

MARCH 2024





Dear esteemed readers!

With the committed efforts of our staff and the generous support of our developmental partners, including the embassies of Sweden, Norway, and Ireland, LHRC is pleased to extend a warm welcome to you for the March 2024 edition of the Mlinzi wa Haki Newsletter.

At LHRC, our efforts revolve around empowering Tanzanian citizens by advocating for, bolstering, and protecting their fundamental rights and advocating for effective governance within the nation.

March was dedicated to women's rights. LHRC, in partnership with Ulingo wa Wanawake Wanasiasa, held an event with women aspirants for upcoming civic elections, where the women politicians mentored women aspirants on the ABC of elections and how they should invest in themselves to win the election, with the theme "Count Her In: Invest in Women; Accelerate Progress," and the campaign message "InspireInclusion."

As part of Women's History Month, LHRC participated in the 68th annual Commission on the Status of Women (CSW68) in New York, USA, the UN's largest annual gathering on gender equality and women's empowerment, from March 11 to 22, 2024.

Again, LHRC is pleased to have enhanced the legal and policy framework governing the specific entitlements of women, children, and people with disabilities while also improving its efficiency in fulfilling its mandate.

During March, LHRC celebrated the milestone of its 100th Board Meeting session. The occasion offered a unique opportunity to reflect on the invaluable role of board meetings in nurturing corporate governance and ensuring our organisation's sustainability.

I encourage you all to read and share the Mlinzi wa Haki Newsletter.

Dr. Anna Henga (Advocate)
LHRC Executive Director

LHRC urges swift resolution amid healthcare providers-NHIF differences

NEWS IN BRIEF

Legal and Human Rights Center (LHRC) this month called on the Government and private healthcare providers to resolve their misunderstanding and prioritise the health of Tanzanians, describing health services as a basic human right.

LHRC's call followed a tug-of-war between the National Health Insurance Fund (NHIF) and private healthcare providers over the new rates that the Fund said it would start using to pay providers when they serve NHIF's members.

In a public statement released on February 27, 2024, the Association of Private Health Facilities in Tanzania (APHFTA), the Christian Social Service Commission (CSSC), and BAKWATA made it clear that private health facilities would be unable to provide services to NHIF members using the new fee structure they disagree with.

The statement further advised NHIF members to contact the NHIF to determine how they would access these services. NHIF, in its statement to the media on March 1, 2024, acknowledged the announcement of the suspension of services to NHIF members by some private facilities. NHIF urged its members to use alternative facilities to access the services they needed.



Furthermore, NHIF stated that its officials would be present at facilities to assist members facing challenges in accessing services and had begun contacting members requiring ongoing treatment to direct them to alternative facilities.

In its call, LHRC said the continuation of misunderstandings risked violating Tanzanians' basic human rights, such as health and life. It urged the parties to resolve their differences soon before they caused inconvenience to people.

LHRC reminded stakeholders of several instances when the High Court of Tanzania ruled that violating the right to health violates the right to life, contrary to Article 14 of the Constitution of the United Republic of Tanzania of 1977. The cases include Festo Balegele and Others v. Dar es Salaam City Council, case number 90 of 1991, and Felix Joseph Mavika vs Dar es Salaam City Commission, case number 316 of 2000.

LHRC also reminded the public that Tanzania is a member of various international and regional treaties that collectively require member states to protect and preserve the right to health, making it compulsory for the Government to resolve the impasse.

For example, LHRC pointed to Article 12 of the International Covenant on Economic, Social, and Cultural Rights of 1966, Article 16 of the African Charter on Human and Peoples' Rights of 1981, and Article 16 of the African Charter on the Rights and Welfare of the Child of 1981 all require member states to protect and preserve the right to health. ■



LHRC hosts founders of the Tanzania Ex-Prisoners Foundation, discusses areas for collaboration

NEWS IN BRIEF

Legal and Human Rights Center (LHRC) Executive Director Anna Henga hosted Rose Malle and her husband Mohamed Ulotu, founders of the Tanzania Ex-Prisoners Foundation (TEPF), who visited the organisation on March 5, 2024, to discuss some of the activities that their Foundation has been implementing lately.

TEPF, based in Moshi, Kilimanjaro, supports current and former inmates by empowering them with the tools and resources needed to rebuild their lives. LHRC has pledged to collaborate with this institution to advocate for human rights.

Ms Malle, a 29-year-old resident of Moshi, founded the organisation after being acquitted in December 2017. She had been sentenced to death at the age of 18 after being convicted of murdering a motorcycle driver. She spent time in custody until 2015, when she was sentenced to death. However, she later appealed and was acquitted.

