



2026 **JUDICIARY** CONFERENCE

TOWARDS A SINGLE, INSTITUTIONALLY
INDEPENDENT AND ACCOUNTABLE JUDICIARY



2026 Judiciary Conference Resolutions 16 July 2026

#JudiciaryConference2026



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Conference Resolutions

Towards a Single, Institutionally Independent, and Accountable Judiciary

PREAMBLE

WE, the participants in the 2026 Judiciary Conference, convened in Umhlanga, Durban, South Africa, from 13 to 16 July 2026, under the theme "Towards a Single, Institutionally Independent, and Accountable Judiciary";

RECALLING the resolutions adopted at the 2023 Judges Conference and the continuing institutional project of building a single, effective and fully independent Judiciary;

REAFFIRMING the Judiciary's commitment to the establishment of a single, unified Judiciary as a constitutionally independent and an equal branch of the State which is inclusive of the Magistracy.

RECOGNISING that judicial independence, accountability, integrity, resourcing and institutional capacity are interconnected and must be addressed together;

ACKNOWLEDGING the progress made since the previous Conference and the remaining work required to secure durable institutional arrangements for the Judiciary;

RECOGNISING the importance of transparent communication, regular reporting and inclusive engagement in addressing information asymmetries relating to judicial governance and institutional processes.

EMPHASISING that judicial independence is inseparable from judicial accountability, ethical conduct and performance.

MINDFUL that the resolutions adopted by this Conference must be practical, implementable and capable of guiding institutional follow-up;

HEREBY ADOPT these resolutions:

1. INSTITUTIONAL INDEPENDENCE AND JUDICIAL ACCOUNTABILITY

Recognising the progress made since the 2023 Judges' Conference, particularly the transfer of identified shared and retained services to the Office of the Chief Justice, but noting that the establishment of a single, unified and institutionally independent Judiciary remains incomplete and requires an appropriate legislative and governance framework, the Conference resolves:

- 1.1 The Judiciary Technical Committee tasked with the single judiciary process should develop a Judiciary-led court administration and governance model and the legislative proposals to establish a single fully institutionally independent Judiciary. It is the sole representative forum through which the Judiciary engages the Executive on matters relating to this process.
- 1.2 A coordinated implementation plan, with defined milestones, timeframes and adequate resourcing, should be adopted to guide the transition to a single Judiciary. This includes the migration of the Magistrates' Courts and associated administrative functions to the Office of the Chief Justice. The transfer of administrative functions and personnel should be implemented through a constitutionally and legislatively compliant process that appropriately addresses employment and service conditions, infrastructure and proper allocation of funding.
- 1.3 A sustainable funding model should be established to secure the Judiciary's financial independence and accountability for public funds. Legislation governing the financial management and administration of the Judiciary should provide an appropriate framework for budgeting, financial administration and accountability consistent with constitutional principles.
- 1.4 Functions that do not require legislative amendment should be transferred immediately through appropriate memoranda of understanding and service level agreements.

2. RESOURCING AS A CONSTITUTIONAL SAFEGUARD OF INDEPENDENCE

Recognising that adequate remuneration, benefits, staffing, research support, infrastructure and training are necessary for judicial independence and the effective administration of justice, Conference resolves:

- 2.1 The Judiciary reaffirms the 2023 resolution that the salaries, allowances and benefits of Judicial Officers should be dealt with through an independent statutory body specifically suited to the constitutional position of the Judiciary. The Judiciary should continue engagement with the Executive on the establishment of such a body.
- 2.2 Remuneration reviews should be conducted through a transparent, evidence-based and timeous process. This process must provide Judicial Officers with

access to the relevant information and a meaningful opportunity to participate before any final position is adopted. The remuneration framework should provide for regular reviews, clear timeframes and properly reasoned recommendations. It should take into account the responsibilities of Judicial Officers, changes in the cost of living, workload, recruitment and retention requirements, and the need for fiscal sustainability.

- 2.3 Noting that the investigations contemplated in the 2023 Resolutions pertaining to the devolution of Judicial Officers' salary and benefits upon death has not commenced, a Committee should be established to investigate:
 - 2.3.1 Appropriate amendments to the Judges' Remuneration and Conditions of Employment Act 47 of 2001 to extend benefits to dependents;
 - 2.3.2 The pension arrangements applicable to Magistrates under the Government Employees Pension Fund; and
 - 2.3.3 The viability and implications of membership of PARMED by all members of the Judiciary.
- 2.4 The Judiciary should consider directing the relevant judicial governance and administrative structures to assess the tools of trade, staffing, information and communication technology, court-recording, interpretation, library, facilities and infrastructure and security requirements of all courts, and to develop a prioritised and adequately costed implementation plan to address identified deficiencies.
- 2.5 Noting the disproportionate provision of support at the different levels of the courts, the Office of the Chief Justice should develop and implement a national law researcher model that provides equitable research support across all court levels, having regard to the workload, caseload and complexity of the work performed by each court.
- 2.6 The South African Judicial Education Institute should be capacitated to meet the training and development needs of all Judicial Officers.

