

LHRC

Legal and Human Rights Centre

Newsletter

Legal and Human Rights Centre,
August to September 2013
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August to September 2013 newsletter



Dear colleagues,

Let me once again welcome you to yet another issue of our Newsletter covering activities and issues faced by the LHRC between August and September 2013. As we progress in implementing our operational plan 2013-2015, the organisation convened the annual paralegal festival for the representatives of the twenty eight paralegal organisations formed by the assistance and guidance of the LHRC.

It has to be noted that this year the LHRC has managed to increase the number of paralegal units in the districts from seventeen to twenty eight. This happened when we trained prospective paralegals in ten new areas of Mtwara (5 districts), Ruvuma (5 districts), Simanjiro and Meatu Districts. The aim of the festival was to bring together the new and old paralegals to share experiences on what is working and what are the major challenges. This helps in motivating the paralegals and to make them learn from experience of others.

The session which was held for two days was quite a learning experience and encouraging due to the rich experiences and success stories from a diverse cultural and socio-economic context in which each of the representatives was sharing.

Notably, on September 26th, our organization marked 18 years since its inception. This was quite an event with jovial celebrations from different groups working with the LHRC as well as her friends. The organisation has turned eighteen which is the age of majority according to the Tanzanian laws if we try to equate it with a human being. It is quite an achievement when looking back to its genesis

well narrated by one of its founder Dr. Ringo Tenga. We are indeed proud that we have managed to reach this age having gained the public trust and support from inside and outside the country. At this juncture, it feels appropriate to acknowledge with appreciation the support and encouragement from our stakeholders, fellow Tanzanians and specifically our funding partners over the years up to this point in time. Their support has been invaluable and made us move on towards our vision of a just and equitable society.

Sadly however, our 18th anniversary was overshadowed by the suspension of two daily tabloids in the country Mwananchi, a leading Kiswahili daily as well as Mtanzania. Our organization joined hands with 49 other CSOs to condemn the act by the government while calling upon the need to scrap away all draconian media laws.

Most media laws in the country are suppressive by nature, and our call is still the same, scrap away to enhance the freedom of the press in country. This has made us continue with the follow up of the constitutional process which we are banking on for changes in all the unwarranted laws infringing upon the rights of the people.

We have also compiled some stories from our field trips and training to ward councilors and legal aid provision among others. Kindly enjoy your reading and if you have any comment do not hesitate to share with us.

Dr. Helen Kijo- Bisimba
Executive Director for the Legal and Human Rights Centre



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EDITORIAL





LHRC marks 18 years with pomp

Buoyant mood reigned supreme on September 26, as the LHRC marked its 18th birthday in Dar es Salaam.

Perhaps the most intriguing thing was to see people from grassroots level who have been working with the organization as well as founding members share their testimonies over where they came from. The list included the paralegals, human rights monitors, students all way from primary school to tertiary, who have been part of human rights association formed by the LHRC as well as members of the press.

So much has happened, but the truth is the LHRC began with 2 staff but it now has 80 including volunteers who all strive to ensure adherence of principles of human rights and good governance.

LHRC has pioneered a lot of things in the country including the constitution review process where it formed a forum to press for a new constitution in early 90s. Notably, the LHRC has been in the forefront to hold accountable mining companies which do not respect environment rights around their vicinity leading to a government agency NEMC to order the said mines to compensate victims of environmental pollution. The list of its achievement is long, but for sure, the LHRC is a force to reckon with in terms of human rights in the country.

The 18 years in pictures



The LHRC's Choir stole the show



LHRC's Board Chairperson retired Bishop Elinaza Sendoro(r) ponders during the day. He is flanked by the LHRC's Executive Director.



