



Judiciary Day
Presentation of the Annual Judiciary Reports 2024/2024 and 2024/25

Keynote Address
by
Chief Justice Mandisa Maya

25 November 2025

Programme Director: Deputy President of the Supreme Court of Appeal, Justice Zondi

- Speaker of the National Assembly, Ms Didiza MP
- Deputy Chairperson of the National Council of Provinces, Mr Govender MP
- Deputy Chairperson of the National Assembly, Dr Lotriet
- Deputy Chief Justice of the Republic of South Africa, Justice Mlambo
- Minister of Justice and Constitutional Development, Ms Kubayi MP and all other Cabinet Ministers
- President of the Supreme Court of Appeal, Justice Molemela
- Justices of the Constitutional Court
- Justices of the Supreme Court of Appeal
- Deputy Minister of Justice and Constitutional Development, Mr Nel MP
- Judges President, Deputy Judges President and Judges
- Members of the Portfolio Committee
- Members of the Select Committee
- Members of Parliament
- Regional Court Presidents, Chief Magistrates, Senior Magistrates; and all other members of the Judiciary
- Members of the Judicial Service Commission
- Members of the Council of the South African Judicial Education Institute
- National Director of Public Prosecutions, Adv Shamila Batohi

- Members of the Audit and Risk Committee of the Office of the Chief Justice
- Members of the Legal fraternity
- Acting Secretary General of the Office of the Chief Justice, Adv Potgieter and all officials of the Office of the Chief Justice
- Heads and Representatives of National Departments, State Institutions and members of the National Efficiency Enhancement Committee
- Members of the public
- Members of the media and everyone following these proceedings virtually

Good morning

We gather on this Judiciary Day to mark an important moment of accountability, transparency, and acknowledgement of the rule of law in our democracy. Judiciary Day is a unique occasion during which the South African Judiciary accounts to the nation on the performance of its judicial functions.

Our Constitution affirms the independence of the courts, which must apply the law impartially and without fear or favour.¹ While many state organs are constitutionally required to account to Parliament, the Judiciary's accountability is to you, the citizens of the Republic of South Africa. This is expressed through our Annual Judiciary Reports which are presented each year and provide what is intended to be a clear and honest reflection of the challenges, achievements, and ongoing efforts within our courts.

The significance of Judiciary Day lies in its affirmation of the Judiciary's unwavering commitment to uphold justice without prejudice and to maintain the highest standards in the administration of justice. It is a day that embodies our duty to remain open, accountable, and responsive to you, the people we serve.

Through this day, we reinforce that the Judiciary stands as an independent guardian of the Constitution, accountable to the law and the citizenry. This culture of openness and reporting is a demonstration of our collective dedication to strengthen trust in the judicial system and ensure that justice is accessible, fair, and effective for all.

¹ The Constitution of the Republic of South Africa 1996, section 165(2).

This Judiciary Day, as we take stock of the state of South Africa's Judiciary, is a big milestone for me as I present to my country, for the first time as Chief Justice, the Annual Judiciary Reports for the 2023/2024 and 2024/2025 Financial Years.

Scope of the Annual Judiciary Reports

The scope of the Annual Judiciary Reports (Reports) that I am presenting today, as is customary in relation to these instruments, covers the following matters within the Judiciary's performance of its judicial functions:

- (a) Court performance of the superior and magistrates' courts;
- (b) Judicial education and training; and
- (c) Judicial appointments and retirements

I will then deal with other features that influence the performance of the judiciary, which do not fall within the scope of the Reports, but are nevertheless important. I start by sharing with you some of the important information in the Reports.

Court performance of the Superior Courts

The Judicial Accountability Committee (JAC), comprising Heads of Court, plays a pivotal role in strengthening judicial performance, ensuring that justice delivery is both effective and transparent. The Annual Judiciary Performance Plan and its associated monitoring report serve as essential instruments to track progress against predefined targets, giving us a clear picture of how the Courts perform.

The purpose of court performance monitoring and reporting is to provide progressive updates on the implementation of the Annual Judiciary Performance Plan with specific reference to monitoring delivery against set quarterly performance targets. The Annual Judiciary Performance Plan, in turn, defines and identifies performance indicators and targets for the various Courts. These performance indicators and targets are measures that allow for the monitoring of performance on one or more aspects of the overall functions and mandate of the Judiciary. Importantly, the Annual Judiciary Performance Plan indicators for the Judiciary as reflected in the Annual Judiciary Report 2020/2021 remain relevant for the two reporting periods under review.

Overall, the Judiciary had 14 performance targets for the consecutive periods.

It is heartening that a comparative analysis of the superior courts' performance during this period shows considerable judicial activity shows notable progress in several areas alongside the persistent challenges, which require sustained focus.

In the 2023/24 Financial Year, the Superior Courts achieved eight of 14 key performance targets, representing a 57% overall achievement rate. The Constitutional Court finalised 66% of the cases on its roll, falling short of the 70% target. The Supreme Court of Appeal completed 74% of its case roll, some points below its 80% goal, while applications for leave to appeal, on the other hand, were finalised at 93%, thus exceeding the 80% target.

The Labour Appeal Court finalised 77% of its enrolled matters, just a small margin under its 80% target, but surpassed the target of 90% in respect of applications for leave to appeal by achieving a 99% finalization rate. The High Court Divisions finalised 66% of the enrolled criminal cases, well below the 75% target. But they far exceeded the targets in respect of mental health applications and civil cases by achieving finalization rates of 98% against a 90% target and 87% against a 64% target, respectively. Notably, criminal case backlogs were reduced by 45%, still 15 points above the 30% target, but a marked improvement shown in the management of judicial efficiency despite other setbacks. The Labour Court and Land Claims Court also exceeded their targets at 60% against a 58% target and 69% against a 60% target, respectively. The Competition Appeal Court and Electoral Court performed strongly, finalising 100% cases against an 85% target and 93% cases against a target of 90%, respectively.

