

**THE LEGAL AND HUMAN RIGHTS CENTRE
(LHRC)**

ANNUAL REPORT

JANUARY – DECEMBER 1997.

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LHRC'S MISSION STATEMENT.

The Legal and Human Rights Centre is both a legal and a human rights organization. The Centre was created so as to contribute to the process of democratization in Tanzania seeking to promote, reinforce and protect the whole gamut of human rights.

The primary task of the Centre is to create legal and human rights awareness among the general public and in particular the underprivileged sections of the society through legal and human rights training, provision of legal aid to indigents or those cases with public interest or can advance law reform, information generation and dissemination through publications and radio programme, research on legal and human rights issues, and networking and alliance building with other institutions which shares the mission of LHRC.

The above can be achieved by;

- Dissemination of legal and human rights knowledge to various groups in the society through training, publication and radio program.
- Provision of legal aid to indigent people or those whose cases have special public interest *or can advance law reform*.
- Promotion of public awareness in the field of environmental protection and
- Conducting research on legal and human rights issues with the aim of using the findings as a basis for *lobbying and* advocating for changes.

WE ARE COMMITTED TO THE REALIZATION OF A TRUE HUMAN RIGHTS CULTURE.

The Organization in Brief

The LHRC is working towards the creation of legal and human rights awareness to the people of Tanzania and the provision of legal aid. The Centre began its activities with the *pastoralists* hunters and gatherers of Arusha and Kilimanjaro region. The legal aid clinic *which* is *based in Dar Es Salaam* to *provides* legal aid services. *The above activities are under two projects namely;*

- Outreach which covers training, publication and radio programme.
- Legal Aid Services which covers *provision of* legal and litigation.

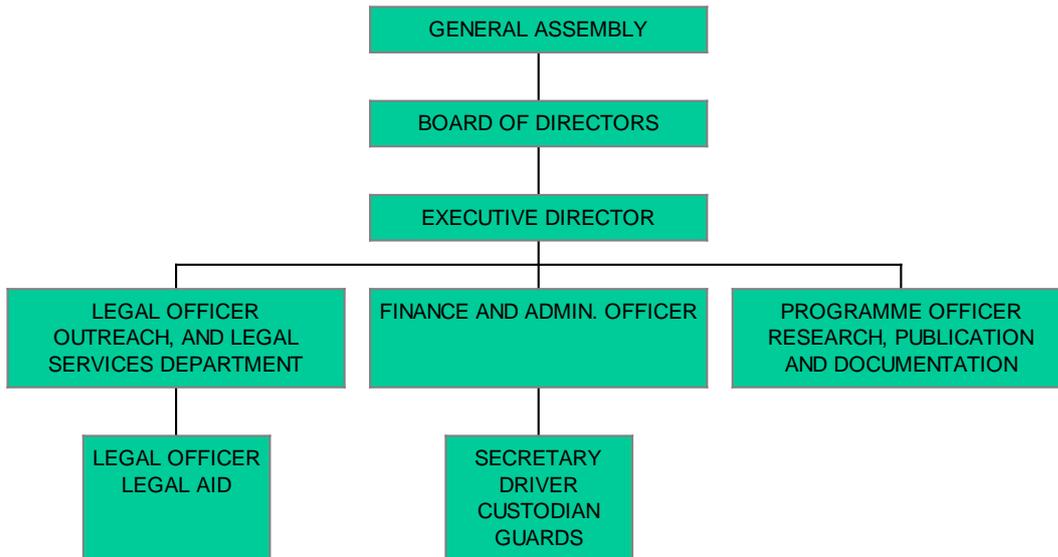
In the course of conducting its activities, advice, counselling, preparation of court documents LHRC has realised the importance of conducting research on various issues related to its projects. The research areas will cover human rights abuses and legal issues related to violation of human rights; such as reproductive health and law, child abuse, laws of inheritance etc.

