

SUMMARY OF THE TANZANIA HUMAN RIGHTS REPORT 2022

The Journey of Criminal Justice
Reforms to Safeguard Human Rights

NOT FOR
SALE



Prepared by:

Mr. Fundikila Wazambi

Editors:

Dr. Anna Henga

Ms. Felista Mauya

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ABOUT LEGAL AND HUMAN RIGHTS CENTRE

Legal and Human Rights Centre is a private, autonomous, voluntary non-governmental, non-partisan and non-profit sharing organization envisioning a just and equitable society. It has a mission of empowering the people of Tanzania to promote, reinforce and safeguard human rights and good governance in the country. The broad objective is to create

legal and human rights awareness among the public and the underprivileged section of the society through legal and civic education, advocacy linked with legal aid provision, research, and human rights monitoring. LHRC was established in 1995 and operates in Mainland Tanzania.



OVERVIEW

Major Developments in 2022

- More calls for criminal justice system reform.
- Adoption of the National Action Plan to Combat Trafficking in Persons 2021-2024.
- Establishment of anti-human trafficking child protection task force.
- National census successfully conducted across Tanzania.
- The tozo (mobile levy) saga rocks the nation and raises human rights concerns.
- Water shortages and power outages impacting enjoyment of socio-economic rights.
- Introduction of Plea-Bargaining Guidelines.
- CAG investigation of plea bargaining.
- Government plans for review of education policy.
- Formation of the presidential taskforce on multiparty democracy.
- High Court judgement on the right of prisoners and remandees to vote, which is constitutionally guaranteed.
- Decision of the African Committee of Experts on the Rights and Welfare of the Child on forced pregnancy testing and expulsion from schools when found pregnant or married.
- Commencement of process to amend the Media Services Act, 2016.
- Formation of a 12-member committee to investigate the performance of criminal justice institutions in the country, including advising on the best way to improve the performance of Tanzania's criminal system.
- Enactment of the Personal Data Protection Act, 2022.
- Calls to lift ban on political rallies.
- Lifting of bans on media outlets.
- Introduction of the new Wage Order of 2022.
- Recommendation by presidential taskforce on multiparty democracy of Presidential election results to be challenged in Supreme Court, once such court has been established.



Key Highlights in 2022

1	Intimate partner homicide (IPH)	<ul style="list-style-type: none"> • IPH, caused by intimate partner violence (IPV), has become a serious concern, with implications on the right to life, right to health, right to personal security, and freedom from violence. • Majority of IPV & IPH incidents motivated by jealousy. • Women constitute the majority of victims (over 90%).
2	Press freedom	<ul style="list-style-type: none"> • Hope for press freedom as media environment is perceived to be improving and fewer press freedom violations reported. • However, restrictive laws and regulations not yet amended. • Despite the perceived improvement in the media environment, Tanzania only jumped one place in the World Press Freedom Index 2022, but score dropped slightly
3	Economic violence against women	<ul style="list-style-type: none"> • Concerns over rural women's access to, use of and control over land. • Property grabbing from women and older persons also a concern. • Withholding access to money also common in rural areas • Eviction of widows from marital home a common practice, especially in semi-urban and rural areas. Forced eviction and property grabbing are serious concerns for widows and their children. • Denial of women's and girls' inheritance and property rights. • Legal reforms needed to safeguard their property and inheritance rights.
4	Criminal justice	<ul style="list-style-type: none"> • Calls for reform of Tanzania's criminal justice system continued to be made by government and non-government stakeholders, including H.E. President Samia Suluhu Hassan. • Formation of criminal justice reforms committee a step in the right direction. • However, immediate and concrete action, including legal reforms, needed as accused persons continue to suffer because of challenges such as delays in investigations, lengthy detention, frequent adjournment of cases, and delays in disposal of cases. • Poor prison conditions also a concern. • Incarcerated women disproportionately affected by poor prison conditions.



5	Violence against the elderly	<ul style="list-style-type: none"> • The elderly targeted, attacked, and killed over witchcraft suspicion, property, and other reasons, including by own children. • Elderly men and women subjected to different acts of physical, sexual, psychological, and economic violence. • More incidents of violence against the elderly reported in 2022, causing them to live in fear, especially in rural areas, and raising concerns over their personal security.
6	Mental health	<ul style="list-style-type: none"> • Mental health cited as a big concern by medical professionals in 2022. • Mental health patients have been increasing in the past five years. • Mental health a major cause of increasing trends of citizens committing suicide countrywide. • Males and youth constitute the majority of suicide victims.
7	Violence against children	<ul style="list-style-type: none"> • Violence a biggest threat to children's rights. • Sexual violence, especially rape and sodomy, the most common form of violence against children (VAC). • Physical violence also becoming a big concern, with parents/guardians mentioned as main perpetrators – with burning hands and other parts of body a preferred form of punishment. • Majority of community members perceiving VAC to be a serious problem in the community. • Child sexual abuse in religious settings also becoming a serious concern.
8	Political participation	<ul style="list-style-type: none"> • Measures to improve multiparty democracy a positive for political participation. • Need for reforms to safeguard political participation as we head towards the 2025 general elections. • Amendment of electoral laws to ensure equal participation of women, youth, and PWDs in politics and representation in decision making. • Need for legal reforms to address legal barriers to women's political participation, including gender gaps in electoral laws. • Right to vote for prisoners and remandees defended by Judiciary. • Recent Kenya elections and key lessons for Tanzania, including challenging of presidential election results, independence of the Judiciary, transparency, independence and integrity of electoral management bodies (EMBs), parallel vote tallying/tabulation, and need for a new, people-centred Constitution.



