



SITUATION REPORT

ON HUMAN RIGHTS DEFENDERS &
CIVIC SPACE IN TANZANIA 2024



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Abbreviations

AU	African Union
BRELA	Business Registration Licensing Agency
CAP	Chapter
CCM	Chama Cha Mapinduzi
CHADEMA	Chama Cha Demokrasia na Maendeleo
CIVICUS	World Alliance for Citizen Participation
CPJ	Committee for Protection of Journalists
CSOs	Civil Society Organizations
CUF	Civic United Front
CORI	Coalition for the Right to Information
DIT	Dar es Salaam Institute of Technology
EHARDP	Eastern and Horn of Africa Human Rights Defenders
EU	European Union
ETC	Etcetera
HRDs	Human Rights Defenders
HRNGOs	Human Rights Non-Government Organizations
IACHR-Inter	Inter- American Commission on Human Rights
ICCPR	International Covenant for Civil and Political Rights
ITV	Independent Television
KRAs	Key Result Areas
LHRC	Legal and Human Rights Centre
NGOs	Non-Government Organizations
NEC	National Electoral Commission
MSA	Media Services Act
OSIEA	Open Society Initiates for East Africa
SAHRINGON	Southern Africa Human Rights NGO-Network
RITA	Registration, Insolvency and Trusteeship Agency
RBA	Rights Based Approach
TACAIDS	Tanzania Commission for Acquired Immune Deficiency Syndrome
TAWLA	Tanzania Women Lawyers Association
TCRA	Tanzania Communication Regulatory Authority
TGNP	Tanzania Gender Network Programme
THRDC	Tanzania Human Rights Defenders Coalition
UPR	Universal Periodic Review
UN	United Nations

List of statutes and international instruments

(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 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]
The Media Services Act, 2016
The Cyber Crimes Act, 2015
The Statistics Act, 2015and its 2019 Amendments
The Prison Act, 1967, Cap 58 [R.E 2002]
The National Security Act of 1970, [Cap. 47 [R.E 2002]
The National Defence 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, and its 2019 amendments
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 Political Parties Amendment Act, 2019
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.
The Written Laws (Miscellaneous Amendment) Act No3 of 2019
The Written Laws (Miscellaneous Amendment) Act No3 of 2020

The Non-Governmental Organizations Act (Amendment) Regulations, 2019
The Electronic and Postal Communications (Online Content) Regulations, 2020

(ii) International and Regional Human Rights Instruments

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

Executive Summary

This is the 12th report detailing the situation of Human Rights Defenders (HRDs) and civic space in Tanzania. It has five chapters containing different topics as narrated herein. Chapter one basically highlights the concept of HRDs, legal and non legal protection mechanisms for HRDs, categories of HRDs and their roles. It also gives an analysis of the laws and policies which provide for the recognition and protection of HRDs at the national, regional, and international level.

Chapter two details on the situation of human rights defenders in Tanzania including incidents of violations of HRDs' rights, and the necessary support provided by the Coalition. Most of the HRDs supported were the individual human rights defenders, journalists, and pastoralists land rights defenders. It also covers cases against HRDs, documented incidents of violations committed against HRDs, and the strategic cases supported by the coalition in 2024.

In the year 2024 a total of 215 human rights defenders have been supported with legal support, relocation, medical, strategic cases and other emergency support. A total of 65 HRDs at risk received direct legal support from THRDC and 15 HRDs amongst them were released by the court after winning cases or upon failure by the prosecution to prosecute the HRDs under detention hence were released unconditionally.

Emergency protection support in terms of relocation was provided to 60 HRDs (15 women, 45 men), medical support to 2 HRDs (both men), and 40 HRDs' dependants were provided with humanitarian support/family support, 16 HRDs have been provided with psychosocial support (8 female and 7 male). Further, 20 HRDs were provided with emergency referral assistance to external sister organisations promoting and protecting HRDs' rights. Lastly, 4 new strategic cases and 8 previous cases have been supported on area of freedom of expression, land rights and challenging the Advocates Act.

Chapter three provides details of the situation of special groups human rights defenders in Tanzania. The chapter delves into the legal frameworks, government efforts, ongoing challenges, and potential solutions surrounding special groups HRDs in the country such as Women Human Rights Defenders (WHRDs), Human Rights Defenders with Disabilities (HRDDs), HRDs defending child rights, pastoralists and land right HRDs, political and democratic rights HRDs.

Chapter four details the civic space situation in Tanzania and engagements by the coalition in ensuring that HRDs/CSOs are protected and using the available regional and international opportunities effectively. Lastly, Chapter five contains conclusion and recommendations of the whole report.

General Introduction

1.0 Introduction

This chapter explains the concept of a “Human Rights Defender” (HRD), legal and non –legal mechanisms under which HRDs are recognized and protected. The meaning of a HRD and examples of the activities conducted by HRDs. In addition to that, the chapter gives an analysis of the laws and policies which provides for the recognition and protection of HRDs at the national, regional, and international level.

1.1 Who is a Human Rights Defender?

The Declaration on Human Rights Defenders doesn’t directly define a human rights defender. However, a Human Rights Defender can be any one with a profile attributed to human rights promotion and protection. Any person qualifies to be called a human rights defender so long as s/he is engaged in activities related to human rights promotion and protection. HRD’s definition includes professional and non- professional human rights workers, volunteers, journalists, lawyers and whoever is doing human rights work in long term or on occasional basis¹.

The definition of a HRD excludes individuals or groups who commit acts of violence or who support the use of violent means to achieve their objectives. HRDs play a key role to improve the human rights situation and standards in their countries and are defined by what they do.

Human Rights Defenders 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, the right to nationality, education, freedom of movement and non-discrimination².

HRDs are recognized due to their work, as they protect, and enhance human rights, politically, economically, socially, and culturally. They also champion for human rights and enhance constitutional rights such as education, freedom of expression development and policy changes.³

1 <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx>
2 <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx>
3 <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx>

Human rights defenders are the only hope to ordinary citizen towards humanity. However, during the execution of their duties, they have found themselves turning into victims of abduction, murder, imprisonment, torture, side-lining, and expulsion from their communities.

The definition of a HRD is a bit blurred when it is applied to HRDs who serve as politicians at the same time. It has been a challenge sometimes to defend politicians such as Members of Parliament who are defenders of human rights. The definition of a HRD has to be clearly defined to include all individuals who defend human rights despite their professional or political backgrounds or affiliations.

1.2 Categories of Human Rights Defenders

Human rights defenders can be categorized by their profession, the level at which they operate, or the type of rights they defend.

Profession

- Journalists: Report on human rights issues
- Lawyers: Use their legal expertise to defend human rights
- Environmentalists: Protect the environment and human rights
- Whistleblowers: Expose human rights violations
- Trade unionists: Promote the rights of workers
- Teachers: Promote human rights education
- Doctors: Promote and protect right to health
- Police officers: Promote and protect human rights in general

Level of operation

- National: Promote and protect human rights at the national level
- Regional: Promote and protect human rights at the regional level
- International: Promote and protect human rights at the international level

Type of rights they defend

- Women: Promote and protect women rights
- Children HRDs: Promote and protect rights of children
- Grassroot/community HRDs: Promote and protect human rights at the grassroot level
- Online activists: Promote and protect digital rights
- Children HRDs: Promote and protect rights of children
- Minorities: Promote and protect rights of the minorities and special groups

1.3 The roles and accountability of human rights defenders (HRDs) ⁴

- a) Documenting and reporting incidents of human right violations
- b) Seeking remedies for victims of human right violations through the provision of psychological support, medical support, and other support.
- c) Combating cultures of impunity which serve to cloak systematic and repeated breaches of human rights and fundamental freedoms.
- d) Mainstreaming human rights culture and information on human rights defenders at national, regional, and international level.
- e) Seeking and dissemination of information.
- f) Providing legal support through legal aid
- g) Conducting human rights awareness sessions to the public

1.4 HRDs' Rights under the Declaration ⁵

- a) To conduct human rights, work individually and in association with others.
- b) To get unhindered access to and communication with non-governmental and intergovernmental organizations, to form associations and non-governmental organizations.
- c) To benefit from an effective remedy.
- d) To meet or assemble peacefully, the lawful exercise of the occupation or profession of human rights defender.
- e) To seek, obtain, receive and hold information relating to human rights.
- f) To develop and discuss new human rights ideas and principles and to advocate for their acceptance.
- g) To submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals to improve their functioning.
- h) To draw attention to any aspect of their work that may impede the realization of human rights.
- i) To effectively protect 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.

States such as Norway, Switzerland, Ireland and the Netherlands are great example for recognition of HRDs as they have adopted the UN Declaration on Human Rights Defenders. These states have recently between the years of 2018-2021 issued and updated various protection guidelines, advocacy programmes, grants, support and protection to Human Rights defenders

4 <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx>

5 <https://www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders?>

globally⁶. They have also published guidelines directing their diplomats and decision-makers to prioritize the protection of human rights defenders and civil society space abroad. They have been consistently singled out for praise by human rights and democracy activists⁷.

1.5 Protection Mechanisms for Human Rights Defenders

HRDs are recognized and protected under international law. In some countries, various policies, guidelines, instruments, and legislations have been enacted to recognize and protect HRDs. Legal protection mechanism for HRDs covers initiatives by the United Nations, States, Judiciary, Administrative, and other organs in enactment of laws, regulations, policies or making of judicial precedents that recognize the role of HRDs in promoting and protecting human rights.

Other protection mechanisms, involve the initiatives by the UN, AU, international NGOs, local NGOs and networks to put in place, Special Rapporteur, emergency funds for HRDs at risk, provisional of supports on legal representation, medical support, counselling, evacuation and reallocations.

1.5.1 Legal Protection Mechanism at International Level

The United Nations 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, 1998⁸.

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.

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.⁹

HRDs work and protection also gains its legitimacy from the following international human rights instruments, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the European Convention on Human Rights, the African Charter on Human and Peoples' Rights, and the American Convention on Human Rights. All these mentioned

6 <https://www.amnesty.eu/human-rights-defenders/>

7 Ibid

8 <https://www.ohchr.org/en/issues/srhrdefenders/pages/srhrdefendersindex.aspx>

9 <https://www.google.com/search?q=declaration+of+human+rights+defenders&>

international instruments mandate state to recognize and protect the rights of HRDs.¹⁰

The Declaration outlines specific duties of states regarding rights and protection of HRDs at national levels. Other rights include; 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 make proposals to improve their functioning, the right to provide legal assistance or advice and assistance in defence of human rights, the right to observe trials, the right to unhindered access to and communication with non-governmental and intergovernmental organizations, the right to access information, the right to access resources for the purpose of protecting human rights, including the receipt of funds from abroad .¹¹

On 30th March 2013 the UN Human Rights Council passed a landmark resolution on Human Rights Defenders to compliment the Declaration on Human Rights Defenders. Inter alia, the major objective of this resolution is to remind states their duty to respect and protect rights of HRDs through law review and amendment. The move is also meant to ensure that laws in place are consistent with international human rights standards. It is also meant to remind states not to unduly hinder or limit the work of human rights defenders.¹²

The Declaration on Human Rights Defenders specifically provides that states are obliged to implement and respect all provisions of the Declaration. In particular, states have a duty to protect human rights defenders against any violence, retaliation and intimidation as a consequence of their human rights work. Nevertheless, protection is not limited to actions by state bodies and officials but rather extends to actions of non-state actors, including corporations, religious groups, and private individuals.¹³

10 <https://www.google.com/search?q=declaration+of+human+rights+defenders&>

11 <https://www.google.com/search?q=declaration+of+human+rights+defenders&>

12 <https://www.google.com/search?q=un+resolution+2013+human+rights+defenders&rlz>

13 <https://www.google.com/search?q=declaration+of+human+rights+defenders&>

1.5.2 Legal Protection Mechanism at Regional Level

Continent	Legal Mechanism	Year of Adoption	Brief Explanation
AMERICA	Human Rights Defenders in America, support individuals, groups, and organizations of civil society working to promote and protect human rights in America (AG/RES.16715).	In 1969, the American Convention on Human Rights was adopted. The Convention entered into force in 1978. As of August of 1997, it had been ratified by 25 countries: Argentina, Barbados, Brazil, Bolivia, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago, Uruguay and Venezuela	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 Members. In June 1999 the General Assembly of the OAS adopted a resolution entitled: The IACHR to issue preventative measures to Human Rights Defenders under threat to avoid any irreparable harm, to request information from States, issue recommendations and request the Inter-American Court adopts provisional protection measures.
AFRICA	The Grand Bay Declaration and Plan of Action of 16 April 1999 ¹⁴	Adopted at Grand Bay, Mauritius on 16 April 1999. Member states are :Benin , Cameroon, Chad , Ghana , Kenya ,Liberia, Malawi, Mauritania, Nigeria, Rwanda , Senegal, Sierra Leone ,South Africa ,Sudan , Togo , Uganda and Zambia .	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.

¹⁴ www.achpr.org/instruments/grandbay/ Grand Bay Declaration and Plan of Action of 16th April 1999, P. 19.

Continent	Legal Mechanism	Year of Adoption	Brief Explanation
	The Kigali Declaration of 8 May 2003	Adopted in 2003 By the following member state, Republic of Zimbabwe, Republic of Zambia, Uganda, Tunisia, Togo, Tanzania, Swaziland, Sudan, South Sudan, South Africa, Somalia, Sierra Leone, Seychelles, Sahrawi Arab Democratic Republic, Rwanda, Nigeria, Republic of Niger, Namibia, Republic of Mozambique, Morocco, Mauritius, Mauritania, Mali, Republic of Malawi, Madagascar, Malawi, State of Libya, Liberia, Lesotho, Kenya.	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.” ¹⁵
	Resolution 273 of the African Commission is another useful instrument that will help secure a better working environment for HRDs. ¹⁶	The African Commission on Human and Peoples’ Rights (the Commission) at its 55th Ordinary Session in Luanda, Angola, from 28 April to 12 May 2014 recognizes	Its mandate is to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Right. African Union member States under the African Charter and under other regional and international human rights instruments for the protection of human rights. The system has the potential to respond effectively to the obligation to protect all citizens and particularly HRDs. States should conform to article 2 (2) of the UN Declaration on Human Rights Defenders ¹⁷ .

¹⁵ Kigali Declaration of 8th May 2003, paragraph 28 available at www.achpr.org/instruments/kigali/.

¹⁶ www.achpr.org/

¹⁷ www.achpr.org/

Continent	Legal Mechanism	Year of Adoption	Brief Explanation
	A Resolution on Measures to Protect and Promote the Work of Women. Human Rights Defenders ¹⁸	Resolution Passed by African Commission in 2016. A landmark resolution adopted at the African Commission on Human and Peoples' Rights calls on African States to ensure specific legal recognition and protection of women human rights defenders and end impunity for attacks against them.	Calls on State Parties to: Disseminate and implement the recommendations of the Commission's Report on the Situation of Women Human Rights Defenders in Africa, end impunity by adopting specific laws and relevant measures, Ensure efforts are designed to prevent and address violations and discrimination against women human rights defenders, Train the judiciary and public security and other relevant authorities on the specific risks and protections for human rights defenders and in particular women human rights defenders.
	Marrakech Declaration 2018.	Adopted on 12 th October 2018 by Global Alliance of National Human Rights Institutions.	The declaration has focused on the role of National Human Rights Institutions. The declaration seeks to involve the Commission for Human Rights and good Governance as the only National Human Rights Institution in Tanzania in implementation of this declaration to; Declare responsibility and obligation to protect, Respect and promote the fulfilment of Human Rights and fundamental freedoms of all persons, the Rule of Law, eradication of Human rights violations, to adopt the 2030 Agenda for sustainable development regarding Human Rights development and peace and security. ¹⁹

¹⁸ www.acdhhs.org/2015/04/tres00542015-resolution-on-women-human-rights-defenders-in-africa-we-the-participants-of-the-forum-on-the-participation-of-ngos-in-the-56th-ordinary-session-of-the-african-commission-on-human-an/

¹⁹ <https://www.google.com/search?q=marrakech+declaration+december+2018> site

Continent	Legal Mechanism	Year of Adoption	Brief Explanation
EUROPE	EU Guidelines on Human Rights Defenders. ²⁰	Adopted in 2004	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 world countries ²¹ 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.
	In 2010, the European Parliament adopted a Resolution on the EU policy in favour of Human Rights Defenders (2009/2199 (INI).	Adopted in 2010	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 th December 2010. ²²

20 https://eeas.europa.eu/sites/eeas/files/eu_guidelines_hrd_en.pdf

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

22 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:I33601>

Continent	Legal Mechanism	Year of Adoption	Brief Explanation
	UNGA74 Global agreement on key elements of an effective defender protection policy.	On 20.11.2019 UN General Assembly's human rights committee in New York – the Third Committee –passed by consensus a resolution focusing on implementation of the Declaration on Human Rights defenders and some key elements of protection policy.	On human rights defender protection policy, the resolution states: the need for comprehensive risk analysis, that protection mechanisms should provide an early warning function to enable human rights defenders immediate access to 'competent and adequately resourced authorities to provide effective protective measures and address causes of attacks against defenders and barriers against the defence of rights ²³ .

1.5.3 Legal Protection Mechanism at the National Level

The UN HRDs reports indicate that very few States have incorporated the International Declaration on Human Rights Defenders, 1998 into their national laws despite 26 years of its adoption.²⁴ Worse still, governments in all regions are increasingly enacting laws which restrict and even criminalize the work of human rights defenders and NGOs example in Tanzania several restrictive laws have been enacted such as the Cybercrimes Act of 2015, the Statistic Act of 2015, the Media Services Act of 2016, The Written Laws (Miscellaneous Amendments) Act No 3 of 2020²⁵ which amended the Basic Rights and Duties Enforcement Act by requiring a person to show a personal interest to institute a public interest case, also, the Electronic and Postal Communications (Online Content) Regulations of 2020.²⁶

In response to these gaps and trends, one of the leading international organizations such as the International Service for Human Rights (ISHR) is working in partnership with key regional, sub-regional and national human rights defender groups from around the world to develop a model national law on human rights defenders and to advocate for its adoption at the international level and its enactment locally.²⁷

²³ www.ishr.ch/news/unga74-global-agreement-key-elements-effective-defender-protection-policy

²⁴ www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefenders

²⁵ www.parliament.go.tz

²⁶ www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefenders

²⁷ www.ishr.ch/news/developing-model-national-law-protect-human-rights-defenders#sthash.fcKqqckj.dpuf

The model law will assist States to develop laws, policies and institutions at the national level to support the work of human rights defenders and to protect them from reprisals and attacks. The model law will also serve as a valuable tool for human rights defenders to advocate for stronger legal recognition and protection of their important work.²⁸

Since 2014, there has been a sharp growth adoption of HRDs protection policies in African countries. It is possible that the diffusion of policies in Western Africa and Central Africa are a result of a “cascade model” in French speaking countries, which proposes that local civil society organizations and governments of neighbouring countries inspire other processes around drafting and passing protection laws. There are significant similarities between legislation adopted by Côte d’Ivoire, Mali, Burkina Faso and Niger, for example, with one strongly inspiring the other. In terms of laws for the protection of HRDs, the pioneer country in Africa has been the Democratic Republic of Congo, which started in 2007 to debate laws in provinces and at the national level, until June 15, 2023, when the Law 23/027 on the protection and responsibility of human rights defenders in the Democratic Republic of Congo was promulgated by the government of the DRC. As currently, the list of countries with protection policies in Africa is as follows: Law in force: Ivory Coast, DRC Decree or sub-national regulation: DRC. Discussions in force: Uganda, Madagascar, Nigeria, Republic of Congo, Tanzania, Togo. Abandoned (either legally or in practice) of previously enacted laws: Burkina Faso, Mali, Niger.²⁹

The Constitution of the United Republic of Tanzania of 1977 and the Constitution of Zanzibar of 1984 including the proposed Constitution of the United Republic of Tanzania of 2014 do not guarantee in any way the rights of HRDs. In 2023 THRDC prepared a Human Rights Defenders Model Policy which was validated by more than 300 Tanzanian HRDs before the Minister for Constitutional and Legal Affairs in October 2023. The Modal policy will help the government and the legislature to enact national human rights defenders’ policy and laws.

The legal framework at the national level including the Draft Constitution provides for general protection of human rights but remains silent on the rights of human rights defenders. In short, lack of specific legal protection renders HRDs vulnerable and easy prey for perpetrators of human rights violations. However, the Commission for Human Rights and Good Governance in Tanzania is the only National Human Rights Institution (NHRI), with full mandate to protect human rights and good governance in general.³⁰

The Tanzania Human Rights Defenders Coalition has made huge efforts to engage

28 www.ishr.ch/news/developing-model-national-law-protect-human-rights-defenders#st-hash.fcKqgcKj.dpuf

29 <https://www.focus-obs.org/location/africa/>

30 www.chragg.go.tz

and work with the Commission in order to conceptualize and impart knowledge of what defending defenders means and how best human rights defenders can be protected and be considered as a special category of human rights protectors who need support to fulfil their responsibilities under the law.

One of the efforts that THRDC has made in engaging with CHRAGG is in efforts to implement the Marrakech Declaration of 2018. This declaration has focused on the role of National Human Rights Institutions.³¹ The Declaration seeks national human rights institutions to among other things: declare responsibility and obligation to protect, respect and promote the fulfilment of the human rights and fundamental freedoms of all persons, to promote the rule of law, and the eradication of human rights violations and to interact, cooperate and build partnership among civil society organisations, media, business entities, networks, governmental and non-governmental organizations.³²

‘Enacting the rights of human rights defenders in national law would be a significant step towards transforming the international promise of the Declaration on Human Rights Defenders into a national-level reality.’ – Gustavo Gallon, Director of the Colombian Commission of Jurists³³

1.6 Non-Legal Protection mechanism

Protection mechanisms for HRDs can simply be defined as defence strategies put in place to ensure that HRDs are safe and operate in a safe environment. Through their active commitment, HRDs are frequently a target of acts of repression perpetrated by States or by private or Para-State groups acting in complicity with States. In many countries, HRDs are targets for attacks including murders, 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 and Local NGOs were forced to take measures and establish protection desks/units to ensure HRDs mitigate these threats and in worst situations provide emergency assistance.

