

# Legal and Human Rights Centre

## Annual Progress Report 2007



Human Rights:  
Unconditional Value for Human Life

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## ABBREVIATIONS

AMREF	Africa Medical and Research Foundation
BoT	Bank of Tanzania
CBOs	Community-Based Organizations
CCM	Chama Cha Mapinduzi
CHRGG	Commission for Human Rights and Good Governance
CPI	Corruption Perception Index
DC	District Commissioner
DCI	Director of Criminal Investigation
DPP	Director of Public Prosecution
FACEIT	The Fight Against Corrupt Elements in Tanzania
FemAct	Feminist Activist Coalition
FGM	Female genital mutilation
FIDH	Fédération Internationale des droits de l'Homme (International Federation for Human Rights)
HIV /AIDS	Human Immunodeficiency Virus / Acquired immune deficiency syndrome
ICCPR	International Covenant on Civil and Political Rights
ITV	Independent Television
LACs	Legal Aid Clinics
LHRC	Legal and Human Rights Centre
LSRP	Legal Sector Reform Programme
MDG	Millennium Development Goals
MKURABITA	<i>Mkakati wa Kurasimisha Rasilimali na Biashara Tanzania</i> ; it is a Kiswahili translation of Tanzania's Property and Business Formalization Programme (TPBP)
MP	Member of Parliament
NBS	National Bureau of Statistics
NPA	Norwegian People's Aid
NGOs	Non-governmental organizations
Novib	Netherlands Organization for International Development Cooperation
OCD	Official Police Commander
OD	Organization Development
PCCB	Policy Forum and the Prevention and Combating Corruption Bureau
PEDEP	Primary Education Development Plan
RDC	Richmond Development Company
SALAN	Southern Africa Legal Aid Network
SEDEP	Secondary Education Development Plan
TANESCO	Tanzania Electric Supplies Company
TANLET	Tanzania Legal Education Trust
TGNP	Tanzania Gender Network Programme
TVT	Televisheni ya Taifa ( <i>National Television</i> )

UDHR  
USA  
WiLDAF  
YWCA

Universal Declaration of Human Rights  
United States of America  
Women in Law and Development in Africa  
Young Women Christians Associations

## MESSAGE FROM THE BOARD CHAIRPERSON



Every year as the LHRC brings to the public what it has managed to perform for the year there is a sense of contentment on one side and a sense of anguish on the other side. This situation is brought about by the extent the Organisation has managed to work towards the accomplishment of its mission and the planned work for the year. At the same time there is an obvious workload which seems to have not been touched due to the true facts that human rights work in the country is bulky. Although we know that our work contributes to the work being done by many other people yet knowing the needs of the people just push our anxiety high. The year 2007 was the LHRC's 12<sup>th</sup> year in its existence. Looking back from where we began we can draw a chart going up in terms of Organisational growth and also in terms of moving towards our mission and vision. We envision a just and equitable society. There are plenty of signs in the just angle.

In 1995 when we began awareness creation in the villages of Gehandu, Misenyi, Yaeda Chini, Terrat etc. It was not so evident that twelve years later there will be people in those communities who would stand up and challenge the authorities on issues concerning their lives. In this reporting year we observed people in some of the areas we have worked questioning their village government and the district council on the issue of land use and land allocations. The people cited the land laws which are clear on the role of the village assembly on land matters. This one example is an evidence of achievements in the work towards empowering the public. However during the year there were still human rights violations taking place in the society such as eviction of people in Geita to give way to investors, extra judicial killings as well as a new trend of violation by people in the society killing albinos. As we celebrate achievements we also condemn the violations of

human rights by the State as well as the cruelty done by people at society to other people.

The work done by the LHRC and other Human rights organizations is a struggle and as a struggle it is necessary to use all kinds of means to ensure what we are calling for is heard and there is a change in our society.

The LHRC is proud to inform the public that this year the long awaited Gender policy of the organization was approved by the Board of Directors of the LHRC in November 2007. The Policy is to further strengthen the Organisation's commitment to advocate for gender equality and equity in the country. This has to be done through practice for the LHRC leading through example

***“The Gender policy is a tool to ensure the LHRC's programs are created and maintained in a way that results reflect Gender sensitivity and equality”<sup>1</sup>***

This is one of the cross cutting issues together with HIV/AIDS. In this year the LHRC continued to implement the workplace HIV/AIDS policy created in 2005. This pandemic is a threat to human rights and can be used to violate human rights so our work for human rights covers this area also.

All the work reported here was done through many hands, heads and support. The Board and members of the LHRC are grateful to the LHRC's staff for their commitment to this noble pursuit, the LHRC appreciates the cooperation given by Organisations working for human rights, Gender and Democracy. Most of our financial support was received from our Partners who continued to have trust in our work and supported it. Thank you to the Ford Foundation, NOVIB, TROCAIRE, Embassy of Sweden, Norwegian People's Aid (Norwegian

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<sup>1</sup> LHRC, Gender Policy page 4

Embassy) and the Finland Embassy. Human rights can be a reality to the people of Tanzania and to the people of the world if everyone begin to think human rights and act human rights. If I may repeat some of my past reflections I will say this again that:

***“Our challenge is to ensure that people are able to experience and view Human rights as a reality not a mere illusion”<sup>2</sup>***

As you read this report, join the LHRC as we move with a Human Rights agenda.

**Bishop Elinaza Sendoro**  
**CHAIRPERSON - LHRC**

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<sup>2</sup> LHRC A creation of Human Rights culture Annual Report 2004, page (VIII)

## MESSAGE FROM THE EXECUTIVE DIRECTOR

Dear Friends and Colleagues,

Once again let us share with you this years' achievements, challenges and some opportunities. In this year we began to implement the six years Strategic plan 2007-2012. It was exciting to launch Watch Panels which was a new approach we have embarked on in our Public engagement outreach work. When the Watch



panels were being formalized a lot was happening in the governance area of the country; the issues relating to corruption and malpractice were being raised in the Society. It was the time when the Parliament was being troubled by outspoken opposition members to the extent of one member being expelled from the house for several months. The Public was seen raising voices and challenging and questioning what they thought was not up to their expectation - the Buzwagi contract, the BOT twin towers, EPA funds were again talks in the streets. The LHRC had to monitor all these trends and issued statements when appropriate.

The Watch panels met and directed discussions related to the Government governance, the independence of the Parliament and the justice from the judiciary.

Monitoring of human rights was still one of our core activities as we joined other organization in addressing the plight of the Pastoralists who were evicted from the Ihefu valley, the Geita families evicted to give way to investors and so on.

It was by surprise that we found out that 500 students were out of school in Kiteto as their school was closed down for reasons not understandable. The

intervention we made helped to some extent as the Minister for Education then Madam Margaret Sitta visited the area and gave instructions on the welfare of the Children. When fourteen people were short dead by Police in Moshi, Kilimanjaro there was no way we could have kept quiet although the act was praised by many people. For the LHRC human life has to be protected at any cost - a fact finding was done and a report prepared for the Public to know what our observations were.

This year found our Human rights Monitors being targeted due to their activeness in revealing human rights abuses and challenging human rights violence and governance issues. The cases against them were handled by our advocates. Some of the cases have been dropped while one is still pending in Court.

The evaluation we carried for the work done to train village legal workers for ten years in four districts of Babati, Kiteto, Simanjiro and Singida revealed the extent over which the trained village workers have helped to ensure the new land laws are known to the people and to the newly formed land institutions.

In this year 13,971 Clients visited our three Legal aid Clinics which is about 50% increase compared to 9,466 Clients who visited the LHRC in 2006 – notably was the increase of women seeking legal assistance. In 2007 a total number of 4,505 women received assistance from our Legal aid Clinics – this is 68% increase compared to 2006 where only 2,682 women visited the Clinics and got assistance. This is a positive indication that women can now move out for justice.

The major challenges faced in this year are the so many issues which came to the LHRC's attention with no matching capacity. It was also not very easy to get information needed on time for us to take action on some of the issues we

followed up. The Nyamuma victims of human rights abuse since 2001 October were still searching for their rights by the end of 2007 with the Courts being silent on the ruling being awaited on notice and a hearing date for the Court of Appeal case. This was an uphill task on part of justice to the people some of whom were threatened by death.

The achievements together with the challenges are the means pushing the LHRC towards its vision of a **Just and Equitable Society**.

**Helen Kijo-Bisimba**  
**Executive Director**

**BACKGROUND AND ORGANIZATION OF THE CENTRE**

**Introduction:**

The Legal and Human Rights Centre (LHRC) has been operational since September 1995. It is a private, voluntary, non-profit and non-partisan organization 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). The LHRC is mandated to operate throughout the country, Tanzania. It has its head quarters in Dar es Salaam at Justice Lugakingira House – Kijitonyama, regional office in Arusha and two other Legal Aid Clinics in Dar es Salaam (Buguruni and Magomeni).

**Vision**

The LHRC envisages a just and equitable society.

**Mission**

LHRC is a non-profit making, non-partisan non-governmental organization striving to empower the public, promote, reinforce and safeguard human rights and good governance in Tanzania.

**Broad objective**

The main objective of LHRC is to create legal and human rights awareness and empowerment among the general public and, in particular, the underprivileged sections of the society through legal and civic education, advocacy, research, follow up of human rights abuses and provision of legal aid.

**The mandate and scope of LHRC**

The organisation is authorized to provide its services anywhere in Tanzania. Its Memorandum and Articles of Association provide the basis for defining the organisation’s mandate and scope of work. Currently there are programs conducted in five regions namely, Dar es Salaam, Arusha, Manyara, Mara and Morogoro together with other programs, like human rights monitoring, covering the entire country.

Currently, the Centre has extended the program to include Mwanza and Shinyanga regions

### **Target Groups**

The target groups or beneficiaries of the Legal and human Rights Centre (LHRC) include the indigents, women, children, youths, men, disabled, politicians, policy makers, legislators, law enforcers, community leaders, influential people, civil society organizations, the general public, regional and international organizations and the corporate sector. More than 500,000 Tanzanians directly benefited from this project during 2007 while about more than six million people benefited indirectly through radio and television programs.

### **Strategic Direction**

In 2007, the LHRC embarked on a new strategic framework, a three-year operational plan. In its plan, the LHRC has formulated a programme that encompasses three (3) broad purposes to be translated into action between 2007 and 2009.

The three purposes are aimed:

- to improve policy and legislative framework and community capacity for social justice
- to strengthen partnership for human rights and good governance
- to improve institutional capacity building to ensure good performance and sustainability of the organization

To achieve these aims, the Centre has embarked on a number of strategies. These include strengthening strategic alliances with like-minded organizations and individuals; implementing effective advocacy for good governance in the country, devising means to capture the needs of the beneficiaries of the Centre, making effective use of mass media, strengthening the administration of research and putting in place an effective human resource development system for efficient service delivery.

### **Funding**

The LHRC is supported by Partners who have agreed to fund its programmes and contributed to a basket funding. In this year, the funders contributing to the programme were NOVIB, Embassy of Sweden, Embassy of Finland, TROCAIRE, and Norwegian People Aid (NPA). Some support came from specific organizations the LHRC had partnership with, such as Equality Now, Orgut Consulting, PEM Africa and Futures Group.

### Basket Funders

NOVIB
Ford Foundation
Embassy of Sweden
Finland Embassy
Norwegian People's Aid
TROCAIRE

### Project Funders

Equality Now
PEM Africa
Orgut Consult
Futures Group

## Organisation of the LHRC

### Membership

The LHRC has a membership of 57 individuals. The Members form the Annual General Assembly which is the highest organ of the organization. The members meet annually for taking up their oversight role to ensure the organization is within its mandate and scope. They also deliberate on the contextual framework of the organization while receiving the Audited Financial Report and the Annual Report. The work done by the AGM will be reported in this report under the Finance and Administration section.



*Members and Invited Guests at the LHRC's 6<sup>TH</sup> AGM*

## **The Board of Directors**

The Board of Directors is the governance body of the organization which has the responsibility for setting Policies and ensuring the results from the policies. The Board approves plans and budgets while receiving and review reports of the Management.

In this year the Board had 8 members namely;

- Bishop Elinaza Sendoro - The Chairperson
- Prof. Palamagamba Kabudi - The Vice Chairperson
- Dr. Sengondo Mvungi - Member
- Mr. Peter Azaria Mbughuni - Member
- Ms. Joyce Mhaville - Member
- Ms Rose Camil - Member
- Mr. Martin Saning'o - Member
- Adv. Alex Mgongolwa - Member
- Ms. Helen Kijo-Bisimba - Secretary
- Mr. Leonard Elias - Member – Staff representative (ex officio)

## **LHRC Staff**

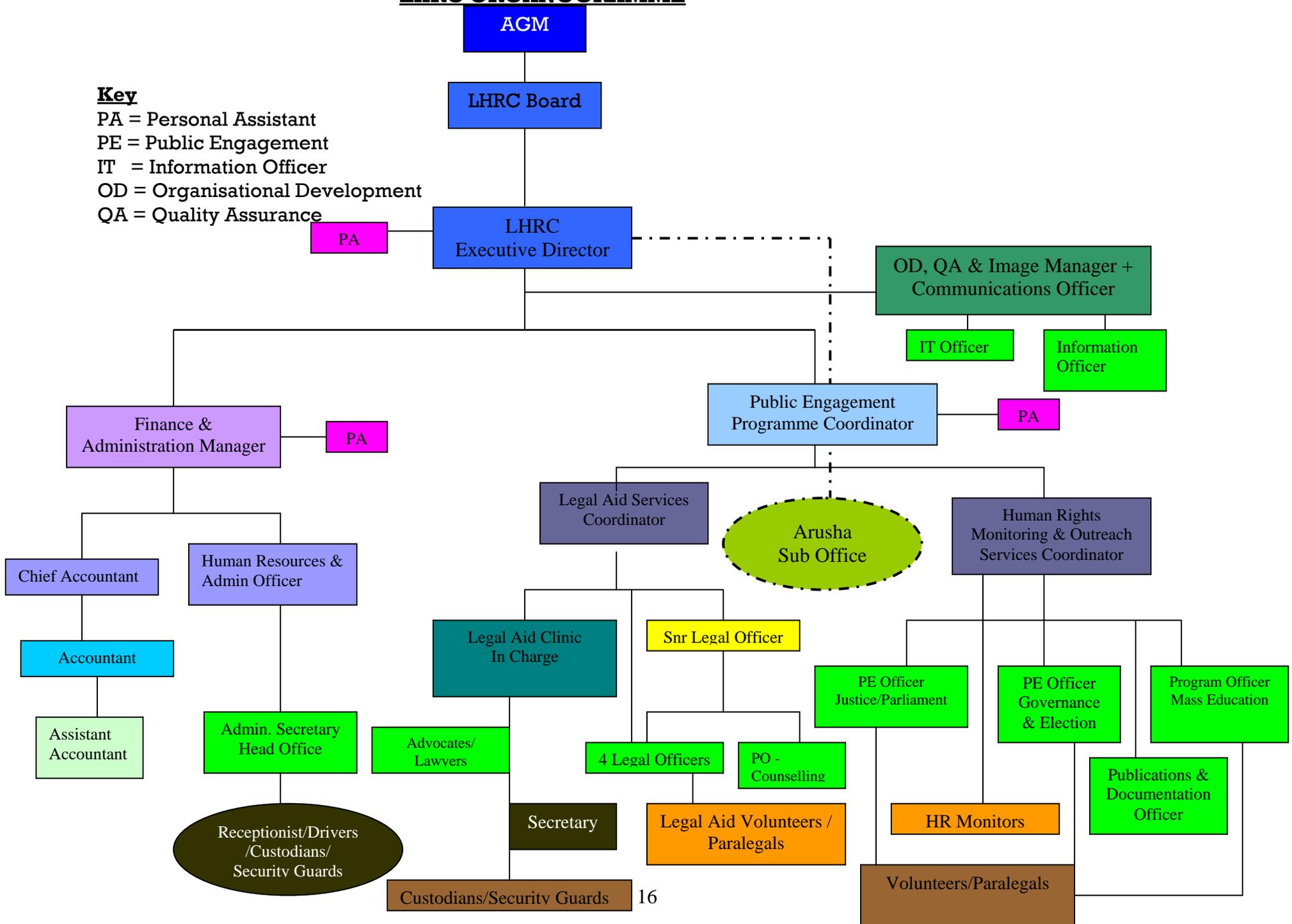
The LHRC is managed by the Executive Director who is the Chief Executive Officer and responsible to the Board of Directors. The Executive Director works with a Management team and Staff. There are full time staff as well as volunteers and interns. In 2007 the LHRC had a Staff of 48 full time staff, of which 16 were females and 32 were males, 16 volunteers and 2 international corporants.

