



**REPORT ON THE SITUATION
OF HUMAN RIGHTS DEFENDERS
IN TANZANIA 2013**



TANZANIA HUMAN RIGHTS DEFENDERS COALITION

**REPORT ON THE SITUATION OF
HUMAN RIGHTS DEFENDERS IN
TANZANIA 2013**

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List of Abreviation

ABC	Action Based Community Foundation
AU	African Union
CCM	Chama Cha Mapinduzi
CHADEMA	Chama Cha Demokrasia na Maendeleo
CIVICUS	World Alliance for Citizen Participation
CNN	Cable News Network
CPJ	Committee for Protection of Journalists
CRC	Constitutional Review Commission
CSOs	Civil Society Organisations
CUF	Civic United Front
GBV	Gender Based Violence
EHARDP	Eastern and Horn of Africa Human Rights Defenders Project
EU	European Union
HIV/Aids	Human Immuno-deficiency Virus/ Acquired Immuno Deficiency Syndrome
HRDs	Human Rights Defenders
HRNGOs	Human Rights Non Government Organizations
IACHR	Inter- American Commission on Human Rights
INGO	International Non Government Organizations
KAS	Konrad Adanaeur Stiftung
NGOs	Non Government Organisations
OAS	Organisation of American States
OSIEA	Open Society Initiates for East Africa
PTF	Protection Trust Fund
TAZARA	Tanzania Zambia Railway Authority
TCRA	Tanzania Communication Regulatory Authority
TBC	Tanzania Broadcasting Corporation
TEF	Tanzania Editors Forum
THRDC	Tanzania Human Rights Defenders Coalition
TTU	Tanzania Teachers Union
UN	United Nations
Pg	page
Etc	et cetera

List of Statutes and International Instrument used

(i) Statutes

The Constitution of the United Republic of Tanzania, 1977

The Constitution of the Revolutionary Government of Zanzibar, 1984

The Second Draft Constitution of the United Republic of Tanzania 2013

The Penal Code [Cap 16 R.E.2002]

The Probate and Administration of Estates Act, 1965, [Cap 352 R.E. 2002]

The Marriage Act of 1971 Cap 29 [RE; 2002]

Probate and Administration of Estates Act, [Cap 445 [R.E 2002]

The Newspaper Act of 1976 [Cap. 229, R.E. 2002]

Prison Act, 1967, Cap 58 [R.E 2002]

National Security Act of 1970, [Cap. 47 [R.E 2002]

The Public Leaders Code of Ethics, Cap 398 [R.E 2002]

The National Defense Act, Cap 192 [R.E 2002]

The Prevention and Combating of Corruption, Act No. 11 of 2007

The Area Commissioner Act 1962 & Regions and Regional Commissioners Act 1962

The Civil Service Act 1989

The Film and Stage Act No 4 of 1976

The Newspapers and Books Act (1988)

The Broadcasting Services Cap. 306 of the R. E 2002

The Land Act, 1999 (Act No.4 of 1999)

The Wildlife Conservation Act of 2009 (Cap 5 of 2009)

The Investment Act, 1997 (Act No. 26 of 1997)

The Forest Act, 2002 (Act No. 14 of 2002)

The National Park Act, Cap 282 [R.E 2002]

The Ngorongoro Conservation Act, 1959 Cap 284 [R.E 2002]

The Mining Act, 2010 (Act No. 14 of 2010)

The Basic Rights and Duties Enforcement Act No. 33 of 1994

The Police Force and Auxiliary Services Act, 1939 Cap. 322, [R.E. 2002]

The Non-Governmental Organizations Act 2002. No. 24,



(ii) International Human Rights Instrument

Declaration on the Right of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms on December 9, 1998 (Declaration For Human Rights Defenders).

United Nations Resolution on Protection of Human Rights Defenders March 2013

UN Resolution on Protection of Women Human Rights Defenders November 2013

The International Covenant on Civil and Political Rights 1966

The Convention on the Elimination of All Forms of Discrimination against Women 1979

The European Convention on Human Rights of 1950

The African Charter on Human and Peoples Rights of 1981

The American Convention on Human Rights 1969

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Last but not least we would like to thank managements of all human rights NGOs who furnished us with information in all stages making the writing of this report a success. We also appreciate the growing mutual prelateship between THRDC some state apparatus such as the Judiciary, the Police and the Commission for Human Rights and Good Governance. Each of the mentioned groups has made a substantial contribution to make this document worthy reading.



Preface

The Tanzania Human Rights Defenders Coalition (THRDC-Coalition) is a non-partisan, human rights non-governmental organization which is registered under the Non-Governmental Act of 2002. The THRDC is comprised of both individual and organizational memberships. Its membership and representation in terms of operation is spread (through designated zone offices of coordination) all over the United Republic of Tanzania (Mainland and Zanzibar).

The main interest of this coalition is to, inter alia, work towards enhanced security and protection of the Human Rights Defenders (HRDs) in the United Republic of Tanzania. It also intends to strengthen regional and international interventions towards protection and promotion of the rights and responsibilities of the HRDs. The ultimate result of all these, as this coalition visualizes is a contribution to creation of safer working environment for the HRDs. It has been and still intends to work closely with different stakeholders including local, regional and international HRDs' organizations and coalitions; individual HRDs; development partners; United Nations; duty bearers and other relevant stakeholders.

OUR VISION

THRDC-Coalition envisages a free and secured environment for Human Rights Defenders in Tanzania.

OUR MISSION

The THRDCs-Coalition strives to maximize the protection, respect and recognition of HRDs in Tanzania through, advocacy, capacity building, protection and connecting defenders with relevant regional and international bodies.

OUR VALUES

- a) Promote deep respect and empathy for defenders,
- b) Act in a very responsive, rapid, flexible manner,
- c) Result oriented organization with tangible impact ,
- d) Act with independence, creativity, impartiality and integrity ,
- e) Perform with dedication, professionalism, transparency and accountability

THE OVERALL GOAL OF THE THRDC

The overall goal is to ensure that human rights defenders in our country are able to carry out their essential function free from harm and repression, in accordance with the 1998 UN Declaration on Human Rights Defenders. Hence the overall goal for this project is to reduce risks that human rights defenders are facing through promotion and protection of human rights defenders

To achieve that goal and indicators stated above, the THRD Coalition adopted the following strategic approaches (outcomes or key result areas – KRAs):

1. The legal and policy frameworks (and practice) addressing the Human Rights Defenders' issues and CSOs networking improved-ADVOCACY
2. The media and HRDs capacity to effectively participate in the Human Rights Defenders' protection processes and address the rights of human rights defenders improved-CAPACITY BUILDING
3. Protection mechanisms established and accessed by HRDs at risk- PROTECTION
4. An improved performance and sustainability of the Tanzania Human Rights Defenders' Coalition- INSTITUTIONAL BUILDING

The Situation Report of HRDs in Tanzania is the first ever since THRDC was established in 2011. In any given country, institutions such as human rights defenders must oversee adherence of principles of good governance rather than leave that role to a certain group. One must first understand the requisite demands for keeping a country like Tanzania united, peaceful and prosperous to understand over reasons for THRDC compiling this report.

THRDC has made a significant contribution in the areas of democracy and human rights ever since it launched its activities in 2011. For instance, its call for unbanning of newspapers, condemnation of violence and threats against HRDs have sparked a wide debate with lawmakers campaigning for abolition of some of the bad media laws such as the Newspapers Act of 1976 as proposed in its statements. Its efforts will with no doubt at the end of the day help a lot to change people's mindset.

This report intends to depict security challenges facing HRDs and the role played by CSOs in Tanzania. It is our conviction that its content will help to enhance respect for human rights and fundamental freedoms in Tanzania and its neighboring countries.

At the end of the day we expect that this series of reports will expand the space and the role of civil society in promoting human rights and democratic reforms. From these developments, HRDs will act more responsibly and confidently in condemning violations like the death penalty, torture, displacement and neglect of children and violence against women and other minority groups. Moreover this will report will be used as a benchmark in measuring the level in which Tanzania adheres to international and regional frameworks towards protection of HRDs.



Onesmo Olungurumwa
National Coordinator -THRDC

Executive Summary

The Tanzania Human Rights Defenders Coalition (THRDC), situation report attempts to make an evaluation of the situation of human rights defenders (HRDs) in this country for the year 2013. The report key findings indicate that HRDs face various challenges in their work and that the legal framework in this country has not been conducive enough to protect them.

The report has four chapters with the **First chapter** giving out the general introduction of whom really, human rights defenders are, and the legal protection availed in international, regional and national levels. The report has identified few commendable countries that have taken up HRDs protection initiatives through legislations citing countries like Mexico, Colombia, Guatemala, Brazil, Honduras, DRC (South Kivu), South Sudan, and Indonesia. Other countries are the Philippines and recently, Ivory Coast. The report indicates that there is no legal protection for HRDs in Tanzania. However, THRDC is making efforts to ensure that the proposed new constitution recognizes them and provides for their general protection.

This chapter uncovers various challenges of legal protection for the HRDs like; lack of knowledge of the existence of protections of HRDs by international and regional bodies- to both the authorities and the HRDs themselves, the lack of knowledge of the existence of the UN special Rapporteur and African Rapporteur on HRDs. This chapter also explains about the protection mechanism for HRDs existing in international, regional also at the national level and discusses initiatives taken by THRDC to ensure that HRDs work safely.

The THRDC established the protection desk that assesses risks and threats facing HRDs and gives advice and protection support. This desk also provides training on security management, formulation of protection policy etc. The chapter closes by concluding and calling for a higher protection for HRDs in the country as they are essential in any democratic society that advocates for development and good governance.

Chapter two assesses the working environment for HRDs in Tanzania. HRDs work in extremely complex environment within many actors with diverse interests. For instance, Zanzibar does not have a strong non-state actors and free community media to criticize the government ever since the formation of the Government of National Unity (GNU) between the two competing political parties namely, CCM and the CUF.

On political challenges, HRDs have been branded and labeled all sorts of negative names. The situation is likely to worsen with the upcoming 2015 General Elections and the ongoing constitutional reforms where HRDs will be actively sensitizing the citizens. In socio-cultural related challenges, HRDs who defend vulnerable groups like women and children against outdated cultural practices have faced a lot of challenges in the communities that they strive to transform, putting most women HRDs at risk.

Chapter three discusses human rights violations that were committed against HRDs in 2013, manifested in their various forms. However, as the findings of the report in this chapter indicates, the risks that HRDs face in different thematic groups emanates from various settings including political, legal, financial and social cultural challenges. In fact lack of security consciousness and limited knowledge on information sharing, are setbacks in this line, while restrictions on access to information, and inhibiting media freedom is another setback. The report shows that in year 2013, 20 HRDs faced several security challenges such as arbitrary arrest, case fabrication, torture, attacks and even death. This chapter gives a summary table of incidents of violations of HRDs in 2013.

The subchapter briefly discusses on the specific challenges facing journalists as human rights defenders most at risk. Again the report shows that in 2013 about 20 journalists and media houses faced several security challenges such as arbitrary arrest, torture and banning of newspapers. The report on its peculiarity also dealt with security challenges facing journalist working in public owned media houses. However, this category differs significantly from the private owned media outlets the former being subjected to hatred by angry citizens or political parties fanatics as they are perceived to be pro-government.

Chapter four assessed the level of security management awareness due to the concept of protection and promotion of the rights of the HRDs being new in Tanzania. The Coalition surveyed the level of security management among HRDs. The Coalition discovered that HRDs in Tanzania lack strategies and plan that protect individuals and groups against violations, especially for those facing particular risks.

Chapter five winds up by giving general conclusions and recommendations.

Chapter ONE

1.0 Who is a Human Rights Defender?

This chapter introduces several aspects including, definition, recognition of a Human Rights Defender (HRD), and available protection mechanisms at International, Regional and National level.

The term “Human Rights Defender” is used to refer to anybody who, individually or together with others, works towards promoting and protecting human rights¹. Human Rights Defenders are above all recognized by what they do. They work to promote, protect and implement civil and political rights, as well as economic, social and cultural rights.²

Human Rights Defenders are involved in all sorts of situations relating to human rights, for instance summary executions, torture, arbitrary arrest or imprisonment, female genital mutilation, discrimination, employment issues, forced eviction, access to healthcare or even toxic and harmful waste and the environmental consequences thereof. They champion basic human rights as diverse as the right to life, food and water, the right to better healthcare which may be prevented, the right to adequate housing or accommodation, to a name and nationality, education, freedom of circulation and non-discrimination.

Human Rights Defenders on occasion, also deal with certain specific categories of people, for instance, women, children, indigenous people, refugees and displaced persons, in addition to national, linguistic and sexual minority groups. Human Rights Defenders are active throughout the world and strive to promote and protect human rights in all sorts of difficult contexts relating, notably, to HIV and AIDS, development, migration, structural adjustment policies and political transition.³

The Declaration of Human Rights Defenders⁴ does not provide direct definition as to who a human rights defender is. However, the above definition has been widely interpreted by several articles of the Declaration. Needless to say, any of the definitions must exclude individuals or groups who commit acts of violence or who support the use of violent means in order to achieve their objectives.