9	Quality education and health services	<ul style="list-style-type: none"> • Stakeholder concerns over quality of education and calls for review of education system. • Budgetary constraints a biggest challenge in provision of quality education and health services, as budgetary allocations are below international minimum standards. • Shortages of human resources and facilities also a big concern for realization of health and education rights.
10	Economic empowerment of women, youth & PWDs	<ul style="list-style-type: none"> • Economic empowerment crucial in fighting GBV and safeguarding socio-economic rights, including rights to work and adequate standard of living. • Economic empowerment of women, youth, and PWDs through 10% loans granted by LGAs creating positive impact, including self-employment and improved livelihoods.
11	Corruption, Embezzlement, Accountability and Development	<ul style="list-style-type: none"> • Recent CAG reports have highlighted various flaws and gross financial irregularities in public spending, pointing to corruption and related offences. • Corruption, fraud, and embezzlement indicators include misuse of public resources by overpaying for goods and/or services; mismanagement of public funds; abuse of position; payments to ghost workers; payments to ghost contractors; receipt of below standard goods and services; lack of receipts for payments; payments without contract; payments without actual delivery of services or goods; and disregarding laid-down public procurement guidelines



Most Violated Rights in 2022

01

Right to Life

[Mob violence; Witchcraft-motivated killings; IPH]

02

Freedom from Violence

[VAC, especially sexual violence; IPV; violence against PWDs & older people; physical & economic VAW]

03

Right to Equality before the Law

[Lengthy pre-trial detention; Barriers to access to justice e.g. corruption]

04

Right to Liberty & Personal Security

[Lengthy pre-trial detention; denial of bail; violence against women, PWDs, & children; arbitrary arrests & detentions; trumped-up charges]

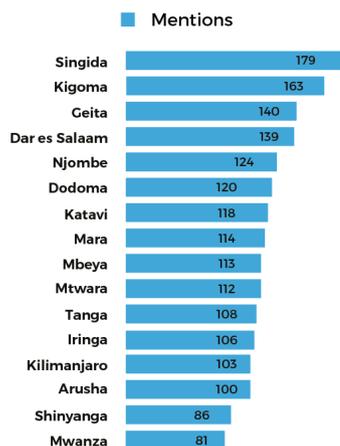
04

Right to education

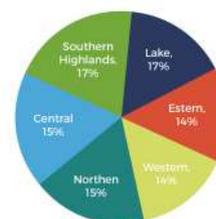
[Budgetary constraints; shortages of teaching & learning facilities; quality; unsatisfactory working environment for teachers; VAC, including child marriage & pregnancy]

Most mentioned Regions in the Report

Regions mentioned the most in this report in terms of human rights issues and incidents of human rights violations include: 1. Singida (179); 2. Kigoma (163); 3. Geita (140); 4. Dar es Salaam (139); 5. Njombe (124); 6. Dodoma (120); 7. Katavi (118); 8. Mara (114); 9. Mbeya (113); 10. Mtwara (112); 11. Tanga (108); 12. Iringa (106); 13. Kilimanjaro (103); 14. Arusha (100); 15. Shinyanga (86); and 16. Mwanza (81). In terms of zones, Lake Zone regions were mentioned the most (482), followed by Central Zone (432), Southern Highlands (397), Northern Zone (338), Western Zone (332), and Eastern Zone (331).



Most mentioned regions in THRR 2022



%Mentions of regions in THRR 2022 per zone

Victims of human rights Violations

Based on LHRC's human rights monitoring data, children constituted the majority of victims of reported and documented incidents of human rights violations (47%), followed by women (33%), elderly (10%), and PWDs (4%). The remaining 6% were other victims.



Victims of human rights violations based on reported incidents documented by LHRC in 2022
Source: Human Rights Monitoring 2022



REPORT OBJECTIVES AND METHODOLOGY

Objectives

Human rights education

what does a specific human right entail? What legal framework governs it? Why is the right important?

Reminder

what area of human rights needs strengthening?

Evidence-based advocacy

what needs to change and why?

Positive action

what action has improved human rights?

Negative action

what action has infringed human rights?

Bill and law analysis

what has changed following enactment or amendment of a law or regulations? What impact will it have on human rights?

Recommendations

what can be done to improve or safeguard human rights?

Inform

inform public about human rights and legal issues so that they take precautions.

Show trends

what was the situation like in previous years?

Guide/inform Interventions

useful as a starting point in planning interventions.

Educate

about human rights; about domestic, regional, and international human rights instruments; about legal issues; about legal and human rights developments.



Methodology

Information and data used to prepare this report were obtained from primary and secondary sources. Primary data were mainly obtained through human rights survey, conducted in 20 regions across Mainland Tanzania; LHRC's engagement with beneficiaries of its programmes, especially legal aid and human rights monitoring programmes, also generated important

primary data used in this report. Secondary data were obtained through review of various credible sources, including reports, speeches, and statements by government and non-government actors and institutions. LHRC's media survey also provided an important data source for this report, enabling triangulation of data, and laying a foundation for further research.



ABOUT THE REPORT

Tanzania Human Rights Report 2022 is the 21st human rights report to be produced by LHRC since 2002. This year's report covers both Mainland Tanzania and Zanzibar, whereby Part I covers the former and Part II covers the latter. The report assesses the situation

of human rights in Tanzania in line with international human rights standards and covers all three generations of human rights, namely: civil and political rights; economic, social, and cultural rights; and collective rights.

