



SUCCESS STORIES AND CASE STUDIES BOOKLET 2022

WHO WE ARE AND WHAT WE DO

The Legal and Human Rights Centre (LHRC) is a Tanzanian human rights advocacy organization founded in 1995 as a non-governmental, voluntary, nonpartisan, and not-for-profit sharing organization to empower and enlighten Tanzanians about their legal and human rights.

LHRC has four offices, namely: the head office located in Kijitonyama, Dar es salaam; a model legal aid office situated in Kinondoni, Dar es salaam; and two sub-offices, one located in Arusha region and the other in Dodoma region. LHRC's operations are extensive, spanning all 169 districts of Tanzania Mainland, with specific interventions in Zanzibar.

LHRC has a presence in remote parts of the country, made possible through its well-designed programs, promoting awareness, and providing support to enable citizens to re-imagine their communities and capacitate them in settling some disputes amicably, without resorting to protracted judicial proceedings.

STRATEGIC OBJECTIVES

1. Deepen understanding and respect for human rights among rights holders and duty bearers that will entrench a culture of human rights in Tanzania.
2. Advocacy for improvement of rule of law, civic space, democracy, constitution, and legal reforms
3. Promotion of socio-economic and environmental compliance, accountability, and justice
4. Improved legal and policy frameworks governing specific rights of women, children, and persons with disabilities
5. Improved effectiveness of LHRC in delivering her mandate

OUR VISION:



LHRC envisions *"a Just and Equitable Society"* - a society where the three arms of state [parliament, judiciary, and the executive], as well as nonstate actors, practice accountability, transparency and there is rule of law; and where there is public awareness, respect, and engagement for human rights and good governance; and where justice and respect for human dignity are a reality.

OUR MISSION:



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

OUR VALUES:



- Integrity
- Accountability
- Equality and Diversity
- Transparency
- Professionalism
- Volunteerism & Voluntarism

ABOUT THIS BOOKLET



I invite you to join us in celebrating these remarkable journeys of triumph and change. Let these stories serve as a reminder that success is not just an individual accomplishment but a collective endeavor, made possible through collaboration, support, and belief in the power of human potential.

Dr. Anna Henga
Executive Director,
LHRC.

Dear readers

It is with great pleasure and excitement that I introduce you to this remarkable booklet of success stories, showcasing the incredible achievements of individuals who have participated in our programs. Within these pages, you will find stories that embody the power of education, empowerment, and transformative change.

Our programs are designed to provide a platform for growth, to unlock potential, and to empower individuals to create positive change in their lives and communities. These stories exemplify the transformative journey undertaken by participants, as they faced and conquered challenges, embraced personal development, and realize their basic human rights.

You will encounter stories of individuals who, against all odds, pursued their educational aspirations and overcame barriers that once seemed insurmountable. These individuals embody the power of knowledge, and their achievements are a testament to the life-changing impact that education can have.

Moreover, you will read accounts of individuals who, having experienced adversity, discovered their inner strength and embarked on a journey of striving to fight for their rights regardless of the challenges. These stories remind us that resilience knows no bounds and that through support and empowerment, individuals can rise above their circumstances and create meaningful change.

This booklet serves as a celebration of the incredible human spirit, the limitless potential that resides within each of us, and the transformative power of our programs. It is a testament to the dedication of our staff, volunteers, and partners who work tirelessly to create an environment where individuals can thrive.

I would like to express my heartfelt gratitude to all the individuals who have generously shared their stories with us. Their courage, vulnerability, and determination are an inspiration to us all. By sharing their journeys, they provide hope and motivation for others who may be facing similar challenges.

I invite you to join us in celebrating these remarkable journeys of triumph and change. Let these stories serve as a reminder that success is not just an individual accomplishment but a collective endeavor, made possible through collaboration, support, and belief in the power of human potential.

Thank you for being a part of this inspiring journey, and may these stories encourage you to embrace your own path to success.

With gratitude and warm regards,

Executive Director



STORIES FROM OUR CLIENTS

'My Heart Is at Ease': Maasai Lady Thanks LHRC For Saving Her Home

Ngosumbati was the youngest wife of the late Mr. Kisiri who was a polygamist. In her youngest years before she had any children, her husband gave her a small farm. This is a tradition for Wa-Arusha (Maasai in Arusha) that each wife gets a farm from their husband for the upkeep of the family.

Mrs. Kisiri becomes a widow at her youthful age while her children were still in need, leaving her alone to provide for the family. With little family protection, the oldest child from the other household came in and divided part of the Ngosumbati's farm, she had nowhere to turn and no help whatsoever. She decided to let it go and weep with her family.

As time passed, the family farm value increased as Arusha city grew, and it became one of the farms in a growing part of Arusha, Ngaramtoni. While to Ngosumbati and her family the farm means history and invaluable memory, it also became one of the prime real estates with the potential to raise millions.

In 2020, the family member who grabbed part of Ngosumbati's land and sold it came back again, this time around claiming that the farm was taken from him, that it was an inheritance from his father, and that Ngosumbati was not supposed to be anywhere near the farm.

The case started at the local land council where men and women from the community stood by the side of Ngosumbati.

"We have been here for years, we have never seen the claimant, he has not built anything or done anything on the farm, one of the Ngosumbati's neighbors Loisharuku Seleirian who witnessed the case narrates."