A Human Rights defender enjoys the following rights under the declaration, the right to be protected, the right to freedom of assembly, and of association, the right to develop and discuss new human rights ideas and to advocate for their acceptance, the right to criticize government bodies and agencies and to make proposals to improve their functioning, the right to provide legal assistance or other advice and assistance in defense of human rights but to mention a few.

¹ <http://protectionline.org/files/2013/02/UN-Factsheet-29-Human-Rights-Defenders-Protecting-the-Rights-to-Defend-Human-Rights.pdf>

² Protection International (2011) *Legislators and Human Rights defenders* at pg 2.

³ *Ibid.*

⁴ *Declaration on the right and Responsibility of Individual, Groups and Organ of Society to Promote and protect Universally Recognized Human Rights and Fundamental Freedom 1998 (UN Declaration on Human Rights Defenders)*

A human right defender can be a journalists, a lawyer, or whistle blowers, it can as well be an organisation that legally defends human rights like the LHRC, NOLA, PINGOs, TPCF, TAWLA, ZLSC,WLAC, SIKIKA, SAHRINGON, TGNP , HAKIELIMU, Haki-Ardhi and many others. These institutions have made tremendous contributions in defending human rights in this country. Therefore it should be noted that human rights defenders conduct a legally recognized work which they have been mandated to by the United Nations and have been ratified by many countries all over the world.

HRDs are recognized due to their work, as they protect, and enhance human rights, politically, economically, socially, and culturally. However, HRDs have been facing various challenges, during the execution of their duties, such as; being murdered, imprisoned , tortured, being sidelined, and being expelled from their communities. Human rights defenders champion for human rights and enhance constitutional rights such as the right to life, food, shelter, health, education, freedom of expression, children's right, women's right, youths, development, policy changes, etc.

Human rights defenders are always the only hope for ordinary citizens with unbridled power mighty. They are important for democratic institutions and they tend to stop execution of wrong doings with impunity and protection of such rights.

Any person can be a human rights defender without considering the level of education. One does not need to have a degree or diploma to defend human rights but rather a calling from the heart. However there are those who are defenders by virtue of their professional engagement like lawyers, journalists, judges and Police Officers. During the launching of the security needs assessment for HRDs in Tanzania, the Tanzania Chief Justice Hon Othman Chande defined a human right defender as follows:

"A human rights defender is any individual, groups and organs of society which seek to promote and protect universally recognized human rights and freedoms. Human rights defenders include lawyers, journalists, Academia, students, trade unionists, Women HRD and anyone who genuinely sign-up and is engaged in a peaceful matter in the fight against human rights abuses. Included, are professional and non-professional human rights workers. The ingenuity of human rights defenders is that they do not expect any recompense or reward. It is as if they were working as a duty call. I would doubt if there was a PHD in HRD. The most common categories of Human Rights Defenders are those whose daily work specifically involves the promotion and protection of human rights, for example human rights monitor working with national human rights organizations and many others in our Country who are at the frontline in defense of human rights."

1.1 Legal protection for Human Rights Defenders

In some countries, various legal instruments have been enacted under international, regional levels, and even national level to recognize and protect HRDs. However, for the purpose of this report we will separate between legal protection mechanism and other protection mechanisms initiated by UN, International NGOs and local NGOs.

Legal protection mechanism covers initiatives by the United Nations, States, Judiciary, Administrative, and other organs initiatives in enactment of the laws, regulations, policies or making of judicial precedents, that recognize the role of HRDs in promoting human rights. While; other protection mechanisms, involve the initiatives by the UN, AU, international NGOs, local NGOs and networks to go further putting in place, special rapporteurs, emergency funds for HRDs at risk, provisional of supports legal representation, medical support, counseling, evacuation and relocations, etc.

1.1.1 Legal Protection mechanism at International level

The struggle for recognition of HRDs has never been smooth, even after 50 years of the Declaration of Human Rights of 1948. On December 1998, HRDs were recognized and protected after 12 years of negotiations. The UN adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms on December 9, 1998. This declaration is also commonly known as the Declaration on Human Rights Defenders. The adoption of this salient document was marked as a historic achievement in the struggle towards better protection of those at risk for carrying out legitimate human rights activities. This Declaration was the only UN instrument that openly and comprehensively defined and recognized the work and protection of HRDs.⁵

The Declaration is a well defined international instrument that codifies and puts together standards to protect activities of human rights defenders all over the world. It recognizes the legitimacy of human rights activity and the need for this activity and those who carry it out to be protected. The declaration imposes duty to every state to protect Human Rights Defenders in accordance with the International Law. Civil authorities and law enforcement forces in each country are also primarily responsible to protect HRDs.

HRDs rights protected under The Declaration: include:

1. human rights work individually and in association with others;	2. To unhindered access to and communication with non-governmental and intergovernmental organisations ;
Formation of associations and non-governmental organisations ;	3. To benefit from an effective remedy;
4. To meet or assemble peacefully;	the lawful exercise of the occupation or profession of human rights defender;
5. To seek, obtain, receive and hold information relating to human rights;	6. To effective protection under the national laws in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights;
7. To develop and discuss new human rights ideas and principles and to advocate their acceptance;	8. To solicit, receive and utilize resources for the purpose of protecting human rights (including the receipt of funds from abroad);
9. To submit to governmental bodies and agencies and organisations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realization of human rights;	10. To attend public hearings, proceedings and trials in order to assess their compliance with national law and international human rights obligations;
11. To file complaints about official policies and conducts relating to human rights and to have such complaints reviewed;	12. unhindered access to and communication with non-governmental and intergovernmental organisations ;
13. To offer and provide professionally legal assistance or advice and assistance in defense of human rights;	14. To benefit from an effective remedy;
15. To the lawful exercise of the occupation or profession of human rights defender; and	16. Effective protection under the law in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights.

⁵ THRDC (2013) Protection and security needs for human rights defenders in Tanzania -needs assessment report at pg 4.

Support towards HRDs is now a common concept at the international level. On March 2013, UN adopted a landmark resolution on protection of human rights defenders.⁶ The resolution, was led by Norway and adopted by consensus, and it calls on all states to support the work of human rights defenders and to protect them from harassment, threats and attacks. 'The human rights defenders' work is essential to uphold democracy and the rule of law.'⁷

On 29/11/2013 UN adopted landmark resolution on Protection of Women Human Rights Defenders⁸. 'The resolution urges States to put in place gender-specific laws and policies for the protection of women human rights defenders and to ensure that defenders themselves are involved in the design and implementation of these measures,' Ms Bjerler said, adding that 'Effective implementation of such measures by States will be key to enabling women human rights defenders to carry out their important and legitimate work.'⁹

1.1.2 Legal Protection Mechanism at regional level

There are several initiatives taken by continents to protect HRDs through legal protection. These include special guidelines, policies, resolutions and other judicial and administrative decisions.

AMERICAS

In its 1998 annual report, the Inter-American Commission on Human Rights (IACHR) highlighted the importance of the work carried out by Human Rights Defenders and recommended to Member States of the Organization of American States (OAS) the adoption of measures necessary for their protection. On this basis, in June 1999 the General Assembly of the OAS adopted a resolution entitled Human Rights Defenders in the Americas, support for the individuals, groups, and organizations of civil society working to promote and protect human rights in the Americas (AG/RES.16715),¹⁰

In the event of imminent danger, the IACHR may issue preventative measures to Human Rights Defenders under threat so as to avoid any irreparable harm. The IACHR may also request information from States and issue recommendations thereunto. It is also possible to request that the Inter-American Court adopts provisional protection measures.

AFRICA

The African Union (AU) touched on the issue of the protection of Human Rights Defenders in 1999 during its Ministerial Conference on Human Rights in Africa. The Grand Bay Declaration and Plan of Action of 16 April 1999 call upon African Union Member States to take all appropriate measures to implement the United Nations Declaration on Human Rights Defenders.¹¹

The Kigali Declaration of 8 May 2003 "recognizes the key role played by civil society organizations and Human Rights Defenders, in particular in promoting Human Rights in Africa" and "calls upon Member States and regional institutions to protect them and to foster their participation in the decision-making process."¹²

6 defenders - See more at: <http://www.ishr.ch/news/un-adopts-landmark-resolution-protection-human-rights-defenders#sthash.pgdlEqn6.dpuf>

7 Ibid.

8 See more at: <http://www.ishr.ch/news/un-adopts-landmark-resolution-protecting-women-human-rights-defenders#sthash.NJ12LaQH.dpuf>

9 Ibid.

10 <http://www.oas.org/juridico/english/ga-res99/eres1671.htm>

11 Grand Bay Declaration and Plan of Action of 16 April 1999, paragraph 19 <http://www.achpr.org/instruments/grandbay/>

12 Kigali Declaration of 8 May 2003, paragraph 28 <http://www.achpr.org/instruments/kigali/> visited feb 2014.

EUROPE

In Europe, the European Union established EU Guidelines on Human Rights Defenders as the best way to support the implementation of the Declaration on Human Rights Defenders in third countries.¹³ These guidelines provide practical suggestions to enhance EU action in relation to HRDs. Guidelines can be used in contact with third countries at all levels to support and strengthen ongoing EU efforts to protect the rights of HRDs. This may also provide for interventions by the EU on behalf of human rights defenders at risk, and suggest practical means to support and assist them.

In 2010, the European Parliament adopted a Resolution on the EU policy in favour of Human Rights Defenders (2009/2199(INI)). It calls on the various EU institutions and its missions to reinforce their action for effective implementation of Guidelines, notably by ensuring regular contact with Human Rights Defenders prior to taking any action on their behalf and to provide them with feedback. These recommendations were reiterated with the adoption, on 16 December 2010.¹⁴

Therefore it is only fair to declare EUROPE a leading continent in laws, guidelines, judicial, administrative and policies that protect HRDs. EU members should play an active role in the enforcement of Guidelines issued as well as a dynamic role to create a successful mechanism to protect human rights defenders in Europe, and thus create precedent to other states in the world.

1.1.3 Legal Protection mechanism at the National Level

Several countries have set national legal mechanisms to protect Human Rights Defenders. Such initiatives are generally the result of pressure enforced by Human Rights Defenders themselves and relayed by the international community. They work, in general, towards accessing immediate protection measures. There are national legal protection mechanisms currently in place for Human Rights Defenders in Mexico, Colombia, Guatemala and Brazil. Initiatives in this direction have also been taken in Honduras. In the Democratic Republic of the Congo a national law and provincial decree (South Kivu) is under discussion. Other countries active in the area are South Sudan, Indonesia, the Philippines and more recently, Ivory Coast.¹⁵

The Constitution of the United Republic of Tanzania of 1977 and that of Zanzibar of 1984 including the second Draft Constitutions do not guarantee in any way the rights of HRDs. The legal framework at the national level including the Draft Constitutions provide for general protection of human rights but remain silent on the rights of human rights promoters/defenders. In short, lack of specific legal protection makes the HRDs vulnerable and easy prey of perpetrators of human rights violations. The legal challenges affecting HRDs will be discussed at length in chapter three of this report.

The coalition's five years strategic plan focuses on Outcome One- Advocacy, among the outputs being to advocate for the availability of specific legal protection of the HRDs in Tanzania. Tanzania is yet to formulate a policy or draft bill to recognize and protect HRDs as is the case in other countries such as Mexico and Brazil. Thus Tanzania ought to start initiatives to come up with legal, policies, judicial judgments, quasi judicial, administrative decision on human rights defenders, to increase their legal protection.

1.1.4 Challenges with both International and Regional Protection Mechanisms for HRDS

- The mentioned declaration on human rights defenders provides protection and legitimacy to the work of HRDs. But in order to do this, the Declaration has to be widely known and respected by authorities,

¹³ The European Union (EU) Guidelines on Human Rights Defenders (2004)

¹⁴ http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/l33601_en.htm

¹⁵ Protection international Op. cit. at pg 9

and the population as a whole. It also has to be known and used by HRDs themselves. Findings of the THRDC indicate that majority of HRDs were yet to be informed about this declaration as of year 2013.

- HRDs in Tanzania know nothing about the available mechanism for their protection let alone on how to use the special UN and the Africa rapporteurs on human rights defenders to protect them.
- Again, the EU Guidelines on HRDs are also not widely known by HRDs in Tanzania despite the EU taking some action to defend them. A lot more has to be done to raise HRD awareness about and the usefulness of the guidelines as a form of capacity building to enable them enhance their security.

1.2 Non Legal Protection mechanism

Protection mechanisms for HRDs can simply be defined as defense strategies put in place to ensure that HRDs are safe and operate in a safe environment. Through their active commitment, HRDs are frequently targets of acts of repression perpetrated by States or by private or Para-State groups acting in complicity with States. They are in many countries targeted for attacks such as murders, forced kidnapping, arbitrary arrests, imprisonment, torture, improper treatment, retaliation against family or friends, death threats, defamation campaigns, adoption of restrictive legislation in terms of the freedom of association, expression and gathering. Thus UN, International NGOs and Local NGOs have to chip in to ensure HRDs mitigate these threats and in worst situation provide emergence assistance.