The Centre as *a member of various networks and coalitions on* specific issues plays a key role in lobbying *and advocating for changes in various spheres. This includes campaigning for a good land law which caters for the interests of all groups.* The Centre also is represented in the Lobby and Advocacy Committee of TGNP which is craving for a Gender Budget Initiative. As a member of WILDAF A Pan African Women's Rights organisation, **LHRC** is involved in the efforts to curb violence against women and all forms of discrimination against women in **all** sectors.

The Centre has an office in Arusha which is a step towards moving its services near its beneficiaries. The Centre has been able to operate through grants extended from donor agencies namely NOVIB, FORD FOUNDATION and FRIEDRICH EBERT FOUNDATION. Through a *consultancy* extended to the Centre by *SIDA of Sweden through* Orgut Consulting Company it has been able

to conduct seven land rights training in Simanjiro District organised by the Land Management **Programme (LAMP)**.

LHRC'S ORGANOGRAM



MESSAGE FROM THE LHRC'S EXECUTIVE DIRECTOR.

An organisation just like a human being grows and as it grows it faces several problems and obstacles. At a certain stage a human being's baby faces teething problems and for the parents this is a sign of growth **and** if a child does not get teeth it creates **worries and seen as a worse problem**. This year the Legal and Human Rights Centre in its growing process has faced some teething problems which in turn has led into another stage in its growth. Some of the problems have been funding, however we are still grateful to our donors, the staff and volunteers of the LHRC who took us through and made us achieve what we have in this year's report.

This year the Centre managed to conduct trainings to several categories of people among them being the law enforcers and local government officials as a fulfilment of recommendations made by our **target** in last year's trainings. **We also had specific training** on land rights and at the same time administering the land rights cases which are pending in court in Arusha High Court and Court of Appeal.

The opening of a legal aid clinic in Dar Es Salaam was one of our greatest achievements for this year and within a short period of time we have noted the great need the people have for such services. The radio program named DARUBINI which came late in the year has **attracted big audience from the public and is therefore contributing in** creating awareness to the whole public of Tanzania. The ground we have covered this year gives us encouragement to continue. **This has reinforced our commitment** to serve the public in the realisation of their legal and human rights for the creation of a just and free society with a human rights culture.

For Human Rights and Prosperity.

Helen Kijo-Bisimba
Executive Director

LHRC.

ACTIVITIES PERFORMED IN 1997

INTRODUCTION:

The LHRC had a plan for 1997 which included the following activities.

1. Para- legal trainings;
 - a) Training of Trainers.
 - b) Training for specific groups i.e.
 - Prison Warders (Dar Es Salaam)
 - Ward Executive Officers (Arusha)
 - Councillors – Moshi
 - (c) Workshop – for Parliamentarians and law enforcers, Police officers and primary court magistrates.
2. Legal Aid Clinic.
3. Publication of legal and human rights materials and Radio Programme.
4. Establishment of Arusha office.
5. Study visits for LHRC management staff.

ACHIEVEMENTS.

- A. **Paralegal Training:** Human Rights, outreach project.

Introduction.

The Para-legal training is an activity by the Centre which answers to the Centre's objective of raising the legal and human rights awareness of the people. The trainings began since 1994. The first to be trained were NGOs and CBO's members of Arusha and Moshi Pastoralists/ hunters and gatherers. From the initial trainings a need to train trainers who could continue training in the specific communities at village level was realised. It was also suggested that local government officials and law enforcers in the areas be trained as they were accused of abusing their powers either because of negligence or ignorance. This position then prompted the Centre to organise training of trainers for the community and specific training for the latter category.

I: *Training of Trainers at community level.*

The objectives of these trainings were:

- To facilitate the generation of knowledge on human rights and laws related to human rights.
- To guide the participants to realise their roles and obligations in the whole process of promotion and observance of human rights.
- To build the capacity of the participants to enable them train others in the area of human rights and law related to human rights.

Two types of training took place in this year;

- i) Training of human rights generally.
- ii) Land rights trainings.

i) *Training of human rights in general.*

This covered the following areas which participants had observed as their needs;

- **Human rights an overview:** This covered – Meaning of human rights.
 - International human rights law an overview.

