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ANNUAL PROGRESS REPORT

2013



A Democratic Constitution is Peoples' Right and Asset



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REPORT

2013

A Democratic Constitution is Peoples' Right and Asset

Report Compilation

Legal and Human Rights Centre

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Embassy of Sweden

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The Foundation for Civil Society

AcT - DFID

Layout & Design

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LHRC

April, 2014

ISBN:

978-9987-740-05-5

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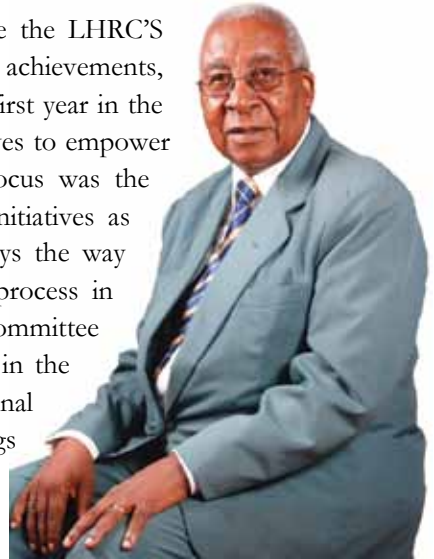
AcT	Accountability Tanzania
AG	Attorney General
AGM	Annual General Meeting
APRM	African Peer Review Mechanism
BAE	British Aerospace System
CCBRT	Comprehensive Community Based Rehabilitation in Tanzania
CCNC	Citizens Coalition for New Constitution
CJ	Chief Justice
CPD	Chief Parliamentary Draftsman
CRDB	Corporate Rural Development Bank
CSO	Civil Society Organisation
DAR	Directorate of Advocacy and Reforms
DC	District Commissioner
DCBE	Directorate of Capacity Building and Empowerment
DCSCT	Dogodogo Center 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 Immuno-Deficiency Virus/Acquired Immuno-Deficiency Syndrome
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 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	District Commanding Officer
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
PMOLGR	Prime Minister's Office Regional Administration & Local Government
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
SCOC	Special Committee on Constitutional
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

Message from the Board Chairperson

To Our Esteemed Readers;

It gives me great pleasure to invite you once again to share the LHRC'S annual progress report. This report provides to you the 2013 achievements, challenges and lessons learnt by the LHRC as it undertook its first year in the new Strategic and Operational plan. As always the LHRC strives to empower the public reinforce human rights. In this year the main focus was the constitutional review process combined with the advocacy initiatives as well as information to the general public. The report portrays the way under which the LHRC followed the constitutional review process in each step it was undergoing. The special constitutional committee formed by the LHRC made it possible for the LHRC to be in the fore in addressing issues emanating from the constitutional process. This was done in form of analysis and sharing findings with the general public or specifically to the Constitutional Review Commission. We are proud of the special committee of eminent people from within and from outside the country for their lead in the issues arising from the process but also for being able to go to the field and talk to the people of different walks of life. It also gives us pride to have worked extensively on the constitutional review process as this is the first time ever for Tanzanians to have gotten a chance to take part in the crafting of their constitution since its independence in 1961. From the report you shall see the various contributions made by the LHRC in form of mobilising different groups, building capacities of those who needed it while organising big events to discuss constitutional issues. Dialogues as narrated in the report provided opportunities to different groups of people in several parts of the country to discuss extensively the first draft constitution as well as participating in the constitutional councils. It is expected therefore that more people will continue to follow up the remaining stages in the process.

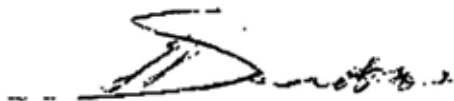


As fruitful as the year was the LHRC had a great loss when one of its founder members passed on; this is Dr. Sengondo Edmund Mvungi who at the time of his death he was a member of the constitutional review commission. He had a vision for a just and equitable society and he dreamt of a people driven constitution but it was never to be for him, when he died on the 12th of November 2013 in a hospital in South Africa. He however has left the organisation with a lot to move on with.

In this reporting year I also have news to all of you to the effect that I have served my term as board chairperson of the LHRC and I am retiring after this report is ready, after serving the organisation for thirteen years. I feel honoured to be succeeded by Professor Geoffrey Mmari whom you might know given his stance in our society. Professor Mmari has accepted to take the ball to lead the LHRC from 1st January 2014. I am very optimistic that Professor Mmari will be in a position to roll the organisation even higher to the envisaged effective, efficient, relevant and sustainable LHRC. I take this opportunity to thank all of you for the support to the LHRC as I led it. What is reported here and the past reports could not have happened if it was not for the contributions in many ways by most of you. Let us

continue to support the work which is being performed for the interest of the marginalised Tanzanians for the sake of building a human rights culture and good governance in our country.

Have an enjoyable reading of this report and do not hesitate to provide any comments you might have.



Bishop Dr. Elinaza Sendoro

Board Chairperson 2000-2013

Message from Executive Director



Dear Colleagues and Friends;

It is with great pleasure that we bring to you the 2013 annual progress report. This year seemed to have come to an end without being noticed. What helps us to understand what happened to the year is the account of what was done and the results observed during the year.

This was the year when the LHRC was undertaking a new strategic direction after completion of the six year's strategic plan [2007-2012] and a three year's operational plan [2010-2012]. The beginning of a new plan is normally very challenging as it involves resource mobilisation in terms of funding and staff. It was very fortunate that we were able to begin work after we secured some amount of funds and

as the year ended we had secured most of the funds we needed for the year and hence the work and results in this report.

Under the five outcomes in the strategic plan the first outcome is new and it was very tasking as it was one of the major dreams of the LHRC since its formation. This is the question of a people driven constitution. During the year a lot has been achieved in this area as we followed the constitutional review process and made efforts to ensure 'the people' take part where they are supposed to do so. The report highlights some achievements in this area and plans for what is remaining in the whole process.

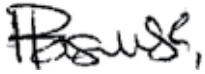
The three other outcomes have been LHRC's work for a long time but in this strategic period what has changed is the modality of performing the work so as to follow the theory of change we had envisaged and planned. You shall therefore see in the report what has been reaped from the legal aid clinics and mobile legal clinics has been identified as advocacy issues. Accountability from duty bearers has been worked on through the government and corporate watch as well as the parliament and election watches.

It feels rewarding to report the way the public has been informed through various means such as the media and through paralegals and human rights monitors. The facts and figures in the report provide evidence of the achievements for this year. It was a very productive year and this is notable under the outcome number five which is for an effective, efficient and sustainable LHRC. All the organisational meetings were conducted successfully; the Annual general meeting, four board meetings and two staff gatherings (Staff meeting and annual staff retreat). Staff turnover was minimal. There was also a change of Leadership as the Board chairperson gave notice to end his tenure by the end of the year. This provided the organisation with time to recruit a new Board chairperson and by the end of the year Professor Geoffrey Mmari had accepted to become the LHRC's Board Chairperson for a three years Term 2014-2016.

After sharing all the good results for the year we also have noted and report some of the challenges faced during the year and the lessons learnt. As the year was ending we had very sad news of the death of one of the LHRC's founder member Dr. Sengondo Edmund Adrian Mvungi who died after a terrible attack

by unknown people at his residence. This incidence though very painful was a reminder that we are still far in our direction towards a just and equitable society.

Please enjoy reading the report and welcome for any comments or suggestions.



Dr. Helen Kijo-Bisimba

Executive Director

Dar es Salaam, Tanzania.

March, 2014.

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. Ealinaza Sendoro – Chairperson Up to 31st December 2013 to be succeeded by Prof. Geoffrey Mmari from January 2014.
2. Adv. Athanasia Soka - Vice Chairperson.
An Advocate of the High Court of Tanzania.
3. Dr. Ringo W. Tenga – Member.
An Advocate of the High Court of Tanzania; Senior Lecturer of Law at the UDSM.
4. Prof. Chris Maina Peter – Member.
Professor of Law at the School of Law at UDSM; An Advocate of the High Court of Tanzania.
5. Adv. Francis Stolla – Member.
An Advocate of the High Court of Tanzania.
6. Ms. Maria Sarungi Tsehai – Member.
Reporter, Photographer & Entrepreneur.
7. Ms. Diana Monika Kisaka – Member.
Managing Director (T-MARC).
8. Ms. Emeline Mboya – Member.
Entrepreneur Expert.
9. Dr. Helen Kijo-Bisimba – Secretary to the Board.
Executive Director of the LHRC.
10. 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 assisted by three Programme Directors and a staff representative. The team is implementing a six years strategic plan 2013-2018, divided into three years Operational Plan 2013-2015, 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 following report covers the period of twelve months – January to December 2013. It addresses the LHRC five strategic aims. This reporting period is the first phase of implementation of the three years operational plan 2013-2015.

The report therefore gives an overview as well as details of all that was planned, all that was carried out from January to December 2013. The report provides a synopsis of major successes, challenges and lessons learnt from the implementation of the operational plan. In this reporting period LHRC was getting grounded into specific implementation of the Operational Plan 2013-2015. LHRC had planned to implement various activities that would lead to realizing the outputs and outcomes as indicated herein below:

As far as advocacy work is concerned, it was a period when LHRC fully embarked on the constitutional review process by establishing different alliances and identifying a team of experts that would provide leadership to the process. The team of experts was launched to provide leadership to the process. LHRC also trained trainers, paralegals and monitors to effectively engage in the process. There were series of successes witnessed by LHRC in this reporting period on part of constitutional reforms. It was in this period that the first draft constitution was made public and LHRC took note of several positive changes that were accommodated from its previous recommendations submitted earlier to the Constitutional Review Commission (CRC). Moreover, LHRC saw a great influence when most of issues that it raised were all together amplified by various members of the public in support. These include: expanded bill of rights, clearer setting up of state machinery to ensure separation of powers and accountability; reduction of state authority from one arm of state by decentralizing and distribution of the decision making proscription which was once only enjoyable by the presidency alone. Moreover series of issues were debated during the parliamentary session and thereafter which drew public attention as well as LHRC's interventions.

The key results that were realized included series of sessions and awareness to the members of the public. LHRC analyzed the draft constitution and submitted its recommendations to the Constitutional Review Commission (CRC). Nevertheless, the most remarkable intervention included series of coordinated and held conventions/conferences for the civil society on the constitutional contentious issues with regards to the process and contents. It was in this period when LHRC held series of consensus building sessions to ensure that majority of CSOs have a common agenda and position on all contentious issues such as union, natural resources, gender, and effective means of protecting human rights.

In short in this reporting period LHRC was successful in ensuring that LHRC made a preliminary analysis of the draft constitution and noted that more than 50% of most of public concerns were considered. Issues of governance such as accountability, quest for reduction of presidential powers, accountable government and capable Parliament to hold the government accountable; independent judiciary, transparency, and many others were considerably considered. LHRC documented 29,444 correspondencies made from the public. Furthermore, all 5 major human rights components were incorporated in the bill of rights in the Draft Constitution – these include social, economic and cultural rights; civil and political rights; collective rights; the groups' rights; and a comprehensive mechanism for protection and enforcing the said rights.

Finally, LHRC held 1,218 meetings conducted in 203 wards in 130 districts during Constitution Deployment from 28th July, 2013 to 10th August, 2013. Five (5) debates of which three (3) were aired throughout the country through a very popular TV station ITV, Star TV and broadcasted by Radio One stereo were conducted. LHRC reached out 34, 504 individuals (Male, 18,886, Female 14,603 and 1,015 who were not clustered in terms of gender)

From January to December 2013, LHRC attended 15,671 legal aid clients while identifying and tapping issues for advocacy including oppressive laws such as the TAZAMA pipeline Act – which technically precludes any victim from claiming against TAZAMA – it was noted as one of the insulation and impunity legislations. Moreover, LHRC noted the difficulties with regards to Qualification for Pension – where a person has contributed for 15 years but is not pensionable. Other issues included the low Quality of judgments – it was noted that there are magistrates who write erroneous judgments which cannot be executed – decree contradicting judgments. Lack of social protection to children- contradiction where a minor is raped by her guardian – law applicable was another issue. Lastly the Fate of the casual/daily/other employees – and their terminal benefits if not worked for six years - & rights of a person who is in probation; this was concluded by an issue on the Execution Paradox - issue relates to execution of orders of the court and Tribunals. The civil law procedure does not provide strong mechanism for execution of Court orders.

It was in this reporting period when LHRCs witnessed a new trend of abuse of power by law enforcers in the southern regions due to conflicts about whether the gas should be pumped to Dar es Salaam or not. Tendency of group of people who grabs landed properties by using names of Registered companies and SACCOS and the execution of the Decree of the Ward Tribunal became a fresh application at the District Land and Housing Tribunal. Tendencies of District Land and Housing Tribunal hearing application for execution ex-parte is contrary to law because judgment debtors are denied right to be heard as a result the execution against judgment debtor are taken by surprise. Execution of decree by Court brokers without service of summons to judgment debtors caused unnecessary destructions of properties and theft. It was in this time when LHRC filed a case against the Prime Minister - Hon. Mizengo Pinda for condoning abuse of power by law enforcement agencies.

Other issues were tapped during the provision of legal aid. Such issues include: The Probate and administration of estate does not provide for men to inherit from their deceased wives. Currently the LHRC has been receiving cases which men claimed the right to inherit from their wives; There is a legal lacuna/gap which poses as a challenge of assisting the person who was living under presumption of marriage to inherit from his/her partner as the inheritance laws do not provide on the rights of people who were living under presumption of marriage; The procedures for filing Form No. 1+ Form No.7 to the Commission for Mediation and Arbitration are not clear, it confuses clients. Does it start with the client to serve the form to the Employer or it has to be filed to CMA and from there to be served to the employer? If the answer is to be filed to CMA before the employer then the Commissioner's clerk has to be educated on that; Extra judicial killings of red-eyed elderly women in Maswa and Bariadi for witchcraft beliefs; Increased mob violence for people suspected or arrested for committing crimes within the villages. A good example is Maswa and Bariadi where a traditional alarm commonly referred as “*Mwano/Yowe*”, in Mwanza, Shinyanga, Tabora and Simiyu is used to justify murder by mob of both petty and hardcore criminals; Violations of individual rights such as right to be heard, inhuman and degrading punishment and torture

through informal justice mechanism commonly referred as “*NDAGASHIDA*” in Mwanza, Shinyanga, Tabora and Simiyu. Sungusungu are mostly used to implement Ndagashida decisions, putting social sanctions such as isolation for villagers violating traditions and custom norms. Removing people from the village who are suspected to be thieves, robbers, Witches etc; Killings of people based on land conflicts especially where justice seems to deny rights to those who believe they are entitled. This may be because of corruption or illiterate in law and procedure; High level of women discrimination especially for owning properties such as land, inheritance, matrimonial and decision making in all level of economical, social, political and culture. This issue was noted both in Loliondo, Mbulu Maswa and Bariadi because the community in these districts share more or less the same tradition and culture and practices. In Loliondo and Mbulu the go beyond by practicing FGM; Bride price is a very big issue in Mwanza, Shinyanga, Tabora and Simiyu. No lawful marriage in those places without paying brideprice. Return of bride is mandatory where marriage is broken down. Married women continue to suffer physically and psychologically because parents can not pay back bride taken and consumed by them; Right to education to girls is shocking in Mwanza, Shinyanga, Tabora and Simiyu, Mbulu, and Loliondo There is high level of primary school drop out by girls because of early marriage and gridy of parents to obtain dowry. Parents have gone beyond by soliciting their daughters to fail in their final examination with a view of being married to the advantage of their parents getting dowry; the number of land issues reported both in Loliondo, Maswa, Mbulu and Bariadi was quite high. This is because of poor land management and administration, investment, urbanisation and adjudication. Similarly there is a serious lack of awareness by members of ward tribunals. In all the district visited, there is a huge awareness gap in the land laws while there is big number of land disputes; and Tribunal(s) fees were very high - Members of the community cannot afford to pursue their issues due to the high fees in the District Land and Housing Tribunal imposed by G.N. No. 263 published on 3/8/2012.

In addition, LHRC litigation for public interest and strategic issues expanded as LHRC through the assistance of a law firm in UK supported some claimants from Tanzania to sue violators of human rights in London. This is a new venture in the LHRC's efforts to ensure that justice is seen to be done. LHRC followed up the execution of the Nyamuma Case.¹ A team of officers and a court broker went to ascertain the logistics of resettling the LHRC clients who won their case following their victory as recommended by the Commission for Human Rights and Good Governance.

Nine mobile clinics were conducted in various Districts. In total 600 clients were attended. Of issues stated above 12 among those emanated from the mobile legal aid clinics. There has been an increase in the number of mobile legal aid clients planned and issues to identify. Instead of the 500 clients planned for the year 2013, LHRC attended 600, and instead of identifying 5 issues 12 issues were identified through the Mobile Legal Aid Clinics. LHRC empowered the paralegals in 9 districts this shows that by 2013, LHRC has been able to empower all paralegals that were required to be empowered by 2015.

The also LHRC engaged the parliament and other stakeholders with regard to change of laws. In this period LHRC commemorated the world women day and the zero tolerance to FGM. It may be remarked that, despite series of successes in ensuring access to justice, in tapping advocacy issues and in engaging various actors for reform of laws, practices and policies; it was in this reporting

¹ This is the case which the LHRC has been supported members of a village who were evicted illegally in 2001 and since 2002 they are trying to follow up their rights and the order to be executed is from the High court since 2011 August.

period when LHRCs staff survived a dangerous car accident. On 8th February one of the office motor vehicles was involved in an accident on its way back from litigation at Meatu. Three Arusha staff and two officers from Action for children NGO, travelling in the car sustained minor injuries, however, the car was substantially damaged. Moreover, there was difficulty in conducting fact findings as eminent breach of peace was observed; this is a new experience faced by LHRC human rights defenders.

Apart from advocacy work, LHRC strives to empower the public and monitors the accountability by both public and private sectors in Tanzania. LHRC wants to see an improved monitoring of government and companies compliance to regional and international standards with regards to economic, social and environmental rights.

The LHRC was able to contribute to having informed and empowered citizens where mass media both print and electronic was used to empower and inform the public on various issues of human rights, good governance and the law. Moreover, capacity building was done to different sectors of society including paralegals, human rights monitors, and secondary and university students on the same.

LHRC followed up issues of human rights violations and increased public understanding on the issues empowering them to demand for their rights at the same time calling on government accountability through the involvement of the media through press release. Together with the production of human rights report for public awareness on the human rights situation but also to call on adherence to human rights.

LHRC findings in *'Operation Tokomeza Ujangili'* resulted to the LHRC issuing a press statement condemning the orders issued by the Minister of Natural Resources and Tourism who called on the killing of poachers without adhering to rule of law and human rights. Also LHRC highlighted the violations conducted by officials implementing the operation including killing and torturing of aspects and relatives of the suspects.

The LHRC further called on the resignation of the ministers responsible and end to the use of military personnel in operations who are not well placed to deal with civilians. Following the publicity of the matters and pressure from other stakeholders the parliament called on the establishment of a special committee to ascertain the gravity of the violation. The special parliament committee ascertained similar findings and provided recommendation on the need to hold accountable all those responsible. Similarly the President when making an official speech at the end of the parliament session on 7th November 2013 also addressed the challenges of the operation and the need to hold those who violated human rights and the law accountable. This led to the halting of the operation for proper planning of its implementation and the resignation of the Minister of Natural Resources and Tourism.

Accountability in upholding human rights and the rights of citizens is of importance thus in outcome four the LHRC was able to empower councillors to improve the way they conduct their work in holding accountable the local government authorities but also improve the manner they perform their activities. LHRC was able to link the work of the councillors with paralegals in the respective districts so as to have paralegals act as an oversight body to the work of the councillors. This year on the aspect of holding accountable corporations in the violation of environmental,

labour and tax rights, the LHRC has worked with various government institutions in upholding their commitment of those rights.

On ensuring sustainability, effectiveness and efficiency of LHRC, in this reporting period the LHRC has been very successful to retain 93.75% of its staff. This makes the 6.25% turnover to be reasonable low staff turnovers in a big organisation like LHRC. In addition, Seventy nine (79) members of staff (including volunteers) were trained on Customer Care conducted by Professional Approach Group during the 2013 retreat held in Dodoma in November. One (1) staff was accepted and sponsored to undertake Masters of Law in Human Rights specialising in Migration and Refugees. Eleven (11) (6 male, 5 female) volunteers were recruited out of 102 (70 female, 32 male) applications received and hosted 11 (6 male, 5female) interns out 189 (88female, 101male) applications received from both local and international students. During the same period 52 job applications were received and only 2 were given contracts.

As far as fundraising is concerned, LHRC contacted the following entities: the British High Commission (3 times), EU 3 times, Rosa Luxemburg, Act KPMG, Journalists for Human Rights Canada 3 times The LHRChad a mid term review meeting with its development partners in December to review what the work performed and chart out the next annual plan. Students from higher learning institutions, media personnel who frequently flock to receive expertise opinion and FNF who came to learn on LHRC's activities were received and helped. In terms of publicity, the LHRC was mentioned more than 335 times in both print and electronic media minus the weekly two radio stations which have offered free airtime to air human rights issues in year 2013.

In relation to governance, LHRC has been able to organise and facilitate its Board of Directors to hold all of its statutory meetings and in one session a training on Team Building as part of the LHRC Board development plan. Four (4) ordinary Board Meetings were held in 2013; (1) Annual General Meeting of members was held in 2013 and one (1) staff meeting and 1 staff retreat were held in 2013.

Lastly, in relation to sound financial systems, LHRC submitted 2012 annual accounts to auditors Ernst & Young and the audit was completed with Unqualified opinion which signifies LHRC's sound financial management systems. LHRC has in place the financial manual that guides financial management and staff manual that guides the LHRC operations. LHRC continued to use Sun Accounting system for all accounting information and data capturing, storage, retrieval and reporting requirements.

Details of all what LHRC achieved in 2013 and challenges faced are narrated herein below.

CHAPTER ONE

Citizens' Centered Constitution

The first outcome that LHRC wants to realize is having in place a people's centred constitution. During the reporting period, 2013, LHRC was able to accomplish all of the planned tasks and to document success stories in each of its expected output. The following is a narration of the achievements by LHRC.

1.1 Increased Public Awareness on the Constitutional Review Process

1.1.1 Making the SCOC Operational to Increase Public Awareness

LHRC worked to increase public awareness on the constitutional review process. It began by formation and launch of the Special Committee on the New Constitution [SCOC] meant to monitor, document and shape the process and content for the new Constitution. This committee is composed of 19 members (16 Tanzanians, 2 Kenyans and 1 Ugandan) making it a team of locals and internationals). The team includes very eminent persons in the constitutional making processes such as Prof. Yashi Ghai and Prof. Ssempebwa from Kenya and Uganda respectively.



Figure 1: Inaugurating the SCOC: Prof. Yash Pal Ghai marks the official launch. Prof. Chris Peter Maina (l) and Hon. Jenerali Ulimwengu (r) – Members of SCOC watching the event

The media was invited and helped to publicize the existence of SCOC. Ever since, the public awareness on various constitutional topics was enhanced.



Figure 2: Members of SCOC in a Working Session

Table 1: Achieved Activities by the SCOC since its Inauguration

1.	Analysis of the first Draft Constitution according to three themes namely; Union, Human rights and Governance.
2.	Analysis of the Constitutional Review Act, 2011.
3.	Publication on an Ideal Constituent Assembly.
4.	Publication on an Ideal Democratic Referendum.
5.	Production of brochures on the Composition of the Constituent Assembly.
6.	Conducting follow-ups of the Parliament and doing advocacy:
7.	Being resource persons in TV and Radio Programmes.
8.	Conducting four (4) major national debates on the Constitutional Review Process e.g. live televised public debate held on the 26 th May 2013 at Ubungo Plaza, the debate was aired by ITV. Held 3 press conferences.
9.	Conducted three (3) field visits – Dodoma, Iringa and Mbeya.
10.	Held 6 Committee meetings/session in 2013.

In addition, LHRC conducted 3 conferences with SCOC aiming at raising awareness to the general public on the Constitutional Review Process. For instance, one of the conferences was on the shortfalls within the Constitutional Review Act on the composition of the constituent assembly.



Figure 3: Issuing a Press Statement – Experts Providing Technical Guidance to the Public on the Constitutional Making Process

As a result, there were positive comments from the public and LHRC was contacted by the Prime Minister’s office asking for a copy of the concept note and the press statement for necessary action.

SCOC Retreat – the SCOC had a retreat to analyse the draft constitution. Members spent two days at the Beachcomber hotel in Dar es Salaam. During their stay there they made a comprehensive analysis of the draft constitution through the three themes that they identified. The analysis was presented to CRC with high quality inputs from a thorough research.



Figure 4: Retreat of SCOC analyzing the First Draft Constitution at the Beach Comber Hotel



Figure 5: Some of the SCOC Members analyzing the first Draft Constitution

Field Visits: Mbeya and Iringa

As stated above, LHRC through SCOC, conducted field visits in Mbeya and Iringa Regions.



Figure 6: A SCOC Member, Dr. Azaveli Lwaitama (Centre) interviewing small traders at a market in Mbeya rural during a field visit

The main purpose for the field visit was to inquire simple questions regarding citizens' participation on the constitutional review process and how they prepare themselves for the remaining processes; Referendum and Constituent Assembly. Also to conduct a mini-survey to learn how the citizen received the contents of the 1st Draft Constitution and their expectation of the coming 2nd draft Constitution.



Figure 7: A SCOC Member, Mr. Zephryne Galeba, interviewing a businessman in Iringa urban

1.1.2 Enhanced Public Debates

In the initiative of ensuring that there is a meaningful participation of the people, LHRC managed to conduct five(5) debates of which three (3) were aired throughout the country through very popular TV stations; ITV, Star TV and broadcasted by Radio One stereo. The aim of these debates was to inform the Tanzanian community from grassroots level of the content and shortcomings of the Constitutional Review Act 2012, Cap 83 and campaigning for amendment of the law.

Figure 8: A cross-section of participants in one of the Constitutional Debates, Ubungu Plaza



In carrying out these debates LHRC worked with the Special Committee on the New Constitution

(SCOC) whose members made presentations. As a result of that, debate held at Ubungo plaza a total of 600 people attended whereby 2/3 were men and 1/3 were women, 13 members of SCOC and 25 LHRC staff participated.



Figure 9: A cross-section of participants during the Constitutional Debate at Regency Park Hotel

1.1.3 Empowered Team For Public Awareness and Mobilization

LHRC was able to train and deploy a cohort of ninety (90) graduates from different disciplines such as LL.B, BA-Sociology and BA-Education. Among the trainees, 51 were women and 49 men.





Figure 10: Training of Monitors and Paralegals on Progress at Kurasini, Dar es Salaam

The training took place at the Double View Hotel Sinza on the 3rd and 4th June 2013. Moreover there was a training which involved a total number of 250 of paralegals and monitors from all districts of Tanzania. The main objective of those trainings was to empower them on the ongoing constitutional review process and later on LHRC deployed them throughout all the districts of Tanzania to raise awareness from grassroots level and encourage people to participate on the process. The main areas of the training were:-

- The general overview of the ongoing constitutional making process;
- The gaps within the Constitutional Review Act 2012;
- The role of the public in the ongoing constitutional making process.

Figure 11: A copy of the Popular Version of the Draft Constitution

1.1.4 Enabling the Public to easily follow the Process through Popular Version of the Draft Constitution

The popular version was prepared for the purpose of putting the draft in a simple and understandable version to easily be accessed by people from grassroots levels. Unlike the draft constitution which has 131 pages the popular version had only 15 pages, highlighting those key issues within the draft and in a simple language. So this was disseminated to human rights monitors and paralegals in all districts. However, copies of the popular versions were also distributed to the 250 public trainers for them to use as a teaching tool to different districts within the country.

As a result, LHRC in 2013 documented 2,114 correspondences on the draft constitution during the 2 High Level meetings in Dar (on 20th August, 2013) and in Zanzibar (on 22nd August, 2013). Moreover the The target is to document 10,000 correspondences by 2015, wherefore annual documentation was supposed to be 3,333, But the target was reached and surpassed, this was done through the new website which boosted the correspondences by adding 57,334 correspondences from the public for a period of four months. LHRC has to surpass by far the targets that were aimed by its operational plan as stated below in this chapter.

www.taifaniletu.com, www.twitter.com/sikilizarasimu www.facebook.com/sikilizarasimu
www.hulkshare.com/sikilizarasimu

Table 2: Number of Visitors and their Comments to the Social Networks

Months	Visitors on the Website www.taifaniletu.com	Comments on www.hulkshare.com/sikilizarasimu	Comments on Face book www.facebook.com/sikilizarasimu	Comments on tweeter www.twitter.com/sikilizarasimu	SMSs Sent by members of public to Webmaster +255783553632	Photos posted	Publications and documents posted
TOTAL	11,679	1,523	7,352	431	35,427	378	544

1.1.5 Thousands (34, 504) reached out physically following the deployment of trainers

Following the deployment of the said ninety (90) to the grass roots, LHRC was able to hold total number of 1,218 meetings conducted in 203 wards in 130 districts during Constitution Deployment from 28th July, 2013 to 10th August, 2013. LHRC's target is to reach out 10,000 villages. The LHRC 90 trainers deployed that were trained earlier by LHRC and assigned to those 130 districts and all 26 regions within Tanzania Mainland in order to sensitize the public from grassroots level on the ongoing constitutional review process. They as well as shared with them the content of the draft constitution and the importance of them being part of the review process through the constitutional fora and during referendum. LHRC was able to reach a total number of 34, 504 individuals (Male, 18,886, Female 14,603 and 1,015 who were not clustered in terms of gender) directly. The program reached a substantial number of people indirectly through Community Radios. Some of the trainers participated in radio programmes namely, *Radio FADECO* in Karagwe, *Ilalaramatak Lorkonerei* in Simanjiro and *Voice of Tabora* in Tabora Urban district.



Figure 12: One of the Public Meetings Conducted in Tabora Region

1.2 Increased Pressure on Constitutional Review Commission to Give to Members of the Public an Opportunity to Express their Views

1.2.1 CRC Engaged for Positive Changes

LHRC successfully created pressure for debates, discussions, dialogues and inclusion of people and issues in the constitutional process. In addition the LHRC engaged different actors including Constitutional Review Commission to give all members of the public an opportunity to express their views. LHRC did so by following up every step by the CRC and gave public feedback directly through writing and sometimes through press conferences. As a result, the CRC Chairperson while maintaining the independence of the CRC used the available legal opportunities to consult individuals on contentious issues. Such individuals at times included the LHRC's Executive Director. Furthermore LHRC collected evaluation of how the district constitutional fora were conducted. These reports were gathered from Human Rights Monitors allocated in every district of Tanzania Mainland. LHRC engaged the CRC with regards to some of the flaws which were eminent in the constitutional fora held at districts level. The chairperson summoned the Executive Director on 22nd April, 2013 for further discussion. The outcome of this meeting was that the working relations between LHRC and CRC were improved and strengthened for the betterment of having a good national constitution.

1.2.2 Submission of LHRC views before the CRC

LHRC was given an opportunity to send its submission to the CRC on the new constitution. This was done before the CRC has started to collect views from the public.



