

NATIONAL ORGANISATION FOR CHILDREN WELFARE AND HUMAN RELIEF [NOCHU]



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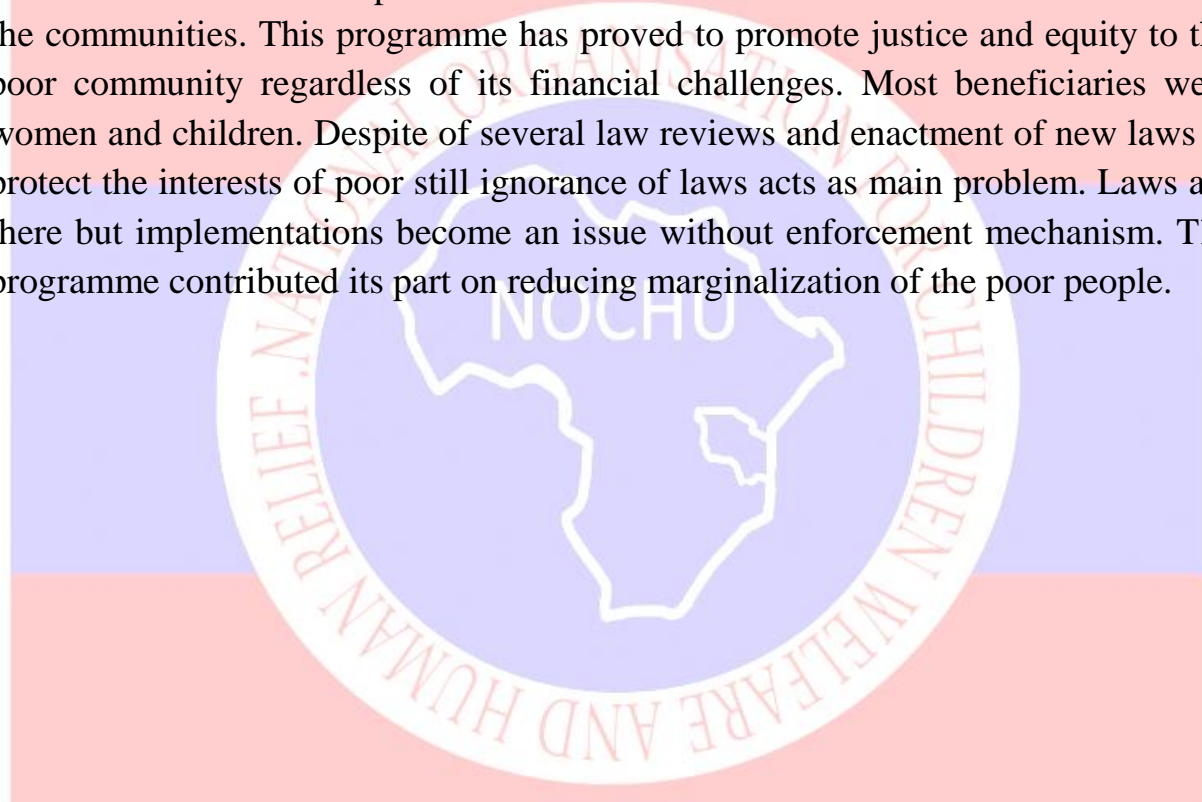
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**THE BEST INTERESTS OF A CHILD MUST BE PROTECTED
FROM ALL SPHERES OF LIFE**

EXECUTIVE SUMMARY

Progressive legislative actions in Tanzania have improved women's legal rights to land, however significant gender disparities persist in access, control, inheritance, and ownership of land at the grassroots level. One promising mechanism to improve the implementation of laws is through social counseling and Legal aids programs, which are typically designed as pro-poor to enhance legal empowerment of marginalized groups. Targeting gender and land-rights issues aim to improve knowledge of existing laws, attitudes toward women's ability to own or control land and practice on how land is administrated and distributed in the communities. This programme has proved to promote justice and equity to the poor community regardless of its financial challenges. Most beneficiaries were women and children. Despite of several law reviews and enactment of new laws to protect the interests of poor still ignorance of laws acts as main problem. Laws are there but implementations become an issue without enforcement mechanism. The programme contributed its part on reducing marginalization of the poor people.