The Tanzania Constitution and human rights.

- Laws related to human rights;
 - Law of marriage
 - Laws of inheritance
 - Land law
 - Local government
- Specific rights.
 - Rights of the child
 - Police and Citizen’s rights
 - Gender and women’s rights
- Issues in society infringing human rights.
 - Corruption
 - Tradition and cultural practices.

All these topics were covered in five days sessions with a participatory approach where participants worked in groups and made role-plays with the assistance of facilitators. The following is a summary of the trainings.

Date	Place	Number			Type of participants
		Male	Female	Total	
6 - 10/10/97	Katesh District Council - Hanang Katesh	16	14	30	Representatives of Hanang NGOs namely BULGALDA, KIPOK HAWOCODA, HET.
18 - 22/11/97	Kiteto District Kibaya			24	Representatives of KINNAPA Kiteto Based NGO
8 - 13/12/97	Mbulu District			33	Representatives of

	(Yaeda Chini)				Hadzabe and Barabaig Community of Yaeda Chini and Mongo wa Mono villages.

*Picture
(Training)*

ii) **Land rights training.**

The Land Management Programm (LAMP) of Simanjiro District in its activities realised the need for land rights training to the people in that District. The LAMP thus approached the Centre to train trainers from villages where there are big land problems. The aims of the trainings were to;

- Facilitate the generation of knowledge on land acquisition, ownership, use, management and transfer .
- Guide the participant's to realise their role and obligations in the process of land ownership, use and management.
- Build the participant's capacity by equipping them with necessary knowledge for the dissemination of such knowledge to other members of their community.
- Explore with the participants ways under which customary land ownership and management can be integrated appropriately in the statutory land laws

Through the training it was evident by noted that land rights knowledge is vital to the people of that district as a lot of land there is a serious problems in land ownership and mismanagement. The participants of the training came up with

measures to be taken at village level as well as district and regional address that situation. Almost all the groups had the view that there is a need for a new land law which must give authority over land matters to the people who are the main users of land.

Summary of the Trainings (ORKESUMET SIMANJIRO)

Date	Number			Village represented
	Male	Female	Total	
26 th – 30 th /5/97	16	3	19	5
2 nd – 6 th /6/97	11	5	16	4
15 th – 19 th /9/97	15	1	16	3
22 nd – 26 th /9/97	14	3	17	5
25 th –30 th /11/97	10	2	12	5
1 st – 5 th /12/97	8	7	15	6

*Picture
Land Rights.*

II: TRAININGS FOR SPECIFIC GROUPS.

This programme was earmarked for specific groups at government levels who work with people in their daily activities. Although this category is expected to observe human rights of the people they have no formal training in the area and there are many complaints from people that there is a lot of human rights abuse by the category of the officials. These are such as the local government officials, village and Ward Executive Officers, Councillors, police officers, Prison

Warders and Primary Court Magistrates. The Centre then organised specific training for this category.

Main Objectives:

- To equip the participants with the knowledge on human rights and related issues.

Specific objectives.

- To explore with the participants how human rights observance is closely linked with their work.
- To guide the participants to realise their roles and obligations in the whole process of promotion and observance of human rights.
- Facilitate the generation of knowledge on human rights and laws related to human rights.

Training for these group was a challenge in front of the Centre and its realisation was a great achievement. Through the trainings a lot of concern was raised for such trainings to cover all the concerned. Meaning local government officials throughout the country, Prison Warders, Police Officials and Primary Courts Magistrates.