We also worked with Advocates who were ready to undertake *probono* cases of our clients as well as our strategic and public interest cases.

# LHRC ORGANOGRAMME

**Key**

- PA = Personal Assistant
- PE = Public Engagement
- IT = Information Officer
- OD = Organisational Development
- QA = Quality Assurance



## **HUMAN RIGHTS TREND IN TANZANIA - 2007**

### **Introduction: The General Trend**

The year 2007 was the 59<sup>th</sup> anniversary of the Universal Declaration of Human Rights (UDHR). Tanzania engraved the UDHR in its Constitution<sup>3</sup> under Article 9(f). The year 2007 also marked the 23<sup>rd</sup> year since the Bill of Rights and Duties was incorporated in the Constitution of Tanzania<sup>4</sup>. Despite the lengthy period of time that has passed since these two monumental commitments to human rights, it seems that the challenges still outweigh successes with respect to Tanzania's commitment to the human rights protections and promotions.

On December 30<sup>th</sup>, 2005, President Jakaya Mrisho Kikwete vowed that his Fourth Phase Government would respect and protect civil and political rights and freedoms<sup>5</sup>. However, the gap between the political commitment made and the present reality is immense. Human rights violations are exacerbated by presence of bad laws and practice which do not conform to the UDHR and other international human rights instruments; corruption; lack of political commitment; unawareness and many other problems.

The machineries such as Judiciary, Police and Prisons established by the government under Acts of Parliament continued to be blamed of malfunctioning; other institutions created to monitor observance of human rights and good governance<sup>6</sup> do also face legal and practical challenges. Their narrow mandates and impunity by public leaders are some of them.

The level of human rights awareness is still low. The burden to safeguard promotion of human rights and good governance is overwhelmingly on the shoulders of the civil society organizations (CSOs) which unfortunately do not meet a big demand of people who want legal and human rights services.

This brief contextual analysis brings forth some highlights of the 2007 human rights situation in Tanzania. Much as this analysis appreciates the effort done

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<sup>3</sup> The Constitution of the United Republic of Tanzania of 1977.

<sup>4</sup> It was incorporated in the Constitution of Tanzania in the year 1984 following the 5<sup>th</sup> Constitutional Amendment. But the Bill became operational in 1988.

<sup>5</sup> The Speech by the President of the United Republic of Tanzania, His Excellency Jakaya Mrisho Kikwete, on inaugurating the Fourth Phase Parliament of the United Republic of Tanzania, Parliamentary Buildings, Dodoma, 30<sup>th</sup> December 2005. See page 4 of the English Version Speech.

<sup>6</sup> There are; The Commission for Human Rights and Good Governance (CHRGG) and the Ethics Secretariat Commission.

by the government in some few aspects of human rights situation, the report focuses mainly on the areas which need improvement.

The highlights are disbursed into three major categories for easier understanding. The three categories are; firstly, situation of civil and political rights; secondly, the situation of social and economic rights; thirdly, the situation miscellaneous human rights issues including the HIV/AIDS, prisons, corruption and abuse of powers.

## **The Contextual Situation**

### **2.1 Situation of Civil and Political Rights**

Civil and political rights encompass a broad range of concepts, including all rights relating to citizenry and governance affairs. The rights include, the right to life, torture, equality before the law and access to justice, freedom of expression, information and press; the rights to freedom of association, assembly and to take part in the governance of the country. This report analyses some of those rights under this first category.

#### **a) Death Penalty**

Tanzania's *Penal Code* still provides for the use of the death penalty as the mandatory punishment for both treason and murder convicts.<sup>7</sup> Under the *National Defence Act*,<sup>8</sup> misconduct of a commander or any service man in the presence of an enemy is also punishable by death. In Tanzania, the death penalty is to be carried out by way of hanging.<sup>9</sup> As of 2007, 133 countries around the world had abolished the death penalty in law or practice, while 64 countries (Tanzania inclusive) still retained and used it.<sup>10</sup> Tanzania has not yet ratified the *Second Optional Protocol to the ICCPR*, the purpose of which is to abolish the death penalty. According to a survey conducted by the LHRC between January and October 2007, public sentiment on the use of the death penalty appears to be mixed in Tanzania.<sup>11</sup> Some of them are in support of it

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<sup>7</sup> *Penal Code*, Cap. 16 of the Revised Edition 2002 of the Laws of Tanzania.

<sup>8</sup> *National Defence Act*, Cap. 192 of the Revised Edition 2002 of the Laws of Tanzania

<sup>9</sup> See section 26(1) of the *Penal Code*. However, section 26(1) also states that women who are pregnant at the time of sentencing shall be given a life sentence instead. Section 26(2) states that a death sentence shall not be given to a person who at the time of the commission of the offence is under 18 years. The person shall instead be detained in a place and under conditions as the Minister responsible for legal affairs may direct.

<sup>10</sup> Amnesty International, "Death Penalty" (30 October 2007), online: <http://www.amnesty.org/en/death-penalty>.

<sup>11</sup> The survey conducted by LHRC was not distributed throughout the whole country. It was distributed randomly in various districts of Tanzania including: Simanjiro, Kiteto, Maswa, Bariadi, Ukerewe, Ilala, Magomeni, Temeke, Dodoma, Babati, and Mbulu. More than 700 questionnaires were collected. There were 263 responses to the question about the death penalty.

and others are against it. Majority of who were interviewed during LHRC seems to be against it<sup>12</sup>.

### **b) Extra-Judicial Killings by State Organs**

In 2007, a number of extra-judicial killings took place throughout the country. One example is the Killings of 14 Alleged Bandits from Kenya who were alleged to have been in the process of planning the robbery of Exim Bank along Boma Road in Moshi district, Kilimanjaro region were shot and killed by the police at Mailimoja area, Hai district in Kilimanjaro region.<sup>13</sup> The Tanzanian police report indicated that there was a shootout between the police and the alleged bandits, resulting in their death. However, during the fact-finding mission, several inconsistencies emerged from the police's version of how the events occurred; one of which is that it was reported that the 14 alleged bandits were traveling in one small car called *Suzuki Vitara* which have only five seats for passengers. It is implausible that all 14 individuals could fit in a car of that size. It was also stated that there were also other two vehicles with six occupants. Also, according to the media some NGOs from Kenya such as the Oscar Foundation have stated that some of the bodies bore marks of torture before they were shot. This fact contradicts the police's statement that the alleged bandits were killed on the spot at the same time.

### **c) Mob-violence**

Statistical information kept by Tanzania's police force headquarters indicates that total of 307 people (not incidents as LHRC recorded for 2006) died between January and October 2007 because of mob violence. Approximately 95% of the victims of mob violence were men. Mbeya had the most incidents of mob violence, followed by Dar es Salaam and Tabora. The surveys reveal that, the opinion of most people is that lack of confidence in the police (among other factors) is the cause of the mob violence.

### **d) Killings due to belief in witchcraft**

Elderly people and Albinos are often the target of witchcraft-related killings or violence. For instance, in January, 2007, Mwanza Regional Police Commander Zeloth Stephen stated that 238 elderly people had been murdered in the past two years due to witchcraft beliefs. He further stated that twenty so called witch doctors had been arrested in connection with some of these deaths in Geita, Magu, Misungwi and Sengerema Districts.<sup>14</sup> Also,

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<sup>12</sup> Total of 173 respondents out of 263 said that the penalty is actually ineffective.

<sup>13</sup> LHRC, "Fact-finding mission on the Extermination of 14 alleged bandits from Kenya killed at Mailsita area, at Hai District in Kilimanjaro Region", conducted October 6-11, 2007. During that time, the research team traveled to Hai district, where the incident occurred, and interviewed number of residents and other officials.

<sup>14</sup> George Ramadhan "Police arrest twenty over Mwanza killings" *The Guardian* (Tanzania) (19<sup>th</sup> January 2007).

From October and mid-December 2007, more than 20 Albinos were killed. Most of these killings took place in Arusha, Mara, Shinyanga, Mwanza and Kagera. The killings are believed to have been motivated by a superstitious belief that one can gain wealth through the body parts of Albinos.<sup>15</sup>

#### **e) Access to Justice and Fair Trial**

Is marred by number of factors such as lack of legal representations, judicial corruption, lack of nearby courts and/or tribunals established by various laws and more seriously delay of cases. For instance, in March 2007, more than 500 remandees from Keko and Segerea, Dar es Salaam and from Arusha boycotted court sessions in Iringa, protesting delays in the investigations of their cases. Some of them complained that they had spent up to ten (10) years in remand prison, awaiting completion of the investigations in their case.

#### **f) Freedom of the Media**

In the year 2007, same bad laws which appear to be a threat to the right to freedom of the media, did remain in force without being amended as human rights activists and media people suggest from time to time. It has been said that several laws in Tanzania have historically limited freedom of expression and freedom of information. For example, the *Newspapers Act*<sup>16</sup> allows the government to order a newspaper to cease publication if it is against public interest or in the interests of peace and good order to do so.<sup>17</sup> The *National Security Act*<sup>18</sup> allows the government to control the dissemination of information that goes to the public. Furthermore, the *Broadcasting Services Act*<sup>19</sup> allows the government to regulate electronic media.

#### **g) Freedom of Association**

In Tanzania, there are various laws that govern the right to freedom of assembly. Those laws include the *Employment and Labour Relations Act, 2004*,<sup>20</sup> the *Political Parties Act, 1992*<sup>21</sup> and the *Non-Governmental Organization Act, 2002*.<sup>22</sup> Some of the provisions of these laws inhibit the realization of the right to freedom of association rather than protecting it. For instance, Subsection 35(1) of the *Non-Governmental Organization Act, 2002* provides for criminal sanctions against NGOs operating without registration.<sup>23</sup> This is

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<sup>15</sup> LHRC Newsletter, January 2008. Information about these murders was obtained by LHRC's information officer in an interview with Mr. Samwel Mluge, General Secretary of the Tanzania Albinos Association.

<sup>16</sup> Cap. 229 of the Revised Edition 2002 of the Laws of Tanzania.

<sup>17</sup> Section 5 of *the Newspapers Act, supra*.

<sup>18</sup> Cap 47 of the Revised Edition 2002 of the Laws of Tanzania.

<sup>19</sup> Cap. 306 of the Revised Edition 2002 of the Laws of Tanzania.

<sup>20</sup> Act No. 6 of 2004.

<sup>21</sup> Cap. 258 of the Revised Edition 2002 of the Laws of Tanzania.

<sup>22</sup> Act No. 24 of 2002.

<sup>23</sup> The sanctions are fines not exceeding T.Shs 500,000 and/or term of imprisonment not exceeding 1 year.

considered a threat to freedom of association because it distorts the full realization of freedom of association.<sup>24</sup> Also Section 46 of *Employment and Labour Relations Act, 2004* puts the requirements for registration of an association. One of the requirements is that the trade union “has been registered at a meeting of at least 20 employees.”<sup>25</sup> How about companies or institutions with less than 20 employees?

#### **h) The Right to Take Part in Governance**

Number of factors still erodes full realization of this right. Some of the factors are unequal representation of women and men in governance, private candidacy and the right to vote for certain group of people who are eligible voters. As the *National Elections Act*<sup>26</sup> does not provide for any method of voting apart from appearing at a polling station, prisoners and those who cannot travel due to disease or disability also cannot exercise their democratic right to vote.

The Constitution and the elections laws of Tanzania do not allow private candidacy<sup>27</sup>. A person who wants to contest for any political post must be sponsored by a registered political party. It is anticipated that, private candidacy will enhance participation of citizen in the governance of the country. It will widen the level of political competitions especially against the political parties which do not honour their promises to the people.

### **2.2 The Situation of Social and Economic Rights**

Economic and social rights are found in the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, other regional human rights instruments and in some of Tanzania’s domestic laws. However, most of the socio-economic rights<sup>28</sup> enshrined in the *ICESCR* are not incorporated in the Bills of Rights<sup>29</sup> of the Constitution of Tanzania. A range of socio-economic rights include the labour rights; right to won properties; right to health services and right to education. This report highlights some of them.

#### **a) Labour Rights: Right to Work vs. Unemployment Rate**

Unemployment is one of the major challenges which corrode the realization of the right to work. Most of Tanzanians are not employed and therefore are economically poor. The results of *Labour Force Survey of 2006* on who can

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<sup>24</sup> *Tanzania Human Rights Report (2006)*, *supra*, pgs. 33-34.

<sup>25</sup> See Section 46(1)(d) of the *Employment and Labour Relations Act, 2004*.

<sup>26</sup> Cap. 343 of the Revised Edition 2002 of the Laws of Tanzania.

<sup>27</sup> See Articles 21, 39 and 67 of the *Constitution of Tanzania*.

<sup>28</sup> Example, the right to education and the right to affective and affordable health services.

<sup>29</sup> Bill of Rights is part three of the Constitution of Tanzania (Articles 12 – 29). It covers ranges of human rights and duties. It was incepted in the Constitution of Tanzania in the year 1984 and come in to force in the year 1988.

work in 2006 indicated that at least 20.6 million (mainland) Tanzanians have the ability to work.<sup>30</sup> The average number of primary, secondary and university graduates for each year who enter job market annually is estimated at 700,000, but only 40,000 get employment in the formal sector<sup>31</sup>. As a result majority of youth in Tanzania are unemployed persons, who are from time to time get harassed by the city authorities. Honourable Jakaya Mrisho Kikwete, the fourth government president of Tanzania promised to create 1 million jobs between 2006 and 2010 which requires the creation of 250,000 jobs per year. To date the government has not offered any information to suggest they are on pace to accomplish this goal. This pace indicates that the government will only create approximately 200,000 employment opportunities by 2010.

### **b) Right to Own Property**

The *Customary Laws Declaration Orders of 1963*<sup>32</sup> prohibits women from owning clan land through inheritance; thereby contradicting the right of every person to own property found in the Constitution of Tanzania<sup>33</sup>. Note that under the Customary Law in Tanzania, women are not eligible to inherit and own clan land from their husband, sons, fathers and other male relatives. Additionally, women are restricted from disposing of clan land and other properties. Other violations which are done to the detriment of this right relates to unlawful evictions especially in upcountry regions. The effects of unlawful eviction of the then Nyamuma villagers by the government in the year 2001 still persist to date. In the year 2001, the District Commissioner and Officer Commanding District for Serengeti District ordered the eviction, burning of villagers houses, torture and harassment of the Nyamuma's residents in a bid to remove them from the alleged game reserve. At that time, the residents were evicted by government officials from their land. Following the claim of the villagers the Commission of Human Rights and Good Governance (CHRGG) conducted an investigation about the eviction and in 2004, ordered adequate and fair compensation to the villagers for their properties. But the government refused and still refuses to date to adhere to the recommendation of the CHRGG.

### **c) Right to Natural Wealth and Resources**

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<sup>30</sup> *A Labour Force Survey, 2006* at pg. 2.

<sup>31</sup> Tanzania Human Rights Report 2006, pg 41

<sup>32</sup> Government Notice Number 279 of 1963.

<sup>33</sup> Article 24 of the Constitution of Tanzania.

Natural resources' sectors, especially the mineral sub-sector, have also not yet directly benefited the surrounding communities. For instance, while millions of dollars are obtained from the mining sites in Tanzania, the communities within which the sites are found are not sufficiently benefiting; instead, they are often being ordered to vacate their residences and give room to foreign investors. The on going saga of the Mtakuja Street's residents against the Geita Gold Mines of Geita district is a good illustration. 86 families (including more than 250 people) were ordered by the government to vacate their domicile, claiming that, the land on which they were residing is the property of the mining company. They are now living under a very pathetic situation. It is the cost of foreign investment which wrecks their livelihood.

