

Bi-Annual Tanzania Human Rights Report 2017



INTRODUCTION

- Legal and Human Rights Centre (LHRC) prepares a bi-annual human rights report each year, which highlights the situation of human rights in Tanzania Mainland for the period of January to June.
- This year's report looks at the civil and political rights, social rights and rights of vulnerable groups. It also provides recommendations on improving the situation of these rights in Tanzania.
- Data for this report were mainly collected through media survey and document review. Some of the data was obtained through human rights monitoring conducted by LHRC. Reports of various stakeholders were also reviewed and analysed in the process of preparing this report. LHRC also obtained data from the police force, particularly on incidents threatening right to life and violence against children and women.

KEY FINDINGS

- ▶ Continuing threat on right to life, especially through death penalty, violence against law enforcement officers, extrajudicial killings and mob violence. 12 police officers attacked and killed.
- ▶ A total of 655 lives sadly lost due to witchcraft-related killings, mob violence, extrajudicial killings and violence against law enforcement officers.
- ▶ 1,251 lives lost due to road accidents, mainly caused by reckless driving (1,308 including Zanzibar).
- ▶ Increased extrajudicial killings (9).
- ▶ Further restrictions on freedom of expression resulting to significant drop in World Press Freedom Index 2017.
- ▶ Curtailment of press freedom through threats, attacks and new media law.
- ▶ Increased access to education through free basic education policy, but challenges affecting quality of education, including insufficient grants and shortage of desks, teachers, classes and toilets.
- ▶ Denial of right to education for schoolgirls who become pregnant (no re-entry).

KEY FINDINGS

- ▷ Shortages of health workers and essential medicines and beds continue affecting right to health.
- ▷ Arbitrary arrests and detention by police and regional and district commissioners.
- ▷ Restrictions on freedom of assembly through ban and denial of assemblies.
- ▷ Increased violence against children, especially sexual violence (child rape).
- ▷ 2,059 women and children raped from January to March 2017, equal to 686 each month.
- ▷ Iringa, Dar es Salaam and Mbeya notorious in sexual violence against children.
- ▷ Killings in Pwani Region, including of local leaders and police officers, threatening peace and security.
- ▷ Improved situation of PWAs, but still living in fear.
- ▷ Elderly main victims of witchcraft-related killings, with 155 such killings reported from January to June 2017. Tabora continues to be notorious in these killings, with 23 killings.

1.

Civil and Political Rights

Right to Life, Freedom of Expression, Freedom of Assembly, Right to Liberty and Personal Security

Right to Life



- ▶ In the period of January to June 2017 the situation of right to life has slightly worsened, compared to the same period in 2016, with more violation incidents reported.
- ▶ Right to life continues to be threatened, particularly through death penalty, witchcraft-related killings, mob violence, extrajudicial killings, road accidents and violence against law enforcement officers.

Right to Life - Death Penalty

- ▶ Despite being in a state of moratorium, with no execution of death sentences for over 20 years, death penalty continues to be imposed in Tanzania. Currently, there are at least 465 death row inmates in Tanzanian prisons, 445 male and 20 female.

Right to Life – Death Penalty

- ▶ Through media survey, LHRC was able to document 7 death sentences issued between January and June 2017.
- ▶ Death penalty violates right to life, is inhuman and constitutes torture.
- ▶ While pro-death penalty school argues that death penalty should remain to deter murder, studies indicate that this is not true.
- ▶ Even in countries which practice death penalty and execute regularly, like the U.S.A, the rate of murder incidents is still high.
- ▶ This is why there is a worldwide trend against death penalty, with more countries around the world abolishing it. As indicated in the Tanzania Human Rights Report 2016, more than 20 countries in Africa have abolished death penalty, including those which have experienced massacres.
- ▶ In April 2017, the Parliamentary Constitutional and Legal Affairs Committee expressed concern with the death penalty, urging the Government to consider

Right to Life – Death Penalty

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▷ commuting death sentences to life in prison after a certain period of time, noting that no execution has been carried out in three previous administrations.

Reported death penalty sentences by June 2017

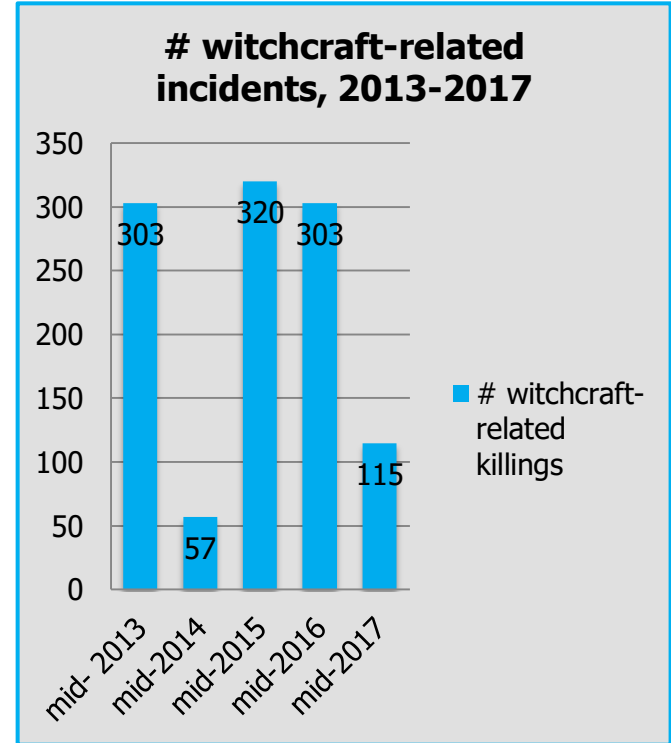
Description	Source	Date
Songwe: Four people, claimed to be bandits, were sentenced to death after murder conviction.	ITV News	18 May 2017
Mbeya: The High Court in Mbeya sentenced to death Godfrey Sichizya (27), after he was convicted of murdering his grandfather, Labson Schizya in order to inherit his cows.	East Africa Television	8 Jun 2017
Mara: A resident of Mugumu area in Serengeti District, 28 years old, was convicted of murder of his lover and sentenced to death.	HABARILEO Newspaper	27 May 2017
Mara: A resident of Nyamongo, 30 years old, was sentenced to death after conviction on killing a woman with a machete.	HABARILEO Newspaper	6 May 2017

Given the challenges of police investigation and proving crimes beyond reasonable doubt in Tanzania, an innocent person may be condemned to death, a process which is irreversible. This is another reason why we need to abolish death penalty.

Right to Life – Witchcraft-Related Killings



- ▶ Several incidents of witchcraft-related violence and killings have been reported from January to June 2017.
- ▶ Police data indicates that 115 incidents were reported, which are 188 less than those reported in the same period in 2016 as indicated in the figure below. **Tabora Region** continues to be notorious in these killings, leading with **23 incidents**, followed by Kigoma (18) and Kagera (11).
- ▶ LHRC was able to document a at least 10 incidents of witchcraft-related killings through media survey.



Right to Life – Witchcraft-Related Killings

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Reported Incidents of Witchcraft-Related Killings

Description	Source	Date
Magu, Mwanza: A man in Mwanza was arrested by police for allegedly killing his 6-year old child in order to become rich through witchcraft. He killed the child by putting his hand and mouth to denying him air.	<i>Mwananchi</i> Newspaper	17 Jun 2017
Sumbawanga, Rukwa: Three people of the same family, residents of Kipa Village, were attacked with machetes to death on suspicion of witchcraft. They were attacked in Mfinga Village where they had gone to engage in agriculture.	<i>Mwananchi</i> Newspaper	25 Feb 2017
A mother of an eight-month old baby and a witchdoctor were arrested by police for killing the baby in order to become rich.	<i>HABARILEO</i> Newspaper	10 Jan 2017
Biharamulo, Kagera: A pupil at Kibale Primary School in Kabumbiro Village (13) and her parent (40) were killed on suspicion of witchcraft.	<i>Mtanzania</i> Newspaper	1 Apr 2017
Maswa, Simiyu: A male resident of Mabayanda Village was attacked with machetes by three people, who claimed he had bewitched his neighbours' children.	<i>Mtanzania</i> Newspaper	1 Apr 2017
Nkasi, Rukwa: A male resident of Mwenge Vilalge in Kate Ward (50) was brutally killed due to witchcraft suspicion. One his relatives had alleged that the he was bewitching him.	<i>Mtanzania</i> Newspaper	24 Apr 2017

Right to Life – Witchcraft-Related Killings

Description	Source	Date
Kwimba, Mwanza: A man called Kumalija Kondolo Basu, resident of Solwe Village, was arrested by police for killing his wife because of witchcraft beliefs. The incident occurred in April 2017.	Mpekuzi Blog/LHRC Human Rights Monitoring Unit	7 Apr 2017
Mbalizi, Mbeya: A resident of Ijenga Village, Sikitu Mwalala, was killed after being accused of practicing witchcraft on 1 st May 2017.	LHRC Human Right Monitoring Unit	5 Jun 2017

► Data on the number of reported incidents of witchcraft-related killings indicated a significant drop compared to the situation in the first six months of 2016. However, more efforts are needed to curb this threat to right to life as based on the current data, an average of 19 people were killed each month up to June 2017.