Figure 13: A Press Statement at the CRC after LHRC's Submission of Our Views

As a result save for Union Structure and Death Penalty which are still retained in the 2nd version of the Draft Constitution – the rest of LHRC recommendations were positively considered.

1.2.3 Analysis of the Draft Constitution in 8 Themes and Submission of LHRC Views before the Constitutional Review Commission

After analyzing the draft Constitution, LHRC staff became resources to various media programmes and symposia in 6 radio and 7 TV stations. In addition, LHRC disseminated 18,315 copies of Constitutional Publications, Current Constitution - 1977, Draft Constitution and Brochures as the table below indicates:

Table 3: Numbers of the Publications Procured and Disseminated

Title	Copies Produced/Procured	Copies Disseminated
Bill of Rights [<i>Mapendekezo ya Sebemu ya Hati ya Haki za Binadamu</i>]	1000	955
<i>Hati ya Haki za Binadamu Katika Katiba Mpya</i>	2000	1885
Posters on New Constitution	1000	845
<i>Maoni ya Kamati Maalum ya Katiba kuhusu uundwaji wa Bunge la Katiba</i>	5000	4985
<i>Rasimu ya Katiba kwa Lugha Nyepesi</i>	3000	2995
<i>Katiba ya Tanzania, 1977</i>	6650	6650
Total	18,650	18,315



Figure 14: Members of the LHRC's Constitutional Fora on 18th and 19th July, 2013

1.2.4 Informing the Public through Mass Media

As it is reported in chapter three herein below, LHRC participated on radio programs conducted by Foundation for Civil Society and were aired on Radio one three times a week. On those programs LHRC was invited to present the analysis of the draft constitution. The analysis was done based on the 8 themes created. SCOC members were also invited to present their views. The public also participated on the program by sending text messages and provide their comments on different issues as well as asking questions. On some of the programs a representative from the Constitutional Review Commission was also present.

1.2.5 Quality and Impact Ascertained through the Monitoring Visits

LHRC made a total number of 20 follow up visits which were conducted in 20 districts of the following regions; Tanga, Dodoma, Morogoro, Mwanza, Geita, Shinyanga, Simiyu, Kagera, Manyara, Kilimanjaro, Arusha and Singida during the first week of the deployment from 4th to 11th August, 2013.



Figure 15: LHRC Program Officer Ms. Rose Lugakingira with the Monitors of Ukerewe during the Monitoring Visits

1.2.6 Mobilizing other CSOs for Effective Participation in the Process

LHRC successfully built an alliance with NACONGO, Jukwaa la Katiba Tanzania, Tanzania Gender Network Programme and other national CSOs networks to have a common view on the contentious issues such as Constitutional Review Process, the Union Question, Gender, Land and Natural Resources. Through the Committee of Experts, various papers were presented and to guide the

mindset of CSOs in order to increase their vibrancy in the process. As a result, CSOs developed a common stand on all such contentious issues.



Figure 16: Mr. James Jesse, a SCOC Member presenting a paper on Constitutional Review Process at Mayfair Plaza Hotel

1.3 Advocacy Strategies Developed and Implemented to Ensure the Key Elements of Human Rights Protection are Included in the Draft Constitution

The target of LHRC in this area was to hold 24 advocacy meetings conducted to advocate for inclusions of the key element human rights protection by 2014. Then, 3 major/key elements of human rights protection identified for inclusion in the Draft Constitution.²

1.3.1 Advocacy Meetings held for Inclusion of Human Rights Protection

In 2013 LHRC held 5 advocacy meetings. All other such meetings held by LHRC on constitutional issues can also be said to be advocacy meetings for purposes of amplifying the voice of LHRC on those important human rights issues for inclusion in the draft constitution. In addition, LHRC met with the Zanzibar Legal Services Centre to strategize an advocacy for a fair Constituent Assembly. Other meeting held were in collaboration with CSOs, SCOC, MPs, and CRC. As a result of the meetings, a high level meeting took place in Zanzibar. The aim of the debate was to discuss the Constitution Review Act on some challenges particularly in the composition of the constituent

² These are 1- immediate application of any human rights instrument ratified; 2- independent and able human rights Commission/ombudsman whose decision are binding as high court; 3- admissibility of human rights cases at all courts in a committal proceeding where later will be remitted to a single judge of high court for decision.

assembly whereby it comprised of all members of parliament, all members from the Zanzibar house of representative and 166 members from civil society organisations. As a result of the intensive pressure, the number was not increased from 166 to at least 201 representatives who are not Member of Parliament nor are they from the House of Representatives. Ideally it was suggested that the current members of parliament should not be part of the Constitutioent assembly in their totality but there should only be a few representative to let more people from different parts to btake part in the constituent Assembly.However this was not possible since it was the same parliament which had to make a decision and they wanted to be part of the constituent assembly in theiur totality.



Figure 17: A Cross-section of Participants during the Constitution debate in Zanzibar

Table 4: A List of Meetings Held

Sn.	MEETING	DISCUSSED ISSUES	RESOLUTIONS
1.	Live televised public debate held on the 26 th May 2013 at Ubungo plaza, the debate was aired by ITV	Challenges of the Constitutional Review Act; Current composition of the Constituent Assembly The referendum	The people who attended proposed to go for a universal suffrage to have fair representation of the people. Proposed to have an interim body to supervise the referendum and also updating the permanent voter's registry. The importance of civic education was discussed to encourage people to vote during the referendum so as to have legitimacy of the new Constitution.
2.	High level meeting at Regency Park hotel, 20 th -21 st August, 2013	Constitutional Review Process and specifically on the gaps within the Constitutional Review Act.	A total of 80 people attended from different organisations. On the 2 nd day, the meeting was aired live by Star TV from 10:30 am till 1:30pm. A total

Sn.	MEETING	DISCUSSED ISSUES	RESOLUTIONS
			<p>of 373 sms were received from viewers who were watching it Live.</p> <p>It was also agreed on this meeting that Civil Society Organisations to work together and create more pressure to the Parliament to amend the Law.</p>
3.	High level meeting at Eacrotanal Zanzibar, 22 nd August, 2013	Shortcomings of the Constitutional Review Act 2012, Cap 83 especially the composition of the constituent assembly and campaigning for amendment of the law.	<p>Agreed on the fact that the current composition of the constituent assembly should be reviewed and refusal to do so will render the whole constituent assembly be politically biased.</p> <p>Increasing number of members from civil society's organizations in order to increase participation of normal citizens rather than large number of politician</p> <p>More emphasized should be civic education to encourage people to vote during the referendum so as to have legitimacy of the new Constitution.</p>
4.	High level meeting at Double view hotel, 25 th -27 th October, 2013	<p>To discuss the contentious issues on the ongoing Constitutional review process and contents regarding the Draft Constitution.</p> <p>Prepare the ground for consensus building convention and produced a consensus document that will be used as a main document for discussion and endorsement by the National CSOs Convention.</p>	<p>CSO's together agreed to have a press statement on 1st November, 2013 to air what transpired at the conference.</p> <p>To conduct National CSOs Convention on 21-22nd November, 2013 which defined and put forward a "<i>National CSOs Consensus Deal</i>" in the making of people centered new constitution and was shared to all stakeholders including the Constitutional Review Commission (CRC).</p>
5.	High level meeting at Double View Hotel Dar-es-salaam 26 th -28 th November, 2013	Empowered Civil Society on the process and contentious issues (The Union and Resources)	The consensus on the Union was a federal Government, though CSOs agreed to continue with a national-wide debate on the Union Matters as well as natural resources.

1.3.2 Three Major/Key Elements of Human Rights Protection Identified for Inclusion in the Draft Constitution

LHRC observed inclusion of 75% of the main issues that were highlighted on human rights protection in the Draft Constitution.³ These included immediate application of any human rights instrument ratified; this was positively considered by the draft constitution now article 51(3) of the 1st Version of the Draft Constitution. In addition the draft constitution also set principles and standards for obtainment of independent and able human rights Commission/ombudsman whose decisions are binding as High Court. It is only the third issue which has not been taken on board, i.e. admissibility of human rights cases at all courts in a committal proceeding where later will be remitted to a single judge of High Court for decision.

1.4 Strategy Developed and Implemented for Mobilizing Public for Effective Participation in the Constitutional Referendum

The target of LHRC is to ensure that 11,000 villages mobilized for participation in the constitutional referendum by 2014; 30 public debates conducted by 2014. And 1 compendium on the constitution making process produced by 2015.

PREPARATION OF THE STRATEGY FOR INVOLVEMENT IN THE PROCESS

Although the referendum is still far in the legislative process, in 2013 LHRC with other Consortium members prepared an Election and Referendum Country strategy. The goal of this project is to contribute to free and fair local government and national elections in which citizens across the nation, particularly marginalized women and youth, drive the process and are empowered to participate, and duty bearers at all levels are held to account. LHRC contributed much input on the state of political rights and process in the proposal.

LHRC met with DFID (partners) on 22nd November, 2013. The objective of the meeting was to discuss the Constitution Consortium election proposal, particularly on the domestic observation component.

INITIAL PREPARATION OF DATABASE AND COMPILATION OF MATERIALS FOR THE COMPENDIUM

In this component, LHRC has begun the infrastructure of the database. LHRC also publicizes the available materials to the public through the newly established website www.taifaniletu.com

³ These are 1- immediate application of any human rights instrument ratified; 2- independent and able human rights Commission/ombudsman whose decision are binding as high court; 3- admissibility of human rights cases at all courts in a committal proceeding where later will be remitted to a single judge of high court for decision.



Figure 18: A display of the Katiba Website [www.taifaniletu.com] owned by LHRC

A consultant was engaged and collection of both hard copies, soft copies, audio and video materials are going on. All constitutional meetings, sessions and gatherings or discussions are now being documented. For instance LHRC documented the CSO's Consensus building Meeting video and Audio whereas all the proceedings were recorded for the constitutional data base, and publishing to the community and local stations across Tanzania. On 20th November, 2013 footage for the late Dr. Sengondo Mvungi for semi Documentary were collected and the Consensus building Meeting held on 26th November at Double View Hotel. LHRC edited and compiled the audio and video documentary and programmes from CSOs conference for awareness in radio stations and electronic media. In addition, the new website(s) were used to reach out thousands of people as indicated in the table below.

www.taifaniletu.com, www.twitter.com/sikilizarasimu, www.facebook.com/sikilizarasimu, www.hulkshare.com/sikilizarasimu

Table 5: Number of Website(s) Visitors

Months	Visitors on the Website www.taifaniletu.com	Comments on www.hulkshare.com/sikilizarasimu	Comments on Face book www.facebook.com/sikilizarasimu	Comments on tweeter www.twitter.com/sikilizarasimu	SMSs Sent by members of public to Webmaster +255783 553632	Photos posted	Publications and documents posted
August 30.2013	457	112	160	20	2,078	19	104
September	733	204	300	41	4711	39	109
October	1920	229	1123	89	8423	114	121
November	3600	400	2750	109	10,208	120	120
December	4969	578	3019	172	10,007	86	90
TOTAL	11,679	1,523	7,352	431	35,427	378	544

NB: This website has boosted the correspondences with members of public to surpass by far the targets that were aimed by LHRC as stated above in this chapter.

Moreover, LHRC kept on researching and locating the historical data areas Dar es Salaam, Zanzibar & Pemba, and collecting 86 audio Nyerere speeches for the database. Interviews were conducted such as an interview with Zanzibar aged persons about race and class in the Politics of Zanzibar.

CHAPTER TWO

Improved Laws, Policies and Practice that are Human Rights Sensitive

LHRC had planned to consider increase of at least twelve (12) oppressive laws and policies for review, amendment and repeal by 2015.⁴ LHRC also planned to see 50% of its recommendations being taken on board in laws enacted. Finally, LHRC had planned to see that 50% of recommended reforms on practices undertaken by the government by 2015. In this period LHRC was able to advocate for change of laws and practices as indicated below.

2.1 Justice Administration System Engaged for Reforms

In order to ensure realization of this objective, LHRC planned to have two (2) engagement sessions and other stakeholders and the government to increase coverage of free legal aid schemes by 2013. Moreover, LHRC planned three (3) collaborations and engagement sessions for enactment of a paralegal and legal aid laws by 2013. Finally, there was plan to have three (3) consultations with access to justice stakeholders for reforms of justice system by 2013. LHRC was able to achieve the following.

2.1.1 Strengthening Model Legal Aid Clinic with ability to Identify Legal Gaps/Shortcomings for changes through Research, Advocacy and Strategic Litigation of Public Interest Cases

2.1.1.1 Advocacy Issues Identified and Followed Up

Under this Part LHRC managed to attend **15,671** clients. The table below is a summary in a nutshell of the annual statistics. Moreover the chart indicates that trend in legal aid clients from the first quarter to the last quarter.

Table 6: Number of Legal Aid Clients Attended in 2013

Total Number of Legal Aid Clients attended by LHRC in 2013							
	OLD CLIENTS			NEW CLIENTS			GRAND
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	TOTAL
TOTAL	8,184	4,378	12,562	1,886	1,223	3,109	15,671

⁴ These will include the 1. Newspapers Act – on abolition of sedition charges; 2. The Penal Code – on abolition of death penalty provisions, 3. the Regional Administration Act – reducing the powers of RCs and DCs; 4. Basic Rights and Duties Enforcement Act – on abolition of requiring three judges for a human rights case; 5. Law of Marriage Act – repealing provisions oppressive to women; 6. NGOs Act – removing provisions that inhibit the freedom of Association; 7. Political Parties Act – expanding the scope of participation of women in politics; 8. The Land Disputes Adjudication Act – ensuring effective protection of land rights; 9, 10, 11 and 12 any such law as may be considered inevitable for reforms.

In addition, LHRC litigation for public interest and strategic issues expanded as LHRC witnessed for first time and in assistance of a law firm from UK sued the violators of human rights in London. This is a new venture for the LHRC's efforts to ensure that justice is seen to be done. LHRC followed up the execution of the Nyamuma Case. A team of officers and court broker went to the see to ascertain the logistics of resettling the LHRC clients who won their case following their victory as recommended by the Commission for Human Rights and Good Governance.

Figure 19: Trend of the Legal Aid Clients

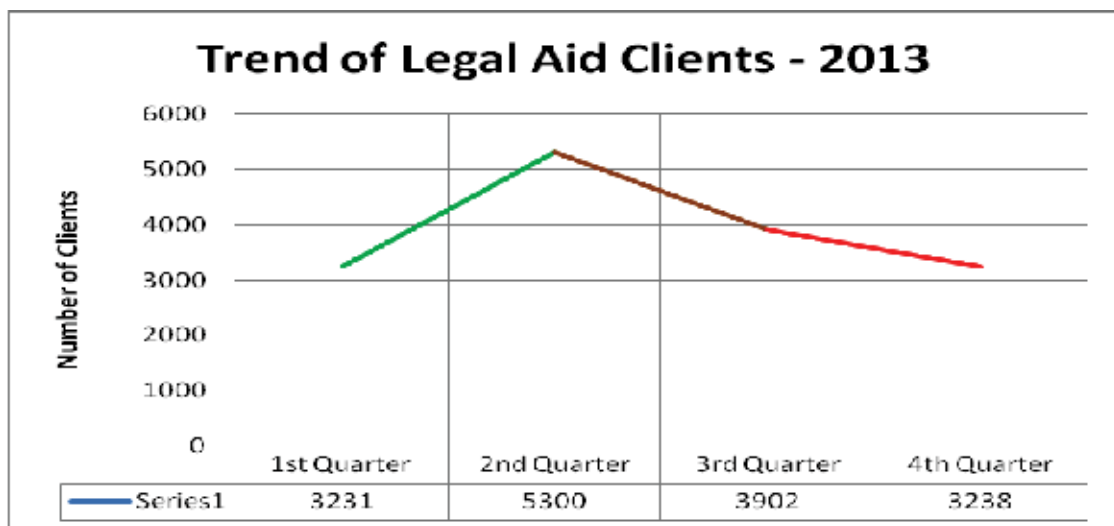


Table 7: Quarterly List of clients Attended by LHRC from January to December 2013

1st Quarter							
	OLD CLIENTS			NEW CLIENTS			GRAND TOTAL
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	
TOTAL	1,535	890	2,425	509	297	806	3,231
2nd Quarter							
	OLD CLIENTS			NEW CLIENTS			GRAND TOTAL
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	
TOTAL	2,716	1,559	4,275	602	423	1,025	5,300
3rd Quarter							
	OLD CLIENTS			NEW CLIENTS			GRAND TOTAL
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	
TOTAL	2,187	1,037	3,224	404	274	678	3,902
4th Quarter							
	OLD CLIENTS			NEW CLIENTS			GRAND TOTAL
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	
TOTAL	1,746	892	2,638	371	229	600	3,238

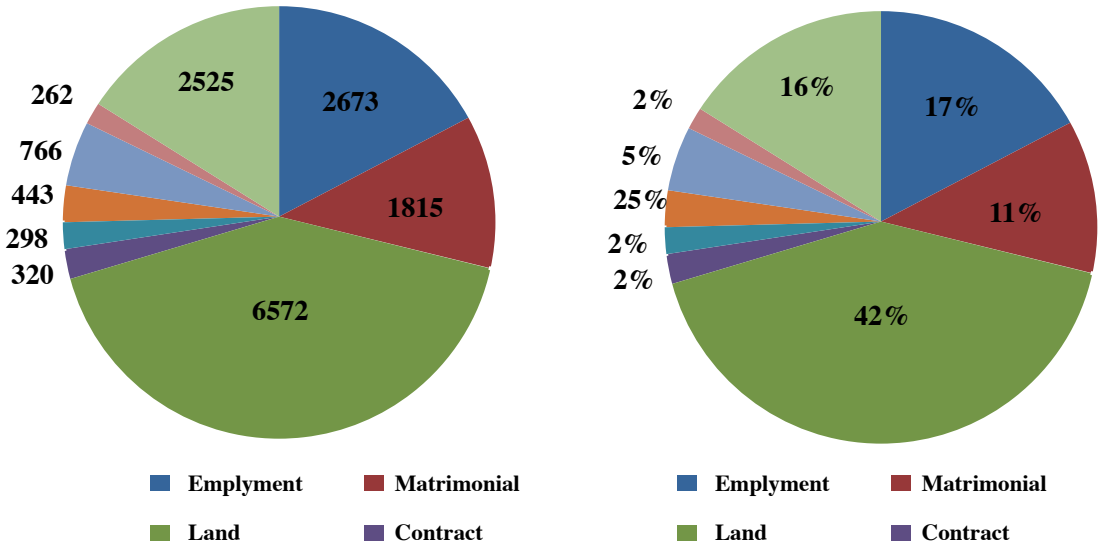
Annual Total

	OLD CLIENTS			NEW CLIENTS			GRAND TOTAL
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	
TOTAL	8,184	4,378	12,562	1,886	1,223	3,109	15,671

Table 8: Type of Cases attended to the Legal Aid Clients

Employment	2673
Matrimonial	1815
Land	6572
Contract	320
Children Rights (affiation, rape, maintanance.)	298
Tort	443
Probate	766
Insurance	262
Others (loan, mealicous, compensation)	2525
TOTAL	15671

Figure 20: Type of Cases Attended (both in numbers and percentage)



2.1.2 Major Advocacy Issues

- **High tribunal fees**

LHRC noted that the Tribunal(s) fees are very high - Members of the community cannot afford to pursue their issues due to the to high fees in the District Land and Housing Tribunal imposed by G.N. No. 263 published on 3/8/2012.

- **Serious abuse of right to education**

It was observed by LHRC that right to education by girls is highly violated in Mwanza, Shinyanga, Tabora and Simiyu, Mbulu, and Loliondo There is a high level of primary school drop-out by girls because of early marriages and greedy parents for quick bride-price. At times, some parents have tried to implore their daughters to deliberately perform poorly in their final examination with a view of being married to the advantage of their parents getting dowry.

- **Increasing fatal land conflicts**

LHRC took note of the killings of people based on land conflicts especially where justice seems to deny rights to those who believe they are entitled. This may be attributed to corruption, failure of the land administration system and or illiteracy in law and procedure.

- **Inheritance for those under presumption of marriage**

There is a legal gap which poses as a challenge of assisting a person who was living under presumption of marriage to inherit from his/her partner as the inheritance laws do not provide on the rights of people who were living under presumption of marriage.

- **The Execution Paradox**

LHRC noted that execution of orders of the court and tribunals has continued to an extreme challenge. The civil procedure law does not provide a strong mechanism for execution of Court orders. For instance, currently there is a difficulty in the execution of the Decree of the Ward Tribunal where a matter becomes afresh application at the DLHT.

Other Advocacy Issues

- TAZAMA pipeline Act - which technically precludes any victim from claiming against TAZAMA— it was noted as one of the insulation and impunity legislations.
- Moreover, LHRC noted the difficulties with regards to Qualification for Pension – where a person has contributed for 15 years but is not pensionable.
- Low Quality of judgments – it was noted that many magistrates write erroneous judgments which cannot be executed – decree contradict judgments.
- Lack of social protection to children- contradiction where a minor is raped by her guardian – law applicable was another issue.
- The Fate of the casual/daily/other employees – and their terminal benefits if not worked for six years - & rights of a person who is in probation; this was concluded by an issue on.

- Predisposition of group of people who grabs landed properties by using names of registered companies and SACCOS.
- Tendencies of District Land and Housing Tribunals, hearing application for execution *ex-parte* is contrary law because judgment debtors are denied right to be heard as the result the execution against judgment debtor are taken by surprise. Execution of decree by Court brokers without service of summons to judgment debtors causes unnecessary destructions of properties and theft.
- The Probate and administration of estate does not provide for men to inherit from their wives when died, thus currently LHRC get cases which men claim the right to inherit from their wives.
- The procedures for filing Form No. 1+ Form No.7 to the Commission for Mediation and Arbitration are not clear, it confuses clients. It is not clear as to whether it starts with the client to serve the form to the Employer or it has to be filed to CMA and from there to be served to the employer. There is a need for proper clarification on the procedure, if need be even the Commissioner's clerks have to be educated on that.
- LHRC noted that there are still incidents of extra judicial killings of red-eyed elderly women in Maswa and Bariadi for witchcraft beliefs.
- Increased mob violence for people suspected or arrested for committing crimes within the villages. A good example is Maswa and Bariadi; a traditional alarm commonly referred as “*Mwano/Yowe*” in Mwanza, Shinyanga, Tabora and Simiyu is used to justify murder by mob of both petty and hardcore criminals.
- Violations of individual rights such as right to be heard, inhuman and degrading punishment and torture through informal justice mechanism commonly referred as “*NDAGASHIDA*” in Mwanza, Shinyanga, Tabora and Simiyu. Sungusungu are mostly used to implement Ndagashida decisions, putting social sanctions such as isolation for villagers violating traditions and custom norms. At times it entails to removing people from the village that are suspected as thieves, robbers, witches etc.
- High level of women discrimination especially from owning properties (such as land), inheritance , matrimonial rights and decision making in all level of economical ,social , political and culture . This issue was noted both in Loliondo, Mbulu Maswa and Bariadi because the community in these districts share more or less the same tradition and culture and practices. In Loliondo and Mbulu most women are subjected to FGM.
- Bride price is a very significant issue in Mwanza, Shinyanga, Tabora and Simiyu. No lawful marriage in those places without paying bride-price. The refund of bride price is mandatory where marriage is broken down. Married women continue to suffer physically and psychologically because parents can not pay back bride price taken and consumed by them.
- The number of land issues reported both in Loliondo, Maswa, Mbulu and Bariadi was quite high. This is because of poor land management and administration, investment, urbanisation and adjudication. Similarly there is a serious lack of awareness by members of ward tribunals.

In all districts visited, there is a huge awareness gap in the land laws while there is big number of land disputes.

2.1.4 Following up Issues for Advocacy

In addition LHRC advocated for change of some draconian laws. These included the campaign for changing the Newspapers Act 1976 which hinders the enjoyment of people's freedom of expression and right to information. As far as the newspapers Act is concerned, LHRC analyzed the Bill and submitted recommendation to the Parliamentary committee – eventually the motion to amend the Newspapers Act which was calculated to make it more stringent was withdrawn from parliamentary debate in line the Parliament demanded a proper law that would enhance and guarantee right to information in Tanzania. In addition LHRC also continued to campaign against death penalty. Finally, LHRC engaged the parliament and other stakeholders with regard to change of laws. In this period LHRC commemorated the world women day and the zero tolerance to FGM.

2.1.5 Engagement for LawReform

In this year - draft bill for the legal aid law was in place with lots of contributions from LHRC- this will ensure expanded access to justice by poor and recognition of paralegals in the Tanzanian legal system.

Figure 21: A draft Bill for the Legal Aid Provision in Tanzania

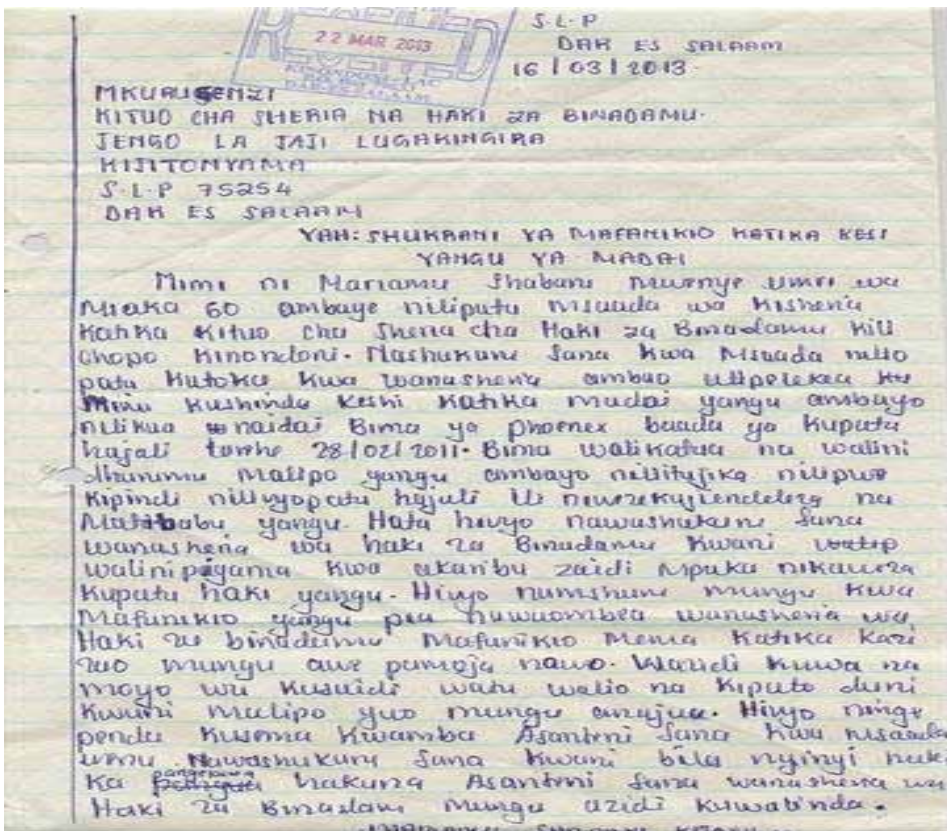
A BILL ENTITLED	
THE LEGAL AID ACT, 2013	
An Act to provide for establishment of the Legal Aid Regulatory Authority, to ensure the provision of accessible, affordable, credible and sustainable legal aid services to indigent persons, to recognize and regulate paralegal works, and for other related matters.	
ENACTED by Parliament of the United Republic of Tanzania	
PART I – PRELIMINARY PROVISIONS	
1. This Act may be cited as the Legal Aid Act 2013, and shall come into operation on such a date when the Minister shall publish it in the Government Gazette.	Short title and commencement
2. This Act shall apply to the Mainland Tanzania.	Application
3. In this Act unless the context otherwise requires:	Interpretation

LHRC participated in the stakeholders' meeting to validate final report for the Legal Sector Assessment. This was done in 18th October 2013. The assessment indicated that there were gaps in the mandate, structure, capacity and independence of the judiciary which bring negative implication to the whole essence of access to and dispensation of justice. The report shows the performance by the judiciary and all other justice administration organs in Tanzania.

2.2 Clients' Satisfaction by the LHRC Services

In the year 2013 thirty two (32) clients went home happily after winning their cases. In this year LHRC clients won their cases while only few – LHRC has recorded five (5) whose cases were lost. In Addition, LHRC has been receiving letters from satisfied clients. The figure below is an example of such letters received in 2013. This is a letter from one Mariam Shabani [Legal aid Client] – in the case of MARIAM SHABANI vs. FELISTAS FULGENCE KAVISHE AND MASSAWE MATHIAS, Civil Case No. 93 of 2011, Resident Magistrate's Court of Kinondoni at Kinondoni – LHRC's client, MARIAM SHABANI, was able to reach an out of court settlement and was awarded Tshs. 2,000,000/= by PHOENIX ASSURANCE OF TANZANIA COMPANY LIMITED (The Third Party Defendant), as compensation for the injuries she sustained as a result of a traffic accident caused by the 2nd Defendant's negligence.

Figure 22: An Extract of a Letter from a Legal Aid Client



2.2.1 Some Notable Successes in attending the legal Aid Clients

i) Unfairly Terminated Clients Redressed

LHRC have a case of *Adam K. Tagaju Versus Beach Residence Ltd* Labour Dispute No. **CMA/DSM/KIN/134/13/201**. In this case the Employer was ordered to pay LHRC client the part of his terminal benefits amounting to Tshs **4,320,000/=** for unfair termination. Though the client is dissatisfied with the decision since other terminal benefits were not awarded as provided under the law. Another client of similar case is that of Gard Mayengo case. In this case of Gard Mayengo V. Gaming African Tanzania LTD Labour Dispute No. CMA/DSM/KIN/899/957 - The Employer was ordered to pay LHRC's client his terminal benefits amounting to Tshs 1,200,000/= for unfair termination.

ii) Wrongfully Retrenched Client got Compensated

Richard Malale versus Linksoft Communication Labour Dispute No. **CMA/ILA/822/12**; In this matter LHRC was representing the Complainant whereby the award following the ex-parte hearing after non- appearance of the Respondent were awarded. LHRC client was awarded 6,300,000/= Tshs for the Respondent's failure to comply with proper procedures of retrenchment.

iii) Widows being appointed Administrator of estate of their deceased husbands

The Naomi Michael's Case: The above mentioned client reported that her husband died intestate and left her and three children. She further state that her husband had one child born out of wedlock whom she denied her to be included to inherit the estate of his husband, provided that the relatives of the deceased include the property of the widow to the property to be inherited by other heirs. LHRC assisted the client on capacity building which enables the client to defend her case before the court in which later the client was appointed to be the administrator and beneficiary on the property lefty by her husband. By doing this the LHRC helped the issues of the deceased and his widow to inherit to the property left by the deceased.

