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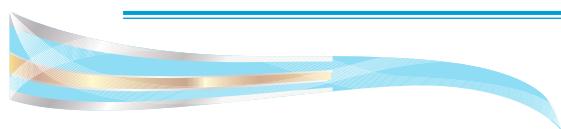


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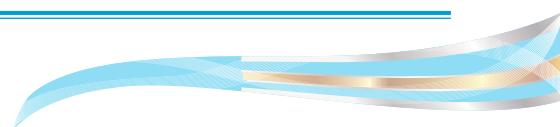
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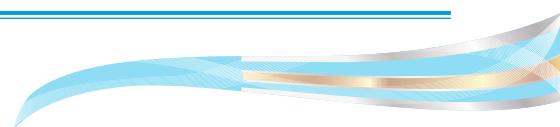
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# List of Abbreviations

AcT	Accountability Tanzania
AG	Attorney General
AGM	Annual General Meeting
APRM	African Peer Review Mechanism
BAE	British Aerospace System
CCBRT	Comprehensive Community Based Rehabilitation in Tanzania
CCNC	Citizens Coalition Civil for New Constitution
CJ	Chief Justice
CPD	Chief Parliamentary Draftsman
CRDB	Corporate Rural Development Bank
CSO	Civil Societies Organisation
DAR	Directorate of Advocacy and Reforms
DC	District Commissioner
DCBE	Directorate of Capacity Building and Empowerment
DCSCT	Dogodogo Centre Street Children Trust
DFA	Directorate of Finance and Administration
DFID	Department for International Development
DSW	Deutsche Stiftung Wetbevölkerung
ED	Executive Director
EU	European Union
FCS	Foundation for Civil Society
FemAct	Feminist Activism
FGM	Female Genital Mutilation
ForDIA	Concern for Development Initiatives in Africa
GBV	Gender Based Violence
GNRC	Global Network of Religions for Children
HIV/AIDS	Human Immune-Deficiency Virus/Acquired Immune-Deficiency
Hon./hon.	Honourable
HuRBNet	Human Rights and Business Network
ICCPR	International Convention on Civil and Political Rights
ICT	Information and Communication Technology
IFM	Institute of Finance and Management
IGP	Inspector General of Police
ISP	Internet Service Providers
IT	Information Technology

IYDP	International Year of Disabled Persons
LAC	Legal Aid Clinic
LHRC	Legal and Human Rights Centre
MP	Member of the Parliament
NEC	National Elections Commission
OBC	Ortello Business Corporate Corporation
OCD	Officer District Commanding
PASADA	Pastoral Activities and Services for people with AIDS Dar-es-salaam Archdiocese
PINGOs	Pastoralists Indigenous Non-Governmental Organizations Forum
PLWD	People Leaving with Disabilities
RCO	Regional Commanding Officer
RPC	Regional Police Commander
RTP	The Real-time Transport Protocol
SACP	Senior Assistant Commissioner Police
SAHRiNGON	South Africa Human Rights Non-Governmental Organisation
TACCEO	Tanzania Consortium of Civil Society Election Observers
TAMWA	Tanzania Media Women Association
TANESCO	Tanzania Electric Supply Corporation
TANLAP	Tanzania Network for Legal Aid Providers
TAWLA	Tanzania Women Lawyers Association
TGNP	Tanzania Gender Network Program
TV	Television
UDOM	University of Dodoma
UN	United Nations
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
WILDAF	Women in law and Development in Africa



## LHRC Board Members



Ret. Bishop  
Dr. Elinaza Sendoro  
*Chairperson*



Adv. Athanasia Soka  
*Vice Chairperson*



Dr. Ringo W. Tenga  
*Member*



Ms. Diana Monica Kisaka  
*Member*



Ms. Esther Kileo Kitoka  
*Member*



Ms. Maria Sarungi Tsehai  
*Member*



Adv. Francis Stolla  
*Member*



Dr. Hellen-Kijo-Bisimba  
*Member*



Mr. Pasience Mlowe  
*Member*

## MESSAGE FROM THE BOARD CHAIRPERSON

Dear Friends,

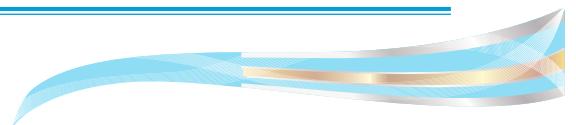
The Legal and Human Rights Centre is pleased to share with all of you stakeholders this report. The report provides an overview of the various Outcomes achieved in the year 2012. The year 2012 is to be remembered by the LHRC due to the issues dealt with in the area of law and human rights as well as the organisation's governance. The specific issues dealt with under the three LHRC Outcome areas include Strategic litigation case to the African Human rights Court on claims over the Civil and political right to take part in the governance of the country. This was a petition for the declaration of an independent candidate during the local and national election. This case brought by the LHRC and Tanganyika Law Society was joined by the court with the case of the same nature brought to the Court by Reverend Mtikila. Another outcome area is the Constitution making process which continued to be an opportunity to the LHRC to empower the public to take part in the process.

The year 2012 had a lot of issues for monitoring of human rights from the very beginning of the year. Specifically the LHRC monitored the right to health issues raised by the doctor's strike to the extent of sending a communication to the special rapporteur on the right to health. The aim was to alert the rapporteur of what was happening in the country and call for intervention.

The LHRC had to call at the doors of the Prosecutor of the International Criminal Court (ICC) when it became evident that extra judicial killings in Tanzania were mounting with impunity. The LHRC prepared an analysis of more than two hundred deaths which were committed by Police Force and other security forces as a trend since 2003. The same report was sent to the special rapporteur for extra judicial killings and to the African Commission on Human and People's Rights.

The report has documented the number of Legal aid clients attended by the Legal and Human Rights in its two Legal aid clinics. The main outcome under this area is the issues raised from the Legal aid clients. The issues observed from the claims provide the LHRC with an opportunity to advocate for changes in the areas which are noted to be in need of changes. The Land issues which have been on the top of the list had several reasons from analysis made. One such reason is the appeals from Ward tribunal wards which indicated challenges in how the ward tribunals are handling the land matters. The LHRC had to undertake a survey in the Land tribunals to understand the issues which lead to such challenges.

In this report you shall note that the year 2012 was the last year in the organisation's six years strategic plan 2007-2012. An evaluation was carried of the strategy which provided a broad and specific picture of the vast Outcomes the organization had achieved and the challenges faced. The evaluation also provided a roadmap towards embarking on a participatory process for strategizing for the coming six years 2013 - 2018.



The LHRC acknowledges with appreciation the sixty four staff members for the work well done and the Paralegals in the sixteen districts as well as the human rights Monitors in almost all the districts. The work of the human rights Monitors and Paralegals has contributed greatly on the results which are reported hereunder. Most of the work could not have been undertaken if our development partners did not support it generously. We therefore, wish to extend our utmost appreciation to the Embassy of Sweden (SIDA), DIFID (Accountability Tanzania), Foundation for Civil Society, OXFAM, DSW as well as the Legal Services Facility for the support extended in this year.

Last but not least, appreciation are extended to all our Networking partners especially the Zanzibar Legal Services Centre, Policy Forum, Tanganyika Law Society and all those we cannot mention but have been instrumental in our work which are many and we really appreciate.

We thank you all and welcome you to read the report and we shall be looking forward to receiving feedback from you.



**Bishop Dr. Elinaza Sendoro**  
**LHRC Board Chairperson**



## Message from the Executive Director

Dear friends and partners,

On behalf of the management team and staff, I warmly welcome you to read this 2012 Annual Report by the Legal and Human Rights Centre (LHRC). This report highlights the LHRC's programme implementation, success stories and major challenges encountered during the year which the LHRC counted its seventeen years of existence.

The report marks the end of the LHRC's six years Strategic Plan 2007 to 2012 and the three years Operational Plan 2010 to 2012. This means that there was a lot to accomplish to attain the goals set.

In a nutshell the report provides positive achievements resulting from the LHRC's programme implementation. In ensuring that practices, policies and legislative framework of government and business corporations are improved, we witnessed amendments to the Constitutional Review Act, 2011 to allow CSOs to provide Civic awareness among other things. This was after the LHRC through the National Council of NGOs visited the President of the URT and discussed with him on how the Constitutional Review Bill could be improved to allow more public participation in the process.

Furthermore, LHRC was able to increase pressure to corporate bodies to comply with corporate social responsibility by entering into a partnership with the Tanzania Revenue Authority (TRA) for the enforcement of corporate tax by companies.

Moreover, the work with human rights monitors and paralegals in the provision of legal aid to communities was successfully carried out.

In this year also LHRC has worked to increase information through media by building the capacity of the media to monitor human rights as well as engaging with students in universities and secondary schools to increase their interest in human rights so as to build a human rights culture.



We successfully conducted all statutory meetings; Annual General Meeting, Board Meetings, Staff meeting and retreat. We were also able to retain all members of staff in this reporting year.

Working with various networks and coalitions such as FEMACT, TACCEO, MKUKI, Anti FGM coalition and KIKUHAMI in various human rights interventions proved very productive.

We are also happy to inform you that the Legal Services Facility (LSF) conducted an Organization Capacity Assessment (OCA) to LHRC and ranked the LHRC as one of the top NGOs with capacity to implement the project on Expanding and Improving Sustainable Access to Justice by poor funded by LSF. Also the Foundation for Civil Societies engaged REX Associates to review the LHRC's financial management systems and internal controls and LHRC was found to have sound governance systems.

I would like to extend my sincere appreciation to all our collaborators and Development Partners for their generous support towards accomplishment of the above goals and successes achieved thereto.

Enjoy reading!

**Dr. Helen Kijo-Bisimba**  
**Executive Director.**

# LHRC

## A Brief Description

Since its inception in 1995, the LHRC has been growing steadily keeping up with a pace of social and economic development of the country. It works throughout Tanzania through its outreach services and human rights violation monitoring activities. LHRC has the capacity to influence policies, laws and issues of practice at the national level, while obtaining its mandate and support from the grassroots.

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 the Tanzania Legal Education Trust (TANLET). It has its main office in Dar es Salaam and a regional office in Arusha.

The LHRC provides its services from its Headquarters in Dar es Salaam, Arusha sub-office and the Legal Aid Centre at Kinondoni in Dar es Salaam. Also the Centre has the provision of Mobile Legal Aid Clinics.

## Vision

The Legal and Human Rights Centre envisages a JUST and EQUITABLE society.

## Mission Statement

The LHRC is a non-partisan, non-profit sharing, non-governmental organization striving to empower the public, promote, reinforce and safeguard human rights and good governance in Tanzania through legal and civic education and information; sound legal research and advise; monitoring and follow up of human rights violations; and advocacy for reforms of policies, laws and practices to conform to international human rights standards.

## LHRC's Values

LHRC has a number of core values that guide the way the members, the board, staff and partners relate and operate. The values of the LHRC are:

- Integrity;
- Equality;
- Transparency;
- Accountability;
- Professionalism; and
- Voluntarism and volunteerism.

## Specific Objectives

- Promote respect and observance of human rights and democracy;
- Promote respect and observance of the rule of law and due processes;
- Promote consumer protection;



- Create networks with public interest and human rights organisations, non-governmental organisations, universities, relevant research institutions, religious associations and legal associations' societies;
- Promote public awareness in the field of environmental protection;
- Provide (on request) consultancy services to government and non-governmental organizations provided that it is within the spirit of the social and educational objectives of the LHRC;
- Organise and sponsor conferences, seminars, workshops, meetings and such other undertakings with a view to promoting the social and educational objectives of the LHRC;
- Raise funds for the purposes of the LHRC on such terms as are compatible with the autonomy of the LHRC and within the spirit of its social and educational objectives;
- Publish articles and various publications on legal education, society and human rights.

**PROVIDED** that the objectives of the LHRC shall not extend to putting up or supporting candidates for government or local authority elections which would make it a political party within the meaning of a political party as stipulated in the Political Parties Act, 1992.

## Governance Structure

LHRC is a membership organization with current membership base of more than 150 members. The organization is governed by the Annual General Meeting (AGM) which meets each year. AGM appoints Board of Directors and approve the external auditors. It also receives the audited accounts reports of the organization. LHRC has a Board of Directors (BoD). Currently there are 8 board members with different backgrounds; lawyers, human rights experts, religious leader, journalist, and accountants. The BoD is the supreme governance body. LHRC has a management team which is headed by the Executive Director.

### Board of Directors:

The Board is responsible to the General Assembly of Members.

The Board is the decision maker in relation to policies and programmes of the LHRC and supervises implementations.

The Board employs the Executive Director and confirms the members of staff of the LHRC employed by the Executive Director.

The Board makes regulations for the proper management of personnel, facilities and finances of the LHRC.

It approves annual plans and budgets.

It ensures the provision of facilities necessary for the proper governance and direction of the LHRC.

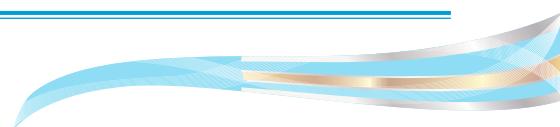
The Current Board Members:

1. Bishop Dr. Elinaza Sendoro – Chairperson  
Retired Bishop of the ELCT – Eastern and Coastal Diocese
2. Adv. Athanasia Soka - Vice Chairperson  
An Advocate of the High Court of Tanzania
3. Adv. Ringo W. Tenga – Member  
An Advocate of the High Court of Tanzania; Senior Lecturer of Law at the UDSM
4. Adv. Francis Stolla – Member  
An Advocate of the High Court of Tanzania
5. Ms. Maria Sarungi Tsehai – Member  
Reporter, Photographer & Entrepreneur
6. Ms. Diana Monika Kisaka – Member  
Managing Director (T-MARC)
7. Ms. Esther Kileo Kitoka – Member  
Risks Management Director – CRDB PLC
8. Dr. Helen Kijo-Bisimba – Secretary to the Board  
Executive Director of the LHRC
9. Mr. Pasience Mlowe – Member  
Staff Representative

The Management Team and Staff:

Day to day operations of LHRC are carried out by the Management team and staff. The Management is headed by the Executive Director. It has a six years strategic plan, divided into three years Operational Plan divided into various Outcomes as follows:

- Outcome 1: Citizen's Centred Constitution;
- Outcome 2: Improved laws, policies and practices that are human rights sensitive;
- Outcome 3: Informed and Empowered Public;
- Outcome 4: Improved Government and Corporate compliance to regional and international human rights standards with regards to economic, social and environmental rights;
- Outcome 5: Effective, efficient, relevant and sustainable LHRC.



## EXECUTIVE SUMMARY

The year 2012 was the last year for the LHRC six years Strategic plan 2007-2012 and the last year for the second operational plan 2010-2012. It was an evaluation year for the ending of the strategic plan and beginning of re-strategizing for the next 6 years 2013 -2018 as well as operational planning for the first three years of the strategy 2013-2015. These were being done in line with the actual annual plan 2012 which is the subject matter of this report. Year 2012 was successful in so far as advocacy for human rights observance. Although some challenges were encountered, still positive results were observed with regard to LHRC's work.

LHRC actively made series of interventions through its two main outcomes and witnessed a number of results. The first key result area according to LHRC's plan is to ensure that practices, policies and legislative framework of government and business corporations are improved. In this aspect The LHRC long term advocacy for a new constitution was set in motion when the constitutional review process held its momentum. LHRC through the National Council of NGOs visited the President of the URT and discussed with him on how the Constitutional Review Bill can be improved to allow more public participation in the process. As a result of the meeting, various sections in the Constitutional Review Act were amended to the effect of allowing various groups to submit their propositions on individuals to be appointed into the CRC. Additionally, the amendments allowed CSOs to hold constitutional literacy meetings, a provision allowing CSOs, other groups of society and the public to collect and send their views to the CRC and opening the platform for discussion and contribution on the contentious issues to be included in the constitution.

LHRC also prepares and published the proposed Bill of rights for inclusion in the new constitution and disseminated it for public consumption by different actors. It is expected that the proposal as to the model bill of rights will enlighten and empower the general public to effectively opine and add value to the views as would be sought by the Constitutional Review Commission. Eventually the essence of the content of the proposed model bill of rights would be to change most of laws that are incompatible with human rights principles and standards. It is expected that at the end, LHRC's would have contributed to the change of a minimum of 5 laws as targeted by the operational plan.

Additionally, LHRC monitored the practice by the Constitutional Review Commission in Kibaha and Bagamoyo districts and exposed to the public through the media and to the Constitutional Review commission several irregularities observed. These observations assisted in improving the collection of public views by the commission such as the CRC started to provide constitution education before collection of views, allowed people

to contribute freely their views without being interfered by the commissioners as was observed in the previous meetings. Also the commission took more steps to make public of the timetable for their meetings and called on the public to contribute their views through many channels including through their website, short messages and submission of written recommendations.

Other laws that LHRC engaged in their improvement included the Public Leaders Code of Ethics Act which was amended in 2012 and 75% of LHRC recommendations for improvement were considered in the final Act, The Public Procurement Act were 54% of the LHRC recommendations were considered in the final Act and the amendment of the Pension law and removal of withdrawal benefits which through advocacy and media engagement the provision was amended to reinstated the provision to allow the benefits.

LHRC continued to provide legal aid to clients as it has always been but aiming at tapping issues for advocacy. LHRC has noted ten (10) issues for advocacy in 2012. Moreover, the number of clients continued to increase compared to that of last years. In 2012 LHRC attended 13,510 clients while in 2011 there were 13060 clients. This is to say that in 2012 there were 45 more clients. 1778 of those clients have been empowered to represent their cases in court in 2012 and a total of 2769 legal documents drafted to clients continuing cases in courts and tribunals. LHRC also updated court forms and self help kits booklets to assist clients to understand their legal problems and legal mechanism to address them 1769 of the publication were distributed to new clients. Also 4 types of electronic self help kits were distributed to 12 Dar Es Salaam community radios who used them to provide legal and human rights awareness to the public.

With regard to the Universal Periodic Review (UPR), LHRC took part in the process in collaboration with other CSO's and the CHRGG were in 2012 the government adopted 10 more recommendations making a total of 107. One of our main recommendations of LHRC was the Ratification of the Convention against Torture which was partially accepted and promised to be sent to the Cabinet for discussion and approval and to open up discussion on the abolition of the death penalty.

Additionally, LHRC was able to increase pressure to corporate bodies to comply with corporate social responsibility. The year 2012 the LHRC was able to launch the first ever Business and Human Rights Report were the guest of honour was the Deputy Minister of Energy and Minerals Hon Stephen Masele who pledged to work with LHRC to address issues of corporate accountability. Other publications used to raise the awareness on the issues included uranium booklets and community rights in the investment areas. Parallel to that following the intervention of LHRC a number of violations by corporate were addressed such as OSHA visited the GGM following labour and health rights violations, the people

who were not compensated for their land for establishment of EPZA project in Bunda were compensated and the long advocacy to have the people misplaced from their land following the establishment of GGM were having houses built for them. The same was confirmed by the deputy minister of energy and minerals. Further more the LHRC entered into a partnership with TRA in 2012 for enforcement of corporate tax by companies.