Reserved judgments in all the High Courts were finalised at 69%, just shy of the 70% target.

Transitioning into the 2024/25 Financial Year, the overall court performance showed improvement with nine of the 14 targets achieved (64%). The Constitutional Court slightly exceeded its target of 70% by finalising 71% of its enrolled cases. The Supreme Court of Appeal excelled in its management of applications for leave to appeal by finalising 97% against the 80% benchmark. But the percentage of appeals it finalized dropped to 72%, below its target of 80%. (The Court attributes this drop

mainly to external factors such as counsel's availability, request for postponements and requests to supplement papers and join parties.)

The High Court Divisions continued their solid performance in respect of mental health applications by finalising 97% against the targeted 90% benchmark, and 88% of civil cases against the targeted 64% finalisation rate. Notably, criminal case backlog reductions improved further to 43%, two points lower than the previous year (a small improvement but an improvement nonetheless). However, some jurisdictions such as KwaZulu-Natal, Mpumalanga, Eastern Cape, Western Cape, Free State and Gauteng still registered less than ideal targets. The Electoral Court maintained perfect case finalisation rates, thus excelling in its critical role of dispensing electoral justice.

The results were not encouraging in the Labour Courts and the Competition Appeal Court which also fell short of their targets with the Labour Appeal Court finalising 71% of its matters as opposed to the targeted 80%, the Labour Courts finalising 55% of their matters as opposed to the targeted 58%, and the Competition Appeal Court finalising 77% of its case roll as opposed to the 85% target.

The finalization of 71% of the Constitutional Court case roll (387 matters out of a total of 544 matters), a slight improvement, and the excellent results achieved by the Supreme Court of Appeal and Labour Appeal Court in respect of the adjudication of applications for leave to appeal are somewhat heartening. But the national target for the reduction of criminal backlogs and finalization of criminal matters at the High Courts was not met, some of the reported reasons for this being that the cases involved multiple accused, the trials were lengthy, and the matters were complex.

Although the reserved judgment target was met, especially by the appeal courts, there was low finalization rate at the Constitutional Court. And that persists because of structural challenges in the Court. I should mention at this point, to address some of the concerns that have been raised about the performance of the Court, that as at 1 November 2025, judgment in 13 matters had been reserved for longer than 6 months, four of them from 2024:

- CCT 306/22 *Zolani Godloza v The State* (reserved on 07 March 2024 and delivered on 5 November 2025);

- CCT 175/23 *Reynolds Maleka v Timothy Boyce* N.O.(reserved on 12 September 2024);
- CCT 296/23 *Golden Core v Merafong Municipality* (reserved on 7 November 2024); and
- CCT 35/24 *EFF v Speaker of National Assembly* (reserved on 26 November 2024).

The main reasons for the non-achievement of reserved judgments targets in the Apex Court are that its schedule is significantly impacted by a heavy flow of high-profile, complex, and urgent matters that fall within its exclusive jurisdiction or ambit of direct access. These cases demand the intense attention of all the Justices, who sit *en banc*. And as the Apex Court and final arbiter, the matters enrolled in it typically involve extensive records including numerous sets of pleadings and written submissions and a multitude of parties resulting in a substantially greater volume of reading and preparation, compared to other Courts, in matters which often involve novel and intricate legal questions of law, demanding careful reflection, refined legal writing, extensive research and consideration of law sometimes beyond the Republic's borders.

Needless to say, the timely delivery of judgments is a priority for every Judge and every Court, including the Constitutional Court. The Judiciary is acutely aware and concerned that judgments are not always delivered within the prescribed time and that when this occurs, it unfortunately results in uncertainty in the law and any resultant impatience by litigants and interest groups is fully understandable. We can however assure everyone concerned that every effort is being made to deliver all outstanding judgments expeditiously. And the Constitutional Court, in particular, is engaged in processes to capacitate it, including constitutional amendments which will allow it to adjudicate some matters in smaller panels (such as the Supreme Court of Appeal which, as a direct result of this feature, has a long tradition of successfully dealing with its applications for leave to appeal swiftly and efficiently) and establishing a body of senior lawyers to assist the Court such as other Apex Courts, for example the Supreme Court of Canada, have.

To sum up, over these two Financial Years under review, the Superior Courts have demonstrated commendable progress in handling applications, mental health, civil,

and electoral matters, which contributes positively to strengthening the rule of law and engendering public trust. Yet, underperformance in criminal case and appeals finalisation, backlog management and reserved judgment delivery, as I have pointed out, persist as critical areas needing targeted interventions.

But it is not all hopeless. Despite the challenges, in the 2023/2024 Financial year, the total number of reserved judgments delivered by all Superior Courts increased by 32% from 5368 matters during 2022/2023 to 7062 during 2023/2024. The total number of judgments delivered within three months by all the Superior Courts during this period increased by 27% from 3853 matters to 4880. The figures continued to improve into the 2024/2025 Financial Year as the total number of reserved judgments delivered by all the Superior Courts increased by 8% from 7062 matters during 2023/2024 to 7611 during 2024/2025 and those delivered within three months increased by 12% from 4880 during 2023/2024 to 5441 matters during 2024/2025. (And it is important to note that these thousands of matters, and many more, are adjudicated by less than 250 extremely overburdened and hard-working judges.)