Similarly in the case of Mwanamosi Abdallah: in this case, LHRC's client reported that she had contracted an Islamic marriage with her husband they were not blessed with any issue out of that relationship. She further stated that her husband had died interstate the relatives of the deceased alleges that she is not the wife of the deceased, and not entitled to inherit even to acquired the property which they joint own out of that relationship. LHRC assisted the client to contest for letter of administration and probate and the Court ordered that she is the lawfully wife of the deceased entitled to inherit.

iv) Poor Widow – Recovers her deceased husband property from shrewd administrator

In the Rebecca Gyun's case: The client herein had a probate case in which her late husband died intestate and left the client and the child, before deceased's death he had a concubine who forged a certificate of marriage and later petitioned for letters of administration and succeeded to be granted letters of administration. After been granted letters of administration the said concubine distributed even properties which were acquired by LHRC client and the deceased. LHRC assisted the client to appeal in which she succeeded to revoke the administrator and the respondent was ordered to surrender all properties which was in her hands to LHRC client (administrator).

v) **Matrimonial Property Finally –equally distributed**

The Case of Mariam Mohamed: The client reported that she had contracted an Islamic marriage with her husband and that she petitioned to the district court for divorce on which the divorce was granted and equal distribution of the matrimonial property her husband was dissatisfied with the decision of the District court appeal to the High Court were by the appeal was dismissed before the High Court. LHRC assisted the client to defend her case and the Court ordered for equal distribution of the matrimonial assets and upheld the decision of the subordinate court.

Besides, in the case of LHRC in the case of ***Imelda Zakaria***, successfully attended the matter. The client reported to the LHRC LAC that she contracted Christian marriage and she stayed in that marriage for more than 36 years, she further reported that her husband treated her in a cruel manner something which made the client to run away from their matrimonial home. Moreover the client wanted to get her share from the properties which were acquired jointly by parties during subsistence of the marriage. LHRC empowered the client to petition for divorce and division of matrimonial properties at Magomeni Primary Court in which the court ordered equal division of the matrimonial properties.

vi) **Deprived dispossessed clients of their land eventually declared lawful owners**

Mwajuma Kambuluta & Maimuna Kambuluta Vs. Mohamed Issa, Land Application No.224 Of 2011. In this matter LHRC was representing the Applicants, this matter originated from the Ward Tribunal as Case No.75/2010 whereby the Tribunal ruled out in favour of the Respondent, thereafter the matter was taken to District Land and Housing Tribunal for Ilala, here it was set aside Applicants were declared as lawful owners of the said land.

vii) **A client Who Sustained Injury From Negligent Driving Compensated**

Cyprian Alexandra Mlay vs. Salvatory Soka and Benezeth Rweyemamu, Civil Case No. 212/2012. In this matter LHRC's client **Cyprian Alexandra Mlay** filing a case claiming against the defendant at a tune of Tshs 50,000, 000/= being compensation for general damages caused by the defendant to the plaintiff for the compensation from a road accident in which the Plaintiff suffered severe loss negligence caused by the 1st defendant for negligent driving and the 2nd defendant has the owner of the said motor vehicle that caused the accident. The Judgment and the decree was delivered on Plaintiff's (LHRC client) and it was so ordered the Defendant to pay the plaintiff sum of Tshs. 2,350,000 being special and Tsh. 47,650,000 has general damages, interest at court rate from the date of judgment to the day of full payment and pay the costs of the case.

viii) **Confiscated Property Recovered with Monetary Compensation Added**

Ramadhani Rashid Lulela vs. Director of Namica Auction Mart Limited, Civil Case No.27/2012. In this matter LHRC's client Ramadhani Lulela filing a case claiming the defendant at a tune of Tshs. 25,000,000/= being compensation for the confiscating the plaintiff's properties despite the fact that there was neither an order, ruling, judgment of the Court nor a defaulted contract for such an execution exercise. The Judgment and the decree was delivered on Plaintiff's (LHRC client) and it was so ordered the Defendant to pay the plaintiff sum of Tshs. 10,000,000 being general damages, the defendant to recover the properties to the Plaintiff's possession in good original condition or to pay in monetary Tshs. 8,000,000, interest at court rate from the date of judgment to the day of full payment and pay the costs of the case.

ix) **Client Recovered back his land**

Fatuma D. Shoko versus Ayubu Sosovele, LAND APPEAL No. 108 OF 2012. In this matter LHRC was representing the Respondent, this matter originated from the Mbezi Ward Tribunal whereby the Tribunal ruled out in favour of LHRC client, thereafter the adverse party (Appellant herein above) appealed to District Land and Housing Tribunal for Kinondoni at Mwananyamala, LHRC assisted LHRC client in this appeal. The appeal was dismissed and the decision of Ward Tribunal was upheld.

x) **Clients Initial Victory Sustained after Defendants Appeal**

Jane Paul versus Allan Tindwa, LAND APPEAL No. 92 OF 2012- In this matter LHRC was representing the Respondent, this matter originated from Charambe Ward Tribunal whereby the matter was decided in favour of LHRC client (Respondent herein above); thereafter the Appellant herein above filed an appeal at District Land and Housing Tribunal for Temeke as Land Appeal No. 58 of 2008 whereby the Appellant lost that appeal. Thereafter the Appellant filed a second appeal at the High Court of Tanzania (Land Division) Land Appeal No. 92 of 2012 whereby appeal was dismissed with cost.

xi) **Ensuring right of just remuneration and right to work is protected**

In this reporting period LHRC attended and won in the case of *Amrani Said Ikeresho v. Mint Master Security Tanzania, Revision Application No. 8 of 2012.* The Applicant Amran Said Ikeresho being aggrieved by the award of the CMA which denied him some of his rights due to unfair termination filled the application for review and set it aside. The court decided and ordered the applicant to be paid his salary arrears of 15,000/= from the date of commencement of payment of the aid salary to the date of termination, unpaid leave allowance and additional of six months' salary as compensation for unfair termination.

2.2.2 Empowered Clients with Legal Aid Materials

LHRC aimed at ensuring that 15,000 clients are supplied with legal aid materials by 2015. In the year 2013, all new clients to the legal aid clinics of which were 3109 as well as 600 mobile legal aid clients were supplied with different legal education or legal aid materials. Making it a total of 3,709 clients. The clinics also managed to empower clients. Most of the clients who were empowered are whose cases were scheduled for Pre-trial Conference and hearing. In this clients are expected to handle themselves accordingly, (in this matter, the operation plan target is 12,000 by 2015) In addition, LHRC revised and edited ten copies of self help kits and sent them to publisher for printing, namely:

- i. *Utatuzi wa migogoro*, [Dispute Settlement];
- ii. *Mashauri ya ndoa*, [Matrimonial Cases];
- iii. *Kutengana na kuachana*, [Separation and Diveorce];
- iv. *Sheria ya ukomo wa muda*, [Law of Limitation];
- v. *Ushabidi*, [Evidence];
- vi. *Muundo na mamlaka ya mahakama Tanzania*, [Court System in Tanzania];
- vii. *Kiapo*, [Affidavit];
- viii. *Kashfa*, [Defamation];
- ix. *Hukumu*, [Judgement]; and
- x. *Mirathi*, [Probate].

2.2.3 Mobile Legal Aid Team with Capacity to Identify Issues for Advocacy and Support Paralegals

LHRC target was to ensure that 15 issues for advocacy identified from 1500 clients in the 29 paralegal districts who are empowered with legal knowledge and procedures by 2015. Furthermore, those 290 paralegals in the 29 Paralegal Districts empowered with practical legal knowledge and procedures by 2015.

a) Tapped Advocacy Issues during the MLACs

In 2013, LHRC conducted mobile clinics in 9 Districts. In total 600 clients were attended. of issues stated above 12 among those emanated from the mobile legal aid clinics. In every side LHRC has surpassed the targets. Instead of attending 500 clients per year 2013, LHRC attended 600, and instead of identifying 5 issues LHRC has identified 12 issues through the MLACs.

Figure 23: Mobile legal aid Clinic Maswa



b) Empowerment of Paralegals through Mobile Legal Aid Clinics

LHRC empowered the paralegals in 9 districts this shows that by 2013 alone, LHRC has been able to empower all paralegals that are required to be empowered by 2015. The following are the details of the MLAC statistics.

Table 9: Client Statistical Report- (Mobile Legal Aid Clinics Loliondo, Maswa, Bariadi & Mbulu)

Type of Cases	No. of Cases	MALE	FEMALE
Matrimonial	33	11	22
Land	111	90	21
Criminal	33	19	14
Civil	41	26	15
Employment	11	6	5
Probate	25	15	10
Maintenance/Custody	5	1	4
Citizenship	1	1	0
TOTAL	260	169	91

Table 10: Mobile Legal Aid Statistics in Ruvuma

Region	Male	Female	Total
Mbinga	39	20	59
Nyasa	55	27	82
Tunduru	15	6	21
Namtumbo	84	18	102
Songea Vijijini	41	35	76
Grand Total	234	106	340

The above statistics signify that a total of 260 clients were assisted through Mobile legal Aid conducted in Loliondo, Maswa, Bariadi and Mbulu among them 175 were male and 92 female. In addition, a total of 340 clients [234 males and 106 females] were attended when LHRC conducted Mobile Legal Aid in 5 Districts of Ruvuma which are Mbinga, Nyasa, Tunduru, Namtumbo and Songea Vijijini. The exercise was conducted with two teams whereby on 18th to 23rd November one team was in Mbinga District while another was in Nyasa. From 25th to 30th November 2013 the two teams went to Tunduru and Namtumbo District while from 2nd November, 2013 one team remained to finalize the exercise in Songea Vijijini.

Improved and Expanded scope of Legal Aid by Paralegals in the Grassroots

As a result of the capacity building done by LHRC as explained in Chapter Three below, the paralegals have begun to increase the number of legal aid clients attended. Thus paralegals in the 28 districts in 2013 were able to provide legal assistance to their communities were from the 20 reports received and analyzed in 2013 a total number of 2,910 people were assisted were 1099 were females and 1811 were male on issues such as matrimonial, land, probate, labour, GBV, maintenance of children, children and the right to education, (Details of the number of people assisted by paralegals according to gender are as reflected in table no. 2).

2.1.4 Increased Pressure in Advocating for Reforms of Judicial System and Structure

Under this part the target by LHRC was to make sure that 9 major issues are identified and exposed to public/submitted to authorities for judicial reforms by 2015 and one (1) network is formed for judicial reforms.

a) Identification of issues that needed intervention

LHRC has been able to identify several issues for advocacy, including under this particular part. Such issues include:

- i. Difficult in executing court orders during execution of land decrees;
- ii. The problem that has been brought by Hon. Ngwala J's decision on the territorial jurisdiction of Ward Tribunals in Municipalities;
- iii. Not coming into force of the Workmen's Compensation Act, 2008;
- iv. Need to harmonize the recognition of women's contribution in matrimonial property during divorce and on inheritance matters;
- v. Laws on inheritance not acknowledging the right of men to inherit their wives properties when they pass away;
- vi. Land Fees – which are too high; and
- vii. The Tazama Pipeline Act and restrictions meant to impede access to justice.

Moreover, LHRC made consultation with Tanganyika law Society for Conducting a CLE seminar for the Dar es Salaam Chapter on access to justice from court users' perspective. The CLE seminar was scheduled to take place on the 16th day of December with the approval of the TLS Dar es Salaam Chapter Committee. The seminar will help LHRC to address the long lasting challenge of relay of cases and failure of dispensing justice timely at the end conducting advocacy in making sure that the justice administration system is reformed.

b) A case to determine the conflict between human rights and parliamentary immunity

LHRC in this Area in 2013 ensured that various issues of policies, laws and practices are reformed. The land mark issue for reform in 2013 was demand for the answers to the imminent conflict between Parliamentary Immunity vs Protection of human rights. Statement by national leaders that leads to abuse of rule of law and human rights - a case against the Prime Minister - Hon. Mizengo Pinda for condoning abuse of power by law enforcement agencies. LHRC filed a constitutional case on 1st August to determine the fate when there is a conflict between human rights and parliamentary immunity. The case also seeks to challenge the Prime Minister's statement that people can be beaten up by police. LHRC & Another vs. AG & Another before the High Court was mentioned on the

16th day of September came for hearing in October and December; it will be finalized in February 2014.

Figure 24: The LHRC Executive Director holding and showing the filed Petition



2.2 Parliament Engaged for Reforms of Laws and Policy to Conform to Human Rights Principles

LHRC planned to hold 12 engagements on changes of five laws to conform to human rights by 2015. In addition, LHRC wanted 12 parliamentary motions initiated for ratification and domestication of two additional HR instruments by 2015.

2.2.1 Increased Advocacy for Reform of Laws and Practices Affecting Women, Youth and Children

Under this part the target was to advocate for reform of five (5) laws that affect rights of children and women by 2015. These would include the reform of Customary Law Declaration Order GN 279/1963; Law of Marriage Act; National Social Security Fund Act – survival benefits; Education Act – pregnancies of pupils/students; and the Inheritance laws. In essence, most of these laws perpetrate GBV.

Taking women and child rights advocacy as another level

LHRC, during this reporting period succeeded to advocate for reforms of laws and practices affecting women, youth and children to call upon commitment of government to change laws and policies which are discriminative to women and to call upon the government to domesticate all the international instruments which will accelerate reforms for all laws which are affecting women. Eventually, LHRC ventures in to new areas. For instance LHRC succeeded to engage different media houses which are new to LHRC work to mention Abood Radio and TV programme which are being used to call upon the government to advocate for change of laws which are affecting women. Moreover, LHRC participated in the Tanzania Child Rights Forum identifying and analysing constitutional issues that affect children which need to be addressed.

Researches for Evidence-based Advocacy

During this reporting period, LHRC conducted two (2) studies. A pilot study in local level at five (5) Regions especially the ones leading in abuse of women rights. The study involved conducting of meeting of CSOs, CBOs, FBOs and other stakeholders on the necessity for the enactment of the GBV law in the country for the Elimination of Gender Based Violence and inclusion of Women's Rights in the New Constitution. As a result LHRC's input on women rights to the draft constitution were well researched for and of high quality. The Draft Constitution contains for the first time in Tanzanian history, some provisions for recognition and protection of Women's and Children rights.

Furthermore, LHRC commissioned a researcher who conducted a research which was conducted in Mara, Morogoro, Kilimanjaro, Dodoma, Tabora, Shinyanga, Manyara, on women's rights in focusing social, economic and political rights to advocate for enactment of Anti-GBV Bill. Afterwards, LHRC succeeded to organize a two day national consultative validation meeting aimed at validating the first draft of the research report on GBV from 30th to 1st October 2013 at Oasis Hotel in Morogoro with different stakeholders who came from 30 different CSOs.



Figure 25: Participants during the validation meeting at the Oasis Hotel, Morogoro

In addition, LHRC also organized and conducted a one day meeting one day final validation meeting from on 19th November 2013 at LHRC's Conference Room with different stakeholders who came from 12 different Ministries and Governmental Institutions in validating the second draft of the report.

c) Empowering others to Advocate for Reforms

As a way of advocating for reform of laws that oppresses women, in this period LHRC succeeded to Facilitate on Women's rights and Laws which governs women's rights and Gender Based Violence in Tanzania as per the request from an Tanzania Gatsby Trust (TGT) which is registered as a charitable Trust in Tanzania for poverty alleviation by enabling hundreds of Small and Medium sized Enterprises (SMEs) to carry out productive and profitable enterprises. Additionally, during this reporting period LHRC through Maputo Protocol Project, coordinated and participated in Peer Review Mission to Dar-es-salaam Tanzania, which includes other RHV partners in Africa who come with the objective to learn experiences on the implementation of the Project.

Similarly, LHRC successfully shared various human rights issues with likeminded organizations during a meeting which was organized by EOTF (Equal Opportunities Trust Fund) on training women on their rights and Women's Rights in the Constitutional Bill of Rights. A total Number of 250 women from all over Tanzania. LHRC presented a paper on Women's rights in the Constitutional Bill.



Figure 26: Women Attending Training Session on Women’s Rights by the LHRC

2.2.2 Increased Engagement with Parliament to Have Human Rights Sensitive Legislation

LHRC planned that in the year 2013; there would be five (5) laws that affect rights of women and children advocated for reforms by 2015. Seventy per cent (70%) of recommendation on bills taken on board laws enacted by 2015; six(6) private motions supported by 2015; and three(3) private members bills prepared and advocated for 2015.

Reform of Laws and Policies

In achieving the stated objectives, in the Year 2013 LHRC has considerably made inputs to nine (9) Bills with an aim of ensuring that those bills conform to international and regional human rights standards applicable to Tanzania as follows.

Table 11: LHRC's Recommendations to various Bills/Acts Number of LHRC's Recommendations

LHRC's Recommendations to various Bills/Acts	Number of LHRC's Recommendations
1. GEPF Retirement Benefit Act	24
2. Political Parties' Codes of Ethics	8
3. <i>Muswada wa Marekebisho ya Sheria ya Mabadiliko ya Katiba/</i> Bill on the Law to Amend the Constitution Review Act	8
4. The Written Laws (Miscellaneous Amendments) No. 3 Act, 2013	7
5. The East Africa Protocol on Cooperation in Defence Affairs	5

6. The Referendum Bill, 2013	45
7. The Statistics Bill, 2013	19
8. The National Irrigation Bill, 2013	24
9. The Constitution Draft Bill I (<i>Rasimu ya I ya Katiba</i>)	34
10. The Newspapers Act	6
Total	180

As a result, save for the Bill on the Law to Amend the Constitution Review Act of which the LHRC recommendations were rejected in the first instance and considered later by adding the number of CA members outside the Parliament to 201 instead of 166; most of LHRC's recommendations were positively considered. However, the opportunity to influence the changes to the said Newspapers Act, 1976 came as the amendments of the Miscellaneous Bill No. 3 of 2013 where the Newspapers Act was among them, came as the Speaker of the National Assembly ordered that there must be a new law for the right to information. This gave LHRC an opportunity of meeting the Ministry of Constitution and Legal Affairs in two sessions, together with other stakeholders for the preliminary preparations on the Right to Information Act.

Moreover – LHRC analysed the following instruments:-

- i) The National Youth Policy;
- ii) Gas and Petroleum Policy.

The Performance of the Parliament Well Monitored

LHRC has been highly engaged in monitoring the performance of the Parliament. LHRC representatives attended all four (4) sessions of the Parliament. The following are issues noted/observed from the Parliamentary assessment and monitoring in 2013:

- i) Poor attendance to the session(s) by MPs:
Attendance of MPs in the Parliamentary session has not been good in 2013.
- ii) MPs defending the Government:
The role of the Parliament as one of the State arms is to supervise and correct the Government. In this session, LHRC has witnessed some of the MPs, (mainly from the ruling party) try to defend the government instead of doing what they are supposed to do as per the Constitution and other laws.
- iii) Use of the Parliamentary Standing Orders:
LHRC has noted that the Parliamentary Standing Orders are still being ignored by the MPs, and thus a need to empower them.
- iv) Unfairness of the Parliamentary Leadership:
This has been a problem to nearly all the leaders of the Parliamentary sessions (Speaker, Deputy Speaker and the three Chairpersons) are violating the Standing Orders and alleged to oppress the opposition.
- v) Extreme Partisanship and Political Bias:
The Parliamentary sessions, debates, conduct and deliberations revealed that the Parliament is heavily tainted and being labouring under party politics even for issues that required utmost patriotism above party interests.

Parliament Engaged and Supported for Private Motions and Bills

On 21st and 24th March – LHRC trained the MPs on Strategies and mechanisms to be used by different actors on how to improve laws enforcement in Tanzania - Presentation - to Selected Parliamentary Committees - Mkwawa Hall – Bunge Offices – Dar es Salaam – 24/3/2013.

Similarly, on 18th June 2013, representatives of LHRC met with the Parliamentary Committee on Local Government to discuss on how best youth and women under informal sector can be mainstreamed. Besides, LHRC Attended 2nd Parliamentary sessions: The Budget Session, Networking with MP's and lobby for incorporation of LHRC's recommendations into laws and make follow up of parliamentary sessions.

When the Budget Session just ended towards the end of June, LHRC conducted capacity building sessions with Mp's on laws and international instruments: Meet two groups/segment(s) as representatives of the MPs:

- The Special Committee on Mtwara gas saga; and
- A group of 20 MPs and Parliamentary staff on how best the CSOs and Parliament can work together.

The two *for a* was used as an opportunity to strengthening Parliamentarians and the opportunity that seeks to enhance the capacity of parliaments to effectively perform their functions (oversight, representation and lawmaking) to better contribute to open and collaborative development. Additionally,

On 10th June 2013 at the African Dreams Conference Centre in Dodoma, LHRC as a member of Policy Forum met with MPs to discuss on how best the Parliament and interact with Civil Societies to enhance effectiveness of Parliament functions.



Figure 27: A Team of LHRC and SCOC members Attend the August - September Session for MPs Engagement

Advocacy for amendment of the Constitutional Review Act with the Constitutional experts

LHRC facilitated a field visit by experts and secretariat to Dodoma from the 3rd- 6th September 2013. The LHRC managed to engage with Members of the Parliament to increase participation of members from civil societies and other groups in the Special Constituent Assembly and thus enable the country to come up with a people's driven Constitution. The LHRC managed to get a first hand glimpse of what was not only one of the most gruesome incidents but one of the vivid testimony of what the organization has been complaining all over, inconsistency of the Speaker's Chair over the conduct of the House. The LHRC issued a brief statement to the journalist in Dodoma to air its dissatisfaction over the process and received coverage at ITV, Channel Ten and Mwananchi Newspaper. ITV in a one hour program *Malumbano ya Hoja* and TBC television in its progammen named this week in perspective – both invited the LHRC to take part whose topic dwelt on the Bunge's misconduct.

As a result, following critical pressure by LHRC and other actors, the Bill to amend the constitutional review act which was tabled on the 4th and discussed on the 5th September 2013, was later in November session amended to include 201 representatives of various groups other than Members of Parliament and the house of Representative to be member of the constituent assembly instead of the initial ones which was 166.



Figure 28: Meeting of the SCOC members with some selected Members of Parliament in Dodoma

Networking and Sharing Information with MPs for Purposes of Supporting them to Reform Laws and Policies

LHRC continued to network, and ensure information sharing and the exchange of experience. In this period LHRC organized and attended during the 13th *Bunge* Meeting which lasted from 29th October - 9th November, 2013. Moreover, a plenary session [the formal meeting] included a presentation on reviving the good relation between the MPs and the CSOs, also engaging the MPs to deal with the important Bills on Constitution Review Process.

2.2.3 Increased Engagement with likeminded organizations to advocate for government adherence to International Human Rights Instruments

[CAT, second optional protocol ICCPR, optional protocol to the ICESCR, CRC, ACRWC, Maputo protocol]

In this part, LHRC wanted to see at least 6 engagement sessions with CSOs partnering with LHRC to advocate for ratification and domestication of human rights instruments by 2015; that there will be 15 international events are commemorated by 2015 – at least 5 per year.

i) Coordination of SALAN

LHRC succeeded to coordinate SALAN and adding four (4) new members after ten years. 2003-2004. In this period LHRC continued to coordinate SALAN activities more specifically: SALAN is a network of 15 organizations in 9 SADC Countries which provides legal assistance and advocates for Human Rights. Tanzania through LHRC is the current secretariat succeeding Legal Resources Foundation Zambia.

LHRC representative participated in a SALAN study tour in Strasbourg and Berlin in May 2013.



Figure 29: SALAN delegates making presentations in Berlin Germany

The session helped SALAN and members to get more knowledge on engaging international bodies in order to protect rights of locals.

Later, LHRC successfully organised and attended SALAN AGM meeting on 31st May – 5th June in Johannesburg. Normally, SALAN Meeting AGM successfully conducted after lapse of 2 years. LHRC finalised paralegal Position Paper and regularly updated the SALAN Website. Continued to daily update the SALAN *facebook* page and share information with members. Drafted a proposal to Robert Carr Foundation. LHRC – kept informing the new SALAN members of their SALAN membership approval by the SALAN AGM. New members are MULEIDE-Mozambique, NAMRIGHTS – Namibia, Lesotho Transformation Resource Centre and Zimbabwe Women Lawyers Association. Moreover, LHRC drafted 11 Proposals to potential donors; prepared a SALAN Brochure; and finalised paralegal Position Paper to be used for advocacy at SADC level.



Figure 30: SALAN members during the 30th SALAN Annual General Meeting which was held on 31st May to 2nd June, 2013 in Johannesburg, South Africa

ii) World Coalition against Death Penalty

LHRC is a member of the World Coalition against the Death Penalty. In 2013 June, LHRC attended the Annual General Meeting of WCADP and the 5th Congress which was held in Madrid Spain from 1st June to 15th June 2013. LHRC skills and partnership on its campaign against the death penalty was enhanced. A resolution to further the campaign against the death penalty was also adopted.

iii) FIDH

LHRC is a member of FIDH since 2002; in 2013 LHRC succeeded to be elevated in its status of membership into Affiliate member.

iv) African Child Day

LHRC succeeded coordinate the commemoration of Day of African Child which was commemorated with 60 total number of secondary and primary schools and other stakeholders dealing with children's rights.



Figure 31: Guest of Honour addressing the public during the commemoration of the African Child Day



Figure 32: Children in a Jovial Mood during the African Child Day

CHAPTER THREE

Informed and Empowered Citizens

3.1 Strengthened Communication Strategies

a) Communication with the grassroots and public in general through strengthened

The LHRC in the year 2013 strengthened its communication strategies so as to empower the public on issues of human rights, good governance and law. This was done through the use of media programs where such issues were aired. In 2013 the LHRC was able to air 191 media programs whereas 64 were on television and 127 were on radio. These include programs from media stations such as channel 10, ITV, Capital Tv, TBC1, RFA, Upendo Radio, Morning Star and others (Details of the programs aired are as reflected in table no.1)

These programs were able to attract a number of viewers and listeners who took part in the issues addressed through sending messages and calling either commenting and asking questions on the issue being covered were a total of 4123 SMS were received. A detail of their participation is as reflected in the graph below. The number of messages received varies according to the type of issues being addressed in the program. Apart from September where the SMS line was not accessible to most of viewers due to network interferences hence dropping in number of SMSs, the rest of the months remained relatively fair.

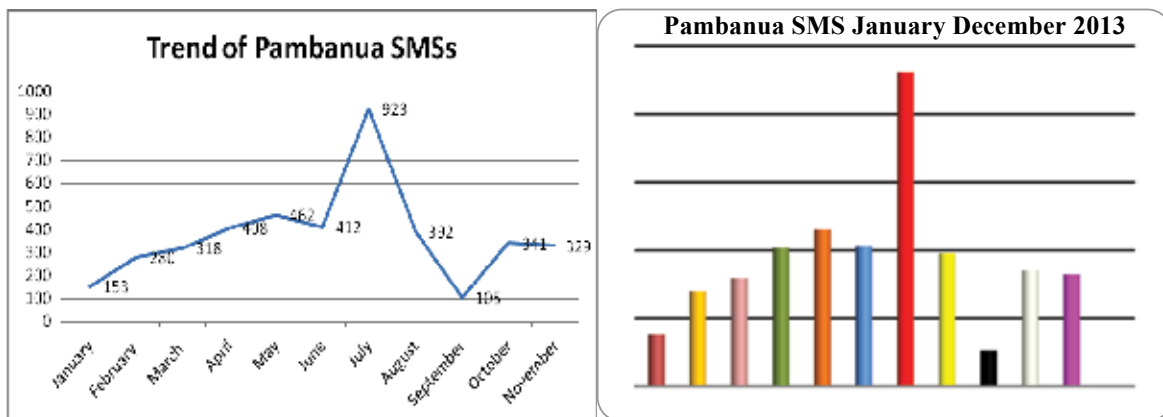


Figure 33: Chart of the number of text messages received during the “pambanua” television program

b) Revived/Rejuvenated Radio Programme for Wider Coverage

Besides, in 2013 the LHRC was able to revive its “*Darubin?*” radio program which was being aired through TBC- Taifa by moving the program to Radio Free Africa. This was done after a survey was conducted which indicated that majority of districts in Tanzania are covered by the radio and is the most listened to radio in the regions. The Program has now been renamed “*Mlinzi wa Haki?*” and is aired every Saturday from 10.30 am to 11.00 am and repeated on Tuesday from 9.30 pm to 10.00 pm.

c) Empowerment of Media Personnel

The LHRC so as to attain its objective of increasing the number of people who are informed and empowered on issues of human rights and good governance built the capacity of 81 media personnel, 50 journalists, 16 females and 34 males, 20 editors, 15 male and 5 females on the 7th and 8th of May 2013. Furthermore, LHRC held a consultative session with 11 media owners and senior media personnel, 10 male and 1 female on the 13th December 2013 to highlight the issues of human rights, good governance and the law. This was geared at increasing the number of information through print and electronic media to the public on the said issues so as to inform the public but also demand accountability from the government and those responsible.

d) Improved LHRC relations with Media

As a result of such interaction with media, such sessions have enabled the LHRC to build relations with the media personnel and improve the link LHRC has with the media aiming at increasing the number of media engaged in amplifying issues of human rights, good governance and the law.



Figure 34: Caption of one of the articles written on the media training and a picture with media owners during the consultation session

3.2 Strengthened Capacity of Paralegals for Increased Access to Justice by Communities

a) Capacity of Paralegals Increased

LHRC in its new operation plan aims to increase the number of people who can access justice through paralegals by empowering them on issues of human rights and the law so as to assist communities where they are situated. In the year 2013 the LHRC was able to empower 293 paralegals, 169 male and 124 female in 12 districts of Songea Rural, Namtumbo, Mbinga, Nyasa and Tunduru in Ruvuma Region, Mtwara rural, Newala, Masasi, Nanyumbu and Tandahimba districts in Mtwara region, Meatu district in Simiyu region and Simanjiro district in Manyara region. The Paralegals were trained on various issues of law such as human rights, women's, children's and people with disability rights, the land laws, Law of Marriage Act, Child Act, probate and administration of estate, gender and the constitution. Together with that all the paralegals were

provided with the Constitution of the United Republic of Tanzania and the Paralegal training manual. Likewise, the LHRC has trained paralegals in other 16 districts of Tanzania which are Tarime, Serengeti, Kiteto, Babati, Mbulu, Hanang, Ngorongoro, Kilosa, Mvomero, Singida Rural, Ludewa, Makete, Geita, Ukerewe, Maswa and Bariadi.