THE BEST INTERESTS OF A CHILD MUST BE PROTECTED
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1.0 About NOCHU

The National Organisation for Children Welfare and Human Relief [NOCHU], is a non governmental organization established in 1994 by men and women dedicated for the welfare, rights, and interests of the child and other marginalised groups. NOCHU was registered with the Ministry of Home Affairs under the Registrar of Societies, Registration No. SO 8231. Also registered with the Non-Governmental Organisation Act, 2002 on 10 August, 2011 with Certificate of Compliance No. 00001420.

NOCHU is dedicated to the growth, dignity, independence and self reliance of mankind and broadly engages itself in the promotion of human rights and democracy; promotion of agriculture and rural development, infrastructure and public awareness; formulation of programmes on refugees' camps/areas; promotion of information sharing, training and publicity; and carrying out of HIV/AIDS programmes.

NOCHU's objectives

- a. To engage in all activities concerning HIV/AIDS, HUMAN RIGHTS and ENVIRONMENT
- b. To arrange and provide education ,food, clothes ,shelter ,medical treatment and training for the orphans, deserted, neglected and disabled children
- c. To arrange and provide food, clothes and shelter for the people under disaster like floods, earthquakes, hunger, war, fire and accidents.
- d. To arrange and provide food, clothes and shelter for the mental retarded people and disabled.
- e. To provide assistance to the old aged and poor
- f. To plan establish and develop projects geared for the welfare and interests of children, disabled, orphans and the poor
- g. To undertake presentation and lobbying for the welfare and interests of children
- h. To act as centre of information exchange and publicity for various groups working for the interest of children, disabled ,human rights and relief for our country
- i. To promote and strengthening corporations between international community and local communities in the matters of common interests

Vision of the NOCHU

A society which respects and protects the welfare and the best interests of a child

NOCHU'S Mission statement

To defend, to protect, to develop the growth, the rights, the interests and the welfare of the child from all spheres of life as fundamental human rights.

Governance

The NOCHU is a membership organization with 45 members. The members form the Annual General Meeting which is the highest governance organ of the NOCHU. The AGM appoints a Board and Executive director to govern and direct policies of the NOCHU. Currently there are nine (7) board members. The day to day activities of NOCHU is managed by the Executive Director under the overall Supervision of the Executive Council (The Board)

DESCRIPTION OF THE GEOGRAPHICAL AREA FOR PROGRAMME BENEFICIARIES

Bunju is an administrative ward in the Kinondoni district of the Dar es Salaam Region of Tanzania. According to the 2002 census, the ward has a total population of 20,868. According to the 2012 census, the ward has a total population of 60,236 that include 29,157 males and 31,079 females. This programme has been implemented within Bunju Ward.

Kinondoni district is the northernmost of three districts in Dar es Salaam, Tanzania, the others being Temeke (to the far Southeast) and Ilala (downtown Dar es Salaam). To the east is the Indian Ocean, to the north and west the Pwani Region of Tanzania. The 2002 Tanzanian National Census showed that the population of Kinondoni was 1,083,913.[1] The area of Kinondoni is 531 km². the latest population census of 2012 showed that population of Kinondoni was 1,775,049: 914,247 female and 860,802 male. There are 446,504 households in Kinondoni with the average of 4 person per household.

Administratively, Kinondoni District is broken into 4 divisions, 27 different wards, and 113 sub-wards.

2.0 BACKGROUND OF THE PROBLEM

Access to justice is considered as a fundamental component of rule of law.¹ There is an Indian decision that states that:

*“the rule of law does not mean the protection of law must be available only for a fortunate few ... The poor too have civil and political rights and the rule of law is meant for them also, though today it exists only on paper and not in reality.”*²

Plainly, the term “access” means the right to enter a place, use something, see someone etc; how easy or difficult it is for people to enter a public building, to reach a place, or talk to someone; the way you use to enter a building or reach a place; have access to that you can use; the legal right to see or succeed in entering a place or in seeing someone or something.⁴ the word “justice” plainly mean the system by which people are judged in courts of law and criminals are punished; fairness in the way people are treated; the quality of being right and deserving fair treatment.⁵

In Tanzania, access to justice has had a long way. In spite of the existence of the Judiciary as a constitutional institution for administration of justice, still right to access to justice in Tanzania came to be recognized as a human right protected by the Constitution after the inclusion of Bill of Rights in the Tanzanian Constitution in 1984. Article 13(1) of the United Republic of Tanzania Constitution of 1977, now states that all persons are equal before the law and are entitled, without any discrimination, to protection and equality before the law. This Article is similar to Article 14 of the International Covenant on Civil and Political Rights [ICCPR] which Tanzania ratified in June 1977. The ICCPR provides five minimum standards that must be met if access to justice has to be secured.³ Legal aid becomes a great challenge to the community since it is expensive and complex in its nature.

