

BRIEF REPORT OF THE 7:30 BREAKFAST DEBATE –June 28th 2013

Human Rights in Tanzania: are we doing enough to help the poor?

The Government of Tanzania has made strong commitments in the field of human rights. This includes the ratification of several core human rights conventions as well as national policies favoring a human rights based approach to development.

In 2011, Tanzania marked 50 years of independence with a lot of challenges and minor improvements in the field of human rights. The LHRC noted a lot of human rights violations and abuses in the area of right to development, right to life and people's participation in governance and provision of social services.

The right to life in Tanzania continues to be violated by the state, its agencies and individuals. For instance, LHRC surveys indicate that the right to life in Tanzania is also violated in the following manner: the presence of the death penalty, extra-judicial killings, and killings related to witchcraft beliefs, mob violence, suicide, domestic violence and road accidents.

The democratic processes are still marred by legal and practical problems including the denial of the right to freely assemble and form peaceful demonstrations. For instance, 39.9% of the respondents suggested that the right to enjoy freedom of assembly in the country is very poor compared to 5.9% who responded

This is why Policy Forum dedicated its June 2013 debate on the issue of human rights, the debate is titled: **Human Rights in Tanzania: are we doing enough to help the poor?**

The debate had two presentations which were made by: Mr. Emmanuel Barigila from the Commission for Human Rights and Good Governance (CHRAGG) and Lulu Emelda from Legal and Human Rights Centre (LHRC).

The Debate was facilitated by Alex Ruchyahinduru from Policy Forum Secretariat.

"Although most of the CHRAGG's recommendations are honoured, some are ignored or rejected notwithstanding their merit. In addition,

there is no clear legal procedures to enforce CHRAGG's recommendations in courts"

This challenge was said by Mr. Emmanuel Barigila during the Policy Forum breakfast debate.

He gave the general mandate of CHRAGG which is to promote, protect and preserve human rights and good governance within the country(Article 130 (1) of the Constitution and Section 6(1) of the Commission for Human Rights and Good Governance Act, no. 7 of 2001).

He continued to mention the other mandates of CHRAGG which are; to receive and investigate allegations and complaints of violations of human rights and good governance generally, Conduct research into human rights and good governance issues, educate the public about human rights and good governance, inspect prisons and other detention facilities in order to assess conditions of the persons held in such places and making recommendations to redress the existing problems, advice the government, other public organs and private institutions on issues of human rights and good governance.

He said, CHRAGG's procedures for lodging complaints are easy and cost effective so that every citizen, regardless of his/her financial status can easily access CHRAGG. The relevant procedures are: use of SMS, receiving complaints in public meetings, letters, emails.

He concluded by saying that, despite its good work, CHRAGG notes that serious incidents of human rights violations are still rampant. CHRAGG also notes that the level of public awareness and understanding on human rights in the country is still low.

The second presenter of the debate was Ms. Lulu Emelda from Legal and Human Rights Centre (LHRC) who presented on the Human Rights Report for 2012 produced by LHRC.

She Human rights are derived from a set of international, regional and national laws. She said Tanzania has a dual system where all conventions and protocol that protect, promote and safeguard human rights have to be domesticated into national laws for them to provide exhaustive and holistic application and enforcement.

She said it is the duty of the state and its organs, private sectors and the public to protect promote and safeguard human rights.

She mentioned the extra judicial Killings (Killings by security forces reported between 2003 – 2012 where 246 people were reported to have died) example shooting in Morogoro, Songea, Iringa, around mines.

She said, 1,234 people were reported to have been killed by people for various reasons such as allegation of theft, witchcraft believes and political related violence. Most affected areas are in cities such as Dar es Salaam and Mbeya and the lake zone Mara, Shinyanga, Geita, Kigoma and Kagera.

She gave some of the challenges as; Existence of oppressive laws, Corruption and abuse of power - Non-payment of loans by the government and guaranteed agencies thus poses danger to members funds that have been invested (the non-performing loans amounting 91.7 billion and USD 9.65 million were used to construct the Bunge, Machinga Complex and Police Houses in Kurasini Dar es Salaam) Others were used to finance, General Tyre East Africa Ltd, Kiwira Power Coal Mining, Dar es Salaam Cement Company, Continental Venture Limited, Kagera Sugar Co. Limited and Medtch Industrial Co. Limited under the Government guarantee and in performance of institutions such as police, judiciary.

She ended her presentation by saying that, the constitution making process is an excellent opportunity to promote and protect human rights in the country

Plenary Discussion and comments

- The Commission (CHRAGG) should be independent.
- We should learn from CAL before it was toothless but after it started reported to the government things have changed.
- On access to Justice has the LHRC looked into the situation of government enacting the paralegals laws.
- LHRC should popularize their report and make it in simpler way for citizen to understand.
- The new constitution can be a good opportunity for giving CHRAGG teeth on their recommendations.
- The constitution already provides for the Commission to be independent which is exercised on some sort but it's not enough previously the law provided for the CHRAGG report to be discussed by the parliament but later on the law was amended to be made optional.

- CHRAGG has power provided under the under the Constitution and enabling legislation but the only thing lacking the political will.
- There is now a good amount of awareness amongst citizens on human rights issues in Tanzania.
- The issue of paralegals is now on process of enacting the legal Aid law which will also include paralegals.
- LHRC is in the process of producing a popularized Swahili version of the report.
- What is the position of death penalty in Tanzania
- What is the position of the gay lesbian rights on the perspective of human rights in Tanzania
- What is the reason behind for the government to ignore CHRAGG report/recommendations
- How does CHRAGG monitor and both presenter tell us about how the monitor their advocacy works.
- Advocacy to ban death penalty is still going on, the new draft Constitution provides for the president to sign the death penalty /killings
- The issues of lesbians and Guys has not been an case brought to us /LHRC in the districts where they work in
- LHRL monitors through various sources of like media and other stakeholders and has a results based framework.
- CHRAGG has the power to give temporary injunctions on pending issues.
- The death penalty issue is still worked on by CHRAGG and gay-lesbian rights cases have not brought before the Commission because it does not have a chance in our country.
- CHRAGG monitors its advice through field visits, through correspondence, feedback, through stakeholders meetings.
- What happens on the ground is quite different from what we talked a lot here; the people are the main stakeholders are the people.

Mr. Alex closed the discussion and welcomed again participants to the next 7:30 Breakfast Debate