



# SNAPSHOT OF BUSINESS AND HUMAN RIGHTS ACTIVITIES

NOVEMBER 2022





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# 1 INTRODUCTION

This 18-page 'snapshot' outlines key recent engagements undertaken by the Commission for Human Rights and Good Governance (CHRAGG) on business and human rights. The purpose is to provide stakeholders with an easily accessible overview of how a National Human Rights Institution (NHRI) can contribute to promote and protect human rights in the context of business activities. Links to the activities featured and further resources are included for those interested in learning more.

## 2 AIMS AND OBJECTIVES OF BHR SNAPSHOT

1. Familiarise readers with the topic of business and human rights and share recent CHRAGG work on business and human rights in an easily accessible format.
2. Contribute to dialogue and experience sharing on the status of business and human right implementation and strategising on how to advance business and human right priorities in Tanzania, including the role that different actors might play in the development of a National Action Plan on Business and Human Rights and in industry-specific interventions.

## 3 BUSINESS AND HUMAN RIGHTS

Business activities can have a wide range of positive and adverse impacts on human rights. This has been subject to growing attention in the international community, not least through the development of the [United Nations Guiding Principles on Business and Human Rights](#) (UNGPs). The UNGPs were unanimously endorsed by the UN Human Rights Council in June 2011 and have received support from many state, business and civil society actors.

The 'protect, respect, remedy' framework of the UNGPs rests on three complementary and interrelated pillars:

- **Pillar 1:** The state duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation and adjudication;
- **Pillar 2:** The corporate responsibility to respect human rights, which means that companies are expected to avoid infringing on the human rights of others and to address adverse human rights impacts with which they are involved; and
- **Pillar 3:** Access to remedy, which requires both states and businesses to ensure greater access by victims of business-related human rights abuses to effective remedy, both judicial and non-judicial.



## 4 NATIONAL HUMAN RIGHTS INSTITUTIONS

CHRAGG is an independent department of the Government of the United Republic of Tanzania which plays a dual role as an NHRI and as an Ombudsman Office. It is a national focal point institution for the promotion, protection and preservation of human rights and principles of good governance as well as duties to society. CHRAGG, as the NHRI under the Paris Principles and an Ombudsman, has mandates to oversee the implementation of national and international human rights obligations, including the implementation of the UNGPs. Besides CHRAGG's staff substantive and methodological competences of monitoring and overseeing implementation of human rights standards, CHRAGG has conducted training to build the capacity of its staff on the new emerging theme of business and human rights.

Through their role in promoting and protecting human rights, [NHRIs can play an important part in engaging with business and human right issues](#). The UNGPs recognise, for instance, that 'National human rights institutions that comply with the Paris Principles have an important role to play in helping States identify whether relevant laws are aligned with their human rights obligations and are being effectively enforced, and in providing guidance on human rights also to business enterprises and other non-State actors.' Among other things, NHRIs contribute directly to implement the third pillar of UNGPs – that of access to an effective remedy for business-related human rights abuses, including by handling relevant complaints. CHRAGG, like other NHRIs in the world, realises the adverse impact by businesses to human rights in the country.

## 5 BUSINESS AND HUMAN RIGHTS IN TANZANIA

In the past years, the Government of the United Republic of Tanzania has embarked on several strategic initiatives on business and human rights. In 2013, the Government rolled out its first Five-Year [National Human Rights Action Plan](#) (NHRAP) (2013-2017) underscoring promises to ensure that human rights are effectively promoted, protected and preserved in agreement with national and international standards. The government articulated initial commitments towards the promotion of responsible business conduct in line with the UNGPs. Under the National Human Rights Action Plan, CHRAGG was tasked with developing a [National Baseline Study on Business and Human Rights](#) and supporting the development of a National Action Plan on Business and Human Rights. As independent national institutions mandated by the Paris Principles, NHRIs are well suited to support the development of National Action Plan on Business and Human Rights.

