



Meeting of Commonwealth Law Ministers and Senior Officials

Zanzibar, United Republic Tanzania, 4 - 8 March 2024

OUTCOME STATEMENT

1. Commonwealth Law Ministers, Attorney General's and Senior Officials from 32 member countries met in Zanzibar, United Republic of Tanzania from 4 - 8 March 2024.
2. The theme of the meeting was 'Technology and Innovation: How digitalisation paves the way for people-centred access to justice.' The Secretary General of the Commonwealth noted that closing the justice gap is central to realising every aspect of the values and aspirations expressed in the Commonwealth Charter, and that technology is a vital weapon in the Commonwealth's legal arsenal. The Secretary General urged member countries to harness, understand and master the benefits of technology and innovation in breaking down barriers of cost and complexity, and delivering legal systems which can meet the justice needs of all. The Secretary General expressed gratitude to the United Republic of Tanzania for hosting the 2024 Commonwealth Law Ministers Meeting in the beautiful Islands of Zanzibar and introduced the Chairperson of the meeting the Hon. Amb. Dr. Pindi Chana, Minister of Constitutional and Legal Affairs.

THEME PAPER

3. Law Ministers received and discussed the theme paper from the United Republic of Tanzania. The paper described how the use of technology and innovation had improved efficiency, reduced costs and simplified legal processes in the Tanzanian judicial system.

4. Law Ministers commended the initiatives instituted by the Government of the United Republic of Tanzania to improve access to justice through technology. Law Ministers discussed their own efforts to leverage technology to enhance access to justice and shared their experiences of the challenges associated with the facilitation of access to justice. Looking forward, member countries recognised the importance of harnessing the full potential of new technologies in delivering justice solutions.

LEGAL WORK OF THE COMMONWEALTH SECRETARIAT AND CHOGM MANDATES

5. The meeting received an overview of the legal work of the Secretariat undertaken since the Commonwealth Law Ministers Meeting (CLMM) in Balaclava, Mauritius in November 2022. This included activities undertaken to implement CHOGM Mandates in the Commonwealth Equal Access to Justice Declaration and Plan, the Commonwealth Cyber Declaration and the Commonwealth Latimer House Principles on the three branches of Government.
6. Law Ministers noted current progress in ongoing projects undertaken by the Commonwealth Secretariat to actualise the Commonwealth Equal Access to Justice Plan of Action. Law Ministers considered the programmes proposed by the Secretariat to implement the Access to Justice Declaration and Plan of Action including Commonwealth Best Practice Guides on Access to Justice, the Commonwealth Chief Justices' Forum, and the Commonwealth People Centered Justice Working Group. Law Ministers requested the Secretariat to report progress at the next Law Ministers Meeting.

LAW MINISTERS ACTION GROUP

7. Law Ministers received the report of the inaugural meeting of the Law Ministers Action Group (LMAG) held in November 2023. The meeting recalled the objectives of the LMAG which include promoting member countries realisation of SDG 16 targets, and implementing decisions, declarations and action plans adopted by Ministers and Commonwealth Heads of Governments. As agreed by Law Ministers, in Mauritius in 2022, the LMAG submitted a report of its activities.
8. Law Ministers welcomed the LMAG Report and were informed of the Secretary General's Proposals for the development of (a) an AI powered drafting tool kit for legislative drafters in the Commonwealth, (b) a legal information repository for all Commonwealth Countries, (c) a project aimed at assisting member countries in their efforts to digitise their courts, and (d) the Commonwealth Attorney General's Pro

Bono Committee which will collectively provide advice on commencing and supporting nascent pro bono activities in the Commonwealth. Law Ministers requested the Secretariat to report progress at their next meeting.

THE COMMONWEALTH DRAFT MODEL LAW ON VIRTUAL ASSETS

9. At the 2022 Commonwealth Law Ministers Meeting in Balaclava, Mauritius, Law Ministers were presented with a paper on the Commonwealth legal and regulatory frameworks for the Digital Economy. Law Ministers agreed that the Commonwealth Secretariat should commence work to scope a potential framework model law on digital assets which aligned with Commonwealth values.
10. Law Ministers received from the Commonwealth Secretariat a Model Law on Virtual Assets which complies with the Financial Action Task Force (FATF) Recommendation 15 which requires Virtual Assets Service Providers (VASPs) to be regulated for anti-money laundering and countering the financing of terrorism (AML/CFT) purposes, and licensed or registered and subject to effective systems for monitoring or supervision. Ministers thanked the Secretary General and requested the Secretariat to continue monitoring emerging trends. Member states may utilise the model law at their discretion and the Secretariat is requested to review the model law as appropriate.