1.6.1 Non-Legal Protection mechanism at International level

The mandate on the situation of human rights defenders was established in 2000 by the Commission on Human Rights (as a Special Procedure) to support implementation of the 1998 Declaration on Human Rights Defenders. In 2014, the UN Human Rights Council came up with a resolution number 25/18, in a bid to continue the mandate on human rights defenders for a consecutive period of

31 www.google.com/search?safe=active&rlz=1C1CHBF_enTZ850TZ850&sxsrf

32 www.google.com/search?safe=active&rlz=1C1CHBF_enTZ850TZ850&sxsrf

33 www.ishr.ch/news/developing-model-national-law-protect-human-rights-defenders

three years.³⁴

In 2000, the UN Secretary General's office under special request from the UN Commission on Human Rights established a mandate on human rights defenders to effectively implement and bring into force the Declaration on Human Rights Defenders. A special rapporteur was appointed to support the implementation of the declaration and the collection of information on the situation of human rights defenders all over the world³⁵.

In June 2014, Mr. Michel Forst (France) was designated by the President of the Human Rights Council as the UN Special Rapporteur on the situation of human rights defenders. He succeeded Ms. Margaret Sekaggya (Uganda), who had previously held this position from 2008 to 2014. Preceding Ms. Sekaggya, Ms. Hina Jilani had served as the Special Representative of the Secretary-General on the situation of human rights defenders from 2000 to 2008.³⁶

The following are the major duties assigned to the UN Special Rapporteur on human rights defenders³⁷

- i. Seek, receive, examine and respond to information on the situation of human rights defenders;
- ii. Receives complaints on violations against HRDs and then sends letters of allegation and urgent appeals to governments.
- iii. Establish cooperation and conduct dialogue with governments and other interested actors on the promotion and effective implementation of the Declaration.

In performing their duties, Special Rapporteurs³⁸:

- i. Submits annual reports to the Human Rights Council and the UN General Assembly on particular topics or situations of special importance regarding the promotion and protection of the rights of human rights defenders
- ii. Undertakes country visits
- iii. Takes up individual cases of concern with Governments

However, the UN does not provide for other services such as an emergency fund and support. Therefore, International NGOs and Associations, such as the Frontline Defenders, American Bar Association, Protection International, Freedom House, CIVICUS, Civil Rights Defenders, Irish Human Rights Institute, Peck Trust, CPJ, ICJ, DefendDefenders, Kenya Coalition, Article 19 and many others have been playing that role. These NGOs work to compliment the work of

34 www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx

35 www.ohchr.org/en/issues/srhrdefenders/pages/srhrdefendersindex.aspx

36 www.ohchr.org/en/issues/srhrdefenders/pages/srhrdefendersindex.aspx

37 www.tandfonline.com/doi/full/10.1080/13642987.2011.537463

38 www.tandfonline.com/doi/full/10.1080/13642987.2011.537463

the UN Special Rapporteur. They offer security and risk assessment management such as preventive measures, legal support, counselling, evacuation and relocation of HRDs at risk and advocacy among other activities.³⁹

1.6.2 Non-Legal Protection Mechanism at Regional level

Universal and Regional protection mechanisms complement each other to improve the protection of Human Rights Defenders. The Human Rights Defenders Declaration requires states at the regional level to establish regional mechanisms to protect human rights defenders. On 4th June 2004, the African Commission on Human and Peoples' Rights (ACHPR) introduced the post for Special Rapporteur on Human Rights Defenders in Banjul, Gambia. Currently, the position is held by Ms. Mary Lawlor since 1 May 2020.

ACHPR is the first regional human rights body to create a specific special procedure to deal with HRDs. Reasons for the appointment of a Special Rapporteur on human rights defenders in Africa were: security threats facing defenders in Africa and the need to create a specific instance within the Commission to examine reports and act upon information on the situation of defenders on the continent.

1.6.2.1 The African Commission on Human and Peoples' Rights assigned the special Rapporteur for HRDs in Africa to perform the following duties⁴⁰:

- i. To submit reports at every Ordinary Session of the African Commission on the situation of human rights defenders in Africa;
- ii. To cooperate and engage in dialogue with member states, national human rights Institutions, relevant intergovernmental bodies, international and regional mechanisms of protection of human rights defenders and other stake holders;
- iii. To develop and recommend effective strategies to better protect human rights defenders and to follow up on his/her recommendations;
- iv. To raise awareness and promote the implementation of the UN Declaration on Human Rights Defenders in Africa.
- v. To carry out her mandate, the special rapporteur receives and examines information from a wide range of sources including NGOs, and issues urgent appeals regarding violations against human rights defenders in the region.
- vi. To seek, receive, examine and to act upon information on the situation of human rights defenders in Africa and
- vii. Carrying out country visits to assess the situation of human rights defenders and encourage individuals and NGOs to submit cases concerning human rights defenders to the African Commission.

39 www.academia.edu/12256645/Human_Rights_Defenders_Situation_Report

40 <https://www.achpr.org/specialmechanisms/detail?id=4>

Africa is clearly a step ahead regarding the enactment of laws protecting human rights defenders. However, one remaining challenge is the inclusion in those texts of a large definition of defenders, as inclusive as the one adopted by the UN through the UN Declaration on defenders” said Michel Forst, UN Special Rapporteur on the situation of human rights defenders⁴¹.

On 23rd April 2009, Non-Governmental stakeholders in Africa adopted the Kampala Declaration on Human Rights Defenders, during a Conference on Human Rights Defenders at the Ugandan capital.⁴² This initiative was facilitated by the Network of Human Rights Defenders in East and Horn of Africa. The latter bolstered the protection of Human Rights Defenders in Africa through networking.⁴³

The East and Horn of Africa Human Rights Defenders Project (EHAHRDP) plays a key role to protect HRDs in the region. 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 recently another establishment for a special fund for legal protection by the name of Legal Protection Fund (LPF).⁴⁴

1.6.3 Non-legal Protection Mechanism at National Level

Promoting the Implementation of the Declaration 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; East and Horn of Africa Human Rights Defenders Network and Pan Africa Human Rights Defenders Network. Others on the list are Kenya, Eritrea, Djibouti, Malawi, 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.

Thus, the Coalition is working in the framework of accepted international mechanisms which have been established and adopted by other human rights conscious nations including Tanzania to ensure good governance. It should be noted however, that the issue of protection of HRDs is quite new in Tanzania. Most people do confuse the work of human rights defenders and other ordinary human rights activities. Therefore, at times ignore security incidents and take it for granted. In fact, a majority of HRDs do not even know that they are human rights defenders who need special protection when performing their day-to-day activities as defenders and promoters of human rights.

41 www.ishr.ch/news/achpr-65-protecting-human-rights-defenders-through-protection-laws-africa

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

43 <https://www.achpr.org/legalinstruments/detail?id=39>

44 <https://defenddefenders.org/>

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

Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

The Constitution of the United Republic of Tanzania of 1977 and that of Zanzibar of 1984 including the current Draft Constitution do not guarantee in any way the rights of HRDs. The legal framework at the national level, including the Draft Constitution provide for general protection of human rights and 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.

Tanzania lacks a policy and legislation on HRDs in line with the UN Declaration on HRDs of 1998, a fact that pushed for the establishment of THRD-Coalition. To rectify the situation, the Coalition developed a Human Rights Defenders Model Policy which may be used by the government in creating better policies and laws that recognize and govern Human Rights Defenders.



The Situation Of Human Rights Defenders In Tanzania

2.1 Introduction

This chapter narrates the situation of human rights defenders and human right violations committed against human rights defenders (HRDs), cases instituted against human rights defenders, incidents faced by human rights defenders and strategic or public interest cases instituted by human rights defenders in 2024. A special sub part focusing on challenges facing human rights defenders and activists is also covered. Incidents of HRDs rights' violation were perpetrated by individuals and state organs affecting the scope of HRDs operation in Tanzania. The cases instituted against human rights defenders, incidents faced by human rights defenders and strategic or public interest cases are compounded by disrespect of the rule of law, restrictive laws and undemocratic practices. Continuously, the state organs have been using the existing restrictive laws to curb the work of human rights defenders and activists such laws include the Media Services Act of 2016, the Electronic and Postal Communications (Online Content) Regulations of 2020 as amended in 2022, the Cybercrimes Act of 2015, Police Force and Auxiliary Services Act, the Non-Governmental Organizations (Amendments) Regulations of 2018, the Written Laws (Miscellaneous Amendments) (No. 3) Act of 2019 and the Written Laws (Miscellaneous Amendments) (No.3) Act of 2020.

2.2 Violation of HRDs' rights and challenges

Since 2013 the Tanzania Human Rights Defenders Coalition has been closely monitoring and documenting violations of human rights defenders' rights, various incidents of abduction that have been threatening the security status and causing uncertainty among citizens and human rights activists. Basically, the government has the primary responsibility to ensure that human rights defenders are safe, and their work is recognized. Further, the government has an obligation to end impunity for violations against defenders by ensuring that investigations are promptly and impartially conducted. Perpetrators should be held accountable while victims should obtain appropriate remedies.⁴⁵

45 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.

There are only few countries which have adopted legislation or taken effective measures to end the numerous and violent attacks against defenders. Impunity against human rights defenders continues to prevail and recently, HRDs, children, persons with disabilities and other human rights activists have been victims of arbitrary arrest and detention, torture, abductions, killing and to most incidences no specific compensation mechanisms for most of the incidents have been taken or implemented.

THRDC believes that the degree of security enjoyed by human rights defenders will determine their capacity to expose human rights violations and to seek redress for victims of such violations. Tanzania as a State has made no significant efforts of legislation let alone take effective measures to end the numerous and violent attacks against defenders and activists. So far, many cases involving violation of human rights defenders' rights have not been investigated and perpetrators been held accountable.

According to the Constitution, penal and criminal procedural laws of Tanzania, the Police Force is primarily responsible for investigation of criminal suspects. It has the power to arrest, detain, interrogate, and collect evidence for prosecuting criminal cases. The office of the Director of Public Prosecutions established under article 59B of the Constitution is responsible for prosecuting criminal offenders and arraigning them in court to meet justice.

The judiciary is the final authority in dispensation of justice in the United Republic of Tanzania. Despite these legal mandates, still perpetrators of some HRDs' incidents and attacks against HRDs, children, persons with disabilities and other human rights activists have never been investigated.

2.2.1 Challenges facing Human Rights Defenders in Tanzania

- There is no specific law recognizing and protecting human rights defenders. Countries like Ivory Coast, Democratic Republic of Congo Côte d'Ivoire, Mali, Burkina Faso and Niger, have laws in place protecting human rights defenders. Despite of significant recognition of the work of HRDs from the government, up to date Tanzania lacks specific government policy and law on the protection of human rights defenders.
- Human rights defenders have been victims of arbitrary arrest and detention. Arbitrary arrest and detention curtail freedom of movement as enshrined under article 15 of the Constitution of the United Republic of Tanzania. Most of the HRDs have been victims of arbitrary arrest and detention related to their work of human rights promotion and protection they include journalist Eric Kabendera, Tito Magoti, Maxcence Melo, Adv. Peter Madeleka, detention of the former ambassador Dr. Wilbrod Peter Slaa, advocate Boniface Mwabukusi, and human right activist Mpaluka Nyagali who were arbitrary arrested and detained for their bold statements against the intergovernmental agreement between Tanzania and Emirates of Dubai

on the ports' investment in 2023. A total of 513 human rights defenders were arrested and provided with legal support by THRDC between 2013 to 2024 whereby in 2024 there are a total of 65 HRDs.

- Existence of restrictive laws have continued to be an hinderance to HRDs work: such restrictive laws include the Media Service Act of 2016, the 2020 amendments to the Basic Rights and Duties Enforcement Act (BRADEA) requiring for personal interest in order for a person to institute a public interest case, the Cybercrimes Act, the Electronic and Postal Communications (Online Content) Regulations of 2020, the Statistics Act, the NGOs Regulation Amendments of 2018, the Amendments to the NGOs Act of 2019 requiring renewal of certificates every after 10 years etc.

- Some of the HRDs have been accused of not being citizens: There are incidents where HRDs were arrested, detained and accused that they are not citizens. For instance, In 2018 Abdul Nondo who was the chairperson of Tanzania Students Networking Programme (TSNP) was interrogated about his citizenship, Many HRDs from Ngorongoro were interrogated about their citizenship including THRDC National Coordinator, Bishop Severine Niwemugizi after his citizenship was questioned after speaking about the need for New Constitution, Mr. Odero Charles Odero, the Executive Director of Civic and Legal Aid Organisation (CILAO) in Arusha was arrested on 20th October, during the inauguration of the 77th sessions of the African Commission on Human and Peoples' Rights at Arusha International Conference Centre was accused of not being a citizen of Tanzania. His arrest came after his bold statements about violations of human rights among indigenous and pastoralist communities in Ngorongoro and other parts of the country.

- HRDs have been victims of threats and intimidations: For instance, Dr. Rugemeleza Nshala the former present of the Tanganyika Law Society was threatened because of his firm statements against the lifetime ports investment in Tanzania in 2023.

- Human rights defenders have been victims of criminal cases: active human rights defenders have been charged for various criminal offences both bailable and non bailable. The charges were instituted because of their human rights work. For instance, Advocate Tundu Lissu was charged with six different cases relating to freedom of expression between 2015-2017, journalist Erick Kabendera was charged for economic offence because of his journalistic work, advocate Peter Madeleka and his wife who is also an advocate were both charged for an economic case, advocate Boniface Mwabukusi, Mpaluka Nyagali and Dr. Wilbroad Slaa were accused of treason in 2024.

- Journalist human rights defenders have been victims of confiscation of their working tools like phone, laptop, camera etc: journalists play a peculiar role in promoting freedom of expression, seeking and disseminating information to the public about human rights issues and other social issues facing the community. However, when they are arrested, their working tools are mostly confiscated and not returned to them.
- Seizure of livestock and eviction of pastoralists and land rights defenders from their land at the pretext of conservation. This is the most challenge for pastoralists HRDs in Tanzania. It has been common in Kisarawe, Ngorongoro, Loliondo, Kaliua, Katavi, Mbarali and many other places in the country, have been facing the seizure, confiscation of their livestock, payment of hefty fine or criminal charges after their livestock being seized by game rangers and other law enforcers on the allegation of grazing in the game reserve or conservation areas. Further, the eviction of the Maasai from Ngorongoro and Loliondo divisions remains a controversy to date despite considerable recommendations from national, regional, and international human rights bodies on resolving land conflict in Loliondo and Ngorongoro. We applaud the efforts taken by President Samia Suluhu Hassan to meet the local leaders of Maasai and forming two commissions to investigate the eviction process of the Maasai from Ngorongoro to Msomera.
- Human rights defenders, children and other activists have been victims of abductions and enforced disappearances. Tanzania has not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance of 2010. Further, most of the incidences of abductions and enforced disappearance have not been investigated. Incidences of abductions have increased and most of them have not been investigated or no report have been issued to the public.
- Previous reports reveal incidences of abductions. For instance, in the report issued by the then Minister for Home Affairs, Hon. Kangi Lugola, on 14th October 2018, a total of 75 incidents of abduction were reported. Nonetheless, according to these reports and those from other ministries, including media reports, from 2016 to early July 2019, there were a total of 86 reported abduction incidents. Among those who were abducted, 23 were children and 63 were adults. Among the 86 abducted people, others have returned, others were found dead and the whereabouts of the remaining are yet to be known.
- According to these statistics, it can be perceived that in the previous years, most of the kidnapped /missing people were children. However, recently there has been a rapid increase in the incidents of disappearance/abduction of people with radical thoughts. This situation has impeded efforts to fight for human rights due to fear that has spread across the country,

fearing abductors whenever a citizen issues critical thoughts. Incidents of abductions and enforced disappearances have been staining the image of our country, internally and externally, thus instilling fear among citizens.

According to 2023 Police statistics, a total of 73 children were abducted or stolen, with 33 of these cases occurring in the Lake Zone. Additionally, from 2005 to 2024, 20 incidents of murders or abductions of people with albinism were reported in the Lake Zone, with 3 incidents reported in 2024 alone.

For the year 2024 THRDC documented 48 incidents of abductions and attacks of human rights defenders, activists and other people as follows:

- i. On 11th December 2024 a businessman Mr. Daisle Simon Ulomi was reported missing in Dar es Salaam. On 16th December 2024 his body was found dead at Mwananyamala hospital in Dar es Salaam. The reason for his death was not publicly issued by the law enforcers.
- ii. On 5th December 2024 there was unsuccessful attempt to abduct Mr. Alphonse Lusako, a human right at his office Kinondoni in Dar es Salaam.
- iii. Abdul Omary Nondo was abducted on 1st December 2024 early in the morning at 04:00hrs or thereabout at Magufuli bus terminal. He is a Tanzanian opposition youth leader for ACT Wazalendo. During the night at around 22:00hrs or thereabout was found following being dumped at coco beach in Dar es Salaam. He was severely beaten, tortured and badly injured.
- iv. Ms. Aisha Machano was abducted and beaten on Sunday 20th October 2024. She was picked up by motorcyclists after being left in the Kibiti wilderness. Machano was admitted to Mwananyamala Regional Hospital for her injuries. According to Machano, her abductors identified themselves as the Police Force. "I was handcuffed, blindfolded, I didn't know where I was being taken" Ms. Machano.⁴⁶
- v. On 27th November 2024 Modestus Timbisimilwa, was attacked and shot dead by the Police in Dar es Salaam as he attempted to stop "fake and invalid ballots" being delivered to a polling station. However, the Police Force claimed that such candidate was not shot by the Police, but he died because of blood pressure.
- vi. On 27th November 2024 George Juma Mohamed was attacked and shot dead at his home in Manyoni Singida by the Police. The accused Police officer was arrested for further legal action.
- vii. On 27th November 2024 Steven Chalamila a CHADEMA candidate in the 2024 local authorities' election was killed in a machete attack at his home in Tunduma.

46 <https://www.jurist.org/news/2024/10/tanzania-opposition-leader-abducted-and-beaten-ahead-of-elections/>

- viii. On 11th November 2024 there was unsuccessful attempt to abduct Mr. Deogratius Tarimo at Kiluvya in Dar es Salaam Tanzania. On 4th December 2024 the Tanzania Police Force issued a press statement stating that 8 suspects of abducting Mr. Tarimp were arrested
- ix. On 13th November 2024 Ms. Christina Kibiki the Secretary of Chama Cha Mapinduzi (CCM) for Kilolo District was attacked and tragically shot dead by unidentified people
- x. On 7th September 2024 Chadema's senior leader Mr. Ali Mohamed Kibao was taken from a bus by armed persons, beaten and then doused with acid. Kibao's death was followed by waves of protests that shook the African state and exacerbated what was already an environment of volatile political unrest.⁴⁷ Kibao's body was discovered on September 8, 2024, in the Ununio waterfront district of Kinondoni in Dar es Salaam. President Samia Suluhu Hassan denounced the incident and called for a quick investigation into the murder, however to date there is no issued report to the public.
- xi. On May 4, 2024, a ten-year-old child with albinism named Kazungu Julius from Katoro, Geita, survived an attack at around 8 p.m. after unknown assailants hacked him with machetes, causing severe bleeding.
- xii. On May 30, 2024, a two-year-old child with albinism named Asimwe Novati was abducted in Bulamula Village, Kamachumu Ward, Muleba District, Kagera. The assailants strangled the child's mother, Kebyera Richard, and vanished with the child. On June 17, 2024, the child's mutilated body was found with severed limbs, tongue, and eyes. In the wake of this grim discovery, the President expressed deep sorrow over the incident during a media development conference on June 18, 2024. Several suspects have been arrested and taken to court, and we trust the judiciary will deliver fair justice.
- xiii. On July 23, 2024, two children narrowly escaped abduction in Tabata Kisiwani, Dar es Salaam. The suspect was arrested, but legal proceedings have not yet started.
- xiv. The Arusha Police confirmed on July 25, 2024, that two children from one family, Mordekai Maiko (7) and Masiai Maiko (9), disappeared under mysterious circumstances after leaving for school on July 24, 2024, and have not been seen since. The Regional Police Commander has vowed to investigate.
- xv. Mr. Ernest Evans Mwandumbya was a Lecturer at the National College of Tourism, Arusha Campus, has been missing since July 17, 2024. His family reported his disappearance to the Police on July 21, 2024, and were issued with a reference number SAK/RB/545/2024. Despite searching local police stations and hospitals for information, the family has been unable to locate him.