Conversely, the year 2012 started by a country wide doctors strike where LHRC intervened actively by monitoring how the Government was handling the Doctors' Strike. Having seen that the Government was not responding, LHRC organised protest action in way of demonstrations and blocked Ali Hassan Mwinyi Road at the Salender Bridge Junction in order to exert pressure to the government to act. In so doing the Prime Minister was moved to have a dialogue with the striking Doctors. This intervention by the LHRC and other actors however managed to make the Government (President) to resolve the misunderstanding between the doctors and the Ministry of Health. Thereafter the Chief Medical Officer and the Permanent Secretary of the Ministry of Health and Social Welfare were expelled from work. However due to lack of prompt action by the government to address the strike and improve health situation in the country LHRC sent a complaint to the UN Special Rapporteur on the Right to Health requesting intervention from the UN level.

Furthermore, LHRC successfully addressed the issue of impunity both at national level and international level. As a result, LHRC prepared a situational report of extra –judicial killings in Tanzania for 2003 -2012. The said report was submitted to the African Commission, Prosecutor of the International Criminal Court, FIDH and to the UN special Rapporteur on Extra Judicial Killings. It is expected that follow up missions from various international and regional human rights bodies will be made to Tanzania.

Also in the year 2012 the LHRC was able to pressurise government to address issues of corruptions were following the CAG report the LHRC was able to use the media to publicize the report and call for accountability. A wide number of other stakeholders involvement on the matter resulted to the president to reshuffle his cabinet and not reappoint the ministers and deputy ministers implicated in the report back into the cabinet. Also LHRC was able to build the capacity of 493 councillors in 12 districts on issues of human rights, law and good governance. This has resulted to councillors better supervision on the use of public funds by the council were in 2012 it was witnessed councils such as Mvomero, Ludewa, Babati and others to have suspended or dismissed their district officials for mismanagement of funds.

The second key result area of LHRC in accordance to the operational plan is the work to increase the capacity of civil society, parliament and media, addressing rights violations and monitor decision makers. All the planned activities were implemented and most of expected results were realised. In this year the LHRC has seen an increase indication on

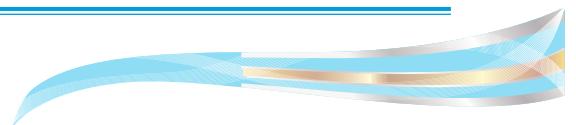
the capacity of different institution. This was evident in the media programs aired where a number of listeners and viewers have called and sent messages inquiring and commenting on the issues discussed. 2043 messages were received and 48 calls during the programs. To increase the capacity of the community the LHRC has also conducted public awareness session in Mugumu Serengeti, trained LHRC staff, monitors, paralegals, CSO's students and the public in 2012 on the ongoing constitution making process calling on the public to take part where about 4500 people have been empowered.

The work with monitors and paralegals in the provision of legal aid to communities, follow up of human rights violations and to build capacity of communities continued with success in 2012. We have witnessed the capacity of paralegals to address issues increasing this year where 1426 people have been assisted in the districts by paralegals. Also monitors have been able to address human rights violation such as the monitor of Tabora who was able to assist a woman who was denied to inherit from her father because of being a woman, and managed to reclaim 2.5million Tanzanian shillings as her inheritance after follow up with her relatives and awareness to them on the rights of women and inheritance. Other monitors who have also assisted communities to get their rights include the monitors of Kilindi, Kiteto, Tabora and Iringa among others

There was an increase in reports of human rights violations through the public, media, monitors and paralegals. An average of 100 reports was received each month of the year. These reports enabled the LHRC to follow up and conduct fact finding missions to address violations such as in Songea, Kwembe, Chunya, Madale and others. 50 of those follow ups have been successful such as the case of Ms Dorcas Michael who was able to get medical assistance to his son who was rundown by a car.

Also the LHRC has worked to increase information through media by building the capacity of the media to monitor, follow up and publicize human rights and good governance issues for accountability, conducted more than twelve planned press conferences and media programs. Most of the press release conducted had immediate results as the concerned authorities acted or made statements to clarify issues. The LHRC tenth annual human rights report was produced for the year 2011 and a bi annual human rights report for 2012 highlighting human rights situation in the country and called for government adherence to human rights principles. These reports have been used widely by different people and institutions including the President, members of parliament and other officials from government and institutions such as universities to call for the respect of human rights and as reference.

Furthermore the LHRC engaged with students in universities and secondary schools to increase their interest in human rights so as to build a human rights culture through students who are potential future leaders. We collaborated to establish and launch human rights clubs,



where 4 human rights clubs were launched in Tumaini University - Dar es Salaam Campus, St Augustine University in Mwanza, Times School of Journalism and Kibasila Secondary school and 100 students were assisted in doing human rights researches and projects.

The year 2012 LHRC was also able to build the capacity of various government officials such as the police where 386 police were trained on human rights, good governance and implementation of police work according to human rights standards. This resulted to the formation of a police special committee to follow up issues of human rights violations by the police. Also capacity was built to 5 parliamentary committees of Land, Environment and Natural Resources, Gender, Children and Community Development, Constitution and Legal affairs, Trade and industry and the Social Service Committee on issues of human rights, women's rights, law and gender analysis. Some members of parliament have used the knowledge they got to improve the performance of their work including the chair person of the Constitution and Legal affairs who requested for gender consideration during the discussion of the Plant Breeders Bill in the parliament after attending the training session.

The LHRC worked with various networks and coalitions such as TACCEO to observe the Arumeru by election and prepared election reports which were accepted by election stakeholders to be fair and unbiased, building our credibility and increasing people's participation in democratic processes in the country. Also we have worked with MKUKI, Anti FGM coalition and KIKUHAMI to advocate for improvement on women's rights and commemoration of international events such as 16 days of activism against GBV, Zero Tolerance to FGM day and International women and African women's day. Due to the ongoing violation to girls' rights the LHRC joined the efforts of other CSOs in the establishment of the Child not Bride Coalition so as to end all practices that are oppressive to the girl child such as FGM and child marriages. The commemoration of the day of the African child brought together 151 children and teachers to share their experiences on the rights of child and child abuse. Other international days commemorated in 2012 included also the Anti Death Penalty day and the International Human Rights Day.

The third key result area as per LHRC's operational plan is to build the capacity and sustainability of the LHRC. In the year 2012, LHRC continued to maintain the human resource capital and all necessary vacancies were filled to keep pace with the human resource needs of the organization. LHRC also continued to host volunteers and interns from various higher learning institutions within and outside the country. During the year 9 volunteers were recruited and 42 intern students hosted in various fields of their interest including ICT, record management and law. LHRC received a total of 411 various applications for Internship, Volunteer and employment. Out of this total, 76 were volunteer applications, 275 internship applications, and 60 job applications.

LHRC continued to build capacity of its human resources by providing various training in different areas with the aim to improve performance of the organization. 5 staffs attended workshops/seminars within and outside the country and 3 in-house training on Professional Ethics, Safety and Security and Legal Profession Ethics' were conducted to all staff, intern students and volunteers.

In ensuring LHRC financial management credibility and transparency is maintained, empowered Programme Officers managed their activity budgets and accountability of funds. Financial statements for the year ending 2011 were prepared and submitted to the Auditors and the organisation obtained a clean audit report. Notwithstanding, Legal Services Facility (LSF) conducted an Organization Capacity Assessment (OCA) to LHRC and ranked the LHRC as the top NGO with capacity to implement the project on Expanding and Improving Sustainable Access to Justice by poor funded by LSF. Also Foundation for Civil Societies engaged REX Associates to review the LHRC's financial management systems and internal controls and LHRC was found to have sound governance systems.

LHRC continued to engage with media in different ways with the aim of disseminating important information to the public. From what we could capture the LHRC appeared 449 times in both print and electronic media covering various events conducted by the organization including fact finding missions, press releases, TV programmes and other programmes.

LHRC has continued to maintain existing Development Partners under Basket funding arrangement with SIDA and Act Tanzania. In addition, LHRC has continued tapping other sources of funds and during the year the organization has extended a Basket funds Strategic Grant with KPMG Accountability in Tanzania Program (AcT) from July 2012 to June 2015. LHRC has also entered into a Strategic Grant Agreement with Foundation for Civil Societies for monitoring of new Constitution making process and with Legal Services Facility (LSF) on Expanding and Improving Sustainable Access to Justice by poor and secured from the Foundation for Civil Societies short term funds for monitoring of Arumeru by- election.

To ensure good governance and increase participation in decision making process, In this reporting period LHRC successfully held 12 management meetings, 3 Board meetings, one staff meeting and one staff retreat to discuss among other issues the LHRC progress and financial reports. The LHRC Annual General Meeting was also held during the first quarter of the year to discuss Auditors report for 2011 and appointment of LHRC auditors for 2012 among other matters. We also had a meeting with our Development Partners which brought together partners from Swedish Embassy, KPMG under AcT- Programme (DFID) and Foundation for Civil Societies were discussion among others was the Audit report, annual report 2011, and annual work plan for 2012 as well as the future prospects of the LHRC.

This chapter focuses on outcome one of the LHRC operational plan 2010-2012 which seeks to contribute to the improvement of the practices, policies and legislative framework of government and business corporations. The program envisaged to achieve this result through enhancing access to justice, reforms of the legal framework, policies and practices in conformity to human rights principles, enhancement of the government efforts to address corruption, good governance and free and fair election last but not least; improved accountability by corporate companies.

The main purpose of LHRC this aspect is to increase the pressure on duty bearers to fulfil their obligations according to the URT Constitution, International and regional instruments (AU and UN Conventions on Human Rights). In this way LHRC monitors the duty bearers as the manner and extent by which they fulfil their obligations according to international and regional Human Rights conventions as well as the United Republic of Tanzania Constitution of 1977. In this reporting period, LHRC continued to observe remarkable achievements from the implementation of its programme focusing at decision makers.

The achievements are evidenced by a number of outcomes tapped including addressing issues identified from the legal aid clinics, following up of such issues emanating from observing elections, monitoring and exposing corruption and malpractices by public offices, advocating for transparency and engagement in the constitutional review processes; and exposing practices that are incompatible with human rights culture which are perpetrated by non state actors in particular business companies.

### 1.1 The Government is Practicing Accountability, Transparency and there is Rule of Law

Accountability, transparency and rule of law are key components of good governance. These are key ingredients that LHRC would like to see all duty bearers considering and adhering unto. In this aspect, LHRC has noted remarkable results as follows:

#### 1.1.1 Ten Major Advocacy issues tapped through provision of legal aid to indigents

The year 2012 the LHRC was able to tap issues of law and practice through the provision of legal aid. The issues identified included;

a) Repugnant Customs

The issue relates to Maasai customs and traditions regarding male circumcision and social sanctions. According to Maasai customs it is

a norm that any grownup boy is compelled to do circumcision in accordance to Maasai tradition and not otherwise. For those who go against that rule they are socially sanctioned beaten up, abused and fined. The perpetrators of such actions are never arrested nor prosecuted for any offence.

- b) **Application of Bad Laws**  
Some of the Bad Laws reported by Francis Nyalali as obsolete are still operative to the detriment of indigents. Which in 2012 were used to violate legal and human rights such laws included the Newspapers Act and the Regional Administration Act
- c) **Extension of Time**  
Power of Minister under the Law of Limitation Act in extending time in matters which are time barred was identified to be abused thus need for the law to be reconsidered for amendment.
- d) **Excessive Powers of DPP**  
Power of the DPP in deciding what cases to be appealed was abused as the loop hole has resulted to dropping of serious criminal cases such as those of murder in 2012 and thus the need for the law to be revisited.
- e) **Government Insulation**  
Enforcement and or execution of a court order or decree issued against the central and local government is problematic – there is an absolute insulation of the government against anyone who wants to pursue remedies against the government. People who pursue cases against the government end up not being able to get justice despite winning such cases due to it.
- f) **Delay of Cases That Require Three Judges**  
Requirement of three judges for a constitutional case does inhibit access to justice and contributed to the delay of all strategic cases particular constitutional cases.
- g) **Need for Enacting Of Cyber Crimes Law**  
Theft of money through electronic or phone based techniques in Mobile banking and ATM Machine from bank accounts was identified as one of the rising problems. Also the lack of sufficient steps being taken by bank authorities to assist the clients to trace hackers and recover their money.
- h) **Need for Change of New Enacted Land Regulations GN. NO.263/2012**  
The Land Institutions Adjudicating Act - District Land and Housing Tribunal Amendment) Regulation, GN.264/2012. The amendment has imposed

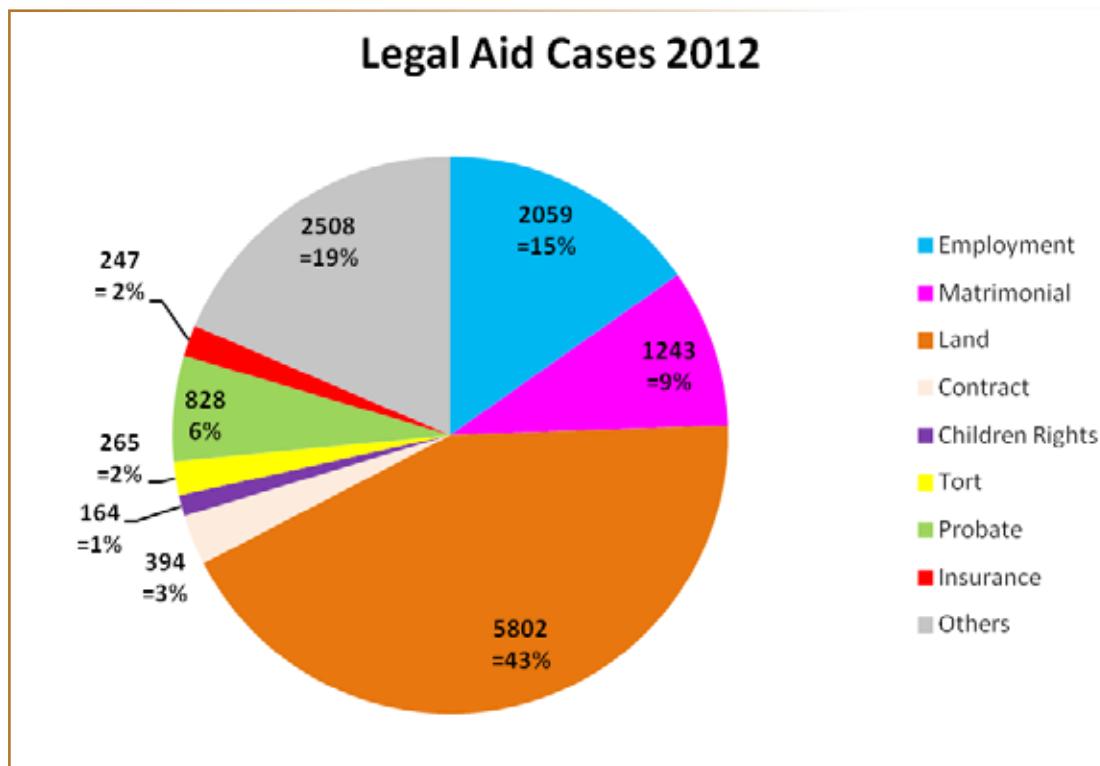
exorbitant fees to clients by setting new filing fee of land disputes at the DLHT. Also filing fees for documents at the Land registry has been inflated by the Minister of Land and Human Settlement. These new fees are unreasonable for being against land policy and laws. They also offend the general principle of proportionality. The regulations are unconstitutional because they limit access to justice to the poor especially people who can not afford such fees.

- e) Capacity Gap among Land Dispute Adjudicators  
Authorities including Village and Ward Officers together with members of Ward Tribunals have no sufficient knowledge on land laws and their duties in administration of land which have resulted to denial of justice and increase cases of appeal in DLHT.

Upon identification of the stated issues a number of advocacy initiatives were done to address the concerns. These included media programs and press briefings. Together information was provided to government institutions on the matter such as delay of cases were the same was addressed with the principle judge and a study on the workings of the ward tribunal was done to identify all the short comings for advocacy and to be able to address the issues holistically.

#### 1.1.2 LHRC Contributes to Strengthening Rule of Law through Assurance of Access to Justice by the Poor

LHRC provides legal aid to indigents through its model legal aid clinics in Kinondoni and Arusha and mobile clinics, in 2012 continued to counsel and advice clients in legal related problems. In this reporting year, a total number of 13,510 clients were attended 10560 were old clients, (6869 Male and 3691 Female). New clients were 2950 (1769 Male and 1181 Female). Details of the cases are available in Annexure 1 of the report.



***Table on percentages of cases attended in the legal aid clinic in 2012.***

Also in the cause of legal aid provision, LHRC prepared and drafted a series of legal documents. In this reporting year a total number of 2,769 documents have been drafted by the legal officers at the clinics. Moreover, the provision of legal aid includes empowering clients to present their cases in court. The clinics managed to empower 1,778 clients. The cases were scheduled for hearing whereby the clients having been empowered were expected to handle their cases on their own.

Furthermore, empowerment included distributing 1,769 self help kits to all new clients. Also LHRC through its legal aid clinic has continued to Counsel and advice clients in legal, psychological and social related problems as some of the clients had social rather than legal problems therefore in this reporting year, a total number of 286 client's (137 male and 149 female) received psychotherapy assistance. Hand in hand with counselling, possible settlement of cases before full litigation has been given a priority at the option of the clients. In 2012 a total number of 59 reconciliations were conducted in which 41 were successful and 18 were unsuccessful.

Some of the successful reconciliations done in 2012 included;

***Nuera Wema Monge vs. Songas Ltd. on Behalf of Tanzania Petroleum Development Corporation (TPDC)***

*Nuera Wema Monge our client aged 58 years, a farmer from Kinesi Village - Mara region was among those who were affected by the land acquisition exercise at Ubungo-Kibangu which took place in 1996 to allow for the installation of a gas pipeline from Songo Songo Island to Dar es Salaam. This pipeline took 450 square meters of her piece of land, some crops and other properties such as a house. At first in 1996 the land was valued at Tshs. 6,266,222/- the amount was too small compared to the size of the piece of land, crops and properties affected. She then case to LHRC legal aid were we managed to negotiate for her piece of land to be revaluated in July 2011 which resulted to prompt compensation of Tshs 44,150,420/= as her compensation through our clients' Bank Account in November 2012.*

***The case of Hawa Hamis***

*Ms. Hawa was LHRC's legal aid client cohabitated with one Omary Salum for about one and a half year and blessed with one baby boy of two years of age now. Mr. Omary Salum deserted our client Hawa Hamis soon after she gave birth and life turned upside down. After suffering with her child for two years without any help from the child's father Hawa Hamis decided to report the matter to our Legal Aid Clinic. After a long interview with LHRC's legal officer it was decided that reconciliation to be done. During this reconciliation before the legal officer and the psycho-social counselor, parties agreed that due to life hardships all payments at 10,500/= per week for child maintenance will be made by Tigo- Pesa, and in case of any uninformed delay LHRC advised the client to report at the Legal Aid Clinic-Kinondoni. The clients were advised to maintain good communication on the child progress which they lacked before and resulted to the misunderstanding which was avoidable. Meanwhile, Mr. Omary Salum paid 10,000/= for child maintenance right at the Legal Aid Clinic and Hawa kept collecting the money.*

### 1.1.3 LHRC involvement in the Making of the Legal Aid Bill

LHRC has witnessed a remarkable progress on advocating for a legislation that will cover provision of legal aid in Tanzania. LHRC together with MOCLA, AG- Chambers, Law Reform Commission of Tanzania, WLAC, TAWLA, Legal Aid Secretariat, TLS and the Legal Aid Committee of the University of Dar es Salaam participated in the national study tour to Uganda, literature review and developing a proposal that was submitted to the Minister of Constitution and Legal Affairs indicating the key aspects to be contained in the Bill on legal aid and access to justice in Tanzania. The process of making the law has been kick started and there is progress that in the year 2013 the said Bill will be tabled in the parliament.