Right to Life – Attacks and Killings of PWAs

- ▶ Recent trend indicates a significant decrease of incidents of attacks and killings of PWAs. No killings were reported throughout 2016, while in Tabora, one incident of attempted abduction of two PWA children was reported.
- ▶ In the period of January to June 2017, no incidents of killings and attacks of PWAs have been reported.
- ▶ On the other hand, there have been reports of increase of incidents of vandalism of PWA graves.
- ▶ In Chapakazi Village – Mbeya Rural, police arrested a man for vandalizing a grave of PWA and exhuming deceased's body parts in January 2017. Two other such incidents were reported in Kagera and Morogoro, according to the PWA rights advocacy organization in Tanzania, Under the Same Sun (UTSS).
- ▶ Efforts by UTSS, in collaboration with the Government, police, Commission for Human Rights and Good Governance (CHRAGG) and other human rights stakeholders (CSOs) have helped to improve the situation of PWAs in

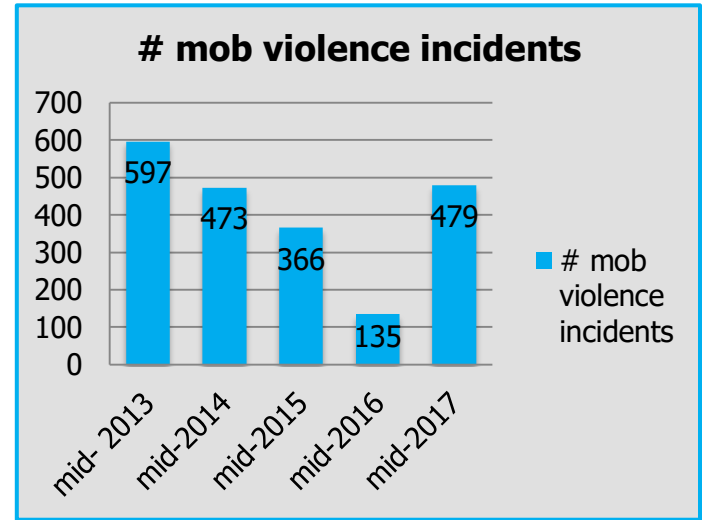
Right to Life – Attacks and Killings of PWAs

Tanzania

▷ However, most PWAs continue to live in fear and consequently cannot fully participate in social, economic and political activities. In response to this, in May 2017, the Tanzania Albino Society (TAS) called upon the Government to ensure the safety of PWAs and register all of them.

Right to Life – Mob Violence

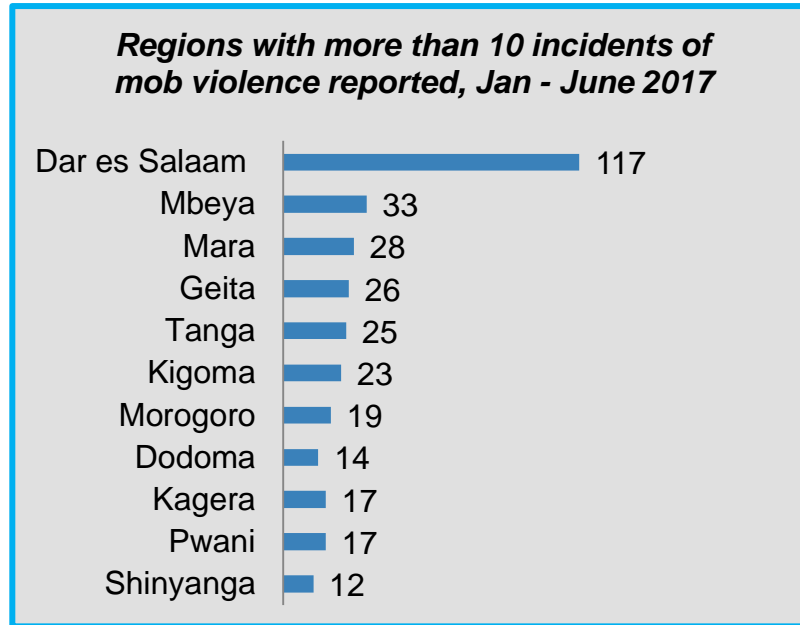
- ▶ Police data from 2013 to 2016 indicate a downward trend in mob violence in Tanzania, from 597 incidents reported by mid-2013 to 135 reported by mid-2016.
- ▶ In 2017, police data indicates that incidents of mob violence are **more than three times** those of January to June 2016, with a total of **479 incidents** reported and recorded.
- ▶ One of the factors that contribute to mob violence is lack of faith in the justice system, which is still considered corrupt by a section of the society, hence opting for mob justice. Another reason is lack of clear understanding of the justice system.



Sometimes the victims are even wrongly accused, as it was the case for one victim of mob violence who was killed by a group of angry people who mistook him for a thief of *bodaboda* (motorcycle) in Mrombo area in Arusha Region. The incident occurred in early March 2017.

Right to Life – Mob Violence

An average of 79 people were killed in mob violence across Tanzania each month in the period of January to June 2017



Source: Police data

▶ As indicated in the chart above, Dar es Salaam tops the list with a total of 117 incidents reported in Kinondoni (58), Ilala (30) and Temeke (29) Districts. In Mbeya, Mara, Geita, Tanga and Kigoma, more than 20 mob killings were recorded by police.

Right to Life – Mob Violence

► Through media survey, LHRC was able to document 15 incidents of mob violence reported by media from January to June 2017, which occurred in different parts of Tanzania. The incidents are highlighted in the table below.

Description	Source	Date
Ilemela, Mwanza: A resident of Igombe Village in Ilemela District was killed by an angry mob for allegedly obtaining money fraudulently through mobile money transactions.	<i>Majira</i> Newspaper	13 Jan 2017
Igunga, Tabora: A father and his son, claimed to be bandits, were killed by villagers in Ncheli Village after committing an armed robbery at the house of a primary school head teacher and injuring him.	<i>HABARILEO</i> Newspaper	17 Jan 2017
Chunya, Mbeya: Two people, alleged to be bandits, were killed and torched by the residents of Ifumbo Ward at the Ward Office, where they had been kept after attempting to invade a mine.	<i>Mwananchi</i> Newspaper	9 Jan 2017
Misungwi, Mwanza: A resident of Kanyebele Village in Misungwi District was killed by an angry mob, accusing him of stealing chicken.	<i>HABARILEO</i> Newspaper	29 Jan 2017

Right to Life – Mob Violence

Incidents of Mob Violence Reported – Jan. to June 2017

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Description	Source	Date
Musoma, Mara: A 24-year old resident of Bweri Nyabisare Ward in Musoma was killed by a group of people for allegedly being an armed robber.	<i>Mwananchi</i> Newspaper	6 Feb 2017
Kyela, Mbeya: An angry mob in Kyela attacked a 32-year old resident they accused of stealing two cows. The victim was attacked to death with stones and iron rods.	<i>Mtanzania</i> Newspaper	27 Feb 2017
Arusha: A man was killed by an angry mob after they mistook him for a motorcycle thief.	LHRC Human Rights Monitoring Unit	10 th June 2017
Lindi: A resident of Mahiwa Village in Nyagao Ward died after he was beaten up by a mob for allegedly stealing maize.	<i>The Citizen</i> Newspaper	5 Jan 2017
Ilala, Dar es Salaam: One person, suspected of being an armed robber, was killed by an angry mob in Mbalaga area. The incident occurred on 2 nd April 2017.	LHRC Human Rights Monitoring Unit	5 Jun 2017
Makete, Njombe: One person named Nestory Ndelwa (27) was killed in a mob violence attack on 7 th May 2017, accused of stealing five chickens.	LHRC Human Rights Monitoring Unit	5 Jun 2017

Right to Life – Mob Violence

Description	Source	Date
Songwe: One person was reportedly killed in mob violence incident that occurred on 31 st March 2017.	LHRC Human Rights Monitoring Unit	4 Apr 2017
Geita: Three people were killed by a group of people in Geita District for allegedly stealing 16 bags of maize.	<i>Nipashe</i> Newspaper	6 May 2017
Kilosa, Morogoro: 37 people, believed to be pastoralists/herdsmen, were arrested by police for playing part in attacking 2 farmers with machetes and killing them in Kilosa District.	<i>The Citizen</i> Newspaper	6 Jan 2017
Mwanza: A 30 year old resident of Nyakato area was killed by an angry mob on allegations of theft.	<i>Mwananchi</i> Newspaper	18 Feb 2017
Muheza, Tanga: A resident of Muheza District, Ally Mzigua, who had been accused of killing his lover, was killed by an angry mob.	<i>Nipashe</i> Newspaper	5 Jan 2017

Right to Life – Mob Violence



Burnt body of the late Nestory Ndelwa, who was killed by a mob in Makete, Njombe Region

Right to Life – Extrajudicial Killings

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- ▶ While only one extrajudicial killing was reported by the police in 2016, LHRC was able to document at least 3 other alleged extrajudicial killings.
- ▶ From January to June 2017, LHRC has been able to document 9 reported extrajudicial killings, including of two family members in Bagamoyo, as indicated in the table below. Extrajudicial killings have thus increased compared to the whole of 2016.



A body of one of the victims of police shooting in Bagamoyo being carried away
(Picture by Global Publishers)

Right to Life – Extrajudicial Killings

Reported incidents of extrajudicial killings, Jan. to June 2017

Description	Source	Date
Tanga: A <i>daladala</i> (bus) conductor died enroute to Mombo Hospital after receiving a heavy beating at a military camp. It was reported that he had been taken by military officers after a quarrel with one of the officer's siblings in the bus.	<i>Mwananchi</i> Newspaper	29 Jan 2017
Arumeru, Arusha: 4 people were killed and 5 others injured after being shot by SUMA JKT military officers guarding the Meru-Usa forest plantation, which is part of Meru forest Reserve.	<i>Mtanzania</i> Newspaper	27 Jan 2017
Arumeru, Arusha: A 15-year old boy was reportedly shot four times on his back and killed by SUMA JKT officer guarding the Meru-Usa forest plantation.	<i>Mtanzania</i> Newspaper	17 Apr 2017
Bagamoyo, Pwani: 3 police officers were arrested for killing 2 pastoralists, members of the same family, after they had refused to take their cattle to the police station.	<i>Mwananchi</i> Newspaper	8 Mar 2017
Kigamboni, Dar es Salaam: A 25-year old student of the Fisheries Education and Training Agency (FETA) – Mbegani Campus, Boniventura Kimali, was reportedly killed by police officer while at home in Kigamboni District, police allegedly suspecting him of being a bandit.	<i>Mwananchi</i> Newspaper	29 May 2017

Right to Life – Extrajudicial Killings

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Civilians protesting against extrajudicial killings in Arumeru, Arusha, with the banner reading “Tanzania turning into Somalia. Bullets are used as a stick for killing snakes. Where are our rights?”

