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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
THE SOUTHERN AFRICAN CHIEF JUSTICES' FORUM

CONFERENCE ON
“SUSTAINING THE INDEPENDENCE OF THE JUDICIARY”
AND
ANNUAL GENERAL MEETING OF THE SOUTHERN
AFRICAN CHIEF JUSTICES' FORUM

Johannesburg, South Africa, 13-14 August 2010

SYNOPSIS

The Southern African Chief Justices' Forum (hereinafter, the "SACJF") organised, together with the Venice Commission, a Conference on "Sustaining the independence of the judiciary", followed by the Annual General Meeting (hereinafter, the "AGM") of the SACJF.

The Conference and AGM brought together the chief justices from 16 countries¹, assistants and a representative from the Konrad Adenauer Foundation, 20 people in all. The new chief justices from Botswana, the Seychelles and Swaziland were welcomed to their first SACJF meeting. The chief justices welcomed Zanzibar, although a part of the United Republic of Tanzania, as a full member of the SACJF.

Conference

Under the theme of the conference, five issues raised by several member countries of the SACJF were discussed in detail, notably (1) the dangers of politicising the judiciary, brought up by Lesotho, a topic with respect to which the chief justices agreed that courts must continue to resist any interference or political pressure with their decisions and underlined the importance for judges in different forums to speak with one voice. (2) The topic of the relevance of commercial courts to the modern judiciary was raised by Uganda and the chief justices agreed that commercial courts contributed to foreign investment by improving investor confidence and that their efficiency should be exported to other courts to benefit the whole judiciary. (3) The computerisation of the judiciary was brought up by Tanzania and all chief justices agreed that the introduction of information technology into courts improved their efficiency and that member countries should share information and experience on computerisation which in turn, improved communication between the courts (use of the Venice Commission Newsgroup was mentioned in this context). (4) The modern challenges to the independence of the judiciary, brought up by Zimbabwe, was also discussed, on which the chief justices agreed that there was a need for a long-term programme to educate people about the importance and meaning of the independence of the judiciary. This topic was followed by (5) the role of the law and the judiciary in preventing child abuse, a topic raised by Zambia. This issue mainly concerned the situation of children in the justice system i.e. young offenders or victims and their experience of the justice system. The chief justices agreed that a more child friendly justice system was needed, one that takes children's best interests into account. The chief justices mentioned the use of corporal punishment in schools and in the home as an acceptable means to educate children. Mr Gianni Buquicchio, President of the Venice Commission, explained the Council of Europe's position on this issue and drew the chief justices' attention to the "*Raise your hand against smacking!*" campaign against corporal punishment of children.

The chief justices also voiced their support for the upcoming Second World Congress on Constitutional Justice on the topic "Separation of powers and independence of constitutional courts and equivalent bodies", that will take place in Rio de Janeiro, Brazil, on 16-18 January 2011.

¹ Angola, Botswana, Kenya (absent), Lesotho, Malawi, Mauritius, Mozambique (delegation of 3), Namibia, Seychelles, South Africa (delegation of 2), Swaziland, Tanzania, Uganda, Zambia (delegation of 2), Zanzibar and Zimbabwe.