



THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR

THE REVISED JUDICIARY STRATEGIC PLAN AND MTEF
(2013/2014 – 2015/2016)

FINAL REPORT

MAY, 2013

Contents

1	INTRODUCTION	1
1.1	Background.....	1
1.2	Purpose of the Strategic Plan	1
1.3	Methodology	2
1.4	Strategic Linkage.....	2
2	SITUATION ANALYSIS.....	3
2.1	Internal Analysis	3
2.1.1	The High Court.....	3
2.1.2	The Regional Court	3
2.1.3	The District Court.....	3
2.1.4	The Primary Court.....	4
2.1.5	The Children’s Court	4
2.1.6	The Kadhis Court.....	5
2.1.7	The Industrial Court.....	6
2.1.8	The Judicial Service Commission (JSC).....	7
2.2	External Analysis	8
2.2.1	PEST Analysis	8
2.2.1.1	Political Analysis.....	8
2.2.1.2	Economic Analysis.....	8
2.2.1.3	Social Analysis	9
2.2.1.4	Technology Analysis	9
2.3	Stakeholder Analysis.....	10
2.4	SWOT Analysis	11
2.4.1	Existing Strengths	11
2.4.2	Current Weaknesses.....	11
2.4.3	Available and Emerging Opportunities.....	12
2.4.4	Current and Emerging Threats	12

3	VISION, MISSION, OBJECTIVES, STRATEGIES, TARGETS.....	13
3.1	VISION.....	13
3.2	MISSION.....	13
3.3	CORE VALUES.....	13
3.4	STRATEGIC OBJECTIVES.	14
4	IMPLEMENTATION, MONITORING AND EVALUATION	18
4.1	Implementation	18
4.2	Monitoring.....	19
4.3	Evaluation	19
	APPENDICES: IMPLEMENTATION MATRIX AND ACTIVITY COST SHEETS.....	20

1 INTRODUCTION

1.1 Background

The Zanzibar Judiciary in consultation with key stakeholders prepared a Revised Judiciary Strategic Plan (RJSP)(2011/12- 2013/14). The plan was prepared after an extensive review of the implementation of the Strategic Plan. The outcome of the review therefore provided substantial input into the revision of the RJSP. The over arching goal of the revised RJSP is to achieve the vision of seeing Zanzibaris enjoy free and fair justice.

The Revised Judiciary Strategic Plan (2011/12-2013/14) has five strategic objectives:

1. To ensure Access to Justice and the Rule of Law is observed
2. To Enhance Capacity of the Judiciary
3. To Enhance Service Delivery by the Judiciary
4. To enhance and promote Human Rights
5. To Mainstream Cross cutting issues in Judiciary Functions

The RJSP constitute the five thematic areas of the judiciary sector; access to justice, capacity enhancement, human rights, mainstreaming (HIV prevention, care and treatment and social support and protection) and one support thematic area (strengthened systems of service delivery).

The RJSP provides strategies and targets for each of the strategic objectives for the remaining two years period. It provides a common strategic framework that will guide all interventions by all stakeholders in the judiciary sector. The scope of the strategic plan is therefore national and the achievement of its targets is the collective responsibility of all stakeholders in the sector. In order to operationalize the RJSP, stakeholders have to prepare strategies and activities that can be traced back to the Judiciary Strategic Plan.

1.2 Purpose of the Strategic Plan

This plan is expected to provide important guidance during the planning and budget preparation stage for the Judiciary. It is also expected that mobilization, allocation and utilization of the Government resources will be enhanced by referring to this Strategic Plan. Furthermore it will be used as a communication tool between different stakeholders of the judiciary and the Government in general.

1.3 Methodology

The assignment began with a detailed desk review and analysis of strategic plan and other documents relating to the judiciary and individual sector institutions. A two days workshop of preparing annual work plan for the judiciary was used to gather data on implementation of programs by sector institutions.

The workshop was also used to briefly review and update some facts in the current Judiciary Strategic Plan. A participatory approach, involved the technical staff of the Judiciary was employed to get the insight and challenges of strategic plan implementation, the views assisted in update the plan for the remaining years of its implementation.

1.4 Strategic Linkage

The strategic management framework for Judiciary is developed to ensure its contributes to national overall Vision 2020, Zanzibar Strategy for Growth and Reduction of Poverty (ZSGRP) also known as MKUZA and other sectoral policies. It is the process by which continuous improvement within the judiciary that will be monitored and reviewed. The judiciary vision and values have been developed to guide the service delivery.

2 SITUATION ANALYSIS

2.1 Internal Analysis

The Judiciary in Zanzibar is made up of five distinct courts namely, the High Court of Zanzibar, Regional Courts, District Courts, Primary Courts and the Kadhi's Courts. The children's Court, which is another important institution in the judiciary, is attached to the Regional Court. The Industrial Court is a specialized division of the High Court on labour matters. The Court of Appeal, which is the highest appellate level, is a Union Matter.

2.1.1 The High Court

The High Court of Zanzibar is established under Article 93 of the Constitution of Zanzibar. It is a court of record with jurisdiction on all matters, both criminal and civil and other matters that might be trusted to it by other laws. The Chief Justice of Zanzibar is the head of the judiciary. Currently, the High Court has 6 full time judges, including the Chief Justice, which is the optimal number required. However, there is no resident judge of the High Court in Pemba.

2.1.2 The Regional Court

The Regional Court was established under the Magistrates Courts Act, 1985. Under the law, each of the five regions (i.e. North and South Regions of Pemba and North, South and Urban West in Unguja) in Unguja and Pemba is supposed to have a Regional Court. The Regional Court is presided over by a regional magistrate who is supposed to be a qualified lawyer and holder of a law degree from recognized institutions.