What is critical to point out is that efficient, effective administration of justice and sustained improvement all depend on robust institutional support, meaningful resource allocation, adequate judicial appointments, a safe working environment for all judicial officers, which remain unresolved, and continuous monitoring through bodies such as the Judicial Accountability Committee of the Heads of Court cluster who I laud for their tireless work in keeping a close eye on courts systems and operations to ensure that the judiciary is working. These measures are crucial to ensure that South Africa's courts, all the courts, not only meet but exceed performance expectations, thereby strengthening the foundation of our constitutional democracy.

Court performance of the Magistrates' Courts

Regional Courts Overview

I turn to the performance of the Magistrates' Courts and start with the Regional Courts which play a crucial role in our justice system, handling serious criminal matters such as murder, rape, robbery with aggravating circumstances, trafficking in persons, and serious commercial crimes, with the competency to impose life imprisonment and a

maximum fine of R600 000. These Courts also exercise civil jurisdiction in respect of important family law issues, including divorces and interim custody, and civil cases involving monetary claims ranging from R200,000 to R400,000.

The Regional Courts demonstrated active judicial performance during the 2023/24 Financial Year, utilising a total of 67,705 court days and 207,770 hours. They registered 41,420 new criminal cases and disposed of 40,709 cases, achieving an average court hour time of 3 hours and 4 minutes a day, below the 4 hours 30 minutes standard. The clearance rate was excellent at 98%, with trials enrolled at 2.42 per day and trials finalised at a rate of 0.29 cases per day. Throughput per case averaged 10 hours and 31 minutes.

Compared to the previous year, criminal court days rose by 4%, new cases increased by 11% and court hours increased by 10% while finalised cases slightly decreased by 1%.

Civil court performance took 13,939 court days and almost 28,033 hours. Civil cases finalisation rates totaled 55% for applications and 60% for trials, with average court hours of 2 hours, also below the norm of 4 hours 30 minutes. Enrolled applications and trials per day averaged 1.04 and 2.12 respectively. Year-on-year civil court days and enrolled cases showed modest increases (3% and 2%), while finalised cases remained unchanged.

Key case flow blockages which impacted court efficiency, mainly emanated from the Department of Justice & Constitutional Development (19%), Legal Aid South Africa (14%), prosecution services (13%), and private practitioners (13%). Challenges included court infrastructure issues, equipment faults, stakeholder unavailability, load shedding, adverse weather, and natural disasters.

Judgments were generally handed down within the prescribed three-month norm, with no prolonged reservation periods identified. Overall, the Regional Courts displayed commitment to transparency and judicial accountability, with ongoing efforts to monitor performance and address blockages, aiming to reduce trial delays and avoid lengthy incarcerations for awaiting trial detainees.

During the 2024/25 period, the Regional Courts utilised 65,461 court days and 204,327 court hours. They registered 41,512 new criminal cases and disposed of 40,072 cases. The courts achieved a 97% clearance rate, with an average of 3 hours 7 minutes per court session, which remains below the norm of 4 hours 30 minutes. Cases were enrolled at 2.43 per day and finalised at 0.30 per day, with an average throughput of 10 hours 17 minutes per case.

Compared to the 2023/24 Financial Year, court days decreased by 3%, finalised cases fell by 2%, court hours declined by 2%, and new cases remained constant. Regional variations revealed that the Northern Cape maintained an exceptional finalisation rate of 148%, while Limpopo had a much lower clearance rate of 55%. Gauteng and Western Cape also performed above 100% clearance rates.

In civil court matters, the courts used 12,926 court days and approximately 26,907 hours, with 24,035 applications enrolled and 13,351 finalised. Civil court performance showed 56% of applications and 60% of trials finalized, with average court hours of 2 hours 4 minutes. Year-on-year comparison showed a 7% decrease in court days, a 6% decrease in finalised cases, and a 4% reduction in court hours.

Again, key factors causing case flow blockages included prosecution services (15%), Legal Aid South Africa (15%), private practitioners (13%), accused persons (12%), and witnesses (11%). As previously, challenges involved infrastructure issues, stakeholder unavailability, equipment defects, load shedding, and adverse weather conditions.

Judgments were generally handed down within the required three-month period following hearings, with no significant delays reported. Indications are that the dedicated judicial officers of the Regional Courts remain steadfast accounting to the public. Efforts to monitor court performance rigorously, alongside proactive measures to address case flow blockages are central to continued progress.

District Courts Overview

The District Courts are equally vital to our justice delivery system, handling a broad range of criminal cases, with the exception of the most serious offences such as attempted murder, murder, treason, rape, and terrorism. In addition to criminal

jurisdiction, the District Courts have exclusive authority over preliminary inquiries under the Child Justice Act and handle civil matters up to R200,000, as well as crucial family law issues such as protection orders, children's courts, and maintenance matters.

During the 2023/24 Financial Year, the District Courts grappled with ongoing ICT challenges affecting data capturing and court management systems, with criminal case statistics left to the Magistrate's monthly returns, rather than the Integrated Case Management System, for collation and capturing. This led to limitations in reflecting true judicial performance. However, despite these challenges, the courts maintained strong performance indicators.

Key performance highlights included an average of 95% of criminal cases finalised across all Administrative Regions, with significant caseloads handled, such as over 725,000 cases in Gauteng (Johannesburg), thus achieving a 97% finalisation rate.

Child Justice preliminary inquiries, which are critical for the protection of children in conflict with the law, were finalized within 30 days at an average rate of 84%. Cape Town, Durban and Pietermaritzburg regions showed particularly high compliance, exceeding 90%.

Maintenance matters were finalized within 90 days at an average rate of 89%, reflecting a commitment to efficiently resolve family maintenance issues. The Eastern Cape B (Mthatha) region led with a 95% finalisation rate.