After her release, Rose married Mohamed Ulotu, who was her fellow inmate convicted of armed robbery but later acquitted in 2017 after spending 20 years in prison from 1997 to 2017.



Empowering International Women's Day event organized by LHRC sparks call for gender equality and political participation.

NEWS IN BRIEF

On March 8, 2024, it was such an empowering experience to organize LHRC's International Women's Day event held at the Four Points by Sheraton Hotel in Dar es Salaam. Dr. Anna Henga, the Executive Director of LHRC, kicked off the event with a powerful message centered around the theme "Investing in women to accelerate national development and societal welfare." Her words resonated deeply with everyone present, emphasizing the urgent need to invest in women across all facets of society.

Dr. Henga highlighted the stark reality of women's representation in leadership roles in Tanzania. With only 2.1% of women serving as village chairpersons, 6.7% as neighborhood chairpersons, and 12% as street chairpersons, it's evident that there's a long road ahead to achieve gender parity in leadership. LHRC's commitment to investing in voter education and advocating for electoral laws that promote equal opportunities for women is commendable. By increasing the number of female leaders at the grassroots level, LHRC aims to ensure that women's voices are heard and their issues are addressed from the ground up.



Dr. Anna Henga LHRC Executive Director during the commemoration of International Women's Day 2024 with ACT Wazalendo Party Leader Dorothy Semu, at Four Points by Sheraton Hotel in Dar es Salaam.



The importance of women's political participation cannot be overstated. Dr. Henga rightly pointed out the significant challenges many women face in entering and staying in political positions in Tanzania. Despite some progress, there's still a glaring gender gap in political leadership that needs to be bridged. It's imperative for the democratic development of the country that women are given equal opportunities to participate in politics and decision-making processes.

Events like these serve as a reminder of the collective effort needed to achieve gender equality and empower women in Tanzania. Dr. Henga's passionate call to action has inspired us all to work towards a future where women's voices are not just heard but are actively shaping the trajectory of our nation's development.



Women commemorating International Womens Day at the Four Points by Sheraton Hotel in Dar es Salaam.



Also in Dodoma, LHRC participated in a demonstration commemorating International Women's Day at the grounds of Chinangali II School in Chamwino district. During the commemoration in Dodoma, the guest of honor was the Minister of Community Development, Gender, Women, and Special Groups, Hon. Dorothy Gwajima. Additionally, as part of commemorating International Women's Day, LHRC took part in providing legal aid services. This legal assistance was offered at Mashujaa Ground within the Dodoma municipality. ■





LHRC program officer during a demonstration commemorating International Women's Day at the grounds of Chinangali II School in Chamwino district.





LHRC provides legal aid at Mashujaa Ground within the Dodoma municipality.



LHRC participates in CSW68, shares ideas on advancing gender equality globally

NEWS IN BRIEF

Legal and Human Rights Center (LHRC) this month participated in the 68th annual Commission on the Status of Women (CSW68), the United Nations' largest annual gathering on gender equality and women's empowerment, in New York, USA.

The event, which occurred from March 11 to March 22, 2024, took place under the theme "Accelerating the achievement of gender equality and the empowerment of all women and girls by addressing poverty and strengthening institutions and financing with a gender perspective" and a review theme "Social protection systems, access to public services, and sustainable infrastructure for gender equality and the empowerment of women and girls (agreed conclusions of the sixty-third session)."

The CSW is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women. The CSW is instrumental in promoting women's rights, documenting the reality of women's lives throughout the world, and shaping global standards on gender equality and the empowerment of women.

On March 13, 2024, LHRC held a side event on land rights for women with other partners, including Landesa, the United Republic of Tanzania, and the Embassy of Tanzania to the United Nations. During the side event, LHRC engaged in discussions surrounding several critical issues aimed at fostering women's rights, women and children with disabilities, gender equality, and empowering women through awareness creation, capacity development, and access to justice.

LHRC also participated in a session on reproductive rights to gain insights into advocating for this crucial area. LHRC aimed to learn from others about raising awareness and protecting women's health and reproductive rights. LHRC and partners also discussed and exchanged experiences with stakeholders during side events and tailored gatherings at CSW, gathering valuable knowledge and strategies for our advocacy efforts.

Moreover, LHRC delved into critical topics such as gender-based violence, the rule of law, climate change, and gender budgeting. ■





Advocate Getrude Dyabene Senior Program Officer - Women, Children and People With Disabilities at LHRC during CSW68 event in New York, USA.



