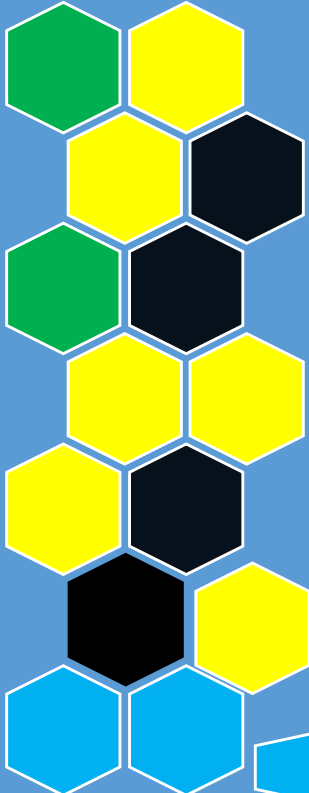**THE JUDICIARY OF TANZANIA**
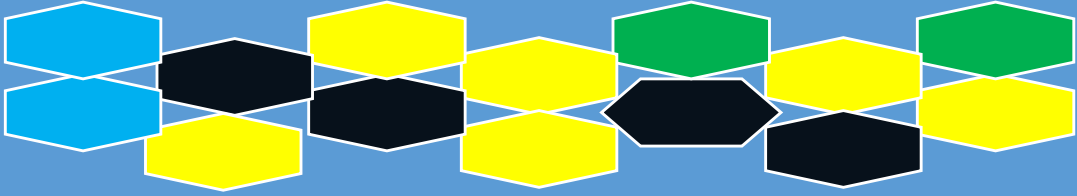
Case Backlog Reduction Strategies and their Implementation: The Tanzanian Judiciary Experience

PRESENTED AT THE 25th ANNUAL JUDGES' CONFERENCE, SERENA HOTEL
KAMPALA UGANDA- 07/02/2024

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Contents

Definition

No generally accepted definition

A Consensus

case is considered a backlog if it remains undecided for a certain agreed period after its filing

Test

Depending on the jurisdiction, various tests and timelines have been developed for case backlog identification

