



ANNUAL REPORT SUMMARY 2021





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Cover Photo: Showing participants of the VAW/VAC meetings in the Lake Zone.



LIST OF ACRONYMS/ABBREVIATIONS

LHRC	Legal and Human Rights Centre
IEC	Information Education and Communication
GBV	Gender-Based Violence
VAC	Violence against Children
VAW	Violence against Women
VAWC	Violence against Women and Children
CSO	Civil Society Organization
EACJ	East African Court of Justice
BoD	Board of Directors
AGM	Annual General Meeting
ACHPR	African Commission on Human and Peoples' Rights
CAT	Court of Appeal of Tanzania
NGO	Non-Governmental Organization
PWDs	Persons with Disabilities
CHRAGG	Commission for Human Rights and Good Governance
COVID19	Coronavirus Disease
HIV	Human Immune Virus
LGA	Local Government Area
UNFPA	The United Nations Population Fund
MCT	Media Council of Tanzania
EJAT	Excellence in Journalism Awards in Tanzania
CSR	Corporate Social Responsibility
TV	Television
FM	Frequency Modulation



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OVERVIEW

This is summary of annual report that highlights LHRC's Key achievements and success stories from our clients for the operations year 2021 which in line with LHRC's five years strategic objectives.

Our initiatives aimed to raise legal and human rights awareness among rights holders and duty bearers, as we strive to improve accountability, respect, and protection of human rights.

As part of our mission to increase access to justice for indigent persons through the provision of legal aid and supporting the work of paralegals, LHRC facilitated access to justice by supporting 16,355 clients.

Approximately 74% of the recommendations submitted by LHRC to the Parliamentary Permanent Committee for Legal and Constitutional Reforms were accepted and adopted in 2021.

Also, the LHRC noted an increase in the police station and media reporting of human rights violations and grievances. Human

Rights Monitors in the Haki Kiganjani digital system reported 1803 incidences of GBV in 2021.

Another notable achievement in the area of women's rights protection is the Tanzania Police Force's incorporation of the category of femicide in crime statistics. The incidence of femicide will be better reported and responded to as a result of this. The government also incorporated 10 recommendations for the Law of the Child into a bill to guarantee the child's safe adoption and protection.

According to a comparative analysis of the UPR recommendations published by the United Nations Human Rights Council, the United Republic of Tanzania adopted 43% of the UPR's recommendations. The focus of the analysis was on the contribution report of the United Nations and Civil Society Organizations.



WHO WE ARE AND WHAT WE DO?

OUR BACKGROUND

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

LHRC has four offices, namely: the head office located in Kijitonyama, Dar es Salaam; a model legal aid office situated in Kinondoni, Dar es Salaam; and two sub-offices one located in Arusha and

the other in Dodoma Regions.

LHRC's operations are extensive, spanning all 138 districts of Tanzania's mainland, with specific interventions in Zanzibar. LHRC has a presence in remote parts of the country, made possible through its well-designed programs, promoting awareness and providing support to enable citizens to re-imagine their communities and capacitate them in settling some disputes amicably, without resorting to protracted judicial proceedings.

STRATEGIC OBJECTIVES

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





Our Vision:

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



Our Mission:

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



Our Values:



Integrity



Transparency



Accountability



Professionalism



Equality and Diversity



Volunteerism & Voluntarism



AGM: Our highest organ, the Annual General Meeting (AGM), comprises 120 members. The AGM convenes annually and has three main functions: appointing the Board of Directors, appointing external auditors, and reviewing audited accounts.



Board of Directors: Our Board of Directors comprises 9 members, 67% of whom are female and 33% of whom are male. Board members have various professional backgrounds, including legal, media, human rights, and finance.



LHRC KEY ACHIEVEMENTS

1.1. INCREASED PUBLIC AWARENESS ON HUMAN RIGHTS ISSUES

LHRC's efforts to empower the public on human rights-related issues through social media resulted in 4,634,068 impressions, 85,430 profile visits, and 14,984 new followers on Twitter in 2021. There are currently 54,420 Facebook users and 19,220 likes while HAKI TV attracted 4,373 subscribers and 83,174 viewer engagements





Picture 1: Member of our Human rights clubs from one of the primary school in Bagamoyo during club visit November 2021.



