



LEGAL AID

ANNUAL REPORT 2023

COVER PHOTO:

Kinondoni Legal aid in charge attending a client during law week at Dar es Salaam Resident Magistrates' Court at Kisutu grounds.



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Wellspring
Philanthropic Fund 

LIST OF ACRONYMS/ ABBREVIATIONS

CSO	Civil Society Organization
CSR	Corporate Social Responsibility
LAC	Legal Aid Centre
LAMS	Legal Aid Management system
LATRA	Land Transport Regulatory Authority
LGA	Local Government Authority
LHRC	Legal and Human Rights Centre
PLWHA	People Living with HIV/Aids
PWA	Persons With Albinism
PWDs	Persons with Disabilities
VICOBA	Village Community Banks

TABLE OF CONTENTS

iii	WRITERS & EDITORS	v	LIST OF ABBREVIATIONS
iv	OUR PARTNERS	viii	MESSAGE FROM THE EXECUTIVE DIRECTOR
		x	ABOUT US



01

SECTION 1:
OUR CLIENTS



16

SECTION 2:
ACCESS TO JUSTICE



32

SECTION 3:
CLIENTS ATTENDED
BY CASE CATEGORY



52

SECTION 4:
LEGAL AID SERVICES

MESSAGE FROM THE EXECUTIVE DIRECTOR

Dear Members of the Public,

LHRC initiated its legal aid program in 1997, which has spanned over two decades. Our aim has been clear: to facilitate access to justice by offering free legal aid, counsel, and representation to indigents. Additionally, LHRC has strived to empower communities with knowledge of their legal rights and obligations as enshrined in the Constitution, fostering a culture of awareness and advocacy.

I am pleased to share with you the remarkable impact of LHRC's contribution to access to Justice through legal aid during the past year. In our ongoing commitment to serving the community, LHRC experienced significant growth and expansion, reaching a record-breaking total of 29,491 clients in 2023, marking a substantial increase from the 18,294 clients served in 2022. This makes a continuation of LHRC as the main NGO Legal Aid Provider in Tanzania.



Notably, this increase in client reach was accompanied by improvements in gender distribution, with 65% male and 35% female clients benefiting from our services in 2023, compared to 67% male and 33% female in the previous year. This shift reflects our dedication to ensuring equitable access to legal aid for all members of society. One key factor driving this success was the implementation of our digital system, the Legal Aid Management System (LAMS), which enables effective recording and monitoring of client cases. Additionally, integration between LHRC's two programs namely Legal Aid and human rights monitoring for direct referrals and increased community awareness of legal aid services by the public played pivotal roles in expanding our reach across all regions of Tanzania. Notably, clients from Dar es Salaam accounted for 38% of our total clientele in 2023, followed by 23% from Arusha, 11% from Kilimanjaro, 7% from Morogoro, 6% from Dodoma and Manyara, and 5% from the Pwani

region.

Furthermore, LHRC's through her Paralegals units assisted 254 clients, with a gender distribution of 35% males and 65% females with 22 ongoing cases in different courts and tribunals.

We are optimistic to see the impact of our efforts reflected in the diverse communities we serve, with clients coming from regions both near and far from LHRC's legal aid offices. This reflects the vital role of LHRC in providing legal aid to individuals across Tanzania, regardless of geographical location or socioeconomic status.

Looking ahead, LHRC remains committed to expanding our reach, enhancing our services, and advocating for justice and inclusive access to justice. LHRC extends deepest gratitude to our clients, partners, and supporters for their continued trust and collaboration as we strive to make a meaningful difference in the lives of those we serve.

Dr. Anna Henga,
Executive Director, LHRC

ABOUT US

The Legal and Human Rights Centre (LHRC) is a Tanzanian human rights advocacy organization founded in 1995 as a non-governmental, voluntary, nonpartisan, and not-for-profit sharing organization to empower and enlighten Tanzanians about their legal and human rights. LHRC has four offices, namely: the head office located in Kijitonyama, Dar es salaam; a model legal aid office situated in Kinondoni, Dar es salaam; and two sub-offices, one located in Arusha and the other in Dodoma regions. LHRC's operations are extensive, spanning all 169 districts of Tanzania's mainland, with specific interventions in Zanzibar. LHRC has a presence in remote parts of the country, made possible through its well-designed programs, promoting awareness, and providing support to enable citizens to re-imagine their communities and capacitate them in settling some disputes amicably, without resorting to protracted judicial proceedings.

STRATEGIC OBJECTIVES



Deepen understanding and respect for human rights among rights holders and duty bearers that will entrench a culture of human rights in Tanzania



Advocacy for improvement of rule of law, civic space, democracy, constitution, and legal reforms



Promotion of socio-economic and environmental compliance, accountability, and justice



Improved legal and policy frameworks governing specific rights of women, children, and persons with disabilities



Improved effectiveness of LHRC in delivering her mandate



OUR VISION

LHRC envisions “a Just and Equitable Society” - a society where the three arms of state [parliament, judiciary, and the executive], as well as non-state actors, practice accountability, transparency and there is rule of law; and where there is public awareness, respect, and diversity.



OUR MISSION

Our Mission is to empower the public to promote, reinforce, and safeguard human rights and good governance in Tanzania through legal, civic education and information; sound legal research and advice; monitoring and follow up of human rights violations; and advocacy for reforms of policies, laws, and practices in conformity with international human rights standards.



OUR VALUES

Integrity Accountability Equality and Diversity Transparency
Professionalism Volunteerism and Voluntarism



AGM

Our highest organ, the Annual General Meeting (AGM), comprises 120 members. The AGM convenes annually and has three main functions: appointing the Board of Directors, appointing external auditors, and reviewing audited accounts.



BOARD OF DIRECTORS:

Our Board of Directors comprises 8 members, 62.5% of whom are female and 37.5 of whom are male. Board members have various professional backgrounds, including law, media, social sciences, human rights, and finance.



**Hon. Chief Justice (Ret'd)
Barnabas A. Samatta**
Chairperson



Annastazia Rugaba
Deputy Chairperson



Dr. Anna Henga
Secretary



Dr. Abdulah H. Mohammed
Board Member



Dr. Ally Hussein Laay
Board Member



Josephine A. Zimba
Board Member



Lutgard Kokulinda Kagaruki
Board Member



Rebecca Gyumi
Board Member



Sophia Martin Komba
Board Member

HOW DID OUR CLIENTS HEAR ABOUT US

FAMILY/FRIENDS

63%



THROUGH MEDIA

17%



FELLOW CLIENTS

11%



JUDICIARY/
TRIBUNALS

07%



LHRC
PUBLICATIONS

02%



LEGAL AID PROVISION AT LHRC

BACKGROUND

Legal aid provided by LHRC is governed by the Legal Aid Act Cap 21 R.E. 2019, which aims to provide legal assistance to people who cannot afford legal aid services

Legal aid services fall under LHRC strategic objective two which provides for improved legal and constitutional reform, LHRC is committed to providing increased legal support, information, and representation to indigent individuals. As part of Outcome 2.2. LHRC operates legal aid clinics in key locations including Kinondoni Dar es Salaam, Arusha, and Dodoma.

These clinics serve as vital hubs for offering legal assistance and identifying advocacy issues across various case categories.

Legal aid plays a crucial role in poverty alleviation by ensuring access to justice for individuals and communities facing legal challenges. By providing free legal assistance, LHRC helps marginalized and vulnerable populations assert their rights, access essential services, and address issues such as land disputes, labor rights violations, and gender-based violence. Legal aid contributes to reducing inequalities by leveling the playing

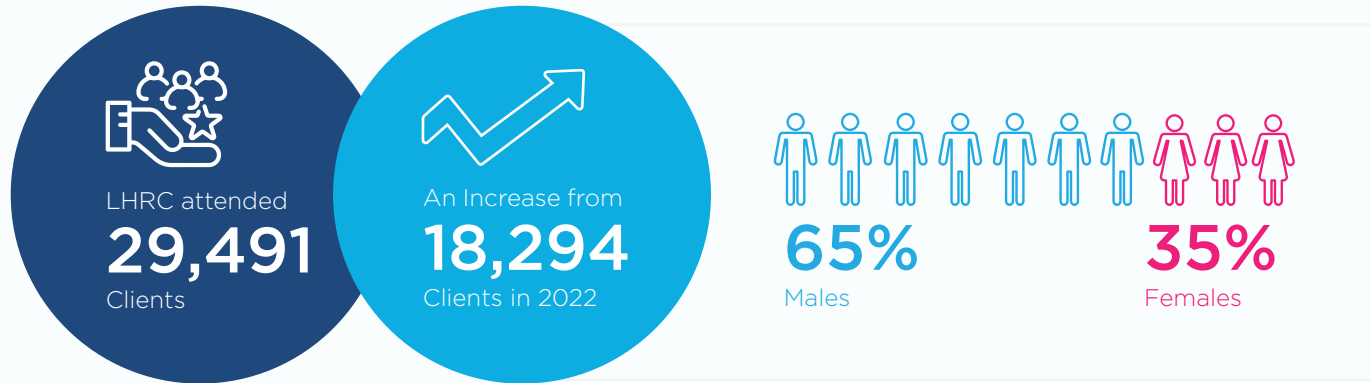
field and empowering individuals to navigate complex legal systems. Furthermore, by promoting the rule of law and strengthening institutions, legal aid supports the development of fair and accountable societies where everyone has equal opportunities to participate and prosper, thereby advancing the Sustainable Development Goals' objectives of reducing poverty and promoting inclusive and sustainable development.



SECTION 1:
OUR CLIENTS

SECTION 1: OUR CLIENTS

1.1. DEMOGRAPHIC DISTRIBUTION OF OUR CLIENTS



Clients By Age



45 to 54

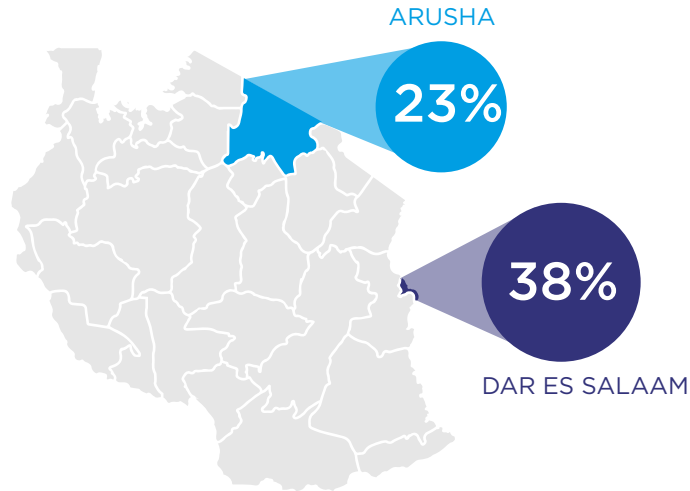
31%

Followed by

25 to 35

30%

Geographically



Education



61%
Clients

Have Attained
Primary Education

Income Distribution

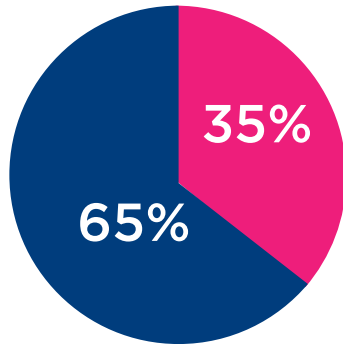


72% fall within the range of 0 to **99,999/=** Highlighting the majority's financial context

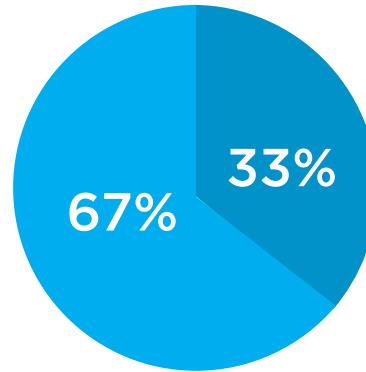
This comprehensive analysis provides a nuanced understanding of our client demographics, offering valuable insights for tailoring our services and resources to better meet the needs of our diverse clients.

DISTRIBUTION BY SEX

2023




2022



DISTRIBUTION BY AGE

In this reporting period, LHRC provided legal aid services to different age groups in which most of our clients fall under 45-54 age group and are associated with land-related cases followed by 25-35 age group within the same case category.








MAIN CASE CATEGORY	BELOW 18	18-24	25-35	36-44	45-54	55-64	65+
 Land	1%	1%	18%	11%	24%	10%	9%
 Criminal	2%	1%	8%	1%	14%	0%	0%
 Family	1%	1%	11%	4%	16%	2%	1%
 Civil	0%	0%	10%	4%	17%	3%	1%
 Employment	0%	0%	10%	3%	15%	2%	1%
Sub Total	4%	3%	30%	23%	31%	18%	13%

Table 1: Distribution of clients according to Main Case Category and Age.

The concentration of legal aid clients within the age range of 25-54 is influenced by various factors. Individuals within this age group are adults with responsibilities who often face diverse legal challenges, including family issues, employment disputes, and criminal cases.

Additionally, economic factors can contribute to legal

challenges, and individuals in this age range may be more likely to seek legal aid due to financial constraints. They might find it challenging to afford private legal services, making them more reliant on organizations like LHRC for assistance.

