



Mlinzi wa **HAKI**

English version



December 2022

Dear esteemed readers

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



I encourage
you all to
read and
share the
Mlinzi wa
Haki
Newsletter.

- Adv Anna Henga
*LHRC Executive
Director.*

With the support from our devoted staff and developmental partners, including the Embassies of Sweden, Norway, Finland and Ireland and the Ford Foundation. LHRC is delighted to welcome you to our December 2022 Mlinzi wa Haki newsletter.

LHRC is proud of being able to strengthen the legal and policy framework governing the special rights of women, children, and people with disabilities, as well as to improve the LHRC's effectiveness in carrying out its mandate.

In this newsletter, we highlight some of the key activities and milestones that, as an organization, we underwent in the month of December 2022 and I hope that it will keep you updated on what the LHRC has been up to during the month.

Briefly, this month saw LHRC meeting all the goals it set itself for December. We had important activities, like taking part in the commemoration of the International Human Rights Day 2022 event as well as other human rights-related activities.

December saw LHRC completing the work it planned for 2022 as well as giving us an opportunity to reflect on the past work and plan for 2023.

This month also saw LHRC continues to sharpen the knowledge and skills of its staff scattered across the country, a necessary initiative if the organisation is to serve its mandate diligently.

Sensitization programs around issues of human rights and good governance also continued this month, using different strategies like the media, to keep Tanzanians informed about human rights. Also, legal aid services continued this month.

As we are starting 2023, my message to our key stakeholders, especially citizens, is that human rights are not luxuries that one can decide to have or not. They are essential in ensuring we all live a life with respect, safety and dignity.

It is everyone's responsibility to ensure that people's fundamental human rights are being protected for that is the foundation of a peaceful and democratic nation.

Let 2023 be the year where we will all say no to the violation of basic human rights. Happy New Year to all Human Rights Defenders!



Precedent set in TZ legal system thanks to LHRC intervention

The High Court of Tanzania this month ruled that the removal of Prof Musa Assad as the Controller and Auditor General (CAG) from office was unconstitutional, setting a new precedent in Tanzania's legal system, especially when it comes to what the Head of State can and cannot do.

Prof Assad was removed from office as the CAG on November 3, 2019, following the appointment of Mr Charles Kichere, the current CAG, by the late president John Magufuli.

It followed Assad's findings that there was a mismatch between the collected revenue of TZS25.3 trillion and the TZS23.8 trillion released by the treasury for government expenditure, leading people to question the whereabouts of the remaining TZS1.5 trillion.

With support from the Legal and Human Rights Centre (LHRC), ACT-Wazalendo party leader Mr Zitto Kabwe filed a lawsuit in January 2020 at the High Court challenging the manner in which Mr Kichere's appointment was made.

In one of his submissions, Mr Kabwe argued that Prof Assad's removal from office under the pretext of the expiration of his tenure is unconstitutional as he had not reached the mandatory retirement age of 65 years as required by Section 6(2)(a) of the Public Audit Act in line with Article 144(1) of the constitution.

Mr Kabwe, who was represented by advocates Rugemeleza Nshala and Nyaronyo Kicheere in the case, also argued that the appointment of Mr Kichere as CAG is unconstitutional as Prof Assad, who was a substantive holder, had not reached the mandatory retirement age of 65 years.

In its landmark ruling on December 5, 2022, a team of three judges agreed with the first submission but dismissed the second one.

LHRC, however, welcomed the ruling, stating in a statement that the move is a step in the right direction towards more fairness in Tanzania's justice system.



More needs to be done to stop violence against women, children



Legal and Human Rights Centre (LHRC) Executive Director Anna Henga this month called on stakeholders to join forces against the normalization of violence against women and children in Tanzania which she said is increasing at a worrying speed.

Speaking during a press conference on December 6, 2022, at LHRC's headquarters in Dar es Salaam, Advocate Henga said that more efforts need to be directed at sensitizing the community on the dangers

that accompany violence against women and children.

“We should find a way that violence against women and children is not being treated as a new normal in our country,” Henga told a press conference. “It is not normal and it should stop.”

During the press conference, Henga said that according to LHRC's analysis, a total of 23,685 incidents of violence against



women were reported in 2021 alone, an increase of 2,859 incidents within one year.

