

Malawi Judiciary
Malawi Police Service, Malawi Prisons Service, in partnership with
UNDP and Airtel Malawi

Official e-Court GO LIVE Launch

Concept Note and Programme

I. Project Rationale

Promoting the rule of law, access to justice, and gender equality are crucial to developing just, equitable societies and protecting human rights and social cohesion.

Malawi is administratively divided into three regions and 28 districts. In terms of Malawi's demography, 80-85% of the population reside in rural areas well beyond the reach of the formal courts. While regional and district headquarters have sitting judges or magistrates, the judiciary's presence in remote areas is limited. A recently conducted survey recorded that 50% of Malawian respondents stated that it took them over one hour to travel to court.¹ Long travel requires transport costs, which are unaffordable for most of the population, preventing them from accessing remedies available in the justice system.

The judiciary is staffed by 50 judges (39 in the High Court and 11 in the Court of Appeal), which is grossly inadequate for a population of about 20 million. Consequently, judges are inundated with high caseloads, resulting in an inordinately slow case disposal rate. Moreover, constant delays and backlogs of cases have contributed to increased pretrial detention and prison overcrowding. The prison occupancy rate is reported to be at 260%.² There appears to be a lack of coordination among the various justice and security sector actors with multiple layers of coordination mechanisms. This affects the capacity of the sector to provide available and accessible justice services.

The e-court uses technology and digital platforms to provide access to justice, targeting vulnerable groups in far-reaching communities, particularly survivors of gender-based violence. The platform also links up prisons and police stations with courts to enable detainees to apply for bail, thereby reducing prison overcrowding.

Section 71A of the Criminal Procedure and Evidence Code provides a protection mechanism for survivors of SGBV during court proceedings. The Code makes provisions for protecting survivors of SGBV by enabling them to testify remotely thereby protecting them from revictimisation. This provision provides a foundation for legal reforms, enabling witnesses to testify from remote areas for various cases.

The e-court will facilitate remote access to court proceedings through video conferencing and virtual hearings. It will allow litigants, lawyers, prosecutors, police, corrections officers, and witnesses to participate in court proceedings from remote locations. Remote access to court proceedings saves time and resources and increases accessibility for individuals who may have difficulty attending in-person hearings. It will reduce litigants' costs, travel time, and transport fares to attend courts. It will also facilitate quicker disposal of cases. Expedient resolution of disputes through judicial processes is necessary to foster a peaceful environment, especially as Malawi prepares for elections in 2025.

The e-court incorporates the digitization of court proceedings and documentation. This involves using electronic filing systems, digital case management platforms that have already been introduced, and online portals to replace paper-based processes. By digitizing court documents, the system will eliminate the need

¹ The State of the Judiciary in Malawi, Namibia and South Africa, Democratic Governance and Rights Unit University of Cape Town (2022).

² Malawi Prisons Service Statistics (2022).

for physical storage space, reduce administrative burdens confronting the judiciary, and enable quick and easy access to case records.

Another significant potential of the system is the implementation of online alternative dispute resolution mechanisms. The platform is envisaged to enable parties to resolve their disputes online without requiring physical presence. Online dispute resolution offers convenience, cost-effectiveness, and timely resolution of domestic and international disputes.

II. The GO-LIVE

Regarding geographic scope, the system links ten courts, six prisons and four police stations in its current pilot phase.

The official venue for the launch is Chief Resident Magistrate Court Lilongwe Area 3, concurrently joining live from all the centres. The Go-Live marks the inception of the e-court system for conducting legal proceedings. This system will complement traditional in-person court hearings with virtual court proceedings using technology platforms and tools.

The necessary infrastructure, technology, and resources for the virtual court system and training court staff and judges on how to use the technology have been finalised.

A thorough testing and piloting to identify potential issues or challenges has been done to help ensure that the technology functions correctly and that all parties are comfortable with the new virtual court process.

After the Go-Live session, the project will monitor its performance and gather feedback from all parties involved to allow continuous improvement and adjustments to ensure that the system meets users' needs and functions effectively.

e-Court Locations

City	District		No Loc
1.Northern Region	Chitipa District	Chitipa Magistrate Court	1
		Chitipa Prisons	1
		Chisenga Police Post	1
		Nthalire Police Post	1
	Karonga District	Karonga Magistrate Court	1
		Uliwa Magistrate Court	1
	Mzimba District	Chief Resident Magistrate - North	1
Mzuzu Maximum Prison		1	
2.Southern Region	Thyolo District	Thyolo Magistrate Court	1
		Makwasa Police	1
		Makende Prisons	1
	Blantyre	Blantyre Prisons	1
		Blantyre High Court	1
			1
	Jali	Jali Police Station	1
	Zomba	Zomba High Court	1
	Zomba	Chief Resident Magistrate - East	1
Zomba	Zomba Prison	1	
Central Region	Lilongwe	Chief Resident Magistrate - East	1
	Lilongwe	Maula Prisons	1

Annex 1: Location Map – CRM/Lilongwe High Court Premises