The trivial and almost negligible contribution of this mining sector to the national income and welfare of the people (as stated above) is also questionable. For instance, during the year 2007 grew from 15.7% (2005/2006) to 16.4% in 2006/2007. However, benefits to the people have not kept up with the pace of growth. For instance, the poverty status report indicates that mining sector contributes for less than 1% of annual employment generation<sup>34</sup> in Tanzania.<sup>35</sup>

Moreover, Small-scale miners have lost their land and livelihoods to open pit mining in Tanzania.<sup>36</sup> Some of them have been injured and killed in the struggle for survival through artisanal mining. For instance, a local villager, Kieva Yohanna, was shot five times in the back (by unknown people) after having allegedly entered the mine complex illegally on June 1, 2007. According to some information, his death marked the sixth violent death linked to Barrick's security operatives in less than one year.<sup>37</sup> These are some of the issues which erode the enjoyment of the right to natural resources in Tanzania.

#### **d) Right to Health Services**

Some notable factors have remained as challenges to the realization of this fundamental right. Some of the factors are inadequate number of medical practitioners and health facilities. For instance, *the Tanzania in Figures Report of 2006* shows that there has been no notable increase in terms of numbers of

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<sup>34</sup> It is estimated that 100 employment opportunities are generated every year.

<sup>35</sup> Hon. Zitto Kabwe (MP), "Speech of the Shadow Minister for Planning and Economic Empowerment" Presented in the Parliament the National Economic Situation for the Year 2007/08 – 2009/10, (14<sup>th</sup> June 2007) at pg 6.

<sup>36</sup> Tracy Glynn "There is Death in them thar' Pits: Canada's Barrick Gold in Tanzania" 25<sup>th</sup> July 2007 (Article Available in <http://khalidmagram.blogspot.com>).

<sup>37</sup> Tracy Glynn "There is Death in them thar' Pits: Canada's Barrick Gold in Tanzania" 25<sup>th</sup> July 2007 (Article Available in <http://khalidmagram.blogspot.com>).

hospitals or other health care centres in Tanzania.<sup>38</sup> The report shows that the numbers of hospitals for 2002, 2003, 2004 and 2005 were 217, 218, 217 and 219 respectively countrywide. The effects of these challenges have been increase of maternal mortality rates (among other effects). For instance, the maternal mortality rate per 100,000 live births is 578 in mainland Tanzania and 220 in Zanzibar (as of 2005). There has been virtually no progress in the area of maternal mortality since 1990.<sup>39</sup> There is a significant difference when women give birth in the presence of a skilled health professional.<sup>40</sup> However, more than 50% of women in Tanzania deliver their babies at home and not at health facilities, and therefore may not have access to a health professional.<sup>41</sup>

### **e) Right to Education**

The government reports that as of 2006, enrolment rates reached 94.8% in Tanzania mainland and 77% in Zanzibar.<sup>42</sup> Increased enrollment has placed an enormous strain on resources available to students. Despite the fact that many schools have been constructed since the advent of Primary Education Development Plan (PEDP) and Secondary Education Development Plan (SEDP), school overcrowding is still rampant. For example, Yusufu Makamba Secondary School in Kinondoni district, Dar es Salaam, reported in February 2007 that a classroom built for 40 students was accommodating 70 students. Some students sat on buckets for lessons while others stood.<sup>43</sup> There are also other problems facing this sector such as drop out, inadequate number of teachers, desks, books and other facilities.

### **f) Commitment to Millennium Development Goals (MDGs)**

The UN MDGs Report of 2007 does not mention Tanzania as having improved in the rest of the MDGs. However, statistics produced by the National Bureau of Statistics of Tanzania (NBS) in collaboration with the Ministry of Planning, Economy and Empowerment in June 2007 speak to Tanzania's progress towards the achievement of the MDGs.

The progress towards achievement of most of the goals is very slow. For instance, the infant mortality rate, about seventeen years ago was 102 deaths per 1,000 live births.<sup>44</sup> Today, it has been improved by less than 35%. Also, the struggle towards achievement of the goals has not been even. Much attention has been paid to well-known diseases such as Malaria and HIV/AIDS

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<sup>38</sup> Prepared and published by the National Bureau of Statistics in collaboration with the Ministry of Planning, Economy and Empowerment of Tanzania in June 2007.

<sup>39</sup> *Millennium Development Goals*, *supra* at pg. 19.

<sup>40</sup> For example, the rates as of 2005 were 46 and 49 per 100, 000 live births for the mainland and Zanzibar respectively. *Ibid* at pg. 19.

<sup>41</sup> *Millennium Development Goals*, *supra* at pg. 19.

<sup>42</sup> *Millennium Development Goals*, *supra* at pg.12.

<sup>43</sup> Juma Chande, "Students forced to sit on buckets" *The African* (Tanzania) February 2007.

<sup>44</sup> See *Millennium Development Goals Indicators*, online: <http://unstats.un.org/unsd/mdg/Data.aspx>

but not to other serious diseases in Tanzania. For instance, while the rate in HIV/AIDS prevalence is descending, the rate of tuberculosis (TB) deaths is ascending. The statistics indicates that Tuberculosis death rate per 100,000 population in 1990, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004 and 2005 were 37.4, 60.4, 64.2, 69.7, 72.5, 76.1, 75.6, 78.9, 77.1. 75.4 and 75.1 respectively.<sup>45</sup>

## **2.3 Other Related Human Rights Issues**

### **a) The HIV/AIDS**

In the second half of 2007, President Kikwete started a national campaign to encourage voluntary testing for HIV. The target population for testing is all residents from 15 years of age. For example, in Tabora region, 167 testing centres were prepared for testing an estimated population of 1.4 million people.<sup>46</sup> This is a positive step but it is critical that HIV/AIDS counseling also be available for individuals so that they can fully understand the benefits of testing, the treatment that is available and the methods of preventing the infection to their partners through contraceptive methods. In Tanzania, the use of contraceptives has increased from 17% in 1999 to 20% in 2004/2005, according to a study completed by the Ministry of Planning, Economy and Empowerment, However, Tanzania still has one of the lowest levels of contraceptive prevalence in Eastern and Southern Africa.<sup>47</sup>

Other serious issues relating to the HIV/AIDS is that, there are reports of violence against women by their spouses for getting tested.<sup>48</sup> Other social practices that can facilitate the spread of HIV/AIDS are practices such as inheriting widows and widow cleansing. Cleansing widows is a process by which male member in the society has sexual intercourse with a widow, regardless of whether she consents.<sup>49</sup> Practices such as these not only violate the rights of women, but leave them vulnerable to HIV and other sexually transmitted infections. The newly enacted *HIV and AIDS (Prevention and Control) Act, 2007*, does not address this problem.

### **b) Prison Situation**

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<sup>45</sup> *Ibid.*

<sup>46</sup> Thomas Murugwa, "Tabora to launch HIV testing" *The Citizen* (21<sup>st</sup> September 2007).

<sup>47</sup> Mashaka Mgeta "Contraceptive use increases – Report" *The African* (Tanzania) (21 September 2007).

<sup>48</sup> Unnamed correspondent, "End to HIV/AIDS in the face of violence" *Daily News* (Tanzania) (29 January 2007).

<sup>49</sup> "Widow cleansing" is mostly practiced in Lake Zone regions (Mwanza, Shinyanga, Mara and Kagera) as part of their culture.

Statistics show that prisons in Tanzania are grossly over-congested. Recently published statistics by LHRC show that, the occupancy level based on official capacity has exceeded by approximately 193%.<sup>50</sup> Overall, the official capacity of prisons in Tanzania is for 22,699 prisoners. However, in 2007, more than 46,000 individuals were incarcerated. The government claims that improvement was made in this regard in 2007. The then Minister for Home Affairs, Mr. Joseph Mungai, stated in December 2007 that, the carrying capacity of prisons increased from previous 22,699 of inmates to 27,653 of inmates in 2007. He said also that, the number of inmates in prisons has been reduced from 46, 416 to 43,262 in the same time frame. While these changes to represent an improvement, this improvement is very small. Some prisons in the country still hold two to three times the number of inmates they are meant to accommodate. For instance, Ngudu Prison in Mwanza region, which has a capacity of 64 prisoners, held 124 inmates in February 2007.<sup>51</sup>

The overcrowding is a multi-dimensional problem, which involves the prisons department, judiciary, police force and other agencies<sup>52</sup>.

### **c) Corruption and Abuse of Power**

According to Transparency International's 2007 Corruption Perception Index (CPI) Tanzania's status on corruption has not changed compared to the 2006 CPI records.<sup>53</sup> Tanzania was ranked 97<sup>th</sup> with CPI score of 3.2, raising its score by 0.3 in 2007. In 2006, Tanzania was ranked 98<sup>th</sup> in the Transparency International survey; also according to the 2007 Ibrahim Index, Tanzania ranks 14<sup>th</sup> out of the 48 sub-Saharan African countries. Tanzania ranks higher than all other east African countries. It is followed by Kenya, Rwanda, Uganda and Burundi. Tanzania's overall score out of 100 was 60.7 points.<sup>54</sup>

Despite the fairly good performance that these assessments are presenting, corruption in Tanzania is still rampant. The assessments can not confidently make the Prevention and Combating of Corruption Bureau (PCCB) proud of the achievement because petty and grand corruptions are still haunting the country so vigorously. The year 2007 witnessed the quandary in respect of how the Richmond Development Corporation (RDC)'s tender deal to generate and supply 'emergence' electricity in the country. The deal was concluded between TANESCO and RDC in 2006. It was said in the parliament that, poor

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<sup>50</sup> See *Tanzania Human Rights Report* (2006), *supra* at pg. 124.

<sup>51</sup> Pati Magubira "Inmates swarm Ngudu Prison" *Daily News* (Tanzania) (February 2007).

<sup>52</sup> There is no coordinated mechanism between different government agencies relating to the admission and maintenance of prisoners. For instance, the judiciary constantly sends convicts to the prisons. The prisons department just receives them and the respective ministries are not responsive to the challenges of the capacities of the available facilities or utilization of alternative ways to imprisonments.

<sup>53</sup> The CPI inspects the perceptions of public sector corruption in 180 countries (for this year 2007) and rates their level of corruption on a scale from zero to ten.

<sup>54</sup> The 2007 Ibrahim Index used data from 2005 to come up with its rankings.

performance of RDC and gradually revealed evidence on lack of sufficient funds and experience in managing electricity projects, have instigated lot of queries among the citizen about the efficacy of procurement procedures used to select that company to run this very important national project, which is also very costful to the tune of Tsh 172.9 Billion.”<sup>55</sup> *The Fight Against Corrupt Elements in Tanzania* (FACEIT) stated in 2007 that, 70% to 90% of transactions in public procurement have elements of corruption. In this respect, it is estimated that corruption in Tanzania costs approximately, Tshs 700 billion, which is nearly equal to 25% of the Annual Gross Income of revenue collection.

## **Conclusion and Recommendations**

### **3.1 Conclusion**

The year 2007 showed that Tanzania has a long way to go to achieve equality and the observance of both domestic and international human rights standards.

### **3.2 Recommendations**

The government of Tanzania must ensure that it meets its international obligations, by enacting legislation in line with its international commitments, and by providing proper documentation to international bodies on its progress on human rights issues.

Tanzania still has a long way to go in the fight to eradicate human rights violations and to achieve equality for all individuals in Tanzania. Tanzania’s government, corporations, civil society organizations and citizens must all work together to achieve human rights and equality for all individuals.

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<sup>55</sup> See *Majadiliano ya Bunge, Mkutano wa Tisa, Kikao cha Kumi na Moja – Tarehe 13 Novemba, 2007 (Parliamentary Discussion, Ninth Meeting, Eleventh Sitting – of 13<sup>th</sup> November, 2007)*, at pg 54, par. 4.

## **PERFORMANCE AND ACHIEVEMENTS FOR THE YEAR 2007**

### **1. INTRODUCTION**

In 2007, the LHRC embarked on a three-year operational plan encompassing three (3) broad purposes to be translated into action between 2007 and 2009. A great number of activities have been planned and specific deliverables have been established as extra guidelines to show the way to the destination to reach: a successful and sustainable implementation of all planned activities by the end of 2009.

During the reporting period, mostly all planned activities were implemented successfully within the budget, and targets were met, and some even surpassed. Genuine efforts were made at all organizational levels to strengthen the staff's capacities, fine-tune policies as per the LHRC partners' expectations, and introduce sound practices to improve the overall performance of the organization. These tangible and concrete actions reflect the capacity of the organization to readjust when necessary so as to promote management and organizational efficiency and effectiveness by utilizing more effectively available resources.

One of the main achievements of 2007 was to strengthen existing management processes; positive signs were observed at the Management and staff levels and up to the Board of Directors. The finalization of the new LHRC Gender Policy is another achievement which will stir the organization towards gender mainstreaming in all its systems and programmes. On the other hand, a large number of staff members of the LHRC decided voluntarily to be HIV/AIDS tested during the annual retreat and thus showed the way as human rights leaders capable of taking concrete steps.

To achieve its objectives and carry out planned activities, the Centre was supported in 2007 by the Embassy of Finland, the Embassy of Sweden, Norwegian People's Aid, Trocaire, Oxfam Novib, as well as Ford Foundation. The year 2007 provided the LHRC with opportunities to learn; the Centre is confident that lessons learnt will pave the way to the second year of the operational plan and give momentum to the organization to further build and promote a human rights culture.

The Annual Progress Report 2007 aims at providing a comprehensive and analytical review of planned activities implemented between January and December 2007, so as to better understand the progress made during 2007 towards achieving outcomes of the project as identified in the LHRC Three-Year Operational Plan 2007/09.

## **2. PROGRESS ON PROJECT TOWARD ACHIEVING OUTCOMES**

Below are the project outputs the LHRC was looking forward to realizing through the implementation of programmed activities between January and December 2007.

### **Purpose I**

#### **POLICY AND LEGISLATIVE FRAMEWORK AND COMMUNITY CAPACITY FOR SOCIAL JUSTICE IMPROVED**

Over the years the LHRC has become a well-known and respected advocate for legal and human rights in Tanzania. This credibility has been built on years of experience gained through a genuine commitment to serve the community, and a capacity to accurately measure and understand the human rights and legal actuality of the country. Hence for the LHRC advocacy efforts to remain effective, engaging and persuasive, it needs to be supported by a clear understanding of issues that call for social changes. The first purpose of the three-year operational plan has been designed precisely to support efforts made on advocacy front and bring about desired changes in policy, laws and practice to promote and safeguard human rights and good governance in Tanzania. This purpose aims also at empowering and building capacities of community members with a primary focus for the LHRC to identify policy and legislative gaps. Another essential element of this purpose is for LHRC to engage in strategic litigation on cases that might raise public awareness and further advance advocacy.

#### **a) Policies, law reform and issues of practice identified, exposed, shared widely and advocated for social justice in Tanzania**

Through the collection of data from its two Legal Aid Clinics in Dar es Salaam and Regional Office in Arusha, and newspapers survey conducted thoroughly every day, the Centre was able to identify policies, law reform, issues of practice and areas of concern that need to be supported by ongoing advocacy work. A critical analysis of data and information gathered during 2007 revealed that:

- The number of cases/disputes related to land rights increased significantly over the year. Issues of double allocation, fraud, and government seizure were common. Proper judicial remedies by capable and skilled people presiding wards tribunals are essential to address these issues. The 2007 experience suggests though that there is a need to advocate for improving the wards tribunals' capacity and legal knowledge as severe weaknesses were identified: the principle of natural justice was not always observed and the law was not followed properly. There was (and still is) some confusion in the chain of responsibility in land courts/tribunals as to who

has the power over whom and where to go for an administrative follow-up (either the Ministry of Land or the High Court Land Division).

