**COMMISSION FOR HUMAN RIGHTS AND GOOD GOVERNANCE**

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**COMMISSION’S RESPONSE ON THE CONTRIBUTION OF DEVELOPMENT TO THE ENJOYMENT OF ALL HUMAN RIGHTS**

**A brief introduction of Commission for Human Rights and Good Governance**

The Commission for Human Rights and Good Governance (herein referred as CHRAGG) is an independent government department[[1]](#footnote-1) established in 2001 to promote and protect human rights and duties, and principles of good governance in Tanzania. It is a constitutional creature[[2]](#footnote-2). The Commission became operational on the 1st July 2001 after the coming into force of The Commission for Human Rights and Good Governance Act, No. 7 of 2001.[[3]](#footnote-3) The Commission was officially inaugurated in March 2002. CHRAGG initially operated in Tanzania mainland but its mandate was extended to Zanzibar through The Commission for Human Rights and Good Governance (Extension Act) No 12 of 2003.

CHRAGG’s mandate is stipulated under the Constitution of the United Republic of Tanzania of 1977[[4]](#footnote-4) and its founding legislation[[5]](#footnote-5). Its core functions are to promote, protect and preserve human rights and principles of good governance in the country. These core functions are discharged through public awareness creation about human rights and the principles of good governance through its outreach activities including public meetings, seminars and workshops. It advises the government, other public organs and private entities on specific issues relating to human rights and principles of administrative justice.

With regard to its protection mandate, the Commission conducts investigations of complaints which it receives from individuals, or groups of people concerning violation of the aforesaid human rights and principles of good governance. It also conducts inquiries and research pertaining to human rights and good governance and provides legal aid to the needy. In addition, it cooperates with national, regional and international bodies competent in the promotion and protection of human rights.

**RESPONSE TO THE QUESTIONS**

**Question 1**

*“Please provide examples of the best practices such as policies, action plans and any other measures undertaken by your organization and/or entity in support of the national sustainable development agendas that promote and realize all human rights including the right to development for all?”*

**1.0 Response:**

Tanzania has developed and implemented several development policies and programmes. The basic development agendas adopted by Tanzania (Mainland and Zanzibar) include; The Tanzania Development Vision 2025 and Zanzibar Development Vision 2020; the National Five Year Development Plan 2016/2017- 2020/2021; the 2011/12-2025/26 Long Term Perspective Plan and the 2006-2015 Zanzibar Growth Strategy; the National Poverty Eradication Strategy, the Poverty Reduction Strategy Paper and the Zanzibar Poverty Reduction Plan; the National Strategy for Growth and Reduction of Poverty (NSGRP/MKUKUTA I and II) and the Zanzibar Strategy for Growth and Reduction of Poverty (ZSGRP/MKUZA 1 and 11) and various specific interventions by respective government authorities. These goals, policy objectives, plans and different programmes aim to transform Tanzania into a middle-income country through meeting various articulated targets such as economic growth and poverty reduction; improved quality of life; governance and accountability; peace, stability and unity; and a well educated and learning society[[6]](#footnote-6).

Through implementing of its core functions, CHRAGG has formulated and implemented various programmes and plans and has been conducting different activities which directly or indirectly link to national sustainable development agendas as explained hereunder;

**1.1 Formulation and implementation of the National Human Rights Action Plan (NHRAP)**

CHRAGG has spearheaded the formulation and implementation of the National Human Rights Action Plan (NHRAP) 2013-2017 which was launched by the Government of Tanzania in 2013[[7]](#footnote-7). The Action Plan sets up a comprehensive national system of human rights protection and promotion through specific activities and actions. It identifies twenty-three human rights issues arranged in four thematic areas as priorities for improving coordination and protection of human rights in Tanzania. The four thematic areas are: Civil and Political Rights; Economic, Social and Cultural Rights; Groups with Special Needs; and Institutional Strengthening and Emerging Issues. The plan, among other things, seeks to mainstream human rights and promote a Human Rights Based Approach to national development policies and plans[[8]](#footnote-8).

The Action Plan links with other development programs, strategies and state commitments like National Strategy for Growth and Reduction of Poverty, the ended NSRPG II and ZSGRP II, Millennium Development Goals (MDGs)/Sustainable Development Goals (SDGs), Tanzania Vision 2025, the ended Five Year Development Plan 2011/2012 to 2015/2016 and the current Five Year Plan 2016/2017- 2020/2021 (FYDP), Universal Periodic Review (UPR), African Peer Review Mechanism (APRM) and treat body commitments.

CHRAGG played a coordinating role during the formulation of the Plan and is now monitoring its implementation. The general focus of the Plan has been awareness creation, conduct training to respective stakeholders for monitoring purposes, increasing access to justice through human rights training and mainstreaming, and the initial preparation of stakeholders’ reports on Tanzania submitted under UPR in 2016. CHRAGG has coordinated several activities which geared at ensuring that the relevant ministries, departments and agencies as well as local government authorities incorporate the Plan into their work and adopt effective measures to implement it. The Mid -Term Evaluation of NHRAP which was undertaken between May and June 2016 in selected regions of Tanzania mainland and Zanzibar shows that there was some progress towards implementation of the Plan’s main goal and strategic objectives.