CHAPTER 1: Introduction	Provides a short contextual overview of Tanzania and highlights report preparation, objectives, and structure
CHAPTER 2: Civil & Political Rights	Covers situation of key civil and political rights, including freedoms of association, assembly, and expression; rights to equality before the law and effective remedy; and right to life
CHAPTER 3: Economic, Social, and Cultural Rights	Covers economic, social, and cultural rights, including right to work, right to education, right to health, right to clean and safe water, right to property, right to adequate standard of living, and right to social security
CHAPTER 4: Collective Rights	Looks at and discusses realisation of rights to development, right to benefit from natural resources, and right to clean and healthy environment.
CHAPTER 5: Rights of Vulnerable Groups	Covers rights of vulnerable groups, including women, children, PWDs, and the elderly.
CHAPTER 6: Human Rights Mechanisms	Looks at human rights mechanisms at domestic, regional, and international levels and discusses their role in human rights protection.
CHAPTER 7: Implementation of Previous Recommendations	Assesses the status of implementation of the recommendations made in the previous human rights reports.
CHAPTER 8: Conclusion & Recommendations	Provides general conclusion and recommendations to enhance promotion and protection of human rights in Tanzania.



01



CHAPTER ONE:
INTRODUCTION

CHAPTER ONE: INTRODUCTION

1.1. History

Before being subjected to German and British colonial rules in 19th Century, Tanganyika (now called Mainland Tanzania) was inhabited by the Bantu-speaking natives. By then, these natives had interacted and were living with traders from Asia and the Arab world. By 15th Century, the Portuguese had also entered the land of Tanganyika; and it was during this period of interaction with the Arabs and the Portuguese that slave trade intensified. In 1880s, there was a conference in Berlin-Germany, popularly known as the Berlin Conference, during which major European powers (countries) scrambled for and partitioned Africa, formalizing the process of colonizing the continent. During the conference, Germany was awarded different parts of East Africa, including Tanganyika. However, after the Second World War, Germany lost the Tanganyika territory, which was placed under the British colonial rule until it gained independence

in 1961. During the colonial rules, especially the German colonial rule, different local chiefdoms rebelled against the oppressive colonial administration, **which massively violated the natives' human rights**. Among the local chiefs who led the uprisings include Chief Mirambo of the Nyamwezi, Chief Meli of the Chagga and Chief Abushiri of Pangani. The most popular uprising was that of 1905 against the German colonial administration, popularly known as the Majimaji Uprising, led by a traditional and spiritual leader called Kinjekitile Ngwale, who was believed to possess powers of turning bullets into water, hence the term 'Majimaji' ('maji' is a Swahili word for water).

Independence struggles were led by a political party that was called the Tanganyika African National Union (TANU), born in 1954. TANU was led by Julius Kambarage Nyerere (the father of the nation), who led his party and Tangayika to independence in 1961, becoming independent Tangayika's



first Prime Minister under the Independence Constitution. In 1962, Tanganyika became a republic, with Nyerere as its first President under the Republican Constitution, which declared him as the Head of State, Head of Government, Commander in Chief of the Army, and part of the Parliament. In 1964, Tanganyika merged with the neighbouring Zanzibar to form Tanzania. Zanzibar had gained independence from Britain in 1963 and overthrown the Sultan of Zanzibar (from Oman) in January 1964. The third constitution, the Union Constitution, was adopted, introducing a two-government system under TANU (Mainland Tanzania) and Afro-Shirazi Party (ASP) (Zanzibar). In 1965, the Interim Constitution was adopted, re-introducing a one-party state system. This Constitution was enacted by an ordinary Act of Parliament, contrary to principles of constitutionalism and people participation. In 1977, TANU and ASP merged to form Chama cha Mapinduzi (CCM), which adopted the Permanent Constitution of the United Republic of Tanzania 1997, which is used to date. This Constitution has been amended at least fourteen times. One of the major constitutional amendments was that of 1992, which re-introduced multi-party system. Previously, in 1984, there had been another major amendment of the Constitution, which incorporated the Bill of

Rights into the Constitution. Before that, since Tanganyika gained independence and later merged with Zanzibar, human rights were not seen as a priority or important in the Constitution, although Tanzania had already signed and ratified some of the key international human rights conventions.

1.2. Geography

Tanzania is located in East Africa between Latitudes 10 and 120 South and Longitude 290 and 410 East. It borders the Indian Ocean to the East and is also bordered by the States of Kenya, Uganda, Rwanda, Burundi, Malawi, and Zambia in other cardinal directions. Tanzania is the largest country in East Africa and has Mount Kilimanjaro, the highest in Africa and third highest in the world. Tanzania is blessed with abundant natural resources, including striking green vegetation, rift valleys, lakes, rivers, and national parks. Lakes found in Tanzania include Lake Victoria - the biggest in Africa and Lake Tanganyika - the deepest in Africa. National parks include Serengeti, Mikumi, Manyara, Ngorongoro and Katavi.

1.3. Population

The 2022 population and housing census revealed that Tanzania's population is



currently 61,741,120, of whom 51% are female and 49% are male, and 96.9% of the population resides in Mainland Tanzania, while the remaining 3.1% resides in Zanzibar. Majority of the country's population resides in rural areas, where the number of households found is higher compared to urban areas.

1.4. State Organs and their role in human rights protection

There are three state organs in Tanzania, namely: the Executive, the Parliament, and the Judiciary. These organs are established in and given different powers by the Constitution of the United Republic of Tanzania of 1977.

