



LEGAL AND HUMAN RIGHTS CENTRE

ANNUAL PROGRESS REPORT 2005



Justice Lugakingira House, Kijitonyama, P. O. Box 75254, Dar Es Salaam, TANZANIA

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Editors: Helen Kijo-Bisimba
Daniel Mvella
Harold Sungusia
Rodrick Maro

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Abbreviations:

AIDS	Acquired Immuno - Deficiency Syndrome
APRM	African Peer Review Mechanism
BRELA	Business Registration & Licensing Authority
CBOs	Community Based Organizations
CCM	Chama Cha Mapinduzi
CCNC	Citizens Coalition for the New Constitution
CEDAW	Convention for Elimination of all forms of Discrimination Against Women
CHRGG	Commission of Human Rights & Good Governance
CRC	Convention of the Rights of Children
EAHRF	East African Human Rights Foundation
FBOs	Faith Based Organizations
FEMACT	Feminist Activism
FGM	Female Genital Mutilation
HIV	Human Immuno - Deficiency Virus
HIVOs	Dutch Human Rights Institute for Cooperation with Developing Countries
HURINET	Human Rights Network
LAC	Legal Aid Clinics
LHRC	Legal and Human Rights Centre
MPs	Members of Parliament
NACOSE	National Consortium on Civic Education Tanzania
NGOs	Non-Governmental Organizations
NPF	National Policy Forum
PCB	Prevention of Corruption Bureau
P.O	Preliminary Objection
SAHRiNGON	Southern African Human Rights Non-Governmental Organizations Network

SALAN	Southern African Legal Assistance Network
TEMCO	Tanzania Election Monitoring Committee
TRACE	Training Facilitation Organization
UDSM	University of Dar es Salaam
UNDP	United Nations Development Programme

MESSAGE FROM THE BOARD CHAIRPERSON

2005 was a memorable year to the Legal and Human Rights Centre as the Organisation celebrated ten years of its existence.

The ten years celebrations of LHRC went together with the launching and awarding of the Majimaji Human Rights Award to Justice James Mwalusanya. This award is the 1st of its kind which the LHRC decided to launch as part of its celebrations. The name of the Award is the memory of the war fought by Tanganyikan's hundred years ago "The Majimaji war for us was a human rights defending war. The Award will be given after every five years to a prominent human rights activist in the country.

During the year we have witnessed a lot in the field of Human Rights and good governance in Tanzania. As a Human Rights organization the LHRC continued to face several challenges due to its stand on several human Rights and good governance issues.

The Ukonga saga where by prison warders forcefully evicted residents of Air Tanzania Limited quarters located at Ukonga in the city of Dar-es-salaam evidenced lack of human rights observance. In the exercise itself as well as how the Prison Warders treated Media personnel who went to cover the event the LHRC's Information Officer Mr. Christopher Kidanka and Mr. Mpoki Bukuku were beaten during this incident.

*The LHRC as well as members of the Civil Society were puzzled by the statement made by the then Minister for Home Affairs who claimed that the acts of the Prison warders were a normal **Military Operation.***

Although the Commission was formed to investigate the matter there has been no reports of the Commission by the end of the year.

In 2005 the Centre developed a number of policies, all with the aim of strengthening its operation. Among those policies are the Financial Regulations manual and the Personnel policy manual which have been reviewed after seven years of implementation, the two manuals aimed at enabling members of the centre to fully understand the systems operating in the centre, also to provide for the basic personnel management policies, principles and regulations of the centre. They are expected to help in the smooth operation and financial transparency.

The Centre is concerned with the well being of all employees especially in regard to life threatening diseases in so doing during the year LHRC has developed the workplace policy guideline on HIV/AIDS. This policy aims at providing clarity on the organizations' commitments with regard to assisting employees who may contract HIV/AIDS and the whole idea of prevention of HIV/AIDs in the work place.

This year was the Tanzania general elections' year thus LHRC had a lot to do with regard to human rights concerns during election.

In so doing the Centre undertook a challenging consultancy assignment by organizing a series of regional and national dialogues on security and peace during election in partnership with UNDP. The dialogues brought together the political parties, political appointees, electoral managers, security forces and law enforcement agencies so

as to have a common stand in preserving and observing peace during election.

The National dialogues came-up with a common agreement (Accord) to serve as a mirror in handling free and fair 2005 elections.

We witnessed the refusal of government to compensate the Nyamuma people after the recommendation of the Commission of Human Rights and Good Governance. The Commission in December 2004 recommended the government to compensate 135 villagers of Nyamuma village who were forceful evicted from their village by the government. This is a challenge which we are working on by following proper legal path to ensure impunity is not included in the country and good governance is observed.

Other challenges which the LHRC still faces is the serious issue of the right to life as the death penalty still exists in our law books. The report launched by the LHRC in collaboration with the FIDH is a revelation on the need for Human rights activists and society at large to advocate against the Death Penalty. A person with life can be included back to humanity.

Together we can make a difference as we move on with a Human Rights Agenda.

Bishop Elinaza B. Sendoro

Chair person – LHRC Board

MESSAGE FROM THE EXECUTIVE DIRECTOR

The year 2005 was an organisational festival year as it was the LHRC revely 2 after the five years celebrations in 2000. The second revely was the tenth anniversary of the LHRC.

As we were in the celebration mood our work proceeded with its obvious challenges. Working in human rights and for Human rights is not an easy task but it is interesting and very demanding. The year began with the usual reporting of Human rights situation in the country for the past year 2004.

We challenged the Government to observe human rights and to meet its obligations in this area. As this was the general election year we also prepared for elections by having specific programmes towards elections and the first was to challenge the Law which we found to be a block to a free and fair election. This is the Election Law (Miscellaneous Amendment) under its Sections 98(2) and 98(3) which legalises the offering, by a candidate in election campaigning of anything done in good faith as an act of normal traditional hospitality (Takrima) to voters.

We lodged a Case with the High Court at Dar es Salaam under Certificate of Urgency in collaboration with two other Organisations LEAT and NOLA as we believe Takrima is offensive and encourage corruption in the election process.

Unfortunately the urgency was ours not that of the Court so the elections were carried out while the Case was still pending in Court.

In the course of the year we had to take the Government to Court after the Attorney General on behalf of the Government refused to implement the recommendations of the Commission for Human Rights and Good Governance to compensate and resettle the Nyamuma residents who were evicted from their land without following legal procedures and their rights being abused. This has been a very serious lesson that the Government can decide to disobey an institution established by the countries Constitution without following proper legal channels. This report gives a detail information of this occurrence. The acme of the LHRC's 10th anniversary were by crowning a celebrated Human Rights champion Justice James Mwalusanya (Rtd) with the 1st Human Rights Award by the LHRC-named Majimaji Human Rights Award. There were various activities such a big Human Rights March where Human Rights activists marched the Dar es Salaam Streets with Human rights messages followed by a Human rights Conference and Exhibition.

The Election was yet another avenue where our eyes were spotted. We followed the Voter register exercise, campaigns and elections. The postponement of the elections in the mainland due to the death of the CHADEMA running mate was a big sad event since many things had to halt at the eleventh hour and there were a lot of discussions about costs of the Campaigns and the process after the postponement. The Elections however were done and as usual observers differed with most of them saying the elections were free and fair, with some errors while one declared it flawed in the Zanzibar Elections. For us we found out that there has been a drop in the opposition members in Parliament and we feel the Civil Society has to do a lot in the checks and balance of Government's governance.

There were a lot of enthusiasms from the public during the end of the year with the swearing in of the new President. The LHRC is moving forward with the human rights agenda and realisation of the mission to empower the Public as we monitor human rights in the country.

We wish to acknowledge with utmost appreciation the work done by some of our Human Rights Monitors who informed us on Human Rights violations in the Communities. We are also grateful to the Paralegals who work tirelessly in their areas to inform people of their rights. This year the LHRC was evaluated and the holistic evaluation acknowledged the vast need of people to know their rights and the need for the Paralegals and Legal aid work.

We also wish to thank likeminded organisations for working with us especially when we needed support to decry rights abuse such as the beatings done to one of our Staff and when the Government declined to implement the Human Rights Commission's recommendations.

We are also indebted to our Partners who have supported generously our programme and made it possible for us to be in a place to implement what we are now reporting to all of you.

A BETTER WORLD IS POSSIBLE. TOGETHER WE CAN BRING CHANGES.. EACH ONE OF US HAS A ROLE TO PLAY FOR BUILDING A HUMAN RIGHTS CULTURE.

Helen Kijo-Bisimba
Executive Director

Chapter One

Background and Organisation of LHRC

The Legal and Human Rights Centre (LHRC) is a private, voluntary, not for profit, non-partisan organization organization founded in 1995. The LHRC is registered under the Companies Ordinance Chapter 212 of the Laws of Tanzania as a Company without shares limited by guarantee. The organization was founded from a human rights project of another organisation the Tanzania Legal Education Trust (TANLET). The LHRC has a mandate to operate throughout Tanzania. It has its main office in Dar es salaam and a regional office in Arusha.

Vision

The LHRC envisages a just and equitable society.

Mission

LHRC is a non-profit making, non-partisan non-governmental organisation striving to empower the public promote, reinforce and safeguard human rights and good governance in Tanzania.

Broad objective

The main objective of LHRC is to create legal and human rights awareness and empowerment among the general public and, in particular, the underprivileged sections of the society through legal and civic education, advocacy, research, follow up of human rights abuses and provision of legal aid.

The mandate and scope of LHRC

The organisation is authorized to provide its services anywhere in Tanzania. Its Memorandum and Articles of Association provide the basis for defining the organisation's mandate and scope of work. Currently there are programs conducted in five regions namely, Dar Es Salaam, Arusha, Manyara, Mara and Morogoro together with other programs, like human rights monitoring, covering the entire country.

Strategic Direction

The organisation has four main strategic aims. These are geared towards addressing four strategic issues identified:

First, to identify and expose policy, law reform and issues of practice with a view to advocating for change.

Second, to raise legal and human rights awareness and empowerment amongst the general public for the sake of good governance in Tanzania.

Third, to gather and disseminate concrete, reliable and up-to-date information on policies, law and issues of practice.

Fourth, to improve the performance and sustainability of the Legal and Human Rights Centre.

Target group

The target groups or beneficiaries of LHRC include but are not limited to the following: The general public, the indigent, community leaders, influential people, politicians, policy makers, legislators, law enforcers, community-based organisations and NGOs.

Funding

The LHRC is supported by Partners who have agreed to fund its programme and contributed to a basket funding and in this year the funders contributing to the programme were NOVIB, (Netherlands Organisation for International Development Co-operation) Embassy of Sweden, Royal Norwegian Embassy, Embassy of Finland, Ford Foundation and TROCAIRE.

Organisation of the LHRC

Membership

The LHRC has a membership of 120 individuals and 2 organizations. The Members form the Annual General Assembly which is the highest organ of the organization. The members meet annually for taking up their oversight role to ensure the organization is within its mandate and scope. They also deliberate on the contextual framework of the organization while receiving the Audited Financial Report and the Annual Report. The work done by the AGM will be reported in this report under the Finance and Administration section.