1.1.1. DISTRIBUTION OF CLIENTS BY INCOME



CLIENTS

72%



HAD INCOME OF

0 - 99,999 TZS



CLIENTS

22%



HAD INCOME OF

100K-399K TZS



CLIENTS

4%



HAD INCOME OF

400K-699K TZS



CLIENTS

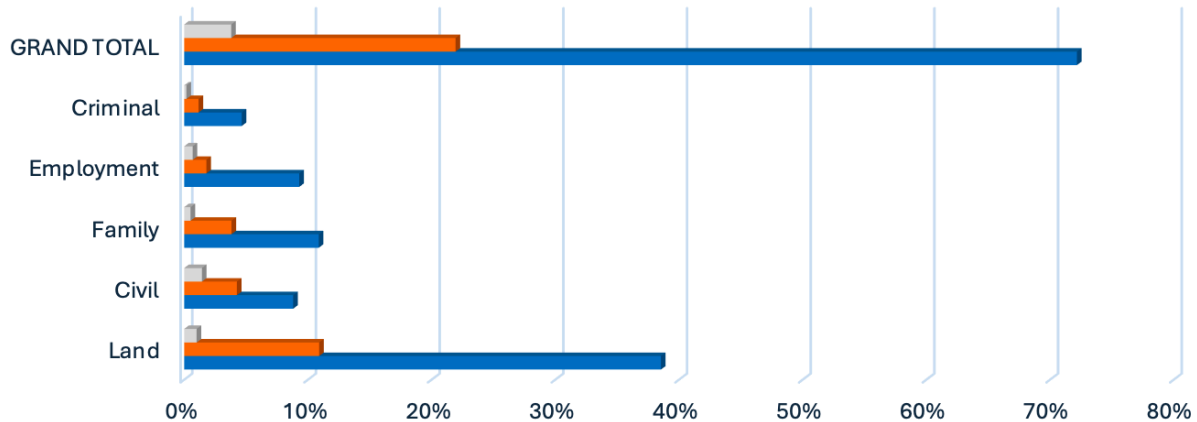
2%



HAD INCOME OF

700K TZS

DISTRIBUTION OF OUR CLIENTS BY INCOME.



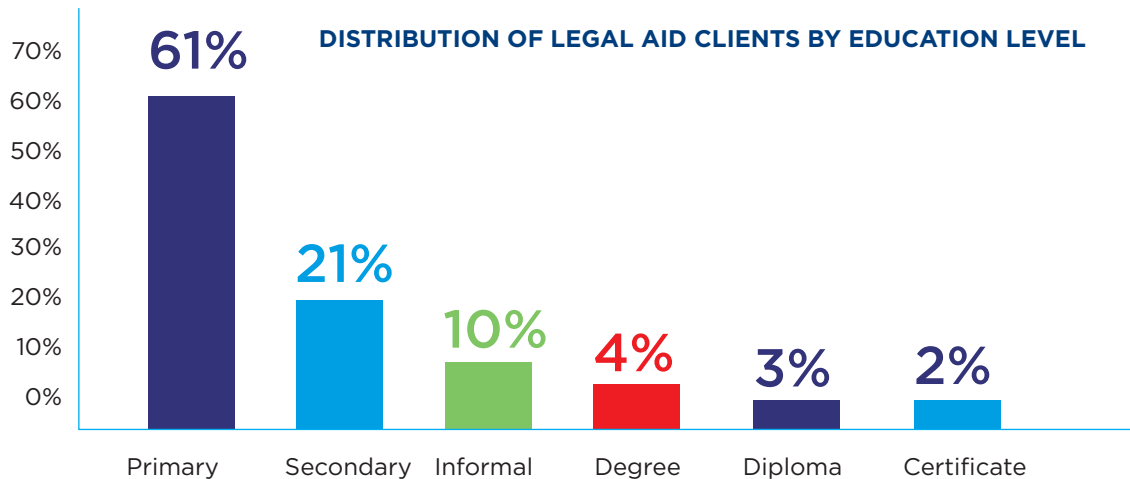
	Land	Civil	Family	Employment	Criminal	GRAND TOTAL
■ 400,000-699,999	1%	1%	1%	1%	0%	4%
■ 100,000-399,999	11%	4%	4%	2%	1%	22%
■ 0-99,999	39%	9%	11%	9%	5%	72%

Graph 2: Show a distribution of Legal aid clients by income level in 2023.

The graph above illustrates that most of our clients have an income below 100,000 Tshs, indicating that they face financial constraints in affording legal fees. This aligns with LHRC's target group for legal aid services.

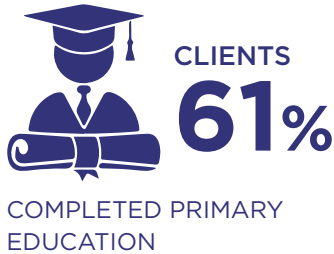
Distribution of Legal Aid Clients by Education Level.

LHRC collects the educational level of clients to allow organization to assess their level of legal literacy and adjust communication strategies, accordingly, ensuring that information about rights and legal processes is presented in a clear and accessible manner. Additionally, this data can help identify trends and patterns in legal challenges faced by individuals with different educational backgrounds, informing the development of targeted interventions and outreach efforts to address specific needs within the community.



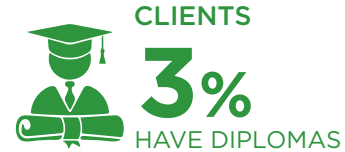
Graph 3: Show distribution of legal aid clients by level of education in 2023.

The data on the educational levels of clients assisted by LHRC in 2023 reveals interesting insights into the demographic characteristics of the individuals seeking legal aid services.



CLIENTS
21% COMPLETED SECONDARY
EDUCATION

This suggests that individuals with higher levels of education may also encounter legal challenges and require assistance in accessing justice.



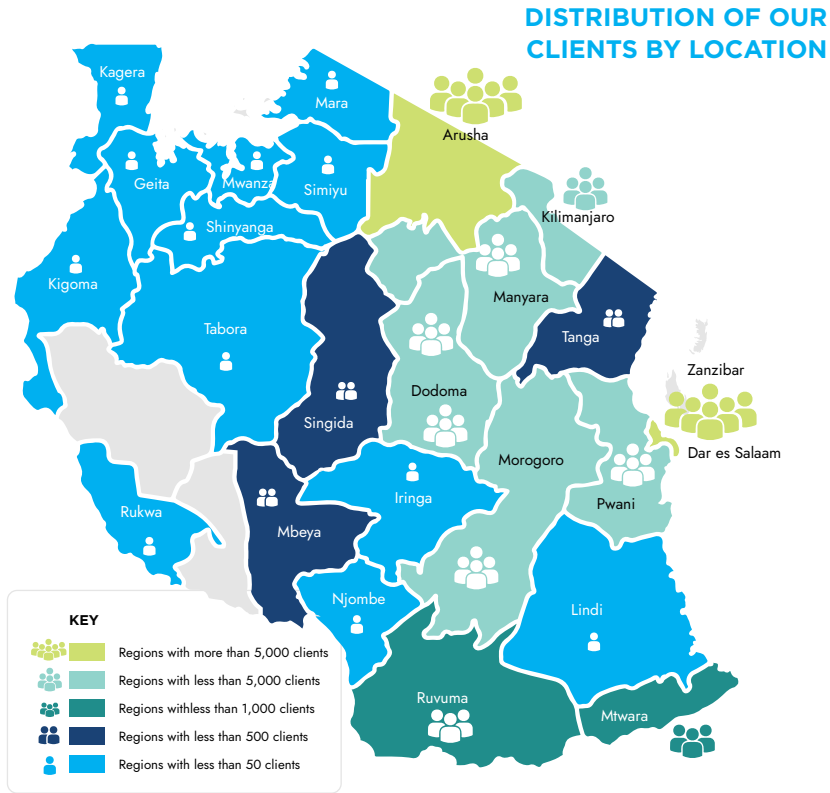
This may imply that higher level of education helps client make informed decisions and take preventative actions and they do not necessarily need to know the legal process.

THE DATA REVEALS THAT

10% OF CLIENTS
HAVE INFORMAL EDUCATION

Indicating that a portion of LHRC's clientele may come from marginalized or underserved communities with limited access to formal schooling. These individuals may face additional barriers in understanding and asserting their rights, making them particularly vulnerable to legal challenges.

1.1.2. DISTRIBUTION OF OUR CLIENTS BY LOCATION



During this reporting period, LHRC provided legal aid services where our clients with a large population came from where our legal aid offices are located and nearby regions. Most clients came from Dar es Salaam by 38% , 23% from Arusha, 11% from Kilimanjaro, 7% from Morogoro, 6% from Dodoma and Manyara while 5% from Pwani region of the total clients attended.

The map indicates that clients benefiting from LHRC's services are primarily located near our legal aid offices. Economic barriers prevent other clients from accessing our services, highlighting the need to address geographical and economic challenges in extending legal aid outreach.

1.1.3. DISTRIBUTION OF CLIENTS BY DISABILITIES

Among the total number of clients attended,
Persons with Disabilities (PWDs) constituted



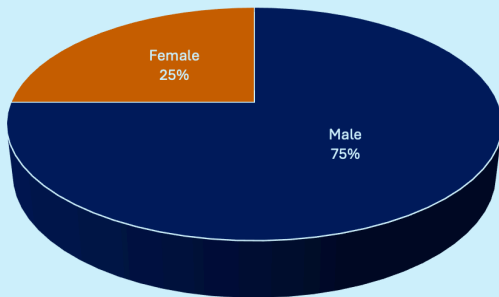
730
CLIENTS



75%
Male



25%
Female



■ female ■ male

Graph 4: Show a distribution of People with Disabilities clients by sex in 2023.

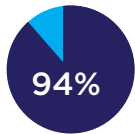
The representation of PWDs in the total client base highlights the LHRC's commitment to inclusivity and addressing the legal needs of individuals with disabilities. However, the sex distribution within this demographic indicates a notable imbalance, with a higher percentage of male clients compared to female clients. Women with disabilities face compounded challenges due to the intersectionality of gender and disability. This intersection results in unique barriers, making it more difficult for these women to access essential services, including legal aid.



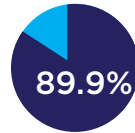
WHAT OUR CLIENTS SAY ABOUT US

We asked our clients for feedback about our service in our annual client satisfaction survey to help us better understand their experience and expectations. We received responses from 141 clients who are broadly representative across our channels and service areas.

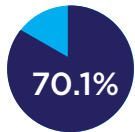
KEY FINDINGS



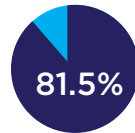
“ I was satisfied with the reception



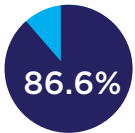
“ I was satisfied with the lawyer who assisted me



“ I was satisfied with the time I spend waiting for services



“ I was satisfied with the advice provided regarding my problem



“ I was pleased with the quality of services in general

OUR CLIENTS

Many of our clients confirmed that our services have helped them to resolve their legal problems and regain their properties.

“

*“Finally,
I got my right, and
I am very happy. LHRC is
very helpful for us, I thank you
for helping me wholeheartedly and
at no cost. Thank you”. **Mathias
Cyprian Mkula***

“

*“I have
been your customer
for quite some time now, and
each encounter leaves me genuinely
pleased. I sincerely appreciate your
excellent service. Thank you very
much.” - **Shabani Mohamed.***

“

*“I
express my heartfelt
gratitude to all of you for your
invaluable assistance in helping
me secure victory in this case. Now, I
will proceed with the plans I initiated
prior to this legal proceeding. -
Asia Mzee Mkwanga.*

Others consider LHRC as a beacon of hope on our dedication for helpless people.

“

“I was dependent on income from those commercial apartments to provide for my family. With their help, I can now rent them out to another tenant and maintain a steady rental income.”

- Dotto Zaid Juma.

“

“Thank you for your dedication to defending those of us who lack power. I am truly grateful for standing by me every step of the way until I successfully obtained my rights. Your commitment is deeply appreciated.”

- Said Athuman Ndambasi.

“

“May God bless you abundantly for your selfless dedication in helping me. I kindly urge you to continue with the same spirit of assisting other clients like me.”

- Margareth Joseph Nyagawa.

Our clients see LHRC as a human right defender, helping them to get their rights back.

“

“I express sincere gratitude to the LHRC for welcoming me, enduring my presence, and providing support throughout the entire nine-year period, during which I have successfully secured my legal rights. Thank you very much.”
- Blandina Macha.

“

“For five years now, the LHRC has been supportive in pursuing my rights. I am deeply thankful, and I thank God for His goodness.”
- Halima Paulo Lugwalu.

“

“You fought diligently on my behalf and successfully upheld my rights as per the divorce decree. I extend my heartfelt gratitude to you.”
- Josepha Kamo Kazimili.

“

“You are very important people in our society, I often advise many people with legal disputes to come to your office.” Arch.
**Ng’wilabuza N. Ludigija -
District Commissioner of Ilala**



SECTION 2:
ACCESS TO
JUSTICE

SECTION 2: ACCESS TO JUSTICE

LHRC initiated the provision of legal aid services to indigents in 1997, and the program has been implemented to date. The establishment of legal aid clinics aimed to promote access to justice by offering legal aid, advice, and representation to indigent persons free of cost. Additionally, it aimed to provide legal knowledge about rights and obligations, enabling the community to exercise their human rights and freedoms as outlined in the Constitution. Legal aid provision also supports the identification of issues for advocacy, leading to changes in laws, policies, and practices in the best interest of the Tanzanian community at large.