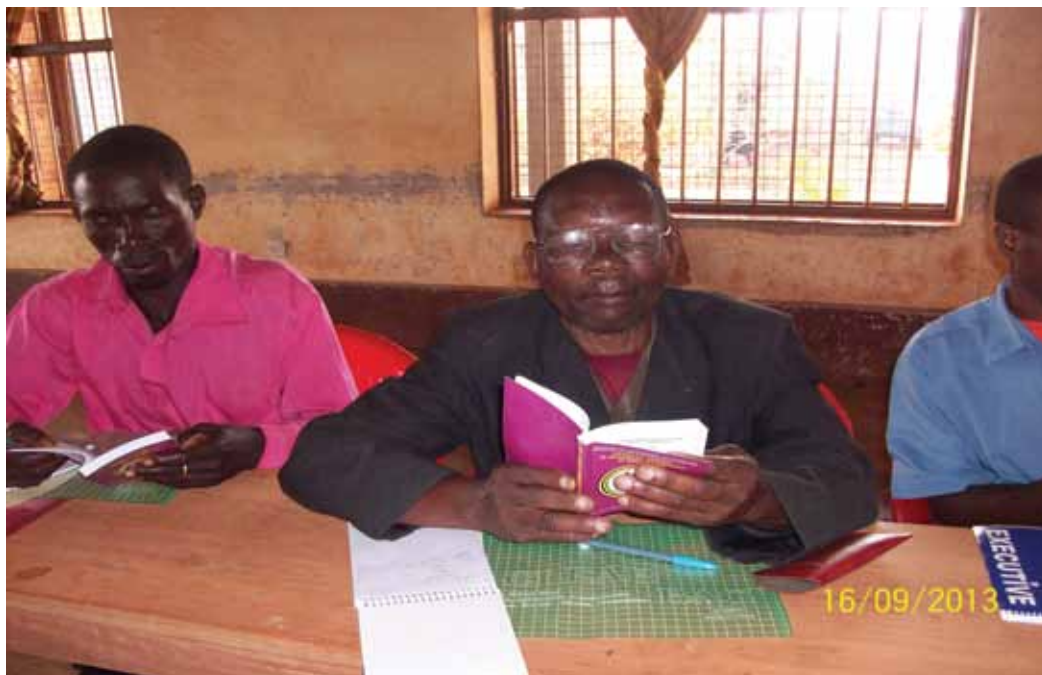


Figure 35: Paralegals making reference from the Constitution, 1977 during the training at Mbinga

b) Sustainability of Paralegals Enhanced

In 2013, the paralegals of Makete were able to register their organization under registration No. 24NGO/00006059 now known as PACEMA (Paralegal Centre Makete). Thus making a total of 13 paralegal units able to organize themselves and form CBO's and NGO's which are used to provide legal aid and follow up human rights violation in their communities. The registration of paralegal CBOs has enabled them to access funding to improve their work and to make them more sustainable.

Table 12: Trained Paralegals in 12 Districts

No	District	Male	Female	Total
1	Mtwara Rural	19	5	24
2	Nanyumbu	19	5	24
3	Newala	11	13	24
4	Masasi	14	11	25
5	Tandahimba	12	11	23
6	Songea Rural	11	13	24
7	Nyasa	19	6	25
8	Mbinga	14	11	25
9	Namtumbo	17	8	25
10	Tunduru	18	7	25
11	Simanjiro	8	16	24
12	Meatu	7	18	25
TOTAL		169	124	293

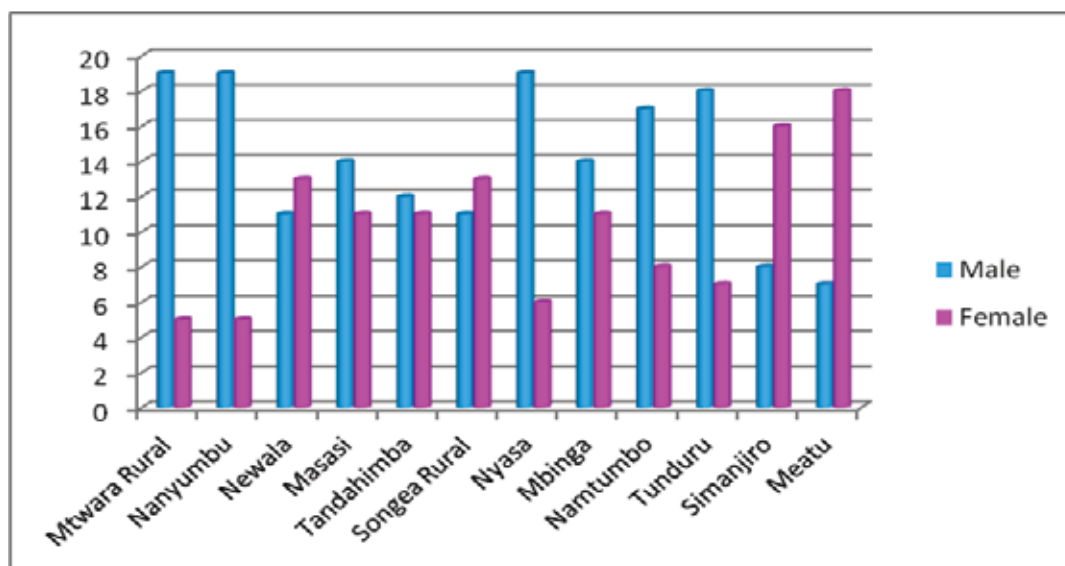


Figure 36: Gender Comparison for Trained Paralegals in 12 Districts

In addition, in 2013 the paralegals of Tarime were able to access funds from Legal Service Facility (LSF) for provision of legal aid and capacity building to paralegals. A total sum of 80 Million Tshs was provided for that. The paralegals of Ngorongoro were also able to secure the same amount of funds from the facility for capacity building of their communities on issues of women's rights and provision of legal aid.

Legal Aid by Paralegals

As a result the Paralegals have been able to provide legal aid to 2910 clients in 2013 as stated in chapter two above. This is an impact of high quality training given to them through LHRC interventions.



Figure 37: Capacity Building Sessions Conducted to Paralegals

3.3 Strengthened Capacity of Human Rights Monitoring to Address Issues of Human Rights Violation in Tanzania

The LHRC has 151 monitors situated in all districts of Tanzania whose work is to monitor human rights violations in their districts. They also assist their communities to address those violations through follow up with respective officials be it administrative or otherwise. To enable these monitors to do their work well the year 2013 the LHRC was able to build the capacity of 145 monitors on issues of human rights, identification of violations, follow up and reporting. Also empowerment was done on issues of the constitution making process, women and children's rights and issues of security and risk assessment for human rights defenders. This training was conducted from the 22nd to the 23rd March 2013.



Figure 38: Capacity Building Session to Human Rights Monitors in Dar es Salaam

The trainings of monitors have enabled them to perform their work well. Below is a success story.

Rescuing Kidnapped children

In 2013, the Babi human rights monitor was able to follow up in collaboration with the police the kidnapping of 6 children by one Ole Kiambutu Rainoi in Kongwa District. Which resulted to the finding of two children and the arrest of the culprit. Efforts are still being done to find the remaining 4 children.

3.3.1 Addressing Issues of Human Rights Violations in the Country

Following information received from human rights monitors, the public and the media the LHRC was able to conduct 8 major fact finding missions to establish the situation on the ground and to call on accountability, in 2013.

One fact finding was conducted in Mtwara with collaboration of the (THRDC) the Tanzania Human Rights Defenders Coalition, following killing of people, wounding others, destruction of properties like cars and houses, displacement of people and usage of fire arms on a public civil disobedience in the gas crisis in the area. After the findings the LHRC issued a press statement on 29/05/2013 on the findings. The statement was well covered by both print and electronic media including blogs. More than 35 journalists from different media attended the press conference and most of the media covered the news with exception to TBC 1 and Radio. This resulted to the parliament special committee calling on LHRC to provide its findings so as to assist the parliament in their oversight role on government performance.

Another fact finding conducted included one in Hharki sub village and Kansay village in Karatu district due to a violation of human rights to over 40 residents of the villages whose properties such as crops and homes were burnt. Tegeta “*kwa Mkanada*” following the demolition of houses by DAWASCO in safe guarding a water pipe project passing through the area. Luhama area in Uvinza, where it was reported that 68 houses in Bweru village in the area were burnt down when implementing an ordered issued by the district commissioner of Uvinza District. Mvomero district

following a dispute that arose between Pastoralists and farmers whereby both are claiming to have the right over Mgongola Basin. The dispute caused injuries to people and destruction of properties. Together with Handeni Tanga on evictions of small scale miners. Also findings were collected on the two major operations conducted that resulted to grave violations of human rights which are operation *Kimbunga* on removal of illegal immigrants in the country and Operation *Tokomeza* on combating poaching in the country.

3.3.2 Calling for Accountability of Government Officials to Uphold Human Rights

LHRC findings in Operation Tokomeza resulted to the LHRC issuing a press statement condemning the orders issued by the Minister of Natural Resources and Tourism who called on the killing of poachers without adhering to rule of law and human rights. The LHRC further called on the resignation of the ministers responsible and end to the use of military personnel in operations who are not well placed to deal with civilians. Following the publicity of the matters and pressure from other stakeholders the parliament called on the establishment of a special committee to ascertain the gravity of the violation. This led to the halting of the operation for proper planning of its implementation and the resignation of the Minister of Natural Resources and Tourism. Below is a detailed narration of the matter.

SUCCESS STORY

LHRC SUCCESSFUL INTERVENTION AGAINST INHUMANE OPERATION NAMED TOKOMEZA UJANGILI

I: About the Incidence

In 2013, the Government through Ministry of Tourism and Natural Resources embarked into an anti poaching operation to curb the killings of elephants which was growing at an alarming trend threatening the tourism sector in the country. Anti poaching agents involved the police, militia police, Tanzania Defence Force as well as wildlife game reserves. In the year 2013, the Government through the ministry of Tourism and natural resources made a major operation all over the country called Operation *Tokomeza Majangili* [literary means eradicate/annihilate/exterminate the poachers] the said operation followed the incidences of anti poachers who in recent days have killed large number of elephants found in different national parks in the country.

The operation started all over the country especially in those areas located near national Parks like Serengeti, Mikumi, Selous, Katavi, Ngorongoro. The said operation resulted into massive and unprecedented violation of human rights, which were reported in large number from all over the country, whereby number of person died as a result of the same, while others were touched and left injured.



Figure 39: A picture of injured Juma Kunguwala a resident of Tutuo in Sikonge-Tabora

II: LHRC's Interventions

Following those incidences LHRC made intervention on the same after having received the reports of violations from different sources including those who appeared to report direct in the LHRC offices. The intervention was made in different ways;

- a) LHRC paid a visit in Serengeti whereby an advocate from the Arusha office succeeded to pardon 13 people who before brought in court were held in hidden places. The advocate appeared in court in Bunda and was able to interview the suspects who unveiled the place where those suspects were held after being arrested. The said interview helped to know the established camp in Lemai, that were used purposely for torturing the suspects.
- b) LHRC was approached by relatives of the deceased one Emiliana Gasper Muro who came to seek legal assistance to enable them conduct a second postmodern for a relative one Emiliana Maro, a lady who was arrested by anti poaching agents after she had gone to find out her spouse's. A few days later, relatives were called to pick her body with anti poaching officials saying she had died from High Blood Pressure, claims that relatives refused on account that she had left her home in good health. The In ensuring that justice is done to the relative of the deceased LHRC made relentless efforts where it met with the Director of Criminal Investigation before the organization mounted a media campaign through TV and radio
- c) LHRC letter on made an arrangement which later on an Advocate from Arusha Office went to Babati on 4th November 2013 and on 5th November,2013 the advocate managed to be amongst the team which participated in the re postmortem which was conducted in Babati Hospital by an independent doctor, currently the advocate is still waiting for the report that will unveil what had been the cause for the death of Emiliana Gasper Muro, also measures are taken to ensure he is still making a follow up on the matter as he keeps on conducting communications with an advocate who is handling the case inorder to know the dates in which the hearing had been set by the coroner.



Figure 40: An image showing the body of the late Emilia during the postmortem process

- d) LHRC intervention was conducted through medias whereby number of radio and Tv programs were given on the same, on 8th November 2013 an official from LHRC was invited to the Tv program called *Kipima Joto at ITV*, where among other things he spoke on the shortfalls of the operation and appeal to the president to take actions against those involved in the said operation all ensuring that all who suffered loss be compensated.
- e) On 5th November, 2013 LHRC held a press conference .whereby the press statement on the operation was given to the journalists on the following:
- i) That, the Minister for Tourism and natural resource to resign from his position following his order that is against the Constitution of the United Republic of Tanzania, to let the suspect of anti poaching being killed once they will be caught.
 - ii) All who were behind the implementation of the operation *Tokomezha majangaili* and caused peoples suffering and loss of their properties be subjected before the laws of the country.
 - iii) The Government not to allow again such kind of operations within the country
 - iv) The doctors who played part in hiding the causes of deaths or injuries to the people affected by the operation, should be taken liable and stiff measures be taken against them.
 - v) The Government to ensure all who suffered as a result of the operation should be compensated.
 - vi) Those suspects who have been arrested and their presence is unknown, should taken to the police stations and there after to court, to ensure justice is done on their part.



Figure 41: The Media reported on the Incident

The press release and other tv and radio programs became fruitful following a speech which was given a week after a press release by the President of the United Republic of Tanzania Jakaya Mrisho Kikwete that, measures will be taken against all who are responsible in the operation. There after the Parliament made a committee chaired by Hon. Lembeli and other members of parliament who were tasked to visit all those areas in which the incidences of human rights violations were reported as a result of the operation and bring a report to the Parliament.

Parliament's probe team chairperson Honorable Michael Lembeli made a presentation of the report which also sparked a heated debate in the house leading to the Ministry of Tourism and Natural Resource to resign following a pressure from MPs. The report opened the Pandora box and by the end of the day, three other ministers had resigned namely the Home Affairs, livestock and Fisheries, Defence and National Services. The Parliament furthermore, called upon the need to assess the magnitude of the problem and there after compensate relatives of those whose family members were lost or victims.

In the speech of the Prime minister after having announced that four ministers have stepped, he also mentioned that a judicial committee will be made later to access the damaged that had been caused by the operation, thereafter those who suffer as a result of the operation will be compensated.

IMPACT



Figure 42: Media Clip indicating that the Ministers were fired as demanded by LHRC's Press Statement

Similar to that, at the beginning of the year the LHRC was involved in calling to task the Prime minister who when answering one to one questions in parliament on 21st June 2013 ordered the beating of all those who were not adhering to the laws of the country. LHRC conducted a press release addressing the need of government officials respecting the rule of law and human rights and not issuing orders that will result to the infringement of the same. The press release was well covered in the media. LHRC then prepared and circulated a special petition calling on the prime minister to correct his statement. The petition was signed by a total number of 2030 people from all over Tanzania from as far as Bunda, Kagera and Ukerewe among others.

LHRC with the use of the said petition, having been signed by 1996 individuals, instituted a constitution petition in court addressing the inciting of human rights violation by such a higher government official in the national Parliament as a violation of the constitution that he has sworn to uphold. The case is still on going in court as reported in detail in Chapter One of this report.

MIZENGO PINDA ATAKIWA KUWAOMBA MSAMAHA WATANZANIA

Akizungumza na waandishi wa habari jana Mkurugenzi Mtendaji wa Kituo cha Sheria na Haki za Binadamu (LHRC), Dk.Helen Kijo-Bisimba amesema kitendo cha Waziri Mkuu Bizengo Pinda kuruhusu matumizi ya nguvu kwa polisi dhidi ya raia ni cha kulaaniwa na wapenda haki wote na amemtaka waziri mkuu kuwaomba radhi watanzania.



*KUPINGA KAULI YA WAZIRI MKUU "Wapigwe tu" ALIYOITOA BUNGENI TAREHE
20/06/2013*

Figure 43: The LHRC Executive Director and the Director of Empowerment and Accountability addressing a press conference on issues of abuse of rule of law and violations of human rights

3.3.3 Strengthened Partnership with law enforcers for adherence to Human Rights

The LHRC receives and follows up human rights violation throughout the country. So as to be in a position to address these violations effective and efficiently the year 2013 the LHRC entered into a memorandum of understanding with the police on 27th November 2013. The signing of this collaboration has come out of discussions and consultation between the police and LHRC from the year 2012.

Following such collaborations some of the human rights violations reported to the police have already been addressed.

As a result:

- **Jarome Dominic Mrema** a resident of Arusha who was bitten and his two hands broken by the police. After communicating the police, the victim was asked to appear and identify the officers through a police identification parade conducted and steps are being taken to address the matter.
- Similarly it was reported on the killing of one **Wankyo Wangubo** in Tarime by the Police. This resulted to a team of police officers being sent to Tarime to ascertain the fact and steps are also being taken on the same.



Figure 44: LHRC's ED Signs the MoU with the Representatives of the Police Force at the LHRC Headquarters

3.3.4 Protection of Human Rights Defenders for Continuation of Human Rights Activism

The year 2013 LHRC witnessed a number of violations conducted to human rights defenders and in particular the LHRC human rights monitors in the districts. These violations included destruction of their properties, being false fully imprisoned and even having fictitious claims and cases being brought against them. The year 2013 LHRC was involved in the protection of 4 human rights defenders though the provision of legal assistance and representation. Details of those are as reflected below.

- **Kisbapu Human rights Monitor** – Who was arrested and civil imprisoned for false claims of jumping bail in a child maintenance case. Assistance was provided in collaboration with the THRDC. The monitor was released to continue with the civil case.
- **Tabora Urban Human Rights Monitor** – Who was false fully being investigated for collaborating with the police on sell of illegal fire arms to robbers. Upon follow up the allegations against him were dropped for lack of validity.

- **Mbozi Human Rights Monitor** – Who had a fictitious case made against him on interfering with the work of the police. After he had inquired to the beating of a motorist by the police was imprisoned for 4 years in the Mbozi Magistrate Court. Efforts are being made to have him released on bail while his appeal is on going. To date the monitor is still in prison.
- **Babi Human Rights Monitor** – The monitor is false fully charged of causing grievously bodily harm to a Ward Executive Officer and calling an unlawfully assembly in his involvement in anti uranium campaign in the area. The matter is still on hearing in the District Court of Dodoma.

3.4 Strengthening and Establishment of Human Rights Clubs in Universities, Colleges and Secondary Schools

The adherence of human rights, law and good governance principles is a culture that is to be built starting with the younger generation. This is meant at promoting and safe guarding human rights by the coming generation. Thus LHRC is building capacity of students in secondary schools, universities and colleges on issues of human rights and good governance so as to establish human rights clubs which will be associations to instil human rights in the young generation.

In this reporting period, LHRC was able to launch 3 human rights clubs and build capacity of students from Pendamoyo secondary school in Temeke on 26th July 2013 on issues of children rights and the Child Act. Another school where human rights club was launched included Benjamini Mkapa Secondary school on 14 of October 2013 and Mzumbe University Human Rights Club which was launched on 19th May 2013. The year also witnessed the establishment of other two human rights clubs which were yet to be launched which are Tengeru College and Moshi University.



Figure 45: Launch of the Benjamini Mkapa and Pendamoyo Secondary Schools Human Rights Clubs

Moreover, apart from the launch, the LHRC was able to empower 1,708 students, 1,008 in Pendamoyo, 200 in Benjamini Mkapa and 500 in Kibasila Secondary schools by conducting a public session for human rights clubs members and other students on issues of human rights, child rights, the constitution and the Child Act. Additionally, capacity building was also done to students from 10

other secondary schools who visited LHRC during their field and school projects. Such schools included Mart Eves Secondary school in Arusha, Nuru Secondary School in Hai, Zanaki, Kibaha, Kurasini, Temboni, Kenton, Chamanzi, Grace and Ashira Secondary Schools.

3.5 Government Adherence of Human Rights through Increased Production and Dissemination of Human Rights Materials

The LHRC has continued to prepare and produce human rights materials so as to increase information of human rights and call for accountability of government. The human rights materials produced have been used in many national and international *fora* to highlight the situation of human rights in the country. In 2013, LHRC prepared and produced its 11th human rights situation report which was prepared in English and launched on the 30th April 2013. Then the report was translated in Kiswahili for a wider public understanding and the same was launched on 26th September 2013 during the commemoration of 18 years of LHRC. Both reports have been disseminated to different state and non state actors for reference and use.



Figure 46: The Launch of the English and the Kiswahili Human rights report 2012

The report on the Tanzania human rights situation 2012 has been used widely by government institutions and the Parliament to hold government accountable on issues of human rights the same is reflected by the use of such report in Parliament by the head of the official opposition wing in the Parliament Hon. Mbowe on the 11th April 2013 who referred on the performance of the Parliament in 2012 as indicated in the report. Similarly the shadow Minister of Home affairs Hon. Vincent Josephat Nyerere (MP) quoted the report in his official address to the Parliament when addressing the issues extra judicial killings and road accidents. The same is reflected in the Parliamentary Hansard of 11.04.2013. In addition, the President of the United Republic of Tanzania referred the report in his national address. Further the report is also used in universities and colleges as a teaching tool and media in referring to human right situation in the country.

3.5.1 The Launch of the Bi-Annual Human Rights Report for 2013

The LHRC in this reporting period was able to assess the trend and situation of human rights in the country for half of the year 2013. This was done through review of information and reports received

from human rights monitors, the public and the media. Additional information was obtained from various government agencies and departments including the police force. Other sources of information included various researches and reports produced by other stakeholders. LHRC thence, prepared and launched a bi annual human rights report 2013. The report highlights the situation of human rights, adherence to law and good governance in Tanzania. This report acted as a reminder to government and all duty bearers including the rights holders on their responsibilities and duties to fully and uncompromisingly adhere to human rights. The Report was used to call on accountability in the Parliament and amplify the grave violations occurring in the country such as the violation in the right to life in particular mob violence and extrajudicial killings.

3.5.2 The Preparation of the Tanzania Human Rights Report for 2013

Following the launch of the human rights report of 2012, the LHRC also worked towards the preparation of the human rights report for the year 2013. This work was done through research and surveys conducted in various parts of the country. LHRC conducted a survey on the rights of long distant transporters in both buses and lorries in 7 regions of Tanga, Arusha, Mwanza, Kahama, Mbeya, Iringa and Dodoma. LHRC also conducted a survey in 10 regions of Tanzania distributing 600 questioners to establish the situation of human rights in the country and meeting with government, non government and the public to ascertain the situation. The regions where such survey was conducted are Rukwa, Njombe, Ruvuma, Kagera, Kigoma, Geita, Lindi, Mtwara, Tanga and Simiyu. All these surveys eventually are meant to improve the quality of data and information in the Tanzania human rights report for 2013. Finally, LHRC was able to review media reports and reports from monitors and state and non state actors and started the drafting of the report for 2013.

3.6 Identified and Strengthen Networks to Amplify the Demand on Adherence to Human Rights in the Country

The LHRC after the evaluation done in its old strategic plan 2010 - 2012 on its work in the last strategic plan it was deem important to work together with other CSO's in advocating and amplifying human rights and good governance issues in the country.

The year 2013 LHRC in partnership with DSW conducted sensitization workshop on 19th March 2013 to 40 participants (18 male and 22 female) from Arusha and Meru councils on adopting a uniform registration procedures for women and youth groups in the District Councils and on access to capital/loan to the groups in the informal sector. The meeting was successful and all parties agreed to work on the issues including the district trade officers. On the other hand, a study tour was conducted to councillors and trade officers from Meru and Arusha Council who visited the Babati council to learn on how the council registers businesses in the informal sector making it easier for the operation of those businesses. Further more, LHRC was able to meet with officials from PMOLGRA and the Parliament committee on trade and industries to improve the registration of such business. LHRC also advocated for a uniform registration of the business in the local government authorities.

3.7 Prepare and Organise Events

In the bid to inform the public in this year there were events which were organised by the LHRC and had public participation. The zero tolerance to FGM day on the 6th of February, The

International women's day 8th March, The day of the African child 16th June, the Day against Death Penalty 10th October and the International Human Rights Day 10th of December.

In each event various activities were performed. On the Zero Tolerance day there was a workshop to discuss the extent of FGM in the country and plan for more strategies to curb the practice. This was a one day event held in Dar-es-salaam with the media. The International women's days was also commemorated by the centre in a staff workshop to discuss the importance of the day.

The day of the child was commemorated on the 18th of June 2014 instead of the 16th of June which could not be accommodated. This was a big event where over seven hundred children gathered in a public ground performing different activities including reciting poems, role plays, dancing and discussing children rights. Most of the children were from primary schools and some secondary schools as well as children from the neighbourhood and staff of the LHRC. The age range was from two years to seventeen years old. The day was very live and media was there to report the event to the whole world. The Social Welfare Director from the Ministry of Health and Social welfare graced the occasion with a very promising speech. This day was a fan fare as described by the LHRC newsletter editor. The photo below tells it all.



Figure 47: Children Making Presentations during the African Child Day

Sixteen Days Against Gender Violence

The LHRC joined other civil society organisations to mark the 16 days of activism against gender based violence on the 25th of November. The 25th of November is the first day of the 16 days and was coordinated by Women in Law and Development in Africa. The LHRC is one of the WILDAF members. This day was observed through a big procession from Mnazi Mmoja grounds to Diamond Jubilee Hall in Dar-es-salaam. There were different activities performed on the hall including provision of legal aid to the needy, listening to victims of gender violence.

On the 27th of November the LHRC in the mood of commemorating the 16 days had a conference where people from all walks of life gathered at the LHRC offices to discuss the challenges in addressing gender based violence. Victims of gender violence both men and women shared their ordeals. The police was part of this gathering and had promised to follow up the issues which were under their mandate. It was on this same day that the LHRC signed the MOU with the police as shown above.

Another big day for the LHRC is the International Human Rights day commemorated on the 10th of December. This day is observed in two folds as the day of the Universal Declaration of Human Rights as well as the Culmination of the sixteen days of activism against gender violence. As it was rightly reported business went still in Dar-es-salaam when the LHRC mobilised thousands of people to march peacefully, following a brass band and carrying placards with different human rights message. Most of the people in the procession were in black Tshirts which had a very powerful message regarding the Constitution making Process, while others wore a special kitenge with a message of the LHRC vision as it celebrates its 18th birthday. There were very meaningful presentations on topics of the day such as gender based violence, human rights situation in the country and the LHRC achievements for the past 18 years. The Head of the police gender desk made a presentation requesting the public to observe the rights of women and for those whose rights have been abused to report to the police gender desk for assistance. There were also drama and ngoma as well as poems with messages to enlighten people of human rights and evils of gender based violence.



Figure 48: A Human Rights March at the International Human Rights Day

CHAPTER FOUR

Government and Companies Compliance to Regional and International Standards with Regards to Economic, Social and Environmental Rights Monitored

4.1 Government Compliance on Social and Economic Rights Water, Education, Health, Housing was Monitored for Adherence

LHRC took active role in advocating for the right to health in the year 2012. Thus in the year 2013 the LHRC took steps towards ascertaining the implementation of government commitment in the improvement of health care and services in the country. Thus LHRC conducted a survey in government hospitals and health centres in all the three districts of Dar Es Salam. This survey was done in the hospitals of Muhimbili, Amana, Temeke, and Mwananyama and the dispensaries of Juhudi, Hananasifu, Palestina and Mwenge. The findings of this study are meant to increase advocacy on the right to health and in particular the inclusion of that right in the new constitution.

The survey was carried out from 2nd -13th December, 2013 and about 200 people were interviewed including Clinical officers (CO), Medical Doctors Officers (MDO), Assistant Medical Officers (AMO), Nursing Officers (NO), Health Officers (HO), Medical Technician (MT), Laboratory Technician (LT) Pharmacists, Medical Attendants, Health secretaries and Patients.

The survey found that there were no satisfactory improvements in the health sectors especially in the year 2013/2014 budget as far as health sector is concerned. One of the interviewee said that there was very little improvement on health sector due to the fact that, the fund they receive is almost the same as that of the previous year and that the little they get has always been delayed making hospitals in most cases to be in the financial crisis. This argument was also supported by one of Laboratory technician at Amana.

LHRC also found that, in some hospitals and dispensaries there were microscopes which are not working and sometimes there were shortage of medical facilities such as chemicals, cotton wools in the laboratory. In one of the dispensary, a Laboratory technician said that *“Hivi vizabanati vya pembeni nani anavikumbuka? Hapa microscope/darubini si nzima na MDRT zinakuja chache sana hata wiki mbili hazimalizi.”* Meaning that, who can remember these small dispensaries outside the city? Here the microscope is not working and we normally get very few medicines (MDRT) which doesn't take even two weeks to finish” The National Health Policy provides that the health centre should have ultra-sound machine in order to identify the foetus progress in mother's womb but there is no ultra-sound machine at Juhudi dispensary and even a room to keep it. He added *“Hawa wamama wanazaa kwa kudra za Mungu tu maana Utra-sound mashine ni mpaka Mwananyamala, wanasema wameenda ila ni wachache tu huenda ila ingekuwepo hapa hata wale wanaokutwa na shida tungegundua mapema”... meaning that, these women deliver their babies by God's grace because we don't even have a ultra-sound machine, if one need it has to go to Mwananyamala hospital”.*



Figure 49: A lab technician using a toilet paper due to lack of cotton wool

LHRC went further to interview some pharmacist at Sinza Hospital on the factors leading to a shortage supply of medicine at her hospital. One of the pharmacist said that; the complicated procedure of medical procurement is among of the factors of medical and medicine shortage at Sinza hospital. This reminds LHRC that people in authority and citizens have on several occasions highlighted the general systemic problems in the procurement and distribution of pharmaceuticals, but the problems still persists.

Table 13: List of Medicines and Items which has been constantly Missing at MSD

No. of items	Missed items in medical stores in the whole of year
01	Spinal needle
02	Prolene no. 1
03	Vickly no. 1
04	Vickly no. 2
05	Cutgut no. 1
06	Cutgut no.2
07	Cloxaallin cap

08	Cutgut 2/0
09	Cutgut 0
10	X-ray fixer
11	X-ray developer
12	Formalin
13	Dettol
14	Ultrasound gel
15	Barium Sulphate
16	Frusemide Injections
17	Multi-tests with true count tubes for CD4/CD8 CD5/CD4
18	Venous Blood Collection Tubes for Serum 5mls
19	ABX Minolyser LMG
20	Facs calibrates 3 25 tests

The survey also found that most of the hospital surveyed lacked sufficient sitting facilities such as chairs and benches for both the patients and the workers. Through observation the researcher observed some of the patients and their visitors sitting on the floor.



Figure 50: Patients and Visitors Siting on the Floor while Waiting for Services

The survey further found that at Mwananyamala Hospital through In-patient Department comprising 12 Wards which are Post Natal Ward, Gynecology ward, Surgical female ward, pediatrics ward, female medical ward, male medical ward, surgical ward, labour ward, Antenatal ward, Neonatal ward, Post caesarean ward and section ward, which has the capacity of 330 beds against 650 patients

in 24 hours with more than 100% bed occupancy and 3-4 patient stay. The Hospital secretary stated that each wards has the capacity to accommodate 25-27 patients in one ward but the situation is different due to the increase of patients to the maximum of doubling the number in one ward. One of the respondent in labour ward was surprised by researcher question on number of patients in one bed, she said, “*wewe ni mgeni hapa, mbona ni kitu cha kawaida kulala kitanda kimoja na wakati mwingine wagonjwa hulala chini?*” [“are you a foreigner here? It is normal here to share a bed between two patients and sometimes some have to sleep on the floor...”]The hospital secretary stated that the space is the challenge on the availability of bed, even if they find other beds but there is no place for them.



Figure 51: Patients found sharing one bed while others had to sleep on the floor

LHRC found at Mwananyamala hospital that, there is the great shortage of rooms for Doctors and some Doctors have to share one room which leads to a congestion of patients waiting for consultation. Shortage of rooms for doctors has also led a lack of confidentiality between a doctor and a patient. It also causes a long working hours and poor services to patients.