"It was not his farm, it has never been his farm, no one in the village has ever seen him doing anything on the farm," Seleirian added. At the village council, Ngosumbati won, she says: "I thanked God I won the verdict at the land council."

In an unfortunate circumstance, there was an appeal for the decision made at the council. This was the most haunting news for Ngosumbati, as first, they learned that at higher level advocates will be involved and they did not have the finances to cover legal support.

"We were afraid, he has money, and powerful compared to us," the last born of Ngosumbati, Israel Kisiri, recounted the tough moment of their family.



Picture 1: Mrs. Ngosumbati Kisiri at her home in Arusha

Luckily, they were referred by good Samaritan to the Legal and Human Right Centre for legal assistance.

"One of the clients we had received was Ngosumbati Kisiri. She came in after the appeal to the land district council," narrated LHRC legal officer Francisca Lengeju who was also the leading advocate for Ngosumbati's case.

"Most of the issues raised in the appeal were legal issues and Ngosumbati's family couldn't afford legal fees, so the Centre stepped in and helped her for free," added Francisca. With assistance from the LHRC, the land council at the district level still awarded Ngosumbati as the legal owner of the said land.

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**We were afraid to lose
our land, he has money
but we don't have
money.**

Israel Kisiri (LHRC Beneficiary)



For now, LHRC is following up for the court to declare that Ngosumbati is the rightful owner of the land through the application for execution of the decree to close any opportunity for future queries.

"My heart is at ease; you have helped me. I have not faced any issues again, I'm happy and filled with gratitude," Ngosumbati describes her current state after LHRC legal assistance, a complete transformation from the days of fear.

"Without assistance from institutions like this, injustice will be prevalent," said Loisharuku Seleirian, who is the longtime neighbor of Ngosumbati.

"If it's not God and the legal assistance, some people will choke others completely, please continue to assist people," continued Mr. Loisharuku.

"The LHRC staff give legal aid wholeheartedly, people should not be afraid to seek help," underscored Ngosumbati's last born Israel Kisiri.

LHRC remains open to anyone who faces legal challenges and needs assistance, as Advocate Francisca puts it: "I urge people to come to our offices for legal assistance, especially women as their still few of them who show up."

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Picture 2: Mrs. Ngosumbati accompanied by her son Israel Kisiri, narrating how LHRC helped her to regain her land in 2022.



HOW I BECAME A FREE MAN AFTER A 30-YEAR PRISON SENTENCE

They look inseparable, Tumaini Noel and his mother Amina Sioi Nassari. They occasionally joke around and talk in their local dialect. You can feel the mother-son love and the bond of care. But whenever there is silence between them you can sense the weight of emotions.

Amina, 65, had a second chance of spending time with his son after he was imprisoned for 30 years prison sentence.

Tumaini, a small market trader, a breadwinner to his three children, and wife as well as a caretaker to his mother, worked his back off as casual labour before venturing into the cassava supplying trade at the food market in Arusha.

Life was thriving until March 7, 2020. One day when he was coming from his daily work, he was ambushed and arrested by people who introduced themselves as police officers and was taken to USA River Police station in Arusha.

He stayed there for two weeks without the knowledge of his family and his understanding of what he was charged for. "They tortured me for two weeks, saying I had robbed someone, I told them I don't know anything," lamented Tumaini with a face full of emotions. "They pierced my skin, beat my ankles and knees and hanged me like a bat while fully naked."

Later the police decided to search his home, he narrated that he was grateful that at least his two daughters, son, mother, and wife would be able to see him again. "I was relieved that my family will know where I am," he narrates.

Police searched his entire house, but they didn't find anything and decided to leave, telling Tumaini's mother that he could follow up on the next day for bail proceedings.

To Tumaini's surprise, something else was waiting for him at the police station. This was the last time for him as a freeman. Police had put Tumaini as one of the prime suspects in the armed robbery incident which happened on March 2, 2020, in Mererani, Arusha region.

"I took porridge to the police station for my son, I found him lying on the floor barely conscious, blood coming out of his cheeks, and he couldn't eat," narrated Amina on the first day that she visited Tumaini at the police station.



"I then rushed to the senior officer's office who called the station and directed them to take my son to the hospital and later to the court," explains Amina.

Tumaini was then taken to hospital and thereafter to Kisongo prison. It was a frustrating moment for Amina. She explained that she could barely sleep for months and had suffered physical weakness.

While visiting his son in prison, he met a Good Samaritan who directed her to the LHRC offices where she was assigned to a criminal desk.

"When we met Tumaini's mother she was not in a good state, she was crying all the time and had lost hope of ever going to see his son free," explained Advocate Hamis Mkindi, LHRC's Senior Officer.

Tumaini was facing armed robbery charges which means he was not eligible for bail, and he was susceptible to a 30-year prison sentence.



Following the fact-finding mission, which confirmed a clear violation of the rights of Tumaini, LHRC went on to the next stages of giving him legal representation. The case was at the Arusha Resident Magistrate's Court, and both Advocates Amani Mkama and Hamis Mkindi provided legal representation to Tumaini during the whole duration of the case.

"Unfortunately, our client was sentenced to thirty years in prison by the resident magistrate" explained advocate Mkama.