In collaboration with multiple actors, CHRAGG has, so far, carried out significant work towards the promotion of the business and human right agenda and the implementation of the UNGPs but further efforts are needed to further strengthen rights-holder protection in the context of business activities. In 2017, CHRAGG analysed, with technical support from the Danish Institute for Human Rights, main gaps when it comes to business and human right. The resulting National Baseline Assessment provides a comprehensive account of the status of protection of human rights with regard to business activities in Tanzania and draws on extensive desktop research and consultation with government, business and civil society stakeholders. Since the launch of the National Baseline Assessment Report in November, 2017, CHRAGG has played a lively role in convening several actors around the business and human right agenda and engaging in dialogue with civil society organisations. In the course of 2018 and 2019, for instance, CHRAGG collaborated with the international NGO IPIS and Business and Human Rights Tanzania (BHRT) a local NGO to host multi-stakeholder dialogues on business and human right in the country and produce specific [case study research guiding policy-change dialogues](#). CHRAGG has also been actively [monitoring business-related human rights issues](#). Currently, CHRAGG is working to implement its updated complaints-handling mechanism and widen the focus on business and human right issues.

### 5.1 ACTIVITY 1: UPDATING THE CHRAGG COMPLAINTS-HANDLING SYSTEM

Information and Communication Technology (ICT) is a key enabler in all sectors as it is used to simplify operations, increase efficiency, improve quality of service delivery and cut cost of operation. In the recent years we have witnessed a growing trend of ICT adoption in terms of e-government, e-education, e-banking, mobile money, e-commerce and e-health just to mention a few.



CHRAGG is not an exception in the adoption of ICT with the view of improving efficiency. In that respect, the Commission developed and operationalised a Complaint Management Information System in 2010. This system was also updated in 2012 to include an SMS module that enables citizens to send complaints by sending short messages. The project for Improving Monitoring, Research and Dialogue on Business and Human Rights in Tanzania availed the opportunity to develop a [new Complaints Management Information System](#) (CMIS) in order to respond to the challenges which were observed in the old system.

This included working towards improving service delivery by enabling all CHRAGG offices to use a computerised information management system as well as enabling the complainants to lodge and track complaints electronically. The scope of the system was to develop a system that responds to current challenges and future requirements in filling, storing and retrieving complaints. This includes development of the CMIS and its interfaces to the general public. The system is accessed by the general public through Unstructured Supplementary Service Data (USSD) interface by using mobile phone to lodge and track complaints through government mobile service short code \*152\*00# and web interface by using smart phones through CHRAGG's website link available at [www.chragg.go.tz](http://www.chragg.go.tz).

So far, implementation of the CMIS has brought in positive results in receiving complaints. The main interface that has attracted the majority of the users is the USSD interface where a good number of incidences have been received through the system. Challenges after system development are mostly related to resources and public awareness raising.







## **5.2 ACTIVITY 2: AWARENESS CAMPAIGN ON THE COMPLAINTS MANAGEMENT INFORMATION SYSTEM (CMIS)**

For the proper functioning of the CMIS, CHRAGG conducted capacity development of its staff on analysis, implementation and use of the system, on one hand [awareness raising campaigns](#) were conducted to the general public on the use of the CMIS towards promoting CHRAGG's roles and mandate. The awareness campaigns were conducted in eight (8) Regions of mainland Tanzania and Zanzibar namely Arusha, Mwanza, Dar es Salaam, Mtwara, North Unguja, South Unguja, North Pemba and South Pemba. The campaigns were successfully held through public meetings to communities living around company operations; company-level meetings to the management and workers; TV and Radio Programmes; publications of Feature Articles in Newspapers and distribution of brochures with proportional messages on CHRAGG's mandates and CMIS. Nevertheless, CHRAGG sensitised the general public on the concept of business and human rights; monitored compliance of labour standards; informed about available judicial and non-judicial grievance-handling mechanisms relevant for addressing business-related human rights harms.

## **5.3 ACTIVITY 3: ENGAGING THE BUSINESS COMMUNITY**

CHRAGG has undertaken several initiatives to engage the business community on their human rights responsibilities. This may be through monitoring visits, investigation, dialogue, bilateral meetings or involvement in multi-stakeholder engagement. In December 2018 and February 2021, for example, CHRAGG held conferences with business stakeholders from different industries in Dar es Salaam. The meetings brought together over 40 participants, including business actors (small- and medium-sized companies as well as large-scale companies) and business associations (umbrella organisations) that have undertaken specific efforts regarding business and human rights.

