

*Enhancing Judicial Excellence*

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**2014/2015 TRAINING REPORT**

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1. **EXECUTIVE SUMMARY**

The 2014/15 program was reviewed by SAJEI Committees and approved by the Council. A list of topics dealt with during the workshops is included in this report to enable the Council to review and provide comments.

Three Aspirant Judges workshops were planned for this current financial year but only two took place. The third workshop was cancelled due to a low number of selected applicants. Since the inception of SAJEI a total of 158 delegates have attended both Basic and Advanced Aspirant Judges workshops.

For the Regional Magistrates, 21 workshops were approved but only 15 took place largely due to lack of dedicated Judicial Educators. Regarding District Magistrates, 101 workshops were approved and only 60 took place due to non-receipt of RSVPs timeously and lack of dedicated Judicial officers. The leadership of the District Magistracy is addressing the matter.

In January 2015, a week-long seminar took place attended by 48 Judges. The seminar was well received and SAJEI managed to obtain feedback from Judges on their future training needs. A list is included in the report.

Traditional Leaders from five provinces attended Judicial skills workshops conducted by Regional Magistrates and Senior District Magistrates. A total of 190 Traditional Leaders have been trained. Free State and Northern Cape had one combined workshop.

As reflected in the report, SAJEI has performed very well on a quarterly basis regarding the number of workshops conducted. The Regional Magistrates and senior District Magistrates who served as Judicial Educators have to be commended for the dedication, support and excellent service.

The Council has approved 2015/16 courses on the 5th of December 2014. A list of centralized and decentralized programmes for Regional and District Magistrates is in the report. The objectives for each programme of the District Magistrates were identified by a team led by Mr O. Krieling.

SAJEI has established partnerships with a number of stakeholders interested in judicial training. Through these partnerships, SAJEI will be able to expose Judicial officers to best local and international practices. Some of the training interventions have been conducted with the assistance of the partners.

SAJEI has started a long term project on E-learning to address the risk of not being able to reach all Judicial officers. A draft proposal is being reviewed.

1. **SUMMARY OF APPROVED PROGRAMS**
	1. **ASPIRANT JUDGES**
		1. **SUMMARY OF PLANNED AND CONDUCTED COURSE**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **COURSES** | **PLANNED** | **CONDUCTED** |
| 1 | Basic Aspirant Judges | 2 | 1 |
| 2 | Advanced Aspirant Judge | 1 | 1 |
| **TOTAL** | **3** | **2** |

* 1. **REGIONAL MAGISTRATES**
		1. **SUMMARY OF PLANNED AND CONDUCTED COURSES**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **COURSES** | **PLANNED** | **CONDUCTED** |
| 1 | Mentoring | 2 | 0 |
| 2 | Judgement writing | 1 | 0 |
| 3 | Civil Adjudication | 8 | 6 |
| 4 | Sexual Offences and Trafficking in Persons | 9 | 8 |
| 5 | Newly Appointed Regional Magistrates | 1 | 1 |
| **TOTAL** | **21** | **15** |

**Note:** Mentoring and Judgment Writing courses were cancelled due to lack of Facilitators and approved training materials.

* 1. **DISTRICT MAGISTRATES**
		1. **SUMMARY OF PLANNED AND CONDUCTED COURSES**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **COURSES** | **PLANNED** | **CONDUCTED** |
| 1 | Children’s Court | 11 | 11 |
| 2 | Maintenance (Family) | 11 | 9 |
| 3 | Domestic Violence, Harassment & Older Persons | 11 | 4 |
| 4 | Judicial Management |  5 | 5 |
| 5 | National Credit Act | 10 | 6 |
| 6 | Evictions | 10 | 6 |
| 7 | Stress Management |  9 | 3 |
| 8 | Criminal Court skills | 15 | 2 |
| 9 | Child Justice | 13 | 8 |
| 10 | Immigration and related aspects | 6 | 6 |
| **TOTAL** | **101** | **60** |

**Note:** Some workshops were cancelled due to insufficient number of signed RSVP forms submitted to SAJEI.

1. **CONTENT OF PROGRAMMES**

Below is the content of approved programmes. The content may differ from one province to another depending on the training needs.