LHRC expresses concerns on the safety of its staff and human rights activist Joseph Moses Oleshangay

NEWS IN BRIEF

Legal and Human Rights Center (LHRC) this month expressed its concerns on the safety of its staff and human rights activist Joseph Moses Oleshangay, urging authorities to take necessary measures to protect him from any danger.

Oleshangay, who has worked in various capacities and is currently serving as a lawyer under the land unit at the LHRC's Arusha office, has been very vocal in his opposition to the ongoing exercise to relocate people from Ngorongoro, calling the decision a violation of people's inalienable human rights.

A Maasai by origin who was born and raised in the Endulen Ward, Ngorongoro district in the Arusha region, Mr Oleshangay, a lawyer, has been providing legal assistance and advice to his Maasai community, especially those residing within the Ngorongoro Conservation Area (NCAA), where he lives.

Since 2022, the Government has been conducting what it calls a 'voluntary relocation' exercise for residents from the Ngorongoro area. Joseph assisted his community, earning him a local and international following, including winning the Weimar Human Rights Award in Germany in December 2023.

Additionally, Joseph was named Human Rights Defender of the Month by Defend Defenders, an organisation that promotes and protects human rights defenders in the East and Horn of Africa.

But LHRC Executive Director Anna Henga told a press conference on March 28, 2024, that since 2023, Oleshangay's safety has been at risk, as he has been under surveillance, including receiving calls from individuals claiming to be police officers.

"On the afternoon of March 14th, for example, Joseph received information that he was being followed by individuals believed to be state agents, prompting him to take precautionary measures for his safety," Henga told journalists.

On the night of March 15th, individuals claiming to be police officers arrived at his home, questioning his wife about Joseph's whereabouts without providing any explanation.

In addition to Joseph's absence, these individuals camped outside his home from March 15th to March 18th, 2024. Joseph and his close relatives are still determining who is following him and for what reasons.



"It is worth noting that a few days before Joseph began to be followed, a message circulated on social media warning the government to take action against him, branding him a dangerous individual," Henga explained.

"The threatening message mentioned LHRC, the Pastoralists Indigenous Non-Governmental Organization's Forum (PINGO's Forum), the Pastoral Women's Council (PWC), and Susanna Nordlund, an activist, as institutions and individuals supporting Joseph. Although we were alarmed by this message, we did not ignore it," she added.

Henga said that all these events have caused fear for Oleshangay and his family, as he has been hunted for a long time.

"These threats restrict Joseph's freedom to work as a lawyer and serve his community," Henga pointed out. "We want to inform Tanzanians and the international community about our colleague's safety concerns and ongoing situation."

"We will continue to monitor the situation and take appropriate action accordingly," she added. "Joseph's and his family's safety is LHRC's top priority, and we'll do whatever is possible to ensure they remain safe." ■



Dr. Anna Henga during a press conference, expresses concerns on the safety of its staff and human rights activist Joseph Moses Oleshangay at LHRC HQ.



LHRC welcomes the High Court ruling on the unconstitutionality of some sections of the Law of Limitation Act

NEWS IN BRIEF

Legal and Human Rights Center (LHRC) this month welcomed a High Court of Tanzania ruling pronouncing sections 44(1) and (2) of the Law of Limitation Act as unconstitutional, doing away with the ministerial discretion to extend the period of limitation for a civil suit.

The High Court issued its ruling on March 13, 2024, following a petition by the LHRC, which challenged the time limits for lawsuits in response to the issues faced by clients in its Legal Aid Program.

In these provisions that the court found unconstitutional, the Minister had broad discretion to extend the period of limitation for a civil suit, subject to three conditions: it must be just and equitable, made after consultation with the Attorney General, and not exceed one-half of the period of limitation for such a suit.

LHRC argued that the sections violated several parts of Tanzania's Constitution by allowing the Minister to extend the time for filing a lawsuit under certain conditions, but this power didn't guarantee equal treatment for everyone.

The court ruled that only the courts should have the power to extend time limits for lawsuits. This could ensure adherence to fairness and equality in the legal system.

The court also pointed out that the laws didn't give people a fair chance to be heard or to appeal decisions. This was because the Minister could make decisions without listening to the people affected, and there was no way to challenge these decisions.

Additionally, the court said that having the Minister and the Attorney General involved in these decisions could lead to bias, as they might have their own interests in the cases involving the Government.

The court decided these sections were unconstitutional and gave the government one year to fix them. LHRC welcomed the ruling, saying that it underlines the importance of fair treatment, separation of powers, and giving people a chance to be heard in legal matters. ■



Stakeholders meet in Morogoro to validate the Tanzania Human Rights Report 2023

NEWS IN BRIEF

Legal and Human Rights Center (LHRC) gathered several stakeholders in Morogoro on March 13 and 14, 2024, to validate the Tanzania Human Rights Report 2023, which will be published anytime this year.