A. Executive

The Executive includes the President – who is the Head of State, Head of Government and Commander-in-Chief of the Armed Forces – and the cabinet. The cabinet consists of the Vice-President, Prime Minister, President of Zanzibar, and all ministers. The cabinet is chaired by the President. The Vice-President assists the President with all union matters. Zanzibar has its own government and President under the two-government system that is in place in Tanzania. Zanzibar has authority over all non-union matters as indicated in the Constitution of the United Republic of Tanzania of 1977.

Role in human rights protection: Implementing obligations under various ratified treaties; obligation to defend the Constitution, including the Bill of Rights; ensure progressive realization of economic, social and cultural rights by providing social services such as water, health and education; safeguard the right to liberty and personal security through its organs,

POPULATION IN TANZANIA



CENSUS
2022



POPULATION
61,741,120

WOMEN
51%

MALE
49%



including law enforcement organs; provide legal and human rights protection through the Tanzania Police Force, the Commission for Human Rights and Good Governance, and sectoral ministries.

Presidents of the United Republic of Tanzania

Mw. Julius Kambarage Nyerere: 1964-1985
Ali Hassan Mwinyi: 1985-1995
Benjamin William Mkapa: 1995-2005
Jakaya Mrisho Kikwete: 2005-2015
John Pombe Magufuli: 2015- 2021
Samia Suluhu Hassan - 2021 to date

B. Parliament

The Parliament of the United Republic of Tanzania is the main law-making body in Tanzania, consisting of elected and appointed members of parliament (MPs) from the ruling party (CCM) and opposition parties. The President is part of the Parliament, according to the Constitution. The Parliament is vested with powers of overseeing and advising the Executive/ Government and its institutions or agencies. Zanzibar has its own legislative body, called the House of Representatives, which also oversees and advises the Revolutionary Government of Zanzibar.

Role in human rights protection:

Enactment of laws to protect rights; ratification and domestication of regional and international human rights conventions; government watchdog in line with the principle of separation of powers; advise the Government on various issues, including those touching on human rights; debate human rights issues and bring them to the political agenda.

C. Judiciary

The Judiciary is the principal organ charged with dispensation of justice in Tanzania. It consists of different courts with varying jurisdictional powers. The highest court is the Court of Appeal, which is presided by Justices of Appeal (judges), who entertain all appeal cases. The second highest court is the High Court, presided by Judges. These first two courts are called higher courts. Lower courts are Resident Magistrates Courts; District Courts; and Primary Courts - which are the lowest courts. All lower courts are presided over by Magistrates. The High Court has several divisions, including Land, Commercial, Labour and the Economic, Corruption and Organised Crime Division, which was established in 2016. All judges are appointed by the President after consulting the Judicial Services Commission, while magistrates are directly appointed by the



Commission. There is also the Constitutional Court, which has mandate to exercise jurisdiction over all cases relating to the Constitution of the United Republic of Tanzania. Furthermore, there are military courts, which are governed by military laws and have jurisdiction over military officers. The Court of Appeal also has powers to entertain some of the appeal cases from Zanzibar – which has its own court system consisting of the High Court of Zanzibar, Resident Magistrates Courts, District Courts, and Primary Courts. Zanzibar also

has Kadhi Court of Appeal and Kadhi Court, specific for Muslims.

Role in human rights protection; Taking legal action against perpetrators of human rights violations; implementing the law; determining human rights cases through the Basic Rights and Duties Enforcement Act; conducting judicial review; enhancing access to justice; enhancing procedural safeguards; and developing case law and human rights jurisprudence.



02



CHAPTER TWO:
CIVIL AND POLITICAL RIGHTS

CHAPTER TWO: CIVIL AND POLITICAL RIGHTS

Introduction

This chapter discusses the situation of civil and political rights in Mainland Tanzania in 2022, looking at issues, violations, and positive developments. Rights assessed include right to life, freedom of expression, right to equality before the law and effective remedy, right to liberty and personal security, freedoms of assembly and association, freedom from violence, right to take part in governance, and freedom from torture and inhuman or degrading treatment. These rights are protected under various regional and international human rights conventions, including the International Covenant on Civil and Political Rights (ICCPR) of 1966 and the African Charter on Human and Peoples' Rights (ACHPR) of 1981.

In 2022, the situation of civil and political rights slightly improved compared to the year 2021. Several contributing factors are discussed in this report, key among them being improved media environment,

plans of lifting of political rallies ban, and Government's plans over criminal justice reforms.

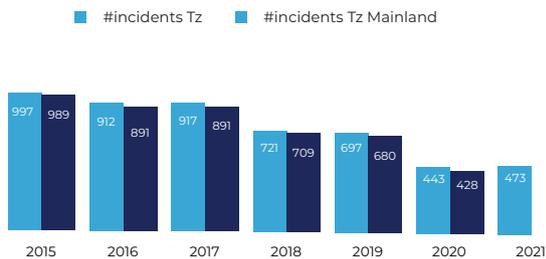
2.1. Right to Life

In 2022, key right to life issues and violations in Mainland Tanzania included mob violence, witchcraft-motivated killings, extrajudicial killings, death penalty, and intimate partner homicide (IPH).

Mob violence

Mob violence continued to be one of the key issues affecting right to life and incidents of such violence are more prevalent in Mainland Tanzania, accounting for over 95% of all incidents. Through media survey and human rights monitoring, LHRC documented at least 40 incidents of mob violence in 2022, which are 18 more than those documented in 2021. These incidents, constitute only a small fraction of those usually documented by police.



