

TANZANIA HUMAN RIGHT DEFENDERS COALITION



Project Title: CSOs participation in the 2016 UPR process

Geneva Pre-session activity report



1.0 Introduction and summary

Tanzania underwent the first review on 3rd October, 2011. During this cycle, 48 States made 166 recommendations to Tanzania. The Government accepted 107 recommendations out of 166 received. Under the Tanzania Human Rights Defenders Coalition (THRDC) coordination CSOs in Tanzania collectively monitored and documented the implementation of 107 accepted UPR recommendations during the first cycle. The findings by CSOs implementation report indicate that nine percent (9%) of the recommendations have been fully implemented, 62% partially implemented, and 29% not implemented. Tanzania's 2nd UPR Cycle is scheduled to take place on the 9th of May 2016 at the UN Human Rights Council in Geneva where by apart from receiving recommendations from recommending states, the government will be required to report on the feedback of the recommendations given during the first cycle.

Although the UPR is a peer review mechanism, CSOs can still involve at some points of the process. Lobbying recommending states in order to bring to their attention specific issues and to obtain that such issues be addressed during the interactive dialogue in the form of questions and/or recommendations is one of the points which CSOs can participate in the process. Lobbying can be made both in Geneva and in the State under Review in meetings organized by coalitions of CSOs for the UPR in collaboration with UPR Info International two months prior to the UPR Working Group session bringing together Permanent Missions and Civil Society Organizations to discuss the human rights situation in the forthcoming States under Review. UPR pre sessions come between the reporting stage and the review stage of the UPR.

The THRDC has been key organization in Tanzania in the 2nd cycle of the review of the United Republic of Tanzania. This initiative came after the Coalitions' observations on poor monitoring of UPR implementation process in Tanzania by civil society groups. The coalition mobilized about 103 CSOs working in different areas of human rights, divided them into nine thematic groups and empowered them on how to monitor the implementation of the 107 accepted recommendations from the 2011 cycle. It also ensured close collaboration between government entities and CSOs and successfully submitted the joint CSOs report to the UN UPR working group in Geneva.

With the support from DANIDA/FCS, UPR Info International, OSIEA, HIVOS International, Care International, Fredric Ebert Stiftung and WE EFFECT, the coalition managed to organize a trip of about 20 Tanzania CSOs delegates to attend the Geneva pre-sessions from 29th March to 1st April 2016 at *Centre International de Conférences Genève (CICG)*, 17 rue de Varembe.

This report therefore highlights the proceedings of the UPR pre-session in Geneva. The pre session was preceded by the training to all delegates on the UPR mechanism and CSOs engagement. In this report, the proceedings of the pre-session itself are also highlighted. Bilateral meetings by delegation and diplomats and visit to permanent missions to lobby for the recommendations are also put in the report. The report ends by highlighting achievements, challenges and way forward to the UPR process in the country.



The delegation with happy faces after the successful pre-session.



Lobbying for CSOs recommendations.

2.0 UPR Pre-session training, 29th March 2016

The first day in Geneva, 29th March 2016 Tanzania CSOs delegates were required to attend the UPR Pre-session training, scheduled to take place at *Centre International de Conférences Genève* (CICG), 17 rue de Varembe, Room 5 from 9:00am to 17:00pm. The training session was attended by all 20 CSOs delegates.¹

Jean Claude Vignoli UPR Info Director of Programmes introductory remarks to the UPR Info secretariat opened the training and gave a brief description of what is UPR info and what it does.² He finished by welcoming Mr. Gilbert Onyango, UPR Info Africa Regional Representative to proceed with the training.



The UPR Info Director of programs Mr. Jean Claude Vignoli left, Mr. Gilbert Onyango the UPR Info African Region representative(second from the right) and the Coalition's National coordinator and capacity building officer .

Mr. Onyango presented to delegates on the UPR process. He gave an overview of the UPR process and NGOs entry points throughout the process.

¹ See the attached complete list of delegates.

² It is a non-profit, non-governmental organization based in Geneva, Switzerland established in 2008. *UPR Info* aims at raising awareness on the Universal Periodic Review (UPR) and providing capacity-building tools to the different actors of the process, such as United Nations Member States, NGOs, National Human Rights Institutions, and civil society, in general. Among other things, UPR Info regularly organizes meetings “Pre-sessions” in Geneva, Switzerland, between CSOs and Permanent Missions to discuss the human rights situation of the States to be reviewed. The purpose of these pre-sessions is to save time and resources to CSOs and to enable them to meet several delegations at once. For delegations, these meetings offer the opportunity to receive first-hand information from CSOs about the human rights situation in the State under Review. During pre-sessions, all permanent missions, including the State under Review, are invited.



