



## LEGAL AND HUMAN RIGHTS CENTRE

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### **TANZANIA HUMAN RIGHTS SITUATION BY LHRC AT THE OPENING SESSION OF THE 63<sup>RD</sup> ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS (ACHPR)**

24th and 25th October 2018 Banjul, The Gambia

**Submitted by William Benjamin Kahale**

**For and on behalf Ms. Anna Henga, Executive Director**

**Legal and Human Rights Centre – Tanzania (Observer Status No 244, Granted on the 28<sup>th</sup> Ordinary Session 23 October – 6 November 2000 Cotonou, Benin)**

Your Excellency Representative of the Government of the Gambia,

Your Excellency Representative of the African Union,

Your Excellency Chairperson of the African Commission on Human and Peoples' Rights,

Dear Commissioners members of the African Commission on Human and Peoples' Rights,

Your Excellences Diplomats accredited to the Gambia, State Delegates and Participants,

Invited guests,

Dear Colleagues.

We thank you for the privilege and honour to be given this exceptional opportunity to address you at this 63rd Ordinary Session on behalf of the NGOs community and People of Tanzania. We extend our most sincere gratitude to the authorities and the people of the Republic of the Gambia for their warm welcome and hospitality.

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#### **Board of Directors:**

**Prof. Geoffrey R.V. Mmari - Chairperson, Ms. Anna Aloys Henga (Adv.) Secretary, Ms. Emeline A. Mboya - Member, Mr. Thaddeo W. Mashera - Member, Dr. James E.M. Jesse (Adv.) - Member, Ms. Rebecca Z. Gyumi - Member, Ms. Anastazia Rugaba - Member, Ms. Sophia M. Komba - Member**

Madam Chairperson, although we are proud of and applaud our government's determination under His Excellency President Dr. John Pombe Magufuli in fighting grand corruption, embezzlement of government funds, improvement of public infrastructures and industrialisation, on the other hand we are deeply concerned by the alarming human rights violations, especially civil and political rights contrary to our Constitution as well as regional and international instruments.

Over the past two years, basic freedoms of assembly, expression, association and the right to take part in governance have severely been restricted by the government apparatus. There has been continued restriction to political assembly. Political parties' freedom to exercise their activities has been curtailed. Public political meetings and rallies have been suspended by presidential fiat and restricted to politicians own constituencies despite absence of a law that provides for such constraints. More than 53 members and leaders of the opposition political parties have been arrested, prosecuted and others sentenced to jail for allegedly organising unlawful assemblies.

There have been continuous threats from the government to deregister some of the vibrant critical Civil Societies for what is called elements of 'political activism' and 'non-compliance to the NGO law'.

The right to participate in governance has also been violated. Most of the 2017 and 2018 by-elections were marred by violence and irregularities and incidents of massive human rights violations including excessive use of force by law enforcement agencies, abductions of party leaders, representatives and voters, beatings and torture. There have been continued threats to CSOs and religious leaders for critically commenting on governance and political issues.

We therefore, respectfully call upon the Commission:

- ❖ To conduct an immediate assessment into cases of arbitrary restriction on freedoms of Assembly, Expression and Association in Tanzania in accordance with the African Charter on Human and Peoples' Rights.
- ❖ To take initiative to influence the Government of Tanzania to review its Constitution and relevant electoral laws so as to have an independent Electoral Commissions and achieve other related political rights.

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- ❖ We respectfully call on the Commission to press Tanzania authorities to open civic and political space, including to allow public political meetings and rallies to freely take place.
- ❖ We respectfully call on the Commission to advise the government of Tanzania to strictly observe and take heed of democratic and good governance principles as provided for by the Tanzania and Zanzibar Constitutions, Regional and International Instruments.
- ❖ We urge the Commission to recommend to the Government of Tanzania to increase gender equality and participation of women in decision making to attain 50-50 agenda.
- ❖ We acknowledge the Government of Tanzania for enacting the Legal Aid Act of 2017. We call upon the Commission to recommend to the Government of Tanzania to enact the same law in Zanzibar and to fully support the initiative by providing Legal Aid Government Funding as a way of implementing Sustainable Development Goal No.16.
- ❖ We call upon the Commission to urge the Government of Tanzania to respect girls' right to education by allowing teen mothers' to resume their studies in public schools.
- ❖ We call upon the Commission to urge the Government of Tanzania to abolish death penalty and remove restriction on the right to bail.

**I humbly submit**

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