- Delay of cases in courts of law and tribunals emerged from the legal aid clinics' data as a major problem experienced by a lot of people in civil and criminal cases alike. This suggests that the right to justice is somehow not always realized by the indigent who attend the LHRC clinics. The LHRC decided to explore this issue through its new Justice Panel Watch established in 2007, and conducted a study on delays of cases in Court. The context and findings of the study are further detailed in the Section h).
- Short comings in workman's compensation surfaced through the legal aid clinics' data as another area that deserves attention. A research was conducted by the LHRC on the Workman's Compensation Act which has not been repealed by new labour laws, despite that fact it is not favorable to employees as people are paid different financial compensation for injuries. The research looked at the calculation of the amount to be paid after injuries, and its findings will be reported and discussed at the beginning of 2008 for eventual advocacy purposes.



*Clients await services at Magomeni Legal Aid Clinic*

**b) The indigent provided with legal aid and empowered with knowledge necessary for legal and court procedures**

During the reporting period, the Centre was again very much involved in providing legal aid services to empower the indigents and help them realize

their rights to justice and, based on the information and data thus collected, identify policy and legislative gaps to support the LHRC's advocacy efforts. A grand total of 13,971 clients were assisted at the Legal Aid Clinics of Magomeni, Buguruni and Arusha (Regional office) during the year 2007 (as shown on the table below). This is an increase of approximately 48% compared to the clients attended in the year 2006 which were 9,519. Main legal issues or matters brought to the clinics were on land rights (40.34%), employment (20.81%) and matrimonial (12.28%). Out of the total number of clients, 4505 were women who represented 32.24% of the clients, whereas 67.75% were men for a total of 9,466. In this year there has been an increase of women clients by 68%. The patriarchal system still prevails in Tanzania and its influence on the status of women is observed even at the legal aid clinics. Women are reluctant and shy to discuss problems they are facing, including issues pertaining to legal and human rights, moreover when those issues are discussed with professionals outside their family circle and friends. The increase this year shows that women are becoming more aware and empowered to come out. As further discussed in Section 4.2 on Gender, the LHRC developed a gender policy in 2007, which will be used as parameters or guidelines in an attempt to raise the attendance of women at its clinics through a gender approach more sensitive to women's condition. As part of its legal services, the Centre also supported a minimum of 3630 clients who were able to represent themselves in Court.

Among the objectives set in its 2007 Action Plan was the establishment of a model legal aid clinic. During the reporting period, efforts were made to find a convenient, accessible and safe location -as per the allocated budget-where the clinic would operate. No location was found; either it was too expensive or, when affordable, locations did not meet above criteria. As a result, the LHRC has renewed for another year the lease of the houses where its two legal aid clinics operate. In the meantime, a work plan was drafted as for how to best implement the model legal aid clinic that will start its operation at the very end of 2008 or the beginning of 2009, taking into account the financial commitment the LHRC has agreed to with its landlords.

Table 1:

Legal Aid Statistics; January – December 2007

Type of Cases	Returning Clients			New Clients			Total
	Male	Female	Total	Male	Female	Total	
Employment	1,813	409	2,222	564	122	686	<b>2,908</b>
Matrimonial	515	773	1,288	170	258	428	<b>1,716</b>
Land	2,964	1,213	4,177	1,068	392	1,460	<b>5,637</b>
Public Interest	1	1	2	4	3	7	<b>9</b>
Contract	271	230	501	39	9	48	<b>549</b>
Children's Rights	6	17	23	6	5	11	<b>34</b>
Insurance	230	51	281	18	8	26	<b>307</b>
Tort	428	165	593	178	33	211	<b>804</b>
Probate	574	495	1,069	223	205	428	<b>1,497</b>
Others(including Civil Matters)	310	87	397	84	29	113	<b>510</b>
<b>Total</b>	<b>7,112</b>	<b>3,441</b>	<b>10,553</b>	<b>2,354</b>	<b>1,064</b>	<b>3,418</b>	<b>13,971</b>

*Number of Clients Received at the Legal Aid Clinics*

**c) Strategic litigations on cases which can advance law reform, repeal, amend or lead to enactment of new legislation pursued**

A number of ten strategic litigations, consisting of cases that raise public and human rights awareness, were pursued and/or filed in 2007. Following is an overview of each of them.

Two new cases were filed during the reporting period. In line with the growing number of land rights issues that suggests a current trend in legal matters, the Euzebia Lucas case<sup>56</sup> aims at challenging the forceful eviction of three villages of Misenyi Ward. The suit has been filled in 2007 and the LHRC is waiting for the summons so as to lodge an application for injunction during the year 2008. Similarly, the Tito Shumo case<sup>57</sup> was undertaken by the LHRC in 2007 whereby villagers are challenging their illegal eviction from their villages ordered by the District Counsel in Kiteto District. The zone has been declared a conservation area and this is used as a pretext for eviction. The case was set for hearing on the 4th of March 2008.

<sup>56</sup> Euzebia Lucas & 335 Others Vs Permanent Secretary Ministry of Livestock Development , Attn General & Misenyi DC, Land Case No 241 of 2007.

<sup>57</sup> Tito Shumo and Others Vs Kiteto District Council Land Case No 6 of 2007.

In partnership with other NGOs including East Africa Law Society, the LHRC filed a third new case in November 2007, a procedure concerning the Undesirable Person Ordinance, testing the arbitral powers of District Commissioners to arrest and send to custody under this act people whom they pronounce undesirable.

The Sion case<sup>58</sup> was filed in 2002 by the LHRC. The client, Ms. Sion, is challenging the constitutionality of some provisions under the Citizenship Act considered as discriminatory whereby Tanzanian women married to foreigners are not given equal rights as men married to foreigners, especially for work and residential permits. The case was set for hearing on the 7<sup>th</sup> and 8<sup>th</sup> of January 2008.

The Korosso cases<sup>59</sup> (one in the High Court and the other in the Court of Appeal) concern the enforcement of the recommendations of the Human Rights Commission whereas the second case is challenging the eviction and enforcement of the provision of land to the Serengeti villagers. An appeal has been lodged in the eviction case which is pending until it is assigned to a judge. As for the case on the HR Commission recommendations, it is also pending until the judge, the Honorable Justice Mihayo to whom the case was assigned, proceeds. Idem for the Sabola case<sup>60</sup> that has been filed in the High Court of Mwanza and is now pending until it is assigned to a judge. The client, Ms. Sabola, is challenging her marriage attributing it to the Kurya customs of a tradition marriage known as Nyumba Ntobo.

In the Mujeshi case<sup>61</sup>, the appellant, our client, is appealing against a decision of the district court of Morogoro which denied his labor entitlements; the opponent took advantage of the fact that the appellant is not a Tanzanian. During the first hearing of the case, the appellant was put into police custody on the ground that he was an illegal immigrant. The case is scheduled for hearing on the 10th March 2008.

On the other hand, during the year 2007, the LHRC made follow ups in the Mwembechai case<sup>62</sup> filed in Court in 2002 to see either it had moved on and progressed. This case is about Muslim people who in February 2002 were arrested during/after a demonstration –unauthorized by the police– commemorating the death of Muslims killed by the police four years earlier. Muslims, who were brutalized during a raid conducted by the police after the

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<sup>58</sup> Sion Gabriel Vs the Minister of Home Affairs, Director of Immigration 7 Attn General, Civil Case No 13 of 2002.

<sup>59</sup> Ibrahim Korosso & 134 Others Vs DC of Serengeti, RPC of Serengeti & Attn General, Civil Case No 49 of 2005.

<sup>60</sup> Nyumba Ntobo, Wegesa Sabola's case.

<sup>61</sup> Japhet Mujeshi Vs Safiel Kisaka , Civil Case No 18 of 2007.

<sup>62</sup> Ally Kajembe, Arapha Msaguza and 17 Others Vs the Ministry of Home Affairs, IGP and Attn General Misc Application/Case No 374 of 2002.

demonstration (properties were also damaged), filed a legal procedure against the government in 2002. This case was handed over by the LHRC to a legal firm in 2002 for there were no advocates amongst the staff to take this case to Court.

The Mashaka case<sup>63</sup> was about one of the LHRC paralegals of Kiteto who was arrested during the reporting period on the ground of unlawful assembly. The case was ultimately dropped by the state, *nolle prosequere*.

## **Purpose II**

### **PARTNERSHIP FOR HUMAN RIGHTS AND GOOD GOVERNANCE AND PUBLIC ENGAGEMENT STRENGTHENED**

The second purpose, where lies most of the organizational advocacy, focuses on providing the public with knowledge and skills on legal and human rights. The LHRC believes that civic competence of the general public depends on its level of awareness and empowerment on legal and human rights. To achieve this objective, the LHRC embarked in 2007 on monitoring of human rights violations, community sensitization policy, legislative advocacy, and capacity building interventions.

#### **a) A vibrant human rights monitoring corp. established and strengthened to monitor human rights in their areas**

According to the LHRC, a vibrant human rights Corp is synonym of effective, capable and efficient committed human rights monitors who relentlessly keep their eyes and ears opened to see, observe and monitor how the human rights situation evolves in Tanzania. Up to date, the LHRC has trained 127 monitors who have been collaborating with the Centre in identifying human rights issues, abuses and violations in their districts. Issues, abuses and violations are followed up, and reports and/or actions are taken.

During 2007, a notable increase in the work done by monitors was observed and indeed it has brought about new challenges. During the reporting period, the LHRC human rights monitors reported an average of 60 human rights 'cases' or matters for every quarterly period. Some monitors were arrested and charged with criminal cases which were fabricated to stop them from raising their voices against human rights abuses. Hence, the Morogoro rural monitor who was arrested on the ground of intimidation to kill someone, the Kiteto monitor who was charged for unlawful assembly (though he was alone!), whereas two other monitors were charged for disturbing peace in a public meeting. It turned out that all cases were framed up after these monitors had denounced and taken actions against human rights violations

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<sup>63</sup> R V. Mashaka, Criminal Case No.27 of 2007.

committed in their communities. All monitors (and one paralegal also charged) were defended by the LHRC through its Legal Aid Clinics in Dar es Salaam and Arusha. Most cases were dropped but one case (involving a monitor and paralegal) is still pendant in Mbulu District Court.

Interestingly, the Mbulu monitor raised the people's awareness in Yaeda Chini (Mbulu district) on the issue of the Hadzabe people who are an ethnic and linguistic group or tribe of bushmen based in the central north of Tanzania around Lake Eyasi. The Hadzabe people are one of the last remaining and oldest hunting-gathering groups in Tanzania, who, it is believed, have lived in the Yaeda Chini Valley and around Lake Eyasi for more than 50,000 years. During the reporting period, the Hadzabe's rights were threatened by a foreign company that intended to invest in the Chini Valley with the intention to convert part of the area into a personal safari playground, precisely where the Hadzabe people have been living for generations. Hadzabe faced a serious risk of displacement that would have negatively impacted on their traditional way of life and survival.



*Traditional lifestyle of the Hadzabe People*

Though the Hadzabe people were not invited to share their views concerning the potential impacts (social, environment, life style, etc.) of this investment in their areas, local government leaders tried to convince them to accept the

investment. The LHRC resolved to work on the Hadzabe case and inquired for immediate action.

The LHRC monitor along with the Hadzabe people refused to be forced into accepting the potential investment which led to public meetings. The outcome of this collective effort was fruitful as the investor decided to withdraw his intention to invest in the area.

On the other hand, the Kiteto issue in which the monitor was involved is also noteworthy. The District Council, through the police, evicted unlawfully over 1,000 people from four villages claiming that the place was a conservation area. The LHRC monitor alerted the LHRC which conducted a fact-finding mission after which a court injunction was sought. The Court ordered the people to go back to their villages. A main suit challenging the legality of the decision to consider the place as a conservation area and the ownership of that land by villagers is still pending.

Another monitor of the LHRC was also highly challenged in his work in Morogoro during the year 2007. This monitor is very active in the area and does question harmful traditional practices performed by people who claim that these practices are part of their tradition; such practices include early marriage and the practice of female genital mutilation (FGM) on young girls. The monitor keeps alerting the police when such acts are about to occur in the villages. Hence in 2007, the monitor intervened in a case where a father was prosecuted for having mutilated his three daughters, whereas other people were prosecuted for rape and for not allowing their children to go to school. As a result of such interventions that made the monitor unpopular among his fellow villagers, a criminal case was fabricated against him to stop him from pursuing his work. By the end of the year the case was dropped. The LHRC was representing the monitor.

Lastly, as it was planned in 2007, the LHRC designed an evaluation system to assess periodically the performance of the monitors, and capture data/information on human rights violations in Tanzania. This assessment tool will help measuring the monitors' work as well as it will guide the LHRC in designing tailored-made trainings for monitors in accordance with their needs and capacity. At the beginning of 2008, the profiles of the HR monitors will be entered as initial data.

Also in 2007, human rights monitors were given a template or format to report their activities to the LHRC on a quarterly basis, ensuring consistent and substantial information on human rights abuses and violations and give a complete picture of the situation in Tanzania; it is expected that by so doing, the monitors will better support the Centre's activities with comprehensive data and information.

**b) Effective response mechanism on human rights matters implemented**

To understand issues at stake and get a sense of what is happening when situations imply legal and human rights issues, LHRC has been involved over the years in several fact-finding missions to find out accurate information and facts, which more often than not are disputed. 2007 was no exception and every case/matter reported had been handled by the Human Rights Monitoring team; responses were made through conversation over the phone, emails or letters to monitors and victims. Follow-ups were done through letters, interviews, phone calls, electronic communication (email) and fact-finding missions. Follow-ups were done with monitors, victims, police officers, government officials and ministries. When information pertaining to violations or abuses was not accessible and/or available (for instance resistance from local authorities to divulge its info) , when a case or matter involved public interest, and when violations or abuses necessitated further research, examination and analysis, the LHRC conducted fact-finding missions. Between January and June 2007, two missions were co-conducted by LHRC and other NGOs - one of them on the right to education- while between July and December a number of seven missions were conducted on a variety of human rights issues ranging from alleged witchcraft, land rights, assault by police officer, to police inaction, etc..



One of the fact-finding missions conducted by LHRC ED with children in Kiteto, one of the 500 primary school students deprived of their right to education after their school was

closed due to the eviction of people in Lendrok village. This mission led to the Ministry of Education that sent a team to further investigate. The Minister herself visited the area and ordered students to be reinstated in school. Standard IV students were sent to boarding school but others have not been given any support to date. Those who were sent to boarding schools had to go back home due to stigmatization by teachers and students. This case is still in progress.

Another mission that is worth mentioning was conducted in Moshi after the killings of Kenyans alleged to be bandits. In September 2007, 14 individuals from Kenya alleged to have been in the process of planning a robbery in the Exim Bank along Boma Road in Moshi district, Kilimanjaro region, were shot and killed by the police at Mailimoja area, Hai district in Kilimanjaro region. The Tanzanian police report indicated that there was a shootout between the police and the alleged bandits, resulting in their death; however, a Kenyan human rights group, the Oscar Foundation, has stated that the post-mortem results indicate that the individuals were shot at close range, execution style. The incident led to a fact-finding mission conducted by the LHRC between 6<sup>th</sup> to 11<sup>th</sup> of October 2007 whereby the research team traveled to Hai district and interviewed number of residents and other officials. It was not easy to go there immediately after the killing incident because of the prevailing situation at the time.



Several incidents were investigated by the *LHRC Human Rights Monitoring Team at Moshi* during the events that occurred. The LHRC is not in the position to conclude that the killings of the

alleged bandits in this incident can be legally justified. The issues raised and uncovered by the LHRC cast doubt on whether it was truly necessary to kill these individuals in order to protect life or prevent serious injury to others, as required by subsection 21(2) of the Criminal Procedure Act.

