



Situation of HRDs in Tanzania

Report of fact-finding mission by EHAHRDP/PDU

November 2009



Introduction

Human rights defenders (HRDs) are one of the main actors in the fight for the promotion and protection of internationally recognized human rights throughout the world and key to the fight against impunity. Nevertheless, as a result of this role, defenders are time and again themselves victims of rights violations and see their rights as defenders, as specified in the UN Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, violated.¹ Such violations greatly restrict defenders' ability to carry out their legitimate and essential work.

The East and Horn of Africa Human Rights Defenders Project (EHAHRDP) along with Protection Desk Uganda (PDU) a joint project of EHAHRDP and Protection International that carries out security training, assessment and offers advice on security matters, carried out a fact-finding mission to Tanzania from the 25th-28th November 2009 with the overall objective of assessing the situation of human rights defenders in Tanzania.

Specific Objectives

The three day mission by Laetitia Bader – Advocacy Officer of EHAHRDP and Wanjala Yona – Protection Desk Officer of PDU sought to achieve the following objectives:

1. To identify key challenges facing human rights defenders (HRDs) in Tanzania;
2. To assess current levels of collaboration amongst HRDs around the rights of HRDs;
3. To discuss with HRDs the importance integrating security and protection in human rights work and to identify possible partners that could assist in the organisation of security trainings;
4. To discuss with key stakeholders the possibility of establishing a national coalition of HRDs and to identify possible partners with which to carry forward the project.

¹ The Declaration is available at <http://www2.ohchr.org/english/issues/defenders/translation.htm>

Methodology

In order to achieve the abovementioned objectives, the delegation had, prior to the mission, contacted EHAHRD- Network focal point organization in Tanzania, the Legal and Human Rights Centre (LHRC), to identify key actors that the delegation should meet with. A set of guiding interview questions were drafted and used during the in-person meetings that were held with a range of actors, notably HRDs, representatives of the Tanzanian National Human Rights Commission and members of the diplomatic community in Tanzania.

Below is a brief overview of the key findings of the mission which will be used by both organizations to shape their future activities and engagements in Tanzania.

Main challenges facing HRDs in Tanzania

In the course of the mission a range of challenges were identified which affect both the space in which defenders work in as well as the level of protection of defenders.

Poor security conscience

First and foremost there is the sense amongst key actors, from the international community, to the authorities, as well as amongst defenders themselves, that Tanzania's human rights record, especially when it comes to civil and political rights, is the best in the East Africa region.² This clearly undermines the work of defenders and the willingness or awareness of defenders of the importance of paying attention to their own rights and protection.

In particular it has an impact on defenders and human rights organizations security consciousness. Of all the organizations we met with, very few have put in place protection mechanisms for their organizations and staff. Human rights organizations have not been trained in security and protection nor do they have clear organisational security plans in place. Responses to protection needs of defenders tend to be ad-hoc rather than part of a clear organizational strategy.

Limited/lack of information sharing

Information sharing, which can serve as a form of protection for defenders, is lacking or is limited. Individual cases of defenders being harassed, arbitrarily arrested or prosecuted notably whilst on mission outside of Dar es Salaam were often not known by other organizations. Information sharing amongst organizations tends to take place amongst organizations working

² This 'perception' was expressed by a variety of actors during interviews carried out over the course of the mission.

on similar rights who have platforms/forums in which to come together and where such information can be shared; for example, one women's rights organization that was interviewed knew of a case of monitors from another women's rights organizations having been chased away during sensitization activities around issues of Female Genital Mutilation(FGM) by armed members of the local community; the exact details of the case and the follow-up were not known however. Information sharing occurs on a one-off basis and there are no formal mechanisms whereby defenders can exchange information on challenges/ threats that they are facing amongst themselves.

Restrictions on access to information

The right of defenders that appears to be the most frequently violated is the right of access to information. There is no legislation currently in place in Tanzania to guarantee access to public information and non-governmental organizations appear to face significant challenges as a result. Interviewees did not have that concrete information on developments surrounding a draft Right to Information Bill or of the actual content of the draft. Political will to ensure access to information is also lacking with some interviewees mentioning high level authorities making clear to civil servants that key information was not to be made public. Significant bureaucratic restrictions also thwart access to information.

Complex range of perpetrators

Another challenge facing HRDs in Tanzania is the fact that threats against HRDs have come from both state and non state actors which renders both advocacy and protection efforts somewhat more complex. During interviews local administrators, working at times on orders from above but also out of their own initiative, as well as private individuals, notably investors, were mentioned on several occasions as representing a threat to defenders.

Groups of defenders most at risk

Although there is no clear pattern of which group can be said to be at greater risk in Tanzania, it appears that HRDs working on minority rights issues, notably albino rights, rights of ethnic minorities especially linked to access to land, as well as defenders, including journalists, speaking out on issues of corruption, at times linked to the minority rights issues, are at greater risk of harassment, intimidation and in some cases assault than other defenders. Defenders who risk to significantly tarnish the image of the country's human rights record have also come under threat. Recent incidences would also suggest that defenders working in more rural areas, notably given the lack of visibility of such cases, often seen as a key form of protection, are equally at greater risk.