The LHRC's Executive Director (C) in buoyant mood during the day



Founding members of the LHRC take a glance at a pavillion during the event





Some of the achievements in limelight

- Its anti death penalty campaign has sparked a public debate in the country and only recently the Minister of Justice and Legal Affairs in the country called upon the new constitution to abolish the death penalty owing to the past records where some innocent persons have paid for the crime that they did not commit and not to mention of the punishment being inhumane. Notably, the Tanzania Women Parliamentarian Group has made a similar call in the New Constitution. Tanzania has not hanged anyone since.
 - The LHRC has managed to establish other networks and organizations such as the SAHRINGON Tanzania Chapter, a human rights network with more than 80 members, CCNC, Tanzania Constitution Forum, Tanzania Human Rights Defender as well as TACCEO, a consortium on election monitoring in the country and not to mention of the Anti Female Genital Mutilation Network.
 - The LHRC has been in the forefront to advocate for rights of community surrounding the North Mara Gold Mine immediately after the later were affected by chemical spillage from the mine. The LHRC took several measures to pay a visit to its victims, took some to the hospital for treatment and eventually filed a case to demand compensation from the ordeal they had suffered through. The media campaign and the case in court have helped as early this month; the National Environmental Management Council (NEMC) which is a government agency ordered the North Mara Gold Mine and several others to pay compensation to victims of chemical spillage from their mines. A daily government owned English tabloid reported that *“The NEMC had issued a Sh450 million fines to large-scale mines for failing to manage their liquid and solid chemical wastes. A giant African Barrick Gold was earlier this year ordered to close a pit refuse facility at North Mara due to toxic leakages that are contaminating local water sources.*
 - The government has halted its plans to carve off 1,500 square Kms from former Loliondo Game Controlled Area. Loliondo area has in recent years been marred with land disputes however things got worse in 2009 where more than 1,000 families were uprooted from their ancestral homes, while 54,000 head of cattle were also removed on allegations of invading a privately-owned game sanctuary run by a private hunting investor, Ortello Business Corporation. Most people, including old women and children, were rendered homeless after their houses were torched during the eviction. The LHRC in collaboration with other civil societies went to the area immediately after the incident in 2009 and submitted its findings to the Special Parliamentary Committee which had been appointed by the House to follow up the issue. Immediately after, the LHRC in collaboration with PINGOs Forum filed a case to press the government to withdraw its stance by leaving the Maasai to cohab at their ancestral land. The government’s plan to withdraw its plan comes as a landmark history to the LHRC and other civil societies which have been in the forefront to pursue the matter.
- During an investigation last year, National Environment Management*



An overview of part of the Ngorongoro National Park, part of the disputed area in Loliondo.



Tanzanian children toil in mines



The Inspector General of Police hails LHRC

In another move, the Inspector General of Police (IGP) in Tanzania Said Mwema paid homage to the LHRC for marking the 18 years. In his message to the LHRC, the IGP said “Hongera Kwa maadhimisho ya LHRC; na pia mchakato wa MOU kati ya LHRC na Tanzania Police.