* 1. **BASIC ASPIRANT JUDGES**
* The right to dignity as a fundamental cornerstone in our constitution (keynote)
* Judicial Ethics
* Motion court: unopposed matters
* Motion Court: opposed matters
* Managing civil trials
* Managing criminal trials
* Appeals and Reviews
* Judgment writing
	1. **ADVANCED ASPIRANT JUDGES**
* Equality as a fundamental constitutional right (keynote)
* Analysis of pre-course judgments of participants
* Motion court: unopposed
* Motion court: opposed
* Writing a judgment in a civil case
* Judgment writing
* Civil trials
* General guidelines in respect of judgment writing
	1. **REGIONAL MAGISTRATES**
		1. **Sexual Offences and Trafficking in Persons**
* The role of the Constitution in dealing with Sexual offences and human trafficking
* International overview on Human Trafficking
* Trafficking in Persons (TIP) Act
* Evidentiary and procedural issues in TIP
* Immigration law and Trafficking
* Evaluation of evidence in Sexual offence and Human Trafficking
* Judicial Norms and Standards
* Judicial Management of Sexual offences and TIP cases
* Pedophilia, grooming, child porn and related aspects
* Adjudicating TIP
* Dealing with DNA
* Dealing with Sexual offences and discussion of developments through cases
* Dealing with intermediaries: best practices
* Sentencing in Sexual offences and Human Trafficking matters and consequential orders.
	+ 1. **Newly Appointed Regional Magistrates**
* Adjudication in a Constitutional democracy (keynote)
* Judgment writing
* Sentencing, ancillary
* Social Context
* Pre Trial issues
* Research tools
* Violent Crime (incl practicals)
* Constitutional interpretation
* Sexual offences
* Dealing with Child witnesses and intermediaries
* Understanding Child Development
* Dealing with Vulnerable witnesses
* Grooming, Child Pornography and Paedophiles
* Trafficking in persons
* Medical Evidence in Sexual offences
* Medical terminology
* Sexual offences: Evidential aspects
* Law of Evidence
* Electronic Evidence
* Commercial and Cybercrimes (incl practicals)
* Money laundering and racketeering
* Environmental crimes (incl practicals)
* Practice directives, Norms and Standards
* Court and Case Management, Statistics and Performance reports
* Judicial Management and Leadership
* Stress Management
	+ 1. **Civil Enlistment**
* Introduction to adjudication of civil matters in Regional Court
* Overview of adjudication of civil matters
* Managing pre-trial procedures, conferences and processes
* Managing civil trials: procedures and rules of evidence
* Adjudication of divorce matters
* Managing motion court and adjudication of various applications
* Adjudication of default judgments
* Adjudication of different types of eviction applications
	1. **DISTRICT MAGISTRATES**
		1. **Children’s Court**
* Best interest of the child A Constitutional perspective (keynote)
* Acquisition and loss of parental responsibilities and rights including paternity
* Practical exercise on the application of the principles and procedures with regards to the acquisition and loss of parental responsibilities.
* Jurisdiction and orders
* Children’s court proceedings: other applications
* Orders of Children’s court
* Adoption process
* Court roll management
* Application of Norms and Standards
	+ 1. **Maintenance**
* Principles of maintenance with reference to Common, and Statutory law
* Maintenance complaints and investigation
* Jurisdiction, locus standi, legal representation
* Maintenance enquiry
* Future maintenance
* Enforcement of Maintenance orders
* Reciprocal enforcement of Maintenance orders
* Caseflow management and application of Norms and Standards
* Sharing of best practices.
	+ 1. **Judicial Management**
* Mission, vision and core values of the Magistracy
* Judicial Management: enabling legislation
* Overview of Judicial Manager
* Responsibilities of a Judicial Manager
* Responsibilities of a Court Manager
* Court performance
* Norms and Standards
* Judicial time management
* Leave management
* Code of Conduct
* Judicial manager’s responsibility towards discipline
* Reporting
* Management meetings
* Budget inputs and control
* Subsistence claims
	+ 1. **Evictions**
* Constitutional issue of housing
* Legislation
* PIE
* ESTA
	+ 1. **Child Justice**
* Criminal capacity
* Assessment and Age determination
* Securing attendance at the Child Justice Court
* Release and detention
* Diversion
* Preliminary inquiry
* Case study
	+ 1. **Immigration and related aspects**
* Administrative detention
* Legislation
* Fraudulent IDs and Permits
* Sentencing and Offences
* Bail
* Trafficking
* Immigration law and Children’s court
* Unaccompanied minors
* Child Justice Act
	1. **TRADITIONAL LEADERS**
		1. **Judicial Skills for Traditional Leaders**
* Presiding skills
* Relationship between Traditional courts and District courts
* Pros and cons of presiding in a Traditional Court
* Judicial skills and ethics
* Customary marriages
* Intestate succession
* Legislation: Maintenance; Older Persons; Children’s Act, Harassment Act
* Culture, Religion and Law
* Enforcement of judgments of Traditional Courts
* HIV/AIDS
* Water use
1. **IMPLEMENTATION OF 2014/15 TRAINING PROGRAMME**
	1. **OVERVIEW OF QUARTERLY PERFORMANCE**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Quarters** | **Q1** | **Q2** | **Q3** | **Q4** | **Totals** |
| Number of workshops | 14 | 31 | 26 | 17 | **88** |
| Delegates | 343 | 681 | 633 | 443 | **2100** |