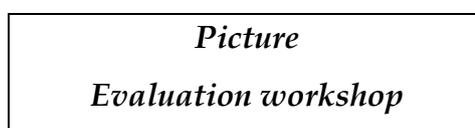
Summary of the trainings

Date	Place	Number			Group
		Male	Female	Total	
7 - 11/4/1997	Ukonga Prison Dar Es Salaam	24	6	30	Prison Warders from Keko, Ukonga and Segerea prisons.
5 - 9/5/1997	A I CC, Arusha	18	9	27	Ward Executive Officers of Arusha Municipality,

					Representatives of Women Councillors in Arusha and Media Persons.
12 - 16/5/1997	KNCU Hotel Moshi	10	8	18	Moshi town councillors and Municipal Administrators.
1 st - 5 th /9/1997	Luther House Dar Es Salaam	15	16	31	Police Officers, Primary Court Magistrates and Journalists.
15 - 19/9/1997	Orkesumet Simanjiro	15	1	16	Ward Executive Officers and Division Secretaries of Simanjiro District and Officials of the Council

Evaluation workshop.

Following the three trainings for Prison Warders, Ward Executive Officers and Councillors, *there* was an evaluation workshop which was *attended by* the representatives from the three groups. The aim *of* the workshop was to assess and share *experiences* on the way the knowledge *gained in the first training* was used and its practicability and problems encountered. This evaluation workshop was held six months after the first trainings at Momela Lodge in Arusha from 27th - 29th October 1997. The workshop proved to be invaluable in stimulating new *lines of* thinking *ideas* and practical answers to problems *they* faced.



B: LEGAL SERVICES PROJECT.

Introduction.

The Legal Services Project consists of a legal aid clinic and litigation of land cases.

The legal aid Clinic: This was established in January 1997 after *the expressed* need *by the public* since the establishment of the Centre. The clinic is based in Dar Es Salaam Magomeni area of Kinondoni District. The Litigation section is mainly on land rights cases of the Barabaig which were inherited from the legal aid committee of the University of Dar Es Salaam. There are two cases which are still pending in the High court and court of Appeal in Arusha.

LEGAL AID CLINIC.

Main objective.

To help indigent people *on their* legal problems *and are lacking* of resources to engage private advocates.

The Clinic was opened to public on the 20th January 1997. *Immediately after being opened it started receiving clients from different sections of the society* from its first day and from *there many* people have visited the clinic with legal problems. Although the aim was to help people from Dar Es Salaam but there were people who travelled from several *parts* of the country to the *clinic* for assistance. There were people from Shinyanga who had a serious human rights abuse case. Masasi is in the South but the clinic received a client from there and others from Moshi, Dodoma etc.

Main activities are;

- *Counselling clients*
- *Giving legal advice*

- **Preparation** of court documents for clients.
- Making reconciliation where possible and writing administrative letters or documents.

The type of issues and category of cases.

Mainly the clinic has received clients with legal issues which vary; Labour, Probate, General Civil matters, Land, Criminal, Matrimonial and related matters. Below is the summary of the clinic performance.

Month	Matri- monial	Inheritance	Civil	Labour	Refu- gees	Land	Criminal	New	Follow Up	Total
January	2	7	5	8		-	21	15	8	23
February	8	6	16	7		1	6	20	24	44
March	8	11	19	12		2	8	35	25	60
April	12	8	13	16		4	1	35	13	48
May	14	10	27	32		2	2	50	31	81
June	20	9	20	40		6	5	65	35	100
July	23	11	16	42		8	4	60	43	103
August	19	15	30	29		12	3	54	43	97
September	8	5	2	12	1	9	2	39	25	64
October	3	5	3	10		8	3	32	15	47
November	6	4	6	6		5	3	30	20	50
December	1	2	3	5		2	2	15	10	25

Follow up of human rights abuse.

As part of legal aid the Centre joined hand with other human rights activists to follow up a case of human rights abuse in Songea town. This was the case of

one free lance journalist *who was convicted* for one year on circumstances which raised doubts. In following up this case it was obvious that he was wrongly accused, convicted and sentenced. A bail pending appeal was lodged and accepted and appeal followed after which he was acquitted by the High Court of Tanzania.

This was one example of cases which the Centre has interest in and could pursue where resources permit. The public raised concern that there are many such cases which need attention. However the public has not as yet reported any such case.

Litigation of land rights cases.