Right to Life – Road Accidents

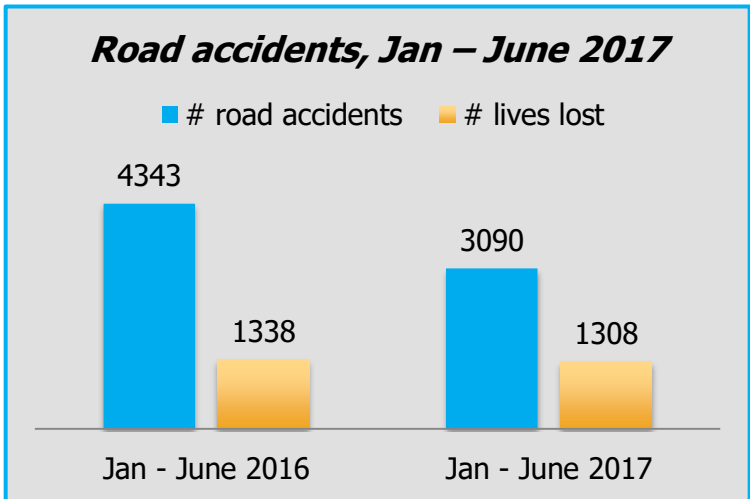
- ▶ Road accidents continue to impact right to life in Tanzania. Police data indicates that for the period of January to June 2017 road accidents which occurred in whole of Tanzania were 3,090, claiming 1,308 lives.
- ▶ Compared to the data for the period of January to June 2016, there is slight decrease of deaths resulting from road accidents, whereby 1,338 people lost their lives (195 accidents, 57 deaths in Zanzibar)
- ▶ One of the accidents which shocked the nation was that which occurred in Karatu – Arusha, killing 32 pupils of Lucky Vincent Primary School and their teachers.



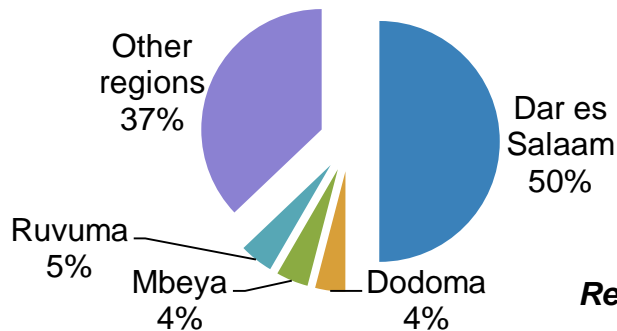
Bodies of pupils of Lucky Vincent being removed from the bus (Pictures by *Mwananchi* Newspaper)

Right to Life – Road Accidents

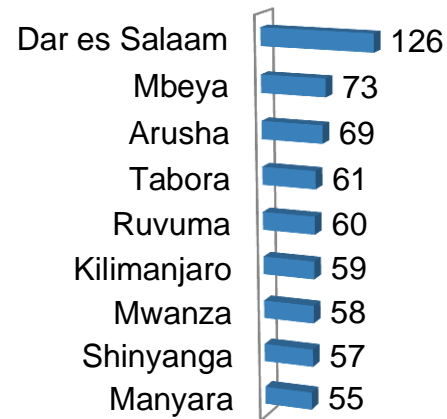
Road accidents in Tanzania Mainland, Jan -June 2017



Accidents in Tanzania Mainland	2,895
Deaths in Tanzania Mainland	1,251



Regions with more than 50 deaths



► Most accidents were recorded in Dar es Salaam Region, with Kinondoni District leading (523), followed by Ilala (481) and Temeke (444).

Right to Life – Road Accidents

Description	Source	Date
Bukoba, Kagera: A school bus was involved in an accident with a motorcycle that resulted into 4 deaths and 6 injured people.	<i>Mtanzania</i> Newspaper	27 Feb 2017
Mbeya: 3 die as bus crashes into two lorries.	<i>The Guardian</i> Newspaper	20 Jan 2017
Mwanza: Motorcycle accident resulted into two people getting injured.	Mwananchi Newspaper	4 May 2017
Mpanda, Katavi: Three people killed in accident.	<i>Mtanzania</i> Newspaper	12 May 2017
Morogoro: 25 people of the same clan were injured in an accident after their bus collided with a truck.	<i>Mtanzania</i> Newspaper	8 May 2017
Lindi: 4 people were killed and 23 others injured in a road accident involving a Mtwara-Dar bus.	<i>Nipashe</i> Newspaper	28 Jan 2017
Moshi, Kilimanjaro: Two people killed and 18 others injured in a road accident.	<i>Nipashe</i> Newspaper	5 Apr 2017

▷ A report by the Traffic Police has indicated that 86% of road accidents are due to reckless driving caused by high speed, driving while under influence of alcohol and dangerous overtaking and driving. According to the report, from January to March 2017, 1442 road accidents were recorded.

Right to Life – Road Accidents

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Road accident incidents reported by the media, Jan. – June 2017

Description	Source	Date
Njombe, Njombe: 3 people killed, 34 injured in a road accident.	<i>Nipashe</i> Newspaper	4 Mar 2017
2 family members killed in an accident	<i>Majira</i> Newspaper	30 Mar 2017
Dar es Salaam: 1 person killed and a dozen injured after a passenger bus hit the train	HABARILEO Newspaper	20 Apr 2017
Mbeya: An accident involving Taqwa Bus claimed 4 lives, causing 16 injuries	<i>Majira</i> Newspaper	20 Jan 2017
Mikese, Morogoro: 3 people killed in an accident involving two cars in Lubungo Village.	HABARILEO Newspaper	21 Feb 2017
Magu, Mwanza: 2 people killed and 3 injured in an accident involving a small car and a truck at Kayenze area.	<i>Mtanzania</i> Newspaper	11 Feb 2017
Moshi, Kilimanjaro: 7 people killed, 4 injured in an accident at Mwika area.	<i>Mwananchi</i> Newspaper	6 Feb 2017
Kibondo, Kigoma: 2 pupil of Nyaryuba Primary School killed in a road accident after being hit by a lorry.	<i>Nipashe</i> Newspaper	24 Apr 2017

Right to life – Violence against Law Enforcement Officers

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▷Right to life for law enforcement officers continues to be under threat in 2017, following a number of attacks and killings. Most of the incidents of violence against them have occurred in Kibiti District in Pwani Region, whereby a total of 12 police officers have been attacked and brutally killed. Two police stations were also raided.



The Minister of Home Affairs, Hon. Mwigulu Nchemba, paying his last respects to the bodies of police officers who were killed in Kibiti-Pwani Region.

Right to life – Violence against Law Enforcement Officers

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Incidents of violence against law enforcement officers reported in the period of Jan. to June 2017

Description	Source	Date
Pwani: 8 police officers killed by unknown gunmen while returning from patrol duty.	<i>The Guardian</i> Newspaper	15 Apr 2017
Kibiti, Pwani: Head of criminal investigation was killed by unknown assailants in February 2017.	<i>The Citizen</i> Newspaper	15 April 2017
Kibiti, Pwani: Two police officers killed by unknown assailants in Msafiri Village, Bungu Ward.	<i>HABARILEO</i> Newspaper	22 Jun 2017

In performing their duties, police officers are faced with a number of challenges. These include insufficient budget, which hinders their ability to fight crime and conduct patrols and regular trainings, all aimed at enhancing security. In some areas it is also difficult for them to conduct patrols and reach when needed due to poor urban planning. There is thus a need for the Government to strengthen the police force and ensure they are well-equipped to fight crime, protect themselves and protect citizens.

Freedom of Expression



- ▶ Freedom of expression is composed of three rights, namely **media/press freedom, right to information** and **freedom of opinion**. These rights are protected domestically under the Constitution of Tanzania 1977, regionally under the African Charter on Human and Peoples' Rights 1981 and internationally under the Universal Declaration of Human Rights 1948 and the International Covenant on Civil and Political Rights 1966, among others.
- ▶ In the first half of 2016, these rights faced further restrictions, particularly through attacks and threats to and of journalists and media houses and presence of laws restricting media and opinion freedoms.
- ▶ Restrictions on freedom of expression caught the eye of the international community; and it is no surprise that Tanzania's press freedom ranking has dropped significantly, according to the World Press Freedom Report 2017.

Freedom of Expression – Press Freedom

Raid of Clouds Media Group Office

- ▶ In March 2017, the media community in Tanzania was shocked by the raid of the Clouds Media offices by the Dar es Regional Commissioner, Paul Makonda, with officers presumed to be law enforcement officers, some of whom were armed.
- ▶ This act by the RC was widely condemned by the various stakeholders of media freedom, including CSOs, Media Owners Association and other media institutions.
- ▶ Following this incident the former Minister for Information, Sports, Arts and Culture, Nape Nnauye, formed a team to probe into the matter. In its report submitted to the former minister, probe team found that the Dar es Salaam RC breached the law by invading the Clouds Media Group offices, stating that on 17th March 2017 he forced his way into the offices and forced staff to broadcast a programme and forced them to give him back the programme material content. The probe team recommended that the RC apologise to the Clouds Media Group.

Freedom of Expression – Press Freedom

▷ The team also suggested the Minister to submit the report to the appointing authorities for further action. However, the Minister was removed from his position two days after the report was released, as the President made a changes in his cabinet.



Image of Dar es Salaam RC, Hon. Paul Makonda captured on Clouds Media Group's CCTV camera, showing him entering the media outlet's premises with law enforcement officers

Freedom of Expression – Press Freedom

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Threats to and Harassment of Journalists

▷ In March 2017, it was reported in Arusha that the District Commission of Arusha District, Alexander Mnyeti, had threatened journalists in the Region, stating that he would order police to beat them if they attended the district council meeting to obtain news stories.

▷ In Kilindi District – Tanga Region, a reporter from *Mwananchi* Newspaper, Rajab Athuman, was reportedly approached by three people who claimed they were from the disaster management department.

The three people took away his equipment, including a mobile phone, when he was interviewing family members of 11 people who died after eating poisonous mushrooms.

