of beliefs and their experiences and practices relating to service delivery by the Judiciary.

Outputs from the discussions were recorded, transcribed and carefully analysed so as to extract meaningful interpretations of issues and opinions from the respective discussion groups.

d) **Observation.** This is a social research technique that involves the direct watching of phenomena in their natural setting. A checklist of structured questions communicating the requisite persona of a judge and his or her actions while in the courtroom was carefully administered by research assistants with experience in court and legal matters, and also trained on how to use this particular tool (See Courtroom Observation Form in the Appendix). In conclusion open-ended questions where strengths and weaknesses of the Judge in building trust and satisfaction of the court users were noted. Some of these issues appear in the Court manual or guide.

On the scheduled day of courtroom observations, a research assistant arrived at the court premises well ahead of the opening time (i.e. 30 minutes – 1 hour before the proceedings begin) in order to correctly record the time court officials arrived and more importantly when the court proceedings started. The research assistant then took a seat in the courtroom like any other person attending a court session and paid attention to the Judge and scored him or her using a guide from the questionnaire. The research assistants were instructed not to engage in any court deliberations but make observations as required.

This tool contained structured questions used to gauge the judicial performance and ability to follow procedural justice by a judge or magistrate while in a court room. The observations were then scored using a six-point semantic scale ranging from 0 [None] on one end to 5 [Exemplary] at the extreme end for the following aspects:

Two observation sessions were carried out in a week per court hence a maximum of eight observations were conducted by a research assistant per court within one month. At the end of this survey a total of 301 observations were made.

e) Case File Reviews

With the guidance of court clerks, the interviewers sampled 10 - 20 files from each station regarding judgments made (dismissals, acquittals, resolved, sentenced); compliance with statutory laws as mandated in the DCC guidelines; adjournments made; and length of proceedings so as to get a view of what was happening in the courts. However this process was skewed to criminal and civil cases which were reportedly more prevalent than the other cases.

1.7.2 Sample sizes

Sample selection was purposefully made in cognition of the core beneficiaries and the administrators of the justice system – i.e. consumers, users and the institution of Judiciary in Uganda. In order to ensure representativeness geographically, the samples were then disaggregated and spread by type of Court and region. The final list of respondents included the following spectrum of participants: - Litigants, Legal professionals, CSOs, JLOS, Judges, Registrars, Magistrates, Clerks, Religious and District leaders

1.8 Scope of work

Fieldwork was conducted for a period of four and a half months beginning from August 2017 up to mid December 2017 in 12 Magisterial / High Court areas selected from the five demarcations of: Headquarters; Central region; Eastern region; Northern region; and Western region. The subsequent processes of data capture, analysis, report writing began from mid December in 2017 with a final report due in February 2018.

1.9 Quality Control

The following measures were instituted to ensure data integrity during the data collection, processing and analysis phases:

- All the designed questionnaires were approved by CEPIL to ensure that their contents contained the right questions and were able to capture all the relevant issues being investigated.
- Pre-test of questionnaires were done with the respective categories of respondents to ensure clarity and feasibility of meeting the set objectives. This process also allowed for appropriate adjustments of the respective questionnaires in terms of contents to achieve suitable interview durations.
- Only qualified and experienced research assistants and supervisors were recruited for the data collection exercise. They were proficient in both English and local languages used in areas where they were deployed for effective interpretation of questionnaires to respondents.
- Research assistants and supervisors were trained on their: duties & responsibilities; interviewing & supervision procedures; how to administer the questionnaires; and how to make the rightful scores when using the semantic scales.
- Briefing and re-briefing sessions were conducted for research assistants and supervisors to ensure that they understood the processes and their responsibilities; and were confident in executing this assignment.
- All the questionnaires were double checked for completeness in the field. If any anomalies were found, they were quickly brought to the attention of the research co-ordinator for immediate correction.
- 2% spot checks were made in the field, especially within Kampala where the bulk of work was. These kept the research teams in check and were able to continue their interviews in line with the protocol and instructions given to them.
- Completed quotas of field returns from all the different stations were verified by their respective supervisors and promptly couriered to head office (CEPIL) at the end of every two weeks. This was also proof of accountability of work going on in the field.

- De-briefing sessions were held immediately after every FGD to ensure that correct records of the deliberations were promptly captured and losses due to memory lapses were reduced during the transcription of information.
- Deployed 1 supervisor for every court area. The supervisor's role was to ensure that the research assistants complied with the interview processes and deliver all returns as expected within the stipulated time period.
- Data entry was carried out by qualified officials, and great care was taken to ensure that all the codes were properly captured from each questionnaire to guarantee reliability of outputs. SPSS package was used to carry out data analysis.

1.10 Limitations to the research

As a novel approach to engagement with the Judiciary, at the beginning of fieldwork the Research team experienced some resistance by a few important stakeholders who had misgivings about the motives of this research. This caused some delays to the field work exercise since we needed to bring all the key respondents, especially judicial officers to a table of consensus with the assistance of top management of the Judiciary.

Lack of knowledge and general clarity on how information for the Scorecard is collected meant that the Research team had to spend some time to educate participants about key aspects of the tool and what it is intended to do. Nevertheless some participants remained skeptical about the research hence a few of their opinions could have been unreliable.

During the start and part of fieldwork a nationwide industrial action was called by state prosecutors which paralyzed activities in some of the Courts. This could have contributed to the general negative feelings expressed by respondents about the administration and service delivery by the judicial officers in the affected courts.

The accuracy of this subjective nature of the data collection technique, that is, use of semantic scale is dependent on a clear understanding and interpretation of each question by the participant as well as how to appropriately score it.

Confidence in the Scorecard report relies on the trend displayed by the data collection technique. Therefore aggregation of data collected in more than one occasion with subsequent adjustments and validation on the assessment tool as deemed fit increases its accuracy, reliability and acceptability as it gains a foothold in the society. Periodic data collection is therefore recommended to improve on the accuracy of outputs rather than relying on results of a – one off engagement with stakeholders.

The user index which is the basis for this Scorecard relies on how satisfied the consumer or user of justice system is. This only represents one part of the many factors that ought to be carefully considered, and together deployed in the determination of the overall performances of the judicial officers and respective courts. Other considerations that include political and socio-economic factors, such as, remunerations, relationship with the other arms of the government and the general welfare of the judicial officials have strong bearings on how they eventually perform their duties in the society.

There is need to find a credible and workable approach which harmonizes the relevant indicators used to measure performances of individual judges with fairness to all those who sit as a coram as well.

The costs of data collection including other formal and informal engagements increase with increased samples. A more representative national outlook implies a boosting of the existing sample size hence the inherent upward adjustment in the cost of conducting fieldwork, data management and analysis. CEPIL will therefore need to look for more funding to facilitate the planned field activities and continuity of this project.