1.2.1 Non Legal Protection mechanism at International level

In April 2000, the UN created a supervisory mechanism, i.e. the Special Representative of the Secretary General for Human Rights Defenders, which in 2008 became the Special Rapporteur on the Situation of Human Rights Defenders, a post currently held by Mrs Margaret Sekaggya, a Ugandan magistrate.¹⁶

In the framework of this mandate, the primary duties of the Special Rapporteur are to:

- Seek, obtain and examine information on the situation of human rights defenders
- Establish cooperation and engage in dialogue with governments and other interested actors by promoting and successfully implementing the Declaration
- Recommend effective strategies to protect human rights defenders better and follow up on these recommendations
- Integrate a gender perspective throughout her work.

In performing her duties, the Rapporteur:

- Submits annual reports to the Human Rights Council and the General Assembly on particular topics or situations of special importance regarding the promotion and protection of the rights of human rights defenders
- Undertakes country visits
- Takes up individual cases of concern with Governments (Chair of the Ugandan Commission on Human Rights from 1996 to 2008).

Needless to say, the UN does not provide for other services such as emergence fund and support. Thus International NGOs such as the Frontline Defenders, Protection International, Freedom House, CIVICUS, Irish Human Rights Institute, Peck Trust, CPJ, ICJ, Article 19 and many others have been playing that role. These NGOs work to compliment the work of UN Special Rapporteur. They offer security and risk assessment management such as preventive measures, legal support, counseling, evacuation and reallocation of HRDs at risk and advocacy among other activities.

¹⁶ <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>

1.2.2 Non Legal Protection Mechanism at Regional level

Universal and regional protection mechanisms complement each other to improve the protection of Human Rights Defenders. However, for the purpose of this report, Africa will be used as an example.

In Africa Non-Governmental stakeholders adopted the Kampala Declaration on Human Rights Defenders, during the Conference on Human Rights Defenders in Africa which was held in the Ugandan capital on 23 April 2009.¹⁷ This initiative was facilitated by the Network of Human Rights Defenders in the East and Horn of Africa which bolstered the protection of Human Rights Defenders in Africa through networking.

The East and Horn of Africa Human Rights Defenders Project (EHAHRDP) play a great role to protect HRDs in East and Horn of Africa. Others include the Pan Africa Human Rights Defenders Network, West Africa Human Rights Defenders Network, Central Africa Human Rights Defenders Network, South Africa Human Rights Defenders Network, and Protection Trust Fund (PTF).

1.2.3 Protection Mechanism at National Level

Protection of HRDs at national level is still a new agenda to many states in Africa and elsewhere. However, gradually, African civil societies continue to form networks and coalition for human rights defenders in their respective countries and regions. Coalitions and Networks in Africa include: Kenya, Eritrea, Djibouti, Uganda, Tanzania, and Burundi Human Rights Defenders Coalition. The final group in the list is South Sudan, Rwanda, Somali and Senegalese Human Rights Defenders Coalition.

As noted earlier, Tanzania is yet to enact any legislation or policy to recognize HRDs. Nevertheless, THRDC has been working to ensure HRDs operate under safe environment by immediately intervening whenever there is a looming risk. The THRDC operates in the framework of accepted international mechanisms established and adopted by other human rights conscious nations including Tanzania, to ensure good governance. It should be noted however, that the protection of HRDs is quite a new concept in Tanzania. Most people fail to differentiate between human rights defenders' work and other ordinary human rights promoters. More often, they tend to ignore and take it for granted when their rights are violated. In fact, majority of them (HRDs) do not know that they are human rights defenders who need some level of sensitivity and special protection in the course of performing their day-to-day activities as defenders and promoters of human rights.

The current legal and institutional frameworks governing human rights issues in Tanzania does not specifically recognize the presence and work of the HRDs despite the duty imposed on States by the Declaration on Human Rights Defenders; to protect them through national legislation. The Declaration on Human Rights Defenders requires States to adopt legislative, administrative and other steps to ensure that the rights and freedoms referred to are effectively guaranteed.

The THRD-Coalition has established and strengthened a self-protection mechanism for HRDs in Tanzania. It has put in place a Protection Desk whose officer assess risks and threats facing HRDs while at the same time giving advice on protection support. The Desk officer performs other functions such as coordinating security management training to HRDs throughout the country.

Some of the key activities undertaken under this protection programme include security needs assessment to ascertain prevailing situations; formulation of protection policy to establish protection strategies; mapping and clustering of HRDs as well as to develop security and responsive system. Other duties include creating a link between national HRDs, international, regional and national protection mechanisms; support for reallocation

¹⁷ <http://protectionline.org/2009/05/05/kampala-declaration-of-human-rights-defenders/>

and evacuation, legal representation and medical support. The Desk is further charged to oversee social counseling, emergence housing, emergence social support if necessary and establishment and coordination of a protection referral system at the disposal of HRDs to provide responses and protection support.

Human Rights Defenders work in favour of democratic development to increase participation of citizens in decision making for their existence and consolidation of good governance. Thus, they are agents of development, whom the State ought to ensure it creates secure environment and protection for their work. The State through the parliament can contribute towards promotion and declaration of HRDs and ensure that the government implements recommendations issued by several UN mechanism agencies, resolutions, and special rapporteurs' comments.

Chapter TWO

2.0. The Working Environment for HRDs in Tanzania

Human rights defenders usually work in complex environments in which there are many different actors influenced by deeply political decision-making processes. Therefore, HRDs need information, not only about issues directly related to their work, but also about the positions of key actors and stakeholders.

As used in this context working environment means your surroundings at your place of occupation; e.g. inside, outside, at a desk, in a cubicle, etc. Working environment affect a broad range of civil society organizations, regardless of their mission. However, organizations and individual HRDs pursuing human rights and democracy in Tanzania are more inexplicably affected, most at risk and deliberately targeted.

Generally the working environment differs from one place to another in some issues due to social, political and economic environmental differences. HRDs in Tanzania work in extremely complex environments with many actors with diverse interests. International laws require that HRDs work under the universally recognized human rights and fundamental freedoms. This is the first UN obligation to nations to respect the rights of human rights defenders at the national and international levels.¹⁸It is therefore crucial to conceptualize and analyze this environment in the context of HRDs security. This will in many ways consequently benefit human rights organizations and HRDs.

2.1 Political Environment

The power struggles within the ruling cliques and confrontations with the opposition have led to a new political culture whereby affluence is part and parcel of the competitions. There have been backlashes against CSOs on the part of regimes that seek to frustrate, undermine or prohibit the activities of democratic and civil society groups and individual activists.

Top state officials have been recorded openly, one after the other, giving hate and ambiguous statements against CSOs in this country. This political context in which HRDs operate towards the 2015 general elections and the ongoing constitutional reforms sends an alarm to all HRDs to take precautionary measures. The following are some of the major political related challenges facing HRDs in Tanzania;

- (i) Being stigmatized as anti-state, agents of Western powers, supporters of opposition parties, money mongers, trouble mongers, etc
- (ii) Being targeted for administrative measures – such as orders to provide extensive financial information, activity reports, list of donors and contracts.
- (iii) Interference and harassment by security forces
- (iv) Human rights NGOs in most cases being called or perceived as political opponents because of playing the role of watchdogs and following up for social accountability. For instance, during elections, HRNGOs play a significant role to ensure the electoral processes are free and fair.

¹⁸ www.humanrightsfirst.org

- (v) The monitoring of elections being seen by incumbent political leaders as a threat to status quo. Furthermore, the art of being vocal by many HRDs on human rights issues that the government would like to hide makes those in power perceive them as political opponents.

In April 2013, the then Minister of Tourism and Natural Resources, Hon Hamisi Kagasheki issued some threats during a BBC radio programme saying he had a list of activists behind the Loliondo land eviction saga terming them as Kenyans. The minister vowed to deal with them accordingly

Such administrative outbursts can be viewed as security threats towards HRDs in Tanzania. Mr. Kagasheki reiterated his statement in the Parliament on 2nd May 2013 while responding to MPs in regard to the Loliondo land saga.

The THRDC observed that the work of HRDs, including journalists in Tanzania, poses a huge threat to state organs and politicians during elections. For instance, seven people lost their lives during political rallies and meeting between 2011 and 2013. The competitive politics in areas where multiparty is alive have led to some actors to predict that the country will increasingly experience more subtle forms of human rights violations ahead of 2015 elections. This will consequently jeopardize security of HRDs in the process. | 2013

International NGOs with branches in Tanzania have not escaped the trend of being branded with bad names or being identified as agents of the Freemasons or religious movements. In 2013, an INGO with Germany origins namely the Konrad Adanauer Stiftung (KAS) took interest in human rights abuse, published them and ended up being accused of fuelling chaos in this country through a political party CHADEMA.¹⁹

The situation of human rights and good governance in Zanzibar is not perfect, and this is because the isles lacks a strong non-state actors and free community media to challenge and criticize the government. Thus, the adverse working environment for HRDs in Tanzania has drastically slowed down the level of activism in this country.



A law enforcer ready to restore order at a chaotic event in Mvomero

Hurling of stones could as well harm journalists and other HRDs who make follow-up in places ravaged with conflicts as it happened in Mvomero District, Morogoro Region last October. People who are purported to be farmers blocked a road passage and hurled stones to the district entourage which was about to settle the land based conflict there.

¹⁹ Konrad Adenauer Stiftung (2013) "Bomb Attack on Opposition Party Casts Shadow over Local Elections in Tanzania." Tanzania Country Report of 2013 at page 7.

“What can be proposed, however, is that as our democracy deepens, multi-party activities mushroom, political campaigns intensify, public space is narrowly regulated and if intolerance is allowed to extend and law and order are undermined, the probability of a heated political environment arising cannot be excluded. In such a scenario, HRDs who stand up for duty may face increased exposure and risks. These may be direct or collateral, but the hazard may be there. The Reports calls on them to be more conscious of the environment in which they operate.” By Chief Justice Othman Chande during the official launching of security needs assessment report

2.2. Social Cultural Settings

In some areas where traditional culture is still very strong, HRDs who defend vulnerable groups such as women, children and key population always receive threats from members of the community. Edward Porokwa; the Executive Director of Pastoralists and Indigenous NGOs Forums (PINGOS) pointed traditional culture as one of the challenges facing out those enhancing women’s rights in indigenous communities such as the Maasai. Mr. Porokwa added that at times even the Maasai women being advocated for tend to reject their rights because of their culture.

The Coalition observed that women human rights defenders are always at risk when fighting harmful cultural practices such as FGM and child marriage. As highlighted during the THRDC surveys in 2013, culture affects the work of HRDs in Northern Zone, Zanzibar and in the Lake Zone particularly Mara Region. Traditional leaders in indigenous communities such as the Maasai pose threats to local activists who carry out activities in rural areas because they perceive them as young people who want to destroy their culture.

The THRDC observed that the Maasai culture prohibits women from owning land and whenever HRDs, make some efforts to empower women they are perceived as destroyers of culture. Women HRDs have been brushed off as women without families, marriage slayers and betrayers of their culture. Previously, it was uncommon for women HRDs to be heard or command respect in pastoral communities. However, good news is as time goes by, the essence to defend human rights is getting clearer and most of the work of HRDs is gradually being accepted by communities.

Economic reasons have also caused challenges to HRDs in some areas. For instance the Lake Zone is made of regions with a high population of pastoral community and farmers. Similar to Northern Zone, communities in Lake Zone continue to uphold some harmful cultural practices such as FGM, cleansing of widows and child marriage.

The gender based violence (GBV) level in the Lake Zone especially in Mara Region is too high. For instance, the late Eustace Nyarugenda, the Executive Director for an organization known as ABC with his main duty being to advocate for principles of human rights specifically fighting violence against women and children; lost his life because of his work in Mara.

Nyarugenda made enemies from some few individuals whose families were once targeted by his office for perpetrating domestic violence. He was also hated by some for championing for women’s rights in general. It is on records that even some of his close relatives, his wife and co-workers expressed concern that his activities were dangerous not only to his own life but even those of his relatives and co-workers.

2.3 Financial Challenges

According to the THRDC security needs assessment report, 75% of all the visited NGOs mentioned poor knowledge on project write up and ability to solicit fund as their major challenges. Majority of them mentioned inability to solicit funds, and poor proposal writing as factors affecting their ability to secure funds from donors. According to the report, most of their project proposals end up with rejection.

Human rights NGOs in local areas lack negotiations and project initiation skills. Financial management is another serious challenge for those with such abilities as at times they fail to sustain funds, due to lack of skills in project implementation and monitoring.

There are also some threats imposed by perpetrators of human rights who see HRDs as their enemies. Apart from that, there are other serious problems which emanate from either lack of managerial skills or some of them being so unethical that their duties cannot be accepted as a noble task to their families.