LHRC immediately started the process of appeal. "The case was weak from the onset, and we believe we have raised many areas of doubt in the proceedings, so we filed an appeal" explained Advocate Mkindi who led the appeal process.

The appeal was carried out successfully and on August 25, 2022, Tumaini was freed, almost three years after his arrest.

While Tumaini and his mother have finally seen justice, there are many more like Tumaini. There are cases where it almost looks like justice but it's not justice. Witnesses may be called out, but they are not credible. Charges may be drawn but are fabricated. And a trail of evidence might be there but with nothing but suspicion and doubt.

This is why LHRC relies on evidence-based advocacy for reforming the criminal justice system. Cases like Tumaini may go a long way toward reforming Tanzania's criminal justice system.



Picture 4: Emotional Tumaini Noel recounting his ordeal before LHRC team

There is a need to allow bail for all offences and to speed up the rate of court proceedings; this will be done by having more human resources at the judiciary as well as amending the laws.

To avoid having more people like Tumaini who spent years in jail for trumped charges, there is a need of overhauling the Tanzania Police Force and building an institution that works and responds to the people.

This is by increasing transparency and accountability mechanisms within the Police Force, restricting the use of force, and allowing citizens to have direct access to holding the institution to account.

LHRC remains committed to its mission of making Tanzania a just and equitable society until Tanzania becomes a just society. Let justice be our truth, and let justice be done!

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I'm very happy to be free, but I'm still confused about how I am going to start again. I can't wrap my head around the fact that my son had to leave school at form two just because he couldn't get his basic needs like uniform and stationeries.

I have three children. Daniel, Agness, and Nancy. Daniel, 15, is the oldest, but there are two others. I heard they were suffering since my wife left with them. She abandoned them at their grandmother. How am I going to start again and bring my family together? How am I going to start again and become like other men?
I don't know

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Tumaini Noeli



HOW LHRC HELPED WIDOW REGAIN HER RIGHTS TO PROPERTIES AFTER 10 YEARS OF STRUGGLES

In 2021, the Legal and Human Rights Centre (LHRC) conducted a survey on the practice of writing a will for the protection of inheritance rights. During the survey, it was found that out of the 1,084 community members who participated in the study only 11 per cent have written a will.

The main reason for the respondent not writing a will was the lack of awareness, with some suspicion in play, such as writing a will would invite death or put one life in danger.

One of the inheritance cases that LHRC had to intervene in is the one regarding a widow, Miriam Mbaga, whose husband passed on in 2019, leaving Miriam with two houses.

Miriam and her husband Eliamini Kwayu got marriage in 2000, and by the time they had their first child in 2001, it was also the time that Eliamini's mother had passed on.

The late Eliamini's mother was a successful businessperson in Arusha region, and she had left a will which said that her property should be inherited equally among her children and in a case where one of her children passed on the properties should be transferred to her grandchildren.

With the will in the play, Eliamini inherited two houses from her mother and his sisters inherited the rest of the seven houses left.

Eliamini's sisters were not happy with the will and the allocation of their late mother's properties. One of them decided to come and stay in one of the houses that Eliamini had inherited.

"From 2001, life was difficult because of the conflicts between relatives regarding the inheritance of their mother's properties," recalled Miriam Mbaga, a widow, and a mother of three.

In 2009, her husband fell sick for an abbreviated period and was later pronounced dead. During the funeral proceedings of Miriam's late husband, it was decided by the clan that she should go back to her home, which Miriam adhered to.

"My sisters-in-law were not happy with my return, they chased me away and didn't allow me to even take my personal belongings," explained Miriam of events that unfolded after her late husband's death. "They told me that my only gift from the family is the children and that I should leave with them."



Picture 5: Miriam Mbaga (a widow) accompanied by his son, all from Arusha during the interview where she explained how LHRC helped her reclaim her lost properties

Sad and confused, Miriam decided to go back to her parents and started a small business to keep her family afloat.

"It was a difficult period, one time I struggled to pay school fees I had to sell my fridge to the school headmaster," recounted Miriam, who tried a couple of times to talk with her husband's family regarding the inheritance and the right to her children.

For more than 10 years, Miriam's sisters-in-law were collecting and pocketing rent from the properties and did not spare even a shilling for their nephews. In 2018, Miriam had the courage to face them and demand that rent from the properties should be used to pay for school fees for her children, but her sisters-in-law ignored her plea.

Miriam decided to go to the primary court and the court sided with her, but the decision from the primary court was unenforceable because her sisters-in-law had also opened and closed inheritance claims at the primary court.



HOW LHRC HELPED WIDOW REGAIN HER RIGHTS TO PROPERTIES AFTER 10 YEARS OF STRUGGLES

So, both decisions from the two primary courts remained with neither of the decisions superseding the other. By a stroke of luck, her sister-in-law decided to appeal to the district court. That is when Miriam decided to reach the LHRC for legal help.

Because of the legal impasse due to technicalities, legal representation from Miriam's sisters-in-law had to first negotiate outside the court.

"It was a lengthy process, as legal representatives we knew were the fault lies and that it was much easier to first sort out of the court," explained LHRC's Advocate. The negotiation went on to involve the clan, even the pastors of the two households.

"I was handed over two houses both with title deeds with the name of my children," Miriam happily recounted the end of her struggles. The two title deeds were handed over to Miriam at the LHRC's offices in Arusha.

