



Tanzania Human Rights Defenders Coalition [THRDC-Coalition]

P. O. Box 105926 Dar es Salaam, TANZANIA Mob: +255 783 172394 E-mail:
defenderscoalition@rocketmail.com, web www.thrdc.or.tz

A STATEMENT ON THE SUSPENSION OF SIKIKA ACTIVITIES IN KONDOA DISTRICT

Tanzania Human rights defenders Coalition (THRDC), an umbrella body of more than 100 human rights NGOs in Tanzania, condemns the indefinite ban of SIKIKA operations in Kondoa District Dodoma Region. SIKIKA is a health advocacy local NGO registered in Tanzania with national wide mandate in health governance.

The letter of indefinite ban of SIKIKA's operations in Kondoa was discussed by the Kondoa District Council and finally endorsed by Kondoa District Executive Director. This inconsiderate and impartial administrative judgment was concluded at the middle of SIKIKA's operation on Social Accountability Monitoring (SAM) programs in Kondoa by Kondoa Full Council Meeting on 2014. SAM is a social accountability project that insists on transparency, accountability and good governance in Health care Governance and Financing, Human Resources for Health, Medicines and Supplies as well as HIV & AIDS.

Violated Rights

The indefinite suspension of SIKIKA and the ongoing suppression of the freedom of expression to Human rights NGOs, media and political activists by government official's violate;

- i) Article 1 of the UN Declaration on Human Rights Defenders of 1988 which provides that Human right organizations and human rights defenders have rights to associate and carry out their operations without censorship or interference
- ii) Article 6 of the UN Declaration on Human Rights Defenders , which provides right of NGOs and human rights defenders to know, seek, hold and obtain information.
- iii) Article 8 of the UN Declaration on Human Rights Defenders which provides for rights of NGOs and Human rights defenders to have effective access on non- discriminatory basis, to participation in the government of his or her county in the conduct of public affairs
- iv) Article 27(1) of the United Republic of Tanzania Constitution of 1977 which provides a duty to every person to protect the countries natural resources while respecting individual properties)
- v) Article 146 (1) of the United Republic of Tanzania Constitution of 1977, which establishes Local Government authorities in order to ensure governance from the

grassroot level and a platform for participatory development. Therefore, violation of such deprives an ordinary citizen the right to participate in development activities of their respective residence as well as of the country as a whole.

- vi) Principles of Natural Justice were not fully observed; in this case the Kondo District Council was an offended party, the prosecutor, the witness and finally the magistrate. The Local Government District Authorises (Councilors Code of Conduct) Regulations G.N. No. 280 of 2000 Rule 7(j) which provides *‘that he (councilor) shall refrain from discussion and voting on any matter in which he has a direct or indirect pecuniary or personal interest;’*. In this regard the Councilors have breached their code of ethics and their decision should not stand still.

The Mandate of DC to ban CSOs Operations;

In addressing the issue of legality of the decision, the Coalition found that Kondo District Council had no legal powers to deliver such decision to SIKIKA. The NGOs Act No. 24 of 2002 (Cap 56) under section 7(e) has vested the mandate to direct suspend or cancellation of any NGO operations to the **Non Governmental Organizations Coordination Board**. In that regard, the Kondo District Council has assumed the power which lawfully did not have. The Council being the offended part had to channel their grievances to the **the National NGOs Councils Ethics Committee** established under the Non Governmental Code of Conduct. These Ethics Committee have their offices in every District.

The Clients' Service Charter March, 2010 is a social pact between the Prime Minister's Office, Regional Administration and Local Government (PMO-RALG) and its customers. Hence all district councils are governed and guided by the Charter. The Charter has set out the complaint handling mechanisms. It is our advice as a Coalition to the Councilors if they were not advised properly to follow the mechanism set out in the Charter. That if the councilors were dissatisfied with the conduct of SIKIKA staffs they were suppose to submit their written concerns to the Permanent Secretary.

The Current HRDs situation

THRDC findings indicates that NGOs and Human Rights defenders have never been free from tough administrative measures that affect their freedom of operation. It has been noted that some of the local government officials use their administrative power to infringe the rights of NGOs and Human rights defenders. The work of CSOs in rural areas becomes most unfavorable especially at this time when elections are nearing and during elections. For instance, in 2010, the Songea Non-Governmental Network (SONGO-Net) told the Coalition that they received letters from district commissioner,¹ forbidding NGOs in Songea to conduct any public meeting or seminars without government authorization.