The Regional Court has both civil and criminal jurisdiction. In civil matters, the Regional Court has the power to entertain cases in which in the case of movable property the value of the subject matter is above TZS. 5,000,000/= but does not exceed TZS. 30,000,000/= and in the case of immovable property the value of the subject matter is above TZS. 10,000,000/= but does not exceed TZS. 50,000,000/=. In criminal matters, the Regional Court has power to hear cases originally heard by subordinate courts.

The Regional Magistrate, by virtue of the position, is the chairperson of the Children's Court working in the region and can exercise the power of high court judge if his/her jurisdiction is extended by the chief justice.

2.1.3 The District Court

The District Court was established under the Magistrates Courts Act, 1985. Under the law, each district is supposed to have a District Court. The district magistrate has both criminal and civil jurisdiction. In criminal cases, the district magistrate can impose a sentence not exceeding five years in jail. In civil cases, the District Court can handle matters in which in the case of movable property the value of the subject matter is above

TZS. 1,000,000/= but does not exceed TZS. 5,000,000/= and in the case of immovable property the value of the subject matter is above TZS. 5,000,000/= but does not exceed TZS. 10,000,000/=. The District Court also exercises appellate and revisionary jurisdiction over the Primary Court below it.

2.1.4 The Primary Court

The Primary Courts are established under the Magistrates Courts Act, 1985. There is supposed to be a Primary Court in each district. However, the chief justice is by law allowed to establish more than one Primary Court in each district.

In its criminal jurisdiction, a Primary Court can impose a custodial sentence not exceeding one year or a fine not exceeding TZS. 2,000 or corporal punishment; or a combination of all these sentences. In civil matters, a Primary Court has jurisdiction to hear cases in which in the case of movable property the value of the subject matter does not exceed TZS. 1,000,000/= and in the case of immovable property the value of the subject matter does not exceed TZS. 5,000,000/=.

Advocates and state attorneys are prohibited to appear in the Primary Court. However, *Wakyls* are permitted to appear before primary court magistrates.

2.1.5 The Children's Court

During the Sultanate era, Islamic law and religious leaders such as *Shehas*, *Kadhis*, and *Imams* were the common forums in relation to the administration of juvenile justice in Zanzibar. The first juvenile court was introduced in 1935 following adoption by the British of the Juvenile Offenders Decree. Later, in 1952 the Juvenile Offenders Decree was repealed by the Children and Young Persons Decree, 1952 (Cap 58) which was a product of the English Act – the Children and Young Persons Act, 1933. Cap 58 contained provisions for protection of persons under the age of sixteen years and for the procedure at trial of such persons on criminal charges. It also established a distinct Juvenile Court at the level of the Regional Court for the purpose of hearing and conducting all trials against persons below 18 years. However, in cases where juveniles were charged jointly with adults they lost the protection accorded by the Children and Young Persons Decree, 1952. In those instances, they were not tried by the Juvenile Court.

In 2011, the Children and Young Persons Decree, 1952 was repealed and replaced by the Children's Act. Among other things, the Children's Act establishes the Children Court in every region for the purposes of making orders relating to children in need of care and protection, maintenance of children, custody of and access to children, guardianship and parentage of children; and hearing and determining criminal charges against a child for an offence alleged to have been committed before the child reached the age of 18 years. However, the offences of murder, manslaughter, treason or rape – if committed by a child – are not heard by the Children's Court.

The Chief Justice may, by notice in the Gazette, designate any premises used by a Primary Court to be a Children's Court. The Children's Court is presided over by a Regional Magistrate, as chairperson, sitting with at least two other persons appointed by the Chief Justice as members. The persons to be appointed as members should have special knowledge or training in child welfare or child psychology or have been actively involved in health, education or welfare activities pertaining to children. However, the presiding Regional Magistrate may sit alone when hearing and determining criminal charges against a child in the case of offences listed in Schedule I to the Act.

Attendance to the proceedings of a Children's Court is not open to the general public. It is restricted to the child involved in the matter before the court, his parents or guardian and any other party in the matter; the legal representative of a party to the proceedings, including the legal representative of the child involved in the proceedings; a person who obtained permission to be present from the magistrate presiding at the proceedings; a person performing official duties in connection with the work of the court or whose presence is otherwise necessary for the proceedings; and a probation officer or a welfare officer.

However, given the fact that the Regional Court and any Primary Court premises that may have been designated by the Chief Justice to be a Children's Court are by themselves inherently constrained in terms of human and financial resources as well as working facilities, the Children's Court would logically and automatically be equally or more constrained. It cannot be expected under these circumstances to operate optimally. The work of the Children's Court can easily be perceived as an additional workload to the already overloaded Regional Court.

2.1.6 The Kadhis Court

Part Six of the Constitution of Zanzibar of 1984 establishes the judicial arm of the state. The Constitution empowers the House of Representatives to establish other courts subordinate to the High Court and those courts so established shall be vested with power and jurisdiction as shall be provided by law. In 1985, the Kadhi's Court Act was enacted. It established the Kadhi's Court in each district and the Chief Kadhi's Court, with jurisdiction that was restricted to the determination of questions of Muslim law relating to personal status, marriage, divorce or inheritance, in proceedings in which all parties professed the Muslim religion.

Under the 1985 Act, appeals from the Kadhi's Court went to the Chief Kadhi's Court which lacked original jurisdiction but acted as an appellate court for the decisions of the Kadhi's Court. In 2003, the Kadhi's Court Act was amended. The amending Act established the Chief Kadhi's Court to be headed by the Chief Kadhi, the Deputy Kadhi's Court to be headed by the Deputy Chief Kadhi based in Unguja Island, and the Appellate Kadhi's Court to be headed by the Appellate Kadhi based in Pemba. It also established a Kadhi's Court to be presided over by District Kadhis whose number shall not be less than 10 and not more than 15. The Chief

Kadhi and Deputy Chief Kadhi are appointed by the President while the Appellate Kadhi and District Kadhis are appointed by the President in consultation with the Judicial Service Commission. For one to qualify to be appointed as a Kadhi of whatever level he has to profess and follow the Islamic Religion as well as possessing recognized qualifications in Islamic Laws from any Institution approved by Council of Ulamaas established under the Provisions of the Establishment of the Office of Mufti Act, 2001.