Challenges for the media

The media in Tanzania faces a series of challenges. On the one hand there has been an increase in the number of newspapers yet at the same time newspapers have increasingly

come to serve a political role for their owners and the politicization of the media does pose a significant challenge newspapers autonomy and for the development of an independent media scene in the country. It also undermines the potential for the media to serve as key rights' defenders in the country. On another note, private newspapers and most notably the most outspoken papers have also on several occasions between 2008 and 2009 been targeted by the authorities primarily as a result of their reporting on cases of corruption. The paper *Mwanahalisi* has felt the primary brunt of these attacks and was notably banned for three months in October 2008 by the Minister of Information and Culture.

Limited interaction with key stakeholders

Interaction between HRDs and key stakeholders specifically on the issue of HRDs rights and protection is limited. Interaction with the European Union missions on the ground on the issue of HRDs rights has not been formalized and tends to take place on an ad-hoc/ informal basis. Very few defenders are aware of the EU structures in place that could help to re-enforce their protection notably the existence of EU Guidelines on the Protection of HRDs.

Limited knowledge of HRDs and their rights

Lack of understanding of the rights of HRDs amongst HRDs themselves but also amongst potential stakeholders, from the police to the media, is also a challenge and undermines both the work and security of defenders.

Zanzibar

Although the focus of the mission was on the situation of defenders in the mainland discussions during certain interviews highlighted that the situation facing defenders in Zanzibar was clearly very different and the challenges distinct. The main threats to defenders in Zanzibar identified were the tendency to associate defenders with the opposing political party, a clearly threatening perspective in a highly politically divided society as well as the high presence of military and militarized groups most of which are under the control of the authorities. Given that there is no independent media in Zanzibar, freelance journalists, especially those working as international correspondents, are often targeted notably in the run-up to elections.

Positive developments/ factors

Given the relatively positive human rights situation in the country there are factors and mechanisms available to defenders that can be further built on to enhance the rights and protection of HRDs.

High-level support

The current President, Jakaya Kikwete, appears to have taken a more positive public stance towards HRDs, notably on issues of freedom of expression and the media, than his predecessor although as mentioned above under his presidency individual journalists have been attacked and a newspaper temporarily banned. Such apparent endorsement of HRDs rights should be used in advocacy strategies and campaigns, notably aimed at improving the legislative framework within which HRDs are working in.

Public support

Another positive force for defenders in the country is what appears to be according to many interviewees a relatively positive public opinion towards HRDs, a force which can evidently be further developed and used to create a more enabling environment for defenders.

Good practices in networking

The existence and success of several networks of human rights organizations in Tanzania suggests that unlike in certain other countries in the region collaboration amongst human rights organizations in the country can work and could be built on to re-enforce defenders' protection and rights.

Good examples of protection

The larger human rights organizations and most notably the Legal and Human Rights Centre(LHRC), given its renown in the country, offers a certain level of protection to its staff and has on the occasions where its monitors on the ground have been arbitrarily arrested and tried offered concrete support to their staff at risk. Such concrete examples of protection efforts should be shared and built on notably to help ensure that smaller organizations that don't have the clout or the capacity to offer such protection to their staff are also accorded protection.

Collaboration between media and HR organizations

Human rights organizations have on occasion mobilized when the rights of journalists and the media have been baffled- notably following the attacks on *Mwanahalisi* journalists. This mobilization however is generally carried out on a one-off basis and with limited follow-up. Ensuring that collaboration between human rights (HR) organizations and the media on these issues is systematic and sustainable is key.

Stakeholders' efforts

Finally, the diplomatic community, although generally dealing with the larger human rights organizations and rarely specifically on issues relating to the rights of HRDs, have in the past, notably around issues of freedom of the media, shown a willingness to offer concrete support to

defenders- a willingness that could be used and built on to put in place concrete protection structures.

Brief Recommendation

To human rights organizations and other defenders:

- A national coalition of Human Rights Defenders that is representative of the human rights community in Tanzania and Zanzibar should be established;
- Clear objectives for the coalition should be identified, key programs (protection/ advocacy...) drawn-up, and a national coordinator and a set of trustees elected;
- A full-time coordinator for the coalition should be nominated in order to ensure that there is sufficient capacity to develop the coalition;
- HRDs should share information on HRDs' protection and rights more readily with key stakeholders, notably EU missions, the National Human Rights Commission...;
- Ensure that in-organization security assessment and trainings are held for a wider range of organizations preferably prior to the general elections;
- Ensure an increasing number of organizations draft security plans;
- Ensure that security funds/components are included into all funding proposals;
- Nominate a security focal point persons within each organization – ensuring that the focal point person receives adequate training and is given the time to brief rest of organization;
- Share information between organizations about adoption of security plans – a National Coalition if established can serve as a channel through which to pass this information.

To other stakeholders:

- EU missions should draft a local implementation strategy for the EU Guidelines on the protection of HRDs;
- EU missions should nominate HRD focal point persons within each mission;

- Ensure that the names/contact details of EU HRD focal point persons are made available to HRDs;
- Support efforts to create a national HRD coalition;
- Support efforts to carry out security trainings amongst HRDs;
- Support the translation of the Protection International (PI) new security protection manual for human rights defenders into Swahili;
- Ensure that security funds/components are included into all funding proposals;
- Regular meetings between HRDs and EU missions on issue of HRDs are organised;
- Tanzania National Human Rights Commission should engage in a systematic basis with HRDs specifically on the question of HRDs rights.