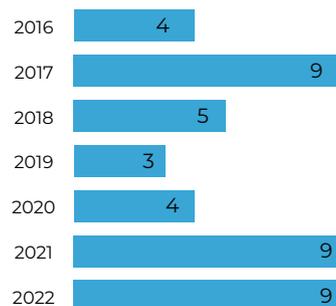


#Mob violence killings in Tanzania, 2015 to 2021
 Source: Tanzania Police Force Data

LHRC's View & Call: Mob violence continues to be a key human rights issue and is contributed by citizens' lack of trust and confidence in the criminal justice system, mainly due to perception of corruption within law enforcement organs, and ignorance about criminal law, especially on the issue of bail. Criminal justice reforms are therefore needed to enhance trust and confidence in the justice delivery institutions and reduce incidents of mob violence. Nevertheless, LHRC calls upon community members to refrain from taking matters into their own hands and NGOs and other stakeholders to continue raising awareness about how the criminal justice system works as well as the dangers of this practice of mob violence.

Extrajudicial killings and violence against law enforcement officers

Extrajudicial killings documented by LHRC increased by one incident in 2022. LHRC documented 10 incidents, reported in Kigoma, Mtwara, Kilimanjaro, Morogoro, Tabora, and Lindi Regions, perpetrated by people's militia officers, game wardens, and police officers. The situation of such killings and other misconducts by law enforcement officers underlines the need for establishment of an independent civilian oversight body that would help to restore or enhance public trust and confidence, enhance integrity of law enforcement officers, and strengthening accountability.



#Reported incidents of extrajudicial killings documented by LHRC (2016 – 2022)

LHRC's call: Law enforcement officials, including police officers, to refrain from using excessive force when apprehending



criminal suspects and when such suspects are under their custody, in line with domestic and international standards, including Tanzania Police General Orders, Peoples' Militia Act, and the United Nations Code of Conduct for Law Enforcement Officials. An independent civilian police oversight body is also desirable to investigate incidents or allegations of extrajudicial killings.

The case for police oversight body

There are several good reasons why a police oversight body is needed in Tanzania, key among them being:

- **Restoring or enhancing public trust and confidence:** Essential for community members to perceive that law enforcement officers are held to account for their actions and misconduct, in a transparent and fair way.
- **Principles of natural justice:** A man cannot be a judge on his own case (rule against bias).
- **Preventing police misconduct and a culture of impunity:** Oversight bodies help, as external checks and balances & community members are also more likely to file a complaint with an oversight body rather than at a police station.
- **Fear:** Members of the public may feel reluctant to file a complaint about the police with the police themselves.
- **Learning opportunity:** External oversight provides police with potential learning opportunity that could help in improvement of services.

- **Complementing internal mechanisms:** External oversight is complementary to internal mechanisms. External mechanisms are likely to be more credible in the eyes of the public, are more likely to be unbiased, and procedures and findings are more accessible to the public.

On the other hand, in 2022 LHRC also documented at least eight (8) incidents of violence against law enforcement officers, in which seven law enforcement officers, all male, were killed and one left seriously injured.

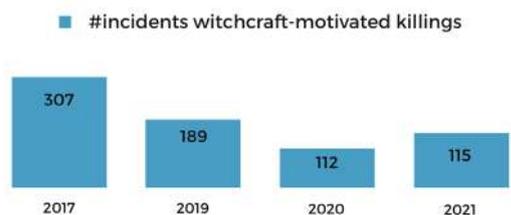
LHRC's call: Community members must refrain from attacking law enforcement officials, as this behaviour is illegal and violates their rights as human beings. The Commission for Human Rights and Good Governance should also collaborate with other stakeholders to raise public awareness on this matter as a measure of preventing violence against law enforcement officials.

Witchcraft-motivated killings and violence against PWAs

Witchcraft-motivated killings, especially of so called 'witches,' continue to be a problem in different parts of Mainland Tanzania. In 2022, LHRC documented at least 17 incidents of witchcraft-motivated killings, reported in Morogoro, Shinyanga, Mwanza,



Kilimanjaro, Tabora, and Njombe Regions, 19 less than those documented in 2021. Majority of the victims (52%) were female, and one of the victims was a person with albinism. Witchdoctors were found to be at the centre of most witchcraft-motivated killings, accused of fueling such killings.



#Incidents of witchcraft-suspicion killings recorded by police – 2017 to 2021

Source: Tanzania Police Force Data

In recent years, LHRC has observed that incidents of attack and killing of persons with albinism (PWAs) are re-emerging. The brutal killing of a child with albinism in Tabora in 2021 was followed by another killing of a man, Joseph Mathias (50), who bled to death after his hand was cut, in Mwanza in 2022. This calls for deliberate and immediate actions to enhance protection of PWAs.

LHRC's Call: A special taskforce, composed of the representatives from the Tanzania Police Force, Ministry of Home Affairs,

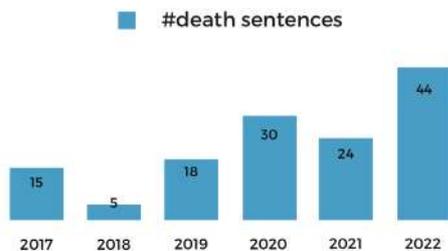
Ministry of Constitutional and Legal Affairs, Ministry of Community Development, Gender, Women and Special Groups, the Commission for Human Rights and Good Governance (CHRAGG), and CSOs should be formed to probe into attacks and killings of PWAs and create long-term strategies for their protection.