The Board of Directors

The Board of Directors is the governance body of the organization which has the responsibility for setting Policies and ensuring the results from the policies. The Board approves plans and budgets while receiving and review reports of the Management.

In this year the Board had 8 members namely;

- Bishop Elinaza Sendoro - The Chairperson
- Dr. Ringo Tenga - The Vice Chairperson
- Mr. Peter Azaria Mbughuni - Member
- Dr. Palamagamba J. Kabudi- Member
- Ms Ananelea Nkya - Member
- Ms Rose Camil - Member
- Mr. Martin Saning'o - Member
- Mr. Harold Sungusia - Member – Staff representative (ex officio)

Chapter Two

Tenth Anniversary of LHRC and Human Rights Trends

2.1 Tenth Anniversary and accomplishment of LHRC over the past decade

LHRC celebrated its 10th Anniversary in the year 2005. Apart from organizing a number of events that coincided with the UN Human Rights Day, the Centre utilized the opportunity to take stock and share its experience and accomplishments over the past ten years of its existence. The section that follows highlights on accomplishments of LHRC in promotion and protection of human rights in Tanzania.

2.1.1 Human Rights at the Centre for the debate on Tanzanian Laws:

a. Making international law and International Criminal Court a reality in Tanzania.

The LHRC played an active role in the process leading up to the August 2002 ratification of the statute establishing the International Criminal Court (ICC) IN Tanzania. The LHRC's efforts enabled Tanzania to become the 78th state to ratify the ICC statute. Our efforts included writing letters to the Ministry of Foreign Affairs and International Co-operation to advocate for the ratification of two optional protocols to the International Covenant on Civil and Political Rights, the documents that established the ICC. In addition, we have managed to highlight other treaties that need to be ratified by Tanzania. Other treaties that have recently been tabled in Parliament include the Optional Protocol to the Convention on

the Rights of the Child on the Involvement of Children in armed Conflicts, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and the 1990 African Charter on the Rights and Welfare of the child.

b. Police and prison officials commit to putting human rights standards in practice while conducting policing activities.

The human rights trainings we conducted successfully raised awareness among the police force and prison officials about their role in the protection and promotion of human rights. In addition, the police force has incorporated human rights into the police training curricula and agenda of all management meeting involving the Inspector General of Police, the Commissioners, the Head of Departments, and the Regional Police Commanders. Furthermore, the LHRC has conducted Departments, and the Regional Police Commanders. Furthermore, the LHRC has conducted human rights training for all the District Investigating Officers throughout the country and all the District Police Commanders (OCDs).

c. Tanzania holds first ever Human Rights Conference.

In 2002, the LHRC along with eight other organizations, arranged and led the first ever Annual Human Rights Conference in Tanzania. The conference gathered over a hundred participants who made powerful presentations on human rights issues. The presentations generated discussions among the participants and prompted them to make several formal and informal recommendations to the Tanzania government and the general public about respecting and promoting human rights. The conference has now become a

tradition in Tanzania and takes place each year on December 10th, while celebrating the International Human Rights Day.

d. *Amending the NGO Act.*

In an effort to prevent the 2002 NGO Act from imposing serious restrictions on freedoms of association and expression, the LHRC formed part of the NGO Policy Forum and spearheaded advocacy efforts for a new NGO Act. We prepared commentary on the bill, discussed it with the appropriate parliamentary committees, and conducted workshops on the bill with parliamentarians. As a result of our efforts, a public hearing for NGOs was held before the Legal and Constitutional Affairs body, and 75% of our recommendations were accepted and included in the bill. The Centre held roundtable discussions on the bill, and it continues to consider amendments to address other problems in the bill.

e. *New Labour Laws assented.*

We successfully advocated for the reform of Tanzania's antiquated labour laws in an effort to bring them more closely in line with international labour standards. In 2003, the government began the process of amending the labour laws. The Parliament passed two labour bills drafted in consultation with the LHRC and other stakeholders, and in April 2004 the President assented to them. During the consultation process, the LHRC prepared a position paper, which was presented at a meeting organized by the Labour Law Committee. Our recommendations generated debate among the participants and committee members. In addition, the LHRC conducted two important roundtable discussions on the labour law regime.

f. *Constitutional Reform on the way*

Crated by an LHRC initiative, the Citizen Coalition for New Constitution I pushing for much need reform of the constitution. Through the leadership and coordination of the LHRC, the CCNC is seeking to address issues such as the often ambiguous relationship and division of powers between the Union and Zanzibar governments. In order to facilitate the necessary legal, political, and electoral reforms and prevent election violence similar to that of 2001, the LHRC, in cooperation with the members of the CCNC, continues to spark debate and build a consensus and momentum for the constitutional reform.

g. *Human rights and Governance Commission established*

The CCNC played a critical role in the creation of the 13th constitutional amendment of 2000. The 13th amendment led to the creation of the Commission for human Rights and Good Governance, a powerful force in the protection and promotion of human rights in Tanzania. At the request of outside parties and on its own initiative, the Commission launches investigations into human rights abuses committed by the Government, companies and individuals. Between 2002 and August 2004, the Commission has handled more than 8,000 complaints of human abuses, of those, it has resolved more than 3,000.

h. *Spearheading understanding and reform of current juvenile justice system*

The LHRC has identified and raised awareness of the problems that plague the juvenile justice system. After conducting field research in

Tanzania and other African countries, the LHRC has succeeded in analyzing how juvenile justice system is best implanted. This expertise has enabled the LHRC to propose sound reforms and earn the attention and respect of policy makers. The reform movement is the result of LHRC workshops, which eventually established a regional juvenile justice forum to share information and statistics on juvenile justice and to better understand the deficiencies of juvenile justice in Tanzania.

2.1.2 Used Strategic litigation to advocate for fairness and protect human rights:

a. Challenging impunity of police and government officials.

In a high-profile law suit, the LHRC continued to represent victims of the 2002 Mwembechai riots and other strategic litigation cases. The law suit will set an important precedent in Tanzania, enabling citizens to hold police and other state organs more accountable for acting in contravention of the law. The case is now at the hearing stage, and our clients will testify against the law enforcement officers who took part in the brutal acts.

b. Raising awareness on Female Genital Mutilation (FGM).

The LHR file a complaint against a father accusing him of having forced his three daughters to undergo FGM. The Centre prosecuted the case under a private prosecution capacity under the Morogoro Resident Magistrate Court. The accused was not convicted due to lack of sufficient evidence as required by the criminal standard of proof. However, we still consider this case a victory as it has crated a lot of debate and raised awareness among the public about this

harmful tradition that is still being widely practiced in our country. We have now finalized the documentation of this case, and it will be pushed and utilized in our anti- FGM advocacy work.

c. *Public hearing poor villagers who were evicted in Serengeti District*

In this landmark “*David vs. Goliath*” case, the LHRC successfully persuaded the Commission on Human Rights and Good Governance to hear poor villagers who were wrongfully and inhumanly evicted from their land. The villagers filed a complaint against high-ranking government officials, including the Serengeti District Commissioner and the Officer of Commanding District. In October 2001, over 130 homes were set ablaze in the village of Nyamuma. During the course of 2003, the Commission held the first public hearing in this case, in which 65 villagers were able to testify. Our work in this case has generated widespread attention in the news media and the general public.

2.1.3 Empowerment of the Tanzanians:

a. *Promotion of environmental protection through the LHRC’s Land Rights Training.*

Since 1996, the LHRC has been conducting land rights trainings, which provide alternative solutions for socio-environmental problems such as desertification, boundary conflicts, and water and land scarcity and/or conflicts. The trainings prepare participants to launch their own tree planting complaints, and empower villagers to settle border conflicts and to divide land according to usage. The LHRC’s land rights trainings efforts have succeeded in imparting knowledge to clients on the necessary legal and court procedures.

As a result, many clients of the clinic have successfully represented themselves to win judgments in their favour or to have reinstated previously dismissed suits.

b. Empowerment of the indigent through Self-Help kits.

We continue to publish the self help kits on various legal & human rights issues. This continues to empower the vulnerable and indigents to know in a nutshell the basics of the legal and human rights and to defend themselves when resources are scarce. The LHRC has published Kits on issues such as civil procedure, rights and duties of the landlord and tenant, preparing a will, etc.

2.1.4 Change attitude and broke local taboos:

a. The impact of paralegals and Human Rights Monitors: Trainings of the Trainers.

The LHRC continues to conduct trainings for persons wishing to train their communities on legal and human rights issues, such as the strategic use of land and conflict resolution in land disputes, particularly disputes between farmers and pastoralists. The LHRC has been conducting community-level training of trainers since the Centre's establishment in 1995. Each year the program has attracted more and more interest from pastoralists, including Maasai pastoralists.

b. Anti-FGM Campaign.

The LHRC is one of a few organizations spearheading the effort to eradicate female genital mutilation (FGM). Our training facilitated the opening of discussions on the centuries old practice of FGM. The

discussions allowed community members to understand the harmful effects of FGM on women's physical and psychological health. In general, discussing or questioning the practice of FGM has been rare particularly since the practice is seen as cultural rites and effects about 18 percent of women in Tanzania. Most citizens believed the practice preserves female chastity and increases a woman's chances of getting married. In light of these beliefs, opening the door for discussion on FGM is a big step forward in Tanzania.

c. Empowered rural women of Tanzania.

Although an estimated 60 percent of women are affected by domestic violence, the LHRC continues to advocate for women's rights. In areas of our operation, the LHRC has conducted sustained efforts to reduce domestic violence and has succeeded in empowering women to speak out against domestic violence.

2.1.5 Paving the way to eliminate corruption:

a. Police officers incorporate human rights in their policing activities.

Among the police force, the use of excessive force and police corruption continues to be serious problems. In response, the LHRC has undertaken a campaign to sensitize police officers on human rights. The LHRC's human rights training program for police has been so successful that the police who have benefited from the training have expressed interest in conducting similar trainings themselves for their colleagues.

b. Primary Court Magistrates engage on fighting corruption.

The LHRC has addressed the issue of corruption in the judiciary, which continues to suffer from corruption and a lack of capacity to provide defendants with an expeditious and fair trial. The LHRC conducted trainings for Primary Court Magistrates. During the training, discussions on corruption examined its many forms, its causes and how to prevent and discourage the most common forms of corruption among magistrates, such as the acceptance of bribes to determine guilt or innocence or in passing sentences.

2.1.6 Spearheading legal and human rights promotion in Tanzania:

a. Reaching remote corners of Tanzania.

With our mission in mind of “*envisaging a just and equitable society*”, the LHRC has ensured through both its radio program *Darubini* and the now famous TV show *Pambanua*, that all people in Tanzania became informed citizens on legal and human rights. Particularly the radio show has proved very effective among the youth. Some schools in Ukerewe and Bunda, *Darubini* has influenced the formation of human rights clubs.

b. Training the human rights advocates of tomorrow.