▷ In Arusha Region, it was also reported that 10 journalists were arbitrarily arrested and later released by police when they had gone to Lucky Vincent Primary School to obtain news stories surrounding a tragic accident which claimed lives of more than 30 pupils

Freedom of Expression – Press Freedom

- ▷ at the school.
- ▷ It was also reported that the editor of Mawio Newspaper received phone calls threatening him after an article linking former presidents, Benjamin Mkapa and Jakaya Kikwete, to controversial mining contracts was published in the newspaper.

Prohibition of Reading Newspaper Articles

- ▷ In May 2017, the Minister responsible for media, Dr. Harrison Mwakyembe, prohibited radio and television stations from reading newspaper articles, instead just read the headlines, so that they newspaper companies make profit.
- ▷ In LHRC's view, this prohibition may hinder freedom of expression. It is also important to note that media houses have not been complaining that they are not making profit because of articles being read by radio and television stations.

Freedom of Expression – Press Freedom

The Court's Verdict on Mawio Newspaper and a new ban

- ▶ In January 2016, *Mawio* Newspaper was permanently banned by the Government for allegedly writing and printing seditious article about the situation of Zanzibar following the decision to repeat the presidential elections in the islands. Victoria Media Service Ltd, owner of the newspaper, was accused of violating the highly criticized Newspapers Act of 1975, which has since been replaced with the Media Services Act of 2016.
- ▶ The ban was condemned by media freedom stakeholders both inside and outside Tanzania, including the Media Council of Tanzania and CSOs (LHRC inclusive). Other than the fact that the decision was based on a law which had been declared unconstitutional, the newspaper owners were not afforded the right to be heard and defend themselves, contrary to the principles of natural justice.

Freedom of Expression – Press Freedom

- ▶ Faced with such injustice, the media owners decided to seek justice in court; and in March 2016, they filed a petition before the High Court of Tanzania to contest the decision to ban the newspaper permanently without being afforded an opportunity to defend themselves.
- ▶ In March 2017, the High Court delivered its judgement on the case in favour of the Mawio Newspaper, leading to the its immediate return.
- ▶ However, three months after the High Court lifted Mawio permanent ban, the newspaper was faced with a new ban in June 2017. The Minister responsible for media, Hon. Harrison Mwakyembe, issued the ban following the printing of an article about former presidents, Benjamin Mkapa and Jakaya Kikwete, being linked with controversial mining contracts. The mining contracts have been subject of a public debate recently as the fifth phase Government seeks to address the problems in the mining sector.

Freedom of Expression – Press Freedom

- ▶ The new ban for Mawio Newspaper was also met with condemnation by the media community, led by the Media Council of Tanzania and Tanzania Editors Forum, and other stakeholders of media freedom. CSOs under the Tanzania Human Rights Defenders Coalition (THRDC) issued a press statement condemning the action by the Minister, noting that they are not justified under the Media Services Act. The Minister was accused of overstepping his authority.
- ▶ The latest media outlet ban represents a worrying trend of actions taken by the Government officials which are restricting media freedom. LHRC is very concerned with this trend and calls for deliberate measures by the Government to refrain from imposing unjustified restrictions on media freedom and the Parliament to condemn such actions and amend the Media Services Act.

Freedom of Expression – Press Freedom

Tanzania dropping in World Press Freedom Index

- ▷ Restrictions on Freedom of Expression, which have increased in the aftermath of the 2015 General Elections, have seen Tanzania drop in the ranks of the World Press Freedom Index.
- ▷ According to the World Press Freedom Index Report 2017, Tanzania has dropped 12 places, with factors such as suspension and closure of media outlets, threats to media houses and attacks of journalists playing a major role.
- ▷ Another report on press freedom ranks such freedom in Tanzania as partly free, with the score of 58, dropping by 3 points. Restrictive legislation and harassment of journalists were cited as key factors.

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in the 2017 World Press
Freedom Index

RANKING

↓ **-12**
71 in 2016

GLOBAL SCORE

↓ **+2**
28.65 in 2016

Tanzania's ranking in the World Press Freedom Index has dropped from 71 in 2016 to 83 to 2017.

Freedom of Expression – Press Freedom

Restrictive Media Law: Stakeholders File Petition

- ▶ In 2016 the Media Services Act was enacted, replacing the highly criticized Newspapers Act of 1975. However, the new law contained provisions similar to those in the previous Act, which further restrict media/press freedom. In January 2017, media stakeholders, including human rights activists, took the matter to the East African Court of Justice, challenging the sections of the new law that restrict media freedom.
- ▶ Among the stakeholders were the Media Council of Tanzania (MCT), the Legal and Human Rights Centre (LHRC) and the Tanzania Human Rights Defenders Coalition (THRDC).

Freedom of Expression – Right to Information

- ▶ Restrictions on press freedom, ambiguous media law and threats to journalists, have a huge impact on the right to information as one of the three components of freedom of expression.
- ▶ Due to less favourable working environment, given the new restrictive media services law and continuous threats, journalists and media houses are intimidated. Journalists may decide against reporting certain information due to fear that such publication or broadcast may be termed contrary to new law, subjecting them to jail terms and fines. Media houses also fear bans and fines, which have become a common occurrence in recent years.

Freedom of Expression – Freedom of Opinion/Speech

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- ▶ Freedom of Speech continued to be under threat in the first six months of 2017. In late March 2017, the country witnessed shocking scenes via a video circulating on social media showing the former Minister responsible for media and Member of Parliament, Hon. Nape Nnauye, being threatened with a pistol by alleged law enforcement officers, forcing him to get into a car and leave the area. The former Minister, who had just been removed from his position, had called a press conference. Eventually, he managed to talk to members of press while standing on his car.
- ▶ LHRC is concerned with this trend of restrictions on freedom of speech. If an MP and former cabinet member can receive such treatment (in front of cameras), what kind of treatment awaits a normal civilian?!

Freedom of Expression – Freedom of Opinion/Speech

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Two law enforcement officers trying to force the former Minister of Information, Sports, Arts and Culture, Nape Nnauye (centre) into a car, as one of them (right) threatens him with a pistol. (*Picture by Mwananchi Communications Limited*)

Freedom of Assembly

- ▶ Freedom of Assembly has worsened in the first six months of 2017, compared to the same period in 2016, which was highlighted by a ban on political assemblies. The ban on public rallies has since been lifted.
- ▶ However, freedom of assembly continues to be under threat. In June 2017, police interfered with freedom of assembly when they prevented launching of a book by a human rights activist about human rights activists at higher learning institutions. The book launch was scheduled to take place at a hotel in Ubungu area, but police officers surrounded the area and arrested those attendees. Among those arrested was the Executive Director of the Tanzania Human Rights Defenders Coalition (THRDC), Mr. Onesmo Olenguruwa.
- ▶ The THRDC Director was arrested and charged with unlawful assembly (criminal trespass). He was later released on bail.
- ▶ LHRC condemns this act by the police of restricting freedom of assembly.

Freedom of Assembly

- ▶ Meetings of political parties continue to be denied for various reasons. In 2016 police imposed a ban on political meetings, which was later lifted. However, in practice political assemblies continue to be restricted, with police seemingly taking advantage of the loopholes in the Police Force and Auxiliary Services Act to deny them.
- ▶ Only politicians who are Members of Parliament (MPs) and leaders in their respective constituencies are allowed to conduct political meetings. This amounts to restriction of freedom of assembly, which also affects freedom of expression for political parties. The freedom is further restricted as they are only allowed to conduct such meetings/rallies in their respective areas and not allowed to involve/invite leaders of a particular political party from outside such areas/constituencies.
- ▶ In May 2017, main opposition party (CHADEMA), which had organized a meeting to discuss about democracy was denied a venue they had booked for the meeting.

Right to Liberty and Personal Security

▶ Domestic, regional and international human rights laws provide for the right to liberty and personal security. This right entails an obligation on States to refrain from subjecting any person from arbitrary arrest or detention, depriving them of their liberty. Deprivation of liberty is only allowed if provided by and done in accordance with law. The right to personal security is both for detained and non-detained persons. States have an obligation to take reasonable and appropriate measures to protect both persons.

▶ Deprivation of liberty is only justified if it is **in accordance with the law** (principle of legality) and **not arbitrary**. If a person is arrested or detained on grounds which are not clearly stated in domestic law, the principle of legality is violated. Arbitrary arrest/detention does not only mean that against the law, but also not appropriate, unjust and done in disregard of due process of law.

▶ Arrest and detention of a person must thus not only be lawful, but also reasonable and necessary under the circumstances, for instance to prevent flight, interference with evidence or recurrence of crime.

Right to Liberty and Personal Security

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- ▶ The law also requires a person arrested to be informed, at the time of arrest, of reasons for arrest and promptly informed about charges against them. But in practice this due process of law is usually ignored by law enforcement officers, as was the case when *Jamii Forums* director, Maxence Melo was arrested in December 2016.
- ▶ Furthermore, the law requires a person arrested or detained on a criminal charge to be brought promptly before a judge, enabling such person an opportunity to request a prompt decision on the lawfulness of their detention by a competent judicial authority. Again, this legal requirement continued to be ignored in the first half of 2017. Failure to comply with this requirement constitutes violation of the right to liberty and right to fair trial.
- ▶ The period of January to June 2017 has witnessed a number of arbitrary arrests and detention, including of journalists and human rights defenders. For instance, in Arusha it was reported 10 journalists seeking

Right to Liberty and Personal Security

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- ▶ news stories at Lucky Vincent Primary School were arbitrarily arrested by police and later released. The arrest and temporary detention of these journalists was neither reasonable nor necessary.
- ▶ In June 2017, human rights defenders and invited guests were arbitrarily arrested by police where they had gone to attend a book launch at Blue Pearl Hotel in Dar es Salaam. Among those arrested was the Executive Director of the Tanzania Human Rights Defenders Coalition (THRDC), Mr. Onesmo Olengurumwa, who was arrested and detained, before he was released on bail.
- ▶ There has also been a tendency of Regional Commissioners (RCs) and District Commissioners (DCs) ordering arrests and detention, which are usually arbitrary for being unreasonable and unnecessary. They claim to exercise these powers under the Regional Administration Act, which only allows them to detain people for up to 48 hours if they cause chaos and threaten public peace.