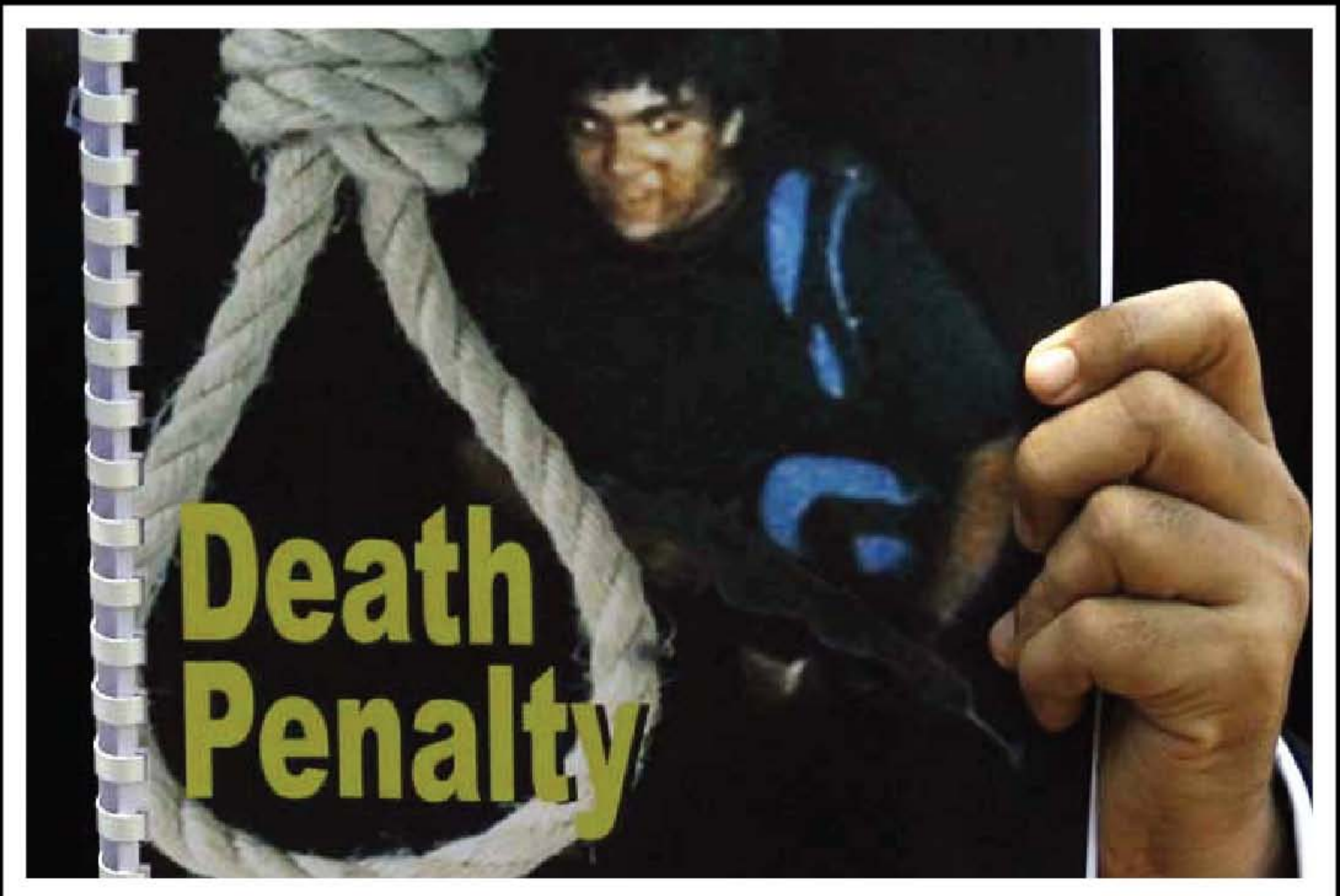
Nashauri ktk eneo la uelimishaji, let us set a new agenda for our country-paradigm shift-on violence prevention initiative Campaigns to cement the attitude changes and shape a society which violence is not tolerated for

social-economic and political prosperity. Prevention of violence is everyone’s responsibility, and needs a comprehensive approach including education, engineering/public awareness, encouragement/ empowerment, enforcement and emergency preparedness. Linalowezekana leo lifanyike leo. Food for thought please. Good Job, IGP.

The Kiswahili message meant, to applaud the LHRC for its anniversary as well as progress made on signing a memorandum of understanding with the police force.



The Inspector General of Police Said Mwema



Anti death penalty case adjourned to October 9

The anti death penalty case lagging at the High Court of Tanzania has been adjourned to October 9th due to lack of judges to preside over the case, as those assigned had other matters to attend.

The case had earlier on been scheduled for September 25th where points of preliminary objections raised by the Attorney General against were to be heard by a panel of three judges as required under the Tanzanian laws when dealing with constitution matters.