The LHRC continues to explore and apply new methods to promote legal and human rights. One of LHRC’s most recent methods is the Moot Court. The Moot Court successfully became a unique way of presenting human rights issues to the public and an excellent way for law students to get an eye’s view of a career as an advocate. In addition, the moot court turned out to be an effective promotional recruiting tool for the LHRC.

c. At the forefront of human rights monitoring in Tanzania

The LHRC has conducted extensive in-depth research on numerous human rights and legal issues, which is published and used for advocacy work. Some of the publications have included studies on election media monitoring, which enabled the media to assess and improve its performance to inform the public on election matters.

d. Documentation of the Human Rights situation in Tanzania.

Under the human rights monitoring program, the LHRC has consistently monitored human rights violations in order to positively affect policies and laws in need of change. In 2002 the LHRC responded to increasing demands from the general public for local NGOs to publish a human rights report of Tanzania. Today, the LHRC remains the only Tanzanian NGO to research and prepare an annual human rights report for the country. The report is a powerful awareness and advocacy tool and has put the LHRC in the international spotlight, as organizations as such as the U.S. Department of State regularly consult and cite our report.

e. Preparing Tanzanians for fair and free elections

The LHRC in collaboration with the International Federation of Human Rights (FIDH) conducted a follow up investigation into the killing of 23 people who staged a peaceful demonstration on January 27, 2001. Police had banned the event before the start of the demonstration. The demonstrators were demanding the enactment of a new democratic constitution, the establishment of an independent electoral commission, and new elections to rectify what were widely perceived as controversial Zanzibar elections. The final LHRC/FIDH report included 11 recommendations, most of which

were included in the CUF-CCM accord of October 10, 2001. Most recently the LHRC conducted a survey of political parties in Tanzania. The Centre utilized this survey as the basis for a symposium held in December of 2004 in anticipation of Tanzania's 2005 general elections.

Also, in collaboration with the UNDP, the Centre managed to coordinate and conduct the National Dialogues on Security during the elections. These dialogues brought together the stakeholders in the election process with the aim of leveling the election play ground, which came-up with the common agreement (Accord) to serve as their mirror in handling free and fair 2005 elections.

2.2 General Human Rights Trends over the year 2005

The year 2005 made impressive advances in human rights and good governance observance in Tanzania. However, there have remained some impediments in relation to laws, policies and practices, which in one way or the other have lessened the fully realization of just and equitable society's envision in the country.

As on the side of the positive progresses in observance of human rights and good governance under the gauge of the International Human Rights Instruments, all claw-back clauses which diminished full realization of some of the basic rights in the provisions of the Constitution of the United Republic of Tanzania, 1977 were eliminated via the 14th Constitution Amendment Act, 2004 which was passed by the National Assembly in February 2005. The National Environment Management Act, 2004 was also passed. The right to clean, health and

safe environment is now vividly recognized and guaranteed under the law.

On part of policies and strategies, in the year 2005 another impressive progress was made in the implementation of the Poverty Reduction Strategy II (PRSP II) whereby the government finalized and modified it to include the issue of economic growth. This was a good progress because the goals set in PRSP II are attainable through economic growth centered on rural development and agriculture whereby majority of people will have the right to participate in the poverty reduction processes. The name of the strategy was therefore changed to National Strategy for Growth and Reduction of Poverty (NSGRP or MKUKUTA). There were along this strategy other policy mechanisms, which were implemented during the year. Some of them are the Tanzania Social Action Fund (TASAF) and Small Medium Enterprises (SME) all of which sought to emancipate people economically by involving them in the process of economic growth. However, poverty has remained to be a grave problem for majority of Tanzania during the year.

The rate of distribution of ARVs for HIV/AIDS patients was slightly increased during the year. The children of under 5 years, TB patients and pregnant women in most of the areas received free medical services though in rural areas the situation is still bad. The operational of the rights of the People Living with HIV/AIDS remain mainly depending on the National Policy on HIV/AIDS of Tanzania and individual practices basing on social norms. No any law was enacted during the year to give effect to the policy and the general norms of the public on HIV/AIDS.

On practical side, specifically in relation to the 2005's general election, there was an improvement of management and supervision of the elections campaigns and polling of votes. The presence of the Permanent National Voters' Register reduced the problems which occurred in the years 1995 and 2000 concerning double voting, missing of names and uncertainties of polling stations. However, the election campaigns were marred with violence in some of the areas of Tanzania mainland and mostly in Zanzibar. The provision of civic education by the government as the Electoral Laws (Amendment) Act, 2004 requires was relatively low.

As for the other side of success and progress registered during the year, there were remained some barriers some of which have been challenges for years now. The recommendation of Nyalali's Commission on the forty bad laws to be reviewed was not implemented once again in this year. Some of the important regional and international human rights instruments such as the Additional Protocol to the African Charter of Human and People's Rights, which establishes the African Court, and the Convention Against Torture which calls for an abolishment of the death penalty were not ratified by the government. Therefore, the number of inmates in death rows waiting for execution was on increase. More than 500 death row inmates were in prison. The condition of the prisons was not improved as expected.

The government also refuted to adhere to the recommendation of the Commission for Human Rights and Good Governance of December 2004 where by it was declared that what happened in Serengeti in which the villagers were forcefully evicted, beaten and killed was a

violation of Human Rights and an a breach of the principles of good governance. The failure to adhere to the recommendation of the Commission posed the doubt on the future presence, rationale and powers of this Commission.

Other barriers to the full obtainment of human rights were access to justice, mob justice instances, extra-judicial killings and police brutalities, which occurred in different parts of the country. We comment on the progress achieved so far to install land tribunals and councils. However, during the year, in many parts of the country the land tribunals and the councils were not installed. Primary Courts such as in rural areas of Morogoro region lacked Magistrates. Many people were killed in the mob justice. The local and inhumane ways of administrating justice was also seen taking place in some of the areas such as in Mara region whereby the traditional justice council called *Ritongo* was reported to have been torturing people especially in the process of forcing them to confesse crimes.

Child Welfare has also remained unimproved adequately. In Makete district for instance, it was reported that there are more than 20,000 orphans, which is like 20% of all residents of Makete districts are living in the most horrified situation. They do not have food, medical and other social services. Very little or nothing was done by the government to improve the state of affair of the children. Again, no law was enacted to specifically provide for the safeguard, promotion and guarantee of children's rights as vulnerable section of the society.

Malpractices by ways of corruption and impunity by public leaders was another big challenge. During the year, impunity ghosted and

shadowed the righteous decisions by jamming the bridge to justice of wrongdoers. The offenders of Serengeti's killings were not held accountable. The supporters of Ukonga na Morogoro's havocs were equally guaranteed safe zone against the arm of justice. They were all not held accountable of their misdeeds despite the present of laws and code of conduct rules for public leaders. On part of corruption, the reported discrepancies under the amended Election Act, which provides for *Takrima* (traditional hospitality) and the weaknesses under the Prevention of Corruption Act, 1971 remain the same. In this way, unscrupulous politicians took an advantages o the discrepancies of law to induce their prospective voters during the October and December's elections. The *Takrima* case, which was filed in the High Court by LHRC, NOLA and LEAT remained dull despite the fact that it was filed under the Certificate of Urgency.

As for social and economic rights, the right to own property was time to time trodden over by government officials and individual persons mostly under the name of investment and privatization. For instance, the Nyamuma's villagers remained uncompensated during the year, people in Mafia district were forceful expelled from their own land to give space for an Italian Investor, the Ukonga and Morogoro's residents of the then government houses were denied first right of refusal despite the fact that they won a bid during the first tender and they were staying in those house for quite sometimes. In short several eviction incidences were witnessed during the year.

While LHRC comments on the positive progress of what the government and its people have done during the year in relation to the observance and maintenance of human rights and good governance, we call

upon an improvement of other areas such as adherence of what the Nyalali's Commission recommended, ratification of some important human rights instruments such as the Additional Protocol to African Charter on Human and People's Rights which will give Tanzanians a *status quo* to lodge complaints to the African Court.

Furthermore, LHRC also calls for full participation of people in the discussion and implementation of various socio-economic policies in order to bring about sustainable economic development. Provision of feasible civic education by the government in teamwork with civil societies organizations is highly recommended because LHRC believes that emancipation of Tanzanians as a process begins with emancipation and nourishment of their mind to enable them to tender informed decisions.

As LHRC remains with the hope that all these will be adhered to during the following year, it is urged to all citizen to take part and participate in the provision, maintenance, observance of Human Rights, Good Governance and the Rule of Law in the country. The Tanzania Human Rights Report 2005 of LHRC has more details on human rights situation in the country.

Chapter Three

Progress towards Accomplishing Strategic Aims and Outputs

Introduction

This is an annual narrative progress report of the Legal and Human Rights Center (LHRC) for the period January-December, 2005. It is the last but one progress report towards completion of the two-year operational plan which winds up the five-year strategic plan ending on 31st December, 2006. The report highlights on the progress of implementation of planned activities towards realizing its expected outputs and achieving strategic aims.

During the year 2005 there were various legal and human rights issues that were intervened by the Legal and Human Rights Centre as planned in the operational plan. The centre addressed the issue of impunity in Tanzania. This was through the advocacy campaign in relation to the Serengeti Case. In December 2004, the commission for Human Rights and Good Governance gave its decision that the 135 villagers of the former Nyamuma Village in Serengeti were unfairly evicted and their houses unlawfully burnt down by the government officials. The verdict went further to order compensation and resettlement of the villagers. The decision was not respected by the government. The Centre organized successful campaigns against such impunity, events such as demonstrations, vigil, radio and television programmes and finally filing the cases to the court for enforcement of the Commission's decision. The cases are still proceeding in the Courts. All such interventions were embarked upon with the highest zeal aiming at promoting social justice in Tanzania, East Africa and the world over.

The Centre as well facilitated the national peace and security dialogues which brought together various players in elections particularly the political party leaders, the electoral commission, police force and senior government officials with a view of leveling the electoral plain and remove all sorts of unlawful conflicts and confrontations among them as the country was in the process towards multiparty election held 14th December, 2005. LHRC was commended for successfully facilitating such a high profile and diplomatic meeting with fruitful and meaningful outcome of a MUAFAKA (Accord) for upholding peace and security in Tanzania during campaign period and after election.



A cross-section of the participants of the National Dialogues on Security during the elections

During the reporting period, the political party aspirants for Presidency, Members of Parliament, House of Representatives and Ward Councilors accelerated their pace in campaign to win in the forthcoming multiparty election. The Centre noted the continued nascence of democracy in Tanzania as the campaign was still characterized by use of foul language and bad smearing.

Some of those who contested for the presidency seized the opportunity during the nomination process to spell their agenda, which were characteristically dominated by pledges of accelerated economic growth, agriculture prosperity and the provision of social services and amenities. The election of the flag bearer of the ruling Chama Cha Mapinduzi (CCM) in the race to Union Presidency, Jakaya Mrisho Kikwete, has proved that under multiparty politics, popularity of candidate is the strongest criterion for elections.

The Centre continued monitoring the violation of human rights. The reporting period saw eviction of people at Ukonga by the Prison Warders with subsequent wounding of journalists including the Center's information officer, an issue which was mishandled by and backfired on the Minister for Home Affairs.