The objectives of the meeting were to inform participants about CHRAGG's involvement and engagement with the business community in the protection and promotion of human rights in Tanzania, achievements and challenges faced; to further create awareness of the UNGPs; to better understand the efforts made by



business stakeholders in respecting human rights, challenges, best practices; to prepare a tentative action plan on the engagement of business in respecting human rights; to strategise on a roadmap towards the preparation of a National Action Plan on Business and Human Rights and to obtain a balanced, complete view of the context of business and human rights in Tanzania.

The meetings brought to light that CHRAGG could be more proactive and visible to the business sector; that there would be benefits to the establishment of mandatory legislation, alongside voluntary measures which would allow for a level playing field and legal clarity on corporate social responsibility; that there was limited knowledge on labour related rights, especially on workers compensation, social security schemes, employment contracts, trade unionism etc.; that there is an absence of guiding tools for businesses to implement their responsibility to respect human rights; that petty business sectors like bars and night clubs, hawkers, bodaboda, hospitality industries, markets, garages and cottage industries have not been well considered in the promotion, protection and preservation of human rights; and that the link between business and human rights is not well understood by many stakeholders.





#### **5.4 ACTIVITY 4: STUDY ON LABOUR RIGHTS AND ACCESS TO REMEDIES IN FISH PROCESSING INDUSTRIES**

The [study on Labour Rights and Access to Remedies in Fish Processing Industries](#) was conducted in October 2018 in Mwanza City. The study aimed at ascertaining the extent to which workers in the fishing industries access to available non-judicial grievances mechanisms oversee compliance to labour standards, establish knowledge gap of employers and employees in labour rights and advise on remedial actions. The study's major findings as being: (1) non-compliance with labour laws; and (2) limited knowledge on business and human rights related issues. Through the study, achievements were made in terms of capacity building and understanding on the use of both judicial and non-judicial grievance handling mechanisms and increased ability to analyse key challenges and evolutions on business and human rights.

#### **5.5 ACTIVITY 5: MEDIATING BUSINESS AND HUMAN RIGHTS RELATED DISPUTES**

As part of its statutory mandate, CHRAGG can undertake mediation in business and human rights matters. To date, this has included mediation in the areas of labour disputes as well as regarding land compensation. The course of mediation can be determined following a preliminary investigation, if the findings indicate that mediation is a suitable course of action.

#### **5.6 ACTIVITY 6: MULTI-STAKEHOLDER ENGAGEMENT ON BUSINESS AND HUMAN RIGHTS**

CHRAGG has hosted several multi-stakeholder conferences and engagements on business and human rights.

The [first multi-stakeholder conference was held on 21 March 2019 in Dodoma-Tanzania](#). The conference's objectives were to raise awareness, build trust and



strengthen the national multi-stakeholder networks for advancing the agenda on business and human rights in Tanzania. The conference was attended by participants from the government, civil society organisations and business corporates from both Tanzania Mainland and Tanzania Zanzibar. Other participants were experts from the European Union External Action Services (EAAS), the United Nations International Children’s Emergency Fund (UNICEF) and project technical team from IPIS, BHRT and CHRAGG.

In this conference, CHRAGG informed participants on the Context Analysis of Business and Human Rights in Tanzania through key issues and findings in CHRAGG’s Tanzania National Baseline Assessment on Business and Human Rights. It was noted that the context analysis was a continuous process and the roadmap towards development and adoption of the National Action Plan on Business and Human Rights. It is also during this time when five case studies on current business and human rights issues, published as ‘Voices from Tanzania’, were also presented during the meeting.



Generally, the conference provided a forum for the experts and participants to increase awareness of national and international business and human rights frameworks and to share experiences and learning on addressing adverse human rights impacts caused by business activities, in particular those in the extractives sector, agricultural sectors, manufacturing industries and tourism.

The [second multi-stakeholders conference was held in March 2020](#), convening stakeholders on the ‘Impact of Large-Scale Infrastructure Projects in Tanzania’. The

main focus was on informing stakeholders on the implementation status of business and human right through key lessons learned, challenges faced in particular sectors, operational environments in relation to specific rights or groups; raise awareness; stimulate discussion, built capacity and a strong network of business and human right advocates in Tanzania.