3. CODE OF JUDICIAL CONDUCT AND NORMS AND STANDARDS

The Judiciary notes the progress made in implementing the 2023 Judges' Conference resolution to review the Code of Judicial Conduct and the Norms and Standards for the Performance of Judicial Functions, including the establishment of the Judicial Conduct and Norms and Standards Review Committee, which includes the review of the Code of Conduct for the Magistracy, and the completion of the initial consultation process, Conference resolves:

- 3.1 The review of the Code(s) of Judicial Conduct and the Norms and Standards should be finalised through the constituted Review Committee to establish a harmonised ethics, performance and accountability framework for a single Judiciary, founded on common ethical standards while recognising the differing operational realities of the various court tiers.

- 3.2 A methodology and governance process should be established to ensure the regular review of the Code(s) of Judicial Conduct, the Norms and Standards and related judicial governance instruments, in accordance with the legislative framework and to ensure that they remain responsive to constitutional, institutional and technological developments.
- 3.3 The issue regarding reserved judgments and timeframes for their delivery was considered. It was noted that the Review Committee is engaging with these issues and Conference urges members of the Judiciary to actively participate in the work of the Committee.
- 3.4 The review should clarify the distinct but complementary purposes of the Code(s) of Judicial Conduct and the Norms and Standards, distinguish unsatisfactory performance from judicial misconduct, and provide fair escalation pathways that allow for appropriate support and corrective intervention before disciplinary processes are invoked.

4. JUDICIAL APPOINTMENTS, ETHICS AND DISCIPLINE

Recognising that coherent, fair and effective arrangements for the appointment and discipline of all Judicial Officers are essential to a single and accountable Judiciary, Conference resolves:

- 4.1 Noting the disconnect in legislation regulating Judges and Magistrates respectively, the relevant legislation should be amended to bring all appointments and matters of discipline under a single legislative regime.
- 4.2 The Judiciary should refer to the Judicial Service Commission and the Magistrates Commission, the review of the relevant legislation to address the accountability gap that may arise where conduct is committed during an acting judicial appointment but the complaint is lodged or determined after the appointment has ended, including the position concerning outstanding judgments and serious misconduct.
- 4.3 Pending the conclusion of the process in 4.1, the Judicial Service Commission and the Magistrates Commission should address the capacity and operation of their respective complaints and disciplinary systems to ensure speedy and efficient systems.

5. INFORMATION COMMUNICATION TECHNOLOGY, DIGITISATION AND ARTIFICIAL INTELLIGENCE

Recognising that digital modernisation and artificial intelligence (AI) present significant opportunities and risks for the administration of justice, and that their development and use must be governed by the Judiciary to safeguard judicial independence, constitutional values and public confidence, Conference resolves:

- 5.1 To expedite the modernisation of court infrastructure and digital court systems to enhance access to justice, including the implementation of integrated case management, electronic filing, supported by the necessary ICT infrastructure, cybersecurity and human resources.
- 5.2 The Judiciary Administration and Information Technology Steering Committee should finalise the Draft Policy on Artificial Intelligence informed by the benefits and risks arising from the use of AI, for adoption. The draft AI Policy should clearly define the distinction between administrative and adjudicative functions by articulating, with greater specificity, the permissible and prohibited uses of AI, to safeguard confidentiality, the integrity of the administration of justice, and provide certainty to judicial officers.
- 5.3 The Judiciary should retain ownership and governance over the development, procurement and use of AI systems to ensure that human oversight, judicial reasoning and judicial determination remain central to their use, and that training data and data inputs reflect South Africa's constitutional values and transformative jurisprudence.
- 5.4 The Judiciary should leverage AI through customised and secure platforms, initially focusing on efficiency tools, including court recording and transcription, translation, case management and document summarisation, to reduce delays and enhance access to justice.
- 5.5 The Judiciary should provide ongoing education on the responsible use of AI, including prompt design and verification, while ensuring the continued development and maintenance of the critical legal research, analytical, reasoning and judgment-writing skills that underpin judicial decision-making.
- 5.6 The Judiciary should develop coordinated and innovative public communication strategies, including judgment summaries, digital platforms and official social media channels, to improve public understanding of the work of the courts, counter misinformation and strengthen public confidence in the administration of justice.

6. JUDICIAL WELLNESS

- 6.1 Judicial wellness is recognised as a standing institutional programme and should be included in the Judiciary's planning and budgeting processes.
- 6.2 A preventative and supportive framework should be developed to facilitate early identification and intervention where a Judicial Officer experiences professional, workload-related or personal difficulty that may affect the performance of judicial functions, including through continuing judicial education, mentoring, peer support and wellness assistance.

THUS ADOPTED at Umhlanga, Durban, South Africa, on 16 July 2026.