Among the participants in the validation exercise include members from like-minded organizations, ministries, and government institutions.

NGOs that were represented included the Zanzibar Fighting Against Youth Challenges Organization (ZAFAYCO), the WAJIBU Institute of Public Accountability, HakiArdhi, HakiElimu, the Policy Forum, the Tanzania Women Lawyers' Association (TAWLA), and the Tanzania Media Women's Association (TAMWA).

Government officials came from ministries and institutions such as the Ministry of Constitutional and Legal Affairs (MoCLA), the President's Office—Regional Administration and Local Government (PO-RALG), the Ministry of Health, the Ministry of Home Affairs, and the Commission for Human Rights and Good Governance (CHRAGG).

Also invited were researchers, advocates, social welfare officers, and education officers. In total, 26 stakeholders (9 females and 17 males), both government and non-government, participated in the validation session. ■



LHRC experts participate in a Q&A session with listeners' of Arusha-based Radio Safina FM

NEWS IN BRIEF

On March 14, 2024, experts from the Legal and Human Rights Center (LHRC) participated in a question and answer session with the listeners of the Arusha-based Radio Safina FM, discussing issues that ranged from probate and estate administration to matrimonial issues.

Led by Adv. Naserian Gugga and Adv. Caroline Mollel, the discussion delved into the complexities surrounding probate and the administration of estates, offering clarity on legal procedures and rights.

Adv. Naserian and Adv. Caroline Mollel shared their insights, providing practical advice and addressing common concerns faced by individuals navigating these legal landscapes.

Matrimonial issues were also in the spotlight, with the LHRC team shedding light on various aspects of family law, including marriage, divorce, and spousal rights. Their expertise brought clarity to listeners grappling with personal and legal dilemmas in the realm of marriage and family matters.

Through this enlightening session, LHRC reaffirmed its commitment to empowering individuals with legal knowledge and support, ensuring that everyone has access to justice and understanding in crucial areas of their lives. ■



LHRC program officers Adv. Naserian Gugga and Adv. Caroline Mollel during a radio session with Arusha-based Radio Safina FM.



LHRC hosts the 100th Board Meeting

NEWS IN BRIEF

On March 28th, 2024, the Legal and Human Rights Center (LHRC) celebrated a milestone with its 100th session of the Board Meeting at LHRC Headquarters in Kijitonyama.

The occasion provided a unique opportunity to reflect on the invaluable role of board meetings in nurturing corporate governance and ensuring the organization's sustainability.

Board meetings stand as the cornerstone of effective governance, providing a platform for strategic decision-making, oversight, and accountability. Through rigorous deliberations and insightful discussions, our board members bring diverse perspectives to the table, steering our organization toward its long-term objectives while upholding the highest standards of integrity and transparency.

Moreover, these meetings catalyze innovation and continuous improvement, offering a forum for exploring emerging opportunities and proactively addressing risks. As LHRC commemorates this momentous occasion, we reaffirm our unwavering commitment to upholding the principles of corporate governance.

LHRC extends its deepest gratitude to each of you for your invaluable contributions to our journey toward a brighter future. Together, let us continue striving for excellence and making a meaningful impact on advancing our mission. ■



LHRC board members marks historic milestone with 100th session held at headquarters in Kijitonyama.



LHRC undertakes several activities as part of the preparation of the National Action Plan on Business and Human Rights

NEWS IN BRIEF

On March 20, 2024, the Legal and Human Rights Center (LHRC), being a member of the technical committee for the development of a national action plan on business and human rights, worked on the identified thematic working groups for the development of a national action plan on business and human rights.

The activity on literature review was conducted, issues and inputs on the thematic working groups were worked on, and reviews of the laws and thematic areas were identified.

LHRC worked and was assigned to work on two thematic areas, which included extractive and energy, as well as tourism and hospitality. As part of redefining and working on the thematic areas, the following were conducted:

- Revised the thematic areas and added input on the violations of human rights by businesses in the extractive sector.
- Mapped relevant stakeholders and sectors involved in extractive and energy, as well as tourism and hospitality.
- Identified specific rights issues to be incorporated into the national action plan on business and human rights.
- Supplemented information on the awareness and understanding of the importance of the national action plan on business and human rights.
- Defined the scope and objectives of the extractive and energy sectors as well as tourism and hospitality. ■



Our development partners



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