On a more pleasant note, the LHRC organized a very colorful human rights conference on December 10th. The conference was attended by over 500 people (about 300 women and over 200 men) and the guest of honor was Honorable Harrison Mwakyembe MP. For this occasion, a procession took place from Mnazi Mmoja grounds to Karimjee Hall followed by human rights presentations and discussions (four papers were presented)



*Human Rights Activists in a procession in Dar es Salaam*

**c) Public empowerment undertaken on land rights, human rights and good governance**

Apart from monitors who contribute to the LHRC's mission, values and efforts to advance human rights in Tanzania, paralegals are also key actors that participate in human rights promotion in the country. Paralegals are community members who volunteer to be trained on legal and human rights issues by the LHRC in order to become in turn competent grassroots trainers. Once trained, paralegals have the role to empower their community on legal and human rights issues and assist community members to solve simple legal problems. So far, the Centre has trained 270 paralegals since the establishment of its paralegals programme in 1996. Most of them have been volunteering as paralegals since then and continue to play an integral role in increasing awareness on legal and human rights in their communities, as well as access to justice in local vicinities. The LHRC has been building the capacity of its paralegals through workshops, meetings, follow-ups, monitoring and evaluation to impart them with up-dated and necessary knowledge to educate their community through a variety of development activities ranging from households visits to village meetings. The LHRC trainings encompass various aspects of laws and human rights including land law, law of marriage, inheritance, sexual offences, female genital mutilation (FGM), as well as duties of police, bail, court system and good governance.

In 2007, a needs assessment in new working districts (Bariadi, Geita, Maswa and Ukerewe) was conducted in August and September, and 120 potential paralegals were identified. Major human rights issues in all above districts consist of land disputes, violence against women, witchcraft killings (in some districts) education, early marriage and corruption. Trainings will be conducted during the second quarter of 2008. During the reporting period, the LHRC conducted two extensive trainings on land rights and women's rights in Simanjiro, Babati, Singida and Kiteto. The trainings, conducted in April, May and July, were designed to develop the skills of Councilors and Village Legal Workers. A total of 311 participants benefited from these trainings.

Lastly, in an attempt to bring paralegals together and give them an opportunity to present a review of the 2007 activities and share their experience, the LHRC organized its Annual Paralegals Symposium in Dar es Salaam from October 22nd to 24th.

51 participants (25 women and 26 men) attended the symposium, among them experienced (old) paralegals, new paralegals and village legal workers coming from Hannang, Kiteto, Babati, Ngorongoro, Serengeti, Tarime, Mvomero, Kilosa, Mbulu, Morogoro, Bariadi, Maswa, Geita, Ukerewe, Simanjiro and Singida. In addition, training sessions on organization development and management were facilitated by the Executive Director, as most of the paralegals are now registered as CBOs.



*Participants of the 2007 Paralegal Symposium – Dar es Salaam*

The symposium was a great success; new paralegals and legal workers were so enthusiastic about their role in their communities that they were ready to go and work immediately!

**d) CBOs of paralegals and human rights monitoring established and strengthened**

During the reporting period, the LHRC aimed at establishing and strengthening sustainable and empowered grassroots community-based organizations by supporting its paralegals and monitors in nine districts. Babati and Mbulu paralegals were facilitated to prepare constitutions to enable them get registered; The Babati paralegals were registered after follow-ups and discussion and were the sixth paralegal group to be registered after Tarime, Serengeti, Hanang, Loliondo and Kiteto. During the last quarter of 2007, the paralegals of Kilosa were also helped and finally were registered as a CBO in November. As for the Mbulu paralegals, they were assisted to draw their constitution but faced challenge and delay most probably due to their active participation in the Hadzabe case. The registration of Mvomero paralegals was also a challenge as most of the paralegals have shifted to other places and it was difficult to trace their whereabouts. The LHRC will continue its follow-up on Mvomero paralegals to support the establishment of their

constitution. Based on past experience, it is proved that the registration empowers paralegals to work in their districts with more confidence as they do not fear anymore interference from local authorities.

To ensure that paralegals move on smoothly, follow-ups and backstopping visits were made in 2007 in Kiteto, Mbulu, Serengeti and Liliondo. In Kiteto, paralegals faced organizational problems which were discussed and reconciled. In Mbulu, paralegals were at the verge of being divided over the Hadzabe case but the LHRC's visits helped to bring them together. Backstopping visits to the paralegals of Kilosa and Mvomero districts were done during the last quarter of 2007 to oversee their general activities. As for the Kiteto paralegals, they were helped to raise funds from the Foundation for Civil Society. The Norwegian People's Aid expressed its interest in funding them and, as a result, requested the LHRC to help them during the process. Lastly, Babati paralegals were also assisted to raise funds from the Foundation for Civil Society. They are waiting for reply.

In 2008, the LHRC is planning to conduct financial management trainings to its paralegals so as to impart them with basic and sufficient knowledge and skills to help them in maintaining proper financial management and support the sustainability of their funding.

**e) Civic competence and demand for new constitution raised among civil society organizations and the general public**

In 2007 at different occasions, during standing committee, workshops, press conferences, presentations, trainings or radio/TV programmes, the LHRC discussed matters related to the constitution of Tanzania, be it independence of the Parliament, separation of powers between the legislative, judiciary and executive, citizenship, access to justice, etc. There were two very important events publicly denounced countrywide that took place during the reporting period on which the LHRC took a stand and, by so doing, discussed some elements of the constitution of Tanzania, that is the Bank of Tanzania (BoT) fraud and the suspension in August of one member of Parliament, Honorable Mr. Zitto Kabwe, who was temporarily suspended for several sessions of the house.

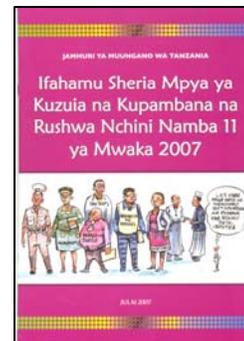
During the reporting period, questions were raised repeatedly in the newspapers and during debates in Parliament concerning allegations of embezzlement of funds by the Central Bank of Tanzania. The government did not really take action. The LHRC made statements and discussed this issue through TV/radio programmes and incidentally the government appointed an auditor to conduct an investigation. Likewise, during the 9<sup>th</sup> Parliamentary session serious discussions of public interest took place. The Hon. Kabwe, MP for Kigoma East constituency (Chadema Party), voiced his concerns over the

signature of a mining contract by the Minister of Energy, which contract signed in London left a lot to be desired in terms of content, modalities and signature process. The Parliament suspended the Hon. Kabwe on the accusation that what he had alleged was false. The public did not understand nor agreed with the suspension and mass demonstrations took place in the country. The LHRC took part in the public debate and also questioned the suspension given the fact that the Hon. Kabwe had raised serious governance issues. The Parliament reacted by warning human rights activists not to interfere in parliamentary decisions. This indeed prompted the LHRC to make a statement through its Parliament Watch Panel (further described in Section h Purpose II) reiterating the rights to freedom of speech and expression for all.

#### **f) Policy, practice and legislative advocacy undertaken**

The policy, practice and legislative advocacy component focuses on providing the public with information, knowledge and skills on legal and human rights as well as advocacy for positive changes in policy, law and practice. The LHRC believes that civic competence of the general public depends on its level of awareness and empowerment on legal and human rights. With an empowered civic community, advocacy work is strengthened. The Centre pursued its efforts during the reporting period on analysis of bills, participation in ongoing reforms, community sensitization, advocacy and capacity building interventions. In accordance with its tradition, the LHRC observed a non-provocative and non-partisan approach in its advocacy strategy in 2007 in order to reduce external threat, maintain its credibility with all key actors involved in the Tanzanian community, and preserve the general public's trust in the organization.

In collaboration with the Policy Forum and the Prevention and Combating Corruption Bureau (PCCB), the LHRC prepared a popular version booklet on the Law on Combating and Prevention of Corruption launched during the Gender Festival organized by Tanzania Gender Network Programme (TGNP) in 2007 at Dar es Salaam. The aim of this publication is to simplify the law on corruption and make it accessible and easier to understand for the general public who can read it in the booklet<sup>64</sup>.



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<sup>64</sup> Prior to collaborating in the booklet, the LHRC participated in round table discussions on the Anti-Corruption Bill.



*The LHRC ED and the Director General of the PCCB  
launching a popular version booklet on PCCB Act of 2007*

On the other hand, among the bills analyzed by the LHRC, were the following discussed in Parliamentary Standing Committee meetings and round table discussions with Members of relevant committees:

**The Written Laws (Miscellaneous Amendments – No 2) Act, 2007**

This bill refers to proposed amendments to various laws in Tanzania, which include The Penal Code, Cap 16 R.E. 2002

After a thorough analysis of the Penal Code, the LHRC commended the government for introducing some amendments or addition of provisions to protect the children rights and, on the other hand, for deleting provisions that were against the children rights, particularly in rape cases. The Centre insists and still challenges nonetheless that corporal punishment for convicted

children of rape cases as unconstitutional and against children rights. Though this opinion was not considered by the Parliament, through networking with some MPs, it has been observed that some of them are ready to cooperate with the Centre for campaigning against corporal punishment on children in rape offences. It is hoped that through campaigns and cooperation with MPs, the Centre will be able to convince the Parliament to amend the Penal Code.

#### The Tourism Act, 2007

The LHRC observed that ten sections of the Tourism Bill do not comply with human rights principles. For instance, Section 43(5) allows the Director for Tourism to refuse to register any person as tour guide but, on the other hand, does not provide any remedy for applicants whose applications have been refused nor does it provide the right to appeal at either court of laws or established institutions. The Tourism Bill is expected to be carried forward for second reading during the 10<sup>th</sup> Parliament session that will take place at the beginning of 2008. The bill shall be amended in respect with the principle of natural justice and this recommendation from the Centre will be sent to the Parliament Standing Committee during the 10<sup>th</sup> Parliament session to be held in Dodoma (the capital city located in central Tanzania).

#### The HIV/AIDS (Prevention and Control) Bill 2007

During the reporting period, the LHRC analyzed the HIV/AIDS Bill that aims at protecting infected people or victims and provide them with ARV (medicine). The LHRC was highly concerned about this bill which represents the first legislative step undertaken by the Parliament of Tanzania in relation with the HIV/AIDS pandemic.

Stigma and discrimination of infected people still prevails in the country partly due to misunderstanding, misconception, taboo, and prejudices. The LHRC conducted workshops in Morogoro, Dodoma, Kondoa and Ifakara to impart knowledge and a good understanding on the bill to civil society groups, CBOs, infected people, health workers, etc.

A total of 142 participants<sup>65</sup> attended the workshops during which people were enabled to participate meaningfully in discussions during standing committees and voice their concerns about the bill, its potential impacts, benefits and limitations.



*The LHRC's representative (first row in the middle), attending a Parliamentary Standing Committee meeting*

Altogether a total of 16 bills were analyzed by the LHRC during the reporting period<sup>66</sup>.

Also in 2007, the LHRC continued to serve in the Special Committee for Civilization of Prosecution in Tanzania. The LHRC's role as a representative of human rights organizations is to oversee whether the civilization and prosecution process takes into account human rights. The process results in the formulation of the Civilization and Prosecution Commission Act/ Bill which has already been tabled in the Parliament. One of the objectives of this process is to shift prosecution from the Police force to the Director of Public Prosecutions. This is one of the proposed ways of hastening the adjudication of criminal cases in courts of laws in Tanzania.

Likewise, the LHRC continued its collaboration with Property and Business Formalization in Tanzania- also known as MKURABITA- which aims at formalizing all businesses and assets that Tanzanians possess. Five years ago, the government conducted a study that revealed that the administration is

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<sup>66</sup> The following bills were also analyzed: The Petroleum Supply Act, 2007, Cites Fair Competition Act, 2007, Financial Leasing Act, 2007, Electricity Act, 2007, Health Laboratories Practitioners (Registration) Act, 2007, Land Use Laws Planning Act, 2006, Business Registration Act, 2006, Public Services (Amendments) Act, 2007, Urban Planning Act, 2006, Town Planners (Registration) Act, 2006, Health Practitioners Act, 2007, Medical Radiology and Professionals Act, 2007 and Procurement and Supplies Professionals Board Bill Act 2007.

loosing a lot of money due to informal businesses operating in Tanzania that do not pay income taxes or development levies. The study also proved that a majority of Tanzanian (about 90%) does not have property/assets titles that could be used as collaterals for loans and capital mobilization. Between July and December 2007, the LHRC participated in a pilot work in Bagamoyo, district of the coastal region, where the Centre advised the people and raised their awareness on formalization of land. LHRC major concern is that the formalization of land titles to be used as collaterals for bank loans would leave people destitute if they failed to repay the money borrowed; in such case, land would be confiscated by bankers. The Centre recommends that the formalization process should take into account the property rights of the poor people, who wholly and exclusively depend on the land to survive.

Another influencing opportunity the LHRC has taken is the Legal Sector Reform Programme (LSRP) of Tanzania. The LHRC's position and recommendation is the recognition of paralegals in the law. Paralegals are people who have been oriented through trainings on elementary legal principles and procedures. The Centre has been working with them given that access to justice in Tanzania is hindered by lack of knowledge of indigent who do not know laws and procedures and cannot financially afford legal representation. Unfortunately, for this reporting period, the government did not have funds to push forward the LSRP agenda.

During 2007, the LHRC identified and established strategic links with focal persons and key decision makers for strategic mainstreaming of human rights. Hence, the LHRC managed to work with police officials at district and national levels, the Presidents office, as well as the Attorney General Chambers. Links have been created through consultative meetings and round table discussions organized by the Centre and focal persons. During the reporting period, the LHRC met with the Director of Criminal Investigation in Tanzania (DCI) to discuss among other things delay of cases in Court, frame-up of criminal cases, corruption in police force by police officials, and the killings of 14 alleged bandits from Kenya. The LHRC also established new links with the Official Police Commander (OCD) of Ukerewe District during field work and follow up on issues with him. It seems therefore possible to call him whenever there are issues with the police at that district or whenever the Human Rights Monitors report issues of police in action in the district; the OCD has become very supportive to follow up on issues like arrest of people who have committed offences against others, etc.

Another important link created during this reporting period is the link with the Immigration Office of Dar es Salaam. It came through while the LHRC was following up two cases, one involving a lady who was almost denied Tanzanian citizenship, and another one related to the immigration status of a person from Kigoma declared illegal immigrant. This strategic link has

provided the LHRC with a direct access to the Senior Immigration Official, which is very important since the Centre deals with a lot of issues related to immigration and refugee affairs.

At the Foreign Affairs Ministry, the Centre has a link through which the organization is following up on a case concerning a foreign person, who is leaving in the United States, and who has claims over his property in Tanzania. This entailed the visit of a senior Legal Officer at the Centre's office to get more information over the matter. After the visit of this Officer, the client was able to meet with the said Officer when she visited the US and gave her his personal account on the matter.

In addition, the Centre also established links with the Office of the Director of Public Prosecution.

It is worth mentioning that the LHRC is a visiting lecturer at the Dar es Salaam's Police College where every year, the Centre is invited to lecture on selected human rights issues. In September 2007, the LHRC was invited to talk about the observation of human rights during arrest of civil disorder.

As for the death penalty, which is not prohibited in Tanzania, the Centre continued during the reporting period to maintain its strategic link and collaborate with other organizations dealing with human rights. Thus, in collaboration with the FIDH<sup>67</sup> (Fédération Internationale pour les Droits de l'Homme / International Federation for Human Rights), the LHRC planned the Anti-Death Penalty Day on the 10th of October 2007, whereby issues related to death penalty were raised and communicated to the government and the public, through a press conference. The LHRC is concerned about the death penalty as the Tanzania's Penal Code still provides for the use of the death penalty (carried out by way of hanging) as a mandatory punishment for both treason and murder convicts. Under the National Defense Act, misconduct of a commander or any service man in the presence of an enemy is also punishable by death. Up to the year 2007, 64 countries were still retaining and using death penalty, including Tanzania.