Our office is located Dar es salaam region, Kinondoni district within Bunju B ward. It is surrounded with poor community; they cannot afford to hire advocates to deal with their legal disputes. So many disputes in the matters of matrimonial issues such probate and administration of estate, divorce, child care, separation of properties happen. Other disputes which also prevail are contract, land, labor

¹ JULIUS ISHENGOMA FRANCIS NDYANABO Vs. THE ATTORNEY GENERAL. CIVIL APPEAL NO. 64 OF 2001 Samatta, C.J., Kisanga, J.A. and Lugakingira, J.A.: (Appeal from the majority decision of the High Court of Tanzania at Dar es Salaam (Hon. Kyando, Ihema JJ and Kimaro J) 29th June, 2001 - Miscellaneous Civil Cause No. 2 of 2001 [Herein after referred to as Ndyanabo's Case]

² PUDR v. Union of India AIR 1982 SC 1473, 1477 [Indian Supreme Court]

³ General Comment 13 – 21st session Geneva 1984- Compilation of the general comments and general recommendations Adopted by Human Rights Treaty Bodies . UN. Doc. HRI/GEN/1Rev.1 at 14 (1994)

issues, gender violence, marriage disputes, family disputes and human rights issues. Some legal problems emanates from ignorance's of laws. Despite of so many conflicts between individuals raise in the community everyday but the government does not offer free legal services to the people. Legal services tend to be very expensive for poor community to afford. The most affected groups of people are usually women and children since they are the weak groups and the victims of conflicts. Example .Most women suffer when break down of marriages, or on the death of a husband. They are left with the burden of child care and maintenance without any right to own properties accumulated during the marriage.. After marriage breakdown or death of a husband normally women are left with no land. According to customs and traditional but not laws women cannot own land. In marriages, women are beaten hardly, humiliated, overworked and they do not participate in family decision making. Despite of all sufferings women did not know what action to take. Other marginalized groups are victims of ignorance and poverty, their lands are grabbed by selfish rich people in collaboration with corrupted political leaders. The problems affecting women and marginalized groups especially in violations of human rights also affect children since they are subjected to the same society. In other hand couples in marriages experience different intimacy conflicts which sometimes may affect marriage, to solve the issues victims did not know where to go.

Therefore our organization decided to design this project to reduce injustice and sufferings to the victims to the community around the office within **Bunju ward** by providing free legal advice and social counseling to the individual members of the community.

2.1 THE OBJECTIVES OF THE PROJECT

The main objective of the project is to provide social counseling /legal aid services to women, children, and other marginalized groups in order to eradicate or minimize conflicts and broken marriages and let women, children, and other marginalized groups, overcome stress, find alternative (such as solving disputes amicably) and make an informed decision, in particular,

SPECIFIC OBJECTIVES

- (a) To give the victims psychological support to enable them to identify and explore their reactions, feelings and emotions.

(b) To attend the victims by listening their problems and provide them with relevant social counseling and legal aid.

3.0 BI-ANNUAL WORKPLAN OF THE PROJECT

3.1 ANNUAL WORKPLAN OF THE PROJECT 2014

Annual Work Plan with Summary Activities, Inputs and Expected Results														
Description of Activities	Inputs Required	Timeframe (months)												Expected Results
		1	2	3	4	5	6	7	8	9	10	11	12	
Announcing volunteers position of legal officer in the public	Fund													Vacancy opportunity is communicated to the public
Volunteers interview with the applicants competing for the volunteering position of legal officer	3 Human resources and stationeries													Having a qualified volunteer legal officer
Training of a legal officer volunteer about NOCHU and how we work	2 human resource													A well Trained legal officer about NOCHU and how we work.
Execution of duties by volunteer legal officer to advice and draft legal documents to the victims visit our organization	1 Human resources and fund													Provision of legal services to the victims who have came to our office
Provision of social counseling to the victims	1 human resource													Provision of social counseling to the victims who came to our office