MEDIATION AND CASE MANAGEMENT

11. Law Ministers received two knowledge products developed by the Secretariat on mediation and case management. Law Ministers noted the need for alternative dispute resolution frameworks and welcomed the development of the mediation guide. Law Ministers were encouraged to sign and ratify the Singapore Convention on Mediation. Singapore offered support in assisting those who had not ratified the Convention. Law Ministers also commended the work of the Secretariat in developing best practice standards and technology driven solutions on case management.

EASING MISSION TRAVEL FOR COMMONWEALTH STAFF ACROSS THE COMMONWEALTH

12. Law Ministers were updated on the Secretariat's progress on its work to ease the pressure and costs of staff travelling on official business throughout the Commonwealth. Law Ministers acknowledged their 2022 directive that the Secretariat

raise the issue before the appropriate fora. The Secretariat highlighted a number of precursory matters which require the attention of Law Ministers. These include the setting up of a working group to conduct an analysis of existing legislation in member countries which govern the diplomatic immunities and privileges of the Commonwealth Secretariat as an institution and of its staff in member countries, and the approach used for other regional and international organisations.

13. Law Ministers endorsed the establishment of a working group to collate legislation on diplomatic immunities and privileges offered to the Commonwealth Secretariat as an institution and its staff on mission in member countries. Law Ministers noted the need to include and keep informed other relevant ministries in this process.

MAPPING A PEOPLE-CENTRED JUSTICE APPROACH TO ACCESS TO JUSTICE

14. Building on the previous recognition that there is an urgent need to develop more evidence based, data-driven justice solutions, Law Ministers participated in a working session on mapping a people centred justice approach to access to justice. Law Ministers were guided through a discussion which highlighted the approach through a practical example of a member country's development of a 10-year strategy on people-centred access to justice.
15. Law Ministers were encouraged to explore people centred innovative pathways to close the justice gap, which in some jurisdictions can extend to 55% of the population. People centred solutions should be contextual, data driven and demonstrate potential for expansion or replication.

PROTECTION OF VULNERABLE GROUPS

16. In keeping with the Secretariat's mandate to protect vulnerable groups in the Commonwealth, Law Ministers received a paper on online violence against women and girls. This paper presented a summary of findings and recommendations contained in five regional reports addressing the role of bystanders in the context of online violence. The report noted that high incidence of cyber violence continued to be reported in the Commonwealth and that the root causes are gender based with a disproportionate impact on females.

17. Law Ministers recognised that online violence has escalated and noted the urgent need for members to take steps to prioritise efforts to address this serious problem impacting women and girls and other vulnerable groups across the Commonwealth, including taking legislative steps to address online violence against women and girls. Law Ministers recommended the development of a Commonwealth Action Plan to Address Cyber Violence Against Women and Girls.
18. Law Ministers also received a meeting paper on Ensuring Access to Justice for Persons with Disabilities in the Commonwealth. Law Ministers were invited to strengthen national laws to ensure that they align with international standards for the protection of persons with disability. They were encouraged to request technical assistance for the development and implementation of inclusive policies and regulations in keeping with the 2022 CHOGM mandate which ‘urged member countries to implement the UN Convention on the Rights of Persons with Disabilities and promote alignment of any related policies.’ (CHOGM Communique (2022), para 23).
19. Law Ministers also received a Project Proposal on Equality In Law For Women And Girls. This project seeks to address the continued existence of discrimination in national laws and frameworks. Law Ministers noted the Project Proposal on Equality in Law for Women and Girls and invited the Secretariat to report progress at a later date.

FACILITATING COLLABORATION AND ENGAGEMENT ACROSS THE COMMONWEALTH:

ELECTRONIC RESOURCES FOR LAW MINISTRIES

20. Law Ministers received four electronic resources developed by the Secretariat to facilitate knowledge and information sharing among member countries including (a) the Commonwealth Database on International Cooperation in Criminal Matters, (b) the Commonwealth Cyber Repository, (c) Commonwealth E-Courses on Cyber and (d) the Commonwealth Small Claims Court App.
21. Law Ministers recognised the value of the practical tech-based solutions developed by the Secretariat as important tools to illustrate the use of technology to improve access to legal information. Law Ministers noted that the resources will assist officials to manage a range of legal problems efficiently and swiftly. Law Ministers undertook to encourage the use of the electronic resources.