Tanzania has not yet ratified the Second Optional Protocol to the International Convention Civil and Political Rights, the purpose of which is to abolish the death penalty. It has, however, ratified the ICCPR which states in Article 6 that nations that have not abolished the death penalty shall use it only for the most serious of crimes in accordance with the law in force at the time of the commission of the offence. While the death penalty is still listed as punishment for the above-referenced offences, no execution has been carried out for quite some time. According to a survey conducted by the LHRC in 2007, the public sentiment on the use of the death penalty appears to be

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<sup>67</sup> The LHRC is one of the members of the FIDH.

mixed in Tanzania.<sup>68</sup> A total number of 756 questionnaires were distributed to and collected from eleven districts. The findings revealed that 65.77% of the respondents believe that death penalty is ineffective to reduce crime rate in Tanzania. As for the remaining percentage, it includes people who are in favor of the death penalty and those who neither support it nor denounce it. The Centre long and effective intervention on death penalty requested the government to inquire on death penalty through the Law Reform Commission, which has not yet released its findings. Press statements were produced on the 10<sup>th</sup> of October (Anti-Death Penalty Day), and a participation in a seminar on the death penalty organized in Zanzibar. In this respect, TV and radio programmes were organized a week before the 10th of October.

Finally, during the reporting period, the LHRC discussed with the Tanganyika (Tanzania) Law Society about the intention of pursuing a strategic litigation to challenge the mandatory death penalty. The discussion is on going but it has been tentatively agreed that, by the first quarter of 2008, the Centre shall be able to file a test case that could lead directly to the amendment of the Penal Code and other laws related to death penalty.

**g) Strategic partnership with the media and like-minded organizations forged and strengthened**

**i. Media**

In 2007, the LHRC continued to produce the weekly Darubini programme aired on Radio Tanzania DSM to raise legal and human rights awareness in the Tanzanian communities. The programme did attract listeners from different parts of Tanzania; during live programmes, the LHRC received 15-20 calls and also letters from listeners. Callers expressed their views on topics aired and in so doing helped to enrich the debate. For instance, listeners participated very much during the programme on the HIV/AIDS Bill, 2007; a majority of them expressed that the criminalization of people believed to have willfully transmitted HIV/AIDS is impractical as there are no HIV tests that can detect transmission of HIV during the first three months. The issue of special prisons for criminals who willfully transmitted HIV was also debated on air.

The LHRC was also very active on TV with its weekly programme Pambanua that attracted massive viewers. During the programme, an average of 100 text messages and ten calls were received from viewers coming from different regions of Tanzania. Viewers discussed several topics of public interest such as gender violence, access to justice, awareness of the public on legal and human rights issues, the LHRC's activities and contribution, and some of them called for advice on personal and legal matters. The LHRC also participated in

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<sup>68</sup> The survey conducted by LHRC was not distributed throughout the whole country. It was distributed randomly in various districts of Tanzania including Simanjiro, Kiteto, Maswa, Bariadi, Ukerewe, Ilala, Magomeni, Temeke, Dodoma, Babati, and Mbulu.

other programmes such as TVT (This Week in Perspective) in a special programme during the Anti-Corruption Day, ITV (Kipima Joto) and Orkoronei Radio Station in Terrat. The ORS is listened to in the northern part of the country through a community radio whereby the Centre shares information on its work with village legal workers in Simanjiro, Kiteto, Babati and Singida.

Besides radio and TV programmes, the LHRC has maintained over the years a strategic partnership with the newspapers to expose and share its views widely with large numbers of people in Tanzania. Topics discussed during press conferences echo events happening in Tanzania and neighboring countries, as well as sensitive issues related to law, human rights and governance that emerged through the implementation of the Centre's activities. For example, in 2007, the LHRC took a stand publicly during a press conference on the right to education of the pupils of Kiteto after conducting a fact-finding mission; it produced programmes on the principles of interdependence, autonomy and accountability of the Parliament and the government following the suspension of one of the MPs. The LHRC also condemned the death penalty during a press conference held on October 10<sup>th</sup> (International anti-death penalty day); it also voiced its concerns on the management of public funds and the corruption in Tanzania. These few examples illustrate the capacity of the LHRC to translate community concerns into legal and human rights issues, publicize them and simplify them for the benefit of the general public who can better understand these issues and, in turn, become pro-active partners in building just and equitable communities and potential agents of change in Tanzania.

Generally, the LHRC's work is reported in the media almost once every two days in one or the other media, and monthly in almost all the media.

In its 2007 Action Plan, the LHRC had planned to conduct trainings for 60 media workers<sup>69</sup> during 2007. However, due to financial constraints, the trainings had to be postponed to 2008. Taking into account the constantly increasing human rights awareness of media people, and the good partnership the LHRC has build with them over the years, there was no potential risk to jeopardize this strategic partnership or the programme by postponing the trainings, thus the decision made during the third quarter of 2007 to reschedule the activity for 2008. On the contrary, media people's trust in the LHRC's activities has increased as illustrated in the following cases that took place in 2007:

<sup>69</sup> A woman of 75 years old, resident of Iringa Region, who was accused of practicing witchcraft by her community, was arrested by local militia, publicly humiliated and fined 600,000/TZshs. For her own safety, she fled her village and came to Dar es Salaam. She was brought to the Centre by a TV station (ITV) to get support from the Centre. The LHRC got in contact with police officers in Iringa Region and after several communications, two suspects were arrested in connection with this case; later on those suspects were

Similarly, a young boy, an orphan whose legal rights were to be violated, was brought at the LHRC's headquarters by media workers. The very same day, the boy was taken to one of the LHRC's legal aid clinics and provided with legal advices

**ii. Like-minded organizations**

The LHRC is part of a network of like-minded organizations with which it remained involved and participated in a series of activities during the reporting period. Southern African Legal Assistance Network (SALAN) is a key partner of the LHRC that is currently coordinating activities from Zambia, which has members coming from the South African countries. In the reporting year, as member of SALAN, the LHRC coordinated the Death Penalty Project.

The LHRC continued its cooperation with the FIDH and participated in the FIDH congress which was held in Portugal; a conference on migrant workers was then organized. In support to the FIDH's efforts, the LHRC wrote urgent appeals against human rights violations and abuses that took place around the world in 2007.

As an active member of like-minded organizations promoting women's rights in Tanzania, such as FemAct and Wildaf, the LHRC is still in the front line for campaigning against gender-based violence and advocating for women empowerment. In 2007, the LHRC participated in the launching of a wide campaign against gender-based violence where, as member of the Feminist Activist Coalition (FEMACT), the LHRC joined other activists throughout the world to say 'NO' to gender-based violence. The activity was attended by 840 people (523 women and 317 men) and was a great opportunity to strengthen the solidarity amongst members and the guest of honor, Honorable Dr. Mary Nagu who was then the Minister of Justice and Constitutional Affairs. In addition, in November 2007, the LHRC, as a member of Wildaf Tanzania chapter, participated in organizing and facilitating the 16 days against gender-based violence which has been organized in Tanzania every year since 1996. More than 500 people (roughly 300 women and 200 men)

participated in the activity through discussions, experience sharing and story telling (testimonies). Legal aid services were provided to victims of gender-based violence. The last day of the activity coincided with a march organized by the LHRC to commemorate the Human Rights Day (10<sup>th</sup> of December).

As Coordinator of the Tanzania Coalition against Female Genital Mutilation (FGM)<sup>70</sup>, the LHRC advocates for the eradication of this practice in the country and beyond its frontiers. In 2007, the LHRC and the Coalition were very active and, among other things, participated in the Zero Tolerance to FGM activities, and various TV/radio programmes on the FGM issue.

Adding to above mentioned organizations, Tanzania Gender Network Programme (TGNP) was yet another avenue for the LHRC to meet with like-minded organizations. Hence, in September 2007, the LHRC participated in the Gender Festival organized by TGNP. The theme of the festival was 'Gender, Democracy and Development: African Feminists Struggle in the Context of Globalization'. Participation was initiated through discussions as well as a one-week exhibition where more than 200 visitors visited the LHRC's stand; visitors were given information about the Centre and provided with free publications.

Lastly, during the reporting period, the LHRC met with students and teachers of Mutunguru Teachers Training College in Ukerewe District to introduce the idea of human rights clubs. The LHRC aims at supporting schools/colleges in establishing human rights clubs to promote human rights through tailored-made trainings for students. Paralegals operating in the areas where HR clubs are established would play a role by visiting the students and follow-up on the clubs.

During its visit, the LHRC distributed publications on human rights. The Centre expects that the first HR clubs will be established during the year 2008.

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<sup>70</sup> Tanzania Coalition against FGM is a coalition of nine organizations working together to eradicate the harmful practices of Female Genital Mutilation.



*The LHRC ED (on the right) with the students at Murutunguru Teacher's College – Ukerewe District*

#### **h) Principles of good governance strengthened**

During the year 2007, the LHRC introduced three new forums or platforms to complement its efforts in strengthening good governance in Tanzania. Through this original and unprecedented initiative, the Justice Watch Panel, the Government Watch Panel and the Parliament Watch Panel were established with the core objective of engaging the population of Tanzania into efficient major advocacy mechanisms to attain maximum coverage on legal, human rights and national issues. Similarly, the panels were created to promote best practices encompassed in the principles of democracy and good governance.

Below is an introduction to the Watch Panels and their activities performed during the reporting period.

##### **i) Justice Watch Panel**

The Justice Watch Panel aims at observing the judiciary and see if it delivers justice to all people of Tanzania, including the indigent and marginalized people. Based on past experience, the LHRC is aware that many people are not satisfied with the judiciary and complain about the way they are treated,

and their limited access to justice. A number of factors might explain this situation including corruption, incompetence of some magistrates/judges, counter-performance of some judicial officers, procedural irregularities and so on. The LHRC believes that it is essential to have the Justice Watch Panel to conduct thorough research/fact-finding missions on above issues, inform relevant government authorities and the public on its findings, and make recommendations to the government and judiciary on what could be done to ensure that the right to justice is realized by all in Tanzania.

During the reporting period, the Justice Watch Panel conducted a study, in four regions of the country including Dar es Salaam, the Coast (Bagamoyo, Kibaha), Arusha and Manyara (Babati) to determine the factors that cause delay of cases in courts of law and tribunals. Various institutions and people were met and questioned on their experience with the court: government officers, magistrates, judges, High Court Registrars, Police officers, prison wardens, District and Land Housing Tribunals, the Attorney General Chamber offices, Director of Public Prosecutions office and advocates, in addition to the LHRC advocates and clients. During the study, the LHRC faced resistance from some officers who were not really cooperative and talkative, nor were some of the resident and district magistrates, Police officers, advocates chambers, representatives of the Public Prosecutions Offices and the Court of Appeal.

The findings revealed that, apart from the rampant corruption and illegal practices in courts of law and District and Land Housing Tribunals, several factors contribute to delay disposal of cases proceedings, namely: strict adherence to technicalities of law, poor working facilities for judicial officers, unsatisfactory salaries/remunerations of judicial officers, lack of independence of judiciary, poor accommodation for magistrates and judges, unnecessary adjournments of cases, transfer of magistrates and judges, abuse of the court's discretionary powers, death of judicial officers, lack of cooperation of Police officers in the course of criminal investigation, bureaucracy and unnecessary applications/procedures by the parties themselves with the intention to delay cases. The report on the study, which will also contain recommendations on how to address and reduce case delays in court, is expected to be ready for publication and dissemination by the end of March 2008. Targeted groups who participated in the study will be given the report and follow up shall be done by the Centre on this issue.

#### **ii) Government Watch Panel**

Over the years, the LHRC has invested time and efforts to serve as a reliable "watchdog" to see whether the Government of Tanzania performs its duties and responsibilities diligently and properly. The LHRC has kept following up the day-to-day performance of the government for enhancement of transparency and accountability. In this respect, the Government Watch Panel

was created as a special project to monitoring key trends in the governance of Tanzania.

In 2007, the Government Watch Panel was actively involved in a study on the Hadzabe people as further explained in above Section a, Purpose II.

The Panel also participated in monthly media survey to identify issues of governance in order to discuss them with the Panelists and decide on actions to be taken by the Panel. Among the governance issues pointed out were the following:

- Economic justice: signature of the contract on Buzwagi mining project and the resultant formulation of a Presidential probe committee on mining contracts
- Embezzlement in Bank of Tanzania and alleged corruption scandals
- Elections Corruption, especially during the CCM's –ruling party-elections where some Parliamentarians were allegedly involved

### **iii) Parliamentary Watch Panel**

The Parliament Watch Panel is a public engagement tool to monitor the efficiency, efficacy and effectiveness of the Parliament of Tanzania, and examine the way and extent to which the Parliament is accountable, as stipulated in the Constitution, and as expected by the voters. On behalf of the general public, the Panel, among other things, evaluates the performance of the Parliament ensuring genuine accountability. The Panel focuses on strengthening good governance and responsible leadership also.

Since the LHRC is highly concerned about and committed to strengthen good governance in Tanzania, it is imperative for the organization to scrutinize and follow up on the Parliament activities to better understand issues at stake. Thus, during the reporting period, the LHRC conducted a research on the independence and accountability of the Parliament of Tanzania. The research was conducted in Dar es Salaam and Dodoma, capital of the United Republic of Tanzania, located in the central part of the country where MPs meet for Parliamentary sessions. The report on the study is in progress and will be finalized by the end of February 2008. Upon publication, the report will be disseminated to the Speaker of the Parliament, MPs, government officials, and the public. The LHRC intends on conducting workshop/discussions on the findings and recommendations.



*Watch Panel Members*

Not surprisingly, the suspension of Hon. Kabwe has nourished the general feeling of Tanzanians who believe that their interests are not well represented by the Parliament. The multi-party democracy has had little success in Tanzanian Parliament; MPs from different political parties compete against each other rather than cooperating for the benefit of the country. The majority the ruling party has secured at the Parliament has not helped much as laws are passed easily, even those of questionable national interest and those in violation of human rights principles. There is no common ground even on matters where the national interest should take precedence over quarreling among MPs. The party supremacy is very alive in the Parliament -especially with the ruling Party. Some MPs have been told publicly to stop opposing the government proposals, as they risk being left out during Party nominations.

These above examples illustrate the need for the Parliamentary Watch Panel to remain active and vigilant on the parliamentary arena and contribute to strengthening good governance in Tanzania.

#### **i) System of Centre's Data and Information Capture**

The LHRC developed a proposal on the existing information and data collection practice (which no longer meets the needs of the organization) in which it proposes a way forward on how to manage and share the information and data through a document system that would enable the staff to access info/data easily and from all working places. Two document management

systems were preferred<sup>71</sup>. The proposal will be taken up to enable the organization to put in place the system in future.

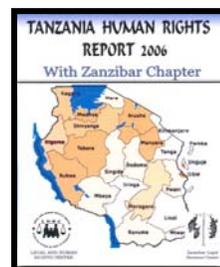
**j) Reliable and up-to-date information on policies, legal, and issues of practice collected, analyzed and disseminated**

In order to keep the general public well informed on legal and human rights issues, the LHRC must rely on reliable and up-to-date information on policies, legal issues of practice and other relevant human rights matters, thus the need to produce, procure and share advocacy oriented publications. In 2007, the LHRC designed, produced and disseminated several publications to specific audiences, the LHRC stakeholders (inside and outside the country) and general public. More than 12,000 copies of the LHRC publications were published and distributed to the general public, the LHRC paralegals and monitors, NGOs, PMs, students (and college libraries), visitors of the LHRC Documentation Centre, stakeholders and partners, during trainings/workshops, public gatherings, festival, exhibitions, special events/anniversary, visits, meetings, roundtable discussions, etc.

Internal and external newsletters were prepared and shared within the organization and outside the organization. External newsletters were produced and disseminated electronically while internal newsletters were produced and shared by the staff and board members.

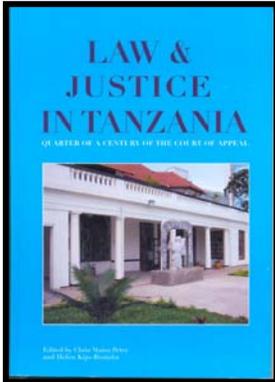
The Tanzania Human Rights Report 2006 (English/Swahili) was launched on April 13<sup>th</sup> 2007. This was the fifth edition since the LHRC decided in 2002 to publish a report on the human rights situation in Tanzania. The LHRC innovated in its 2006 edition by combining an analysis of the human rights situation on the mainland and in Zanzibar, with the collaboration of the Zanzibar Legal Services Centre who participated in preparing the report.