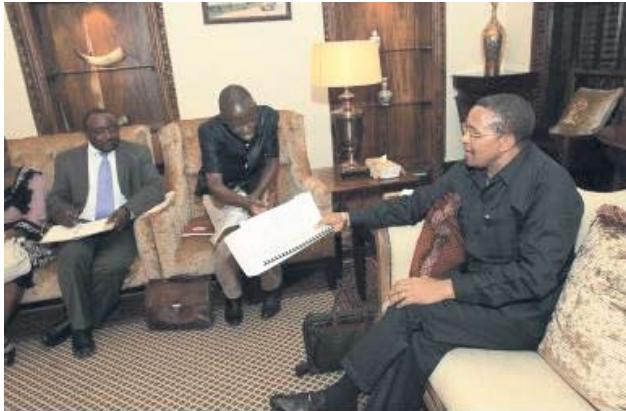


*Members of Tanzanian Task Force  
at Law Council of Uganda –  
November 2012*

## 1.2 Reform of Legal Framework, Policy and Practice in Conformity to Human Rights' Principles

### 1.2.1 Reform of the Legal Framework in the Constitution Making Process

- a) The President of the United Republic Engaged for Amendment of the legislation that governs constitution making process  
LHRC successfully advocated for change of the law that establishes the Constitutional Review Commission. Late in 2011 the President of the United Republic of Tanzania signed officially the Constitutional Review Act of 2011 for its operation. However LHRC had noted earlier on that the law had faults that needed rectification before the full operationalization of the same. LHRC provided technical leadership to civil society organizations,



*Member of CSOs meeting with president*

and clearly pointed out areas in the law that needed amendments. LHRC and other CSOs met with the President on amend of those sections of the Act especially of provision of constitutional literacy and constituency assembly. Eventually, the President listened to the CSOs propositions and ordered for an amendment that was tabled in the Parliament in February 2012 to expand the scope of public participation in the constitution making process.

- b) Engaging the Government for more space for public to participate in the Constitutional making process

LHRC as part of Jukwaa la Katiba on 21st May met with the Minister of Constitution and Legal affairs to discuss on how the Constitutional Review Act section 21, 22 can be amended in order to allow free collection of views from the people during the constitution making process. The meeting was very informative as members were informed on the working of the commission and when collection of views will start to enable CSO's to plan accordingly. Also he informed members that the government will print 500,000 copies of the present constitution to be disseminated to the public for more constitution awareness.



*of the Jukwaa Steering Committee with Minister Chikawe*

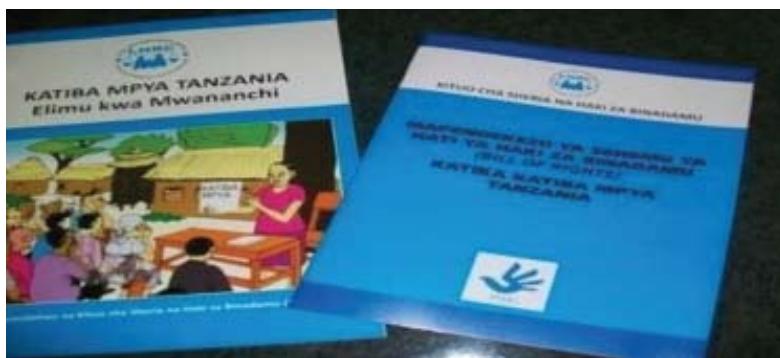
## 1.2.2 Subjecting the intended legal frame work reform in the constitution making process

### a) **Public views on the model Bill of rights enriched as LHRC prepares a model Bill of Rights**

LHRC succeeded to come up with a comprehensive proposed model Bill of rights to be included in the constitution. The Bill of rights has incorporated civil, political, social, economic rights and group rights. A total number of 5000 copies of the Bill of rights booklet were produced and disseminated widely. 30 copies were given to the Constitution Review Commission following a special requests from the Chairperson were each member of the CRC received a copy. Copies of the booklets were also shared with the Ministry of Constitution and Legal Affairs, trade unions, students, civil society organisations as well as members of the parliaments. The booklets act as an advocacy tools towards adoption of the model Bill of rights proposed.

### b) **Public empowered for increased participation in the constitution making process**

LHRC prepared and published the Constitutional Review Guide titled “Katiba Mpya - Elimu kwa Mwananchi” that helped to demystify the process of drafting the new constitution for the citizen. The booklet is in Swahili and a total number of 1500 copies of the publications were disseminated widely to citizens including human rights monitors, students, paralegals and 8 district ward councillors in Tanzania.



*Constitutional Review Guide titled “Katiba Mpya - Elimu kwa Mwananchi” and the Model Bill of Rights booklets*

Additionally, LHRC has worked with the media to create more awareness of the process and to call on the public to participate in the constitutional making and to give progress in the constitutional making process stages. A total of 20 Radio programs and 15 television programs in different television and radio stations have been aired. Also five (5) press conferences were conducted on different emerging issues in the constitutional making process which were widely covered in both print and electronic media, for example after the first round of collection of views by the CRC in 8 regions. (Pwani, Tanga, Dodoma, Manyara, Kagera, Kusini Unguja, Shinyanga and Kusini Pemba). LHRC found that

members of the public were not fully informed on the process which affected the turnout of the people in the meetings. Also the constitution team was not providing constitutional awareness as required for people to contribute more fruitful. Also sometimes some members of the CRC were harassing people by asking a lot of difficult question during the collection of views. LHRC issued a statement of those and other findings that made the chairperson of CRC to call LHRC and discuss on the issues pin pointed. Following that the second round of collection of views in the other regions almost all of the issues that were highlighted were taken into consideration by the CRC thus improving the collection of views and participation of the public.

Furthermore, LHRC managed to increase constitution literacy of about 2500 people including LHRC staff, parliamentarians, councillors, paralegals, human rights monitors, interfaith committees, youth, journalist and people with disability. The trainings aimed at creating debates within the communities to enable informed participation in the constitutional making process.



*Left –A child airing his views on the Constitution to the CRC. Right – LHRC Team observing CRC views collection meetings*

### **1.2.3 Monitoring the Country’s compliance to International Standards - UPR**

#### **a) Universal Periodic Review Process (UPR)**

LHRC took part in the Tanzania Universal Period Review by advocating for adherence to international human rights standards in the United Nations Human Rights Council in Geneva on 12-17th March, 2012. This work was done together with other CSO’s and the CHRG. Tanzania government accepted ten (10) additional recommendations making a total of 107 recommendations. Two of LHRC’s main recommendation was the abolition of death penalty and the dire need for Tanzania to ratify the Convention against Torture (CAT). The later was partially accepted by Tanzania since Tanzania as a country is not a signatory to the UN-CAT. It was reported later that the Tanzanian cabinet of ministers would discuss and deliberate on steps to be taken in relation to CAT and other recommendations. In essence,

through UPR various important human rights issues such as extra judicial killings that needed to be addressed by the government were advocated at a different level internationally following LHRC's participation in the UPR advocacy

Additionally, LHRC's has continued to monitor the implementation of Tanzania's commitment by participating during the development of the time frame for implementation of UPR recommendation. LHRC will keep monitoring the implementation of the same in 2013.

#### **1.2.4 Strategic Advocacy for Adherence to International Human Rights Commitments**

##### **1.2.4.1 The Advocacy for the Abolition of Death Penalty Propelled**

LHRC took the advocacy against the death penalty in Tanzania internationally by taking part in preparation of an advocacy tool, on how protocols are prepared and adopted by the African Union and advising the world coalition against death penalty on how the organization could initiate a protocol to the Banjul Charter on Abolition of Death Penalty in Africa, during the Annual General Meeting for the Coalition in Hashemite in the Kingdom of Jordan. LHRC is a member of the coalition and has been in the forefront to campaign against the death penalty in the country on account that the later violates the right to life including filing a joint constitution petition at the High Court with SAHRINGON Tanzania Chapter and the Tanganyika Law Society in October 10, 2008. However Tanzania still retains the death penalty in its country statute books.



***Commemoration of the Anti Death Penalty Day – 10th October 2012***

LHRC also added value to the campaign against the death penalty during the commemoration of the world day against death penalty. LHRC used the 10th of October 2012 to call on the government to uphold its human rights commitment by removing the death penalty in the law books. This was done by different presentations and a testimony of a death row inmate. A total of 285 participants were empowered to join the anti death penalty

campaign from universities, secondary schools human rights clubs and other CSO's. This increased public debate against the death penalty as information was also relayed through both print and electronic media.

#### 1.2.4.2 Advocacy for the respect of Child Rights in the country

This reporting period the LHRC was able to advocate for improvement of child rights in the country during the commemoration of the Day of the African Child on 16th June 2012. The LHRC conducted awareness raising on children's rights as provided in the Law of the Child Act to parents, children and teachers from 31 schools within Dar Es Salaam City. A total of 151 participants attended (57 male and 94 female). This resulted to students and teachers becoming interested in human rights and children rights to establish human rights clubs in their schools and increased interest in school children to conduct projects and research on human rights.



As a result students have approached the LHRC inquiring for information on human rights issues for school projects. More than 100 students have approached the LHRC some of those were from Tuliani in Magomeni, Dar es Salaam (form four), Furaha, Casano, Mama Salma Kikwete Secondary Schools, Songea Girls High School and St. Johns

High School who paid a courtesy call at the LHRC to learn on what the organization does towards human rights adherence and protection of rights.

Also there has been an interest by students in secondary schools to establish human rights clubs were Mbezi Beach and Kibasila Secondary Schools in Dar Es Salaam have established Human Rights Association in their schools were on 21st September in collaboration with the LHRC the human rights association of Kibasila Secondary Schools was launched at the school and a lecture on Human rights was conducted to 200 students.



*Students visiting the LHRC*

#### **1.2.4.3 Pressurizing for the Respect of Human Rights in the Country**

LHRC successfully commemorated the human rights day on the 10th of December 2012 calling on the public to take advantage of the constitution making process by participating to protect human rights and putting in place mechanisms for protection of rights and national resources. More than 1000 people took part from CSO's, university and secondary school human rights clubs and the public. Media programs were done for public awareness of the importance of protection of social and economic rights in the constitution.



*Commemoration of the Human Rights Day 2012*

### 1.3 Enhanced Government Efforts to Address Corruption

#### 1.3.1 Government Ministries engaged by LHRC for improvement Laws and Practices

a) **Following eight years advocacy, the Public Leadership (codes of ethics) Act 1995 was finally amended**

LHRC efforts to advocate for ethics, leadership and good governance in Tanzania bore fruits in 2012 when the government of Tanzania at last agreed to amend Public Leadership [code of ethics] Act. As it may be noted the campaign for the amendment of this law, was initiated by LHRC and other stakeholders since 2004. Thus in 2012 LHRC was requested by the Ethics Secretariat to submit recommendations for amendment of the law. LHRC was able to do so and Seventy five per cent (75%) of the recommendations submitted for the reform of the law were taken on board and included in the schedule of amendment to the Act.

b) **Advocating at the African Court for improved election laws and right to participate in governance in Tanzania**

LHRC, TLS, East African Law Society (EALS) and the Pan African Lawyers Union (PALU) pursued a human rights case regarding the right to independent candidacy to improved election laws in Tanzania before the African Court on Human and People's rights. The matter was filed against the government of Tanzania as case number 009 in the Arusha-based court in 2011. Currently the matter is sub judis.

This was the first such matter to be lodged in the African court from Tanzania. The case was heard in June 2012 and judgment was meant to be delivered in September 2012 but is delayed. This case challenges the provisions of articles 39, 67 and 77 of the country's constitution as amended in 1992 and 1994. "The amendments require all Tanzanians who want to participate in public leadership to have to join a political party, even if they do not subscribe to the manifesto, principles, policies or practices of any political party. The country's constitutional provisions violate articles 13 and 2 of the African Charter on Human and Peoples' Rights as well as violating articles 3 and 25 of the International Covenant on Civil and Political Rights (ICCPR).

c) **LHRC successfully advocates for the return of withdraw benefits in pension schemes**

In this reporting period government had brought a Bill to the parliament to amend the PPF Act to exclude the provision of withdrawal benefits. Thus having spill over effects in other pension schemes. This resulted to dissatisfaction of workers from all sectors leading to LHRC taking on the matter. Some MPs wanted to table independent Bills to pressurize on return of withdrawal benefits in all social

security schemes. LHRC held a series of media campaigns including 4 live programs on the implication of the withdraw benefit Bill including those aired on 24th October on Pambanua program on Channel Ten and on 26th October 2012 in Kipima joto of ITV. The sms and calls from viewers all condemned the government for remove of the withdrawal benefits. They all called for inclusion of withdraw benefit in all social security schemes.



As a result of mounting pressure the SSRA conceded and allowed the issuance of withdrawal benefits. The SSRA issued a notice to the public on the issue. Then the Minister of labour on 31st October 2012, in the parliament session declared the return of the benefits.

### 1.3.2 International Community accepts LHRC's Communications for holding the Tanzanian Government Accountable

This year we have experience scaling up of extrajudicial killings done by security forces. Following this LHRC compiled a report showing the trend of extrajudicial killings done by the security forces that the government has not acted on and submitted it to UN special rapporteur on extrajudicial killing, African Commission on Human and Peoples' Rights and to the prosecutor of International Criminal Court (ICC) for interventions. The prosecutor of the ICC has acknowledged receipt of the Documents and is working on it according to the communication to LHRC from him dated 27th November, 2012. All these created pressure to the government to take action to alleviate incidences of killing by state apparatus which was at climax when one journalist (Daudi Mwangosi) was killed on duty.



*Police officers busy beating members of public – then watching the body of their victim*

### **1.3.3 LHRC's and other Stakeholders demand for Accountability, contributes to Cabinet Reshuffle**

Following CAG report that pointed accusing figures to the Ministers and other executives over embezzlement of public funds, LHRC issued a strong statement calling upon the President of the United Republic of Tanzania to hold accountable all Ministers and municipal officials specifically district executive directors by making sure that they not only resign but also return all the public funds by confiscation of their assets by the government for public interest. The call came following CAG financial report for year 2011/2012 that unveiled several ministers and other Executives for embezzling public funds entrusted to them. Notably, on May 4th a week after the LHRC's press statement which was widely covered in both print and electronic media; President Jakaya Mrisho Kikwete reshuffled his cabinet while sacking all cabinet Ministers implicated in the CAG's report. The sweeping changes saw the President not reappointing six Ministers and two deputy ministered and taking on board three new ministers and ten new deputies.

### **1.3.4 LHRC increases Pressure for Accountability on Corruption Incidences**

Further more LHRC was able to analyze the CAG report and issued a press statement on identified mismanagement of funds and call on accountability.<sup>4</sup> TV programs were conducted to discuss the mismanagement of public money. As a result of the pressure the president when addressing the new elected DC and RC gave them three months to work on all raised issues in the CAG report.

## Waziri awaweka kikaangoni wakurugenzi

Na Pendo Mtibuche, Dodoma

**W**AZIRI wa Nchi Ofisi ya Waziri Mkuu (TAMISEMI) Bli, Hawa Ghassia, amewaagiza wakurugenzi wa halmashauri ambao baado hawajajibu hoja za Mdhitari na Mkaguzi wa Mkuu wa Hesabu za Serikali (CAG), kujibu hoja hizo mara moja na kumpatia majibu haraka.

Bli Ghassia aliyasema hayo jana wakati akiitiriza mkutano wa kazi kwa watumishi wa ofisi hiyo uliobusisha Makatibu Tawala wa Mkuu, wakurugenzi wa halmashauri na wataalamu wa fedha wa mamlaka za serikali za mitaa kuhusu matokeo ya CAG.

"Nawaagiza wakurugenzi wa halmashauri ambao baado hawajajibu hoja za CAG na baada ya kujibu lazima mziipitishie katika vikao vyenu vya kishehia na baadaye majibu ya hoja hizo yapelekeni mkoani na sisi tufetewe nakala wizarani, baadaye tumpelekee CAG nakala za majibu hayo na baadaye tuitiishe mkutano mwingine wa kujadili hoja hizo," alisema.

Alisema kuwa baada ya kujibu hoja hizo lazima wote wote waliohusika na ubadhiriifu wa aina yoyote wachukuliwe hatua za kimidhamu na kisheria.

Alisema halmashauri nyingi zimeahidi kutokuwa na hati chafu katika kipindi cha mwaka 2012/2013, hivyo ni wajibu wa wakurugenzi hao pamoja na makatibu tawala kuhirikiana katika usimamizi wa fedha za umma.

Alisema kuwa katika kikao hicho imejitokeza halmashauri ambayo imelipa kiasi cha sh. milioni 44 ambazo ni mshahara hewa jambo ambalo alisema kuwa limetokana na kutokuwepo kwa unimwizi wa karibu wa fedha za wananchi.

Alisema kuanzia sasa lazima kila halmashauri iwe na takwimu sahihi ambazo zinapaswa kuwafikia wananchi na hayo si siri ya wakurugenzi hizo ni fedha za wananchi na wana haki ya kupata taarifa.

Hata hivyo alisema kuwa kila mmoja unatakiwa kufanya kazi kwa bidii na si kusabiri ripoti ya CAG atoe hoja ndipo wananze kujadili, bali wanapaswa kutambua kuwa hoja hizo zipo katika maeneo yao ya kazi ya kila siku.

### 1.3.5 Government opens up as LHRC pursued the RADAR Scam

Earlier in 2011, it was reported on a corruption scam involving the British Aerospace Systems (BAE) and the Tanzania government on the sale and buying of the national Radar. BAE was ordered by court in UK to pay Tanzania £ 30 million as reparation and fine following 'irregular practice' [basically corruption] in relation to the sale of the radar to Tanzania. LHRC had earlier written to the British High Commission in Dar es Salaam to make public the issue for transparency. In this year, following a press release issued by LHRC the matter was made public that the government has agreed with BAE on close supervision to 29 million pounds to be paid back to the government in relation to the scam to be used to buy school desks, pupils' reference books and teachers guide books for improvement of education in the country.