The Centre is administering two land rights cases pending in the High Court and Court of Appeal in Arusha. These cases were instituted since 1988. The cases raises the issue of the Pastoralists right to land as their land was acquired by the government and converted into large wheat plantation leaving these people without enough land and with no water sources. The Centre has taken up these cases as they are representative in nature concerning a group of people namely the Barabaig Pastoralists. The Pastoralists are therefore given free legal aid services in running the two cases. The status of the cases is that one is still on hearing while the other is on appeal.

Publication.

The Centre has published some human rights materials in the year of the report.

- **The LHRC brochure** gives an introductory information of the Centre generally.

Picture
Brochure

- **Translation of the Universal Declaration of Human Rights:** This document was translated into Kiswahili the language used by the majority of the population. This was the Centre's contribution to the launching of the celebrations for the 50th Anniversary of the UDHR. This booklet states the articles of the Declaration with pictorial presentation to elucidate the meaning. This has risen a great demand by all category of people.

Picture
UDHR

- **Police and Citizen's Rights:** This is a booklet in Kiswahili "**Wajibu wa Polisi na Haki za Raia**". This was published as a training material in the training of trainers. However, it has been distributed to individuals, some police officers and legal aid clinic clients.

Picture

- **"How to write a will"** (a leaflet): The Centre printed a leaflet in Kiswahili on how to write a will and the necessity of writing a will. This was distributed to individual, from all walks of life.

Picture

- **Posters:** The Centre printed for distribution a poster which bear the title "**All Human beings are equal**" written in Kiswahili "**BINADAMU WOTE NI SAWA**".

Picture

- **Human Rights Report:** The first human rights report by the Centre was on the “**Extent of Child Abuse: a Newspaper Survey**”. The report shows child abuses as reported in the newspapers from 1st January 1996 to 30th June 1997. The report shows the type of child abuse, number of children abused in the period of time, accused and places where the abuse took place. This report has been distributed to organisations and institutions, as well as to interested individuals.

Picture

Radio Programme

The Centre has a Radio programme known as “DARUBINI” This is a Swahili word that means “ Telescope”. The programme is aired by the National radio, Radio Tanzania Dar Es Salaam. It began on the 1st of October 1997 aired twice a week quarter of an hour, Mondays and Thursdays. The Programme is aimed at sensitising the Tanzanian **community** on their human rights and raising human rights awareness to the public. It is also geared towards raising issues for debate which are of human rights interest. For the three months it has been in operation it has already got listeners who are interested and they send feedback by writing.

- **Research:** The Centre carried a research on the situation of children/youth working in mining areas of Mirerani in Simanjiro District. The Research revealed child use in mining labour and hazards facing such children. The owners of the mines claims that they do not want the children in the mines

while in reality they use the children as cheap labour and easy runners information passing in the mines.

Staff Development.

The Centre has a policy for development of its staff. Which is carried out in various ways. One way is study visits and others are specific trainings relevant to any of the staff.

Computer Training: The Executive Director and the Custodian attended computer trainings.

Specific training;

1. Dar Es Salaam Legal Officer attended a Programme Officer's Course which is a one year programme done *in modules*. He graduated in July 1997.
2. Finance and Administrative Officer attended a fund raising workshop for NGOs. This was a one week course.
3. The Driver (Ally Saidi Mwashongo) attended a Training of Trainers workshop organised by the Legal and Human Rights Centre.

Study Visits

The Executive Director and the Finance and Administrative Officer made a study visit to human rights organizations in South Africa. They visited eleven organizations in Johannesburg and shared experiences and materials.

SEMINARS AND WORKSHOPS ATTENDED.

The Centre has been represented in seminars and workshops relevant to the Centre's objectives.

1. A one day Solidarity Meeting
in Support of BAWATA : Evod Mmanda - Legal Officer
Organizer: : African International Group of
Political Risk Analysis - **PORIS**

2. National Workshop on Law,
Ethics, Human Rights and
HIV/AIDS : 13th - 15th January 1997
Mbagala Spiritual Centre
Participant : Helen Kijo-Bisimba - Executive
Director.
Organisers : National Committee HIV/AIDS.