"The legal and Human Rights Centre helped me a lot," explains Mariam. "First by accepting to listen to me, you know it's a relief when someone listens and takes to heart your struggle as if they are theirs. But they have also helped us regain our rights."

Miriam encourages other women whose rights appear to be violated they should not hesitate to visit LHRC's offices.

The right to inheritance remains one of the most violated right especially for women who are left as widows.

"We encourage people to prepare the will, LHRC is ready to advise and give you knowledge regarding will preparation," underscored Advocate Hamis Mkindi. "We also help people prepare their will free of charge. So, more people should utilize this free service."



Picture 6: Miriam Mbaga in front of one of the house that was recovered following LHRC intervention



BEING A CHILD DOMESTIC WORKER WAS NOT HER DREAM

A Young Girl Who Fought for Her Right to Education

In 2021 Human Right Report, LHRC observed an increasing trend of illegal human trafficking in Tanzania, where areas with low economic progress, especially rural areas appeared to be targeted the most. For example, in Mpwapwa, Dodoma, it was noted that even children as low as ten years old were targeted to work as housekeepers in urban areas. In 2021 LHRC intervened a case involving a sixteen-year-old girl, Tatu who finished her primary level education in 2021.

Because of the tough economic situation, she was lured into working as a domestic worker in Morogoro. "My mother told me, even if you go to school, what are you going to eat? What about uniform?" Tatu explains the dilemma in her family which made her agree to go for domestic jobs.

"I thought if I could go work for a month or two at TZS 50,000, then I would be able to have enough money for essential items when the school resume," continued the young Tatu. When Tatu finished Standard VII in 2021, one individual convinced the family to let their kid go for domestic work. The plan was also supported by all family members, including those living in Dar es Salaam.

When Tatu reached her workplace in Morogoro, a nearby town, things did not work out as expected. "Food was always locked in the family room, so in the morning and afternoon, I was not eating anything," explains Tatu. "I was also not paid what I was promised. Whenever I ask my boss about my salary, she would always be fierce with me."

While Tatu passed her primary level education, her new job was holding her back and her family had concluded that would be Tatu's new life, but she had other dreams, she asked herself: "For how long you can work as a domestic worker?" One day, when the family where she was staying with went out, Tatu decided to sneak out. "I didn't have any money with me, so I went straight Msamvu Bus Station," narrated Tatu on how she left Morogoro.

At the bus station, she went to the Police Post, but she couldn't get any assistance. She had memorized the number of her aunt who was staying in Dar es Salaam. After calling her through a bystander's phone she was able to receive the bus fare.

Her first interaction with LHRC was coordinated by her aunt with one of their good neighbors. Even at her aunt's place, it almost seemed as if her dream to go back to school was far from being realized. Her dreams pushed her beyond her surrounding, saying:

"My dream is to have my own job one day and be able to take care of my family." It was fortunate that the neighbor knew about LHRC through various media outlets, and she alerted the Centre through Haki Kiganjani App, a mobile App for reporting various human rights violations. It immediately set the trail of events.

LHRC engaged authorities in Mpwapwa, and the Ward Executive Office arrested Tatu's father immediately. "I was arrested, and we were told that Tatu should be back in Mpwapwa," explained Mr. Nyaulingo, Tatu's father. "I wanted Tatu to go to school but we couldn't afford it." I was arrested and we were told that Tatu should be back in Mpwapwa," explained Mr. Nyaulingo. Whether it was a question of affording essential items for school or not, Tatu had the right to go to school and there was an opportunity.

"We went to Mpwapwa and met the Mpwapwa District Executive Director and District Education Officer, who confirmed that Tatu was supposed to be in school, but she didn't show up for three months," said the LHRC's Legal officer who followed up on Tatu's case.

At Mpwapwa, the LHRC Human Right Monitor was able to follow up with the Education officer and local government authority to ensure Tatu can be enrolled in class as it was mid-term. "Education officer and Executive Director went above their way to ensure Tatu's rights are restored," said LHRC's Mpwapwa Human Right Monitor. Tatu went back to school at full speed, writing notes and coping with her fellow students who were way ahead of her.

LHRC made sure that Tatu was able to get new uniforms and other essential items for her new school year as a Form 1 student and she officially joined the school on June 3, 2022. While Tatu's resilience is undaunted, she faces some challenges that are beyond her control. One of Tatu's legs is half paralyzed, it's a task of its own walking 14 kilometers each day back and from school.

"You can see her drag one of her legs whenever she walks," explains Tatu's uncle, Mr. Jeremia Mugu. In analyzing the situation, the Human Right Monitor recommended Tatu to join a girls' boarding school. It will first make it easy for Tatu but also separates her from some of the obstacles in her surroundings.

LHRC remains committed to ensuring the rights of many children who are illegally trafficked and that there is accountability for all culprits involved. This will be possible by engaging authorities, creating safe spaces for children in schools, and raising awareness among members of the public.



THE LAND OF MY CHILDREN:

A Villager Fights for Just Compensation From a Mining Giant

At the age of 21, Sadock Maningo Mlimi owned a farm and a house in Matongo village in Nyamongo, Tarime, Mara region. His parents, grandparents and great-grandparents have all lived in the area.