47 <https://www.jurist.org/news/2024/10/tanzania-opposition-leader-abducted-and-beaten-ahead-of-elections/>

- xvi. Deusdedith Soka, Jacob Mlay and Frank Mbise. On August 18, 2024, Deusdedith Soka, a prominent youth activist and CHADEMA party leader in Temeke, were abducted in Temeke, Dar es Salaam. The incident occurred after Soka received a phone call who requested him to approach Chang'ombe Police Station to identify a motorcycle that was stolen in 2023 which was under the supervision of his motorcycle rider Mr. Frank Mbise. As Mr. Soka, Mlay, and Mbise were walking towards the said Police station or whether upon arrival they were abducted and disappeared and to date there is no investigative report issued to the public.
- xvii. Edger Edson Mwakabela @Sativa. On 23rd June 2024 online human rights activist Edger Edson Mwakabela @Sativa was abducted in Dar es Salaam. While under abduction, he was interrogated about his activeness in social media especially x in supporting a strike of Kariakoo traders.
- xviii. Omary Hassan Tupa and Omary Hassan. On July 11, 2024, two brothers, Omary Hassan Tupa and his young sibling, also named Omary Hassan Tupa, were abducted in Tegeta, Dar es Salaam. The incident occurred while they were at their mobile phone repair office at Tegeta Stand area.
- xix. Gerald Ibrahim: Mr. Gerald was the farmer and businessman who was residing at Mpeta Village, Uvinza District, Kigoma Region. In 2018, violent clashes occurred between residents and the police during an operation to evict citizens from land in Mwanduhubandu Village, resulting in the alleged deaths of some people. During this unrest, two short machine gun rifles and one pistol used by the Police went missing. Gerald was tasked with calming tensions among residents while searching for the missing firearms. It is alleged that he was promised for a reward of 15 million Tanzanian shillings upon successful completion of his mission. In April 2019, he managed to find the weapons and reported. However, after several unsuccessful attempt requests for the reward, he was on 4th August 2024 abducted and has not been found to date.
- xx. Hosea Aron Magashi, a 21-year-old resident of Itumbili Ward in Magu District, was abducted by unknown individuals on June 23, 2024, at approximately 8:00 AM.
- xxi. Gideon Mlokozi Mashankara, a 30-year-old resident of Tabata Segerea and a used car businessman, as well as an independent online activist, has been missing after being abducted. He was abducted by individuals identifying themselves as police officers on Friday, August 2, 2024, around 2:00 AM at his friend's car office known as RAPHAEL STAR, located in the Segerea Stand area.
- xxii. A Tanzanian artist, Mr. Shadrack Chaula, aged 24, has been reported missing since August 2, 2024, following his controversial arrest for burning an alleged portrait of President Samia Suluhu

Hassan. Chaula was sentenced to two years in prison or a fine of TZS 5 million for cybercrimes related to this act. After a fundraising campaign helped him pay the fine, he was released on July 8, 2024. His disappearance occurred approximately three weeks later when unidentified individuals abducted him from his home in Ntokela Village, Mbeya Region.

- xxiii. Prosper Theonas Mnjari, a 24-year-old motorcycle taxi driver from Chamazi, Dar es Salaam, has reportedly been abducted from his home on August 2, 2024. He was taken by individuals claiming to be police officers.
- xxiv. Dioniz Kipanya, the secretary for the CHADEMA party in Sumbawanga, was reportedly abducted on July 26, 2024, by individuals claiming to be police officers from the Rukwa Regional Police Command. On the day of his abduction, a family meeting was taking place at his home in Chanji Ward when he received a phone call asking him to step outside for a brief meeting. After he left the house, he was abducted, and his phone has been unreachable since then.
- xxv. A journalist Mr. Mohamed Mwaya, who works with Mtwara Digital, was abducted by unknown individuals in the afternoon, July 24, 2024, at Bima area of Mtwara.
- xxvi. A significant case reported on June 12, 2024, involves the abduction and subsequent death of 20-year-old Baraka Lucas Mleba, a fish trader from Goziba Island. Lucas was allegedly taken into police custody on June 9, 2024, but officials denied his detention. His lifeless body was discovered on 12th June 2024.
- xxvii. A tragic incident has occurred in Kilimanjaro Region, where Jackson Ngowi, a 24-year-old motorcycle driver from Maharo Village, Makiidi Ward, Rombo District, has been found deceased. Ngowi was reported missing for five days before his body was discovered on July 18, 2024, dumped on a farm in Ngambeni Village, showing signs of deterioration.
- xxviii. Sadock Juma Msumi in the morning on 5th July 2024 set out for a local shop but never arrived at his destination as he was reported abducted. Since that day, his whereabouts have remained unknown, prompting growing concern among his family and friends. Despite extensive searches conducted across all nearby hospitals, there were no information regarding his condition or location. The family has taken the initiative to report his disappearance to the police, receiving a report number MKU/RB/1373/2024.
- xxix. Enock John Zakaria Chambala was reported missing on 6th July 2024 in Tanga. Since then, his phone has been unreachable, and efforts to trace his whereabouts have been unsuccessful. His close friends have also reported that they have no information about his status.

- xxx. Lenga Masunga Ng'hajabu, a nurse at KCMC Hospital was reported missing under suspicious circumstances since July 4, 2024. Since then, his whereabouts remain unknown
- xxxi. Maulidi Omary Songambele, a businessman from Kariakoo was reported missing since June 26, 2024.
- xxxii. Damson Gaudensi Luwumba, who was living at Nundwe Village, Nyahimbwe Ward, Mufindi District, Iringa Region, was tragically found dead under suspicious circumstances. He was reported missing since June 26, 2024.
- xxxiii. On 15th June 2024, the CHADEMA leader in Tanga, Mr. Kombo Mbwana Twaha, was reported to have been abducted at his home. After 29 days, the Tanzanian Police Force issued a press release confirming to detain him.
- xxxiv. On 29th June 2024, Mr. Shabani Jerome Mbeya was reported missing and to date his whereabouts is unknown.
- xxxv. Janeth Jeremias Mgoo was reported missing since 24th June 2024. She was last seen at Tabata area, specifically Barakuda, on Saibaba Street. Her sudden disappearance has raised concerns among her family members and the local community.
- xxxvi. Emmanuel John Omahe, a Civil Engineering graduate from Mbeya University of Science and Technology, was reported missing since May 24, 2024. His family reported his disappearance at Dodoma Police station, receiving report number DOM/9302/2024.
- xxxvii. Samuel John Mwita, a 51-year-old employee at Baobab Secondary School, was reported missing since the early morning of Wednesday, July 3, 2024. His disappearance occurred under unclear circumstances, prompting his family to file a report with the Mapinga Police Station, and were issued with report number MPG/RB/980/2024.
- xxxviii. Furaha Augustino Lukosi, a 23-year-old man resident of Kinyerezi Kifuru, Dar es Salaam, was reported missing since the night of April 27, 2024. Since then, he has not been located despite his family searching various police stations and hospitals without success.
- xxxix. Yonzo Shimbi Dutu, a resident of Dulisi, Bunambiyu Ward in Kishapu, Shinyanga region, was arrested by police at Bushini on March 2, 2024, and has since then missing. Yonzo's brother has reported the situation to the Mwanza Regional Police Commander but received no concrete information.
- xl. Peter Anthony Mwamlima was reported missing on 16th April 2024, and he is whereabouts is unknown.
- xli. Saimon Ernesti Matonya, a 26-year-old man and resident of Kawe, has been missing since August 16, 2024.
- xl.ii. Joey John Mwaikokesya has been reported missing by his family. He was last seen at Posta Mpya area in Dar es Salaam on the evening of August 15, 2024. To date his whereabouts is unknown.

- xliii. Mr. Raziz Alumini Njombi from Nanyumbu, a bodaboda rider, was kidnapped on September 19, 2024, by someone posing as a passenger. Later that night, the kidnappers called his wife demanding his phone password. On 20th September 2024, his body was found dead.
- xliv. Dr. Dismas Chami, a physician at Ulyankulu Health Center, disappeared on September 4, 2024; after informing his wife he was traveling to Tabora for work and would return the next day. When he failed to return and his phone became unreachable, his family reported him missing on September 10. On September 13, Dr. Chami sent a distressing WhatsApp message to his wife stating he would no longer be alive shortly and instructing her on managing their finances and children's education. His body was discovered dead that night in Malolo, alongside syringes and hospital medications, raising questions about his death.

These are some of the uninvestigated instances of human rights violation and attacks against HRDs, journalists and prominent political activists/leaders linked to their human rights work. It must be recalled that most of the abducted people have been those with radical thoughts and ideologies. Such incidents are:

- i. Death of a Police Officer in Mtwara who was alleged to have committed suicide in Police custody has never been investigated. A commission of inquiry was formed by the President and the report was submitted to the Prime Minister but not to the public and no legal action were taken against the perpetrators.
- ii. Abductors of Mr. Allan Kiluvya – Assistant of the Former Foreign Minister and CCM member Mr. Bernard Membe have never been brought to justice and no investigative report has been issued. He was abducted and later found at Segerea in the suburbs of Dar es Salaam.
- iii. Abduction and torture of the artist Ibrahim Musa alias R.O.M.A Mkatoliki and other three artists in May 2017, no investigative report has been issued to date neither has the police issued any statement on the progress of the investigation.
- iv. Abductors of Mr. Absalom Kibanda (journalist HRD) have never been arrested and no investigative report has been issued.
- v. Tito Wolfgang Turuka, allegedly killed by police in Tanzania. According to his family, Tito was reported missing since September 14, 2020, with claims that he was beaten to death while in police custody and buried in an undisclosed location.
- vi. On November 23, 2023, at approximately 11:00 PM, Mr. Sylvester Nyangi Nyaimaga was forcibly taken by individuals claiming to be police officers in Tarime. They arrived with a hardtop Land Cruiser and were armed with guns. The abduction occurred in front of

- other local traders who witnessed the event.
- vii. Adinan Hussein Mbezi, On September 12, 2023, Mr. Adinan was traveling to Mwanza when he contacted his wife, Rosemary Massawe, informing her that he had been arrested by the police and was being taken back to Dar es Salaam. Adinan managed to call his foster mother on September 19, 2023, stating he was being held at Tazara Police Station. He requested assistance in contacting his brother Samir Hussein Mbezi and a friend, Amir Khalid Nasibu (Sam), who has been helping the family track his situation. Despite their efforts to locate him at Tazara Police Station and other facilities, police officials denied having him in custody.
 - viii. Fabian Benito Mlasu, a motorcycle taxi driver from Machimbo, Mpiji Magohe, has been missing since September 1, 2023. He was last seen at the Coca-Cola roadside hangout in Mwenge.
 - ix. Abductors of Dr. Steven Ulimboka have never been arrested and no any investigative report has been issued since 2012.
 - x. Abductors of Mr. Raphael Ongangi, a Kenyan National and former Assistant of the ACT- Wazalendo's Opposition party leader Mr. Zitto Zuberi Kabwe (MP) have never been arrested. He was abducted by unknown people at around 9.30 pm on Monday, June 24, 2019 and later on found in Mombasa, Kenya on Wednesday, July 3, 2019.
 - xi. Abductors of Mr. Saed Kubenea (journalist HRD and previously MP for Ubungo Constituency) who was abducted and sprayed with a poisonous substance on his face, have never been acted upon and no investigation report has been issued.
 - xii. Attackers of a journalist in Geita who were covering the story of students' demonstration have not been arrested and prosecuted by responsible authorities. According to the report, the attackers were police officers who are supposedly entrusted to investigate and thus under normal circumstances the investigation could not be conducted.
 - xiii. Attackers of Mdude Mpaluka Nyagali have never been arrested and investigation report has not been issued.
 - xiv. Attackers of Mr. Sirili John also known as Rasta, businessman, resident of Arusha and previously a CHADEMA candidate at Unga limited Council Local Government Elections of 2019, who was allegedly brutally slaughtered on election day by unknown assailants who have never been brought to justice.
 - xv. Attackers of the office of IMMMA Advocates have never been found neither have there be efforts from the government/police to investigate the matter.
 - xvi. Attackers who gunned down the Member of Parliament from the opposition CHADEMA party Hon. Tundu Antiphas Mugwayi Lissu

- have never been investigated and no report has ever been issued from the police regarding the incident.
- xvii. The Kidnapping incident of student leader Abdul Omari Nondo, who was abducted in March 2018 have never been investigated and no report was ever issued with regard to his case except the decision of the court which shifted the burden of proving whether Nondo kidnapped himself or not.
 - xviii. Kidnappers of Azory Gwanda, who is a journalist HRD from Kibiti have never been found and no report has ever been issued officially by police regarding his mysterious disappearance.
 - xix. Killers of Daniel John, CHADEMA ward leader for Kinondoni have never been investigated and no report was ever issued with that regard.
 - xx. Killers of Godfrey Luena, the then Namawalla Ward Councilor in Kilosa, Morogoro region have never been apprehended and taken to court to face the charges against them.
 - xxi. Measures against the police officer who shot dead Sheikh Mohammed Bin Almas have never been taken. Sheikh Almas was crossing the area going to the ATM while there was a notice preventing people to cross the area, money was being deposited at the ATM machine.
 - xxii. The 2017 incident of invasion of the Clouds Media Group by former Dar es Salaam Regional Commissioner Paul Makonda has never been investigated by police to arraign and prosecute the perpetrator despite the video clip which showed clearly the raid. Only individual attempts were made in 2022 by instituting a case at Kinondoni District Court
 - xxiii. The abduction and torture of a JKT movement leader George Mgoba in 2015 has never been investigated.
 - xxiv. The attackers of the journalists and other participants during the CUF meeting at Vina Hotel Dar es Salaam have never been arraigned and prosecuted for the horrific crime they committed on 21st April 2017 seriously beating up journalists and members and leaders of the opposition party - CUF.
 - xxv. The uninvestigated incident of Israel Michael Manyulane who was arrested and detained by the Police officers on 6th July 2020. He was arrested at Police check point in Kakonko district while on the way from Kasulu, Kigoma to Kahama.
 - xxvi. The findings of the Report of the then Minister for Information, Nape Nnauye regarding the invasion of the Clouds Media Group by the RC of Dar es Salaam have never been acted upon. The security officer who threatened Mr Nnauye with a pistol has never been taken to court.
 - xxvii. The incident involving the former Arusha Regional Commissioner, Mrisho Gambo directing police to arrest journalists, some political

and religious leaders who went to handover condolences money to the Lucky Vincent Primary School tragedy victims has never been investigated.

- xxviii. The kidnappers of Salma Said, a journalist from Zanzibar have never been found and charged for their deeds. She was abducted and tortured by unknown people in 2016 as she landed at Julius Nyerere International Airport in Dar es Salaam.
- xxix. Whereabouts of Oriaisii Pasilange Ng'iyio is unknown. Sometimes on 9th June 2022 the Police officers while conducting an operation of installing beacons in Loliondo and re-allocating Loliondo inhabitants to another place, there arose a resistance from the inhabitants which led to violence between the Police Officers and the Ololosokwani village inhabitants. On the same date the Police Officers arrested 19 people, Oriaisii Pasilange Ng'iyio inclusive. Oriaisii was among the arrested people who left with the Police Officers to an unknown place and to date his whereabouts are unknown despite meticulous and necessary searches for him.
- xxx. The whereabouts of enforced disappearance of Juma Iddi Mwiru and Haruna Iddi Mwiru reported to take place on 28th December 2023 in Singida
- xxxi. The whereabouts of enforced disappearance of Mr Charles Chacha Waitinyi reported to take place on 12th October 2023 at Mugumu Serengeti
- xxxii. The whereabouts of enforced disappearance of Mr. Julius Mwita Omary reported to take place on 11th August 2023 at Kenyamosabi Goronga Tarime

- Financial challenges: human rights defenders face economic hardships making them not to effectively promote and protect human rights. Civil society organisations and human rights defenders especially those operating in remote areas have limited access to donor funding hence impeding their capacity to promote and protect human rights. The donor environment complicates the situation as many of them have shifted their interest from human rights advocacy to business support and service delivery support. The competition from donor home grown CSOs and international agencies including INGOs and UN agencies has significantly impacted the financial space of local CSOs in Tanzania.
- Lack of implementation of judicial decisions: implementation of judicial decisions especially decisions related to public interest litigation and human rights has been a challenge facing our nation. Public interest cases are initiated by human rights defenders and litigated by human rights lawyers. Example of judicial decisions which have not been implemented include: the case of Attorney General vs Rebeca Z. Gyumi (Civil Appeal 204 of 2017) [2019] TZCA 348 (23 October 2019) where Rebeca Z. Gyumi challenged

the constitutionality of sections 13 and 17 of the Law of Marriage Act. The said sections require consent of parents or court for girls below 18 years before marriage and at the same time, section 13(1) and (2) of the LMA allows a female person to get married at the age of 15 years and a male person to get married only upon attaining the age of 18 years. The Court of Appeal held that section 13 and 17 should be amended but to date there is no implementation of this 2019 court decision.

- Further, the case of Attorney General versus Jeremia Mtobesya [civil appeal no 65 of 2016]. On the 1st day of July 2015 Advocate Mtobesya lodged a petition in the High Court challenging the constitutionality of the provisions of section 148 (4) of the Criminal Procedure Act. The referred provision forbids a court or police officer from granting bail if the Director of Public Prosecutions (the DPP) certifies in writing that it is likely that the safety or interests of the Republic would thereby be prejudiced. It was held by the court of appeal did uphold the decision of the High Court to the effect that impugned section 148(4) of the CPA is, indeed, unconstitutional as well as null and void on account of its derogation from the provision of Article 13(6) (a) of the Constitution. Since 2016 to date Section 148(4) of the CPA has not been repealed.
- The case of Jebra Kambole versus Attorney General of the United Republic of Tanzania [Application no 018/2018] filed in the African Court on Human and Peoples' Rights seeking remedy on Article 41(7) of the Constitution of the United Republic of Tanzania, that denies the right to challenge presidential election results. The African Court held that Article 41(7) violates the Banjor Charter hence the government of Tanzania was ordered to amend it. The case of Rev. Mtikila on independent candidate has also not been implemented since 2010 as per the decision of the African Court on Human and Peoples' Rights.
- Delay hearing of cases especially appeal cases at the local court as well as at the East African Court of Justice (EACJ). At EACJ for instance, cases of 2020 have not been scheduled for hearing to date. Like the cases of Tanzania Human Rights Defenders Coalition (THRDC), Pan African Lawyers Union (PALU), Tanganyika Law Society (TLS), Legal and Human Rights Centre (LHRC), and Centre for Strategic Litigation (CSL) versus the Attorney General of the United Republic of Tanzania [Reference No 25 and 27 of 2020] Challenging amendments enshrined in the written Laws (Miscellaneous Amendments) Act (No 03) of 2020: Basic Rights and Duties Enforcement Act and 13 laws amended by the Written Laws (Miscellaneous Amendments) Act, No. 03 of 2020). At the local court an appeal case of Onesmo Olengurumwa Vs Attorney General of 2021 has not been scheduled for hearing regardless of reminders to the registrar of the court of appeal. The case is challenging the amendment to Section 4 of the Basic Rights and

Duties Enforcement Act (BRADEA) Cap. 3 (R.E. 2019) (under Section 7 of the Written Laws (Miscellaneous Amendments) Act, No. 03 of 2020)

- Lack of independence of the judiciary: human rights defenders have lost trust with the independency of the judiciary because its recent decisions do not progressively advance and protect human rights. For instance the High Court judgement in the case of Deusdedith Soka & 2 Others versus Inspector General of Police & 6 Others (Misc. Criminal Application No. 23998 of 2024) [2024] TZHC 7625 (28 August 2024) that the applicants who were alleged to have been arrested by the Police and their relatives did not trace them at any Police station, but the court held in an application for habeas corpus that it was their duty to prove that they are detained by the Police. Further judges are presidential appointees and majority from government offices which also raises doubt and makes them not to be impartial when confronted with cases against the state .
- Previously, the court was issuing decisions advancing human rights: for instance the case of Baraza la Wanawake Tanzania (BAWATA). BAWATA was formed in 1994 to unite women of all economic, social, and political backgrounds and to ensure gender equity in a multiparty, democratic Tanzania. Nevertheless, the government soon accused BAWATA of being a political party. In September 1996, the government, without affording BAWATA a chance to be heard, decided to deregister it. When the issue of failure of natural justice was raised, the government reversed itself and demanded that BAWATA amend its constitution and become a research institution. In March 1997 BAWATA amended its' constitution in accordance with government demands. Even so, the government went ahead to deregister BAWATA. In response, BAWATA went to the High Court to challenge the government's action and the constitutionality of the Societies Ordinance. The court issued an injunction against the state prohibiting the government from deregistering BAWATA.
- R. v. Mbushuu Dominic Mnyaroje and Another, Mwalusanya, J., guided by a 'generous and purposive construction' that he generally gave to the constitutional provisions which protect fundamental rights and freedoms, arrived at the conclusion that the death penalty was inherently a cruel, inhuman and degrading punishment and so was the manner it was carried out.
- It was the celebrated High Court decision of Mwalusanya, J., in Daudi Pete v. R that marked the beginning of judicial activism since the Bill of Rights became justiciable. An Act of Parliament was found by the court to contain a provision which was in conflict with the presumption of innocence of an accused person, guaranteed under Article 13 (6) (b) of the Constitution and therefore void. In that case, the accused person was denied bail by

the District Court under section 148 (5) (e) of the Criminal Procedure Act, 1985 on the ground that the offence he was charged with, (robbery with violence) was not bailable. The learned judge found that the whole of section 148 (4) and (5) of the Criminal Procedure Act was discriminatory and unconstitutional, that it offended the doctrine of separation of powers by taking away judicial discretion in cases of bail and conflicted with the presumption of innocence guaranteed under Article 13 (6) (b) of the Constitution.

- Failure of the parliament to discuss some issues of national importance: most of the recent members of parliament are from a single party. This has made the parliament not to be more active in discussing matters of national importance. Currently, there are trends of abductions of the people in the country however, when a motion by a member of parliament from the opposition party was raised in the parliament, the speaker of the parliament objected that motion. We believe that if a quarter or half of the members of the parliament could be from the opposition political parties, the speaker wouldn't object the motion. The parliament was very active when Samwel Sitta was the speaker and matters of public concern were openly discussed and he managed to ensure live sessions of the parliament famous known as "Bunge live". It was easy for the people to make follow up of what their representatives speak in the parliament.

