



# Mlinzi wa **HAKI**



**MARCH AND APRIL 2023**



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# Dear esteemed readers

Greetings from the Legal and Human Rights Centre (LHRC).



I welcome you to read this newsletter so that you can stay informed on what LHRC is up to and familiarize yourself with activities that are taking here at the organisation.

**Dr. Anna Aloyce Henga (Advocate)**  
*LHRC Executive Director.*

With the support from our devoted staff and developmental partners, including the Embassies of Sweden, Norway, and Ireland, LHRC is delighted to welcome you to our March and April 2023 Mlinzi wa Haki newsletter.

March and April was dedicated to Women rights, there were many media calls to explain the state of women's rights, and there were also governance issues and compliance with the NGO law, board meetings and auditing activities. Other activities that took place at the organizational level this month include field visits in Arusha Regional Office, Kinondoni Legal Aid Centre, and Dodoma Office.

This, however, does not mean that key programming activities stopped as LHRC carried out a number of initiatives related to the promotion of human rights and good governance, including the provision of legal aid service, a crucial component in the process of access to justice.

The month of April also saw LHRC's launch of its 2022 Human Rights Report with a theme, The Journey of Criminal Justice Reforms to Safeguard Human Rights.

This is 21st report since 2002 and highlights the situation of human rights in Tanzania, both Tanzania mainland and Zanzibar, touching on the positives and the negatives that transpired throughout the year. It has been prepared in collaboration with the Zanzibar Fighting Against Youth Challenges Organization (ZAFAYCO), and the report got a huge response.

My message to our key stakeholders, especially the citizens, is on the Constitution reform, we have seen budget allocation in the the Ministry of Constitutional and Legal Affairs specifically for the revival of the constitution writing process, let's participate constructively in the new constitution reforms.



## LHRC Women's Day on 02 March 2023.

On March 2, 2023, the Legal and Human Rights Centre (LHRC) convened over 300 women entrepreneurs in Bagamoyo in commemoration of this year's International Women's Day.

International Women's Day is celebrated on March 8 of every year to highlight the achievements that women across the world have made but also the challenges that still exist. This year's theme for International Women's Day is "DigitALL: Innovation and Technology for Gender Equality."

As part of its preparatory steps towards the day, LHRC brought together the entrepreneurs with the goal of equipping them with essential skills and strengthening their responsiveness to the proper use of digital platforms to grow their businesses.



The Executive Director during the commemoration of Women's Day at Bagamoyo, Pwani



In his opening remarks, LHRC Executive Director Anna Henga said women, especially in rural areas, play a massive role in the production of food but the means they are using are outdated, something that affects their production.

Henga said many women do not have sufficient knowledge of new technology and also they do not have resources to access this technology.

“Women have been left behind in the ongoing technological developments around the world,” she noted. “Only a few percent of women own a mobile phone or have an understanding of digital and technology.”

Henga said LHRC would like to continue to call on the government during this commemoration to continue providing women with opportunities and training in technology as well as digital and marketing for their businesses.

She called on the government to enact a specific law on violence against women, something which she said has become a major problem that consumes the efforts of women and continues to make them not enjoy their rights.

“The government should also put in effective plans with a budget to ensure gender equality is properly achieved,” she emphasized. “ There is a need to continue to educate the community about gender equality and women's rights.”

Henga also called on the government to set up special programs to help rural women with the usage of technology and how to access technological services in their communities.

Speaking during the event, the Chairman for Bagamoyo District Council Mohamed Husinga who was the guest of honor said leaders must ensure all women groups who have participated in the training by LHRC are given priority in the local council loans.