Grateful to his family tradition, once a young man decides to settle and gets married, his parents will give him a land and build a house for him. Sadock's parents gave him his land and built a small house for his new family.

That was in 1994. However, tremendous changes were coming in Nyamongo. In 1995, Nyamongo was looking ripe for large-scale gold extraction and new investors were on board. North Mara Gold Mine went on to become one of the biggest mines in Tanzania and Africa.

On the other hand, Sadock's life also changed through time. His marriage was thriving. He was blessed with six children, three boys, and three girls.

Sadock went on to turn a piece of land passed to him from his parents into a thriving home, three modern buildings, a garden, and even small family investments in his home including a grinding mill and tailoring Centre.

"It was a wonderful home," explained Sadock as he showed us the place. Now all that is left are a couple of bricks, an abandoned grinding mill, and a small traditional house, used as a special dining area.

"My wife planted these flowers," Sadock shows us the remnants of flowers around his old home, with a smile on his face as if he intentionally wants us to see how proud he is of his wife.

In 2019, the North Mara Gold mine was expanding its area and all the people from Matongo village were required to leave the area and they will be compensated. The process for compensation was set up, involving the government, the mine, villages, and the local government.

Like many other villagers, Sadock received a compensation assessment, his land was first valued at TZS129 million, which he accepted as the right compensation for his land.

However, things didn't go as everyone had expected "I went there, and I was handed a lesser amount of TZS 62 million," he complained. "they said it was because of the impact of COVID-19."

It was a shock to him, and he couldn't sign a cheque for that amount.



Picture 7: Sadock Mlimi sitting on top of a pile of materials from his old house.

"On that day we were waiting to hear from him about the finalization of the compensation process, but he came home empty-handed, with just words, sad words," recalled Sadock's second born, Isack.

"It was our lowest moment as a family", Isak's wife, who prefers to be addressed as Mama Mage, added. "They were ruining our good lives."

"The land value was ever increasing, the compensation does not reflect the reality, you might get compensation for two hectares only to be able to purchase one hectare," explains Sadock as he revisits the moment.

"The price of building materials was also up. It was not possible for us to be at the same level of life if we accept the proposed compensation."

It was a difficult moment for Sadock and his family as after the compensation assessment they were not allowed to develop anything on that land. Moreover, all his neighbors had accepted their compensation and had moved on.





Picture 8: Sadock Mlimi showing some of the newspaper that covered his story

During this time, LHRC was doing outreach in Nyamongo using the radio program. It is through these programs Sadock heard about LHRC. "I heard about LHRC legal aid support on a radio program," recounted Sadock on how he came about to receive LHRC support.

"I later learned that they will be at the Nyamongo Secondary School, and I went and told them about my problems."

A lawyer from LHRC's received Sadock's complaints and led the negotiation process between the mine and Sadock. "We found him alone, his fellow villagers had already left," narrated LHRC Lawyer. "The area was not safe for him as he was living alone but he has already received notice not to do any development on that land."

His fellow villagers did not understand Sadock's persistence. In the case of Sadock, LHRC supported him in negotiating with the mine, but also helped him get coverage of his ordeal with various media.

Eventually, negotiations with the mine were able to bear fruit and Mr. Sadock received the third offer which was much higher than the second offer at TZS 83 million.

"I discussed the offer with my wife, and we decided to take it," explained Sadock as we were moving to see his new residence.

With the compensation received, Sadock was able to build a house for his son who got married at 23 and he was able to build a new residence which he decided to rent out a part of it. Moreover, he was also able to buy cattle for himself and his children.

"I had to use the money diligently, most of my fellow villagers who thought the money was a lot have not managed to finish their houses and some have gone to even smaller land," said Sadock as he was showing us his new home.

Sadock is proud that his life was not wasted. He was able to give his sons land just as his parents did. Life has changed for Sadock, but he is proud to have fought for his right. It did not end just with him. He was able to support his fellow villagers who had issues with the mine.

He remains one of the good stories in Nyamongo, that one man who decided to change things, but he is much grateful to the LHRC support.

"I didn't pay for anything," he said. "They were coming here using their own cost and even taking me in their car during the negotiations."

Sadock encourages people to not hesitate whenever they need legal assistance from LHRC. To LHRC, Sadock's story is one step closer to building a just and equitable society, a society where one's right to ownership of property and enjoyment of fruits of his labour are protected.



WE ARE NO LONGER SILENT AND AFRAID:

Women pastoralists activists and LHRC's legal aid provider

Her journey with LHRC started with grievances, amidst the cold murder of her husband and her running from the people who wanted to harm her. Amidst running and challenges that's when she heard about LHRC and approached the office for assistance, which she received.

That was in 2013, but since then Anna Almasi, a Maasai woman with a strong sense of justice and determination has morphed into a legal aid provider, serving fellow Maasai women in Mvomero, Morogoro. As we walk around Mvomero, Sokoine village where Anna resides, you can feel the admiration and respect she commands from people around her, but it wasn't always like that as Anna explains: "In the past men used to say that this one is spoiled, lacks common sense, and influences our women to behave badly"

"It reached a point I was not allowed to walk with fellow women, I was barred [by men] from engaging with other women." Narrated Anna.