### 1.3.6 Capacity of Local Councillors to hold Local Government Accountable Improved

LHRC in 2012 trained 493 councillors and heads of department at the district councils of Geita, Bariadi, Ukerewe, Serengeti, Tarime, Ngorongoro, Maswa, Manyoni, Bahi, Hanang', Kiteto and Namtumbo on human rights, constitution, accountability and the roles of the leaders, rights, ethics of councillors, employment and labour relations and corruption among others. Thus enabling them to understand their roles and responsibilities in making sure that district resources are used efficiently for the benefit of the people.

**Table 1: List of Districts Councils and Councilors Trained**

District	Participants	Female	Male	Local Gov. Officials
Ukerewe	38	11	22	5
Maswa	41	12	24	5
Bariadi	68	16	47	5
Geita	69	17	47	5
Tarime	44	11	28	5
Serengeti	49	14	30	5
Ngorongoro	29	8	16	5
Manyoni	43	12	26	5
Bahi	28	7	17	4
Hanang	34	10	20	4
Kiteto	28	6	18	4
Namtumbo	22	8	14	6
TOTAL	493	132	309	66



***Participants of Councilors' training in Ngorongoro and Kiteto***

Due to changes in the political, social and economical context the councilors training guide was in 2012 reviewed to cope with the current situation. A total number of

3,000 copies of the guide/manual were reprinted and disseminated to ward councillors and the public at large. It has been noted that councillors who has received the guide have used it even those who did not undergo the trainings. The manual has been very useful to the councillors as it is used as a reference tool in their daily activities. Also we have received requests from different district for copies of the manual. For example LHRC got a request from Sengerema and Babati Township councils for trainings. Moreover, other organizations like HAKIARDHI have also requested to use the manual for councillor's trainings in their organization.

It should be noted that the training manual was demanded and used by different district councils even those that did not have training conducted but still LHRC could measure the wave of increase demand for accountability in 4 more councils that took stern action against irresponsible public officers. This was evident in Chato, Sengerema, Ileje, Tanga, and Babati where the district Executive Directors and other local government officials have either been dismissed or suspended from employment due to allegations of embezzlement or abuse of their offices.

Also following LHRC's training of local government councillors, it was observed that the councillors started taking action to address mismanagement of funds such as Tarime district council in 2012 who responded by taking measures against officials. 2011 LHRC empowered councillors on issues of democracy and good governance in Mvomero, Ludewa, Makete and Kilosa districts who also acted by holding officials accountable. For instance, hardly six months after the training, the councillors in Mvomero district dismissed its district engineers and trade officers for mismanagement of 54 million shillings.

On the other hand Ludewa District Executive Director (DED) was ordered to account for missing 6 million by Ludewa full Council. According to the local government standing orders councillors are entitled to raise quarries on public funds expenditures whenever procurement processes are not properly followed. Likewise Ileje district council suspended its DED and 3 other heads of department's treasurer, planning officer and human resource officer for mismanagement of 19Billion shillings.

### **1.3.7 Increased Pressure and Engagement for Protection of Human Rights Defenders, Journalists and Whistleblowers**

- a) Protection of human rights defenders. - LHRC assisted the assaulted human rights defender Dr. Ulimboka.**

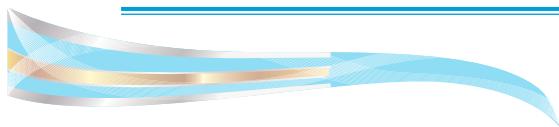


LHRC this year went ahead in the arena of defending human rights defenders. Apart from ensuring that the human rights defenders network is established and strengthened. In June this year the leader of the doctors’ community, Dr Stephen Ulimboka was found badly injured at Mabwepande Forest in Dar es Salaam after being attacked by unidentified people. Who took him from the Leaders Club (in Dar es Salaam) to Mabwepande forest. The LHRC partnering with the Tanzania Coalition of Human Rights Defenders (THRDs) followed up the matter very closely, issued a statement to the media and conducted televised programs with the interview of condemning the brutal attack while calling upon the government to probe into the act and take immediate steps to investigate, apprehend and prosecute whoever would be found to be behind the ruthless acts. A few days later, the government responded saying it would probe on the matter. However up to the time of compiling this report there have not been any further actions taken by the government.

**b) Legal Support for Human Rights Defender – LHRC assists apprehended human rights defenders**

Earlier in February and March 2012 16 human rights defenders were arrested and interrogated by police for having participated in the campaign for the right to health following country wide doctors’ strike and inaction by the government to end the strike. LHRC provided legal support to all defenders and their cases were never filed in court. Also , LHRC provided legal support to a human rights defender from Mbozi district Mbeya region Mr Mwambene, who was arrested by police and denied bail for allegedly interfering with police work , when attempting to stop law enforcers from beating up a motorcyclist. The activist was later released on bail following LHRC intervention on the case.

Further more LHRC is defending/prosecuting 25 different cases of public interest, test cases and as strategic litigations. A list is attached to this report as Annex 2



### 1.3.8 Improved Capacity of Law Enforcers to Address Clients According to the Law

LHRC in improving the capacity of law enforcers especially the police it entered into a memorandum of understanding with the police force in May 2012 with the aim of forging collaboration to make sure human rights standards are observed by the Police in their daily work. As a result Police requested LHRC to train them on issues of human rights and good governance. 136 (45 Female and 91 Male) head of police post were trained in Dar es Salaam, 162 District Crime Officers were trained (OCCID) in Dodoma. Furthermore 136 Heads of Traffic and 116 “Maafisa wanadhimu” and Heads of Ethics Committees were also trained in Morogoro. The issues discussed in the trainings were corruption, brutality, delay in investigating cases, fabrication of cases and moral obligations among the force. At the end of the training, a special committee was formed to follow up on human rights and legal issues.

### 1.3.9 Advocating for Rights to Health following the National Doctors Strike

Earlier in 2012 there was a national wide doctor’s strike and a stand still in negotiating for a truce between government and the doctors. LHRC succeed to get the commitment of the government in the health sector reforms and address corruption after the President and the Prime Minister agreed to sit on the same table with the representatives of the Medical Association of Tanzania (MAT) to seek for a solution on the doctors’ demands and to negotiate a way to end the strike. The first negotiation meeting was held between MAT and the Prime Minister two weeks after the commencement of the doctor’s strike which resulted doctors to resume work while giving the government one month to work on their demands. However following government laxity to work on the Doctor’s demands within the agreed time doctors decided to embark on yet another countrywide strike and the government inaction to address the situation, led to LHRC and other CSO’s to conduct a civil disobedience action leading to the prime minister to renegotiate and address the doctors concerns, suspension of the chief medical officer and the permanent secretary of the Ministry of Health and Social Welfare and an end to the strike.



*Peaceful civil protest action by blocking one of the key roads to city centre*

## 1.4 Compliance to Labour Rights, Environmental Rights and Land Right by the Corporate Sector Improved

The importance of LHRC engagement with corporate is for improved accountability of corporate on labour, environment and land rights. This is important as the government is opening doors to invite investors into Tanzania. Thus this is meant to guarantee protection of the public and the community against human rights violations. This year the LHRC achieved the following as indicated below;

### 1.4.1 Pressure on Business Companies to Improve their Compliance to Labour, Land and Environmental Rights and to Take Social Responsibility

#### a) Advocacy against Uranium

To ensure the policy and legislation that governs Uranium extraction in place, LHRC embarked on intensive advocacy against unprincipled extraction of uranium. LHRC after carrying out a fact finding mission in one of the prospective uranium mining areas of Nantumbo-Ruvuma, in the southern Tanzanian then proceeded to others areas of Bahi-Dodoma and Manyoni-Singida. LHRC also prepared fact sheets on uranium for the purpose of creating awareness among the community members and ensuring compliance on environmental rights.



*LHRC prepared advocacy materials booklets, fliers, posters, DVD'S as advocacy tools on extraction of Uranium with no legal nor policy frameworks.*

#### b) Exposing Companies for Abuse of Human Rights

LHRC published its first book on human rights and business in Tanzania following a thorough research. Launching of the Corporate Report took place on 03/10/2012 and Deputy Minister of Energy and Minerals Hon. Stephen Masele was a guest of honour. After the report the media exposed what was covered in the report. As a result, the minister committed himself to keep following up the matters especially violation of labour rights by mining companies.



Nipate 4, 2012  
 ZO Ghibi

In addition, LHRC managed to Launch and disseminate two booklets on Corporate Social Responsibility and Community Rights in the Investment areas (CSR) and disseminated them to the wider stakeholders. This created more information on issues of corporate social responsibility were a number of news papers such as Tanzania Daima, Jibu la Maisha and the Guardian have been at the fore front creating awareness and exposing violations of human

rights in mining areas and increasing pressure and engagement to both corporate and government bodies.



#### 1.4.2 Increased Engagement by Business Companies to Improve their Compliance to Labour, Land and Environmental Rights and to Take Social Responsibility

As sign of increased engagement by business companies and government in improving compliance to labour, land and environment, the government has announced to increase the royalty in the mining company from 3% to 4%. Moreover, Geita Gold mine has started constructing wells to benefit community members by helping them solve their water problems which they have been facing for many years.

##### a) International advocacy for accountability of businesses

LHRC participated in a global meeting on human rights and business held in Lima-

Peru. As a result LHRC was part of the team that came out with a communiqué on the need to hold the private sector accountable when they violate human rights. In adding more weight in the campaign against uranium; a team of Uranium network of German, experts and other partners came to Tanzania for a tour in prospective uranium mining areas and thereafter issued a press statement on the findings.

### **1.4.3 Increased Engagement of Government to Regulate and Control Business Companies**

#### **a) LHRC strategic partnership with the Tanzania Revenue Authority**

To increase engagement with government to regulate and control business companies; in 2012 LHRC has established and strengthened its working relationship with the Tanzania Revenue Authority. LHRC exchanged series of communications with TRA officials for enhancing tax accountability by companies. This resulted to identification of areas of cooperation which included creating awareness, exposing tax evaders, preparing booklets, law reports and other educational materials so as to increase pressure on part of business sector to become more accountable.

Following the launching of corporate tax of 30% the government of Tanzania has called for all mining companies to pay corporate tax and an audit to be done to make sure all companies comply failure of which the government is to sanction them.

#### **b) Engagement the Authority for Occupational Health**

Also LHRC involved the Government Agency on Occupational Safety and Health Authority (OSHA) to intervene on identified issues in Geita. As a result, OSHA visited Geita Gold Mine (GGM) and interviewed affected employees as per LHRC findings in 2011.

LHRC met with the in charge of OSHA Coastal region who was in the fact finding mission to Geita who said that; There was a problem on issues of occupational health and safety in the Geita mine. In this respect; OSHA has decided to form a team of doctors who will visit all the mines in Tanzania and come up with a report and recommendations of addressing the issues in mines.

#### **c) Advocating for Land Rights**

Following LHRC's continuous exposure of Land rights violations, in this year the government has announced to compensate the people of Mtwara, whose land was taken to pave the way for the gas and oil pipes.



**d) Construction of Housing for Internal Displaced People in Geita**

After LHRC's serious and exposure of land rights and other human rights violations in Geita, which came after a fact finding mission; The government has announced and started to construct houses for

internally displaced people who were removed from their original land at midnight to pave way for Geita Gold mine and left to live in tents for the past five years in Geita town, while their case is pending in the High Court of Mwanza. (The Deputy Minister Hon. Stephen Masele confirmed the housing plans during the launch of corporate report-03/10/2012 at Legal and Human Rights Centre).

**e) Compensation to the People of Bunda**

Also after a fact finding mission and continuous exposure of land rights violations in Bunda, the government has started paying compensation to community members whose lands were taken to pave the way for an EPZA project in Bunda.

**f) Accountability demonstrated through STAMICO and TANESCO Board reforms.**

Following a series of LHRC media campaigns against abuse of power in the mining and energy sectors as well as rampant violations of human rights including labour rights in the mining areas, the Government has finally announced to reform STAMICO and TANESCO board composition. (Mwananchi of October 04, 2012).



*OK John 04/10/2012  
X Mwananchi*

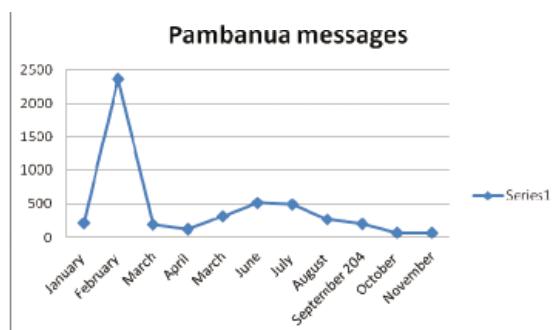
## 2.1 Communities Participate In Democratic Processes And Address Human Rights Violations

### 2.1.1 The Public made aware of their Rights

#### a) LHRC through Media reached out different sects of the Public.

The year 2012 the LHRC was able to increase awareness on human rights, legal and good governance issues by preparing and appearing as resource persons on 7 television stations, 55 programs and 17 radio stations were 102 programs were aired including the assessment of various institutions performance such as the parliament, government and National Election Commission. The public was empowered and were able to take part in the programs were 2043 messages, 48 calls and 46 missed calls were received from viewers and listeners. The awareness of people on human rights and good governance has increased and the public is taking action to hold leaders accountable and calling for accountability which is evident in the messages received. To capitalize on this the LHRC has also started to engage community radios based in Dar Es Salaam to raise more awareness were live programs were aired on four Radios of Wapo, Tumaini, Radio Maria and Upendo Radios widening the number of programs on legal and human rights to the communities.

A graph below show details of the SMS correspondences in this reporting period.



#### *Messages of Pambanua television programs from January to November 2012*

Note:

Number of messages received varies depending on the issues being aired. The graph suggests a sharp increase in February 2012. It may be noted that in February, most of the viewers' messages were high due to the national doctors' strike and the evaluation

of the performance of the government for the year 2011, while in June was the brutal touchier of Dr Steven Ulimboka the president of the Tanzania doctors association and in July the violation of property rights

**b) Public is made aware of their rights through public meetings.**

To increase awareness on the constitution making process and to have more people take part in the process the LHRC, the University of Bagamoyo, George Washington University together with the Serengeti paralegal centre (WASHEHABISE) conducted two Pilot Public Empowerment sessions at Mugumu, Serengeti on 15th -16th August 2012. This program brought together men, women, youth and children who were eager to understand the process and the present constitution shortcomings.



*Awareness raising at CCM area in  
Mugumu- Serengeti District*

A total of about 1000 people attended the session in both Soko la Mbuzi and CCM area. During the evening there was a public showing of a women's rights film called "Ngutuni" which was used to inform the public on the plight facing children and women in their area such as FGM, child marriages, inheritance and GBV. The film was well received and discussed as Serengeti is an area where FGM and the issues portrayed in the film are prominent.

**2.1.2 Addressing Human Rights Violations and Accountability Issues by Communities**

The LHRC has contributed to increase the number of people who have had their rights addressed at the community level with the assistance of paralegals. This year the LHRC was able to train paralegals in ten districts of Ludewa, Makete, Mvomero, Tarime, Serengeti, Ngorongoro, Geita, Ukerewe, Maswa and Bariadi where 165 paralegals were trained on Constitution making process, Inheritance, Marriage, Labour and Employment Laws. Due to capacity building done paralegals have been able to assist 1342 people on legal issues such as matrimonial on divorce and maintenance of children, land conflicts, probate and administration of estates and issues of GBV. Moreover, paralegals have been able to conduct reconciliations of cases and witnessed institutions such as the social welfare office at the district using the services offered by paralegals such as in Kilosa where child maintenance cases have been referred to paralegals. Also paralegals have been able to refer and assist 116 clients to access justice in courts and tribunals increasing access to justice for the poor at community level. Details are as provided below:-

No	Name of Paralegal District	Male	Female	Total
1	Kiteto Paralegal Centre (KIPALECE)	220	75	295
2	Babati Paralegal Centre (BAPACE)			96
3	Serengeti paralegal Centre (WASHEHABISE)			234
4	Tarime paralegal Centre (SHEHABITA)			452
5	Hanang' Women Counselling and Development Association (HAWOCODA)			5
6	Kilosa Paralegal Association (KIPA)			28
7	Bariadi Paralegal centre (SHIWAKIBA) Bariadi Paralegal centre (SHIWAKIBA)			68
8	Makete Paralegal Centre	38	49	87
9	Ludewa Paralegal Centre (LUPACE)			66
10	Ngorongoro paralegal centre (LARETOK)	3	5	8
Total				1342

Further more the LHRC worked to sustain the work of Paralegals at community level by assisting paralegals to organize themselves into CBO and to build their capacities in organizational development, financial management and fundraising. Last year 2011, we succeeded to link paralegal CBO's with the foundation for civil societies (FCS) for funding. Following this link Foundation for civil society opened the door to two more paralegal centres of Bariadi and Maswa in 2012 making the number of Paralegal centres who have secured grants from FCS to 7 that is together with Tarime, Ukerewe, Geita and Ngorongoro improving paralegal work and continuity.



To continue strengthening the work of paralegals this year the LHRC assisted paralegals to access funds from Legal Service Facility (LSF) were LHRC trained 26 paralegals leaders from 13 districts of Tarime, Serengeti, Loliondo, Babati, Kiteto, Bariadi and Maswa, Ukerewe, Geita, Singida, Kilosa, Hanang and Simanjiro respectively on budget preparation and proposals writing for legal aid provision in their districts,

### ***The Tarime Paralegal Centre (SHEHABITA)***

Three proposals from Ngorongoro, Tarime and Ukerewe were successfully submitted to Legal Services Facility on 20th July, 2012 and others were to be submitted on the second call of proposals.

Further more, to strengthen paralegal work by experience sharing and learning of best practices from each other the LHRC conducted a Paralegals Symposium in Arusha Region where 55 paralegals from LHRC paralegal districts of Ludewa, Makete, Mvomero, Kilosa, Kiteto, Babati, Mbulu, Hanang, Serengeti, Tarime, Ngorongoro, Simanjiro, Shinyanga, Geita, Maswa, Bariadi and Ukerewe attended. Together with that the paralegals were trained on constitution and constitution making processes, organizational development and professionalism and were provided with different materials on law, human rights, including land rights, Model Bill of Rights and paralegal Code of Ethics.

#### **2.1.3 Capacity of Human Rights Monitors Increased Through Trainings**

The LHRC has continued to monitor and follow up human rights violation and pressurize the government and its institutions to respect and protect human rights in the country. Monitoring of human rights is done through monitors, paralegals, the public and use of the media. LHRC trained human rights monitors to boost their competences and improve their interventions on human rights monitoring and follow ups were a total of 167 monitors 43 female and 124 male, 15 police officers and 15 media persons were trained on issues of human, women and children Rights, The Witchcraft Act, Probate, the constitution making process, Monitor's work and security and the work of Police force on the campaign of Obedience of Law without Force.