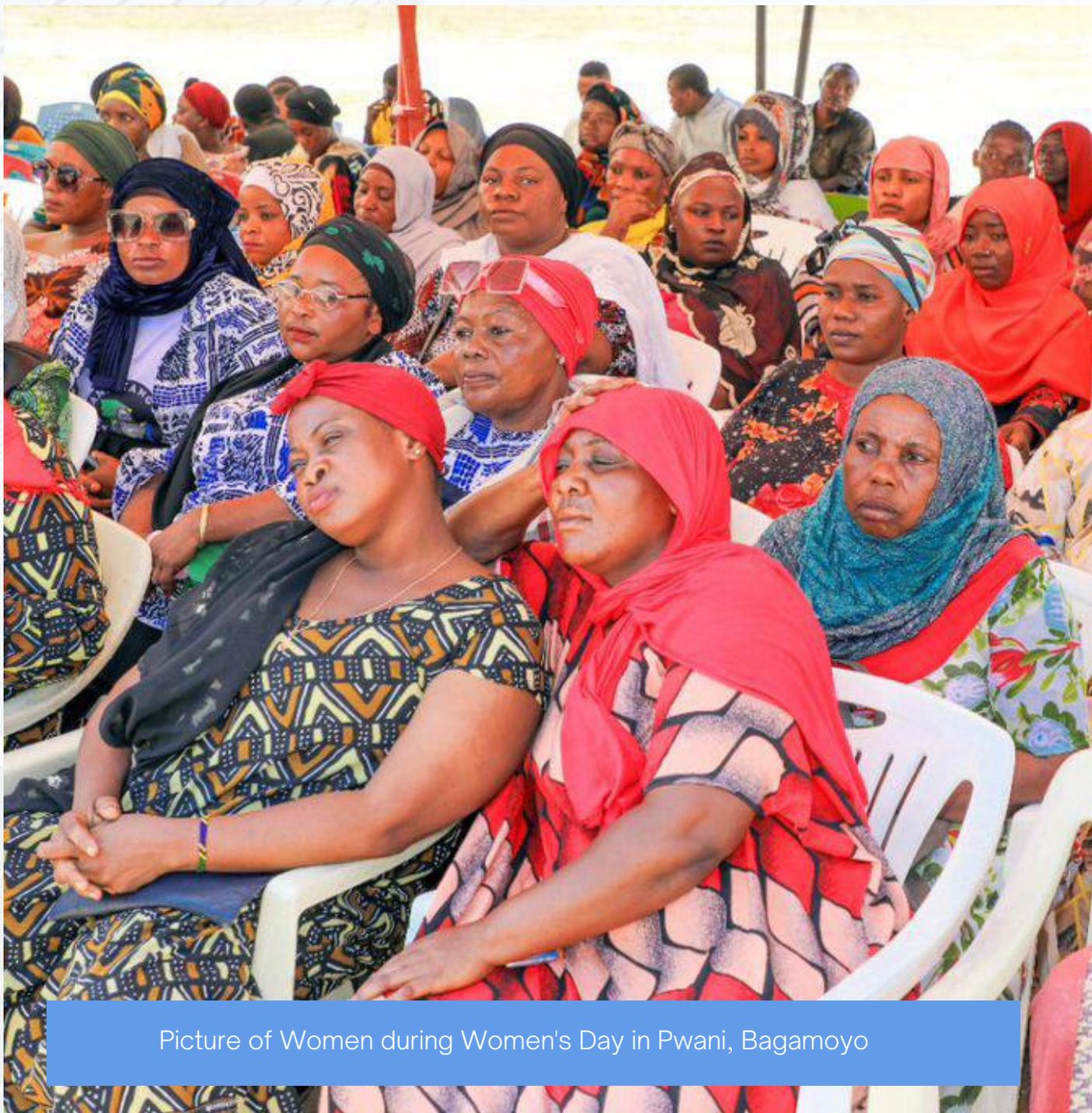
**“The groups must ensure that they utilize the loan opportunity to improve their business but also ensure they pay back their loans on time for the benefit of other groups.”**

—————Mohamed Husinga —————



Also in Dodoma on 08 March 2023 during International Women's Day LHRC in collaboration with Dodoma Regional Commissioner Office, LHRC provided legal aid services, at Kondo District, Dodoma Region.

In both events, LHRC affirmed its services to the community by distributing self-help legal aid handbooks, and providing one-on-one legal aid support to the general public.



Picture of Women during Women's Day in Pwani, Bagamoyo





**LHRC has urged for the release of right to a fair trial for the family of six family members who has been in remand for 7 years on terrorism-related charges.**

The Legal and Human Rights Centre (LHRC) in collaboration with the Council of Islamic Organisations in Tanzania Secretary of the Council of Islamic Organisations in Tanzania, Sheikh Issa Ponda has called for the release or the right to defend themselves of the Sheikhs in Court including the family of the late Sheikh Said Mohammed Ulatule On the 15 March 2023 at the LHRC HQ Offices Dar es Salaam, Kijitonyama.

