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HOW TO REFORM THE JUDICIAL SYSTEM?

LE DÉBAT DE WATHI

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Introductory note

HOW TO REFORM THE JUDICIAL SYSTEM?

1. Why this theme?

- **Because** people throughout West Africa and beyond denounce injustice in all its forms and believe that not all citizens are truly equal before the law;
- **Because** the constitutions of the region's countries proclaim the ideals of justice and equality for all, but in reality, these fundamental principles do not seem to be evenly applied;
- **Because** the judicial institutions have a bad reputation and the actors responsible for delivering justice often have a tarnished image in the eyes of many citizens in the countries of the region. Their integrity is essential for a well-functioning judicial system, the rule of law, and democracy, as well as economic development;
- **Because** West African judicial systems do not guarantee fairness among citizens and many examples in the region point to the limited independence and impartiality of the judicial systems. A functioning and equitable justice system helps to prevent all kinds of conflicts in a society, to end discrimination and to improve national security;
- **Because** justice is part of the sovereign mission of the state, and because access to the judicial institutions for all citizens, regardless of their place of residence or their socio-economic status, gives them a sense of protection;
- **Because** an independent judiciary serves a crucial check to the executive and legislative powers and a means to protect the rights and fundamental freedoms of individuals. The effectiveness of judicial systems determines the level of respect for the rule of law, as established by the citizens, and the quality of the country's institutional life;
- **Because** the state of prisons in the region is at times disgraceful and a denial of the fundamental rights of the people. This is rarely considered an important problem to address;
- **Because** in many countries people sometimes have more faith in traditional or religious justice systems and thus, there is the need to consider these institutions' place in national justice systems.

2. What are the main topics to be explored?

- Access to justice
- Independence of the judiciary and magistrates
- Fairness of justice
- Organization of justice
- Training institutions for judicial personnel and security services
- Functioning of justice
- Budget allocation to justice system
- People's perception of justice and the judiciary
- Traditional and religious systems of justice
- Efficiency of judicial systems
- Arrest procedures and treatment of persons in police custody
- Security forces and impunity for abuse
- Role of civil society organizations as watchdogs
- Penitentiary system
- Overcrowding of prisons and treatment of prisoners
- Issue of pre-trial detention
- Prison life and socio-economic reintegration of detainees
- Just alternatives to imprisonment
- Detention of minors
- Unique situation of women in prison
- Supranational and community justice (ECOWAS and AU Courts)
- International criminal justice

3. How to participate in the debate?

- Contributions by experts in the issues discussed are welcome. So are observations, accounts, opinions, and recommendations from all citizens.
- We particularly welcome articles that refer to one or more specific countries, are based on concrete examples and include recommendations for action and reform.
- You can submit short articles (500–1000 words) or longer ones (1500–2000 words). Although the maximum length of a contribution is 2000 words, short articles are more likely to be selected and published by WATHI. All articles must be accessible to the general public, well written and structured.
- Without having to write a structured article, you can send your comments, observations, and recommendations to infowathi@wathi.org. The most relevant contributions will be published on the website.
- You can also submit a short audio or video recording to share your experiences and concrete reform proposals.
- We invite you to send your article with a 50–word biography and preferably a good picture of yourself.

CONTACTS

www.wathi.org

Please send your articles and contributions at: infowathi@wathi.org

The debate is also taking place on WATHI's Facebook and Twitter accounts:

Link to Facebook : <http://on.fb.me/1L2kOSk>

Link to Twitter : https://twitter.com/WATHI_Africa