3. African Regional Conference on
Trafficking in Women. : 29th - 31st January 1997
: Kampala - Uganda
Participants. : Helen Kijo-Bisimba - Executive
Director
Organisers. : Associates for change - The
Executive Director with one
Other participant represented
Tanzania in this conference
Where a report on Trafficking in
Women in African Region was
Launched.

4. Strengthening awareness and
NGO advocacy capacity on Human
Rights in East Africa and the
Great Lakes region : 19th – 22nd February 1997
Participant. : John Wallace – Legal Aid Clinic
Volunteer.

This was a training seminar
Which included media as well
As NGO personnel in the region.

5. Inheritance Rights in E. Africa : 16th – 20th March 1997
Participant. : Kabale and Kampala – Uganda
: Helen Kijo-Bisimba – Executive
Director.
Organiser: : Mazingira Institute Kenya.

This was a study visit and
Sharing information on
Inheritance rights as well
As use of Para legals in
Human rights education.

6. Women's development in
Tanzania : 3rd – 4th April 1997. –
Kilimanjaro Hotel, Dar Es
Salaam.
Participant : Helen Kijo-Bisimba – Executive
Director.
Organiser : Parliamentary Committee on
Women and other groups of

Tanzania Parliament.

The Executive Director
Presented a paper on the
Need for a partnership with
Men in women's development.

7. Mini Consultation: Media
And Advocacy : 7th - 10th May 1997- Uhuru
Hostel - Moshi.
- Participant : Alex Mgongolwa - Volunteer
- Organisers : EASUN a regional support
NGO servicing civil society
Organisations in East
Africa.
8. Seminar for Women
Secretaries of Christian Council
Tanzania (CCT) : 12th May 1997
- Participant : Executive Director
- Organiser : Christian Council of
Tanzania.
- The Executive Director
Was invited to facilitate
A topic on Women's Rights
And the Church.
9. Regional Workshop on
Advocacy : 4th - 7th August 1997 -

Johannesburg, South Africa.
Participant : Evod Mmanda – Legal Officer
Organiser : CORE

The Legal Officer was invited and presented a case study on human rights issues in Tanzania.

10. Regional Workshop on
Strengthening human rights
Education and Advocacy capacity
In East Africa

: 4th – 8th August 1997 – Jinja
Uganda.

Participant : Executive Director
Organiser : Human Rights Network Uganda
(HURINET).

This was a training for top Officials of human rights NGOs In Eastern Africa.

11. Human Rights Workshop
On Lobbying and Advocacy

: 1st – 5th September 1997 –
Blantyre, Malawi

Participant : Alex Mgongolwa – Volunteer
Organisers : Southern Africa Human
Rights NGOs Network
(SAHRINGON).

12. New Africa Initiative: working
 For synergy : 12th – 14th October 1997, Addis
 Ababa, Ethiopia.
- Participant : Executive Director
- Organiser : Organisation for social science
 Research in Eastern
 And Southern Africa (OSSREA)
- The Centre is among key
 Supporting organisations and
 Key reference groups of the
 New Africa Initiative.