**Note:** Judicial Caseflow Management was attended by both Regional Court Presidents and Chief Magistrates therefore the workshop has been counted once.

* + 1. **JUDGES**

|  |
| --- |
| **QUARTER 4** |
| 1 | Continuing Judicial Education Week | Central |  Judges | 48 |

At the Continuing Judicial Education week for Judges the following areas for further training were identified:

1. National Credit Act
2. Business Rescue
3. DNA Evidence and Analysis
4. Judgment writing and Speed reading: **Judgment writing workshop scheduled for the 30th September to 1st October 2015. The closing date for RSVP is 24th April 2015. A Request for Proposal on Speed Reading has been sent to service providers.**
5. Human Trafficking
6. Etiquette for Judges
7. Advanced Cybercrime and Electronic evidence: **A Train the Trainer workshop for Judges is scheduled for the 13th to 17th July 2015.**
8. Technical IT training in order to understand Cybercrime and Electronic Evidence
9. Money laundering
10. Maritime Law
11. Procedures in Tax Court.
	* 1. **ASPIRANT JUDGES**

|  |
| --- |
| **QUARTER 3** |
|  | **Workshop** | **Province** | **Delegates** | **No.** |
| 1 | Advanced Aspirant Judges | Centralised | Other | 22 |
| **QUARTER 4** |
|  | **Workshop** | **Province** | **Delegates** | **No.** |
| 1 | Basic Aspirant Judges | Centralised | Other | 19 |

**Note:** The Aspirant Judges program is in compliance with Section 2(b) of SAJEI Act 14 of 2008. According to the Act, the Institute was established amongst others to “offer judicial education and training to aspiring judicial officers”.

* + 1. **REGIONAL MAGISTRATES**
			1. **QUARTERLY STATISTICS: REGIONAL MAGISTRATES**

|  |
| --- |
| **QUARTER 1** |
|  | **Workshop** | **Province** | **Delegates** | **No.** |
| 1 | Sexual Offences and Human Trafficking | NC | Regional Magistrates (RM) | 25 |
| 2 | Judicial skills for Aspiring Regional Magistrates | Centralised | District Magistrates and other | 30 |
| 3 | Sexual Offences and Human Trafficking | GP | RM | 34 |
| 4 | Sexual Offences and Human Trafficking | NW | RM | 18 |
| 5 | Civil Adjudication | GP | RM | 19 |
| **TOTAL** | **126** |
| **QUARTER 2** |
| 1 | Civil Adjudication | LIMP | RM | 15 |
| 2 | Sexual Offences and Trafficking | GP | RM | 34 |
| 3 | Civil Adjudication | KZN | RM | 22 |
| 4 | Civil Adjudication | GP | RM | 48 |
| 5 | Sexual Offences and Trafficking |  EC | RM | 28 |
| 6 | Civil Adjudication | WC | RM | 36 |
| 7 | Sexual Offences and Trafficking | KZN | RM | 27 |
| 8 | Sexual Offences and Trafficking | LIMP | RM | 27 |
| **TOTAL**  | **237** |
| **QUARTER 3** |
| 1 | Civil Adjudication | NW | RM | 13 |
| 2 | Civil Adjudication | EC | RM | 29 |
| 3 | Sexual Offences and Trafficking | WC | RM | 56 |
| 4 | Judicial Caseflow Management | Central | RM | 8 |
| **TOTAL**  | **106** |
| **QUARTER 4** |
| 1 | Newly Appointed Regional Magistrates | Centralised | RM | 56 |
| 2 | Stress Management and Trauma Debriefing | LIMP | RM | 15 |
| 3 | Stress Management and Trauma Debriefing | KZN | RM | 18 |
| **TOTAL**  | **89** |