LHRC also noted that good democratic governance is still several miles away from where Tanzania is now. This was brought to the Organisation's attention particularly when the Government of the United Republic of Tanzania banned HakiElimu, an NGO working on education, from working with schools in the country. This interdiction with Civil Society Organization points to lack of accountability and transparency as key elements of good governance in Tanzania. It is indeed high time for the Government to start and continue opening doors for the constructive dialogue and meaningful contributions to the development process and poverty reduction in Tanzania.

Progress under each department/unit

The activities of LHRC were implemented under its four strategic aims. The first aim is to gather and disseminate concrete and up-to-date

information on policies, legal and issues of practice for the purpose of facilitating advocacy initiatives; the second aim is to raise awareness and empowerment amongst the general public and build alliance with a view to effectively advocating for good governance in Tanzania; the third strategic aim is to identify and expose policy, law reform and issues of practice with a view to advocating for change; and the fourth strategic aim is to improve the performance and sustainability of the LHRC. Progress towards accomplishing the above strategic aims is stated hereunder.

3.1. Research, Publication and Documentation

The Research, Publication and Documentation Unit implements and coordinates activities around the strategic aim one. The strategic aim one is to gather and disseminate concrete, reliable and up-to-date information on policies, legal and issues of practice for the purpose of facilitating advocacy.

Planned Outputs:

1. Administration of Center's research services strengthened
2. Areas of demand for research assessed
3. Comprehensive research on the identified areas undertaken
4. Effective systems of documentation and dissemination established

Achievements:

The following achievements were registered.

Strengthening the administration of research services

Preparation of research and consultancy policy for the Centre was done during the year. A draft copy of the same is ready awaiting participatory review meeting prior to coming up with the final version to be taken to the Board for approval.

Assessment of the areas of demand for research

Areas of demand for the research were thoroughly assessed during the year 2005. Both formal and informal assessment meetings which involved program officers were held. A baseline survey on the legal and human rights awareness situation which will be done in 2006 is an output of the said assessment meetings.

Establishment of an effective system of documentation and dissemination

LHRC continued maintaining its Documentation Centre. Publication of books and research reports was done as follows: on Globalization and Workers Rights in Tanzania, 500 copies; Report on HIV/AIDS and Human Rights in Tanzania, 500 copies; and on HIV/AIDS Policy on Working Place, 365 copies. The Centre also published 500 copies of the human rights training manual and 500 copies of the research on Female Genital Mutilation.



The Publications that were produced during the year 2005

Final editing and publication of Annual Human Rights Conference report and Annual Human Rights Report for 2004 were done as planned which led to publication of 10000 copies of the Tanzania Human Rights Report for 2004 in English and Kiswahili; 500 copies of the Annual Human Rights Conference for 2004 were also published and 1000 copies of the 2004 LHRC Annual Reports were also published as planned.

A number of publications were received from various partners locally and internationally. The UNDP also provided the Centre with literature to support the on-going work of civic and voter education in Tanzania. Civic and Voter education materials have proved very useful as the peer facilitators on civic education commented that they were very useful. Cataloguing of books, reports, and journals was done. Efforts were made to collate the information to make it more accessible and more user-friendly.

Following this, the library has become more user friendly due to the fact that information can be easily accessed. The number of users from within and outside the Centre has started growing. Lack of proper

record keeping, particularly the users' register book denied the Centre of true assessment and analysis of the actual use of the Centre.

During the reporting period a significant progress towards updating the website was made. The window for posting and updating information was re-engineered. The work is still going on and is expected to be completed early January, 2006. We hope that the website would henceforth be more user-friendly and appealing with new features.

In a view to discuss the 2004 Tanzania Human Rights Report, the Centre organized a roundtable discussion which involved like-minded organizations, members of academic institutions, government representatives and the media. This successful meeting critically evaluated the reports and made comparisons with the previous one and chatted out the possible recommendations of improving the reports in future.

Research conducted

A thorough newspaper survey was carried out and compilation of the newspaper cuttings for the first quarter was done. Articles on corruption took considerable space and recurrence in the newspapers. This means that LHRC and like-minded organizations need to scale up effort to address the problem.

The Centre conducted a research on corruption during the reporting period. The research explored the impact of traditional hospitality (*takrima*) on permanent voter register and election. The research found out that it was very difficult to distinguish between corruption and

traditional hospitality in its strict sense. The Prevention on Corruption Bureau (PCB) faced great difficulty in distinguishing the two and this state of affairs paralyzed efforts of promoting good governance in Tanzania. The Centre has singled out findings and has started developing those issues into fact sheets for advocacy. Filing of a case against **takrima** (traditional hospitality) is a noteworthy step towards addressing the malpractice which was as well done.

Monitoring of corruption in election was done during the reporting period. The ward civic facilitators in Kilosa and Mvomero districts and human rights monitors participated in this exercise by administering questionnaires and sending them to the Centre for compilation and analysis. Data processing is still underway but preliminary and snapshot glance over the collected data reveals that corruption in the name of traditional hospitality gained ground during the campaign period. If this is left unabated, only the rich regardless of their capabilities will continue ruling and not leading Tanzanians.

LHRC conducted an extensive literature review and compiled a compendium titled: "Justice and Rule of Law in Tanzania: *Selected Judgements and Writings of Justice James L. Mwalusanya and Commentaries*". The publication is expected to play a catalytic role in human rights activism in Tanzania and beyond; and will serve as one of the useful reference materials among law and human rights students worldwide.

Outcomes:

The Centre realized the following outcome:

- The quality and demand for LHRC publications has increased
- The Documentation Centre has become more user-friendly and the number of users has started growing more rapidly than it was previously.
- Increased confidence in and credibility of LHRC work among key decision makers for effective advocacy

3.2 Outreach and advocacy

Outreach and Advocacy fall under strategic aim two; which is to raise awareness, empower the general public and build alliance for good governance in Tanzania.

Planned Outputs

- Law enforcement officials sensitized on legal and human rights
- Mass sensitization on legal and human rights undertaken
- Trained paralegals in LHRC focus areas strengthened
- Partnership with like-minded organisations strengthened
- Citizens Coalition for a New Constitution activities coordinated

Achievements

The following achievements were made during the reporting period:

Sensitization of law enforcement officials on legal and human rights

LHRC conducted training on FGM for 29 members of police force (9 females and 20 males in Morogoro. The participants comprised inspectors, head of police posts and heads of stations in Morogoro region. The police officers were sensitized on their role in enforcing the

law against FGM. The participants were taken through the concept and principles of human rights, why Female Genital Mutilation practices is a human right violation and what the Law says about FGM. The role of police in curbing this malpractice was discussed in-depth. In 2003 and 2004, a similar training was done to the police and the participants requested LHRC to extend the training to their fellow officials who had not been trained.

Following this training the police officers demonstrated a renewed sense of commitment towards enforcing the law in the fight against FGM. Some went as far as offering to work as trainers to educate the society to abandon the malpractice.

Preparation of information fact sheets to MPs on 40 bad laws and 6 targeted Policies and laws on Land, Environmental /Wildlife, Labour, Child laws, Corruption, death penalty, HIV/AIDS and Elections was completed. Information fact sheets on the Serengeti case were distributed to the MPs in the parliamentary sessions in June 2005. A tracking tool for public awareness on Corruption [Traditional Hospitality] was introduced to 97 human rights monitors who in turn went on inter alia, monitoring corruption in the general elections.

A discussion documents on the 14th Constitutional Amendments and the pending international H/Rights instruments that Tanzania has not ratified were prepared and presented to the Parliamentary committee for Constitutional, legal and public administration committee in January 2005 at Karimjee hall.

Sensitization of parliamentarians and political party leaders on legal and human rights

To sensitize parliamentarians and political party leaders on the 40 bad laws, a fact sheet on the same was prepared and sent to the printer for publication. The fact sheet will provide useful information to enable such legislators consider doing something about the said bad laws. Additional fact sheets freedom of expression and on death penalty titled, "*nani mwenye haki ya kuua?*" (Who has a right to kill?) NB: need to report on all fact sheets developed were prepared ready for publication. These fact sheets will be circulated to the new parliamentarians in early 2006.

Roundtable discussions with MPs was held in LHRC offices in April 2005, a sum of twenty Mp who were in the Parliamentary Committee for Legal, Constitutional and Administrative Affairs visited the Centre. The MPs were given an opportunity to launch the Swahili copies of the 2004 Tanzania Human Rights Report. In a nutshell The MPs discussed a number of human rights issues with the LHRC staff and volunteers. The MPs even visited the legal aid clinics in Buguruni and in Magomeni. The key discussion focused on two major issues, i.e. Access to Justice by the poor and the other one was on Abolition of Death Penalty in Tanzania. The MPs promised to collaborate with LHRC in its efforts of advancing human rights issues in Tanzania.

The Centre mobilized lawyers, media and other human rights organizations for popular attendance in the court of law when the case on *Takrima* came for the first hearing on 2nd June, 2005. Follow up for the amendment of the NGOs Act of 2002 was done.

Follow up of the Children Law reform was done during the reporting period. The Centre participated in the CRC and CEDAW implementation working sessions in Kibaha.

Mass sensitization on legal and human rights

Mass sensitization is done mainly through the use of Television program known as Pambanua aired by Channel Ten and Radio program known as Darubini broadcasted by Radio Tanzania. Television and radio programmes continued being produced and aired weekly as planned. A total of 52 radio programmes and 52 television programmes were produced during the year 2005. The issues covered helped to empower the general public not only on legal issues but also on multi dimensional governance in the country.

Both the radio and TV program have generated a lot of interests among the public. LHRC has received a lot of letters from listeners of Radio program responding to different issues. In live Tv program, LHRC has received pones from different regions in Tanzania participating in discussed issues .A total of 52 radio programmes and 52 television programmes were produced during the year 2005. Responding to the issues raised in the mass sensitization program the President of Tanzania formed the Presidential commission to inquire on human rights violation against reporters in Ukonga. To go hand in hand with the heart beats in the governance landscape in Tanzania, the Centre also produced television and radio programs around elections, and particularly, the pitfalls of traditional hospitality provision in the electoral law.

The programmes attracted a notable attention and interest from the audience as several people raised questions for increased knowledge and understanding of the subject. It is worth noting that the TV and Radio programmes do help empower the general public on not only legal and human rights but also on multi-dimensional governance in the Country.

A big bang campaign against impunity pursuant to Serengeti Case was conducted successfully. The Centre led a popular participation in the CHRAGG hearing of the determination of the Government's response to commission's recommendations. On the same cause, LHRC convened three strategic meetings with twenty-two pro-human rights organizations in Dar es salaam. The meetings were aimed at letting like-minded organizations and allies of the Centre know what was going on and deliberate what step to take. It was agreed that LHRC should lead in staging a demonstration and conducting a public meeting at Mnazi Mmoja Ground. The demonstration was a success and more than 400 people participated. The subsequent meeting was attended by more than 1000 people including 35 representatives of victims of Serengeti saga. These events were followed by a vigil on the same night and court action on the following day. The vigil was attended by 250 people.