1.2 ENHANCING ACCESS TO JUSTICE THROUGH THE LEGAL AID PROGRAMME

LHRC FACILITATED ACCESS TO JUSTICE BY SUPPORTING



16,355

Clients

82%

Of our projected target



39% Women accounted for



61% Men predominantly constituted

Increase from last year's plan
30%



We won **219** Disputes in various courts and tribunals

Which is an increment of **70%** from 2020.



In 2021, LHRC facilitated access to justice among 16355 clients depicting an 82% achievement of the projected target; the clientele constituted 39% women and 61% men, portraying a 30% increase from last year's plan. The graph below summarizes the output of a three-year analysis of sex data.

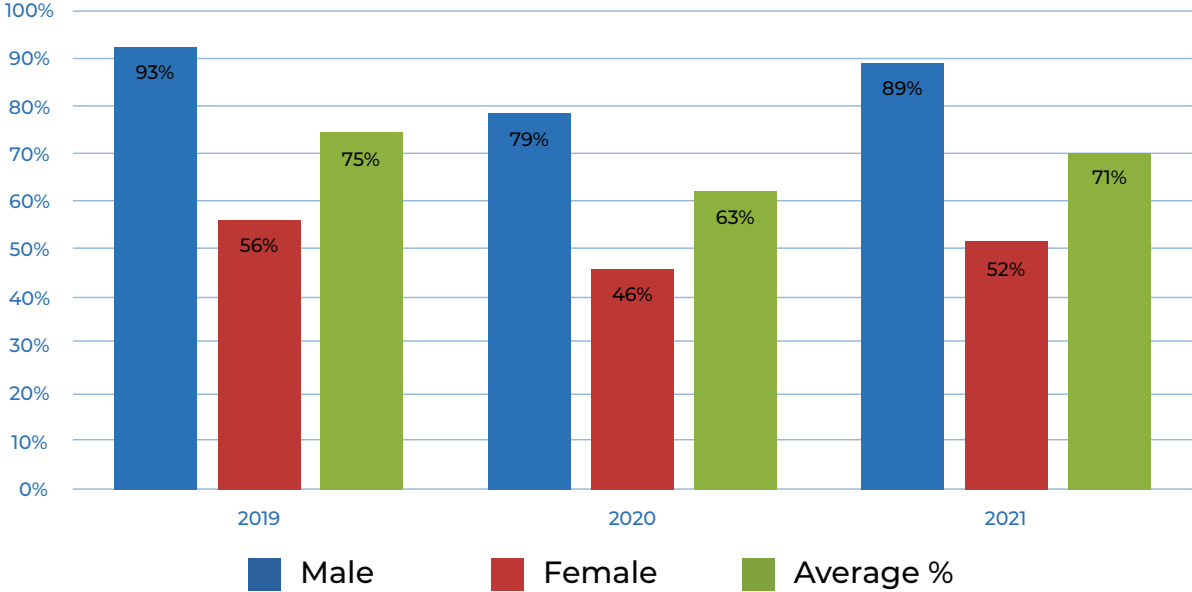


Figure 1: Distribution of Legal Aid Clients attended by Sex according to the assigned target between 2019-2021.

According to the graph, a greater proportion of male clients were reached in comparison to their female counterparts. Furthermore, data reveals that we have achieved 70% of the projected target on average over the last three years.





Picture 2: Our legal aid beneficiaries during a monitoring visit in Tarime October 2021.



1.3. INCREASED LEGAL REFORMS

- In 2021, the Parliamentary Permanent Committee for Legal and Constitutional Affairs accepted and adopted roughly 74% of the LHRC’s recommendations. The Land Disputes Courts Act established alternate dispute resolution in land disputes to the ward land tribunal, which marked a profound shift in the administration of land justice in the country. This could minimize the number of complaints and improve land-related access to justice.

