

THE DANISH
INSTITUTE FOR
HUMAN RIGHTS



ADVANCING BUSINESS AND HUMAN RIGHTS IN TANZANIA

CHRAGG STRATEGIC
WORKSHOP ON
BUSINESS AND HUMAN
RIGHTS



WORKSHOP REPORT
31ST AUGUST - 2ND SEPTEMBER
2021
SINGIDA, TANZANIA

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Acknowledgments: The workshop was conducted as part of the Responsible Business Conduct in Sub-Saharan Africa Project, made possible thanks to the support from the Permanent Mission of Denmark to the United Nations in Geneva. Responsibility for the content rests entirely with the Tanzanian Commission for Human Rights and Good Governance and the Danish Institute for Human Rights.

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1 INTRODUCTION

This report documents highlights from a Strategic Workshop on Business and Human Rights, conducted by the Tanzania National Human Right Institution (NHRI), The Commission for Human Rights and Good Governance (CHRAGG), and the Danish Institute for Human Rights (DIHR), in August-September 2021. The three-day workshop was attended by 18 participants from CHRAGG, including the Honourable Chairman, Vice Chairman and Commissioners.

The workshop aimed at carving out ways forward for CHRAGG to strengthen the protection of human rights in the context of business activities in Tanzania Mainland and Zanzibar. With reference to its mandate, in line with the Paris Principles, the event particularly reflected on CHRAGG's role in supporting the implementation of business and human rights (BHR) themes under the current National Human Rights Action Plan; including on how to concretise action towards the development of a National Action Plan on Business and Human Rights (NAP). The workshop also identified tangible actions and activities for CHRAGG engagement on BHR going forward.

The purpose of sharing the highlights, is to contribute to furthering the dialogue on BHR in Tanzania, including the role, aims and objectives of CHRAGG.

2 BACKGROUND

In the past years, the Government of the United Republic of Tanzania had embarked on several strategic initiatives on BHR. In 2013, the government rolled out its first Five-Year National Human Rights Action Plan (2013-2017) underscoring promises to ensure that human rights are effectively promoted, protected and preserved in agreement with national and international standards. The NHRAP includes commitments towards the promotion of responsible business conduct in line with the United Nations Guiding Principles on Business and Human Rights (UNGPs).

As independent national institutions mandated by the Paris Principles, NHRIs are well suited to ensure that business activities do not cause or contribute to human rights harm. To this end, CHRAGG has undertaken significant work, with the support of multiple actors, in promoting the BHR agenda, towards the implementation of the UNGPs. Despite progress, further actions remain needed to address the adverse impacts of business activities on the rights of communities and workers in Tanzania. Evidence shows that while business activities in industries such as extractives, agriculture and infrastructure, among others, are a great source of employment and an engine for growth, they also pose significant risks of systematic labour rights abuse, environmental damage and other adverse human rights impacts. Furthermore, there is a need to strengthen rights-holder protection and their access to remedy in case of business-related human rights abuse.

3 WORKSHOP OVERVIEW

The workshop was held in Singida Region Tanzania Mainland from 31st August to 2nd September 2021, at Regency Hotel. The interactive event was facilitated by the BHR focal points of CHRAGG (in-person) with the technical support of the DIHR (virtual) as part of an ongoing collaboration on BHR between the two institutions, governed by a focused Memorandum of Understanding. The workshop convened the Honourable Chairman, Vice Chairman, Commissioners, Acting Executive Secretary, BHR team and investigations officers. The workshop reiterated the commitment of CHRAGG to the BHR agenda.

Intended to be as practical as possible, the workshop comprised of theoretical and applied knowledge on BHR, tailored to the specific mandate of CHRAGG and the current Tanzanian BHR context. To this end, a participatory human rights-based approach was adopted, and participants were encouraged, by means of group work and exercises, to contribute their knowledge towards strategising collectively on how CHRAGG can best advance the BHR agenda in both Tanzania Mainland and Zanzibar. The workshop further included a one day field visit to facilitate practical engagement on the strategic priorities discussed in the workshop.