2.1. LEGAL AID SERVICES ACCORDING TO CHANNEL

As part of reaching more clients by addressing challenges and obstacles that face different clients, LHRC employs different affirmative action for the same. These has enabled reach of more clients especially women and PWDs who have unique challenges in accessing legal aid services. These channels include walk in, court annexed, community mobile legal aid services, prison visit and Juvenile justice services.



88%
Walk In



8%
Mobile

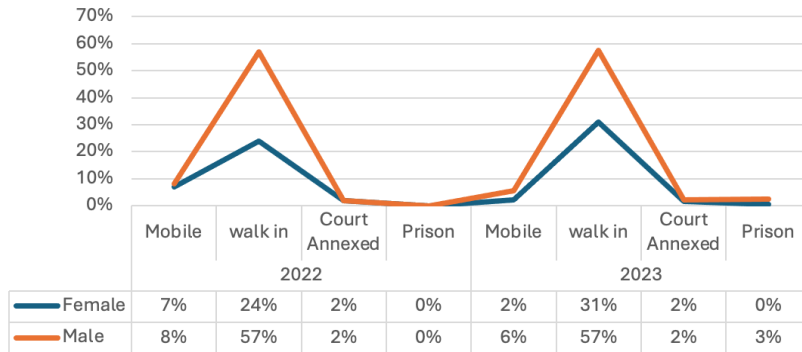


4%
Court
Annexed



3%
Prison

Comparison of clients attended according to channel and sex between 2022-2023



Graph 8: Show a comparison of clients attended according to channel and sex between 2022 and 2023

The above data reveal that most of clients received came physically to the office premises (walk-in clients). This means that the walk-in channel is the most preferred channel by legal aid clients.

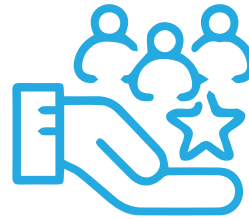
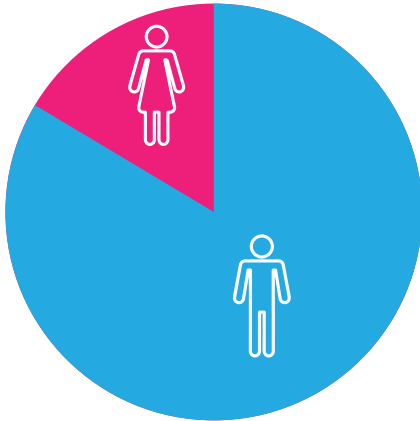
There has been a significant decrease in the proportion of women among mobile legal aid clients from 7% in 2022 to 2% in 2023. This decline may

indicate various factors such as changes in outreach strategies, geographical reach, or the specific demographics targeted by mobile legal aid initiatives. Prisons visits which fall under the category of mobile legal aid can be another factor affecting number of women attended in the year 2023 under this channel. This is based on the facts that the clients attended in prisons visits were more male inmates compared to female.

Overall, while there has been some improvement in the representation of women among walk-in clients, there is a need for further efforts to ensure equitable access to legal aid services for women across all channels.

2.1.1. Legal aid services through phone calls

This channel serves clients in remote areas where services are limited, and the clients cannot access direct legal aid offices. The clients are usually serviced through phone calls and document exchange, further yet critical assistance is also accessed via paralegals who are empowered to guide through the justice process with guidance from the lawyers.



A TOTAL OF
1,133
CLIENTS WERE
ATTENDED



34%
FEMALE CLIENTS



66%
MALE CLIENTS

2.1.2.Walk in channel.

Since the inception of legal aid services at LHRC, the Walk-In channel has consistently been the primary choice for most of our clients. This involves individuals physically visiting our legal aid clinics in Kinondoni, Arusha, and Dodoma. A significant number of clients prefer this in-person approach over phone calls and other channels, considering it as the primary mode of service delivery.

ACCORDING TO THE COMPREHENSIVEANALYSIS,



88%

CLIENTS PREFER WALK IN CHANNEL



7%

INCREASE FROM LAST YEAR

IN TERMS OF GENDER DISTRIBUTION



65%
Male

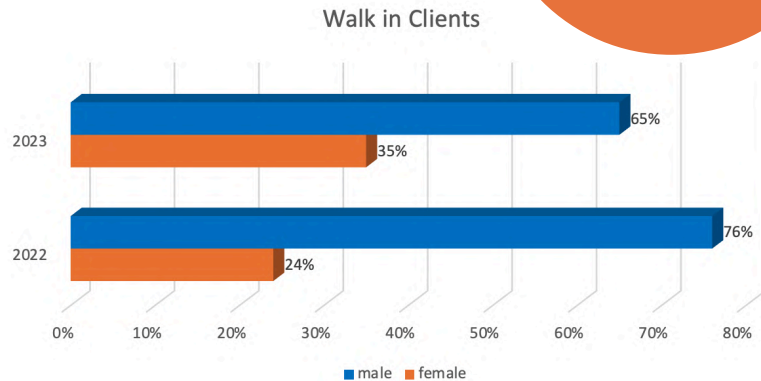


35%
Female



An Increase From

24% to 35%
of Female from 2022



Graph 10: Comparison of Walk-in clients attended by sex between 2022 and 2023.

As indicated in the overall ratio between male and female clients, most of our clients for walk in are male clients, female face challenges in physically accessing legal aid services due to a combination of societal norms, limited financial resources, family responsibilities, safety concerns, lack of legal awareness, and the potential for stigmatization or discrimination. These factors contribute to a lower rate of women utilizing in-person legal aid services.

2.1.3. Legal Aid Services in Court

LHRC, in collaboration with the judiciary, has successfully established legal aid desks at the Integrated Justice Centre in Kinondoni, Dodoma, and Arusha, as well as at the One Stop Judicial Centre in Temeke.

Legal aid services at court premises make legal assistance more accessible to those who may need it. People involved in legal proceedings can easily access support without having to travel to a separate location. Immediate access to legal aid at the court premises ensures that individuals receive timely assistance, which is crucial, especially in legal matters where time is often of the essence.



Picture 1: LHRC Legal Officer providing legal education at the Integrated Justice Centre Dodoma in 2023.

IN 2023 LHRC AIDED

1,157 CLIENTS



51%
Male Clients

Who approached the legal aid desk at Temeke One Stop Centre, Kinondoni, Dodoma and Arusha Integrated Justice Centers.



49%
Female Clients

2.1.4. Legal Aid Services in the Community

Many people, particularly in rural or marginalized communities, face barriers to accessing legal services due to distance, lack of transportation, or financial constraints. Mobile legal aid bridges this gap.

It helps address legal disparities by ensuring that legal assistance is available to all, regardless of their geographical location or socio-economic status. This is crucial in promoting social justice and equity. Community mobile legal aid can also serve an educational purpose. Legal aid officers provided information to communities about their rights and legal issues they may encounter. This can empower individuals to understand and assert their rights, preventing legal problems from arising in the first place.

In summary, community mobile legal aid is essential in ensuring that the legal system is inclusive and accessible to all members of the community. It helps address disparities in access to justice, provides essential legal services, and plays a vital role in empowering individuals and communities to understand and assert their rights.



Picture 2: LHCRC Volunteer Legal Officer attending client during community mobile legal aid clinic in Mbulu and Monduli Arusha.

Through mobile legal aid LHCRC managed to improve access to justice for individuals who may have limited means to travel to a legal office or who live in remote or underserved areas. In this reporting period LHCRC provided community mobile legal aid.



THROUGH MOBILE LEGAL AID

2,258

CLIENTS WERE ATTENDED



72%

Male Clients

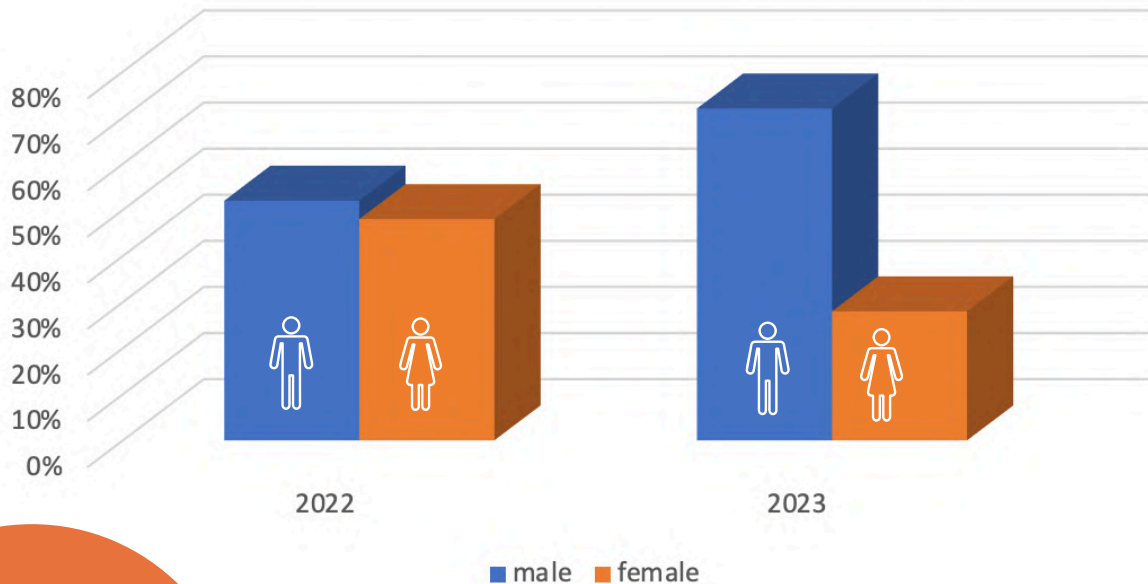


28%

Female Clients

The community legal aid was conducted in Mbulu Arusha, Mtwara, Kilosa, Bahi and Chemba Dodoma.

Comparison of mobile clients for 2022 and 2023.



There has been a significant decrease in the proportion of women among mobile legal aid clients from **7%** in 2022 to **2%** in 2023.

This decline may indicate various factors such as changes in outreach strategies, geographical reach, or the specific demographics targeted by mobile legal aid initiatives. Specifically, LHRC focus on mobile for this year 2023 has been prison visits and follow up previous clients for quality support and representation of children in conflict with the law in different juvenile courts.

2.1.5. Legal aid services in Prison

LHRC successfully reached a total of 864 clients (87% male and 13% female) during the mobile legal aid in prisons. The prisons which were visited were in Kisongo- Arusha, Isanga- Dodoma, Ukonga and Segerea prisons in Dar es salaam. The inmates were assisted by being empowered to defend their cases before the respective courts, they were provided with legal advice, as well as making follow-ups on their challenging issues especially for those who were struggling to find their copies of judgements and removal orders. The prisons visit in this reporting period was a special initiative which was supported by the Ministry of Constitution and Legal Affairs (MoCLA) under Mama Samia Legal Aid Campaign flagship.

Mama Samial Legal Aid Campaign is the initiative started by the MoCLA with the aim of providing legal aid to the public throughout the country for three years. In the campaign, the ministry in partnership in which LHRC is the member of the steering committee with the legal aid providers has been educating the public on their rights and protection human rights, respect and dignity.

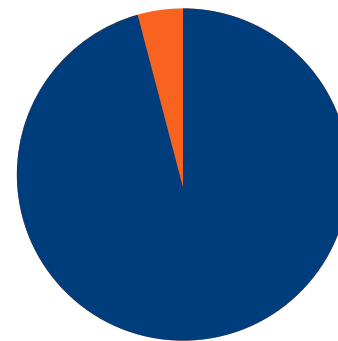
The campaign is designed to strengthen access to justice and the provision of legal aid in increasing legal understanding and human rights in the community, especially the rights of women and children.



LHRC REACHED TOTAL OF

864

CLIENTS DURING THE MOBILE
LEGAL AID IN PRISONS

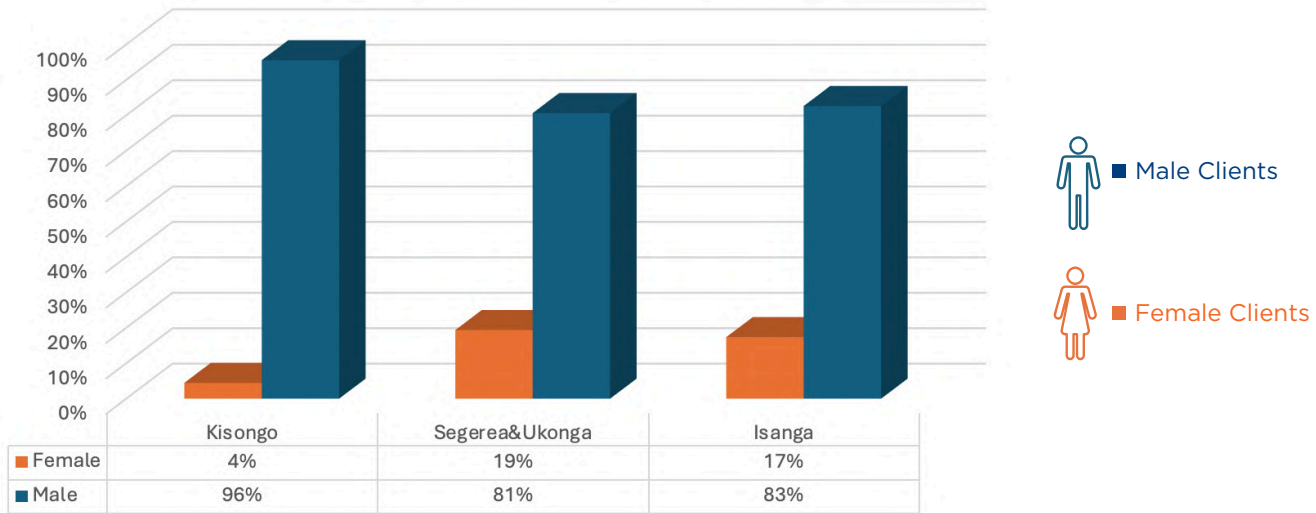


87%
Male Clients



13%
Female Clients

Distribution of clients attended in prisons in 2023.



