



Mlinzi wa **HAKI**

English version



JANUARY 2023

 www.humanrights.or.tz

 lhrc@humanrights.or.tz

 +255 22 2773038/48

Dear esteemed readers

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



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

- Adv Anna Aloyce Henga

LHRC Executive Director.

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

January was the month of planning for LHRC, as an Organization, is going to implement its mission in Tanzania with success, much of the activities focused on planning best approached to implement programs related to human rights and good governance in Tanzania.

This is however, does not mean that other programs stopped as LHRC carried out a number of initiatives related to promotion of human rights and good governance, including the provision of legal aid services, a crucial component in improving of access to justice.

In January LHRC's continued to the 2022 Human Rights Report which will be shared with the public very soon. We are also finalizing a report on the effects of climate change from the perspective of human rights which will be shared with our stakeholders as soon as it has been validated.

Many other plans took place in January, which include the preparation of a stakeholders' conference on female genital mutilation, preparations for international women's day, as well as the publication of a book on democracy that will come out later this year.

In the coming few days, LHRC will double its efforts in providing legal aid services to Tanzanians, hence anyone who's aggrieved and in need of a legal aid service should visit any of our offices and his/her issue will be taken care of.

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



LHRC intervenes in a case involving the shooting of a worker by his employer

The Legal and Human Rights (LHRC) in January had to intervene in a case that involved the alleged shooting of a worker by his employer in Morogoro after the former accused the latter of stealing some money.

Benjamin Shinda, 26, worked as a tractor driver before his boss accused him of theft, shooting him with a live bullet on January 12, 2023, something that seriously injured Shinda, leading to his being hospitalized.

Following reports by *Mwananchi* newspaper that Shinda has been hospitalized while his alleged shooter roams freely in the streets, LHRC Executive Director Anna Henga said that the organisation will help Shinda gets justice.

“We have dispatched our human rights defender based in Morogoro to closely follow up on the case and advice on the best ways to intervene,” Henga told *Mwananchi* newspaper. “It is a heinous incident. There must be accountability.”

Henga said LHRC would like to know why hasn't the suspect been arrested, adding

“We know this case is bailable but the suspect must be arrested first and brought to court which will rule whether he is guilty or not.”

Condemning the act in a statement released earlier, LHRC urged Tanzanians to stop taking matters into their own hands, reminding Tanzanians that the country is governed under the principle of the rule of law.

“We know this case is bailable but the suspect must be arrested first and brought to court which will rule whether he is guilty or not.”

**Adv Anna Henga
LHRC Executive Director**



LHRC condemns inappropriate dispensation of corporal punishment by head-teacher

Legal and Human Rights Centre (LHRC) this month joined other stakeholders in demanding that teachers follow the set guideline when executing corporal punishment to students lest they harm the learners.

It followed a video clip that went viral showing a headmaster at Kakanja Primary School in Kagera whipping two students on their footprints while barefooted.

The video caused public outcry leading the relevant authorities to come out and say that they'd investigate the video clip and necessary measures would be taken against the headmaster.

In her statement on January 25, 2023, LHRC Executive Director Anna Henga applauded the steps announced by relevant authorities regarding the incident, reminding teachers to use the punishment appropriately.

Article 13 of the Law of the Child Act 2009 in Mainland Tanzania provides for “justifiable” correction while article 14 of the Children’s Act 2011 in Zanzibar confirms that parents may discipline their children providing it does not lead to injury.

Child rights activists, however, have been arguing that the provisions should be repealed/amended to ensure that no law can be construed as authorising corporal punishment in childrearing.



Image portraying the headmaster at Kakanja Primary School in Kagera whipping two students on their footprints while barefooted.



LHRC demands right to education for girls who drop out of school due to pregnancy

Legal and Human Rights Centre (LHRC) this month renewed its call to the government to implement the recommendations by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) aimed at defending girls who get pregnant while in school from being denied their right to continue with their education.

The recommendations followed an application by LHRC and the Centre for Reproductive Rights filed in 2019 against the government of Tanzania. LHRC made the call in the context of the International Day of Education commemorated on January 24 of every year.

In its statement on January 24, 2023, LHRC noted that although there are some changes on the issue still there is a need to have a re-entry law that will fully protect Tanzanian girls.

According to LHRC, here are the recommendations that the government of Tanzania needs to implement in full:

1. Amend the Law of Marriage Act, 1971 and protect girls from child marriages.
2. Immediately prohibit mandatory pregnancy testing in schools and health facilities and publicly announce the prohibition.

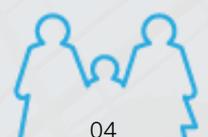
3. Review the Education (Expulsion and Exclusion of Pupils from School) Regulations, 2002 G.N. No. 295 of 2002 and in doing so remove wedlock as a ground of expulsion and provide an indication that the moral ground of expulsion should be interpreted narrowly and should not apply in cases of pregnancy of schoolgirls.