#### ***Human rights monitors training in Tanga and Mbeya***

This reporting period the capacity of monitors to address human rights issues in their areas has increased where in 2012 we have witnessed monitors assisting communities to attain justice such as: -

##### **a) Children Rescued from FGM in Kiteto and Kilindi by a human rights monitor**

The LHRC's human rights monitors of Kiteto and Kilindi followed up with the RPC of Tanga and OCD on 9 children who were forced to undergo female genital mutilation leading to the perpetrators to run away before being arrested. This gave the message to the communities that FGM is against the law and should not be practiced.

- b) A Police who raped a girl arrested after an intervention by a monitor

A girl of 11 years of age was raped and the police officers were advising her parents to settle the matter out of court, after follow up done to Iringa human rights monitor to the RPC the accused was caught in the cause of giving out the money to the parents. The accused was arrested and the matter was forwarded to court.

- c) Human Rights Monitor enhances equality before the law by assisting to avail bail

A monitor in Dodoma at Chali Makulu assisted two people who were denied bail for 3 days. When the monitor made follow up of the charges were dropped and those arrested were released.

- d) Human rights monitor helps in protection of a Woman's right to inherit

A woman who was denied to inherit from her father by her relative because she is a married woman was able to reclaim 2.5million as her inheritance, after follow up by the monitor of Tabora to her relatives and awareness to them on the rights of women and inheritance.

- e) Numerous Interventions made by monitors towards protection of human rights

Moreover, the LHRC has witnessed its efforts to monitor and follow up human rights violation bare fruits were 100 follow ups were conducted were about 50 of the follow ups have been successful were the victims were able to get redress and 30 are still on going. Among the successes was;

#### **A Case of Delayed Justice**

*A case of Ngishagi Yakobo and Another, Murder Case No: 17/2002 whose relative of Ngishagi Yakobo, one Salum Jeremia Nghulyungu had come to LHRC to complain that since 2002 the case has not been heard in court and the accused did not commit the offence he was charged with. LHRC, made follow up in the High Court of Mwanza and found out that the case was adjourned by the DPP for one year to conduct investigation and from then nothing had continued since. After follow up, the case was heard consecutively from 14th to 19th November, 2012 and the accused were released on no case to answer.*

## Ms. Dorcas Michael's Case Study

*Ms. Dorcas Michael whose son Elifuraha Hamis had gotten an accident on 5th August, 2012 after being run over by Dot LTD company car were he was working on road construction, was assisted to get payment of 6,400,000/ on the negligence acts of the driver and the company paid all the medical bills for the worker. Together with four police officers (Mohamed Ndemeke, Atufigwege Andrew, Fatuma Othman and Lissah John) who were detained for more than one month and a half were upon follow up by LHRC they were released on bail. The police officers were accused of executing police duties without being instructed, delaying to take drug dealers to the police after they had arrest them and changing illicit drugs confiscated with other components. According to the accused police officers all the accusations were false. However they were later terminated from their employment.*

### f) Increase of Complaints against the government following raised awareness

The capacity of community to monitor human rights violation increased in the year 2012 were there was an increase of cases filled and complains brought against the government especially the Police Department where at least every day a police case was reported to LHRC or through media including killing of civilians by police. For instance more than 6 people were reported to have been killed by police officers in Songea, Kilimanjaro, Chunya and Tabora resulting to the LHRC meeting with the Tanzania Police Force to address these concerns. A partnership was formed to curb the situation were six issues of cooperation were agreed upon. The LHRC uses this avenue to address issues of accountability by the police on enforcement of laws.

### h) Increased Responses by Police following Human Rights Monitors Interventions

Following reports of human rights violations the LHRC as able to conduct several fact finding missions in 2012 on violations of human rights in Ruvuma where police opened fire and killed civilians, in Mbamba Bay were the villagers were being terrorized by Witchcraft believes. The police in the area had not taken action to protect the villagers from the pressure to engage the services of a witchdoctor were one Mzee Yusuph and his wife together with Mr. Ndembeka's were beaten and their properties destroyed by angry villagers after refusing to remove claimed spells from their homes. Together with this the villagers had burned and destroyed village and ward offices because officials refused to support compelling villagers in the area to engage the witch doctor. Upon follow up with the police the witch doctor was banned to operate in Mbamba Bay.



*The LHRC team talking to Mr. Mapalala Executive Officer of Mbamba Bay Village and ward*

i) Protecting Girl Child from Early Marriages

The LHRC was able to address the rights of the girl child in Lugoba Ward in Chalinze District where six girls were rescued from their father who had married them off on 12th February, 2012. The girls were returned back to Lugoba Primary and Mandra Secondary Schools. Following LHRC intervention and media campaign done the President in the International women's day addressed the right to education to the girl child, calling parents to take their children to school and reiterating government efforts to implement MDG's on the right to education.

#### 2.1.4 Increased Pressure to Decision Makers on the Protection to Property Rights

a) Successful fighting against land grabbing and evictions

The year 2012 the LHRC witnessed a number of illegal evictions from land, destructions of property and the loss of lives. The LHRC followed up and called for redress for the victims. Among those included one in Ulanga district on illegal eviction of farmers and pastoralists claimed to be living on reserved land without proper plan and ascertaining of the boundaries which resulted to confrontation by police and villagers, leading to the killing of five people and injuring of three others. LHRC in collaboration with the Tanzania Land Alliance (TALA) information was collected and media campaigns done calling on the government to take action against the officers and to stop evictions of the villagers. The police officers who had killed the villagers were arrested, Corporal Paulo Laurent was taken to court and the case is ongoing. The Ulanga District Commissioner was forced to address the villagers concerning the evictions due to the campaigns.

Also a mission was conducted in Kwembe on the evictions of people to pave way for the building of the extension of Muhimbili National Hospital. During the mission it was discovered that there were people who had not been compensated for their land and houses during the eviction. These were forwarded for legal assistance to file cases in court for compensation claims.

a) Rescue of Pastoralist's property from unlawful confiscation

Also in Chunya, the district council and game reserve wardens had injured

people and confiscated pastoralist cattle during an operation. It was discovered by the LHRC mission that the Chunya By law provides for pastoralist to keep up to 70 livestock, according to the by law cattle above that number are to be sold by the council. This has resulted to enmity between the pastoralist and farmers in the villagers of Udinge and Lupa resulting to the death of 7 people, destruction of houses and village officers. Communication was done to PMORAG department in charge of bylaws to address the amendment of the oppressive by law. Also during the mission one Kisiza Nyerere who had been denied PF3 by Chunya District Police Officer (OCD) after being injured during the commission was given the PF3 to get treatment. Following our mission, the Chunya District Commissioner went to Udinge and Lupa villages and met with the villagers who were affected by the operation. He promised to return to the pastoralists the money paid for the cattle sold by the council during the operation to the pastoralists.



***LHRC staff during the Chunya fact finding mission***

c) Intervening in threatening Blood-shedding land disputes in Madale

Furthermore fact finding mission was done in Madale in Dar Es Salaam, after an unlawful eviction and demolition of houses in the area. Media campaigns were done to pressurize the government to take action against such illegal evictions. The LHRC went further to coordinate humanitarian assistance such as water, tents, foods, clothes and other basic needs to those affected by visiting NGO's that can provide such assistance such as OXFAM, Red Cross, UNICE, UNFPA, Kawe Member of Parliament and the District Commissioner. To put pressure on the government to take action the LHRC conducted media programs and two press conferences, one at Nakalekwa area where it aimed at calling upon the government, civil societies, different companies and individuals to provide humanitarians' assistance to the victims of demolition. This lead to the government to declare the land, government land until when further arrangements can be done as was LHRC recommendation.



***A press conference at Nakalekwa area in Madale on the illegal eviction***

To pressurize the government and its institutions to address the violations of human rights and hold accountable those responsible the LHRC in 2012 used press conferences and media both electronic and print to make known the violations.

## 2.2 Potential Future Leaders have internalized Values of Human Rights and Good Governance

### 2.2.1 Empowerment of Future Leaders with Human Rights

LHRC aiming at increasing the number of human rights clubs, thesis and projects covering human rights and good governance at universities, with the support of the Dean of Students from the universities launched two Human Rights Clubs at universities of Tumaini- Dar Es Salaam Campus, St. Augustine in Mwanza and Times School of Journalism. During the launches 700 students were empowered on the constitution review process, students discussed and contributed their views to be included in the new constitution such as the right to education to be included in the Bill of Right and the promotion and protection of Human Rights in Tanzania. Tshirts, constitutions and other human rights materials were disseminated to students for reference. Together with that LHRC witnessed a rising interest by students to form human rights clubs in other 2 universities, Mwalimu Nyerere Memorial Academy and The Morogoro Muslim University are in the last stages of finalizing the registrations of their human rights associations.

Further more the human rights clubs formed and launched in 2011 were strengthened were St. Johns Human Rights Association and Dodoma University human rights clubs leaders and members came to the LHRC for information and human rights materials.



#### **Training of leaders of university human rights associations**

The year 2012, 33 university students from the University of Dar Es Salaam, Tumaini, Mzumbe Institute of Journalism, Dodoma University, Frieze Universität Berlin, Lund – Sweden and University of Glasgow were assisted in their researches on law, human, women's, children's, people with disability rights and environment

To strengthen the existing human rights clubs and empower other universities to establish and register the clubs a capacity building session was done on the Constitution making process, human rights, gender based violence, the registration and establishment of Human Rights Associations to 55 students 42 male and 13 female leaders of human rights clubs in Universities. The training was conducted from 23rd to 27th September, 2012 were a network of human rights clubs was formed and steering committee members were elected to strengthen and unify the clubs.

## 2.3 THE Voice of Civil Society, Media and Parliament is Enhanced and their Ability to Hold Decision Makers Accountable is strengthened

### 2.3.1 Media Campaigns and Information Materials Available on Governance and Human Rights Violations for Accountability

#### a) Exposing Human Rights Issues through Human Rights Report

LHRC exposed human rights violations through the launching of the Human Rights Report 2011, the report highlighted human rights issues which were most frequent during the past year, including the continued police violence (extra judiciary killings were 25 people were killed) and mob violence (673 people were killed), as well as domestic violence and land-grabbing. The guest of honor during the launch was Honorable Prof. Ibrahim Lipumba CUF chairperson. 3500 copies of the report were produced and disseminated. Also to enable majority of Tanzanians to read and use the report, it was translated into Kiswahili and disseminated widely.

The human rights reports acts as a barometer to measure the situation of human rights in the country and act as an advocacy tool for government and different institutions to adhere to human rights principles. The report has been used this year for reference and for holding the government accountable by members of parliament and top government officials. Such as in Parliament 8th sessions, The LHRC human Rights Report for 2010 and 2011 were used by Prof. Kuyikoyela Kahigi, Hon. Mussa A. Zungu, Hon. Felix Mkosamali, Hon. Vicent Nyerere and Hon. Freeman Mbowe and LHRC Annual Human Rights Report, 2009 was used by IGP-Said Mwema were he quoted pages 14-19 of the report and urged others to read and use it.



#### *Launch of the human rights report 2011*

#### b) Midterm Assessment of Human Rights Situation in Tanzania

The LHRC was able to prepare and launch its Bi Annual Human Rights Report 2012 were a number of issues were raised including the violations on the right to life, political rights, problems in social service delivery including the right to health, education, and social security. The launch was well covered in the media. These reports have been useful advocacy tools were even the President during the inauguration of Annual General Meeting for senior officials of the Tanzania Police Force in Moshi, he warned the police not to violate human rights as it is said in various human rights reports and ordered all police colleges Curriculum to incorporate human rights. An impact to

the Tanzania Human Rights Reports together with media programs on television and Radio advocating for the same.

### 2.3.2 Increased the number of consultations and collaborations with CSO's and networks to address harmful practices

This reporting period LHRC was able to advocate for women's rights in the constitution and increased the voices of women in the on going constitution making process. To make sure the process is used to improve the lives of women in the country. The LHRC joined forces with other CSO's in the national stakeholders meeting on GBV and women's rights in the constitution which brought together 88 participants though out the country who were able to build consensus on the stated issues. The issues discussed were made into fact sheets to advocate for women's rights in the constitution and Anti GBV and were advocated through various media programs, fact sheets were prepared and disseminated to the wider public.

Also due to the on going increase of GBV and the lack of legislation that specifically addresses it in the country. The LHRC prepared a model anti GBV Bill after analyzing anti GBV laws of countries such as The Anti-Gender Based Violence Act, no 1, 2011-Zambia, The Prevention of Domestic Violence and Protection Act, No 7952, 2006-Liberia, The Domestic Violence Act, no 116, 1998- South Africa, The Domestic Violence Act, no 14, 2006-Zimbabwe, The Domestic Violence Act, no 732, 2007- Ghana, The Combating Of Domestic Violence Act, no 4 of 2003- Namibia and The Domestic Violence Act, 2010- Uganda. To help inform in the drafting and also conducted a survey on GBV in the country through monitors and paralegals were 207 questioners were collected to inform the bill writing process.

The LHRC called on the community and the public to take action to end gender based violence and behaviour during the commemoration of the International women's day on the 8th March in Arusha. This was done in collaboration with SOAW during the UNITE campaign against gender based violence. Programs done included mount Kilimanjaro climb to raise voices on ending violence against women which brought together CSO's from all over the continent and in Tanzania. There was provision of legal aid, testimonies of survivors of gender based violence and dissemination of different law and human rights publications to the public.

### 2.3.3 Strengthening efforts to improve human rights through collaborations with other Civil Society and networking with other organizations/networks

- a) LHRC contributed to the improvement of democratic processes

LHRC and TACCEO has continue to strengthen election governing body

through its recommendations after election observations were in 2012 the National Election Commission (NEC) accepted a recommendations submitted by LHRC of deploying its own returning officers. This recommendation was given in the Tanzania Local Government Elections Monitoring Report, 2009 at pages 61-65 and the report on the United Republic of Tanzania General Elections of 2010 at page 153 item (ix) .The National Electoral Commission stated this intention on 21/03/2013 by the Chairperson of the Electoral Commission stating that “they have realized the importance of NEC to deploy its own returning officers to supervise the constituency elections in the 2012/2013 fiscal year instead of the District Executive Directors”. (Source: The Guardian dated on 21 March, 2012 front page) and Nipashe newspaper reported that “Tutaachana na wakurugenzi wa Halmashauri, asema Jaji Lubuva.

LHRC and TACCEO have been entrusted to be impartial, building the trust of the community in the election process as was evident where on 14th March, 2012 LHRC and two constituent monitors stationed in Ilala constituent during the 2010 general election, gave evidence in Election petition Case No. 98/2011 between Makongoro Mahanga and Fredy Mpendazoe before the High court of Tanzania stating how the exercise was conducted and what was observed.



To continue building our expertise in election observation in 2012 LHRC and TACCEO observed the Arumeru by elections on 1st of April 2012, where 17 members of TACCEO took part by observing the election as ward and poll watchers. Prepared and disseminated the election observation reports for Igunga and Arumeru By Elections.

b) Partnership with other actors for improvement of livelihood for people working in the informal sector

The year 2012 the LHRC in collaboration with DSW expanded its engagement in Babati, Arusha and Meru by working for improvement of businesses for people working in the informal sector. This work was done by building the capacity of women and youth groups of Arusha, Babati and Meru on women’s rights, gender, HIV/AIDs and sexual reproductive health were a total of 141 people were trained 32 men and 109 women. Also these groups were linked to councillors in their respective wards to enable them to improve informal sector in the district by easing the registration

of groups, licensing and regulation of informal sector businesses through district by laws and regulations. Together with that business clinics were conducted in the districts were a total number of 235 group members both women and youth attended the clinics meant at assisting and advising the groups on how to address their legal problems in registration and acquiring of licenses. Awareness materials were prepared and disseminated advocating for quick and easy simplification for registration of businesses and improvement in regulations and requirement for capital and loans for informal sector businesses.

- c) Collaboration and coalition building for protection of women's and children's rights

LHRC in the year 2012 worked in collaboration with networks to improve child rights in the country where a "Child not Brides alliance" was formed to end child marriages in Tanzania. The alliance is meant to work around harmful practices that lead to child marriages such as FGM, traditions and practices and factors hindering the right to education for the girl child. This came about following rising reports on the infringement of rights of the girl child. Together with that LHRC in collaboration with "KIKUHAMI" a coalition for women inheritance rights prepared a model Inheritance Bill for advocacy as currently in Tanzania there are three inheritance laws and practices that denying women and widows the right to inherit and in "MKUKI" coalition which is a network on Anti GBV worked on increasing different stakeholders involvement in Anti GBV strategies by advocating for health centers to be integrated in to anti GBV strategies.

#### 2.3.4 Strategic Engagement with the Media to Monitor Government Performance and Exposing Human Rights Violation

The LHRC considers media as an important asset in exposing and pressuring accountability in the country. LHRC increased the number of journalist and editors who are empowered to monitor human rights and governance issues by building the capacity of journalists and editors in 19 media houses in Tanzania on constitutional reforms, employment and labour laws, court reporting and human rights. Together with this training the LHRC was able to link its efforts of monitoring human rights violation and calling on accountability by working with the media through press conferences, media programs and comments. Working with the media has assisted in addressing a number of issues such as increase in extra judicial killings, the social security withdrawal benefits and Uranium extraction, which has resulted with government institutions and officials addressing and taking action on some of the issues monitored and exposed through the media.

#### 2.3.5 Parliament Legislative Role Enhanced by LHRC

The LHRC in this reporting period was able to take part on improvement of law making processes in the country by analyzing Bills and giving out recommendations both written and during public hearings to parliament committees. Also this work was done by consultations and discussions with individual members of parliament. Summary of the Bills analyzed are as follows;

No	Bill	Number of Recommendations made
1	Constitution Review (Miscellaneous Amendment) Act 2011	23 (twenty three) recommendations were made,
2	African Youth Charter 2006	5,(Five)
3	Written Laws (Miscellaneous Amendment No 2) Act 2011	16, (Sixteen)
4	Amendment of The National Social Security Act 2011	8,(Eight)
5	The Establishment of Livestock Research Institute Act 2011	20, (Twenty)
6	The Ethics and Leadership Code of Conduct to Public Officers	15,(Fifteen)
7	Plant Breeders Seed Act 2012	12,(Twelve)
8	Parliament Standing Orders	15 (Fifteen)
9	Public Procurement Act 2011	42,- of which 23 recommendations were considered, 19 not considered, making a total of 54.7%
10	Public Leadership code of Ethics –	4 recommendation were made 3 were considered making a total of 75%.

LHRC contribution in the law making process was acknowledged by the Chairperson of the Committee for Agriculture, Livestock and Water, Hon Prof. David Homeli Mwakyausa who thanked the LHRC for their active participation in assisting the committee and the parliament to make good laws, he said:

“Tunawashukuru sana Kituo cha Sheria na Haki za Binadamu mmekuwa wadau wakubwa katika kutusaidia kwenye kamati zetu ili tuweze kutunga sheria nzuri

kwa maslahi ya wanzania wote. Asanteni sana kwa kuja, tena kwa gharama zenu. Karibuni sana.”