Each of the Kadhi's Court is subordinate to the High Court and is duly constituted when held by the Chief Kadhi, Deputy Chief Kadhi, Appellate Kadhi, or a District Kadhi. The Chief Kadhi's Court, the Deputy Kadhi's Court, and the Appellate Kadhi's Court do not have original jurisdiction but act as appellate courts for decisions from the District Kadhis Court. Appeals from the Chief Kadhi's Court, Deputy Chief Kadhi's Court, and Appellate Kadhi's Court go to the High Court of Zanzibar which is the highest institution of appeal as far as issues handled by the Kadhi's Courts are concerned. Such appeals are heard by a panel of five members presided by a judge of the High Court and four other members (Ulamaas) who are conversant in Islamic laws. Article 99(1) of the Constitution of Zanzibar of 1984 excludes the Court of Appeal of Tanzania from handling cases relating to matters of Islamic law which begun at the Kadhi's Court.

It should be noted however that the Kadhis Court does not have premises of its own. It shares office premises with the circular courts. Its chambers are not well furnished; it has a very thin staff compliment, and the dearth of financial resources that cuts across the entire judicial system hits even harder on the Kadhis Court.

Another challenge facing the Kadhi's Court is the fact that the only qualifications which appears to be considered for appointment of Kadhis of whatever level is the professing and following of the Islamic Religion. The requirement to possess recognized qualifications in Islamic Laws from any Institution approved by Council of Ulamaas established under the provisions of the Establishment of the Office of Mufti Act, 2001 is either not being considered in the course of making the appointments or the Establishment of the Office of Mufti Act, 2001 has not been put to full use. The result of this is that Kadhis are being regarded by the public as officials who are not competent enough to discharge the functions of a Kadhi. Associated with this is the fact that Kadhis are not retiring at the age of 60 as provided by the law.

2.1.7 The Industrial Court

This is a specialized division of the High Court on labour matters. It was established under the Labour Relations Act, No. 1 of 2005 and became operational in the same year. In 2011 there were promulgated regulations under Legal Notice No. 107 of 2011 putting in place mechanism for mediation and arbitration of labour disputes by the Disputes Handling Unit (DHU) before they are referred to the Industrial Court.

Currently the Court does not have its own budget, staff, office premises nor working facilities. It is accommodated within the main High Court building. It has been allocated an office building at

Mwanakwerekwe which requires extensive renovation but for which a budget has not been provided. The Court is presided over by a Chairman who is also a serving judge handling cases of the High Court main registry. The Registrar of the High Court also doubles as its registrar. Other than the Chairman, it has 5 staff which it shares with the High Court namely, 1 legal advisor, 1 typist, 2 clerks, and 1 messenger. Both the Court and the DHU do not have offices in Pemba. They do not operate in Pemba. All industrial disputes, whether at the DHU or the Court, have to be filed in Unguja.

The introduction of the DHU has substantially reduced the number of labour disputes filed with the Industrial Court. It has also reduced the backlog. For instance, since its inception a total of 207 cases have been filed with the court. Of these, 60 were pending at the time of the study, of which only 30 cases can be considered a backlog (pending for 2 year or more). The backlog is occasioned by agreements between advocates, appeals against interlocutory orders, or where the Government is a party to the dispute which ordinarily takes longer to resolve.

2.1.8 The Judicial Service Commission (JSC)

Initially the JSC was established under Part Five of Chapter Six of the Constitution of Zanzibar of 1984. It was composed of the Chief Justice of Zanzibar as its chairman, one judge of the High Court, a retired judge of the High Court or the Court of Appeal, one advocate recommended by ZLS, the chairman of the Civil Service Commission, the Attorney General, the Chief Kadhi and one member appointed by the President of Zanzibar. The JSC dealt with appointments and discipline of various functionaries of the judiciary. These included office of the registrar and deputy registrar of the High Court, the office of regional and district magistrates, office of any subordinate court with criminal jurisdiction, the office of the Kadhi, and any other office in the judiciary as shall be directed by the House of Representatives. Following the amendments to the Zanzibar Constitution in 2002, the JSC had powers to advise the president on the appointment of the Chief Justice and to make recommendations to the President on the appointment of High Court judges.

In 2011, the Representative Council enacted an Act to provide for the structures, operation and management of the Zanzibar public service and matters related thereto. Section 33(1) of the Act established the JSC among other Service Commissions. It is composed of a Chairman who is a High Court Judge or a person qualified to be a High Court Judge appointed by the Chief Justice, a representative of the Attorney General, a representative from the Zanzibar Law Society and not more than three other members appointed by the Chief Justice. Section 104(1) repealed the Judicial Service Commission Act, No. 13 of 2003.

Under the current law, the JSC's functions and powers are to approve qualifications, number of persons to be employed, selection process and nullification of any recruitment process or employment made in contravention of approved procedures; to recommend to the Civil Service Commission the approval of scheme of service or where there is none, to make directions for its preparation; to approve promotion of employees in accordance

with the scheme of service or to recommend promotion or appointment to senior positions where such promotion or appointment is not within its mandate; to ensure that public service basic principles, values and codes of conduct are observed; to deal with any matter within its jurisdiction referred to it by the Chief Justice; and to approve extended service up to two years.

