

Republic of Namibia

MINISTRY OF JUSTICE

PERFORMANCE AGREEMENT 2021/22

The Contracting Parties

This **Performance Agreement** (hereinafter referred to as "PA") is entered into between the Government of the Republic of Namibia (hereinafter referred to as GRN), represented by the President H.E. Dr. Hage G. Geingob, on the one part, and the Ministry of Justice, (hereinafter referred to as the Ministry), represented by the Minister, Hon. **Yvonne Dausab**, on the other part.

PREAMBLE

WHEREAS The People of Namibia overwhelmingly and willingly gave the Government the mandate to consolidate past gains and to pursue the lofty ideals set out in Vision 2030;

WHEREAS The Government is determined to remain faithful to the People's mandate and to build the Namibian House in which all its residents have a sense of shared identity;

WHEREAS The Parties to this Performance Agreement are not only committed to the attainment of the strategic objectives outlined in Vision 2030 but are also fully conscious of the necessity to serve the People of Namibia promptly, diligently, and without regard to the ethnic origin, socio-economic status, gender, religious, ideological, or political affiliation of the service beneficiary;

A handwritten signature in black ink, consisting of a stylized, abstract shape that resembles a triangle with a horizontal line through it, and a vertical line extending upwards from the top vertex.

WHEREAS The Performance Agreement represents the Minister's avowed commitment to the realization of national strategic objectives, and signifies the Government's determination to support the Ministry's efforts;

NOW, THEREFORE, the parties hereto agree as follows:

Part I: Undertaking by the First Party

THE FIRST PARTY, the GOVERNMENT, undertakes to provide the necessary resources needed in line with MTEF to fulfil the Ministry's statutory mandate and attain national strategic objectives, including but not limited to, those set out in Vision 2030, the NDP 5, and the SWAPO Manifesto and Harambee Prosperity Plan. The national strategic objectives will also be informed by the SADC Revised Regional Indicative Strategic Development Plan and the African Union Agenda 63.

His Excellency the President undertakes to facilitate clearance of obstacles that might be beyond the capacity of the ministry to resolve, and which must be brought to the attention of the President by the Minister. The President further undertakes to:

1. Preside over a two-day quarterly Ministerial Retreat to receive briefings on achievements of strategic objectives from individual Cabinet Ministers;
2. Facilitate resolution of structural challenges to performance, brought out at the retreat;
3. Support and facilitate realization of the Minister's commitments, obligations, and strategic intention.

Part II: Undertaking by the Second Party

In consideration of the Government's undertakings and assurances, THE SECOND PARTY, the Minister agrees to:

- Arresting Gender-Based Violence & Violence Against Children;
- Strengthening the Anti-Corruption Mechanisms;
- Effective Governance and Regulatory Framework;
- Enhance Access to justice.



(See Annex A for a matrix depicting the deliverables, performance indicators and annual targets)

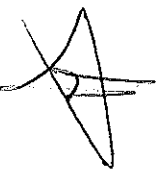
Part III: Notes on Strategic Directions

In specific terms, the Minister will in the short- to medium-term record measurable achievements in the following areas:

- Increase access to Justice services;
- Monitoring and tracking of sex-offenders register in place;
- Operationalise the Witness Protection Act 11 of 2017;
- Review of relevant legislation;
- Create more seats of courts and enhancing existing structures.

Part IV: Reporting lines and requirements:

- I. The ED will be required to submit quarterly performance progress reports to the Minister;
- II. Minister will submit Quarterly Progress reports on performance of the ministry for submission to, and discussion with, H.E. the President, through the Rt. Hon. Prime Minister;
- III. The Minister undertakes to give feedback to the Deputy Minister and ED on the quarterly performance report;
- IV. The Minister further undertakes to provide leadership to ensure that annual performance report is prepared and submitted to the President a month after the end of the financial year;
- V. H.E. the President commits to personally preside over the performance evaluation sessions of Ministers within two (2) months after the end of the financial year.

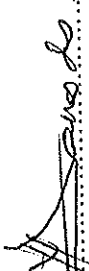


Part V: Duration of the Performance Agreement:

This PA will run for 12 months coinciding with the *financial year* starting 1st April 2021 to 31st March 2022


Part VI: Ratification of the PA Signed:

Cabinet Minister, Hon. Yvonne Dausab (MP)

Sign.....




President, H.E. Dr. Hage G. Geingob

Sign.....


Date..... 30-06-21

Witness

Right Hon. Prime Minister, Dr. Saara Kuugongelwa - Amadhila

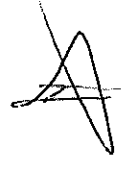
Sign.....


Date..... 29/06/2021

ANNEXURE A: PERFORMANCE MATRIX FOR MINISTERS:

OFFICE, MINISTRY OF AGENCY	MINISTRY JUSTICE
NAME OF OFFICE HOLDER	HON. YVONNE DAUSAB (MP)
PERFORMANCE AGREEMENT PERIOD	1ST APRIL 2021 – 31ST MARCH 2022