2.0 FINDINGS

2.1 Profiles of respondents interviewed

Category of respondents

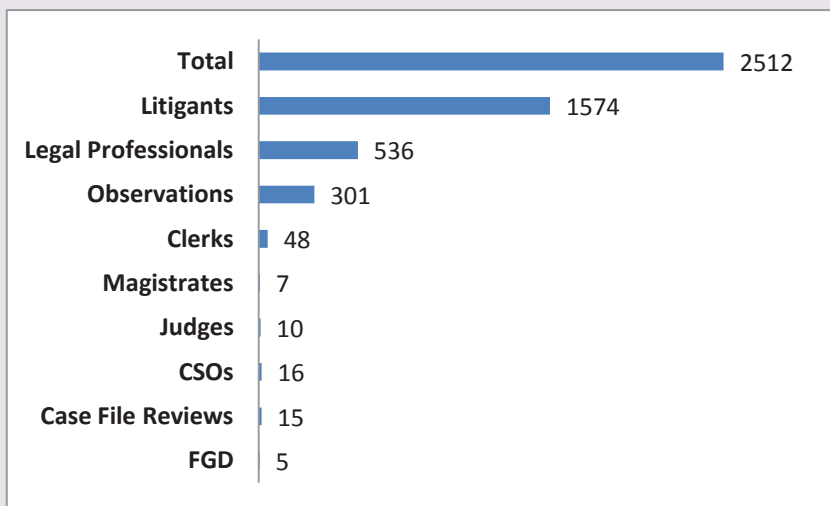
A total of 2,512 interviews were carried out with the different categories of respondents as indicated in Fig 1 below within selected courts and judicial territories of Kampala (HQ); Central region; Eastern region; Northern region; and Western region. Interviews with litigants, Legal Professionals and observations were skewed to higher numbers because of the following reasons:

- Significantly greater proportion of people who usually seek court services fall under litigants (complainants, plaintiff, petitioner; accused, defendant, respondent; witness; victims; and prisoner). Therefore the number of interviews was purposely skewed towards Litigants who form important component of consumers of the judicial services in the country. Interviews with Litigants represented 62.7% of all the total interviews.
- For the three different categories of respondents, equally three different tools were used to collect information about a particular court. This technique cross-checks and validates the credibility of opinions recorded from three different categories of respondents.

The least number of interviews were five FGDs with selected persons (religious leaders, LC5 leadership and representatives of the cultural leaders) whose opinions are considered important in promoting social cohesion and well being of the society. One FGD was conducted in each of the indicated judicial territories.

In addition to the structured interviews held with the various categories of respondents, the research team had opportunity to make reviews of available case files at 15 different Court registries. The sampling is made randomly to see whether cases are being given the right attention in terms of time for hearing , etc.

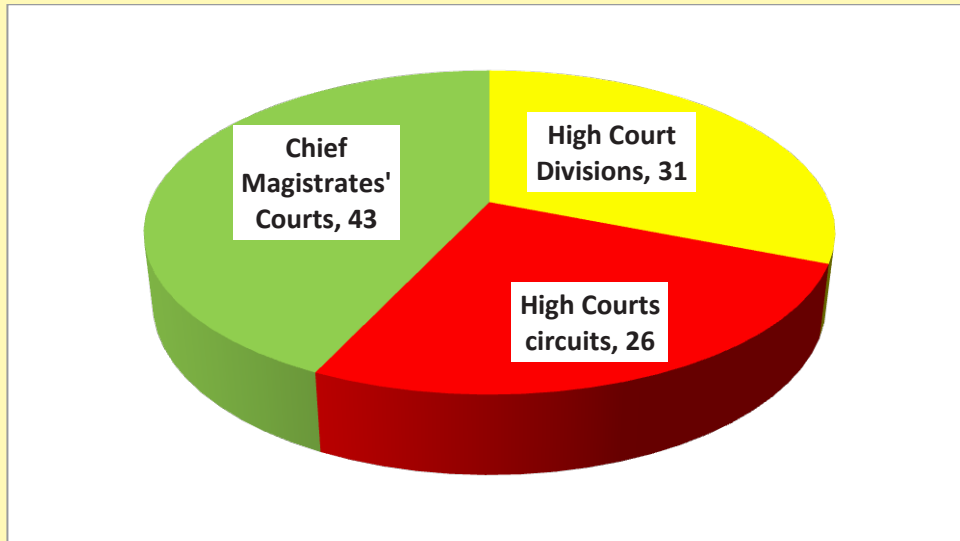
Fig 2: Number of interviews conducted



Category of Courts

Of the total interviews conducted, about one third was held with the High Court Divisions, 43% with magistrates' courts and 26% with high court circuits in the up-country stations of Masaka, Mbale, Gulu, Arua and Mbarara. Comparatively more of the criminal and civil cases were being handled at the magistrates courts.

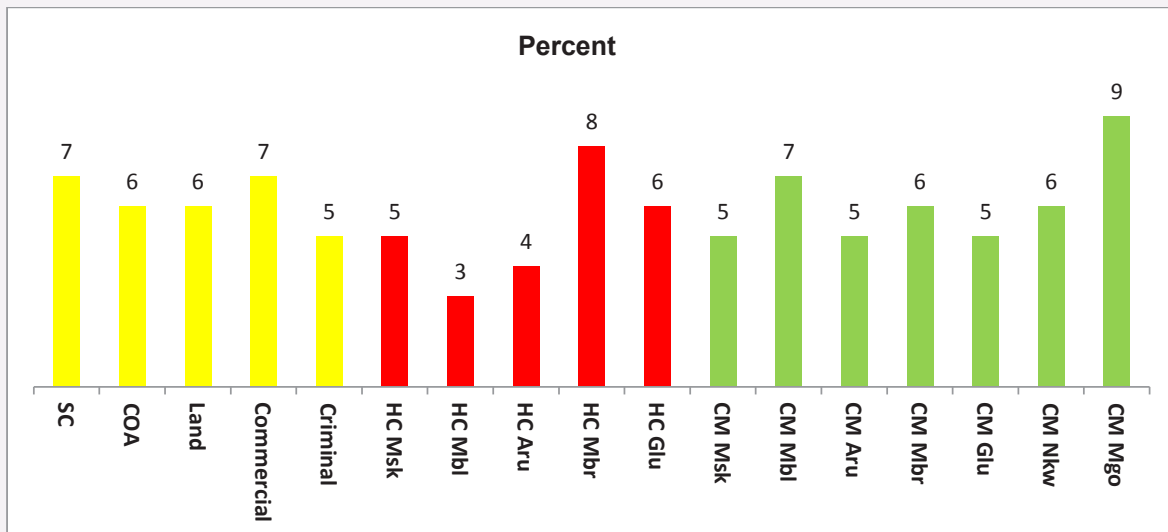
Fig 3: Number of Interviews by category of Court



Type of Court

The average percentage interviews for the over 2,500 were 6, 5 and 7 for High Court divisions, High Court circuits and Magistrates' Courts respectively. Highest percentage of interviews were conducted at Mengo Chief Magistrates' Court followed by Mbarara magistrates' courts– these were mainly with Litigants

