



Statement in support of the Magistrates and Judges Association of Malawi

The Commonwealth Lawyer Association (CLA), The Commonwealth Legal Education Association (CLEA) and The Commonwealth Magistrates' and Judges' Association (CMJA) are concerned that constitutional and legislative provisions relating to the terms and conditions of service of the Malawi judiciary and by extension, of court personnel have been ignored by the current government of Malawi. This has led to the strike by the Judiciary and Court staff thus denying access to Justice for the population. The conditions of service have been laid down in Section 114 of the Constitution and in the Judicial Service (Conditions of Service) Regulations 1997.

The Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003), have been breached. As a result the independence of the judiciary and the Rule of Law have been severely jeopardised. The Principles state in Article IV(b) that "Arrangements for appropriate security of tenure and protection of levels of remuneration must be in place" and in IV(c) that "Adequate resources should be provided for the judicial system to operate effectively without any undue constraints which may hamper the independent sought."

The disregard of the decisions of the National Assembly and the constitutional safeguards for the independence of the judiciary constitute clear breaches of the Commonwealth Principles to which the Government of the Malawi has subscribed.

The Associations urge the Government of the Malawi to respect the independence of the judiciary and to comply with the relevant constitutional provisions, Commonwealth Principles and other relevant international standards.

Commonwealth Magistrates' and Judges' Association (CMJA)

19 December 2014

NOTE TO EDITORS:

Commonwealth Lawyers Association (CLA)
Commonwealth Legal Education Association (CLEA)
Commonwealth Magistrates' and Judges' Association (CMJA)



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The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. www.commonwealthlawyers.com

The **Commonwealth Legal Education Association** is an international non-profit organisation which fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK. www.clea-web.com

The **Commonwealth Magistrates' and Judges' Association** is a not for profit organisation, registered in the UK, whose aims are to promote judicial independence, advance education in the law, the administration of justice the treatment of offenders and the prevention of crime in the Commonwealth. It brings together judicial officers of all ranks from all parts of Commonwealth and provides a forum for the promotion of the highest judicial standards at all levels. www.cmja.org