Meaning; We are grateful to LHRC for being key stakeholders to the Parliamentary Committees in order to assist in the making of good laws for the interest of all Tanzanians. Thank you so much for coming at your own cost. You're Welcome.’

### 2.3.6 Strategic Engagement with Parliament for Reform of the Law on Withdrawal Benefits in Pension Schemes

The LHRC complemented efforts commenced by Hon. Seleman Jafo at Dodoma during the budget session on 26 July, 2012 by assisting in the preparation of a private motion and a Draft Bill on inclusion of Withdraw Benefits in pension schemes. LHRC advocated through media by issuing a press statement and media programs calling all stakeholders to play their part to pressurize the inclusion of withdrawal benefits in pension schemes. The press statement was widely covered in media through ITV, Channel Ten, Star TV, Mlimani TV, Capital Television, as well in all news papers namely The Citizen at pages 2 and 4, Mtanzania at page 6, HabariLeo at pg. 3, Tanzania Daima page 3, Majira page 3, Mwananchi page 3, Daily News page 3 and Guardian page 4. This media campaign resulted to wide discussion by various



stakeholders and independent media programs on the topic through out the country. Later on the Minister for Labour, Hon. Gaudencia Kabaka on 31st October, 2012 presented a Ministerial position to allow withdraw benefit in all pension funds.

#### ***LHRC staff with Hon. Seleman Jafo(MP) during discussions on withdrawal benefits***

Likewise, the LHRC strengthened the performance of parliament in 2012 by observing the conduct of parliament sessions and issuing press conference to call on accountability by the parliamentarians and the parliament. A press statement was issued on 06th July, 2012 on the shortcomings of the parliament sessions, which received wide coverage. The following day on 07th July the Speaker of the National Assembly Hon. Anna Makinda warned Members of Parliament on issues addressed in the press statement such as the use of abusive language, poor attendance in the house of Parliament and arguments based on political affiliation.



Further LHRC in 2012 built the capacity of 360 parliamentarians on gender, oppressive laws against women and the position of MP's in improving the situation of women's rights and human rights in the country. Also empowerment was done to five (5) Parliamentary Committees of Land, Environment and Natural resources, Gender, Children and Community Development, Social Services Committee, Constitution and Legal Affairs, Trade and Industry on gender analysis of Bill. The capacity of MP's to address the issues discussed and pro activeness to take action was evident when Hon. Pindi Chana (Committee

Chairperson of the Constitution and Legal Affairs) during the discussion of the Plant Breeders Rights Bill made a strong comment on gender analysis under section 9(2) of the Plant Breeders Rights that was silent on gender consideration on composition of the committee. The Speaker requested to the Attorney General for clarification who in the end made it affirmative and modified the section to read as follows: "Subject to gender consideration, the committee shall be comprised of the following....." Previously the section was reading: "The committee shall comprise of the following....."



Capacity building of parliamentarians in New African Dream Hotel - Dodoma

### 3.1. LHRC is seen as one of the Most Reputable and Professional Human Rights Organization in Tanzania

#### 3.1.1. Human Resources Management

##### a) Retention of LHRC staff during the year

LHRC has since its establishment realized that its sustained success is dependent on getting the maximum out of its employees. Such a realization has had a significant impact on the practice of human resources management. During the year 2012 LHRC managed to retain 64 employees out of the 65 for the year which is a low staff turnover as compared to the previous year 2011 where turnover was 3%. This has been achieved by creating an organizational environment in which there is freedom of expression and transparently to employees. Also the management and staff are encouraged and supported to grow to their full potential.

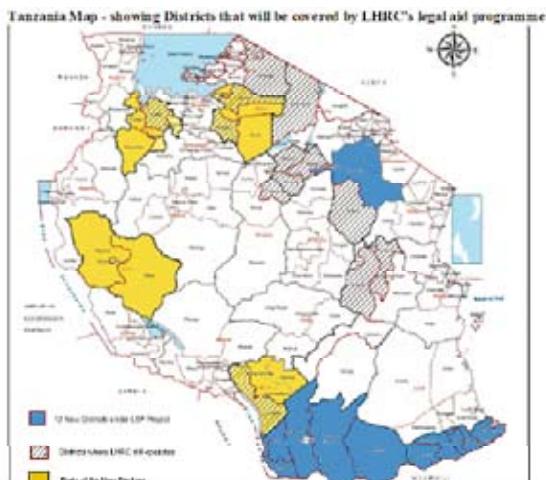
The LHRC transparency in recruiting, selecting, training and developing employees plus an open performance appraisal system throughout the period has made it possible for employees to maintain professional and ethical culture within and outside the organization.

##### b) Performance of staff enhanced

LHRC continued to improve the performance of the existing human resources capital through long term and short term trainings as well as in-house training. 5 staff successfully attended evening classes, 5 attended Short term courses. 64 staff and 12 volunteers were trained on Safety and Self Protection and Professional Ethics, also conducted an induction Session to newly recruited volunteers and interns to understand better the Organization and its activities in general. LHRC has in place staff training plan as well as training policy that governs these trainings. Furthermore the LHRC management had a reflection session on management of the organisation and improvement. After the reflection session changes were observed in identified areas for improvement.

c) Expansion of LHRC's Programmes to 12 new paralegal districts

LHRC in this period witnessed the organization development triggered by program expansion that tapped new opportunities. LHRC witnessed organisational growth in terms of the new thematic areas to expand in 12 new paralegal Districts.



d) Sustained Credibility and Reputation of LHRC

During the year LHRC due to its reputation and trust by other CSOs has continued to host four important NGO networks within the Country and SADC Regions. These networks are Southern African Legal Aid Network (SALAN), Tanzania Human Rights Defenders Coalition (THRD), TACCEO and Anti FGM coalition.

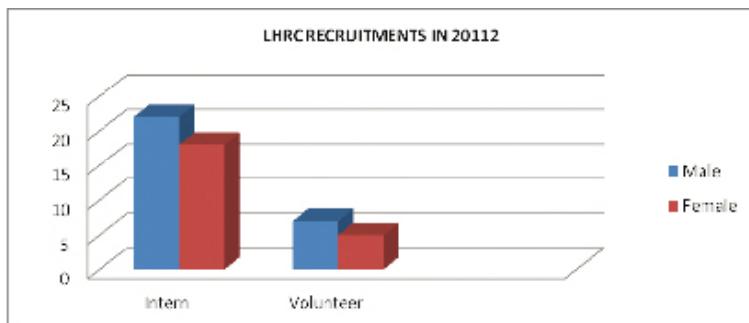
As evidence of good reputation and image of LHRC, for the period under review, 9 (7 male, 2 female) volunteers were recruited out of 76 (35 female, 41 male) applications received and hosted 42 (24 male, 18 female) interns out 275 (156 female, 119 male) applications received from both local and international students.

e) Continued assessment and evaluation of LHRC's quality of its human resources

LHRC success is not determined by the total number of staff recruited but the commitments and competencies of its staff. Such commitments and competencies of individual staff is measured using an open participatory performance appraisal system. This is the system of analyzing the staff performance in line with annual work plan and expected achievement of results. The Appraisal identifies performance gaps for the period including the skills gaps and strategies for improvement. During the reporting period LHRC successful conducted one staff appraisal to its 64 staff and 12 volunteers.

The participatory performance appraisal was conducted between the supervisors and supervisee which has proved to be a useful way in improving human resource performance and also the approach motivates staff and improve working relations.

Retreat is another avenue used to assess performance and evaluate programs. In November, 2012 LHRC had the annual staff retreat at Morogoro where a total number of 78 volunteers, staffs and interns discussed among others the progress on the implementation of 2012 annual plans, success, challenges and the way forward in



finalizing the LHRC 2010-2012 Operational plan. Moreover, the retreat was also a means for staff to discuss openly among other things the performance of the Organization for the year, the general work environment; staff welfare as well as staff satisfaction with organization and

management as a whole.

The event provided room for consensus building on LHRC new Strategic plan for 2013 – 2018 and the Operational plan 2013 -2015 by all staff and management so as to smooth implementation of the programs.

### 3.1.2. Effective Mobilization of Resources and Financial Management

This reporting period LHRC has continued to maintain existing funders SIDA through the Swedish Embassy and Act – Tanzania.

#### a) Additional Contributors to the Basket Fund

In addition, LHRC continued to look for other sources of funds and this time the organization managed to enter into strategic grant agreement for basket funds from KPMG Tanzania under (AcT) accountability in Tanzania Program to support the implementation of the LHRC operation plan under basket funding arrangement from July 2013 to June 2015.

#### b) Securing Funds for the Constitutional Reforms in Tanzania

In this reporting period, LHRC has continued tapping other funding opportunities and during the year ended 2012 LHRC managed to submit funding proposals on monitoring of the new Constitution making process to FCS, DFID, OISEA and Ford Foundation. One of the proposals to FCS received funding while the other three proposals there is positive indication that will secure funds.

#### c) LHRC financial integrity, credibility and transparency proved

In ensuring LHRC financial management credibility is maintained, during this reporting period we submitted 2011 annual accounts to auditors Ernst &

Young and the audit was completed with Unqualified opinion which signifies LHRCs sound financial management systems.

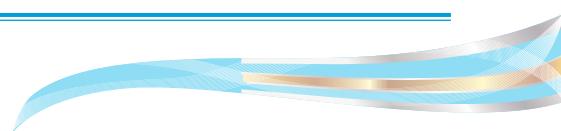
The transparency has been a cornerstone and priority for the organization, LHRC is normally audited each year by International reputable audit firm where the audit report is for public consumption. During the year the audit for 2011 was conducted by Ernst and Young and the audit report and financial statements were transparently shared to LHRC members, Partners, Government and other stakeholders.

d) Successes in fundraising

In an endeavour to continue fundraising for its programmes and sustainability the LHRC managed to successful submit two Strategic Grant funding proposals to the Legal Services Facility Fund and Foundation for Civil Societies and entered into Strategic grant Agreements worth US\$ 450,000 and US\$ 275,583 respectively for three years. . During the year LHRC also submitted funding proposal to Ford Foundation with the aim to fundraise for its new operational plan commencing from 2013 -2015. The correspondences regarding the proposal are still on going.

Table 2: Total Funds Received By LHRC for the Year Ended 31st December 2012 and Comparative Figures for 2011;

Description	Years	
	2012	2011
NPA (Norwegian Peoples Aid)	-	140,400
Foundation for Civil Society	76,163	74,590
ACT Tanzania	452,128	205,500
Embassy of Sweden	1,728,000	2,022,291
Legal Services Facility	175,610	-
OxFAM GB Maputo Protocol Project	60,469	27,626
DSW - EC Fit for Life Project	-	41,603
Other Income	84,027	26,578
Total	2,576,397	2,538,588



## 3.2. Internal Accountability System

In order to maintain credibility, LHRC continued to keep a high level of compliance with human rights and good governance principles. In the year 2012, LHRC consistently nurtured the culture of good governance and ethics among staff and Board members.

### 3.2.1. LHRC Governance

LHRC has in place governance system governed by the organization policies that ensures accountability and transparency within the organization. The LHRC management strives to ensure principles of good governance are observed by members of the organization.

#### a) Presence of sound financial regulations

To ensure internal accountability LHRC has in place the financial manual that guide financial management and staff manual that guide the LHRC operations. In addition LHRC has in place other policies including, the gender policy and code of conducts that clearly shape the overall conduct of the LHRC staff, Volunteers and interns

#### b) Presence of sound financial software and equipments

During the period LHRC continued to use Sun Accounting system for all accounting information and data capturing, storage, retrieval and reporting requirements. The system is a basis and reliable source of all financial information and records of the organization from which the financial statements for the year are prepared.

#### c) Participatory budget/financial management

To ensure accountability and transparency LHRC Successful conducted all the statutory meetings and other ad hoc meetings. In this reporting period LHRC successful held 11 management meetings, 3 Board meeting and one staff meeting to discuss among other issues the LHRC progress and financial reports.

LHRC budget holders are Programme Officers and during the period all programme budgets and expenditures were monitored by the programme officers who have been empowered to monitor their budgets periodically. Monthly and quarterly expenditure variance reports were prepared and widely shared transparently with Programme officers for them to monitor the expenditure trend within each activity budget line items.

#### d) Strong and effective governance and policy making structures

The Board of Directors continued to play a significant role in supervising the

management and issuing directives on governance issues. Currently the LHRC Board of Directors has 8 prominent members with 5 being females while the remaining are males.

To enhance the governance skills of the Board, Board members were empowered with the knowledge and skills on Organizational Development. The training aimed at improving the performance and skills of LHRC board of Directors.

e) Compliance to LHRC constitution and statutory obligations

LHRC as well convened the Annual General Meeting that brought together 23 out of 83 of LHRC members to discuss among others the annual organization performances and financial reports. On the other hand LHRC had partners meeting held on 19th May, 2012. The meeting brought together partners from Swedish Embassy, KPMG under Act- Programme and Foundation for Civil Societies. The meeting discussed among others annual and audit report for 2011 and annual work plan for 2012.

### 3.3. Capacity to Influence Change Demonstrated

#### 3.3.1 Successful monitoring and evaluation tools

a) Strategic and operational plan

LHRC through its six years strategic plan has been adopting a result based management system. LHRC has identified three main results/outcomes with a number of indicators to measure changes over time. LHRC this year succeeded to produce various monitoring tools for tracking various output indicators for both Programme officers and paralegals to ensure results of work are tracked and documented throughout the period.

b) Baseline Survey Report

The baseline data obtained in 2010 was used for setting benchmark against which the results were to be measured. LHRC came up with targets from the baseline that programs were to achieve. A monitoring and evaluation system, data collection plan was developed for monitoring, evaluating and documentation of the changes over time to outcome indicators.

#### 3.3.2 Effective Information Sharing Strategy

a) Mass media

A number of issues have been monitored through both printing and electronic media and to date LHRC has been able to collect a number of the results documented

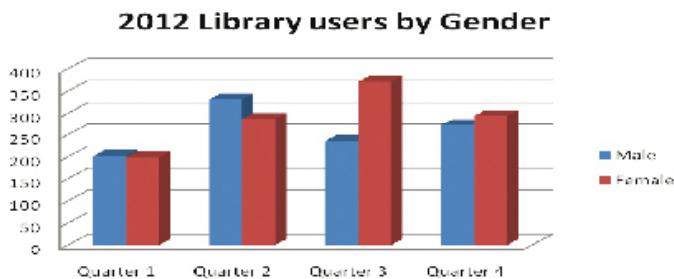
and shared widely through LHRC website, dissemination of publications to potential users, TV Pambanua programmes, press conferences, internal and external newsletters, social networks through twitter and face book and lastly through the LHRC documentation/resource centre.

b) Publications

Additionally, during this reporting period LHRC managed to disseminate LHRC publications with different Titles. Annual Human Rights Reports, Tanzania Corporate situation report election Report, Annual report 2011 and self help kits, Calendars and constitutions. Dissemination was also done at different events for example: Tarime (Anti FGM campaigns), Paralegals trainings, Bunge, Universities human rights clubs, Board members, academicians and other stakeholders.

c) Library

Moreover, The LHRC’s documentation centre provides potential stakeholders with human rights information for reference. During this reporting period the library received a total number of 387 library users, out of this number Male were 224 and Female were 163 excluding LHRC staff.



d) Website

Finally, LHRC has been using its website to disseminate and share hot topics for discussions. This approach gave LHRC a gist of issues from the public perspective.

The posted topics caught the attention of websites visitors and during the reporting period LHRC website was visited by a total number of 21,003 visitors who discussed various hot topics posted in the face-book page; the topics posted included;

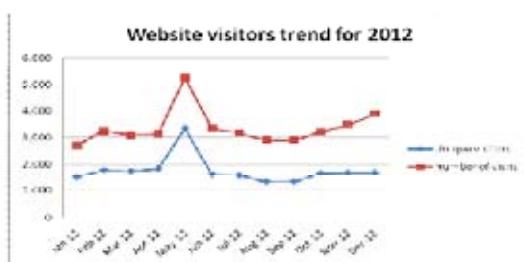
- The killing of Channel Ten reporter Daudi Mwangosi by the Police
- Unlawful eviction of residents of Madale Area in Dar Es Salaam
- Doctors’ Strike and Dr. Ulimboka brutal touchier
- Gender-Based Violence, especially FGM practices;
- Brutality against Children;
- Marking of International Women’s days

### 3.3.3. Successful End of Programme Evaluation

LHRC successfully conducted an evaluation of its three years Operational plan. The evaluation report clearly showed that the effectiveness of LHRC as evidenced by the timely provision and quality of services to (i) rights holders through the legal aid clinics, the paralegals, the human rights monitors, students etc.), and (ii) to duty bearers through LHRC's technical services to MPs, training and capacity building of government officials including the police, the media, judiciary etc. The substantive impact of LHRC's outputs is both the prevention of human rights violations and the resolution of human rights violations in a variety of ways. The sustainability of the organization was pointed out as one of the challenges that need to be addressed through diversification of donors during the next Strategic plan.

### 3.3.4. ICT and Documentation Systems

To ensure staffs are update with new technology and improves performance LHRC invested in ICT systems, maintained a websites which is vibrant and has important features of modern website with social links like face book, twitter and u-tube. These act as avenue for sharing LHRC best practices with our website users. The website as well provides room for sharing LHRC Publications since all new publications get posted in the websites. This approach has been useful as it become easily to get gist of the public view on a various public interest topics posted in the website.



Both internet and outlook services have been a vibrant and reliable means of internal and external communications. The three LHRC offices of head office in Kijitonyama, Model legal aid clinic in Kinondoni –kanisani all in Dar Es Salaam and sub office in Arusha are interconnected through outlook where all decisions and feedback can easily be

shared within the Organization at all levels. This communication platform has increased the efficiency and work performance throughout the year.

### 3.3.5 Effective Documentation of Achievements and Progress

- a) Documentation as means of sustaining the institutional memory

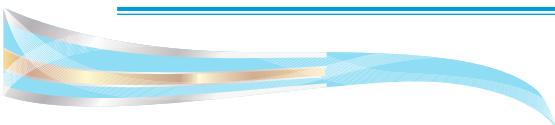
During the year LHRC continued to strengthen its documentation systems where documentation starts at program level. Each activity conducted as longer is within

the operation plan is documented by program officer through a series of reports including activity, monthly, quarterly and annual reports. The activity reports are shared at directorate levels, the monthly reports are discussed at management levels, while quarterly and annual reports are discussed by the LHRC Board of Directors and partners. In this reporting period LHRC successful produced 12 monthly reports and 4 quarterly reports shared by the management and the Board.

b) Publications as tools for bringing change

LHRC during the year aimed at producing various publications for learning and advocacy purposes. The publications for learning purposes were aimed at empowering the public on issues pertaining legal and human rights while on the other hand those for advocacy are mainly the results of research aim at unveiling issues for reform and enhancing accountability and transparency in the systems and structures. Such publications include self help kits, facts sheets, Human Rights Reports, Tanzania Corporate Situation report, By -election Monitoring Reports, Bunge Assessment Reports and monthly internal and external newsletters In this reporting period LHRC produced 38,300copies of various publications resulting from its work. The copies of these publications have been disseminated to stakeholders and few copies left at the LHRC documentation centre for reference.