Case Backlog

Background: CUSS 2015

2015 Survey

Corruption
9% of the Respondents
Believed there was
corruption
In the Judiciary

Court Information
Not available to the public
38% could access
Court information
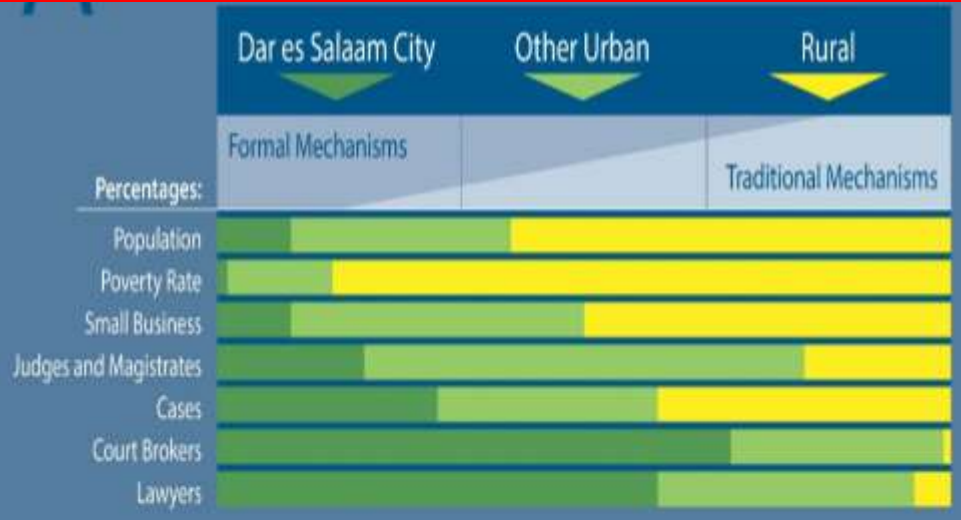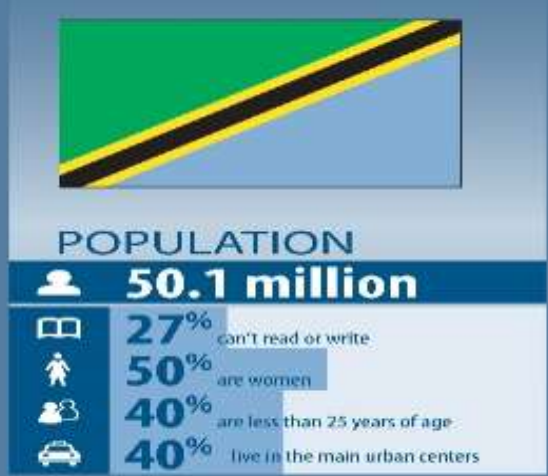
The Justice System
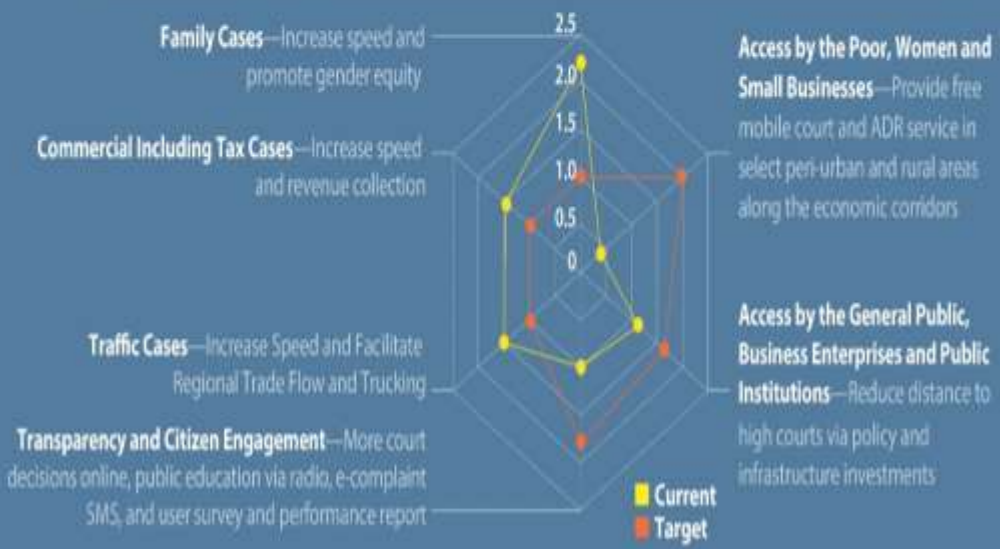57% trusted the process

Our people
64% acted professionally

Public Trust
Public Trust was 61%

POPULATION

50.1 million

- 27% can't read or write
- 50% are women
- 40% are less than 25 years of age
- 40% live in the main urban centers

Dar es Salaam City | Other Urban | Rural

Formal Mechanisms — Traditional Mechanisms

Percentages:
- Population
- Poverty Rate
- Small Business
- Judges and Magistrates
- Cases
- Court Brokers
- Lawyers

Project Beneficiaries and Improvement Yardsticks:

