

JUDICIAL INTEGRITY IN MALAWI

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- This is a brief presentation of the measures Malawi has taken to ensure integrity of judicial officers.
 - There are Constitutional provisions and statutory provisions, a Judicial Code of Ethics and a Corruption and Fraud Prevention Policy for the Judiciary.

Constitutional Provisions

- In establishing the separate status, function and duty of the judiciary section 9 of the Constitution requires the judiciary to be independent and impartial.
- Section 10 establishes a judicature that exercises its functions, powers and duties independent of the influence and direction of any other person or authority.
- Under section 111, the Chief Justice is appointed by the President and confirmed by two thirds of the National Assembly.

Constitutional Provisions

- There is a Judicial Service Commission which has authority to nominate persons for judicial office as well as exercise disciplinary powers over them including removal from judicial office. Section 118.
- One fundamental principle of the Constitution is that all legal and political authority of the State is exercised on trust of all the people of Malawi and is conditional upon that trust being sustained through an open, accountable and transparent government and informed democratic choice. Section 12.

Statutory Provisions

- The Penal Code as well as the Corrupt Practices Act of Malawi apply to judicial officers without immunity. So the criminal conduct of judicial officers deserve punishment like anybody else.

Judicial Code of Ethics

- There is a code of ethics which stipulates the ethical behaviours expected of judicial officers and the sanctions that follow for their breach.
- The Chief Justice appointed a Judicial Integrity Committee to help with the implementation of the Code of Ethics on conjunction with the Judicial Service Committee. The Integrity Committee comprises Judges, Magistrates, Administrators and support staff.
- The Committee came up with the Corruption and Fraud Prevention Policy for the Judiciary and it is responsible for coordinating the implementation thereof.

Corruption and Fraud Prevention Policy for the Judiciary

- The overriding objective of the policy is to prevent corrupt and fraudulent practices by judicial officers, members of staff and stakeholders thereby fostering a culture of integrity and accountability.
- The policy provides a clear statement to judicial officers, members of staff and all stakeholders in order to forbid any corrupt and fraudulent activities and negative consequences thereof.
- It provides guidelines and procedures for preventing , detecting, reporting and investigating corruption and fraud.
- It promotes an environment and culture in the judiciary that is intolerant to corruption and fraud.

Challenges and Expectations

- The big challenge has been to satisfactorily put the framework explained above into practice due lack of technical and financial capacity and we expect to benefit a lot from the gathering here.
- On another note, integrity is a value that people need to learn from childhood.