The conference was attended by over 90 participants from a broad range of stakeholders representing Government Ministries, Agencies and Departments (MDAs) from both Mainland Tanzania and Zanzibar; civil society organisations; businesses; community members; media; and international non-governmental institutions. The conference was also virtualised and attended by experts from



foreign missions, embassies and international organisations.

In particular, the conference highlighted key studies on labour, environment and land-related human rights issues; monitoring of business activities that investigated and gathered facts on claims of corporate human rights harms; updates to the CHRAGG Complaint Management Information System; dialogues through bilateral meetings and multi-stakeholder conferences; quarterly briefings and provision of legal aid programmes. Presentation of 'Voices from Tanzania' studies formulated as small field-based scoping studies executed by five civil society organisations that aimed at drawing attention to pertinent issues on the impact of large-scale infrastructure projects in Tanzania. The conference highlighted key gaps that included: limited knowledge on business and human right among stakeholders; absence of legal and policy frameworks to address corporate human rights responsibility issues; absence of a National Action Plan on Business and Human Rights; insufficient engagement of CHRAGG during project planning, design and implementation; underreporting of corporate harms; and language barriers in terms of available business and human right resources.



On the basis of the key messages formulated during the conference participants addressed potential resolutions: CHRAGG to take a lead in emphasising the government for practical implications, commitments and plans of the UNGPs for a wide range of issues including developing a National Action Plan on Business and Human Rights; the call to adopt a smarter mix of measures and mandatory human rights issues, due diligence legislation including that of the corporate responsibility to respect human rights; design strategies for meaningful engagement and consultations among government, civil society, communities and other business stakeholders during planning, designing and implementation of both small and mega projects; pay attention particularly in addressing business and human right issues in Zanzibar; disseminate simplify publications and messages on business and human right.

The conference concluded that, many communities especially vulnerable groups such as women, children, people with disabilities continue to experience negative impacts of business activities across all sectors due to a number of factors including lack of information, responsibilities of businesses and access to remedy. The conference called for increase of education and awareness campaigns on business and human right.

The [third conference was held in February 2021 and focused on the need for a National Action Plan on Business and Human Rights.](#)





### **5.7 ACTIVITY 7: FACT-FINDING MISSIONS ON BUSINESS COMPLIANCE WITH HUMAN RIGHTS STANDARDS**

As part of its monitoring role, CHRAGG undertakes fact-finding missions on business compliance with human rights standards.

CHRAGG conducted four fact-finding missions between July and August 2019 and two investigative missions between March and April 2020. Among the six missions, two were investigative missions that emanated from complaints filed before CHRAGG and four resulted from reported incidences by the media and civil society organisation.

The missions had the purpose to investigate, collect evidence-based information and take into account community concerns about claims of corporate human rights harms; plan for the future interventions through investigation, mediation and legal aid provision; and to map types of abuses, victims and actors causing harm as well as knowing physical areas where these abuses occurred. At this juncture, information gathered was used to formulate balanced recommendations for follow-up in order to ensure access to remedy for victims of human rights abuses connected to corporate activities.

### **5.8 ACTIVITY 8: COMMISSIONER STRATEGIC WORKSHOP**

A Strategic Workshop on Business and Human Rights, conducted by CHRAGG and the Danish Institute for Human Rights, was held 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 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. The workshop also identified tangible actions and activities for CHRAGG engagement on business and human rights going forward.

## **5.9 ACTIVITY 9: ADVOCATING FOR A NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS**

The UN Human Rights Council called on all member states to develop National Action Plans on Business and Human Rights to implement the UNGPs at the national level. National Action Plans are a well-established tool for governments to coordinate action and make concrete commitments to address a particular theme. National Action Plans on Business and Human Rights aim to achieve internal collaboration and external target-setting.