3.2 ANNUAL WORKPLAN OF THE PROJECT 2015

Annual Work Plan with Summary Activities, Inputs and Expected Results														
Description of Activities	Inputs Required	Timeframe (months)												Expected Results
		1	2	3	4	5	6	7	8	9	10	11	12	
Announcing volunteers position of legal officer in the public	Fund													Vacancy opportunity is communicated to the public
interview with the applicants competing for the volunteering position of legal officer	3 Human resources and stationeries													Having a qualified volunteer legal officer
Training of a legal officer volunteer about NOCHU and how we work	2 human resource													A well Trained legal officer about NOCHU and how we work.
Execution of duties by volunteer legal officer to advice and draft legal documents to the victims visit our organization	1 Human resources and fund													Provision of legal services to the victims who have came to our office
Provision of social counseling to the victims	1 human resource													Provision of social counseling to the victims who came to our office

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4.0 APPROACHES/ACTIVITIES OF THE PROJECT 2014 AND 2015

4.1 Announcing volunteers position of legal officer in the public

This activity was done to secure a competent law degree volunteer or advocate for saving the organization as legal officer from the community. Legal officer has duties such as advising the victims on the legal position of their scenario, directing on legal procedures and drafting legal documents for instituting courts proceedings. Also legal officer acted as mediator to overcome expenses which parties to the disputes might incurred if commenced court processes. Announcements were done in social network WHASAP, INSTAGRAM and FACEBOOK. Social network acted as successful mode of communication with the public. Announcement were done for a period of one month

4.2 interviewing the applicants competing for the volunteering position of legal officer

After announcement to the public that NOCHU is seeking for a competent law degree order or advocate to volunteer as a legal officer, we received 29 applications in which on 13 applicants were shot listed. The qualifications we were seeking focused on a law degree holder who understands sufficiently about family laws, child laws, matrimonial properties issues, mediation, contract, labor laws, criminal laws, procedural laws, human rights laws, legal drafting, and inter-person communication skills. We interviewed 13 applicants and finally we approved one applicant to be our legal officer. The above procedures were used to find a legal officer on the year 2014 and 2015 of implementing the programme.

4.3 Training of a legal officer volunteer about NOCHU and how we work

This activity is potential when recruiting any new staff, because it involves exposing a new staff to the administrative structure, laws, and regulations, code of ethics, history, objectives, mission and vision of the organization. Trainings were conducted by Executive Director within the organization office once per week for a period of one month. Legal officers were highly informed about the organization and implementations of their duties. Both the year 2014 and 2015 involved training of the recruited programme officers.

4.4 Execution of duties by volunteer legal officer to advice and draft legal documents to the victims visit our organization

In implementing the program volunteer legal officers of the year 2014 and 2015 managed to provide services on 100 disputes presented in our NOCHU's main office. 58 disputes were referred to the court of law and 27 cases were ruled in favor of our advised victims. 5 cases about land conflicts are still pending for judgments.

4.5 Provision of social counseling to the victims

And 19 disputes were solved by Executive Director as social counseling experienced person. Social counseling is always adopted to solve to overcome expenses which may be incurred if a dispute is referred to the court of law. It also promotes good relationship between parties to a dispute. As a normal experience court processes encourages enmity between parties to a dispute. In most cases social counseling were adopted in issues of Gender based violence where most of victims were women. Usually violators were warned and informed the consequences of their misbehaviors, where the violators ignored our warnings then the cases were reported to the police station as criminal cause. It has been proven to be most effective when combined by mediation process in disputes between spouses in a marriage.

5.0 DATA ANALYSIS OF THE PROGRAM

This part presents the figures on how the programme achieved its successes in whole period of two years 2014 and 2015.

