Tanzania: Implementing Human Rights in Business
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Traditionally, human rights have focused on the relation between states and individuals. But increasingly, the capacity of business to affect the well being of people, communities and environment is better recognized. Nowadays, all kind of enterprises, from multinational to small businesses are expected to incorporate Corporate Social Responsibility (CSR) elements within their activities to address the negative footprints of their operations. Working conditions and impact on the community is where human rights can be most at risk. This offers an important opportunity to civil society organisations to join efforts in improving social compliance by companies.

The Human Rights and Business Network in Tanzania has been working since 2008 to put human rights in practice in the corporate context. By using the Human Rights Compliance Assessment tool, ten organisations assisted Tanzanian companies to evaluate the impact of their operations on human rights and proposed solutions. This booklet provides you with an insight into the Network’s activities while using the Human Rights Compliance Assessment tool. It illustrates the activities performed and results reached in offering trainings and assessments to companies in Tanzania.

Foreword

The booklet is one of the efforts that individual organisations such as LHRC or the Network can do. There is still a long way to go to have a country in which everybody enjoys their rights. Therefore we need to keep working together tirelessly, in order to safeguard continuous improvement. We invite business, civil society organisations, academics and government institutions in Tanzania to support the activities of the Network in the coming years to advance social compliance by companies.

Rtd. Bishop Elinaza Sendoro,
Chairperson of the Board of Directors of the LHRC
Introduction

Human rights and business in Tanzania

Tanzania is one of Africa’s fastest-growing economies. With a steady increase in business activity and foreign investment, the impact of economic activity on society and the environment has boomed. But injustice, poverty and inequality are still widespread. Some 88% of the population lives on less than $1.25 per day, according to the United Nations Development Programme.

The impact of corporate activities brings benefits, such as the creation of jobs, services and products, which improve people’s lives. But economic activity can have negative consequences, for example environmental pollution or human rights violations. Companies are increasingly being held responsible for their impact on nature and people and are expected to develop policies and take proactive steps to prevent negative impacts of their operations. This publication reports on work carried out by civil society organisations in Tanzania to promote human rights compliance by businesses.

Human rights risks for business in Tanzania

Corporate activity can affect the enjoyment of human rights in different ways. While various labour and environmental standards are in place in Tanzania, there are multiple areas where corporate conduct puts human rights at risk. Due to the prevalence of poverty and the large informal economy, core labour rights such as fair remuneration and favourable working conditions are under pressure. Workers’ rights - such as freedom of association and occupational health and safety - are often not observed while child labour and forced labour remain widespread.
Human rights risks for business in Tanzania:

- Low wages
- Dangerous and unhealthy working conditions
- Discrimination against women, migrants and individuals with HIV
- Unclear landownership due to traditional claims

Discrimination against vulnerable groups poses another human rights challenge. Employment policies and practices that discriminate against women, migrants and people with HIV/AIDS are particularly common among businesses. Land use policies pose another potential human rights risk. Traditional claims regarding herding and religious practices are not taken into consideration when land is purchased, which affects the livelihoods and rights of indigenous communities.

Corporate Social Responsibility and human rights

Corporate Social Responsibility (CSR) has become a widely accepted concept, although the definition may vary. The three main elements of CSR: People, Planet and Profit, need to be taken into account by businesses. Human rights compliance by companies cover the “People” aspect of CSR, but also addresses many “Planet” issues such as environmental impact on people. Today, customers, investors, governments and employees expect companies to take into account their social, environmental and economic effects.

“Corporate Social Responsibility is not a favour but a responsibility that companies should give attention to in their operations.” (CHRAGG)

Ruggie Framework and Due Diligence

In 2008, within the “Protect, Respect and Remedy” Framework of the United Nations Representative for Business and Human Rights, Professor John Ruggie clarified the responsibilities of States and companies in relation to human rights. This Framework established that the State has responsibility for protecting human rights, while companies must ensure respect through due diligence process.

Promoting CSR and human rights

To minimise the negative impact of companies on society and environment, CSR and human rights standards need to be fully integrated into corporate operations on a policy, procedure and practice level. The companies also need to assess their impact. These elements are part of what Professor Ruggie has defined as Due Diligence. At present, very few companies in Tanzania have developed specific CSR or human rights policies, or appointed specific executives to implement these policies. Since 2008, Tanzanian civil society is very active in the field of human rights and business, raising awareness and assisting companies to deal with human rights issues.

