

TRAINING THE JUDICIARY – USEFUL STRATEGIES

*Remarks by Justice Nathalia P. Kimaro, Court of Appeal of Tanzania
and International Association of Women Judges
on the Occasion of the 10th Anniversary Commemoration of the
UNIFEM-Managed UN Trust Fund to End Violence against Women
16 February 2007, ECOSOC Chamber, UN Headquarters*

I feel greatly honoured and privileged to have been invited for the commemoration of the 10th anniversary of the UN Trust Fund to End Violence against women.

As a member of the Tanzanian Judges Association, I benefited from the Trust Fund through the Jurisprudence of Equality Project — an innovative judicial training program addressing women's human rights. The goal of the training is to equip judges and magistrates with the knowledge and skills needed to resolve cases which involve discrimination or violence against women in accordance with the principles enshrined in international and regional human rights treaties. The project was launched in 2000 in East Africa by the International Women's Judges Association and supported by the UN Trust Fund. I was lucky to be one of originally six judges in Tanzania who were trained as trainers, and subsequently held seminars for others. The Trust Fund supported the project for 3 years. In this time, 139 out of 1000 judges and magistrates in my country had the opportunity to participate in the training.

Follow-up seminars with the participants showed that it was very successful. A good number of decisions were made in which International and Regional instruments were cited. The decided cases ranged from violence against women, the right of women to inheritance and distribution of matrimonial assets upon divorce or separation. This success enabled us to persuade the Judiciary to continue the training and incorporate it as a component in its budget.

We have carried the good work forward: In 2005 we formed a partnership with the Tanzania Women Lawyers Association to link human rights instruments and HIV/AIDS. My sister Katherine Oriyo and I authored a training manual on this critical issue and I also conducted the seminar for magistrates of all grades. The training manual gives a thorough analysis of the domestic laws and shows how these laws discriminate against women and expose them to violence and the risk of being infected with HIV/AIDS. We also show how the criminal justice system could be used to mitigate the negative effects of HIV/AIDS. A chapter on the legal dimension of HIV/AIDS shows that it is the unequal distribution in the property rights and violence which make women more vulnerable to being infected. Another chapter on the role of the courts emphasizes the responsibility to give out equal justice to both genders. It is a chapter rich in several human rights decisions by the Court of Appeal and the High Court. Some of the decisions reflect the impact of the training the judges received. Materials on HIV/AIDS are now increasingly incorporated in curricula in Zambia, Uganda and elsewhere in Africa.

In January of this year, the Tanzanian Women's Judges Association also started to train diploma law students at the institute for judicial training at Lushoto. The graduates of diploma in law are employed as Magistrates at the Primary Courts. These are courts of the lowest grade at the grass roots level. They serve the majority of the population in Tanzania and apply customary law. They are the courts where a lot of injustice is done, particularly to disadvantaged groups like women. We thought that it was vital to empower magistrates at an early stage on the issues of discrimination and violence against women, before they are polluted with the culture of injustices and bad attitudes. All of the six original trainers went to Lushoto, and we trained all 117 law students. It was a good experience and we intend to proceed with this training as a long-term strategy.

My experience is that we are far from where we first started. I can say for myself that the training is an eye-opener. It changes your mind set.

It gives me satisfaction and pride when I see the work which I began moving on nicely and resulting in encouraging improvement. There is now good a foundation built up by the Court of Appeal and the High Court in upholding the rule of law, and good decisions have been taken by trained judges and can be applied as precedent.

I am optimistic that changes for better are on the way.

Thank you for your support and attention.