➢ **Accessibility:**
➢ Infrastructure: Virtual and physical
➢ Affordability: Distance, fees, and other costs
➢ Speed: Clearance rates & and backlog reduction
➢ Value for money: Best use of resources
➢ Quality: Predictability of decisions and consistent application of laws and judicial review.
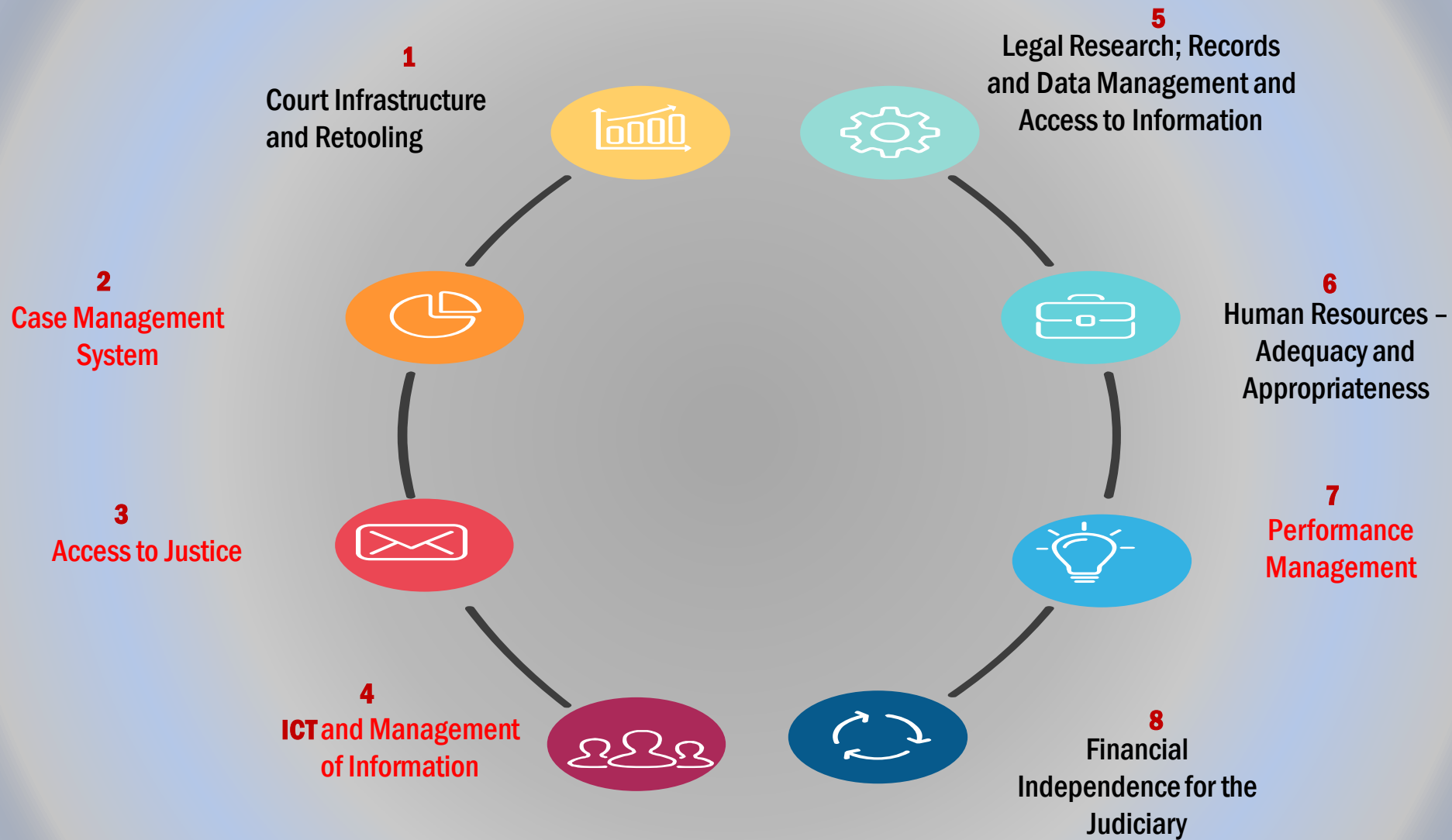➢ Integrity: Enhancing Judicial Independence and addressing corruption

Innovations:
➢ Amend the Rules to Fast-Track Cases, IJCs, Mobile Court Services
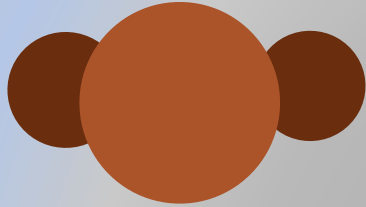
Increase efficiency:
➢ The use of technology - Case management and monitoring systems.

Results: Economic gain, Protection of Human Rights, and Improved citizens' perceptions of the Judiciary.

Family Cases—Increase speed and promote gender equity

Commercial Including Tax Cases—Increase speed and revenue collection

Traffic Cases—Increase Speed and Facilitate Regional Trade Flow and Trucking

Transparency and Citizen Engagement—More court decisions online, public education via radio, e-complaint SMS, and user survey and performance report

Access by the Poor, Women and Small Businesses—Provide free mobile court and ADR service in select peri-urban and rural areas along the economic corridors

Access by the General Public, Business Enterprises and Public Institutions—Reduce distance to high courts via policy and infrastructure investments