During a press conference the Executive Director of LHRC, Advocate Anna Henga, said that Sheikh Said Mohammed Ulatule (80) died on March 04, 2023, while being imprisoned in Dar es Salaam Ukonga Prison. The late Sheikh Said Mohammed was accused of terror-related charges where he was kept at Segerea Prison and later Ukonga Prison since 2016, for 7 years until his death.

Henga said one of the oldest members of the family is 96 years old and the other five members are still in prison accused of the same issue of terror-related charges.

According to a press release issued by the Head of Ukonga Prison, Commissioner General of Prisons (CGP) Ramadhan Nyamka, on 09 March 2023, the late Sheikh Said Mohammed died due to a blood pressure problem.

LHRC with the Council of Islamic Organisations in Tanzania has urged the government for the release or right to a fair trial for the family of six family members. The Public Prosecutor should dismiss the charges against the Ulatule family by the authority he has in response to section 91 of the Criminal Procedure Law as referred to in 2022. Either he should bring them to court following Tanzanian Laws and consider their constitutional rights.



“Also a detailed inquest should be should be carried out, on what exactly was the cause of the death of the late Sheikh Said Mohammed Ulatule and the procedure should continue for all the people who lose their lives while in the hands of the state agencies,” said Henga,

Henga told the journalist that the Government should release or give the right to defend themselves in court to all accused people who have been in prison for more than one year without their cases being heard.

During a press conference, Sheikh Ponda added that the incident is the tip of the iceberg in a vast sea of maltreatment that immobilized most Tanzanians who are being compelled to undergo under the current justice system.

Sheikh Ponda and a family member of Ulatule Mohammed Said Ulatule have requested the government to amend the laws of the government agencies as well as to give justice to the prisoners who spent a long time in prison.





## **LHRC condemns child marriage vehemently and has put forward six proposals to eradicate child marriage in Tanzania.**

The Legal and Human Rights Centre (LHRC) has called on the government to amend the Marriage Act of 1971 to set 18 years as the minimum age for marriage, as per the High Court ruling in 2016.

LHRC Executive Director Dr. Anna Henga (Advocate) told reporters in Dar es Salaam during a press conference at LHRC headquarters on March 28, 2023, that the center is calling on the government to amend articles 13 and 17 of the Law of Marriage Act of 1971 to end child marriages.

The call was made following ongoing discussions on the marriage age despite a High Court ruling which raised the minimum age for marriage to 18 from 15.

Dr. Henga said that LHRC strongly condemns arguments advanced by a section of people that a child aged 11, 12, or 13 should be allowed to get married based on environmental factors including health, faith, and the customs of the relevant community.

The six proposals that LHRC recommends are;

- The age of a child to get married in Tanzania is 18 years according to the case of Rebeca Gyumi after the time given to the Government to amend the law has expired.
- The government should amend articles 13 and 17 of the marriage law to show goodwill (Political will) and remove the distortion of the marriage age for Tanzanians.
- Authorities and stakeholders should use their opportunities to support the efforts to fight against oppressive practices that deny the girl child her basic rights.
- Stakeholders should refrain from statements that set back efforts to free the girl child.
- Societies should realize that the girl child has basic rights and thus her rights should be protected. They should refrain from carrying on outdated traditions and customs as doing so will continue to oppress the girl child.
- The government should remove all oppressive laws and ensure the legal protection of the child is available in all the basic rules for the safety of the child.



The Executive Director Dr. Anna Henga on the left with Adv Gertrude Dyabane Senior Program Officer Women, Children, and People with Disabilities, during a press release at LHRC HQ, Kijitonyama.





## The sixty-seventh session of the United Nations Commission on the Status of Women.

The Legal and Human Rights Centre (LHRC) hosted a side event, the sixty-seven (67) session of the United Nations Commission on the Status of Women (CSW67) on March 07, 2023, in New York in collaboration with the Government of the United Republic of Tanzania Landesa, LSF and UN Women.

The side event which was dubbed ‘Rural Women’s Rights and Access to Technology in Tanzania’ aimed at the promotion of gender equality and the empowerment of women.