Challenges impacting case flow included deficiencies in court recording systems, language interpretation services, essential court infrastructure, and persistent load shedding, all affecting case finalisation rates and court operations.

The Department of Justice and Constitutional Development has committed to upgrading court ICT infrastructure by rolling out fibre optic connections and developing improved data capture tools in consultation with judicial officers, which should address the attendant challenges. Additionally, supervision and same-day data entry initiatives to enhance the accuracy and timeliness of statistics, enabling judicial officers to monitor performance more closely are necessary.

The District Efficiency and Enhancement Committees and Provincial Efficiency and Enhancement Committees have been working to strengthen stakeholder cooperation to overcome systemic blockages and improve overall court efficiency.

Owing to ongoing ICT challenges within the Department of Justice and Constitutional Development, during the 2024/25 Financial Year, criminal case data in the District Courts continued to be sourced from the Magistrates' monthly Judicial returns (MC 15 tool), which, as pointed out, does not fully reflect judicial performance according to Norms and Standards.

Challenges with capturing data for domestic violence and children's courts remain to date. Nevertheless, data on Child Justice preliminary inquiries and maintenance matters, covering 240 courts, was audited and found reliable, with the department receiving an unqualified audit opinion for the year.

Key performance highlights for 2024/25 include a strong average criminal case finalisation rate of 94% across all Administrative Regions, with the highest caseload in Gauteng (Pretoria) disposing of a staggering 721,615 cases at 97% finalisation.

Child Justice preliminary inquiries were finalised within 30 days at an average of 84%, demonstrating priority toward protecting vulnerable children. Durban and Pietermaritzburg achieved the highest rates at 95%. But Johannesburg lagged behind at 61%.

Maintenance matters were finalised within 90 days at 89% on average, reflecting the commitment to swiftly resolve matters protecting children's interests, with Mthatha leading again, at 91%.

Operational challenges impacting court efficiency included insufficient court recording systems, language interpretation support, laptops, printers, and the effects of persistent power and water outages on court functionality (which, incidentally, affects many courts across the country including the Constitutional Court).

Despite the ICT and infrastructural challenges, the District Courts maintained solid finalisation rates and remain focused on providing timely access to justice through continuous performance monitoring and enhanced stakeholder collaboration.

Judicial education and training

Judicial education and training are indispensable tools to maintaining a judiciary that is independent, impartial, dignified, accessible, and effective. Continuous professional development equips judicial officers with the necessary knowledge and skills to interpret and apply the law in an evolving legal landscape, ensuring that justice is served fairly and efficiently.

The South African Judicial Education Institute (SAJEI), which was established by the Judicial Education Institute Act of 2008, fulfils this vital role. Since commencing training in 2012, SAJEI has been guided by a Council comprising senior judicial officers (including the Chief Justice, the Deputy Chief Justice and the President of the Supreme Court of Appeal), legal professionals, academics, and representatives from the Executive and traditional leadership. This diverse body ensures that judicial education reflects the values and needs of our constitutional democracy while embracing innovation and inclusivity.

SAJEI's primary functions include developing and providing continuous education and professional training for serving and aspirant judicial officers, conducting research to improve judicial education, and promoting the quality and efficiency of justice delivery. It continues to deliver training for aspiring judicial officers at all three levels of the judiciary in line with section 5(b) of the SAJEI Act. The aim of the programmes is to contribute towards a pool of candidates eligible for appointment to the bench.

Of particular note is SAJEI's commitment to advancing gender transformation through the Aspirant Women Judges Programme. The programme is a flagship initiative that deserves special commendation for its vital role in addressing gender imbalance in South Africa's judiciary. The programme cultivates a capable pool of women ready to take up appointment in the High Court, with 100% of its graduates currently acting in these courts.

Launched in August 2007 and recently re-named in honour of Ambassador Brigitte Mabandla, a former Minister of Justice who, in collaboration with the South African Chapter of the International Association of Judges, conceived this brilliant initiative during her tenure in Cabinet, the programme offers intensive training, mentorship,

and practical exposure to women magistrates and legal practitioners with at least 12 years of experience.² Many of the original graduates have since risen to prominent judicial positions, with some now serving as senior judges, including at the Supreme Court of Appeal. This highlights the programme's success in equipping women with the skills, knowledge, and confidence necessary to serve at the highest levels of the Judiciary. SAJEI's dedicated efforts through this programme are pivotal not only for the promotion of gender equality but also in enhancing the representation, legitimacy, and effectiveness of the South African judicial system.

SAJEI is mindful of the financial constraints facing legal practitioners participating in the programme who must leave their practices and source of income to attend the compulsory training, has actively sought funding to provide a stipend to these candidates, often with difficulty. But, laudably, it has not abandoned the programme. During the 2023/24 Financial Year, 12 aspirant women judges graduated from the programme. SAJEI is currently in receipt of 104 applications for the upcoming cohort and the interest in the training and positive outcomes continue to grow.

In the periods under review, SAJEI delivered 122 judicial education courses, exceeding its target of 115. The curriculum has been aligned with contemporary legal developments, providing training on pressing issues such as illegal wildlife trafficking, climate change, artificial intelligence, and the use of CHATGPT. Online courses, especially targeted at District Court Magistrates, have expanded access and enriched judicial understanding of complex and emerging topics.

SAJEI also serves an important continental role, among others, supporting the Africa Electoral Justice Network by hosting webinars that build capacity for electoral justice in preparation for elections, thus bolstering democratic processes across Africa.

Despite a slight decrease in participant numbers due to connectivity issues caused by load shedding, over 3,700 delegates attended SAJEI training sessions in both periods under review, including newly appointed judges, magistrates at various levels, aspirant judges, and foreign judicial officers.