2.3 THRDC Intervention and Support of HRDs in 2024

In the year of 2024 a total of 215 human rights defenders have been supported with legal support, relocation, medical, strategic cases and other emergency support. A total of 65 HRDs at risk received direct legal support from THRDC and 15 HRDs amongst them were released by the court after winning cases or upon failure by the prosecution to prosecute the HRDs under detention hence released unconditionally. The case against 2 HRDs were lost and the HRDs were sentenced to serve 5 years in prison or pay fine. However, on 2nd July 2024 one of the journalists was released from prison after paying the fine that was contributed by friends and colleagues in the country.

Emergency protection support in terms of relocation was provided to 60 HRDs (15 women, 45 men), medical support to 2 HRDs (both men), and 40 HRDs' dependants were provided with humanitarian support/family support, 16 HRDs have been provided with psychosocial support (8 female and 7 male). Further, 20 HRDs were provided with emergency referral assistance to external sister organisations promoting and protecting HRDs' rights. Lastly, 4 new strategic cases and 8 previous cases have been supported on area of freedom of expression, land rights and challenging the Advocates Act.

Table showing HRDs Received Emergency Support from THRDC between 2018 and 2024

Services Offered	2018	2019	2020	2021	2022	2023	2024	Total
Legal representation	32	41	48	55	157	42	65	440
Short-term relocation	11	6	5	24	46	27	60	179
Medical support and psychological support	1	2	3	4	31	7	18	66
Strategic cases	5	9	20	9	16	8	12	79
Family Support	-	3	3	17	8	6	40	77
School Support	1	2	2	-	-	-	-	5
Office Relocation	-	-	-	1	1	-	-	2
Referral assistance	1	2	6	3	19	10	20	61
Total per annum	51	65	87	113	278	100	215	909

Further, THRDC issued 19 press statements addressing various violation of HRDs' rights like when journalist Dickson Ngh'ily when was arrested at Kwembe, advocate Yonas Masiaya when was arrested in Arusha and on the situation of human rights in Ngorongoro.

Through the statements issued by THRDC and other stakeholders on the situation of human rights in Ngorongoro District contributed to the steps taken by the President of the United Republic of Tanzania Dr. Samia Suluhu Hassan to meet with people of Ngorongoro and commitment made to address the pressing challenges facing the residents of Ngorongoro and Loliondo divisions. The President promised to form two commissions to investigate and provide recommendations on best way to resolve long-standing land disputes in Ngorongoro division and manage the implementation of the voluntary resettlement program from the Ngorongoro Conservation Area.

This initiative taken by the Honorable President to engage directly with the residents of Ngorongoro District, is an outcome of many years of engagement with the government and community empowerment to stand for their rights. The people of Ngorongoro have sought an opportunity to voice their concerns to the Head of State, and we, as human rights defenders, have consistently advocated for such a dialogue, and this engagement is a significant milestone toward resolving the region's complex challenges. "We have consistently proposed an independent commission in our reports and also the time we met with the President at the State house,

In addressing the challenge of lack of a policy or law protecting human rights defenders, THRDC in collaboration with other stakeholders, developed and launched a HRDs' model policy to address this critical gap on 19th October 2023 at mount Meru hotel in Arusha. In 2024 THRDC has continued with discussion with the government on the HRDs Modal Policy. The Model Policy for Human Rights Defenders in Tanzania is a product of THRDC's unwavering dedication to safeguarding the rights and safety of those who stand up for justice in our nation through promoting and protecting rights of others.

Strategic cases supported include the case of Onesmo Olungurumwa versus attorney general challenging provisions of the Criminal Procedure Act on committal proceedings, the case challenging the amendments to the Basic Rights and Duties Enforcement Act requiring personal interest in public interest litigation, the case of Peter Madeleka versus attorney general challenging provisions of the Advocates Act which gives power to the attorney general to initiate complaints at the advocates committee while also constituting on the forum

2.4 Cases Instituted against Human Rights Defenders (CHRDs)

Some of the cases instituted against human rights defenders and supported by the coalition includes the following:

i. Director of Public Prosecutions versus Oloomu Kursas, Sinjore Maitika and Ndagusa Koros [Criminal Application No 10 of 2023]

On 26th October 2023 about 806 heads of cattle, 420 sheep and 100 goats of Mr. Oloomu Kursas, Sinjore Maitika and Ndagusa Koros were seized by game rangers in Serengeti National Park. Both heads of cattle, sheep and the goats were alleged to be found at Long'osa area within the Serengeti District, Mara region. After the seizure of such livestock, they were kept at Lobo Rangers Post within the Serengeti National Park. On 30th October 2023 the Republic instituted a case at the Resident Magistrates' Court in Musoma seeking for an order of forfeiture and sale by way of public auction (ex-parte application No 10 of 2023). The Republic stated in court that the heads of cattle, sheep and the goats were unclaimed properties. On 31st October 2023 the court issued an order of forfeiture and sale by way of public auction. A court broker was appointed to conduct the public auction but conditioned to adhere to all the public auction procedures.

Immediately after the order of the court, Mr. Oloomu Kursas, Sinjore Maitika and Ndagusa Koros filed an application before the High Court of Tanzania Musoma registry seeking the High Court to revise the Resident's Magistrates' court order stating that the heads of cattle, sheep and the goats were their own properties disputing the assertion by the Republic that such properties were unclaimed (Application for revision No 08 of 2023). They further stated that, even if the properties could be unclaimed, still the legal procedures were not followed

which demands that unclaimed property must be announced publicly so that owners can show up under Section 25 of the National Parks Act and Section 47 of the Police Force and Auxiliary Services Act. On 10th November 2023 the High Court revised the order of the Resident Magistrates' Court ordering for a rehearing of the case.

In the midst of these circumstances, Mr. Oloomu, Maitika and Ndagusa filed an application for injunction seeking the order of the High Court to stop the sale (Application No 35 of 2023). On 1st November 2023 the High Court issued an order stating that the sale be stopped because Mr. Oloomu, Maitika and Ndagusa were denied their right to be heard at the Resident Magistrates' Court of Musoma. However, the court broker announced the sale of the heads of cattle, sheep, and the goats on 1st November 2023 and sold them accordingly on the same day.

However, rehearing of the case at the Resident Magistrates' Court was conducted between 10th November 2023 and 13th February 2024. On 13th February 2024 the Resident Magistrates' Court of Musoma delivered a ruling stating that the public auction conducted on 1st November 2023 did not follow the stipulated legal procedures under the law and it was conducted without any justifiable reason hence the sale of 806 heads of cattle, 420 sheep and 100 goats was not lawful and therefore unjustifiable in the law. With this ruling, the court ordered the Republic to reimburse the amount Tanzanian shillings 169, 264,200/= to Mr. Oloomu, Maitika and Ndagusa. The Director of Public Prosecutions appealed against the ruling to the High Court of Tanzania at Musoma. On 15th October 2024 the High Court upheld the ruling of the Resident Magistrates' Court. In these cases, Mr. Oloomu, Maitika and Ndagusa have been under the legal support of human rights Advocates from Tanzania Human Rights Defenders Coalition (THRDC) and Pastoralists Indigenous Non-Governmental Organisation Forum (PINGOs Forum).

ii. Attorney General versus Boniface Mwabukusi [Application No 10 of 2023]

Advocate Boniface Mwabukusi was charged for alleged professional misconduct before the Advocates Committee in 2023. The alleged professional misconduct complaint was filed by the attorney general asking the committee to ban Mr. Mwabukusi from the legal practice by removing his name from the Roll of advocates. The complaint related to the words spoken by advocate Mwabukusi mostly when he was giving updates after the court session over the public interest case that was challenging the intergovernmental agreement between Tanzania and Dubai (the case of Mr. Alphonse Lusako, Emmanuel Chengula, Raphael Ngode and Frank Nyalusi Versus Attorney General [Civil Cause No 05 of 2023]).

Hearing was conducted between 20th and 21st November 2023. On 17th May 2024 the National Advocates Committee delivered a warning order against him. Under the Advocates Act, the Committee has the power to issue a warning as a punishment to The ruling of the committee is pending until further notice.

THRDC provided legal support by engaging advocate Mpale Kaba Mpoki to represent advocate Mwabukusi.

iii. Republic versus George Menson @Sanga, Optatus Elias and Goodlucky @mfuse [Criminal Case Session No 27 of 2020]

Mr. Sanga and two others were arrested in 2020 and charged for murder in the High Court of Tanzania at Njombe. On 12th February 2024 the Director of Public Prosecutions withdrew the case. However, they were arrested again and charged for the same offence. Hearing was conducted in November and December 2024. On 31st December 2024 they were all set free by the High Court as they were found not guilty.

iv. Legal support for Lusako Alphonse

Mr. Lusako is a human rights lawyer, he was attempted to be abducted on 5th December 2024 at his office in Dar es Salaam. He managed to escape the incident of abduction and THRDC relocated him to a safe place. All of his belongings including phone, laptop, his car, bags were taken by the attackers. On the same day in the evening, the Tanzania Police Force released a statement confirming that it is the Police Officers who went to Mr. Lusako's office. The statement further stated that the Police officers went to arrest another person Mr. Emmanuel Mweta and not Mr. Lusako. However, the same Police officers took all the belongings of Mr. Lusako including his car. On 9th December 2024, Adv. Paul Kisabo wrote a letter to the Regional Police Commander requesting for return of Mr. Lusako's belongings. On 16th December 2024 the THRDC National Coordinator Adv. Olengurumwa, Adv. Paul Kisabo and Mr. Lusako managed to collect all the belongings of Mr. Lusako at Oysterbay Police Station.

v. Republic versus Francis Godwin

In April 2024 a journalist based in Iringa Mr. Francis Godwin made coverage of information relating to embezzlement of government funds over a project financed by the government. The embezzlement scandal was raised by the Regional Commissioner for Iringa region accusing the regional Engineer of such embezzlement and misuse of government funds. He published such information, but the regional Engineer asked for an appointment with Mr. Francis about the published information. He met with him on 6th May 2024 and to his surprise, Mr. Francis was arrested, accused of soliciting and receiving corruption from the regional Engineer. He was detained for one day and later released on Police bail. On 13th May 2024 he was arraigned in court at Mafinga and charged for two counts of corruption. The journalist sought for legal support from THRDC. THRDC engaged advocate Chance Luoga for legal representation and the case is ongoing before the court.

vi. Republic Vs Godlisten Malisa and Boniface Jacob

On 25th April 2024 a human rights activist and Director of the Gifted Hand Foundation, Godlisten Malisa along with the former Ubungu Mayor Mr. Boniface Jacob were arrested because of publishing information about a person who was abducted and later found dead at the hospital run by the Police in Dar es Salaam. They were denied bail for 3 days and later released. However, they were charged for publication of false information contrary to Section 16 of the Cybercrimes Act. THRDC provided legal support to Mr. Malisa and the case is ongoing before the court.

vii. Legal support to Watetezi Online TV

On 28th August 2024 Watetezi TV, an online media owned by Tanzania Human Rights Defenders Coalition received a letter from the Director General of the Tanzania Communications Regulatory Authority (TCRA) requiring Watetezi TV to give reasons why legal actions shouldn't be taken against it for violating regulation 9(a) and 12(a)(i) of the the Electronic and Postal Communications (Online Content) Regulations, 2020.

Regulation 9(a) states that: A licensee shall comply with all the terms and conditions of the licence and observe the following: (a) ensure that online content is safe, secure and does not contravene the provisions of any written law; and 12(a)(i) states that, An Online Content Services License Category A shall be required to comply with the following conditions-(a) in the case of online content service licensee, shall- (i) adhere to journalism ethics and professional requirements as per the Media Services Act; the information complained of was published on 30th July 2024 as follows

“Serikali imetunyanganya uhuru wa kupiga kura Ngorongoro, yani ni afadhali hata wafungwa” Olemangi” literally translated, the government has denied our right to vote, better even the prisoners

“...Zoezi la kuhama siyo hiari, ni namna nyingine ambavyo serikali inaenda kuingia kwenye aibu kubwa ya kuwanyima watu zaidi ya laki moja haki ya kuchagua au kuchaguliwa.. nafikiri hii siyo sawa....” litterraly translated as, relocation of the Maasai from Ngorongoro is not voluntary, it is another means that the government is going to be ashamed by denying the right to vote or be voted to more than 100,000 people, I think this is not correct.

“NEC imevunja Sheria za Uchaguzi, vijana Ngorongoro watoa msimamo huu, wasisitiza NEC haijatenda haki” – literally translated as the electoral commission has violated electoral laws, youths in Ngorongoro gives their stand, they insist that the electoral commission has done injustice.

Watetezi TV responded by denying that such published information do not violate the stated regulations but rather are the peoples opinions and truth information because at that time the independent electoral commission did not register or update voters list in Ngorongoro division and the Minister responsible for elections issued a government notice deregistering 11 wards and 25 villages in Ngorongoro division. The government notice has been overturned by the court through the case of Issaya Olepose vs The Minister President’s Office Regional Administration and Local Government & another (Miscellaneous Cause No. 20592 OF 2024) [2024] TZHC 7445 (22 August 2024) and finally about three weeks ago the Minister has repealed the notice promising that elections shall be conducted in Ngorongoro division.

On 1st October 2024 Watetezi TV receive the reply from TCRA insisting that the information published violates regulation 9(a) and 12(a)(i) of the the Electronic and Postal Communications (Online Content) Regulations, 2020. Watetezi TV will reply again to the response from TCRA.

viii. Legal support for Jambo Online TV

Jambo online Television was charged before the Complaint’s Committee of the Tanzania Communications Regulatory Authority for alleged violation of Regulations 9 and 12 of the the Electronic and Postal Communications (Online Content) Regulations, 2020. The charge emanated from the coverage of a press conference held by the opposition leader in Tanzania Hon. Tundu Lissu where he made some statements concerning those who facilitated his assassination attempt in 2017. Jambo TV was accused of violating journalism ethics by not balancing the story issued on the day of Lissu’s press conference. THRDC provided legal support and Jambo Online TV was punished by a warning in October 2024.

ix. The case of journalist Dinna Maningo

On 13th June 2024 journalist Dinna Maningo was arrested by the Police at her home in Tarime district, Mara region, around 8pm, her working tools were confiscated and she was transferred to Mwanza. She was detained for allegedly publishing to her blog, Dima Online, about allegations against the former Simiyu Regional Commissioner, Dr. Yahaya Nawanda, who was accused of sodomizing a university student in Mwanza City. Following her report and subsequent media coverage, the President removed Nawanda from his post on June 11, 2024. However, the discussions online continued calling for accountability, including

the online leakage of a document marked 'confidential' drafted by the Mwanza Police to the Director of Criminal Investigation regarding the investigation of the case. Subsequently, on June 13, 2024, the Mwanza police announced the arrest of Dr. Yahya Nawanda.

Further, on 16th and 17th June 2024 during the night journalists Samweli Mwanga and Constantine Mathias were also arrested respectively on allegation of publishing information about the former Simiyu Regional Commissioner, Dr. Yahaya Nawanda, who was accused of sodomizing a university student in Mwanza City. They were denied bail within the prescribed time of 24 hours hence THRDC engaged a human rights advocate who lodged a habeas corpus application in the High Court, and they were released after 7 unlawful days of detention.

x. The case of journalist Dickson Ng'hily

On 10th July 2024 journalist Dickson Ng'hily was arrested at Kwembe, Ubungo Dar es Salaam because of taking a photo of pupils who were studying under the tree for his story. He was beaten by the teachers, local law enforcers (militia), assaulted and continued being threatened because he planned to file a case against the perpetrators and teachers who beat and assaulted him. THRDC issued a statement condemning his unlawful arrest and torture and provided legal guidance to him and other necessary support.

xi. The case of Odera Charles Odera

Mr. Odera is the executive Director of Civic and Legal Aid Organization in Arusha Tanzania. He issued a notice to the Police on his plan to conduct peaceful demonstrations in Arusha to demand EAC member states to issue budgets for operations of the East African Court of Justice. He was highly threatened and THRDC provided necessary support to him.

xii. The case of Kombo Twaha Mbwana

On 15th June 2024 Mr. Kombo was arrested by unidentified men at his home Handeni, Tanga region. His whereabouts were unknown until 14th July 2024 where the Regional Police Commander for Tanga region issued a press release that he is detaining Mr. Kombo. THRDC provided legal support by filing an application for habeas corpus for him to be released or granted court bail, judgement is scheduled on 31st October 2024. However, on 16th July 2024 in absence of any relatives, he was secretly taken to court and charged for using a sim card not registered in his own name.

xiii. The case of three journalists who were arrested in Mbeya

On 11th August 2024 three journalists (Osca Kasubi, Ramadhani Khamis and Fadhili Kirundwa working with Jambo TV) were arrested in Mbeya when Police officers were arresting CHADEMA leaders and followers following the ban of celebration of You Day that was organized by CHADEMA youth wing in Mbeya. THRDC provided legal support, and they were unconditionally released.

xiv. Attorney General versus Peter Michael Madeleka [App No 02 and 07 of 2024]

The Attorney General instituted two cases against advocate Peter Michael Madeleka seeking removal of his name from the Roll of advocates on alleged misconduct.

Advocate Madeleka under the legal support from the Tanzania Human Rights Defenders Coalition (THRDC) filed a constitutional case no 7817 of 2024 in the High Court of Tanzania, Dodoma Main Registry Challenging Sections 4[1][b]; 4[3]; 4[4]; [4[5]; 4[6]; 5 and 10 of the Advocates Act which provides for the composition and quorum of the advocates committee. THRDC won the case at the High Court hence the disciplinary cases at the advocates committee did not proceed for determination on merit.

xv. Arrest of five journalists during the attempted demonstrations by CHADEMA on 23rd September 2024

The opposition party in Tanzania CHADEMA announced to conducted peaceful demonstrations on 23rd September 2024 in Dar es Salaam for the purpose of demanding release of their abducted colleagues and for the perpetrators to be brought to justice. The Tanzania Police Force prohibited such peaceful demonstrations and some of the CHADEMA leaders and followers who attempted to protest were arrested. Five journalists who were covering the arrest in the street were also arrested by the Police some because they had no press cards or jackets identifying them as journalists. The journalists who were arrested and shortly unconditionally released were: Jumanne Juma (photographer from Nipashe newspaper), Jenipher Gilla (from Nipashe newspaper) , Mariam Shaban (journalist from EATV), Lawrenc Mnubi (journalist from Mwananchi newspaper) and Michael Matemanga (journalist from Mwananchi newspaper). THRDC documented the incident.

xvi. Journalist Teddy Kilanga

On 12th September 2024 journalist Teddy based in Bariadi, Simiyu region was arraigned in court at Bariadi and charged for assaulting the Simiyu Regional Commissioner spokesperson. The assault related to a conversation which they had on 7th September 2024 about her journalists work. Teddy claimed not to have assaulted him. On 20th September 2024 THRDC provided legal support and the the Simiyu Regional Commissioner spokesperson withdrew the case in court.

xvii. The arbitrary arrest of Advocate Yonas Masiaya

On 30th April 20204 advocate Masiaya based in Arusha was arrested by the Police and accused of publishing a photo of the Arusha Regional Commissioner showing him entering in a hotel through WhatsApp groups. He was detained for two days and later released on bail. However, his phone was confiscated by the Police to date. THRDC issued a statement and engaged an advocate for legal representation.

xviii. Japhet Ibrahim Mattara versus Republic, [Criminal Appeal No 51 of 2023]

In October 2021, Mr. Mattara through his twitter account published that the wealth of former President John Magufuli is estimated to be Tshs 11.2 B, for Jakaya Kikwete is 352B, for B.W.Mkapa is 461B, for Ally Hassan Mwinyi is 18.4B and for President Samia Suluhu is 34.5B". He was arrested and arraigned at the District Court of Moshi in Kilimanjaro on 20th December 2021 and charged for publication of false information contrary to section 16 of the Cybercrimes Act, 2015. He was convicted to pay seven million or five years of imprisonment. He appealed to the High Court of Tanzania at Moshi and on 22nd January 2024 the High Court dismissed the appeal. However, friends on social media contributed the amount of fine and he was released from prison after paying the fine in July 2024.

2.5 Strategic Cases Conducted

Strategic cases supported in 2024 are illustrated below. Only two. Cases were concluded; the case of Peter Madeleka and Onesmo Olengurumwa's appeal case on committal proceedings; other cases are pending as illustrated below.

i. Peter Michael Madeleka vs Attorney General case no 7817 of 2024

On 30th April 2024 the High Court of Tanzania (Main Registry) at Dodoma issued an order for staying the hearing of two disciplinary applications no 02 and 07 of 2024 before the Advocates Committee pending determination of constitutional case no 7817 of 2024. Both disciplinary applications were instituted by the Attorney General against advocate Peter Michael Madeleka seeking removal of his name from the Roll of advocates. The order was issued by the panel of three judges: Hon. Judge I. Mugeta, Hon. Judge S. Magoiga and Hon. Judge J. Masabo. The judgement was delivered on 30th August 2024. It was held that the attorney general or his deputy and the director of public prosecutions are biased against the Petitioner (Madeleka). The attorney general was directed [advised] to withdraw the complaint from the Advocates Committee and if he still desires to pursue it, he should utilize the alternative viable forums specified under the Tanganyika Laws Society (TLS) Act and lodge his complaints to the TLS Ethics Committee. The court refrained from declaring the composition of the Advocates Committee unconstitutional based on these peculiar circumstances of Madeleka, with the exception of this particular complaint, the statutory composition provision is able to operate within the existing constitutional framework.