This publication describes the Human Rights and Business project. The outcomes of activities by organisations involved in the project in Tanzania will be presented in the next chapters.

“Corporate Social Responsibility is not only about giving donations to the community but also about the relationship between the company and its employees.” (LHRC)
The Human Rights and Business Project

The Human Rights and Business Project aims to enhance the capacity of civil society organisations and business in Tanzania to increase human rights compliance by companies. Organisations (working in the field of environment, children and women’s rights, consumer rights, lawyers’ associations, etc.) raised awareness about human rights in relation to business among civil society and the private sector. In addition, they used and promoted Human Rights and Business tools that help companies in dealing with human rights challenges.

Different stages of the project

Initiated by Aim for human rights, the project started in July 2008, with the aim of anchoring the – then largely unknown – theme of human rights and business in Tanzanian society. It first focused on increasing the capability of civil society actors to promote human rights in the private sector. Training was provided on issues such as: human rights norms applicable to business; the use of Human Rights and Business Tools; and strategy development. After a series of meetings and training sessions in 2008 and 2009, the focus of the project shifted to “bringing business on board”. To achieve this, organisations launched local projects to practice using the tools and formed the Human Rights and Business Network. An important objective of the Network is raising awareness about human rights and business – and roles and responsibilities in this regard – among civil society, the private sector and the government. Please contact LHRC for more information on the work and future plans of the Network. (See Directory on page 11).

“The Human Rights and Business Project is a very vital and important project for Tanzania, which attracted serious consideration of Human Rights and Business issues. For now, we are working on a small scale, but it should be undertaken on a nation-wide basis.” (TCAS)

“If human rights were a human body, the project is blood supplying life to every part of the body. This is so since everything we see and use in our daily lives is connected to business.” (CHESO)

The role of civil society in relation to companies

Civil society actors can play a powerful role in convincing businesses to respect and promote human rights. The civil society approach can vary from activism to constructive dialogue with business executives, from representation of specific groups (workers, victims, employers, migrants, indigenous people, etc.) to a focus on specific issues (human rights in the workplace, environmental impact). Together, these different approaches can provide a key for creating change. The Human Rights and Business project is based on the philosophy that, by strengthening the knowledge and capacity of civil society organisations, they can be more effective in convincing business to respect and protect human rights.

The Human Rights and Business Tools

While various international human rights standards are applicable to the corporate context, mainstreaming human rights in business activities is challenging. To assist companies in dealing with human rights within their sphere of influence, several tools have been developed by the Danish Institute for Human Rights in collaboration with Aim for human rights. For civil society organisations, the Business tools offer the possibility to raise awareness on the topic and to assess social compliance.
All organisations involved in the project have been trained and have gained experience in the use of the following Business tools:

- **Human Rights Compliance Assessment (HRCA):** a web-based tool which helps companies to monitor their human rights performance and to manage risks and opportunities in the field of human rights;

- **Quick Check:** short version of the HRCA especially suitable for smaller companies; the project partners developed a Quick Check in Kiswahili;

- **Country Risk Assessments (CRA):** in-depth analysis of human rights risks for companies operating in a specific country, and practical advice on preventing human rights violations. A CRA on Tanzania is available.

- **Human Rights and Business game:** an entertaining educational tool to introduce human rights in the business context.

For more information on the HRCA tools see: [www.humanrightsbusiness.org](http://www.humanrightsbusiness.org)

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**Human Rights and Business Project in a nutshell**

- 10 Tanzanian organisations have been involved in the human rights and business project: CHESO, CHRAGG, Envirocare, LEAT, LHRC, TCAS, TUCTA, TWSEDHRO, UNA, ZLSC (see Directory for contact details).

- They are united in the Human Rights and Business Network. LHRC hosts the secretariat of the project.

- Tanzanian organisations participated in two Training of Trainers sessions where they gained skills in the use of the tools, and on how to assess and approach companies. Training sessions were facilitated by **Aim for human rights**.

- During 2009 and 2010, Network members carried out 18 small scale projects to put human rights into practice in the corporate context.

- Exchange of experiences between members of the Network and the African Institute of Corporate Citizenship (AICC), focal point of the Human Rights and Business project in South Africa.