The table below shows the distribution of proposed and adopted amendments:

NO	Act	Number of issued recommendations	Percentage Adopted
1	Advocates Act Cap.341	3	67%
2	Companies Act Cap. 212	2	50%
3	Land Dispute Court Act Cap.216	2	100%
4	Magistrates’ Courts Act Cap.11	3	67%
5	Business Names (Registration) Act Cap. 213	2	50%
6	Electronic and Postal Communication Act (CAP 306)	4	100%
7	Non-Citizen (Employment Regulations) Act. CAP 436	2	50%
8	Workers Compensation Act (CAP 263)	1	100%
	TOTAL	19	74%





Picture 3:Some of the participants from the government and likeminded institutions during the launch of Unbailable offenses June 2021.

- A positive amendment of the Criminal Procedural Act is a breath of fresh air for the criminal justice system, as many have been held in custody awaiting trial, particularly for non-bailable offenses. The decision was prompted by the publishing of a study by the LHRC on unbailable offenses, which emphasized the necessity to repeal a clause that denies bail, which is contrary to the Constitution.
- According to the comparative analysis of the UPR recommendations which were provided by the United Nations Human Rights Council,43% of UPR recommendations were accepted by the United Republic of Tanzania. The analysis focused on the conclusion of the United Nations and Civil Society Organizations contribution report.
- The National Bureau of Statistics (NBS) agreed to accommodate the needs and rights of PWDs in demographic and health surveys.
- The Tanzania Police Force has agreed to incorporate the category of femicide in the crime statistics this will ensure the availability of data regarding femicide which support evidence-based protection of the rights of women.





Picture 4: The LHRC Executive Director together with some of the government officials and likeminded during the launch of unbailable offense report June 2021.

- The government has Amended the Law of Child Act to include or ensure the definition of guardian items this ensures adopted children have birth certificates, the establishment of junior councils can also ensure children are separated from adults whilst in custody and reduction of bureaucratic/cumbersome adoption procedures; the certainty of the age of the child.

1.4. IMPROVED SOCIO-ECONOMIC RIGHTS

- Data from the Human Rights and Business survey shows that compliance has decreased since the 2019 Report. This is because most businesses were affected by the COVID 19 Pandemic, and it is, without a doubt, an achievement to see that a considerable number of companies still adhered to stipulated standards during these trying times.



- The survey revealed that 59 % still had their contracts, with 56% having written contracts. Additionally, 85 % affirmed that their workplaces abide by standard working hours. 15% of employees knew compensation regulations and procedures, while 22% affirmed that their companies provided compensation to deserving personnel.
- Meanwhile, 36 % of companies had policies prohibiting child labor, 48% were granted annual leave, and 61 % had been granted sick leave. In addition, 52% were knowledgeable about labor rights.

Improved Legal and Policy Frameworks Governing Specific Rights of Women, Children, and Persons with Disabilities

- Workplace gender equality has dramatically improved at LHRC, and staff members are already taking steps to mainstream gender in their activities; Gender needs of women, children, and PWDs are now given greater consideration during the planning and implementation of activities. 5% of each activity budget shall now be allotted to accommodate gender needs. 6 LHRC policies have been revised and engendered to ensure that they are more gender-responsive and 3 more new gender-sensitive policies have been developed and adopted.
- Increased reporting of GBV cases, especially by committee members, as reported in Simiyu and Geita Regions.
- Increased Knowledge (50%) and commitment to enhancing the protection of women and children from GBV/VAC.
- MoUs with the ministry responsible for health and children, PO-RALG, and the National Institute of Transport (NIT).
- Successful collaboration with the National Bureau of Statistics (NBS) and other stakeholders to ensure the demographic and health survey of 2021 accommodates the needs and rights of PWDs.
- 11 LGAs (10%) reporting increased and improved support for victims of VAWC and improved handling of juvenile cases, having a better understood the juvenile justice system.