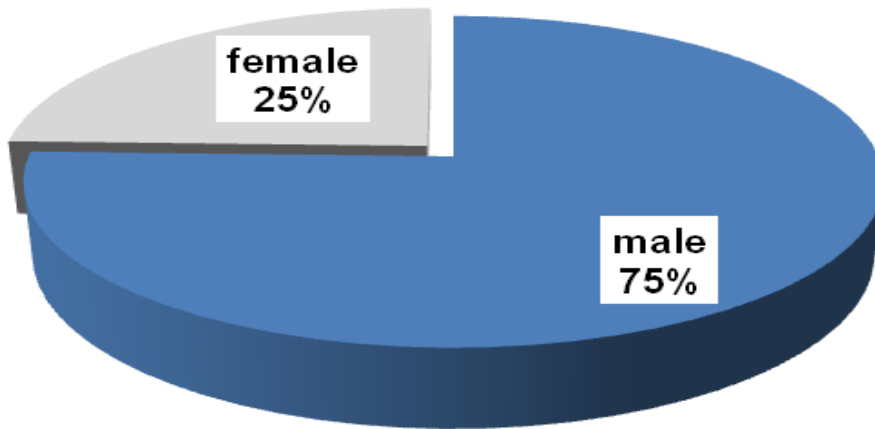
Fig 4: Number of interviews conducted by type of Court



Gender of Respondents

The composition of respondents covering the bulk of interviews, that is, litigants, legal professionals, Judges/ magistrates, Registrars / Clerks, FGDs and CSOs reflected 75% to 25% split for male to female as shown in the figure below

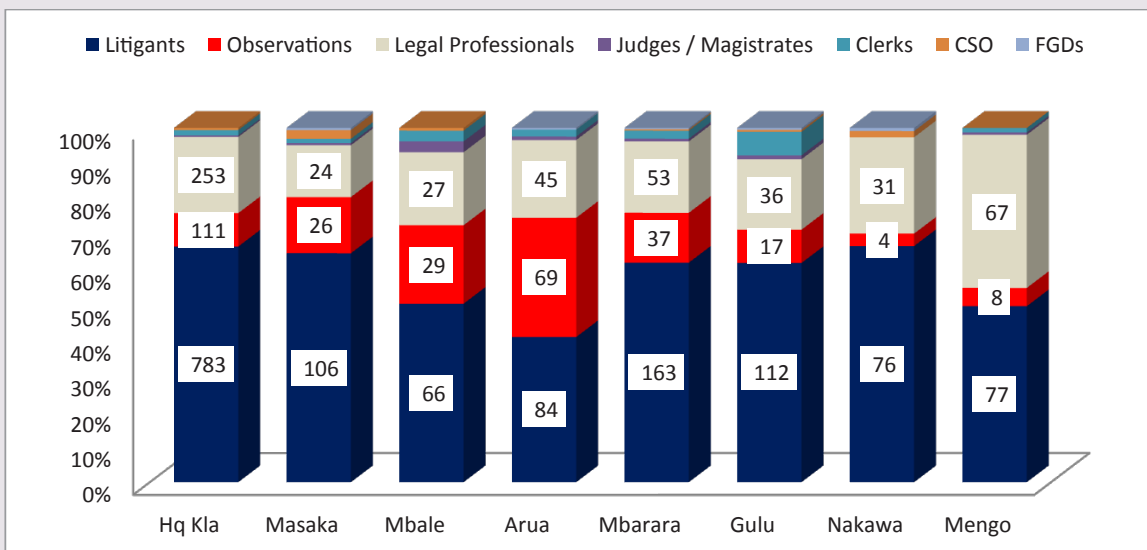
Fig 5: Gender of Respondents



Respondents by Territory

A significantly large number of Litigants were interviewed over and above the other categories of stakeholders in the study group since they play a crucial role as consumers or end users of Judicial services. Besides, it was also important to consult widely with the legal fraternity who frequently utilize services of the selected courts as well as generate sufficient viewpoints through continuous observations of behavior and attitudes of the judges and magistrates while in courts. This explains the larger proportion of interviews conducted for litigants, legal professionals and observations.

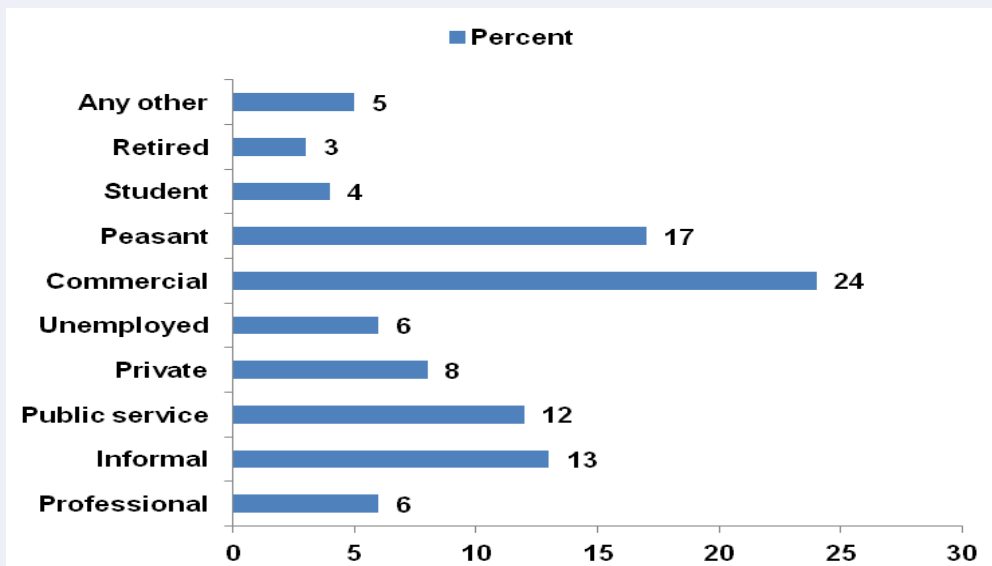
Fig 6: Respondents by Territory



Occupation of Litigants

Majority of the people interviewed (more than 4 out of 5) were involved in some form of employment. 17% of these were peasants; 13% were busy in the informal sector; 12% in public service; and 13%, a combined total of people who do not have much to contribute to the economy (unemployed, retired and students).

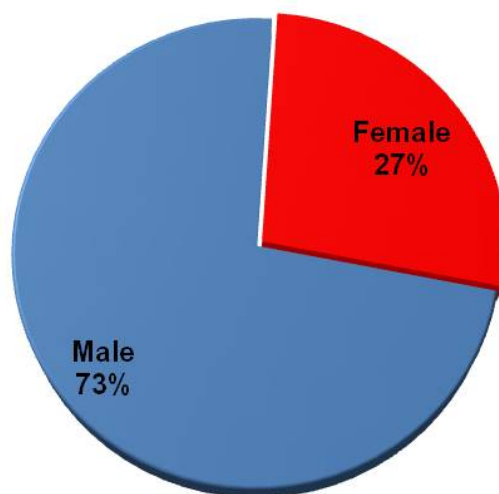
Fig 7: Occupation of Litigants



Gender of Litigants

There was a strong dominance of males in the Litigant sub-category as reflected by nearly three quarters of the total number of Litigants who participated in the interview process.