² [SAJEI Call for applications: second women aspirant judges programme](#)

SAJEI has published the sixth edition of the Journal which has been accredited by the Department of Higher Education and Training since 2023. The journal promotes scholarly contributions from the judiciary, legal professionals and academics. Through publications and training, SAJEI has cultivated a culture of continuous professional development.

SAJEI's recently published book of essays, authored by judges, has made a significant contribution to judicial education by providing critical insights, research, and reflections on contemporary judicial challenges and transformation. This publication not only enriches the knowledge base of judicial officers but also fosters dialogue and learning essential for the evolution of a more effective and inclusive judiciary.

Complementing its educational initiatives, SAJEI has been given the crucial responsibility of training judges and magistrates on the newly adopted Sexual Harassment Policy of the South African Judiciary. This training will play an instrumental role in shaping a judiciary that upholds dignity, equality, and accountability, addressing systemic issues of misconduct and fostering a culture of respect and safety within court environments. These efforts underscore SAJEI's pivotal role in strengthening the quality, integrity, and transformation of the South African judicial system.

The Institute's sterling efforts ensure that our Judiciary remains competent, responsive, and equipped to meet the challenges of modern justice administration for all South Africans.

Judicial Appointments and Retirements

Appointments

It is also important to consider the critical processes of judicial appointments. These processes ensure that our courts are staffed with competent, diverse, and dedicated individuals who uphold the integrity and independence of the Judiciary, thereby sustaining the constitutional promise of justice for all.

This item is discussed fully in the Annual Reports of the Judicial Service Commission (JSC), which were inadvertently omitted from these Reports, but I will briefly discuss the JSC and its activities here too because of their relevance.

In terms of section 174(6) of the Constitution, the President appoints Judges of all Superior Courts based on the advice of the Judicial Service Commission (JSC). The JSC is the constitutional body established in terms of section 178 of the Constitution and tasked with this responsibility. Its primary functions are to:

- a) interview candidates for appointment as Judges and advise the President as to which candidates to appoint as Judges or, in the case of Judges of the Constitutional Court, to provide the President with a list of candidates from whom the President will make appointments;
- b) deal with certain complaints against Judges through the Judicial Conduct Committee (JCC) or Judicial Conduct Tribunal (JCT) established in terms of the JSC Act. The Commission deals with matters referred to it by the JCC and also with others that are referred to it by the JCT; and
- c) advise National Government on any matter relating to the Judiciary or the administration of justice but when it considers any matter except the appointment of a judge, it must sit without the members designated in terms of section 178(1)(h) and (i) of the Constitution.

During the two periods under review, the JSC met on five occasions. These sittings were convened as part of the Commission's bi-annual sittings to receive a briefing from both the Chief Justice and the Minister of Justice and Constitutional Development about matters that affect the courts, to address issues that affect the Judiciary and to interview and recommend candidates for vacancies that arose in the various Superior Courts.

During the 2023/24 Financial Year, 35 vacancies arose in the Superior Courts. The Commission interviewed candidates and advised the President to appoint 24 individuals, all of whom were subsequently appointed. In the 2024/25 Financial Year, 33 vacancies arose in the Superior Courts. The Commission interviewed candidates and advised the President to appoint 27 individuals, all of whom were subsequently appointed. Significant appointments in 2023/24 included Justice Molemela as the

President of the Supreme Court of Appeal, to fill the vacancy that arose upon my appointment as the Deputy Chief Justice. In the 2024/25 period I was appointed Chief Justice and Justice Zondi was appointed as the Deputy President of the Supreme Court of Appeal, both appointments effective from 1 September 2024.

It is important to note that the gender demographic of the Judiciary is finally undergoing positive and discernible transformation. In 2023/24, the gender composition of newly appointed Judges comprised 14 females, representing 56% and 11 males representing 44%. Of the 29 Judges appointed in 2024/25 Financial Year, 14 were women (48%) and 15 men (52%). On the race component, the Judiciary comprises 49% African Judges, 31% White Judges, 11% Coloured Judges and 9% Indian Judges with a gender balance close to parity: 51% males and 49% females across Superior Courts, in some courts with the women judges in the majority.

Notably, the Supreme Court of Appeal, stands out as a beacon of gender transformation within South Africa's Judiciary, with a majority of its judges (13 out of 23) 56%, being women - a remarkable achievement that underscores the progress toward greater inclusivity at the highest appellate level. The Constitutional Court, South Africa's apex court, also comprises a diverse bench that, of the nine permanently occupied positions, includes four women Justices (a Coloured woman Justice and three African women Justices) a White male Justice, an Indian male Justice, a Coloured male Justice, and two African male Justices. These demographics reflect a commitment to representation and equality.

In terms of judicial leadership, women hold significant positions across the Judiciary: the Chief Justice who leads the entire Judiciary and the Constitutional Court, for the first time in the history of South Africa, the President of the Supreme Court of Appeal, the Judges President of the KwaZulu-Natal, Mpumalanga and Western Cape Divisions of the High Court, three women out of nine Judge Presidents in the nine provincial divisions of the High Court, and five women Deputy Judges President in the nine High Court divisions. One of the four specialised courts, the Land Court, is led by women in both the Judge President and Deputy Judge President positions. Women occupy six of the nine positions of Regional Court Presidents and 15 out of 19 Chief Magistrates in multiple stations across the country. Collectively, these leadership demographics signify meaningful strides toward a Judiciary that mirrors

the nation's demographic composition and advances gender equality at each of its tiers.

