

**OPENING SPEECH BY GUEST OF HONOUR, HONOURABLE CHIEF
JUSTICE OMAR OTHMAN MAKUNGU, HIGH COURT ZANZIBAR.**

**ON ZAFELA –SIS EXCHANGE FORUM ON ACCESS TO JUSTICE
THROUGH KADHI’S COURT SYSTEM**

Held at THE GRAND PALACE HOTEL, ZANZIBAR.

21 MARCH 2013

The Chairperson, Zanzibar Female Lawyers Association

Hon. Chief Kadhi

OSIEA delegates,

Sisters in Islam Forum

Distinguished Heads of Government Institutions,

Invited Guests, Dear Participants

Ladies and Gentlemen,

First of all, praised be to Allah, who gives us opportunity to be together in this special forum of ZAFELA- SIS.

At the outset, let me express my sincere appreciation for the honour I have been given to officiate the opening forum for the ZAFELA- SIS

exchange programme on access to justice through the Kadhi Court system. It is a wonderful but daunting task that has fallen on me to say a few words by way of opening this Forum.

Secondly, I sincerely welcome in this occasion the special delegates from Malaysia, Indonesia, Singapore, the team from Open Society and all of you, to attend this important forum. I say Welcome to Zanzibar and I believe this gathering assures that your contributions and experiences are paramount to the achievement of access to justice in Zanzibar especially for women.

Dear Participants,

I would like to start by thanking Zanzibar Female Lawyers Association (ZAFELA) for creating this opportunity for a group of intellectual and experts of widely differing ranks and from different countries to meet here in Zanzibar. I am sure that I speak for us all and that we are all grateful to be given time on this beautiful Island to focus our thoughts together on the difficult and sensitive subject of Kadhi's Court system.

Dear Participants,

Currently the Revolutionary Government of Zanzibar through the Ministry of Justice and Constitutional Affairs is under the process to reform the

Legal Sectors, one among them is Judiciary in Zanzibar. In this process there were two reports accomplished on "Capacity and needs Assessment of Legal Sectors Actors in Zanzibar" and "Assessment of Justice Needs and Obstacles". These reports are very important to the Government to usher the way on access to justice among other thing to build the capacity of legal actors including Kadhi's Court. In addition to that the report concentrated on women and children issues especial on accessing to justice in court and came to the conclusion that it needs to be improved. So for this important occassion I can say that the Government under the Legal Reform undertakes to improve not only institutional capacities but also to make sure the access to justice enjoyed by for all.

Dear Participants

I've been told that today you gathering here to discuss the Kadhi's Court system and to share experience through different countires like Malaysia, Indonesia and Singapore. So ZAFELA and other participants especially from Zanzibar will have the opportunity to learn from other countries experience and to filter what important for us and to leave what is not important in order to improve Kadhi's Court system and to make sure women and children accessing justice.

It is true that our court system sustained several obstacles and the legislations which are paramount to the court system are outdated and needs reform to conform with modern situation.

Dear Participants

The Government after realising that obstacles and challenges facing Kadhi's court through the Ministry of Social Welfare, Youth, Women and Children Development took initiative action for reviewing it. All such effort came after ZAFELA raised their voice on addressing those obstacles and challenges. As I speak today the draft of new bill tabled to the Ministry of Justice and Constitution Affairs for consideration and to forward it to the Cabinet (Ministers) for approval. I sincerely congratulate ZAFELA for this effort first because without their voice the Ministry of Social Welfare could not react with the draft bill.

Dear participants

It is not my desire to make long speech but I stand here to officiate this occasion.

I therefore wish to emphasise that, it is through collaboration among all stakeholders for sharing ideas and experiences through different countries which applied Islamic sharia in their legal system will help

Kadhi's courts system in Zanzibar to work properly in terms of laws and procedures which currently are cumbersome for the users.

May I take this opportunity to assure you that, the Zanzibar Judiciary is committed in support what ZAFELA has been done by taking into account different experience, ideas in improving Kadhi's Court to work effectively and to ensure that, the contribution derived from this forum will increase capacity of kadhi's Court in providing accurate, timely and accessible justice to the women.

I am grateful by the efforts made by ZAFELA under the support of OSIEA and in collaboration with SIS to organize this important occasion for the development of legal system of Zanzibar.

It is my expectations to see that the discussions among the participants will contribute to inspire the improvement of the Kadhi Court to work efficiently and effectively.

Dear Participants

Let me also remind the participants in this forum that The kadhi's Court operationize is very important because most of Zanzibar are muslims and all family matters including personnal status of individual are determined under jurisdiction of Kadhi's court. Therefore kadhi's Court system in Zanzibar should work in environment which could be accessible to every muslim in Zanzibar because it is part and parcel of the life of muslim in Zanzibar.

Lastly I wish to thank all the participants in this event for their valuable contributions to the success of this forum. Let me once again take this opportunity to express my sincere gratitude to the organizers of this forum for inviting me to officiate the forum. It is my expectation that participants will find the occasion useful and the contribution to the discussions be followed.

Dear Participants

With these few remarks, it is now my pleasure to declare that ZAFELA – SIS Exchange forum on access to justice through Kadhi Court System officially opened and wish you all a successful contribution in the operation of kadhi's Court in Zanzibar. For all the participants come from outside Zanzibar I say welcome and feel at home.

Thank you for your attention