4. Undertake concrete steps to prevent the expulsion of pregnant and married girls from schools including by providing laws and policies on the same.

5. Remove any policy of non-re-entry of schoolgirls including girls who have dropped out of school due to pregnancy or wedlock.

6. Immediately re-admit schoolgirls who have been expelled due to pregnancy and wedlock and provide special support programmes to compensate for the lost years and ensure better learning outcomes for the returned girls.

7. Provide clear guidance to school administrators that girls who drop out of school due to pregnancy or wedlock with their preference are allowed to come back to school with no preconditions.



8. Investigate the cases of detention of pregnant girls and immediately release detained pregnant girls who are being interrogated to reveal who impregnated them and stop such kinds of illegal arrests of pregnant girls.

9. Provide sex education for adolescent children and provide child-friendly sexual reproductive and health services.

10. Undertake extensive sensitization of teachers, health care providers, police and other actors with regards to the protection that should be accorded to pregnant and married girls.

11. Undertake proactive measures towards the elimination of child marriage and other harmful practices that affect girls including by taking measures to address the underlying factors such as gender-based discrimination, poverty, and negative customary and societal norms.

12. Create a conducive reporting and referral mechanism for survivors of sexual violence including child marriage, and provide psychosocial support, rehabilitation, and reintegration services for the survivors.

13. Investigate and prosecute perpetrators of sexual violence and child marriage.

14. Act against any actors who conduct forced pregnancy testing of any type.

15. Provide special support to pregnant and married girls to continue their education in a school of their choice and based on their consent.

The International Day of Education was proclaimed by the United Nations General Assembly in celebration of the role of education in peace and development.

The 2030 Agenda for Sustainable Development in Goal 4 strives to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all” by 2030.

LHRC believes that without inclusive and equitable quality education and lifelong opportunities for all, countries will not succeed in achieving gender equality and breaking the cycle of poverty that is leaving millions of children, girls, women, PWDs, youth and adults behind.

This year’s theme is “to invest in people, prioritise in education” which means that to achieve SDG and development for all one must invest in education.



LHRC takes part in the commemoration of 2023 Law Week

Legal and Human Rights Centre (LHRC) this month joined other law stakeholders in the country to commemorate the 2023 Law Week 2023 whose celebrations climaxed on February 1, 2023, at the Chinangali grounds in the capital Dodoma.

This year's theme for Law Week is the Importance of Dispute Resolution through Arbitration in Promoting a Sustainable Economy: The Role of Courts and Stakeholders.

President Samia Suluhu Hassan graced the celebrations where she urged Tanzanians to make use of the Tanzania Arbitration Centre in resolving their legal disputes, noting that not every case should be sent to courts.

“My hope is that, as Tanzanians, it reaches a stage where bringing each other to court is not a must unless extremely necessary and instead we use the available arbitration mechanisms in resolving our cases,” the Head of State was quoted as saying.

Law Week is a nationwide initiative aimed at promoting community awareness and understanding of the law, the legal system and the legal profession.

This year, the Week commenced on January 22, preceded by a walk led by Vice-President Dr Phillip Mpango. The Week brings together the judiciary, stakeholders and citizens to remind each other of the importance of justice and show the effects on the people's and country's economy because of the delay in disposing of cases.

A number of senior officials from LHRC, led by the organisation's Executive Director Anna Henga, took part in the celebrations. LHRC used the week to provide legal aid services to needy Tanzanians from different parts of the country.



Our development partners



EMBASSY OF SWEDEN



Norwegian Embassy



EMBASSY OF FINLAND



Ambasáid na hÉireann
Embassy of Ireland



FORD
FOUNDATION





LEGAL AND HUMAN RIGHTS CENTRE, HEADQUARTERS
Justice Lugakingira House, Kijitonyama,
P. O. Box 75254, Dar es Salaam - Tanzania
Tel: +255 22 2773038/48 Fax: +255 22 2773037
Email: lhrc@humanrights.or.tz Website: www.humanrights.or.tz

THE LEGAL AID CLINIC
Isere Street - Kinondoni, P. O. Box 79633, Dar es Salaam, Tanzania
Phone/Fax: +255 22 27612015/6 Email: legalaids@humanrights.or.tz

ARUSHA OFFICE,
Olerian Street, Plot No. 116/5, Sakina kwa Iddi
P. O. Box 15243, Arusha, Tanzania
Phone: +255 27 2544187 Email: lhrcarusha@humanrights.or.tz

DODOMA OFFICE
Plot No. Area D, P. O. Box 2289, Dodoma, Tanzania
Phone/Fax: +255 262350050 Email: lhrc@humanrights.or.tz