Graph 13: Show distribution of clients attended in prisons in 2023

The above data shows that majority of clients who received legal aid in prison were male clients, that is because the central prison of Ukonga has only male inmates and Segerea, Kisongo and Isanga Prisons have both male and female however the number of female prisoners was very low as compared to male inmates.



Picture 3: LHRC team of lawyers with the Prison Warders during legal aid provision in Isanga Dodoma

2.2.5.1. Key Issues at Prison

Most prisoners are facing capital offences, theft, rape, money laundering, drugs, armed robbery, and sodomy. The economic hardships, which led them to engage in crimes that will increase their

financial stability. For instance, there is a client who shared the reason as to why he raped his child that it was from the life hardship which made him sleep with his child as per the instructions of a witch doctor that if he does so, he would be able to earn

a lot of money.

As described briefly below, several legal issues were reported during Prison mobile legal aid services which relate mostly to unjustifiable bail denial, existence of prisoners whose sentence tenure has elapsed.

01

Unjustifiable Police Bail denial on the bailable offences

Bail is both a constitutional and statutory right. A suspect or the accused is entitled to release on bail pending investigation or trial of his case. A suspect is admitted to bail by the authority investigating the crime if investigation is still underway and the suspect is yet to be charged in Court. After the accused is charged in Court, he can be admitted to bail by a Court with competent jurisdiction to admit him to bail. It is a cardinal principle of our system of justice that every person accused of a crime is presumed to be innocent unless and until his or her guilt is established beyond a reasonable doubt.

Unfortunately, during the prison visit some of the clients reported to have been detained in police custody for so long even though the offences they are charged with are bailable. This is quite contrary to the requirement of the law that a person brought under the custody of a police officer on reasonable suspicion of having committed an offence shall be released immediately. The legal aid team discovered that some of the clients end up detained without knowing their fate despite the steps taken by their relatives.

02

Lack of knowledge on bail and procedures involved was noted also as an issue.

It is the procedural requirement that in granting bail there are criteria and conditions which must be met by the accused person before being granted and released by the police or Court bail. During prisoners' visits it was reported that most of the detainees are lacking knowledge on the conditions and criteria of police and Courts bail. This faults the accused persons and find themselves being detained for long time in remand without release, this goes even to the relatives who are lacking on granting bail and therefore they fail to process the same for their beloved one's release.

03

Non-arraignment of the accused persons in Courts

Criminal procedure laws require an arrested person to be arraigned before appropriate court within twenty-four (24) hours after he was so taken into a lawful custody or as soon as practicable; and or be released on bail depending on the nature of the offence committed and circumstances of the case.

04

Unnecessary police investigation and cases delay

The suspects of unbailable offenses suffer in custody for a long time waiting for the investigation to be done before hearing. Not all offenders charged with offenses get the required punishment some of them due to this problem of delay in criminal investigation they get acquitted by the court since there is not enough evidence to prove their crimes. Unnecessary investigation delays result cases in the responsible courts.

05

The existence of prisoners whose sentence tenure has elapsed.

The obvious expectation is that once the month or years which the prisoner was charged with elapsed, the inmate is expected to be released. During the prison visit at segerea, this was a bit different from the expectation in that prisoners who already served their punishment were still in custody.

06

Delay of records of appeal to the Court of Appeal of Tanzania.

During the Prison legal aid, it was reported that there is a delay in preparation of records of appeal. Most of the clients are willing to appeal to the Court of Appeal after having been convicted by the High Court, but the road was rough in that, the preparation of the record delays and that make the inmates to suffer in prison for so long time even if there are chances for success.

07

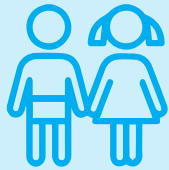
Ineffectiveness of video conference hearing of case

Since the outbreak of the COVID-19 pandemic, the Judiciary implemented videoconferencing as a means to conduct court hearings without requiring the physical presence of accused persons who are in remand and have been denied bail. Even after the pandemic, the courts have continued to utilize this method. However, the current digital system of videoconferencing in courts is not always effective. There are instances where hearings are adjourned solely due to network failures, highlighting the limitations of the system.

2.1.6. Putting children's best interests first Children in conflict with the laws

In line with the principle of the best interest of the child, LHRC prioritizes the provision of legal aid to juveniles in conflict with the law.

IN THE PERIOD UNDER REVIEW LHRC MANAGED

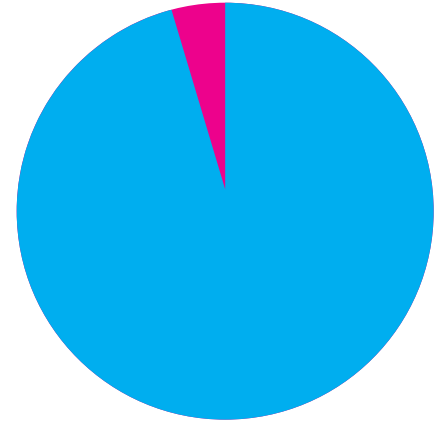


TO ASSISTS

58

CHILDREN

IN CONFLICT THROUGH MOBILE LEGAL AID CONDUCTED IN RUANDA PRISON JUVENILE CORRECTIONAL CENTRE IN MBEYA AND ARUSHA RESPECTIVELY.



THE ATTENDED CHILDREN FORM



OF THE SET TARGET OF

50 CLIENTS
PER YEAR

2.1.7. Community legal education and information

LHRC aims at improving understanding of legal issues in the community to stop legal problems from happening or getting worse. LHRC does this by providing education and information on legal rights and responsibilities directly through different events and routine through paralegals, a central part of her commitment to early intervention and prevention services.

Role of Paralegals in Improving Access to Justice

According to Legal Aid Act, Cap 21 R.E. 2019 paralegals are recognized and certificated to provide legal aid services by carrying out educational programmes, assisting aided person



Picture 4: Paralegal from Kilosa empower TTC Ilonga - Kilosa on matters pertaining GBV and Human Rights in 2023

in the procedures to obtain necessary legal documents and guiding an aided person to a proper forum or to access justice.

LHRC has been instrumental in providing technical support for handling these cases, especially during mobile legal aid activities. Moreover, cases referred by paralegals to legal aid clinics are being addressed in compliance with the law.

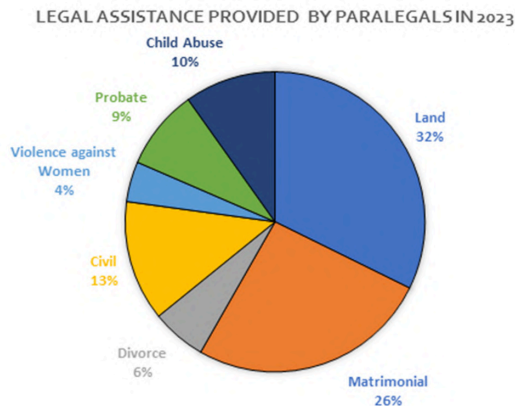
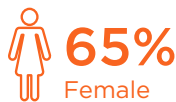


Chart 15: Show distribution of clients attended by paralegals by case category in 2023

The data suggests a satisfactory representation of women in client attendance, indicating that the approach being used is effective in addressing women-related challenges. The observation that women are more comfortable seeking legal aid services from paralegals may be attributed to the trust they have in paralegals. This trust could be based on various factors such as the approachability, empathy, or understanding demonstrated by paralegals, which makes women feel more at ease when seeking legal assistance. Paralegals' assistance in various cases reveals a predominant focus on land-related issues, comprising primarily driven by challenges in land administration and conflicts between pastoralists and farmers over grazing areas. Matrimonial cases are influenced by child maintenance and marriage related conflicts. Paralegals have the added advantage because they reside in the same local communities, clients can relate to them, hence they build trust rather than talking to a lawyer far away they barely know.



SECTION 3:
CLIENTS
ATTENDED BY
CASE CATEGORY

SECTION 3:

CLIENTS ATTENDED BY CASE CATEGORY

Within LHRC's legal aid framework, different units specialize in handling specific case categories such as family, labor, land, civil, and criminal matters. These units ensure that individuals facing legal challenges in areas like family disputes, labor rights violations, land ownership conflicts, and criminal charges receive tailored support and representation. By addressing diverse legal needs through targeted interventions, LHRC aims at effectively contributing to the realization of justice and the protection of rights for vulnerable and marginalized populations.



LHRC RECEIVED
14,995
LAND CASES



66%
MALE CLIENTS



34%
FEMALE CLIENTS



LHRC RECEIVED
4,578
FAMILY CASES



35%
MALE CLIENTS



65%
FEMALE CLIENTS



LHRC RECEIVED
3,507
LABOUR CASES



69%
MALE CLIENTS



31%
FEMALE CLIENTS



CIVIL CASES
4,613
CIVIL CASES



77%
MALE CLIENTS



23%
FEMALE CLIENTS



LHRC RECEIVED
1,798
CRIMINAL CASES

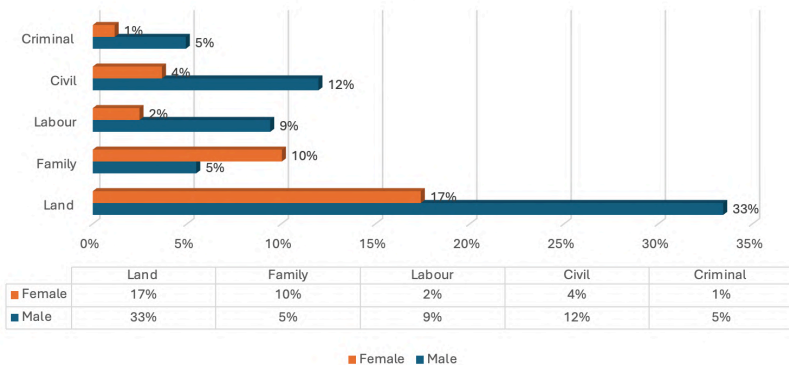


81%
MALE CLIENTS



19%
FEMALE CLIENTS

Distribution of clients by case category in 2023.



Graph 16: Distribution of clients by case category attended in 2023.

During the reporting period, LHRC encountered a diverse array of legal cases, with notable variations in the distribution of male and female clients across different categories. In land cases, which comprised a significant portion of the caseload, most clients were male, reflecting prevailing societal norms that often favor male ownership and control of land. Conversely, family cases exhibited a higher proportion of female clients, highlighting the unique challenges women face within familiar legal disputes, such as divorce,

child custody, and inheritance rights. The prevalence of female clients in family cases suggests a greater need for legal assistance in addressing issues related to gender-based violence and economic dependence within the family.

In contrast, labour cases primarily featured male clients, indicating a disproportionate impact on men within employment-related legal disputes, including issues surrounding wages, working conditions, and contract disputes. Civil cases also demonstrated a higher representation of male clients, suggesting a greater involvement of men in contractual and property-related disputes. Similarly, criminal cases predominantly involved male clients, underscoring gender disparities within the criminal justice system. These variations in client demographics across different case categories reflect underlying socio-cultural norms and systemic inequalities that influence individuals' access to justice and legal representation.

3.1. LAND ISSUES.

Under land category LHRC receives a multitude of cases ranging from boundary disputes with 29%, evictions 29%, trespassing 26% and 8% with other cases such as property acquisitions, mortgage, sale, and easement. These cases often involve complex issues of land ownership, boundaries, and tenure rights, reflecting the intricate landscape of land-related conflicts in Tanzania. LHRC's legal aid services aim to address these disputes and advocate for fair and equitable resolutions that uphold the rights of all parties involved.



29%

BOUNDARY
DISPUTES



29%

EVICIONS



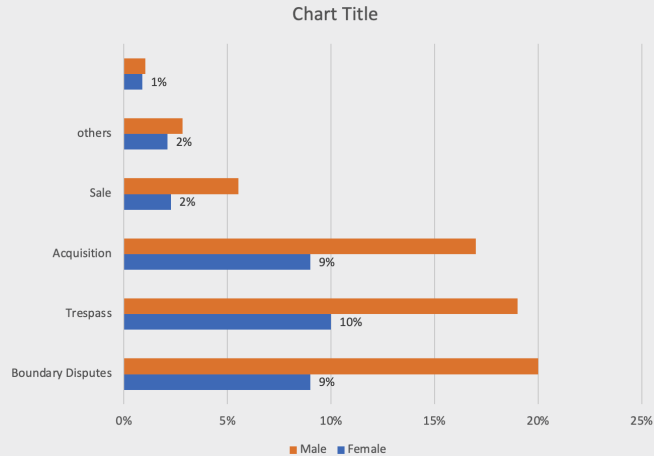
26%

TRESPASSING



8%

INEFFECTIVE LAND
ADMINISTRATION



Graph 17: Distribution of clients attended under land category in 2023.