On October 10, 2008, the Legal and Human Rights Centre in collaboration with the Tanganyika Law Society and the SAHRINGON Tanzania Chapter filed the case at the High

Court to challenge over the imposition of the Capital punishment in the country.

In their petition, the three CSOs called upon the government to scrap the death penalty from its country books due to the later denying one's right to life. Alternatively, they suggested persons convicted of murder be sentenced to life imprisonment to enable them reform.

Tanzania still retains the capital punishment in its country books and the last time someone was hanged was in 1994. In Tanzania, the capital punishment is imposed in capital offenses such as murder, treason, and some military related offense.



LHRC trains councils in Nyasa, Mbinga districts



The LHRC on September 12th, 2013 conducted a training to ward councillors in Nyasa and Mbinga districts, in Ruvuma regions. Training topics dwelt on human rights to enable them utilize it in the day to day activities. Among topics taught during the sessions were on the constitution, their rights and duties, ethics, and regulations of ward councillors. The LHRC furthermore trained the said councillors on the Labour and Employment Relations Act 2004 due to ward councillors being employers to municipal staff with few of them being familiar with the labor laws.



Thus the objective of training on the said laws was to enable them to use the knowledge acquired to understand how they ought to relate to staff members in their areas of jurisdiction. The move is meant to reduce conflict and unnecessary collision between staff and ward councillors. A total of 66 ward councillors were trained in Nyasa and Mbinga districts with 16 heads of units in the said municipal councillors attending the session.



Ward Councillors in Nyasa pay attention during the training by the LHRC



On September 3rd, 2013, a team of nine people, six from the LHRC staff and three from the Committee of Experts on Constitu-

tion went to Dodoma to attend the August – September session.

The objective(s) of the trip were

- (i) To lobby with Members of the Parliament to increase participation of members from civil societies and other groups in the Special Constituent Assembly and thus enable the country to come up with a people's driven Constitution;
- (ii) To oversee the conduct of the Bunge, monitor the discussion on the Constitution Review (Amendment) Bill, 2013 and find out on whether LHRC's recommendations sent during the committees' meetings have been taken aboard; and
- (iii) To document the Constitution making process and ensure that the Mother Law incorporates the best interest of all citizens.

In attending this session, several issues were tapped for advocacy to influence change of laws, policies and practices and thus improve the conduct of the Parliament and its legislators. Following the poor organisation and non adherence to the laws, Art. 63 of the Constitution of the United Republic of Tanzania has been breached, where the MPs did not fulfil their Constitutional duties where the only Bills tabled for discussion were three (3) out of 7 respectively.

Statistics by the Bunge clerk indicate that the attendance as of September 5th was 215 where the Opposition Camp had 59 legislators in attendance with the ruling Party CCM having 156 legislators.

It is wise to note however that the House has 351 Members. Based from not only from the



The Team that Attended the August - September Session

figures but also from a testimony from the Bunge Clerk 136 members were not in the House during the day. However, it was not disclosed on whether all of those in absentia were actually on official duties.

The LHRC managed to get a first hand glimpse of what was not only one of the most gruesome incidents but one of the vivid testimony of what the organization has been complaining all over, inconsistency of the Speaker's Chair over the conduct of the House;

Findings of the trip will be useful in the Bunge Assessment report, the Tanzania Human Rights Report as well as an advocacy tool in future endeavour not our story;

The LHRC issued a brief statement to journalists in Dodoma to air its dissatisfaction over the process and received coverage at ITV, Channel Ten and Mwananchi Newspaper; and

A local television station ITV invited the LHRC to take part in a one hour program Malumbano ya Hoja whose topic dwelt on the conduct of the Parliament.



The House in Limbo!





Staff members of the Tanzania Zambia Railways have written letter of appreciation to the LHRC thanking it for its support leading to the minister to pay them a visit and thus being reinstated to work. The later had gone on strike to demand for their

salary arrears and were sacked off by the management before the LHRC chipped in to assist.

Currently, they are not only back to work, but have also been paid their salary arrears.