The evaluation report indicates that 19,230 copies of NHRAP were printed out of which 16,830 copies have been disseminated to stakeholders in 30 regions (including their District/ municipal councils). Both English and Swahili versions were disseminated. Furthermore, 5000 copies of Guidelines for persons with disabilities (PWDs) were printed and have been disseminated to various stakeholders.

Up until December 2016[[9]](#footnote-9), CHRAGG coordinated various capacity building and training for both CHRAGG’s staff and other stakeholders on issues related to the effective implementation of NHRAP. A total number of 2249 stakeholders were trained on NHRAP, its monitoring and implementation. The stakeholders include; local government officials, head of government departments, magistrates, link officers and budget officers from respective government departments, media personnel, education personnel and representatives from Civil Society Organizations.

**1.2 Implementation of CHRAGG’s mandate**

CHRAGG has been making various interventions in an effort to realize human rights and fundamental freedoms of the Tanzanian population. These include; receive and handle complaints by carrying out investigations on alleged human rights violations and maladministration; conduct research, monitoring and public enquiries and educating the public on human rights and principles of good governance. Through these activities, different rights are promoted and protected including the right to development for all.

# 1.3 Public enquiries on land disputes

Land disputes have often resulted in clashes between different groups in Tanzania. These include; community of pastoralists and farmers, community against government and other public institutions, the community against investors and conflicts among individuals. Such conflicts have resulted into deaths and injuries to people and animals, loss of properties and disturbances to social and economic activities as well as public order and security.

CHRAGG at different period of time have conducted public enquiries on land disputes so as to involve the citizens in identifying the causes of such disputes and their recommendations on the best way to end such disputes. Between 2011 and 2015, CHRAGG conducted public enquiries on land disputes which covered a total 49 districts of Tanzania mainland and Zanzibar. The recommendations from the enquiries were forwarded to respective authorities for implementation.

**1.4 Handling of complaints and carrying out investigations**

Since its establishment in 2001 up to June 2017, CHRAGG has received and handled a number of complaints through investigations. It has received a total number of 31,553 complaints and handled 27,456 complaints while 4,864 complaints are still pending. Among the complaints, 1,302 complaints relates to violation of civil and political rights; 768 complaints on violation of economic rights including right to property; 595 on terminal benefits; 321 complaints on employment issues and 833 on maladministration. Through handling of such complaints, several human rights are realized.

**1.5 Awareness creation on human rights**

CHRAGG has implemented several awareness creation and sensitization programmes aimed at promoting human rights and principles of good governance in Tanzania. This is through trainings, workshops, seminars, TV and Radio programmes, and production and dissemination of brochures/ leaflets. Examples of trainings/workshops that CHRAGG has conducted include; workshops/ seminars for government officials and members of parliament on the existence and recognition on indigenous peoples rights (2014/2015) and training on labour rights and laws to 884 industrial workers within 14 industries covered under The Export Processing Zones Authority project (2014/2015).

**1.6 Implementation of the Project on Recognition and Implementation of the Rights of Indigenous Peoples**

In 2014/2015 the Commission implemented a project on Recognition and Implementation of the Rights of Indigenous Peoplesin the country. The main objective of the project was to sensitize the public authorities and raise awareness on existence and recognition of indigenous peoples and implementation of their rights in the country. Also, the project specifically intended at lobbying for adoption of a comprehensive policy and legal framework for formal recognition and implementation of indigenous peoples rights. Different activities were conducted during the implementation of the project. These activities include the National stakeholder’s workshop on the existence and recognition of Indigenous Peoples and implementation of their human rights; Sensitization seminars to Members of Parliament on the existence, legal recognition and implementation of the rights of indigenous peoples, and Sensitization seminar to the Local Government Authorities (LGAs) officials on the rights and welfare of indigenous peoples

Apart from raising awareness to a total number of 190 participants who attended workshops and seminars, a total of 1000 copies of Information, Communication and Education (ICE) materials on indigenous peoples rights, international instruments, research and monitoring reports and other relevant documents were disseminated and distributed to the public.

The project on the recognition of indigenous peoples rights in Tanzania provided a linkage with developmental plans which seek to leave no one behind. The project was vital since non-recognition of this group may create an unattractive atmosphere for investment and act as a barrier to access loans and grants for developmental projects from international monetary organizations. The adoption of recommendations forwarded during the life span of the project contributed in developing lobbying and advocacy strategies to the government to develop comprehensive policy and legal framework for recognition and implementation of the rights of indigenous peoples.

**1.7 The formulation of the Plan of Action to fight and eliminate brutality and killing of persons with albinism**

Persons with albinism in Tanzania have for a quite period of time experienced challenges in the enjoyment of their human rights and fundamental freedoms due to attacks and killings against them which are associated with superstitious beliefs[[10]](#footnote-10).