Chapter THREE

3.0 Human Rights Violations Committed Against Defenders in 2013

Being a human rights defender has always been a very challenging work that may lead one to lose his/her life. In every region of the world, human rights defenders are subjected to violations of their human rights. They have been the target of executions, torture, beatings, arbitrary arrest and detention, death threats, harassment and defamation, as well as restrictions on their freedoms of movement, expression, association and assembly. Defenders have been victims of false accusations and unfair trial and conviction.²⁰

Violations against HRDs are always structured against active HRDs, defender's families or organizations as a means to muzzle their work. However, the risks they face differ according to the nature and capacity of the rights they seek to protect. For instance, Women human rights defenders, journalists, pastoralists HRDs and journalists at times confront risks that require particular attention.

"In most cases, acts committed against human rights defenders are in violation of both international and national law. In some countries, however, domestic legislation which itself contravenes international human rights law is used against defenders."²¹

Key findings of the THRDC's surveys in 2013 indicate that HRDs in Tanzania face a number of challenges including: political, legal, financial and social cultural challenges, lack of security consciousness limited knowledge on information sharing and restrictions on access to information. Others are financial challenges, complex range of perpetrators, challenges for the media, limited interaction with key stakeholders and limited knowledge of HRDs and their rights. Needless to say, the situation at the international level is shocking. For instance, in Colombia the following incidents were reported within the past three years: 202 threats, 69 assassinations, 50 assaults, 26 arbitrary detentions, 5 forced disappearances, 1 arbitrary use of the penal system, 3 robberies of information, and 1 case of sexual violence.²²

"It has been recognized that Human Rights Defenders are susceptible to serious risks, including attacks on their physical integrity by States, Non State actors, and even unknown persons. At times, they are confronted with threats, life threatening experiences and many other forms of intimidation and obstacles in their work. Tanzania Chief Justice, Othman Chande, November 2013."

20 <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Challenges.aspx>. Visited - January 2014

21 <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Challenges.aspx>. Visited - January 2014

22 <http://justf.org/blog/2013/02/25/killings-human-rights-defenders-increase-colombia-what-going-wrong>. Visited - January 2014

3.1 Arbitrary Arrest, Baseless Charges and Criminalization of HRDs

Like other parts of the world, HRDs in Tanzania are at times criminalized as a strategy to repress and muzzle their works. In criminology, the term refers to the process by which behaviors and individuals are transformed into crime and criminals.²³ In this context, criminalization is often used to discredit, sabotage and impede the work through the misuse of Legal system.

In Tanzania unscrupulous state officials increasingly resort to legal actions as a means to violate defenders' rights and to denounce their works. HRDs have been arbitrarily arrested and charged with baseless and fabricated cases. This can be referred to 10 cases of HRDs who were arbitrarily arrested from January to December 2013. These include charges against Bruno Mwambene who has been jailed to serve a four years sentence in Mbozi on allegations that he willfully obstructed police officers from executing their duties. Bruno Mwambene became the best award recipient of the year, for Rural Human Rights Defenders award in 2013. His wife Fane Mwashuiya received it on his behalf. Furthermore, in Bahi Dodoma, Bibi Dominic was arrested and charged on allegations that he was behind an unlawful assembly.



On March 05, 2013 Eliah Ruzika a Chanel Ten Reporter (pictured) was harassed and arbitrary arrested by police officers while on duty gathering information in Dar es Salaam. The photographer was shooting video clips at a meeting by TAZARA employees in Dar es Salaam.

During the THRDC security needs assessment carried in 2013, majority of HRDs interviewed mentioned baseless charges and case fabrication among the other major threats that undermine their works. About 70% of all respondents agreed that HRDs always face illegal charges when dealing with issues of public interest.²⁴

3.2 Physical violence, Attacks and Torture

Violence against HRDs is always systematic, pre-arranged and well organized to silence their work. Globally, thousands of HRDs are attacked and tortured annually for denouncing human rights violations. Physical violence and attacks of HRDs continue to increase in Tanzania and in 2013 the THRDC recorded about 20 incidents of serious assaults.



One such incident took place on 5th of March where two assailants abducted Mr. Absalom Kibanda; the Chairperson of the Tanzania Editor's Forum and tortured him where they chopped off the top of his right finger, piercing his left eye, prying out several teeth and fingernails leaving him nearly dead.

Kibanda hospitalized after the brutal attack.

²³ Peace Brigades International (2010) "Criminalization of Human Rights Defenders" page 2.

²⁴ THRDC (2013) Protection and Security Needs for Human Rights Defenders in Tanzania-Needs Assessment Report, page 21.

Other more security incidents and threats against HRDs in 2013 are depicted in the table below:

0	HRD	Org/Institution	Security Incident/threat and dates
1	Antony Lyamundu	CESOPE -an NGO working against Uranium extraction	On March 2013 Lyamundu received several threats from unknown people. He was subjected under constant surveillance and finally flew out of the country for security reasons.
2	Lucy John	Coordinator for Wadada Center in Mwanza	She was arrested on 6 th March 2013 in Mwanza by the police while advocating for the rights of a female domestic worker.
3	Marcus Albanie	Director CPW	March 2013 - monitored by unknown police officers
4	Chacha Wambura	Foundation Help Musoma –monitoring the conduct of extractives industry	On January 2013, Wambura received several threats from one of the major foreign companies in gold extraction industry in Tanzania. His family was constantly monitored and disturbed. He was finally forced to flee from his home with his family to a safe destination.
5	WOTE SAWA AND YOUTH TO YOUTH	Mwanza based NGOs advocating for domestic workers' rights	Staff members were summoned by the police after they reported to the media over a boss mistreating a female domestic worker.
6	HRDs from Loliondo	Pastoralist HRDs and Journalists	On April 2013 BBC radio aired a news clip where Minister Kagasheki threatened human rights activists and NGOs advocating for pastoralists' land rights in Loliondo.
7	Jukwaa la Katiba	Human rights defenders NGO	On 12 nd April 2013 around 11 a.m. to 12 p.m. a dark blue Land cruiser with registration number T 126 CCG, was seen packed at the CF premises with six men, two of whom went to the main gate of this office and requested for the CF's Chairperson Mr. Deus Kibamba and its coordinator, Ms. Diana Kidala. The duo pretended to have been related to Mr. Kibamba. Ironically, they requested for his phone numbers after they realized that they had hit a snag. The duos were reported to have stayed outside the CF's offices for about an hour apparently in a serious discussion. CF reported the matter to the Police while as THRDC issued a press statement and there after took over the case by conducting a serious investigation.

8	BB Dominick & one Journalist Suleman Gwaje	human rights defenders and journalists	Dominick BB a Human Rights Defender in Dodoma and six other human rights promoters (whistle blowers) in Dodoma were arrested while scrutinizing expenditures in a village, an act that angered the Ward Executive Officer (WEO). During their arrest a radio reporter with Radio Kifimbo FM in Dodoma Suleiman Gwaje was ruffled and beaten up by the WEO.
9	Mtwara Oil and Gas saga Intervention	Journalists and NGOs	Most journalists became prone to threats and intimidation during the Mtwara Oil and Gas Saga on May 2013. They were barred from reporting on the issue. THRDC evacuated and reallocated Three journalists Fatuma Maumba, Albert Lazier and Kassimu Mikongolo. Kassimu is a public media Journalist with the Tanzania Broadcasting Corporation (TBC) who received several death threats from angry Mtwara residents . He lost all of his properties including his house and car after an angry mob set them ablaze accusing him of siding with the government.
10	Bizimungu Karebe	Human rights defender	Bizimungu Karebe is a human rights defender in Tabora. He was warned and ordered by the Regional Immigration authorities to discontinue with his human rights activism
11	Antony Solo		A Human Rights Defender who doubles as a monitor with the LHRC was remanded for two weeks in Shinyanga by a Primary Court. Reasons behind were mentioned as failing to execute his social duty of taking care of his family particularly children. However, the THRDC assessment revealed that the remand saga was a form of judicial harassment, given the fact that Antony solo was pursuing a case over some corrupt behaviors of the same magistrate who ordered for his arrest.
12	Rev Magafu		A Human rights Defender in extractive industry received several threats from an unidentified people. The duos are reported to have gone to his place thrice in search of his whereabouts. It was by sheer luck that they did not find him. Another incident is when thugs broke into his offices and managed to get away with his computer Macbook make of Pro-Apple Computer, Professional Video Camera 3CCD Sony 150 PD, Back up gadgets and some DV Tapes with recorded field materials.

3.3 Threats and Killings of HRDs

Human rights defenders' work is at times rewarded back with death threats or even death itself. For instance, in 2012 about 30 HRDs were killed in 14 countries. These countries include Brazil, Burundi, Cambodia, Colombia, Guatemala, Honduras, India, Mexico, the Philippines, Somalia, South Africa, Tanzania, Thailand, and Ukraine.²⁵ In Tanzania several HRDs are threatened to death, however, only one to three death incidents are reported annually. The THRDC findings indicate that 21 HRDs in Tanzania received death threats in 2013. The Coalition managed to rescue 10 of them by granting them reallocation, medical support and legal supports, while others were counseled or given security advice.

The latest killings of HRDs in Tanzania in 2013 include the murder of a journalist Issa Ngumba, the defender of women rights in Mara Austace Nyarugenda and a renowned and prominent HRDs Dr. Sengondo Mvungi. The body of Ngumba, 45, a reporter with Radio Kwizera was found at the Kajuhuleta Forest in Kigoma, northwestern Tanzania on Tuesday 8th January, 2013. This was three days after he went missing from his home.



An investigation in 2013 revealed that in many cases, HRDs' for women's rights create enmity between them and some members of the community once they get involved in domestic violence cases. This was the case with the late Eustace Nyarugenda; the Executive Director for an organization known as ABC whose organization was a champion of women's rights.

Nyarugenda attracted enmity neither with government officials nor with his society in general, but with some few individuals whose families were once targeted by his office on account of domestic violence. Nyarugenda's widow claimed that her husband used to receive death threat messages from unknown sources.

In another shocking incident, a highly respected lawyer, human rights defender and a political activist Dr. Mvungi died in a hospital in South Africa, Milpark Hospital, and Johannesburg South Africa in November 12th 2013. His untimely and startling death came nine days after he sustained serious injuries from allegedly thugs at his home in Mbezi Kibamba, in the outskirts of Dar es Salaam.



Dr. Mvungi (Pictured) began his career as a journalist but later switched to law. He was twice dean of the Faculty of Law, at the University of Dar es Salaam and the founder of the highly reputable NGOs in the field of human rights, The Legal and Human Rights Centre. Dr. Mvungi's life was taken at the time when the country needed his expertise in constitutional reforms having had specialized in the field.

He was a prominent lawyer who represented vulnerable people and groups in courts of law. He was thus among the very few persons appointed by the President to form the Constitutional Review Commission, a work he never lived long enough to see its fruits as he only left behind the First Constitution.

²⁵ Frontline Defenders (2013) Annual Report: Global Trends In 2012 For Human Rights Defenders available at http://www.frontlinedefenders.org/files/frontline_annual_report2013_1.pdf. Visited on 7th February, 2013.

Dr. Mvungi's impact was felt in so many ways- from the legal fraternity, to the academia the media and the public in general who dubbed him 'advocate of the people'. He was a fearless human rights defender since his youth hood until he met his death. Thus the late Mvungi's contribution in human rights, constitutionalism and freedom of expression cannot be underestimated. Dr. Mvungi was a true human right defender because he remained focused and acted professionally until he met his death.

Throughout his life he strived to promote and protect civil and political rights as well as the realization of economic, social and cultural rights. To-date, no one has been able to unveil the mystery behind his death as so far little progress has been made with few arrests of some thugs. His death left a lot of questions to family, friends and his allies with the public questioning over whether those who attacked him were real thugs or hit men sent to harm him over what he stood for.

People or organizations pursuing human rights and democracy in Tanzania are more disproportionately affected, most at risk and deliberately targeted to silence them or their work. Human rights defenders like Dr. Mvungi are at times rewarded by deaths, attacks, arbitrary arrest, at or any sort of humiliation for what they do.

3.4 Legal challenges

According to Article 2 (2) of the Defenders Declaration, every country is obliged to take legal action, administratively, and any other measures that it deems fit in ensuring that rights and freedoms of defenders are appropriately maintained. The Declaration wants all countries of the world to formulate laws or enact good environment towards recognition and protection of human rights defenders.

As observed through various documents and debates, Tanzania continues to lag behind in terms of adherence to the freedom of expression which is explicit in Article 18 of its own Constitution. For instance, in 2013 the State banned two newspapers Mwananchi and Mtanzania through the notorious Newspaper Act of 1976. The newspapers closure was announced on September 28, 2013, that is precisely one year after an indefinite ban of Mwanahalisi in the preceding year 2012. Subsequently on February 26, 2013, the Government through the Tanzania Communication Regulatory Authority (TCRA) announced a six months suspension to two religious radios, Kwa Neema FM and Imani FM.

The experience shared above calls for a need to create a legal framework that can directly protect rights of HRDs. This could be by means of creating provisions that recognize and protect HRDs in the Constitution of the country and other forms of legislation.