Further, the attorney general was warned that when exercising his law revision mandate under the Law Revision Act, he should not usurp powers/jurisdiction and mandate of the parliament. His role is confined to correcting grammatical errors and not to change meaning of the statutory enactment and lastly if the attorney general desires to change the Composition of the Advocates Committee, before that change is effected, he should consult with stakeholders [including the TLS] with a view to coming up with the best, viable and fair composition capable of affording advocates fair hearing.

The Attorney General filed two complaints (application no 02 and 07 of 20204) of professional misconduct before the Advocates Committee against advocate Peter Michael Madeleka seeking removal of his name from the Roll of advocates. Advocate Madeleka under the legal support from the Tanzania Human Rights Defenders Coalition (THRDC) filed a constitutional case no 7817 of 2024 in the High Court of Tanzania, Dodoma Main Registry Challenging Sections 4[1] [b]; 4[3]; 4[4]; [4[5]; 4[6]; 5 and 10 of the Advocates Act which provides for the composition and quorum of the advocates committee. The legal team from THRDC is under the lead of senior counsel John Seka.

The Attorney General (AG) is not only the mandatory member of the Advocates Committee but also the complainant, the prosecutor, and a potential key witness. Though alternatively, the Attorney General may choose not to attend in person and instead delegate attendance to the Deputy Attorney General (DAG), but still if the Deputy Attorney General attends, Madeleka thought that there can exist a conflict of interest and hence a real danger of bias because DAG is a direct subordinate and closest advisor to the AG.

Further, the Director of Public Prosecutions (DPP) is also a statutory member of the committee and is required to personally attend any hearing of the committee including application no 02 and 07 of 2024 against advocate Madeleka and yet the DPP is a direct subordinate and closet advisor to the AG.

Furthermore, the DPP is closely linked with the background facts leading to the filing of application no 02 of 2024 on account of his sanctioning the entry of Nolle Prosequi during the hearing of the case of Hashim Ally versus Pauline gekul [Criminal Case No. 179 of 2023 at Babati District Court].

Moreover, the attorney general has exclusive mandate to convene meetings of the advocates committee including the meeting for the hearing of application no 02 and 07 of 2024. Due to such composition and multiple roles that the AG may play, advocate Peter Michael Madeleka considered that he will not be given fair hearing and with possibilities of active and direct or indirect discrimination contrary to 13[1], 13[2], 13[3], 13[6][a], 26[1], 29[1] and 29[2] of the Constitution of the United Republic of Tanzania, hence lodging the said constitutional case. THRDC won the case and Adv. Madeleka continued with his legal work without fear.

ii. The case of Deusdedith Soka, Jacob Mlay and Frank Mbise versus the Inspector General of Police

On 18th August 2024 Mr. Soka, Mlay and Mbise were reported to have been arrested by the Police in Dar es Salaam, Tanzania. Mr. Soka and Mlay are youth wing CHADEMA leaders in Temeke Dar es Salaam. They were active in advocating for a new constitution and political reforms. After getting information about their arrest, relatives made follow up and inquiry about their whereabouts unsuccessfully. THRDC provided legal support by filing an

application for habeas corpus for them to be released or granted court bail. On 28th August 2024 the High Court held that there is no proof that Soka and his colleagues were detained by the Police. However, the High Court ordered the Police to investigate their whereabouts. To date, their whereabouts is unknown.

iii. Paul Emmanuel Kilasa Kisabo Versus Attorney General [Civil Appeal No 330 of 2023]

This is an appeal public interest case which was lodged in 2023 in the Court of Appeal of Tanzania. At first, the case was filed in the High Court of Tanzania at Dar es Salaam challenging the powers vested in the President of the United Republic of Tanzania, under Article 118 (2) (c) of the Constitution of the United Republic of Tanzania, 1977, to remove the Chief Justice from his position without prescribed procedures. The case was alleged to be barren of fruits and dismissed hence the pending appeal in the Court of Appeal of Tanzania.

iv. Peter Michael Madeleka Vs Attorney General of the United Republic of Tanzania [Reference No 31 of 2022]

Advocate Madeleka is challenging the practicability of section 16 of the Cybercrimes Act which prohibits publication of false information. Such a prohibition limits freedom of expression but also does not meet threshold of the limitation test under international human rights law which are legality, legitimacy, and proportionality test. The case is pending for a scheduling conference before the East African Court of Justice.

v. Grace Naimadu Ngorisha Versus Minister of Natural Resources and the Attorney General of Tanzania.

Ms. Grace is challenging the illegal and unprocedural promulgation of Government Notice No.421 of 2022 titled the Wildlife Conservation (Pololeti Game Controlled Area) (Declaration) Order, published on 17th day of June 2022. The case is pending for a scheduling conference before the East African Court of Justice.

vi. Onesmo Olengurumwa Versus the Attorney General of Tanzania [Civil Appeal No 134 of 2022, originating from Miscellaneous Civil Cause no 15 of 2020 and no 9 of 2021]

Advocate Onesmo is challenging Section 4 (2) (3) (4) (5) of the Basic Rights and Duties Enforcement Act, Cap 3 R.E 2019 which abolished public interest litigation in Tanzania. The sections require one to prove how an action complained of “has affected that person personally for his case to be admitted by the High Court”. On the other hand, the provisions confer sovereign immunity on heads of the Executive, Legislature, and the Judiciary from being sued in their own capacity instead the Attorney General to be sued on behalf. These amendments technically barred NGOs and HRDs from instituting strategic cases before courts.

The provisions were firstly challenged in Misc. civil case no 15 of 2020 in August 2020. On 17th December 2020, the case was struck out with costs. This increased fear among HRDs worrying instituting strategic cases because costs are not awardable in public interest cases. The case was refiled as Misc. civil cause no 09 of 2021 in March 2021. It was heard on merit and on 15th February 2022 the High Court held that Section 4 (2) (3) (4) (5) of the Basic Rights and Duties Enforcement Act, Cap 3 R.E 2019 is proper and in line with article 26(2) and 30(3) of the Constitution of United Republic of Tanzania, 1977.

Tirelessly, human rights attorneys prepared the pleadings and lodged the appeal in the Court of Appeal of Tanzania against the judgment of the High Court. To date the case is pending for hearing in the Court of Appeal of Tanzania.

vii. Onesmo OlungurumwaVs the Attorney General [Civil Appeal No 165 of 2021 originating from Miscellaneous Civil Cause No. 36 of 2019]

Advocate Onesmo challenged the provisions of the Criminal Procedure Act which allows to conduct committal proceedings. Committal proceedings is a situation where a suspect of a criminal offence is charged with unbailable offence before the committal court, a court without jurisdiction of hearing such a case on merit. The practice in Tanzania reveals that trial of such cases takes too long to be conducted and mostly cases stand adjourned on the ground that the investigation is incomplete. This has been complained to delay justice for suspects.

To curb the committal process, Mr. Olungurumwa petitioned on 16th December 2019 before the High Court of Tanzania at Dar es Salaam challenging the committal proceedings because it subjects the accused person to a punishment before sentence, negates the right to fair trial and it amounts to the delay of justice.

The case was challenging sections 178, 243, 244, 245, 246, 247 248, 249, 250,256, 257, 258 and 259 of the Criminal Procedure Act which permits committal proceedings to be conducted.

On 21st October 2020, the High Court of Tanzania dismissed the case on the ground of being res- judicata with the case of Zephrine Galeba v. Honorable Attorney General [Miscellaneous Civil Application No 21 of 2023]. Being aggrieved, Mr. Onesmo lodged an appeal before the Court of Appeal of Tanzania in April 2021.

Hearing was conducted on 9th July 2024 and the ruling was delivered in August 2024 where the Court of Appeal of Tanzania ordered for rehearing of the case at the High Court of Tanzania. The case was remitted to the High Court and hearing of the preliminary objection has been conducted by way of written submission in September and October 2024. Ruling is scheduled on 6th February 2025.

viii. Tanzania Human Rights Defenders Coalition (THRDC), Media Council of Tanzania (MCT), Legal and Human Rights Centre (LHRC) versus the Attorney General

In August 2020 THRDC, LHRC and MCT instituted a case challenging the Electronic and Postal Communications (Online Content) Regulations of 2020. The Regulations bars publication of prohibited contents listed under its Third Schedule, also requires for registration and subscription fees for online media. It indeed curtails freedom of expression by imposing restrictions to online platforms among other things. The case is pending for a scheduling conference at EACJ.

ix. Tanzania Human Rights Defenders Coalition (THRDC), Pan African Lawyers Union (PALU), Tanganyika Law Society (TLS), Legal and Human Rights Centre (LHRC), and Centre for Strategic Litigation (CSL) versus the Attorney General of the United Republic of Tanzania [Reference No 25 of 2020],

On 14th August 2020 the organisations named above jointly instituted a case challenging Section 4 (2) (3) (4) (5) of the Basic Rights and Duties Enforcement Act, Cap 3 R.E 2019 which abolished public interest litigation in Tanzania. The sections require one to prove how an action complained of “has affected that person personally for his case to be admitted by the High Court”. The provisions technically bars NGOs and HRDs from instituting strategic cases before national courts.

Section 4 of the Basic Rights and Duties Enforcement Act contain a blatant violation of Articles 6(d), 7(2) and 8(1) (c) of the Treaty for establishment of the East African Community; Articles 2, 3(1) and 7 of the African Charter on Human and Peoples’ Rights and all other international agreements to which the United Republic of Tanzania is a party to. The case is pending for a scheduling conference at EACJ

x. Tanzania Human Rights Defenders Coalition (THRDC), Pan African Lawyers Union (PALU), Tanganyika Law Society (TLS), Legal and Human Rights Centre (LHRC), and Centre for Strategic Litigation (CSL) versus the Attorney General of the United Republic of Tanzania [Reference No 27 of 2020]

On 17th August 2020 the organisations named above instituted a case challenging the Written Laws (Miscellaneous Amendments) (No. 3) Act of 2020. The Act amended thirteen (13) laws. Among the amendments is, an amendment to Section 4 of the Basic Rights and Duties Enforcement Act which abolished Public Interest Litigation unless a person shows how he has been personally affected.

Moreover, the amendments within the Act conferred sovereign immunity on heads of the Executive, Legislature, and the Judiciary from being sued in their own capacity instead the Attorney General to be sued on behalf. Therefore, the Act violates Articles 6(d), 7(2) and 8(1)(c) of the Treaty. Specifically, Sections 33, 35, 37, 39, 40, 41, 43, 45, 46, 48 and 49 of the Act violate the fundamental and operational principles codified in Articles 6(d) and 7(2) of the Treaty and Articles 3(1) and 7 of the African Charter.

The Reference is premised on the failure by the United Republic of Tanzania through the acts of its agents to abide by its commitments under the EAC Treaty, the fundamental and operational principles of the EAC Treaty, specifically the principles of the rule of law, good governance, equality before the law and protection of the human rights. The case is pending for a scheduling conference at EACJ.

xi. Francis Muhingira Garatwa, Baraka Mwago and Allan Bujo Mwakatumbula Versus the Attorney General (Consolidated Miscellaneous Civil Cause No. 4 of 2018 and Miscellaneous Civil Cause No. 8 of 2018)

Mr. Garatwa and his colleagues in 2018 instituted a public interest case in the High Court of Tanzania seeking the court to declare the constitutionality of Sections 43, 44, 45 and 46 of the Police Force and Auxiliary Services Act (Cap 322 R.E 2002) and Section 11 (2), (4), (6) and (7) of the Political Parties Act (Cap 258 R.E 2002) for offending Articles; 13(6) (a), 18, 20(1), 21 and 29 of the Constitution of the United Republic of Tanzania.

The stated provisions under the Police Force Auxiliary Services Act requires that for any person wishing to conduct a public rally or procession must give notice of not less than 48 hours to the Officer Commanding District (OCD) of that respective area where the public rally or procession is scheduled to take place, for purposes of providing security.

The spirit of the law might be very good, but its practice has never been realistic. Those provisions have been highly misused by the Police, including denying people to conduct their public rallies or procession especially the opposition political parties. Meanwhile the provision of the Political Parties Act requires all Political Parties to notify the Police before they hold public meetings.

On 18th March 2020, the High Court of Tanzania delivered its judgment by declaring that such provisions are constitutional and hence they cannot be expunged from the statute book. Mr. Garatwa and his colleague being aggrieved filed an appeal before the Court of Appeal of Tanzania. To date, the appeal is pending before the Court of Appeal of Tanzania at Dar es Salaam.



The Situation Of Special Groups Human Rights Defenders

3.0 Overview

In Tanzania, the pursuit of human rights is intricately woven into commitment to various international treaties, regional frameworks, and a constitutional foundation that seeks to safeguard the rights and dignity of all its citizens. This chapter delves into the legal frameworks, government efforts, ongoing challenges, and potential solutions surrounding special groups in the country such as Women Human Rights Defenders (WHRDs), Human Rights Defenders with Disabilities (HRDDs), HRDs defending child rights, land right HRDs, political and democratic rights HRDs. The chapter examines also Tanzania's engagement with international treaties such as CEDAW and the CRPD, regional frameworks like the ACHPR and the Africa Disability Protocol, and national legislation, we gain insights into the layered landscape within which these defenders operate. The analysis extends to the government's initiatives, acknowledging both successes and challenges faced by special groups HRDs. Within this context, the intersectionality of their identities (for instance minorities, sex workers/sexual minority), the persistent challenges, and the resilience of these defenders emerge as central themes. The narrative further explores collaborative approaches involving governments, civil society, and international organizations, emphasizing the pivotal role of cross-movement collaboration. As we navigate through stories of challenges and resilience, this comprehensive overview strives to provide a nuanced understanding of the complex realities faced by WHRDs and HRDDs in Tanzania and offers recommendations to bolster their support and protection.

3.1 Women and Persons With Disabilities

Tanzania is actively engaged in promoting and safeguarding human rights through its commitment to various international treaties. One significant accord to which Tanzania is a party is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This international treaty, designed to address women's rights comprehensively, urges the eradication of discrimination against women across all facets of life. Recognizing the pivotal role of Women Human Rights Defenders (WHRDs) in advancing gender equality, CEDAW underscores the importance of their contributions.

Moreover, Tanzania aligns itself with the principles outlined in the Beijing Declaration and Platform for Action, adopted in 1995 during the Fourth World Conference on Women. This declaration emphasizes the significance of women's rights and underscores the crucial role played by WHRDs in the pursuit of gender equality and broader human rights objectives.

Additionally, Tanzania ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2009, reflecting its commitment to addressing the unique challenges faced by individuals with disabilities. Adopted in 2006, the CRPD stands as the primary international treaty specifically dedicated to upholding the rights of persons with disabilities. The convention emphasizes their right to participate fully in all aspects of life, including advocacy for human rights. By endorsing the CRPD, Tanzania acknowledges and seeks to address the barriers confronted by persons with disabilities in their pursuit of a more inclusive and equitable society.

Tanzania actively participates in regional human rights frameworks, including the African Charter on Human and Peoples' Rights (ACHPR), which establishes a foundational framework for human rights protection across Africa. While not specifically tailored to Women Human Rights Defenders (WHRDs) or defenders with disabilities, the ACHPR plays a pivotal role in promoting and safeguarding human rights within the African context. Its broad scope contributes to creating an enabling environment for all defenders, irrespective of gender or ability.

In addition to the ACHPR, Tanzania's commitment to women's rights is underscored by its ratification of the Maputo Protocol, an extension of the African Charter. This protocol addresses issues such as violence against women and explicitly recognizes the vital role played by WHRDs in advancing and protecting women's rights.

Furthermore, there is also the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa. Although Tanzania is not a party to this protocol, it provides comprehensive safeguards for human rights defenders with disabilities, emphasizing their inherent dignity and equal rights. Notably, the protocol addresses non-discrimination, ensuring that defenders with disabilities can fully participate in public life. It upholds freedom of expression and association, mandates protection from violence, and underscores the importance of reasonable accommodations. The protocol also emphasizes consultation and inclusion, highlighting the significance of incorporating defenders' perspectives in decision-making. Through monitoring and reporting mechanisms, states parties are accountable for progress in safeguarding the rights and inclusion of defenders with disabilities. In essence, the Africa Disability Protocol establishes a robust framework championing the integral role of these defenders, reinforcing the principle of leaving no one behind in the pursuit of human rights and justice.

The 1977 Constitution of the United Republic of Tanzania provides foundational protections for both women human rights defenders and human rights defenders with disabilities. The constitution emphasizes equality and non-discrimination, ensuring that individuals, irrespective of gender or disability, are treated fairly before the law. Protections extend to the right to life and personal freedom, guarding against arbitrary deprivation and unlawful detention. Privacy and security rights are safeguarded for both groups, covering personal lives and activities.

The constitution also upholds freedom of expression and association, allowing defenders to advocate without fear of reprisals, and recognizes the right to work and property ownership for economic independence. Emphasizing societal duties and adherence to laws, the constitution outlines limitations on rights while enforcing and preserving them. Though human rights defenders are not explicitly mentioned, the constitution's fundamental principles serve as a robust foundation for justice, equality, and social well-being for all individuals in Tanzania, including those actively advocating for human rights.

1. Top of Form

The Legal Aid Act of 2017 provides for legal aid services to indigent and vulnerable groups, potentially offering support to WHRDs and HRDs with disabilities who may face legal challenges. Moreover, the Persons with Disabilities Act of 2010 plays a pivotal role in safeguarding the rights of individuals with disabilities, extending specific protections to human rights defenders with disabilities.

The legislation encompasses various provisions designed to enhance the overall well-being and inclusion of persons with disabilities, indirectly benefiting defenders advocating for their rights. Among its key aspects, the Act ensures access to healthcare services and social support, thereby promoting the overall welfare of human rights defenders with disabilities. Emphasizing the principles of accessibility and rehabilitation, public spaces, services, and communication are made more inclusive, facilitating improved access for defenders to information and facilities.

Furthermore, the Act underscores the importance of education and vocational training for persons with disabilities. This provision enables human rights defenders to access educational opportunities and acquire skills that can enhance their advocacy work. Effective communication is deemed crucial, particularly for defenders with disabilities, and the Act encourages accessible communication methods such as sign language and alternative formats.

In the realm of employment, the legislation safeguards human rights defenders with disabilities in the workplace by prohibiting discrimination based on disability and promoting equal employment opportunities. Additionally, the Act recognizes the fundamental rights of persons with disabilities, indirectly supporting

defenders engaged in advocating for disability rights by ensuring the protection and promotion of these basic rights. In summary, the Tanzania Persons with Disabilities Act of 2010 strives to foster an inclusive environment where human rights defenders with disabilities can thrive, participate meaningfully, and contribute to positive societal change.

3.2 HRDs defending child rights

Human rights defenders in Tanzania play a crucial role in advocating for human rights and providing access to justice, particularly among marginalized and vulnerable populations. These activities range from documentation of human rights abuses to advocacy and direct legal assistance. Human rights NGOs have worked very hard in promoting and protecting children's rights, especially by imparting thorough knowledge to societies, ensuring that every child can grow up healthy, safe, educated, and empowered to reach their full potential. HRDs in Tanzania have been a great support to the fight against child abuse in various ways, such as providing legal aid, providing support and shelter to victims of child abuse, providing social services to those in need, advocating for legal reforms, ensuring effective implementation of child-related laws, etc. This program may empower them and finally improve children's access to education, healthcare, and safe environments.

One notable case involves a group of young activists in Mwanza who campaigned against child labour practices prevalent in the informal mining sector. Despite facing resistance and threats from local business interests, these young defenders successfully partnered with local authorities to conduct workshops raising awareness about the legal rights of child workers⁴⁸

Another critical instance of child HRDs engagement is seen in the plight of adolescent girls facing barriers to education due to early pregnancy. In Tanzania, where policies have been harsh towards pregnant schoolgirls, HRDs have played a pivotal role. They have championed policy reforms and provided peer education on legal rights, helping to shift public and political opinion towards more supportive educational measures. In 2020, this advocacy contributed to the government's decision to allow pregnant girls to return to school post-delivery, a significant policy turnaround.⁴⁹

It is worth noting that defenders of child rights contribute significantly through legal counselling, representation, and advocacy to ensure justice for all, challenging discriminatory practices, and fostering a culture of respecting children's rights. Their work in policy reforms and public education is crucial in shaping legislation and perceptions surrounding human rights.⁵⁰ Even though,

48 Human Rights Watch. (2021). Tanzania: Children's Rights in Mining Areas <https://www.hrw.org/report/2021/10/12/childrens-rights-mining-areas/tanzania>

49 See, the United Nations Children's Fund. (2020). Tanzania's shift on education for pregnant girls. <https://www.unicef.org/press-releases/tanzanias-shift-education-policy-al-low-pregnant-girls-return-school>

50 See, for example, the Human Rights Watch. (2018). "I Had a Dream to Finish School": Bar-

among Child HRDs, especially those in rural or remote areas, critical capacity gaps persist. These include limited access to current legal information and professional development opportunities, as well as minimal financial support. These gaps curtail the effectiveness of HRDs and limit their operational scope predominantly to urban centres, leaving rural populations underserved.⁵¹

These cases demonstrate the resilience and impact of defenders of child rights in Tanzania. Addressing the training and resource needs of these defenders through targeted educational programs is vital. Enhanced support would empower them to provide more effective and quality legal assistance and advocacy, contributing substantially to broader access to justice and the advancement of human rights in the country.

Children's rights are the fundamental human rights that belong to every child, regardless of their race, ethnicity, gender, nationality, religion, or ability. These rights are outlined explicitly in the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Welfare and Rights of the Child, which are the most widely ratified human rights treaties in history. These rights include the right to protection, the right to survival, the right to education, the right to a safe environment, the right to play, etc.