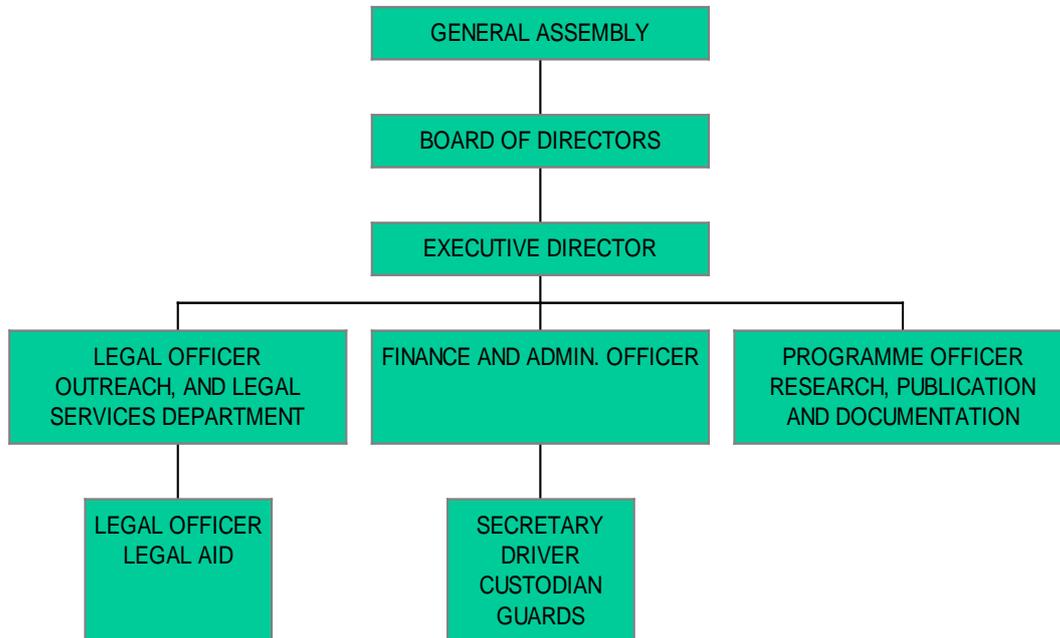
GENERAL LOBBYING AND NETWORKING.

The Centre is represented in **networking** and lobbying initiatives in the country. The Centre is represented in the Tanzania Gender Network Programme Lobby and Advocacy Committee. The campaign at hand is Gender Budget Initiative. The Centre is represented in the campaign on the new land law in the land task force (KATAA).

The Centre was represented in the campaign initiated by TAMWA on the need for the formation of a human rights commission of Tanzania. The Centre is a member of the Women in Law and Development in Africa, and as a member has been involved in the 16 days campaign against Gender Violence.

LHRC INFORMATION.

LHRC'S ORGANOGRAM



The Centre has also been represented in several initiatives such as the formulation of NGO policy in Tanzania, formation of an Apex NGO body and the Centre is a member of the National Committee for the celebrations of the 50th Anniversary of the Universal Declaration of Human Rights.

THE BOARD OF DIRECTOR'S 1997

Justice Kahwa Lugakingira	:	Board Chairman.
Dr. W. Ringo Tenga	:	Member
Dr. Sengondo Mvungi	:	Member
Dr. Wilbert Kapinga	:	Member

Martin Saning'o	:	Member
Ms. Marie Shaba	:	Member
Ms. Ananilea Nkya	:	Member
Ms. Josephine Kashe	:	Member
Ms. Rose Camil	:	Member
Ms. Martha Bulengo	:	Member
Ms. Helen Kijo-Bisimba	:	Secretary

THE STAFF OF LHRC

Helen Kijo-Bisimba	:	Executive Director
Evod Mmanda	:	Legal Officer - Dar Es Salaam
Anna Mghwira	:	Legal Officer - Arusha
Ezekiel J. Massanja	:	Finance and Administrative Officer
Theresia Kinabo	:	Secretary
Nipael Kiondo	:	Custodian
Ally Said Mwashongo	:	Driver/Messenger
Said Mohamed	:	Guard
Ahmed Mbinga	:	Guard.

VOLUNTEERS: LEGAL AID CLINIC

Mr. Bernard Ngatunga	:	Advocate
Mrs. Zainab Muruke	:	Lawyer
Mr. John Wallace	:	Lawyer
Mr. Living Raphael	:	Lawyer

Ms. Marycia Luther : Secretary
Mr. Gilbert Nicolaus Lubigili : Guard
Miss. Jane Simba : Cleaner

General Volunteers: : Mr. Alex Mgongolwa
: Miss. Jane Magigita

FINANCES

For the year of this report the Centre is grateful to the several donors who enabled it to perform the activities mentioned in this report.

- NOVIB – Netherlands
- Ford Foundation (East African offices)

- FES (Dar Es Salaam office)
- Orgut Consulting AB - Dar Es Salaam office