LHRC has been outsourcing publications depending on the needs of staff and library uses; in this reporting period LHRC successful produced a total number of 38,300 publications and received a total number of 3,534 publications from other likeminded organizations local and international institutions. On the other hand a total number of 2000 copies of the United Republic of Tanzania and disseminated to the public at different events particularly public debates on constitution and outreach programs. Few copies these publications are available at the LHRC documentation centre Head office and Kinondoni.



## 4

## 4.1 Challenges Faced In the Implementation of Programs for 2012

In this year LHRC experienced the following challenges:

## 4.1.1 Security Risks

In this year human rights defenders have been killed, tortured and threatened by state on their activism. The year 2012 there was a rising concern of security of LHRC Staff and volunteers during follow up of human rights violations such as in the fact finding mission in Songea where their hotel rooms were inspected by police during the night and threats and beating of officers in a follow up mission in Meatu.

The same was evident when a police officer when addressing LHRC officers who had gone to report on the harassment and attack done to the officers by Game Wardens in Meatu District, he commented while laughing “LHRC are our great friends and our great enemy too”.

## 4.1.2 Police Accountability still a Challenge

In this year the relationship between the police and the public continued to deteriorate were police have killed citizens and no action was taken against them, thus making the public to loose their confidence on the police. Also citizens have tried to kill police officers and invade police stations as a result.

## 4.1.3 The Government Irresponsive and Unaccountable

There were many corruption scandals that surfaced and government tried to keep them quite and no actions were taken against those implicated despite public reactions and LHRC interventions.

Also the government was slow to most of the issues that arose. For instance, neither the President nor the Minister/deputy Minister has taken any accountability step for the Doctor’s strike. Some government leaders and companies had retarded our efforts in advocating for human rights on corporate bodies by not responding or cooperating properly when called for appointment to discussing issues relating to violations of labour, land, environment and other human rights violations.

#### 4.1.4 Poor public Participation in the Constitution Making Process

Indication of the Constitutional Review Commission not reaching the majority of Tanzanians in collection of views through the public meetings to have a people-centred constitution was evident. This is because CRC had sampled hardly 5 wards in each district with 25 or 28 wards which is less than half population to visit and collect their views leaving majority of Tanzanians out. Also the time in which the Commission was collecting views were working hours of 8.00 am to 12 noon. Times were farmers, workers, pastoralists and other groups were busy working to take part in the meetings. Despite the same being pointed out the CRC did not change the time or modalities of conducting the public meetings.

#### 4.1.5 Challenges on Implementing Mobile Legal Aid Clinics

Major challenge was low turn-out of clients in the areas visited. Example in Makete only 89 clients were attended, this is not equivalent to the resources deployed for the said activity as there were three Centres which the said services were conducted which were expected to have big turnout. Moreover, identifying the appropriate centers for conducting mobile legal aid has been a challenge for Districts where paralegals have not established paralegal offices. This was a setback in continuation of the services as clients had to look for individual paralegals instead of getting the services from the paralegal offices.

Similar challenge was faced in nomadic communities example in Simanjiro district where people are scattered and the turnout was minimum compared to areas which are highly populated.

#### 4.1.6 Fabricated Cases against Legal Aid Clients

It happened where clients had strong cases; some authorities fabricated cases against them so as to distract them from pursuing their cases. A good illustration is the case of Godfrey Luena and Abdalah Khasim who are representing others in the Namwawala Strategic case who were later arrested and charged for destroying and stealing public property under Economic Sabotage Act. Who were discharged on the 28th March, 2012, after the DPP found that there was not enough evidence to proceed with the prosecution of the matter.

#### 4.1.7 Overwhelming Demand for LHRC's Services

There has been a growing need for LHRC intervention on issues of violations of human rights by the public and even government officials making it difficult to follow up effectively all the issues.

## 4.2 Key Learning Points

### 4.2.1 Public Trust on LHRC

The public and government officials trust the work done by LHRC in addressing human rights giving legitimacy to LHRC interventions and work.

### 4.2.2 Quest for Capacity Building

Capacity building is needed to strengthen the new paralegal CBO's on organization management and administration of paralegal activities so as to make their work sustainable and prevent internal frictions and conflicts.

### 4.2.3 Efficacy of Film Shows as Tools for Mass Education

The use of documentary and film to educate the public was well received and resulted to more people participating in public awareness sessions. This can be used in other programs to reach more people and address a variety of human rights issues.

### 4.2.4 Role of Community Media

Community media are able to reach specific groups of people and LHRC can engage more with them to increase the number of people who are aware of human rights.

## 4.3 Recommendations

### 4.3.1 Provision of Mobile Legal Aid

- a) Need for LHRC to increase advocacy for improved judicial structures in rural Tanzania

Government should be pressured to increase number of courts particularly, as it was revealed that, many people lose their rights due to absence of courts in the nearby areas as they opt to give up than traveled long distance to pursue them.

- a) Need to enhance the role of Paralegals in provision of legal aid

Active paralegals should be identified and facilitated with training or studies for effective implementation of programs to enable them to assist clients in their location as the said empowerment would be very instrumental in assisting people in need of legal services. It was learnt that not all paralegals located in the specific areas are active.

- a) Need to establish an effective referral system

Most of the time after the completion of the Mobile Legal Aid programs, persons served tend to require more assistance on the same matters. LHRC would need to assign a desk or Legal officer to continue with assistance of clients assisted during the mobile clinic while in Dar es Salaam using paralegal offices for communication.

#### 4.3.2 Constitution Reform Engagement

LHRC would need to coordinate all of its individual projects meant to address constitutional reforms in Tanzania. This will entail formulating a committee in order to ensure a more meaningful engagement and contribution of LHRC in the constitution making process in Tanzania. Likewise the coming plan should envisage pro active interventions rather than reactive ones.

#### 4.3.3 Pressurizing Government Accountability

LHRC would need to strengthen its international advocacy in order to advance the protection of human rights in Tanzania, given the nature of lack of responsiveness from the government and poor adherence to courts orders. LHRC should specifically invest in filing cases that have exhausted local remedies to the international tribunals especially the African Court on Human and Peoples' Rights.

#### 4.3.4 Pressurizing Corporate Accountability

The issue of natural gas and uranium are overwhelmingly and too much for one organisation to engage alone. In the coming plan LHRC should create a platform or forum for addressing uranium and gas issues so as to ensure that at the end of the day right to development and other collective rights as well as social economic and cultural rights are respected by all actors in relation to uranium and gas investments.

### 4.4. CONCLUSION

The year 2012 witnessed LHRC concluding its three year operational plan 2010-2012 and also concluding its six year strategic plan. LHRC believes that all what was learnt from its interventions and from its partners will enrich the coming implementation of the six years strategic plan 2013-2018 as well as its two operational plans. LHRC will make use of this background information and ensure that all best practices are maintained while the rest of the interventions that were not so successful approach will be changed to get the desired impact. It is expected that all these results that have been indicated herein above is a clear illustration on how LHRC is progressively attributing towards having in place a just and equitable society in Tanzania.

Similarly, the LHRC in the year 2012 has been able to build the capacity of communities, paralegals, monitors, members of parliament and to use both electronic and print media to raise awareness of communities and to pressurize the government to fulfil its obligations of up holding human rights and good governance principles. We have witness a rising number of people who are now aware of their rights and are taking steps towards demanding for their rights. This is evident in the increase in the number of information and incidences reported to the LHRC through its legal aid clinics and human rights monitoring units. All in all LHRC was able to prepare human rights reports that are a great tool for advocacy and also act as a barometer of measuring human rights adherence progress in the country. These reports were used by the members of parliament, government institutions such as the police, NEC and the academic institutions alike. Together with that continues to improve relations with the parliament and the parliamentarians and contributed in the strengthening of parliament performance and improvement in the law making process in the country.

LHRC retained its reputation of being a reputable organization by improving its financial and human resource management. Together with that it implemented its governance mechanisms by conducting statutory and period meetings of management, board and annual meetings for governance and accountability. The LHRC maintained its financial management by conducting annual auditing of accounts and improved its participatory budget management at implementation levels. Its sustainability was improved by continuing to do resource mobilization, capacity building of its staffs, volunteers and interns and up holding its organization values and professional ethics. Also working tools were improved to enable better delivery of services offered.

Further more the year 2012 was used to monitor and evaluate programs and work of the LHRC for the strategic plan of 2007 – 2012. Works and programs done were shared with the public by use of the media, social networks and the website. Other materials were prepared and disseminated for advocacy and empowerment of communities for both rights and duty holders. Overall the LHRC in 2012 despite challenges faced was able to get expected results in most of interventions. Learned from its work to improve and inform its future interventions to make it more effective and efficient.

## Annexes

### Annexe1: Legal Aid Clients in 2012 A year Report (Jan - December 2012) - Kinondoni LAC

TYPES OF CASE	OLD CLIENT			NEW CLIENTS				GRAND TOTAL
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL		
Employment	1013	142	<b>1155</b>	331	77	<b>408</b>	<b>1563</b>	
Matrimonial	166	418	<b>584</b>	99	190	<b>289</b>	<b>873</b>	
Land	2085	841	<b>2926</b>	396	222	<b>618</b>	<b>3544</b>	
Contract	205	51	<b>256</b>	79	54	<b>133</b>	<b>389</b>	
Children Rights	15	36	<b>51</b>	13	38	<b>51</b>	<b>102</b>	
Tort	122	79	<b>201</b>	53	4	<b>57</b>	<b>258</b>	
Probate	160	235	<b>395</b>	100	107	<b>207</b>	<b>602</b>	
Insurance	167	34	<b>201</b>	27	9	<b>36</b>	<b>237</b>	
Others	564	252	<b>816</b>	116	35	<b>151</b>	<b>967</b>	
<b>TOTAL</b>	<b>4497</b>	<b>2088</b>	<b>6585</b>	<b>1214</b>	<b>736</b>	<b>1950</b>	<b>8535</b>	

A year Report (Jan - December 2012) - Arusha LAC

TYPES OF CASE	OLD			NEW			GRAND TOTAL
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	
Employment	281	82	<b>363</b>	101	32	<b>133</b>	<b>496</b>
Matrimonial	42	223	<b>265</b>	19	86	<b>105</b>	<b>370</b>
Land	1164	788	<b>1952</b>	197	109	<b>306</b>	<b>2258</b>
Contract	0	0	<b>0</b>	1	4	<b>5</b>	<b>5</b>
Children rights	4	28	<b>32</b>	7	23	<b>30</b>	<b>62</b>
Tort	3	2	<b>5</b>	2	0	<b>2</b>	<b>7</b>
Probate	72	73	<b>145</b>	33	48	<b>81</b>	<b>226</b>
Insurance	8	0	<b>8</b>	1	1	<b>2</b>	<b>10</b>
Others	798	407	<b>1205</b>	194	142	<b>336</b>	<b>1541</b>
total	2372	1603	<b>3975</b>	555	445	<b>1000</b>	<b>4975</b>

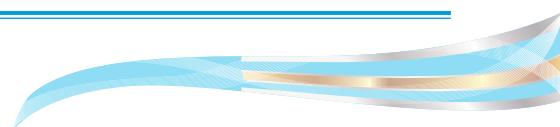
A year Report (Jan - December 2012) - Kinondoni and Arusha LACs Combined

TYPES OF CASE	OLD CLIENT			NEW CLIENTS			GRAND TOTAL
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	
Employment	1294	224	<b>1518</b>	432	109	<b>541</b>	<b>2059</b>
Matrimonial	208	641	<b>849</b>	118	276	<b>394</b>	<b>1243</b>
Land	3249	1629	<b>4878</b>	593	331	<b>924</b>	<b>5802</b>
Contract	205	51	<b>256</b>	80	58	<b>138</b>	<b>394</b>
Children Rights	19	64	<b>83</b>	20	61	<b>81</b>	<b>164</b>
Tort	125	81	<b>206</b>	55	4	<b>59</b>	<b>265</b>
Probate	232	308	<b>540</b>	133	155	<b>288</b>	<b>828</b>
Insurance	175	34	<b>209</b>	28	10	<b>38</b>	<b>247</b>
Others	1362	659	<b>2021</b>	310	177	<b>487</b>	<b>2508</b>
<b>TOTAL</b>	<b>6869</b>	<b>3691</b>	<b>10560</b>	<b>1769</b>	<b>1181</b>	<b>2950</b>	<b>13510</b>

**Annexe 2: LIST OF ONGOING CASES AND STRATEGIC CASES REPRESENTED  
by LHRC Advocates**

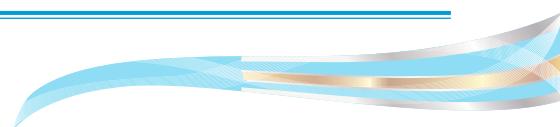
<b>No</b>	<b>Parties</b>	<b>Court &amp; case number</b>	<b>Status</b>
1.	William Chikoya & 119 others Vs. Ministry of Land & AG	High Court of Tanzania – Land Division (Ngwala, J) Land Case No. 275/08	<i>Mention</i>
2.	Godfrey Luenda and 3 others Vs District Commissioner, Kilombero District Council & 2 Others	High Court of Tanzania – Land Division (Mziray, J) Land Case No. 74/2011	<i>Mention</i>
3.	Abubakari Abdillahi Plantani & 1688 others Vs Minister for Land, Housing and Human Settlement & the AG	High Court of Tanzania – Land Division (Ngwala, J) Land Case No. 88/09	<i>Withdrawn</i>
4.	Abdallah Mbelwa & 244 others Vs P/S Ministry of Infrastructure & the AG	High Court of Tanzania – Land Division (Chingwile, J) Land Case No. 88/09	<i>Mention</i>
5.	John S. Mwakibinga vs. The Registrar of political Parties & the AG	High Court of Tanzania (Wambura J) Misc. Civil Application No. 56/10	<i>Mention</i>
6.	Jane mwenda vs. Muhimbili National Hospital	High Court of Tanzania (Makuru, J) Civil Case No. 103 of 2006	<i>Hearing</i>
7.	Rashid Nampiso vs. Jamila Sururu, Commissioner for Lands and AG	High Court of Tanzania (Mziray, J) Land Case No. 173/05	<i>Hearing for defence</i>
8.	Juma Ally Ngavu vs. Casiusi Mdamu	High Court of Tanzania, Land Div. (Ngwala, J) Land Case No. 49/07	<i>Pending judgment</i>
9.	Ramadhani S. Mhindila & 183 others vs. RAHCO	High Court of Tanzania, Labour Div (Registrar) Application No. 20/09	<i>Hearing PO</i>
10.	Kungwa Rajabu vs. Eshie mossy and another	Kinondoni District Land and Housing Tribunal (David, Chairman)	<i>Judgment</i>

11.	Paul Njau Vs. IGP, Inspector Tawete & AG	High Court District Registry Civil Case No. 46/2009 (Fauz J)	<i>Mention</i>
12.	R Vs. Zuberi Mpindajege and 3Others	District Court of Ifakara (Hon. Kimitcha) CC No. 126/10	<i>Acquitted</i>
13.	R Vs Godfrey Luena and Abdalah Khasim	District Court of Ifakara (Hon. Kimitcha) ECC No. 10/11	<i>Withdrawn</i>
14.	Godfrey Mkande Vs. Awadh Abood & 2Others	District Land and Housing Tribunal of Ilala Appl. No. 245/09 (Hon. David)	<i>Hearing</i>
15.	R Vs. Godfrey Mkande	District Court of Ilala CC. No 381/11 (Hon. Mushi)	<i>Withdrawn</i>
16.	Samwel Ngomuo Vs. Kamal Steel Ltd	Resident Magistrate Court – Kisutu, Civil Case No. 89 Of 2010 (Hon. Dudu)	<i>Dismissed</i>
17.	Grodfrey Ishara Vs. IGP and AG	High Court of Tanzania at Dar es Salaam (Civil Case No. 150 of 2010 (Hon. Mutungi)	<i>Mention</i>
18.	Mwampamba Elias & 49 Others Vs R	Resident Magistrate Court of Kisutu (Criminal Case No. 270/2011) Hon. Dudu	<i>Discharged</i>
19.	Hellen Madaga Vs. Raphael Madaga	District Court of Kinondoni Civil Case No. 20/2004 Before Hon. Rusemwa	<i>Ruling</i>
20.	Juma Marumo Vs. RC, DED, Municipal Council Ilala, AG	High Court of Tanzania at Dar es Salaam Civil Case No. 02/12 Fauz J,	<i>Mention</i>
21.	Patricia Steward & 207 Others Vs. Municipal Council of Kinondoni	High Court of Tanzania – Land Divison (Nchimbi, J) Misc Land Application No. 90/08	<i>Mention</i>
22.	Asheri Joseph Vs. Pro. Martin Shem	High Court – Land Division (Nchimbi J)	<i>Mention</i>

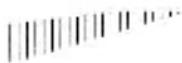


23.	Neema Massawe Vs. John Mapelele	Resident Magistrate Court – Kisutu (Mchome Hon) Matrimonial No. 44/2012	<i>Mention</i>
24.	Michael Malewo Vs. International Motors Ltd	High Court (Main Registry) Misc Civil Application No. 1 of 2009	<i>Judgment</i>
25.	Elifosia Maro Vs. James John and 5 Others	District Land and Housing Tribunal (Hon. David) Land Application No. 27/2007	<i>Mention</i>
26.	Godfrey Luena Vs. Ministry of Natural Resources and Tourism, AG	High Court (Land Division) Nchimbi J Land Case No. 212/2012	<i>Mention</i>
27.	Godfrey Luena Vs. DC & 3 Others	High Court (Land Division) Nchimbi J Land Case No. 40/2011	<i>Mention</i>
28.	Abdalah Adinan Mkoma Vs. Chief of Defence Force	High Court (Main Registry) J. Pro. Juma Civil Case No. 28/2012	<i>Hearing P.O</i>
29.	Alice Kinyaha Vs. Farida Bwahama	District Land and Housing Tribunal (Hon. Hemed) Application No. 221/2011	<i>Hearing</i>
30.	Abdallah Katoto vs Anyambilile Mwakisale	Land and Housing Tribunal for Temeke Misc. Application no. 112/11	<i>Execution</i>
31	Mary Sanga vs. Uluguru Tailors Cooperative Society & another	High Court of Tanzania – Land Division (Latifa Mansoor, J)	<i>Appeal</i>
32	LHRC vs. Attorney General & Others (Albino's case)	High Court DSM Misc. Appl. 15 of 2008 (Sheikh, Juma, Munisi JJJ)	<i>Mention stage</i>
33	Jeremiah Mashauri vs. Simon Mazengo	Kinondoni District Land Tribunal Appl. No. 268 of 2008 (David C/man)	<i>Hearing</i>
34	Ally Mhake vs. PS Ministry of Natural Resources & AG	High Court Civ. Case 20/2006 (Lugaziya J.)	<i>Hearing for defence</i>