The Chairman of the Commission for Human Rights and Good Governance (CHRAGG), Retired Judge Hon. Mathew Mwaimu (3rd left) and CHRAGG's Vice Chairman, Hon. Mohamed Khamis (3rd right) with Commissioners and CHRAGG staff outside Regency hotel on 31st August, 2021. Others in front line (L – R) are CHRAGG Commissioners: Hon. Dr. Thomas Masanja, Hon. Amina Talib Ali, Hon. Dr. Fatma Khalfan and Hon. Khatibu Mwinyichande.

4 PROGRAM

DAY AND TIME	WORKSHOP COMPONENT
Day 1	Workshop Day
Opening	Welcome and opening remarks <ul style="list-style-type: none"> • Courtesy Call Office of the Singida Regional Administrative Secretary • Introduction to participants, the agenda, aims & objectives
Content sessions	Session 1: International and national BHR frameworks, including the UNGPs, the draft African Union BHR Policy Framework
	Session 2: The role of NHRIs vis-à-vis BHR, including overview of CHRAGG BHR engagements to date and current, key lessons learnt to date
	Session 3: BHR NAPs, including concept, guiding frameworks, CHRAGG National Baseline Assessment, Tanzanian commitments in the Human Rights Action Plan and risks/opportunities analysis
Strategising sessions	Strategising session 1: Brainstorming on priorities and ways forward for developing a NAP, including discussion of how the Commissioners / CHRAGG can address the government and responsible ministries in advocacy and the further development of the technical meetings for NAP development
	Closing of Day 1 and group recap of Day 2 priorities
Day 2	Field Visit Day
	1/2 day field visit to a business site to exchange with business, worker, and civil society representatives; followed by an evening discussion session on observations and experiences
Day 3	Workshop Day
	Recap of Days 1 & 2 and reflections
Regional exchange	Exchanging with colleagues in the region, including experiences from the Ugandan and Kenyan NHRIs on NAP development, including reflections on opportunities, challenges and key lessons learnt.
Strategising sessions	Session 2: Prioritising CHRAGG BHR interventions
	Session 3: Consolidation of BHR priorities and strategic actions for moving towards a NAP
Closing	Way forward and closing of the workshop

5 OPENING REMARKS

The workshop was opened by CHRAGG's Chairman, Honourable Judge (Retired) Mathew P.M. Mwaimu, and the DIHR's Director of the Human Rights and Business Department, Ms Elin Wrzoncki. Reiterating the aims and objectives of the workshop, both speakers emphasised the crucial importance of the BHR agenda in Tanzania. Both speakers welcomed the workshop as a timely opportunity for CHRAGG to take the lead in engaging the government and other key BHR stakeholders on the way forward for developing a NAP and advancing the BHR agenda in Tanzania through multi-stakeholder initiatives.

6 BUSINESS AND HUMAN RIGHTS CONTENT SESSIONS

SESSION 1: INTERNATIONAL AND NATIONAL BHR FRAMEWORKS

This session was facilitated by the DIHR and focussed on introducing the rationale and relevance of the BHR agenda globally and regionally. It further elaborated on existing international and regional BHR frameworks and engaged participants in discussion on some of the challenges in engaging with each pillar of the UNGPs in Tanzania.

SESSION 2: THE ROLE OF NHRIS VIS-À-VIS BHR, INCLUDING OVERVIEW OF CHRAGG BHR ENGAGEMENTS TO DATE AND CURRENT, KEY LESSONS LEARNT TO DATE

This session, led by CHRAGG BHR focal points, provided an overview of CHRAGG's engagement on BHR to date. It was highlighted that the Commission has conducted activities on all three pillars (the Protect, Respect and Remedy Framework) of the UNGPs. CHRAGG has, for instance, been actively monitoring business related human rights issues. The Commission further ensured that BHR was included in the Universal Periodic Review, through its parallel reporting. In the course of 2018 and 2019, CHRAGG collaborated with strategic Civil Society Organisation (CSO) partners locally and the international NGO International Peace Information Service (IPIS), to host multi-stakeholder dialogues on BHR in the country and produce specific case study research guiding policy-change dialogues.¹ On the topic of access to remedy, CHRAGG has recently established a new Complaint Management Information System (CMIS) for complaints reporting and tracking, and has been increasingly conducting mediations and fact-finding missions on business-related matters. While there has been key progress on the BHR agenda, several challenges remain to ensure effective protection of rights-holders against business-related abuse.