There are draconian forms of legislations in Tanzania that need to be amended or repealed. These pieces of legislations or provisions do not only violate the rights of people but also impede work of HRDs. Responding to the questions that required HRDs to mention laws that impede the smooth operations of their work; respondents listed the laws in annexure two as hostile and restrictive to their work.

The Coalition calls all HRDs and Journalists to launch a countrywide campaign against laws that are not in support of HRDs activities. HRDs may also push for creation of a fair and more independent oversight body to investigate and prosecute all cases involving HRDs. Tanzania is also required to ensure that its domestic laws facilitate the work of HRDs by avoiding any legal impediments thereof.

3.6 State of Impunity

So far, the State has made no significant efforts to investigate and prosecute cases involving the violations of HRDs rights. The justice system in Tanzania is composed of various entities such as the Police and the Judiciary. The Judiciary has a role to dispense justice while as the Police Force maintains peace and ensures the security of people and their properties. The Police have got the mandate to arrest, suppress, investigate and finally prosecute alleged offenders. The criminal justice system in place is too weak to dispense justice when it comes to incidents where perpetrators of the alleged violations are state actors, who essentially are law enforcers such as the police and other security officers. Among other things, the weak criminal justice system remains the main reason behind the growing state of impunity in Tanzania.

There are several cases involving HRDs where its Perpetrators have not been held accountable for their actions. They include the killing of a Channel 10 reporter Daudi Mwangosi, Director of ABC foundation in Mara region Mr. Eustace Nyarugenda and the killing of Issa Ngumba a journalist with Radio Kwizera in Kigoma. Other incidents involve the abduction and torture of Dr. Steven Ulimboka, former Chairperson Medical Doctor's Association and Mr. Absalom Kibanda the Chairman of the Editors Forum.

A reporter with a local television station Channel Ten, Daudi Mwangosi was killed while executing his duties at a launching ceremony of an office by the opposition party Chadema in Nyororo, Iringa. A police officer fired a tear gas canister at a close range leading him to die in one of the most gruesome ways yet to be seen in Tanzania in recent days.



Authorities filed a murder case against Pacifus Cleophas Simon, a police officer who allegedly killed Mwangosi and the case has been lagging in court ever since. Ironically, to-date, none of the eyewitnesses including a journalist who took all the photos have ever been called for questioning by the police involved in the investigation.

Sadly, the State has never filed any charges let alone take disciplinary measures against the six police officers whose pictures or footages above indicate that they were involved into the brutal attack. Shockingly as it may be, the then Iringa Regional Police Commander Michael Kamuhanda was promoted to a deputy commissioner of police leaving a little to be desired for as if anything, accountability should have begun with him. The killing of Mwangosi was one of the worst in the media fraternity for a country like Tanzania once considered 'heaven of peace.'



Dr. Stephen Ulimboka (pictured) a leader in the 2012 doctors' strike was kidnapped and dragged into an unidentified vehicle by a group of armed men who brutally beat and tortured him before they deserted him in the midst of a heavy forest in Mabwepande.

To date, there has been no serious person arraigned in court to answer the charges, except for one 'fake' suspect who at the end of the day was acquitted in July 2013 on account that he had no case to answer. There have been no serious efforts by the State to investigate the case to bring to justice Dr.Ulimbokas' assailants.

Instead, some media outlets have suffered a ban from the infamous Newspaper Act of 1976 due to carrying an investigation over his abduction and subsequently publicizing the story in series. A weekly tabloid Mwanahalisi has suffered an indefinite ban as a result. One would have expected the government to interrogate those mentioned by Mwanahalisi. However, that has never been the case.

According to Margaret Sekaggya, a Special Rapporteur on the situation of human rights defenders, States have the primary responsibility to ensure that defenders work in a safe and enabling environment. Under this call States should put to an end impunity for violations against defenders by ensuring that investigations are promptly and impartially conducted, perpetrators are held accountable, and victims obtain appropriate remedy²⁶.

3.7 Specific Challenges Facing Journalists

According to various international reports, between 30 and 50 journalists are killed every year with murderers going unpunished while hundreds others are attacked, threatened, or harassed.²⁷ The number of journalists reported to have been killed in 2013 shot to 70 journalists.²⁸ For instance according to the Committee to Protect Journalists (CPJ), 70 journalists were killed in 2013,²⁹ while as Reporters without Borders puts the toll at 71.³⁰ Pakistan alone had 11 journalists killed within 2013.³¹

The working environment for members of the press in Tanzania is no better from the rest as it was established by the Coalition during its visits to 16 Press Clubs across the country. Findings of this report indicate that journalists in Tanzania face harassments, threats, detention, death, torture, defamation, suspension from their employment, denial of freedom of movement and the ban of news papers. This is, despite the government's repeated statements over its support towards the freedom and access to information. This has affected their work as intermediaries to the public.

THRD recorded more than 20 incidents of harassment, torture, killings, arrests, baseless charges, attacks and threats involving journalists from across the country in the year 2013. Recorded incidents are summarized and presented in this sub chapter.

²⁶ Margaret Sekaggya (2013) Recommendations made in a Report of the Special Rapporteur on the Situation of Human Rights Defenders- December 23 2013 available at www.ohchr.org.

²⁷ www.cpj.org visited on 13th May 2013

²⁸ <http://www.humanrightsfirst.org/>. Visited 7th February 2014.

²⁹ <http://www.cpj.org/killed/2013/>

³⁰ <http://en.rsf.org/71-journalists-were-killed-in-2013-18-12-2013,45634.html>

³¹ <http://www.thehindu.com/news/international/south-asia/11-journalists-killed-in-pakistan-in-2013/article5523365.ece>

Recorded Security Incidents Faced by Journalists in 2013

1) No	Name	Media/Region	Incidents/Risk Faced
2) 1	Elijah Ruziku	Chanel Ten August 2013 Dar es Salaam	<p>He was beaten and subsequently arrested by the police while carrying his journalistic work at a TAZARA employees' meeting in Dar es Salaam. Authorities are reported to have termed the gathering as illegal.</p> <p>Ruziku's camera and tape recorders were confiscated and had it not been for civilians coming to his aid, he would have been taken to the police station.</p>
3) 2	Deodatus Balile	July 2013 Jamhuri Dar es Salaam	<p>The Managing Director for Jamhuri, a weekly tabloid was summoned and interrogated by police for three hours in connection with a published story titled "Ufisadi ujio wa maraisi 11" on 16th July, 2013. The article carried a story on alleged corruption in connection with tenders during the Smart Partnership Dialogue held in Dar es Salaam.</p> <p>The police accused Balile of using classified State confidential document against section 5 (1) of the National Security Act.</p>
4) 3	Fatuma Mnyeto	Mtanzania & Tanzania Daima June 2013 Mtwara	<p>Mtwara-based journalist active in pursuing human rights' violations by security forces in the region was tailed by unidentified people and threatened by security officers after she wrote a story showing how soldiers mistreat people in Mtwara.</p>
5) 4	Albert Laizer	Info Radio June 2013 Mtwara	<p>Abducted and tortured by Tanzania People's Defense Force. Several threats were leveled against him after he disclosed over how he had been tortured at the Naliendele Military Camp.</p>
6)	Shaban Matutu	Tanzania Daima December 2012 Dar es Salaam	<p>He was shot on his left shoulder by the police while at his home in Kunduchi. The Police went to his house during night hours claiming to search the where about of one Mama J accusing the later for hosting criminals.</p>

7)	Kassim Mikongolo	May 2013 TBC Mtwara	His house, car and all properties were set ablaze by protesters who accused him for reporting the Mtwara gas saga against the public interest. His stories were aired by the TBC, a public media outlet which majorities in Mtwara view as a State media outlet used to spread propaganda. TBC in collaboration with the THRDC supported his family resettlement to Dar es Salaam for security reasons.
8)	Ansbert Ngurumo	Tanzania Daima March 2013 Dar es Salaam	An editor of a Kiswahili daily tabloid Tanzania Daima, a vocal media outlet in reporting human rights and corruption issues in the country. Ngurumo received death threats and was later on tailed by unidentified people.
9)	Lucas Kariongi	April 2013	A programme director of a Orkonerei community radio which covers pastoralists' issues in the Northern Zone was in several times a victim of harassments whenever his radio aired issues on land grabbing. For instance, on April 2013 Kariongi alongside foreign journalists reporting for CNN and Aljazeera were arrested by the police while pursuing stories on the Loliondo land saga.
10)	Charles Misango	Tanzania Daima March 2013 Dar es salaam	An editor of a Kiswahili daily tabloid owned by the Freeman Mbowe a chairman of the leading opposition party. Misango was tailed by unidentified people and received death threats.
11)	Absalom Kibanda	New Habari 2013 Dar es Salaam	Chairman of the Tanzania Editors Forum (TEF), Absalom Kibanda's attack caused a lot of speculation. In a way, the attack on him cannot wholly be isolated from his immediate shift of positions from the Free Media to the New Habari Corporation. Unknown assailants attacked him brutally outside his home. Kibanda had to receive specialized medical treatment in South Africa and to -date no one has been arrested in connection with the crime.
12)	-	BBC , CNN and Aljazeera March 2013 Loliondo	Majority of active investigative journalists and reporters are arbitrarily arrested and barred from collecting information. In a recent incident, BBC, Aljazeera and CNN reporters with other local journalists went to investigate the land grabbing saga in Loliondo where they were intimidated, searched and subsequently prohibited from executing their duties.

13)	Josephat Isango	Tanzania Daima January 2013	Isango an investigative reporter with a Kiswahili daily tabloid was arrested by the police. He received threats from unknown people, for being vocal in his reports on corruption.
14)	Issa Ngumba	Kwizera Radio –January 2013	The latest murder of a journalist in Tanzania is the killing of Issa Ngumba. The body of Ngumba, 45, a reporter with Radio Kwizera was found at the Kajuhuleta Forest in Kigoma, northwestern Tanzania on Tuesday 8 th January, 2013. This was three days after he had gone missing from his home that's according to Ms Joyce Ngalawa, a co-worker. Radio Kwizera, is a community radio which was established for refugees from Burundi and Rwanda in Ngara. The post mortem report indicated that he was strangled and had a wound inflicted by a bullet believed to have been fired at him while dead. Reports further revealed that he had some marks on his hands indicating that he was tortured with his hands tied with the rope. ¹
15)	Erick Kabendera	February 2013	Immigration officers and police detained, intimidated and interrogated the parents of an investigative freelancer Erick Kabendera. The interrogation occurred within six weeks after unknown thugs broke into his home in Dar es Salaam on three occasions, causing extensive damage to his properties.
16)	Maliki Suleiman	FM-Kifimbo	A reporter with Radio Kifimbo FM in Bahi Dodoma was beaten by a ward councilor as he gathered information on corruption. The working condition for journalists is becoming harsher, with few appreciating their work.
17)	George Marato	April 2013	Received numerous (over five) threatening phone calls after reporting on the inter-tribal violence that resulted to deaths of numerous individuals in Mara, and a story concerning contaminated water caused by pollution from the North Mara Gold Mine in Musoma
18)	Several journalists and one from Chanel Ten	June 2013	Reported harassment by police in form of repeated summons and questioning after a grenade attack thrown during Chadema rally in Arusha. The Arusha-based journalists suspected that the police were making an attempt to prevent any reporting alleging police involvement in the grenade attack

19)	Cosmas Makongo	ITV Correspondent in Mwanza December 2012/2013	<p>In December 2012, the THRDC heard that an ITV journalist, Cosmas Makongo was at risk after he had reported the killings of people of their livestock in Biharamulo, Ngara and Muleba. On December 6, 2012, the Coalition called a press conference explaining over the threats made to Makongo and then embarked on a fact finding mission in 2013 to understand the situation on ground.</p> <p>Makongo told the Coalition team that police officers issued a direct threat to him against reporting on killings of people and cattle in Muleba, Kagera Region in June 2012. The turmoil situation forced him to temporarily vacate from the area.</p>
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3.8 Security Challenges Facing Media Journalists Working for Public Media

Media practitioners working for public media outlets face several challenges one being hatred from the public or supporters of certain political parties. These have led to confrontations during political rallies and in situations where there is a tug of war between citizens on one hand, and the government and investors on the other.

Given this situation, the Coalition foresees the worst as this country heads towards the 2014 Local Government Elections and 2015 General Elections. According to leaders from the 16 regional press clubs visited by the Coalition in 2013, incidents of stone throwing and other forms of humiliation of media personnel are becoming a common practice.

Examples to elucidate this scenario are in all regions which have strong base of the opposition, or which are endowed with rich natural resources. In this category, regions like Mbeya, Iringa, Mtwara, Arusha, Kigoma and Dar es Salam have witnessed incidents of humiliation against journalists.

Any sudden TBC blackouts tend to create suspicion and hence, risk for its journalists as the public at large tend to assume that it is they who decide what should and should not be aired. A similar blackout of TBC news led to the unprecedented violence against the Mtwara based TBC reporter Kassimu Mikongolo in May 2013. His house was set ablaze by irate mobs condemning him of personally terminating the coverage of the event. The public should understand that reporters operate under orders from their managements and editors.