Tanzania, being a country with many ethnic and religious groups, experiences gender-based violence against children, people with disability, older adults, and women. These are daily life challenges requiring interventions both at urban and grassroots levels. Police gender desk data for the period of July 2022 to May 2023 showed that a total of 14,184 incidents of GBV and violence against children (VAC) were reported at police stations, increasing from 12,642 incidents in 2021/22, equal to a 12.2% increase. Over two-thirds of the victims are usually women.

Various studies indicate that most children in Tanzania experience violence and abuse without a clear point of contact for support. For instance, the 2019 Violence Against Children report in Tanzania presents violence against children as a severe problem in the country, with nearly 3 in 10 girls and approximately 1 in 7 boys having experienced sexual violence before the age of 18.⁵²

riers to Secondary Education in Tanzania <https://www.hrw.org/report/2018/02/14/i-had-dream-finish-school/barriers-secondary-education-tanzania>

51 International Commission of Jurists. (2021). Changing the Landscape: Access to Justice in Sub-Saharan Africa <https://www.icj.org/wp-content/uploads/2021/06/Africa-Access-to-Justice-Publications-Reports-Thematic-reports-2021-ENG.pdf>

52 Josephat, D. M. and Mbuti, E. E. (2021). Effectiveness of Strategies Used by Local Government Leaders in Combating Children's Rights Violation in Arusha City, Tanzania. *East African Journal of Education and Social Sciences* 2(4), 97-104. Doi: <https://doi.org/10.46606/eajess2021v02i04.01312>

Despite growing alarming rates of child abuse across the country, the presence of HRDs and government efforts to address child abuse cases, necessary services for affected children have been fragmented and uncoordinated, with no apparent primary points of contact for services provided across different ministries, departments and national agencies.⁵³ The lack of response from families, community leaders, police, and state departments has meant that many cases never get reported, let alone reaching the health and/or judicial services.⁵⁴

The level of child and women abuse, especially girl child, is rampant at the rate of 27% among women aged 15 to 49 years. Incidents of child abuse, both boys and girls, are also on the rise in learning facilities, faith-based institutions, at the family level and on the street. A child of the modern society confronting so many challenges that call for joint interventions. At least about 20,000 cases of child abuse are reported annually, according to police reports. For instance, sodomy and child rape may approximately reach up to 10,000 incidents annually. These statistics reflect only reported incidents; thousands of these incidents go unreported. This tells that the level of child abuse in the country is beyond control and needs well-supported and empowered HRDs and other actors.

On 31st July and 1st August 2024 THRDC conducted the training for HRDs defending child rights in Dar es Salaam. The training aimed to empower children's rights defenders through intensive practical training focusing on child rights legal and referral mechanisms. It aimed to deliver crucial educational support and the development of professional networks among HRDs who promote and defend child rights in Tanzania.

The course was designed to strengthen the capacities of defenders of children's rights, starting with attendees from Dar es Salaam, Coast region, Mtwara, Lindi, Ruvuma, Singida, Dodoma, Shinyanga and Tanga regions. The objective of the training was to equip these HRDs with comprehensive knowledge of regulatory frameworks and the mechanism for human rights protection.

3.3 Human rights defenders defending environmental and pastoral / land rights

Presently, climate actions and environmental changes has been a major global phenomenon, a threat to the human livelihood, and that its intricately linked to human rights in several aspects. Climate and environmental changes bares a huge negative effect that directly touches the lives and rights of human beings, their surroundings and society in several ways, including social and economic aspects of life. Thus the end result of these actions and changes brought about social injustices, and inequalities.

53 Ibid

54 Ibid

Despite of the categorized geographical structure, climate justice aims to achieve an equitable distribution of both the general effects of climate and environmental change within societies, and the efforts to mitigate climate change, by seeking a common path to be able to cope, accommodate and rescue our generations and human livelihood. By seeking solutions to address the root causes of climate change and simultaneously address a broad range of social, racial, and environmental injustices.

The United Nations' agenda on Sustainable development had taken initiatives through climate justice global alliance that includes a youth-driven combination of education and activism to reduce global climate injustice, an aspect of SDG 13 of the UN 2030 Agendas that aims at making changes in areas most impacted by climate change and environmental degradation through political activism.

African region disproportionately, has been facing the challenges brought by climate actions that hampers the development including their economies, resources, infrastructure that also led to water shortage, low food production and generally low economic growth. Countries across this continent stand out as particularly vulnerable in many critical sectors intersecting socio-economic processes that result in inequalities in status and income, as well as in exposure. Such social processes include, discrimination based on gender, class, ethnicity, age, and disability.

UN has taken initiatives by making a clear consideration in realizing environmental disasters brought by climate actions, through (UNEP) United Nations Environment Program that are continuous. In September 2023 at the Africa Climate week and the Africa Climate Summit, that were held at Nairobi 2023 climate was front and the center of the dialogue heads of Nations and the UNGS sited a need for climate finance for Africa that is commensurate with the scale of the crisis facing the continent. Also, in the 78th UN General Assembly on the climate Ambition Summits global leaders agreed to place Africa at heart to fight against climate change.

Along the thoroughfare, states have already moved in response to sudden and slow-onset disasters linked to climate change that directly effects the rights of the individuals around the areas. In Tanzania the governments through its ministry of Environment, has made a step in ensuring it unlocks the strategies of tackling environmental disasters brought by climate actions, by enacting various policies in different environmental aspects.

Both rural and urban parts of Tanzania have been facing climatic changes disasters including floods in areas like Dar es salaam, Morogoro, Arusha and Shinyanga Landslide in Hanang – Manyara, epidemics such as covid19 and droughts mostly in areas that are traversed by the rift valley. These calamities results in causing poverty, economic fluctuation, increase of mortality rate

and dependency groups, loss of natural resources, loss of biodiversity, and infrastructures.

Non-Governmental organizations, Associations, Civil society organizations, and independent institutions has made initiatives in ensuring tackling environmental disasters.

In 2024 THRDC established a network for environmental human rights defenders in Tanzania as a common path and platform where environmental activists can come together, join forces, and collectively find out a common strategies to avoid and reduce the possibilities of occurrence of environmental disasters and land rights violations.

Further on May 25th and 26th, 2024, THRDC conducted the capacity-building training for defenders of the rights of pastoralists and indigenous communities in Tanzania. The two-day training, held in Arusha, included 55 defenders from various organizations across the country. The training capacitated the participants on advocacy skills, safety, security management and improving their mental wellness. Below is a group photo of the participants.



3.4 Human rights defenders defending political and democratic rights

During President John Magufuli's time in office (2015 to 2021), however, democracy and human rights in Tanzania underwent a marked deterioration. Government action became increasingly arbitrary, personal and political liberties were restricted by repressive laws. Since the undemocratic elections in 2020, representation of the opposition in parliament has been weak, with opposition politicians going into exile.

Following the sudden death of President Magufuli in March 2021, Vice President Samia Suluhu Hassan became the Tanzania's new head of state. Since then, the political climate has improved. The President is following an approach of more openness, dialogue and international cooperation. She eased restrictions on the media and social networks, and has had journalists, opposition politicians and human rights activists released from prison. A ban on opposition party assemblies was lifted. The President announced constitutional reforms that are to strengthen democracy. However, there are still laws in force that curb freedom of opinion, freedom of the press and the rights of the opposition.

In the semi-autonomous territory of Zanzibar, President Hussein Ali Mwinyi is pursuing a policy of balance and conciliation. However, the political and economic situation on the island group remains tense.

Some of the opposition political rallies were arbitrarily restricted in 2024. Prior to and during the local authorities campaign in 2024 some of the opposition political leaders were, arbitrarily arrested, killed and others abducted without tracing their whereabouts. For instance,

- Abdul Omary Nondo was abducted on 1st December 2024 early in the morning at 04:00hrs or thereabout at Magufuli bus terminal. He is a Tanzanian opposition youth leader for ACT Wazalendo. During the night at around 22:00hrs or thereabout was found following being dumped at coco beach in Dar es Salaam. He was severely beaten, tortured and badly injured.
- Ms. Aisha Machano was abducted and beaten on Sunday 20th October 2024. She was picked up by motorcyclists after being left in the Kibiti wilderness. Machano was admitted to Mwananyamala Regional Hospital for her injuries. According to Machano, her abductors identified themselves as the Police Force. "I was handcuffed, blindfolded, I didn't know where I was being taken" Ms. Machano.⁵⁵
- On 27th November 2024 Modestus Timbisimilwa, was attacked and shot dead by the Police in Dar es Salaam as he attempted to stop "fake and invalid ballots" being delivered to a polling station. However, the Police Force claimed that such candidate was not shot by the Police, but he died because of blood pressure.
- On 27th November 2024 George Juma Mohamed was attacked and shot dead at his home in Manyoni Singida by the Police. The accused Police officer was arrested for further legal action.
- On 27th November 2024 Steven Chalamila a CHADEMA candidate in the 2024 local authorities' election was killed in a machete attack at his home in Tunduma.

55 <https://www.jurist.org/news/2024/10/tanzania-opposition-leader-abducted-and-beaten-ahead-of-elections/>

- On 13th November 2024 Ms. Christina Kibiki the Secretary of Chama Cha Mapinduzi (CCM) for Kilolo District was attacked and tragically shot dead by unidentified people
- On 7th September 2024 Chadema's senior leader Mr. Ali Mohamed Kibao was taken from a bus by armed persons, beaten and then doused with acid. Kibao's death was followed by waves of protests that shook the African state and exacerbated what was already an environment of volatile political unrest.⁵⁶ Kibao's body was discovered on September 8, 2024, in the Ununio waterfront district of Kinondoni in Dar es Salaam. President Samia Suluhu Hassan denounced the incident and called for a quick investigation into the murder, however to date there is no issued report to the public.
- On 10th, 11th and 12th August 2024, the Tanzania Police Force detained more than 500 members and leaders of the opposition party in Tanzania, Chama cha Demokrasia na Maendeleo (CHADEMA) who were heading to Mbeya, some were already in Mbeya, the region designated by the party for the official celebration of Youth Day, which is celebrated annually on August 12 worldwide. Amongst the arrested were the National Chairman, the Vice Chairman for Tanzania Mainland, CHADEMA Youth Wing Chairperson etc.

Arrests began during the night on August 10, 2024, when youths from the Temeke region in Dar es Salaam detained while organizing their convoy to Mbeya.. The situation continued on August 11, 2024, with youth from various regions being stopped at multiple police checkpoints and were taken back to their regions after the successful blocking of the youth day celebration by the Police.

- On 18th August 2024 Mr. Deusdedith Soka, Jacob Mlay and Frank Mbise were reported to have been arrested by the Police in Dar es Salaam, Tanzania. Mr. Soka and Mlay are youth wing CHADEMA leaders in Temeke Dar es Salaam. They were active in advocating for a new constitution and political reforms. After getting information about their arrest, relatives made follow up and inquiry about their whereabouts unsuccessfully. THRDC provided legal support by filing an application for habeas corpus for them to be released or granted court bail. On 28th August 2024 the High Court held that there is no proof that Soka and his colleagues were detained by the Police. However, the High Court ordered the Police to investigate their whereabouts. To date, their whereabouts is unknown.
- On 11th August 2024 a public rally for ACT Wazalendo wa prohibited in Dar es Salaam. There was no justifiable cause for doing the same. This has been a trend to opposition political parties.

56 <https://www.jurist.org/news/2024/10/tanzania-opposition-leader-abducted-and-beaten-ahead-of-elections/>

JAMHURI YA MUUNGANO WA TANZANIA
WIZARA YA MAMBO YA NDANI YA NCHI
JESHI LA POLISI TANZANIA



OFISI YA: -
MKUU WA POLISI
WILAYA YA MBAGALA
S.L.P 9140
DAR ES SALAAM.

12/08/2024

EA.612/795/01/17

CHAMA CHA ACT WAZALENDU,
KATA YA CHARAMBE,
TEMEKE, MBAGALA,
DAR ES SALAAM.

YAH: TAARIFA YA MKUTANO WA HADHARA

Tafadhali rejea barua yako yenye kumbu no. ACT/MBG/CHR/VOL.001/024 isiyokuwa na tarehe yahusika.

Ofisi hii ilipokea barua yenu tarehe 11/08/2024 mkitoa taarifa ya kufanyika kwa Mkutano wa hadhara wa Chama cha Alliance for Change and Transparency ACT – Wazalendo katika kata ya Charambe tarehe 12/08/2024 nakiri kupokea barua hiyo.

Pamoja na barua hii napenda kukujulisha kuwa Mikutano yote ya hadhara na ya ndani imezuiliwa hadi hapo yatakapotolewa maelekezo mengine.

Nawasilisha tafadhali.

(ROBERT M. JOHN -SP)

KAIMU MKUU WA POLISI (W) MBAGALA
DAR ES SALAAM.

Nakala:

KAMANDA WA POLISI
MKOA WA TEMEKE

DAR ES SALAAM -Tafadhali nakuambatanisha barua toka Chama cha ACT Wazalendo kwa rahisi ya rejea.rejea.

MKUU WA POLISI
WILAYA YA MBAGALA
DAR ES SALAAM

3.5 Human rights defenders defending rights at the grassroots level

Grassroots human rights defenders are activists who work at the community level to promote social justice and protect human rights. They often organize around local issues and rely on volunteers. These HRDs advocate for equality and fundamental freedoms, they protect marginalized groups and provide direct support to people facing human rights abuses. The challenges they face includes harassment, capacity gaps, unrecognition, threats, and violence from state and non-state actors and limited budgets.

On April 29th to 30th 2024, THRDC conducted a training session on human rights monitoring, documentation, and reporting for grassroots HRDs and CSOs in Morogoro. The training aimed to improve the knowledge and capacity of grassroots HRDs and CSOs who are vital agents of human rights advocacy fostering human rights protection and promotion in the local communities. A total of 31 members (13 men and 18 women) from the Central Zone, Southern Zone, and Southern Highlands participated.



A group photo of the participants

3.6 Government Efforts to Protect special groups

The Tanzanian government has to some extent addressed the challenges faced special groups human rights defenders in the country including by establishing the Ministry of Community Development, Gender, Women and Special Groups. The Ministry of Community Development, Gender, Women and Special Groups was established by her Excellency, Samia Suluhu Hassan, the President of United Republic of Tanzania on 10th, January 2022.

The Ministry's mandate and functions as indicated in the Government Notice No. 57A & 57B of 24th January, 2022 include: Development of policies on Community Development, Social Welfare, Gender, Women, the Elderly, Children and other related Special Groups and their implementation; Registration and

Coordination of Non-Governmental Organization (NGOs), Promotion of Gender Equality, Prevention of Gender violence and Abuse, Coordination of International Organizations under this sector Performance Improvement and Development of Human Resources under this Ministry; and Working in collaboration with Extra - Ministerial Departments, Parastatal Organizations, Agencies, Programs and Projects under this Ministry.⁵⁷

With regard to women human rights defenders various initiatives by the government have been initiated and are on progress. One notable effort involves programmes such as National Plan of Action on Violence against Women and Children, and allowing registration of support networks and platforms, allowing spaces where women human rights defenders can share experiences, collaborate, and collectively advocate. These networks play a crucial role in offering emotional support and amplifying the voices of women advocates. Additionally, the government has also promoted improving women's access to justice by facilitating legal aid clinics to address legal challenges faced by women.

Similarly, regarding human rights defenders with disabilities. the government has been promoting physical accessibility in public places including workplaces, offices, and meeting venues by implementing and requiring construction of buildings to ensure features such as ramps, elevators, wider doorways, and accessible restrooms. Moreover, the government has imposed tax exemptions on imported assistive devices like screen readers, hearing aids, mobility aids, and ergonomic tools which facilitate the work of human rights defenders with disabilities. Overall, despite the efforts set out above, a lot of challenges are yet to be addressed.

3.7 Challenges facing special groups human rights defenders

Special groups HRDs in Tanzania, like their counterparts worldwide, confront a spectrum of challenges hindering their efforts to champion and safeguard human rights and rights of minorities. These challenges are multifaceted and vary based on individual experiences and specific operational contexts.

- Special groups HRDs contend with gender discrimination and stereotypes, enduring harassment, intimidation, and violence from actors who perceive them as deviating from traditional roles or values. Below are the examples.

M.S (WHRD) – Advocates for women and children

M.S, based in Morogoro, works on advocating for the rights of women to participate in development activities, receive education, accessing health rights and experience gender equality. She encounters negative attitudes towards women activists. Her solution involves developing effective communication skills to influence change and promoting equality.

57 <https://www.jamii.go.tz/pages/historical-background>

M.K (PWD) – Advocates for persons with disabilities

M.K, residing in Dar es Salaam, provides education on various issues concerning the rights of women, youth with disabilities. Despite his efforts, he struggles to receive support from local communities. He was once a witness to a certain human rights case, but he ended up being targeted to be abducted.

- Special groups HRDs also face misogynistic attacks, including hate speech, threats, sexual assault, and even grave harm due to their identity and advocacy. The absence of effective protection and justice exacerbates their vulnerability, often accompanied by stigma and victim-blaming.
- Special groups HRDs also grapple with insufficient recognition and support, encountering difficulties in accessing funding, capacity building, and networking opportunities, while juggling work with domestic responsibilities.
- Special groups HRDs face legal barriers compounded by opposition from religious, political, and economic forces. A study by the Coalition for Women Human Rights Defenders Tanzania highlights these obstacles, showing challenges in securing funds, insufficient advocacy knowledge, communication skills gaps, limited access to tools, and a partial understanding of their roles.
- Special groups HRDs underscores prevalent threats, verbal and digital harassment, physical harm, and the urgent need for community awareness to mitigate risks and encourage the crucial work of Special groups HRDs in promoting human rights⁵⁸.
- Human rights defenders with disabilities face formidable challenges. The environment for these defenders remains difficult, marked by severe retaliation for their advocacy work, marginalization, and discrimination⁵⁹.
- Defenders with disabilities also face various risks, including attacks, incarceration, and discrimination. Challenges persist in the implementation of the UNCRPD, with gaps in protection and insufficient recognition of human rights for persons with disabilities. Those in places of detention face additional risks and discriminatory practices. Lack of consultation, inadequate technological accessibility
- Defenders with disabilities face challenges in access to justice further impede the work of defenders with disabilities. Despite these adversities, they persist in contributing to just and inclusive societies, emphasizing

58 Coalition for Women Human Rights Defenders Tanzania, Report for Mapping of Women Human Rights Defenders in Tanzania, <https://www.cwhrds.or.tz/documents/CWHRDs%20MAPPING%20REPORT-FINAL.pdf>

59 2022 Joint statement by UN Special Rapporteur on the situation of human rights defenders & UN Special Rapporteur on the rights of persons with disabilities. <https://srdefenders.org/human-rights-defenders-with-disabilities-targeted--excluded-globally-warn-un-experts/>

the need for a supportive and inclusive environment for all human rights defenders⁶⁰.

- Defenders of political rights encounters challenges of arbitrary arrest, detention and trumped up charges because of their human rights work.
- Existence of restrictive laws and absence of protective laws to the work of special groups HRDs is a major obstacle towards the full enjoyment of special groups HRDs fundamental human rights as stipulated under international human rights treaties.
- Limited access to resources, including education and employment opportunities, exacerbates their vulnerability and hampers their ability to actively engage in human rights advocacy. The intersectionality of gender and disability also heightens the risk of various forms of violence and discrimination, making it imperative to address systemic issues for the safety and well-being of these defenders.
- Women with disabilities often grapple with physical and social obstacles that hinder their full participation in societal activities, extending to their involvement in human rights activism. Legal and policy challenges arise from the lack of comprehensive frameworks addressing the rights of individuals at the intersection of gender and disability, hindering the efficacy of women with disabilities as human rights defenders. Exclusionary environments within human rights organizations further marginalize these women, necessitating the creation of inclusive spaces for active participation.

3.8 Collaboration and Support

The synergy between government, civil society, and international organizations is pivotal in championing the cause of special groups human rights defenders. This collaborative approach enhances the efficacy of initiatives aimed at supporting and safeguarding the rights of these vulnerable groups in various key aspects. It facilitates the development of comprehensive policies that account for the unique challenges posed by the intersectionality of gender, disability, and other factors.

Governments, civil society entities, and international bodies can collectively contribute to the enactment and enforcement of laws specifically tailored to protect HRDs with disabilities and WHRDs. Moreover, resource mobilization is streamlined through joint efforts, combining governmental funding, civil society networks, and international support.

Capacity-building initiatives, training programs, and awareness campaigns also benefit from the diverse expertise brought in by these stakeholders. Furthermore, collaborative advocacy on the international stage ensures that the specific challenges faced by HRDs with disabilities and WHRDs gain global

⁶⁰ Ibid.

attention and diplomatic traction. This collective approach fosters a more informed society, robust accountability mechanisms, and adaptable strategies that resonate with the evolving needs of HRDs with disabilities and WHRDs.

Likewise, cross-movement collaboration can also play a pivotal role in advancing the protection of human rights defenders (HRDs) with disabilities and women human rights defenders (WHRDs). By engaging in cross-movement collaboration, these defenders can create a more comprehensive understanding of the complexities they encounter, enabling the development of strategies that address the intersectionality of their identities. Additionally, collaboration allows for the amplification of their voices, ensuring that the concerns of HRDs with disabilities and WHRDs are heard within a broader human rights framework. Sharing resources, expertise, and knowledge across different movements is essential in developing effective advocacy campaigns, legal strategies, and support networks. The collective strength generated through collaboration is particularly impactful in challenging discriminatory policies and practices. Moreover, building solidarity among various human rights movements fosters a supportive environment for collective action.