In the land category, boundary disputes were more commonly reported by male compared to female clients. Similarly, trespass cases were higher among males, while eviction cases were slightly more prevalent among males as well. In cases of land acquisition, males

outnumbered females, indicating a higher involvement in property acquisition processes. However, in cases related to land sale, females had a slightly lower representation compared to males. Mortgage cases showed minimal gender disparity, with both males and females reporting similar numbers.

Landlord and tenant disputes were more frequently reported by males, while easement cases were slightly higher among females. Overall, the data suggests varying levels of engagement and involvement in land-related legal issues between males and females.

OUR IMPACT STORIES



Empowering Resilience: *Lydia Massawe's Journey from Land Dispute to Independence*

Lydia Massawe, a visually impaired teacher at Themu Primary School in Arusha, faced a tragedy land dispute. Despite her disability, Lydia had managed to save enough money to purchase land in 2017. However, her efforts to build a residential house on the land were hindered when another party claimed ownership due to double allocation. After exhausting attempts to resolve the issue through government offices, Lydia turned to LHRC for assistance.

LHRC's legal team took proactive steps, engaging with the late Benny Massawe's the vendor of the land relatives to find an amicable solution. Despite initial setbacks and delays, LHRC's persistence paid off when the Ward Tribunal intervened, ordering the allocation of alternative land to Lydia's opponent. With the dispute resolved, Lydia could finally proceed with constructing her home, bringing stability and independence to her life.



Triumph Over Adversity: *Rosemary's Journey to Secure Her Family's Future*

Rosemary, a widow with seven children, found herself entangled in a probate and land dispute following her husband's passing. Her late husband's sister contested ownership of land left by Rosemary's husband, leading to a legal battle. With LHRC's support, Rosemary navigated through various tribunals, ultimately emerging victorious. The court's ruling granted her rightful ownership of the land, paving the way for improved livelihoods as her family could now utilize the land for economic activities and settlement.



Reclaiming Rights: Stella's Battle for Land Justice and Victory

Stella faced a similar challenge when an individual unlawfully invaded her inherited land, erecting structures without permission. Seeking justice, Stella turned to LHRC, which assisted her in filing a land case to reclaim ownership. Through legal proceedings, Stella obtained a favorable judgment, compelling the invader to vacate the land. With the dispute resolved, Stella and her relatives could utilize the land for cultivation and settlement, enhancing their quality of life.



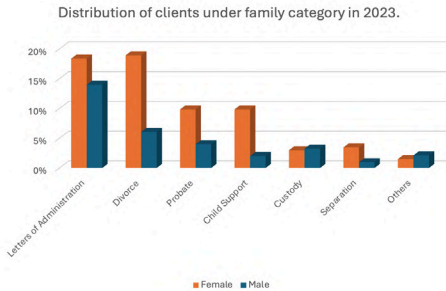
Land Justice Prevails: LHRC's Triumph in Land Case of Kalekwa

LHRC achieved a significant victory in Land Case No: 03 of 2021 involving Kalekwa Ibrahim Kiletwa, the administrator of the estate of the late Ibrahim Kiletwa, and multiple respondents including Chausiku Samwel, the legal representative of the late Samwel Nyabezi, Ukerewe District Council, and the Attorney General. Originating in 2006, the dispute stemmed from conflicting claims over a plot of land granted to Ibrahim Kiletwa. Despite findings by the Ukerewe District Council's Land Tribunal confirming Ibrahim's rightful ownership, Samwel Nyabezi continued to occupy the plot without authorization, prompting legal action.

Following numerous attempts to resolve the matter, including interventions from the Nansio Ward Tribunal and the Regional Commissioner's Office in Mwanza, the dispute persisted. Kalekwa Ibrahim Kiletwa sought legal recourse, filing a suit in January 2022 to compel Chausiku Samwel to vacate the disputed plot. Despite preliminary objections raised by the respondents, the court ruled in favor of Kalekwa Ibrahim Kiletwa, determining that the suit was not time-barred. Subsequently, a default judgment was entered in June 2023 when the respondents failed to appear, marking a significant milestone in the protracted legal battle for rightful land ownership. Through LHRC's diligent representation, Kalekwa Ibrahim Kiletwa's quest for justice and the rightful possession of the disputed land was finally realized after years of legal struggle.

3.2. FAMILY ISSUES.

WITHIN THE FAMILY CATEGORY, LHRC ENCOUNTERS A DIVERSE ARRAY OF LEGAL ISSUES PERTAINING TO:



Graph 18: Distribution of clients attended under family category in 2023.

In the family category, females were more prominently represented in all arrays of cases. From these cases indicate women and children are the most victims in family related disputes such as family estates, marital dissolution, child welfare, inheritance, and protection from abuse and exploitation.

On the other hand, males were more frequently involved in cases related to divorce, probate, custody, parentage, access, and annulment. These cases suggest that males were more

commonly engaged in legal matters concerning marital dissolution, inheritance issues, parental rights, and legal recognition of parentage.

Overall, the data reflects varying degrees of engagement and involvement between males and females across different legal issues within the family category, highlighting the diverse nature of family-related legal disputes and the need for tailored legal support services specifically for women.

OUR IMPACT STORIES



Breaking Chains: Marry Licky Kaaya's Triumph Over Matrimonial Strife with LHRC's Support

Marry Licky Kaaya, referred to the Arusha legal aid office by another client, sought assistance amid a matrimonial dispute marked by her ex-husband's infidelity, abuse, and abandonment of parental duties for their 5-year-old child. Determined to break free, Mary initiated divorce proceedings, presenting her case before the court with compelling evidence. The court granted her divorce, awarded custody of their child to Marry, and ordered her ex-husband to pay Tanzanian Shillings One Hundred Fifty Thousand monthly for maintenance.

Matrimonial assets were equally distributed, providing Mary with stability as she embarked on a new chapter. Remarkably, despite the hostility, Marry's ex-husband complied with the court's directives, ensuring the child's welfare, and enabling Marry to find resolution and a sense of justice through legal intervention.



From Adversity to Advocacy: Juliana Gervas' Triumph in the Courts with LHRC's Support

Juliana Gervas found herself in a divorce dispute filed at Kimara Primary Court. Dissatisfied by the decision of the trial Court, which ordered an equal distribution of joint acquired properties, Juliana pursued an appeal. With the assistance of legal aid provided by LHRC, Juliana's appeal succeeded in overturning the previous ruling, resulting in a more favorable outcome for her. Following the successful appeal, Juliana was further supported in filing for the execution of the court's decision, enabling her to receive her rightful share of the disputed properties. Overwhelmed with gratitude, Juliana expressed profound appreciation for the invaluable assistance provided by LHRC, acknowledging the organization as a beacon of hope for the underprivileged. In recognition of LHRC's instrumental role in her victory, Juliana pledged to express her gratitude and affirming her commitment to supporting its mission in providing legal assistance to those in need.



In the Best Interests of the Child: *Mnkande Tafsiiri Werema's Custody Victory with LHRC's Support*

In the matter of Mnkande Tafsiiri Werema versus Janeth Raphael Nnko, the focus was on determining the best interests of the child involved. Mnkande Tafsiiri Werema, the Applicant, sought sole custody of his child, citing concerns over the unfavorable living conditions the child experienced after being taken away by the mother. With the assistance of legal aid provided by LHRC, Mnkande was able to present his case effectively, highlighting the importance of providing a nurturing and supportive environment for the child's well-being. The court recognized the gravity of the situation and granted custody to Mnkande, acknowledging that it was in the child's best interests to reside with the father. Subsequent appeals filed by the opposing party were dismissed, affirming the initial decision in favor of Mnkande and solidifying the child's right to a safe and conducive living environment.

This legal victory marked a significant turning point in the child's life, ensuring access to essential rights such as education and protection from adverse conditions. By prioritizing the child's welfare and considering the best interests of the child as paramount, the court's decision not only safeguarded the child's rights but also brought a positive change in the lives of both Mnkande and his child.



Unveiling Justice: *Josephha Kamo Kazimili's Triumph in Matrimonial Property*

Josephha Kamo Kazimili's quest for justice began when she sought legal assistance after being denied her rightful share of the matrimonial property. Despite the division of properties being ordered by Sinza Primary Court, complications arose during the execution of the decree when a third party emerged, claiming ownership of the property based on a purchase allegedly made from Josephha's husband. This information had not been disclosed during the proceedings at the Primary Court, leading to a dispute over ownership. Despite an initial setback where the Liwale District Land and Housing Tribunal ruled against her, Josephha persisted with the support of LHRC. With LHRC assistance, she appealed the decision before the Mtwara High Court, resulting in a favorable outcome where the appeal was allowed, and the previous orders were nullified and set aside.

Expressing her gratitude for the support and successful outcome, Josephha acknowledges the crucial role played by the LHRC in securing her rights in accordance with the divorce judgment.



Breaking Chains: *LHRC's Triumph in Rescuing Ngisere Sumleck Mamasita from Forced Marriage*

In a successful intervention by LHRC, Ngisere Sumleck Mamasita, a 25-year-old woman residing on Lengasti Street, Mererani Ward, Simanjiro District, Manyara Region, was rescued from a traditional Maasai forced marriage orchestrated by Mengi Saniniu Laizer. Mamasita had been held against her will by Laizer from April to October 2023, enduring confinement, communication restrictions, and physical abuse when she resisted his commands. Upon receiving information from Mamasita's friends, LHRC promptly alerted the Mererani Police Office and mobilized paralegals in the area to advocate for her release. Subsequently, Mamasita and Laizer were summoned to the police station, where Mamasita bravely rejected the customary marriage proceedings. With LHRC's support, she regained her freedom and autonomy, receiving guidance on safeguarding her well-being and encouraged to report any future threats to her safety without delay.

3.3. LABOUR ISSUES

Labour cases form a significant part of LHRC's legal aid portfolio, encompassing disputes related to:



53%
EMPLOYMENT
TERMINATION



29%
BENEFITS



11%
BREACH OF
CONTRACT



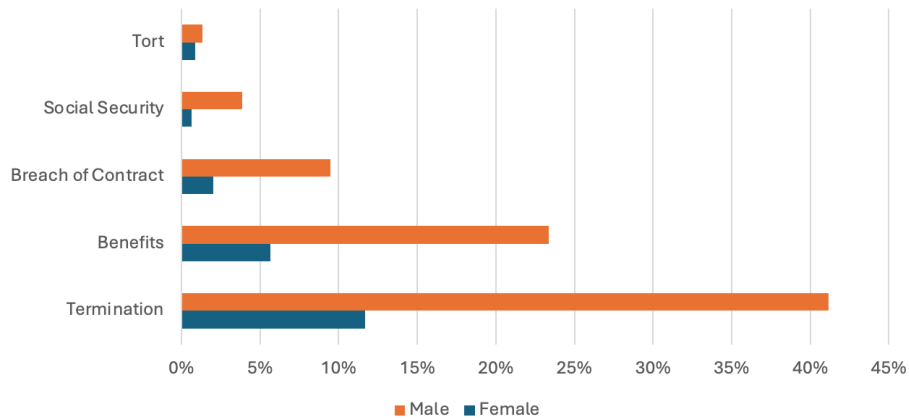
5%
SOCIAL
SECURITY



2%
TORT

These cases highlight the vulnerabilities faced by workers in various industries and the importance of advocating for fair labor practices and worker's rights. LHRC's legal aid services in labor matters aim to address workplace injustices and ensure that workers receive adequate protection under the law.

Distribution of clients under labour in 2023.



Graph 19: *Distribution of clients attended under labour in 2023.*

The data indicates a notable gender disparity in labor-related legal cases. Males are more prominently represented in matters related to employment termination, benefits disputes, breach of contract, and social security within the labor domain. This suggests that males

are significantly engaged in these legal issues and are engaged in the formal employment.

On the contrary, the lower representation of women in these labor-related cases suggest that women are less exposed to formal employment or face challenges

in accessing legal services related to termination, benefits, breach of contract, and social security. This calls for the importance of gender-inclusive legal support and advocacy services to address the varied needs and concerns of individuals in the workforce.



Victory for Teachers:

LHRC Resolves Unpaid Dues Dispute at Kilomeni Girls' Secondary School"

Teachers Mweta and Hilda encountered labor disputes over unpaid dues from their former employer, Kilomeni Girls' Secondary School. Seeking redress, they approached LHRC for assistance. With LHRC's support, they filed complaints with the Commission for Mediation and Arbitration, compelling their former employer to acknowledge and settle their outstanding dues. This intervention provided much-needed relief to Mweta and Hilda, ensuring they received their rightful compensation.



Salary Justice Achieved: LHRC's Successful Intervention in Timothy's Case

Timothy sought LHRC's assistance in recovering unpaid salary arrears from his former employer, Kenzan Wildlife Safaris and Camps. With LHRC's support the matter was referred to the Commission of Mediation and Administration, Timothy's employer settled the matter out of court by paying him the overdue salary arrears. Grateful for LHRC's assistance, Timothy expressed relief at the resolution of his financial dispute.