Death penalty

Death penalty, which violates the right to life and amounts to a cruel, degrading, and inhuman punishment, continued to be imposed in 2022. In the period of 2020 to 2022, LHRC documented a total of 98 death sentences, whereby 91 convicts (93%) were male and 7(7%) were female. In 2022, LHRC documented 44 death sentences, increasing from 24 in 2021. Out of the 44 death sentences imposed, 41 were for male convicts and 3 for female convicts. On a positive note, in 2022, more countries around the world (125), voted in favour of the United Nations General Assembly (UNGA) resolution on moratorium on the use of the death penalty. Three more African countries, the Central African Republic, Equatorial Guinea, and Zambia, also abolished death penalty in 2022. The African Court on Human and Peoples' Rights also ruled, in the case of Marthine Christian @ Msuguri v. United Republic of Tanzania, that mandatory death



penalty violated his right to life.



#Death sentences documented by LHRC – 2017 to 2022
Source: Media survey & Human Rights Monitoring 2022

The Case against Death Penalty

- Death penalty is a cruel and inhuman punishment, violating right to life.
- Worldwide, innocent people are too often sentenced to death.
- Death penalty is irreversible!
- More than 70% of the world's countries have abolished capital punishment in law or practice.
- In many countries, including the U.S.A, death penalty has failed to deter crime.
- Permanent imprisonment is severe enough to deter any rational person from committing a violent crime.
- Courts in neighbouring countries such as Kenya, Malawi, and Uganda have declared death penalty unconstitutional.

- Opposing the death penalty does not indicate a lack of sympathy for murder victims.
- A society that respects life does not deliberately kill human beings.
- A death sentence is often imposed on less privileged individuals who do not have sufficient access to effective legal representation.

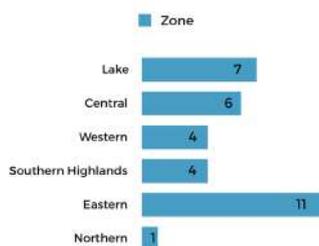
LHRC's Call: Being an abolitionist state in practice, Tanzania should join a global movement against death penalty and abolish it altogether. Only about 53 countries in the world have retained death penalty and execute death row inmates, while 29 are abolitionist in practice, including Tanzania. Neighbouring countries like Rwanda, Malawi, and Mozambique are among at least 112 countries in the world that have abolished death penalty, and Tanzania can take a step further and do the same.

Intimate Partner Homicide (IPH)

Intimate partner homicide (IPH) continued to be a key right to life issue in 2022. During this reporting period, LHRC documented 33 incidents of IPH, which are 2 less than those documented in 2021. These incidents were reported in Geita, Dodoma, Lindi, Mbeya, Singida, Mwanza, Shinyanga, Katavi, Mtwara, Dar es Salaam, Ruvuma, Mara, Morogoro,



Rukwa, Songwe, and Manyara Regions. Among the 33 victims, 2 were male and 31 were female. 52% of the incidents were said to be motivated by jealousy.



Distribution of IPH documented by LHRC in 2022 by zone

Mtwara Region recorded most IPH incidents (6), followed by Dar es Salaam (4), Shinyanga (3), Dodoma (3), Katavi (3), and Mwanza (2).

LHRC's View: IPV and IPH present a serious threat to right to life, right to health, right to liberty and personal security, and freedom from violence. The number of reported cases is worrying and there are fears that there might be more unreported cases. LHRC has also observed that IPV is common among youth and adult groups.

LHRC's Call: All stakeholders, both government and non-government, need to come together and develop strategies

to enhance protection of women and men from IPV and domestic violence. Enactment of anti-GBV or domestic violence law to enhance protection for survivors and potential survivors would be a good starting point, since it has been established that most of the violence occurs at home.

Disappearances

In 2022, there were no updates on the disappearances of various people, including that of a journalist, Azory Gwanda, who disappeared under mysterious circumstances in Pwani Region in November 2017; Ben Saanane, a political activist, who disappeared in 2016; and Simon Kanguye, former Chairperson of Kibondo District Council, who disappeared in 2017.

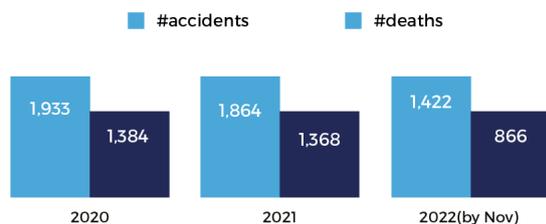
LHRC's Call: The Tanzania Police Force to conduct effective investigation into these and other disappearances and provide regular updates to the public and families of the missing persons, as well as bringing perpetrators to justice. It is also important for families to know what happened to their loved ones to get closure.

Road accidents

Road accidents continued to be a right to life concern, mainly due to negligence on the part of drivers of vehicles. They



continued to claim lives of loved ones, including breadwinners and children, as well as leaving survivors with permanent injuries and disabilities. In November 2022, police reported that road accidents in Tanzania had increased by 0.8% in the period of January to November 2022, compared to the same period in 2021. Over speeding, reckless driving, and drink driving were said to be responsible for most road accidents.



#Road accidents and resulting deaths in Tanzania, 2020 to 2022
Source: Police Force Data

At family level, road accidents rob families of breadwinners and loved ones, leaving husbands without wives, wives without husbands, parents without children, and children without parents. This may severely impact family ties, reduce family income, create family conflicts, and cause divorce or separation, as victims of road accidents and their families suffer socially, psychologically, and economically. Women and children are disproportionately affected by road

accidents.