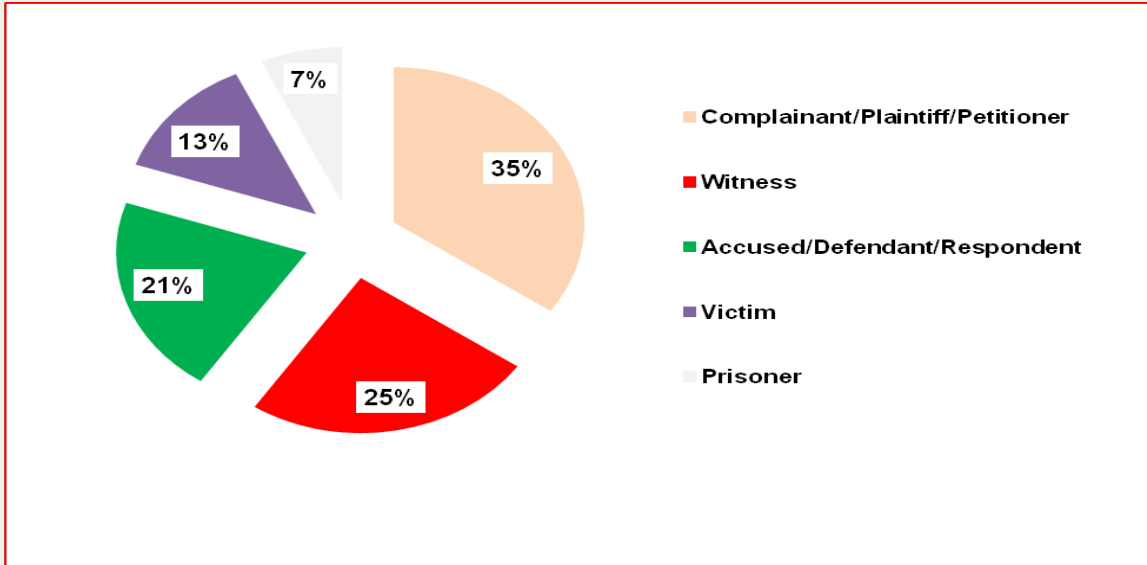
Fig 8: Gender of Litigants



Category of Litigants

More than a third of the Litigants interviewed were complainants, plaintiff or petitioners; a quarter of these were witnesses; about one out of five was either the accused or the defendant; 13% victims and 7% prisoners.

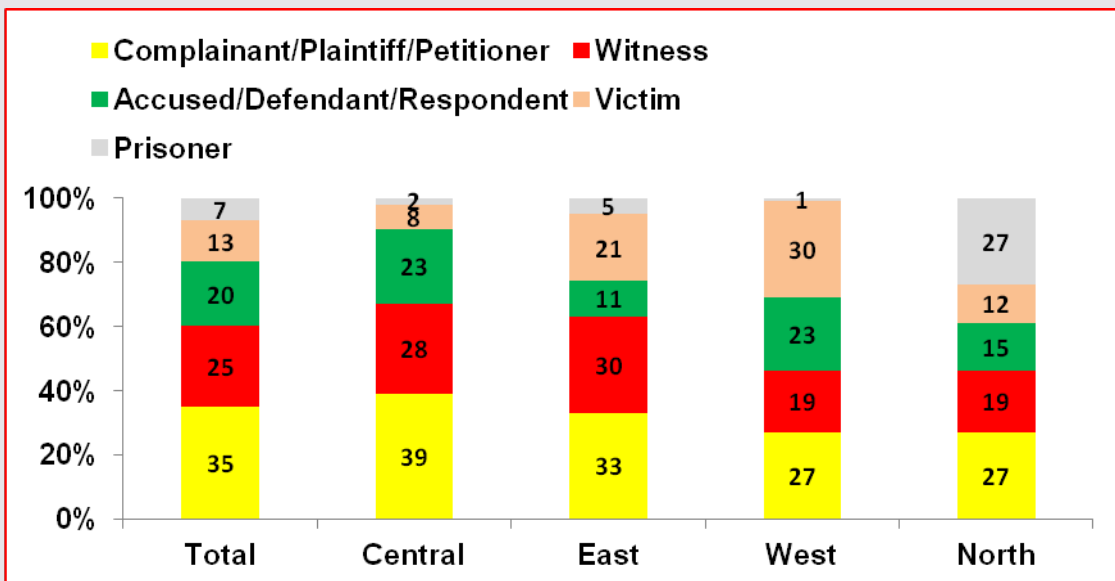
Fig 9: Category of Litigants



Litigants by region

Central region had a higher number of litigants (61%) whose cases were mainly criminal and civil in nature. In the northern territory nearly a third of the interviews made with litigants were done with prisoners. This was significantly higher than the rest of the territories. Overall the number of complainants, plaintiff, petitioner were highest in all the four regions followed by witnesses; accused, defendant, respondent; victims and least being prisoners.

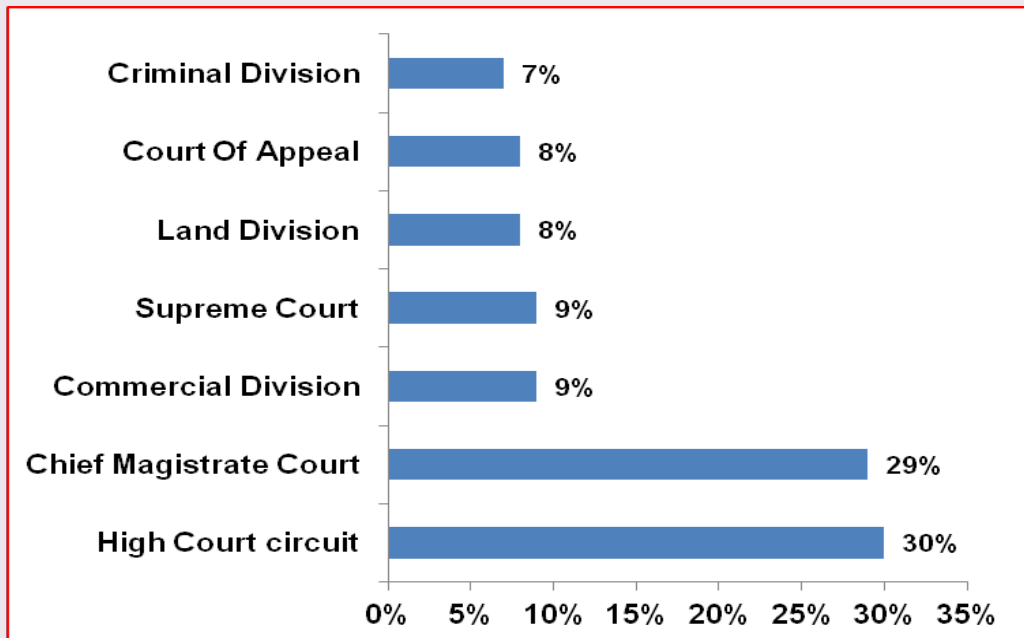
Fig 10: Litigants by region



Litigants by courts

Nearly a third of the Litigants had cases before the High Court Circuit and Chief Magistrate Courts respectively – emphasizing how busy these courts have been compared with less than 10% appearances in each of the superior courts headquartered in Kampala.