After receiving LHRC legal and protection support, Anna was interested in helping fellow women like her in Mvomero. She was then trained by LHRC as the Legal aid provider. Her training as a legal aid provider was able to change this situation that silenced the voices of women.

"Because of the training from LHRC I have entered various meetings from pastoralist meetings to government meetings." says Anna Almasi.

Through engaging with different stakeholders Anna has been able to protect the rights of girls who were denied their right to education and she has given women in her area the courage

to refuse some of the negative cultures such as getting inherited after a husband's death. In her experience as a legal aid provider Anna learned that one of the challenges that make many pastoralist women encounter abuses and gender violence is because of the lack of resources.

To this end, Anna Almasi together with fellow women started Newang'ani pastoralist women group. The group has managed to get a loan from the Mvomero council and started a milk processing plant after purchasing a milk processing tank, most women in the group see the group as the future.

"We had endured a lot of abuses [because] we didn't have capital and even when you have cows or if your husband has cows, you will not have the right or say on those cattle" explain Mariam Ayubu one of the members of Newang'an group.

"That's why the majority of us have joined the group this milk processing tank is our future, so we can never be abused anymore" emphasized Mariam. There is growing understanding in Anna's community and awareness among women themselves, especially on issues around gender violence.

"LHRC has helped us a lot as pastoralists because we were silent and afraid as you don't know what is your right" explain Paulina Lekalei who has been raising awareness with Anna in various spaces such as schools. "Through the Legal and Human Rights Centre, we were trained and we also passed the training along to other women." Emphasized Paulina.

Currently, Anna is looking to expand her reach to other remote areas in Morogoro where pastoralist women are still left behind.



Picture 9: Anna Almasi (centre) with fellow women from Newang'an group



OUR CASE STUDIES

Human Rights Clubs Are Creating Safe Spaces for Children in Schools



Picture 10: Mbaruku primary school students and their

The case study of primary schools located in Bagamoyo District

The Legal and Human Rights Centre (LHRC) has established more than two hundred human rights clubs in primary schools, secondary schools, colleges, and universities across Tanzania. These clubs allow students to develop their skills and strengthen their knowledge on human rights issues so that they become confident young agents of change within the community.

LHRC successfully visited different schools that are in Bagamoyo district and saw the benefits brought by human right clubs to children and community at large. Many children understood human rights issues, students shared their knowledge by giving examples of their human rights, examples of violence against children and how to report in case of violation of their rights.

Due to the presence of human rights clubs, many incidents of human rights violations have been reported in Bagamoyo district. One of the incidents reported was a child in the sixth grade who was raped by his stepfather. The child was raped when her mother traveled suddenly due to the death of her father and when she returned two days later, she did not know that her daughter had been raped. "I found out my son was raped when the police came to arrest my ex-husband" The mother of the victim.

The victim told her friend who is a member of the human right club and encouraged her to go and tell the teacher about the incident.

"A fellow student came to inform me about the incident that happened to her friend. I followed up with the student and report the issue in the authorities and finally the stepfather was prison 30 years in jail." Teacher of the victim

Also, Bagamoyo education coordinator at Dunda Ward, Mwananuru Gawaza shared that. "It used to be tough for students to open-up, even when the teachers' sense something is wrong. For now, it's not hard for students to speak freely because they have been singing in their clubs about opening up and having the right to be listened to."

Ms. Gawaza admits that the increasing awareness among students has reached students' homes and the same message has also been shared during parents' meetings.

Human rights clubs have continued to be a springboard for young people to recognize their rights, manage their rights and fight for their rights if they are violated. Police at the Bagamoyo gender desk describe these clubs as an important entry point on their various awareness-raising initiative. "These students know things and are very active, they know their rights and nowadays they are not afraid to report violations". Bagamoyo Police officer.



WOMEN'S LEADERSHIP

The case study of Women councilors in Mtwara Region

Background of the problem

In Tanzania women leadership and representation have not been a success even in affirmative actions that have been done, women still do not access the same, and for those who get the leadership posts do not have the confidence and power to represent effectively.

Most women take these positions as a given post and do not feel obligated to represent effectively, some do not have enough knowledge, confidence, and capacity to represent but also to participate in solving community problems

LHRC Intervention

LHRC aimed to ensure effective women representation from the village level to the national level by mentoring and empowering women leaders to use their voices to bring changes in their communities.

In 2021, LHRC engaged women councilors in Mtwara region through workshops and trainings. The engagement had different objectives that focused on addressing the issues-

that were reported as challenges in the Mtwara region and the following were accomplished.

i)A total of 73 Council members were empowered on the importance of having gender responsive LGA by laws and their roles in that.

ii)Council members were empowered on effective representations in the council meetings on issues related to LGA Loans for women, youth and PWDs, violence against children, teen pregnancies, child marriage and the status of the girl child and on taking up leadership positions from the village level.

iii)An MoU between LHRC, Mtwara female council members and Mtwara MPs on addressing issues affecting women and children was signed.

The engagements were successful in enhancing the capacity of local councilors in Mtwara. Due to close follow-up from LHRC's, these local councilors have engaged in various initiatives to serve their communities that they lead.



Picture 11: LHRC's officer, Getrude Dyabene (with yellow dress) listening to the contribution of ward councilor during Women ward councilors empowerment workshop in 2021.