Current
Target

Background: Strategic Issues

1 Court Infrastructure and Retooling

2 Case Management System

3 Access to Justice

4 ICT and Management of Information

5 Legal Research; Records and Data Management and Access to Information

6 Human Resources – Adequacy and Appropriateness

7 Performance Management

8 Financial Independence for the Judiciary

Background: Backlog Status in 2020

15% of all pending cases were backlogs

Court of Appeal

23% of the pending cases in the Court

High Court

14% of the pending cases in the High Court

Subordinate Courts

23% of the pending cases in the Court

Strategies: Improve Governance, Accountability and Management of Resources

- Establish Effective Leadership and Institutional Management
- Strengthen Performance and Results-oriented Management and Accountability
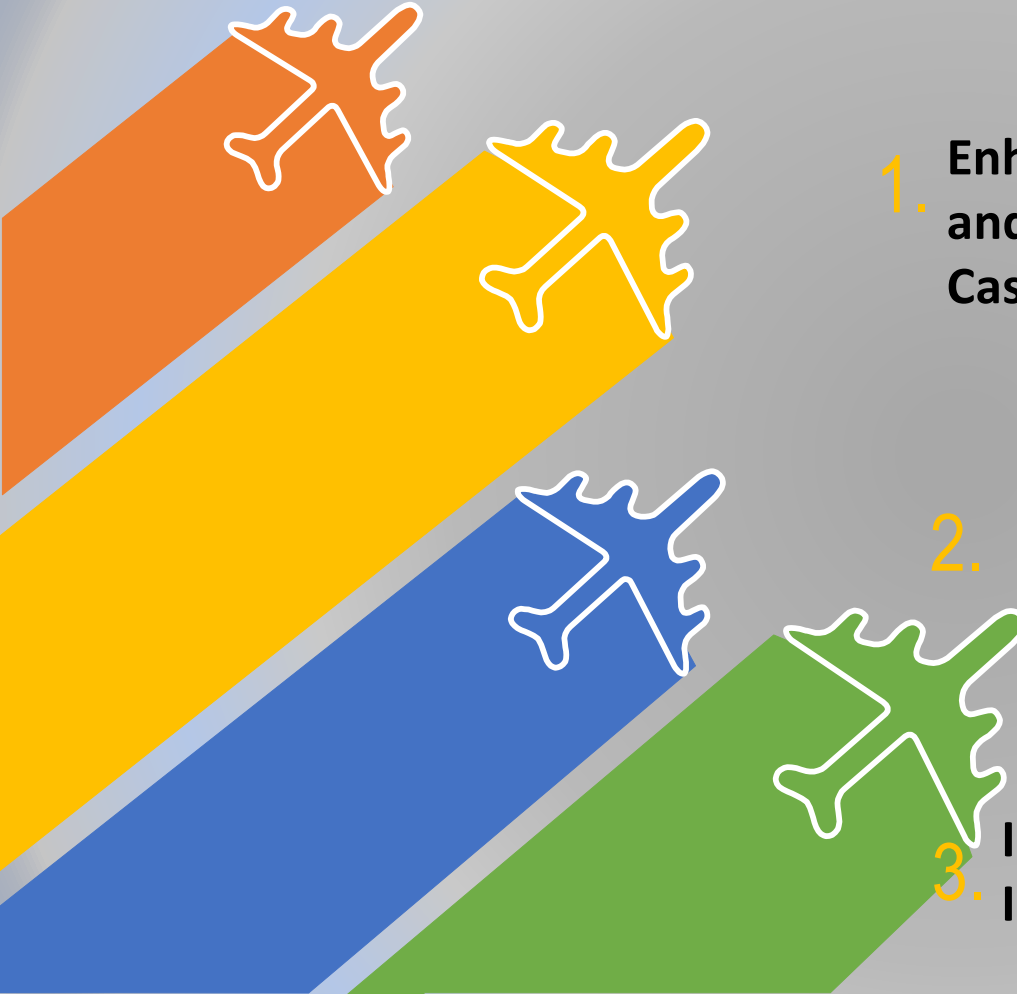- Increase Efficiency in Judiciary Business Processes and Enhance use of ICT
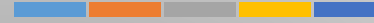- Enhance Financial Management
- Enhance Jurisprudence and Skills of Judicial Staff

Strategies: Improve Access to Justice and Expeditiousness

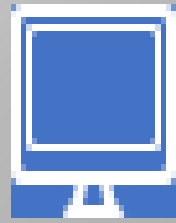1. **Enhance or Develop Processes and Systems that Accelerate Case Disposal**

2. **Improve the Timeliness and Reliability of Records and Information in the Judiciary**
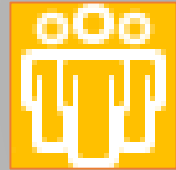
3. **Improve Capacity for Inspection and Supervision**