Figure 52: Two doctors sharing one room because of shortage consultation rooms

LHRC has the following recommendations:

- i) The right to health should be recognised as a fundamental right of human rights in the new constitution.
- ii) The process of procuring medicines from MSD should be reviewed. Directors who have authority over managers/employees should be held to account due to incompetent or negligent staff, particularly where performance problems are attributed to an individual. The MSD management should ensure that all employees have clear contracts, showing roles and responsibilities against which their work can be evaluated and accountability enforced.
- iii) The health budget should be increased to enable the health sector to have enough funds for buying some medicines, equipments and for paying health services providers. There should be an increase in subsidiary to run health sector.
- iv) The whole system of supplying medicine and medical facilities to the government hospital should be revised. The hospital administrators and MSD administrators should be involved in the meeting and reach mutual understanding on the means of improving the whole system.
- v) The government should empower and motivate health services personnel such as nurses and doctors to enable them work effectively and provide satisfactory health services to the community members.
- vi) The government must provide equipments and supply vaccines, antibiotics to other health centers in order to minimize referral cases which can be handled to the health centers, and this will minimize the overflow of patient in Muhimbili National Hospital.

4.2 Central Government and its Institutions Engaged on their Responsibilities to Curb Corruption and Uphold Good Governance Principles



LHRC was involved in advocating for peace and security of persons following a wide circulation of hate speeches inciting religious intolerance and hatred. LHRC prepared a report on the finding conducted in Zanzibar, Geita and Kigoma on burning of churches, ‘assassination’/murders, shooting and injuring to priests and sheiks. The report led LHRC to organize a press conference on 19th March 2013 on the threat of having genocide or civil war if proper steps are not taken to curb the situation. However this issue was not well covered in the media and only two (2) news papers reported and one (1) radio station but it was a hot discussion in social media such as Jamii forum about the

statement were members mostly supported LHRC’s view. As a result hot debates went on, on the state of peace in Tanzania. Following this debate, the Deputy Minister for Constitution and Legal Affairs requested the report for the government to take action. Furthermore, the minister of State in the President’s Office (Social Relations and Co-ordination), Mr Stephen Wassira, on ITV talk show “*dakika 45*” discussed on hate speech and threat of having genocide. Further, the President of the United Republic of Tanzania, during his end of March Monthly Speech, responded to some of the issues raised in the report and steps taken by the government so far like the arresting the suspect for the killing of one Father Mushi and injuring of father Mkenda in Zanzibar.

Further more the report was shared during a consultation with the IGP and top police officials calling on immediate action to be taken to curb the situation. Also discussion with the DPP on the matter was done.



Figure 53: The consultative session with the IGP and other Senior Police Officials

4.3 Engagement with Local Government Authority for Accountability

4.3.1 Preparation of Training of Local Government Authorities

The LHRC new operational plan for the year 2013 – 2015 has expanded the LHRC operation into other 12 districts of Ruvuma, Mtwara, Simiyu and Manyara region. To replicate the good lessons learnt in the training of local councils in the other districts where LHRC was operating of Loliondo, Babati, Mvomero, Kilosa, Geita, Maswa, Ukerewe, Bariadi, Serengeti, Makete, Ludewa, Tarime, Kiteto, Manyoni and Namtumbo in building the capacity of local government officials on issues of accountability. The LHRC plans to train councillors in the new districts.

Thus needs assessment was conducted in 10 councils of Ruvuma, Mtwara, Manyara and Simiyu regions in the districts of Nyasa, Mbinga, Songea Rural, Namtumbo and Tunduru in Ruvuma Region, Mtwara Rural, Tandahimba, Newala, Masasi and Nanyumbu, Simanjiro in Manyara region and Meatu in Simiyu region for the identification of gaps for the training of councillors. Among the gaps identified included issues of human rights, gender, social economic rights such as right to education, the issues of transparency of project budgets and monitoring and evaluation of projects implemented by the districts. The identified gaps were used to build the capacity of the councillors to improve their performance on issues of accountability.



Figure 54: LHRC conducting an interview with two Councillors of special seats from Kigonsera Ward- Ruvuma and Hon. Marijani N. Nakanga in Mtwara

4.3.2 Capacity Building of Local government officials on Law, Human Rights and Good Governance

In previous years – i.e. in between 2010 – 2012, LHRC had trained councillors in 15 districts. These were Loliondo, Babati, Mvomero, Kilosa, Geita, Maswa, Ukerewe, Bariadi, Serengeti, Makete, Ludewa, Tarime, Kiteto, Manyoni and Namtumbo. The training focused on issues pertaining human rights and good governance aiming at empowering the councillors to enhance accountability and transparency in their respective district/town councils. As a result of these trainings, until now there are councillors who are still being keen at applying what they got from LHRC's trainings. For instance, proper use of internal auditors as trained. A good example is the Mvomero district council where the councillors suspended four managerial level officials including the DED for misuse of 585 Million shillings. Investigation is ongoing and further action will be taken after completion of

investigation of the officials. This was reported on the Mtanzania newspaper of 11th February 2013 as indicated below.



Figure 55: A newspaper Cutting Indicating the Officers Suspended for Misuse of Funds in Mvomero

Building on the successes witnessed with councillors training, in 2013 the LHRC was able to conduct capacity building to councillors and heads of departments of four district councils these being: Simanjiro, Meatu, Nyasa and Mbinga where a total of 165 were trained. Details of statistics are provided below.

Table 14: Trained Councillors in 2013

No	District Councils	Councillors		Total	Heads of Departments		Total	Grand Total
		Male	Female		Male	Female		
1	Simanjiro	15	6	21	15	1	16	37
2	Meatu	23	11	34	11	1	12	46
3	Mbinga	32	15	47	8	0	8	55
4	Nyasa	15	4	19	7	1	8	27
	TOTAL	85	36	121	41	3	44	165



Figure 56: Councillors Training Sessions

4.3.3 Creating an Oversight Body for the Accountability of Councillors

In Addition to the empowerment of councillors, the LHRC was able to train paralegals in the respective districts of Simanjiro, Meatu, Nyasa and Mbinga so as to enable them to act as an oversight body for councillors' accountability.

A total of 96 paralegals were trained on local government structures, role of councillors, responsibilities of the public and the relation of accountability of councillors and the work of paralegals. Statistics of the paralegals trained are as provided in the table below.

Table 15: Councillors that were trained on the Roles of Paralegals

No	District	Female	Male	Total
1	Simanjiro	8	16	24
2	Meatu	7	18	25
3	Nyasa	8	16	24
4	Mbinga	9	14	23
TOTAL		32	64	96

4.4 Business Companies improve their Compliance to Labour, Land and Environmental Rights and to take Social Responsibility

4.4.1 International Advocacy on Business Corporations to Adhere to Human Rights

The LHRC in collaboration with Interfaith Committee from 3rd to 5th February 2013 participated in the alternative mining Indaba held in Cape Town. These meeting different stakeholders discussed efforts being done in their respective countries and regionally and internationally to hold government and mining corporations compile to labour, land and environmental rights also on their CSA.

Which was a great learning experience on improving LHRC's engagement in CSA? Furthermore, as a side event to the Mining Indaba demonstration was conducted by CSOs to protest against human rights abuses and social economic injustices done by Companies in different countries so as to pressurize accountability of the corporation and the government in monitoring corporations. The event created pressure on both the mining companies and government to protect human rights. The event was reported in different media outlets like SABC and different websites.



Figure 57: Demonstrations during the mining Indaba

4.4.2 A Research on Compliance of Business Companies to Labour, Environment and Land Rights

LHRC engaged corporate companies violating human rights, in particular environmental, land, labour rights and tax compliance which have negative impact on environment and socio-economic conditions in communities. LHRC documented and exposed their violations nationally and internationally, undertake litigations and to bring them to dialogue around fair compensation, environmental care, social accountability and community contracts. On the other hand under government watch LHRC engaged government and other extracting companies to improve accountability and transparency in tax payment. LHRC believes that these practices are contributed by bad laws that lack conformity with international standards.

In this respect, LHRC embarked on a countrywide research to find out the gaps and areas that require a pedagogical set of reforms in respect of corporate undertakings vis a vis land, environment, labour rights and tax compliance. The research unearthed the existing or potential gaps as a result of the laws or policies which are outdated, unenforceable or non-existent. LHRC used the research findings as advocacy tools geared towards increasing pressure to the government and other corporate sectors to respect human rights. The research was conducted in 15 regions of Tanzania Mainland by 30 research assistants. After the field work, data analysis and synthesis, the manuscript was published into a book titled “Human Rights and Business Report” Taking stock of Labour Rights, Land Rights, Gender, Taxation, Corporate, Accountability and Environmental Justice – 2013.”

4.4.3 Follow Up of Human Rights Violations by Corporations

LHRC conducted a fact finding mission to communities surrounding Buzwagi gold mine in Kahama district and Mwadui diamond mines. The activity was done in collaboration with Oxfam and Policy Forum. Eight (8) villages were visited and issues identified were contractual issues between companies and communities and how they are to benefit from the mine, environmental issues, participation of people in investment issues, compensation and relocation of people, corporate social responsibility issues, local content and sexual harassment. Issues identified were used to widen LHRC business and human rights report 2013.

4.4.4 Pressurizing Corporations to Adhere to Environmental and Land Rights in Handeni - Tanga

The mining sector has had a history of pushing aside small scale miners by large mining companies as previously experienced in Bulyankulu, Kahama and Shinyanga mining sites. LHRC conducted a fact finding mission in Handeni Tanga to find out the ongoing violation of human rights in Magambazi mining area (small scale mining) and other violations of human rights. As a result, LHRC discovered that in Magambazi small scale miners were organized themselves and registered a Magambazi gold mining company. The community has been conducting small scale mining since 2003. The same was registered and has licenses and concessions.

It was discovered further that the leaders of the company did illegally and without use of proper procedures or any colour of right sold four (4) mining concessions’ of the company to CANACO a Canadian gold exploration company. CANACO wants to join the concessions bought to their big mining sites in Handeni which started in 2007 and another one which is also in Magambazi in 2009.

It was also found that there were a lot of uncertainty by the small scale miners on the acquisition as their livelihood is dependent on the mine. During the fact finding mission the villagers were taken to court by the mining company to force them to leave the area. Thus the LHRC furtherh assisted the villagers who were small miners to get an injunction so as not to evict the villagers. Currently LHRC is representing the villagers in the main case.



Figure 58: LHRC Team Meeting with the Handeni DC, Muhingo Rweyemamu and Villagers Listening to the LHRC Team

4.5 Government and its Institutions Regulate and Control Business Companies

4.5.1 Follow Up of Compensation for Victims of the Gas Pipeline Formation

The LHRC received complaints of human rights violations done to villagers of Njia Nne in Kilwa District at Lindi Region. These complaints were in relation to the implementation of a gas pipeline layout project from Mtwara to Somanga Fungu in Kilwa, Lindi region.

The project is implemented by the Government of Tanzania, via its agency, Tanzania Petroleum Development Corporation [TPDC]. The complaints reported poor involvement of the villagers in the whole process of acquiring their village land, and that there was no fair and prompt compensation paid to the affected villagers on the land acquired.



Figure 59: Some of the people affected with the pipeline and who are to vacate their homes as a result of the pipeline interviewed by LHRC team

LHRC made follow-up to TPDC on behalf of communities in Njia Nne area in Kilwa district after compiling the report of the complaints. LHRC and TPDC had a consultative session conducted with the villagers of Njia Nne and Nanguruku villages in Kilwa Masoko on re-evaluation and payment of compensation of 51 villagers land in which the gas pipeline is to pass.

The meeting was attended by the Member of Parliament, DAS, Ag. DED, OCD, PCCB, ward and village officials together with the villagers affected. The LHRC made follow up of the implementation of the meeting resolutions by TPDC and found out that, some of the resolutions were adhered to and were being implemented.

For example, the Njia Nne village chairperson informed the LHRC officer that verification of the villagers' land that was previously not verified was done one week after the meeting. Therefore the exercise of compensating people was carried out on 17th May, 2013.

According to information from the Village chairperson, among the 14 complainants, four people who had refused their cheques accepted the same on 11th April, 2013 after the joint meeting while eight people were paid their compensation on 17th May, 2013 and were satisfied.



Figure 60: A Consultative meeting with the villagers, district officials, village officials, TPDC officials and LHRC

4.5.2 Pressurizing the Government to end the Expansion in the Extraction of Uranium

In this reporting period, LHRC was an active member of the team that met with the European Commission on Nuclear Safety Program on 6th June 2013, who were doing an independent evaluation on Tanzania government capacity to regulate the mining of Uranium in the country.

The LHRC presented its concerns on the lack of capacity to regulate and follow up the safety mechanism for the mining of uranium and its strong position on the need to the government to stop giving licensing and mining of Uranium based on previous experience in other mining activities and effects. The challenge of lack of monitoring mechanisms for adherence to laws and safety regulations meant to pressurize the government to re consider the mining of uranium in the country.



As pictured above; LHRC in collaboration with other like minded organisation held a multistakeholders conference titled “Uranium mining: Impact on health and Environment” The conference was held at Blue Pearl Hotel, in Dar es Salaam and comprised of 18 international experts and 2 national experts. The meeting involved more than 100 invited guests from different parts of the country working in various sectors such government departments, NGO’s, learning institutions and community members leaving the prospective uranium mining. In this meeting, the Minister for Health Hon. Hussein Mwinyi, was invited as a guest of honour and acknowledged that, uranium is dangerous, so precautions needed to be taken before any kind of extraction. The conference came up with a joint statement which among other things indicated that uranium is toxic heavy metal and together with its decay products emits radioactivity.



Figure 61: A news paper cutting showing a picture of a Guest of honour Hon. Hussein Mwinyi who is a Minister of Health with Dr. Helen-Kijo Bisimba-LHRC Executive Director and Prof. Andreas Nidecker, a president of International Physicians for the Prevention of Nuclear



Figure 62: Newspaper cutting showing the Minister for Health Hon. Dr. Hussein Mwinyi addressing a session on campaign against Uranium Extraction in Tanzania

4.5.3 Increased Pressure for Adherence to Human Rights by Corporations

LHRC in this reporting period was contacted with the employees of Tans African Logistic Ltd who were complaining of emotional and psychological touchier they were experiencing in the hands of their employers. Who was verbally insulting and threatening them with dogs. The LHRC was able to get OSHA (Occupational, Safety and Health Authority) to visit Tans African Logistic Ltd to see on the situation on the ground and address the concerns and labor rights to the employees.

4.6 Translation of Extractive Industries Transparency Initiative in Tanzania (TEITI).

LHRC in increasing pressure on the government and its institutions to regulate and control Business companies has translated a memorandum of understanding for the implementation of extractive industries Transparency Initiative in Tanzania (TEITI) into Kiswahili language for purpose of creating awareness to the community members. The government joined extractive industries transparency initiative in Tanzania (EITI) in February, 2009 committing among other things to publish payments made to the governments by the companies along with the corresponding revenue received by the government from the companies in accordance with the criteria and principles of EITI.

CHAPTER FIVE

Efficient, Effective and Sustainable LHRC

5.1 Human Resources Management

a) Retention of LHRC staff by 93.75% during the year

LHRC has since its establishment realized that its output is a product of labour intensive and therefore 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. The year 2013 was the first year of the new Strategic Plan and new contracts to staff were issued, out of 64 staff only four(4) decided not to enter into new contracts, however two(2) new staff were recruited in hence making the total staff to date to be 62.

Considering the fact that each staff is given a three year contract, it is thus upon ones discretion when the tenure lapses at the end the employee is free to decide whether to continue working with LHRC or not. Nevertheless LHRC has been very successful to retain 93.75% of its staff. This makes the 6.25% turnover to be reasonably one of the low staff turnovers in a big organisation like LHRC. Retention of staff even after the end of their employment contracts creates a good base for the institutional memory, organisation history and culture to be maintained. 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

During this reporting period, 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. Seventy nine (79) staff (including volunteers) were trained on Customer Care conducted by Professional Approach Group during the 2013 retreat held in Dodoma in November. One (1) staff was accepted and sponsored to undertake Masters of Law in Human Rights specialising in Migration and Refugees. LHRC has in place staff training plan as well as training policy that governs these trainings.

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

LHRC in this reporting 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.

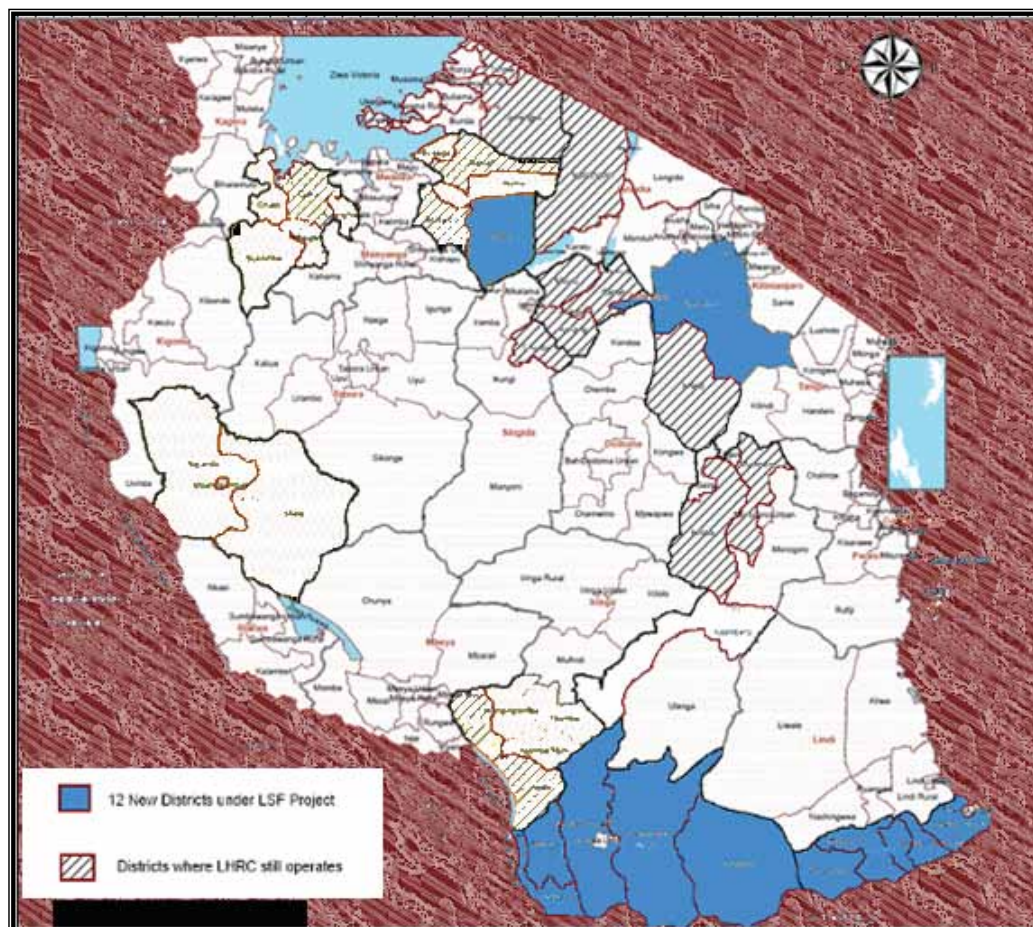


Figure 63: Tanzania Map - showing Districts that have been covered by LHRC's Legal Aid Programme in 2013

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. Also the LHRC membership with the International Federation of Human Rights (FIDH) was uplifted to be a member who could now vote and be elected in the organisations posts. This was during the FIDH triennial council held in Istanbul from 23rd -27th May 2013. The organisation was represented by the Executive Director Dr.Helen Kijo-Bisimba.

As evidence of good reputation and image of LHRC, for the period under review, 11 (6 male, 5 female) volunteers were recruited out of 102 (70 female, 32 male) applications received and hosted 11 (6 male, 5female) interns out 189 (88female, 101male) applications received from both local and international students. During the same period 52 job applications were received and only 2 were given contracts.

The graph below indicates the above stated statistics on the number of those who applied to LHRC either for volunteer-ship, internship or job openings.

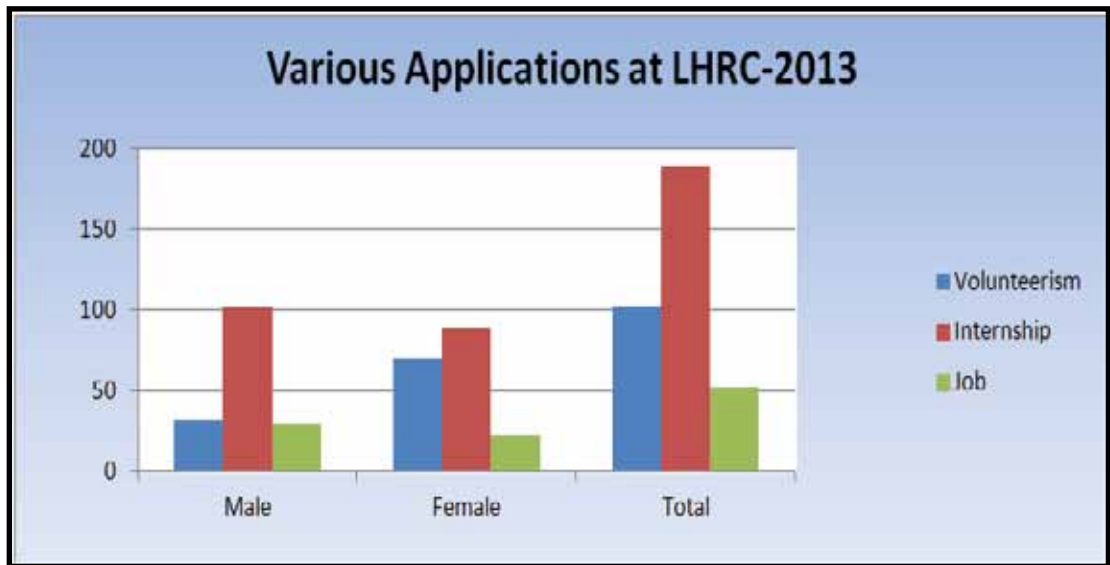


Figure 64: Various Applications that have been made to LHRC

Moreover, various media houses have been sending invitation to the LHRC seeking resource persons for their program and during this year, LHRC received invitation from 15 media houses to send resource persons. Notably, international organizations such as *the New York based Human Rights Watch*, *the Rosa Luxemburg from Germany*, sought assistance from LHRC to coordinate the media for publicity of international events.

More importantly, guests from inside and outside the country have been flocking to the organization to seek information on human rights issues in the country. Such guests for this year alone came from institution such as the British High Commission (3 times); EU 3 times; Rosa Luxemburg; AcT; Journalists for human rights - Canada 3 times; Andrew Maclean - Uk Security and Justice Adviser; students from higher learning institutions; media personnel who frequently flock to LHRC to receive expertise opinion and FNF who came to learn on LHRC's activities.

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 are 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 two staff appraisal to its 62 staff and 14 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, 2013 LHRC had the annual staff retreat at Dodoma where a total number of 79 people (volunteers, staffs and interns) discussed among others the progress on the implementation of 2013 annual plans, success, challenges and the way forward in commencing of the LHRC 2013-2015 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 evaluating the progress so far made in the first year of the 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.

5.2 Strengthened Sound Governance Mechanisms

a) 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.

b) Trainings on governance

During the year, LHRC has been able to organise and facilitate its Board of Directors to have a session on Team Building as part of the LHRC Board development plan. The training has been necessitated by the role which the Board has on LHRC to ensure its operation are realised as planned.



Figure 65: Members of the Board of Directors and the Management Team

Retirement of the Board Chairperson

Bishop Dr. Elinaza Sendoro the LHRC Board chairperson decided to retire from the board and his tenure ended on the 31st of December 2013. In his place, Professor Geoffrey Mmari was appointed and accepted to serve from 2014 January. The organisation had an occasion to thank Bishop Sendoro for his thirteen years service to the organisation in an evening event where LHRC staff, members and board members gathered. This was also an opportunity to introduce the new Chairperson to the public. The occasion was also graced by the Justice Mwalusanya Choir which had a special song to thank and bid farewell to the Retiring chairperson.



Figure 66: A Farewell to the Chairperson

c) Audit Report for the Past Year

In ensuring LHRC financial management credibility is maintained, during this reporting period LHRC submitted 2012 annual accounts to auditors Ernst & Young and the audit was completed with Unqualified opinion which signifies LHRC's sound financial management systems. For the 2013 Accounting Year, the annual accounts are being finalized and will be ready for audit during the second week of February 2014 and the final report is expected at the end of the month. LHRC's new auditors have been appointed to be Mekonsult an audit firm based in Dar-es-Salaam, and they shall be engaged for three years before a new auditor is appointed to comply with the LHRC Board directive.

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 2012 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) Board and Management Meetings

LHRC has always endeavoured to have a strong and effective governance and policy making structures so as to achieve the best in its effort to have a just and equitable society.

All the time the Board of Directors continued to play a significant role in supervising the management and issuing directives on governance issues. By the end of December 2013, the LHRC Board of Directors was composed of nine (9) prominent members with five (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 topical issues, whereas for 2013, the topic has been Team Building. The training aimed at improving the performance and skills of LHRC board of Directors.

To ensure accountability and transparency LHRC Successful conducted all the statutory meetings and other ad hoc meetings. In this reporting period LHRC successful held 12 management meetings, 4 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.

e) Annual General Meeting –AGM and Partners Meetings.

In Compliance to its Memorandum and Articles of Association and statutory obligations, LHRC as well convened the Annual General Meeting for the year 2013 that brought together 41 active members of LHRC to discuss among others the annual organization performances and financial

reports. On the other hand LHRC had partners meeting held on 11th December, 2013. The meeting brought together partners from Swedish Embassy, KPMG under AcT- Programme, the Foundation for Civil Society, The Royal Norwegian Embassy and the Legal Services Facility. The meeting discussed the proposed annual work-plan for the year 2014. This is vital as it will impact on the reporting that LHRC would be making to the partners throughout the year.

f) Staff Meetings and Annual Staff Retreat

Staff meetings were very essential to both the Management and staff to assess on how well it stands on issues varying from work to human resource relationship, during the year 2013 LHRC has been able to hold 1 staff meeting which was held in Dar in June 2013 and a retreat that was held in November 2013 in Dodoma. During these meetings, the management of LHRC gets the opportunity to hear straight from the staff on matter related to the work of the organization as well as any human resources issues that have not been addressed when raised, it helps to relieve the tension that both parties might be having and opens up a new relation that focuses mostly on how to make a workplan ahead a success.

5.3 Financial Management System and Fundraising Strategies

Effective Mobilization of Resources and Financial Management are paramount in ensuring the sustainability of LHRC and therefore efforts have been in place in managing the financial management as well as increasing efforts in fundraising.

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.

In this reporting period LHRC has continued to maintain existing funders SIDA through the Swedish Embassy, Royal Norwegian Embassy and Act – Tanzania.

c) Additional Contributors to the Basket Fund

In addition, LHRC continued collaborate under 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

d) 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 secure funds for monitoring of the new Constitution making process from OISEA and Ford Foundation, but also has secured funding for specific output from Foundation for Civil Society-FCS, Oxfam GB in the meantime there is an indication that other two proposals might secure funds.

e) 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\$ 127,620 respectively for three years. During the year LHRC also submitted successfully funding proposal to Ford Foundation with the aim to fundraise for its new operational plan commencing from 2013 -2015. During the second half of the year LHRC has also negotiated successfully a Basket funding worth NOK 20 million (approximately equal to US \$ 3,386,666) from the Royal Norwegian Embassy to run for three years i.e. 2013-2015.

Table 16: Funds Received By LHRC for the Year Ended 31st December 2013 and Comparative Figures for 2013

Description	Years	
	2013	2012
NPA (Norwegian Peoples Aid)	-	-
Foundation for Civil Society	31,128	76,163
OISEA	88,887	-
ACT Tanzania	-	452,128
Ford Foundation	162,116	
Embassy of Sweden	1,803,569	1,728,000
Legal Services Facility	-	175,610
Oxfam GB	472,494	-
OxFAM GB Maputo Protocol Project	37,026	60,469
DSW - EC Fit for Life Project	-	41,603
Royal Norwegian Embassy	1,016,000	-
Other Income	78,931	84,552
Total	3,690,151	2,618,525

5.4 Working Environment for LHRC Staff

LHRC endeavours to continuously improve the working environment for its staff. This is translated into not only clean and conducive environment but also functioning and up to date working tools. Since the working tools have become of age and the building requires some improvements including painting and replacement of some equipment, for the period of 2013, LHRC has managed to acquire the following in the effort to improve the working environment for its staff:

- i) 27pcs desk top and 5pcs laptop computers;
- ii) 30 pcs of UPS and 1 package of Cisco 1841 Integrated Service Router;
- iii) 17pcs of clients/ visitors chairs;
- iv) 17pcs of Office Chairs;
- v) 2pcs of cabinets and 1 pc of front desk;
- vi) 1pc of Cupboard and 2 pcs of reception chairs;

These efforts have relieved the pathetic condition of the working tools to a great deal; however, efforts are underway to improve the building and the replace some equipments as well.

5.5 Functioning M&E System and Baseline Indicators

Successful monitoring and evaluation tools is essential for any organisation that is implementing a workplan to which it would wish to make a report to gauge changes if any in the effort to tap on successes and challenges in future planning.

LHRC through its six years strategic plan 2013-2018 envisages to use a result based management system of monitoring. LHRC has identified five main results/outcomes with a number of indicators to measure changes over time. LHRC this year succeeded to engage a consultant who looked at the current M&E system against a Strategic Plan and come up with a suitable system that would enable LHRC achieve which has been intended in the SP. This is an effort for both Programme officers and paralegals to ensure results of work are tracked and documented correctly throughout the period.

This effort has necessitated LHRC to create two new posts to ensure the M&E is effectively functioning; these are M&E Officer and Data Officer

5.6 Information, IT and Documentation System of LHRC Strengthened

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 with new content posted in the website 30 times, dissemination of publications to potential users, TV Pambanua programmes, 13 press conferences, 17 newsletters being 8 external and 9 internal combined editions. February- March, April- July, August- September internal newsletters, social networks through twitter and face book and lastly through the LHRC documentation/resource centre. The LHRC's website was revamped and thus increasing the number of viewers as seen below:

LHRC also wants to measure as to how many times and to what frequency did it appear. Total coverage - 420 for the times (the number could be higher than this as some may have gone unnoticed). The table below shows the trend of coverage by media.

Table 17: LHRC Media Appearances

Duration	Frequency	Type of Appearance
March	12 times	(print 6 times, TV 4 , Radio 2 times)
April - June	44 times	(Print 25, TV 8, Radio)
July	66 times	11 TV 9 Radio 18
August	70 times	(print 33, TV 23, Radio 14
September	77 times	print 40 ,TV 20, Radio 17
October	66 times	(print 34, TV 18, Radio 14)
November	61 times	(print 34, TV 12, Radio 132 times on blogs)
December	24 times	(print 16, TV 4 and Radio 4)

b) Publications

Additionally, during this reporting period LHRC managed to disseminate LHRC publications with different Titles. Annual Human Rights Report, Tanzania Corporate Situation report, Election Report, Annual Progress Report 2012 as well as 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.