Right to Liberty and Personal Security

▶ LHRC is concerned with the tendency of RCs and DCs abusing their powers under the Regional Administration Act, leading to arbitrary arrests and detention. For instance, in February 2017 it was reported that the DC of Mwanga in Kilimanjaro ordered arrest of three officials of Mwanga District Council, to be detained for not more than 48 hours on allegations of not doing their jobs properly.

▶ Concern over abuse of detention powers by RCs and DCs has also been expressed by government ministers. For instance, in March 2017, the Minister of Health, Community Development, Gender, Elderly and Children, Hon. Ummu Mwalimu, warned against RCs and DCs ordering arrest of health workers without good cause and following legal procedures. In June 2017 the Minister of State in the President's Office, Regional Administration and Local Government, Hon. George Simbachawene, warned against abuse of detention powers by RCs and DCs.

Right to Liberty and Personal Security

- ▶ Apart from actions and incidents threatening right to liberty, there were also incidents threatening security of persons. According to the Human Rights Committee, Article 9(1) of the International Covenant on Civil and Political Rights protects the right of security of person also outside the context of formal deprivation of liberty, meaning States cannot ignore known threats to the personal security of persons under their jurisdiction.
- ▶ For instance, there has been a wave of abductions and disappearance of people, threatening personal security. In April 2017 a local singer/rapper known as Roma Mkatoliki was abducted and tortured by unknown people before being released. This incident captured the public's interest as it was compared to the disappearance of Ben Saanane in 2016, who remains missing to date.

Killings Threatening Peace and Security

- ▶ In the period of January to June 2017, a big number of killings occurred in Kibiti, Rufiji and Mkuranga Districts in Pwani Region, a continuation of events of 2016. Most of those killed are police officers and local leaders, particularly of the ruling party (CCM). These killings have threatened peace and security in Tanzania, with fear that they could be acts of terrorism. The situation in these areas, however, is still being investigated and monitored by the law enforcement bodies to determine the real causes of the killings and restore peace and order.
- ▶ Among the victims of the killings were 8 police officers who were killed in Kibiti in April 2017. Before the killing of these officers, it was reported that unknown assailants killed the head of criminal investigation in Kibiti, Peter Kubezya, in February 2017. Two more police officers were killed in June 2017, bringing the total of law enforcement officers killed from January to June to 11 as reported in the media. However, police data indicates a total of 12 police officers killed.
- ▶ At least four local leaders were reported killed in the period of January to June 2017, including Emmanuel Ndindu (village leader); Alife Mtulia (CCM Secretary – Bungu Ward in Kibiti); and Oswald Mrope (member of village government).

Killings Threatening Peace and Security

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Senior police officials paying their last respects to the body of the late OC-CID Peter Kubezya.
(Picture by Global Publishers)

Killings Threatening Peace and Security

- ▶ Since the killings started in 2015, at least 40 people, including 12 police officers, have been killed.
- ▶ The killings in Pwani has left the people in the region living in fear, worried about the situation of security. The police has launched a special operation to hunt the killers in the region.

2.

Social Rights

Right to Education, Right to Health

Right to Education

- ▶ Right to education is one of the basic human rights, guaranteed under Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESR) of 1966.
- ▶ The Covenant imposes an obligation upon States, including Tanzania, to ensure progressive realization of this right. This is done first through making primary education compulsory and available to all; and making secondary education accessible to all and progressively making it free.

Free Basic Education

- ▶ In fulfilling its obligations under ICESR, Tanzania included free primary education in its Education and Training Policy of 1995.
- ▶ In 2015, Tanzania adopted a new education policy, the Education and Training Policy of 2014, which has extended basic education to 10 years. This means that

Right to Education

- ▶ Ordinary level secondary education is now part of basic education and free.
- ▶ According to this new education policy, basic education is free from all forms of fees and contributions. As a result, there has been increased enrollment and access to education for children in Tanzania. LHRC commends this effort by the Government, making education more accessible to children in Tanzania.
- ▶ A recent study by *Hakielimu*, a right to education NGO, has revealed that Government has done well in providing grants for free education in primary schools by 93% and secondary schools by more than 100%.
- ▶ The study, however, has revealed a number of challenges facing implementation of the free education policy. One such challenge is the understanding of the policy itself, whether all education costs are covered by the Government or just school fees and contributions. According to the study, 45% of head teachers at surveyed schools believed that the Government covers all costs

Right to Education

- ▶, which is not the case . This confusion has also been observed by LHRC, with even some of the government leaders and officials themselves not having a clear understanding of the policy.
- ▶ The study also revealed that the grants provided, Tshs. 10,000 for each primary school pupil and Tshs. 25,000 for secondary school student per year, are not sufficient to run the schools, buy books, buying examination materials and renovate school buildings. This was stated by 95% of head teachers and head masters that were involved in the study. This concern was also expressed by head teachers in Babati, Manyara Region as reported by media in April 2017.
- ▶ Another challenge that has been brought about by the free education policy is congestion in classes and increased teacher to student ratio. The ratio is now 1:164 instead of 1:45.

Right to Education

Challenges affecting the Right to Education

▷ Other than the challenges associated with free education, right to quality education is affected by other factors such as shortage of toilets, shortage of desks and classes, shortage of teachers and shortage of teacher houses.

▷ **CAG report:** Report by the Auditor and Controller General for the year 2015/16, released in April 2017, revealed shortages of toilets, desks and classes, especially in Geita, Mpanda and Mpwapa Districts.

▷ The report indicates that shortage of toilets stands at 75%. It also indicates shortage of laboratories, which stands at 59%.

DESKS		
	Sec. School	Pri. School
Needed	64,675	397,652
Available	36,043	278,443
Shortage	28,632	119,209
CLASSES		
	Sec. School	Pri. School
Needed	209,773	44,000
Available	109,767	23,630
Shortage	100,006	20,370
TEACHER HOUSES		
	Sec. School	Pri. School
Needed	56,000	69,047
Available	11,017	19,500
Shortage	44,983	49,547

Source: CAG Report 2015/16

Right to Education

▷ CAG report also indicates severe shortage of science teachers, which is 3,438 teachers.

▷ **LHRC media survey:** A media survey conducted by LHRC also revealed reports of shortages of toilets and teachers. In Kilwa District, there were reports of shortage of toilets, whereby a study by *Action Aid* involving 30 schools revealed that one toilet hole is used by 135 pupils, while at other schools one hole was used by 90 and 60 pupils, the standard being one hole for 20 girls and 25 boys. In Kilombero District- Morogoro Region, it was revealed that 21 primary schools did not have toilets, with pupils and teachers forced to use toilets of residents around the school and shrubs. In Ukerewe District – Mwanza Region, three schools (3,971 pupils) were closed in January 2017 for lack of and shortage of toilets. In Mufindi-Iringa, it was reported that 863 pupils of Mafinda Primary School were using only 7 toilet holes. In Sengerema-Mwanza, it was reported that 832 pupils at Nyehunge Secondary School had 24 toilet holes, 30 more needed.

Right to Education

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No Right to Education for Pregnant Teens/Teen Mothers

- ▶ During his visit in Bagamoyo – Pwani Region in June 2017, the President – Hon. John Pombe Magufuli – stated that his administration will not allow a girl who has gotten pregnant to go back to school and enjoy government-sponsored education. As a result of this statement, there has been a big public debate on the matter, with some supporting the President and others protesting this move, which denies pregnant teens and teen mothers the right to education.
- ▶ Human rights activists and other right to education stakeholders have come out strongly against the President's statement. In a joint statement issued by 26 CSOs in June 2017, right to education stakeholders voiced their disagreement with the statement, stating that it denies these girls their right to education, which is protected under the Constitution of the United Republic of Tanzania of 1977 and regional and international human rights conventions that Tanzania has ratified.
- ▶ The Commission for Human Rights and Good Governance also expressed its concern, noting that there is no law which prohibits a child from continuing with studies after delivery, thus girls should be allowed back to school.

Right to Education

- ▶ Not allowing pregnant girls and teen mothers back to school thus goes against Tanzania's obligations under domestic, regional and international human rights laws. This will also have a negative impact in the long run as uneducated mothers and their children will increase the burden of dependency at individual and national levels; and will in turn increase poverty due to lack of education.
- ▶ One of the major arguments of not allowing them back to school is claim that other girls will be encouraged, leading to more teen pregnancies.
- ▶ In 2016 the Government of the URT after longtime discussion with stakeholders developed guidelines on how to enable pregnant girls return to school and resume their studies, recognising the obligation by our country in national and international policy framework in realising their right to education.
- ▶ The statement by the President is a huge set-back following to the progress already made by the Government itself and other stakeholders.

Right to Education

- ▶ It should also be noted that even the election manifesto of the ruling Chama cha Mapinduzi (CCM) pledges to allow schoolgirls who acquire pregnancy back to school. The same stance was expressed by the Vice President and the Minister of Health, Community Development, Gender, Elderly and Children, assuring the Government's commitment to provide education to these girls.
- ▶ In Zanzibar in spite of criminalising pregnancy before marriage, the *Spinsters and Single Parent Children Protection Act* of 2005 still protects their right to education by allowing re-instatement to school of girls after they have given birth.
- ▶ The neighboring Kenya also has a re-entry policy, and there is no evidence of teen pregnancy increasing among schoolgirls.

Right to Education

Budget for the 2016/07

- ▶ In 2016/17, the Government has budgeted Tshs. 4,770 billion in education sector. The amount budgeted on education sector is equivalent to 22.1 percent of total Government Budget excluding public debt service. Out of this, Tshs. 3,069 billion was allocated for implementing free basic education program.
- ▶ This is more than 20% of overall budget required as a minimum under regional and international commitments. It remains to be seen, however, if the amount will be disbursed in full.