FORM 1: MINISTER'S ANNUAL PERFORMANCE AGREEMENT MATRIX (1 st April 2021--31 st March 2022 of every Financial Year)												
Strategic Objectives	Weight (distributed across 100%)	Expected Result	Indicator of Performance	Indicator Definition	Indicat or Type	Baseline	Quarterly Targets				Key Main Activities	
							Q1	Q2	Q3	Q4		Annual Target
1. Arresting Gender-Based Violence & Violence Against Children	20%	Increase access to Justice services	No of specialised courts created to hear GBV cases	Create specialised courts for hearing GBV cases at each Magistrate Court in the country by the end of HPPII. These courts will be housed at the existing infrastructure, with specialized teams dedicated to GBV cases, in a victim and witness friendly environment, dealing with cases in a speedy manner.	Absolute			2	2	4	4	Identify the courts for each FY. Ensure that the existing infrastructure is victim friendly. Ensure the legal and policy framework is adequate for the operation of the courts. Improve Infrastructure for better Service to Survivors.
2. Strengthening the Anti-Corruption Mechanisms	20%	To have a register for monitoring and tracking of sex-offenders	% progress made to enact a national register for sex offenders	Enact a national register for sex offenders, to ensure that a record of names is kept for those found guilty of sexual offences, by March 2022.	Incremental		20	40	60	80	80	Minister to consultation with the relevant stakeholders. Directorate Law Reform to research and draft a position paper for consideration by Minister.
		Operationalise the Witness Protection Act 11 of 2017	% progress in operationalising the Witness Protection Act, 2017	Operationalize the Witness Protection Act, Act 11 of 2017	Incremental	40	50	55	60	65	65	Identify States to enter into agreements. Do benchmarking on effective operationalising the law. Develop policy framework for the protection of witnesses.



FORM 1: MINISTER'S ANNUAL PERFORMANCE AGREEMENT MATRIX (1 st April 2021--31 st March 2022 of every Financial Year)												
Strategic Objectives	Weight (distributed across % between 1% and 100%)	Expected Result	Indicator of Performance	Indicator Definition	Indicator or Type	Baseline	Quarterly Targets				Annual Target	Key Main Activities
							Q1	Q2	Q3	Q4		
3. Effective Governance and Regulatory Framework	30%	Review of relevant legislation	% progress on review and reforming the remaining outdated laws	Outdated laws to be reviewed and repealed as necessary during the 2 nd phase	Incremental	50	55	60	65	70	70	Liaise with the Chief. Law Reform to undertake a review of the legal framework. Identify outdated laws. Consider a report from the Chief. Law Reform
			% progress on the Review of Legal Practitioners Act, 1995	Review the Act to include a provision on compulsory pro bono work for all legal practitioners	Incremental	10	20	30	40	50	50	Consult with key stakeholders. Develop and approve a policy framework on compulsory pro bono work. Submission to Cabinet and CCL on proposed amendments
			% progress made in reforming the Legal Aid Scheme	Review the legal aid scheme and make proposal for wider coverage	Incremental	60	70	80	90	100	100	Consult with key stakeholders. Develop and approve policy framework for the reforms. Review the Legal Aid Act, 1991. Investigate and do bench marking on practical modalities of reforms. Submission to Cabinet and CCL on proposed amendments
			% progress in finalising the Child Justice Bill	Enactment of Child Justice Bill	Incremental	80	85	90	95	100	100	Consultations to take place between the MoJ and key stake holders. MoJ developed a draft policy on Child Justice, which was finalised in March 2021. Policy is due for approval by Minister

FORM 1: MINISTER'S ANNUAL PERFORMANCE AGREEMENT MATRIX (1 st April 2021--31 st March 2022 of every Financial Year)												
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							Q1	Q2	Q3	Q4		
			% completion of the Small Claims Court Bill	Investigate the establishment of Small Claims Courts to reduce the backlog in civil cases in the Lower Courts	Incremental	90	95	100			100	Final input from Deputy Chief Justice is awaited before the Bill is submitted to CCL for approval.
			% progress made toward the finalisation of the Bill	Amended Ombudsman Act	Incremental	80	85	90	95	100	100	The Bill served before CCL on 14 August 2020 and was approved and referred to the Legislative Drafters to effect amendments. The Bill will be re-submitted to Cabinet and send to the Attorney-General for certification in Q2.
			% completion of the amendment Bill	Proposed amendment of the Magistrates Act finalized and tabled in Parliament	Incremental	90	95	100			100	Bill is due for approval by CCL subsequent to the approval of the Divorce Bill.
			% progress of work done towards finalisation of the amendment Bill	Proposed amendment to the Maintenance Act finalised and tabled in Parliament	Incremental	80	85	90	95	100	100	Stakeholder consultation to be concluded and Drafters to refine the draft before approval by Minister.
			% progress made toward the process of tabling the Bill before CCL	Insolvency Bill tabled before CCL	Incremental	61	65	70	75	80	80	The Bill is part of the project and will be finalized once the report is approved by the Commission.

FORM 1: MINISTER'S ANNUAL PERFORMANCE AGREEMENT MATRIX (1st April 2021--31st March 2022 of every Financial Year)												
Strategic Objectives	Weight (distributed across % between 1% and 100%)	Expected Result	Indicator of Performance	Indicator Definition	Indicator or Type	Baseline	Quarterly Targets				Annual Target	Key Main Activities
							Q1	Q2	Q3	Q4		
4.Enhancing Access to justice	30%	Create more seats of courts and enhancing existing structures	%progress in establishing more periodic and district courts	Establish more district and periodic courts	Incremental		50	60	70	80	80	Consult with the Judiciary and Magistracy. Identify the seats of the courts. Gazette the seats of the courts. Ensure infrastructure and equipment for courts are in place. Operationalise courts.
							80	90	95	100	100	Consult with key stakeholders on the gaps in the functioning of the Community Courts. Develop and approve policy framework on the functioning of Community Courts. Review the Community Courts Act. Submission to Cabinet and CCL on proposed amendments.
							10	30	50	100	100	Consult with the University of Namibia, LSN, NLA, NWLA, and Society of Advocates on reforms.
Total Weight	100%											