LHRC Chairperson giving a keynote speech during the Death Penalty Day

Demystified advocacy tools were prepared during the reporting period. An advocacy Video play on Takrima was prepared. The 60 minutes VCD titled, *Kiroba cha Takrima* [literally meaning 'a sack of corruption'] was prepared. The CDs were sent to various media houses and was actually aired in November, 2005.

The Centre mobilized lawyers, media and other human rights organisations for popular attendance in the court of law in support of strategic cases against traditional hospitality (*takrima*) in election and on the Serengeti case.

Training of selected students and teachers of Makongo High School on human rights was conducted. A total of 42 students(18 males and 24 females) were trained. Three male teachers actively participated in the training. The trained students decided to form a human rights club for human rights promotion and activism at the school.

The Centre started preparing the media strategy. The said strategy is pivotal for effective engagement with mass media. Finalization of this important instrument will mark a landmark step towards effective tailoring of the news to cater for diverse learning approaches and styles of different members of society.

LHRC work with the media

The LHRC works with national and international media in implementing its goals. To meet that end, the LHRC is using Information Unit, which has the duty of coordinating all media-related activities done by the LHRC.

In accordance with the LHRC Media Strategy which is a guideline in working with the media, the Centre works with all the mainstream print

and electronic media locally and internationally with a view of disseminating reliable and concrete information as well as empowering the general public.

In the year 2005, the Centre continued using its Darubini program aired weekly in Radio Tanzania Dar es Salaam (RTD) and Pambanua program in Channel Ten. These electronically-aired programs helped spreading the LHRC agenda as we got many letter every month in RTD's Darubini and many people contributed in Channel Ten's Pambanua broadcasted live once a month. Most of the listeners and viewers demonstrated a good understanding of human rights in general and LHRC activities in particular with exception of a few.

Have used Channel Ten's Pambanua to speak out our concern in September last year when one of LHRC's members of staff was involved in a fracas where prison officers and warders assaulted journalists. In this issue we also used Channel Ten's Hamza Kassongo Hour. The issue drew national and international concern where the then Director of Criminal Investigations (DCI) formed a commission to probe the issue. The culprits have appeared in court though the Commission's findings have not been made public.

The Centre enjoys a very good and positive coverage in ITV, Star TV, Channel Ten and Televisheni ya Taifa (TvT) where our Information Officer has forged strategic relationship with the editors, reporters and producers.

The LHRC is also working very closely with newspapers. The LHRC has been conducting Press Conferences and issuing Press Releases in case of an urgent need to communicate to the public.

On March 22nd, 2005, LHRC Executive Director convened journalists to express the Centre's disappointment on the Government's indifference to execute the recommendations of the Commission for Human Rights and Good Governance on Nyamuma eviction. The media reported this story very exhaustively and on May 18th, 2005, The Attorney General wrote the Commission's chairman, Justice Robert Kissanga explaining that the Government would neither compensate the Nyamuma victims nor allow resettlement.



Some of the newspaper clippings on Serengeti case

On November 8th, 2005 we held a Press Conference to condemn the assault of journalist, denied to do their job and destruction of their properties at Civic United Front (CUF) office premises. We use this opportunity also to speak on the deteriorating security in Pemba Island during the election period. This media event attracted much attention and enjoyed a very good coverage from both electronic and print media. The Registrar of Political Parties, John Tendwa echoed by ordering the CUF authority to compensate the victims.

When President Benjamin Mkapa was concluding his tenure, LHRC Information Officer was requested by Mwananchi Communication, the Publishers of Mwananchi and The Citizen to assess President Mkapa's performance on human rights and rule of law taking into consideration the opinion of the entire civil society. This meant that the Centre is viewed as an authority when it comes to rule of law and human rights in Tanzania.

On November 25th 2005, following a long strike by Medics at Muhimbili National Hospital, we held a Press Conference where we reminded the Government of its duty to pay its workers salaries that will enable them meet living expenses. This remark sparked a hot discussion from the public, as some members of the public misunderstood the statement thinking that we hailed the doctors for their strike that caused sufferings to the sick. However this was a success because it geared to people to think from the other perspective other than that of condemning the striking medics. The LHRC's work with the media has been generally

good since we have a very good place into the minds and hearts of the media personnel.

Strengthening of paralegals

LHRC facilitated formation and strengthening of six Community-Based Organisations (CBOs) of paralegals in Kiteto, Babati, Mbulu, Mvomero, Kilosa and Loliondo districts. The new CBOs were given basic training on NGO Management and Fundraising. A total of 130 paralegals (73 male, 57 female) were trained. As a result of these trainings the paralegals were able to develop their constitutions as a step towards registration. The registration of Paralegals will help paralegals group to acquire legal status and work independently. These organizations are meant to continue coordinating and empowering the community in their respective districts

The Centre organized a two-day workshop on preparation of standard curriculum for paralegal training for NGOs that train and work with paralegals. Fifteen (15) NGOs participated and came up with agreed elements and contents of the expected standard curriculum. The process towards engagement of a consultant to put together the ideas into a technical document is underway.

Paralegal symposium was conducted on 8th December, 2005. The symposium was attended by 16 paralegals (8 females and 8 males) from Hanang, Kiteto, Babati, Mbulu, Mvomero, Kilosa, Loliondo and Serengeti districts. The paralegals got an opportunity to share among themselves achievements realised and challenges they faced in doing their work. The out come of the symposium was that the paralegals

agreed that they had to make effort to make sure that their units are registered since Loliondo was the model of other groups.

As part of strengthening the paralegals, LHRC prepared a special project for provision of civic and voter education to selected grassroots communities in twenty [20] wards of Kilosa and Mvomero districts (ten wards each). The year 2005 was an election year in Tanzania and so the project was geared towards raising civic competence for more active participation of the youth in the 2005 general elections. To that end, a total of 59 peer civic facilitators were trained on civic and voter education and each was provided with a bicycle to facilitate provision of the same education to about 66,911 youths (32,561 males and 34,350 females) of the said target communities. The Peer educators were also trained on human rights thereby increasing the number of paralegals and enhancing access to justice among the poor.

Land Rights Training and Formation of Land Institutions

The Centre conducted training of trainers to paralegals so as to empower them on land rights and facilitation skill. The training was conducted in Kilosa, Mvomero, Kiteto, Babati and Mbulu Districts. A total number of 145 (88 male 57 female) paralegals were trained. As a result of the training, the centre was able to identify trainers amongst the paralegals who, together with the Centre's lawyers facilitated train to village land council, ward development committees and land dispute settlement organs. The training has also proved to be fruitful in a sense that the Babati council has requested the paralegals to be facilitators since the district has a plan to train all members of ward tribunals and village land council in the district.

The Centre conducted Land Rights Training to the selected villages councils and ward development committee of Kiteto, Mbulu, Babati, Kilosa, and Mvomero districts during the reporting period. The selected grassroots communities were trained on land law to enable them know their roles according to the new land laws. The outcome of this training was the formation of village land institutions (village land council, village land adjudicating committees and ward tribunal). A total of 635 people (473 male and 162 female) were trained

After the formation of the village land institutions the Centre in collaboration with paralegals conducted land rights training to the members of village land institutions. The training helped the members of village land institution to know their roles in village land dispute settlement. A total numbers 157 (88 male 69 female) were trained.

Consultancy services

LHRC provided consultancy service to Concern-Worldwide in Kigoma. The Centre provided a tailor-made training on land policy and land law advocacy for CONCERN's target grassroots communities in Kigoma.

The Centre undertook a challenging consultancy assignment by organizing a series of regional dialogues in 13 regions of Tanzania Mainland and three national dialogues in Dar es Salaam on security and peace in partnership with UNDP. The dialogues aimed at bridging the divides between political parties, political appointees, electoral managers, security forces and law enforcement agencies by creating a common platform for dialogue and engagement.

The position of LHRC in catalyzing and promoting good democratic governance in Tanzania was to some extent enhanced. In addition, the organization learned important lessons in undertaking this consultancy assignment. The national dialogues came out with a signed accord of all key election stakeholders as a means of showing contract to a peaceful general election. Participants of the national dialogues comprised leaders of political parties with Members of Parliament, the National Electoral Commission, Commission for Human Rights and Good Governance, police force, Registrar of political parties and the Regional Commissioners of selected regions.

Celebrating the 10th Anniversary of LHRC

This year the LHRC celebrated its 10th anniversary. Various activities coloured the celebrations. The big march procession in the Dar es Salaam streets was attended by thousands of people. Thousands of others watched from the streets and vehicles that drove past and at the same time reading placards that carried human rights messages. Like-minded organization actively participated in the event. An exhibition on human work by LHRC and the like-minded organizations was also done.

More than 100 successes of the Centre have been documented for publicity. T-shirts titled, "Ten years in promotion of human rights in Tanzania" were produced for the human rights match, an event which was indeed a success. Celebration of the International Human Rights Day in December marked the peak and conclusion of the Center's 10th Anniversary celebrations.



2005 Annual Human Rights March

Human Rights Award

LHRC provided Justice Mwalusanya with a special award in recognition of his notable contribution to promoting human rights in conduct of his business. Justice Mwalusanya is a renowned retired Judge of the High Court of Tanzania. He was the first person to be given by the LHRC the first Human Rights Award named MajiMaji Human Rights Award. Justice Mwalusanja is a Human Rights Hero as shown in a LHRC's compiled compendium comprising 30 judgements he made in his years in the Bench and five very powerful papers advocating for human rights promotion and protection.



Justice Mwalusanya receives The Maji-maji Human Rights Award - 2005

Coordination of activities for the new constitution

Efforts to coordinate activities of the Citizen Coalition for the New Constitution (CCNC) continued. The committee coordinating these activities met in April, 2005. Preliminary tasks for analysis of the 14th constitutional amendments were done while seeking means to proceed with country-wide mobilization for the new constitution.

The Center prepared questionnaires and engaged the human rights monitors and educators on civic and voter education to track corruption during election. Compilation of the same has started being done and its output will serve as another useful tool for advocacy.

The Centre in collaboration with NACOSSET and TEMCO participated in election monitoring. Helen Kijo-Bisimba, the LHRC Executive Director supervised TEMCO Election Observers in Coast Region. LHRC also sent

its two volunteers to monitor election under TEMCO. Ester Kibangu monitored election in Geita district, Mwanza region and Kelvin Mkulila in Bumbuli, Tanga region. As a result of this engagement the Centre learned about the magnitude of corruption in the electoral process and collected case studies to support the ongoing advocacy work.

Strengthening of the partnership with like-minded organization

LHRC continued strengthening strategic partnership and alliance with like-minded organizations in order to add value to not only her work but also the work of others. During the reporting period, the organization managed to attend both local and international meetings and workshops. The Centre continued networking with like-minded organisations as planned. The organisation attended the FEMACT, SAHRINGON, the Anticorruption coalition of NGOs and the NGOs Policy Forum meetings in Dar es Salaam. International meetings attended included the Southern African Legal Aid Network (SALAN) and African Peer Review Mechanism (APRM).