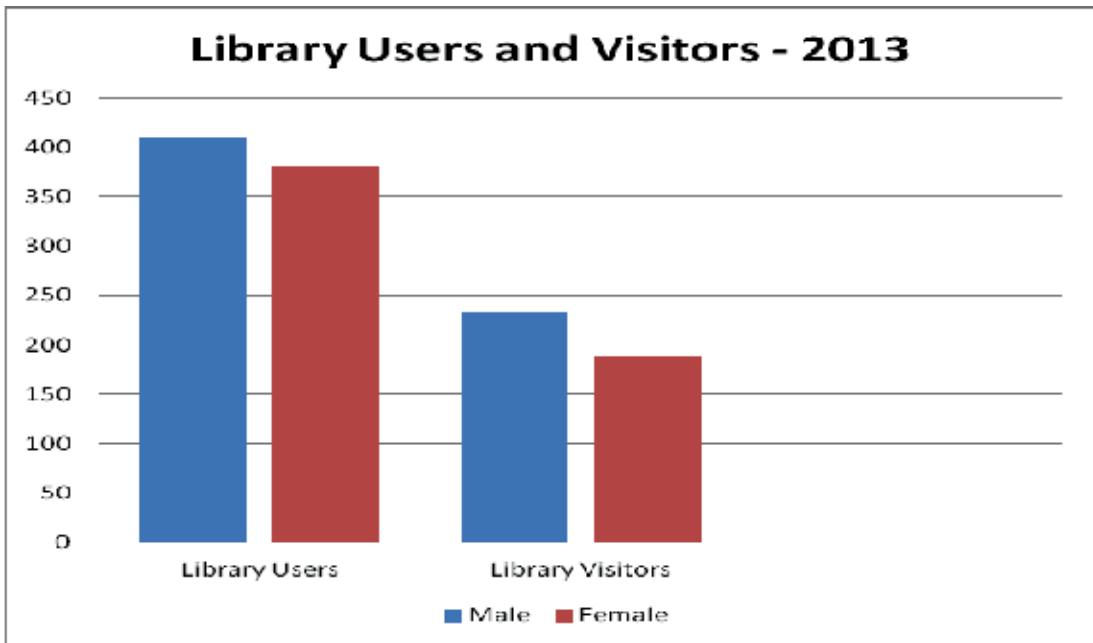


Figure 67: Number of Library Users

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;

- i) The special operation by the government to curb the killing of elephants in search for tusks, famously called *Operesheni Tokomeza*;
- ii) The Statement issued by the Prime Minister in the Parliament on allowing the coercive forces to beat citizens without following the laid down procedure, and the action by LHRC to take the PM before the court of law for that statement;
- iii) The special operation by the government to evict forcefully illegal immigrants out of Tanzania, famously called *Operesheni Kimbunga*;
- iv) Accusation of Ministers being lazy and ineffective and calling for their resignation.

e) Successful End of a 2007-2012 Strategic Plan and ushering of a new 2013-2018 Strategic Plan

The year 2013 marked the end of LHRC 2007-2012 Strategic Plan which was successful conducted and culminated with evaluation of its three years Operational plan 2010-2012. 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.

The new Strategic Plan 2013-2018 is more challenging as it has more outcomes, five compared to the previous which had three. Furthermore the current Strategic Plan is being implemented when there are big issues of concern to the country namely:

- i) The making of the new Constitution of the United Republic of Tanzania by 2014;
- ii) The Local government elections in 2014; and
- iii) The General Elections slated for October 2015.

f) ICT and Documentation Systems

To ensure staff are up-to-date with new technology and improved performance LHRC invested in ICT systems, maintained a website which is vibrant and has important features of modern website with social links like Facebook, Twitter and Youtube. These act as avenue for sharing LHRC best practices with LHRC's 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 becomes easy 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 (Isere Street) 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. On top of that, the internet connection at Arusha was upgraded and now meets the required standards, as opposed to the previously existing connection. The same service provider has been maintained (Zantel) and this eases interconnection issues between the three offices. This communication platform has increased the efficiency and work performance throughout the year.

The organization has acquired and installed a state-of-the art server system running Windows 2012 and with a huge amount of storage space for the functioning and storage of LHRC working data. This machine greatly enhances the capacity and capability of the organization to handle data and network usage. More work is being done on the server to ensure LHRC harnesses its maximum benefits.

The organization has also taken some other measures to enhance the capacity and productivity of the IT infrastructure. The acquisition of two heavy duty printers/copiers for both the Kinondoni LAC and the Kijitonyama main office surely improves LHRC's printing and copying activities, as the earlier machines were faulty and broke down from time to time. The organization has also continued to acquire working tools such as computers (27), laptops (5), projectors (2), UPS's (30), external hard disks and other perishables that are needed by staff members.

The LHRC has also continued to carry out routine activities which include service and maintenance of hardware and software, i.e. computers, UPS's, printers, projectors and other hardware and as well as programs running in those computers. The LHRC also maintains constant watch and support on specialist programs such as *Sun.System*, Payroll, Anti-Virus, Firewall system which all have annual

licensing agreements. Lastly, the LHRC carries out routine and adhoc maintenance of the networks, both local (LAN) and global (WAN) at all the offices of the organization.

5.7 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 long as 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 level, the monthly reports are discussed at Management level, 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 to legal and human rights while on the other hand those for advocacy are mainly the results of research and 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, Monitoring Reports, Bunge Assessment Reports and monthly internal and external newsletters. In this reporting period LHRC produced 20,500 copies 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 received a total number of 18,800 publications from other likeminded organizations local and international institutions. On the other hand a total number of 8,600 copies of the constitution of the United Republic of Tanzania and disseminated to the public at different events particularly public debates on constitution and outreach programs. Few copies of these publications are available at the LHRC documentation centre at Head office and Kinondoni Legal Aid Clinic Office.

CHAPTER SIX

Reflections, Findings and Conclusion

6.1 Selected Success Stories

6.1.1 Inclusion of LHRC issues in the New Constitution

LHRC has recorded a great success for inclusion of most of its recommendations to the draft constitution. For instance the following have been accepted at 100% in the draft Constitutions:

- The Presidential powers should be reduced so as to avoid having Imperial Presidency;
- MPs should not be Ministers;
- The public/constituent should have power to recall its representative when there is non-performance;
- MPs should have tenure limit;
- There should be independent candidacy for any elected seat;
- The ratified human rights instruments by Tanzania should be applicable as part of Tanzania laws even if the Parliament has not enacted a law to domesticate them;
- The scope of human rights should be expanded in order to protect social economic cultural, groups and collective rights;
- There should be a strong mechanism for protection of human rights and the commission for human rights be given such power as to ably deliver as part of the national ombudsman;
- Human rights should be one of the national values; and
- Details of all what was accommodated are available in the tables below.

6.1.2 Increased scope of engaging the public for New Constitution

After intervention of the Constitutional Reform programme on the process, various media have been reporting on the way Politicians have hijacked the Constitutional Review process. For instance on 29th October, 2013 the BBC Swahili programme, *dira ya dunia* which is being aired daily by Star Television at 21:30 had an interview with one of CCM Cadre asking ‘*Kwa nini CCM na wanasiasa mmalalamikina kuuteka mchakato wa Katiba Mpya nchini Tanzania?*’ Literary meaning ‘*why CCM and politicians are being blamed for hijacking the Constitutional Review Process in Tanzania?*’ Again on 30th October, a daily newspaper, *Jamboleo* on the Editors Page that *wanasiasa kuuburuzza mchakato wa Katiba*. All of these are a result of a Press statement made by the Committee of Experts on 13th September, 2013 as well as their analysis of the Process which was first discussed in three different Public Meetings prepared by the Committee of Experts on 26th May, 2013 at Ubungo Plaza, 19th September, 2013 at Regency Hotel park and 20th September, 2013 in Zanzibar and their visitation at the Parliament on 3rd -9th September, 2013 – In addition, LHRC has expanded the scope of its collaborators, that LHRC is successfully engaging NACONGO, *Jukwaa la Katiba Tanzania*, TGNP and other big CSOs networks to have a common view on the Constitutional Review Process and Content (Mainly Union and Natural Resources). Through the Committee of Experts, various papers were presented and being able to guide the mindset of CSOs in order to increase their vibrancy in the process.

6.1.3 Sustained Utilization of Minimum Available Opportunities

LHRC Summoning of Political parties can also be partly attributed to LHRC advocacy and lobbying members of Parliament in Dodoma when the law on Constituent Assembly was tabled at the Parliament. LHRC facilitated committee of experts to meet selected MPs and lobby them to not accept the Bill without changes. As a result opposition parties rejected the Bill and the President summoned them to the State House. Moreover, LHRC has always taken the leadership on ensuring that the process for constitution making remains a public agenda even where everyone else would have remained silent.

6.1.4 Endeavour for Informed Public

LHRC has been keen in ensuring that the general public grasps the contents of the new constitution. LHRC has prepared and distributed audio copies of different materials in constitution, this included audio copies of both draft constitutions. Moreover, LHRC has successfully published information regarding the Constitutional Review Process through www.taifaniletu.com and FM Radio 17 community radio stations.

6.1.5 Litigation at International Level

For the first time in its history, LHRC has supported the filing of a case in London against those accused of perpetrating abuse of human rights in Tanzania, in this case the incidence of North Mara. The case is sub-judis in London and LHRC has been supporting the victims of such abuse.

6.1.6 Execution of Nyamuma Case Decision

In this reporting period LHRC was able to initiate the process of executing the decision on resettlement of the villagers whose houses were once burnt down by state agents. The process now involves identification of a court broker, identification of individuals to be resettled, identification of their places; and assessing the costs for the exercise. All these were done successfully. It is expected that at the then in 2014 the victims of abuse of human rights in Nyamuma, will now be resettled back into their pieces of land in Nyamuma.

6.1.7 GBV continuously Exposed

LHRC, during this reporting period succeeded to conduct a research on GBV in Mara, Morogoro, Kilimanjaro, Dodoma, Tabora, Shinyanga, Manyara, on women's rights in focusing social, economic and political rights. This makes GBV highly exposed.

6.1.8 LHRC successfully advocated at Global and Regional Levels

At the AU level - African Commission on Human and Peoples Rights: LHRC was represented in a meeting a pre meeting before the African Commission on Human and People's Rights in Senegal from 19th to 20th October, 2013. The meeting was organized by the Open Society of Western Africa (OSIWA) and the Open Society Initiative for Eastern Africa to their partners. The main theme discussed were the Right to Nationality. LHRC was able to share right to nationality as it is in the current Constitution URT 1977 Constitution, Tanzania Citizenship Act and the draft Constitution. Moreover, LHRC submitted various human rights issues to the meeting of the African Commission

on Human and People's Rights in Banjul, The Gambia From 22nd to 25th October, 2013. One of the issues presented was how the Constitution Process is going on in Tanzania stressing how Politicians and Political Parties have hijacked the process. Presentation on the content was about existence of Death Penalty in the Constitution. Other issues included the state of human rights in Tanzania; Extra judicial killings in Tanzania; the threat of religious based conflicts – emanating from spread hate speeches which perpetrate conflicts between Moslems and Christians.

Moreover, at global level, LHRC's membership in FIDH has been elevated to an affiliate member. Furthermore LHRC successfully participated and shared human rights issues during the 5th Congress of the World Coalition against Death Penalty.



Figure 68: Partners of OSIEA and OSIWA after a meeting in Senegal before the 54th Session of the African Commission on Human and Peoples' Rights

6.1.9 Holding Accountable the Abusers of Rule of Law

LHRC was able to contact police in Makete on the shooting of Casto Sote by police for not wearing a helmet and none stopping upon required to do so by the police which led to his death. Upon follow up the responsible police was terminated from employment. Under the same heading, LHRC in this reporting period was able to institute a case against the Prime Minister for having given instruction to law enforcers to keep on beating all those suspected of breaking the laws of the land.

6.1.10 Ensuring that the disposed poor persons are fairly compensated

As stated in detail above, LHRC was able to assist the villagers of Njia Nne in Kilwa District to get fair compensation on their land after it was acquired for the passing of the gas pipe line.

6.1.11 Enhanced, Councillors ability to make others Accountable

Following various trainings conducted by LHRC, as a result, the capacity of various councillors is vividly being seen to have been increased. Councillors have proven capable of doing their roles well of managing local government funds. For instance, the Mvomero councillors have hold accountable their DED for misuse of funds.

6.1.12 Initiate the implementation of the Strategic Pan and Operational Plan

In 2013, LHRC was able to complete preparation of and adopt for implementation both Strategic Plan (2013-2018) and Operational Plan (2013-2015). This marks a new era following the completion of the previous six years strategic plan 2007-2012

6.1.13 Mobilization of Financial support

LHRC was able to mobilize donors (existing) to participate in the Annual Review Meeting. Following that engagement, LHRC managed to get donor pledges and commitments on funding for more than 50% of its budget. Most of the funding under basket funding is contributed by the Swedish Embassy and the Royal Norwegian Embassy. Moreover, there is an increase in donor confidence with LHRC work as most of the donors are showing willingness to work with LHRC in different future projects. It may be attributed by the fact that always LHRC has been obtaining clean audit report for the 2012 financial year; this is a big success in terms of donor confidence in sound financial management.

6.2 Challenges

6.2.1 Delay of Cases

LHRC services were also faced with a challenge of delay of cases in courts and tribunals. Judicial personnel's do not give urgent attention to the matters brought under certificate of urgency. As a result, this tends to render matters meaningless

6.2.2 Car Accident

In the case of Arusha one of the major challenges was the absence of Motor vehicle makes shuttling and movement for staff attending outreach activity difficulty. On 8th February the office motor vehicle was involved in an accident on way back from litigation at Meatu. Three Arusha staff and two officers from Action for Children NGO, travelling in the car sustained minor injuries; however, the car was substantially damaged.



Figure 69: Photo showing the LHRC – Car that got Accident in Meatu

6.2.3 Last Minute Cases

Some clients have the tendency of coming at the last minutes asking legal officers to reply on submissions, something which makes it hard for legal officers to perform effectively because submissions need much time to prepare. Some clients are not user friendly; they delay to bring the documents exchanged by the opposite parties thus it becomes very difficult to respond in a short time again with no good research. Others delays to bring their cases so the suits becomes time barred or almost within few days the suit to become time barred. Education to raise awareness is needed here because clients end in losing cases due to this.

6.2.4 Unfair Prosecution of Rape Cases

LHRC LACs are receiving rape cases but the way the public prosecutors deal with these cases renders justice deny on the part of the victim as most of them are children, investigation took too long period to be completed thus children are affected mentally and physiologically as they sometimes not going to school in order to attend for the cases in the court. On other side, there is an increase number of rape cases especially to the children, most of cases do not end at the court as victims are discouraged by prosecutors before filing cases in the court.

6.2.5 Problems with the Ward Tribunals

Sub professional practice by ward tribunals pertaining the way they hear cases, record evidence, poor drafting of judgment and in most cases they determine cases above their pecuniary jurisdiction.

6.2.6 Corruption in Judiciary

Complaints about corruption in the judiciary especially in the District land and housing Tribunals is alarming. LHRC has been intervening by making follow up of its client cases by attending to the Tribunal yet this remains a challenge. Difficulties in commencing legal proceeding for some cases because of either delay of important documents or refusal to be furnished by the Institution. Sometimes, for some matrimonial cases, LHRC clinics are receiving judgement of the matrimonial case on which the court decided on favour of LHRC clients but when it comes to the execution stage the magistrate who decide the case tend to be reluctant and asking clients to bring them with the copy of the original judgement so as to rectify the judgement or change the whole judgment which is not proper in law. Moreover, Judges have been condemning legal aid clients and advocate to pay costs in case of default without considering is the legal aid matter.

6.2.7 Adjusting and Difficulties to Begin a New Arrangement

Harmonising the implementation of the previous plan with the new one has been the major challenge through out this year.

6.2.8 Non trustworthy Clients

Some clients have developed the tendency of telling lies; for instance in the reporting period LHRC made follow up to the District Land and Housing Tribunal for Kinondoni and discovered some matters which were not disclosed by the client. Therefore legal officers need to be careful on the issue. Moreover, some clients in most cases rely to their stand rather than accepting legal advice given by legal officers, they just come with pre- meditated ideas.

6.2.9 Low Level of awareness

Some councillors are not independent and not aware of their roles and responsibility. Thus unable to make their own decisions or contribution as was evident in Songea Rural Council were councillors all were seconding what the chairperson had said resulting to failure to conduct needs assessment.

6.2.10 Changes of Rules so as to Condone Abuse of office by public officials

Changes in parliamentary orders have resulted to lack of public discussion in the CAG report so as to demand for accountability and create awareness to the public on resource allocation and utilization.

6.2.11 Threats and lack of sufficient security for LHRC's Interveners

Security concern during the Mtwara fact finding mission during the Mtwara riots were the team that went to Mtwara had to work under difficult conditions for their safety and security.

6.2.12 Need for LHRC services

It has become evident that , not only in 2013, but the trend is a rising need for the services being offered against limited resources exhibited in few funding and less office space.

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. The public is in dire need of the legal aid and thus there is a need to extend the perimeters for the provision of the legal to the poor and marginalized.

6.2.14 Compliance with Statutory Payments

Regulatory compliance specifically on remittance of Skilled Development Levy (SDL) is challenging and needs administrative actions to settle the impending obligation once and for all.

6.3 Lessons Learnt

In this year LHRC had a lot to learn, the clearest lessons learnt were that:

6.3.1 Quest for Information Sharing

Sharing plans and their implementations between LHRC, government and other CSO'S is important to highlight the areas where LHRC can execute together like sharing on the inputs of the Anti Gender Based Bill. Besides, there is a considerable number of CSO's and like minded organizations which work on women's rights which participate in advocate for incorporation of women's rights in the Constitutional Bill.

6.3.2 Need to Re-strategise where there is Behaviour Change

There is a change of trend in GBV – where men are being abused or treated with cruelty with their female spouses. This requires LHRC to refine its strategies in order to equally address the new trends.

6.3.4 Land Adjudication System in Tanzania needs Reforms

Land cases are many and it has been noted that half of land matters are related to probate issues whereas administrators, relatives and beneficiaries of the estate of the deceased are quarrelling with each other, thus there is a need of advocating on the importance of writing will and probate in general so that LHRC can reduce number of people coming with land problems in LHRC's clinics. There is need for more advocacy on the workings of the land tribunals.

6.3.5 Lack of respect of rule of law by politicians

Most of politicians in Arusha both from ruling party and opposition do no respect rule of law and independence of judiciary. These people have been inciting people to reject Court decisions especially when it comes to execution of lawful decision from the Court/Tribunal.

6.3.6 Spilling-over Effect of some Incidences of Violence

LHRC has learnt that the Mtwara community riots about gas has spill over effects to other mining places in Tanzania. For example in Itilima Village in Kishapu district Villagers have planned to riot against the prospecting license given to Dodsals Resource to mine gold as they are destroying their sources of water and environment.

6.3.7 There is a Threat and Potentials of Religious Charged Violence in the Near Future

Government inaction on religious issues has lead to killings and hate rage between Christians and Muslims in the country.

6.3.8 ‘Election fever’ [Political Ambitions] is highly Shaping Most of Government Undertakings

There is already heat at district and ward levels on the coming local government election. This has resulted to failure to conduct needs assessment in Songea Rural council.

6.3.9 Decreasing Public Passiveness/Apathy in Demand of Rights

There is increase awareness of the public on their rights and their demanding participation and inclusion but the government is not willing to be accountable and create and open space for public to participate in decisions that affect them as experienced in Mtwara which resulted to disharmony and violation of human rights.

6.3.10 Financial Sustainability

In order for the LHRC financial sustainability to be attained, a combination or mix of strategies needs to be used and positive participation of the Board in the whole process of fundraising is unalienable.

6.4 Conclusion

The year 2013 witnessed LHRC embarking on its three year operational plan 2013-2015 from the six year 2013-2018 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 2013 has been able to successfully start implementing its three year Operational Plan, in normal circumstances implementation of activities during first year of Strategic Plan is very challenging as the organisation is mainly being faced with scarcity of funds, the Management of LHRC need to be commended for being able to achieve continuity of activities at LHRC and also being able to have all activities start running as early as April 2013. 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 are being 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.

Furthermore 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 2013 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. Having got the momentum in 2013, the coming year 2014 will involve LHRC more than any other year. There will be series of democratic processes such as the making of new constitution; the constituent assembly; series of referenda; probably adoption of three constitutions – i.e. one for Tanganyika, another one for Zanzibar and then the Union Constitution; elections of the tree tire government; local government elections; the coming year will essentially be the busiest year ever, that LHRC services will needed all over the country by different actors.

CHAPTER SEVEN

Audited Accounts

Independent Auditors' Report to the Members of the Legal and Human Rights Centre

We have audited the financial statements of Legal and Human Right Centre, which comprise the Statement of Financial Position as at 31 December 2013, the Statement of Financial Performance, Statement of Changes in Member's Funds and Statement of Cash Flows for the year then ended, and a summary of significant accounting policies and other explanatory notes as set out on pages 20 to 35.

Director's responsibility for the Financial Statements

The directors are responsible for the preparation and fair presentation of these financial statements on the basis of accounting described in Note 1. This responsibility includes: designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's 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 auditor's 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 consider internal control relevant to entity's preparation and fair presentation of financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, 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.

Opinion

In our opinion, the financial statements give a true and fair view of the financial position of Legal and Human Right Centre as of 31 December 2013 and its financial performance and cash flows for the period then ended in conformity with the basis of accounting described in Section 1.

Report on Other Legal and Regulatory Requirements

In our opinion, proper accounting records have been kept by the Organization and the financial statements referred to in the preceding paragraph are in agreement with the accounting records and Tanzania Companies Act, 2002.


MEKONSULT
 Certified Public Accountants


 Signed by: Elinisaidie K Msuri
 Partner

Date: 15/04/2014
 DAR ES SALAAM


 Elinisaidie K. Msuri
 Certified Public Accountant - CPA/ABQ
 P. O. Box 20651, Dar es Salaam


Statement of Financial Performance for the Year Ended 31st December 2013

Income	Notes	2013 USD	2012 USD
Grant Income	7	3,977,665	2,465,662
Other Income	8	104,160	84,027
Amortization of capital grant	12	295,457	187,698
Amortization of Intangible assets	10	5,148	7,722
		<u>4,382,430</u>	<u>2,745,109</u>
Expenditures			
Operating expenses	11	(3,252,500)	(2,632,913)
Amortization of capital grant	12	(295,457)	(187,698)
Amortization of Intangible assets	10	(5,148)	(7,722)
		<u>(3,553,105)</u>	<u>(2,828,333)</u>
Operating surplus/(deficit)		829,325	(83,224)
Finance Income		854	526
		<u>830,179</u>	<u>(82,698)</u>
Operating surplus/(deficit) before tax		830,179	(82,698)
Taxation		-	-
Surplus/(deficit) for the year		830,179	(82,698)
Other comprehensive Income		-	-
Total comprehensive surplus/(deficit)		<u>830,179</u>	<u>(82,698)</u>

Statement of Financial Position as at 31st December 2013

Assets	Notes	2013 USD	2012 USD
Non-current assets			
Property and equipment	12	917,368	714,101
Intangible asset	10	-	5,148
		<u>917,368</u>	<u>719,249</u>
Current assets			
Receivables	15	130,472	4,442
Cash and bank balances	16	1,302,033	366,280
		<u>1,432,505</u>	<u>370,722</u>
Total assets		<u>2,349,873</u>	<u>1,089,791</u>
Stakeholders' funds and liabilities			
Stakeholders' funds			
Retained earnings		1,095,949	249,861
		<u>1,095,949</u>	<u>249,861</u>
Non - current liabilities			
Deferred capital grants	9	921,395	739,188
		<u>921,395</u>	<u>739,188</u>
Current liabilities			
Payables and accruals	17	332,529	100,922
		<u>332,529</u>	<u>100,922</u>
Total stakeholders' funds and liabilities		<u>2,349,873</u>	<u>1,089,791</u>

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



 Prof. Geofery Mmari
Chair person
 15/04/.....2014



 Dr. Helen Kijo Bisimba
Executive Director
 15/4/14.....2014

APPENDICIES

1. LIST OF CLIENTS ATTENDED BY LHRC IN 2013

1st Quarter

	OLD CLIENTS			NEW CLIENTS			GRAND TOTAL
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	
TOTAL	1535	890	2425	509	297	806	3231

2nd Quarter

	OLD CLIENTS			NEW CLIENTS			GRAND TOTAL
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	
TOTAL	2716	1559	4275	602	423	1025	5300

3rd Quarter

	OLD CLIENTS			NEW CLIENTS			GRAND TOTAL
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	
TOTAL	2187	1037	3224	404	274	678	3902

4th Quarter

	OLD CLIENTS			NEW CLIENTS			GRAND TOTAL
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	
TOTAL	1746	892	2638	371	229	600	3238

Total Annual

	OLD CLIENTS			NEW CLIENTS			GRAND TOTAL
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	
TOTAL	8184	4378	12562	1886	1223	3109	15671

2. CLIENT STATISTICAL REPORT- (MOBILE LEGAL AID CLINICS LOLIONDO, MASWA, BARIADI MBULU)

TYPE OF CASES	NO OF CASES	MALE	FEMALE
Matrimonial	33	11	22
Land	111	90	21
Criminal	33	19	14
Civil	41	26	15
Employment	11	6	5
Probate	25	15	10
Maintenance/Custody	5	1	4
Citizenship	1	1	0
TOTAL	260	169	91

3. MOBILE LEGAL AID STATISTICS IN RUVUMA

a) Clients per District

No.	REGION	MALE	FEMALE	TOTAL
	MBINGA	39	20	59
	NYASA	55	27	82
	TUNDURU	15	6	21
	NAMTUMBO	84	18	102
	SONGEA VIJIJINI	41	35	76
	GRAND TOTAL	234	106	340

b) Clients per Subject Matter

CASES	MBINGA	NYASA	TUNDURU	NAMTUMBO	SONGEA VIJIJINI
LAND	20	52	10	75	64
MATRIMONIAL	3	12	4	4	3
MAINTENANCE	1	6	-	1	-
PROBATE	4	2	2	4	1
OTHERS	31	10	5	18	8

Types of Cases Reported

LAND	OTHERS	MATRIMONIAL	MAINTENANCE	PROBATE
221	72	26	8	13
65%	21%	8%	2%	4%

4. STRATEGIC AND PUBLIC INTEREST CASES REPRESENTED BY LHRC–2013

S/N	Client's name	Case number & Parties	Court	Case Tag	Type of case	Cause of action	LHRC's Objective	Status
1.	William Chikoya & 119 others	Land Case No. 275/08 William Chikoya and 119 others Vs. Min. for Land & A.G.	High Court of Tanzania – Land Division (Ngwala, J)	“Wakazi wa Kurasini”	Land	Eviction of the Kurasini residents due to the DSM Port expansion project where no compensation is given to the victims	To ensure that right to own property is respected	The matter is coming for mention on 18.04.2014
2.	Godfrey Lwena & 3 others	Land Case No. 40/12 Godfrey Luena and 1071 others Vs District Commissioner, Kilombero District Council & 3 Others	High Court of Tanzania – Land Division (Mziray, J)	“Namwawala case”	Land	Unlawful eviction in Kilombero district for expansion of sugar plantation	To ensure that right to own property is respected	This matter is fixed for mention on 05 th March, 2014
3.	Abubakari Abdillahi Plantani & 1688 others	Land Case No. 88/09 Abubakari Abdillahi Plantani & 1688 others Vs Minister for Land, Housing and Human Settlement & the AG	High Court Of Tanzania – Land Division (De Melo, J)	“Wakazi wa Kwembe” Muhimbili University Program	Land	Demolition of houses and eviction of the Kwembe residents due to the Muhimbili University Project where no compensation was given to the victims	To ensure that right to own property is respected	The matter withdrawn with liberty to refile
4.	Abdallah Mbelwa & 240 other	Land Case No. 88/09 Abdallah Mbelwa & 244 others Vs P/S Ministry of Infrastructure & the AG	High Court Of Tanzania – Land Division (Nchimbi, J)	“Wakazi wa Kipawa”	Land	Demolition of houses and eviction of the Kipawa residents due to Terminal III of Dar es Salaam airport expansion project where	To ensure that right to own property is respected	The case is in progress; it will be mentioned 28 th February, 2014

S/N	Client's name	Case number & Parties	Court	Case Tag	Type of case	Cause of action	LHRC's Objective	Status
						no adequate compensation was given to the victims		
5.	Godfrey Luena and 3 others	Land Case No. 212/2011 Godfrey Luena & 1998 Others Vs. V of Natural Resources & AG	High Court land Division (Nchimbi J)	Kilombero Ramsar Project"	Land	Eviction of the villages along Kilombero River to pave way for implementation of Ramsar Project	To ensure that right to own property is respected	The matter is coming for hearing of the application for maintenance of status quo inter parties on 20.02.13
6.	Patricia Steward & 300 others	Misc Civil Application No. 90/08 Patricia Steward & 300 others Vs. Kinondoni Municipal Council	High Court (Land Division) Latifah Mansoor, J	"Kunduchi Resident's Case"	Land	Eviction and Demolition of the residents of Kunduchi on the alleged encroachment of TPDF area.	To ensure that right to own property is respected	Representative suit and order for maintenance of status quo has been granted. Process for lodging the main case is underway.
7.	Mahende Masiko Mahende and Michael Chacha Mbanda and 1499 Others	Civil Case no. 37/10 Mahende Masiko Mahende and Michael Chacha Mbanda and 1499 Others Vs. Barrick North Mara Gold Mines Ltd	High Court of Tanzania (Mwanza) [Rwekabalila JJ] Then Mwakipesile J.	"North Mara Case"	Land	Serious water and environmental pollution done by Barrick that affected 1501 villagers surrounding the mining area in 2009/2010	To protect right to safe and clean environment – compensation for pollution	The matter is waiting for a ruling on application for leave to file a representative suit. Last submission was in September 2011
8.	PINGOs, LHRC and on behalf of	Misc. Appl. No. 15/2010 PINGOs, LHRC and	High Court Arusha (Nyerere, Shayo,	"Loliondo Case"	Land	Setting fire to houses and eviction of the Loliondo	To ensure that right to own property is	Points of preliminary objections argued by

S/N	Client's name	Case number & Parties	Court	Case Tag	Type of case	Cause of action	LHRC's Objective	Status
	Loliondo eviction victims	others vs. Ngorongoro District Commissioner and others	Sambo JJJ)			residents due to hunting blocks issued to investors where no compensation was given to the victims	respected	way of written submission . Ruling on notice
9.	LHRC on behalf of persons with albinism	Misc. Appl. 15 of 2008 LHRC vs. Attorney General & Others	High Court DSM (Sheik, Utamwa, Teemba, JJJ)	“Albinos’ case”	Constitutional	Government of Tanzania failed to protect its citizens with albinism from barbaric acts of third parties who maimed and killed such persons with albinism	To protect of right to personal liberty and right to life	Hearing 24/4/2014
10.	LHRC on behalf of Nyamuma villagers	Land case No. 22 of 2005 LHRC vs. AG & others.	High Court Land Division (Mziray, J.)	“Nyamuma’s Case”	Land/human rights	Setting fire to 133 houses and eviction of the Nyamuma villagers where compensation was not given to the victims	To protect of land rights and right to own property	Execution
11.	Theofrida Joseph	Court Appl. no. 18/2010 Herman Mhando vs. Theofrida Joseph	Kinondoni Rms (Yongolo RM)	“Irene’s case”	Child and person with disabilities rights	This is the case of the child with albinism and HIV positive in which someone is claiming to be a father while he is unknown to the family and mother of the child is deceased	To protect child from likelihood of being sold/killed as she is albino	In progress;
12.	LHRC, TLS and SAHRIN GON (T) on behalf of public	Misc. Appl. 67 of 2008 LHRC & others vs. Attorney General	High Court DSM (Sheikh, Makaramba, Juma JJJ)	“Death Penalty Case”	Constitutional (right to life)	s. 197 of Penal code do not provide room to judges to issue a lesser penalty in case	To challenge the mandatory nature death	In progress; it is scheduled for hearing Pos