- The Human Rights Compliance Assessment tool (Quick Check) has been translated into Kiswahili to increase awareness on the issue. The printed version is publicly available (Please contact LHRC to get a free copy).

- Regional meetings to promote human rights and business will take place in Arusha and Mwanza at the end of 2010.
Human rights in practice

Civil society organisations can play a powerful role in convincing business to respect and promote human rights. Network members in Tanzania designed projects that either focused on training others on how to include human rights in business activities, or on assessing human rights compliance by companies. The activities and outcomes of projects implemented in 2009 and 2010 by Network members are presented below.

The projects
To promote human rights compliance by companies, organisations designed their own projects befitting their area of expertise and particular interests, and which were most likely to achieve results. Projects differed in the way they were carried out. While some organisations approached companies directly to invite them to training programmes, others preferred to join forces with community or workers’ leaders. Activities per project also varied. Certain projects aimed at raising awareness and creating knowledge on human rights issues: such as working conditions, health and safety in the workplace, discrimination, etc. Other projects involved actual assessment of companies operating in Tanzania, and included field visits.

“We had been receiving a lot of complaints here in our office of employees from the Tourism sector about lack of contracts and extremely low wages. When we started in the Human Rights and Business project, we decided to approach hotel managers and hotel investors to start tackling these problems.” (ZLSC)

Involving companies
In order to achieve sustainable results, Network members encouraged active involvement from companies when implementing the projects. Collaboration between business and civil society organisations has benefits for both parties. On the one hand, civil society organisations can more effectively contribute to positive changes for workers and the community. On the other hand, for companies themselves, such cooperation has many advantages, such as establishing a good reputation and increasing productivity.

### Business case for human rights compliance
- Good company and product reputation
- Effective risk identification and management
- Creation of a legal and social license to operate
- Increased motivation and productivity on the part of workers
- Increased understanding of the society in which the company works
- Contribution to CSR and sustainable development.

By making companies aware that there is a strong business case to work on human rights in a structured way, project organisations managed to get companies from different sectors on board.

To obtain active involvement from companies, Network members usually followed these steps:
- Research to identify key business managers/civil society groups willing to mainstream human rights into business activities;
- Outreach to companies, inviting both managers and employees to participate in training;
- Training on human rights issues applicable to specific corporate context;
- Human rights risk identification based on type of industry and operations;
- Company engagement: in-depth cooperation to improve compliance.

“Initially, it was not easy to get the management of the company to collaborate with us because they were not sure about the role we would play. But when the company realized that we wanted to work with them to recommend changes for improvement, then they decided to attend the training. Now the company is asking for more training because they want to continue working with the HRCA tool.” (Envirocare)
Main activities
Activities implemented by Network members can be divided into the following categories.

- **Training:** To create awareness on mainstreaming human rights in corporate activities, Network members facilitated training for specific groups: civil society organisations; workers from different sectors; local community authorities; government officials; media practitioners; political parties' members; company managers; and workers unions.

- **Roundtable meetings:** Various organisations planned roundtable meetings in which community members, workers and companies gathered to start a dialogue on the impact on human rights of a specific commercial activity.

> “Within our project, we were an organisation that provided an opportunity for employees, employers and community leaders to sit together and learn about issues of common interest. This was greatly appreciated and the first step towards true dialogue.” *(TUCTA)*

- **Assessment of companies:** Several organisations had in-depth collaboration with business, supporting managers to assess the impact of their operations on the community and employees.

- **Monitoring and Evaluation:** Some organisations held follow-up activities to evaluate the results of the first part of their projects. Activities included field visits to factories and companies, meetings with companies and meetings with workers to evaluate human rights compliance.

The Quick Check
In their projects, nearly all organisations used the Quick Check, the tool that helps to assess human rights compliance on the part of companies. The indicators within the Quick Check allow companies or civil society organisations to detect potential human rights violations. Indicators such as Conditions of Employment and Work, Workplace Health and Safety and Land Management were used as guidelines to help determine whether or not a particular company complies with relevant human rights standards. The Quick Check was applied either in training or in assessment activities. Copies of a Kiswahili translation of this tool were distributed.