Recent Development

During the reflection session, the feedback was received from different councils on the increase of women leaders in the just finalized party elections. Mtwara DC managed to uplift women in leadership position starting from the grass root from the 1022 (Mashina) where before only 57 women were chairpersons and 97 secretaries. In the current election a total of 348 women were elected as chairpersons which is an increase by 28%.

Also, in the LGA Elections for deputy council chairperson a total of 10 women applied in Mtwara and the results came out with 2 women won in Mtwara which is 20% of the applicants. This makes council chairpersons in Mtwara to be 2 and deputy chairperson increase from 2 to 5.

The currently ended CCM Party district election also witnessed 21 Women in Mtwara utilized the chances by contesting the leadership position in their political party in which 6 were successfully elected. This is the result and great achievement of LHRC intervention with Women in Mtwara. The increase in leadership both in the political party and in the local government will ensure gendered decision making and the trust of women in offices.

At Msanga Mkuu village in Mtwara rural council, local councilors were able to mobilize and organize women into groups to apply for the LGA loans.

"Before the training, I had no idea what to do for my fellow women but after this training from the LHRC it awakened me, and from there if there is any issue that I don't understand regarding the LGA I will make a follow-up to understand status of the loans."

said Shamsia Manda, ward councilor in Mpapura ward in Mtwara who has managed to mobilize various women groups in Msanga Mkuu village.

One of the groups that benefitted from this initiative by local councilors is Ukombozi Group. A group of women dealing with fisheries "Our situation was not good we endured many forms of abuse from men in our communities because of the lack of means of income. We are grateful to the councilors for organizing us and advising us that we should apply for a loan.

We managed to purchase a boat and start a fishing business, now we're fully respected and we hired some of the men who used to deride us in our communities" explains Mwajuma Matei who serves as a treasure of Ukombozi group at Msanga Mkuu ward.

In Newala District, Mikumbi and Chilangala ward women councilors have managed to find solutions to some of the problems facing girls in their communities.

Noting the increasing rate of drop-out in various schools because of the distance from home to school, women councilors of Mikumbi managed to organize temporary hostels for students at Mikumbi Secondary School and later mobilized members of the public to build a dormitory that is still in progress and expected to take 220 students.

Most of women councilors admits that the training from LHRC gave them an opportunity to reflect and see how they can contribute to their communities.



Picture 12: A girl's hostel under construction in Newala district resulted from community mobilization of ward councillors after they've received effective representation training from LHRC in 2021 and 2022.

POSITIVE JUDGEMENT ON REENTRY AT THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD.

The case study of expulsion and exclusion of pregnancy girls in Schools in Tanzania

Background to the problem

Primary and secondary school girls in Tanzania are subjected to forced pregnancy testing and expulsion from schools in events where they are found pregnant or married.

According to the Tanzania's 2013 Basic Education Statistics 2433 primary schoolgirls and 4705 secondary schoolgirls dropped out of school due to pregnancy in 2012 alone. The study conducted by the Center for Reproductive Rights, provided that over 55,000 female students dropped out of school due to pregnancy between 2003 and 2011.

Mandatory pregnancy testing is practiced in almost all public schools subjecting girls as young as 11 years of age to pregnancy testing. The pregnancy testing is undertaken without the consent of the girls and most often the results are not communicated to the girls but rather shared with school staff without the consent of the girls.

Girls are also required to take a pregnancy test when they enroll in schools. The girls who are found to be pregnant before being enrolled will not be accepted to schools and those girls who are found to be pregnant in the school at any time of year are expelled from schools. Neither pregnancy testing nor expulsion of students due to pregnancy is prescribed by the Education Regulations.

groups that benefited from this initiative by local councilors is a Ukombozi group. A group of four women dealing with fisheries "Our situation was not good when we started this group but we are grateful to the councilors for organizing us and advising that we should apply for a loan" explains Mwajuma Matei who serves as a treasurer of Ukombozi group.

That while pregnancy is not included as a ground for expulsion in the Education (Expulsion and Exclusion of Pupils from School) Regulation 2002 G.N. No. 295 of 2002, school administrators interpret pregnancy to be an offence against morality which is one of the grounds of expulsion under the Regulation. As expulsion is a universal practice in public schools, girls who find out about their pregnancy by themselves drop out of school to escape the humiliation and stigma they will be subjected to if school administrators/teachers find out about their pregnancy during mandatory testing. The expulsion and exclusion of pregnant schoolgirls has no exception such as in cases where girls fall pregnant due to sexual abuse or incest.

The married girls are not allowed to register or remain in school once married and this is vividly provided by rule 7(b) of the Tanzanian Regulation on Expulsion and Exclusion of Pupils as the Marriage Act allows girls as young as fourteen to get married. There is a court decision which rules against setting the age of marriage for girls below 18 as unconstitutional. The expulsion and exclusion policy of the Government is permanent as schoolgirls are not readmitted to the public school after delivery.

School girls expelled due to pregnancy or marriage can only be readmitted to private which are expensive and not affordable to many or vocational training centres. Statements by high-level officials including the then President, have alluded to the fact that the Government of the Tanzania will intensify its effort to expel students who fall pregnant and to ensure their non-readmission to schools.