The Centre participated in the SALAN meetings as planned, the first one in Cape Town South Africa in May and the second one in Gaborone, Botswana in November, 2005; The Centre also having an observer status to the African Commission for Human and Peoples Rights, attended the 36th Session in April and in the 37th Session in November both held in the Gambia which were among the very successful international meetings for LHRC. In all fora, LHRC advanced the campaign against death penalty. SAHRINGON meetings were also attended and LHRC partook the compilation of the CEDAW shadow report. On 10th October 2005, the Centre in addition, observed the

Death Penalty Day in Tanzania. Key decision makers and the general public at large were sensitized on the evils of death penalty. By networking with such like-minded organisations locally and internationally, the Centre gleaned advocacy skills that would add value to its day to day work toward realization of its vision. The Centre on its turn also organized events which drew various stakeholders from the NGOs, FBOs, Government institutions and departments, Parliament and Donors.

An advocacy strategy aimed at improving the quality and effectiveness of the advocacy work of the Centre was prepared. A final version is expected to be produced after the second participatory critical review session of the same which is scheduled for mid January, 2006.

Outcome

LHRC has realized the following outcomes:

- Respect for legal and human rights among the law enforcement officials has started becoming more noticeable
- Civic competence of the citizenry to hold the government to account has increased
- Access to justice among some grassroots communities where the paralegals work has been enhanced

3.3 Legal Aid and Human Rights Monitoring

Legal aid and human rights monitoring comprised implementing activities around strategic aim three, which is to identify and expose

policy, law reform and issues of practice so as to advocate for changes.

Planned Outputs

- The indigent provided with legal aid and empowered with knowledge necessary for court procedures
- Strategic litigation on cases which can advance law reform, repeal, amendment or enactment of new legislation pursued.
- Contact points of legal and human rights monitors strengthened in 8 zones in Tanzania
- Information on human rights issues exposed to the general public and advocated for changes

Progress toward realisation of planned outputs

Provision of legal aid to the Indigent

The three Legal Aid Clinics of the Centre (Magomeni, Buguruni and Arusha) continued facilitating capacity building of the poor people with knowledge and skills necessary for legal and court procedures. To that end, the Clinics continued distributing self-help kits the people who visited the clinics for advisory and technical assistance.

The Centre continued promoting access to justice in Tanzania by empowering the indigent. The organization published 17 different titles each 1000 copies of self-help kits during the reporting period.



The newly published self-help kits

Drafting of documents and coaching of clients to prosecute their cases continued being done smoothly. A total of 7,673 clients being 5,573 males and 2,100 females enjoyed LHRC services during the reporting period. Editing of court forms is yet to be finalized. Review of 17 new self help kits was finalized and printed.

Weekly conferencing of cases to identify policy, public interest/strategic litigation was done as planned during the reporting period. Two different laws which need reform were identified. These are the Workman Compensation Act and Civil Procedure Act. As regard to the Civil Procedure Act, the conference was concerned about the issue of arrest and detention of a judgment debtor and be confined as a civil prisoner. It was observed that this is a draconian law which needs to be struck off or amended. The reason advanced here is that there is a danger that the haves may use this law to harass the have nots. A team of three lawyers to undertake an in-depth analysis of the said laws to identify gaps was proposed. The team has started working on it seriously.

Collection and posting of information which can facilitate training and advocacy on legal issues continued at the three legal aid clinics. The Legal Aid Clinics continued entering statistical data into the database as planned. Analysis of information is expected to be carried out in January, 2006. Collection of court decisions for research, advocacy and training purposes was also done. The findings will serve as useful tools for advocacy.

Strategic litigation

Representation of the clients in strategic cases continued. The clinics made a thorough follow up on the strategic cases as follows: Yoke Gwaku and Aku Gembul Case which challenges the decision of the court for failure to award compensation to the evictees on the ground that they did not prove to be citizens: The matter has been assigned to a new advocate-Shayo and Co Advocates. It has been assigned to Justice Mroso (JA). The main application is awaiting reassignment; Mwembe chai Case: LHRC is representing clients who are suing the government and the police for brutality to women and children which took place in 2002 when the latter, among other people, were commemorating the dead who died during the fracas at the mosque in 1998. Leave to file a representative suit was granted on 1st August, 2005. This case is still pending hearing in the high court in Dar es salaam.

Sion Gabriel Case: This case is aimed at challenging the discriminatory provisions of the Citizenship Act which restricts a man who is a foreigner to apply for citizenship when he marries a Tanzanian woman. This matter is scheduled for hearing at the High Court Arusha on 25th May, 2006. Three judges are still being waited for to make the ruling.

Serengeti case: The Centre is now representing the 135 victims of Serengeti case in the High Court after being appointed by the Commission for Human Rights and Good Governance following reluctance of the government to honour its recommendations to compensate the Nyamuma evictees. The case is pending judgment to be pronounced on notice early 2006. This serves as a good test case of the Commission on its efficacy in the administration of good governance and human rights in Tanzania. *Takrima* case: The Centre in collaboration with two other NGOs is working to strike off provision in the electoral law that provides for corruption in the cover name of traditional hospitality. Parties have argued the matter by way of Written Submission. Judgment is to be delivered on notice.

SUCCESS STORY

THE TRAGEDY OF JOSEPH WANGUBO

Joseph Wangubo, Client No. 03/398 of Magomeni Legal Aid Clinic of the LHRC was registered for the first time in the year 2003.

Upon an interview, he accounted to the Lawyers that, he was an employee of the mining company styled as Africa Mashariki Gold Mine Limited in a capacity of a gardener. In the course of his employment, he was exposed unto hazardous agro-chemicals which resulted into a certain malignant decease leading him unto a gradual diminishing of his body. This state kept escalating as the days passed by, his employer decided to terminate him with the payment of only ninety five thousand (95,000) TShs. which could not be understood as terminal benefit or compensation.

Therefore, a civil suit was filed by Wangubo in the district court of Tarime claiming for compensation against his employer. Before the suit could

proceed further, the council for the defendant raised untenable preliminary objection. The objection was strongly challenged and forthwith overruled. Being dissatisfied with the said decision the defendant appealed to the High Court, wherein it was also over ruled. When Court of Appeal stage the defendant sought for reconciliation. Upon the fact that at al material time when the case was proceeding, the healthy state of our client was deteriorating even further, mutual understanding between our client and the defendant to settle this claim was reached out of the Court corridors.

Accordingly, on the 27th day of April, 2005 the Memorandum of understanding was signed between the litigants whereof our client received a total of ten million (10,000,000). This amount of money has assisted our client in his treatment and he is now regaining his health slowly.

This case has shown the necessity of Legal representation since for Mr. Wangubo he would have lost his life before getting his rights if it was not for the legal aid he received from the LHRC which helped to come to the initial settlement by the defendants. This is one of cases of this nature. The LHRC has also learnt of occupational hazards which employees suffer and some do not get any remedy. This is an area we plan to follow up for advocacy.

JUSTICE DELAYED

Saidi Rajabu was an employee of the Tanzania National Electrical Supply Company Limited – TANESCO whereby in 1994 he got an accident by falling from an electrical pole. Apart from this accident he was summarily dismissed and awarded compensation of only TShs.15,000/-. To challenge the summary dismissal, he lodged his claims to the Minister in the year 1997 whereby it was merely reported to our client that the Minister substituted summary dismissal by termination and was supposed to be paid all of his entitlements. However, the copy of judgement was never supplied unto our client. Out of ignorance, our client kept tracing his rights from TANESCO who claimed that they have

no copy of that said judgement and they were not ready to respect it. The client came to the Legal Aid Clinic Buguruni in the year 2001 after having travelled to and from Same to Dar es Salaam in pursuit of his claims to no avail. In our communication with the Minister for Labour, they claim to have no record of such a person, and if at all he once reported there, the file was no longer in existence as several years have passed now. Communication is still under way with the least hope of success.

This is a case which shows the costs of legal ignorance. If the client had a representative the issue of getting a copy of the Minister's ruling could have been primary. He also could have been assisted to follow with the Ministry so as to effect the ruling with his employer TANESCO. The delay has led the issue to be more difficult.

RELATIVES & PROBATE MATTERS

In the matter of Robert Selestin Kizeve (Appellant) Versus Said Selestin Kizeve (Respondent) Civil Appeal no. 13 of 2004 at High Court of Tanzania, Dar es Salaam District Registry:

In this case Said who is the respondent was our client from Buguruni Primary Court where this matter was originally filed. This was probate case where our client was denied his right to share the house which was left behind by their deceased father one Selestin Kizeve after being appointed as the administrator. Among the major reason to be denied is that he was a Muslim while his relatives were Christians. At Primary Court it was decided in our Client's favour. Aggrieved by the decision the

appellant appealed to the District Court of Ilala where he lost too and further appealed to the High Court where it has been decided in our client favour again. The reason of professing different religion was never an issue as they never talked about it but according to our client that was their hidden agenda.

This Case shows the legal process where a Client was helped throughout the different courts from Primary Court to the High Court. He had despaired given this was a matter against his relatives but he was helped through until he succeed.

LHRC advocates filed two cases to enforce recommendations of CHRAGG. To that end Civil Application No 49/2005 was filed at the High Court asking for compensation to the victims as per recommendations. The other application, Miscellaneous Land Application No 22/2005 was filed at the Land Division of the High Court on the same day. These events enjoyed a notably great coverage of mass media in Tanzania.

Human Rights Monitoring

Implementation human rights monitoring activities continued smoothly during the reporting period. Significant progress was made towards realization of planned outputs.

Reports from the monitors and other sources were received and analyzed and responded to. Violation of human rights by law enforcement officials especially by police officers registered the highest frequency of reported cases. This means that more efforts are needed

to sensitize these officials towards observance of human rights in Tanzania.

Preparation of monitors' training manual continued and a final draft was produced ready for editing by the editorial board.

Press conference on Serengeti case was conducted. The conference was conducted following the expiry of three-month period within which the government of Tanzania was required to act on the recommendation of the Commission of Human Rights and Good Governance (CHRGG). The CHRGG had recommended that the Government of Tanzania should resettle and compensate the evicted Nyamuma villagers. Another significant press and stakeholders' conference was conducted to launch and disseminate the 2004's human rights reports. Impact of the previous reports was discussed. It was unanimously agreed by the stakeholders that the reports are good, detailed and suitable for references. Universities and other institutions always use the reports as formal authorities for human rights situation in Tanzania.



Launching of the 2004 Tanzania Human Rights Report

The Centre continued identifying, collecting and analyzing information from a number of sources for advocacy. During the reporting period, information on human rights violation and corruption was gathered from the Human Rights Monitors through correspondences and fact finding missions. The unit as well identified after a thorough analysis of the Expulsion and Exclusion of Pupils from Schools) Regulations of 2002 as bad law. There is a proposal for striking out the regulations because it vests discretionary powers to the school boards and committees to suspend students out of school even without affording the victim an opportunity to be heard.