Mr. Gilbert Onyango, UPR Info African Region Representative presenting to delegates during the training session.

Generally, the presentation provided a basic review of what the UPR is and how it works. It provided the thorough over view of what advocates could consider doing during each stage of the UPR process both at home and in Geneva. Participants were equipped to engage in advocacy in all UPR stages including both the review, official adoption of the working group report, implementation follow up and sustainability of the project.³ UPR Info promised delegates to provide technical support and collaboration in all the remaining stages. At the end of the workshop, delegates divided themselves according to thematic groups and instructed on the best way of refining and presenting their issues and recommendations to diplomats during the pre-session.

³ See the annexure for the whole presentation.



CSOs delegates following closely the presentation during the training session.

The Coalition shared to both UPR Info and delegates that with the support of DANIDA/FCS, before the official adoption of the working group report two sessions are expected to be conducted in Tanzania involving CSOs and Government officials aiming at awareness rising on the recommendations made to Tanzania and lobbying the government to accept them respectively. Subject to availability of resources, UPR Info promised to join hands with the coalition in the planned programs.

In the course of the training, some questions were raised from both the trainer and the trainees' sides;

Question	Who raised	The response	Who responded
What is the UPR	Mr. Gilbert, trainer/UPR Info	The UPR is a human rights mechanism which is universal as each of the 193 UN Member states is peer-reviewed on its entire human rights record every four and a half years and must respond to each recommendation put forward by reviewing States.	Mr. Deogratias, trainee/delegate
What is the difference between the UPR and other human rights	Mr. Gilbert, trainer/UPR Info	The high extent of CSOs engagement to the process makes one of the major differences	Mr. Porokwa, trainee/delegate

mechanisms?			
What are the roles of TROIKA in the process and whether CSOs can initiate voting out/removal process of one of TROIKA for Tanzania(Burundi) considering human rights situation in the country.	Mr. Olengurumwa/traine e/delegate	<p>The roles of the troika in the process are to receive the written questions raised by States and relay them to the State under Review and to prepare the report of the Working Group, which contains a full account of the proceedings, with the involvement of the State under Review and with the assistance of the Secretariat.</p> <p>With regard to naming of the troika the State under Review can request that one of the three members be from its Regional Group.</p> <p>The question as to whether CSOs can initiate the removal was not answered and was agreed that it should be reserved to the diplomats attending the session.</p>	UPR Info

3.0 The visit of Haitian Diplomat during the training.

When the workshop was taking place, the Diplomat from Haiti, Mr. Didier Georges visited the training room. He was introduced to delegates by Mr. Jean Claude and made a presentation on the UPR process and CSOs intervention, how CSOs could make sure their recommendation are included in the UN document and most importantly he taught delegates on the tips for good lobbying strategies. He said CSOs should make sure they personalize their lobbying statements, find and reach states interested in the issues recommended and the crucial lobbying period (at least 2months before the review).



Tanzania CSOs delegation posing with some UPR Info staff after the training session

4.0 The Pre-session 30th March 2016

The Tanzania pre-session was the second after Thailand's. It started at 10:30 with the introductory remarks from the UPR Info Executive Director Mr. Roland Chauville.



The UPR Info Executive Director Mr. Roland Chauville (on the right) with the Coalition's National coordinator and the Capacity building officer on the Pre-session day.

Then, presentations followed starting by five (5) Tanzania CSOs and the NHRI, the Commission for Human rights and Good Governance (CHRAGG). Each presenter had an approximate of 6 minutes for presentation.

The presentation went in the following order⁴;

Presenter	Thematic group	Issues presented
		i. Constitutional making process

⁴ See the annexure for the full statements presented.