* + 1. **DISTRICT MAGISTRATES**
			1. **QUARTERLY STATISTICS: DISTRICT MAGISTRATES**

|  |
| --- |
| **QUARTER 1** |
| **#** | **Workshops** | **Provinces** | **Delegates** | **No.** |
| 1 | Train-the-Trainer on Family | Centralised | District Magistrates(DM) | 23 |
| 2 | Child Justice | FS | DM | 18 |
| 3 | Train-the-Trainer on Civil | Centralised | DM | 25 |
| 4 | Train-the-Trainer on Criminal | Centralised | DM | 25 |
| 5 | National Credit Act | GP | DM | 17 |
| 6 | Evictions | NC | DM | 19 |
| 7 | Immigration Act and related aspects | FS | DM | 21 |
| 8 | Evictions | LIMP | DM | 28 |
| **TOTAL**  | **176** |
| **QUARTER 2** |
|  | **Workshop** | **Province** | **Delegates** | **No.** |
| 1 | Children’s Court | LIMP | DM | 17 |
| 2 | Children’s Court | NW | DM | 24 |
| 3 | Maintenance Court | KZN | DM | 17 |
| 4 | Maintenance Court  | EC | DM | 15 |
| 5 | Children’s Court | FS | DM | 21 |
| 6 | Children’s Court | MP | DM | 18 |
| 7 | Children’s Court | NC | DM | 14 |
| 8 | Child Justice Act | FS | DM | 19 |
| 9 | National Credit Act | LIMP | DM | 17 |
| 10 | Child Justice | MP | DM | 12 |
| 11 | Immigration and related aspects | GP | DM | 19 |
| 12 | Child Justice Act | NW | DM | 18 |
| 13 | Children’s Court | GP | DM | 15 |
| 14 | Maintenance | MP | DM | 16 |
| 15 | Criminal Court skills | Centralised | DM | 28 |
| 16 | Children’s Court | GP | DM | 16 |
| 17 | Maintenance | FS | DM | 18 |
| 18 | Maintenance | KZN | DM | 28 |
| 19 | Child Justice Act | NC | DM | 15 |
| 20 | Immigration and related aspects | KZN | DM | 26 |
| 21 | Maintenance & Children’s Court | WC | DM | 33 |
| 22 | Eviction | NW | DM | 20 |
| 23 | Immigration and related aspects | MP | DM | 18 |
| **TOTAL** | **444** |
| **QUARTER 3** |
| 1 |  Maintenance  | NC | DM | 16 |
| 2 |  Child Justice | EC | DM | 16 |
| 3 |  Criminal Court Skills | WC |  DM | 40 |
| 4 |  Maintenance | LIMP |  DM | 26 |
| 5 |  Domestic Violence, Harassment and Older Persons | MP | DM | 20 |
| 6 |  Maintenance | NW | DM | 14 |
| 7 |  Evictions | EC | DM | 14 |
| 8 |  Child Justice  | WC | DM | 17 |
| 9 |  Judicial Management | GP | DM | 24 |
| 10 |  Domestic Violence, Harassment and Older Persons | NW | DM | 15 |
| 11 |  Immigration and related aspects | NC | DM | 20 |
| 12 |  Domestic Violence, Harassment and Older Persons | EC | DM | 18 |
| 13 |  Judicial Management | GP | DM | 30 |
| 14 |  Stress management | LIMP | DM | 22 |
| 15 |  Domestic Violence, Harassment and Older Persons | WC | DM | 29 |
| 16 |  National Credit Act |  MP | DM | 14 |
| 17 |  Children’s Court | EC | DM | 15 |
| 18 | Judicial Management | EC | DM | 33 |
| 19 | Evictions | FS | DM | 18 |
| 20 | Judicial Caseflow Management | Centralised | DM | 18 |
| **TOTAL**  | **419** |
| **QUARTER 4** |
| 1 | Judicial Management | KZN | DM | 26 |
| 2 | Stress Management | NW | DM | 22 |
| 3 | Immigration | KZN | DM | 15 |
| 4 | National Credit Act | NC | DM | 18 |
| 5 | Children’s Court | KZN | DM | 29 |
| 6 | Immigration and related aspects | EC | DM | 16 |
| 7 | National Credit Act | KZN | DM | 14 |
| 8 | Judicial Management | WC | DM | 31 |
| 9 | Evictions | KZN | DM | 26 |
| 10 | National Credit Act | EC | DM | 23 |
| 11 | Stress Management | WC | DM | 24 |
| **TOTAL** | **244** |