The Unit conducted six fact finding missions in 2005. Ifakara Mission was carried out following the alleged eviction of Mlabani villagers by Roman Catholic Church authority. Iringa mission was conducted following the alleged harassment of villagers by the Village Executive Officer. Both the fact finding missions established that the incidents were not human rights violations. The third fact finding mission was carried out to unearth facts around the mysterious death of one Maasai at Buguruni area. The report revealed that the said man was killed by a mob after police failed to take him safely to the law enforcement organs. Lack of awareness of human rights resulted into confusion and misunderstanding between parties.

The fact finding missions were done in Ukonga, Geita and Morogoro which uncovered violation of human rights by the Prison Warders. Another fact finding mission conducted in Sumbawanga uncovered the alleged unlawful eviction of villagers by the government officials. They allegedly persuaded the villagers of the Fipa origin to evict the pastoralists of the Sukuma origin. Several households were set ablaze,

properties destroyed and human rights violated. Follow up of the findings are expected to be made in January, 2006.



Victims of the evicted people of Sukuma origin in Sumbawanga

Police brutality continued accounting for the greatest majority of the reported human rights violations. This implies that there is a need to continue raising awareness on human rights among the general public and the law enforcement officials.



The victims of the Human Rights Violations; the cases reported at the Centre in 2005

A two-day capacity building workshop for 97 human rights monitors from all over the country was conducted. During the workshop, a code of conduct for Monitors was presented, discussed and adopted by the Human Rights Monitors. The Centre made use of the capacity building opportunity to pre-test the Human Rights Monitoring Training Manual.

Press conferences were conducted on eviction of people in Ukonga and Morogoro; and on political violence associated with campaigns towards the multiparty elections. Another press conference focusing on Doctor's strike was conducted. The Centre challenged the government for not taking proper action to help address the doctors' plight amicably. The Centre is very grateful to the media houses for giving a good coverage of the issues.

Preparation of Tanzania Human Rights Report for 2005 continued. Data on the state of human rights in Tanzania were collected, processed and analyzed to provide quality information for the report. The first and second draft of the report has been reviewed. Further review, gap filling and editing is still underway towards production of the final version ready for publication.

The Centre organized an Annual Human Rights conference for the year 2005. This was held on 7th and 8th December, 2005. The event went hand in hand with celebrating the 10th Anniversary of LHRC. It was during these simultaneous events when the first and historic Maji Maji Human Rights Award was given to Honorable Justice Mwalusanya in recognition of his outstanding contribution toward human rights promotion in Tanzania.



Some of the participants of the 2005 Annual Human Conference

Outcomes

- Access to justice among the indigent in programme focus areas has increased;
- Some community members have become more assertive and confident in defending their rights; and
- The society has become more aware of their legal and human rights

3.4 Finance and Administration

The finance and administration unit implemented activities around strategic aim four, which is, to improve the performance and sustainability of LHRC

Planned outputs

- Transparency in the financial management systems maintained
- Existing sources of income retained and additional new sources identified
- Human resources development plan implemented
- LHRC office premises maintained

Progress toward realisation of planned outputs

The Finance and Administration department works to accomplish strategic aim four which is to improve the performance and sustainability of LHRC. Activities were implemented smoothly as planned. Details of specific accomplishment are as follows:

Maintaining transparency in the financial management system

The Centre continued involving both programme and administrative staff in management of funds. The use of this participatory financial management approach is meant to empower the project people on expenditure monitoring and at the same time inculcate the spirit of accountability and transparency in the organization.

The Finance and Administration Manager held bilateral discussions and meeting with the said staff to prudently project funds during the reporting period. The organization continued to implement auditors'

recommendations to further improve financial and non-financial resources management.

Maintaining the existing and exploring new sources of funds

The Centre continued getting financial support from the existing sources and finalized her fundraising for the year 2005 after securing all the needed funds. The organization is very grateful to the development partners for their cooperation and financial support for smooth implementation of programme activities. The status of funding mix is shown in annex 2.

Holistic Evaluation of LHRC

The Centre conducted a participatory and holistic evaluation as an important strategy for improving the performance and at the same time providing useful insights for the next Six-Year Strategic Plan for 2007-2012. The organization engaged three consultants, one from USA who was the team leader, another from Kenya and another from Tanzania (UDSM). The draft report for the evaluation is already submitted by the consultants for comments prior to coming up with the final version for publication and circulation to the development partners.

Strategic Planning

Strategic plan for the period six years 2007-12 started during this period. This preceded the holistic evaluation. The planning apart from considering the outcome from evaluation it involved stake holders from programme areas, like minded organizations, Government officials, development partners and staff. One general view from the whole

process was that expectations from the Centre by the general public are so high after awareness on human rights increased. By the end of the year planning was still going on.

Human Resource Development

Staff matters

Hiring of staff to fill in the vacant posts was done during the year 2005. Eight new members of staff were recruited. These were two Programme Officers - one for Outreach and another for Human Rights Monitoring Units; two Assistant Programme Officers- one for Outreach and another for Human Rights Monitoring Units, Assistant Programme Officer for Advocacy Unit and three Legal Officers-One for Magomeni Legal Aid Clinic(LAC), Buguruni LAC and another for Arusha LAC. All the above staff members had been working with the Centre as Volunteers. An advertisement for two vacancies - a Librarian and Information and Technology Officer was made towards the end of the year. Recruitment of the same will be carried out early January, 2006.

During the reporting period, two members of staff particularly the Executive Director and Finance and Administration Manager attended three training modules on Organizational Sustainability in context of Social Justice. The modules were conducted in Nairobi, Kenya; Kampala, Uganda and Dar es salaam, Tanzania.

Capacity building of staff continued during the reporting period. The programme officer in charge of human rights monitoring attended a three-week human rights training workshop in South Africa and later went for an exchange programme to Human Rights Network (HURINET)

based in Uganda. The assistant programme officer for human rights monitoring attended one-week training on human rights in Kampala, Uganda. The training was organised by the East Africa Human Rights Foundation (EAHRF).

The Centre facilitated capacity building of 13 programme staff by organizing a tailor-made training on Project Cycle Management. The workshop aimed at equipping the programme staff with knowledge and skills in project planning and management. TRACE facilitated the training.



A session during the training on Project Cycle Management training

The Centre organized three HIV/AIDS awareness raising seminars for all members of staff and volunteers- one for Headquarters, one for both Magomeni and Buguruni Legal Aid Clinics and another for Arusha sub-office.

Workplace HIV/AIDS awareness raising went hand in hand with formulation of Workplace HIV/AIDS policy. A wide consultative process had been done to get views from all members of staff and volunteers. There was indeed a notable level of participation throughout the

process. The policy was approved by the Board and immediately, the Centre started implementing it.

Annual Retreat

The Centre organized an annual retreat in Morogoro for the year 2005. This event was a success because of both good attendance and active participation of every member in discussing various issues around administration and programme implementation and management. The spirit of transparency, friendliness and team work was indeed vivid. This is particularly important as it is one of the pre-conditions to staff transformation from being employees to devotees. This years retreat was used to mark a 10th anniversary of LHRC by giving awards to long service staff and those who excelled in performance.



Members of staff during the Annual Retreat in Morogoro

Towards the end of the year, particularly on 19th December, 2005 the Centre sadly lost one of its resourceful and hard working volunteer secretary, the late Faith Mashu who used to work at Magomeni Legal Aid Clinic. She was buried on 21st December, 2005 at Kimara and LHRC participated fully. May the Almighty God rest her soul in eternal peace, Amen.



The late Faith Mashu

Maintenance of LHRC office premises

The Centre continued to improve working environments of its workers by maintaining the office premises at Buguruni, Magomeni, in Arusha and at the Headquarter by improving and maintaining hygienic standard. The organization has started generating and collecting ideas for preparation of a building maintenance policy which will among other things, state clearly building upkeep schedules.

Maintenance of the new office premises is a major challenge facing the Centre. The Centre is not paying rent at the head offices but costs of utilities have gone high compared to when the Centre was renting. Upkeep of the premises also is another challenge to the organization.



A newly-renovated LHRC Arusha Office

3.5 Governance

During the reporting period the Board Meetings were held as planned. The Board continued providing policy guidance for the overall performance and sustainability of the LHRC. Some Board Members, particularly the Board Chair and the Vice-Chair participated actively in some programme activities of the Centre such as organizing and conducting the UNDP - funded security dialogue meetings and the 10th Anniversary Celebration. The management is very appreciative and highly encouraged.

3.6 Challenges

LHRC faced a number of challenges while implementing the programme. Some of these challenges are as follows:

- Demand for legal assistance from the indigent continued being very high. Letters requesting for legal services hailed from all corners of the Country. LHRC cannot meet all the demand due to resource constraints.

- Reluctance of some District Commissioners and other government officials to write recommendation letters for registration of paralegal CBOs delayed the registration process.
- As strategic litigation cases continued taking very long time to get finalized, this had some cost and justice implications as justice delayed is justice denied.
- Weak political will for promotion and protection of human rights in Tanzania paralysed the effectiveness of the Commission for Human Rights and Good Governance

3.7 Lesson Learnt

- Involving media owners in human rights promotional activities guarantees media attention and subsequent media coverage of events. By extending invitation as the Guest of Honour to the Chief Executive Officer of IPP media, Mr. Reginald Mengi during the Maji Maji Award Ceremony led to extensive coverage on the event and overall work of LHRC.
- Successful and impact making advocacy depends very much on strategic engagement with journalists and media houses and unity among them. This learning took place when the organization was following up the evictions at Ukonga. Their coverage on various media outlets had a far reaching impact on mobilizing sympathizers, building constituency and holding the government accountable.
- Vested interests among community members and government officials are the main roadblocks to realization of social justice.
- There exists a latent difference between the NGO sector and Public sector. Each of the parties tends to blame the other for

lack of transparency and accountability. This means that the CBOs and NGOs need to work more strategically to enhance their legitimacy not only to their members and constituencies but also the government at different levels.

- Grassroots communities have a wealth of wisdom and knowledge in solving societal problems. What such people need is facilitation and organization to guide their thinking and creativity toward productive and desired destiny.
- The success and failure of any intervention is so much dependent on not only soundness of plans, but also the approach used in executing it.
- Interventions dealing with democratic governance are so fragile that they need a significant degree of sensitivity if any desired change is to be realized.
- Participatory policy making and review is key to deeper understanding and subsequent commitment among implementers.

3.8 Conclusion

In a nutshell the year 2005 was one of the successful years for the LHRC. The centre addressed various issues including the issue of impunity in Tanzania and abuse of power by government officials. The Centre continued monitoring the violation of human rights. All of the said activities of LHRC were implemented under its four strategic aims. Publications of books and research reports were done. A research on corruption was conducted. The research report provides useful information to support the on-going efforts against corruption in Tanzania. Dissemination of the publications was also done. The Centre

continued promoting access to justice in Tanzania by empowering the indigent.

Aiming at raising awareness, empowering the general public and building alliance for good governance in Tanzania, the centre trained police officers, villagers, ward and village leaders, human rights monitors, paralegals and NGOs. The Centre as well attended meetings, workshops, conferences and related fora. Demystified advocacy tools were prepared like video plays. A remarkable book on human rights decisions by Justice Mwalusanya was published. It was in the year 2005 when the Centre gave the first Maji Maji Human Rights Award to Justice Mwaluisanya during its tenth anniversary.