Adv Gertrude Dyabane Senior Program Officer Women, Children, and People with Disabilities represented LHRC where she briefed participants about Haki Kiganjani – the Digital Platform for Quality Response to Gender-based Violence (GBV).

It was also noted that digital technology can accelerate documentation of land holdings, facilitate better administration and management of land information, and improve land use through proper land use plans which is crucial in empowering women.

The session also explored the use of technology to advance social justice enabling women access to legal aid services and other vital services such as financial services and market opportunities.



# Stakeholder Dialogue on the State of Freedom of Expression and Democratic Space in Tanzania.

The Legal and Human Rights Centre (LHRC) in collaboration with International Centre Not-for-Profit Law (ICNL) and Tanzania Editors Forum (TEF) conducted a two-day dialogue on 23rd March - 24th 2023 on the state of freedom of expression and democratic space in Tanzania.

The meeting reflected on the state of media in Tanzania as well as the changes in the civic and political space.

Speaking during the workshop the Senior Legal Advisor Africa ICNL Florence Nakazibwe said “the meeting sought to discuss legal and policy constraints to the media sector and civil society and assess state implementation practices that undermine the exercise of freedom of expression by civil society groups.” Nakazibwe said.



LHRC Director of Advocacy and Reforms Fulgence Massawe during the dialogue on the State of Freedom of Expression and Democratic Space in Tanzania at Slip Way Hotel in Dar es Salaam.



Participants recognized that there are opportunities presented by the current political climate and identified strategies on how to sustain an enabling environment for media and civil society. Some of the key recommendations include:

- i) The need to build a cohesive voice within the CSO sector to pursue legal reforms.
- ii) Looking at the bigger picture beyond just policy reforms, such as safeguarding the independence of the judiciary and pushing for constitutional and institutional reforms.
- iii) Increase public knowledge of the legal and regulatory regimes affecting media space;
- iv) Engaging courts through strategic litigation.
- v) Utilizing international and regional fora to address local civic space challenges and
- vi) Regular monitoring of the FOE environment.



Senior Legal Advisor Africa ICNL Florence Nakazibwe during the dialogue at Slipway Hotel in Dar es Salaam.



On 25th March 2023, The Executive Director of the Legal and Human Rights Centre Adv Anna Henga was awarded PhD in Law Honoris Causa by Luncet University of England, in Dodoma.



The Executive Director Dr. Anna Henga during her Phd Ceremony in Dodoma.



# National Dialogue on 30 Years of Tanzania Democratic Experiment.

On March 30th and March 31, 2023, The Legal and Human Rights Centre in collaboration with Center for Strategic Litigation conducted a two days national dialogue at the Kisenga LAPF Conference Center in Dar es Salaam.

The theme for the Dialogue was Nyalali on 30 years of Tanzania Democratic Experiment. The session started by revisiting the finding of the Nyalali Commission, the commission which was crucial in the introduction of multiparty politics in Tanzania.

During the event, Jenerali Ulimwengu, author, journalist and political pundit said Francis Nyalali Commission did a good job for laying out key recommendations on how to adopt multi party politics, but most of the recommendation were ignored, emphasizing that the current political challenges in Tanzania is ‘reaping what we sow’.

It is through this basis some contributors question how to ensure the recommendations from several committees and task forces are put into action and not left behind like what happened to the Nyalali commission.

The LHRC Executive Director, Anna Henga put forward how the constitution provides for the basis of national accountability and why the demand for a new constitution is more important now than at any time in history.