¹ See, e.g., <http://ipisresearch.be/publication/voices-tanzania-case-studies-business-human-rights-vol-1/>

Participants discussed and reflected on the main lessons learnt from CHRAGG's engagement on BHR to date, including:

- Low awareness of BHR among key stakeholders
- Limited awareness by the public of their rights and responsibilities
- A focus by the BHR agenda on multilateral and large companies, rather than also small and medium sized enterprises or informal economies
- Company policies are not in line with human rights standards, including on labour rights
- Communities and workers are not empowered to claim their rights, including through non-judicial institutions and mechanisms
- Limited engagement and consultation with business stakeholders to strengthen their compliance with human rights standards
- Limited knowledge of key stakeholders on the roles and mandates of state-based non-judicial grievance institutions and mechanisms
- Limited human and financial resources for agencies and non-judicial grievance handling institutions to regularly monitor business enterprises
- Under-reporting and detection of corporate harms
- Due diligence not considered mandatory by most companies

SESSION 3: NATIONAL ACTION PLANS ON BUSINESS AND HUMAN RIGHTS, INCLUDING CONCEPT, GUIDING FRAMEWORKS, CHRAGG NATIONAL BASELINE ASSESSMENT, TANZANIAN COMMITMENTS IN THE HUMAN RIGHTS ACTION PLAN AND RISKS/OPPORTUNITIES ANALYSIS

The session started with a short presentation by the DIHR of the international and regional frameworks on BHR NAPs and processes in development. CHRAGG subsequently provided an overview of the Tanzanian National Baseline Assessment.² Initiated by CHRAGG in 2017, the National Baseline Assessment offers a comprehensive account of the status of human rights protection within business activities in Tanzania, drawing on extensive desktop research and consultations with government actors, businesses and civil society stakeholders. To date, the research represents one of the most comprehensive and holistic efforts to systematically analyse BHR issues in Tanzania.

While it has been acknowledged that the process and content of the National Baseline Assessment highlighted the emerging relevance of a BHR NAP in Tanzania, it was further noted that several challenges towards implementation remain. In particular, the need to secure financial resources, a solid process ownership/steering committee and engaging all relevant actors (government actors, businesses, and rights-holders) in the process were noted. Participants emphasised CHRAGG's potential role in mobilising actors around the process of developing a NAP going forward.

Stocktaking of the BHR agenda in Tanzania

1. Importance of strengthening access to remedy – addressing barriers to access to remedy
2. Need to include a focus on small and medium scale enterprises
3. Increasing stakeholder knowledge of BHR
4. The importance of increasing rights-holder awareness of human rights
5. Strengthening the focus on protecting vulnerable groups, including women and children

² See https://www.humanrights.dk/sites/humanrights.dk/files/media/migrated/tanzania_bhr_nba_final_nov2017.pdf

7 HIGHLIGHTS FROM FIELD VISITS

On the second day, participants divided into two groups and undertook a half day field visit, respectively to Mount Meru Millers Ltd, a manufacturing company and to Rocktronic Engineering Company Ltd, a quarrying operations company, both located within Singida Municipal Council. Rather than an assessment or an inspection visit, the announced study visit was an opportunity to apply theoretical knowledge on BHR while allowing hands-on interaction between CHRAGG Commissioners and staff, businesses and workers.

While the visits were an occasion to form a constructive dialogue with workers and their representatives, the visits revealed the need to boost the communications efforts of CHRAGG to ensure that businesses, workers and stakeholders are broadly aware of CHRAGG's mandate and role. Participants further noted the relatively limited BHR awareness among stakeholders and the necessity to strengthen the diffusion of rights-based language across all stakeholders, including businesses and workers.

