

**JUDICIAL SERVICE COMMISSION**

**“A Zimbabwe in which world class justice prevails!”**



**WELCOME REMARKS BY  
THE CHIEF JUSTICE OF ZIMBABWE  
THE HONOURABLE MR JUSTICE LUKE MALABA**

**ON THE OCCASION OF THE OPENING CEREMONY FOR  
THE 7<sup>TH</sup> CONGRESS OF THE CONFERENCE OF  
CONSTITUTIONAL JURISDICTIONS OF AFRICA (“CJCA”)**

**ELEPHANT HILLS RESORT,  
VICTORIA FALLS**

**31 OCTOBER 2024**

## **SALUTATIONS,**

The Honourable Vice President of the Republic of Zimbabwe, General (Rtd) Dr C G D N Chiwenga, Distinguished Guests, Ladies and Gentlemen, it is an honour and a privilege to welcome you all to the 7<sup>th</sup> Congress of the Conference of Constitutional Jurisdictions of Africa (“CJCA”) at Victoria Falls, Zimbabwe.

I would like to take this opportunity to thank the Vice President of Zimbabwe for having accepted the invitation to grace the occasion as the Guest of Honour. I would also want to take the opportunity to express on behalf of the Congress our gratitude to the Government of Zimbabwe (“the Government”) for the unwavering support extended to the Judicial Service Commission of Zimbabwe (“the JSC”) and the CJCA Secretariat in the preparations for the hosting of the 7<sup>th</sup> Congress. The support the JSC received from the Government to enable it to meet the costs of the task of hosting this Congress is consistent with the support and cooperation it enjoys from Government under the President’s able leadership.

As a result of such support, the JSC has been able to reform many areas of the justice delivery system with the view of improving its efficiency

and effectiveness as a guarantee of access to quality justice to everyone. In that regard, conditions of service for the Judiciary have improved to the level of meeting international standards.

The hosting of the 7<sup>th</sup> Congress is evidence of the solidarity we share as constitutional jurisdictions in Africa. There are over forty African constitutional jurisdictions represented here at the 7<sup>th</sup> Congress. The Congress is also being attended by representatives of countries and international organisations outside the African continent, including Albania, Austria, Türkiye, and Russia. With such solidarity, there is hope for the entrenchment of constitutional justice on the African continent.

The support that the Congress has received from the members of the Conference over the years confirms the importance of the principles and values for which the Congress is held and stands for.

We meet today to share ideas on the subject matters arising from the theme of the 7<sup>th</sup> Congress. The theme is: *“Human dignity as a fundamental value and principle: A source of constitutional interpretation, protection of fundamental human rights and application”*.

Human dignity is at the heart of constitutionalism. As we all know, international human rights instruments, particularly the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the African Charter on Human and Peoples' Rights (1981) and many constitutions of countries of members here represented state as an infinite truth that all human beings are born free and equal in dignity and rights. Human dignity is an intrinsic worth of every person inalienably grounded in his or her very being. Inherent human dignity prevails in and beyond every circumstance a person may encounter. The recognition of inherent human dignity underscores the primacy of the human person and the protection of human rights and freedoms. Ontological dignity is rooted in the very being of the human person in all circumstances.

The international human rights instruments referred to above tell us that fundamental human rights and freedoms enshrined in many constitutions of African countries derive from human dignity. As a source of every fundamental human right, inherent human dignity forms the essence of the right.

Human dignity as a legal term and a concept affects every aspect of the process of constitutional justice relating to the protection and enforcement of fundamental rights, the alleged infringement of which would be in issue.

The focus on human dignity recalls the commitment of the respective countries to the respect of human rights, particularly under the auspices of the African Union. The Statute of the Conference recognises the decision of the African Union to create a mechanism through which it can discharge its duty of protecting fundamental rights. Our commitment to the ideals of constitutionalism, and the particular focus on human dignity in this Congress, are consistent with the regional objectives of the African Union of promoting and protecting human rights throughout the continent. We must, therefore, take the opportunity to use this platform to advance our commitment to the respect for human rights as an aspect of constitutional democracy.

As we all know, constitutional jurisdiction is the bulwark for a robust and effective system for the protection of fundamental human rights and freedoms. It was important for the constitutional jurisdictions of Africa to assemble under the auspices of the CJCA to interrogate the

notion of inherent human dignity. It was also important for the Congress to interrogate the role of human dignity as a foundational value in the processes of constitutional review and adjudication of individual complaints applications alleging violation of fundamental human rights.

The sharing of ideas and experiences on how various constitutional jurisdictions have dealt with issues relating to the subject matters of the theme of the Congress is important. This is so because constitutional courts bear the legal authority and responsibility to provide leadership internally in the sphere of constitutional law. The decisions of these courts on constitutional matters are invariably final and binding on the State, its agents at every level and on everyone.

Decisions of constitutional courts enjoying final and binding authority on constitutional matters can have serious impact on policy decisions of Governments. In that way, decisions of such courts may affect the development of States such as African States, which are modernising and undergoing major transformational changes in pursuit of social and economic justice for their peoples.

It is therefore necessary for members of the CJCA to occasionally meet to share and discuss ideas on matters of common interest. The common purpose is to learn from each other's experiences to ensure efficient and effective judicial protection and the enforcement of fundamental human rights and freedoms within the framework of the fundamental principles of the supremacy of the constitution and the rule of law. The acknowledgement and consideration of the role of inherent human dignity as the source of fundamental human rights and freedoms underlie the commonality of shared values from which courts can draw inspiration in the exercise of constitutional jurisdiction.

Constitutional jurisdictions of Africa have a legal and moral duty to contribute to the development of societies in Africa in which human dignity is respected and protected.

We hope that this Congress will prove to be a lively forum for frank discussions.

Before concluding these welcome remarks, it is worth mentioning that the Zimbabwean landscape offers a wonderful view of nature and its beauty. The Congress is taking place in the town of Victoria Falls, which hosts one of the seven wonders of the world - the Victoria Falls.

It follows, therefore, that, in addition to the discussions on human dignity that are going to take place during the 7<sup>th</sup> Congress, guests are welcome to enjoy the natural wonders offered by Victoria Falls. The Congress offers an opportunity for Judges in the constitutional world to enjoy each other's company and relax while accepting their solidarity towards the entrenchment of constitutionalism in Africa.

Once again, I welcome you to the 7<sup>th</sup> Congress of the CJCA. Let us remain united in our solidarity and fraternity in ensuring the entrenchment of constitutional justice in Africa.

**I THANK YOU.**