Resolution Achieved: LHRC's Successful Mediation in the Payment Dispute between Emmanuel John Banda and Fortes Safaris"

On October 24, 2023, LHRC facilitated a successful reconciliation between Shela Kahindi Bukula, representing Fortes Safaris, and Emmanuel John Banda, our client. The reconciliation culminated in a written agreement stipulating the payment terms for a sum of Tshs 539,000 (Five Hundred and Thirty-Nine Thousand shillings) owed to our client by his former employer. As per the agreement, the employer was to deliver the agreed amount to LHRC by October 31, 2023, either personally or through a representative. True to the agreement, the employer fulfilled the payment obligation, and our client successfully collected the owed sum.

3.4. CIVIL ISSUES

IN THE CIVIL CATEGORY, LHRC TACKLES A WIDE RANGE OF LEGAL DISPUTES:



53%
CONTRACT
BREACHES



28%
TRESPASS



22%
INSURANCE



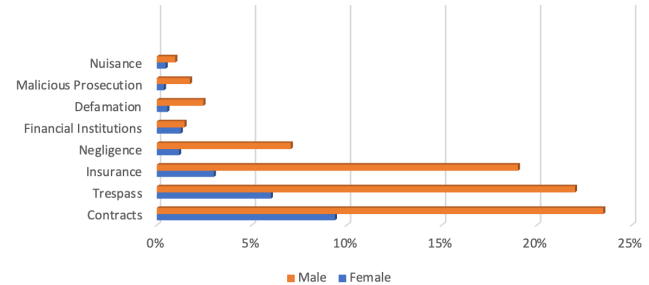
8%
NEGLIGENCE



5%
TORT

Civil cases often involve intricate legal proceedings and require nuanced strategies to achieve favorable outcomes for clients. LHRC's legal aid efforts in civil matters focus on providing comprehensive representation and advocacy to clients facing civil litigation, with the goal of safeguarding their legal rights and interests.

Distribution of clients under civil category in 2023



Graph 20: Distribution of clients attended under civil category in 2023

The data above indicates a predominant representation of men in the majority of civil-related matters, primarily due to their involvement in the labor market and ownership of properties. Such involvement can lead to cases related to breach and interpretation of contracts, insurance disputes, and trespass. On the other hand, women are also involved, albeit to a lesser extent, in various civil matters. These cases may range from contract breaches to personal injury claims and disputes over insurance coverage. This is due to their less involvement in productive activities and ownership of properties.

OUR IMPACT STORIES



Road to Justice: *Sariael Arem Kaaya's Struggle for Compensation After a Life-Altering Accident*

Sariael Arem Kaaya, a 44-year-old driver, found himself entangled in a legal battle following a car accident on November 27, 2015. The accident left him permanently disabled, requiring the use of walking sticks for mobility. Seeking compensation, Sariael approached M/s ICEA Lion Insurance Company Limited, the insurer of the vehicle involved in the accident. However, the company denied liability, citing Sariael's status as a passenger covered under third-party insurance.

Turning to LHRC for assistance, Sariael received legal advice and support. LHRC helped him petition the Minister of Constitution and Legal Affairs for an extension of time to file an insurance claim case, as the statutory time limit had expired. Successfully obtaining the extension, Sariael filed a compensation claim at the Resident Magistrate Court of Arusha.

After a lengthy legal process, the court ruled in Sariael's favor on April 12, 2022, ordering the payment of Tsh. 51,885,524/=. However, the execution of the judgment faced challenges when M/s ICEA Lion Insurance Company Limited filed Misc Civil Application No. 9 of 2023. The company sought an extension of time to challenge the judgment, alleging procedural irregularities. In light of the circumstances, both parties opted for mediation to resolve the matter out of court. Ultimately, on May 3, 2023, an agreement was reached wherein M/s ICEA Lion Insurance Company Limited agreed to pay Sariael Tsh. 25,000,000/=. The compensation enabled Sariael to purchase two motorcycles (Bajaji), enhancing his mobility and providing a source of income. With the dispute settled and compensation received, Sariael could now focus on rebuilding his life, thanks to the legal assistance provided by LHRC.



Resilience Rewarded: *Jasmine George Temu's Pursuit of Justice with LHRC's Support.*

Jasmine George Temu's journey seeking justice for her late brother, Said Francis Temu, is a testament to her resilience and determination in the face of tragedy. Stepping into the role of Administratrix of her brother's estate, Jasmine was confronted with the devastating aftermath of a fatal motor vehicle accident caused by reckless driving. Said, an innocent passenger on a motorcycle, tragically lost his life due to the negligence of the driver. Recognizing the profound impact of her brother's untimely death, especially as he was a breadwinner for their family, Jasmine sought legal assistance to secure compensation. With the support of the LHRC, Jasmine engaged in correspondence with the insurance company, ultimately leading to a compassionate offer of compensation amounting to Tshs. 5,376,600/=.

The collaborative efforts between Jasmine and her legal representatives facilitated a fair resolution, allowing her to sign off on the insurance compensation contract. Expressing her gratitude for the swift assistance provided, Jasmine acknowledged the challenges they faced as non-residents of Dar Es Salaam and emphasized the significance of the compensation in alleviating their financial burdens and easing the pain of losing a loved one. Her heartfelt appreciation reflects not only the relief of obtaining justice for her brother but also the compassionate support extended to her during a profoundly difficult time.

3.5. CRIMINAL ISSUES

In the criminal category, LHRC provides legal aid services to individuals accused of committing criminal offenses,



28%
RAPE



16%
ASSAULT



27%
THEFT

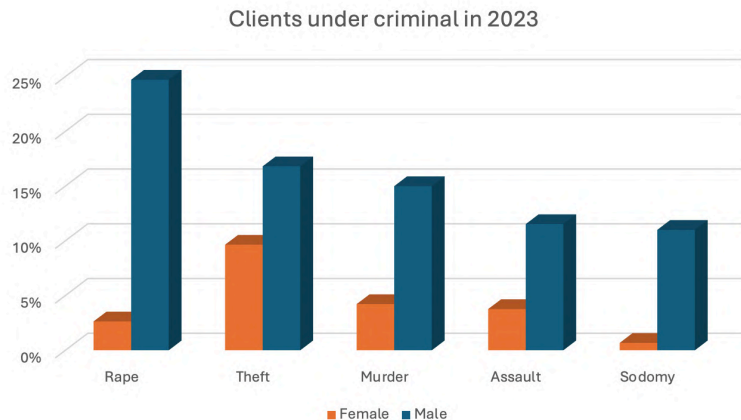


12%
SODOMY



19%
MURDER

Criminal cases pose significant challenges for accused individuals, who may face stigma, prejudice, and unfair treatment within the criminal justice system. In some cases LHRC also receive some cases from the victim of the crime in which victims need legal advice, follow up and sometime where possible to watch brief. LHRC's legal aid services in criminal matters aim to ensure that accused individuals receive fair trial rights, legal representation, and access to justice, thereby upholding the principles of due process and the rule of law.



Graph 21: Distribution of clients attended under criminal cases in 2023.

Men are often more prominently involved in criminal cases like rape, theft, and murder due to a combination of factors, including potential biological differences,

societal expectations and norms, economic disparities, potential biases within the legal system, and reporting biases. However, women are both victim and offenders of these cases

especially for rape, sodomy, and theft related cases.

Legal aid plays an important role in ensuring access to justice for individuals accused of committing criminal offenses, as highlighted in the LHRC report. By providing legal representation, advice, and support to accused individuals, legal aid services help uphold fundamental rights such as the right to a fair trial and due process. In criminal cases, where accused individuals face stigma, prejudice, and potential biases within the justice system, legal aid services serve as a safeguard against miscarriages of justice. Ultimately, the role of legal aid in criminal justice is to promote fairness, equity, and the rule of law by ensuring that all individuals, regardless of their circumstances, have access to effective legal representation and support.

OUR IMPACT STORIES



Justice Prevails: LHRC's Victory in Overturning Ismail Mustapha's Unjust Conviction"

LHRC's intervention proved pivotal in overturning the conviction of Ismail Mustapha, a bus driver sentenced to life imprisonment for alleged drug trafficking. The case was brought to LHRC's attention in early January 2023 by Ismail's daughter, prompting a thorough investigation into the circumstances of his arrest and trial. Ismail had been accused alongside his conductor, Kassim Jamal, following an arrest in March 2014. Despite maintaining his innocence and alleging police fabrication of evidence, Ismail was found guilty in October 2021 and sentenced to life imprisonment while his conductor was acquitted. LHRC, recognizing the potential miscarriage of justice, undertook Ismail's defense, highlighting procedural irregularities and evidence pointing to police misconduct.

Appearing before the Court of Appeal on February 15, 2023, LHRC successfully argued Ismail's case, resulting in the appeal's acceptance and the overturning of his conviction. However, procedural shortcomings necessitated a reevaluation at the High Court, where LHRC continued to advocate on Ismail's behalf. On August 11, 2023, the High Court delivered its verdict, declaring Ismail not guilty of all charges and ordering his immediate release from prison. Through LHRC's diligent efforts, Ismail Mustapha regained his freedom, vindicated from wrongful accusations, and highlighting the organization's commitment to upholding justice and protecting the rights of the accused.



Freedom Restored: *LHRC's Successful Intervention in the Case of Arusha Fishermen*

LHRC played an essential role in securing the release of eleven fishermen from criminal charges at the Resident Magistrates' Court of Arusha. The fishermen, including Barakael Bryson Kileta, Bakari Rajabu Kitaboka, Jaffa Mziray Mtoo, Andrew Msamada, Paulo Mvula, Bosco Mbunda, Isaya Lembio, Paulo Raphael, Dastan Nkoma, and Zakayo Athanas, were arrested during a fishing expedition at Oltukai area, Lake Manyara within Babati District Council, on September 23, 2023. Rangers from Lake Manyara National Park attacked them, firing shots that injured Peter Ngongi and subsequently led to the fishermen's arrest.

The fishermen were accused of entering Lake Manyara National Park without authorization, unlawful possession of fishing gear, and engaging in organized crime. LHRC intervened, providing legal representation for the fishermen. As a result, on October 16, 2023, the Resident Magistrates' Court of Arusha acquitted all the accused persons. LHRC's involvement was crucial in ensuring justice for the fishermen, highlighting the violation of their human rights during the arrest and preventing potential wrongful imprisonment.



Legal Triumph: *Frank Robert Kimbwi's Acquittal with LHRC's Support*

Frank Robert Kimbwi, our client, received legal assistance from our team while in remand at Isanga Prison, facing charges of theft and negligence at his workplace. With the support of our legal aid services, Frank was empowered to navigate the legal proceedings concerning his case before the Primary Court of Makole at Dodoma region. Our team assisted him in matters related to bail and defense, ensuring that his rights were upheld, and his case was effectively represented. On October 25th 2023, Frank reached out to our office via mobile to share the news of his success in the case. The judgment had been issued, and to his relief, he was found innocent of the crimes he was accused of. Frank expressed his gratitude for the legal aid services provided by our office, particularly the assistance rendered during his time at Isanga Prison.



Justice Prevails: *Rachel Samuel Makoye's Legal Victory with LHRC's support*

Rachel Samuel Makoye, a detainee at Isanga Prison, found herself in a legal predicament after fleeing from mistreatment while working as a house girl in Dodoma. Upon her arrest and subsequent charge with theft of 3,000,000/= by her employer. Rachel sought legal assistance from the LHRC legal aid team while visiting the prison, ensuring that she had legal representation during the proceedings. Following the trial, Rachel was acquitted of the charges. Grateful for the assistance and care shown to her during this challenging time, Rachel expressed her gratitude, particularly for the concern shown for her life and the well-being of her young child left behind in the care of her mother in Chato. This case highlights the importance of access to legal aid and representation, especially for individuals facing legal challenges while in detention, ensuring their rights are protected and upheld throughout the legal process.



Breaking Chains: *Ester Amos Gekutu's Liberation with LHRC's Legal Aid*

Ester Amos Gekutu, found herself facing theft charges and she was remanded at Isanga Prison after failing to secure bail. During LHRC's provision of legal aid at the prison, Ester received assistance from the LHRC. This assistance included informing her relatives about her situation and providing guidance on the bail procedure. With the support and empowerment provided by the LHRC, both Ester and her relatives were able to navigate the legal process effectively. Consequently, Ester was released on bail, reflecting the impact of access to legal aid in ensuring fair and just outcomes for detainees like Ester. This case underlines the importance of legal aid initiatives, especially in correctional facilities, where detainees may face complex legal challenges without adequate support.



SECTION 4: LEGAL AID SERVICES

SECTION 4:

LEGAL AID SERVICES

4.1. LEGAL AID DOCUMENT DRAFTED.



LHRC MANAGED TO DRAFT
1,833 DOCUMENTS



62%
COLLECTED BY
MEN



48%
COLLECTED BY
WOMEN

These documents were filed in the different courts, commission of mediation and arbitration and tribunals, and some were for administrative organs. The number of documents drafted and collected by female clients represent the ratio of the total number of the clients received for legal aid.

The data reveals a significant trend in LHRC's legal aid services, particularly regarding the drafting and collection of documents by female clients. With 48% of documents collected by women, this statistic highlights a notable level of engagement and empowerment among women in accessing legal assistance and

navigating the legal system.

The data indicates varying levels of engagement between men and women in accessing legal aid services across different case categories. In criminal and employment cases, men appear to have a more significant presence in seeking legal assistance, while women are relatively less represented. Equally, in family cases, women are more actively involved, potentially reflecting the unique challenges they face within familiar and domestic contexts. However, in cases related to land and civil matters, men seem to dominate the utilization of legal aid services compared to women. These disparities may stem from a combination of socio-cultural factors, economic disparities, and legal barriers that disproportionately affect men and women differently.