Mikongolo's properties after destruction by an angry mob

Other similar incidents have also occurred in Arusha whereby TBC reporters have been sidelined, like during the Arumeru by-election and in other rallies called by CHADEMA. This has sadly forced them to use stories collected by their media colleagues who are allowed to attend such rallies. Scribes from public outlets that have faced difficulties are Leonard Manga, Sechelela Kongola, Khalfan Mshana and Ben Mwaipaja.

These journalists have at times been forced to remove the TBC emblem and stickers on their cars and cameras for safety reasons. Typical examples are when George Kasembe and Nora Uledi, TBC reporters almost lost their cameras due to an attack from angry mobs. They were covering cases of Sheikh Ponda Issa Ponda the Islamist leader and Willfred Rwakatare, a senior CHADEMA leader when the mob turned against them.

3.8.1 Source of Problems

- Our attempts to understand the core of the problems leads us to the conclusion that the problem is not with the scribes at the reportage level, but rather it has to do with the top management and the editorial policies. Journalists in this category are always at cross roads whenever there is an emerging conflict between citizens and their government.
- Another challenge is when some government functionaries like district or regional commissioners together with their executive directors choose to use journalists as their public relations officers on an assumption that, those media outlets are mouth pieces of the government of the day and the ruling party.
- This has gone hand in hand with providing offices for them in public buildings shared between government administrators and journalists. This has always been at the peril of the journalists who must report as per bigwigs' wishes whether it is through inducements and payoffs or indirect threats.

In some cases, public media outlets are sidelined by some institutions that do not trust them on grounds that they cannot give them coverage. This shows that some groups in the citizenry, political parties, or even public institutions and some vocal human rights organizations do not trust public media houses. There are also records that TBC has been selective when it comes to reporting news on human violations issues or allegations against public officials. More often than not such stories are not covered. LHRC is one of them as TBC no longer comes to its events let alone air its stories that are if they come.

Under these circumstances, journalists from public media houses face challenges failing to understand where they should stand and how their news coverage would be perceived by political fanatics, and whether their reportage will meet public expectations or not.

“The plea I make it is for journalists and more so, journalist Human Rights Defenders to be and to remain professional. It is not that by being non professional and non ethical one loses his or her right to protection. That protection is a matter of right. It is not a condition precedent. Being professional adds value to human rights protection and goes to correct the wrong public perception held by the public on HRDs.” Chief Justice Othman Chande.

The Coalition made an attempt to get the position of TBC over some of the challenges facing journalists in Mtwara, Arusha and Kigoma and the later admitted that reports were true. Responding to the idea of being perceived as pro -ruling party, TBC denied saying it is a non-political, non-biased entity and that it operates in accordance with its editorial policy which guarantees fair coverage for all irrespective of their political affiliations.

On security of its journalists, the TBC management said they usually conduct training as elections approach. On a positive note, TBC reiterated its commitment to form an alliance with the THRDC in the quest to security management training.

3.8.2 Recommendations

- On the question of security to journalists, the TBC management admitted that there has been the provision of training on security management, usually when elections approach. This management acknowledged the importance of forming alliance with the THRDC in the quest to security management training. Public media institutions should improve its managerial capacity to instill the multiparty system under which this country operates.
- A joint round table discussion between management of public media outlets, leaders of political parties, and the THRD-Coalition should be convened to build faith and create a secure environment for scribes in the forthcoming elections.
- Tanzanians should avoid harassing journalists instead any challenging matter encountered during their line of duties should be reported to relevant media houses authorities for action.
- Media practitioners in public institutions and their managements should abide to the code of ethics by making sure they are impartial and under no circumstances should they condone any kind of inclinations to the government of the day or any particularly political party.
- Public media outlets should not be located in government buildings to maintain neutrality. In other words, they ought to acquire their own premises to remove the perception that they are mere public relations officers for government leaders.

3.9 Security Challenges Facing SOGI HRDs

The Coalition observed that, SOGI defenders³² in Tanzania are another high risk HRDs who face a lot of security challenges. This is partly due to their own contribution and also due to other cultural and religious reasons.

On how they contribute to this situation, it is a fact that some of them behave in ways that are incompatible with other community members. Even if one has the freedom of choice, this freedom has limitation. Men are known to have a standard way of dressing and conduct in the public; if one of goes contrary to it, provides a fertile ground for attacks. Security gaps, challenges and resulting needs identified from SOGI HRDs were:

- Limitations in the secure management of information, i.e. in terms of storage and exchange (sensitive information stored physically in easy to access areas, low level of IT security to protect access to computers, email, sensitive information);
- Limited consideration given to security and protection during field work outreach;
- Absence of regular and comprehensive evaluation of security incidents as indicators of risks;
- Limited capacity and practice of assessing working environment, stakeholders and potential risks associated with their work to develop and implement relevant security measures;
- Minimal understanding of how to react to threats and risks associated with their work;
- Minimal understanding of how to defend the rights of their members in this very challenging environment where, whatever they defend is regarded as against national laws and the community norms.

With these developments, however, there is a continued need for members to increase security awareness and protocols for the safety and security of its staff, members, offices, information, and people it interacts with. This is especially true on the target group due to the sensitive issues that SOGI HRDs addresses, such as government service delivery to health, lack of protection from aggressors and spread out stigmatization.

The key population complained not only of abusive language against them from community members, but even land lords are not prepared to allow them to rent premises for an office purposes. This has forced them to move from one place to another in search for a safer place. Insults are directed, not only to them but anyone who pays a visit to their offices.

The government does not allow such relationship and one can face criminal charges if caught or suspected of indulging in such practices. However, through the Tanzania Commission for HIV/Aids (TACAIDS) it seems the government supports some of their health initiatives aimed at avoiding new HIV infections.

Mainstreaming SOGI rights in Tanzania civil society was seen as an implicit challenge where HRDs for SOGI have not been fighting for all human rights and also explicit where human rights organizations in Tanzania need to look at human rights abuses affecting sexual minorities in the universality of human rights tackling all possible homophobic elements. For more information on the current situation facing sexual minority populations in Tanzania please read a comprehensive report by Human Rights Watch of 2013.³³

³² For the purpose of this report Defenders of SOGI refers to defenders of sexual minority groups and Gender Identity such as msm, bisexual and transgender.

³³ Human Rights Watch (2013) "Treat us Like Human Beings" Discrimination against Sex Workers, Sexual and Gender Minorities and People who use Drugs in Tanzania at <http://www.hrw.org>.

Chapter FOUR

4.0 Level of Security Management and Protection Measures

Over the last few years, there has been an increase in general awareness over the enormous risks facing human rights defenders in their work. However, most countries such as Tanzania remain with the challenge over how to mitigate the risks. These challenges require human rights defenders to implement a comprehensive and dynamic security strategy in their day to day work. Thus, better Security management is vital as it involves over how people, properties and activities can be protected. It also involves planning, focusing and coordinating security issues.

Security management in the context in which HRDs operates can be defined as knowing enough about working environment, understanding the local politics, reflections on basic concepts like risk, vulnerability and threat, risk assessment and planning.

Protection and promotion of the rights of HRDs is a new concept in Tanzania. The Coalition surveyed the level of security management among HRDs and discovered that HRDs in Tanzania lack strategies and plan to protect individuals and groups against violations, especially those facing particular risks.

The Coalition conducted a security needs assessment to ascertain the security management capacity of HRDs in Tanzania by looking at the following;

- (i) Security policies and plans;
- (ii) Provision of security management trainings;
- (iii) Staff security awareness compliance and inclusion of security measures in programmes;
- (iv) Available resources for security, protection and Office security.

The Coalition insists on provision of security management training to create a more secured working environment for HRDs and ensure they are good in security management. Security management trainings are designed to cover matters on how to analyze working environment, risk assessment, threat analysis, reaction to security incidents, digital security, and to produce organizational security plans. Generally, security training provides general knowledge and tools to understand and improve HRDs security and protection.

4.1 Office Security

Office Security is a crucial part of security management measures. Capacity of office in terms of security management depends much on the following: office location, availability of security gears such as CCCTV, office set up including work order of external gates / fences, doors to the building, windows, walls and roof, security guards, visitor admission procedures, information security, etc. The Coalition findings indicate that almost all Human Rights Organizations (HRONGs) were poorly doing in terms of office security. For instance, in 2013 the Coalition visited some HRDs offices and found others to be located far away from populated areas surrounded by bushes and trees.

The Coalition paid a visit to the Bahi Environmental Network office in Dodoma, located almost 20 kilometers away from Bahi Township. This office is virtually inaccessible, unfenced and hard to notice neighbors around it. In other words, it is too vulnerable to be safe. Its location compels workers to walk long distances and through secluded areas after working hours. That is to say they run the risk of being attacked by thugs while at the office or when going back to their homes.

Another risky working environment related to office security revealed was the use of some political parties' premises. For instance, the Morogoro NGOs Network office was found to have been inside the ruling party's building as seen in the photo above. Assessing the risk of being located in an office of this nature, the Coalition noted that the building was written with the name of the party, as well as painted with CCM colors. It is not advisable for HRDs to rent offices in buildings with political party identities because during political upheavals, citizens tend to destroy identified political party buildings.³⁴



Morogoro NGOs Network

These findings indicate that about 95% of all visited and assessed offices are at risk because they lack key items in the checklist for office security. The majority of them lack security gears such as CCTV and security alarm, security guards, lack reception procedures for visitors to the office, lack of fire alarms, fire extinguishers and first aid kit. They also lack separate entrance and emergency exit while others are located in a vulnerable physical location.³⁵

The table below indicates that only four out of the 200 visited offices had security gears such as security alarm and CCTV. On presence of security guards in HRNGOs' offices, only 31 offices had professional ones available for 24 hours while as 29 offices (14.5%) had only security guards who work only at night with 130 offices (65%) having none.

	Poor	Fragile	Basic	Advanced	Professional	Total
Security Fund	190	7	3	0	0	200
	95.0%	3.5%	1.5%	0.0%	0.0%	100.0%
Security gears such as CCTV	196	3	1	0	0	200
	98.0%	1.5%	0.5%	0.0%	0.0%	100.0%
Security Guards	130	18	29	17	6	200
	65.0%	9.0%	14.5%	8.5%	3.0%	100.0%

Source: THRDC 2013 Security Needs Assessment Report³⁶

³⁴ THRDC (2013) Protection and Security Needs for Human Rights Defenders in Tanzania-Needs Assessment Report.

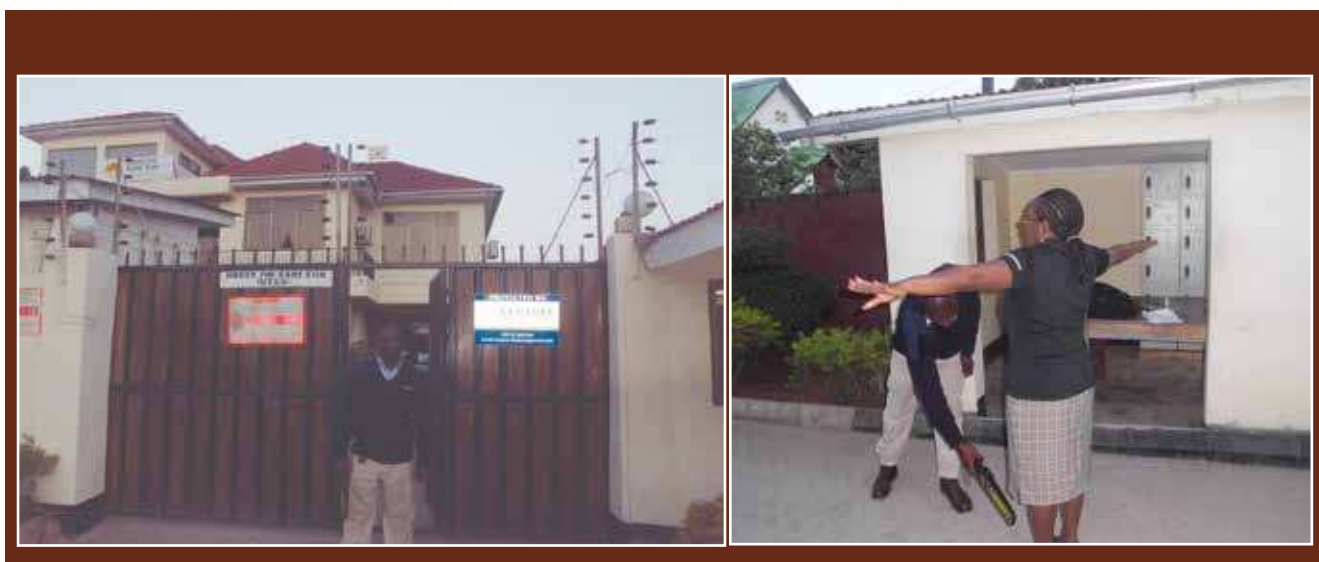
³⁵ Ibid.

³⁶ THRDC (2013) Protection and Security Needs for Human Rights Defenders in Tanzania-Needs Assessment Report.