Notably, Divisions of the High Court have achieved or exceeded 50% female representation, reflecting ongoing progress in gender transformation

During the 2023/24 Financial Year in the Magistrates Courts, a total of 48 Magistrates were appointed, of which 52% (25 of 48) were black females, 25% (12 of 48) were black males, 8% (4 of 48) were white females and 15% (7 of 48) were white males. The race and gender composition of the Magistrates' Courts establishment is made up of 23% African females (336 of 1 475), 25% African males (366 of 1 475), 13% white females (196 of 1 475) and 13% white males (190 of 1 475).

During the 2024/2025 Financial Years, a total of 227 Magistrates were appointed, of which 28% (64 of 227) were African males, 32% (72 of 227) were African females, 3% (7 of 227) were Indian males, 7% (15 of 227) were Indian females, 4% (8 of 227) were Coloured males, 8% (19 of 227) were Coloured females, 7% (16 of 227) were White males and 11% (26 of 227) were White females. The race and gender composition of the Magistrates' Courts establishment is made up of 28% African females (448 of 1,717), 23% African males (402 of 1,717), 12% White females (204 of 1,717) and 11% White males (190 of 1,717).

Retirements

Retirements also marked this reporting period significantly, with several Judges and Magistrates discharged from active service, including Judges at the Constitutional Court, the Supreme Court of Appeal, various High Courts, and the Labour Court.

These transitions create opportunities to infuse fresh talent and perspectives into the Judiciary and help it to sustain its dynamism and responsiveness. But there is a downside when this happens *en masse*. While retirements mark an inevitable and natural transition within the institution, some Divisions have experienced a significant loss of institutional memory and senior expertise. The KwaZulu-Natal Division, for example, following the Supreme Court of Appeal, has seen the retirement of a number of senior judges in quick succession, which created a sizable gap in critical areas such as commercial law. This presents a challenge in maintaining judicial continuity

and underscores the urgency of consistently building a strong pool of competent candidates from which judicial appointments can be made as the need arises. SAJEL's training and mentoring programmes are, therefore, indispensable, as they play a critical role in equipping aspirant judges with the skills and knowledge necessary to fill these voids and ensure the sustained quality and stability of the Judiciary.

The continuous cycle of appointments and retirements, when coupled with dedicated judicial education, strengthens the Judiciary's capacity to uphold constitutional values, administer justice fairly, and maintain public confidence in our courts. It is our collective responsibility to ensure that these processes remain transparent, merit-based, and aligned with our national imperatives of diversity, transformation, and excellence.

The Judicial Service Commission related matters

As to the general work of the JSC, as I have mentioned earlier, one of its primary responsibilities is adjudicating certain complaints against Judges through the JCC or JCTs established in terms of the JSC Act.

The JCC consists of the Chief Justice, the Deputy Chief Justice and four other Judges, two of whom must be women, as contemplated in section 8 of the JSC Act.

An overview of the complaints received over the past three years shows a significant increase of complaints each year. For the reporting period 2022/23 Financial Year, 93 complaints were received. Of these, 72 (77%) were resolved and 21 (23%) were carried over to the 2023/24 Financial Year. Of the 21, 14 (67%) were resolved in the 2023/24 Financial Year and seven (33%) were carried over to the 2024/25 Financial Year. Of the seven, none were resolved in the period under review and are pending during the current, 2025/26 Financial Year.

For the previous reporting period, namely the 2023/24 Financial Year, 125 complaints were received. Of these, 70 (56%) were resolved and 55 (44%) were carried over to the 2024/25 Financial Year. Of the 55, six (11%) complaints were resolved and 49 (89%) are carried over to the 2025/26 Financial Year.

For the 2024/25 Financial Year, 132 complaints were received, and 38 (29%) complaints were resolved, whilst 94 (71%) were pending at the end of the current Financial Year and then carried forward to the current Financial Year (2025/26).

The backlog in the complaints process can be attributed to many factors such as the challenges faced by the JCC's composition, in particular the small number of its members. Encouragingly, legislative amendments to increase the number of Judges who serve of the JCC are in progress at the instance of the Chief Justice and the JCC.

Another challenge arises from the JSC Act³ which requires that when a complaint is lodged, the Chairperson must deal with the complaint in terms of section 15,16 or 17 of the JSC Act. This has put a lot of pressure on the Chairperson, who is the Chief Justice or the Deputy Chief Justice where the Chairperson has delegated his or her powers or functions as Chairperson to him or her. The challenges faced by the Chairperson or Acting Chairperson are that they are sitting judges of the Constitutional Court and leaders of the Judiciary with many other responsibilities which results in a lot of work for them. The JCC has made further proposals with a view to amending the JSC Act to resolve this issue as well.

The lack of resources in the administrative support to the JCC and JCTs has also contributed immensely to the slow pace of dealing with complaints although the OCJ has made efforts to ensure that the Secretariat is capacitated to provide support to the JCC. Also, the influx of complaints received against acting judges, who are mostly practitioners, has only aggravated the situation as the JCC lacks jurisdiction to entertain complaints brought against them. But the Heads of Court and the JCC are engaging the Legal Practice Council, which has the necessary disciplinary authority in this regard. The complaint processes are also not immune to legal challenges, which, unfortunately, negatively impacts the speed with which the complaints are finalised.

³ Judicial Service Commission Act 9 of 1994 sec 14(2)

Measures have been put in place to capacitate the JCC with a retired Justice of the Constitutional Court and two retired Justices of the Supreme Court of Appeal. This initiative has improved the efficiency of the JCC and has ensured that complaints are disposed of timeously.

Five JCT's were established by the Chief Justice in terms of section 21 of the JSC Act during the period under review. Noteworthy is that three have finalized their proceedings and produced reports which are in the process of implementation and two are in the final stages of their proceedings.