Mr. Onesmo Ole Ngurumwa	General Human rights/Civil Society & Human rights defenders	<ul style="list-style-type: none"> ii. Political rights and independence of the national electoral commissions iii. State of impunity iv. Restrictions to civic space and HRDs freedom
Miss Perpetua Senkoro	Minority rights and People with disability	<ul style="list-style-type: none"> i. Awareness rising campaign on protection of the rights of PWDs ii. Ongoing attacks and killings of PWAs. iii. Human rights violations, including arbitrary arrest, torture, rape and inhuman treatment to gender and sexual minorities. iv. The rights of elderly especially social security and health rights.
Mr. Edward Porokwa	Pastoralists, Indigenous/Hunter & gatherers rights	<ul style="list-style-type: none"> i. Marginalization and Discrimination of pastoralists and hunter-gatherers ii. Interference with Judicial Decisions by the Executive and Failure to Implement Court Orders iii. Unlawful Arrests, Torture and Prosecution of Pastoralists and Hunter-Gatherers iv. Misuse of State Machinery and Use of Excessive Power v. Lack of Representation of Indigenous Peoples in Decision Making Organs
Ms Tike Mwambipile	Women and Children rights	<ul style="list-style-type: none"> i. Women rights to inheritance ii. Women participation in decision making bodies iii. Human trafficking of women and children iv. Maternal and child health v. Gender based violence vi. Contradictions of law and policy framework on women and children
Mr. Stanslaus Nyembea	Economic and Land rights	<ul style="list-style-type: none"> i. Land rights and forceful evictions ii. The right to adequate housing iii. Unfriendly environment for small scale farmers and food security
Mr. Philemon Mponezya	General Human rights/Rule of law	<ul style="list-style-type: none"> i. Ratification of the convention against torture (cat) ii. Death penalty

		iii. Extra judicial killings iv. Conditions in the detention facilities v. Juvenile justice
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Presentation on Minority rights and People with disability by Miss. Perpetua Senkoro, representative from Under the same sun.

5.0 Interactive session/Question and answers

After presentations from CSOs delegates, question and answers session followed.

Questions and their respective responses transpired in the following order;

	Question	Who asked	The response	Who responded
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1.	What are the Tanzania CSOs expectations from the UPR pre-session?	Mr. Roland Chauvile, UPR Info Executive Director	<p>High expectations as the current UPR pre-session have included a good number of CSOs which are aware of the UPR and its productivity. Therefore the expectation is that the government will be ready to work on the recommendations.</p> <p>A high expectation due to presence of many missions/recommending states which apart from issuing new recommendations will be expected to question the state's implementation of the previous cycle.</p>	<p>Mr. Olengurumwa, Coordinator-THRDC.(General Human rights/Civil Society& Human rights defenders)</p> <p>Mr. Porokwa, PINGOs forum Executive Director(Pastoralists, Indigenous/Hunter& gatherers rights)</p>
2.	What is the relationship between farmers and hunters-gatherers in relation to the recommendations from Pastoralist/Hunter-gatherers presentation?	Permanent Mission-Haiti	<p>In Tanzania, farmers and hunter-gatherers differ. The life style of farmers involve communal ownership of the land while the pastoral lifestyle involves nomadism. What is therefore recommended is for the state to make sure the life style of pastoralists(living in a mobile livelihood) is adopted and recognized by the laws of the land in order to secure their rights.</p>	Mr. Porokwa(PINGOs forum Executive Director(Pastoralists, Indigenous/Hunter& gatherers rights)
3.	What is the current status of implementation of rights of people with albinism in the country following	Permanent Mission-Uruguay	Generally, the recommendations are partially implemented. For example, the awareness raising	Miss Perpetua senkoro-Minority rights and People with disability.

	recommendations which included awareness raising to the public on the right to life for people with albinism to ensure their full protection?		campaign is mostly done by CSOs which face setbacks due to insufficient funding.	
4.	While commending the presentation from the representative of NHRI-(CHRAGG), Advice to CSOs that in their presentations they should also make sure they highlight the positive development by the state.	Permanent Mission-Swaziland.		

6.0 Visiting the Permanent Mission of the United Republic Of Tanzania to the United Nations.

After the pre-session, the whole CSOs delegation visited the Permanent mission of the United Republic of Tanzania to UN. This follows the appointment to visit the permanent mission sought by the Coalition, the trip lead At the Permanent mission, the delegation met Ambassador Modest J. Mero-The permanent representative to the mission.



Ambassador Mero addressing the delegation

Left-Ambassador Mero with the Coalition's coordinator Mr. Olungurumwa.