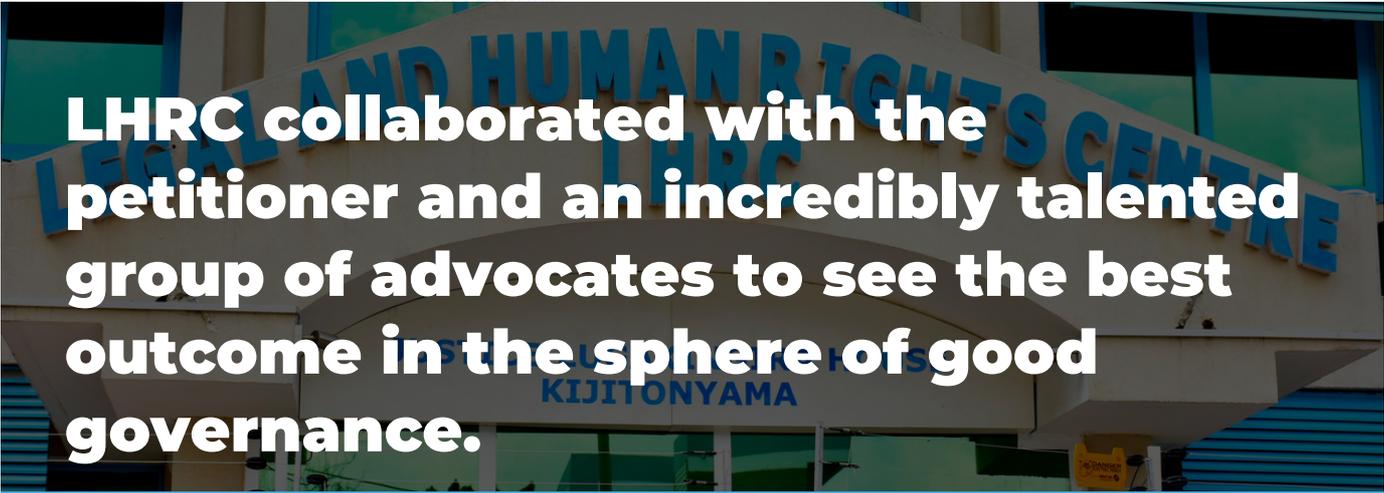
***The constitution provides the basis for everything. If there is no effective accountability system, then it is difficult”***

**Dr. Anna Henga (Advocate)**  
*LHRC Executive Director.*

“Recently we heard of the corruption revealed by the CAG report, but it is the Constitution that contributes to this situation because it does not guarantee effective accountability.”

Repeating the need of revisiting Tanzania constitution, Rev. Benson Bagonza, ELCT Karagwe Diocese Bishop raised an issue of concentrating excessive powers on one person, citing this is the ground for tyranny.



The image shows the exterior of the Legal and Human Rights Centre (LHRC) building. The building has a modern design with large glass windows and a prominent sign that reads "LEGAL AND HUMAN RIGHTS CENTRE" in blue letters. Below the main sign, there is another sign that says "KIJITONYAMA". The text is overlaid on the image in a large, bold, white font.

**LHRC collaborated with the petitioner and an incredibly talented group of advocates to see the best outcome in the sphere of good governance.**

On 29th July 2021, Legal and Human Rights filed a case Miscellaneous Civil Cause No. 19 Of 2021 before The High Court of Tanzania. The petition challenged the constitutional validity of provisions in the National Elections Act and the Local Government (Elections) Act.

These Provisions allowed candidates running for member of parliament and councilors to be declared victors if there was no opposition.

The provisions motivated a countrywide trend of scrutinizing forms of applicants for the contested positions with the intention of finding trivial errors which lead to mass disqualification and resulted in elections in many areas not being conducted altogether, instead, candidates were declared winners and certified to represent the constituency and the ward respectively.

On 29 March 2023 the High Court of Tanzania in that matter brought before it, declared the provisions which legally sanctioned such erroneous practice to be offensive to Article 21 of the Constitution of the United Republic of Tanzania and therefore null and void and proceeded to strike out the provisions from the statute book immediately.

The success of this case has reinstated the right to participation in elections and the rights of electing or being elected in positions of governance of the country, which was curtailed by directly certifying contenders of election without holding a free and fair election.

This is one of the strategic cases which was conducted by LHRC and Joran Lwehabura as petitioner on the area of democracy and good governance



# Legal and Human Rights Centre held its 22nd Annual General Meeting

On April 5, 2023, LHRC held its 22nd Annual General Meeting for 2023 in Dodoma. More than 60 members from across Tanzania attended the meeting.

The meeting is held every year in order to update members on the planning and achievement of the organization from the previous year.

LHRC's Executive Director Dr. Anna Henga (Adv) during the meeting highlighted the organization's successes, which include successfully fighting for persons with disabilities to be counted as a special group in the Population and Housing Census 2022. Also, another milestone is for pregnant girls to resume school.





## Legal and Human Rights Centre launch the Tanzania Human Rights Report 2022

On 12th April 2023, the Legal and Human Rights Centre (LHRC) launched its Tanzania Human Rights Report 2022.