TOTAL PICTURE OF DISPUTES REFERED TO NOCHU ON THE YEAR 2014 AND 2015

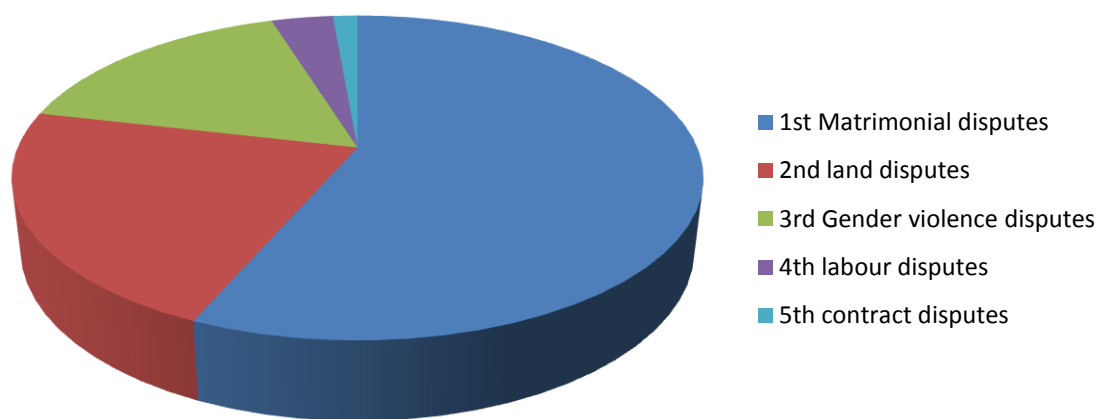


Figure: 1

DETAILED DESCRIPTIONS ON THE NATURE OF DISPUTES THE YEAR 2014 AND 2015

TYPE OF DISPUTE	GENDER WHICH REFERED THE DISPUTE TO THE ORGANISATION		NUMBER OF DISPUTES	NUMBER OF DISPUTES ON YEARS		FINAL STAGE FOR DETERMINATION OF A DISPUTE	
	MALE	FEMALE		2014	2015	ORGANISATION	COURT
MATRIMONIAL	12	28	40	17	23	13	27
LAND	3	18	21	9	12	2	19
GENDER VIOLENCE	0	19	19	11	8	19	0
LABOUR	13	2	15	12	3	6	9
CONTRACT	4	1	5	4	1	2	3
TOTALITY	32	68	100	53	47	42	58

Figure:2

DISPUTES ACCORDING TO THE BENEFICIARIES

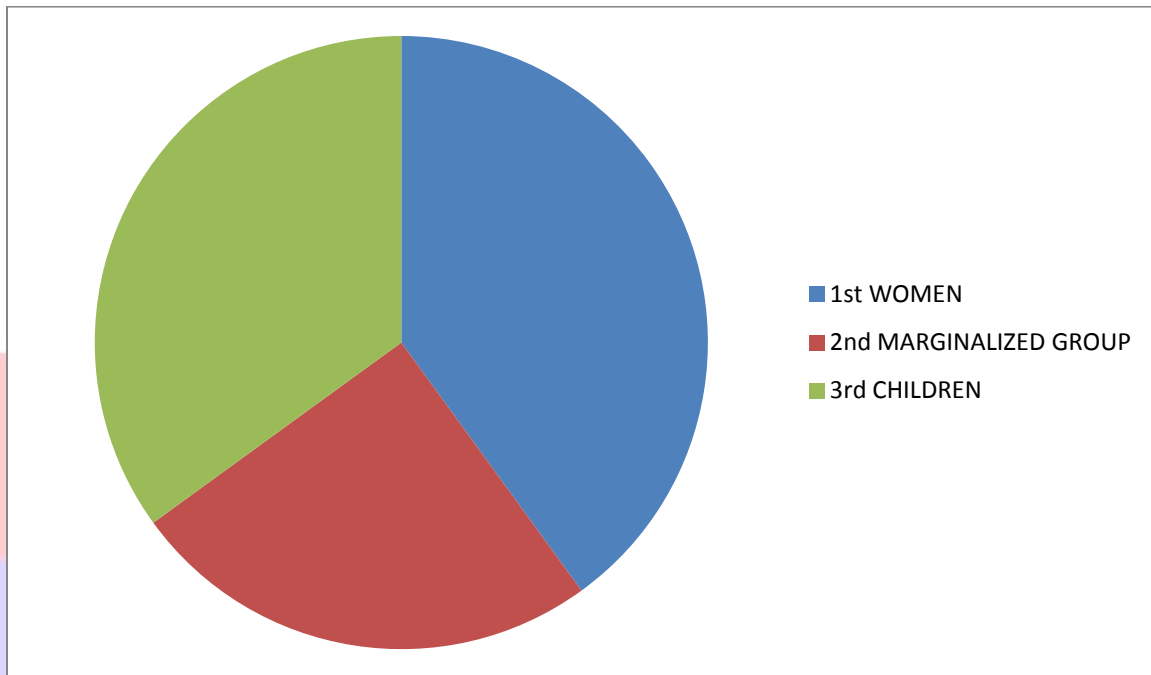


FIGURE: 3



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6.0 PROGRESS REPORT THE YEAR 2014 AND 2015