S/N	Client's name	Case number & Parties	Court	Case Tag	Type of case	Cause of action	LHRC's Objective	Status
						of murder	sentence	30/4/2014
13.	Remmy Lawrence and Thomas Kunambi &	Land Case No. 190 of 2007 Remmy Lawrence and Thomas Kunambi & Others vs. Mvomero District Council & Others	High Court Land Division (Mziray, J)	"Mvomero Case"	Land	The victims have been unlawful evicted from their land without compensation or allocation of the alternative land	To protect of land rights and right to own property	Hearing is scheduled for 10 th February, 2014
14.	LHRC & 5 on behalf of public	Misc. Appl. No. 6/2011 LHRC, Policy Forum & 4 others vs. AG	High Court DSM Registry (Utamwa, Mutungi and Twaibu Jjj)	"CDF Case"	Constitutional (separation of powers)	Parliament enacted the CDCF act no ... of 2009 which contradicts the constitutional principle of separation of powers	To ensure respect accountability principles and secure strong checks and balances	In progress;
15.	Ally Kajembe	Ally Kajembe & Another vs. Minister for Home Affairs and Others	High Court Dsm Registry	"Mwembechai Case" (this case was being conducted by Maleta and Ndumbaro Advocates)	Constitutional (right to life)	The Tanzania police shot and wounded several innocent individuals during the clashes at Mwembechai Mosque	To stop police brutality and oppose impunity	The main case was never filed in court after the court awarding representative order
16.	LHRC, TLS and Rev Christopher Mtikila on behalf of public	AFCHPR/AP PL. / 009 and 011/2011 TLS, LHRC and Rev Christopher Mtikila vs. AG Christopher Mtikila vs. AG,	African Court on Human and Peoples' Right	"Independent candidate case"	Constitutional participation in governance/ freedom of association	The government of Tanzania curtails the right to participate in governance by forbidding independent	To ensure that partisan and non partisan citizens have equal right to vote and	Judgment delivered in LHRC favor

S/N	Client's name	Case number & Parties	Court	Case Tag	Type of case	Cause of action	LHRC's Objective	Status
					n)	candidates	contest in elections	
17.	Sioni Gabriel	Misc Civil cause No 13/2002 Sion Gabriel Jonas vs. AG	High Court of (T) At Arusha (Madam Judge, Nyerere)	“Citizenship case”	Constitutional (citizenship)	Challenging the citizenship Act that discriminates against female Tanzanian married to foreigners	To combat gender discrimination in case of citizenship	-To re-file the application for leave
18.	NOLA, LHRC on behalf of public	High Court Dar es Salaam Misc. Civil Cause no. 94/2007 NOLA, LHRC vs. AG	In the High Court of Tanzania (Mwaikugile, Mihayo and Aboud JJJ)	“Section 13 of the LMA case”	Constitutional (Children Rights)	Challenging the section of LMA which allows the child to be married while under 18 years. It also seeks to bring equality between male and female as far as marriage is concern in terms of age.	To combat early marriage and discrimination	Judgment on notice
19.	Mkombozi Street Children	Misc. Civil cause No 24/2007 High court of (T) Arusha and Mkombozi for Street Children, EALS and LHRC Vs AG	Court Of Appeal of Tanzania	“Arusha Street Children Case”	Constitutional (Human Rights/Children rights)	Challenging the round-ups and arrests done to street children in Arusha pursuant to Undesirable persons Act	To ensure respect of human dignity of street children in Tanzania	Waiting for Certificate of delay from the High Court District Registrar, Arusha Registry. Appeal to be filed in CAT as soon as the certificate of delay is granted

S/N	Client's name	Case number & Parties	Court	Case Tag	Type of case	Cause of action	LHRC's Objective	Status
20.	LHRC, LEAT and SIKIKA and Joseph Kahoho on behalf of the public	Misc. Civil Application No. 8 of 2011 LHRC, LEAT and SIKIKA vs DOWANS SA and TANESCO	In The High Court of Tanzania Dar Es Salaam District Registry	"DOWANS Case"	Civil (protection of public property)	To challenge the embezzlement of public funds to paying the controversial DOWANS company sums of USD 117 Million	To increase pressure in the fight against corruption in Tanzania	Ruled against LHRC Appeal is being processed
21	Elia Zacharia	Land Case No. 20 of 2007 Kiru Valley Estate LTD vs Elia Zacharia	In The High Court Of Tanzania Arusha District Registry	Kiru valley Case 1	Land (Public interest case/ land rights)		To	In progress. The case fixed and coming for hearing plaintiff's application to join the District Council for Babati as second defendant.
22.	Kiru Valley eviction	Case No. 49 /2011 Republic vs Juliana	In The Resident Magistrate	Kiru valley Cases 2	Criminal Cases (public		To	Hearing proceed in 2014

S/N	Client's name	Case number & Parties	Court	Case Tag	Type of case	Cause of action	LHRC's Objective	Status
	victims Juliana Shamba and 7others Juliana Shamba and 5 others Sabina Lazaro	Shamba and 7others, Case No. 163/2011, Republic vs Juliana and 5others Case No. 177/2011 Republic vs Sabina Lazaro	Court Of Manyara at Babati		interest case/ land rights)			
23.	1. Jisunge Mpemba and another 2. Zacharia Maghembe 3. Juma Mboje 4. Zengo Nkoba 5. Katinda Matanga	C.C's NO 159/2011, 152/2012, 47/2012, 53/2012 and Murder Case No. 6/2012 1. Republic vs Jisunge Mpemba and another 2. Republic Vs Zacharia Maghembe 3. Republic Vs Juma Mboje 4. Republic Vs Zengo Nkoba 5. Republic vs. Katinda Matanga	In The District Court Of Meatu At Meatu	Meatu cases	Criminal cases (Public interest cases/ land rights		To	Hearing continue on For the Murder case Committal Proceeding in Progress – expected to be mentioned on
24.	Soitsambu Village Council	Land case No.2/2010 Soitsambu Village Council vs Tanzania Breweries LTD and Tanzania Conservation LTD	In The High Court of Tanzania Arusha District Registry	Sukenya Farm case	Land (Public interest case)		To	In progress, Hearing on Notice
25.	TAMWA	Civil Case No.115 of 2011 James Charles Mbatia vs.	In The High Court of Tanzania Dsm District Registry	Tamwa Case	Constitutional (Freedom of Expressio	TAMWA is being sued for defamation after being vocal against	To support the whistleblowers and human	It is scheduled for mention on.

S/N	Client's name	Case number & Parties	Court	Case Tag	Type of case	Cause of action	LHRC's Objective	Status
		Annanilea Nkya and TAMWA			n)	abuse of women rights	rights defenders	
26.	Rashid Ady and 11 others	CC no 142/2012 Republic vs. Rashid Ady and 11 others	District Court Mwanakwerekwe – Znbra Hon Msaraka Pinja	Muunga no case	Criminal (fundamental rights & public interest)	12 people are being charged for having exercised their constitutional rights	To ensure rule of law and protection of basic rights	Coming for hearing
27.	Bruno Mwambene	CC no 15/2012 Republic vs. Bruno Mwambene	District Court Mbozi. Hon. Mushi (RM)	Mbozi Monitor's case	Criminal [Human rights defender]	Human rights monitors is charged in a 'framed up case'	To ensure rule of law and protection of basic rights	The matter is coming for hearing
28.	LHRC, NOLA	LHRC & NOLA vs. AG and another (Right to Education Case)	High Court Misc. Civil Appl. No. 21/2012 (Teemba, Mkure, Twab, JJJ)	RTE Case	Constitution	Challenge the practice of chasing pregnant girls out of school	There is no discrimination to education	Mention 19 th March, 2014
29.	LHRC, TLS	LHRC & TLS vs. Hon. Mizengo Pinda & AG	High Court Misc. Appl. No. 24/2013 (Jundu, Mwarija and Twaibu JJJ)	Pinda's case	Constitution	Challenging the Premier's statement in parliament which calls for the police to beat and harass people	To restore the rule of law and protection of human rights	Hearing PO 17/2/2014
30.	Ally Msami & Others	Denwill Mining Services Ltd vs. Ally Msami & 13 Others	High Court, Land Division at Tanga, Land Case No. 3 of 2013	Magambazi	Land	Small scale miners challenging eviction from their mining area	To protect right of the minorities in the business investments	Hearing 7/2/2014

5. List of Cases Accomplished by LHRC

Sn	Cases won
1.	<i>Sumuel Mung'ya (client) Vs Tayay Munnishoi</i> , in the High Court of Tanzania at Arusha, Land Appeal No. 11 of 2013. Appeal was decided in favour of LHRC's client.
2.	<i>Daniel Mangure Vs Godwin Abel (client)</i> , in the District Land and Housing Tribunal for Arusha at Arusha, Land Appeal No. 52 of 2002: the appellate tribunal decided the appeal in favour of LHRC client by upheld the decision of trial tribunal
3.	<i>Lucia Leon (client) Vs Peter Msele</i> , In Mto wa Mbu Primary Court, Probate and Administration of Estate No. /2013. LHRC client, after a long battle, was granted letters of administration of estate of her late husband.
4.	<i>Lucy Daudi (client) Versus James Nyakundi</i> , in the High Court of Tanzania at Arusha, Appeal No. 23 of 2010. Client won the appeal and thus confirmed administrator of estate of her late husband and process the return of her children from Kenya
5.	<i>Mana Saidi (client) Versus Joan Mathew Ljimo and Suldís E. Chuma</i> in the Arusha Resident Magistrate's Court, Civil Case No. 10 of 2012 client won the case against defendants
6.	<i>Asha Karim (client) Versus Hatik Ibrahim</i> , Matrimonial Cause No. 75/ 2013 Arusha Urban Primary Court, client granted divorce and given 25%share of matrimonial properties jointly acquired.
7.	<i>Margye Lulu (client) versus AG and Permanent Secretary Ministry of Home Affairs</i> , H.C. of Tanzania Civil Case No. 27/2007. PO raised by respondents overruled by the court in favour of LHRC's clients.
8.	<i>Boké Sirbi Versus Isaya Barie (client)</i> , in the H.C (T) Land Appeal No. 51/2010, Appeal dismissed in favour of client
9.	<i>Godlisten Minja and another (Client) Versus Zabron Mascave Kaaya</i> , Land Appeal No. 57/12 District Land and Housing Tribunal for Arusha . P.0 overruled in favour ofLHRC'sclient
10.	<i>Regina Niima (client) Versus Niima Sasjyo</i> , Probate Cause No. Babati Primary Court .LHRC'sclient appointed administrator of estate in disfavour of the objector, the brother toLHRC'sclient
11.	<i>Zacharia Fabian Shirima versus Gregory Charles (Client)</i> , In the HC of Tanzania at Arusha, Land Appeal No. 34 of 2012, Appeal dismissed in favour ofLHRC'sclient.
12.	<i>Joachim Shirima versus Gregory Charles (client)</i> ; Misc. Civil Appl. No. 102/2011, Application dismissed in favour ofLHRC'sclient

13.	<i>Helen Laizer (client) Versus Tanzania Maasai Women Art Ltd, CMA, Dispute No. CMA/ARS/MED/66/2013, (Employment issue) matter settled where the employer agreed to re-instate LHRC's client.</i>
14.	<i>Mohamed Athuman Vs Zakia Athuman (client): Civil Appeal No. 110/2012 H.C. Appeal decided in favour of client</i>
15.	<i>Miaron Nangerteina Vs Charles Ndesima (client): Land Appeal No. 15/2009 H.C. Appeal decided in favour of client.</i>
16.	<i>Mwanjia Hamadi and Others (clients) Versus Rotia Seed LTD; HC Labour division, Rev. NO.19/2010. Revision decided in favour of LHRC's clients</i>
17.	<i>Habiba Rashid (Client) Versus Sunny Safaris; Employment dispute upon employer receiving demand note from Lhrc the company paid terminal benefits for LHRC's client</i>
18.	<i>Elizabeth Simon Chacha (client) Versus Brown Robinson, Misc Civil Appl. No. 36/2012 , Primary Court proceeding nullified by DC in favour of LHRC's client.</i>
19.	<i>Jadhith (Felix client) Versus Jibu Group Co. LTD and Others; Land Appl. No.71/ 2013 Temporary Injunction granted in favour of LHRC's client.</i>
20.	<i>Sophia Iddi Wana versus V eneranda Kyara (client), Simanjiro District Land and Housing Tribunal Bill of Cost NO. 42/2012 dismissed in favour of client.</i>
21.	<i>Salome Maturro (client) Versus William Seyaroi, Simanjiro District Land and Housing Tribunal Arusha, Execution NO.70/2012 granted in favour of LHRC's client</i>
22.	<i>Pamphil Malya (client) Versus Fikirini Masave, Simanjiro District Land and Housing Tribunal Arusha, Land Appeal No. 31/2012, Appeal granted in favour of LHRC's client</i>
23.	<i>Abdallah Rashid (Client) Versus Diotic Komba, Appeal NO. 17/ 2008 HC Arusha, award of 50,000,000/= damages nullified by the HC in favour of LHRC's client</i>
24.	<i>Musa Ole Nding'a (Client) Versus Predator Safaris Club, Employment cause CMA/ARB/136/2012, PO dismissed in favour of LHRC's client</i>
25.	<i>Zephania Kilala Versus Donatha Woiiso (client), Civil No. 14/2012 HC Arusha, and LHRC's client awarded 50% division of matrimonial Properties</i>
26.	<i>Maau Said Salam (client) Versus Joan Mathew Lyimo and Suladis Lyimo, RM'S Court Arusha , Appeal No. 42/ 2012. Appeal won in four of LHRC's client</i>
27.	<i>Amima Mohamed & Another Vs Sabbas J. Shine & Another, In the High Court of Tanzania at Arusha, Misc. Land Application No. 38 of 2012 . P.O upheld by the Court in favour of LHRC's clients These clients were very grateful for the service given to them by LHRC.</i>

S/N	Name of Parties	LHRC's Client name	Court	Case Number	Date/Month of the decision	Remarks
1	Lucia Kweji vs. Ally Juma & Others	Lucia Kweji	The High Court of Tanzania at Dar es Salaam	Civil Case No. 74/2011 (Prof. Juma J.)	4/3/2013	Settled out of the court
2	Kilimanjaro Truck Co. LTD vs. Damiana Lutu & Erick Auction Mart	Damiana Lutu & Erick Auction Mart	The High Court of Tanzania at DSM	Civ. Appl. 184 of 2011 (Aboud J.)	27/11/2013	
3	Jane Mwenda vs. Muhimbili National Hospital	Jane Mwenda	The High Court of Tanzania	Civil Case No. 103 of 2006. (Muruke, J.)	14/08/2013	Settled out of court.
4	Kungwa Rajabu vs. Eshie Mossy and another	Kungwa Rajabu	The High Court of Tanzania - Land Division	Land Appeal No. 78/2011. (Nchimbi, J.)	13/02/2013	Appeal pending in the court of appeal.
5	R Vs Godfrey Luena and Abdalah Khasim	Godfrey Luena and Abdalah Khasim	District Court of Ifakara	ECC No. 10/2011	March, 2013	The republic withdrew from the case.

Cases lost						
Lomnyaki Leketika Vs Dominick Leketika (client), in the High Court of Tanzania at Arusha, Land Appeal No. 10 of 2013: in this case the Court overturn the decision of the subordinate courts which decided in favour of LHRC client and ordered trial de-novo.						
Chuma Babu Versus Maria Mathayo(client) , Civil Appeal No. 16 of 2012 District Court Arusha . LHRC client lost the appeal on technicality.						
S/N	Name of Parties	LHRC's Client name	Court	Case Number	Date/Month of the decision	Remarks
1	Hassan Njama and others vs. Muhimbili Hospital	Hassan Njama and others	Court of Appeal of Tanzania	Misc. civil Application 14/2011	21/6/2013	
2	Mwanaisha Jaha vs. Juma Salum Kisaki	Mwanaisha Jaha	High Court of Tanzania at Dar es Salaam.	Civil Appeal No. 7 of 2012	2/9/2013	Withdrawn from court by Court order.

LIST OF CLIENTS WHOSE CASES WERE SUBJECTED TO RECONCILIATION

Month	Subject matters	Successful reconciliation	Failed reconciliation	Pending reconciliation	Total	
					Females	Males
January	Matrimonial,	1	-	-	1	
	Child maintenance	1	-	1	1	3
February	Matrimonial	-	-	1	1	
	Child maintenance	1	-	-	1	
March	Probate	1	1	1	3	5
	Child maintenance	2	1	1	4	5
April	Breach of Contract	1			1	
	Matrimonial	-	1	-	1	3
May	Probate	-	-	1	1	
	Breach of Contract	-	1	-		
June	Matrimonial	1	-	1	2	
	Child Maintenance	1	-	-	1	1
June	Probate	-	-	1	1	5
	Trace pass to land	-	-	1		
June	Matrimonial			1	1	
	Probate	2	-	-		2
June	Breach of Contract	-	-	1		4
					1	1

July	Matrimonial					1				
	Child maintenance	2	-	-		-			2	
	Breach of Contract	1	-	-		-			1	4
August	Matrimonial					1			1	
	Child Maintenance	2	-	-		-			2	
	Probate	1	-	-		-			1	
	Defamation					1			1	5
September	Matrimonial	-	-	-		1			1	
	Child maintenance	2	-	-		-			1	3
October	Matrimonial	-	-	-		1			1	
	Probate	1	-	-		1			2	3
November	Child maintenance	2	-	-		-			2	
	Trace pass to land	1	-	-		-			1	3
December	Child custody					1			1	2
	Civil case	1							1	
Total		24	4			16			36	45

7. LIST OF CASES ATTENDED BY PSYCHO-SOCIAL COUNSELOR

Month	Male	Female	Total
January	15	10	25
February	16	18	35
March	16	13	29
April	15	14	29
May	13	9	22
June	14	6	20
July	20	19	39
August	15	20	35
September	22	13	35
October	13	17	30
November	15	10	25
December	9	6	15
Grand Total	183	155	338

8. MASS EDUCATION PROGRAMS AIRED ON ISSUES OF HUMAN RIGHTS, GOOD GOVERNANCE AND THE LAW IN 2013

No	Date	Station	Topic
1	2/01/2013	Channel (Pambanua)	10 Employment and Labour problems
2	9/01/2013	Channel (Pambanua)	10 Employment and Labour problems (continuation)
3	16/01/2013	Channel (Pambanua)	10 Responds to viewers on Land rights on mining, evictions and corporate accountability
4	23/01/2013	Channel (Pambanua)	10 Responds to viewers on Land rights on mining, evictions and corporate accountability
5	30/01/2013	Channel (Pambanua)	10 An Overview of human rights situation in the country and LHRC strategic plan 2013 - 2015
6	6/02/2013	Channel (Pambanua)	10 The Zero Tolerance to FGM day
7	13/02/2011	Channel (Pambanua)	10 Child rights documentary "Ngutuni"
8	20/02/2013	Channel (Pambanua)	10 Human rights situation analysis for 2012
9	27/02/2013	Channel (Pambanua)	10 Right to information and digitalization of communication
10	6/03/2013	Channel (Pambanua)	10 International womens Day commemoration
11	13/03/2013	Channel (Pambanua)	10 'Tanzania peace and security' case study of Abdul Salum Kibanda"
12	20/03/2013	Channel (Pambanua)	10 Rights of traders in the informal sector
13	27/03/2013	Channel (Pambanua)	10 The genocide threat in Tanzania
14	25/01/2013	ITV (Kipimajoto)	Making leaders accountable: Are citizens participating effectively on their part
15	15/02/2013	ITV (Kipimajoto)	Relationship between citizens and the police
16	8/03/2013	ITV (Kipimajoto)	Are the corruption regulating mechanisms effective to ed

No	Date	Station	Topic
			corruption
17	29/01/2013	Changamoto	Freedom of the press, law and practice
18	29/01/2013	EATV (Wanawake Live)	Children's rights and the constitution
19	12/02/2013	EATV (Wanawake Live)	Gender based violence and the Law
20	7/03/2013	EATV (Wanawake Live)	Pregnant school girls and their right to education
21	7/03/2013	EATV (Wanawake Live)	Commemoration of international womens day
22	8/03/2013	Star Tv (Tuongee Asubuhi)	Commemoration of International womens day
23	8/03/2013	Capital Tv. (The agenda)	Commemoration of International womens day
24	15/02/2013	TBC1 (This week in perspective)	An overview of the parliament session
25	6/02/2013	EATV (Hot Mix)	Citizens rights to demand for social economic rights
26	6/02/2013	EAT (5 Select)	Zero Tolerance to FGM day
27	7/01/2013	Morning Star Radio (Jamii Yetu)	16 days of Activism against GBV
28	14/01/2013	Morning Star Radio (Jamii Yetu)	Commemoration of the Human rights day
29	21/01/2013	Morning Star Radio (Jamii Yetu)	Rule of law
30	28/01/2013	Morning Star Radio (Jamii Yetu)	Defence in criminal proceedings
31	4/02/2013	Morning Star Radio (Jamii Yetu)	Commemoration to Zero tolerance to FGM day
32	11/02/2013	Morning Star Radio (Jamii Yetu)	Defence in criminal proceedings
33	18/02/2013	Morning Star Radio (Jamii Yetu)	Defence in criminal proceedings
34	25/02/2013	Morning Star Radio	Right to information

No	Date	Station	Topic
		(Jamii Yetu)	
35	11/03/2013	Morning Star Radio (Jamii Yetu)	Commemoration of International Womens Day
36	18/03/2013	Morning Star Radio (Jamii Yetu)	Right and Duties on the right to information
37	25/03/2013	Morning Star Radio (Jamii Yetu)	Shortcomings in the United of Tanzania Constitution
38	27/01/2013	Capital Radio	Inheritance law
39	5/02/2013	Praise Power Radio	Social Justice
40	20/02/2013	Times FM	Social Justice
41		DW	Violations against people with abinism
42	6/02/2013	Clouds FM	Zero Tolerance to FGM Day
43	6/03/2013	Upendo Radio (Vunja Ukimya)	Commemoration of international womens day
44	13/03/2013	Upendo Radio (Vunja Ukimya)	Rights and obligations in mortgages
45	27/03/2013	Upendo Radio (Vunja Ukimya)	Rights and obligations in mortgages
46	6/03/2013	Upendo Radio (Vunja Ukimya)	Effects of corporal punishment in schools
47	13/03/2013	Upendo Radio (Vunja Ukimya)	Compensation of employee injured at work
48	20/03/2013	Upendo Radio (Vunja Ukimya)	Gender Based Violence and the legal solution
49	16/01/2013	Zenji FM	Pregnant school girl and the right to education
50	03/04/13	Channel 10 (Pambanua)	Rights of women under Informal employment sector.
51	10/04/13	Channel 10 (Pambanua)	Right of Bail (Testimony from Legal Aid Clinic client)
52	17/04/13	Channel 10 (Pambanua)	Formation of the district constitution foras
53	24/04/13	Channel 10 (Pambanua)	Loan mortgage (Testimony from legal Aid Client)

No	Date	Station	Topic
54	25/04/2013	ITV (Kipimajoto)	Effect of ongoing Abuses in the parliament
55		ITV (Kipimajoto)	What should be done on leaders who have no ethic
56	21/04/2013	RFA (Mlinzi wa Haki)	History of LHRC, programs
57	28/04/2013	RFA (Mlinzi wa Haki)	Details on LHRC programs
58	01/04/2013	Morning Star (Jamii Yetu)	Malicious prosecution law and procedure
59	(8/04/2013	Morning star (Jamii Yetu)	Mortgage financing Act
60	15/04/2013	Morning Star (Jamii Yetu)	Repeated Mortgage financing Act
61	22/04/2013	Morning Star (Jamii Yetu)	Women's Rights
62	3/04/3013	Upendo Radio (Changa moto)	Workman compensation
63	10/04/2013	Upendo Radio (Changa moto)	Right on land ownership
64	17/04/2013	Upendo Radio (Changa moto)	Divorce
65	10/04/3013	Upendo Radio (Vunja Ukimya)	Effect of Corporal punishment to children
66	17/04/2013	Upendo Radio (Vunja Ukimya)	Legal duty to custody and child maintenance
67	1/ 05/13	Channel 10 (Pambanua)	Tanzania Human Rights Report- 2012 (live)
68	08/05/13	Channel 10 (Pambanua)	Marriage proceedings
69	15/05/13	Channel 10 (Pambanua)	Maintenance, care and custody of children after divorce issuance. (Live testimony from Legal Aid Client)
70	22/05/13	Channel 10(Pambanua)	Right on Bail
71	29/05/13	Channel	Mtwara Riot (Fact finding report) (Live)

No	Date	Station	Topic
		10(Pambanua)	
72	06/05/2013	Morning Star Radio(Jamii Yetu)	Tanzania Human Rights Report, 2012.
73	20/05/2013	Morning Star Radio(Jamii Yetu)	Women's Rights in The United Republic of Tanzania Constitution
74	1/05/3013	Upendo Radio.(Changamoto)	Rights of Employees under the Employment and Labour Relation Act
75	8/05/2013	Upendo Radio.(Changamoto)	Right of occupancy under land Act
76	15/05/2013	Upendo Radio.(Changamoto)	Land Mortgage
77	29/05/2013	Upendo Radio.(Changamoto)	The probate and Administration of Estate legal procedures
78	20/05/3013	Upendo Radio (Vunja Ukimya)	Legal discussion on the True story where a child was raped by her biological farther.
79	15/05/2013	Mambo Jambo Radio	Women Rights Issues on probate and child rights
80	21/05/2013	Radio Safina	Water Rights as a human rights issue
81	10/06/2013	Mambo Jambo Radio	LHRC in the provision of legal aid
82	5/06/2013	Channel 10(Pambanua)	Ubungo Plaza Constitution Dialogue
83	12/06/2013	Channel 10(Pambanua)	Child Rights violation and protection initiative (Draft Constitution and The Constitution of URT)
84	19/06/2013	Channel 10(Pambanua)	Assessment of the first Draft of the Constitution (Recorded)
85	26/06/2013	Channel 10(Pambanua)	Assessment of the first Draft of the Constitution (Live)
86	1/06/2013	RFA (Mlinzi wa Haki)	Mtwara Riots
87	8/06/2013	RFA (Mlinzi wa Haki)	Land Eviction Law and procedures
88	15/06/2013	RFA (Mlinzi wa Haki)	Commemoration of African Child Day and the current situation
89	22/06/2013	RFA (Mlinzi wa Haki)	Recorded program during commemoration of The

No	Date	Station	Topic
		Haki)	African Child day Event
90	29/06/2013	RFA (Mlinzi wa Haki)	Women's rights
91	3/06/3013	Morning Star Radio (Jamii Yetu)	Land Evictions law and procedures
92	10/06/2013	Morning Star Radio (Jamii Yetu)	Rapid growth of Child Rights violations though annually commemoration of African Child day
93	17/06/2013	Morning Star Radio (Jamii Yetu)	Probate and Administration of Estate Law and Procedure (Tanzania situation)
94	5/06/2013	Upendo Radio (Changamoto)	Challenges of the URT Constitution 1977
95	12/06/2013	Upendo Radio (Changamoto)	Child Rights Commemoration of African Child Day
96	26 /06/2013	Upendo Radio (Changamoto)	Law of Marriage Act
97	5/06/2013	Upendo Radio (Vunja Ukimya)	Law against prostitutions
98	5/06/2013	Upendo Radio (Changamoto)	Rights and duties in The Law of Marriage Act
99	12/06/2013	Upendo Radio (Changamoto)	Challenges in the Draft Constitution and the Bill
100	19/06/2013	Upendo Radio (Vunja Ukimya)	Child Marriage
101	26/ 06/ 2013	Upendo Radio (Vunja Ukimya)	Gender Based (Program based on true story of a woman who attempted three time to commit suicide)
102	3/ 07/2013	Channel 10 (Pambanua)	Opinion on the New Draft constitution and the Bill.
103	10/07/2013	Channel 10 (Pambanua)	Challenges of the Laws of Taxation
104	17/07/2013	Channel 10 (Pambanua)	Opinion on the New Draft constitution and the Bill.
105	24/07/2013	Channel 10 (Pambanua)	CUF followers injured during Mtwara Riots and police brutality (Live)

No	Date	Station	Topic
106	6/07/2013	RFA (Mlinzi wa Haki)	Womens Rights in the Constitution
107	14/07/2013	RFA (Mlinzi wa Haki)	Rights of Drivers
108	20/07/2013	RFA (Mlinzi wa Haki)	Challenges in the Draft Constitution and the Bill
109	27/07/2013	RFA (Mlinzi wa Haki)	The Bi Annual human Rights Report
110	1/07/3013	Morning Star Radio (Jamii Yetu)	Challenges of the URT Constitution 1977
111	8/ 07/2013	Morning Star Radio (Jamii Yetu)	Rights of Drivers
112	15/07/2013	Morning Star Radio (Jamii Yetu)	Challenges of the Laws of Taxation
113	22/ 07/2013	Morning Star Radio (Jamii Yetu)	The Bi- Annual human Rights Report
114	03/07/2013	Zenji FM	Violence against children
115	07/08/2013	Channel 10 (Pambanua)	Bi-Annual Human Rights Report
116	14/08/2013	Channel 10 (Pambanua)	Bi-Annual Human Rights Report (Live)
117	21/08/2013	Channel 10 (Pambanua)	Challenges facing TAZARA employees
118	28/08/2013	Channel 10 (Pambanua)	Constitutional Review Act, 2012 and its Challenges (Live)
119	3/08/20123	RFA (Mlinzi wa Haki)	Bi – Annual Human Rights Report
120	10/08/2013	RFA (Mlinzi wa Haki)	Bi – Annual Human Rights Report
121	24/108/2013	RFA (Mlinzi wa Haki)	The Amendment of the Constitution Review Act and challenges
122	31/08/2013	RFA (Mlinzi wa Haki)	The Labour and employment rights of TAZARA employees