I wish to take this opportunity to thank my colleagues in the Commission, both in the main structure that the country sees interviewing judicial candidates and the Judicial Conduct Tribunals and the Judicial Conduct Committee for their hard work, which takes place behind the scenes, for which they are not paid and no one sees.

The JSC has worked hard to restore its credibility as a constitutional body, and is committed to enhancing the credibility and efficiency of the judicial appointment processes and adopting a more strategic approach to identifying and recruiting a diverse and talented bench.

Extra-judicial contributions

The Judiciary's role extends far beyond the courtroom, with many members actively contributing to society through a broad range of extra-judicial positions. These roles encompass leadership in judicial education, university administration, law reform bodies, community organisations, professional associations and other civic structures.

Many judges and magistrates serve as trustees, patrons and members of cultural institutions, chairs and members of law reform committees, university chancellors, council members and teachers, leaders in community organizations, authors and, importantly, mentors of the next generation of lawyers and judicial officers. These engagements demonstrate the Judiciary's commitment to fostering justice, education, legal development, and social cohesion beyond strictly adjudicative functions.

This broader societal involvement enriches judicial perspectives, enhances public trust, and reinforces the Judiciary's foundational role in supporting democracy, human

rights, and the rule of law in South Africa. It is testament to how judicial officers embody their duty not only as arbiters of legal disputes but also as active, responsible citizens shaping a just and inclusive society. And I thank colleagues who take valuable time out of their busy work diaries to serve their nation in these positions.

The Sexual Harassment Policy and Gender Desk

One of the Judiciary's most significant achievements, despite all the challenges, has been the period under review has been the adoption of a revamped South African Judiciary Sexual Harassment Policy on Women's Day, 9 August 2025. This significant milestone has been a long time coming and is a result of a challenging journey of many years towards creating a workplace within the institution in which respect and dignity thrive.

Recognising that the Judiciary is not exempt from experiencing, and perpetrating sexual harassment, the Policy ensures that systems of accountability and protection are put in place to address misconduct and create safer working environments. For many years, voices both within and outside the Judiciary have called for stronger protections against sexual harassment. These calls echoed the broader societal shifts and demands in a South Africa which continues to confront the harmful legacies of inequality, exclusion and exploitation.

The introduction of this Sexual Harassment Policy thus marks a pivotal moment in the history of our judicial system – a tangible, formal step that, according to both anecdotal accounts and objective evidence, acknowledges the lived realities of a number of individuals who work in this institution. It reflects the Judiciary's evolution from a system once (and perhaps still so in some pockets) reluctant to address such matters openly, to one now proactive and transparent in its commitment to justice not only in its rulings but in workplace conduct. This progression resonates deeply with our constitutional values. It affirms the Judiciary's unwavering commitment to the Constitutional values of human dignity, equality, and justice and to lead by example in institutional reforms.

This Policy stands as a clear and unequivocal declaration that sexual harassment, in any form, will not be tolerated in our judicial system. It applies to all judicial officers, permanently appointed and acting, and covers all circumstances, private and public,

in which the business of the Judiciary is conducted. Its core principles are guided by a victim-centred approach and they include confidentiality, accountability, non-discrimination, fairness, support and protection against victimisation and retaliation. The reporting system of the Policy also follows a victim-sensitive approach and is characterized by ensuring that allegations are dealt with seriously, expeditiously, sensitively, and confidentially.

Simultaneously with the launch of the Sexual Harassment Policy, an interim Gender Desk and focal point for the reporting of sexual harassment complaints has been established in the Private Office of the Chief Justice while the Judiciary's supporting arm, the Office of the Chief Justice, assisted by the Department of Justice and Constitutional Development, work towards establishing a fully-fledged Gender Unit in the Office of the Chief Justice. The establishment of the interim Gender Desk is to ensure the immediate implementation and monitoring of the Policy while arrangements are made for a more permanent, fully-fledged Gender Unit. The location of the interim Gender Desk is at the Constitutional Court in Braamfontein, Johannesburg under the direct supervision of the Chief Justice. This signals a vital shift in how the judiciary responds to these issues, not as isolated Human Resources concerns, but as matters of institutional integrity and judicial ethics envisaged by the Constitution and relevant law.

As required by the Policy, all role players, including the Gender Desk, the Heads of the Superior and Lower Judiciary, the Office of the Chief Justice, the JSC, the Magistrates Commission, and the SAJEI, must within six months of the launch of the Policy submit implementation plans. The implementation plan will play a crucial role in ensuring a streamlined approach to addressing sexual harassment, outlining the practical steps and defining the roles and responsibilities of each role-player. It will include essential aspects such as the administrative systems that will be utilised, the designated liaisons and their duties, the training needs, resource allocation and budget implications.

In compliance with the training requirements set out in the Policy, the SAJEI has commenced a procurement process to acquire a standardised online anti-sexual harassment training course for all members of the Judiciary. This is a project that will require specialised expertise to ensure that the training is meticulously tailored to the

Policy and it reflects the unique dynamics of a court environment. In the meantime, the SAJEI has held webinars for all judicial officers in order to enhance awareness and understanding of the Policy and reinforce its implementation throughout the Judiciary. The webinars created a platform for honest dialogue, reflection, education and a call to action for the Judiciary as a guardian of justice. Furthermore, discussions in various individual courts are taking place amongst judicial officers and staff members to enhance the awareness building and encourage the use of strategies to prevent the occurrences of sexual harassment. These engagements have highlighted some important challenges in the implementation of the Policy which will require a collaborative effort in addressing them.