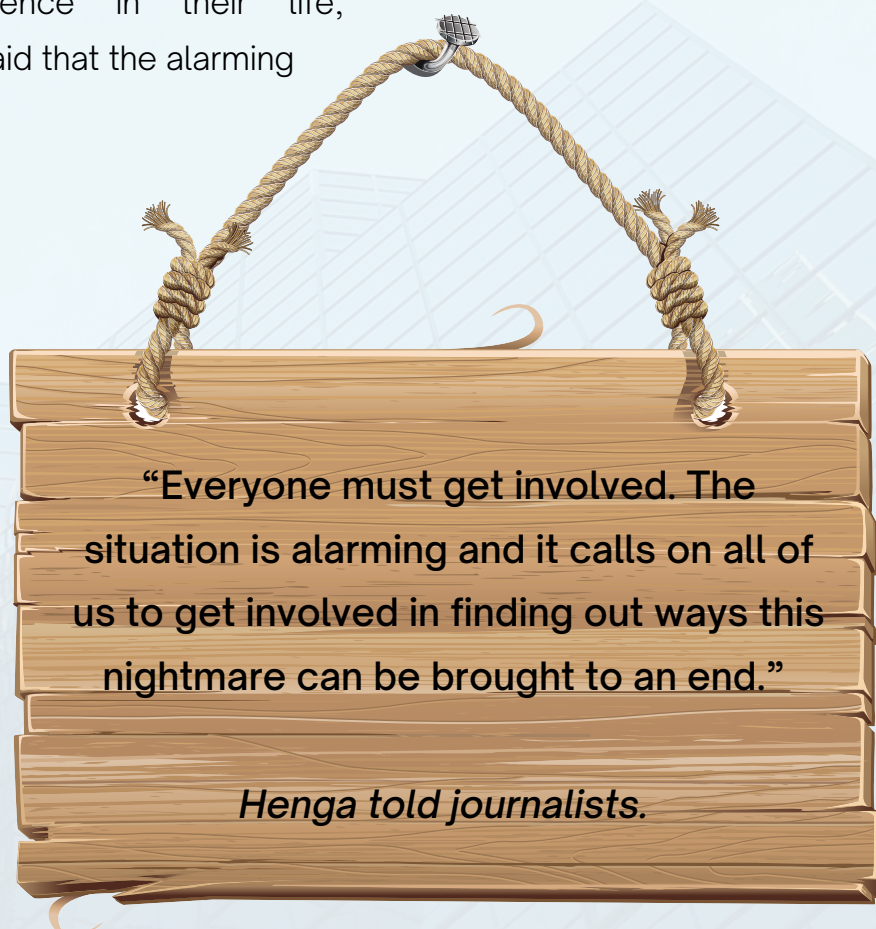
The incidents include bodily harm, sexual assault, psychological torture as well as economic assault. Henga named Arusha, Manyara, Lindi, Tanga and Dar es Salaam as the leading regions when it comes to violence against women.

Citing a World Bank report that shows that 40 per cent of women in Tanzania, aged between 15 and 49, have experienced violence in their life, Advocate Henga said that the alarming

increase in gender-based violence in Tanzania calls for collective efforts.

According to LHRC, intimate partner violence is higher in rural areas at 53 per cent than in urban areas at 45 per cent.

Around 30 per cent of girls experience sexual violence before reaching the age of 18 while 58 per cent of women and 40 per cent of men believe that a husband has the right to beat his wife for any reason.



LHRC condemns physical assault by Songwe DC against a girl

Legal and Human Rights Centre (LHRC) this month denounced the action by Songwe district commissioner Simon Simalenga who allegedly hit a 19-year-old girl Florenencia Mjenda for sitting at an inappropriate place during a social event, sparking a public outcry.

The incident took place on December 2, 2022, during a women's football match where Mr Simalenga reportedly summoned Mjenda and hit her after accusing her of sitting at the wrong place, a place designated for dignitaries.

"When we're sitting there when the DC showed up and summoned all of us," Mjenda, a resident of Mbangala in Songwe, told journalists.

"My colleagues ignored him and went different ways but I went to meet him out of respect. When I got to him, he held my hand and slapped me," she added.

Mr Simalenga, however, has denied the reports, telling the media that nobody was beaten and that things did not turn out at the scene as they are being reported in the media.

In a statement on December 6, 2022, LHRC Executive Director Anna Henga condemned Mr Simalenga's alleged behaviour, reminding elected and appointed officials of the rule of law and the danger of arbitrary punishment.

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LHRC commemorates Human Rights Day 2022



The Legal and Human Rights Centre (LHRC) this month joined other human rights stakeholders in commemorating Human Rights Day, an international day marked on December 10 of every year to commemorate the day in 1948 the United Nations General Assembly adopted the Universal Declaration of Human Rights.

LHRC marked the day on December 8 during an event it organised at the Julius Nyerere International Convention Centre (JNICC) where a number of human rights stakeholders attended.

The event was a joint initiative by LHRC, the Ministry of Legal and Constitutional Affairs and the Commission for Human Rights and Good Governance.

LHRC Executive Director Anna Henga told journalists on the sidelines of the event that the day gives stakeholders a chance to reflect on the situation of human rights in Tanzania and beyond and deliberate ways to promote them.

Henga said that the most violated human right in 2022 in Tanzania was the right to life, where an unprecedented number of





incidents involving intimate partner violence were reported throughout the year.

Henga also said that many people committed suicide in 2022 while a significant number of people also were killed based on witchcraft beliefs, commenting that more efforts need to be directed towards reducing them in 2023.

The 2022 International Human Rights Day theme was ‘Dignity, Freedom, and Justice for All,’ which Ms Henga said best captures the essence of human rights as the three things are what every human being in the world needs.

On December 10, 2022, also, the LHRC commemorated Human Rights and Ethics Day in the capital Dodoma where Chief Justice of Tanzania Prof Ibrahim Juma and Minister of State, Office of the President, Public Service Management and Good Governance Jenista Mhagama participated.



LHRC ends 2022 in style



The Legal and Human Rights Centre (LHRC) ended the year 2022 in style, seeing its Executive Director Anna Henga recognizing the organisation's staff for their outstanding performance throughout the year.

During the staff retreat in Morogoro on December 16, 2022, Ms Henga thanked and congratulated the entire LHRC team for making the organisation serve its purpose as a leading advocacy organisation in Tanzania.

Ms Henga reminded LHRC staff of the noble role that the organisation is supposed to play in the area of human rights in the country, encouraging them

to embrace selflessness and ethics when serving the community.

The event saw Advocate Henga recognizing some of LHRC staff members for their unique contribution to the organisation in 2022, presenting them with awards and other gifts as a sign of honouring such contributions.



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