CSR

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**TANZANIA RAILWAY WORKERS UNION
(TRAWU)
CHAMA CHA WAFANYAKAZI WA RELI TANZANIA**

Address all Correspondence to:
The General Secretary
Barua zote ziandikwe kwa Katibu Mkuu
Our Ref: TRAWU/HQ/CTZR/45/VOLII/57
Your Reference No.
Kumbukumbu yenu Na.

Office: Headquarter,
Union of TRAWU
P.O. Box 78458
Telephone.
Telex
Fax
Telegraphic Address: TRAWU
City/Town D'SALAAM
Date: 10.09.2013



Legal and Human Rights Centre,
P.O. Box 75254,
DAR ES SALAAM.

Dear Sir/Madam,

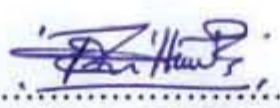
RE: APPRECIATION

The Tanzania Railway Workers Union (TRAWU), extends its sincere thanks for receiving their workers problem of salary arrears, and assistance rendered to us sponsoring to Channel Ten and, Upendo Radio air times! The joining of your hands meant a lot to employees lives, as the whole issue approaches its conclusion.


TRAWU understands that this is the start of the war towards achieving our human rights and shall always consult you in future, for the expected best results.

Wishing you all the best.

Tanzania Railway Workers Union


[.....]
**ERASTO J. KIHWELE
GENERAL SECRETARY**

Principal Leadership:- National Chairman: Mussa Kalala, Vice Chairman:
General Secretary: Erasto J. Kihwele; Deputy General Secretary: B.P. Nyakeke





From the Legal Aid Clinics in Arusha

The Arusha sub office has managed to receive 17 judgments in favor of its clients against four cases which were lost for the months of July to September 2013. The office has managed to provide legal services to 1321 clients with land disputes landing supreme in

the list. Meanwhile, at least three mediations cases and nine reconciliations were conducted successfully. Notably, the legal aid clinic has managed to tap issues for advocacy to help in change of laws and policies in the country.

LHRC convenes paralegals

Paralegals chant on human rights at the end of the session



Paralegals cheer up at the session



The Legal and Human Right Centre on September 24th convened a two days Paralegals Symposium in Dar es Salaam. The session meant among other things to train them on ways to manage their community-based organisations, conflict resolution and thus implement their duties efficiently. The training brought together 54 paralegals from 28 districts across the country as well as 4 village legal workers from Kiteto and Singida.

During the session, the duo managed to share their annual reports, success stories and challenges in their line of work.

Paralegals are trained in basic legal skills, including, problem solving, counseling and statement taking. They provide legal first aid to those in need. A paralegal is sometimes described as a non-lawyer person who performs tasks which require some knowledge of law services and procedures.

The government is in the final stages of drawing up a law to give recognition to the right to legal aid and paralegals to enable them represent clients in lower courts.

Currently, the LHRC has 800 paralegals scattered in 28 districts in the country.



The Guest Wing

LHRC received and hosted five groups of guests who came to seek information from

- (i) British High Commission
- (ii) Journalists for Human rights in Canada
- (iii) Andrew Maclean, Uk Security

- (iv)
- (v)

and Justice adviser
Guests from Act
The Director General of Rossa Foundation in Germany who requested LHRC to coordinate the media during the Uranium meeting in Dar es Salaam.



Journalists for Human Rights from Canada pose for a group picture with their hosts at the LHRC



Events



A team from the LHRC flanked by the Executive Director leaves the Constitution Review Commission premises after submission of views for the new constitution.

The LHRC's team on September 2nd, 2013, paid a courtesy call to the Deputy Social Welfare Commissioner to seek redress over violations of children's rights by an orphanage namely Msongola. The move came following the said orphanage lacking facilities to cater for children and not to mention of mistreatment of children by owners of the centre. The LHRC has reported the matter to government officials and is making a close follow up over the issue.