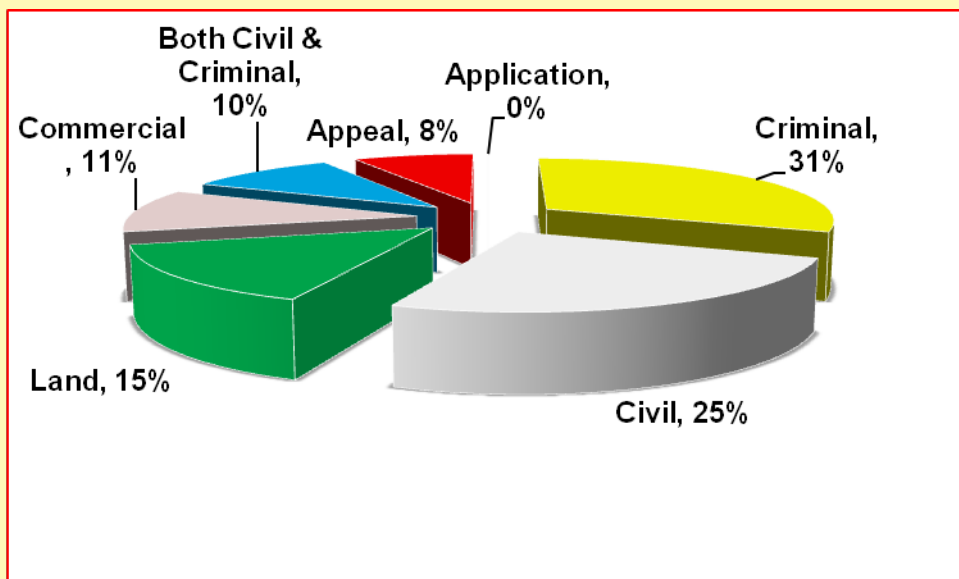
Fig 11: Litigants by courts



Nature of cases by Court

Most of the cases handled by the courts were criminal followed by civil and least being application. 10% of the cases were registered as being handled in courts that have the jurisdiction to handle both civil and criminal cases.

Fig 12: Nature of cases by Court



2.2 Analysis of the Performance Scores

Generally, Judicial performance evaluation is considered a process of monitoring, analyzing and using performance data on a regular and continuous basis for the purposes of transparency and accountability and for improvements in efficiency, effectiveness, and the quality of justice – ref Judicial Performance Evaluation in Ethiopia: Local Reforms Meet Global Challenges

Numerous studies found that people’s trust in law and judiciary is more sensitive to the perceived fairness of the procedures and treatment – “procedural justice”- than the outcomes or decisions derived from the proceedings. This explains allocation of the highest weighting to “Fairness in the administration of justice” compared to other five parameters shown below.

The performance indicators to gauge the level of service delivery in the Judiciary were based on the following parameters:

- a) **Fairness in the administration of justice**
It represents the greatest impact of justice served to a consumer or user. - Weighted 30%.
- b) **Impartiality**
It considers a non-biased actions or decisions and therefore strongly supports (a) above – Weighted 25%.
- c) **Professionalism**
It strongly reinforces the desired behavior in the administration and delivery of services – Weighted 20%.
- d) **Certainty**
It reinforces confidence to the consumer or user of the justice system that justice will be served as scheduled – Weighted 10%
- e) **Behavior and attitude – Weighted 8%**
- f) **Communication – Weighted 7%**

In order to attach meaningful explanations to the score level of each indicator, we opted to deploy a 5 point semantic differential scale (see below) to collect raw data from the field. The five bipolar items tend to yield more reliable findings of the likelihood or probability that a person will engage in a particular behavior. Scientifically this is the most widely used scale to measure attitudes and opinions.

Very Low	Low	Good	Very Good	Exceptional
1	2	3	4	5

Post the data processing phase, derived outputs were then collated from the different categories of respondents and weighted in line with the above parameters to reflect their perceived individual level of importance in the delivery of justice to consumers and users.

2.3 Digest of the Performances

(a) Scores for the Courts

Performance	Overall Scores (%)	Court
Exceptional	+ 90	◇ Criminal Division
Very Good	80 – 90	◇ Supreme Court ◇ Arua High Court ◇ Commercial Court

Good	70 – 80	<ul style="list-style-type: none"> ◇ Masaka High Court ◇ Arua Chief Magistrate Court ◇ Land Division ◇ Nakawa Chief Magistrate Court ◇ Mbarara Chief Magistrate Court ◇ Mbarara High Court ◇ Mbale Chief Magistrate Court ◇ Mbale High Court ◇ Court of Appeal
Fair	60 – 70	<ul style="list-style-type: none"> ◇ Mengo Chief Magistrate Court ◇ Gulu Chief Magistrate Court ◇ Masaka Chief Magistrate Court
Low	50 – 60	<ul style="list-style-type: none"> ◇ Gulu High Court

Table 1: Scores for the courts

The Criminal Court Division at 91.4% achieved an exceptional rating in terms of the overall scores. The Supreme Court, Arua High Court and Commercial Division are the three courts whose performances were considered very good (obtained 80%-90%) of the overall scores. More than a half of the courts visited (9 courts) achieved a good performance rating; that is (obtained (70%-80%). 3 Courts (Mengo, Gulu and Masaka) were perceived to have a fair rating; and the Gulu High Court with a score of 56.6% was rated as the least in the overall performance.

(b) Selected scores for top performing individual judges and magistrates by court

Ranking	Name	Scores (%)	Court
1	Justice Stella Arach Amoko	97.1	Supreme Court Division
1	Justice Remmy Kasule	79.7	Court of Appeal
1	Justice Stephen Mubiru	96.3	High Court Arua
1	H.W. Faith Everest Palodi	89.8	Chief Magistrate Court Arua

Table 2: Scores for individual judges and magistrates by court

The indicated Judges and magistrate achieved impressive scores within their respective category of Courts. Evidently they garnered high scores in all the six measurement parameters.

(c) Aggregated performances of judges and magistrates

Performance	Scores	% scored
Exceptional	+90	14
Very Good	80 – 90	30
Good	70 – 80	32
Fair	60 – 70	19
Low	50 – 60	5

Table 3: Aggregated performances of judges and magistrates

NB: Aggregation of scores from both Litigants and Legal Professionals for the 17 courts.