The two sides had a discussion of about four hours and among other things the discussion was about the purpose of visit in Geneva and specifically the office of the permanent mission. Each delegate had an opportunity to introduce themselves, the thematic group they represent, their issues of concern and the recommendations.

Some burning issues such as the legal recognition of indigenous people and their rights, killing of people with albinism, equality in provision of the right to health and medical care regardless of one's sexual orientation, passing of laws under certificate of urgency. The mission listened attentively to the issues raised and promised to communicate all issues to the government while highlighting the positive development which the government has so far done in relation to access to free education, the rights of peoples with disability to the extent of appointing one representative to the cabinet and the efforts the government is making to achieve the 50/50 women representative to the decision making bodies.

In the course of the discussion, among other issues, the issues of government consultation in the preparation of its UPR report hence lack of an opportunity for CSOs to access it was raised. The

permanent mission felt sad to the delegation and promised that his office will share the report. The same day the report was shared with the delegation. The permanent mission also promised to work on the request to conduct CSOs dialogue with the government before and after the review for the two sides to familiarize with issues of concern and resolve accordingly.

Generally, the ambassador in closing the meeting appreciated very much the visit and acknowledged having enriched with the issues presented. He promised that all issues will be forwarded to the government and to make initiative to organize the meeting of the same kind with government delegates who will visit Geneva for the review session.



The delegation posing for the group photo with ambassador Modest J. Mero, The United Republic of Tanzania permanent representative to the UN.

7.0 Bilateral Meetings with Diplomats, 31st March and 1st April

The purpose of the UPR Pre sessions is to provide a platform for collaboration and information sharing between States and Civil Society Organizations (CSOs) on the human rights situation in the States under Review. Apart from sharing the information in the session, CSOs delegation had an opportunity to meet missions basing on appointments either at the missions office or any other

agreed venue. In summary, the delegation managed to have about 40 bilateral meetings with diplomats/ missions for lobbying purposes.



Meeting with the Representatives of the Danish Permanent mission to the UN, are the pastoralist/indigenous peoples rights, minority rights and people with disability, freedom of expression and the right to information and the women’s rights representatives.

The following table shows indicates the bilateral meeting which thematic groups had and their points of discussion;

	Thematic group	Permanent mission/Diplomat	Issues discussed
	General Human rights, Civil society organizations and human rights defenders	i. Netherlands ii. Norway iii. Ireland iv. Finland v. Switzerland vi. Sweden vii. Haiti viii. Denmark	i. Constitutional making process ii. Political rights and independence of the national electoral commissions iii. State of impunity iv. Restrictions to civic space and HRDs freedom

	Freedom of Expression	<ul style="list-style-type: none"> i. Netherlands ii. Norway iii. USA iv. Uruguay v. Sweden vi. Haiti vii. Finland viii. Switzerland ix. Belgium x. Denmark 	<ul style="list-style-type: none"> i. Presence of draconian laws that impinge freedom of expression and that of the media such as the News Paper Act of 1976 . ii. Enactment of laws which restricts the right to information mainly the cyber crimes Act 2015 and the Statistics Act.
	Social rights	<ul style="list-style-type: none"> i. Netherlands ii. Norway iii. Ireland iv. Sweden v. Finland vi. Haiti 	<ul style="list-style-type: none"> i. Education quality ii. Education for girl child iii. Health sector financing
	Economic and Land rights	<ul style="list-style-type: none"> i. Belgium ii. Finland iii. Haiti iv. Mexico v. Denmark vi. Canada vii. Ireland viii. Switzerland 	<ul style="list-style-type: none"> iv. Land rights and forceful evictions v. The right to adequate housing vi. Unfriendly environment for small scale farmers and food security
	Pastoralists, Indigenous peoples(hunter-gatherers) rights	<ul style="list-style-type: none"> i. Netherlands ii. Norway iii. Ireland iv. Sweden v. Switzerland 	<ul style="list-style-type: none"> vi. Marginalization and Discrimination of pastoralists and hunter-gatherers vii. Interference with

