



Permanent Mission of the United Republic of Tanzania

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STATEMENT BY

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PERMANENT MISSION OF THE  
UNITED REPUBLIC OF TANZANIA  
TO THE UNITED NATIONS**

**AT THE SIXTH COMMITTEE OF THE  
71<sup>st</sup> SESSION OF THE UNITED NATIONS  
GENERAL ASSEMBLY**

ON

**AGENDA ITEM 84: THE RULE OF LAW AT  
THE NATIONAL AND INTERNATIONAL LEVELS**

**"PRACTICAL MEASURES TO FACILITATE ACCESS TO  
JUSTICE FOR ALL, INCLUDING FOR THE  
POOREST AND MOST VULNERABLE"**

**NEW YORK, 6<sup>th</sup> OCTOBER 2016**

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**Mr. Chairman,**

I thank you and commend you and the other members of the Bureau on your deserved election.

My delegation aligns itself with the statements delivered by Iran on behalf of the Non-Aligned Movement and South Africa on Behalf of the African Group. We also welcome the report of the Secretary- General on the subject before us.

**Mr. Chairman,**

The adoption of the Sustainable Development Goals (SDGs) in September, 2015 was a momentous occasion. The 17 goals provide a vision and a framework upon which the universal agenda for peace, security and development can be fulfilled. Implementation of goal 16 on peace, justice and strong institutions must be a central component of our collective efforts to make that vision a reality.

In Tanzania, we are undertaking a variety of measures in upholding the rule of law by making all organs responsible for dispensation of justice easily accessible by all people regardless of their social, political and/or economic strata. These include but are not limited to: administrative, policy and legal measures.

Administratively, the Judiciary of Tanzania is vested with powers for the dispensation of justice. The vision of the Judiciary is premised on timely and accessible justice for all, including the poor and the most vulnerable groups.

It is encouraging to note the progress that the Tanzanian judiciary has made in the recent past in terms of improving disposition of cases at different levels; especially with the overarching objective of disposition of backlog of cases in different regions of the country and ensuring of timely attainment of citizen's rights.

**Mr. Chairman,**

Equally important, these efforts have been complemented by the increased number of High Court Judges from 44 in 2005 to 84 in 2016. This is another significant administrative measure taken by the Government with a view to enhancing accessibility of justice to all. The number of Magistrates at Primary Courts, District Courts and Resident Magistrates Courts has also increased quite significantly.

The introduction of *First in First Out (FIFO) system* has been another milestone aimed at improving the accessibility of justice in Tanzania. By applying this system, cases are now determined by the Courts according to their registration dates within the Court registry.

In terms of policy action, the Judiciary has in year 2016 introduced what is known as the "*Zero Case Backlog Policy*". Through this, every Judge and Magistrate is assigned a minimum number of cases to be finalized within a year.

A Primary Court Magistrate has a minimum of 260 cases per year; District and Resident Magistrates have 250 cases, while Judges of the High Court have a total of 220 cases per year. The policy was introduced to

ensure, among other things, the adherence to the cardinal principle of provision of justice, by removing delays and accumulation of pending cases in our courts. Members of the bench are reminded from time to time to determine cases before them within a year, failure of which they are subjected to disciplinary actions.

**Mr. Chairman,**

There is an ongoing effort by the Government towards introducing mobile courts in areas where there are no physical courts and judicial officers. This measure will certainly bring judicial services much closer to people and will subsequently cut down costs related to access to justice by the poor and the most vulnerable.

The introduction of mobile courts is one of the interventions proposed in the Judiciary Strategic Plan 2016/2017 to 2020/21 whose initial funding has been secured. Acting in this spirit, on 20<sup>th</sup> May, 2016 the Government allocated TZS 12.3 billion to the judiciary, solely for renovating court buildings and ensuring provision of working tools for effective and smooth functioning of the Courts. This will largely impact positively in terms of keeping up and maintaining conducive working environment for dispensation of justice.

**Mr. Chairman,**

It is common knowledge that administrative measures alone cannot yield the expected results if there is no legal framework in place to ensure effective adherence, enforcement and implementation by those required to do so. That being the case, the Government has taken a number of legal measures to brace up both administrative and policy actions in order to ensure accessibility to justice by all.

Cognizant of the fact that, access to justice does not only mean access to physical buildings but also access to timely, transparent and fair dispensation of justice; court procedures and processes have been modernized, made simpler, efficient, faster and more so, less costly.

In 2014, the Chief Justice promulgated the Legal Aid (Criminal Proceedings) Rules, which have widened the threshold for legal aid eligibility. As a consequence, legal aid coverage has been extended to cater for many in need, such as children, people with disabilities or illness and persons accused with offence attracting a sentence of 15 years and above, life imprisonment and death penalty inclusively.

Similar initiatives have included new set rules and regulations to guide court users. These have enhanced ample access to justice and also removed certain procedural ambiguities and technicalities which hindered access to justice to many in the past.

For example; the Basic Rights and Duties Enforcement (practice and Procedure) Rules, 2014; the Legal aid (Criminal Proceedings) Rules, 2014; the Law Reform (Fatal Accidents and Miscellaneous Provision) (Judicial Review Procedure and Fees) Rule, 2014; and the Law of the Child Juvenile Court Proceedings) Rules, 2016 have been, to a large extent widened the scope of access to justice for all.

In civil matters the new rules and regulations have introduced a free legal service to the poor and most vulnerable in Tanzania. For instance, the Court Fees Rules and Court of Appeal Rules of 2015 provide for the poor to institute cases in courts without paying filing fees. Moreover, litigants have legal rights to request the registrar to prepare records of appeal for them.

Lastly, it's worth mentioning here that, the establishment of a Corruption and Economic Crimes Division of the High Court recently; has been celebrated as a milestone in strengthening the rule of law. For the first time in the history of Tanzania the new legislation (Act No.6, 2016) which was enacted in May, 2016 seems to address the corruption vice in a more elaborate and effective manner.

**Mr. Chairman,**

Despite all the above efforts, the Government continues to grapple with a few challenges on its drive to provide access to justice for all. Such is the case with the challenge of language barrier- whereas most of the Tanzanian laws are in English language whilst majority of Tanzanians cannot easily communicate in English. Efforts to translate court rules and procedures in Swahili language have always been encumbered with inadequate financial resources. The use of court interpreters has also been affected by budgetary constraints.

There is also lack of awareness and interest among the populace to seek their legal redress in courts of law: for some still believe that the courts are for the elite few.

As a Government, we continue to do what we can to create the required awareness so that every individual can enjoy his/her legal rights to the fullest. For this, we continue to appeal to the international community to partner with us.

**I thank you.**