

JUDICIARY COMMITTEE ON ELECTIONS

ACTIVITIES DONE SO FAR

1. 16th January 2024.

The incoming members of the Judiciary Committee on Elections (JCE) met with a UNDP Electoral Dispute Resolution Consultant to assess and provide input on the current EDR framework.

2. 8th February 2024.

The JCE had an interface meeting with the Malawi Electoral Commission (MEC) to discuss their joint benchmarking tour report to Kenya's Independent Electoral and Boundaries Commission and Judiciary and to discuss possible areas of collaboration.

3. 8th February 2024 (evening).

The JCE had its first physical meeting and members were briefed on its background, highlighted the ToRs of JCE, presented a report on meeting so far attended and highlighted its proposed workplan. The proposed work plan included the following activities: capacity building of JCE, development of comprehensive election court procedures, designation of members of the JCE, training of judicial officers, members of staff of Malawi Judiciary and stakeholders for electoral matters, development of electronic case management system, development and enforcement of electoral codes of conduct and regulations, development of post-election law digests and law reports, conduct debriefing sessions for judges and magistrates and learning visits.

4. *9th February 2024*

The JCE had an interface meeting with the MEC and the Judiciary Rules and Legal Reforms Committee and agreed to collaborate on the review and development of a layman's draft of election laws and court procedure rules.

5. *21st February 2024*

The JCE conducted an interface meeting with the Malawi Electoral Commission and the Law Reporting Unit and agreed to collaborate on the development of post-election digests and law reports.

6. *17th April 2024.*

The JCE held a debriefing session for Justices of the Malawi Supreme Court of Appeal on election issues. The sessions included sharing experiences, challenges, and successes during the 2019-2020 tripartite election period. South-to-south knowledge sharing was through Kenya's election experiences facilitated by the Judge President of the Court of Appeal of Kenya the Deputy Chair of JCE, their Deputy Registrar, and an official from the IEBC.

7. *18th and 19th April 2024*

Members of the JCE participated in an induction workshop which was opened by His Lordship the Hon. Chief Justice. In his opening remarks His Lordship the Hon. Chief Justice reminded the members that the JCE was established to assist the Judiciary in improving its handling of election disputes in Malawi, allowing the court to capitalize on the domestic and international acclaim that it has recently earned. Officials from the UNDP committed to render support to the JCE and the main facilitators were from the JCE of Kenya and Kenya's Independence Electoral and Boundaries Commission.

8. *3rd June 2024*

The JCE, in collaboration with the MEC, conducted an election matters debriefing workshop for High Court judges and magistrates. Judges and Magistrates shared their experiences, challenges, and successes during the 2019-2020 election cycle. They were also briefed on election experiences in other jurisdictions.

9. *10th and 11th June 2024.*

The JCE had a meeting with the MEC and the Rules and Legal Reforms Committee. The Rules and Legal Reforms Committee presented for consultation the layman's draft bills on electoral laws and rules which they proposed for enactment to improve case management of election matters. They include- the Constitution (Amendment) Bill, Presidential Parliamentary and Local Government Elections (Amendment) Bill and Supreme Court (Amendment) Bill. They also presented Presidential Parliamentary and Local Government Elections (Supreme Court of Appeal) (Presidential Elections Petition) Rules, Presidential Parliamentary and Local Government Elections (High Court) Rules, and Presidential and Parliamentary and Local Government Elections (Supreme Court of Appeal) Rules.

10. *31st July 2024.*

The JCE and MEC had a consultative meeting with the Malawi Law Society and Centre for Multiparty Democracy (CMD) to obtain input on the proposed electoral law reforms. The CMD requested further time to consult with its members and provide written responses.

11. *20th of September 2024.*

The Legal Affairs Committee of Parliament, the JCE and the MEC held a consultative meeting to discuss the layman's draft of the proposed legal reforms. The meeting noted that the proposed amendments and rules were a positive step as they aimed to improve and expedite the resolution of election cases.