Strategies: Strategic Stakeholders' Engagement

1. **Improve Judiciary Interaction with Internal and External Stakeholders**

2. **Promote Stakeholder Dialogue, Collaboration and Partnership**

3. **Strengthen Stakeholders' Strategic Partnership and have Shared Objectives**

Review Rules of Procedure and Business Process Reengineering

2015 **2023**

38 **21**

Consistently reviewing rules of procedure and improving on unnecessary steps. In 2015, there were 38 procedural steps to determine a civil case. The target was to review to 28. Established the JRC. We ended up with 21 stages

2015 **2023**

703 **383**

Consistent business process reengineering. In 2015, there were 703 processes involved in a case from the Primary Court to the Court of Appeal. We reviewed them and remained with only 383. This is a continuous process
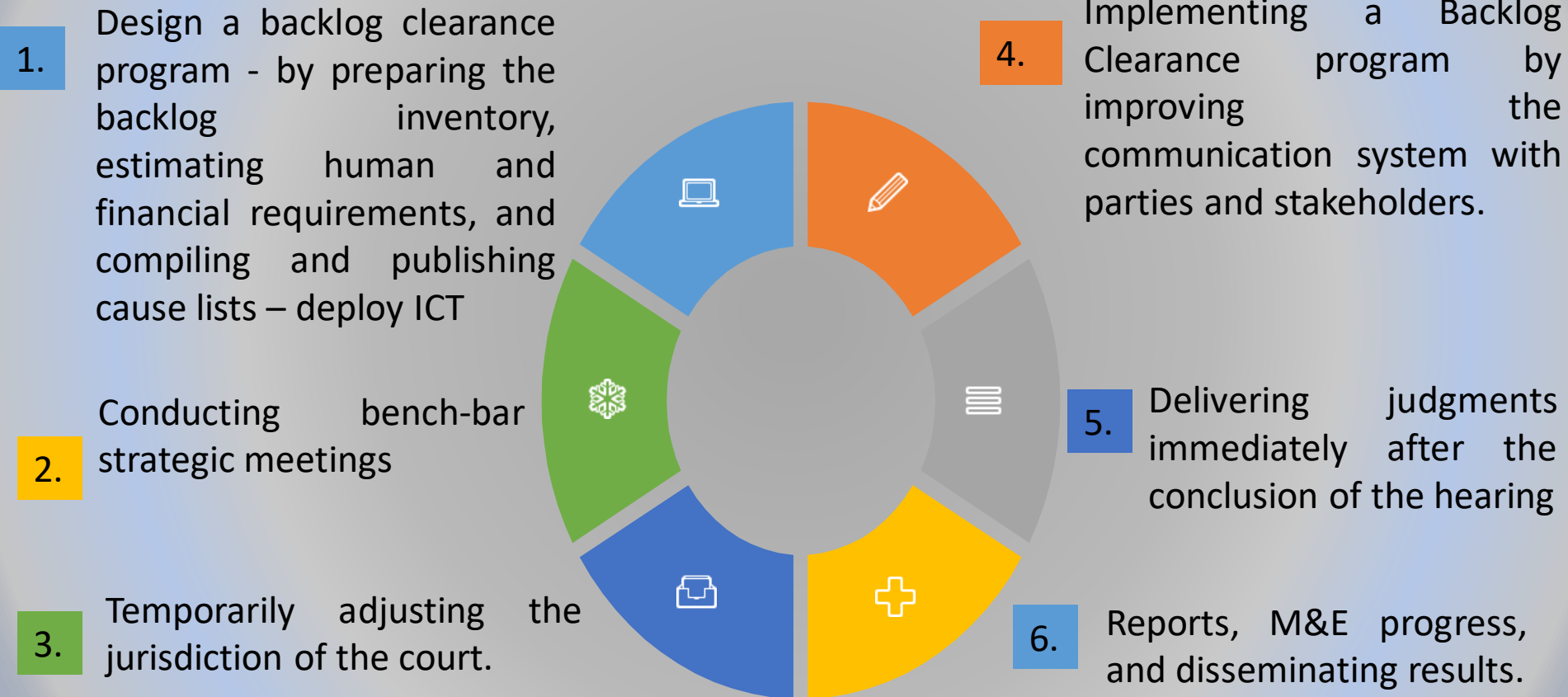
Reduction procedure and processes means