The report is the 21st LHRC's report since 2002 and highlights the situation of human rights in Tanzania, both Mainland Tanzania and Zanzibar, touching on the positives and the negatives that transpired throughout the year.

LHRC observed that the overall situation of human rights has slightly improved in 2022 compared to the previous year 2021.

This was mainly attributed to the positive changes in the promotion and protection of civil and political rights, including the lifting of bans on media outlets, lifting of ban political rallies, and plans to reform the criminal justice system.

Other positives included the adoption of the new Wage Order of 2022, replacing the Wage Order of 2013, and the introduction of the universal health coverage (UHC) bill.

These positives have implications on fundamental rights such as the right to equality before the law; the right to liberty and personal security; freedoms of expression, assembly, and association; and the right to work.

Executive Director, LHRC Dr. Anna Henga (Adv) said this report has been prepared in collaboration with the Zanzibar Fighting Against Youth Challenges Organization (ZAFAYCO).

“The report is the outcome of LHRC’s assessment of the human rights situation in Tanzania in line with domestic, regional, and international human rights standards, including human rights conventions ratified by Tanzania and the Constitution of the United Republic of Tanzania of 1977,” said Dr. Henga.





The Executive Director Dr. Anna Henga the launching of Tanzania Human Rights Report 2022 with Senior Programm Officer Research Fundikila Wazambi on the left and Director of Empowerment and Accountability Felista Mauya on the right during the launching of the report.

According to Dr. Henga, this report was made possible through the use of at least eight sources of data, including a human rights survey conducted in 20 regions of Mainland Tanzania and LHRC’s human rights monitoring and legal aid programs.

Secondary data included reports, speeches, and statements by government and non-government actors and institutions. LHRC’s media survey also provided an important data source for this report, enabling triangulation of data, and laying a foundation for further research.

Dr. Henga added that the 2022 edition of the annual human rights report touches on some key issues around the three generations of human rights, namely: civil and political rights; economic, social, and cultural rights; and collective rights.

It was noted that in terms of victims of human rights violations, children constituted the majority of victims of reported and documented incidents of human rights violations (47%), followed by women (33%), elderly (10%), men (6%) and PWDs (4%).



Dr. Henga added that the five most violated rights were the right to life, freedom from violence, the right to equality before the law, the right to liberty and personal security, and the right to education. Ten regions to watch in terms of human rights issues and violations are Arusha, Dar es Salaam, Dodoma, Singida, Katavi, Geita, Mwanza, Njombe, Mara, and Kigoma.

According to Dr.Henga some of the new additions in the report include issues of sexual violence against children in religious settings, cyber violence against women and girls, social protection, and Tanzania’s 2021 UPR process outcome.

Other key human rights issues for the year 2022 included violations of the rights of journalists, mob violence, witchcraft-motivated killings, violations of fair trial rights (especially due to lengthy pre-trial detention), human and child trafficking, child neglect, child labor and exploitation, child marriage, privacy, and personal security, FGM, and violations of property and inheritance rights of women (including widows).

“The report is the outcome of LHRC’s assessment of the human rights situation in Tanzania in line with domestic, regional, and international human rights standards, including human rights conventions ratified by Tanzania and the Constitution of the United Republic of Tanzania of 1977,

**Dr Anna Henga**

The Executive Director at LHRC





## The Ford Foundation's Office for Eastern Africa (OEA) courtesy visit to the LHRC Legal Aid Clinic.

On 18th April 2023, The Ford Foundation for Eastern Africa (OEA) delegates from Nairobi, Kenya paid a courtesy visit to the LHRC Legal Aid Clinic at Kinondoni, Dar es Salaam.

This partnership meeting was led by LHRC Executive Director, Dr. Anna Henga (Adv), the visit was an opportunity for LHRC core partners to hear first-hand information from staff from LHRC, and its beneficiaries (clients) on the lessons, success stories & challenges relating to advocacy, legal aid, and litigation.

Also, Ford Foundation delegates got an opportunity to visit different Units at the Clinic, including but not limited to Civil Unit, Children's Rights & Family Unit, Labour and Employment Unit, and Land Unit.