In an effort to protect this vulnerable group within the society, CHRAGG in collaboration with various stakeholders from the government departments and civil society adopted a National Plan of Action to Fight and Eliminate Brutality and Killing of Persons with Albinism in 2015. The Action Plan relates with the developmental agendas which put emphasis on peace and security which are prerequisites for development of any given society. It comprises of a set of recommendations tasking various government departments to take responsibility in the protection and promotion of the rights of persons with albinism. The recommendations include; ensure security of persons with albinism throughout the country, raising public awareness on albinism, ensure provision of medical needs to persons with albinism and increase financial support to the centres where children with albinism are kept. The action plan has been disseminated by the government and currently CHRAGG is making follow up on its implementation.

**1.8 Reporting to international and regional human rights mechanisms**

As National Human Rights institution, CHRAGG has prepared and submitted various reports to international and regional human rights treaty bodies and other mechanisms. For example, it submitted its reports under UPR in 2011 and 2016. It also participated in the preparation of the APRM Tanzania Country Review Report of 2013. Furthermore is has submitted various report to Human Rights Committees under United Nations, African Commission on Human and People’s Rights and The African Committee of Experts on the Rights and Welfare of the Child.

**1.8 Establishment of focal persons**

CHRAGG has established focal persons/ link officers within the key government ministries, departments and agencies as well local government authorities for follow up purposes and close cooperation in the monitoring and implementation of human rights and principles of good governance from grass-roots level. Currently, it has established 249 link officers for monitoring and reporting purposes.

**1.9 Establishment of thematic areas within the Commission**

CHRAGG has established thematic areas within the Commission so as to strengthen the implementation of its core functions. Under thematic areas, the staff works in various teams headed by the Commissioners and Directors according to the identified human rights themes. The themes include; Indigenous Peoples’ Rights, People with Disability rights, women and gender, non discrimination, human trafficking, employment issues, freedom of expression and media rights, refugees, internal displaced persons, integrity and accountability, water rights and environmental law, elderly people and social security funds, forced disappearance, arbitrary and summary executions, death penalty and torture, human rights and business and international cooperation with various human rights organizations/institutions and Offices of Ombudsman. This practice has increased the effectiveness of CHRAGG and has enhanced skills and knowledge of its staff on human rights issues and good governance.

**QUESTION 2**

*What are the main challenges of obstacles your organization and/or entity face in supporting the national sustainable development agendas that promote and realize all human rights including the right to development for all?*

1. **Response:**

**2.1 Budgetary constraints**

CHRAGG has been facing financial constraints which stand as an obstacle to effective performance of its functions, planned activities and its independence. The budget it receives is inadequate. It also lacks adequate working facilities such as computers and cars. However CHRAGG has been advocating for the improvement of its budget and has sought support from development partners where possible.

**2.2 Lack of cooperation from some of the government departments/agencies**

Some of the government departments are reluctant to implement CHRAGG’s recommendations as required by the law. This diminishes the effectiveness of CHRAGG in the protection and promotion of human rights and good principles of good governance in the country.

**2.3 Low level of public awareness on human rights**

Ignorance of human rights to a large extent has contributed to the low levels of people’s participation in issues related to human rights and good governance. As a result, majority of the people have failed to claim their rights under the legal processes. Similarly, there are some harmful cultural practices by the society which infringe on human rights such as female genital mutilation and witchcraft beliefs that promote oppression and discrimination.

1. See Article 130(2) 1977 Constitution of the United Republic of Tanzania. [↑](#footnote-ref-1)
2. Article 129 (1) of the 1977 Constitution of the United Republic of Tanzania of 1977 establishes the Commission. [↑](#footnote-ref-2)
3. CAP 391 [R.E.2002] of the Laws of Tanzania [↑](#footnote-ref-3)
4. Article 130 (1) [↑](#footnote-ref-4)
5. Section 6 (1) of the CHRAGG’s Act [↑](#footnote-ref-5)
6. Goals/targets enunciated in the Vision 2025 and NSGRP [↑](#footnote-ref-6)
7. The Action Plan was developed by the Government under the Ministry of Constitutional and Legal Affairs. The formulation process which began in 2008 involved a number of key stakeholders including representatives from the government departments, civil society organizations, The United Nations and academia. [↑](#footnote-ref-7)
8. This is one of the objectives of NHRAP. [↑](#footnote-ref-8)
9. Final Project Report submitted to UNDP, December 2016. [↑](#footnote-ref-9)
10. According to the information from the Office of the Director of Public Prosecutions, between 2006 and 2017, a total of 41 persons with albinism had been killed in Tanzania, 13 are survivors but most of them maimed and 2 persons abducted. The Report by CHRAGG on Public Enquiries on Killings of Persons with Albinism and Older Persons, 2009 indicates that, the killings and attacks are associated with superstitious beliefs that body parts of a person with albinism could contribute to success in business especially by people involved in small mining sector, in fishing and people who aspire to public/ and political office at various levels. [↑](#footnote-ref-10)