STORIES FROM OUR CLIENTS

COMPENSATION OF MR. GEORGE BWISEGE UNVEILING THE BRUTALITY OF MINING COMPANIES



Mr. George Joseph Bwisige went to Williamson Diamond Mine on the 9th of January 2013 in search of casual labor to support his family. When he entered the mine, he was apprehended and detained by security officers, who reported him to the mine's security chief. The security officers were directed by the in-charge to execute George.

They shot him in the leg multiple times, then took him and forced him to stand and walk despite his fractured leg. He laid there, unable to stand and walk again, awaiting further decisions from the officers. After a short while, the Security Officers and their leader stepped aside to talk and discovered that sending him to the hospital would be to their detriment. They, therefore, chose to murder him by tossing him into a deep ditch. In an attempt to throw him into the ditch, George, who was still conscious dragged one of the security guards into the ditch with him. Fearing that they might perish together, Mr. George was dragged into their car.

Mr. George was taken to the Williamson Diamond Mine's hospital and remained there for eight days without receiving any major treatment. On the ninth day, his relatives went to the hospital and requested his transfer to a bigger hospital, a request that was denied. The victim's relatives went on to urge their member of parliament for assistance, and the MP arrived with other members of the community. The Williamson Diamond mine was also visited by District Officials, who authorized George's transfer to Bugando Hospital in Mwanza for further treatment. The leg could no longer be treated and the only option was amputation, according to Bugando doctors.

Following LHRC's successful follow-up and intervention, George was awarded a settlement of 150 million shillings in 2021.



AN ELDERLY WOMAN REPOSSESSES HER LAND AFTER NINE LONG YEARS OF WAITING



The case of Ms. Salimina Ally from Kinole Village in Morogoro

Ms. Salimina Ally is a 73-year-old woman residing in Kinole, Morogoro, Tanzania, with her husband, Mr. Athuman Kibwana Ngumbagu. In the village, the couple engages in small-scale farming, especially the cultivation of tomatoes. In the 1970s, Salimina inherited a plot of land from her late mother, and the property in question is located in Morogoro's Tegetere Ward



Tribunal. Since the 1970s, Salimina has used the land to cultivate coffee plantations to sustain herself financially. Salimina's farm was unlawfully included in the late Abdallah Jumanne's estate by her nephew Hery Abdallah in 2012. The late Abdallah Jumanne and Salimina are siblings, while Hery Abdallah, is the son of the late Abdallah Jumanne. With the fervent support of his mother, Hery Abdallah used legal procedures to grab Salimina's land.

Salimina was proclaimed the rightful owner of the land in case No.125 of 2012 at Tegetere Ward Tribunal. Hery however appealed to the District Land and Housing Tribunal for Morogoro via Land Appeal No.17 of 2013, and the Tribunal ordered the case to be tried anew by a Court with competent jurisdiction.

Following the ruling, Hery filed Land Application No.6 of 2014 with the District Land and Housing Tribunal, suing Salimina, and the result was in his favour, depriving Salimina of ownership. Salimina was aggrieved and approached Kinondoni Legal Aid Clinic (KLAC) for direction in filling out the appeal, but the deadline had elapsed. Salimina was facilitated by KLAC in obtaining an extension to file an appeal before the Tanzanian High Court (Land Division), which was granted. The appeal was filed in Land Appeal No. 38 of 2017, and the verdict was in her favour, the land ownership was remitted back to her custody.

Hery attempted to stall the execution of the High Court's verdict by filing various miscellaneous applications, but with the support of LHRC, all of the applications were dismissed, and the execution was finalized. Consequently, Salimina repossessed her land in September 2021, and in appreciation, this is what she had to say; "I am extremely grateful to LHRC, who helped me immensely during the struggle for my rights, it has been nine years of waiting."