Right to Health

▶ Right to health is key for realization of other rights, including fundamental right to life. Under the International Covenant on Economic, Social and Cultural Rights, the Government has a duty to ensure realization of this right. In this regard, the Government has taken several measures to improve availability and accessibility of health services, including construction and renovation of health facilities. Despite these measures, realization of right to health continues to be faced with several challenges, highlighted below.

Challenges Faced in Provision of Health Services

▶ **Insufficient budget:** One of the factors that affect delivery of quality health services is insufficient budget, which usually falls short of the minimum 15% of the annual budget required under the Abuja Declaration on HIV/AIDS, Tuberculosis and other related Infectious Diseases of 2001.

Right to Health

- ▶ In 2016/17 Tshs. 1,988.2 billion has been budgeted for health sector which is equivalent to 9.2 percent of the total budget excluding public debt services, an increase of 1.1% compared to the budget allocated in 2015/16. Despite this improvement, it has not reached 15% target required under the Abuja Declaration.
- ▶ Out of the budget allocated for the health sector, Tshs. 251.5 billion was for purchasing medicines, medical equipment and reagents, with Tshs. 71 out of it used to settle outstanding MSD debts.
- ▶ In order to improve the quality of health services the Government must strive to improve budget allocation for this key sector, to at least reach the minimum target of 15% as required under the Abuja Declaration.

Right to Health

- ▶ **Shortage of beds:** Shortage of beds was reported at various health facilities across the country. For instance, in Kibiti – Pwani Region, it was reported that sometimes pregnant women at Mchinga Village Dispensary deliver at make-shift beds made of rope due to lack of special delivery beds. In March 2017, it was reported that some expectant mothers in Kasense Ward, Sumbawanga – Rukwa Region were forced to deliver on the floor due to shortage of beds. At Mbeya Referral Hospital, it was reported that there was shortage of beds at maternity ward, causing congestion and inconvenience. Out of required 100 beds, it was reported that there were 39.
- ▶ In June, the Government indicated that it was planning to construct 100 health centres across the country. LHRC calls upon the Government to also address the problem of bed shortage, especially at maternity wards, to help ease the suffering of expectant mothers.

Right to Health

▷ Health workforce shortage:

▷ Shortage of health workers is still a challenge for most areas of the country.

▷ In January 2017, it was reported that Handeni District Hospital was experiencing a shortage of 40 health workers, including medical doctors. Currently they have only 14 health workers. In April 2017, shortage of 40 workers was reported at Nyakanazi Health Care in Biharamulo District.

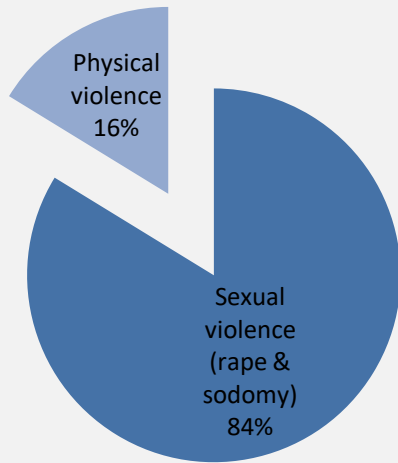
▷ In April, President John Magufuli ordered employment of 258 doctors who were scheduled to go to work in Kenya. LHRC has not been able to establish if they have been employed. Employment of new doctors will help to ease the problem of shortage of health workers, which is acute in rural areas.

3.

Rights of Vulnerable Groups

Children, Women, Elderly, and PWDs

Percentage of incidents of violence against children recorded by LHRC - Jan. to June 2017



Sexual Violence

- ▶ Children's rights continue to be highly affected by sexual violence. LHRC media survey revealed that majority of incidents of violence against children (84%) were sexual violence.
- ▶ More than 60 incidents of child rape and sodomy were reported by media from January to June 2017.
- ▶ A total of 1,491 incidents were reported to police in the first half of 2016.
- ▶ Close relatives and neighbours continue to be major perpetrators of sexual violence. LHRC's media survey revealed at least 3 cases of children being raped by their fathers.

Children's Rights

▷ Children continue to be more vulnerable to sexual violence in the form of rape and sodomy. At least 5000 children were raped and/or sodomized in 2015 and 2016 alone, approximately 200 each month.

2,059

Number of reported rape incidents from January to March 2017 (including child rape). 294 more cases than those reported in the same period in 2016. Recent data on rape indicates that at least half of rape acts are committed against children. This means that at least 1,029 child rape cases were reported during this period.

22,000+

Number of reported rape incidents from 2013 to March 2017, approximately 4,500 each year.

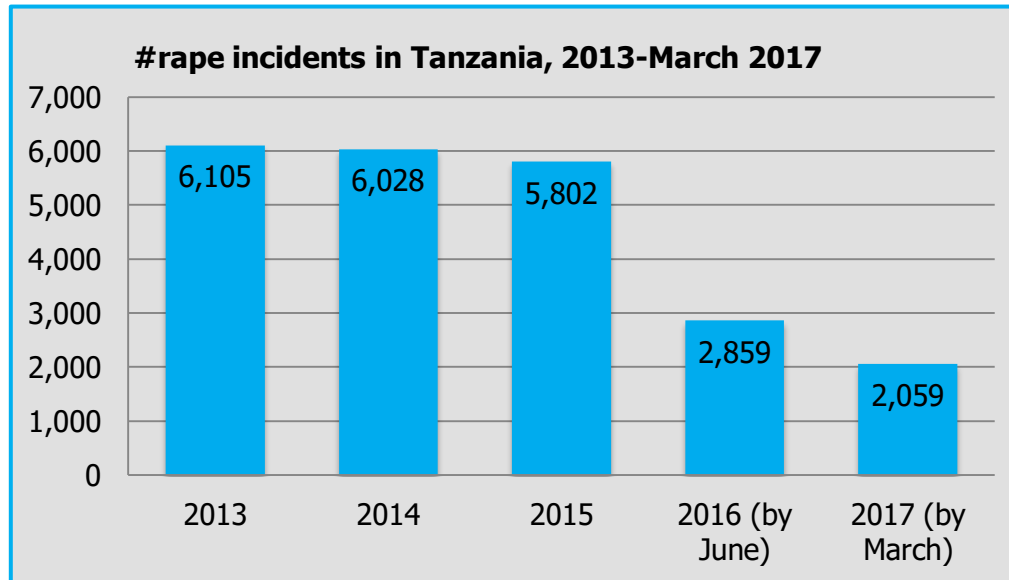
121

Number of child rape and attempted rape cases out of 139 rape and attempted rape cases recorded by police in Iringa from January to May 2017.

259 rape and attempted rape cases recorded in whole of 2016, including 239 child rape, sodomy and attempted rape cases.

Children's Rights

▷ Given its larger population, most of rape incidents occur Tanzania Mainland. For instance, out of the 6,105 incidents reported in 2013, only 132 were reported in Zanzibar. The trend shows that rape incidents could be on the rise and there are many children among the rape victims.



Children's Rights

- ▶ Most of the victims of sexual violence are primary school pupils, aged 7 to 14 years.
- ▶ Among the perpetrators of sexual violence against children, are male older persons. LHRC was able to record at least 3 cases of older persons aged 60 to 75 years, who were accused of child rape and sodomy.
- ▶ Sexual violence against children leaves them with a traumatic experience, severely affecting them emotionally and psychologically for the rest of their lives. Other than physical and psychological pain, this type of violence sometimes leads to death, as it was the case of one child victim who was brutally raped by a gang in Katavi Region in June 2017. Another gang-rape was reported in Mwanza Region.

▶ *Physical Violence*

- ▶ Several incidents of physical violence have also been reported, some of which have resulted into deaths of children as indicated in the table below. This type of violence mainly occurs through domestic violence, perpetrators mainly being parents and guardians.

Children's Rights – Violence Against Children

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Incidents of violence against children documented by LHRC – Jan. – June 2017

Description	Source	Date
Babati, Manyara Region: A standard seven schoolgirl (13) was reportedly raped by her own father in Babati. The father was apprehended by police but later released, allegedly boasting that he had paid the police 2 million to release him.	LHRC's Women and Children Unit	13 Jun 2017
Kilwa, Pwani: A standard one pupil (7) was sodomized, killed and thrown into a water ditch. She was attacked by the assailant, Said Rashid, who has since been arrested, after she returned home from school. She was playing outside her home, her parents having gone to a nearby village to greet relatives. The assailant pulled her to a shrub nearby where she met her cruel fate.	<i>HABARILEO</i> Newspaper	30 Apr 2017
Tanganyika, Katavi: A standard two pupil (9) at Mnyamasi Primary School died after she was beaten by her drunk mother (27). It was reported that she used to regularly beat her child.	<i>Mtanzania</i> Newspaper	16 May 2017
Hai, Kilimanjaro: A priest of Free Pentecostal Church of Tanzania, Emmanuel Mwikizu (42), was brought before the Hai District Court, accused of raping his 7-year old daughter on 17 th January 2017, causing her severe pain excessive bleeding.	Mwananchi Newspaper	28 Jan 2017

Children's Rights – Violence Against Children

Violence against children incidents

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Description	Source	Date
Bunda, Mara: A father was arrested and sent to court for cutting a large part of his son's genital, while attempting to circumcise him.	<i>Mtanzania Newspaper</i>	13 Jan 2017
Korogwe, Tanga: An elderly person (75), who is traditional healer, was arrested for sodomizing a 12-year old child, while 'healing' him.	<i>HABARILEO Newspaper</i>	27 Jan 2017
Lushoto, Tanga: An elderly person (70) was arrested by police, accused of raping and sodomizing 10 primary school pupils, giving them Tshs. 300 – 1000 to lure them.	<i>HABARILEO Newspaper</i>	27 Jan 2017
Mbinga, Ruvuma: A prison officer was arrested by police, accused of impregnating a secondary school student, who was expelled after it was revealed she was pregnant.	<i>Mtanzania Newspaper</i>	18 Apr 2017
Ujiji, Kigoma: A woman in Kigoma/ujiji, Mariamu Issa (24), was arrested and sent to court for forcing a 15-year old girl into prostitution.	<i>Nipashe Newspaper</i>	14 Apr 2017
Arusha: A child in Arusha died after undergoing female genital mutilation	<i>Majira Newspaper</i>	19 Jan 2017
Mwanza: A 12-year old child in Mwanza was reported raped and sodomized.	<i>Mwananchi Newspaper</i>	19 Jan 2017
Korogwe, Tanga: A businessman in Korogwe was arrested by police, accused of raping a standard seven pupil (14).	<i>Nipashe Newspaper</i>	19 Jan 2017