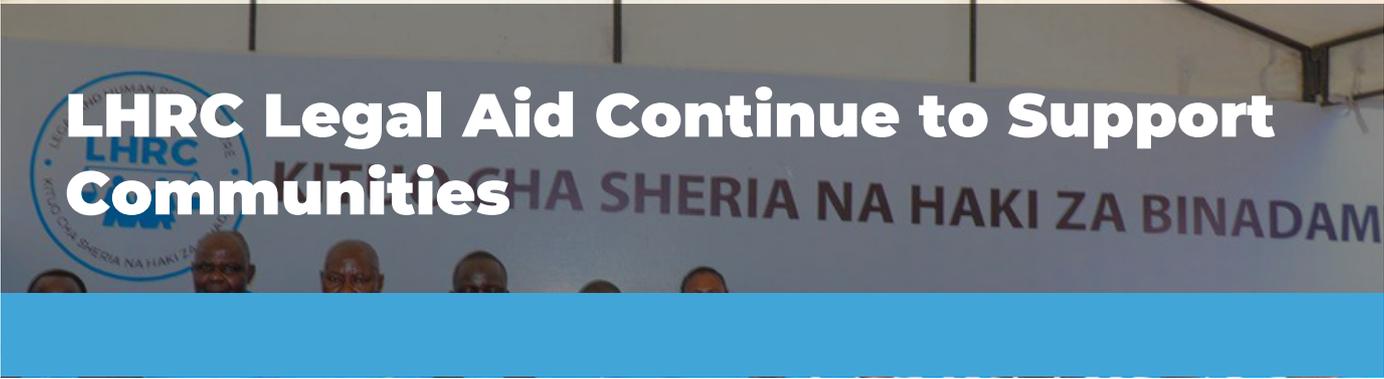
The delegates were briefed about Haki Kiganjani Application operations.

LHRC is envisioning a justice and equitable society through Legal Aid Services.

LHRC provides legal aid services to vulnerable poor people who cannot afford their legal presentation in searching for justice.

This visit gave them an opportunity to visit one of the three LHRC Legal Aid Centers where they got to interact with beneficiaries, understand legal aid services, and explore program stories of change.





## LHRC Legal Aid Continue to Support Communities

Apart from working with community members, our dedicated legal aid team has been on the frontline to make sure that everyone in need of legal assistance in getting the best timely services.

For instance Dotto Zaid Juma sought legal assistance in vacating her tenant and he was registered under LHRC/KLAC/22/1513.

The said tenant had rented two rooms and after some time he left without paying the rent arrears leaving the said rooms locked denying the client access.

Following LHRC intervention the tenant was engaged and they vacated the premises with their belongings leaving the property of Mr. Dotto free for the next tenant.

Mr Dotto was cheerful after the LHRC intervention, "I was relying on those two rooms to support myself and my family, now I can rent to another tenant, thank you very much for this assistance" said Dotto.

Also, another client was Margareth Joseph Nyagawa registered as LHRC/KLAC/22/454 who sought assistance from Kinondoni Legal Aid Clinic following a dispute with her tenant over unpaid rent.

Through reconciliation, the two parties were able to reconcile and the tenant cleared the outstanding amount of TZS 1,250,000/= in two (2) installments, and vacated the house as agreed.

Following the said successful reconciliation, the client appreciated the services provided by the Kinondoni Legal Aid Clinic for the efforts and support provided to her.

"May God bless you very much for the way you volunteered to help me, I ask you to continue with the same spirit of helping those of us who do not have the ability" said Nyagawa.