ENERGY AND EXTRACTIVES: CLIMATE CHANGE AND JUST TRANSITION

22. Law Ministers received several papers in the fields of energy and extractives which highlighted work of the Commonwealth Natural Resources Programme to assist member countries to responsibly manage natural resources and the energy transition for present and future generations. The papers included (a) the Commonwealth Carbon Tax Model Law, (b) Field Development Plans (FDP): Handbook for Government Officials and (c) Decommissioning: Guidance for Governments.
23. Law Ministers noted the importance of strengthening the legal framework for natural resources to safeguard national interests, protect the environment and communities, limit climate change and to secure a just energy transition. They welcomed the Commonwealth Model Law, Legal Checklists, Model Legal Provisions, and Model FDP Submission Guidelines to support member countries in these efforts. The availability of carbon taxation implementation funding which member states could access was noted.

ARTIFICIAL INTELLIGENCE AND THE JUSTICE SYSTEM

24. In the second working session, Law Ministers discussed artificial intelligence in the justice system. Law Ministers noted the great potential of AI, and conversely, the grave risks it poses. Its exponential growth calls for urgent action.
25. Law Ministers welcomed the Secretariat's assistance in developing a comprehensive approach which integrates AI and virtual technologies in building capacity of legal actors to achieve efficient justice delivery.

COMMONWEALTH MILITARY JUSTICE TRANSFORMATION PROJECT

26. Law Ministers also received a briefing on the progress of the Military Justice Transformation Project which commenced at CLMM 2022. Law Ministers were invited to nominate representatives to the Working Group who will continue to draft the Commonwealth Military Justice Principles and Model Law.

IMPROVING APPROACHES TO ELECTRONIC EVIDENCE IN THE COMMONWEALTH

27. Law Ministers discussed the concluded draft Guidelines on the Treatment of Electronic Evidence in Criminal Proceedings in the Commonwealth. The aim of the review was to ensure that electronic evidence can be safely and securely relied upon in domestic criminal proceedings. As recommended in the outcome statement of CLMM 2019, a working group was established, and draft guidelines were prepared.
28. Law Ministers welcomed the development of the Guidelines and expressed hope that the Guidelines would shape the future of electronic evidence legislation in the Commonwealth.
29. Law Ministers adopted the Guidelines on the Treatment of Electronic Evidence in Criminal Proceedings as a Commonwealth Guide.

OPEN-SOURCE EVIDENCE

30. Law Ministers received a paper on open-source evidence and noted the challenge of authenticating open-source evidence in the new digital age. Law Ministers requested the Secretariat to carry out a needs-based analysis and to review existing legislation on open-source evidence, to identify gaps and good practices and present Ministers with concrete solutions at their next meeting.

INFORMATION PAPERS

31. Law Ministers received information papers on the Model Provisions on Abuse of Positions of Trust, the Climate Change Advisory Opinion, a Progress Report on the Practice Guide on Decriminalisation of Poverty and Status, and the Commonwealth Access to Justice Innovation Award. The Secretary General also updated Law Ministers on climate change initiatives undertaken by the Commonwealth Secretariat.

REPORTS FROM PARTNER ORGANISATIONS

32. Law Ministers received and noted reports from the Secretariat's partner organisations including: the Commonwealth Association of Law Reform Agencies (CALRA), the Commonwealth Association of Legislative Counsel (CALC), the Commonwealth Judicial Education Institute (CJEl), the Commonwealth Lawyers Association (CLA), the

Commonwealth Parliamentary Association (CPA), the International Red Cross and the British Red Cross (ICRC/BRC), the Commonwealth Magistrates and Judges Association (CMJA) and the Commonwealth Legal Education Association (CLEA).

33. Law Ministers received an Observer Statement from African Legal Information Institute (AfricanLii), an invited organisation.
34. Law Ministers also received an Observer Statement from the Commonwealth Lawyers Association (CLA) proposing a project on the implementation of the Kigali Declaration on Child Care and Protection Reform. Law Ministers will receive a report on progress on the project from the CLA at a later date.

LAW MINISTERS ROUND TABLE

35. A closed session for Law Ministers was held and they had the opportunity to raise and discuss matters of mutual interest.

CLOSING

36. Law Ministers thanked the Secretary General for exceptional leadership in championing justice transformation across the Commonwealth. They also thanked the United Republic of Tanzania, Minister Amb. Dr. Pindi Chana and Minister Haroun Ali Suleiman for hosting a successful Law Ministers meeting at Matemwe, Zanzibar. Law Ministers thanked Fiji for their generous offer to host the next Commonwealth Law Ministers Meeting.

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