One of the factors that contribute to lack of security guards and security gears is insufficient resources. Interviewed HRDs pointed out that buying security gears such as CCTV cameras or hiring security guards require a lot of money, which the majority of HRNGOs don't have. Responding to the question on the status of security funds, almost 190 (95%) of all HRDs interviewed pointed to have had insufficient funds raised or allocated for security management.

It is the concern of the THRDC that insufficient resources located for security and protection measures, increases the vulnerability of HRDs in their offices. Only well established international HRNGOs based in Tanzania have funds set aside for security and protection measures. For instance, the THRDC paid a visit at the OXFAM Pastoralist Programmes Office, (a British Organization based in Arusha) and interviewed Mr. Laurent Wambura who told the Coalition that they have emergency funds available to serve and rescue their staffs at risk. He cited the volcanic eruption of Mountain Lengai as one of the most perilous working environments experienced by one of OXFAM's staff who worked nearby. He said OXFAM was in good position to rescue its staff at the climax of the hot volcanic eruption after sending a chattered helicopter in the area. This quick, albeit expensive intervention, was only possible because of available resources allocated for emergencies and security.

The THRDC-Coalition advises HRNGOs and their financial supporters to budget and allocate funds for security and protection measures. Allocating money for security ensures sound implementation of security plans, implementation of specific actions such as installation of security cameras and security protocols. For instance, it was only Under the Same Sun (UTSS), a Canadian organization where the coalition found to be almost 95% in compliance with office security rules among 200 visited HRNGOs offices. The organization advocates for the rights of people with albinism in Tanzania and is currently well funded and gives security issues first priority.



The UTSS office depicted above is well protected and equipped with five professional office security guards and personal security guards. Therefore, THRDC calls upon other HRDs to emulate the same.

Another office that strives to be the best and a leader by examples is the office of the Tanzania Human Rights Defenders Coalition. The THRDC office is well furnished with security gears such as security alarms, wireless security and electricity fence all offered by one of the reputable private Security Company in Tanzania.



THRDC well protected office

4.2 Security Policy

A security policy is a comprehensive description of an organizational mandate in relation to insecurity, organizational security principles, security management and protection by defining the main security responsibility/authority division within an organization. The main advantage of a security policy or plan is to reduce the risks faced by HRDs. A security policy has three objectives, based on risk assessment. These include reducing the level of threat, reducing your vulnerabilities and enhancing the people's capacity.³⁷

A security policy identifies general rules and guidelines to be followed across the organization in order to maintain security while security plans provide detailed instruction on how rules can effectively be implemented. The Coalition assessed whether HRNGOs have well identified rules and guidelines to be followed by staff members in order to maintain security in 2013.

THRDC findings indicate that majority of HRDs do not have security plan or policies. Only four offices out of the 200 visited offices have security policies with well defined rules and responsibilities. The following four offices were the only ones with security policies at the basic level: Action Aid Zanzibar, Care International Mwanza, OXFAM –Arusha and DONET in Dodoma. The observation by the Coalition indicates that almost all HRNGOs with international status have security policies and plans for the security of their staff and properties. Knowledge on security management and sufficient resources were among reasons given as to why only international HRNGOs have security policies and plans.

The Coalition is currently developing its security policy to be shared by its members across the country. The Coalition advises HRDs to come up with their own security policies and plans to form part of security management strategies.

4.3 Awareness and Compliance of Staff Security

The overall performance of the visited and assessed offices shows that the level of knowledge on security compliance is extremely low. The major challenge to most HRDs in Tanzania and worldwide is that they take everything for granted and don't consider security important when carrying out human rights' campaigns. According to the THRDC findings, lack of security knowledge is another reason for low security compliance.

³⁷ *Frontline Defenders (2005) Protection Manual for Human Rights Defenders at page 55.*

Security in most offices is not an issue to every staff and is considered only in the event of serious incidents. Most security incidents go unreported because at least 180 HRNGOs interviewed do not have security briefing sessions due to lack of knowledge and seriousness. Most of them fail to register, analyze, and share and to promptly react after security incidents which may put HRDs at risk.

General observations indicate that the majority of HRDs embark on human rights campaigns and carry out human rights interventions without bringing on board security strategies in their plans. Failure to include such strategies is directly linked with the lack of awareness and training on security.

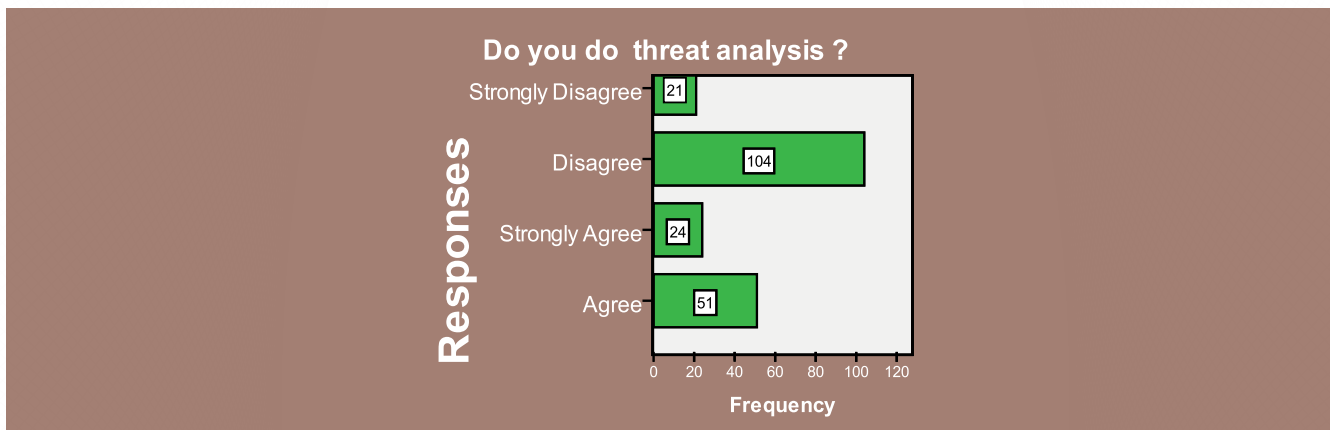
4.4 Security Management Training

The THRD-Coalition uses preventive measures such as security management training to create a more secure working environment for HRDs. Security management training sessions are designed to cover matters on how to analyse working environment, risk assessment, threat analysis, reaction to security incidents, digital security and how to make organizational security plans. Generally, security training provides general knowledge and tools to enhance understanding and improvement in HRDs security and protection.

Statistics from these findings indicate that only 135 individual HRDs in human rights organizations and the media have attended security management’s training offered by the Coalition and its regional partners since 2010. Out of this number, 25 are journalists, 60 HRDs from HRNGOs and 50 individual HRDs. The number is very low compared to that of available individual activists both from the media and human rights organizations. The number of active individual HRDs in the country projected by the Coalition may be around 2000 HRDs from all thematic areas in eight zones.

Assessing whether HRNGOs conduct security management training at the office level, the Coalition found out that, only seven offices out of the 200 assessed offices have staff programmes for security management training at office level. The Coalition requests its members and other HRNGOs in the country to conduct security management trainings at the office level, involving all staff members, in order to meet its aims within five years. It is wise to note that most interviewed HRDs indicated that, security management training is their first priority, when responding to the question framed to know what they want the Coalition to assist in terms of their security.

The Coalition reminds HRDs to make security management their first priority, when denouncing human rights violations. All HRDs should include security strategies when carrying out human rights campaigns and interventions. Failure to include such strategies in their work is directly linked with lack of awareness and trainings on security. It is therefore a role of the Coalition and its members to raise staff security awareness and compliance and guide them to include security measures in programmes.



Source: THRDC Security Needs Assessment Report

Chapter FIVE

5.1 Conclusion

Given the similarity of nasty occurrences one can conclude that all HRDs should consider themselves at a constant risk during their line of work. This is because in many cases their activities are directly interrelated to reducing powers of the mighty to improve governance. It is in records that in most African countries, Tanzania inclusive, ignorance is used as a weapon of manipulation to negatively portray HRNGOs dealing with governance issues.

In most cases they are branded as agents of foreign interests, or instigators of conflicts and civil strife. Some of these mudslinging campaigns do catch some segments of the general population who sees HRDs as enemies of the people. HRDs face a diverse of challenges depending on one's geographical location. In cosmopolitan cities with a high population of sympathizers to the opposition as is in Dar es Salaam, Arusha, Mwanza and Mbeya, the ruling clique do not attribute this developments to their weaknesses, but rather to a perception that NGOs are working hard to influence the voting behaviours.

There are several causes of conflicts between HRDs and state actors; such as unjustifiable demolitions of residents of some people to pave way for investors. In such circumstance rarely do perpetrators of human rights violations receive well HRDs like workers of HRNGOs and journalists. With the current trend of unpredictable attacks to HRDs in Tanzania, no one can foresee the predicament of a HRDs today, tomorrow or next week, and this is for their spouses as well as their close relatives and even friends.

This tells that security consciousness and protection are a matter of necessity to the HRDs and their families. It should be noted that any person who advocates for rights of the downtrodden in some cases like land rights, automatically becomes a HRD. Those championing for their colleagues' rights as was the case with Dr Stephen Ulimboka automatically fall in this category. Therefore the issue here is not whether to work for those who have identified themselves as HRDs but rather even those who are yet to be identified so but their works are human rights related.

5.2 Way forward

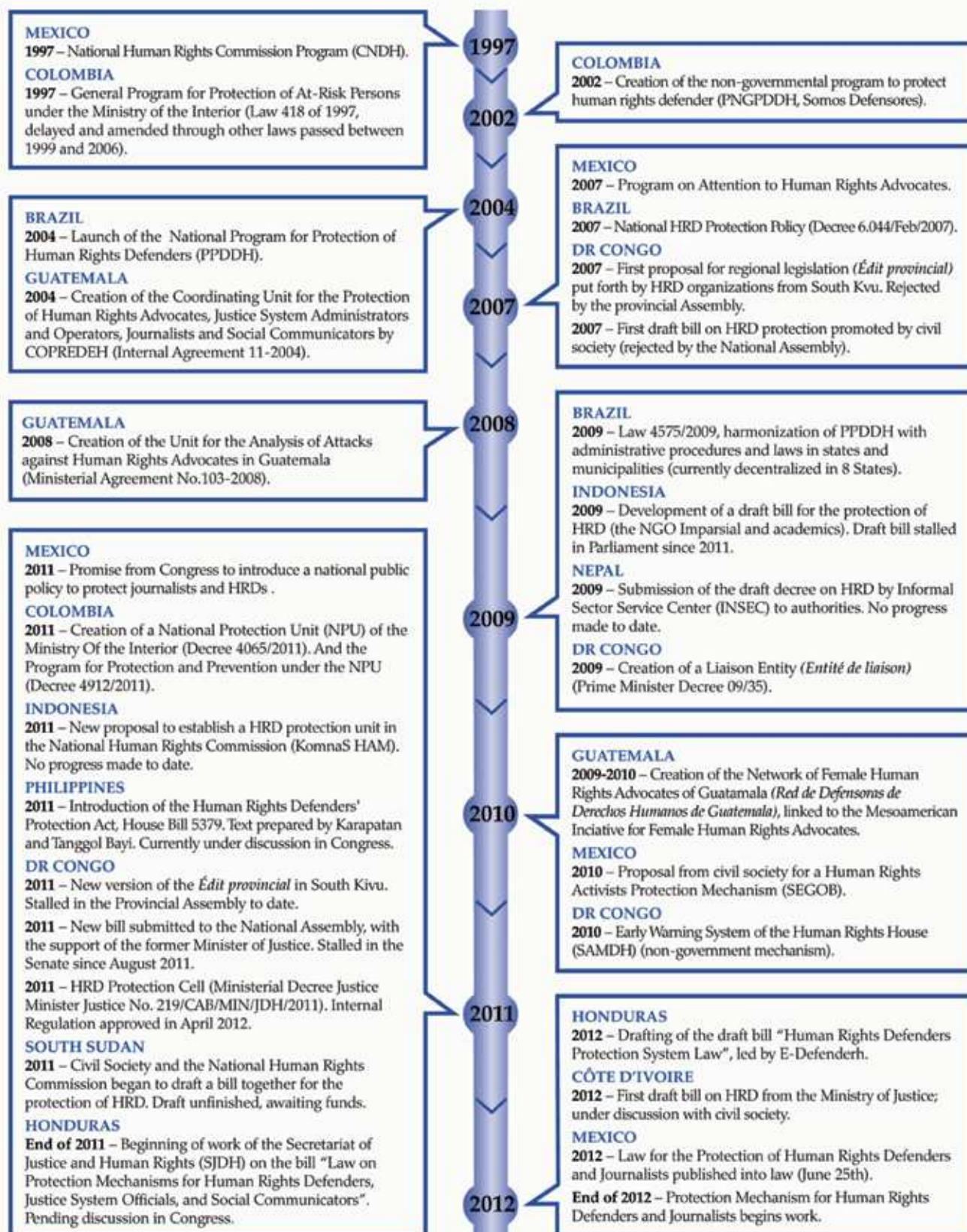
Based from the findings of this report, THRDC intends to:

- Extend its area of operations to include whistle blowers as realized through a one year of full operation.
- Create more interactions with Government functionaries as it has already done with the Media Owners Association of Tanzania (MOAT), and with the Judiciary.
- Convene more sessions with police officers, members of parliament, district as well as regional commissioners in order to exchange ideas and views in governance and in administration of the general public.
- Engage more lawyers who will be readily available to provide legal aid and protection to HRDs.