2.2 External Analysis

In order to realize strategic objectives in this plan, there must be awareness and effective response to the factors likely to hamper or promote the successful implementation of the Plan. Consequently, the scanning of the Political, Economic, Social and Technology (PEST) environments was done to come up with a summary of Strengths, Weaknesses, Opportunities and Threats (SWOT).

2.2.1 PEST Analysis

2.2.1.1 Political Analysis

The Government of National Unity (GNU) was set immediately after the 2010 national election which joined the two major parties together to lead the country. This understanding has enabled the government to pool efforts from two opposing parties and create a unit of direction which is an asset in bringing political stability and enhancing relationships with other governments in developed countries. This enables the country to initiate mutual friendships and networks.

The stable political environment, continued review of national constitution, Acts and sector policies triggered the urge to realize the national vision policies (Vision, 2020) and smooth implementation of poverty reduction strategies stipulated in MKUZA II is an indication of a conducive environment for promoting good governance through efficient and effective judiciary systems..

2.2.1.2 Economic Analysis

The main focus of the government is to consolidate the achievement on national economy to promote growth and reduce poverty. Government is strengthening the growth drivers to enhance the allocation of strategic resources for the development of infrastructures. According to Bank of Tanzania (BoT) economic bulletin for the quarter ending March 2012, Zanzibar recorded good economic performance as the real Gross Domestic Product (GDP) grew by 6.8 percent. This growth is necessary in initiating the improvement of Zanzibar's life standards.

The recorded impressive progress in implementation of growth strategies and social well-being interventions contributed to the improvement in good governance practices and observation of rule of law. MKUZA AIR

(2009) asserted improvement in service delivery by the judiciary, whereby the number of Zanzibaris accessing justice services has increased tremendously.

In addition, the adoption of Millennium Development Goals (MDGs), Vision 2020 and MKUZAI have put RGoZ in a position of understanding its poverty level and identify strategies for poverty reduction. The implementation of these strategies provides growth of several clusters of development without excluding governance and national unity in which judiciary plays an important role. With this being the case, it is expected that the implementation of MKUZA II strategies lays down the foundation for realizing country's vision 2020.

2.2.1.3 Social Analysis

The Vision 2020 has emphasized the social development aspect of the country. The view of the government is to preserve the basis of Zanzibar's culture in all aspects of life. The quality of life and social well-being among the members of the society had long been an explicit policy goal of the RGoZ. The level of participation of the society in development initiatives had much increased through strengthened social participatory framework in both private and public sector. Thus, the situation helps to improve the judiciary system and its governance.

However, the low and weak public awareness and participation of the public on legal framework and justice system provide a setback for judiciary performance. In addition, the growth of unemployed young population is considered as a threat since many researches have linked unemployment with increase rate of crimes.

2.2.1.4 Technology Analysis

The rapid Information, Communication and Technological advancement and relevant infrastructural development necessitate mastery of appropriate skills and knowledge compatible with the Knowledge Based Economy. It is from this angle that ZLRC is to be committed in the use of ICT in performing its functions. Given the ever changing technological advancement in ICT, however, there is the challenge of raising adequate resources to finance ICT infrastructure and enhance capacity of the staff to cope with the prevailing ICT development.

International media influence has created awareness and helped to improve governance and democratization process within governments worldwide. This globalization process also led the adoption of technology advancements which triggered the acceleration of technology adoption.

The government is committed to the expansion of communication network by constructing fiber optic pathways which will facilitate telecommunication and boost the e-government initiatives. Despite, these efforts there is inadequate capacity in adapting to modern technology as compared to neighboring nations. Judiciary ought to plan the smooth adoption of the modern technology applications in its activities to enhance efficiency in operations.

2.3 Stakeholder Analysis

The stakeholders require the judiciary to decide the cases in accordance with the laws, rules and procedures and dispose the cases in a right time.

The Judiciary to achieve the overall vision, mission and strategic objectives set out in this plan, the expectations of the following stakeholders should be met:-

- The D.P.P is vested with powers to institute all criminal cases and to decide to continue/discontinue with those cases and instituted by him or any other authorities. It is therefore the office of DPP is expected to discharge its duties in accordance to the laws and procedure. The office of DPP expects fair and speedy trial from Judiciary.
- The Government enforces the law, making policy and safe guarding the public rights against mal-administration of the government organs as well as law violators. It expects the judiciary to maintain the administration of justice and observe the rule of law in the cause its functions. Whereas the Judiciary requires the government to allocate sufficient funds which will enable to perform its duty efficiently and effectively.
- Employees expects competitive and attractive conditions of service and working environment that provides job security and allows career advancement and development work skills and competence. Judiciary expects the employees to perform their duties efficiently and effectively.
- Public in general requires the judiciary to decide cases according to the evidence adduced before the courts. It is also expected to adhere to the laws. The judiciary expects the general public to respect the rule of law and safeguard the constitution.
- Development Partners expect judicious use of resources and realistic achievement of the vision, mission and strategic objectives of the Judiciary in the promotion, protection and enforcement of Human rights, rule of law and principles of good governance. They also require Judiciary to utilize the aid support properly. The Judiciary expects aid from Development Partners without constraints.
- The police force is expected to investigate the case in a right time, bring the offender at the court of law and the police force requires the court to decide the cases according with the country laws.
- Mass media expects to collect information from the Judiciary and announce them to the public. Judiciary expects the Mass media to cover the activities and inform the public true image of the court.

- Offender's education center expects the Judiciary to impose the punishment for wrong doers and send them for reformation. Judiciary expects the inmates to be good citizens after being reformed.
- State Attorney expects the Judiciary to give verdicts of the case in due time. Whereas the Judiciary expects the State Attorney to represent the Government in Civil litigations for or against the government.
- Advocates expect the Judiciary to decide the case for their clients in accordance with the law and dispose the case in a right time. The Judiciary expects the advocates to represent their clients properly, and as the friend of the Court to guide it ethically.