At community and national levels, road accidents take away experts, professionals, and producers, who play a crucial role in economy and development. Globally, economic costs of road accidents may cost up to 5% of GDP in many countries. Road accidents therefore increase the government expenditure in unproductive ways, including in the health sector, where hospitals are overburdened with victims of road accidents requiring operation.

LHRC's View: Road accidents remain a big problem in Tanzania, despite efforts and overall decline in recent years. Many lives are lost, and even more others are injured and left with disability, creating a huge impact on the community and the national development. Human error in the form of reckless driving, drinking driving, and dangerous overtaking have been responsible for most road accidents. LHRC has also observed sleep deprivation among inter-regional bus and truck drivers to be another contributing factor, as they are usually overworked and given tight deadlines, hence deprived of much-needed rest, affecting focus on the road.

LHRC's Call: The Tanzania Police Force and



other stakeholders such as road agencies to intensify efforts to ensure road safety and prevent road accidents, including through public awareness programmes, as well as combating corruption in the road transport sub-sector.

2.2. Freedom of Expression

In 2022, key freedom of expression issues and violations in Mainland Tanzania included existence of restrictive laws and regulations, Government intention to amend freedom of expression laws, government lifting of ban on four media outlets, and arrest and harassment of journalists.

Laws and regulations containing provisions which arbitrarily restrict freedom of expression, such as the Media Services Act of 2016, Cybercrimes Act of 2015, and Online Content Regulations of 2020, were yet to be amended as of 31st December 2022. Stakeholders continued to call for amendment of the laws. Presidential taskforce on multiparty democracy also recommended amendment of the Media Services Act and the Minister Information, Communication and Information Technology disclosed that the Media Services Act of 2016 and the Access to Information Act of 2016, and their regulations, were being reviewed.

In July 2022, media stakeholders recommended journalists to form their own body to regulate their conduct (self-regulation) to guarantee minimal state interference in the media. Media stakeholders also praised President Samia Suluhu Hassan for improving press freedom, contributed by the government's decision to lift bans imposed on four newspapers in 2016 and 2017, namely Tanzania Daima, Mawio, Mwanahalisi and Mseto.

Despite the perceived improvement in the media environment, Tanzania only jumped one place in the World Press Freedom Index 2022, from 124th position in 2021 to 123rd position in 2022, out of 180 countries that were assessed. Press freedom violations continued to be reported. LHRC documented at least 10 reported incidents.

LHRC's Call: The Government and the Parliament to facilitate amendment of the Media Services Act of 2016 in line with the judgement of the East African Court of Justice of March 2019, to safeguard freedom of expression in Tanzania. Other laws hindering effective realization of freedom of expression should also be reviewed and amended in line with international standards of freedom expression.



2.3. Freedoms of Assembly and Association

In 2022, key freedoms of assembly and association issues and violations in Mainland Tanzania included existing restrictive laws and regulations, intensified calls to amend such laws, and ban on political rallies. Laws that contain provisions which arbitrarily restrict or interfere with freedoms of assembly and association, such as the Political Parties Act, the Basic Rights and Duties Enforcement Act (BRADEA), and the Non-Governmental Organizations Act, were yet to be amended to bring them in line with international human rights standards. Various stakeholders and the presidential taskforce on multiparty democracy called for amendment of the Political Parties Act and lifting of the ban on political rallies.

LHRC's Call: The Government to take measures to review and amend Political Parties Act, BRADEA, and NGOs Act to bring them in line with international human rights standards and the Constitution of the United Republic of Tanzania of 1977.

2.4. Rights to Equality before the Law and Effective Remedy

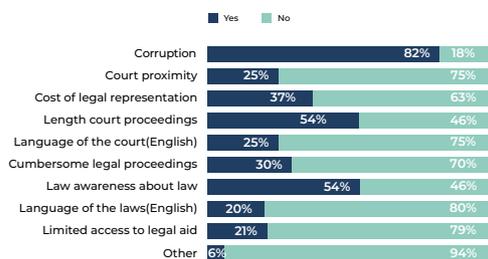
Despite action by the Government and the Judiciary to promote and protect the rights

to equality before the law and effective remedy, several challenges persisted in 2022. Key issues and challenges included laws that hinder effective enjoyment of the right to equality before the law, including the right to fair trial; barriers to access to justice, including shortage of judicial staff, delays in investigations, and duration of cases; and criminal justice challenges, including lengthy detention of remandees in prisons, delays in investigations, frequent adjournment of cases, prison and police cell overcrowding, plea bargaining, and prompt presentation of accused persons in court.

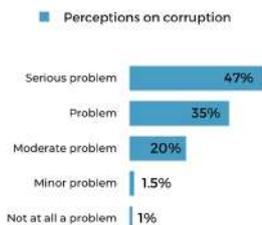
Barriers to access to justice

Community members who participated in the human rights survey had their say on barriers to access to justice. Corruption was identified as the biggest barrier to access to justice, scoring 82%, followed by lengthy court proceedings (54%), low awareness about laws (54%), costs of legal representation (37%), cumbersome legal procedures (30%), and court proximity (25%).





%Responses on barriers to access to justice (N=1,497)
Source: Field data, 2022



Community perceptions on corruption as access to justice barrier (N=1,497)
Source: Field data, 2022

'...I once had a case in court and a court clerk indicated that I should make 'facilitation payment' to guarantee speedy trial.'