		<ul style="list-style-type: none"> vi. Denmark vii. Haiti 	<p>Judicial Decisions by the Executive and Failure to Implement Court Orders</p> <ul style="list-style-type: none"> viii. Unlawful Arrests, Torture and Prosecution of Pastoralists and Hunter-Gatherers ix. Misuse of State Machinery and Use of Excessive Power x. Lack of Representation of Indigenous Peoples in Decision Making Organs
Minority rights and People with disabilities	<ul style="list-style-type: none"> i. Hungary ii. Finland iii. Canada iv. Sweden v. Haiti (Hawa waliwaona wengi checki na John) 	<ul style="list-style-type: none"> v. Awareness rising campaign on protection of the rights of PWDs vi. Ongoing attacks and killings of PWAs. vii. Human rights violations, including arbitrary arrest, torture, rape and inhuman treatment to gender and sexual minorities. viii. The rights of elderly especially social security and health rights. 	
Women' and Children rights	<ul style="list-style-type: none"> i. Haiti ii. Bulgaria iii. Argentina iv. Ireland v. Spain vi. Switzerland vii. Sweden 	<ul style="list-style-type: none"> vii. Women rights to inheritance viii. Women participation in decision making bodies ix. Human trafficking of women and children x. Maternal and child health xi. Gender based violence 	

			xii. Contradictions of law and policy framework on women and children
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8.0 Achievements;

- i. For the first time since the UPR mechanism was established, 2016 UPR pre-session has hosted a good number of CSOs delegation from Tanzania. In 2011 CSOs delegation from Tanzania which attended the UPR precession for the first cycle was only 3 in number.
- ii. UPR Info International has commended the Tanzania CSOs delegation as being among the best and well organized pre-session participants.
- iii. The United Republic of Tanzania permanent representative to the UN congratulated the delegation for the initiative done improving the human rights situation in the country and promised to organize the state-CSOs meeting before or during the review.
- iv. The delegation managed to have about 40 bilateral meetings with diplomats/permanent missions which they presented issues for recommendations during the review.





Some bilateral meetings which economic, land and women's rights thematic groups had with permanent mission representatives.

- v. A number of diplomats responded positively to the recommendations and some, mainly Haitian, Swiss, Danish and Irish sent emails commending and encouraging CSOs on the initiative done.



Well documented and comprehensive joint Tanzania CSOs report on the UPR attracting mission/diplomats.

- vi. Some advocacy and human rights organizations based in Geneva mainly the Edmund Rice International which was present during the pre-session joined hands with the Tanzania delegation in lobbying for issues specifically children's rights and the right to education.

9.0 Challenges

Every successful mission must have some challenges. For the whole period of organization of the trip and the pre-session week, the delegation witnessed the following challenges;

- i. Timely logistical arrangements mainly visa, insurance and hotel booking was a challenge. This is partly because many participants were not sure of their trip as were waiting for confirmations from development partners who promised to facilitate them.
- ii. The pre-session has a limited time. One hour for the presentation and question-answer session is very small. Issues and recommendations are presented shortly or condensed. The UPR Info need to look on the possibility of adding at least an hour for the session.
- iii. Many diplomats from Africa do not attend the pre-session despite of being invited. Their attendance would be very useful since they could be better placed to know what is happening in Africa/state under review because of the same region.
- iv. Financial resources is still a challenge to facilitate CSOs participation in UPR activities during the official adoption of the working group report after the adoption/implementation phase.

10.0 Way forward

For the effective CSOs participation in the actual review process and after the review, the following is the way forward and activities planned to be conducted;

- i. Organize the CSOs delegation trip to attend the actual review session to Geneva to take place from 9th to 13th May 2016 which will include organising a side-event at the UN.
- ii. Broadcast the webcast in the country during the review session and publish a press release.
- iii. Conduct workshop to raise awareness on the recommendations made to Tanzania and sensitize CSOs on lobbying for them to be accepted.
- iv. Conduct one day workshop session with government officials to accept key recommendations. This includes raising awareness on the noted recommendations, questioning the Government about the decision and trying to make them change their position.
- v. Organize CSOs delegation to attend the official adoption session in Geneva. During the adoption, CSOs and NHRI are given 20 minutes to make their general comments.
- vi. To take part in the whole implementation follow-up process review before the next starting with development of the implementation plan.

**LIST OF UPR PRE-SESSION CSOs DELEGATES
THE UNITED REPUBLIC OF TANZANIA
29TH MARCH-1ST APRIL, CIGC GENEVA**

NO	NAME	ORGANIZATION	TITLE	CONTACT/EMAIL
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THE UNITED REPUBLIC OF TANZANIA
29TH MARCH-1ST APRIL, CIGG GENEVA**

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