2.3.1 Court scores by Litigants

	Total Percentage Score	Impartiality				Certainty		Professionalism			Behavior & attitude				Communication		Fairness in admin of justice										
		Conducts unbiased proceedings	Gives time for one to explain their case	Informs accused of their rights	Ensures availability of case files	Manages Court Calendar	Tries to resolve case in due time	Knowledge of Law & rules	Clearly knows & understands the case	Explains reasons for absence	Respects court users/ Controls Courtroom	Always available in court as scheduled	Recognizes culture, religion of others	Does not use odd/ abusive language	Communicates to court users in a polite way	Gives clear orders and decisions based on facts, evidence & law	Organisation of case file	Treats both genders equally	Implements constitutionalism								
Total Maximum Points	100	6	6	6	6	25	5	5	10	10	10	20	2	2	2	2	2	8	3.5	3.5	7	7.5	7.5	7.5	7.5	30	
Judge																											
Supreme Court	84.4	5.9	5.3	4.6	5.9	21.7	4.1	4.1	8.2	8.2	8.2	16.4	1.5	1.7	1.6	1.8	6.6	3.2	2.9	6.0	6.4	6.0	6.9	6.2	25.5		
Court of Appeal	71.7	5.7	4.3	4.5	5.3	19.8	2.8	3.0	5.8	6.8	7.0	13.8	1.3	1.4	1.2	1.4	5.3	2.5	2.5	5.0	5.3	5.4	5.6	5.7	22.0		
Land Division	75.7	4.3	4.6	4.2	4.8	17.9	3.6	3.4	7.0	7.8	7.4	15.2	1.3	1.5	1.5	1.6	5.9	2.7	2.7	5.4	5.8	6.0	6.2	6.4	24.4		
Commercial Division	80.4	4.9	5.0	4.3	4.9	19.1	4.0	3.9	7.9	8.4	8.2	16.6	1.3	1.6	1.6	1.6	6.1	2.9	2.9	5.7	6.4	5.8	6.4	6.4	25.0		
Criminal Division	89.7	5.7	5.6	5.3	5.8	22.4	4.5	4.4	8.9	9.2	9.4	18.6	1.6	1.8	1.8	1.9	7.1	2.2	2.3	4.6	7.1	6.9	7.1	7.0	28.1		
High Court Circuits																											
HC Masaka	80.4	5.7	5.0	5.3	5.8	21.8	3.5	2.9	6.4	7.0	5.8	12.8	1.0	1.6	1.5	1.6	5.8	3.2	3.2	6.3	6.7	6.8	7.0	6.9	27.4		
HC Mbale	69.7	5.3	4.3	4.1	5.0	18.8	3.2	3.0	6.2	6.4	6.0	12.4	1.2	1.3	1.3	1.4	5.2	2.3	2.2	4.6	5.8	5.5	5.6	5.7	22.6		
HC Arua	80.9	4.2	4.2	5.5	4.5	18.4	3.5	3.3	6.8	7.0	6.6	13.6	1.2	1.8	1.4	1.9	6.4	3.4	3.4	6.8	7.1	7.2	7.3	7.3	28.9		
HC Mbarara	73.4	5.7	4.8	4.6	6.0	21.1	3.0	2.6	5.6	6.0	5.2	11.2	1.0	1.3	1.2	1.7	5.1	2.8	2.6	5.4	6.0	5.9	6.8	6.2	24.9		
HC Gulu	60.3	5.4	3.5	3.2	4.9	17.0	2.1	2.0	4.1	4.2	4.0	8.2	0.6	1.2	1.0	1.3	4.1	2.5	2.5	5.0	5.3	5.2	5.8	5.6	21.9		
HC Nakawa	72.1	3.3	4.1	4.5	3.4	15.2	2.7	2.7	5.4	7.6	7.8	15.4	1.0	1.4	1.0	1.4	5.0	2.7	2.5	5.1	6.5	6.4	6.5	6.6	26.0		
Chief Magistrate																											
CM Masaka	70.6	4.5	4.6	4.8	4.8	18.7	3.1	2.9	6.0	6.2	5.8	12.0	1.0	1.4	1.3	1.5	5.1	2.7	2.7	5.3	5.5	5.8	6.2	5.9	23.4		
CM Mbale	70.0	4.8	4.2	4.1	4.5	17.6	3.4	3.0	6.4	6.8	6.0	12.8	0.8	1.6	1.2	1.5	5.1	2.5	2.7	5.2	6.0	5.5	5.7	5.7	22.9		
CM Arua	75.0	4.3	4.3	5.1	4.8	18.5	3.3	3.1	6.4	6.6	6.2	12.8	1.4	1.3	1.4	1.7	5.8	3.1	3.3	6.4	6.6	6.1	6.2	6.3	25.2		
CM Mbarara	72.6	4.9	4.6	4.3	5.2	19.0	3.1	2.9	6.0	6.2	5.8	12.0	1.0	1.2	1.4	1.7	5.4	2.8	2.7	5.5	5.6	6.1	6.9	6.2	24.8		
CM Gulu	67.2	4.5	4.3	3.6	4.3	16.8	3.4	2.9	6.3	6.8	5.8	12.6	0.9	1.2	1.1	1.4	4.6	2.5	2.4	4.8	5.1	5.8	5.7	5.5	22.1		
CM Nakawa	75.7	4.0	5.5	5.3	4.2	19.0	3.2	3.4	6.6	6.4	6.8	13.2	1.3	1.6	1.4	1.5	5.8	2.6	2.7	5.3	6.3	6.5	6.6	6.5	25.9		
CM Mengo	71.4	5.3	4.7	4.2	4.5	18.8	2.9	2.7	5.6	5.8	5.4	11.2	1.3	1.5	1.2	1.7	5.7	3.1	2.8	5.9	5.7	5.8	6.7	6.1	24.3		

Fig 13: Court Scores by Litigants

The assessment made by litigants showed an outstanding performance by the Criminal Division at 89.7%, followed by the Supreme Court at 84.4%, and Arua High Court Circuit at 80.9%.

In the category of magisterial jurisdiction; the Nakawa Chief Magistrate court, Arua Chief Magistrate and Mbarara Chief Magistrate Courts were ahead of the pack.

Commentaries on the assessment made by Litigants

Court	Scores (%)	Commendable performance	Areas for improvements
Criminal Division	89.7	<ul style="list-style-type: none"> Professionalism; Communication; Behavior and attitude 	Certainty; Impartiality; Fairness in Admin of justice
HC Arua	80.9	<ul style="list-style-type: none"> Communication; Fairness in Admin of justice; Behavior & attitude 	Impartiality; Professionalism; Certainty
Supreme Court	84.4	<ul style="list-style-type: none"> Communication; Professionalism; Behavior and attitude 	Certainty; Fairness in Admin of justice; Impartiality
Commercial Division	80.4	<ul style="list-style-type: none"> Professionalism; Communication 	Fairness in Admin of justice; Certainty; Behavior and attitude; Impartiality
HC Masaka	80.4	<ul style="list-style-type: none"> Communication 	Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior and attitude
CM Nakawa	75.7	<ul style="list-style-type: none"> Communication 	Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior and attitude
CM Arua	75.0	<ul style="list-style-type: none"> Communication 	Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior and attitude
Land Division	75.7		Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior and attitude
HC Nakawa	72.1		Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
HC Mbarara	73.4		Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
CM Mbarara	72.6		Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
CM Mengo	71.4	<ul style="list-style-type: none"> Communication 	Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
CM Masaka	70.6		Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
CM Mbale	70.0		Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
Court of Appeal	71.7		Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
HC Mbale	69.7		Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
CM Gulu	67.2		Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
HC Gulu	60.3		Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude

Table 4 : Comments on assessment made by Litigants

2.3.2 Court scores by Legal Professionals

	Total Percentage Score	Impartiality			Certainty				Professionalism					Behavior & attitude			Communication		Fairness in admin of justice								
		Capacity to conduct proceedings	Unbiased in delivering judgments		Timely dispensation of judgment	Tries to resolve case in due time	Gives court services as per schedule	Always available in court as scheduled		Carefully analyzes evidences provided	Clearly knows & understands the case	Conducts proceeding according to laws	Prepares for court proceedings		Recognizes culture, religion of others	Explains reasons for absence		Does not use odd / abusive language	Clarifies to court users in a polite way		Implements constitutionalism	Identifies issues of the case	Explains order, judgment or outcomes	Empathic to witness, listens to parties	Administers justice fairly		
Total Maximum Points	100	13	13	25	3	3	3	3	10	5	5	5	5	20	4	4	8	3.5	3.5	7	6	6	6	6	6	30	
Judge																											
Supreme Court	89.3	11.8	11.5	23.3	2.2	2.1	2.2	2.2	8.6	4.6	4.6	4.6	4.4	18.2	3.8	3.0	6.7	3.3	3.0	6.3	5.4	5.4	4.8	5.3	5.3	26.2	
Court of Appeal	72.2	9.3	9.5	18.8	1.4	1.4	1.5	1.6	5.9	3.8	3.8	3.6	3.8	15.0	2.9	2.8	5.7	2.7	2.6	5.3	4.3	4.6	4.2	4.3	4.2	21.6	
Land Division	79.2	10.8	10.0	20.8	1.7	1.8	1.9	1.9	7.1	4.0	4.2	4.0	4.0	16.2	3.4	2.3	5.7	2.8	2.7	5.5	4.8	4.9	4.6	5.0	4.6	23.9	
Commercial Division	86.9	11.3	11.3	22.5	2.0	2.1	2.1	2.0	8.1	4.2	5.4	4.4	4.4	18.4	3.4	3.1	6.6	2.9	2.8	5.7	5.0	5.2	4.9	5.3	5.2	25.6	
Criminal Division	93.2	12.3	12.0	24.3	2.1	2.2	2.0	2.1	8.4	4.8	4.6	4.6	4.6	18.6	3.8	3.1	7.0	3.5	3.3	6.8	5.6	5.5	5.8	5.5	5.8	28.2	
HC Masaka																											
HC Masaka	78.7	10.8	10.0	20.8	1.6	1.6	1.9	2.1	7.1	3.6	3.8	4.0	4.0	15.4	3.4	2.2	5.7	3.1	3.0	6.1	4.6	5.2	4.6	4.6	4.7	23.7	
HC Mbale																											
HC Mbale	77.1	10.0	9.8	19.8	1.7	1.5	1.6	1.7	6.4	4.2	4.2	4.2	4.2	16.8	3.0	2.7	5.8	2.4	2.2	4.6	4.8	4.9	4.8	4.7	4.6	23.8	
HC Arua																											
HC Arua	97.3	12.5	12.0	24.5	2.2	2.3	2.3	2.4	9.1	4.8	4.8	5.0	4.8	19.4	3.8	3.8	7.7	3.5	3.5	7.0	6.0	5.9	5.9	5.9	6.0	29.7	
HC Mbarara																											
HC Mbarara	77.2	10.3	10.0	20.3	1.6	1.4	1.5	1.6	6.0	3.8	4.0	4.0	3.4	15.2	3.5	2.3	5.8	3.1	2.9	6.0	4.9	4.7	4.7	5.2	4.4	23.9	
HC Gulu																											
HC Gulu	52.9	6.8	5.8	12.5	.9	1.0	1.0	1.0	3.8	2.8	3.2	3.0	2.6	11.6	2.8	1.5	4.3	2.5	2.2	4.8	3.2	3.2	3.2	3.6	2.8	16.0	
Chief Magistrate																											
CM Masaka	65.9	7.8	8.5	16.3	1.7	1.4	1.5	1.3	5.8	2.8	3.6	3.2	3.6	13.2	3.1	1.5	4.6	2.7	2.7	5.5	3.1	4.8	3.7	4.7	4.3	20.6	
CM Mbale	80.0	10.0	10.0	20.0	2.0	2.0	2.0	2.0	8.0	4.0	4.0	4.0	4.0	16.0	3.2	3.2	6.4	2.8	2.8	5.6	4.8	4.8	4.8	4.8	4.8	24.0	
CM Arua	82.9	11.5	11.3	22.8	2.0	1.6	1.6	1.6	6.7	4.4	4.4	4.2	4.4	17.4	3.5	2.2	5.8	3.2	3.1	6.2	4.7	5.5	5.0	4.3	4.6	24.1	
CM Mbarara	79.6	10.8	10.8	21.5	1.9	1.7	1.7	1.7	6.9	4.0	4.0	4.0	4.0	16.0	3.5	2.3	5.8	2.9	3.0	5.9	3.7	5.0	5.0	5.2	4.6	23.5	
CM Gulu	70.1	8.5	8.5	17.0	1.7	1.7	1.6	1.7	6.7	3.4	3.4	3.6	4.0	14.4	2.7	2.6	5.3	2.5	2.2	4.8	4.3	4.3	3.8	4.8	4.8	22.0	
CM Nakawa	77.5	10.0	9.5	19.5	1.7	1.8	1.9	1.8	7.1	3.8	4.0	4.0	3.6	15.4	3.2	2.9	6.1	2.9	2.9	5.8	4.7	4.8	4.7	4.8	4.6	23.6	

Commentaries on the assessment made by Legal professionals

Court	Scores (%)	Commendable performance	Areas for improvements
HC Arua	97.3	Communication; Fairness in Admin of justice; Professionalism; Impartiality; Behavior & attitude	Certainty
Criminal Division	93.2	Communication; Impartiality; Professionalism	Certainty; Fairness in Admin of justice; Behavior & attitude
Supreme Court	89.3	Professionalism; communication	Fairness in Admin of justice; Behavior & attitude; Certainty; Impartiality
Commercial Division	86.9	Professionalism	Communication; Fairness in Admin of justice; Impartiality; Behavior & attitude; Certainty
CM Arua	82.9	Communication	Fairness in Admin of justice; Professionalism; Impartiality; Behavior & attitude; Certainty
CM Mbale	80.0	Impartiality	Communication; Fairness in Admin of justice; Certainty; Professionalism; Behavior & attitude
CM Mbarara	79.6	Impartiality	Communication; Fairness in Admin of justice; Certainty; Professionalism; Behavior & attitude
HC Masaka	78.7	Impartiality	Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
Land Division	79.2	Communication	Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
HC Nakawa	78.8	Communication	Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
CM Nakawa	77.5	Communication	Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
HC Mbarara	77.2	Communication	Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
HC Mbale	77.1	Professionalism;	Fairness in Admin of justice; Communication; Certainty; Impartiality; Behavior & attitude
Court of Appeal	72.2	Communication	Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
CM Gulu	70.1	Communication	Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
CM Mengo	68.1	Communication	Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
CM Masaka	65.9	Communication	Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude
HC Gulu	52.9		Communication; Fairness in Admin of justice; Certainty; Professionalism; Impartiality; Behavior & attitude

Table 5: Comments made on assessments made by the Legal Professionals

2.3.3 Litigants and Legal Professionals: summary of combined scores

Over 90% assessment score - Criminal Court. The Criminal Division was perceived to have commendable performance in the way it communicates and its level of professionalism. Possible areas for improvements are: fairness in the administration of justice; certainty; impartiality and in behavior & attitude.

80% - 90% assessment score - Supreme Court, Arua High Court circuit and Commercial Division. Respondents considered that these courts exhibited major strengths in behavior and attitude, communication and fairness in

the administration of justice.

70% - 80% assessment score – High Court Masaka, Arua Chief Magistrate Court, Land Division, Nakawa Chief Magistrate Court, Mbarara Chief Magistrate, Mbarara High Court, Mbale Chief Magistrate Court, Mbale High Court, Court of Appeal Division. These courts were generally commended for their impartiality, communication, professionalism and fairness in the administration of justice. Areas for possible improvements were attitude and behavior and certainty.