4.2.DISTRIBUTION OF SELF-HELP KITS

Self-Help kits consist of simplified booklets containing relevant legal information tailored to address specific legal issues and procedural guidance. The distribution of these kits aimed to empower clients by providing them with accessible resources to better understand their legal problems and potential solutions.

Throughout the reporting period, LHRC distributed a substantial number of self-help kits to its clients, ensuring that both male and female clients had access to essential legal resources. While a significant portion of the kits went to male clients, a considerable number were also provided to female clients. Self-help kits were distributed according to the specific legal problems faced by clients, ensuring that they



A TOTAL
3,848 COPIES
WERE PROVIDED TO CLIENTS



48%
MALE



35%
FEMALE

received assistance relevant to their individual needs. Additionally, LHRC utilized significant occasions such as Mama Samia Legal Aid Campaign,

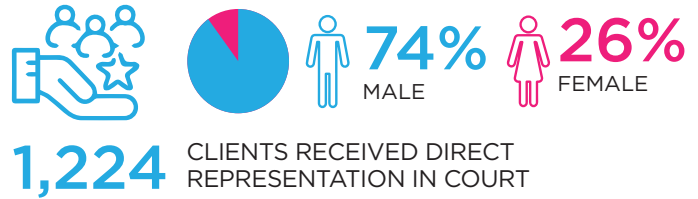
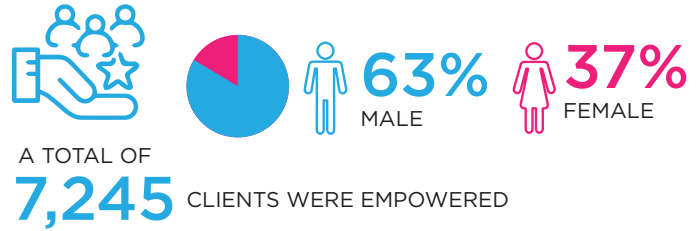
Law Week and Legal Aid Week commemorations to distribute these kits as part of broader legal awareness and public empowerment initiatives.



Picture 5: Clients being attended at LHRC Dodoma Office

4.3.CLIENTS' EMPOWERMENT AND REPRESENTATION IN COURTS

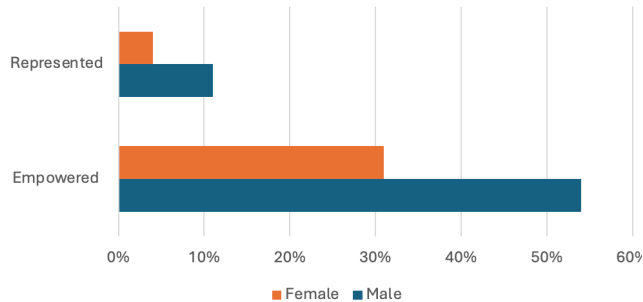
LHRC's legal aid strategy aligns with the pyramid principle, where the focus is on disseminating legal knowledge widely. Most clients are empowered to represent themselves, reflecting a commitment to inclusivity. Meanwhile, a targeted approach ensures that a smaller subset receives direct legal representation. During the current reporting period, LHRC achieved notable progress in enhancing the capacity of clients for self-representation in court.



This signifies a deliberate effort to provide representation to a select group while concurrently empowering a larger demographic for self-representation.

Women are fairly represented in court but looking at the ratio of the number of the clients received and those represented in court the actual number might not be visible. The main consideration for the clients to be represented in court is for the complicated cases in which the clients cannot represent him/herself, aged clients, children, PWDs and the cases of public interest.

Comparison of self represented versus represented clients in 2023



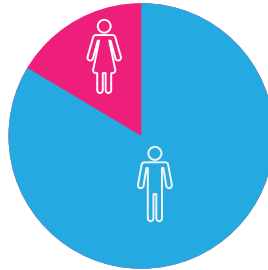
Graph : Show a comparison of clients empowered for self and represented in 2023.

4.4. RECONCILIATION



285

CASES RECONCILED



57%
MALE CLIENTS

43%
FEMALE CLIENTS

AMONG THE CASES SUBJECTED FOR RECONCILIATION

44%
SUCCESSFUL

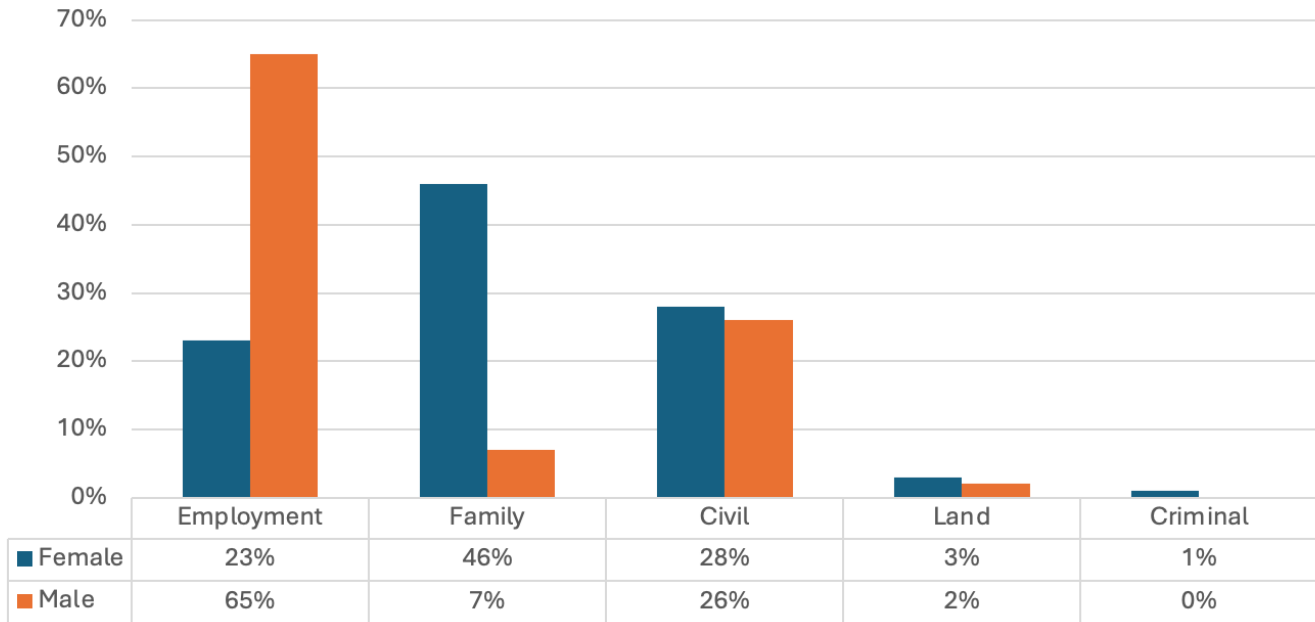
35%
STILL PENDING

21%
FAILED

The higher percentage of reconciliation among male's cases compared to female's cases in employment case category suggests potential disparities in the resolution process or the nature of the disputes. It also indicates proportional representation of the clients attended per sex under this category.

In employment cases usually company reputations are at risk hence many companies choose to settle out of court/ reconcile rather than litigation also most female opt for reconciliation in family disputes because they intend to preserve family relations.

Distribution of reconciled cases by case category.



Graph : Show a distribution of reconciled cases by case category in 2024.

4.5.ACCOUNTABILITY REFORM BEYOND LEGAL AID SERVICES

Strategic Litigation

Strategic litigation as one of the advocacy tools for LHRC has been used to reform laws, policies, and practice. LHRC has been using local and regional courts in conducting strategic litigation and addressing human rights violations. The 2019 Basic Rights and Duties Act amendment introduced the

requirement for anyone filing the constitutional matter under basic rights must be personally affected. To overcome this challenge the cases which were filed at the High Court of Tanzania LHRC identified the suitable petitioner for the petition to be filed in his/her name. Some other cases were conducted, especially those from Loliondo the petitioners/applicants

were the apparent victims of the human rights violations.

As of December 2023, LHRC had 43 strategic cases pending in different local and regional courts. Among those cases in this reporting period the courts delivered seven (7) positive decisions in favor of LHRC.

a. Loliondo Land Rights Courts Decisions

- i. LHRC assisted and represented in court successfully in the case of Ololosokwan Village Council and 2 Others vs Attorney General, Appeal No 13 of 2022 before the East African Court of Justice Appellate Division in which the court ruled in favor of the Appellants. The court went further to order the First Instance Division to trial de novo to determine some issues. This is one of the cases addressing Masai land dispute in Loliondo area in which the government has acquired land unlawfully and declared it as the game control area.
- ii. In the case Ndalamia Partareto Taiwap and 4 others vs. Minister of Natural Resource and others High Court Arusha Misc. Civil Cause No. 21/2022.

Through legal assistance of LHRC the Applicants were challenging ultra vires powers of minister to establish game control area over the village land in Loliondo without consultation and following the procedure. The court delivered its decision on 19th September 2023 and declared the declaration Pololeti Game Controlled Area illegal.

- iii. In another case Lotang'amwaki Ndwati and Another vs. Attorney General Miscellaneous Cause No.78 of 2022. This was the Application for leave to file Judicial Review against presidential declaration of Pololeti Game Reserve area. Leave was granted 22nd August 2023, and the Court went further and stayed operation of Pori la Akiba Pololeti of 2002 (Pololeti Game Reserve Declaration Order) Government Notice No 604 of 2022 that establishes Pololeti Game Reserve area in Loliondo until final determination of the main application for certiorari, prohibition, and mandamus.

b.

Court ruled on the NGOs Regulations 2018

In the case of LHRC vs. Minister of Health, Registrar of NGOs, and the Attorney General Court of Appeal of Tanzania (At Mbeya) Civil Appeal No. 48/2020 the Court ordered the High Court to retrial this matter de novo. This is the Judicial Review case challenging the provisions of the NGOs Regulations of 2018 has been promulgated in ultra vires, illegally and against the principles of natural justice. The Regulations principally contravenes the principal Act.

c.

Power of the Minister under Immigration Act Curtailed.

Another landmark decision in this reporting period is in respect of Prisca Chogero vs. Attorney General of the United Republic of Tanzania High Court of Tanzania (Main Registry) at Dar es Salaam Misc. Civil Cause No. 17 of 2021 which was filed by LHRC challenging Constitutionality of the provision of section 37 of the Immigration Act Cap 54 R.E 2016. The provision was ousting powers of the court, and it has been declared unconstitutional as the court is the only organ with the final power in determining peoples' rights.

The impugned provision of the Immigration Act provides the decision of the Commissioner General for the immigration in refusing to issue resident permit or varying conditions, the appeal will be heard by the minister and the decision therein will be final and cannot be questioned by the court of law. The provision was declared void for ousting jurisdiction of the court in being last decision maker per constitution.

d.

EACJ Appellate Division Confirms the First Instance Decision on the Political Parties Act.

The East African Court of Justice Appellate Division dismissed Appeal No. 5 of 2022 The Attorney General of the United Republic of Tanzania versus Freeman A. Mbowe & others. The Court upheld the decision of the First Instance Division in Consolidated References No.3 & 4 of 2019 and ordered each party to bear its own costs both in the Reference and the Appeal.

The Appeal was challenging the decision of the First Instance Division delivered on 25th March 2022. In its decision, the First Instance Division declared that provisions of sections

3, 4, 5, 9, 15 and 29 of the Political Parties (Amendment) Act, No.1 of 2019 violate Articles 6 (d) 7 (2) & 8(1) (c) of the Treaty and directed the Govt of Tanzania to take such measures as necessary to bring the said Political Parties (Amendment) Act, in conformity with the Treaty for the Establishment of the East African Community.

It was the Applicants' case that some provisions of the Political Parties (Amendment) Act, No.1 of 2019, enacted to amend and add some provisions in the Political Parties Act, Cap 258 (The Principal Act) contain unjustified restriction on the freedom of association, is discriminative, restricts people's rights to participate in public affairs, denies people's rights to personal security and safety and therefore violates the Treaty.

e.

High Court Rules against Announcing Unopposed Candidates as Winners.

On 29th March 2023 in High Court of Tanzania in the matter of Joran Bashange vs. Attorney General Misc. Civil Application No. 19 of 2021 in which LHRC was challenging the provisions of sections 44 of the National Elections Act, Cap. 343 (Cap. 343) and sections 45(5) and 13(7) of the Local Government (Elections) Act, Cap. 292 which allowed

the unopposed candidate to be declared unconstitutional.

The impugned provisions deal with the declaration of unopposed candidates in general and local government elections. The impugned provisions state that if there is only one candidate nominated for a particular position in a local and general election, that candidate shall be declared elected without an election being held.

The implication of this section is that the unopposed candidate will automatically be declared elected to the position without having to compete against any other candidate. This means that they will not have to campaign or participate in public debates. It also means that voters in that constituency will not have a choice in electing their representative. It was held:

“We accordingly proceed to declare and hold that the provisions of section 44 of the National Elections Act, Cap. 343 (herein after Cap. 343) and sections 45(2) and 13(7) of the Local Government (Elections) Act, Cap. 292 (hereinafter Cap. 292) are unconstitutional, and therefore null and void for offending the provision of article 21(1) and (2) of the Constitution of the United Republic of Tanzania, as amended from time to time. We henceforth proceed to strike out the said provisions from the statute book.”

f.

