



**PRESENTATION BY CHIEF JUSTICE PETER  
SHIVUTE, CHIEF JUSTICE OF NAMIBIA, ON  
NAMIBIA'S EFFORTS IN ENHANCING  
JUDICIAL INTEGRITY**

**Swakopmund, Namibia, 16 October 2017**

# Judicial independence and integrity

- Concept of Judicial independence and Integrity
  - Institutional and;
  - Individual independence
  - Integrity of judicial officers

# Namibian Perspective

- Constitutional framework and reforms

Article 78 creation of the Judiciary and provision of its independence

“(5) The financial and other administrative matters of the High Court and Supreme Court shall be performed in such a manner that the independence of the judiciary can be effectively and practically promoted and guaranteed by means of appropriate legislative and administrative measures.”

- ✓ Creation of the Office of the Judiciary
- ✓ Administrative and financial autonomy

Article 85 establishing the Judicial Service Commission (JSC)

Mandate of the JSC

## NAMIBIAN PERSPECTIVE CONTINUES. . .

- Legislative Framework
- ✓ Judiciary Act 11 of 2015

### Preamble

“To strengthen the independence of the Judiciary in line with Article 78(5) of the Namibian Constitution; to provide for the administrative and financial matters of the Office of the Judiciary; and to provide for connected or incidental matters”

- ✓ Judicial Service Commission Act 18 of 1995 and its Regulations

Make recommendations regarding the appointment of judges to the Supreme and High Courts (Sec. 4(1)(a), Reg.2-4)

Conditions of service (Sec. 4 (1)(b), Reg. 5)

Conduct disciplinary inquiries, receive and investigate complaints (Sec. 4(1)(c), Reg. 6-7)

Mandate invoke remedial measures or remove the judicial officer from office if so justified (Art. 84 of the Constitution, Reg. 8-9)

## NAMIBIAN PERSPECTIVE CONTINUES...

- ✓ Adopting the Guidelines for Ethical Judicial Conduct in Namibia
- ✓ Magistrates Act 3 of 2003
  - Established the Magistrates' Commission (Section 2)
  - Objects and mandate of the Commission (Sections 3, 4 and 21)
- ✓ The Code of Conduct for Magistrates established in terms of section 4(1)(b) of the Magistrates Act No. 3 of 2003
  - Schedule 3 (3.1 and 3.2)

The Guidelines for Ethical Judicial Conduct in Namibia and the Code of Conduct for Magistrates, inspired by the Bangalore Principles of Judicial Conduct of 2002 expect judicial officers to conduct themselves at a high standard of conduct in both professional and personal capacities (in and out of court).

## NAMIBIAN PERSPECTIVE CONTINUES. . .

✓ As a measure to keep the public and legal fraternity's faith and confidence in the courts' exercise of our duties, the courts in consultation with the JSC adopted Practice Directions or Guidelines in terms of the Rules of Court providing for time limits within which judges are expected to deliver reserved judgements.

Practice Direction 61 of the High Court Practice Directions: Rules of High Court of Namibia, 2014

Guidelines for the delivery of reserved judgements in the Supreme Courts of Namibia issued by the Chief Justice in Consultation with the Judicial Service Commission of 1 March 2010

# Reliance on international framework furthering our efforts:

Just to mention a few. . .


- The Universal Declaration of Human Rights of 1948
- The United Nations Basic Principles on the Independence of the Judiciary of 1985
- The African Charter on Human and Peoples' Rights
- The United Nations Convention against Corruption
- Sustainable Development Goals, and;
- The Bangalore Principles of Judicial Conduct of 2002

# Conclusion

- Recap on the importance of judicial independence and integrity in Namibia
- Strong statutory and institutional framework is essential
- Expectations:

Continued training of our judicial officers on the code of conduct expected of them; raising awareness; capacity-building; strengthening mutual assistance and cooperation between Namibia and other judicial systems to learn from one another, and continued improvement of judicial officers' conditions of service





**THANK YOU  
OBRIGADO  
GRACIAS  
ASANTE**