2.4 SWOT Analysis

2.4.1 Existing Strengths

The major existing strengths that allow judiciary to take advantage of the available and emerging opportunities and those that protect it from external threats include:

1. The Judiciary is constitutionally and statutory independent
2. Committed and effective leadership
3. Competent officers of the Courts
4. Sufficient number of Judges and Magistrate
5. Existence of Case Flow Management Committee
6. Management is pro- training

2.4.2 Current Weaknesses

The major current weaknesses that may prevent Judiciary from taking advantage of the available and emerging opportunities and those that do not protect it from external threats include:

1. Unclear defined lines of authority and reporting relationships which result into inadequate supervision
2. Unclear objectives and strategies
3. Unclear managerial hierarchy and leadership
4. Inadequate supervision of subordinate courts by Regional Magistrates due to logistical problems
5. Inadequate monitoring and evaluation framework
6. Weak staff training and development policy
7. Weak observation of ethical practices and code of conduct by some officials
8. Non- rationalization of staffing: understaffing in some areas and misallocation of staffs
9. Lack of schemes of service and inadequate job descriptions
10. Inadequate offices, working facilities and equipment (vehicles, computers, etc.)

11. Inadequate procurement and inventory control systems
12. Poor case and record management

2.4.3 Available and Emerging Opportunities

The following are the available and emerging opportunities and prospects that are likely to have a significant impact on judiciary over the next two years:

1. National Unity, peace and stability
2. Funding (internal and external) from credible sources: Treasury (RGZ),
3. Good relationship with Development Partners (AfDB and WB through BEST Program)
4. Government commitment to Good Governance, rule of law and human rights
5. Support from development partners
6. Good relations with stakeholders
7. Existence of guiding documents and guidelines i.e. VISION 2020, ruling party manifest to 2010, Zanzibar Strategy for growth and reduction of poverty (MKUZA 11) 2010 and Strategic Plan (SP).
8. Increasing availability of skilled personnel
9. Increase number of legal activists

2.4.4 Current and Emerging Threats

The following are the current and emerging threats that are likely to have a significant negative impact on Judiciary in Zanzibar over the next two years:

1. Globalization effect on legal aspects
2. General erosion of public work ethics in the country
3. The judiciary resources allocations depend on other organs of state.
4. Malpractice or breach of human rights by some Government institution
5. Weak public awareness on the concept of good governance
6. Low public confidence in the case administration
7. Unstable and unpredictable development partners' support
8. Weak economy of the Country
9. Widespread rate of Corruption
10. Weak balance of power among government organs

3 VISION, MISSION, OBJECTIVES, STRATEGIES, TARGETS.

3.1 VISION

To see Zanzibaris enjoy free and fair justice

3.2 MISSION

The judiciary strives to ensure access to justice for all, based on the respect for Human Rights and the Rule of Law through effective and efficient administration and accessibility of justice in a manner deserving of the confidence to national and international communities.

3.3 CORE VALUES

In carrying out their responsibilities the employees of the Judiciary are required to adhere to the following values:-

1. Impartiality in service delivery; not engaged in political activities, corruption practices at places of work, or allow personal views to influence decisions and duty performance.
2. Ethics and Integrity; should observe the code of practice and moral behaviour, they should not seek, offer or accept gift, favor or inducements, financial or otherwise, in the course of discharging their duties. They shall not use public properties or official time for their own private benefits purpose. They shall not use information acquired in the course of official duties to gain personal and financial interests.
3. Accountability; accountable for their conduct while performing their official duties. The accountability shall not only be to the leaders, but also to the juniors, stakeholders and public in general.
4. Professionalism; maintain professionalism and due diligence in carrying out their official duties and responsibilities
5. Transparency; strive to be transparent by communicating information to those authorized to receive them and to the public without unwarranted bureaucratic barriers and by carrying out their responsibilities within the country legal principles.
6. Customer Focused Services; greater focused services to the customers by striving to achieve the highest standards and by actively looking for opportunities to improve work standards.
7. Courtesy; treat their clients with courteousness and dependably treat each individual with high level of respect and integrity they have to regard themselves as servants of the Zanzibaris and shall be particularly consider to the elders, the poor, the sick and people with disabilities.

8. Respect for the Law; they are not to commit unlawful acts in the course of their duties, nor shall they instruct and/or encourage others to do so. If directed to commit an unlawful act, they shall refuse to comply, and report the matter to relevant authorities.

3.4 STRATEGIC OBJECTIVES.

The Judiciary in Zanzibar has the following objectives in order to achieve its mission:

1. To ensure Access to Justice and the Rule of Law is observed
2. To Enhance Capacity of the Judiciary
3. To Enhance Service Delivery by the Judiciary
4. To enhance and promote Human Rights
5. To Mainstream HIV/AIDS in Judiciary Functions

TO ENSURE ACCESS TO JUSTICE AND THE RULE OF LAW IS OBSERVED

Strategies

1. Enhance public awareness on the rule of law and good governance.

Interventions

- a. Produce awareness programs through mass media
- b. Conduct training sessions for the public
- c. Publish law reports of select decision of the High Court.