“Following the practical use of the tool by participants during the training sessions, we discovered that there is a low understanding of human rights in the workplace, especially at local hospitality entities. Immediate intervention is required if we want to improve the lives of more than a million people.” *(TCAS)*

Network’s activities factsheet
Through local projects the Network members have:
- Designed and facilitated **32** trainings
- Trained **620** persons on how to use the tools
- Had **23** companies attend training about human rights
- Assessed human rights compliance of **4** companies
- Organized **8** Roundtable meetings
- Monitored the progress made by visiting **8** companies.

General outcomes of the project
By the summer of 2010 the majority of Network members had finalized their projects. The organisations identified multiple outcomes of the activities they executed in 2009 and 2010.

Awareness raising
Network members increased awareness of human rights compliance within the private sector. Organisations in Tanzania explored alternative methods to reach persons in remote areas, such as educational radio programmes and approached local media to broaden the scope of their project.
“In these radio programmes people got the opportunity to ask various questions concerning human rights and business. These questions were answered by our project manager. Many listeners asked for a continuation of the radio program to be able to know their rights at work places and to claim them.” (Envirocare)

Some of the Network members decided to mainstream the human rights and business theme in their own organisation, by providing internal training programmes on the topic. The activities had a multiplier effect in Tanzanian society. The theme of human rights and business is now better known in the companies, local communities, workers, unions, NGOs and government officials which were reached by these projects.

Knowledge building
Through the Network’s activities, various civil society groups are not only aware of the human rights that are currently at risk, but also know how the business tools can guide them to assess compliance by companies on specific issues including discrimination, conditions of employment and workplace health and safety. In addition, various company managers have gained experience on the use of the business tools to conduct self-assessment on human rights compliance.

“The increased awareness and knowledge of the topic is a product of our training on how participants should use the tool’s indicators to identify violations of human rights.” (LEAT)

Increased focus on worker’s rights
For both employers and employees, the projects resulted in reinforcement of knowledge of worker’s rights on such issues as reasonable working hours and healthy working conditions. The activities allowed employees of companies from different sectors to assess whether their rights were being infringed and to ask for better working conditions without fear.

“Instead of forgetting their rights, employees can now use the HRCA tools effectively and are expected, after the training, to claim, demand and defend their basic rights in their workplace.” (LEAT)

Improved human rights compliance
While embedding human rights in corporate activities is a long term process, various organisations have reported improvement in working conditions as an outcome of their project. Some companies are still working on integrating human rights issues in their operations. Other companies that were trained or assessed by the organisations have shown interest in continuing working on the issue. In addition, some of the assessed companies have expressed an interest in using the knowledge dispensed during the training activities for adapting the tool to their business context.

“What we realised during our monitoring activities in bars and restaurants that were involved in our project, is that they are now able to use the Quick Check in their daily activities. Also, the attitude of managers and employees has started to change on issues like payment of overtime and improvement of the working environment. Managers treat their workers and customers differently and work together harmoniously.” (TCAS)

Overview of sectors approached by Network members

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Sector</th>
<th>Human rights issues</th>
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<tbody>
<tr>
<td>CHESO</td>
<td>Private secondary schools</td>
<td>• Health and safety (HIV-AIDS)</td>
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<td></td>
<td></td>
<td>• Right to just and favourable conditions of work</td>
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<tr>
<td>CHRAGG</td>
<td>Banking, Telecommunication</td>
<td>• Employment Practices</td>
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<td></td>
<td>Textile Energy</td>
<td>• Community rights</td>
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<tr>
<td>Envirocare</td>
<td>Textile</td>
<td>• Right to just and favourable conditions of work</td>
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<tr>
<td>LEAT</td>
<td>Fishing industry</td>
<td>• Child Labour</td>
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<tr>
<td></td>
<td></td>
<td>• Right to non-discrimination</td>
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<td>• Right to just and favourable conditions of work</td>
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<tr>
<td>LHRC</td>
<td>Telecommunication</td>
<td>• Community Rights</td>
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<tr>
<td></td>
<td>Banking</td>
<td>• Right to non-Discrimination at work</td>
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<td>• Right to just and favourable conditions of work</td>
</tr>
<tr>
<td>TCAS</td>
<td>Hospitality industry</td>
<td>• Right to just and favourable conditions of work</td>
</tr>
<tr>
<td>TUCTA</td>
<td>Brewery, Mining</td>
<td>• Right to own property</td>
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<tr>
<td></td>
<td></td>
<td>• Health and safety in the workplace</td>
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<td></td>
<td>• Right to just and favourable conditions of work</td>
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<tr>
<td>TWSEDHRO</td>
<td>Mining</td>
<td>• Right to just and favourable conditions of work</td>
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<tr>
<td>ZLSC</td>
<td>Tourism</td>
<td>• Workplace Health and safety</td>
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<tr>
<td></td>
<td>Agriculture</td>
<td>• Child Labour</td>
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<td></td>
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<td>• Right to just and favourable conditions of work</td>
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</tbody>
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Organisations that participated in the project:

**Aim for human rights**
Aim for human rights is a Dutch human rights organisation dedicated to capacity enhancement and the training of civil society organisations and businesses, so as to promote human rights all over the world.
www.aimforhumanrights.org

**CHESO - Children Education Society**
The aim of CHESO is to promote respect for and implementation of children’s education rights.
Tel.: + 255 732 992164 - E-mail: chesociety@yahoo.com

**CHRAGG - Commission for Human Rights and Good Governance**
CHRAGG is an independent government department, established as the national focal point institution for the promotion and protection of human rights and duties, as well as good governance in Tanzania.
Tel.: +255 22 213 5747/8 - E-mail: epiphania.mfundo@chragg.go.tz

**Envirocare**
The general objective of Envirocare is environmental conservation and improved livelihood with a gender- and human rights based participatory approach through advocacy, capacity building and research.
Tel.: +255 22 277 5592
E-mail: envirocare_2002@yahoo.com - www.envirocaretz.com

**LEAT - Legal Environmental Action Team**
LEAT is a public environmental law organisation in Tanzania. LEAT carries out policy research, advocacy, and selected public interest litigation.
Tel.: +255 22 278 0859
E-mail: sifoy2k@yahoo.com - www.leat.or.tz

**LHRC - Legal and Human Rights Centre**
LHRC envisages a just and equitable society by striving to empower the public and promote, reinforce and safeguard human rights and good governance in Tanzania.
Tel.: +255 22 277 3038 - E-mail: lhrc@humanrights.or.tz

**TCAS - Tanzania Consumer Advocacy Society**
TCAS is a non-profit organisation which protects consumers against products of poor quality.
Tel.: +255 757 170 555 - E-mail: consumeradvocacytz@yahoo.co.uk

**TWSEDHRO - Tanzania Women Socio Development and Human Rights**
The main objective of TWSEDHRO is to improve and promote the status of women and children and to improve the quality of life for people in Tanzania.
Tel.: +255 028 280 3570
E-mail: twsedhro@hotmail.com

**TUCTA - Trade Union Congress of Tanzania**
As one of the trade unions in Tanzania, TUCTA aims to protect, promote and educate workers on their labour rights.
Tel.: +255 22 212 7281
E-mail: m.mandago@yahoo.com

**UNA - United Nations Association of Tanzania**
UNA Tanzania is a non-governmental organisation devoted to supporting the purposes and principles of the United Nations. The main aim of UNA Tanzania is to bring people closer to the UN.
Tel.: +255 22 219 9200 - E-mail: info@unatz.org - www.unatz.org

**ZLSC - Zanzibar Legal Service Centre**
The major aims of ZLSC are to provide legal services to the poor, women, children and disadvantaged sections of the society, to promote respect for and observance of human rights, popularise knowledge of law and produce publications in all areas of legal concern to the people in Zanzibar.
Tel.: +255 24 223 3784
E-mail: zlsc@hudumazasheria.or.tz - www.hudumazasheria.or.tz
What are the main human rights risks in the corporate sector in Tanzania? What role can civil society organisations play regarding human rights violations in commercial activities?

The booklet “Tanzania: implementing Human Rights in Business” offers answers to these questions, presenting results of activities carried out by the Human Rights and Business Network in Tanzania. In 2009, the Network, formed by ten civil society organisations in Tanzania, started collaboration with other civil society organisations and companies from different sectors to promote human rights compliance.

This publication also provides information on corporate social responsibility, human rights challenges for companies and recent developments on the issue of human rights and business.

The Human Rights and Business Network in Tanzania is represented by the Legal and Human Rights Center (LHRC). For more information, or copies of the Quick Check in Kiswahili, please contact:

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