No	Date	Station	Topic
123	21/08/2013	Upendo Radio (Changamoto)	Peace and human rights in Tanzania
124	28/08/2013	Upendo Radio (Changamoto)	The Labour and employment rights of TAZARA employees
125	19/08/2013	Morning Star Radio (Jamii Yetu)	The Amendment of the Constitution Review Act and challenges
126	26/08/2013	Morning Star Radio (Jamii Yetu)	The challenges in the Probate and Administration of Estate Act
127	04/09/2013	Channel 10 (Pambanua)	Women's rights in Tanzania for the past 25years
128	11/09/2013	Channel 10 (Pambanua)	Peace and human rights in Tanzania
129	18/09/2013	Channel 10 (Pambanua)	Oppressive laws on the freedom of media.
130	25/09/2013	Channel 10 (Pambanua)	LHRC 18 years of activism.
131	5/09/2013	RFA (Mlinzi wa Haki)	Womens Rights in Tanzania- Gender Festival
132	14/09/2013	RFA (Mlinzi wa Haki)	Child Abuse in Tanzania
133	21/09/2013	RFA (Mlinzi wa Haki)	Freedom of Exopression
134	28/09/2013	RFA (Mlinzi wa Haki)	18 years of LHRC
135	2/09/2013	Morning Star Radio (Jamii Yetu)	Status of Womens rights in Tanzania
136	9/09/2013	Morning Star Radio (Jamii Yetu)	Peace and human rights in Tanzania
137	16/09/2013	Morning Star Radio (Jamii Yetu)	The freedom of expression
138	23/09/2013	Morning Star Radio (Jamii Yetu)	The rights to Bail
139	4/09/2013	Upendo Radio	Duty of citizens to follow the law

No	Date	Station	Topic
		(Changamoto)	
140	11/09/2013	Upendo Radio (Changamoto)	Child Abuse in Tanzania
141	18/09/2013	Upendo Radio (Changamoto)	Freedom of expression in Tanzania
142	25/09/2013	Upendo Radio (Changamoto)	Peace and human rights in Tanzania
143	02/10/2013	Channel 10 (Pambanua)	Live program on Right of Freedom of Expression and Information in Tanzania
144	09/10/2013	Channel 10 (Pambanua)	Inheritance Law in Tanzania: Widows & Daughters Impoverishment
145	16/10/2013	Channel 10 (Pambanua)	Illegal Immigration in Tanzania: Prospects and Challenges.
146	23/10/2013	Channel 10 (Pambanua)	Live program on Illegal Immigration in Tanzania: Prospects and Challenges
147	30/10/2013	Channel 10 (Pambanua)	
148	05/10/2013	RFA (Mlinzi wa Haki)	18 years of LHRC Part II
149	12/10/2013	RFA (Mlinzi wa Haki)	World Day against Death Penalty
150	19/10/2013	RFA (Mlinzi wa Haki)	Illegal Immigration in Tanzania: Prospects and Challenges
151	26/10/2013	RFA (Mlinzi wa Haki)	Inheritance Law in Tanzania: Widows and Daughters Impoverishment.
152	07/10/2013	Morning Star Radio (Jamii Yetu)	10 Reasons of Abolishing Death Penalty in Tanzania
153	14/10/2013	Morning Star Radio (Jamii Yetu)	Illegal Immigration in Tanzania: Prospects and Challenges.
154	21/10/2013	Morning Star Radio (Jamii Yetu)	Land Justice for Sustainable Peace in Tanzania

No	Date	Station	Topic
155	28/10/2013	Morning Star Radio (Jamii Yetu)	Right to Freedom of Movement
156	02/10/2013	Upendo Radio (Changamoto)	Ten Reasons of Abolishing Death Penalty in Tanzania
157	09/10/2013	Upendo Radio (Changamoto)	Ending Gender Based Violence: Behavior Change Needed
158	16/10/2013	Upendo Radio (Changamoto)	Child Labour: Helping Children Reclaiming their Lives through Education
159	23/10/2013	Upendo Radio (Changamoto)	Land Justice for Sustainable Peace in Tanzania
160	06/11/2013	Channel 10 (Pambanua)	Child Rights in Tanzania
161	13/11/2013	Channel 10 (Pambanua)	Right to Education
162	20/11/2013	Channel 10 (Pambanua)	Gender based Violence in Tanzania
163	27/11/2013	Channel 10 (Pambanua)	Live program on 16 days of Activism
164	2/11/2013	RFA (Mlinzi wa Haki)	Human Trafficking in Tanzania
165	09/11/2013	RFA (Mlinzi wa Haki)	Women's Right to Inheritance
166	16/11/2013	RFA (Mlinzi wa Haki)	Right to Education
167	23/11/2013	RFA (Mlinzi wa Haki)	Early Child Marriage in Tanzania
168	30/11/2013	RFA (Mlinzi wa Haki)	16 Days of Activism
169	06/11/2013	Upendo Radio (Changamoto)	Gender Based Violence (Part One)
170	13/11/2013	Upendo Radio (Changamoto)	Gender Based Violence (Part Two)
171	20/11/2013	Upendo Radio	Will and Inheritance Law in Tanzania

No	Date	Station	Topic
		(Changamoto)	
172	27/11/2013	Upendo Radio (Changamoto)	16 Days of Activism against GBV.
173	04/11/2013	Morning Star Radio (Jamii Yetu)	Right to Peaceful Ownership of Land
174	11/11/2013	Morning Star Radio (Jamii Yetu)	Challenges of Constitutional Reform in Tanzania.
175	18/11/2013	Morning Star Radio (Jamii Yetu)	Inheritance Laws and procedure in Tanzania.
176	25/11/2013	Morning Star Radio (Jamii Yetu)	16 Days of activism against GBV.
177	07/12/2013	RFA (Mlinzi wa Haki)	Human Rights day
178	11/12/2013	Channel 10 (Pambanua)	Rights of Persons with Disability
179	18/12/2013	Channel 10 (Pambanua)	Continuation on Rights of Persons with disability
180	25/12/2013	Channel 10 (Pambanua)	LHRC 2013 programs: Success and Challenges
181	14/12/2013	RFA (Mlinzi wa Haki)	Rights of Persons with Disability
182	21/12/2013	RFA (Mlinzi wa Haki)	Marriage Act and its Loop Holes
183	28/12/2013	RFA (Mlinzi wa Haki)	LHRC Success and Challenges in 2013
189	02/12/2013	Morning Star Radio (Jamii Yetu)	Rights of Persons with Disability
190	04/12/2013	Upendo Radio (Changamoto)	Human Rights Day.
191	11/12/2013	Upendo Radio (Changamoto)	Rights of Persons with disability

9. STATISTICS OF PEOPLE ASSISTED BY PARALEGALS AT COMMUNITY LEVEL

S/N	Name of Paralegal Unit	Legal Assistance Provided	Number of People Assisted		Total
			F	M	
1	Tarime Paralegal Centre (SHEHABITA)	Land disputes settlement Gender Based Violence Divorce Child maintenance	112	74	186
2	Babati Paralegal Centre (BAPACE)	Rape Probate Children's rights Gender based violence Land disputes Matrimonial disputes	68	37	105
3	Maswa Paralegal Centre (WASHEHABIMA)	Probate Criminal offence Divorce Civil dispute	18	23	41
4	Serengeti Paralegal Centre (WASHEHABISI)	Matrimonial disputes Land disputes Probate Labour disputes Education Violence against Women Violence against Children Assisting clients on appeal procedures	79	116	195
5	Makete Paralegal Centre (PACEMA)	Land disputes Labour disputes Matrimonial disputes Gender based violence Probates Education issues Mob violence	521	998	1519
6	Kiteto Paralegal Centre (KIPALECE)	Labour disputes Land disputes Association disputes Probate Accident Loan Contacts Criminal offences Election	171	450	621

S/N	Name of Paralegal Unit	Legal Assistance Provided	Number of People Assisted		Total
			F	M	
		Education Matrimonial Rape H.I.V/AIDS			
7	Bariadi Paralegal Centre (SHIWAKIBA)	Land disputes Child maintenance	8	4	12
8	Namtumbo Paralegal Centre (NAPACE)	Land disputes Matrimonial disputes Probate	Nil	Nil	17
9	Newala Paralegal Centre (WASHENE)	Probate Matrimonial Divorce Gender based violence Will Land disputes Education Property distribution Criminal offence	17	38	55
10	Geita Paralegal Centre	Land disputes Matrimonial disputes Civil cases Probate Contract labour disputes	40	28	68
11	Ludewa Paralegal Centre (LUPACE)	Matrimonial disputes Land disputes Rape Child maintenance Gender based violence	65	43	108
TOTAL					

10. LIST OF ASSISTANCE GIVEN ON ISSUES OF HUMAN RIGHTS VIOLATIONS

No	Name	Issue	Assistance Given
1.	Children in Msongola Orphanage	Abandonment and care of children by the owner	LHRC followed up the matter and visited the children in the orphanage to ascertain the situation; meetings were conducted with the owner of the orphanage to understand the reason why the children's welfare and rights are not adhered too. The discussions were conducted with the Assistant commissioner of Child welfare to inform her of the situation. Who is following up on the matter.
2.		A student in Mugabe Primary school who was serious injured due to corporal punishment inflicted.	Follow up was done at the school and the respective teacher. Who agreed to pay for treatment of the child and address the administration of corporal punishment in the school.
3.	Mr Soitir	Whose house was destroyed by one Mushi despite an on going case in the DLHT in Arusha.	The District Commissioner for Arumeru Hon. Nyireembe Munasa ordered the RPC to take step to arrest the perpetrators Mr. Mushi, Acu official involved in the transaction and security guards employed by Mr. Mushi. These people were arrested and charged for offences of trespass and malicious damage to properties. Further Mr. Mushi was ordered by the DC to restore Soitir's house.
4.	Upendo Edward	Who experienced physical violence from her husband in 2012 after being beaten until she became disabled. The matter was reported to the police and later on into Court but accused (husband) was acquitted under Section 225 of the Criminal Procedure Act for lack of evidence.	The issue was followed to have the police re- arrest and prosecute the husband. The police promised to re- arrest the accused. Meanwhile the victim is being assisted to process divorce and maintenance.
5.	Grace Nkonyani	His brother was kept in police custody for more than three months without being taken to court	Call to the OC-CID and the accused was taken to court.
6.	Mponjoli Mwakalonge	A house girl in Sinza who was being mistreated by her employer.	Advised to report the matter to the Local Government Authority and to bring feedback on the same
7.	John zakaria	He had been injured while in the course of his employment, but the	Referred to Legal aid for assistance.

No	Name	Issue	Assistance Given
		employer rejected to give him financial support for proper medications which are recommended by the doctor.	
8.	Magreth Goldian	Daughter had been raped by a 40 year old man, and was not fully informed about the matter which had been filed against the accused,	Advised accordingly and She succeeded to get the information's on the progress of the case from the court clerk and the prosecutor.
9.	Gidufana Gafufen	Reported about pastoral society in bagamoyo whose land had been sold by the village authority and left with no land to graze.	The clients were advised accordingly on the steps to be followed; also was referred to Haki Ardhi as they have a project on the same in Bagamoyo.
10.	Maria Mbuna	Report that she is about to be taken out of the house left by his brother after having bought the same from Consolidated Holding Corporations. Currently the notice to vacate from the premise had been sent to her by the company said to own the same.	During the interview with a client it was discovered that, she is not the administrator of the estates of the deceased therefore she was advised to bring the administrator of the same for further advise and referred to Legal aid clinic.
11.	EX-4648 PC Dickson and EX-H 1333 PC Solo	The clients reported that, they have been terminated from their employment unfairly as they were not accorded with right to be heard. They have lodged an appeal to the IGP but they have not yet been heard.	Follow up to be done to the IGP for responds.
12.	Iyare Mananga	A client reported a matter of killing of cattle, arrest of Chacha bakari and the missing of one lady Sikukuu Kilongo, the incidence which happened in Bwakila chini, mbwade village in Morogoro, after guards of a hunting company owned by a person called Gomes went into the area and killed 30 heads of cattle.	Several follow ups have been done by contacting the RPC and OCD of Morogoro who both promised to work on the matter. The follow up paid result as Chacha Bakari was taken out of police custody and brought before the court where he was fined and released while the search for the missing lady has commenced. The matter is still on the follow up.
13.	Mzumbe Secondary students	A group of student from mzumbe secondary where among those seven of them have been chased out of school for disciplinary reasons. A process which did not give them the right to be heard before the board.	The students were advised accordingly to write their appeals and were referred to Legal Aid clinic.
14.	CUF leaders	LHRC received leaders from CUF who came to report being tortured by JWTZ.	A live Tv programe together with the victims was done to condemn the matter and expose the said violations to the general public. More follow up is still being done.

No	Name	Issue	Assistance Given
15.	Zainab Idd	The client reported that her daughter aged 16; a student had been taken by a man and kept in his house as a wife.	Follow up on the matter was done to ensure that the child is going back to proceed with her studies and the man who took the child as his wife is taken to police for further process.
16.	Rehema Robert and Mwanaidi Bakari	Two above named clients came to report about their two sons who were arrested in kunduchi area for an offence of armed robbery. The clients reported that the matter had already been brought before the court.	Clients were advised accordingly that, the matter in which their sons have charged has no bail therefore they have to wait for the determination of the case after the completion of court processes/procedures.
17.	XC 236 SGT. Ephraim Munisi XE 635 D/C Rogathe Wilbard XE 7014 D/C Issack Charles XE 7603 D/C David Misangia XE 8042 D/C Gerald Msiba XE 1936 PC Amon Kimaro XE 2041 PC Julius Msemo	Seven former police officers were chased out of their employment. The said termination was claimed due to their involvement in the plan which facilitates the escape of Kasusura in 2001. The clients claimed that, they were not involved in the said plan. The other claim was that, they have not been paid their fare to return back to their places of origin since been terminated in 2002.	The names were forwarded to the police head office for clarification.
18.	Geofrey Issa Banzi	Named client, claimed that, on 19 th August 2013 police officers from Oyster Bay police station torched his father Selemani Mwinyimsanga in his home at Kurasini, while he was witnessing the scene. A deceased was taken alive from his home whereby on the next day he was found dead in Mwananyamala hospital mortuary.	The matter had been forwarded to the Tanzania Police force for intervention and follow up on the same is still going on.

No	Name	Issue	Assistance Given
19.	Saida Rajab Pembe	A client is a victim of boom explosions in Gongo la mboto; the said explosions injured the client where she lost her left hand. The client claims that since then no compensation has been paid to her following the injury sustained. A client spent her own cash to take care of the injured arm in Muhimbili National Hospital.	A client was advised to go to Legal Aid Clinic in Kinondoni, where her matter is now dealt with by the Civil Unit.
20.	Leah Msanga	Client claims that, her house was set on fire on 29/4/2013 by person Abdallah Japan Ng'ombe who was a tenant. She reported the matter to the police whereby until now no one has been arrested. On 14 th May 2013 a client was called to appear in Kigamboni Police station where she was arrested and kept in custody for reason that, she kidnapped abrother of the suspect. A client was later charged by case No. 363/2013 before Kigamboni Primary Court and the matter has now transferred to the District Court of Temeke	Client was advised accordingly
21.	Joseph Wangubo	Client reported his brother being brutally beaten by the Nyamongo Police officers.	The matter was followed up with the Tarime OCD and the Mara RPC on the matter was the brother was able to receive medical attention. The matter was forwarded to the Police HQ for further assistance.
22.	Elias Barnaba	Client was a prisoner in Busega, that he was denied pardon by prison officer following an order which was given to by the president.	Following that, measures were taken to contact Commissioner Mwambashi who made a follow up on the same and brought feedback that, the prisoner has already been set free.
23.	Nuru Ramadhani Halfani	Nuru who was seriously wounded by the husband, amounted to the loss of her Kiganja. The follow involved visiting the victim in Kurasini where she reside and also the follow up involved visitation at Kilwa road police station and meet with the head	Following the husband was taken to court following injury of wife.

No	Name	Issue	Assistance Given
		of CID.	
24.	Eva Paul	The victim was seriously injured by his husband after being beaten and become unconscious, where her groin was also broken on the said incidence.	This matter has been forwarded to the police for intervention since the victim was arrested and later on released whereby until now no action has been taken.
25.	Nutfat	Named client a child girl aged 4 from Kisarawe district was alleged to have been raped by a certain man living within the district. It was alleged that within different times the man had canal knowledge of the child until it was discovered by the mother. The child was taken to the police thereafter to the hospital, whereby the findings of the hospital showed that, there was sexual assault only and not rape as it was reported.	The incidence led to the arrest of the suspect who was later taken to court to answer a charge in a criminal case no.93/2013. Despite that fact, the mother of the child insists that, the child was raped by the suspect and not as it appears in the charge sheet of sexual assault. The mother was advised that the child undergoes medical checkup from another hospital, also the detective who is dealing with the matter was contacted, to see if there is a chance for further check up in order to amend the charge. The process is still going on to ensure the matter is settled.
26.	Kamugisha Damian	Relatives of Johnson Damian and Danes Damian who were living Kyerwa district, that on 13 th March 2013 were seriously beaten by the ward councilor together with a group of people, which in turn led to the loss of their lives. The ward councilor was arrested in connection to that but latter on he was dropped for reason that, he was not involved on the same.	The matter was forwarded to the Tanzania Police Force for intervention through the meeting which was held in LHRC on 24 th Sept 2013
27.	Veronica Mnyamuru	Client claims that she had been taken out of her house. It is said that, the victim together with his late husband bought the said house from NHC. The client narrated that, soon after the death of the husband, her child was appointed the administrator of estate after having filed an application in her own and later on sold the house without involving other children and the client.	The client was forwarded to Kinondoni Legal Aid Clinic.

LIST OF RECOMMENDATIONS BY LHRC WHICH WERE CONSIDERED IN THE SECOND DRAFT CONSTITUTION

LHRC suggestions	Agreed matters of the constitution draft	Percentage
<p>Arrangement of constitutional provisions</p> <p>In this area we proposed that the constitution should start by insertion of provisions for Constitutional Principles followed by those concerning Human Rights and agency for enforcement. Thereafter other provisions in relation to state and its sovereignty should follow</p>	<p>The draft explains the following in the introduction</p> <p>‘...PREAMBLE WHEREAS , we, the citizens of the United Republic of Tanzania, have officially and solemnly decided to build in our nation a society that respects and observes principles of dignity, freedom, rights, equality, humanity, peace unity and solidarity in all aspects of our lives’</p>	100%
<p>After such introduction, the New Constitution should start on general issues such as;</p> <p>Introducing the Country</p> <p>Declaration that all state powers emanate from the people</p> <p>Citizenship</p> <p>National Language (Kiswahili) and communicating language (Kiingereza)</p> <p>National Flag</p> <p>And other general issues important to nation.</p>	<p>The nation is introduced, under Article 1</p> <p>It is declared that powers of the state comes from people [Article 6(a)</p> <p>Citizenship issue elaborated under Chapter 5 Articles 56-59] incorporated</p> <p>National Language Article 4 Kiswahili is the national language</p> <p>Other important issues for the nation such as public holidays, national Awards and sign language are also part of Chapter One.</p>	100%
<p>The Constitution should introduce Tanzania and its principles. It should mention the principles of the constitution as;</p> <ul style="list-style-type: none"> ▪ Freedom ▪ Human Rights ▪ Rule of Law ▪ Brothehood ▪ Secular country ▪ Peace and; ▪ Democracy 	<p>The National principles are provided for under Chapter one Article 5</p>	100%
<p>The Constitution should identify Tanzania as a one United Republic. (With one government)</p> <p><i>First reason;</i> to enforce with actions the objects of the Articles of Union especially</p>	<p>The draft Constitution explains as follows under Article</p> <p>1.-(1) United Republic of Tanzania is a Sovereign Federation that is formed by the Union of two countries of the Republic of Tanganyika and the Peoples’ Republic of Zanzibar</p>	50% at least of the Draft has stated that Tanzania is still a United Country and

<p>Article 4 that explains, quote: <i>'...The Republic of Tanganyika and Peoples Republic of Zanzibar shall upon Union Day and ever after, be United into One Sovereign Republic...'</i></p> <p><i>Second reason;</i> It is too expensive to run more than one government. Therefore LHRC suggests that The United Government should be one as mentioned before.</p>	<p>which were sovereign countries before the Articles of Union of 1964</p>	<p>kept recognition of the Articles of Union but has proposed three tier government</p>
<p>Central Government</p> <p>The central government should continue to be led by the President elected by the people as it is, BUT must be so declared having won the majority of percentage of votes. The total numbers of votes cast must exceed fifty (50% +) more than Total elections should exceed fifty percent of the voting results (50% + 1).</p> <p>Moreover, the presidential results should be eligible to scrutiny by courts of law once citizens are dissatisfied.</p> <p>The president should be assisted by the Vice President. The vice president should bear the function that are currently done by the Prime Minister Prime minister' position should be abolished.</p>	<p>Article 68</p> <p>Head of Government is the President] Article 71(2)]. S/He will be declared a winner by 50% +1 of votes [Article 80(6) Presidential results may be challenged in court [Article 81] The Prime Ministers position has been abolished</p>	<p>100%</p>
<p>A period of two terms per each five years for the presidential tenure will continue as written in the new constitution.</p>	<p>83.-(1) a President can be elected again for the same position for another term of five years.</p> <p>(2) A person will not qualify to compete for election for more than two terms on the presidential seat.</p>	<p>100%</p>
<p>The Constitution should provide clearly that ministers should not be appointed from among the members of the Parliament but rather should be appointed subject to their expertise.</p>	<p>Article 101 (2) the following will not qualify to be appointed as Ministers or Deputy Ministers of the government of the united Republic: (a) Members of parliament of the united republic, members of parliament of the parliament of Tanganyika, House of Representatives of Zanzibar</p>	<p>100%</p>

	or counselors from the United Republic;	
Presidential power to appoint public officials should be limited to the appointment of ministers only. Power to appoint on other sectors should be removed completely but should remain with the power of acknowledging the appointed members.	Article 98.-(1) there will be ministers and Deputy ministers of the government of the united who will be appointed by the President in consultation with the Vice President and later on to be approved by the parliament.	90%
The number of ministers should not be less than 16 and not more than 20	98. (2) for the purpose of sub article (1), the number of ministers of the United Republic shall not exceed fifteen.	90%
District commissioner's position should be abolished	No position for the district commissioner	100%
Members of Parliament or counsellors when not performing well citizens should be able to remove and elect a competent candidate. But it is important for a percentage to be known for the people that shall sign for the removal of that Member of Parliament or counsellor.	129.-(1) without prejudice to the provisions of Article 123 of this Constitution, electorates shall have the right to remove a Member of Parliament from office...	100%
Parliament Electoral constituency: every region should be an electoral constituency. In every electoral constituency, there shall be two members of parliament (male and female) <i>Reason;</i> to ensure gender equality of 50%.	113 (2) There shall be 70 Members of parliament elected from prescribed constituencies. (4) In every electoral constituency, there shall be two members of parliament, 50 from Tanganyika and 20 from Zanzibar, shall be two parliamentary seats, one for a male candidate and one for a female candidate .	100%
The President should not appoint members of parliament and should not be part of the parliament as it stands now..	Article 105 (2) (b) five members of the Parliament who shall be appointed by the President among people who qualify to represent people with disabilities in compliance with proportionality for the partners of the Union.	50% are the disabled only will be elected by the president Rais. This is a positive issue
The speaker should not be from any political party. Should be interviewed and employed according to his/her qualifications.	Under article 135(d) A person shall not be eligible to be elected as Speaker of the parliament if he is or has been a political party leader in the five years preceding the date he/she is asking to be considered as the speaker or deputy speaker.	100%
In order to contest as a Member of Parliament, the candidate should have	Article 125(1)(b) A person is eligible to be elected member of parliament if he can read and write in	100%

education level of form four or a diploma .	both English and Swahili language and has education level of not less than form four.	
There should be constitutional rights to have a private candidate in the administrative positions	Article 79(1) (f) the President can be an independent candidate Under Article 193(3)(a) National Electoral Commission shall be responsible to ensure the existence of: (a) freedom of citizens to acquire right to fair election and to be elected through political parties or as independent candidate;	100%
It was proposed that Members of parliament to serve for only two terms of five years each	Three Terms are proposed by the draft constitution under Article 125(2) (a)	50% to have periods is a positive issue
It was proposed by the LHRC to provide the ability of the citizens to recall back a member of parliament from office when necessary or if he/she is going against the needs of the people who elected him/her.	Article 129(1) provides the power to the electorate under certain circumstances to recall their Member of Parliament	100%
National Electoral Commission The National Electoral Commission should be appointed by a special parliamentary committee, authorized by all members of the parliament.	The Draft Constitution has proposed appointment of the Chairperson and vice chairperson and members of the Electoral Commission to be made by the President from the advice of an Appointment Committee. The Appointment has to be endorsed by the Parliament Article 191(5)	50%
The LHRC made proposal that Member of Parliament should not hold any position in the government Institutions so as to avoid conflict of interest.	Article 101 of the draft Constitution provides that a member of parliament shall not be a minister and even if that person is holding a position of a senior officer in any government commission of the united republic or partner states he will not qualify to be a member of Parliament [Article 125](2) (f).	100%
Judiciary Judicial posts to be advertised/ announced and any eligible and qualified candidate may contest. Thus the due application and interviews process should be done in transparent manner The are must be a special Board responsible for recruitment and employment of judges and justices of	Article 153.-(1) of the Draft Constitution provides that Justices of the Supreme Court shall be appointed by the President from amongst the names submitted to him by the judicial service commission and shall be sworn in by the president. (2) A person shall qualify to be appointed Justice of the Supreme Court if S/he is of integrity, honest and has good conduct.	50% the judicial service commission is established

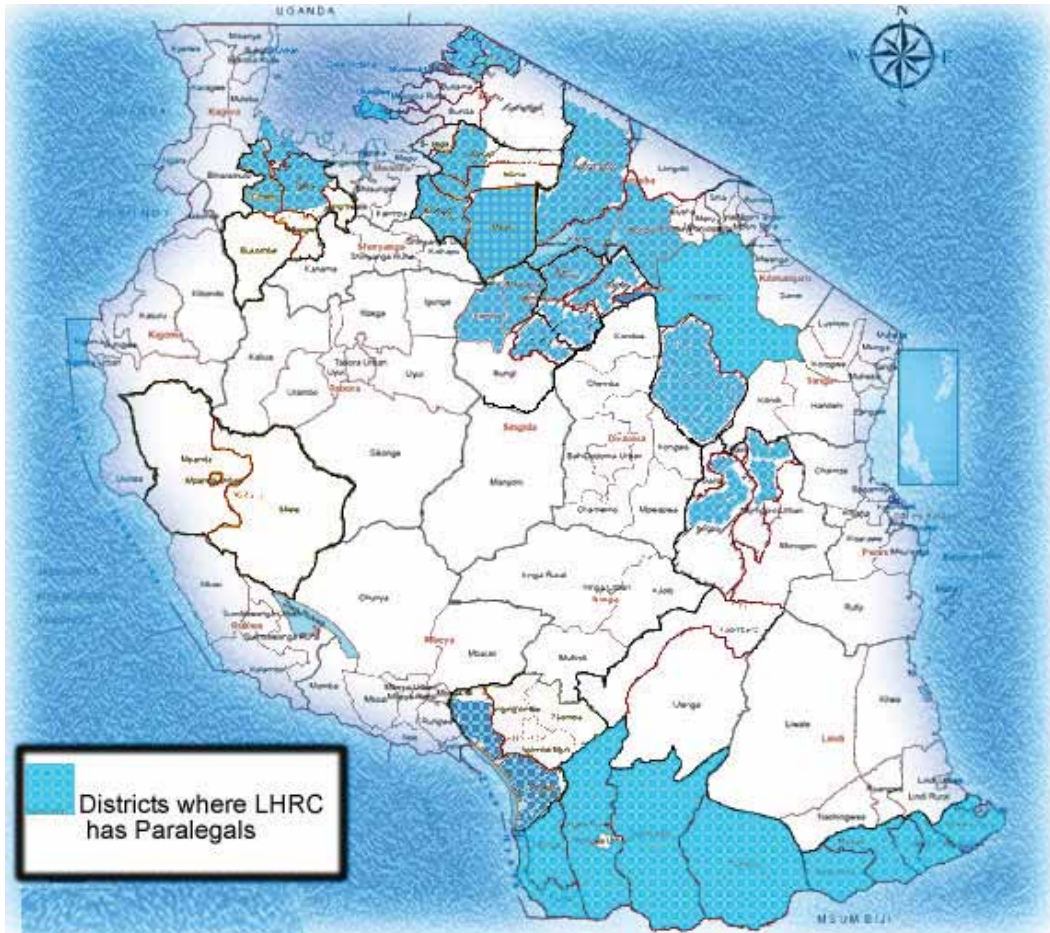
<p>appeal</p>		
<p>Potential Organs to be construed under the Constitution The National Audit Office of Tanzania.</p> <ul style="list-style-type: none"> ▪ Commission for Human Rights ▪ Public Leadership Ethics Commission ▪ Judicial Service Commission ▪ Prevention and Combating of Corruption Bureau ▪ Government trophies Commission ▪ Commission for Police Accountability(Police oversight body) 	<p>Accountability institution are written in the Draft Constitution Under Chapter 13 articles 200 to 220 Commission for Leadership Ethics and Accountability [Articles 200-207] Commission for Human Rights[Articles 208-214] and Audit General of Government Accounts[Article 215-220]</p>	<p>50% the following commissions have not been included ; Prevention and Combating of Corruption Bureau, Office of government trophies (Public Protector) Police accountability office (Policing the Police)</p>
<p>The Bill of rights The part responsible for human rights should base on all the types of human rights (<u>economic, cultural, social, political and civil</u>). Also all group based rights (disabled, youth, children, women, old people, workers, farmers, livestock keepers, and other groups) should be included in the constitution. And also the constitution immunity should be extracted and maintained for protection of human rights from unreasonable changes.</p>	<p>In the Draft Constitution the Bill of Rights is provided for under Chapter Human rights four from article 23 to 55 Group rights are provided for under article 43 to 48 Right to education is under article 42</p>	<p>100% 100% 100% 20% only on economic rights as some are not provided for accordingly such as the right to health not being in the provisions.</p>
<p>International human Rights treaties a) any international treaties or african</p>	<p>Article 53.- (1) the government and state authority</p>	<p>100%</p>

<p>treaty or regional treaty that concerns with human Rights Ratified by the United Republic of Tanzania shall be part of national laws and interpreted by court as any other law implemented by the parliament</p> <p>b) Any law which shall be contrary to Human Rights as provided for in the constitution shall be considered null/ and void to the extent of such contradicts.</p>	<p>are duty bound to observe and preserve human Rights as principals of freedom as it is expressed in this constitution.....</p> <p>(3) the Rights and freedom expressed in international agreements concerning human Rights to which the United Republic of Tanzania has ratified, with exception of reservations made, shall be part of the human rights specified in this part of the constitution.</p>	

12. STATISTICS ON LIBRARY SERVICES IN 2013

Library users numbers
Total were 790, while male-409 and female were 381
Visitors –male 234 and female 189
Books & Publications
Lhrc books were 20,500cps
Disseminated 16,200cps
Received 18,800cps
Bought books 55cps
NB Disseminated to paralegal training, universities, Human Rights Clubs during internal and external exhibitions, stakeholders nk
Exhibitions attended
International exhibition called Sabasaba in DSM
TGNP exhibition
Azaki- Zanzibar exhibitions
Parliament –Dodoma
WiLdaf
ACHR- Banjul –Gambia

13. Map of the United Republic of Tanzania showing areas of LHRC's Paralegals in 2013





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A Democratic Constitution is Peoples' Right and Asset