Increased disposal rate- 83% by 2023

Percentage reduction of backlog to 3% by June 2023

Strategic and Systematic Backlog Clearance Sessions

1. Design a backlog clearance program - by preparing the backlog inventory, estimating human and financial requirements, and compiling and publishing cause lists – deploy ICT

2. Conducting bench-bar strategic meetings

3. Temporarily adjusting the jurisdiction of the court.

4. Implementing a Backlog Clearance program by improving the communication system with parties and stakeholders.

5. Delivering judgments immediately after the conclusion of the hearing

6. Reports, M&E progress, and disseminating results.

Strengthen Backstopping Strategies

Strategic Training

2020

5,500

2023

10,754

Conducting TNA & TIA, consistently providing training to both staff and stakeholders. The JoT target for 2023 was to train 1,300 staff and stakeholders, then 1,709 achieved

1,020 | 1,709 | 689

Males

Females

Training Resulted Outcomes

Increased disposal rate to 83%

Percentage Reduction of Backlog to 3%

Change of Attitude and Behaviour

Impact

Increased Competence level to 92%

Increased Public Satisfaction to 88%

Increased Ethics to 92%

Publication of Court Decisions

2020   2023

3%   54%

The end product of the case is a judgement. Unless there are strategies to make the decisions available to the public, backlog clearance may not be successful. We set the target to achieve. The achievement for 2023 is 54% of all decisions - HC-77.86% & CoA - 85%

Resulted Outcomes →

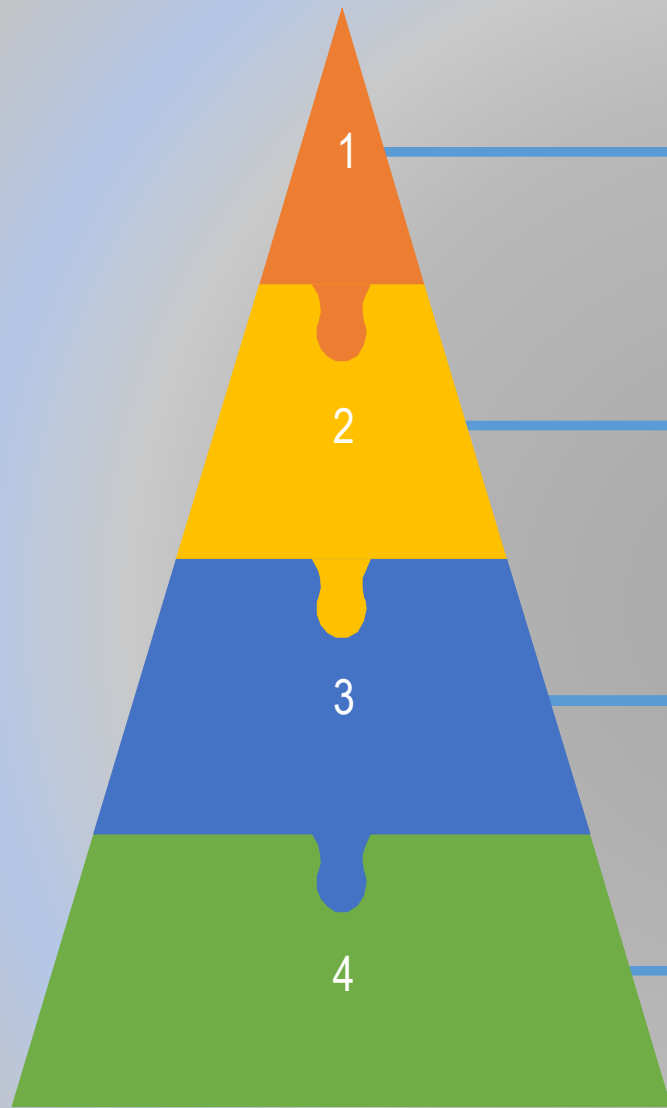| Increased use of ICT equipment by Judges | Availability of network due to the increase of bandwidth | Strategic Training to bring changes in attitude and behaviours | 75.4% view in TanzLii |

Impact →

| Improved Transparency to 94% by 2023 | Increased Public Trust & Confidence to 88% by 2023 | Backlog dropped to 3% by June 2023 |

Develop a Scorecard for the Judiciary, Court and Staff

Time Taken
Set the KPI to track and measure the time taken for the judiciary, each court, and staff

Clearance Rate
Set the KPI to track and measure the clearance rate for the judiciary, each court, and staff