Under the National Human Rights Action Plan, CHRAGG was tasked with developing a National Baseline Study on Business and Human Rights and supporting the development of a National Action Plan on Business and Human Rights. An important first step in developing a National Action Plan on Business and Human Rights is a baseline assessment that enables government and other stakeholders to know the extent to which current law, policy and other measures give effect to the state's duty to protect human rights under international human rights law, the UNGPs and other key business and human rights standards. A National Baseline Assessment identifies initiatives already in place to address human rights impacts of business as well as considering the state of play of business and human rights in practice to draw out key issues in the legal, regulatory and policy framework. They should be carried out by neutral third parties and developed through consultation with civil society, business and government actors. As such, NHRIs are perfectly placed to take up this role.

In 2017, CHRAGG analysed, with technical support from DIHR, main gaps when it comes to business and human rights. The resulting [National Baseline Assessment](#) provides a comprehensive account of the status of protection of human rights with regard to business activities in Tanzania and draws on extensive desktop research and consultation with government, business and civil society stakeholders. It examines the steps that the government has taken to implement the UNGPs, in particular the state duty to protect and access to remedy. It also outlines the strengths and weaknesses in the government's approach to business and human rights and makes recommendations to address any gaps identified.

Building on the baseline and other business and human rights work, CHRAGG is now working towards further advocacy towards the implementation of a national action plan in Tanzania.

On 6 December 2021, CHRAGG hosted a business and human rights advocacy meeting in Dar es Salaam, convening government, business and civil society stakeholders to discuss how best to drive forward business and human rights priorities in Tanzania. The meeting sought to raise awareness on the state of business and human rights in the country, as well as build capacity on business and human rights frameworks and collectively plan actions to realise strategic priorities for the agenda in Tanzania.



Following the advocacy meeting, CHRAGG, DIHR and UNDP Tanzania convened a one-day dialogue on the National Action Plan on Business and Human Rights on 8 December 2021. The dialogue brought together 25 participants from government, CHRAGG, business associations, civil society and key experts to refine and concretise plans and actions towards the development and implementation of the National Action Plan in Tanzania. After capacitating stakeholders on what a National Action Plan on Business and Human Rights aims to achieve, the participants were invited to reflect on tangible actions to move the process forwards. CHRAGG was identified by the stakeholders as a well-suited and capacitated institution for driving the process in Tanzania.

Following these two engagements, CHRAGG conducted two high-level advocacy meetings in Dodoma and Zanzibar on 22 April 2022 and 6 May 2022 respectively, to



obtain an official commitment from the two governments to develop a National Action Plan on Business and Human Rights and strategise on the process, as well as defining CHRAGG's role. More specifically, CHRAGG engaged the Ministry of Constitutional and Legal Affairs of Tanzania and the Minister of the President's Office, Ministry of Constitution, Legal Affairs, Public Services and Good Governance of Zanzibar as the key lead government stakeholders. Echoing the conclusions drawn from the advocacy meetings held in December 2021, the two high-level advocacy meetings produced resolutions appointing CHRAGG as the lead institution for the National Action Plan. In Tanzania mainland, it was decided that CHRAGG would start the process and submit a draft concept note to the Ministry of Constitutional and Legal Affairs. In Zanzibar, CHRAGG is to prepare a concept note on the National Action Plan on Business and Human Rights and submit it to the Ministry of Constitution, Legal Affairs, Public Services and Good Governance of the President's Office for review by a technical team within the Ministry.

In order to kickstart the development process for the National Action Plan on Business and Human Rights, CHRAGG convened a multi-stakeholder roundtable with representatives from government, business and civil society from both Tanzania mainland and Zanzibar on 30 August 2022 in Dar es Salaam. The main objective of the meeting was to discuss how best to drive forward the preparation of National Action Plan on Business and Human Rights in Tanzania, including on how to form a steering committee, conduct stakeholder engagement and build capacity on the UNGPs and other business and human rights frameworks. The need for official government commitment towards supporting the process was reiterated.

On 31 August 2022, CHRAGG held a business roundtable, convening representatives from the energy/extractive, tourism and manufacturing sectors of Tanzania mainland and Zanzibar. The discussions addressed challenges and opportunities for businesses to implement responsible business conduct and human rights due diligence across their operations. It also emphasised the crucial role of businesses as envisaged by the UNGPs with regard to Pillars II and III, as well as in developing and implementing the National Action Plan on Business and Human Rights.