Institutional Independence

An issue of profound significance to the very foundation of our constitutional democracy is the development concerning the institutional independence of the Judiciary. The transformation of the Judiciary has long been a cornerstone of government efforts to fortify constitutional governance. As enshrined in Section 165(4) of our Constitution, organs of State are mandated, through legislative and other measures, to assist and protect the courts to ensure their independence, impartiality, dignity, accessibility, and effectiveness.

Historically, the administration of justice, including judicial governance, was directly controlled by the Minister of Justice under previous constitutions. Post democracy, an era of judiciary-led administration dawned, ushering in institutions such as the Judicial Service Commission, Magistrates Commission, and the Office of the Chief Justice as a national department. This transformation aimed to delink the Judiciary from executive control, assigning the Chief Justice powers to oversee the administration of the Superior Courts.

On 6 June 2025, a historic meeting between the Presidency, including key Ministers and the Chief Justice-led judicial delegation, reaffirmed the shared commitment to building a stronger, more effective justice system rooted firmly in constitutional values. This engagement marked a pivotal milestone in advancing the judiciary-led court administration model and signaled the Executive's in-principle agreement that

reforms are necessary to realise the judiciary's long-cherished aspiration of institutional independence.

The independence envisaged is multifaceted, encompassing individual judicial independence and institutional autonomy characterised by financial security, security of tenure, and administrative independence. Paramount among these is financial independence - enabling the Judiciary to budget for, access, and manage its resources without undue interference.

It is envisaged that the Judiciary shall be empowered through a legislative framework akin to that which governs Parliament's financial management, ensuring robust governance structures and accountability mechanisms. The fine detail of the Institutional Model is being negotiated. But it has been agreed that the transfer of administrative functions from the Department of Justice to the OCJ will occur in two phases, beginning with shared and retained services from 1 April 2026 - covering facilities management, security, court recording technology, transcription, and library services.

A draft Cabinet Memorandum and skeleton Bill have been prepared to operationalise full institutional independence, including establishing a unified Judiciary. The Cabinet has endorsed progressing this legislation via the Justice Ministerial Cluster.

The ongoing discussions and negotiations between the Judiciary and the Executive are set to provide guidance toward judicial institutional independence - an evolution indispensable for safeguarding the rule of law, reinforcing public trust, and ensuring the Judiciary fulfills its constitutional mandate unfettered by external influences.

It is incumbent on all of us, as custodians of justice, to embrace this transformation resolutely, for the promise of constitutionalism rests on an independent, impartial, and empowered Judiciary.

Closing Remarks

In closing, it is with deep concern that we acknowledge reports indicating that public confidence in the Judiciary has waned, accompanied by troubling perceptions tarnishing the integrity and honor of this revered institution. Judicial officers are

sometimes accused of misconduct and incompetence, claims that strike at the very heart of justice and threaten to erode trust in the rule of law. However, it is important to emphasize that the Judicial Service Commission and the Magistrates Commission respond with the utmost seriousness to charges of impropriety within the judicial ranks. They do not hesitate to investigate complaints brought against judicial officers and take necessary, decisive action against those found guilty - doing so as expeditiously as possible.

This rigorous oversight underscores the Judiciary's commitment to upholding its ethical standards, maintaining accountability, and restoring confidence in an institution fundamental to our democracy and constitutional order.

The Judiciary of South Africa remains steadfast in its ongoing commitment to justice, integrity, and constitutionalism. As recently reaffirmed in the media statements issued by the Office of the Chief Justice, the Judiciary strives to uphold the highest standards of impartiality, independence, and respect for the rule of law, recognizing that these values are essential pillars sustaining our constitutional democracy. It cannot be overemphasized that the courts are guardians of the Constitution and that every judicial officer bears a profound responsibility to exercise their duties with integrity, ensuring that justice is administered fairly and without prejudice.

This commitment extends to fostering a judicial environment that respects human dignity and equality, as evidenced by recent pioneering steps such as the adoption and implementation of the Sexual Harassment Policy. The Judiciary's dedication to continuous improvement, enhanced accountability, and the protection of constitutional rights embodies its promise to serve the people of South Africa with fairness and excellence, ensuring the Constitution's spirit permeates every facet of justice in the land.

In calling for collective action and vigilance in safeguarding judicial independence and public trust, it is imperative to remember that the Constitution places this responsibility squarely on the shoulders of every citizen. Judicial independence is not an abstract ideal but the cornerstone of a functional democracy and the rule of law. Section 165(2) of the Constitution affirmatively states that courts are independent and subject only to the Constitution and the law, which they must apply impartially and without fear,

favour, or prejudice. This independence ensures that justice is administered fairly and without undue influence from any person or organ of state. Therefore, the public's role in watching over the Judiciary is vital - not as a source of undermining, but as constructive oversight that holds judicial officers accountable while respecting their necessary autonomy.

Citizens must not hesitate to critique the Judiciary where it is warranted. But they should do so constructively, recognizing that honest scrutiny strengthens rather than weakens our justice system and democracy. By embracing this balanced vigilance, we collectively preserve the integrity of the Judiciary, ensuring it continues to serve as a guardian of freedom, equality, and constitutionalism for all South Africans.

I take this moment to express our collective gratitude to all who have demonstrated unwavering dedication and service to the noble cause of justice. While the Republic and her people confront profound and multifaceted challenges, South Africans have repeatedly exemplified resilience and fortitude in the face of adversity. This enduring spirit of courage fortifies our shared commitment to the grand project of building a prosperous, equitable, inclusive, and just nation - an endeavour that remains imperative and resolute. May we continue to labour steadfastly, in close unity, to secure the promise of our Constitution and the deep aspirations of our people.

Thank You