

EU Engagement with HRDs in Tanzania

Background:

Tanzania has a relatively positive reputation in the realm of Human Rights. In national and international HR reports and discussions with HRDs, the HR situation in Tanzania is generally described as acceptable. HR-NGOs and HRDs are accepted by Government bodies and generally not impeded from doing their work and voice their opinions. The protection of HR is however reported to be of variable quality at lower levels of Government. The Government of Tanzania has signed most international HR related international instruments and set up an advisory body on HR, the Commission for Human Rights and Good Governance (CHRAGG), which is under the responsibility of the Ministry of Justice. EHAHRDP nevertheless at the same time concluded that Tanzania's positive reputation in the area of HR can itself be a challenge for HRDs in that they may struggle to draw attention and financing to their work and they may not put in place appropriate arrangements for their own protection.

In Tanzania the biggest challenges of HRDs can be summarized as:

- Funding (economic constraints)
- Impact (coordination and synergy of activities)
- Security threats to the HRDs and the lack of information and appropriate mechanisms to guarantee their security
- Access (to information as well as to regional and international Human Rights platforms and fora)
- Obstruction of justice due to prolonged court cases and a weak judicial system.
- Lack of a sense of urgency at the international level.

A Conservative Society

The position of women continues to be a difficult one. The Government has made significant efforts in this area, but further work is required. Issues relating to Gender have been prioritised as part of the development partner agenda in Tanzania. The Government has adhered to all international principles and put in place mechanisms and regulation to promote women's rights, nevertheless real ownership of this agenda is seen as lacking. Witchcraft and traditional belief systems still play an important role in Tanzania. Some extreme aspects of these beliefs have resulted in issues of HR concern i.e. the killings of those living with albinism and 'witch' prosecutions. Although witchcraft is officially banned, people accused of witchcraft and those people living with albinism run a risk of abuse and violence, by their fellow citizens. Despite significant efforts, the state has proved to be incapable of fully securing the safety of these people. Homosexuality is not acceptable to the majority of the Tanzanian population and forbidden by law. Nevertheless, although homosexuality is a criminal offence, the Tanzanian Government does not actively prosecute homosexuals. Homosexuals however do run a risk of being abused by their fellow citizens, especially when openly displaying their sexual inclination. Changing the legal framework governing this area does not seem to be an option for the Government - despite its international commitments in this regard - considering the opinion of the vast majority of the population and the negative stand of religious organisations.

Coming from a single party system

Although Tanzania officially introduced a multiparty-system in 1992, the political landscape is still very much dominated by the former single party, CCM. Excluding Zanzibar, CCM on average receives the support of over 80% of Tanzanian voters at both the national and local level; it controls all government positions and is influential within the Tanzanian commercial sector. Openly supporting an opposition party can result in more cumbersome career development, unreasonable scrutiny of business undertakings etc.

When Big Money is Involved

Both the EHAHRDP fact finding report and the EU-HRDs meeting in May 2010 identified corruption, land-rights and natural resources as issues where denouncing irregularities attracts pressure, coercion and even violence. These issues normally involve high stakes and large sums of money. Both governmental bodies and private entities can react adversely when they feel their interests are being threatened by too much attention. In particular those that seek to highlight and expose corruption have faced significant challenges. The EU considers individuals working on tackling corruption to be Human Rights Defenders.

The Role of the Media

Journalists in Tanzania are the principal instigators of attention for corruption, they are likely to work with considerable risks, and can be subjected to pressure and coercion. Under the scope of this local implementation strategy, journalists working towards the promotion of fundamental freedoms such as the freedom of expression and the right to access information are considered to be HRDs. A number of incidents worrying incidents undermining the work of the journalists occurred in 2012 and 2013 that might indicate a negative trend in relations between national authorities and the media and could raise questions on the views of the authorities on the oversight role of the media.

Objectives of the Local Implementation Strategy in Tanzania

- To enhance collaboration amongst EU missions and coherence of EU activities in support of HRDs and offer practical guidance to missions on how to protect defenders under the current context;
- To work with HRDs to improve the channels of protection and redress at their disposal in cases of violations of their rights.
- To make the existence and purpose of the EU engagement more widely known among HRDs, staff of EU missions, and the Government of Tanzania, and to ensure that the views of HRDs are included in monitoring and implementation of the EU engagement with HRDs in Tanzania.

Actions

The EU engagement with HRD in Tanzania will be reviewed on an annual basis with input from HRDs. The actions listed below are those that are deemed appropriate under current circumstances. If the Tanzanian context were to change a number of other actions are available to the EU as outlined in the EU Guidelines on Human Rights Defenders.