Collaborative efforts contribute to policy influence at local, national, and international levels, advocating for legal changes that protect the rights of HRDs with disabilities and WHRDs. Learning from the successes and challenges of other movements, cross-movement collaboration provides valuable insights and strategies for HRDs with disabilities and WHRDs to adapt into their own advocacy work. By raising awareness through joint initiatives, these movements reach a broader audience, educating the public and challenging stereotypes and misconceptions. In essence, cross-movement collaboration is indispensable for promoting the protection of HRDs with disabilities and WHRDs, offering a holistic and inclusive approach to human rights advocacy.

3.9 Recommendations

Addressing the challenges faced by special groups HRDs requires a comprehensive and collaborative approach. Here are some possible solutions to enhance their support and protection:

- i. Increase government support for WHRDs and recognition of their crucial role in advancing human rights and promote awareness campaigns to challenge stereotypes and negative perceptions surrounding WHRDs.
- ii. Develop and implement gender-sensitive laws and policies that protect WHRDs ensuring they have adequate safeguards against harassment, violence, and discrimination.
- iii. Establish programs for capacity building, providing training on advocacy, communication, and fundraising skills, and encourage the creation of funds dedicated to supporting WHRDs, ensuring they have financial resources for their initiatives.

- iv. Reinforce networks and platforms for WHRDs to share experiences, collaborate, and advocate collectively, and foster partnerships between WHRDs and national, regional, and international organizations to amplify their voices.
- v. Create and enforce accessibility standards, ensuring that workplaces, public spaces, and events are accessible for HRDs with disabilities, and ensure availability of assistive technologies and ensure their availability to HRDDs.
- vi. Ensure that HRDDs are actively consulted in the formulation of policies and initiatives that affect them and ensure their meaningful participation in decision-making processes at all levels.
- vii. Reinforce the implementation of the UNCRPD and ratify the Optional Protocol to the ACHPR on the rights of persons with disabilities in Africa to ensure full recognition and protection of HRDs with disabilities.
- viii. Provide capacity-building programs tailored to the needs of HRDDs, focusing on security, advocacy, and effective communication, and establish dedicated networks or coalitions for HRDDs, fostering collaboration and mutual support.
- ix. Repeal all restrictive laws that hinder the work of special groups human rights defenders and enact laws that protect rights of human rights defenders in Tanzania.

By implementing these solutions, the government, civil society organizations, and the international community can contribute to creating a more supportive and inclusive environment for special groups HRDs, fostering a society where human rights are protected and promoted for all.

The Situation Of Civic Space In Tanzania

4.0 Introduction

This chapter delves into the analysis of the Civic Space situation in Tanzania for the year 2024. Over the past decade, there has been a growing global acknowledgment of the significance of civic space in fostering functioning democracies, coupled with endeavors aimed at its promotion and safeguarding. Nations that nurture civic space stand to benefit from heightened levels of citizen engagement, enhanced transparency and accountability, and the empowerment of citizens and civil society. In the long run, a dynamic civic space can contribute to enhancing government effectiveness and responsiveness, facilitating the formulation of citizen-centric policies, and bolstering social cohesion. Therefore, this chapter offers a contextual backdrop of civic space and proceeds to scrutinize the 2024 Civic Space landscape based on various indicators, alongside providing specific recommendations geared towards enhancing the operational environment of Civil Society Organizations in Tanzania.

4.1 Contextual Background of Civic Space

Protected civic space as defined by Open Government is the set of legal, policy, institutional and practical conditions necessary for non-governmental actors to access information, express themselves, associate, organize and participate in public life.⁶¹ It enables collaboration between civil society, citizens, and governments. When the fundamental civic freedoms of expression, peaceful assembly, association, and the right to privacy are protected, citizens can engage meaningfully in decision-making processes, evaluate outcomes, and hold their governments to account. Protecting civic space is thus about fostering and promoting the necessary environment in which citizens and non-governmental actors can exercise their right to participate in public affairs.⁶²

61 OECD (2022), The Protection and Promotion of Civic Space: Strengthening Alignment with International Standards and Guidance, OECD Publishing, Paris, <https://doi.org/10.1787/d234e975-en>.

62 Ibid

The protection of civic space manifests through various means, ranging from constitutional guarantees to specific policies and practices governing public life. A thriving civic space necessitates concerted efforts across governmental institutions to safeguard civic freedoms and foster substantive opportunities for civic engagement. However, the landscape of these rights constantly evolves, influenced by societal changes and technological advancements, which introduce both opportunities and challenges.

The digital transformation accelerated by the pandemic, for instance, offers new avenues for virtual citizen participation, yet it also poses challenges to freedom of expression in countering online threats. Additionally, traditional notions of freedom of assembly and association are redefined in the era of global online activism and informal social movements. Similarly, the right to privacy faces a delicate balance against security imperatives and the pervasive influence of technology.

The context of each country matters significantly; those with a strong commitment to democracy and established institutions are better equipped to nurture an enabling environment for civic space and civil society. By safeguarding civic freedoms and fostering collaboration with citizens and civil society, governments can better align policies and laws with societal needs, promoting inclusive governance and democratic participation.

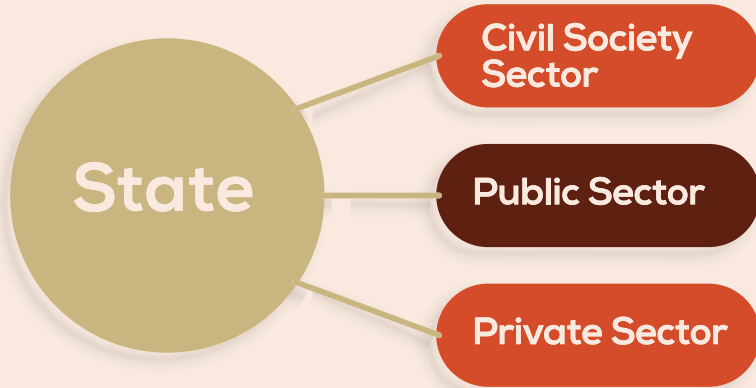
Countries that prioritize fostering civic space at both national and local levels reap numerous benefits, including heightened citizen engagement, enhanced transparency and accountability, and empowered civil society. A vibrant civic space contributes to improved government effectiveness, citizen-centered policies, social cohesion, and increased trust in government.

However, realizing these benefits requires sustained efforts and ongoing monitoring to detect and address constraints, given the pivotal role of civic space in democratic governance. Hence, this situational report serves as a crucial tool to gauge Tanzania's commitment to protecting its civic space, democratic principles and protection of human rights defenders.

It is worth noting that, in the modern society the main common sectors legally recognized to form part of the main state sectors include Public Sector, which is the government and its branches; a Civil society or Civil Sector which is comprised of groups or organizations working not for profit, in the interest of the citizens but operating outside of the government; and the Private sector, which includes businesses and corporations.

Figure 4.1.1:

Three Common Sectors in a Modern Society



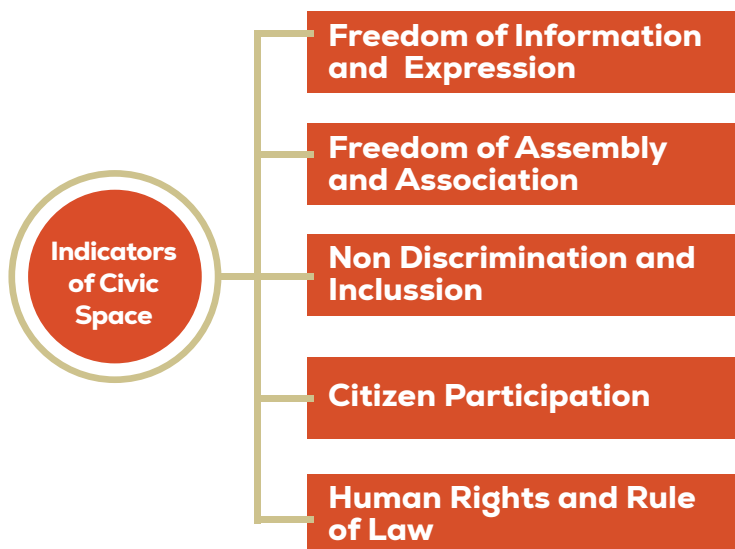
4.2 Indicators of the Space of Civil Society

In measuring the space of Civil Society involves the utilization of various metrics aimed at gauging its progression or regressions⁶³. These indicators include:

- i. Freedom of Information and Expression: This encompasses factors such as access to information, freedom of expression, media liberties, and internet freedoms.
- ii. Rights of Assembly and Association: Encompassing rights related to assembly and association, as well as considerations of Civil Society Organization (CSO) autonomy, rights, and funding.
- iii. Citizen Participation: This category evaluates the presence of free and fair electoral processes, citizen engagement, and advocacy initiatives.
- iv. Non-Discrimination and Inclusion: Focusing on the protection and promotion of women's rights, minority rights, and the rights of marginalized groups.
- v. Human Rights and Rule of Law: This dimension encompasses the adherence to human rights principles and the rule of law within the framework of Civil Society operations.

Figure 4.2.1.

An illustration of indicators for Civil Society space



63 Malena C (2015); Improving the Measurement of Civic Space; Transparency & Accountability Initiative London pp 26-32.

4.3 Critical analysis of the Civic Space in Tanzania

In 2024, the Government of Tanzania shown a remarkable commitment in collaborating with civil society organizations to promote human rights and has taken deliberate steps to enhance democratic governance. Their dedication is evident through initiatives, among others, Criminal justice system reforms, the ongoing Mama Samia Legal Aid Campaign aiming to enhance access to justice, and President Samia's expression of interest in rejoining the Open Government Partnership, increasing women's participation in decision-making bodies.

Despite these positives, civic space in Tanzania has been subject to various challenges and constraints, impacting freedom of expression, association, and assembly. A critical analysis of the civic space in Tanzania in 2024 reveals a landscape characterized by both progress and setbacks, influenced by the legal framework, political environment, and socio-economic factors.

4.3.1 Legal Framework of Civic Space in Tanzania

Tanzania's legal framework theoretically guarantees freedom of expression, association, and assembly. The Tanzanian Constitution⁶⁴ provides for fundamental rights and freedoms, including freedom of expression, assembly, and association. Articles 18, 19, and 20 guarantee these rights, subject to limitations prescribed by law. However, in practice, laws such as the Cybercrimes Act, the Media Services Act, and the Statistics Act have been criticized for their restrictive nature. These laws empower authorities to stifle dissent and limit citizens' ability to freely express themselves, associate with others, and assemble peacefully.

The Media Services Act,⁶⁵ continues to be a restrictive law despite Tanzania's commitment to amend these laws from the UPR recommendations 2021/22 circle. The Act provides the relevant Minister arbitrary powers to punish media houses and journalists without due consultation with those affected. The Act gives the government a direct say on private media content, on issues that the government deems to be of national importance, then wields this section to punish such media houses. It also prohibits the publication of Cabinet issues regardless of whether the information is rightfully obtained. The Act restricts social media platforms through licensing processes and forces freelance contributors and correspondents to be nationally accredited.

Tanzania accepted 16 recommendations on Media Freedom in its final report of the UPR but up to date, we are still using the same repressive laws. While the objective of the Act is to promote media freedom and independence, the act continues restrict press freedom.

64 The Constitution of the United Republic of Tanzania, 1977

65 The Media Services Act, 2016

Cybercrimes Act⁶⁶ governs cyber-related offenses in Tanzania. While it includes provisions to address cybercrimes such as hacking and online fraud, it has been criticized for its potential to curtail online freedoms. Section 16 of the Act criminalizes the publication of false information, which has been used to target online activists and critics of the government.

Public Order Act⁶⁷ regulates public gatherings and assemblies in Tanzania. While it provides for the right to peaceful assembly, it also imposes restrictions and requires organizers to obtain permits from authorities. The requirement for permits has been used to suppress legitimate gathering in Tanzania.

Penal Code⁶⁸ includes provisions that criminalize defamation, sedition, and publication of false information. These provisions have been used to target journalists, activists, and political opponents critical of the government, stifling dissent, and free speech.

Prevention of Terrorism Act⁶⁹ The Prevention of Terrorism Act criminalizes acts of terrorism and provides for measures to combat terrorism in Tanzania. While the Act aims to enhance national security, it has been criticized for its potential to be used against political dissenters and activists.

The scrutiny of Tanzanian legal framework indicates that, Tanzanian laws nominally guarantee freedoms of expression, association, and assembly whilst restricting these fundamental freedoms in Tanzania to

4.3.2 Freedoms of Information and Expression

As elaborated in the legal framework, freedoms of information and expression are constitutionally safeguarded and regulated by key legislations such as the Media Services Act and the Access to Information Act. Assuming office as the highest leader in the country on March 19, 2021, Hon. President Samia Suluhu Hassan championed an agenda of promoting the free flow of information and press freedom.

Tanzania also accepted 16 recommendations from the 2021/22 Universal Periodic Review (UPR) focusing on Legal framework for free expression; Media freedom; Safety of journalists; and Civic space. However, the same legal challenges persist with the same laws. Consequently, the primary challenges to freedom of expression in Tanzania persist: the existence of restrictive laws and a lack of government commitment to implementing court decisions in alignment with international standards on freedom of expression.

To address the persisting challenges to freedom of expression in Tanzania, it is imperative for the government to take decisive action towards aligning national legislation with international standards and court rulings. The efforts to amend

66 Cybercrimes Act, 2015

67 [CAP 385 R.E 2002]

68 [CAP 16 R.E 2022]

69 Act 21 of 2002

laws, must be bolstered to ensure substantive progress in safeguarding freedom of expression and press freedom and therefore recommend the following:

1. Firstly, it is crucial for the proposed amendments to comprehensively address the deficiencies highlighted in the East African Court of Justice judgement issued in 2017 with regard to the amendments of the Media Services Act of 2016. The government should prioritize incorporating all necessary revisions outlined by the court to ensure compliance with regional legal standards.
2. The process of amending laws should involve meaningful consultation with relevant stakeholders, including civil society organizations, media professionals, and legal experts. This inclusive approach will not only enhance the quality of the legislative amendments but also foster greater transparency and accountability in governance.
3. The government must demonstrate a genuine commitment to upholding freedom of expression by implementing court decisions promptly and effectively. Failure to do so undermines the rule of law and erodes public trust in the judicial system. Therefore, it is imperative for the government to allocate adequate resources and institutional support to ensure the timely implementation of court rulings related to freedom of expression.
4. Concerted efforts should be made to create an enabling environment for media freedom and journalistic independence. This includes fostering a culture of open dialogue and tolerance for diverse viewpoints, as well as safeguarding journalists' rights to investigate and report without fear of reprisal.
5. Taking proactive measures in these areas, the government can uphold its constitutional obligations and strengthen democratic principles in the country.

4.3.3 Human rights and Rule of Law

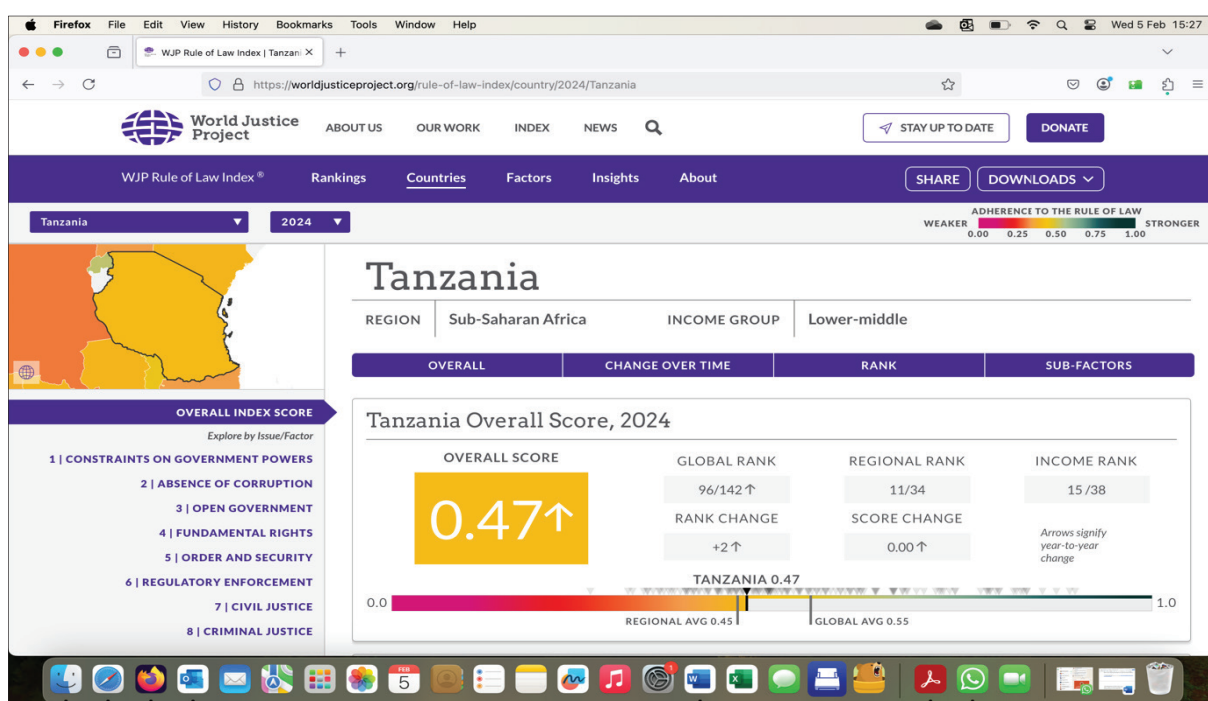
Human rights are fundamental to every individual by virtue of their humanity. Human rights are enshrined in Article One, Part Three (Articles 12-29) of the Constitution of the United Republic of Tanzania of 1977. These rights include the right to equality (Article 12), equality before the law (Article 13), life and existence (Article 14), personal freedom (Article 15), privacy and personal security (Article 16), work (Article 22), fair wage (Article 23), and property ownership (Article 24). Additionally, Part Three of Chapter One of the Constitution safeguards freedoms such as movement (Article 17), expression (Article 18), religion (Article 19), interaction (Article 20), and participation in public affairs (Article 21). Alongside these freedoms are corresponding responsibilities, including the duty to work (Article 25), obey laws (Article 26), protect public property (Article 27), and national defense (Article 28).

Per Article 33(2) of the Constitution, the President holds the positions of Head of State, Head of Government, and Commander in-Chief of the Armed Forces. Furthermore, Article 34(3) grants the President the authority over matters concerning the Union and Mainland Tanzania. Given that human rights are integral to the Constitution, it falls upon the Government to ensure their implementation and protection, with the President bearing the highest responsibility.

President Samia has demonstrated a commitment to fulfilling these responsibilities, albeit being challenged by the need for sustainability. Within three years of her presidency, Tanzania has made strides in human rights protection and governance due to her positive stance. Therefore, effective leadership, characterized by experience, understanding, and dedication to human rights, is essential for fostering a culture of respect for rights and the rule of law.

Despite the positive political will, Tanzania continues to face challenges related to the rule of law, including issues such as political repression, limitations on freedom of expression, and concerns about the independence of the judiciary. Tanzania experiences a widespread concern about the erosion of democratic principles and the rule of law, cracking down on political opposition, restricting freedom of speech, and weakening democratic institutions. There were reports of journalists, activists, and opposition figures being harassed, arrested, or subjected to other forms of intimidation.

Tanzania ranks 96th out of 142 countries worldwide with an improvement of 0.47%. Regionally, Tanzania ranks 11th out of 34 countries at regional rank.⁷⁰



70 <https://worldjusticeproject.org/rule-of-law-index/country/2024/Tanzania>

According to the 2024 index, Tanzania has improved from the rank of 98 in 2023 therefore there is an increase of 2%. Concerns persist about the independence of the judiciary, particularly regarding its ability to operate free from external influence or political influence.

Overall, while there may have been some positive developments in recent years, Tanzania continues to grapple with issues related to the rule of law, and the situation may continue to evolve under President Hassan's leadership.

On 21st and 22nd November 2024, Tanzania Human Rights Defenders Coalition (THRDC), in collaboration with the American Bar Association Rule of Law Initiative (ABA ROLI), organized a two-day workshop in Bagamoyo, Tanzania. The workshop brought together 70 human rights lawyers comprising 24 women and 46 men. The workshop provided a critical platform for reflection on the state of public interest litigation (PIL) and the role of human rights lawyers in promoting democratic processes and safeguarding freedom of expression in Tanzania.



A group photo of the workshop for human rights lawyers reflecting on the State of Public Interest Litigation, Freedom of Expression and Role of Lawyers in Election and Democratic Processes in Tanzania

4.3.4 Freedom of Association and Assembly

The constitution of the United Republic of Tanzania guarantees freedom of association and assembly. This right is to be enjoyed by everyone intending to associate with others for a common goal. NGOs, political parties, and individuals have the right to freedom of association without any interference. For political parties this right is still limited under the Police Force and Auxiliary Services Act which requires for 48 hours' notice to the Officer Commanding District. The Police have broad discretion to prohibit gatherings that could threaten public safety or public order. However, the law does not clearly define what is public order, safety hence creating chances of misuse.

There have been instances of political rights violations in Tanzania ranging from arbitrary arrest, unlawful detention, abductions and killings of political leaders or followers as elucidated below.

On 10th, 11th and 12th August 2024, the Tanzania Police Force detained more than 500 members and leaders of the opposition party in Tanzania, Chama cha Demokrasia na Maendeleo (CHADEMA) who were heading to Mbeya, some were already in Mbeya, the region designated by the party for the official celebration of Youth Day, which is celebrated annually on August 12 worldwide. Amongst the arrested were the National Chairman, the Vice Chairman for Tanzania Mainland, CHADEMA Youth Wing Chairperson etc.