OBJECTIVE	ACTIVITY	RESULT	ACHIEVEMENT
Announcing volunteers position of legal officer in the public	Sharing the announcements through social media(whatsapp groups)	The announcement reached a far away within our community	29 applications for the volunteer post were received
interviewing the applicants competing for the volunteering position of legal officer	Face to face conversations were conducted to 13 applicants for volunteering a post of legal officer	Only one applicant passed the interview and approved as a legal officer	Organization secured a qualified and competent legal officer
Training of a legal officer volunteer about NOCHU and how we work	Presentations to the legal officer on different matters concerning the organization	4 effective presentations about the organization conducted by Executive Director	A legal officer became aware fully about the organization and its activities
Execution of duties by volunteer legal officer to advice and draft legal documents to the victims visit our organization	Provision of legal aid advise to 100 disputes referred to the organization	Drafting of legal documents and direct victims on legal procedures to be followed on seeking for justice before the court of laws	27 cases were ruled in favor of our advised victims. 5 cases about land conflicts are still pending for judgments 42 disputes were settled in the office without involving any office costs to the parties of the disputes.
Provision of social counseling to the victims	It involved meeting and talks with the victims. Usually executive director acted as a counselor. Victims were given psychological support to enable them to identify and	13 disputes adopted social counseling 6 disputes went further and adopted mediation	11 disputes were settled through social counseling 19 women victims of gender violence were given psychological treatment and their spouses were

	explore their reactions, feelings and emotions. It also attracted mediation. Victims were counseled and guided to mediation		seriously warned and informed of the consequences of their acts
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MASLAHI YA MTOTO LAZIMA YALINDWE KATIKA MAZINGIRA YOTE

7.0 DIFFICULTIES AND CHALLENGES

- a) Sometimes women came very desperate and highly violated in the extent, it is not safe to send them back to their homes where violators are domiciled. For instance women came to our office to report that they have been beaten and humiliated in front of their neighbors frequently with their spouses. In the situation like that to send back those women to continue living with the violators (spouses) until the problems are solved, endangered their lives and safety. But we had no other alternatives than advising the victims to change place of living until problems are solved. Despite of our advise in relation of changing place of living, it tendered to be seen that the victims went back to live with violators since they are dependant and cannot provide food and other needs for themselves. Our organization designed a programme to have a SECRET REFUGEE HOUSE FOR WOMEN VICTIMS OF DOMESTIC VIOLENCE but it rendered difficult to implement because of lack of funds. SECRET REFUGEE HOUSE FOR WOMEN VICTIMS OF DOMESTIC VIOLENCE is the special house for accommodating victims of gender based violence temporary(maximum three months) so as to protect them for being further violated from the day of reporting the problem to our office for help. The programme was designed to treat the house secretly that even the victims should not know that the house is especially for gender based violence victims so as to accommodate proper people with needs to be there.
- b) Our organization lacks fund to help victims to take legal actions. In many circumstances it happened that the victims are poor cannot afford to take

legal actions for reinforcing their rights against infringers. In certain disputes like land, child maintenance, inheritance, division of matrimonial properties, gender based violence institution of legal actions are highly probably needed since the advantageously parties normally refuse to comply with justice since they benefit from obstructing the opposite parties to get their rights.

- c) Our organization office is accommodated within a one room in which most of the time legal officer, secretary and executive director are present in the office. The organization is facing serious problems of funds and cannot afford to rent space for office. The office environment is not conducive for providing legal aid and social counseling in the fact that the nature of the said service required privacy with the victims. To overcome that challenge we arranged a schedule to provide the service twice per week on the special hour. When the service is provided no person stays in the office than one staff (who provides the service) and the victim(s) in which his/her case is dealt. Therefore we provided services to very people per day compares to the number of people who came for service. In each day of the service more than half people left our office without being accommodated regardless the time they spent to wait.



8.0 CONCLUSION

Social counseling and legal aid have been perceived differently between genders whereas “Men and women have different opinions like that men on one side feel that the services are mainly for women, and on the other side women see the services are their opportunity to fight for their rights. That’s why more women attended the services more than men. But in reality the services benefit both men and women although most victims in the disputes are women and children. The services are highly needed in the community, and they are among of activities which should not be abandoned by the organization in its life time. Despite of the financial problems, the programme has been proved to be successful and essential to the community.

9.0 FUTURE PLANS

- a. To run the similar project each year in the organization since whenever people exist social disputes will never end, and weak groups such women and children are affected.
- b. To seek for financial assistance to make the future project of the same kind to be very successful and cover more and more beneficiaries especially in the rural areas where legal aid and social counseling service are rarely to be accessible.

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