THE TALE OF THILAK KUMAR NAIDU, AN INDIAN EXPATRIATE WHO SERVED A JAIL TERM FOR A YEAR ON FALSE ALLEGATIONS



Mr. Thilak Kumar, a 37-year-old old indigene of Bangalore, India, relocated to Tanzania in 2019 to serve as the General Manager for Mount Meru Company. He was promoted to Chief Operating Officer (COO) of the Company after exhibiting outstanding performance however upon securing a work permit for the new role, the company decided to transfer Mr. Thilak to Mount Meru Millars, a sister company. Mr. Thilak was perplexed by the circumstances that led to his transfer since he wasn't supposed to work at Mount Meru Millars Company legally. Mr. Thilak revealed that upon landing in Tanzania, the director of Mount Meru Company typically takes all workers' passports. The expertrait inquired as to why he was transferred



to the sister company when he was employed to work for Mount Meru and was informed that he either works for Mount Meru Millars or quit, and reimburses his two-year salary to his employer, as per his two years contract. Mr. Thilak then commenced work at Mount Meru Millars in Singida, where his co-workers were jealous of his excellent performance. During his tenure at the new job, his regular wage was halted but was rather being paid incentives and bonuses. Upon inquiry, He was informed that his salary would be paid before returning to India.

Mr. Thilak, as Chief Operating Officer of Mount Meru Millar's, witnessed some inappropriate treatment of employees. One of the prejudices expressed by Mount Meru Company executives of Indian origin is that they recruit expatriate Indians into Tanzania because all the black men are thieves, and all the black women are prostitutes. Mr. Thilak disagreed with these biases, as well as the harsh treatment of Tanzanian workers, such as denying them health insurance, isolating them at mealtimes, and offering them bad food, such as rice and beans. Mr. Thilak served for approximately 8 months before returning to India for a 41-day leave. He was accused of stealing money from the company upon his return. One day, a top corporate official summoned Mr. Thilak and accused him of being the reason he had lost respect among his subordinates, who currently adored Mr. Thilak. He then suggested that Mr. Thilak transfers to their Dar es Salaam branch.

Mr. Thilak was forced to travel to Dar es Salaam, and while he was preparing to do so the next morning, he was arrested by the police upon being accused by his seniors. In July 2020, he was summoned to the police station to record his statement, and his company filed charges against him for allegedly collecting money from people. Mr. Thilak was sentenced to a year in prison. To torture him, Mount Meru Company burred anyone from coming to Mr. Thilak's aid, including preventing his house help from delivering him food.

While in prison, Mr. Thilak wrote letters to several organizations and one of his letters, requesting legal aid, was delivered to the LHRC offices. Officials from the LHRC traveled to Singida to secure his bail and were successful in getting him out of prison. The LHRC is still working on his case since he is suing Mount Meru Company for unpaid wages under his contract. Mr. Thilak still resides in Singida where he awaits to regain his rights.



LESSONS LEARNED

KEY LESSONS

LHRC is a learning organization thus, the following lessons were learned in 2021.

- i. The Constant change in the political context affects program implementation and outcomes therefore, flexible and innovative program strategies are paramount for achieving projected outcomes.
- ii. In times of pandemics where travel restrictions and face-to-face interventions are imposed, the use of media platforms (TV and Community Radios) as well as digital platforms (e.g., Haki Kiganjani) and social media are effective for monitoring and enhancing citizen awareness on human rights and justice issues.
- iii. Partnerships, collaborations, networking, and engagements with government institutions, like-minded organizations, and civil society organizations (CSOs) are effective in sustaining a strong movement of human rights activists, particularly in a highly regulated and politically restrictive environment.
- iv. The digital civic space is a critical platform for increasing human rights awareness, mobilization, and action. It's worth noting that the reach of ICT is skewed toward urban areas. Extending ICT reach to remote communities necessitates significant expenditures in equipment as well as capacity building for both communities and personnel to increase digital spaces accessibility.
- v. Identifying and working with anonymous supporters among duty bearers and other influential stakeholders is critical for sustaining operations. Although the visibility of human rights activism/monitors is prime, however, it can be particularly detrimental to organizations when the political space is excessively controlled.
- vi. Change of regime can be a springboard for reforms and since H.E. Samia Hassan Suluhu took office, the country has witnessed a dramatic shift in civic space, as the media and citizens exercise greater freedom of expression. There is however a lot more to be desired, as the adverse laws remain in place and some actors retain the mentality of the old regime.









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