Children's Rights – Violence Against Children

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Description	Source	Date
Muleba, Kagera: A student of Gwanseri Secondary School was reportedly killed by her father and buried in his house.	LHRC Human Rights Monitoring Unit	3 Feb 2017
Mpwapwa, Dodoma: A man (23) , resident of Kamagai Ward, sodomized his sister's 8-year old child.	<i>HABARILEO</i> Newspaper	17 Jun 2017
Mwanza: A man (35), resident of Kisabo Village, is held by police for killing his 6-year old child.	<i>Mtanzania</i> Newspaper	17 JUN 2017
Mlele, Katavi: A security guard at Ilela Secondary School (27) was accused of sodomizing a 16 year-old student at the school in January 2017.	<i>HABARILEO</i> Newspaper	24Jun 2017
Tanganyika, Katavi: A standard six pupil (13) at Kipanga Primary School was raped to death by a gang on 10 th June 2017.	East Africa Television	11 Jun 2017
Arusha: 4 men were arrested by police for raping 10 children at the orphanage centre. The assailants were security guards at the centre.	<i>Mwananchi</i> Newspaper	11 Mar 2017
Dar es Salaam: A standard one pupil at Bariadi Primary School was severely flogged by five teachers.	Mtanzania Newspaper	3 Feb 2017

Children's Rights – Violence Against Children

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Description	Source	Date
Bariadi, Simiyu: A 60-year old woman was arrested by police for burning the hands of her grandchildren aged 15 and 13, whom she accused of stealing Tshs. 25,000, belonging to her 30-year-old son.	<i>Mtanzania Newspaper</i>	1 Apr 2017
Bukomba, Geita: A teacher at Msonga Secondary School was found in his bed with his Form Four student, engaging in sexual intercourse.	<i>Mwananchi Newspaper</i>	5 Apr 2017
Geita: A father killed his step child after his mother went to fetch some water.	<i>Mwananchi Newspaper</i>	5 Apr 2017
Mwanza: Police force in the region arrested Samweli Masumbuko (32), who was accused of raping a standard two pupil aged 10 years and causing her severe pain.	<i>Mtanzania Newspaper</i>	9 Apr 2017
Mpwapwa, Dodoma: A woman (42), resident of Rudi Village, was arrested and sent to court for burning her grandchild in different parts of her body for eating some groundnuts without her permission.	<i>HABARILEO Newspaper</i>	29 Mar 2017
Mbulu, Manyara: A man was arrested for allegedly beating his 6-year old son to death for losing five goats he was tasked with grazing. The boy's body was found hidden in thicket.	<i>The Citizen Newspaper</i>	9 Jan 2017
Mwanza: Police force in the region arrested a 22-year-old man accused of raping a 5 year-old girl on 23 rd January 2017.	<i>Majira Newspaper</i>	25 Jan 2017

Children's Rights – Violence Against Children

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Description	Source	Date
Lushoto, Tanga: Police arrested a tailor, accused of raping and sodomizing 3 pupils of Lunguza Primary School and attempting to do so to 5 other pupils.	<i>Mwananchi</i> Newspaper	15 Feb 2017
Biharamulo, Kagera: A man (39) was arrested by police for killing his 8 year old child, after killing his wife, and dumping their bodies in a toilet.	<i>The Citizen</i> Newspaper	18 Jun 2017
Songea, Ruvuma: A resident of Wino Village in Mabada Division (19) was arrested by police for killing her child with poison and attempting to kill herself.	<i>Majira</i> Newspaper	8 Feb 2017
Geita: Police arrested a habitual sex offender, Kassmi Gamle (52), who was accused of abducting and raping children in December 2016 and January 2017. He was caught on 3 rd January while raping one of the children.	<i>Nipashe</i> Newspaper	6 Jan 2017
Nyamagana, Mwanza: A 32-year-old resident of Nyamagana District was arrested by police, accused of raping a 10-year-old standard two pupil and causing her grievous harm.	<i>Nipashe</i> Newspaper	9 Apr 2017
Uvinza, Kigoma: A 50-year old man was taken to court for raping his 8-year-old granddaughter.	<i>Nipashe</i> Newspaper	26 Apr 2017
Nkasi, Rukwa: A resident Itete Village in Kirando Ward (19) was found raping a 2-year old child.	<i>Majira</i> Newspaper	13 Feb 2017
Malinyi, Morogoro: A woman in Njiwa Village was arrested for killing her 17-year-old stepdaughter by hitting her on the head with a sharp object.	<i>Nipashe</i> Newspaper	11 Mar 2017

Children's Rights – Violence Against Children

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Description	Source	Date
Mufindi, Iringa: A total of 53 incidents of violence against children were reportedly recorded by police in Mufindi District, including 27 child rape and sodomy cases.	LHRC Human Rights Monitoring Unit	12 June 2017
Ilemela, Mwanza: Police arrested 3 suspects and are looking for another, accused of gang-raping a 15-year old girl on 21 st May 2017 in Kirumba Ward, causing her severe pain.	LHRC Human Rights Monitoring Unit	12 June 2017
Iringa Urban, Iringa: Regional police reported incidents of 8 and 17-year-old girls who were raped in June 4 and 5 at Mwangata and Gangilonga areas respectively.	MatukioDaima Blog	13 June 2017

Children's Rights – Violence Against Children

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Body of a school girl who was gang-raped in Tanganyika, Katavi

Children's Rights – Violence Against Children

► In addressing violence against children, courts of law did well to impose 30-year jail terms to perpetrators as required by law. LHRC was able to document at least 16 sentences reported by the media. A table below indicates some of the sentences imposed across the country in the period of January to June 2017.

Description	Source	Date
Nzega, Tabora: In March 2017, the Resident Magistrate Court of Nzega sentenced a 62-year old man, Resident of Ngonho Village, to life in prison for raping his 4-year old grandchild in April 2016.	<i>Mtanzania</i> Newspaper	5 Mar 2017
Singida: In March 2017, a 22-year old man was sentenced to 60 years in jail for raping and impregnating a 17-year old student of Chemchem Secondary School in October 2016.	<i>Mtanzania</i> Newspaper	11 mar 2017
Hai, Kilimanjaro: In April 2017, Hai District Court sentenced 22-year old man to 30 years in jail and five strokes for raping and impregnating a secondary school student aged 16 in 2015.	<i>The Citizen</i> Newspaper	15 Apr 2017

Children's Rights – Violence Against Children

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Description	Source	Date
Dar es Salaam: In March 2017, a resident of Majohe Mji Mpya (28) was convicted and sentenced to 30 years in jail for raping his step-daughter aged 7.	<i>Mtanzania Newspaper</i>	2 Mar 2017
Maswa, Simiyu: In March 2017, the Maswa District Court sentenced a resident of Muhida Village (30) to 30 years in jail after convicting him of raping and impregnating a student in April 2016.	<i>Mtanzania Newspaper</i>	2 Mar 2017
Nkasi, Rukwa: In January 2017, the Nkasi District Court sentenced a 37-year old resident of Mombasi Village to 30 years in jail for raping a 13-year old girl.	<i>Majira Newspaper</i>	27 Jan 2017
Maswa, Simiyu: In January 201, the Maswa District Court sentenced a 21-year-old man to 30 years in jail for engaging in sexual intercourse with and impregnating a student.	<i>HABARILEO Newspaper</i>	21 Jan 2017
Nzega, Tabora: Nzega Resident Magistrate Court sentenced a 62-year old man, resident of Ngonho Village, to life in prison for sodomizing and molesting his 4 year-old grandchild.	LHRC Human Rights Monitoring Unit	20 Jun 2017
Mpwapwa, Dodoma: In June 2017, a resident of Kamagai Ward (23) was sentenced to life in prison after confessing to sodomizing his sister's 8-year-old child.	<i>HABARILEO Newspaper</i>	17 Jun 2017

Children's Rights – Violence Against Children

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Description	Source	Date
Mlele, Katavi: In February 2017, Mlele District Court sentenced to life in prison a 20-year-old man after convicting him of molesting a 6-year-old child in September 2016.	<i>HABARILEO</i> Newspaper	25 Feb 2017
Mlele, Katavi: In June 2017, Mlele District Court convicted and sentenced to 30 years in jail a security guard at Ilela Secondary School for sodomizing a 16-year-old student in January 2017.	<i>HABARILEO</i> Newspaper	24 Jun 2017
Dar es Salaam: 3 people were sentenced to life in prison by Ilala District Court after being convicted of raping two girls.	<i>HABARILEO</i> Newspaper	26 Apr 2017
Maswa, Simiyu: In February 2017, Maswa District Court sentenced to 30 years in prison a 30-year-old man after convicting him of raping a 14-year-old in April 2016.	<i>HABARILEO</i> Newspaper	1 Mar 2017
Rungwe, Mbeya: Rungwe District Court sentenced Faraja Ramadhan (28), resident of Ndaga Village, to 30 years in prison for defiling a pupil aged 12.	<i>The Citizen</i> Newspaper	30 Mar 2017
Moshi, Kilimanjaro: A construction worker (23) was sentenced to life in prison for raping and sodomizing pupils of Msaranga Primary School in March 2016.	<i>Mwananchi</i> Newspaper	26 Apr 2017
Lindi: A resident of Matopeni Ward (45) was sentenced to 30 years in prison for raping an 11-year old girl in October 2016.	<i>Nipashe</i> Newspaper	26 Jan 2017

Children's Rights

Child Marriage and the Rebeca Gyumi Case

- ▶ Child marriage continues to be a challenge for girls in Tanzania, as they are subjected to marriage at young age, hence denied the opportunity of education and thrown into the adult world they are not prepared for, leaving them vulnerable to gender-based violence.
- ▶ In 2016, the High Court of Tanzania delivered its judgement on the *Rebeca Gyumi case*, filed by a girls' rights organization called *Msichana Initiative*. The Court declared provisions within the Law of Marriage Act allowing girls at 14 and 15 years to be married unconstitutional and called for the Government to amend the law. The law is yet to be amended. However, the Ministry of Constitutional and Legal Affairs has promised to present a bill on the amendment of the Law of Marriage Act.