African Court Orders Tanzania to Amend Election on Returning Officers

On 13th June 2023 the African Court on Human and Peoples' Rights delivered judgement on Application No. 011/2020 – Bob Chacha Wangwe and Legal and Human Rights Centre Versus the United Republic of Tanzania. The case was challenging Sections 6(1), 7(1), 7(2) and 7(3) of the National Elections Act of 1985 (NEA) which permits the District Executive Directors to act as the returning officers of the general elections in Tanzania.

The African Court held that the National Elections Act violates Article 13(1) of the Charter in so far as Section 6(1) of the NEA does not prescribe qualification criteria for persons to be appointed as Director of Elections, violates also Article 13(1) of the Charter to the extent that sections 7(2) and 7(3) of the NEA do not contain any indication of the positions in the public service that public servants must occupy to be appointed as returning officers or even an indication as to the qualifications that they must possess before they can be appointed as returning officers and lastly the court has found that the Respondent State (Tanzania) violated Article 1 of the African Charter.

g.

African Court of Right to Bail

Further, the African Court on Human and People's Rights delivered judgment on Application No. 039 of 2020 - Legal and Human Rights Centre (LHRC) and the Tanzania Human Rights Defenders Coalition (THRDC) versus the United Republic of Tanzania. In the case, Applicants were challenging the provision of Section 148(5) of the Criminal Procedure Act Cap. 20(CPA). The complaint contains a list of non-bailable offences such as murder, treason, terrorism, money laundering, etc.

The African Court ruled that Section 148(5) of CPA violates Article 2 of the Charter by virtue of the operation of Sub-Sections 148(5)(b) and (e) of the CPA, the violation of Article 7(1) and 7(1)(b) of the Charter by virtue of the operation of Sub-section 148(5)(b) and (c) of the CPA and violation of Article 1 by virtue of the operation of Sub-sections 148(5)(b), (c) and (e) of the CPA.

The complained provision is discriminatory, violates the right to be heard, the right to a fair hearing, the right to presumption of innocence and does not afford accused persons the enjoyment of fundamental rights and the

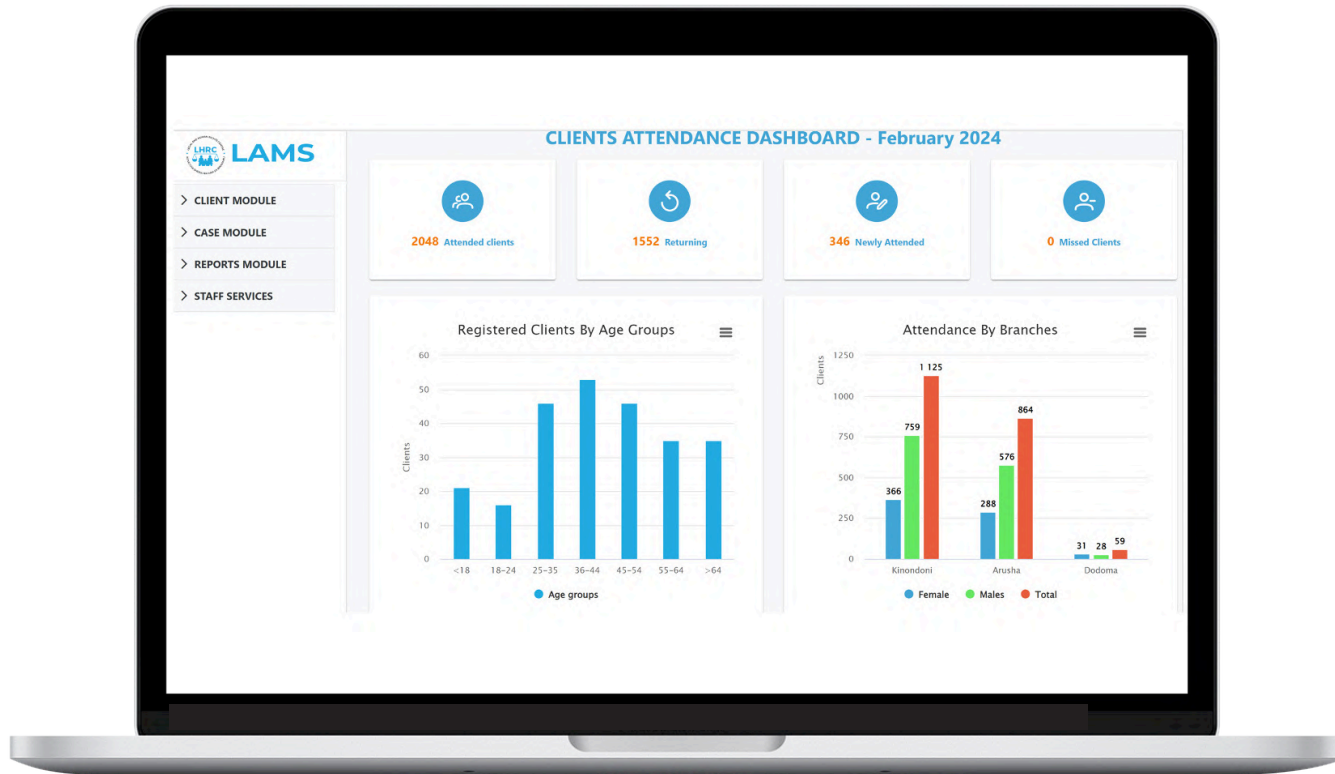
right to equal protection under the laws of Tanzania as guaranteed under the ACHPR, the UDHR, the ICCPR. Notably, the case was filed after the Court of Appeal of Tanzania had declared that section 148(5) of the Criminal Procedure Act does not violate the Constitution of the United Republic of Tanzania, in the case of Attorney General versus Dickson Sanga Civil Appeal No 175 of 2020. The government of Tanzania was ordered by the court to submit within twelve (12) months from the date of notification of the judgment to report on the status of implementation of the decision set forth herein and after that, every six (6) months until the Court considers that there has been full implementation thereof.

4.6. TECHNOLOGY AND DIGITAL SYSTEMS

The utilization of technology, particularly the Legal Aid Management System (LAMS), has revolutionized the provision of legal aid services at LHRC, streamlining processes and enhancing efficiency. With LAMS, LHRC can fully manage its legal aid processes online, ensuring that client data and case profiles are securely stored and easily accessible. This centralized database of over 22,000 clients enables LHRC to efficiently manage client information, including biodata and relevant documents, facilitating quick retrieval and analysis for further legal actions. The implementation of technology has also enabled LHRC to establish three legal aid centers that are centrally connected through an

integrated Management Information System (MIS). This connectivity allows for seamless communication and collaboration between different legal aid sites, enabling staff to access shared resources, exchange information, and coordinate activities more effectively. As a result, LHRC is able to provide consistent and standardized legal aid services across all centers, ensuring that clients receive the support they need regardless of their location. Moreover, technology has significantly increased LHRC's capacity to attend to a larger volume of clients on a monthly basis. With an average attendance of 2000 to 3000 clients per month across all legal aid offices, the use of technology has enabled

LHRC to efficiently manage client appointments, streamline intake processes, and allocate resources more effectively. This increased capacity allows LHRC to reach a broader segment of the population in need of legal assistance, thereby fulfilling its mandate to promote access to justice for all individuals, particularly marginalized and vulnerable groups within Tanzanian society. Overall, technology plays a crucial role in enhancing the delivery of legal aid services at LHRC, empowering the organization to better serve its clients and advance the cause of justice and human rights in Tanzania.



Screen shot 1: Screenshot showing the LAMS interface in real time.

LESSONS LEARNED

LHRC is a learning organization, actively gathering knowledge from diverse sources such as monitoring data, case studies, research findings, evaluations, and analyses. Experiential learning, including insights from legal aid delivery, plays a crucial role. The organization conducts annual reflection sessions to assess program success, identify areas for improvement, and make changes aligning with program expectations. We also conduct an annual client satisfaction survey to learn from our clients' experiences and expectation. The knowledge gained through these processes is directly applied to inform our ongoing interventions of the new annual workplan. During legal aid delivery LHRC has documented some of the key lessons learned as follows.

i

Access to Justice Matters:

The importance of ensuring that everyone, regardless of their financial situation, has access to legal representation and advice is a fundamental lesson.

ii

Empowerment through

Knowledge: Providing individuals with knowledge about their rights and the legal system empowers them to make informed decisions and navigate legal challenges even beyond LHRC support.

iii

Holistic Approach:

Recognizing that legal issues often intersect with various aspects of a person's life, taking a holistic approach to legal aid can lead to more comprehensive and effective solutions.

iv

Cultural Sensitivity: Understanding and respecting cultural differences is essential in delivering legal aid services, as it fosters trust and effective communication with diverse communities.

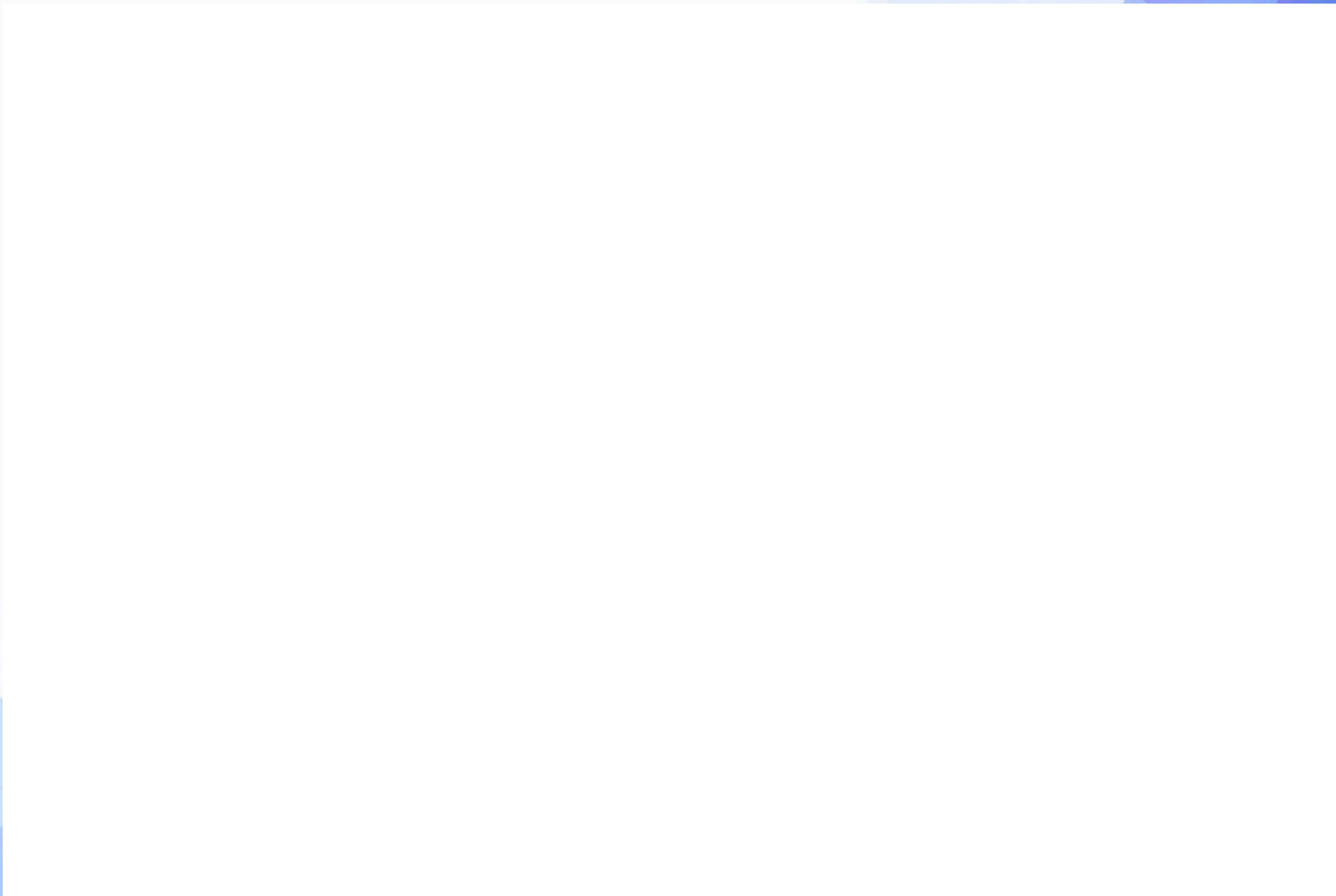
v

Community Engagement: Involving communities in the design and delivery of legal aid services ensures that they are tailored to the specific needs and challenges of the people being served.

vi

Preventive Measures: Addressing legal issues at an early stage can prevent them from escalating into more complex and costly problems, underlining the significance of preventive legal aid measures, this has been possible with the support from our paralegals at the grassroots and public empowerment programmes through integrated communication.

- 1. Collaboration and Networking:** Building partnerships with other organizations and legal professionals can enhance the reach and impact of legal aid services.
- 2. Technological Integration:** Leveraging technology for legal aid delivery, such as LAMS and virtual consultations, can improve efficiency and accessibility.
- 3. Client-Centered Approach:** Placing the client at the center of legal aid services ensures that their needs, concerns, and preferences are prioritized throughout the process.
- 4. Continuous Learning and Improvement:** Recognizing that the legal landscape is dynamic, being open to continuous learning and adapting services based on feedback and evolving legal challenges is crucial.



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