The report is designed as a tool for change by policy makers, government functionaries and other actors in socio-economic, legal and political arenas and, interestingly, its impact was observed during the reporting period in Parliament sessions and Standing Committees. At several occasions, the 2006 Report was referred to by Parliamentarians, political leaders and government officials as a reliable reference to better understand human rights issues in the country. This is a very positive sign as it shows that the LHRC's contribution to mainstreaming human rights in Tanzania is valued by key actors who can bring about social changes in the country.

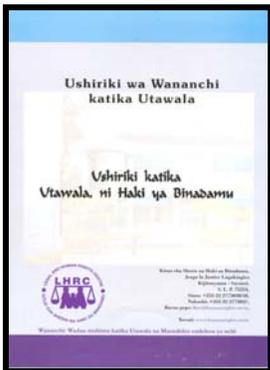


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<sup>71</sup> Electronic document management system and web-based document management system.

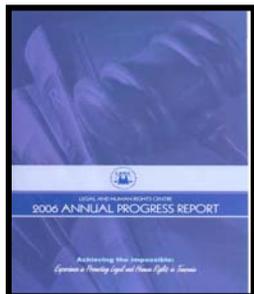


The publication *Law & Justice in Tanzania* was published by the LHRIC in 2007 and launched in July by the Honorable Samatta, retired Chief Justice of the Court of Appeal. The book consists of a compilation of papers presented during a seminar to commemorate the 25<sup>th</sup> anniversary of the Court of Appeal. The Court of Appeal, through the Honorable Samatta, has contributed significantly to enhancing the judicial system by promoting human rights, good governance, democracy and independency of the judiciary.



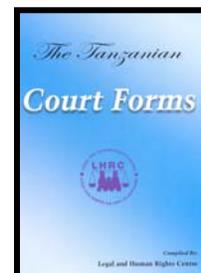
Another interesting publication published in 2007 is a fact-sheet prepared for the general public on the citizens' right to participate in governance of the country. The manuscript of the fact sheet, popular version of '*Ushiriki wa Wananchi katika Utawala*', was officially launched on December 26<sup>th</sup> 2007 on the live TV programme Pambanua. This fact-sheet is meant to advocate for governance issues and inform the people on their right to participate in governance through their representatives and leaders who are accountable and expected to be transparent. 2,000 copies have been produced for wider

dissemination, and will be used by the LHRIC as a tool in civic education during its capacity-building activities.

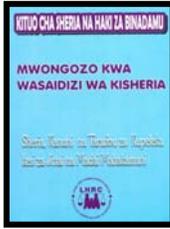


The LHRIC also published its 2006 Annual Progress Report entitled '*Achieving the Impossible: Experience in Promoting Legal and Human Rights in Tanzania*' which was disseminated to its stakeholders. The report highlights progress made during the implementation of the strategic plan 2002/06; for instance the contribution of the LHRIC in the establishment of the National Human Rights Commission, the inclusion of human rights sessions in the Tanzania Police Force's training curriculum and the strengthening of the network of human rights monitors throughout the country. The report also reviews the achievements made in 2006; among other things, the training of 2,500 police recruits on harmful traditional practices, the publication of thematic manuals for paralegals, the monitoring of human rights abuses and violations, the provision of legal aid to people (a total of 9,519 clients visited the clinics in 2006), etc.

**Tanzanian Court Forms:** This was the publication prepared with the interest of helping lay people and to assist people to realize access to the legal machinery. The publication is the compilation



of legal documents and forms with procedures of approaching the courts of law, showing different order of documents that need to be filed depending on the issues that need to be sought out.



Paralegal Training Manual: This publication has been prepared in Kiswahili with the intention of helping paralegals to know the laws and court procedures.

### **Purpose III**

#### **PERFORMANCE AND SUSTAINABILITY OF LHRC IMPROVED**

This purpose addresses internal aspects of the organization and focuses on interventions meant to improving performance and sustainability of the LHRC. The Centre is aware that its success in promoting and protecting human rights depends largely on the capability and commitment of its staff and the availability of material and financial resources, key ingredients that ensure a smooth implementation of programmed activities. Therefore, during the reporting period, the LHRC undertook concrete actions and measures, and also developed best practices to further build its institutional capacity in order to perform more efficiently and effectively in a sustainable manner.

##### **a) A human resources management improved**

2007 was an important year during which the three-year operational plan was kicked off and the organizational configuration re-visited in accordance with the LHRC Strategic Plan 2007/12. This plan has changed to a large extent the structure of the organization, and created or re-shaped new/old positions and roles. A human resources consultant from Zimbabwe, Mr. Simon Matsvai, was commissioned to help the Centre in re-designing all job descriptions and individual accountability (old and new), and introducing a new performance appraisal tool to strengthen human resources management. A succession plan was also drafted by the consultant.

Due to the fast growth of the LHRC and an increasing amount of work, new staff members were hired during the reporting period and have brought in new skills and talents. Hence, three new positions were filled, namely the Chief Accountant, Accountant and Human Resources Officer positions, whereas existing positions were also filled by new people that is the Information Officer and Publication and Documentation Officer positions. In order to contribute to gender balance in the organization, women were given

priority during the recruitment process of the Human Resources Officer position.

In 2007, the LHRC supported staff development by allowing flexibility to those who have undertaken further studies. A total of ten staff members are pursuing further studies (post-graduate diplomas, bachelor or masters degrees). During the year 2007, the Executive Director also secured a scholarship for PhD. studies to be undertaken in England from 2008. The LHRC believes that on the long run new gained skills and knowledge will benefit the organization, though it is a challenge for those individuals to keep maintaining a good balance between work and studies.

The Centre continued with efforts to ensure that adequate and capable staff is available to implement programs. Support and efforts to build the people capacities are ongoing. Job training has been emphasized through supervisors and other senior staff, and through workshops, seminars, conferences to provide exposure and learning. Abroad, be it in Kenya, Zimbabwe, Zambia, South Africa, Malawi, Uganda, Portugal, Norway, Switzerland and The Netherlands, the international arena was part of the LHRC 's development agenda where LHRC high level manager and staff got the chance to interact with other legal and human rights activists.

The LHRC promotes knowledge and experience sharing as well as capacity building and therefore it remains a strategic and friendly environment for those who share the vision of the organization and are willing to discover new human rights and legal horizons. In 2007, the LHRC hosted 48 interns that had the opportunity to sharpen their legal knowledge during a six-month internship as part of their legal studies. Interns came from the University of Dar es Salaam, Mzumbe University, Tumaini University, Open University and the Institute of Finance Management. In July, ten promising candidates out of those 48 were selected to undertake a twelve-week orientation in all legal departments in order for LHRC to better assess the candidates' potential to work for the Centre. All of them completed their orientation successfully and, as a result, were hired as Legal Officer/Volunteers in December. The LHRC also hosted five students from the Social Welfare Institute and two students for field training in IT.

Since it was established in 1995, the LHRC has hosted more than 20 interns/cooperants from abroad (Uganda, Austria, Canada, Denmark, France, Germany, Sweden, USA, etc). 2007 was no exception; five interns joined their efforts to that of the LHRC team and did their internship for durations varying from three to six months. The experience has revealed that by opening its doors to international knowledge and skills, the LHRC gains in return as exchange of ideas, perceptions and experience contributes similarly to staff development.



Ms. Johanne Fortin – A  
Cooperant from CUSO -  
Canada



Ms. Andrea Worbick – An  
Intern from the Canadian  
Bar Association

The Centre organized an annual staff retreat at Hilux Hotel in Morogoro. The event was successful where staff members had time to refresh and plan. A staff retreat was scheduled into the regular work life of an organization to be a source of great unity and inspiration, as we learnt to be with each other in different ways, develop deeper understandings of who we are as individuals and as a group. Spending time with coworkers in a way that is fun, relaxed, and reflective was used to be nourishing as well as productive which lead to the manifestation of an entirely different and powerful orientation toward work, organization vision, the community we are serving and oneself.

A total of 59 staff members attended, but some few volunteers could not make it, since they had other commitments. This retreat was special in that the staff members decided to freely test their HIV/AIDS status, although not all the staff were tested but the majority did.

All programmes presented their works and others shared experiences and asked questions for better improvement. There was an opportunity during the retreat to sing and dance and for some staff members were presented with gifts for their better work performance, team players, etc.



*LHRC Staff at the Annual Staff Retreat – Hilux Hotel, Morogoro*

**b) Existing sources of income retained and additional new sources identified**

On the fund raising agenda, the Fundraising Advisor, who started to work with the LHRC in 2006, drafted a fundraising strategy with the support of ALLAVIDA. Unfortunately, the Advisor ended her contract prematurely without handing over the result of her work. As a consequence, the LHRC is looking forward to resuming its collaboration with ALLAVIDA, aware that extra efforts in resources mobilization will have to be made in 2008. Meanwhile, several contacts were made and proposals were drafted and submitted to potential partners and donors during the last quarter of 2007.

Lastly, in 2007 the LHRC continued getting support from the partners who funded the organization in the last strategic plan (2002/06). 2007 was the first year of the new Strategic Plan 2007/12, and the LHRC entered into contract with existing partners for its three-year operational plan, namely, NOVIB, the Embassy of Sweden, Trocaire, Embassy of Finland and the Ford Foundation. During the reporting period, the LHRC entered into agreement with a new partner, the Norwegian People's Aid, who is managing the funds on behalf of the Norwegian Embassy. A total of US\$ 1,224,813/- was secured for implementation of the reported programme.

**c) Transparency in the financial management systems maintained**

During this year, the Centre continued with implementing recommendations on financial management system agreed upon between development Partners

and the Centre. These recommendations made by Mr. Håkan Jarskog, expert-consultant -who was commissioned by the Swedish Embassy to review the organization financial and accounting systems, controls and regulations- and hence address weaknesses in financial control that were pointed out in 2006. Through implementing the recommendations the Centre managed to amend Financial Regulations at the beginning of the year. These important amendments were considered as necessary milestones to reduce/control potential risks of financial discrepancies and enhance the financial management in areas of procurement, general expenditures, documents and assets management. The revised financial regulations manual was approved by the Board of Directors in July 2007.

Similarly, in an attempt to raise the organizational capacities and ensure sound internal financial control and accounting records, the positions of Chief Accountant and Accountant were filled in 2007, enhancing the overall performance and capacity and better distribute roles and responsibilities within the department. In this line, in last December, the LHRC advertised the position of Internal Auditor who will be responsible for analyzing business processes and give appropriate recommendations to the Management and the Board of Directors. It is hoped that the Internal Auditor will be hired on a part-time basis during the first quarter of 2008. As for the books of accounts of 2006, they were audited by Deloitte and Touché.

The LHRC has committed itself genuinely during the reporting period to re-align its financial management in a correct position in tune with the required expectations.

#### **d) Quality of LHRC's products and services improved**

The three-year operational plan has introduced a new department Monitoring and Evaluation Unit that started its activities during the third quarter of 2007. The M&E Unit aims at re-aligning organizational efforts towards high performance standards ensuring quality assurance to the LHRC stakeholders, and improving the overall performance of the organization through controls, policies, guidelines and best practices. As head of this new department, the Organization Development, Quality Assurance and Imaging (O.D.) Manager 's primary responsibility is to review programmed activities, report on their implementation or execution (timing, quality, reporting, etc.), and put in place incentive measures for the LHRC to reach its full potential supported by a capable and resourceful team. Since July 2007, the position has been held by a cooperant for no suitable candidates were found after the position was advertised in April 2007. The recruitment process is ongoing as the position will be advertised again in January 2008. It is hoped that a suitable candidate will be hired in March 2008.

The impact of M&E Unit was very tangible in 2007 and thus promising for the year 2008: improvement has been observed during the reporting period in the preparation and submission of quality reports. Staff members responded positively to the policies and guidelines on report formats and started to make use of templates to report their activities in comprehensive reports expected to reflect consistency and substance. Reports are forwarded to the O.D. who is responsible for reviewing (and editing) the content through a critically and constructively approach. Reports on activities are now compiled at the Documentation Centre and available for experience and knowledge sharing in the organization.

Last but not least, a new monitoring and evaluation system was developed during the last quarter of 2007 in order to help supervisors and staff following-up the implementation of planned activities, and ensure that targets are met as per qualitative and qualitative indicators. The bi-annual system shall be put to the test in July for the period covering January to June 2008.

#### **e) Improved governance of LHRC**

During the reporting period, the Board of Directors participated in four meetings and its Standing Committee conducted one meeting. In 2007, the Board of Directors was very much active in reviewing and scrutinizing quarterly management reports and organizational progress reports, and meeting with the LHRC partners. Moreover, the Board of Directors was instrumental in the establishment of the LHRC Audit Committee.

In October 2007, the Board of Directors participated in a one-day workshop on gender which was facilitated by the LHRC. The objectives of the workshop were to introduce the Board to gender-sensitive approaches and the new LHRC Gender Policy (first version/draft), and get their input on the policy. The Board members did participate in the workshop with enthusiasm, curiosity and genuine openness. During working sessions, Board members were expected to contribute to the LHRC Gender Policy (explained in Section 4.2.1) and make recommendations on how to improve it. They actually did.

The workshop was also a good opportunity for the LHRC to measure the interest and willingness of the Board of Directors to sharpen their knowledge and further develop their capacities. The reaction was very positive and in 2008 the LHRC intends on building on this experience and support capacity building activities in fundraising. Organizational efforts and attention were re-aligned during the last quarter of 2007 in order to prioritize resources mobilization during the year 2008 and enhance the LHRC's capacities, including that of its Board of Directors, in the fundraising area. The Board organized the 2007 Annual General Meeting which took place on July 28<sup>th</sup>. In this meeting the AGM approved the annual report, received the Audit report

2006 and appointed two Board members after two old Board members retired.<sup>72</sup>

To conclude this section on performance and sustainability, it is worth reflecting on the problems the LHRC faced in terms of organizational growth. When the LHRC kicked off the first year of its operational plan, it was expected that its programmes would expand in 2007 and, as a result, that some activities would be implemented in more districts than in 2006. The LHRC had also anticipated merging its two legal aid clinics into one clinic, with the aim of becoming a model in Tanzania and inspire the government to operate similar clinics in the country. The creation of a mobile legal aid clinic was also programmed in 2007 but did not materialize during the reporting period. Since the LHRC did not manage to secure enough funds from its partners to implement those activities in 2007, needless to say that it is with great hope that the Centre looks forward to mobilizing its efforts and resources to expand its activities during the year 2008 and translate into actions all planned activities.

### **3. PROGRESS IN MAINSTREAMING OF HIV/AIDS AND GENDER**

#### **3.1 HIV/AIDS**

##### **3.1.1 Organizational Level**

As part of its HIV/AIDS Policy implementation, two staff members attended a two-day workshop on HIV/AIDS mainstreaming at work place conducted in Mwanza in July 2007. These staff members are part of the larger team 'LHRC Peers Educators' that contributes to promote HIV/AIDS sensitivity within the organization. Among the two staff members who attended the 2007 Gender Festival organized in September by TGNP, was one of the LHRC Peer Educators who decided voluntarily to get a test for HIV/AIDS. Based on this experience, the PE asked the Management to organize such a session for the LHRC staff. Interestingly, few weeks later, the President of Tanzania the Honorable Kikwete inaugurated a campaign on HIV/AIDS to sensitize the Tanzanian to the importance of HIV/AIDS tests.

During its annual retreat, held in Morogoro from November 29th to December 1st 2007, the Centre organized a half-day session on HIV/AIDS. A medical team consisting of three doctors from AMREF facilitated the session divided into two segments: medical counseling followed by volunteering testing. Thus, those among staff members who were interested and willing to be

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<sup>72</sup> Ms Ananilea Nkya and Dr. Ringo Tenga who served the Board since 1995 September retired and Ms. Joyce Mhaville and Mr. Alex Mgongolwa were appointed. This is according to the implementation of the Board Succession plan.

tested had the opportunity to do so confidentially in a conducive environment. 41 staff members out of the 59 present tested.