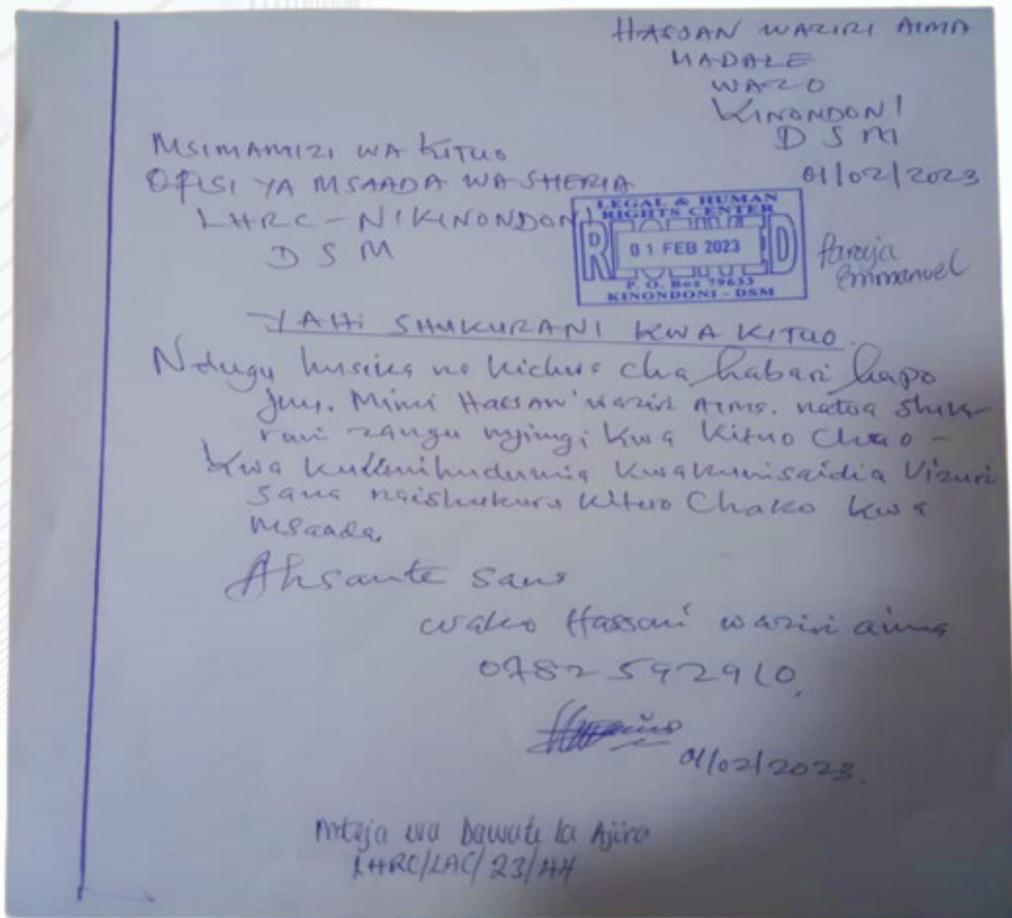


Figure 1: a picture showing an appreciation letter drafted by a client for the services he was offered.

Asia Mzee Mkwanga who had a land related challenge registered as LHRC/KLAC/22/777 was assisted in filing an application for execution of the decision of the ward tribunal.

In the stage of executing the decree an objection was filed by the adverse party before the District Land and Housing Tribunal. With LHRC assistance, our client emerged victorious in this objection.

Following the said victory, the client appreciates the services provided by the Kinondoni Legal Aid Clinic for the efforts and support given to her and she will proceed with the execution of the first instance case.

"I thank everyone so much for helping me until I have won this case, for now, I will continue with the implementation that I started before the opening of this case" said Mkwanga.





Aksa Mathayo Masima is among the beneficiaries of LHRC from Dodoma, she was married in 1984 and has been blessed with five children in their marriage. Masima and her husband had managed to build a house together through their earning from agriculture.

In 2019, Masima marriage become difficult as she put it herself; “We cultivated two vineyards from which we earned enough money. After our first house we bought a car and a motorcycle, and we built another modern house, and we lived in it until my husband changed and started to go out with other women,” explained Masima.

Following tension in her home, Masima was referred to the LHRC in Dodoma, she arrived at the Centre in 2019 and she was given a Lawyer, Godliver Shio to work on her case.

Following the divorce case, few properties were left to Masima. These properties include the house where she stays in until now, two shops, a corn farm, and a bicycle; all other things were given to her partner.

But to Masima the properties were just a tiny bit of the effort she had contributed during her marriage, as her husband had remained with most properties including a modern house, eleven commercial rooms for renting, vineyards, a car, a motorcycle, and two plots.

Dissatisfied with the results, she appealed and the court decided to give her more properties from the distribution.

“I was satisfied with the decisions of the high court and I’m grateful to the Legal Human Rights Centre for their assistance throughout the case.” said Masima.

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# Our development partners



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Norwegian Embassy



**Ambasáid na hÉireann**  
Embassy of Ireland





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