



Republic of South Africa
Ministry Justice and Correctional Services

MEDIA STATEMENT: Filling of 207 Magistrates' posts – 4 November 2019

The first black Chief Justice of a democratic South Africa, Ismail Mohamed, once said that -

“It is in the Magistrates’ Courts that justice is tested in its most crucial, most pervasive, most voluminous, most pressurized, and logistically most demanding dimensions – in literally thousands of cases every day...the continuous struggle for the legitimacy and the efficacy of the instruments of justice is substantially lost or won in the Magistrates Courts.”

Our Magistrates Courts are where most people encounter the justice system for the first time, and thus for many, the Magistrates Courts embody the justice system as a whole. If the Magistrates Courts work, the public believe the justice system works.

The Magistrates’ Commission plays an important role in the filling of vacancies of magistrates’ posts. The Magistrates Commission is a statutory body established in terms of the Magistrates Act, No. 90 of 1993 and the appointment procedures and processes are set out in the legislation and in accompanying Regulations. In short, the appointment process follows the following steps –

- Vacancies are identified, confirmed against the judicial establishment and funded posts
- Advertisements follow thereafter
- Applications are processed
- Shortlisting is done
- Interviews are held
- Recommendations are made by the Magistrates Commission, after the conclusion of the interviews
- The recommendations are submitted to the Minister of Justice for his consideration and appointment.

Short-listed candidates for 249 posts of Magistrate were interviewed during March 2019 and April 2019 and the interviews of 608 candidates took place from 4 March to 29 April 2019. The 2019 National Elections had a delaying effect on the composition of the Magistrates Commission and the full Commission could therefore only convene its next meeting during the first week of August.

The Commission then submitted its recommendations regarding suitable candidates to the Minister of Justice and Correctional Services during September 2019. In some instances the Magistrates Commission recommended that the posts be re-advertised, whilst some of the vacancies will be filled by way of the transfers of magistrates who have also applied for the posts. The Magistrates Commission recommended 210 persons for appointment.

The Minister has considered the recommendations of the Magistrates Commissions and 207 new Magistrates' appointments will be made by the Minister, with effect from 1 February 2020. The effective date of 1 February 2020 will enable the new appointees to give the necessary resignation notices at their current positions, make arrangements to relocate, and so forth.

A fully transformed judiciary is a constitutional imperative. The new appointments will go a long way in further transforming our magistracy to reflect the demographics of our country.

More than half of our country's population is female and therefore it is important that our bench reflects this. We have made significant progress in terms of gender transformation over the last two decades. At the dawn of democracy in 1994 magistrates were part of the public service and were employed by the then Departments of Justice in the various homelands, the TBVC States and the rest of South Africa.

An amalgamation process to bring them all under one department was led by the then Minister of Justice, the late Minister Dullah Omar, and in 1998 there were a total of 284 female magistrates countrywide. In June 2019, in other words *before* the appointment of these new magistrates, there were **758** female magistrates nationally. This equates to an increase of 166,9% in the number of female magistrates from December 1998 to June 2019.

The new appointments which we are now making will even further strengthen gender transformation as more than half of the new incumbents (105) are female, thus bringing the total number of female magistrates to **863** (out of a total of 1803 magistrates). **This means that 47,8% of our magistracy are female.**

The filling of these vacancies is an important step in capacitating our judicial officers and our courts, so as to enable them to deliver justice to all.

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