- Increase protection and emergency funds in order to avoid delays in the provision of services to afflicted HRDs.
- Conduct thorough media campaigns and change of behavior trainings where HRDs are threatened due to some social cultural issues.
- Utilise the current country's major legal reform to fight for inclusion of HRDs rights and protection in the coming Constitution.

5.3 Recommendations:

- HRDs need to work honestly and ethically because it has been realized that at times they become subjects of targets due to their unethical conducts.
- The government should be more transparent in its operations because it has always been a source of commotion between CSOs and the central establishment whenever there are discovery of leakage of "secrets" which to large extent are of public interest.
- Media stakeholders should utilize the ongoing Constitution Review Process to ensure draconian media pieces are scraped away from the country books.
- For safety and security of journalists, good professional and financial status is vital. Journalists who work professionally and are financially well facilitated face less risk than those who work unprofessionally and without ample resources. We therefore, advice media owners to consider this reality and get a solution to it.

Annexure One: the List of Countries with Legal Protection of HRDs.³⁸38 Protection International, *Public Policies for the Protection of human Rights Defenders (the state of the art)*

Annexure Two- The List of Oppressive Law

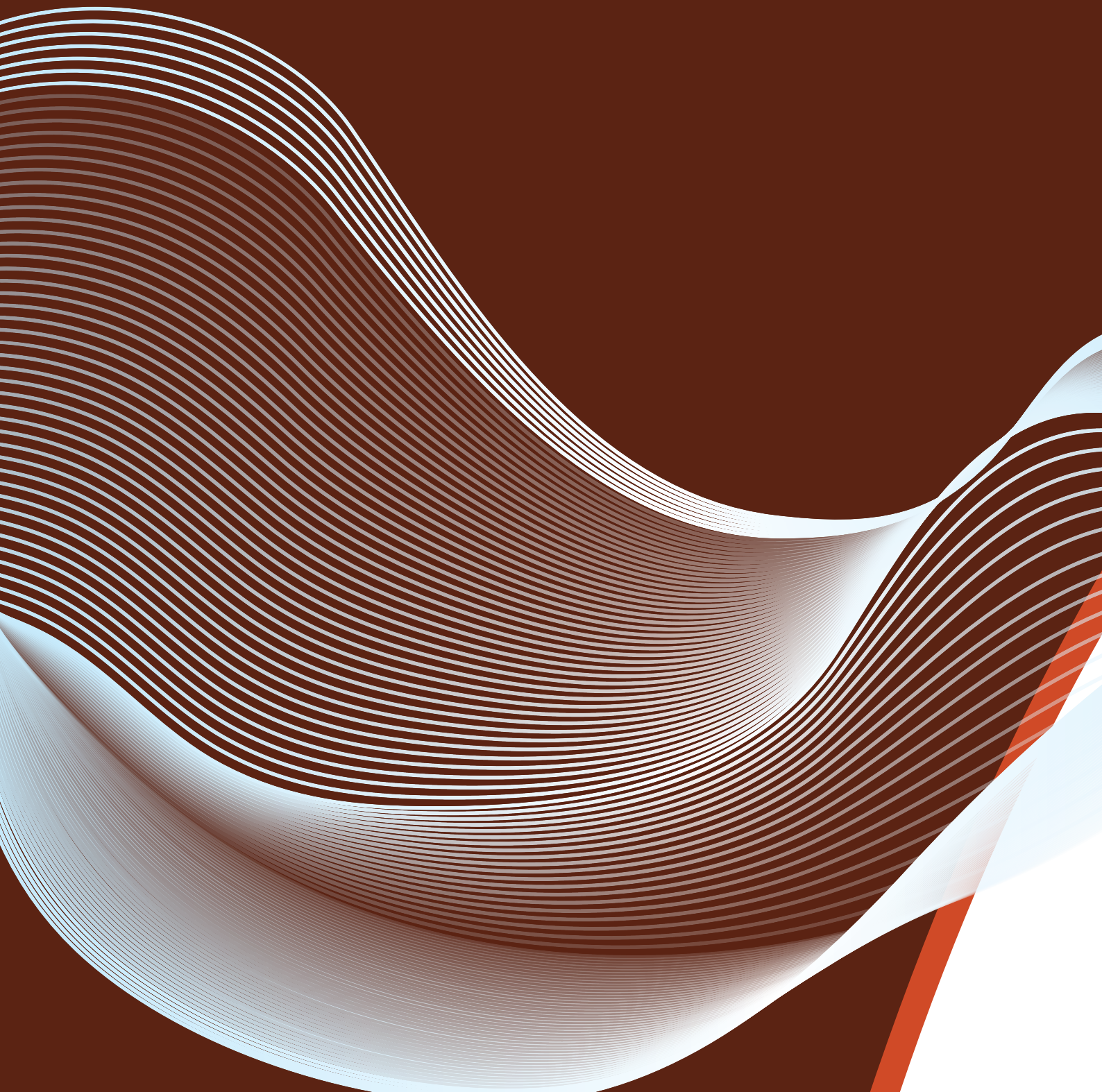
No	Thematic Areas Affected	Laws	How	
1.	Women HRDs	1. Marriage Act of 1971	<p>These laws and policies have gaps which contribute to the persistence of gender inequality, discrimination and gender based violence. Some provisions of these laws support gender inequality and GBV. The conclusion can therefore be derived that the work of WHRDs is not fully supported by these but rather these laws make their work harder and risky. For instance, instead of recognizing widows' right to inherit matrimonial property, customary law treats them as minors who have to depend on others or inherited by others.</p> <p>With this kind of legal framework, it was observed that WHRDs operate in a very challenging environment which seems to be supported by existing laws.</p>	
		2. Inheritance Laws such as the Probate and Administration of Estates Act, Cap 445 [R.E 2002]		
		3. Religious laws		
		4. Customary laws including inheritance law		
2.	Journalists	5. The Newspaper Act of 1976 Cap. 229, R.E. 2002	<p>The law allows the minister to ban the newspaper at his will. This law violates rules of natural justice such as the right to be heard and the right to appeal. For instance, a ban on Mwanahalisi was disclosed to Saed Kubenea the managing editor of Mwanahalisi without even giving him the right to defend himself. The indefinite ban of Mwanahalisi tells that press freedom in Tanzania can be violated any time, when few individuals at the government feel displeased by some released information. Press terror is possible because the law permits the Minister responsible for information to act as an 'Editor in Chief' and at the same time act as the complainant, prosecutor and the judge.</p> <p>Section 22 of this law also permits any police officer "to seize any newspaper, wherever found, which has been printed or published, or which he reasonably suspects to have been printed or published" in violation of the Law.</p>	
		6. Prison Act, 1967, Cap 58 [R.E 2002]	This affects the rights HRDs and journalists to access information from the prison. Journalists are not allowed to communicate with any prisoner or to take any photo from the prison or outside the prison.	
		7. National Security Act of 1970, Cap. 47 [R.E 2002]	<p>This law makes it a punishable offence in any way to investigate, obtain, possess, comment on, pass on or publish any document or information which the government considers to be classified. This includes documents or information relating to any public authority, company, organization or entity which is in any way connected with the government.</p> <p>The reference can be traced to incidents involving active journalists such as Adam Mwaibabile. The police in Songea, were instructed by the region commissioner, and charged him with possession of classified documents. The magistrate in Songea wrongly convicted Adam on the ground that he had committed offences under this law. The High Court observed this error in law and ruled that the resident magistrate had misconstrued the provisions of the Act and hence quashed the decision and acquitted Mr. Mwaibabile.³⁹</p>	
		8. The Public Leaders Code of Ethics Cap 398 [R.E 2002]	Restricts the investigative role of media and does not allow the media to investigate and report on the property holdings of public leaders	
			9. The National Defense Act, Cap 192 [R.E 2002]	This law prohibits journalists or any HRDs to publish any information relating to the National Defense Force. Sometimes members of this force commit offences like other citizens in public places but when journalists report these incidents, soldiers tend to follow them and start all sorts of harassments.
			10. The Prevention and Combating of Corruption , Act No. 11 of 2007	The law prohibits journalists from making follow ups of any corruption case under PCCB investigation.
			11. Area Commissioner Act 1962 & Regions and Regional Commissioners Act 1962	These two laws have been used against journalists who expose malpractice and maladministration in public offices
			12. Civil Service Act 1989	The law curtails access to information and prevents any commissioner or civil servant from disclosing information obtained in the course of his/her employment in government without the express consent of the permanent secretary of the relevant ministry or department.
			13. Film and Stage Act No 4 of 1976	Curtails the independence and creativity of individuals as it prohibits taking part or assisting in making a film unless the minister has granted permission and prohibits the making of "home movies" by Individuals. ⁴⁰
			14. Registration of News Agents, 15. Newspapers and Books Act (1988)	This operates in Zanzibar. It also has restrictive provisions. For instance it provides for the licensing of journalists and the establishment of a government-controlled "advisory board" to oversee the private print media.

³⁹ <http://www.article19.org/data/files/pdfs/publications/tanzania-media-law-and-practice-in-southern-africa.pdf>. Visited on 8/8/2013.

⁴⁰ ARTICLE 19's Submission to the UN Universal Periodic Review For consideration at the twelfth session of the UPR Working Group, October 2011 at <http://www.article19.org/data/files/pdfs/submissions/tanzania-upr-submission.pdf>. Visited on 8/8/2013.

		16. Broadcasting Services Cap. 306 of the R. E 2002	The Act allows the government to regulate and place restrictions on the use of electronic media. The Act does not guarantee the independence of electronic media and other governing bodies. The editorial policy and decision-making are not free from interference by government. Like the News Paper Act, this law doesn't give room to appeal to the Courts of laws if aggrieved by the decision of the regulatory authorities and the minister.
3.	Pastoralist and farmers HRDs	17. The Wildlife Conservation Act of 2009 (Cap 5 of 2009) 18. Land Laws The Land Act, 1999 (Act No.4 of 1999) 19. The Investment Act, 1997 (Act No. 26 of 1997) 20. The Forest Act, 2002 (Act No. 14 of 2002) 21. The National Park Act, Cap 282 [R.E 2002] 22. The Ngorongoro Conservation Act, 1959 Cap 284 [R.E 2002] 23. The Mining Act, 2010 (Act No. 14 of 2010) 24. District by laws	These laws have been used by state agents to challenge the rights of people living in areas with abundant resources to enjoy the rights to use natural resources. These laws overlap and conflicts with each other. Therefore, HRDs operating in areas regulated by these laws face difficulties in championing the rights of people. Land conflict in Loliondo Game Controlled Area under the Wildlife Act can be cited as an example. HRDs in Loliondo use Land laws to defend the rights of pastoralists while the government uses the Wildlife laws to defend the interest of an Arab hunting company in Loliondo. Overlapping of laws in areas with resources was observed as the major legal impediments to the work of HRDs in those areas.
4.	Minority HRDs	25. Penal Code	The provisions of penal code relating to homosexuality are wrongly used by service providers to deny key population the right to access social services such as the right to health. Homosexuality is treated as an act constituting criminal offence; thus Tanzanians falling under this group should not be isolated or denied other basic rights accorded to other citizens.
5.	Whistle blowers/ Social Accountability HRDs	26. PCCB Act Article 54	Protects those who uncover corruption, but the real situation is different, because it is not practical since whistle-blowers often face negative consequences. ⁴¹ The THRD-Coalition recommends protection of whistle blowers as an important thing that should not be taken lightly in the new Constitution.
6.	NGOs and Civil Society	27. NGOs Act	The law contains penal provisions for even minor breaches of the Act (e.g., use of an inappropriate registration form is punishable by imprisonment). More disturbingly, the Act places the burden of proof in a criminal trial against office bearers of an NGO not on the prosecution, but on the accused The law established a National Council of NGOs as the sole umbrella group for NGOs, compelling all NGOs to belong to the Council, and prohibiting any person or organisations from performing "anything which the Council is empowered or required to do" under the Act. Thus, no other NGO umbrella group can operate lawfully
7.		28. Police Force and Auxiliary Services Act, 1939 Cap. 322, R.E. 2002	This law is wrongly interpreted and used by state officials such as police officers, regional and district commissioners to curtail HRDs the right to protest.
8.		29. Basic Rights and Duties Enforcement Act No. 33 of 1994.	Section 10 requires every petition for enforcement of basic rights under the Constitution to be heard and determined by three judges. The requirement inhibit the accessibility to courts of law by HRDs.

⁴¹See report by Global Integrity <http://www.thecitizen.co.tz/Sunday/-/1841668/1907408/-/item/0/-/12ftecfz/-/index.html>



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