Disposal Rate
Set the KPI to track and measure the disposal rate for the judiciary, each court, and staff
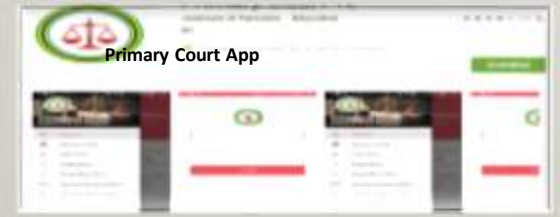
Backlog
Set the KPI for case backlog for the Judiciary, each court, and Staff

Integrate with the Appraisal System

Leveraging the Use of ICT: Various e-Systems

JOT Mobile App

Primary Court App

| Benefits of e-systems | Enhance Supervision of Courts | Relieve judges from long handwriting | Increased Quality of Judicial Decisions | Reduce time and cost in adjudication |

Improved Time Taken

2020   **2023**

827   **84**

Consistent reducing the time taken from the date of filing a case to a decision with a record of 84 days thus surpassing the target of 130 days in 2023.

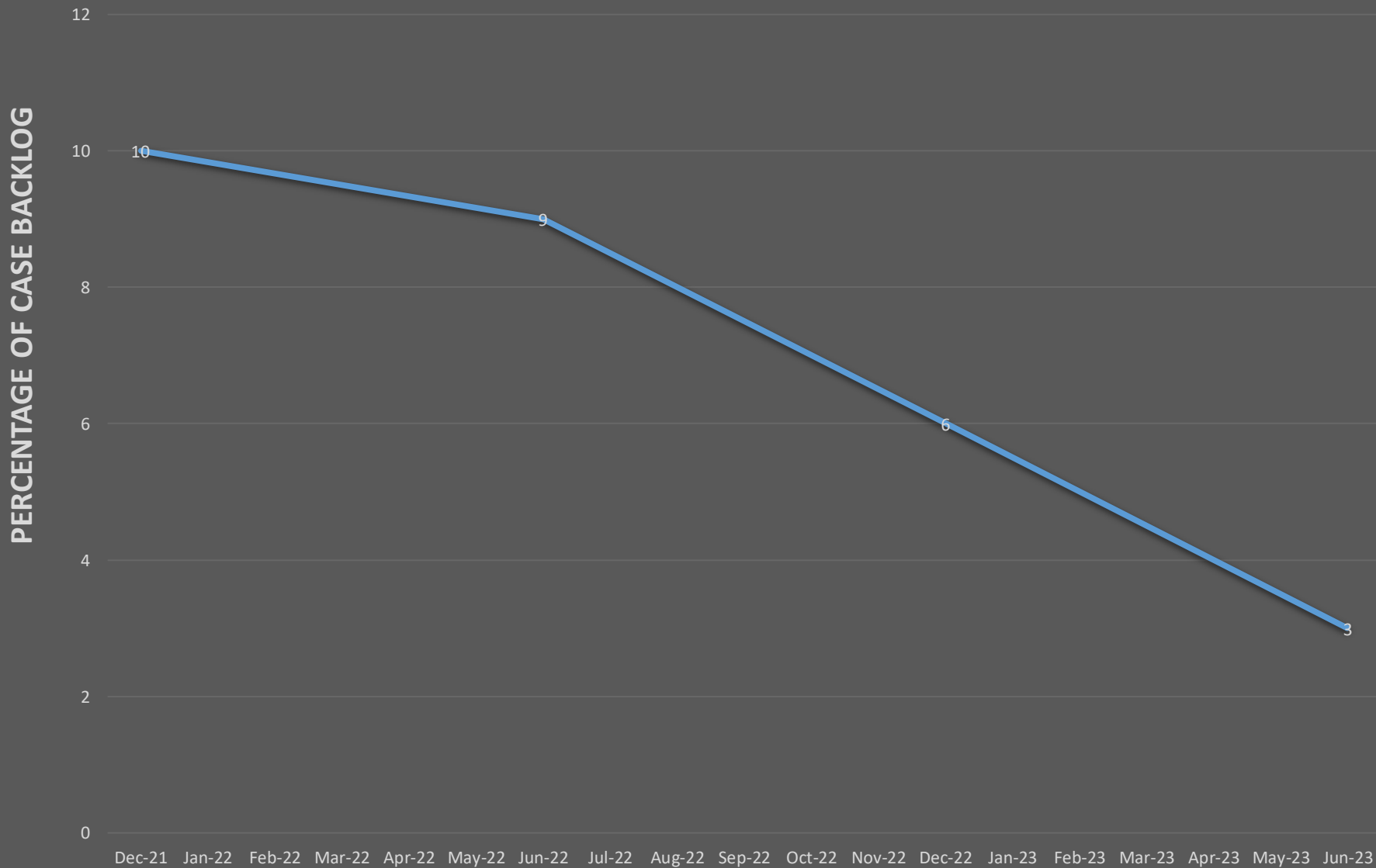**Reduction in time taken means** → **Increased disposal rate to 83%**   **Percentage reduction of backlog to 5%**