Among suggested avenues forward, participants agreed that capacity building of CHRAGG staff on BHR and formulating simplified guidance to businesses on the UNGPs, particularly clarifying expectations regarding the business responsibility to respect and exercise human rights due diligence, would fill a key gap in ensuring strengthened human rights compliance. Participants also agreed on the importance of multiplying assessment visits, to promote CHRAGG's mandate and ensure that businesses effectively respect human rights across their operations



Head of Human Resources at Mount Meru Millers Ltd (3rd left) shows site to CHRAGG Commissioners and Staff as part of CHRAGG's visit to the firm in Singida Municipality on 1st September, 2021.



An official with a quarrying Company, Rocktronic Engineering (extreme right) in discussion with CHRAGG Commissioners and Staff as part of CHRAGG's visit to the Singida Municipality, September 1st, 2021.

8 LEARNING FROM REGIONAL PRACTICES

Besides the focus on national prioritisation, the workshop provided a forum for participants to learn and gain insights from the experiences of two sister NHRIs, the Uganda Human Rights Commission and the Kenya National Commission on Human Rights. Both institutions have been involved in the development process and the successful adoption of a BHR NAP in their countries. The discussion, conducted virtually, provided a space to reflect on opportunities, challenges and key lessons learnt on the role of NHRIs in the development and implementation of a NAP.

The discussion revealed key lessons in the development of a BHR NAP. First, the NAP process should be well resourced: access to adequate financial and human resources enhances the reach and quality of the consultative processes, text of the NAP as well as buy-in for its implementation.

Learning from the Kenyan experience also signals the importance of ensuring that decision-making includes the wide range of stakeholders involved in the governance of BHR (businesses, governments, unions, civil society etc.), as well as the importance of ensuring that the voices of the most vulnerable and marginalised are effectively accounted for in NAP processes and formulation.

In the process, NHRIs are recognised as valuable independent experts by state and non-state actors, owing to their official mandate as both an advisory institution and as a watchdog on human rights.

9 STRATEGISING ON THE WAY FORWARD

During the workshop, participants had the opportunity to reflect – through strategising exercises, group work and informal dialogue – on the tangible collective actions to move forward the BHR agenda in Tanzania and operationalise the UNGPs. These conversations helped to identify emerging priorities for CHRAGG as summarised below.

PRIORITY 1: UPSCALING EFFORTS TOWARDS INFLUENCING THE PROCESS OF A NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS

Key actions towards that priority include but are not limited to:

- Outreach to targeted government stakeholders in key position to drive a process for the development of a NAP;
- Continuing existing efforts to convene all stakeholders around BHR (forums, conferences, learning exchanges, etc.);
- Supplementing the National Baseline Assessment with any additional needed research, e.g. new developments since 2017, further industry specific analysis; and
- Producing a simplified version of the National Baseline Assessment that is easily accessible to multiple stakeholders.

PRIORITY 2: MULTIPLYING RIGHTS-HOLDER AWARENESS ON BUSINESS AND HUMAN RIGHTS

Key actions towards that priority include but are not limited to:

- Sharing BHR knowledge to workers, labour unions and other representatives;
- Continuing dialogues with communities and engaging in partnerships with grassroot organisations and community organisations;
- Ensuring that the voices of communities, indigenous peoples, women and vulnerable stakeholders is effectively accounted for in NAP formulation and implementation; and
- Boosting communication efforts to promote the UNGPs among local stakeholders.

PRIORITY 3: PROMOTING BUSINESS RESPECT FOR HUMAN RIGHTS

Key steps towards that priority include but are not limited to:

- Continuing monitoring visits and investigations in the area of BHR;
- Producing and disseminating research and case studies with focus on the relevance of the corporate responsibility to respect;
- Undertaking industry specific or BHR issue specific analysis; and
- Promoting the mandate of CHRAGG on BHR to businesses by engaging with business actor ‘multipliers’ such as the UN Global Compact local network or chambers of commerce.



CHRAGG Chairman, Hon. Mathew Mwaimu (2nd left) shares his views with members of his group during the capacity building workshop on business and human rights for CHRAGG Commissioners and Staff. The three-day workshop was held at Regency Hotel in Singida Municipality from August 29th to 1st September, 2021.

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