



INTERNATIONAL ASSOCIATION OF JUDGES
UNION INTERNATIONALE DES MAGISTRATS
UNIÓN INTERNACIONAL DE MAGISTRADOS
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International Association of Judges: African Regional Group Annual Meeting

"Law, Justice and Citizenship: confronting the challenges of Independence of the Judiciary in Africa"

Conclusions and Recommendations

On the 8 to 10th of May 2017 at the Afec Gloria Hotel, Maputo, African Regional Group (ARG) held a Conference with the topic *"Law, Justice and Citizenship: Confronting the challenges to judicial independence in Africa."* After reflection and theoretical debate, the delegates formulated the following conclusions and recommendations, that should govern the independence of the judiciary in Africa:

1. That the principle of Justice and Independence of the Judiciary are inseparable from the rule of law and as such each Judge is responsible for administering justice in the name of the people as sovereignty resides in the people.
2. That the exercise of Judicial power should effectively be based on Judicial Independence. Judges in Africa should contribute to the realization of the independence of the judiciary. An independent judiciary is not a privilege of Judges, but a responsibility, that allows judges to judge without any interference.
3. That the Judge's conduct and functions should be subject to a Code of Conduct for Judges.
4. That it is urgent that the State budgets in Africa should reflect the security needs of Judges.
5. That there is a need for representation of judges at the African Union, so that Judges can actively defend the Independence of the African Judges at that platform. It is also important that the African Regional Group should have observer status at the AU in order to urge States to respect Judicial Independence, through legislative reforms and concrete Actions.
6. That there are special training needs for judges, both in terms of the new demands placed by organized crime, especially terrorism, but also that training

should function as a factor which increases awareness about the independence of the judiciary.

7. That the absence of a budget for the judiciary in most Countries, may jeopardize the Independence of the Judiciary.
8. The protection and security of Judges should be ensured, either through the allocation of a specific police force, in the same terms that this protection is granted to members of the other arms of the State, or through other mechanisms, which ensure the effective protection of Judges.
9. The financial autonomy of the Courts should be ensured, and the Judiciary should have its own budget, which will facilitate a truly independent judiciary.
10. Taking in account the role of management agencies and discipline of judges in Africa it was recommended that parity be ensured in the composition of the Judicial Commissions, ensuring that it is composed mostly of Judges and avoid appointment of members based on political affiliation or other influences.
11. That the Associations of judges should continue to exchange experiences and create best practices regarding the composition of the Judicial Commissions.
12. That ways of counterbalancing the functional powers of the Commissions be found so that they are not flooded by disciplinary complaints, failing properly to carry out the other functions assigned to them.
13. That the judiciary will not be able to perform its functions effectively and get rid of external (political, military and economic) pressures and corruption if it is not equipped with financial and material means to pursue its goal: Administer justice on behalf of the people independently and in accordance with the law.
14. That courts have administrative autonomy, but do not have financial autonomy, which guarantees their functional independence, because, in fact, they remain dependent on the Government.
15. The award of remuneration shall be such as to prevent judges from being placed in such situations of precariousness and necessity as to render them vulnerable to solicitation, exchange of favors, bribes and corruption, and to cause them to lose their self-determination of judgment and independence of decision.
16. The constitutional or legislative revision or amendment, inscribing in it a percentage allocation that serves as a guarantee of independence and financial autonomy of the Judicial Branch. This, given the economic and social situation

of our countries, may also be remedied by the possibility of adopting a system of raising justice services at the same level as priority services.

- 17.** Members of the judiciary must act and conduct themselves with utmost integrity. Judges must uphold ethical standards.
- 18.** That the transparency and rationale of judicial decisions is one of the requirements of integrity.
- 19.** Codes of conduct, norms and standards must be adopted by member countries to actualise the independence of the judiciary.

Adopted in Maputo, May 9, 2017