2. Support the Judiciary Service Commission.

Interventions

- a. Improve operational coordination
- b. Strengthen human capacity
- c. Improve resources allocation

3. Enhance case hearings process.

Interventions

- a. Improve court performance
- b. Review Kadhis Court Act to suit with existing environment.
- c. Recruit sufficient number of Judges, Magistrates and Kadhis to
- d. Combat corruption in judiciary
- e. Strengthen court case committee

4. Develop and implement judicial sector policy.

Interventions

- a. Review and strengthen justice system
- b. Review and implement judiciary strategic plan
- c. Conduct stakeholders analysis

TO ENHANCE CAPACITY OF THE JUDICIARY

1. Enhance Human Resources Capacity for the Judiciary

Interventions

- a. Recruit and maintain qualified staff
- b. Improve the quality of work
- c. Intensify development and training programs for staff

2. Build Institutional and Operational Capacity of the Judiciary

Interventions

- a. Build and renovate physical infrastructure
- b. Install and maintain information and communication systems
- c. Acquire modern equipment for case management and processing
- d. Prepare different policies to guide operations

3. Increase financial resources to support Judiciary's operations

Interventions

- a. Lobby the government to increase budgetary allocation
- b. Solicit funds from development partners
- c. Improve monitoring of fund management
- d. Prepare annual performance review and budget

4. Enhance Research and statistics units

Interventions

- a. Establish M&E unit
- b. Improve library facilities
- c. Install e-judiciary and database
- d. Establish and maintain database

TO ENHANCE SERVICE DELIVERY BY THE JUDICIARY

Strategies

1. Design forums for stakeholders to receive performance feedback

Interventions

- a. Conduct stakeholders meetings
- b. Establish forums through social media
- c. Conduct regular stakeholders' survey

2. Create awareness programs on judiciary

Interventions

- a. Produce judiciary awareness programs through mass media
- b. Establish law day as a publicity for judiciary to the public
- c. Develop advertisements for judiciary in mass media
- d. Use judiciary website for publicity

3. Support administrative activities to improve service delivery

Interventions

- a. Set up conducive remuneration packages
- b. Create performance appraisal system
- c. Create quality assurance system

TO ENHANCE AND PROMOTE HUMAN RIGHTS

Strategies

1. Create training programs on human rights to Judicial Officers and supporting staff.

Interventions

- a. Conduct in-house training programs
- b. Facilitate officers in attending trainings
- c. Conduct visits to observe human rights in judiciary

2. Initiate programs to mitigate domestic violence, harassment and gender based violent.

Interventions

- a. Conduct trainings to the public
- b. Establish easy to follow procedures of reporting cases of violence
- c. Prompt human right case hearings

MAINSTREAM CROSS CUTTING ISSUES IN THE JUDICIARY

Strategy

Enhance awareness of judicial staff on Cross cutting Issues..

Interventions

- a) Align sector practices to mitigate HIV/AIDS , Gender and People with disability
- b) Conduct workshop/seminars on cross cutting issues
- c) Design sector policy on cross cutting issue

4 IMPLEMENTATION, MONITORING AND EVALUATION

Monitoring refers to the regular tracking of the progress of implementation of the Strategic Plan. It will make use of the targets and key output performance indicators. Evaluation, on the other hand, is a critical and objective appraisal of the achievement of the plan's outcomes and impact. Evaluation will be based on the key outcome indicators.

Monitoring and Evaluation (M&E) is important to be implemented, whereby all key stakeholders are involved in the process. The implication is that the key actors who implement the plan are able to review their own progress in implementing assigned activities. This is to be done using a reporting format, which will be developed by Strategic Plan Steering Committee (SPSC). The reports will be prepared on a quarterly basis and forwarded to the Registrar. The Secretary of SPSC will review and compile the reports after receiving feedback from the Registrar and submit to the Principal Secretary of Ministry of Constitution and Legal Affairs for review and decision making.

4.1 Implementation

Monitoring and evaluation Mechanism for this Strategic Plan should be put in place. The system designed to ensure effective and efficient implementation of this plan and realization of the intended outputs, outcomes and impacts. Monitoring and Evaluation is vital for directing the implementation, and enable the judiciary to assess the plan's effectiveness and successful or a failure thus respond accordingly.

The following measures will be taken in order to ensure optimal implementation of the Strategic Plan:

1. Regularly involve staff in all relevant activities.
2. Prepare annual work plans and budgets for implementation of the Strategic plan – as part of the annual MTEF based budgeting exercise. This will ensure resources are allocated according to the Strategic Plan and thus reflect the priority needs set by the judiciary and its stakeholders.
3. Set up a steering committee to overseeing and coordinating the implementation of the Strategic Plan.
4. Ensure that the Annual Budget process is directly linked to the objectives and targets set out in the Strategic Plan.
5. Ensure that the available human resources are adequate to respond to demands of the Strategic Plan.
6. Institutionalize the monitoring and evaluation mechanisms to assess the successes and failures of implementation and taking appropriate measures.
7. Ensure budgetary provision for the monitoring and evaluation of the Strategic plan
8. Get relevant stakeholders involved in the implementation of the plan
9. Efforts should be taken to ensure that the plan is well understood by employees.

4.2 Monitoring

Monitoring the Strategic Plan will be the overall responsibility of the Strategic Plan Steering Committee (SPSC) chaired by the Registrar. The Chairman will appoint seven individuals from unguja and Pemba to form the SPSC – drawn mainly from various departments and agencies of the Judiciary.

The Committee will periodically audit the implementation of the plan and will meet once every three months.

The secretary to the SPSC and the implementation coordinator will be appointed among the members.

The committee will prepare detailed annual work plan indicating quarterly targets and will report on the implementation of the work plan on a quarterly basis. The quarterly monitoring reports will comprise:

1. A narrative report and the summary.
2. The content of the narrative part will include but not be limited to:
 - a) The approved strategic objectives, strategies and their target indicators;
 - b) Achievements in terms of targets, the deviations in the planned targets;
 - c) Constraints in the implementation of the strategic Plan and any internal and external factors which have affected implementation;
 - d) Proposed remedial actions and the way forward for solving the problems faced, indicating clearly the planned targets to be delivered in the next quarter.

An officer is to be assigned the responsibility of maintaining a database of data on the key indicators presented in Operational Framework. The data will have to be obtained from the various data sources to be determined and will be regularly compiled into an indicator report to be submitted to the SPSC meetings – once in six months.