The EU guidelines will be promoted in contacts of Member States with HR NGOs, HRDs and other actors, including other likeminded countries and (multilateral) organisations.

The EU Head of Mission will provide periodic (yearly?) reports on the human rights situation. The EU Missions will seek to adopt a proactive policy towards the HRDs.

Engaging EU-Missions

- Enhance collaboration amongst EU missions and coherence of EU activities relating to HRDs through existing channels, using both EU and wider for a such as EU-Fundis group, EU-HoM's, and Good Governance Working Group.
- On a bi-monthly basis have HRDs and HRs issues discussed at the EU-Fundis group, sharing information on contacts and engagement with HRDs, information on funding provided to HRDs and HR-NGOs, and identifying possible joint EU activities. Place HRDs on the HoMs agenda at least on a yearly basis.
- Appoint a HRD liaison officer in each mission for contacts on and with HRDs.
- Appoint an EU- HRDs focal point on a yearly rotating basis. Currently the Finnish Ambassador Sinikka Antila is the focal point for HRDs and in that function should be the first point of contact.
- Share EU Guidelines and EU Engagement with HRDs in Tanzania document with all staff of EU missions, in order for them to be used when appropriate in their respective sectors and fields of expertise and assist in identifying possible sector specific provisions to be included in future local implementation strategies.
- Organise a yearly forum between HRDs and EU and the Member States. The last forum was organized in September 2012 and a new one is foreseen in 2013, organized by Finland&EU.
- Provide HQs with information to enhance engagement with Tanzania on the situation of HRDs in a range of international fora, such as United Nations Universal Periodic Review Session.
- The EU HoMs may decide to conduct an urgent local action to support HRDs who are at immediate or serious risk.
- Ensure the swift functioning of the EU local rapid response mechanism. Currently the process takes too long in order to respond to the needs it was created for. Assess other internal organizational capacities in view of the ability to respond to emergency cases.
- Publish an article on the EU-HRD Forum to raise public awareness.

Engaging HRDs

- Assess the situation of HRDs on a regular basis through the annual EU-HRDs meeting, regular contacts with HRDs, and information sharing amongst EU and other missions.
- Make the existence and purpose of the guidelines more widely known among HRDs, HR-NGO's, duty-bearer stakeholders and other actors.
- Ensure that HRDs views are included in the monitoring, implementation and evaluation of the EU engagement with HRDs in Tanzania.
- Work with HRDs to improve the channels at their disposal in case of violations of their rights notably threats/ intimidation/ assault or risks to their lives including helping to ensure fair trial rights.
- Inform HRDs and HR-NGOs of the possible funding instruments available to support their work including highlighting EU funding mechanisms such as the European Instrument for Democracy and Human Rights.
- Seek to facilitate interaction between HRDs and the authorities as appropriate.
- Promote interaction between HRDs and visiting EU delegations where appropriate.
- Make efforts during EU-field missions to extend and enhance EU-contacts with HRDs to areas outside of Dar es Salaam.
- Consider activities to increase visibility of HRDs such as inviting HRDs to Embassy events, marking of specific dates such as International Human Rights Day, International Women's Day etc, at the same time taking into account the safety considerations
- Publish international legal instruments, reports on Tanzania etc., on EU missions' websites.
- Publish European Parliament Resolutions relevant to HRDs on EU-missions' websites.

- Strengthen political support to HRDs, also in the form of capacity development.
- Jointly agree on a local security and protection policy for HRDs.

Engaging Government

- Consider, where appropriate, raising issues relating to HRDs with the Government, carrying out demarches, or issuing EU-statements, when clear violations of the rights of HRDs have occurred and make sure to follow-up on and evaluate the outcomes of these actions.
- Consider using Article 8 dialogue to engage Government on issues relating to HRDs.
- Seek to raise recommendations made by international and regional level mechanisms working on the protection of HRDs - such as the Special Reporters of the UN and of the African Commission on Human and People's Rights (ACHPR), Universal Periodic Review (UPR - in EU dialogue and engagement with Government.
- As Tanzania is perceived at international (Human Right) bodies to have a relatively good HR reputation it is important that EU and member state delegations in Tanzania voice concern and provide information to HQs at any developments that run contrary to this reputation as appropriate, to allow engagement with Tanzania and representatives of Tanzania on issues relating to HR and HRDs at the international level.
- Encourage the Government of Tanzania to issue standing invitations to Special Procedures mandate holders from the UN and ACHPR.
- Monitor the African Peer Review Mechanism, which began in 2010, on the role it can possibly play in supporting the work of HRDs.
- Promote the signing and ratifying by Tanzania of the AU African Charter on Democracy, Elections and Governance.
- Promote access to information and an updated media act.