As we move towards 2015 polls and during the ongoing constitution making process, threats to NGOs, Media and Human rights defenders continue to mount. For instance, on 4th August, 2014,

¹ These instructions were given through a letter No. AB.308/398/k02/6 of 26th May, 2010.

Dodoma Regional Commissioner has suspended all CSOs, Citizenry activities and open meetings on the current country mother law making process. **Dodoma Regional Commissioner** justified her administrative decision on the bases that these activities and meetings will paralyze the ongoing Constituent Assembly activities in Dodoma. Also the Chairman of the Constituent Assembly, **Hon. Samuel Sitta** on 5th August 2014, made a verbal threats to media outlets that cover live new constitution dialogues.

Our Call

a) To Kondoa Local Government Authorities

- i)** To abstain from using unjustified means to suppress the right of citizens and civil societies to participate in government affairs
- ii)** To quash the decision made by the council and allow SIKIKA to resume its operations,
- iii)** To follow the proper disciplinary procedures in case of any misunderstanding with CSOs.
- iii)** To avoid being used by politicians as a political tool to suppress the work of CSOs.

b) To the Civil Society

- i)** To maintain solidarity when HRDs are at risk in order to be able to work as a team and defend one another at times like this, for an injury to one is an injury to all,
- ii)** To be brave by continuing to unearth grave human rights offences and to advocate for issues of public interests taking advantage of forums and campaign for better and people driven constitution as per Article 18 of the URT Constitution.

c) The international community

The UN and it's agencies, diplomatic missions and other regional and international organizations in the country are hereby called upon to take concern of such particular threats to NGOs and Human rights defenders.

d) To Responsible Ministries

The Coalition calls all the relevant Ministries to take necessary efforts and intervene the current commotion between the Kondoa District Council and SIKIKA.

We finally, call all citizens in Kondoa and mostly the beneficiaries of SIKIKA's services to be kind and tolerant at this time when the Coalition is intervening this tense situation between SIKIKA and Kondoa District Council. We also urge government officials and politicians to refrain from giving threatening statements to all civil groups and the media that offer public education on the current constitutional making process.

By Tanzania Human Rights Defenders Coalition



Onesmo Olenguruma
National Coordinator

CC;

- a. Prime Minister's Office, Regional Administration and Local Government (PMO-RALG),
- b. Director of the Non Governmental NGOs,
- c. Chairman of the Kondo District Council,
- d. Director of Kondo District Council,
- e. District commissioner of Kondo.

LIST OF THRDC MEMBERS CONDENMNING THE BAN OF SIKIKA

1. Enviro- Care
2. Legal and Human Rights Centre - LHRC
3. Haki Madini
4. SAHRINGON
5. Environmental Management Action Team- LEAT
6. Tanzania Women Lawyers Association -TAWLA
7. Zanzibar Legal Service Centre - ZLSC
8. Media Institute of Southern Africa (MISA-Tan)
9. Zanzibar Female Lawyers Association (ZAFELA)
10. Tanzania Pastoralists Communities (TPCF)
11. Journalist for Human Rights
12. PAICODEO
13. TUFAE
14. Tanzania Albino Society (TAS)
15. Tanzania Editors Forums (TEF)
16. Media Council Tanzania of Tanzania - MCT
17. TAMWA
18. PINGOS Forum
19. Human Rights and Education for World Peace
20. Jukwaa la Katiba Tanzania
21. Mikono yetu
22. LEWOPAC
23. WOTE SAWA
24. HAKI MADINI
25. YOUTH TO YOUTH
26. UNDER THE SAME SUN
27. UTPC
28. WASHEHABISE TANZANIA
29. MTWARA PARA LEGAL
30. TAS
31. Kigoma Women Development (KIWODE)
32. Shamsia Women Group (CBO)
33. Better Life (NGO)
34. NGONET (Ngo's Network for Dodoma Urban)
35. Rural Women Development Iniativites (RUWODI)
36. Bethania empowerment and suport (BEST)
37. Tanzania Youth Potential Association
38. Tanzania Network of legal providers Ltd (TANLAP)
39. Tanzania Patnership Development Organization
40. SIKIKA