4.3 Evaluation

There will be one evaluation of the strategic Plan-towards the end of the three years of the plan using both internal and external evaluators. The terms of reference (TOR) for the evaluation will be prepared by SPSC and will focus but not limited to the following:

1. Assessing the reasons for success or failure of specific aspects of the strategic plan;
2. Assessing whether the strategic plan is achieving its objectives and targets;
3. Determining whether the effects of the strategic plan contribute to proper fulfillment of the Mission and Vision;
4. Assessing the adequacy of resources being mobilized for the implementation of the Strategic Plan;
5. Determining whether available resources are being efficiently utilized to achieve the targets set out in the strategic objectives of the plan;
6. Determining whether the process of strategic planning and implementation faces any problems that need solutions.

APPENDIX 1: IMPLEMENTATION MATRIX

Strategic Objective 1: ENSURE ACCESS TO JUSTICE, DISPENSATION AND THE RULE OF LAW							
	Activity	Target	Expected Output	Performance Indicator	Expected Impact	Time Frame	Key Actor
Strategy 1: Enhance public awareness on the rule of law and good governance.							
a.	Produce awareness programs through mass media	Four (4) programs conducted	Public are aware on rule of law	Number of program conducted	Rule and law of the country are obeyed	Continuous	Registrar
b.	Conduct training sessions for the stakeholders	Four (4) training sessions per year	Different stakeholders trained	Stakeholders report	The rule of law and good governance are observed	Continuous	Registrar
c.	Publish law reports of select decision of the High Court.	Five (5) reports published	Transparency and openness	Number of report produced	Public confidence on judiciary functions improved	Continuous	Registrar
Strategy 2: Support the Judiciary Service Commission.							
a.	Improve operational coordination	Database and data collection tools established by 2014	Performance report produced timely	-Database in place -M&E reports	Management of resources enhanced	Continuous	Deputy Registrar
b.	Strengthen human capacity	Recruits 10 magistrates and train 60 existing employees	Performance increased	Training reports	Public access to justice improved	Continuous	Registrar
c.	Improve resources allocation	Increase budget allocation by 30%	Number of Task and activities executed properly	Budget Reports and Work plan	Public satisfaction on judiciary service delivery enhanced	Continuous	Registrar
Strategy 3: Enhance case hearings process							
a.	Improve court performance	Increase court performance by 30%	Number of cases heard and resolve increased	Number of cases	Public access to justice enhanced	Continuous	Chief Justice
b.	Review Kadhis Court Act to suit with existing environment.	Kadhis Court Act review by 2014	Performance of Kadhis court improved	Number of cases	Public confident on Kadhis courts increased	July 2014	Registrar
c.	Recruit sufficient number of Judges, Magistrates and Kadhis	Recruit two (2) judges, five (5) magistrates and ten (10) Kadhis by 2014	Cases hearing accelerated	-Recruitment reports - Nominal Roll	Public access to justice enhanced	July 2014	Registrar
d.	Combat corruption in judiciary	Reduce level of corruption by 30%	Access to justice	Number of corruption cases	Public access to justice increased	Continuous	Chief Justice
e.	Strengthen court case committee	Conduct case committee meeting weekly	Cases resolved	Minutes of meetings conducted	Performance of court enhanced	Continuous	Chief Justice
Strategy 4: Develop and implement judicial sector policy.							
a.	Review and strengthen justice system	Judiciary structure strengthen by 2014	Effective judiciary structure in place	Judiciary structure report	Good governance within judiciary enhanced	Continuous	Registrar
b.	Review and implement judiciary strategic plan	Implement judiciary core functions by 90%	SMART strategic activities in place	Strategic plan document	Planning and implementation of activities improved	July 2013	Registrar
c.	Conduct stakeholders analysis	Report produced quarterly	stakeholders demand and expectation identified	Number of meeting/forum	Performance directed to solve stakeholder needs and demand is improved	Continuous	Registrar

Strategic Objective 2: ENHANCE CAPACITY OF THE JUDICIARY							
	Activity	Target	Expected Output	Performance Indicator	Expected Impact	Time Frame	Key Actor
Strategy 1: Enhance Human Resources Capacity for the Judiciary							
a.	Recruit and maintain qualified staff	Recruits 10 magistrates and train 60 existing employees	Performance increased	Number of Skilled and knowledgeable employees increased	Public access to justice	Continuous	Registrar
b.	Improve the quality of work	Modernize working equipment by 2014	Performance increased	Number of modern equipment	Effective and efficient services delivery	Continuous	Registrar
c.	Intensify development and training programs for staff	Training program in placed by 2014	Staff trained on respected areas of discipline	Number of staff trained	Efficiency in services delivery improved	Continuous	Registrar
Strategy 2: Build Institutional and Operational Capacity of the Judiciary							
a.	Build and renovate physical infrastructure	Two (2) regional courts , two (2) Kadhis are build and four (4) regional courts renovated by 2015	Physical infrastructure in place	-BOQ document -Construction Contract	Physical infrastructure improved	Continuous	Registrar
b.	Install and maintain information and communication systems	Install internet web site and LAN by 2014	Easy access to information sharing	Internet , LAN and web site in place	Services delivery enhanced	July 2014	Registrar
c.	Acquire modern equipment for case management and processing	Modern case processing system installed by 2015	Case processing enhanced	Number of cases processed	Cases hearing process improved	Continuous	Registrar
d.	Prepare different policies to guide operations	Judiciary policy formulated by 2015	Proper guideline and direction on judiciary functions	Number of policies	Judiciary operations improved	Continuous	Registrar
Strategy 3: Increase financial resources to support Judiciary's operations							
a.	Lobby the government to increase budgetary allocation	Increase budget allocation by 30%	Number of Task and activities executed increased	Budget report	Execution of judiciary functions enhanced	Continuous	Chief Justice
b.	Solicit funds from development partners	Negotiate with three (3) development partners by 2014	Judiciary development projects in place	Number of project supported	Development Partners' support enhanced	December 2014	Chief Justice
c.	Improve monitoring of fund management	Produce audit report monthly	Effective resource utilization	Number of fraud cases	Management of funds enhanced	Continuous	Registrar
d.	Prepare annual performance review and budget	Performance report produced monthly and quarterly	Transparent and openness	Number of report	Improved service delivery and public confidence	Continuous	Registrar
Strategy 4: Enhance Research and statistics units							
a.	Establish M&E unit	Establish M&E system by 2014	Information and report system improved	M&E tools reports	Efficiency of judiciary enhanced	December 2013	Registrar
b.	Improve library facilities	Increase library references by 30%	Judiciary library in place	Physical presence of library	Skills, knowledge and information acquisition enhanced	Continuous	Registrar
c.	Install e-judiciary and database	Establish case data base by 2014	Database and MIS in placed	Contract of service provision	Decision making process improved	December 2013	Registrar