* + 1. **TRADITIONAL LEADERS**
			1. **QUARTERLY STATISTICS: TRADITIONAL LEADERS**

|  |
| --- |
| **QUARTER 1** |
| 1 | Judicial Skills for Traditional Leaders | EC | TL | 41 |
|  |  |
| **QUARTER 3** |
| 1 | Judicial Skills for Traditional Leaders | KZN | TL | 48 |
| 2 | Judicial Skills for Traditional Leaders |  NW | TL | 38 |
| **QUARTER 4** |
| 1 | Judicial Skills for Traditional Leaders | FS & NC | TL | 43 |

**Note:**  The Judicial Skills Courses for Traditional Leaders were facilitated by Senior Magistrates who are knowledgeable on Traditional leadership matters. They were identified through the assistance of the Regional Court Presidents and Chief Magistrates. In North West, Kgosi Mabe and Kgosi Masibi facilitated some sessions. The programs were prepared by SAJEI in conjunction with Nkosi Mavundla and the representatives of the Traditional Leaders in each province. The workshops were well received.

1. **MATERIAL DEVELOPMENT SESSIONS: REGIONAL AND DISTRICT MAGISTRATES**

SAJEI has embarked on material development with the assistance of Judges, Regional Court Presidents, Chief Magistrates and Senior District Magistrates. During the current financial year the following development sessions were held:

|  |  |  |  |
| --- | --- | --- | --- |
| **#** | **Workshop** | **Delegates** | **No.** |
| 1 | Sexual Offences | RM | 6 |
| 2 | Civil Adjudication | RM | 6 |
| 3 | Family | DM | 5 |
| 4 | Family | DM | 7 |
| 5 | Family, Criminal and Civil | DM | 12 |
| 6 | Judgment Writing | RM & DM | 9 |
| 7 | Family, Criminal, Civil and Equality | DM | 14 |

The following Material Development sessions will take place 2015/16 financial year:

|  |  |  |
| --- | --- | --- |
| **#** | **Course/Program** | **Status** |
| 1 | New Appointed District Magistrates (Program) | First session scheduled for second quarter |
| 2 | PAJA | Draft submitted for review |
| 3 | Equality | Draft submitted for review |
| 4 | Judgment writing | In progress |
| 5 | Judicial Skills for Aspirant District (Program) | First session scheduled for second quarter |
| 6 | Children’s court | Material under reviewed |
| 7 | Protecting the Rights of the vulnerable groups in the Family courts | In progress |
| 8 | Criminal Procedure and Child Justice | In progress |
| 9 | Cybercrime and Electronic Evidence | In progress |
| 10 | Environmental organised crime | In progress |

1. **2015/16 APPROVED COURSES**

A course is defines as “content of a short learning programme whereby learners may progressively attain the applied knowledge” (SAQA).