*Staff member being tested during LHRC 2007 Annual Staff Retreat*

### 3.1.2 Programme level

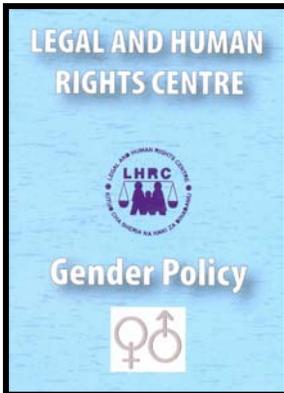
In an effort to mainstream HIV/AIDS, the LHRC produced a TV and radio programme on prevention and control of HIV/AIDS, and made recommendations to the Social welfare and Community Development Parliamentary Standing Committee on the HIV/AIDS Prevention and Control Act, 2007.

## 3.2 Gender

### 3.2.1 Organizational Level

As a human rights leader in Tanzania, the Centre has always been highly concerned about gender issues in the country and indeed the organization itself. During the reporting period, the Centre translated into action its gender vision into a policy so as to give directions to the whole organization on various gender dimensions. Built upon international, regional and national human rights instruments, the LHRC Gender Policy provides fundamental

principles and guidelines to address gender gaps within the organization, as well as it is an organizational tool when planning, programming, and implementing programmes to ensure they are gender sensitive.



The LHRM Gender Policy has been developed in the realization that gender equality and equity are human rights issues which the Centre cannot overlook. In an attempt to enhance the knowledge of the staff, Board of Directors and Members on gender issues and raise their gender awareness, the policy was designed by the LHRM Gender Committee after internal consultation. Instead of outsourcing consultants to design the policy, the LHRM decided to use its own expertise and develop the policy through a participatory approach (workshops and consultations) where staff members and the Board of

Directors were introduced to a gender-sensitive approach and asked to contribute to the policy. Consultative workshops and meetings provided all participants with an opportunity to build their sense of ownership and hopefully this will facilitate the implementation of the new policy which was approved by the Board of Directors in November 2007.

### 3.2.2 Programme Level

The Gender Desk established by the Centre has coordinated activities which are meant for gender mainstreaming in the Tanzanian society, among them the campaigns against FGM and gender-based violence. On gender violence, the LHRM participated in organizing a Popular Tribunal where women and men shared information and testimonies on gender-based violence. The police were invited and they heard the testimonies of police in action on gender issues such as domestic violence. Judges were also invited; they took part in the tribunal and made powerful statements regarding access to justice. Doctors also participated in the tribunal and explained the challenges in dealing with women health issues that have become a big maternal health problem.

The Centre also participated in the campaign against gender violence through the 16 Days of Activism against Gender Violence organized by Women in Law and Development in Africa. This year's event drew a big audience not only in Dar es Salaam but also in other areas of the country. It was so obvious that people's awareness on gender-based violence has grown. The LHRM participated in the organized legal aid assistance for women and men who were victims of gender violence during the 16 days. A campaign mounted by Young Women Christians Association was also part of the LHRM's gender mainstreaming issues where YWCA launched the TAMARI

Campaign against Domestic Violence. The Centre's participation was mainly to share the legal issues pertaining to domestic violence.

Many NGOs contribute to raising the people's awareness on gender, women and girls rights in Tanzania. Above activities are steps in the right direction. The Government of Tanzania is a key actor too in mainstreaming gender in its programmes and policies. Concerned about the effort of the government to do so, the LHRC has started to monitor whether the government complies with international instruments promoting women's rights given that some of them had been ratified by Tanzania. In this respect, a report from the Human Rights Monitoring and Outreach Unit is expected during the first quarter of 2008. Moreover, in this reporting period, the FGM Coalition and the LHRC organized a two-day workshop for the Members of Parliament coming from areas in the country where FGM is practiced. The workshop was designed as a sensitization session with the ultimate objective of contributing to the enforcement of laws against FGM in Tanzania. This workshop attended by 33 MPs turned proved very useful. Some MPs still claimed that FGM is their custom and tradition and, according to them, the anti-FGM idea is imposed on their society to make women go against men's will.



*Hon. Mary Nagu addresses Anti-FGM presiding workshop the for MPs in Dodoma.*

Medical issues were raised by a medical doctor; legal issues were raised by a lawyer, whereas practical issues were raised by other MPs from other constituencies. The two-day discussions have shown that the participants' awareness has been raised, and the Coalition confirmed the awareness of most of the participants through discussions. The workshop came out with recommendations which the MPs agreed to follow up in their constituencies.

The Parliamentary Committee members on social and development also agreed to follow up on the issue, while the representative of the Ministry of Community Development, Gender and Children Affairs gave her commitment to follow up under the mandate of the Ministry.

Lastly, the LHRC participated in and facilitated training on gender violence organized by the Community Development, Gender and Children attended by community development officers from several districts in the country.

#### **4. CHALLENGES**

By definition, challenges are tasks that test ability, skills and perceptions. The reporting period was no exception as the Centre did face the following challenges that brought 'food for thought' on how to implement its programmes and opportunities to reflect on some organizational practices:

- 1) Land rights are still a common legal issue for LAC's clients that raise questions, concerns, tensions and disputes in the communities. Women are particularly vulnerable as far as land rights are concerned since their rights are more often than not ignored, refused, not recognized and violated;
- 2) The year 2007 was crucial to further set the stage for all required conditions for the Justice, Parliamentary and Government Watch Panels to take off, find their niche, get more familiar with their role and adopt a visionary understanding of their potential impact on the principle of good governance in Tanzania. It was a challenge since day by day the Centre has been innovating since the establishment of these panels for which there is no Tanzanian precedent;
- 3) Some government officials and police officers were not cooperative with the Government and Justice Watch Panels and the LHRC fact-finding teams during data collection and research; and
- 4) The implementation of the Financial Management System Review Plan was another challenge that required the organization and the Board of Directors to focus their attention on the financial managements systems so as to re-align existing systems with the stakeholders' expectations and by so doing re-build the confidence of the LHRC's partners;
- 5) The demand in Tanzania for legal services and human rights awareness programmes/activities is much greater that the organizational capacities of

the LHRC. As a result, the Centre has to focus in certain areas or districts and prioritize activities and actions.

- 6) Education on HIV/AIDS remains an important item on the organizational agenda; therefore, this issue is still a priority for the Centre that puts in place measures to sensitize its staff on voluntary counseling and testing, and encourage them to have protected sexual intercourses. Still, more sensitization needs to be done for there are staff members who are still reluctant and refuse to be tested. Stigma still persists; uneasiness about HIV/AIDS has been perceived, especially during the retreat whereas some people did not even want to know the result of their test. And, as for the staff members who are HIV/AIDS positive, the challenge the Centre will be facing is to ensure the provision of appropriate medical support.
- 7) On the other hand, as the experience at the annual retreat has demonstrated, a conducive environment can help mobilizing people to take preventive actions. The 'mob-psychology' or positive effect of the group might have influenced some staff members given that 69.5% of the staff was tested. This is a very good score and great achievement. The retreat also provided an opportunity to measure the impact that people who conduct sensitization campaign on HIV/AIDS (such as medical staff) can have on a group; when highly convinced and motivated, those people can inspire and motivate others on the importance of taking preventive and curative measures on HIV/AIDS.
- 8) Over the years, the Centre has gained a remarkable experience in human rights and legal matters which suggest that the implementation of its gender policy will be fruitful and successful provided all staff -women and men alike- work hand in hand towards equality and equity. This is also a challenge as efforts shall be made to ensure that the gender policy will never be regarded as a 'feminine/women issue' but rather as a human rights issue that deserves organizational attention and appropriate actions. It is going to be an interesting challenge to further integrate the gender approach into all steps of the LHRC's programme management cycle, as well as it is expected that extra efforts will be required to sensitize our partners (including those at grassroots level) and other stakeholders to the concepts of gender equity and equality. Nevertheless, the Centre is confident to meet this challenge as years of experience have sharpened its capacity to build on existing capacities, help people to change their perceptions and hence raise their legal awareness.

## **5. LESSONS LEARNT**

Every day of 2007 brought an opportunity for the Centre to sharpen its expertise, overcome challenges, address unexpected issues and grow. The following lessons learnt of 2007 shall be used as a basis for discussing and undertaking strategic actions:

- 1) Reconciliation is an effective way to settle dispute that has proven constructive and helpful at the legal aid clinics in Dar as Salaam where a fair number of reconciliation takes place monthly;
- 2) Public awareness on the proceedings of the Parliament's debates has been raised; people make follow-up and ask questions to know what is going on in the Parliament. This was particularly observed in the reaction of the population after one MP was suspended in August 2007. There is a need for the LHRC to continue to educate the public on functions of the Parliament and its accountability to the people of Tanzania;
- 3) When people become aware of issues, it is easier to bring about changes in the public arena; this was observed in the people's reaction after one member of Parliament was expelled from the Parliament;
- 4) A new trend has been observed at the Legal Aid Clinics: the number of cases related to land rights has increased as opposed to previous experience whereas the number of cases related to labor issues was higher. This might be explained by the inefficiency of some Ward Tribunal Officials to adjudicate land law matters and uphold principle of natural justice;
- 5) Clients of legal aid clinics tend to have more social and financial problems than legal problems and, as a result, counseling services have become necessary to better respond to their needs;
- 6) Access to justice is a right which is not realized by all in Tanzania. Despite the fact that the LHRC supports indigent people and helps them to represent themselves in Court, and also represents people in cases of public interest, it is not enough to address the issue at national level. The judiciary system in many aspects is weak. Delay in cases in Court has become a rule rather than an exception, as observed during the study conducted in 2007;
- 7) Corruption in institutions of justice remains a determining factor that restrains the access to justice of poor and disadvantaged people;
- 8) LHRC TV/radio programs have contributed significantly to the awareness of human rights awareness in Tanzania (given the increasing number of calls/messages received from the audience received in 2007); and
- 9) The presumption of innocence is a critical issue that requires more efforts to be addressed since this legal concept appears to be not properly understood (E.g. 14 alleged Kenyan bandits).
- 10) The Centre has observed some progress in mainstreaming gender. People's awareness has increased; they participate more and more in debates and activities promoting women's rights and several NGOs are working relentlessly in collaboration with each other for women's empowerment and gender equality in Tanzania.

## **6. CONCLUSION**

The progress report aimed at highlighting progress made in programmed activities that were implemented between January and December 2007, during which period the LHRC concluded the completion of the first year of its operational plan 2007/09.

Mostly all planned activities were implemented successfully within the budget, and targets were met and some even surpassed. Genuine efforts were made at all organizational levels to strengthen the staff's capacities, fine-tune policies as per the LHRC partners' expectations, and introduce sound practices to improve the overall performance of the organization. These tangible and concrete actions reflect the capacity of the organization to readjust when necessary so as to promote management and organizational efficiency and effectiveness by utilizing more effectively available resources.

One of the main achievements of 2007 was to strengthen existing management processes; positive signs were observed at the Management and staff levels and up to the Board of Directors. It is promising for the year 2008. The finalization of the gender policy for the organization is another achievement which will stir the organization towards gender mainstreaming in all its systems and programmes.

Lastly, a large number of staff members of the LHRC decided voluntarily to be HIV/AIDS tested during the annual retreat and thus showed the way as human rights leaders by taking preventive actions. This was a very innovative way to end the first of the three-year operational plan.

The challenges and lessons learnt in 2007 have already paved the way to the second year of the operational plan and have given momentum to the LHRC for the coming year to further building and promoting a human rights culture.

**AUDITED ACCOUNTS****INDEPENDENT AUDITORS' REPORT****TO THE MEMBERS OF LEGAL AND HUMAN RIGHTS CENTRE**

We have audited the accompanying financial statements of Legal and Human Rights Centre which comprise the balance sheet as at 31 December 2007, the statement of income and expenditure, statement of changes in equity and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory notes.

**Management's Responsibility for the Financial Statements**

The directors of Legal and Human Rights Centre are responsible for the preparation and fair presentation of these financial statements in accordance with the International Financial Reporting Standards. 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 judgments, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the 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 system. 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 the Legal and Human Rights Centre as of 31 December 2007 and of its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards.

Certified Public Accountants  
**DAR ES SALAAM**

  
Elinisaidie K Msuri  
Partner

Date: 

**LEGAL AND HUMAN RIGHTS CENTRE  
STATEMENT OF INCOME AND EXPENDITURE  
FOR THE YEAR ENDED 31 DECEMBER 2007**

	NOTE	MEMORANDUM			
		2007 USD	2006 USD	2007 TZS'000	2006 TZS'000
<b>INCOME</b>					
Grant income	2	1,061,586	859,400	1,263,287	984,014
Release of capital grants		84,953	84,340	101,094	96,568
Release of deferred grants		-	18,309	-	19,994
Interest income		-	1,104	-	1,265
Other income	3	<u>99,863</u>	<u>55,928</u>	<u>118,837</u>	<u>64,035</u>
<b>Total Income</b>		<b><u>1,246,402</u></b>	<b><u>1,019,081</u></b>	<b><u>1,483,218</u></b>	<b><u>1,165,876</u></b>
<b>EXPENDITURE</b>					
Research, Documentation and Publication		9,622	56,199	11,450	64,351
Outreach and Advocacy		354,595	287,237	421,968	328,902
Legal Aid and HR Monitoring		361,183	299,033	429,808	342,409
Personnel expenses		173,465	127,128	206,423	145,568
Office expenses		71,288	64,367	84,833	73,706
Consultancies and related expenditures		72,078	51,731	85,773	59,237
Board expenses		5,588	9,979	6,650	11,426
Financial charges		6,422	3,507	7,642	4,016
Staff training expenses		9,793	857	11,654	981
Audit expenses		12,058	7,203	14,349	9,090
Depreciation expenses		84,953	84,340	101,094	96,567
Training expenses		1,985	-	2,362	-
Software expenses		15,931	-	18,958	-
Loss on disposal of assets		<u>9,378</u>	<u>-</u>	<u>11,160</u>	<u>-</u>
<b>Total expenditure</b>		<b><u>1,188,339</u></b>	<b><u>991,581</u></b>	<b><u>1,414,124</u></b>	<b><u>1,136,253</u></b>
<b>Surplus for the year</b>		<b><u>58,063</u></b>	<b><u>27,500</u></b>	<b><u>69,094</u></b>	<b><u>29,623</u></b>

The Statement of Income and Expenditure is to be read in conjunction with the notes to and forming part of the financial statements set out on pages 8 to 12.

Auditors' report – page 3

LEGAL AND HUMAN RIGHTS CENTRE

BALANCE SHEET  
AT 31 DECEMBER 2007

	Notes	MEMORANDUM			
		2007 USD	2006 USD	2007 TZS'000	2006 TZS'000
<b>ASSETS</b>					
<b>Non current assets</b>					
Property, plant and equipment	4	430,510	479,062	478,297	489,562
		<b>430,510</b>	<b>479,062</b>	<b>478,297</b>	<b>489,562</b>
<b>Current assets</b>					
Receivables and prepayments	5	21,621	24,061	24,355	30,365
Cash and bank balances	6	257,342	151,773	285,877	191,539
<b>Total current assets</b>		<b>278,963</b>	<b>175,834</b>	<b>310,232</b>	<b>221,904</b>
<b>TOTAL ASSETS</b>		<b>709,473</b>	<b>654,896</b>	<b>788,525</b>	<b>711,466</b>
<b>EQUITY AND LIABILITIES</b>					
<b>Equity</b>					
Accumulated surplus		243,532	159,125	270,564	200,822
Capital grants		430,510	479,063	478,297	489,561
<b>Total equity</b>		<b>674,042</b>	<b>638,188</b>	<b>748,861</b>	<b>690,383</b>
<b>Current liabilities</b>					
Other payables and accruals	7	35,431	16,708	39,364	21,083
<b>Total current liabilities</b>		<b>35,431</b>	<b>16,708</b>	<b>39,364</b>	<b>21,083</b>
<b>Total equity and liabilities</b>		<b>709,473</b>	<b>654,896</b>	<b>788,525</b>	<b>711,466</b>

The Balance Sheet is to be read in conjunction with the notes to and forming part of the financial statements set out on pages 8 to 14.



Director

Date 29.04.2008



Executive Director

Date 28-4-08