Arrests began during the night on August 10, 2024, when youths from the Temeke region in Dar es Salaam detained while organizing their convoy to Mbeya.. The situation continued on August 11, 2024, with youth from various regions being stopped at multiple police checkpoints and were taken back to their regions after the successful blocking of the youth day celebration by the Police.

However, youths from the ruling party, Chama cha Mapinduzi (CCM) successfully celebrated the Youth Day in Zanzibar on August 10, 2024 without any arrest or prohibition by the Police.

A public rally organized by Alliance for Change and Transparency (ACT-Wazalendo) to be held on 12th August 2024 was also prohibited by the Police Force in Dar es Salaam.⁷¹

Further, the Police prohibited peaceful demonstrations that were planned by the opposition party CHADEMA to be conducted on 23rd September 2024 in Dar es Salaam. CHADEMA leaders and followers who attempted to protest were detained and latter released unconditionally. Amongst the leaders who were arrested includes the National Chairman Hon. Freeman Mbowe and the Vice Chairman Hon. Tundu Lissu.⁷²

Overall, while Tanzania's constitution provides for freedom of assembly and presidential pronouncements promises fundamental freedoms, the reality on the ground has often been characterized by restrictions, intimidation, and harassment of those seeking to exercise this right.

4.3.5 Enabling Environment for Civil Society Organisations

The enabling environment for CSOs is essential for promoting human rights and development by facilitating advocacy, service provision, capacity building, policy influence, social empowerment, and international cooperation. Despite of

71 <https://thechanzo.com/2024/08/12/over-400-chadema-members-arrested-in-tanzania-whereabouts-unknown-ahead-of-now-cancelled-youth-day-commemoration-but-what-can-explain-such-a-wholesale-police-crackdown/>

72 <https://www.thecitizen.co.tz/tanzania/news/national/tanzanian-police-ban-chadema-s-demonstrations-amid-concerns-over-missing-persons-4760632>

its pivotal role and contributions in development, the CSO sector continues to encounter various challenges, particularly those stemming from the enactment and enforcement of laws that impede their effectiveness or create a chilling effect on their performance.

The Government of Tanzania demonstrated responsiveness to the concerns raised by CSOs. It has extended invitations for CSOs to submit their recommendations regarding the necessary reforms and the extent to which they are needed to enhance the sector's contribution to national development.

4.3.6 Legal and Policy Environment

The Non-Governmental Organizations Act of 2002, as amended in 2005 and 2019, regulates the registration, operation, and funding of NGOs. While the law provides a legal framework for NGOs, there have been concerns about provisions that give the government broad discretion to deny registration or impose restrictions on NGOs.⁷³ Sustainability of NGOs will effectively be guaranteed if the spirit of the NGOs Act which established perpetual entities will be respected.

The NGOs Act ⁷⁴ section 12 read together with section 22 and 23 - does not allow or envisage a citizen to register an NGOs that will operate above national confinements. The Levels of registration provided by the law are district, regional and national levels. This hinder Tanzanians who wish to operate beyond Tanzania. For instance, for now for an NGO to operate in outside Tanzania it needs to have a fresh registration to that other country rather than just compliance.

Tanzania possesses a distinguished record in advancing the rights, independence, and liberty of numerous African nations throughout its history. This esteemed legacy stands to be further reinforced through the facilitation of Tanzanian non-governmental organizations (NGOs) operating in diverse nations, aimed at fostering cultural, linguistic, and ethical values. Such initiatives hold the potential to enrich economic diplomacy and fortify our foreign policy objectives.

4.3.7 CSOs Engagement and Participatory rights

In 2024, CSOs engagement and participation in various government intervention contributing to National Development plans continued. We have witnessed an increase of human rights organisations in Tanzania both Mainland and Zanzibar engaging.

⁷³ Section 17 the NGOs Act as amended through Section 30(3) of the Written Laws (Miscellaneous Amendments) Act No. 3 of 2019 limits the life span of an NGO to ten years, further Section 30(4) requires NGOs whose certificate of registration has expired to make an application for renewal six months before the expiry date.

CSOs sustains its engagement with government apparatus to strengthen policy influence and advocacy engagements at all levels for HRDs' safety. Different government ministries and departments were engaged in 2024 to identify avenues for recognition and protection of HRDs in the country; collaboration in implementation of national development plans to influence positive changes; and Human Rights promotion and Protection Generally.

Government ministries have shown a remarkable commitment to collaborating with civil society organizations to promote human rights and has taken deliberate steps to enhance democratic governance. Their dedication is evident through initiatives, among others, Criminal justice system reforms, the ongoing Mama Samia Legal Aid Campaign aiming to enhance access to justice, increasing women's participation in decision-making bodies.

The Coalition has secured government willingness to foster meaningful collaborations with the CSOs in future to develop a strong public/ CSOs partnership policy and legal reforms that will eventually contribute to the national development. This has been evidenced by the currently increased working relation with the Government for instance collaboration in 2024 on launching of the 2024/2025 CSOs election manifesto together with major political parties in Tanzania.



In the picture Panelist of the CSOs Election Manifesto 2024/29 Launching podcast during the #CSOsWeek2024 ON 12 September 2024 at Mount Meru Hotel, Arusha. From right is Adv. Onesmo Olengurumwa, THRDC National Coordinator; Deus Kibamba – TCIB Executive Director; Hamad Msoud- CUF Executive Secretary; Hassan Juma-Executive Director of ANGOZA Zanzibar; Godbless Lema - Representatives from CHADEMA; Rabia Abdallah-CCM National Election Committee Secretary, Politics and International Relation; Bishop Nelson Kisare-Chairperson of INTERFAITH Tanzania; and Jane Magigita-Executive Director Equality for Growth.

The government of Tanzania has committed herself to reforms of laws in line with CSOs needs to foster an enabling environment for the CSOs sector to operate and contribute to national development.

- **Commemoration of a Human Rights Day**

On 10th December 2024 THRDC commemorated a Human Rights Day in Dar es Salaam, Tanzania where both professionals, academicians, editors, journalists, NGOs and the public was engaged. On 10th December 2024 the world commemorated 76 years since the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly in 1948. The year of 2024 also marked 26 years since the United Nations Declaration on Human Rights Defenders (HRDs) was adopted. The Declaration calls up all UN member states to create an enabling policy, legal and administrative frameworks where HRDs can operate freely and without any reprisals.

According to the Declaration on Human Rights Defenders (1998), a Human Rights Defenders can be any one with a profile attributed to human rights promotion and protection. Any person qualifies to be called a HRD so long as s/he is engaged in activities related to human rights promotion and protection. This definition may therefore include professional and non- professional human rights workers, volunteers, journalists, lawyers and whoever is doing human rights work in long term or on occasional basis.

HRDs play a key role to improve the human rights situation and standards in their countries and are defined by what they do. HRDs include individuals, lawyers, journalists, NGO activists, trade unionists, minority activists, and demonstrators who act to promote or protect human rights.

Most Importantly, the year 2024 also marked 40 years of the inclusion of Bill of Rights in our Constitution. It is noteworthy that the country made its Fifth Constitutional Amendment in 1984 (Act No. 15 of 1984) to incorporate a Bill of Rights—a charter of the people’s inalienable freedoms and protections. It has now been approximately 40 years since human rights became part of Tanzania’s Constitution and 36 years since their implementation began in 1988, four years since the wheels of justice began to turn, ushering these rights from mere words into living principles.

4.3.8 The Space of Civil Society Organizations at Regional and International Level

International, Regional civil society and Sub regional Coalitions have an important role to play as a complement and a backup to national groups. They are less exposed to risks compared to national CSOs and in many cases they can really contribute, influence and pressurize member states through the regional and continental bodies on regional policy issues. For many International CSOs cooperate with UN without any commotion. UN, EU and AU have taken a number of efforts to protect and expand the Space of CSOs. There are a

lot of international and regional instruments and initiatives for creation and protection of Civil Society Space. At these levels Civil Society Organizations are given space to present their issues of concerns and they are taken into consideration in the deliberations made. At this level there are also avenues which CSOs space can be protected. The major impact for protecting the space of CSOs at regional and international level is to strengthen policy influence and advocacy engagements at the global, African, sub regional, and national levels for HRDs' safety.

4.3.9 Civil society space at International (UN) Level

International human rights law provides a unique international platform, to which CSOs can turn for support and guidance. This platform includes the Office of the United Nations High Commissioner for Human Rights (OHCHR), human rights treaty bodies, and the Human Rights Council and its mechanisms.

The first venue by which non-governmental organizations took a role in formal UN deliberations was through the Economic and Social Council (ECOSOC). In 1945, 41 NGOs were granted consultative status by the council; by 1992 more than 700 NGOs had attained consultative status, and the number has been steadily increasing ever since with more than 4,000 organizations today.

Article 71 of the UN Charter opened the door by providing suitable arrangements for consultations with non-governmental organizations. The consultative relationship with ECOSOC is governed by ECOSOC resolution 1996/31, which outlines the eligibility requirements for consultative status, rights and obligations of NGOs in consultative status, procedures for withdrawal or suspension of consultative status, the role and functions of the ECOSOC Committee on NGOs, and the responsibilities of the United Nations Secretariat in supporting the consultative relationship.

Consultative status provides NGOs with access to not only ECOSOC, but also to its many subsidiary bodies, to the various human rights mechanisms of the United Nations, ad-hoc processes on small arms, as well as special events organized by the President of the General Assembly.

In addition to the ECOSOC, there are avenues which the UN human rights mechanisms can protect civil society space, that is documentation about obstacles, threats to civil society space, and good practices. Documentation about human rights situations forms the basis for interventions by UN human rights mechanisms. Well-documented and verified information by CSOs makes a strong case for action, is more credible and persuasive, difficult to refute, and an effective way to promote and protect human rights. Through this avenue CSOs are invited to share documentation that is accurate, information, careful analyses, and concrete recommendations about obstacles, and threats they face.

4.3.10 Sustaining Universal Periodic Review Monitoring and Implementation

THRDC sustained its engagement with the United Nation Human Rights Council (UNHRC) through Universal Periodical Review (UPR). This is a State-driven process which involves a review of the human rights records of all UN Member States to address human rights violations. THRDC has continued to monitor the outcome of the 3rd Circle of UPR implementation progress of recommendations.

4.4 The Key THRDC Capacity Building Support for Human Rights Defenders

- **Training for zonal coordinators.**

Between 25th - 26th July 2024 THRDC conducted capacity building training to 60 human rights defenders (HRDs) (9 zonal coordinators, 31 members from east lake zone and 20 members from west lake zone). The training was held in Mwanza region.

The training equipped the participants with up-to-date knowledge and skills on how best they can approach and manage their digital security while defending human rights.



A group photo of some participants of the training

- **Training for lake zone members on Monitoring, Documentation and Reporting (MDR)**

Between 23rd and 24th July 2024 THRDC conducted the capacity building training

to lake zone members of the Coalition. The training capacitated the participants on Monitoring, Documentation and Reporting (MDR). The training was conducted in Mwanza region and a total 60 people participated (17 female and 43 male).



A group photo of the participants

- **Workshop for law enforcers on secured and peaceful management of electoral and democratic process in Tanzania**

Between 17th and 18th October 2024, THRDC conducted a two days' workshop to 38 law enforcers (36 male 2 female) from all Police regions in Tanzania on secured and peaceful management of electoral and democratic process in Tanzania in Dar es Salaam. The participants were Regional Police Commanders (RPCs) and were equipped with the knowledge on human rights, the legal framework governing electoral process and strategies needed to manage and secure election-related activities, observing the code of conduct during election cycle and best practises from other democratic counties so as to ensure peaceful election that uphold and respect both civic and political rights.

The workshop specifically focused on empowering RPCs to carry out their traditional roles as peace and security preservers during elections, enhance their knowledge on current laws and regulations governing elections and electoral bodies, remind them on their code of conduct especially during elections, raise their awareness on election violence triggers and proper way to manage them without infringing or violating human rights and equipping them with skills on how to respond to election-related conflicts fairly and appropriately



From left is SACP. Willbroad Mutafungwa (first left), Ms. Hilda Oyella (Human Rights Advisor at the UN Resident Coordinator's Office, United Nations Tanzania), Adv Onesmo Olengurumwa (THRDC's National Coordinator), Commissioner Operation and Training Awadhi Juma Haji (Guest of honour), Retired Justice Robert Makaramba, Retired Deputy IGP Dr. Abdulrahman Kaniki, and DCP Ally Lugendo, posing for a group photo with Regional Police Commissioners from across Tanzania. This photo was taken at the opening ceremony of the Workshop for Law Enforcers on Secured and Peaceful Management of Electoral and Democratic Processes in Tanzania, held on October 17-18, 2024, in Dar es Salaam.

- **Commemoration of the Day of the African Child**

In commemorating the Day of the African Child (DAC), THRDC, in collaboration with member partners like TCNRF, EAHRI, and Save the Children, organized the Annual Children Human Rights Defenders (HRDs) Forum. This child-led event

took place on June 16, 2024, at Alpha High School, Mikocheni, Dar es Salaam, Tanzania. The international theme for DAC was "Education for All Children in Africa: The Time is Now."

The event brought together approximately 70 children (39 girls and 31 boys) from four different schools: Bright Hope Nursery and Primary School, Jerusalem Pre and Primary Schools, Alpha Primary and Secondary Schools, and students from Compassion. Additionally, THRDC, team and three teachers from each school and a community development officer.



The primary goal of commemorating DAC was to establish and launch the Network for Child Human Rights Defenders (CHRDs) in Tanzania. The forum aimed to empower and recognize children as human rights defenders and active participants in the promotion and protection of human rights. It sought to raise their awareness, educate them about their rights, and provide a safe space for expression, advocacy, and mobilization of collective efforts to amplify their voices.

Conclusion and Recommendations

5.0 Conclusion

The 2024 Tanzania Human Rights Defenders situation report indicates that HRDs in the country still operate under unsafe legal environment and therefore making their work to a certain level difficult. The report indicates that HRDs are continuously detained, maliciously prosecuted, convicted, harassed because of their work as human rights defenders. It further shows the state of civic space in Tanzania with improvement. However, there are challenges on non-respect of the rule of law, non-independence of the judiciary.

On issues of civic space, a general trend has shown that the enabling environment for civil society operation keeps changing or depends on the political will of the head of the state. THRDC believes that a successive government must engage and guarantee civic space to CSOs and private sector in general.

However, the Coalition and other SCO's have engaged with the Government of the United Republic of Tanzania and the Revolutionary Government of Zanzibar, government apparatus in various trainings, meetings, plannings with a common goal of protecting Human Rights Defenders at different levels and themes. Therefore, to have assurance of protection of human rights and human rights defenders in future such engagements must be strengthened. It is not easy to attain the highest level of protection without working in unison and trust amongst CSO's, the government and all stakeholders.

5.1 Recommendations

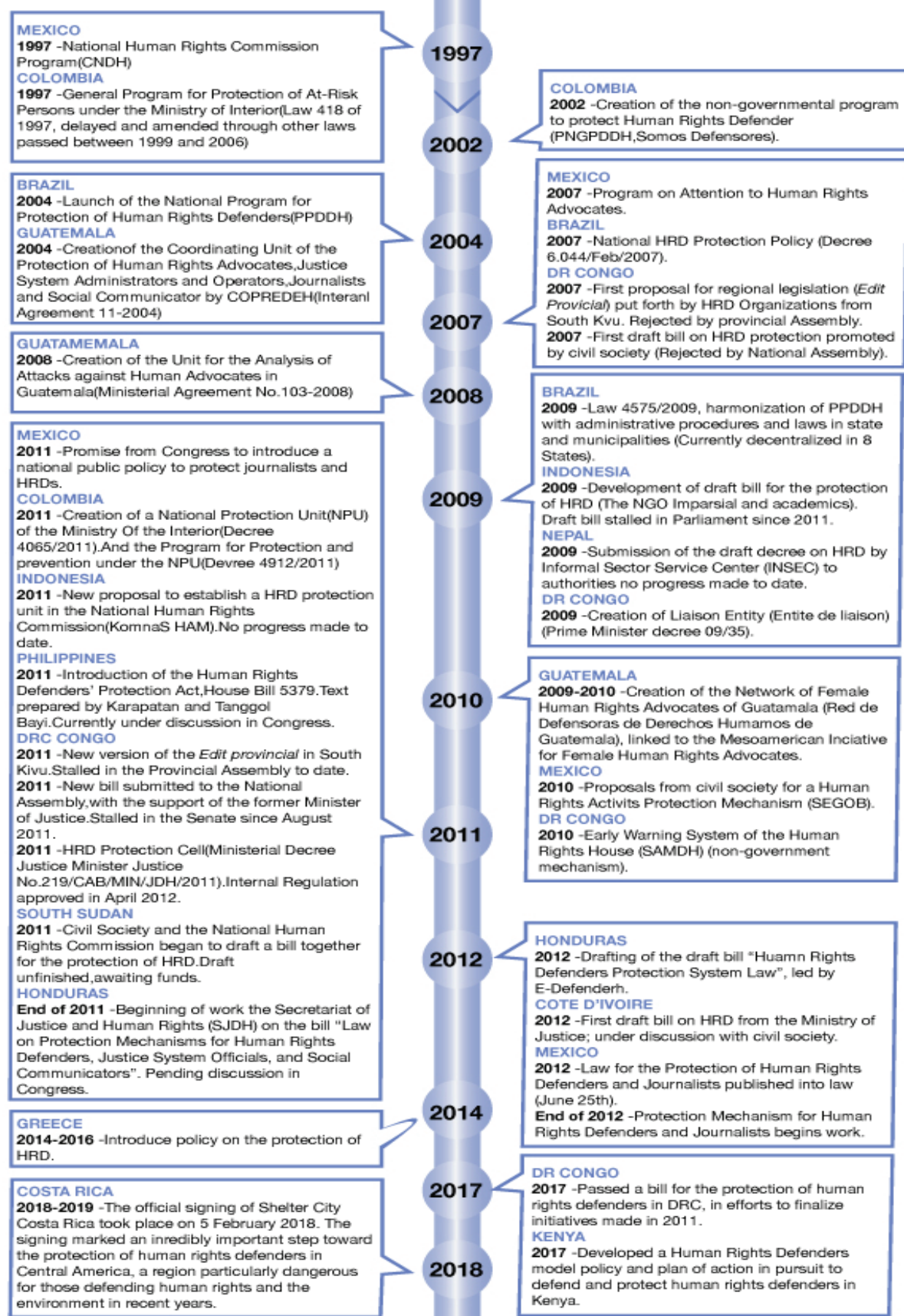
The following are the recommendations which are proposed to human rights defenders, the government, and other stakeholders to take keen consideration on promoting favourable working environment for human rights defenders in Tanzania.

- i. We call up all actors in Tanzania to rejuvenate their efforts towards human rights protection and advocacy. The enjoyment of human rights in nation depends on the level of activism and advocacy on human rights. All actors have a certain role to play for advancement of human rights in Tanzania. This role should not be left to few groups and individual but rather taken as collective roles by all actors.

- ii. We encourage CSOs to sustain and scale up their engagement with the executive arm of the government, Parliament, Judiciary, and other sub departments to influence amendment of the restrictive laws and other matters concerning the society. But this can only be a reality if those mentioned actors believe in human rights and constitutionalism.
- iii. We call up on the Judiciary of Tanzania to revisit its constitutional role as the only organ conferred with this noble role of dispensing justice in the country. Judiciary should always act independently and became a source of human rights development in Tanzania.
- iv. Improved solidarity among CSOs/HRDs across the country, partners, and other Human Rights Defenders at national, regional, and international level in the protection of civic space and human rights in general.
- v. Despite all these challenges, HRDs and CSOs in Tanzania have to come out of comfort zones and beef up their primary roles of promoting and protecting human rights in Tanzania.
- vi. We urge the government of Tanzania to see the need of adopting a Human Rights Defenders Policy developed by THRDC and enact a law that recognizes and protects human rights defenders in Tanzania.
- vii. We advise the government of Tanzania to respect and implement all court decisions from both national and regional courts.
- viii. We call upon the President to form a special commission which will examine laws governing CSOs in Tanzania and thereafter recommend to the government for amendment of such laws.
- ix. We ask the government to remove a legal requirement for compulsory registration of YouTube Channels even if those platforms are not used as official media outlets.
- x. The State should refrain from intimidating human rights defenders in any way , instead work with them as partners in development.
- xi. We recommend the establishment of an independent Police oversight body. This will be responsible for overseeing the Police conducts and investigate incidents which involve accusations against the Police. This will help to ensure that the Police force observes, respects, and protects the rights of HRDs when undertaking their daily duties in the country.
- xii. The government may see the need to form an independent special commission to investigate all cases involving HRDs who were killed , kidnapped or assaulted while detained under Police stations.
- xiii. The government should end the culture of impunity for violations against innocent people, journalists, and human rights defenders by ensuring that investigations are promptly and impartially conducted, perpetrators are held accountable, and victims obtain appropriate remedies.

- xiv. THRDC recommends the government to conduct investigations with the view to bringing perpetrators of human rights violation to justice.
- xv. We urge the government to amend all laws that restrict and affect the work of CSOs, media and human rights defenders in Tanzania such as (Cybercrimes Act, Media Services Act, 2016), NGOs laws, statistics Act, the Online Content Regulations to expand civic space in the country.
- xvi. An inclusive environment to the public and other key stakeholders when developing laws regarding media services, access to information and freedom of expression should be provided.
- xvii. Urge the government of Tanzania to promote human rights education and awareness, particularly within law enforcement agencies, government bodies, and the broader public to encourage a better understanding of human rights principles and international standards.

List of Countries with HRDs Legal Protection Mechanism



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