Strategic Objective 3: ENHANCE SERVICE DELIVERY OF THE JUDICIARY							
	Activity	Target	Expected Output	Performance Indicator	Expected Impact	Time Frame	Key Actor
Strategy 1: Design forums for stakeholders to receive performance feedback							
a.	Conduct stakeholders meetings	Four (4) meeting conducted annually	Stakeholders meetings	Meeting minutes and resolutions	Stakeholders participation level strengthened	Continuous	Registrar
b.	Establish forums through social media	Two (2) forums conducted annually	Social media forums in place	Number of forums	Public confidence on judiciary enhanced	Continuous	Registrar
c.	Conduct regular stakeholders' survey	One survey conducted annually	Surveys conducted	Survey reports	Performance of the judiciary improved	Continuous	Registrar
Strategy 2: Create awareness programs on judiciary							
a.	Produce judiciary awareness programs through mass media	Four (4) sessions conducted on radio and television annually	Public awareness raised	Number of session	Build public confidence enhanced	Continuous	Registrar
b.	Establish law day as a publicity for judiciary to the public	Law day conducted annually	Increased public awareness	Law day reports and budget	Public awareness on judiciary enhanced	Continuous	Chief Justice Registrar
c.	Develop advertisements for judiciary in mass media	Develop two (2) advertisement per year	Increased public awareness	Number of advertisement	Public confidence on judiciary enhanced	Continuous	Registrar
d.	Use judiciary website for publicity	Quarterly report published in website	Judiciary is accessed through website	Number of report	Public confidence increased	Continuous	Registrar
Strategy 3: Support administrative activities to improve service delivery							
a.	Set up conducive remuneration packages	Increase employee wages and salary by 30%	Employee performance increased	Nominal Roll	Judiciary performance increased	Continuous	Chief Justice Registrar
b.	Create performance appraisal system	Higher productivity for workers	Increased employee performance	Performance report	Judiciary performance increased	July 2013	Registrar
c.	Create quality assurance system	Quality Assurance system in place by 2014	Service delivery by judiciary is quality oriented	Quality assurance reports	Quality of services delivery improved	December 2013	Chief Justice Registrar

Strategic Objective 4: ENHANCE AND PROMOTE HUMAN RIGHTS

	Activity	Target	Expected Output	Performance Indicator	Expected Impact	Time Frame	Key Actor
Strategy 1: Create training programs on human rights to Judicial Officers and supporting staff.							
a.	Conduct in-house training programs	Conduct three (3) training programs annually	Training programs conducted	Training reports	Human rights observed	Continuous	Registrar
b.	Facilitate officers in attending international trainings	Attend four (4) international conference/forum annually	Global awareness increased	Number of conference/forum	Development Partners' support increased	Continuous	Chief Justice Registrar
c.	Conduct visits to observe human rights in judiciary	Visit all prisons in Zanzibar by 2015	All prison assessed on human right	Assessment reports	Performance of prison on human rights increased	Continuous	Chief Justice Registrar
Strategy 2: Initiate programs to mitigate domestic violence, harassment and gender based violent.							
a.	Conduct trainings to the public	Domestic violence, harassment and gender based violent reduced by 2015	Training programs conducted	Number of programs	Domestic violence, harassment and gender based violent reduced	Continuous	Registrar
b.	Establish easy to follow procedures of reporting cases of violence	Increase number of human right cases resolved by 2015	Human right observed	Number of human right cases	Mitigation of Human rights violation improved	Continuous	Registrar
c.	Prompt human right case hearings	Resolve human right cases by 90%	Human right observed	Number of cases resolved	Human rights are well observed	Continuous	Chief Justice

Strategic Objective 5: MAINSTREAM CROSS CUTTING ISSUES IN THE JUDICIARY

	Activity	Target	Expected Output	Performance Indicator	Expected Impact	Time Frame	Key Actor
Strategy 1: Enhance awareness of judicial staff on Cross cutting Issues.							
a.	Align sector practices to mitigate discrimination against Gender, people with HIV/AIDS and disability	Reduced any form of discrimination by 90%	Judiciary without any form of discrimination	Number of discrimination cases	Equally opportunity to all enhanced	Continuous	Registrar
b.	Conduct workshop/seminars on cross-cutting issues	Increase staff awareness on cross-cutting issues by 60%	Employees acquire knowledge and skills on cross-cutting issues	Workshop/seminars reports	Improved plan and implementation of judiciary that observe cross-cutting issues.	Continuous	Registrar
c.	Design sector policy on cross-cutting issues	Policy formulated by 2015	Sector policy in place	Policy document	Observation of cross-cutting issues improved	December 2013	Registrar