Children's Rights

Female Genital Mutilation (FGM)

- ▷ FGM is a form of violence against women (and girls) and continues to be a challenge in 2017. Efforts by anti-FGM stakeholders, including LHRC and AMREF, have helped to reduce FGM and rescue young girls around the lake zone from this harmful practice.
- ▷ LHRC has documented a number of incidents of FGM for the period of January and June 2017, including a young woman who almost bled to death in Manyara Region.
- ▷ In another incident, it was reported that police in Arusha were searching for parents of a girl who bled to death after undergoing FGM.

Women's Rights

- ▷ Rate of violence against women, particularly physical violence is still high. LHRC was able to record at least 13 incidents of physical violence against women through media survey. It should be noted only few incidents are reported by media, hence police data can shed better light on the situation of violence against women.
- ▷ In the first period of 2017, most of the incidents of violence against women reported by media were in the form of physical violence, leading to deaths and injuries. Most of these incidents occurred because of jealousy.
- ▷ Sexual violence took centre stage in the first months of 2016, with a total of 2,859 rape cases reported by police. This year, police report indicates that 2059 rape (women and children) have been reported from January to March alone.

Women's Rights

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Incidents of violence against women reported by the media – Jan. to June 2017

Description	Source	Date
Rukwa: Two women were attacked by their husbands with machete to death. The women were attacked and killed because of jealousy. One of the husbands hanged himself after committing murder.	<i>Nipashe</i> Newspaper	16 May 2017
Bunda, Mara: A woman in Bunda District was brutally flogged 30 times and humiliated in public at a traditional meeting for allegedly suggesting that her mother was a witch.	<i>HABARILEO</i> Newspaper	13 Jan 2017
Dar es Salaam: Police hold a man, accused of killing his ex-lover because of jealousy in March 2017.	<i>HABARILEO</i> Newspaper	6 Apr 2017
Shinyanga: A 50-year old woman of Puni Village in Shinyanga Rural was attacked with machete and killed by a group of unknown assailants at her home.	<i>Nipashe</i> Newspaper	14 Apr 2017
Dar es Salaam: A businessman from Boko Chama area in Dar es Salaam killed his wife, accusing her of infidelity. He then hanged himself.	<i>Mwananchi</i> Newspaper	25 Feb 2017
Dar es Salaam: Another businessman attacked his ex-wife with a machete in public because of jealousy.	<i>Mtanzania</i> Newspaper	13 Feb 2017
Ileje: A 50-year old woman in Igumila Village was attacked by her husband with a machete and injured on her head, face, back and right arm for failure to cook meat for him.	<i>Mwananchi</i> Newspaper	23 Mar 2017

Women's Rights

Description	Source	Date
Nzenga, Tabora: A resident of Bekene Village in Nzenga District killed his wife and child of four months after the wife accused him of having extra-marital affair.	<i>HABARILEO</i> Newspaper	5 Jan 2017
Kyela, Mbeya: A resident of Mikumi area fled the district after allegedly killing his wife because of jealousy.	<i>Mtanzania</i> Newspaper	6 Jan 2017
Tunduru, Ruvuma: A man, Said Kassim (20), attacked his wife with a stick due to jealousy, after she had returned home late from farm. He attacked her while she was carrying their baby; and of the blows hit the baby on its head, resulting into its death.	<i>Nipashe</i> Newspaper	14 Mar 2017
Biharamulo, Kagera: A 39-year-old man from Kikomakoma Village was arrested by police for allegedly killing his wife and dumping her body in toilet.	<i>The Citizen</i> Newspaper	18 Jun 2017
Muheza, Tanga: A resident of Muheza District reportedly killed his lover by stabbing her with a knife in the stomach.	<i>Nipashe</i> Newspaper	5 Jan 2017
Biharamulo, Kagera: A woman, Sikujua Mongomu, died after being attacked by her ex-husband with a sharp object.	LHRC Human Rights Monitoring Unit	20 Jun 2017

Women's Rights

Sexual Corruption (Sextortion)

▷ Sexual corruption continues to be a major challenge for young women seeking jobs. Reports of these women being asked to sleep with prospective bosses in order to secure employment continue to be widespread, with some agreeing in order to be employed and others are discouraged and give on employment altogether.



Source: DailyNews Newspaper, January 2017

Rights of Persons with Disability

- ▶ The major challenges that continue to face PWDs, hindering them from fully realizing their rights continue to be violence and discrimination against them.
- ▶ They continue to face difficulties in education, employment opportunities and infrastructure.
- ▶ For PWAs, they also continue to live in fear, as highlighted above, due to attacks and killings for their body parts, despite no such killings being reported in 2016 and the first part of 2017.
- ▶ PWDs are also more vulnerable to violence, especially physical and sexual violence. For instance, it was reported in Chunya District-Mbeya that a father (39) had been arrested by police for taking advantage of his PWD 19-year-old for two years, by turning her into his 'wife', sleeping with her. This incident was reported in February 2017.

Rights of the Elderly

- ▶ Rights of the elderly continue to be threatened by witchcraft-related killings. However, fewer incidents have been reported from January to June 2017.
- ▶ Another challenge affecting realization of rights of the elderly is social security, with a large number of retirees not receiving their pensions yet. This puts the elderly at a great risk of abuse, especially by their own relatives.

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Number of victims of witchcraft-related killings, majority of whom are the elderly, from July 2016 to March 2017. Tabora Region leads with 57 killings, followed by Songwe (21), Njombe (17), Mwanza (13), Kigoma (12) and Shinyanga (11).

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Number of victims of witchcraft-related killings reported from January to June 2017. Tabora leads with 23 killings.

4.

Conclusion and Recommendations

Government, Law Enforcement, MPs, CSOs, Public

Conclusion

- ▶ Overall, the situation of human rights in Tanzania Mainland for the period of January to June 2017 has worsened compared to the same period in 2016. The major factors contributing to this situation are continued violations of civil and political rights, particularly right to life; further restrictions and threats on freedom of expression, which explains Tanzania dropping in the World Press Freedom Index; restrictions on freedom of assembly; and increased violence against children, especially sexual violence through rape and sodomy.
- ▶ On the other hand, there has been slight improvement on situation some rights, such as right to education, which has been boosted by introduction of free basic education and right to life for PWAs.

Recommendations – Civil and Political Rights

- ▶ Being a de facto abolitionist state, the Government should move to declare a state of moratorium and improve death row conditions, and prepare to abolish death penalty.
- ▶ Police force should promptly respond to mob violence and witchcraft-related killings; and ensure the perpetrators are brought to justice.
- ▶ Ministry of Home Affairs to ensure law enforcement officers who conduct extra-judicial killings are held accountable in accordance with the law.
- ▶ The Ministry of Constitutional and Legal Affairs to spearhead amendment of laws restricting freedom of expression such as the Media Services Act and Cybercrimes Act.
- ▶ Government officials to refrain from interfering with freedom of expression without reasonable ground stipulated by law; and stop threatening journalists.

Recommendations – Civil and Political Rights

- ▶ Police to use their powers under the Police Force and Auxiliary Services Act in relation to freedom of assembly objectively, ensuring that any denial of assembly is lawful, reasonable and necessary.
- ▶ Government to refrain from suppressing opposition through denial of political assembly.
- ▶ Government officials and members of political parties to exercise political tolerance in order to preserve peace and security.
- ▶ Community members to expose and report violations of human rights, especially right to life, and ensure the perpetrators are brought to justice.
- ▶ Community members to refrain from taking matters into their own hands, instead ensuring suspected criminals are brought to justice.
- ▶ The Ministry of Home Affairs to ensure even distribution police stations in order to enhance security in Pwani Region; and ensure the police force is strengthened in order to combat violence against police officers and raids of police stations.

Recommendations – Social Rights

- ▶ The Ministry of Education and Vocational Training to devise strategies of improving the quality of education in public schools, to compliment improved access to education through free basic education.
- ▶ The Ministry of Education and Vocational Training to improve teachers' welfare, as an important step towards raising quality of education.
- ▶ The Government, through Ministry of Education and Vocational Training, in collaboration with community members to construct toilets at public schools to address shortage of toilet holes.
- ▶ The Government to change its stance of not allowing pregnant girls and teen mothers back to school. Instead, the re-entry policy should be finalized and adopted.
- ▶ The Government to increase the budget for Ministry of Health in order to address shortages of medicines, medical supplies and beds at hospitals.

Recommendations – Social Rights

- ▶ The Government to construct more classrooms to address the problem of shortage of classrooms caused by increased enrollment due to introduction of free basic education.
- ▶ The Government and other stakeholders of right to education to ensure more desks are available to address the problem of shortage of desks. Investors in various parts of the country should help in this regard as part of their corporate social responsibility (CSR), e.g. Geita.

Recommendations- Rights of Vulnerable Groups

- ▶ The Ministry of Constitutional and Legal Affairs to introduce bills proposing amendment of marriage law, to remove provisions allowing child marriage, and to enact anti-GBV law.
- ▶ The police force to improve investigation of cases of violence against children in order to ensure the perpetrators are brought to justice and receive strict sentences.
- ▶ CSOs to continue raising awareness about violence against children and women.
- ▶ Religious and traditional leaders to use their positions in the society to encourage people to respect and protect human rights and speak against all acts of violence against women and children.
- ▶ Members of the public to report incidents of human rights violations, including violence against children and women, as they have a legal obligation to do so.
- ▶ Members of the public to obey laws and refrain from acts and practices which violate human rights. They should respect, protect and promote human rights.



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