Resulted Outcomes → **Increased Public Trust and Customer Satisfaction to 88% by 2023**

Backlog Clearance

Trend of Case Backlog

PERCENTAGE OF CASE BACKLOG

	Dec-21	Jun-22	Dec-22	Jun-23
% Case backlog	10	9	6	3

The Magic Bullet

01 Strong &Visionary Leadership

02 Putting up systems

03 Appropriate Methodology

04 Strategic Training, External Data, Reviews and Studies

Challenges

Narrow application of the independence of the Judiciary

Low coping pace by Key stakeholders

Attitude change by staff- The Fear of Leaving the Comfort Zone

ICT Phobia among Judicial Officers

Take aways

- **Visionary and Committed Leadership is all it takes.**

- **Stakeholders' Engagement is Critical.**

- **Strategic Planning is Key.**

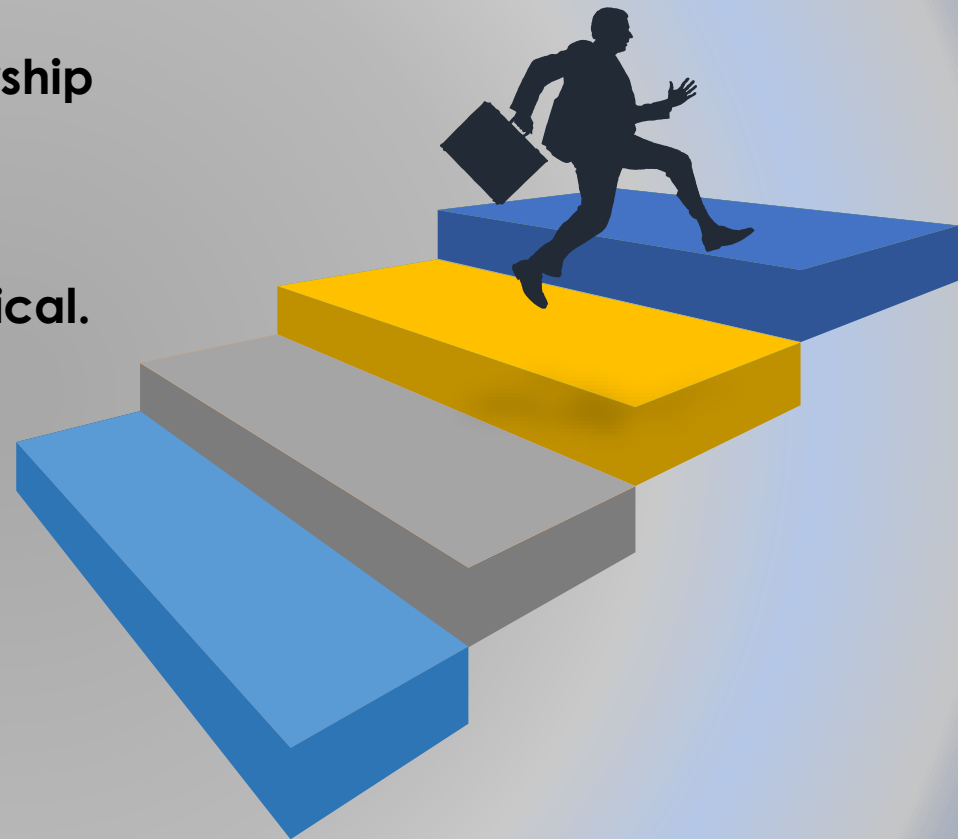- **Innovations are Indispensable.**

- **Implementation Design and Approach are Crucial.**

- **The Judiciary Taking a Driving Seat has no Alternative.**

Thank you

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