60% - 70% assessment score – Chief Magistrate Mengo, Chief Magistrate Gulu, Chief Magistrate Masaka. These courts were rated well in their fairness in administration of justice, professionalism and impartiality. Areas identified for improvement are behavior and attitude, certainty, professionalism and impartiality

50% - 60% assessment score - Gulu High Court circuit. This court was considered to have significant challenges in the way it administers and delivers justice. It is recommended that there should be general improvements in all the parameters.

Overall both litigants and legal professionals indicated a stronger appreciation of professionalism, behavior and attitude, and communication exhibited by the judges and magistrates. Nonetheless key areas that they felt needed more improvements were Certainty; Impartiality; and Fairness in the Administration of justice.

2.4 Civil Society Organizations' viewpoints on the performance of Judiciary

The Civil Society Organizations believe that the Institution of the Judiciary continues to do commendable work despite some challenges that it continues to face. In order to build more trust in the way it functions, CSOs reiterated the need for strengthening the independence and having clear accountability to the Public. CSOs think that there is a lot of interference from the Executive arm of the government which negatively impact on the outcome of some of the rulings made by the judicial officials.

The following suggestions were put forward by the CSOs to improve service delivery in the Uganda justice system:

1) Speedy hearing and determining of cases

CSOs considered the speed in hearing and determining cases as slow – this evidenced by rather high number of case backlog. There is significantly very high number of cases falling within the 2-5 year thresholds which could have possibly been handled. The longer the time taken the more the cost incurred hence making the cost of justice very expensive. It is therefore suggested that an appropriate strategy be put in place to shorten the period taken as a way of making the process more affordable.

2) Recruitment of more judges and necessary support staff

CSOs request that more judges be appointed to serve in the critical areas where there are many pending cases and case backlogs. In most cases the courts are presided over by one judge per station. In the event of absenteeism, cases come to a standstill. It is therefore important to have two or more judges assigned to each court to ensure continuity in case one judge is not available.

3) Corruption

CSOs believe that there must be improved remuneration and working condition of the judges and magistrates to minimize the temptation towards getting bribes from litigants and other court users. This should be followed by strict supervision from management to ensure that the officers achieve their targets.

4) Training of judicial officers

In some cases the judicial officials require trainings to sharpen their skills in executing their mandate. This is also good to bring new perspective on how to handle their cases or manage the court processes while keeping all the parties satisfied.

5) Court to operate on all working days of the week

CSOs suggested that the courts where there are significant case backlogs should be facilitated in order to sit

throughout the week. This will substantially increase the speed of hearing and determination of cases.

6) Computerization of the court registry

Digitalization of the filing systems in the registries is also a paramount to ensuring that there is speed and efficiency in these courts. This might also reduce on the incidences of lost or misplaced files.

7) Increased interaction with the public

CSOs believe that more open days should be held in the country to enable increased interactions with members of the Judiciary. This is also a good opportunity for the Judiciary to communicate or teach the public on legal matters especially for the rural communities.

3. CONCLUSION AND RECOMMENDATIONS

3.1 Conclusion

The pilot study was largely accomplished well albeit minor operational challenges that included delayed start because of the need to get institutional support from the Judiciary prior to embarking on the data collection process, and the need to clarify on fieldwork related issues with some of the research assistants. Nonetheless fruitful consultations were made with the management of the Judiciary to allow for enriching the data collection tools and also availing the team relevant documents for reviews.

As indicated earlier the scorecard is a tool that assesses and highlights areas of shortfall that need to be addressed by the concerned stakeholders. It can only be useful if there is increased cooperation by all the stakeholders in making sure that its design and deployment is supported from the beginning, up to the point of carrying out fieldwork and dissemination of data to the public.

Scorecard is not intended to provide outputs to name and shame any parties that might have under-performed but instead facilitate identification of weaknesses and how to address them. Given that the design of Scorecard is participatory in nature, all the concerned stakeholders were always encouraged to have an open mind to provide relevant inputs with a view of improving a particular aspect.

The major challenge was the Industrial action by the state prosecutors from August 2017 up to end of September 2017 caused disruptions in scheduled Court processes which meant that some of the affected parties and court users in the selected courts were denied their rights to utilize services offered by the Judiciary. This led to postponement and delays in data collection process in some of the courts.

Interviews with non-court officials such as litigants, legal fraternity and CSOs proceeded as planned despite the initial delays in commencement of fieldwork due to perceived mistrust in the project by some Judicial Officials. This suspicion meant that a few of the targeted Judges, Magistrates and Registrars did not participate in the study because of their unresolved fears. In the project design, it is expected that participation by all the key stakeholders opens up debate to new ideas and sources of information; exposes issues that need to be addressed; enables problems, needs and preferences to be expressed; identifies capabilities required to address the issues raised; and develops a consensus on the need for action that leads to better implementation. Above all, this project considered good communication and credible information gathering mechanisms with a premium on transparency and accountability.

3.2 Recommendations to address challenges

In light of the findings of the study, the CEPIL research team suggests the following recommendations to ensure effectiveness of the institution of the Judiciary in fulfilling its constitutional mandate of administering justice to the citizens from a service delivery perspective:

1. The Judiciary and the Judicial Service Commission should execute continuous training of Judicial Officials to sharpen their skills in the execution of their mandates.
2. The Government of Uganda (GoU) should urgently address the issue of under-funding to the institution of the Judiciary. Arrangements to provide adequate working space for Judges, Registrars, Magistrates and other staff members should be expedited.
3. The Judicial Service Commission be facilitated to carry out recruitment of more Judicial Officials and support staff.
4. There is need to improve Court Systems and Processes to ensure access to Justice by Court users. Computerization of the Court Registry including digitalization of the filing system to ensure efficiency in courts, should be fasttracked.
5. It is important to promote the use of Alternative Dispute Resolution (ADR) mechanisms to manage case backlog. The Uganda Law Society and other stakeholders should engage the government to establish an international arbitration and mediation centre alongside CADER to enable quick disposal of particularly commercial matters.
6. Real and perceived cases of Judicial Corruption should be handled through a multi-sectoral approach involving the Judicial Service Commission, the Inspectorate of Government, DPP, Inspector of Courts and the CSOs dealing in this area.

7. The appreciation and application of this Scorecard is pivoted on the level of support and participation by all the concerned stakeholders. It demands significant human, time and financial inputs. It therefore requires continuous engagement and support at all levels right from inception up to the end of the data collection phase.
8. Greater reliability on this tool depends on the consistency in approach, methodology and frequency of subsequent measurements. This was only a pilot phase and therefore necessary improvements need to be made in the next phase of the Judicial Score Card.
9. Parliament and the Executive should provide the necessary assistance to the Judiciary to enable them execute their mandate and to avoid situations that will lead to industrial action by Judicial Officers.
10. Informal Justice Mechanisms particularly customary law institutions should be strengthened and enabled to function as viable alternatives to the formal Justice Mechanism.

**Plot 4 Jinja Road, 5th Floor,
Northern Wing, Social Security House**
P.O. Box 28611 Kampala - Uganda
T: **+256 393 224 509**
E: **info@cepiluganda.org**
W: **www.cepiluganda.org**



Centre for Public
Interest Law