A total of 7,673 clients served by the legal aid clinics assisted LHRC to track legal and human rights issues which need intervention. Representation of the clients in strategic cases also continued. Violation of human rights by law enforcement officials especially by police officers registered the highest frequency of reported cases. Press conferences were conducted. The Centre continued identifying, collecting and analyzing information from a number of sources for advocacy. During the reporting period, information on human rights violation and corruption was gathered from the Human Rights Monitors through correspondences and fact finding missions.

It is therefore the Center's view that the implementation of planned activities during the last year went on very well. With one year remaining for the completion of the two-year programme under the current five-year strategic plan, the Centre is confident that all the remaining activities will be accomplished as planned.

Chapter 4
Audited Accounts

Annex 1: List of Training Conducted in 2005

Participants of Police Training

S/N	Date	Place	M	F	Total	Topic
1.		Savoy	20	9	29	Human Rights FGM as a violation of human rights, Role of Police to combat FGM.
		Total	20	9	29	

Training of Village Councils

S/N	Date	Place	M	F	Total	Topic

Training Of Trainers (ToT)

S/N	Date	Place	Group	M	F	Total	Topic
1.	11 th - 13 th July, 2005	Babati	Paralegals in Babati	17	15	32	Land rights .. Facilitation skills.
2.	4 th – 6 th August, 2005	Kilosa district Hall	Paralegals in Kilosa	15	3	18	Land Rights. Facilitation skills
3.	11 th – 13 th July, 2005	Yaeda Chini Primary School	Paralegals in Mbulu	22	10	32	Land rights Facilitation skills.

4	1 st -3 rd August 2005	Community centre hall	Paralegals in kiteto	19	11	30	Land rights Facilitation skills
5	1 st -10 th - August, 2005	Savoy Hotel	Paralegals in Mvomero	15	18	33	Land rights Facilitation skills
			Total	88	57	145	

Training on NGO Management

S/N	Date	Place	Group	M	F	Total	Topic
1	11 th – 13 th 13 July,05	Yaeda chini primary schoolWard	Yaeda chini village paralegalsCouncil	16	6	22	Introduction of NGO management, fundraising and activism.
2.	26 th -29 th September, 05	Community hallKiteto	Paralegals of Kiteto	16	14	30	Introduction to NGO Management, Fundraising and activism
3.	28 th – 30 th September, 05	Babati	Paralegals of Babati	15	17	32	Introduction to NGO management, fundraising and activism.
4.	1 st – 3 rd October,05	Kilosa District Hall	Paralegals of Kilosa	15	3	18	Introduction of NGO management, fundraising

							and activism.
5.	3 rd– 5 th October,05	Savoy Hotel	Paralegals of Mvomero	11	17	28	Introduction of NGO management, fundraising and activism
6.	4 – 6 October, 05	Sigino Ward	Totalmbili village Council	7314	575	13019	Introduction of NGO management, fundraising and activism.

Training of Village Councils and Ward Development Committees

S/N	Date	Place	Group	M	F	Total	Topic
1	4 th -6 th August,2005	Ilela village, Kiteto	Ilela village council	21	9	30	Land rights, human rights and Gender
2	4 th -6 th - August, 2005	Namelock village office	Namelock village council	22	8	30	Land rights,human rights and gender.
2.	14 th – 16 th July 2005	Village office, Mwongo wa Mono, Mbulu	Mwongo wa Mono village council	19	7	26	Land rights, human rights and gender
3.	8 th -10 th August 05	Partimbo Ward Offices	Ward Development Committee	23	7	30	Land rights, human rights and gender
4.	14 th – 16 th July,	Community	Partimbo	23	7	30	Land rights,

	2005	Centre Hall	village Council				human rights and gender.
5.	9 th – 11 th August,05	Hembeti primary School	Hembeti village council	25	6	31	Land rights, human rights and gender.
6.	8 th -10 th August, 2005	Rudewa, Mbuyuni village coffice	Rudewa, mbuyuni village council	19	6	25	Land rights, human rights and gender
7.	8 th -10 th ,August, 2005	Rudewa, GSongoni village office	Rudewa Gongoni village Council	18	9	25	Land rights, human rights and gender
8.	8 th -10 th August, 2005	Kambalae village	Members of Kambalae village	19	7	26	Land rights, human rights and gender
9.	4 th – 6 th October 05	Sigino Ward	Imbilili village council	14	5	19	Land rights, human rights and gender
10	26 th -29 th Semptember,05	Mvomero	Mkindo village council	17	8	25	Land rights, human rights and gender
11.	11 th – 13 th July 2005	Yaeda Chini Primary School	Yaeda chini village council	16	6	22	Land rights, human rights and gender
12.	26 th -28 th July,05	Dihombo village hall	Dihombo village	21	5	26	Land rights, human rights and gender
13.	9 th -11 th October,05	Hembeti Primary	Hembeti WDC	23	3	26	Land rights, human rights

		school					and gender
14	28 th -30 th September,2005	Eshkesh village office	Eshkesh village council	20	6	26	Land rights ,human rights and gender
15	3 rd -5 th October,2005	Lutheran Church	Yaeda chini WDC	14	1	15	Land rights,human rights and gender
16	28 th -30 th September 05	Twatwatwa village	Twatwatwa village council	21	9	30	Land rights,human rights and gender
17	28 th -30 th September 05	Rudewa Batini village	Rudewa Batini village council	21	9	30	Land rights,human rights and gender
18	1 st -3 rd October 05	Rudewa ward office	Rudewa WDC	25	5	30	Land rights,human rights and gender.
19	3 rd -5 th October,05	Sigino ward office	Sigino WDC	21	5	26	Land rights,human rights and gender
20	14 th -16 th July,2005	Sigino village office	Sigino village council	18	7	25	Land rights.human rights and gender
21	4 th -6 th October,05	Doghloy village	Doghloy village	19	6	25	Land rights,human

		office	council				rights and gender
22	14 th -16 th July,2005	Singu village office	Singu village council	20	5	25	Land rights,human rights and gender
23	14 th -16 th July,2005	Kaloleni village office	Kaloleni village council	14	16	30	Land rights,human rights and gender.
			total	473	162	635	

Training on Village Land Institution Dispute Settlements Organs

S/N	Date	Place	Group	M	F	Total	Topic
1	30 th August – 2 nd /09/ September 05	Kaloleni Primary School, in Kiteto District	Village land institution of Partimbo rerllelaa and Namelock— and Kaloleni villages	1820	120	30	Land laws, human rights and gender
2.	7 th -9 th — 9November,/11/05	Yaeda Chini Primary School	Members of dispute settlements organs of Yaeda chini, mwongo wae mnono and Eshkesh	13	12	25	Land laws, human rights and gender.
3.	7 th – 9 th	Kilosa district	Land rights	12	16	28	Land laws,

	November,/11/05	Hall	institution, members of Batini, gogoni , Mbuyuni and Twatwatwa.				human rights and gender
4.	7 th – 9 th /11/ November,05	Sigino Ward	Members of Sigino, Singu, Doghloy and Imbilili villages	23	15	38	Land laws, human rights and gender.
5	7 th – 9 th - 9/11/November,05	Hembeti Primary School	Kambalae, Hembeti, Mkindo, Dihombo	22	14	36	
			Total	88	69	157	

List of Wards in Kilosa and Mvomero on Civic And Voters Education

S/N	Date	Place	Ward	Topic
1	14 th -18 th November,05	Kilosa	Chakwale Kimamba A Dumila Mkwatani Rudewa Mabwerebwere Chanzuru Msowero Kilangali Kimamba B	<ul style="list-style-type: none"> • Civil and voters education • Human rights training.
2.		Mvomero	Mtibwa Kibati	<ul style="list-style-type: none"> • Civil and voters education.

			Konga Mhonde Lingali Kingo Bunduki Mvomero Melela Mlali	<ul style="list-style-type: none"> Human Rights Training.
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Annex 2:

Annual Clients Statistical Report from LHRC Legal Aid Clinics 2005

Summary of statistics from the three Legal Aid Clinics of the LHRC

OLD CLIENTS			NEW CLIENTS				
Types of Case	Male	Female	Total	Male	Female	Total	Grand Total
Employment	1307	279	1586	789	107	896	2482
Matrimonial	165	377	542	101	223	324	866
Land	1350	237	1587	306	141	447	2034
Public Interest	57	44	101	20	13	33	134
Contract	40	9	49	13	2	15	64
Children rights	35	29	64	10	31	41	105
Insurance	45	9	54	20	7	27	76
Tort	241	53	294	58	10	68	367
Refugees	0	0	0	0	0	0	0
Probate	254	208	462	137	128	265	727
Others	425	114	539	200	79	279	818
TOTAL	3919	1359	5278	1654	741	2395	7673

Annual Statistical Report 2005: Magomeni Legal Aid Clinic

OLD CLIENTS			NEW CLIENTS				
Types of Case	Male	Female	Total	Male	Female	Total	Grand Total

Employment	727	82	809	451	55	506	1315
Matrimonial	94	251	345	32	122	154	499
Land	370	159	529	114	61	175	704
Public Interest	19	14	33	8	9	17	50
Contract	21	1	22	5	0	5	27
Children rights	29	27	56	7	29	36	92
Insurance	26	7	33	13	3	16	49
Tort	195	34	229	29	4	33	262
Refugees	0	0	0	0	0	0	0
Probate	175	144	319	76	74	150	469
Others	193	43	236	127	34	161	397
TOTAL	1849	762	2611	862	391	1253	3864

Annual Statistical Report 2005 :Buguruni Legal Aid Clinic

OLD CLIENTS			NEW CLIENTS				Grand Total
Types of Case	Male	Female	Total	Male	Female	Total	
Employment	356	147	503	298	40	338	841
Matrimonial	65	64	129	69	70	139	268
Land	893	58	951	164	69	233	1184
Public Interest	8	3	11	4	2	6	17
Contract	16	6	22	5	1	6	28
Children rights	3	1	4	6	2	8	12
Insurance	14	2	16	6	4	10	26
Tort	46	19	65	25	5	30	95
Refugees	0	0	0	0	0	0	0
Probate	64	47	111	57	44	101	212
Others	104	25	129	61	29	90	219
TOTAL	1569	372	1941	695	266	961	2902

Annual Statistical Report 2005 :Arusha Legal Aid Clinic

OLD CLIENTS			NEW CLIENTS				Grand Total
Types of Case	Male	Female	Total	Male	Female	Total	
Employment	224	50	274	40	12	52	326
Matrimonial	6	62	68	0	31	31	99
Land	87	20	107	28	11	39	146
Public Interest	28	27	55	8	2	10	65
Contract	3	2	5	3	1	4	9

Children rights	2	1	3	0	0	0	3
Insurance	0	0	0	1	0	1	1
Tort	8	0	8	1	1	2	10
Refugees	0	0	0	0	0	0	0
Probate	15	17	32	4	10	14	46
Others	128	46	174	12	16	28	202
TOTAL	501	225	726	97	84	181	907