Below is a summary list of approved courses and objectives for both Regional and District Magistrates. **Due to budget constraints** **SAJEI may not be able to implement the following approved courses:**

* 1. **REGIONAL COURT MAGISTRATES**
		1. **Centralised courses**
1. **Judicial Skills for Aspiring Regional Magistrates**

**Objective**

1. To give legal professionals aspiring to be on the Regional court bench the opportunity to enhance their skills and knowledge regarding adjudication of Regional court matters.
2. **Cybercrime and Electronic Evidence (conference)**
3. **Newly Appointed Regional Magistrates**
4. **Material development session**
	* 1. **Decentralised Courses**
5. **Stress and Trauma Debriefing**
	1. **DISTRICT COURT MAGISTRATES**
		1. **Centralised Courses**
6. **Cost and Review of Taxation**

**Objectives:**

1. To equip Magistrates with the skill to make cost awards, to review the taxation of bills of cost and understand the rules, principles and procedures.
2. To improve the practical applications of the law of costs and the review of the taxation of bills of costs.
3. To enhance the current performance of Magistrates by updating then with the latest developments in the law relating to costs and taxation.
4. **Judgment writing**

**Objectives**

1. To equip Magistrates with the skill to make judgement writing easier, shorter, efficient and effective.
2. To enhance community confidence in the Judiciary by writing better and understandable judgements.
3. **Judicial Skills for Magistrates presiding in Family Courts**

**Objectives**

1. To create an opportunity for Magistrates to interact with national stakeholders in Family courts and exchange information and best practices.
2. To implement a plan of action to address challenges in the Family courts.
3. **Judicial Management**

**Objective**

1. To equip Magistrates with judicial management skills.
	* 1. **Decentralised Courses**
2. **Judicial Skills for Aspiring District Magistrates**

**Objective**

1. To equip suitably qualified people who aspire to be District Magistrates with necessary skills.
2. **Judicial Skills for Magistrates presiding in Children’s Court**

**Objective**

1. To equip Magistrates with relevant skills that will enable them to efficiently preside in the Children’s court.
2. **Judicial skills for Magistrates presiding in Equality Court**

**Objectives**

1. To equip Magistrates with relevant skills that will enable them to efficiently preside in the Equality court.
2. To address the unconscious bias in judicial decision making and manage diversity in the courts efficiently.
3. **Judicial skills for Magistrates presiding in Criminal Court**

**Objective**

1. To equip Magistrates with relevant skills that will enable them to efficiently preside in the Criminal court
2. **PAIA and PAJA**

**Objectives**

1. To provide Magistrates with a general understanding of the right to access to information and relevance of the Constitution.
2. To ensure that Magistrates have an understanding of PAIA definitions and processes as well as interpretation of statutes within a Constitutional framework.
3. To equip and empower Magistrates to understand the concept of administrative actions and general rules and principles that all Administrators must follow and the remedies available for people affected by administrative decisions with special reference to PAIA.
4. **Protecting the rights of Vulnerable groups in the Family Courts**

**Objective**

1. To equip Magistrates with regard to protecting the rights of vulnerable groups with specific reference to the application of the following Acts:
2. Maintenance Act
3. Prevention and Treatment of Substance Abuse Act
4. Domestic Violence Act
5. Protection from Harassment Act
6. Older Persons Act
7. **National Credit Act**

**Objective**

1. To equip Magistrates with the skills of dealing with Debt rescheduling as well as applying the following provisions:
2. Rule 12
3. Section 57
4. Section 58
5. **Computer and Research skills**

**Objective**

1. To equip Magistrates with computer literacy and research skills.
2. **Stress management**

**Objective**

1. To equip Magistrates with skills and tools on how to manage stress especially at workplace.
2. **Criminal Procedure and Child Justice Act**

**Objective**

1. To equip Magistrates with skills required to deal with Child Justice Matters.
2. **PARTNERSHIPS**

SAJEI has established working relationships with the following organisations on training related matters**:**

1. Council of Europe (Glacy project)
2. Commonwealth Judicial Education Institute (CJEI)
3. International Organisation for Judicial Training (IOJT)
4. World Intellectual Property Organisation (WIPO)
5. Namibian Judiciary
6. National Consumer Tribunal (NCT)
7. SASSETA
8. Department of Water and Sanitation
9. Department of Justice and Correctional Services
10. Department of Home Affairs
11. Department of Environmental Affairs
12. **CONCLUDING REMARKS**

Although there were limited resources available during this current financial year, the SAJEI team through trial and error managed to perform to their optimal best.

With the prospects of the appointment of five Judicial Educators there will be reduced reliance on the serving Judicial Officers.

The SAJEI team would like to express their appreciation for the support of the SAJEI Committees, Council members and all the Stakeholders**.**