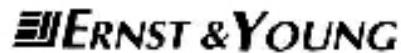
35	Republic vs. Elizabeth Michael alias Lulu	Kisutu RMs Court PI No. 1 of 2012 (Tarimo RM)	<i>Committal proceeding</i>
36	Republic vs. Ahmed Mohamed	Ilala District Court Crm Case No. 78/2010 (Kisoka RM)	<i>Hearing Prosecution Case</i>
37	Lameck Nyiraha vs. Ahamed Mohamed	Ilala District Court Civ. Case No. 51/2010 (Karuyenda RM)	<i>Hearing</i>
38	Asha Rashid vs. Barnabas Maji	High Court Misc. Appl. No. 147/2010 (Utamwa J.)	<i>Hearing Application</i>
39	Bernard Samson Thobias vs. Airtel Tanzania ltd	Kinondoni RMs Court Civil Case no. 12/2012 (Rusemwa RM)	<i>Hearing</i>
40	Remmy Lawrence and Thomas Kunambi & Others vs. Mvomero District Council & Others	High Court, Land Division Land Case No. 190 of 2007 (Mziray, J)	<i>Hearing</i>
41	PINGOs and others vs. Ngorongoro District Commissioner and others (Loliondo's Case)	High Court, Arusha Misc. Appl. No. 15/2010 (Nyerere, Shayo, Sambo JJJ)	<i>Ruling on notice</i>
42	Sadi Athumani vs. Daudi Kasonso	High Court DSM, Civ. Appl. 148 of 2008 (Bongole J)	<i>Ruling delivered not in favor of our client</i>
43	LHRC & 5 others vs. AG (CDF Case)	High Court Misc. Appl. No. 6/2011	<i>Mention</i>
44	Mike Daddy Jr. vs. LHRC & others	High Court , Petition No. 73/09 (Muruke, Mbise and Masengi JJJ)	<i>Ruling on points of preliminary objection</i>
45	LHRC & others vs. Attorney General (Death Penalty Case)	High Court Misc. Appl. 67 of 2008 (Lugaziya, Sheikh, Makaramba JJJ)	<i>Hearing Points of preliminary objection</i>
46	Herman Mhando vs. Theofrida Joseph	Kinondoni RMs Court Civil Case no. (Kihawa RM)	<i>Hearing</i>
47	Anna Makanga vs. Grace Woiso	High Court, Land Division Land Case No. 156/2009 (Nchimbi J.)	<i>Ruling on preliminary objection</i>



48	Damas Rutagatina and another vs. Juventinous Kafilikina	Kisutu RMs Court Civ. Case No. 4 of 2010 (Dudu RM)	<i>Hearing</i>
49	Nasser Kigwangallah vs. Tanzania Tobacco Control Forum	Kisutu RMs' Court Civil Case No. 281/2009 (Kisoka RM)	<i>Hearing</i>
50	Lucia Kweji vs. Ally Juma & Others	High Court Civil Case No. 74/2011 (Prof. Juma J.)	<i>Mention</i>
51	Mwanaisha Jaha Mgogomi vs. Juma Salum Kisaki	High Court DSM Civ. Appeal. 7 of 2012 (Mruke J.)	<i>Judgment</i>
52	Mbarouk Masoud vs. Tanzania Institute of Accountancy & AG	High Court Misc. Civil Cause No. 40/2011 (Kaduri J)	<i>Hearing</i>
53	LHRC & NOLA vs. AG and Another (Right to Education Case)	High Court Misc. Civil Appl. No. 21/2012 (Kaduri, Prof. Juma, Munisi, JJJ)	<i>Mention</i>
54	Esmail Abdulwahid vs. Ryna Nassor	Kinondoni District Court Civ. Appl. No. 24/2012 (Rutegangwa RM)	<i>Mention</i>
55	TANESCO vs. Nyaronyo Mwita Kicheere & EWURA	Fair Competition Tribunal Appeal No. 1/2012	<i>Hearing</i>
56	Hassan Njama and others vs. Muhimbili Hospital	Court of Appeal of Tanzania Misc. civil Application 14/2011	<i>Ruling on notice</i>
57	Elizabeth Michael alias Lulu vs. Republic	High Court DSM Appl. 46 of 2012 (Twaibu J.)	<i>Remitted to the subordinate court</i>
58	Kilimanjaro Truck Co. LTD vs. Damiana Lutu & Erick Auction Mart	High Court DSM Civ. Appl. 184 of 2011 (Aboud J.)	<i>Won</i>
59	Zulekha Abdulwahid and another vs. Ryna Said Nassor	Juvenile Court of Dar es Salaam Misc. Civil Cause No. 2.2012 (Kisoka RM)	<i>Lost</i>
60	Emanuel Ayoub & 4 other vs. Principal, St. Joseph College of Engineering and Technology	High Court civil Case No. 77 of 2010 (Chinguile J)	<i>Lost on PO</i>
61	Gervas Shayo vs. VC Mhimbili University & Others	High Court, Misc. Appl. No. 102/2011 (Utamwa J.)	<i>Withdrawn</i>



## Statements



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### INDEPENDENT AUDITORS' REPORT

#### *To the members of* **LEGAL AND HUMAN RIGHTS CENTRE**

We have audited the accompanying financial statements of Legal and Human Rights Centre, which comprise the statement of financial position as at 31 December, 2012, and the statement of comprehensive income, statement of changes in equity and statement of cash flow for the period then ended, and a summary of significant accounting policies and other explanatory information.

#### **Directors' Responsibility for the Financial Statements**

The company's directors are responsible for the preparation and fair presentation of these financial statements in accordance with International Financial Reporting Standards and in the manner required by the Tanzanian Companies Act, 2002, and for such internal control as the directors determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

#### **Auditors' Responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the company's preparation and fair presentation of the financial statements in order to design the audit procedures that are appropriate for the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal control. An audit includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



**INDEPENDENT AUDITORS' REPORT (Continued)**

**To the members of  
LEGAL AND HUMAN RIGHTS CENTRE**

**Opinion**

In our opinion, the financial statements present fairly, in all material respects, the financial position of Legal and Human Rights Centre as at 31 December 2012, and its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards and comply with the Tanzanian Companies Act, 2002.

**Report on other legal and regulatory requirements**

This report, including the opinion, has been prepared for, and only for, the Company's members as a body in accordance with the Tanzanian Companies Act, 2002 and for no other purposes.

As required by the Tanzanian Companies Act, 2002, we report to you, based on our audit, that:

- i. We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purpose of our audit;
- ii. In our opinion, proper books of account have been kept by the Company, so far as appears from our examination of those books;
- iii. The directors' report is consistent with the financial statements;
- iv. Information specified by law regarding directors' remuneration and transactions with the company is disclosed; and
- v. The Company's statement of financial position and statement of comprehensive income are in agreement with the books of account.

**Ernst & Young**  
**Certified Public Accountants**  
**Dar es Salaam**  
**Signed by: Neema Kiuro Mssusa (Partner)**

Date 31 May 2013

**LEGAL AND HUMAN RIGHTS CENTRE**

**STATEMENT OF FINANCIAL PERFORMANCE  
FOR THE PERIOD ENDED 31 DECEMBER 2012**

		<u>2012</u>	<u>2011</u>
	Notes	US\$	US\$
<b>Income</b>			
Grants income	7	2,465,662	2,075,133
Other income	8	84,027	64,049
Amortisation of capital grant	12	187,698	186,248
Amortisation of intangible assets	10	7,722	7,722
		<u>2,745,109</u>	<u>2,333,152</u>
<b>Expenditure</b>			
Operating expenses	11	(2,632,913)	(2,931,122)
Amortisation charge of capital grant	12	(187,698)	(186,248)
Amortisation Intangible asset	10	(7,722)	(7,722)
		<u>(2,828,333)</u>	<u>(3,125,092)</u>
<b>Operating deficit</b>		<b>(83,224)</b>	<b>(791,940)</b>
Finance Income		526	2,757
<b>Operating deficit before tax</b>		<u><b>(82,698)</b></u>	<u><b>(789,183)</b></u>
Taxation		-	-
<b>Deficity Surplus for the year</b>		<u><b>(82,698)</b></u>	<u><b>(789,183)</b></u>
<b>Other Comprehensive Income</b>		<u>-</u>	<u>-</u>
<b>Total Comprehensive deficit</b>		<u><b>(82,698)</b></u>	<u><b>(789,183)</b></u>

LEGAL AND HUMAN RIGHTS CENTRE

STATEMENT OF FINANCIAL POSITION  
AS AT 31 DECEMBER 2012

Assets	Notes	2012 US \$	2011 US \$
<b>Non-current assets</b>			
Property and equipment	12	632,735	793,726
Intangible asset	10	5,148	12,870
		<u>637,883</u>	<u>806,596</u>
<b>Current assets</b>			
Receivables	15	4,442	43,558
Cash and bank balances	16	366,280	633,422
		<u>370,722</u>	<u>676,980</u>
<b>Total assets</b>		<u><b>1,008,605</b></u>	<u><b>1,483,576</b></u>
<b>Stakeholders' funds and liabilities</b>			
<b>Stakeholders' funds</b>			
Retained earnings		<u>249,861</u>	<u>332,559</u>
		<u>249,861</u>	<u>332,559</u>
<b>Non - current liabilities</b>			
Deferred capital grants		<u>657,822</u>	<u>826,540</u>
		<u>657,822</u>	<u>826,540</u>
<b>Current liabilities</b>			
Payables and accruals	17	<u>100,922</u>	<u>324,477</u>
		<u>100,922</u>	<u>324,477</u>
<b>Total stakeholders' funds and liabilities</b>		<u><b>1,008,605</b></u>	<u><b>1,483,576</b></u>

These financial statements were approved by the board of directors on 29 May 2013 and signed on its behalf by:

Elinora E. Sandoz Chairperson Sandoz 29 May 2013  
**Name** **Position** **Signature** **Date**

Dr. Helen Kito-Rusika EXECUTIVE DIRECTOR H. Rusika 29-5-2013  
**Name** **Position** **Signature** **Date**

## LEGAL AND HUMAN RIGHTS CENTRE

### STATEMENT OF CHANGES IN MEMBERS' FUNDS FOR THE PERIOD ENDED 31 DECEMBER 2012

	<u>Retained Earnings US\$</u>	<u>Total US \$</u>
At 01 January 2012	332,559	332,559
Deficity for the year At 31 December 2012	<u>(82,698)</u> <u>249,861</u>	<u>(82,698)</u> <u>249,861</u>
At 01 January 2011	1,124,499	568,622
Surplus for the year At 31 December 2011	<u>(791,940)</u> <u>332,559</u>	<u>555,877</u> <u>1,124,499</u>

**LEGAL AND HUMAN RIGHTS CENTRE**

**STATEMENT OF CASH FLOWS  
FOR THE PERIOD ENDED 30 SEPT 2012**

	2012	2011
Notes	US\$	US \$
<b>Operating activities</b>		
Surplus for the year	(82,698)	(791,940)
<b>Adjustments for non cash items to reconcile surplus for the year to net cash flows</b>		
Depreciation of property and equipment	187,698	186,248
Amortization of intangible assets	7,722	7,722
Amortization of capital grant	(195,425)	(186,248)
Gain on disposal of plant and equipment	-	(7,771)
	<u>(82,703)</u>	<u>(791,989)</u>
Working capital adjustments:		
(Increase)/decrease in other receivables	39,116	(3,818)
Increase/(Decrease) in accruals and other payable	(223,555)	160,016
<b>Net cash flows from operating activities</b>	<u>(267,142)</u>	<u>(635,791)</u>
<b>Investing activities</b>		
Proceeds from disposal of property and equipment	-	7,771
Purchase of property and equipment	(26,707)	(396,637)
Purchase of intangible assets	-	-
<b>Net cash flows used in investing activities</b>	<u>(26,707)</u>	<u>(388,866)</u>
<b>Financing activities</b>		
Donor funds received for purchase of property and equipments	26,707	396,637
<b>Net cash flows from financing activities</b>	<u>26,707</u>	<u>396,637</u>
<b>Net decrease in cash and cash equivalents</b>	<b>(267,142)</b>	<b>(628,020)</b>
Cash and cash equivalents		
At the beginning of the year	<u>633,422</u>	<u>1,261,442</u>
<b>At the end of 2012</b>	<u><b>366,280</b></u>	<u><b>633,422</b></u>

## LEGAL AND HUMAN RIGHTS CENTRE

### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2012

#### 1 CORPORATE INFORMATION

The financial statements of the Company for the year ended 31 December 2012 were authorised for issue in accordance with a resolution of the Board of Directors. The Company is a limited by Guarantee Company incorporated and domiciled in Tanzania. The registered office is located at Justice Lugakingira House, Kijitonyama Area, Dar es Salaam, Tanzania.

The principal activities of the Company are described in the directors' report.

#### 2 BASIS OF PREPARATION

The financial statements have been prepared on a historical cost basis, except for certain financial instruments that have been measured at fair value. The financial statements are presented in United States Dollars (USD).

##### Statement of Compliance

The financial statements of the Company have been prepared in accordance with International Financial Reporting Standards (IFRS) as issued by the International Accounting Standards Board (IASB).

#### 3 CHANGES IN ACCOUNTING POLICIES AND DISCLOSURES

During the current financial year, the following new or revised accounting standards, amendments to standards and new interpretations were adopted or early adopted by Legal and Human Right Centre:

Standard or Interpretation	Title	Effective for annual periods beginning on or after
IFRS 7	Financial Instruments : Disclosures - Enhanced Derecognition Disclosure Requirements	1 January 2012
IAS 12	Amendment - Deferred tax: Recovery of Underlying assets	1 January 2012

The adoption of these new or revised standards, amendments to standards and interpretations did not have material effect on the financial position or performance of the company.

## LEGAL AND HUMAN RIGHTS CENTRE

### NOTES TO THE FINANCIAL STATEMENTS (Continued) FOR THE YEAR ENDED 2012

	2012 US\$	2011 US\$
<b>7 REVENUE</b>		
<b>Grants income</b>		
Norwegian People's Aid	-	140,800
Legal Services Facility	175,610	-
SIDA-Swedish Embassy	1,728,000	2,022,290
KPMG - AcT Programme	452,128	205,500
Foundation for Civil Society	76,163	75,554
OXFAM GB- Maputo protocol project	60,469	27,626
Total grant received for the year	<u>2,492,369</u>	<u>2,471,770</u>
Transfer to deferred capital grant (Note 9)	(26,707)	(396,637)
<b>Net grants income</b>	<u>2,465,662</u>	<u>2,075,133</u>

The centre had received services from 360 paralegals and 137 monitors who worked with the centre on voluntary basis, management have not recognised revenue from these volunteers since it have not been able to quantify their services.

### 8 OTHER INCOME

Subscription fee	428	1,951
Clients contribution	2,121	2,057
Fund raising activities	49,432	22,101
Miscellaneous income	36,686	46,500
Gain on sale of property and equipment	-	7,771
Foreign exchange loss	(4,639)	(16,331)
	<u>84,027</u>	<u>64,049</u>

### 9 DEFERRED CAPITAL GRANTS

At 1 January	826,540	616,151
Capital grant received during the period (Note 7)	26,707	396,637
	<u>853,247</u>	<u>1,012,788</u>
Amortisation for the year	(195,425)	(186,248)
<b>At 31 December 2012</b>	<u>657,822</u>	<u>826,540</u>

Deferred capital grant relates to items of a capital nature procured from donor fund, such as motor vehicles to be used by the organisation over a period of years.

### 10 INTANGIBLE ASSETS

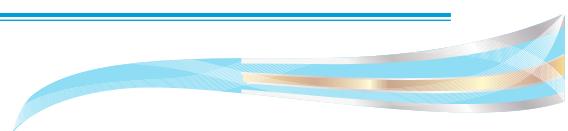
#### Sunsystems Accounting software

<b>Cost</b>		
At 01 January	23,166	23,166
Additions for the year	-	-
<b>As at 31 December</b>	<u>23,166</u>	<u>23,166</u>
<b>Accumulated amortisation</b>		
At 1 January	10,296	2,574
Charge for the period	7,722	7,722
<b>As at 31 December</b>	<u>18,018</u>	<u>10,296</u>
<b>Net book value</b>		
<b>As at 31 Dec 2012</b>	<u>5,148</u>	<u>12,870</u>

**LABOR AND HUMAN RIGHTS CONTROL**

**NOTES TO THE FINANCIAL STATEMENTS (Continued)**  
**FOR THE YEAR ENDED 2012**

	2012 USD	2011 USD
<b>20 OPERATING EXPENSES</b>		
Operating salaries and allowances	1,711,915	1,000,719
Employee expenses	66,492	76,662
SALES PROMOTION	18,718	4,682
Share of cost of goods sold (the net of the share of cost of the sales promotion)	14,493	21,284
Cost of sales of related companies	242,891	200,909
Cost of sales of related companies	28,824	1,892
Cost of sales of related companies	27,826	18,112
Cost of sales of related companies	18,818	12,112
Cost of sales of related companies	-	1,822
Cost of sales of related companies	1,217	-
Cost of sales of related companies	17,454	12,874
Cost of sales of related companies	18,282	18,282
<b>20.01 OPERATING EXPENSES</b>	<b>2,298,415</b>	<b>1,305,129</b>
<b>21 Other operating expenses (including cost of inventory and other selling expenses, depreciation, amortization and other non-current expenses)</b>	<b>1,125,794</b>	<b>1,040,117</b>
	<b>882,221</b>	<b>871,221</b>
	<b>243,573</b>	<b>168,896</b>
<b>22 Other operating expenses (including cost of inventory and other selling expenses, depreciation, amortization and other non-current expenses)</b>	<b>16,822</b>	<b>16,822</b>
	<b>16,822</b>	<b>16,822</b>



**LEGAL AND HUMAN RIGHTS CENTRE****NOTES TO THE FINANCIAL STATEMENTS (Continued)  
FOR THE YEAR ENDED 2012**

	<u>2012</u>	<u>2011</u>
	<u>US\$</u>	<u>US\$</u>
<b>13 FINANCE INCOME</b>		
Bank interest	526	2,757
Foreign exchange gains/(loss)	-	-
	<u>526</u>	<u>2,757</u>
<b>14 TAXATION</b>		
No tax has been charged to the financial statement as the Centre is not for profit making entity and therefore exempted from corporate tax.		
<b>15 RECEIVABLES</b>		
Staff advances	-	1,200
Staff imprest	-	42,358
Prepayments & Other Receivables	4,442	-
	<u>4,442</u>	<u>43,558</u>
Provision for doubtful receivable	-	-
	<u>4,442</u>	<u>43,558</u>
<b>16 CASH AND BANK BALANCES</b>		
Cash on hand	332	981
Cash at bank	365,948	632,441
	<u>366,280</u>	<u>633,422</u>
<b>17 PAYABLES AND ACCRUALS</b>		
Gratuity payable	-	218,458
Accrued expenses	100,922	106,019
	<u>100,922</u>	<u>324,477</u>