LHRC Intervention

As part of safeguarding girls right to education, LHRC in collaboration with another like-minded partner filed a communication to the African Committee of Experts on the Rights and Welfare of the Child against the United Republic of Tanzania for failing to uphold its obligation to respect, protect, and fulfil the rights of Tanzanian girls as envisioned under the African Charter on the Rights and Welfare of the Child (herewith 'the ACRWC,' 'the Charter,' or 'the African Children's Charter'), to which Tanzania is a Party to, through the following conduct:

- a) Enforcing mandatory pregnancy testing in schools.
- b) The expulsion of pregnant and married learners from schools.
- c) The denial of re-entry to schools after childbirth.
- d) The illegal detention of pregnant girls; and
- e) The failure to provide children with reproductive and sexual health information services- leading to early pregnancies.

In the submission LHRC alleged that the Republic of Tanzania have violated the following rights of girls:

- a) The right to education (Article 11)
- b) The right to equality and non-discrimination (Article 3)
- c) The right to be protected from harmful social practices and stereotypes (Article 21)
- d) The principle of the best interests of the child (Article 4)



POSITIVE JUDGEMENT ON REENTRY AT THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD.

The case study of expulsion and exclusion of pregnancy girls in Schools in Tanzania

- e) The right to health as it includes the right to access sexual and reproductive health services (Article 14)
- f) The right to privacy and dignity (Article 10)
- g) The right to be free from cruel, inhuman, and degrading treatment (Article 16)
- h) The right to general measures of implementation (Article 1)

Outcome of the submission/communication

In the decision made during the 39th Ordinary session of the African Committee on the Rights and Welfare of the Child (ACRWC) sitting, between 21st March to 1st April 2022 and made public on 15th September 2022, the Committee found the United Republic of Tanzania in violation of its obligations as a state party to the African Charter on the Rights and Welfare of the Child including;

non-discrimination, protecting the best interests of the child, protection of privacy, right to education, right to health and health services, protection against child abuse and torture, and protection against harmful social and cultural practices.

The Committee, therefore, recommended Tanzania to:

- i) Immediately prohibit mandatory pregnancy testing in schools and health facilities and officially announce the prohibition.
- ii) Review the Education (Expulsion and Exclusion of Pupils from School) Regulations, 2002 C.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.
- iii) Undertake concrete steps to prevent the expulsion of pregnant and married girls from schools including by providing laws and policies on the same.
- iv) Remove any policy of non-re-entry of schoolgirls including girls who have dropped out of school due to pregnancy or wedlock.
- v) 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.



Picture 13: Advocate Fulgence from LHRC with girls expelled from schools due to pregnancy, during virtual hearing of the re-entry application before the ACERWC in 2022.

POSITIVE JUDGEMENT ON REENTRY AT THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD.

The case study of expulsion and exclusion of pregnancy girls in Schools in Tanzania

Vi) 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.

Vii) 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.

Viii) Provide sexuality education for adolescent children and provide child friendly sexual reproductive and health services.

ix) 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.

X) 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.


Xi) 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.

Xii) Investigate and prosecute perpetrators of sexual violence and child marriage.

Xiii) Government to take action against any actors who conduct forced pregnancy testing of any kind, or who discriminate against girls on the grounds of their pregnancy or marital statuses such as expulsion and detention; and

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

In the decision the Government of Tanzania is obligated to report to the Committee on all measures it has taken to implement the decision of the Committee within 180 days from the date of receipt of the Committee's decision.



Recent development
LHRC is aware of the recent development as the United Republic of Tanzania has issued the circular and guidelines for the re-entry. The Committee noted the circular and guidelines are not comprehensive enough to address issues of serious concern noted by the Committee.



A CASE STUDY OF ENVIRONMENTAL POLLUTION AT THE REFERRAL HOSPITAL IN GANGILONGA – IRINGA

Background of the Problem

In 2020 through Haki Kiganjani system (LHRC's Human Rights Monitoring System), Iringa District's human rights monitor reported an incident of environmental pollution. The incident was initiated by incinerating activities that were conducted by the Iringa referral hospital. The incident of environmental pollution, which was air pollution to be specific, was reported to have been caused by burning of waste from the hospital including and not limited to human parts.

It was reported that the incinerator that was used by the said hospital in disposing waste from the hospital was not of modern technology that would hence cause chaos and endangered their health to the community members living, working and the businessmen and women working at the market nearby the situated hospital.

LHRC Intervention

Despite the issue being severally reported to the hospital, nothing was conducted hence LHRC sought there was a need of enquiring and demanding for a solution to enhance environmentally friendly for people to live and continue to perform their activities comfortably.

Follow up was conducted in June 2020, a meeting with "District Health Secretary" who agreed on the situation that the pollution causes disturbances to not only residents around the hospital but also hospital staff who have been working there. He said that arrangements have already been conducted and the issue is already reported to the Ministry of Health for follow up, however it was not solved due to budget implications. It was agreed that the matter will be reported again and more follow up will be conducted to rectify the situation.

Recent Development

After LHRC's engagement with the administrative body of the hospital who promised to make follow up on the issue and rectify the situation. In July 2022 it was reported that the new incinerator was built at the hospital and the emitted air was effectively managed. This has also protected the surrounding communities and the nearby market that was also affected and are able to conduct their economic activities with no fear of airborne diseases resulting from the hospitals incinerating activities.





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