Community member, Manyoni – Singida

Delays in investigations and determination of cases and frequent adjournment of cases in court of law were also said to be big barriers

to access to justice during interviews with stakeholders and community members in surveyed regions.

'Cases get adjourned without sufficient and good cause, causing waste of money by making trips to courts only for the case to be adjourned frequently.'

Community member, Singida MC – Singida

Lack of police stations in some of the areas in surveyed regions was also mentioned as a barrier to access to justice by some interviewed respondents in regions such as Mbeya, Njombe, Kagera, and Katavi. Some of the interviewed respondents also lamented limited access to legal aid, even in districts where there are legal aid providers. This was revealed in 14 out of the 20 regions (70%) that were surveyed, including Kigoma, Geita, Katavi, Kilimanjaro, and Mbeya.

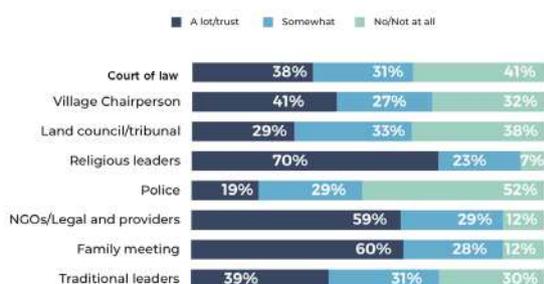
'Most of the paralegal offices in Katavi have been closed due to lack of sufficient funds to enable them to provide legal aid services. There is therefore shortage of legal aid providers.'

Director at Tanganyika Pamoja Tuzungumze, Tanganyika – Katavi

LHRC's Call: CSOs and other legal aid providers need to concentrate their legal aid interventions in rural areas and make deliberate efforts to reach rural women.



In terms of trust of justice delivery and dispute settlement institutions, religious leaders received the highest percentage (70%), followed by family meeting (60%), NGOs/Legal aid providers (59%), and village chairperson (41%). These were followed by traditional leaders (39%), courts of law (38%), ward tribunal (29%), and police (19%).



*%Responses on trusting institutions that can deliver justice or resolve a dispute
Source: Field data, 2022*

Despite challenges in the formal justice system, over half of the respondents (57%), indicated that they would prefer the judicial option, which means going to courts of law and tribunals to seek justice.

Criminal justice issues and challenges

In 2022, calls for reform of Tanzania's criminal justice system continued to be made by government and non-government stakeholders, including H.E. President Samia Suluhu Hassan. In July 2022, the President formed a 12-member committee to probe the performance of criminal justice institutions, led by the Former Chief Justice, Hon. Mohamed Othman Chande.

A recent special audit report by the Controller and Auditor General (CAG), has shown that one of the reasons for the delays

President Samia's directives on reforming criminal justice

Since coming into power, President Samia has been vocal on various criminal justice issues, including lengthy detention of remandees, fabrication of cases, corruption, and delays in investigation and disposal of cases. She has given various directives to improve criminal justice, including within the Tanzania Police Force and the Judiciary. LHRC commends the President for her political will in this regard and calls for her government to continue taking action to improve the criminal justice system to safeguard human rights, including making relevant legal and policy reforms.

LHRC Recognition

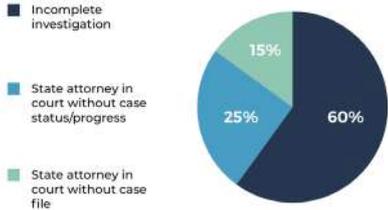


in police investigations is non-compliance with the timeframe for criminal investigation set in the Police Force and Auxiliary Service (Police General Orders) 2021, which is one year for capital offenses and six months for other offenses. Other reasons for delays in police investigations include delays in obtaining results from experts conducting examination; delays caused by geographical location of a crime, where crimes are committed in remote areas; inadequate management of human resources to support investigation activity; and insufficient resources to support investigation.

Other key criminal justice challenges highlighted in the CAG audit report include inadequate capacity to conduct criminal investigation; frequent adjournment of cases, largely caused by incomplete investigation (60%); delays in disposal of criminal cases; inadequate management of case files during investigation and absence of prosecution timeframe; shortage of state attorneys at the National Prosecutions Services (NPS); and gaps in monitoring and evaluation of justice delivery organs and coordination.

Excessive pre-trial detention also continued to be a key criminal justice concern, undermining the chance of a fair trial and the presumption of innocence. This problem

is contributed by frequent adjournment of cases. Recent CAG Criminal Justice System Audit Report 2022 that looked into frequency of case adjournments at different court levels in various regions shows that on average, the highest frequency of case adjournment at Resident Magistrate Court level was 68 times, at District Court level was 48 times, and at High Court level was 31 times. The extreme scenario was observed in Dodoma where there was a case at the Dodoma Resident Magistrate’s Court which was adjourned for 101 times before completion. The biggest factor contributing to frequent adjournment of cases is incomplete investigation.



*Reasons for case adjournment in courts of law in Tanzania
Source: CAG Criminal Justice System Audit Report 2022*

Challenges in use of ICT technologies in administration of criminal justice, including



inadequate infrastructure and lack of stable internet, also continued to affect rights of accused persons.

LHRC's Call: The Government to make the relevant reforms in the criminal justice system to eliminate excessive pretrial detention and reduce the use of pretrial detention. It is also in the interests of protecting the rights of accused persons, especially those who are victims of fabricated charges, for the Government to ensure there is an enforced maximum limit for pretrial detention, including for capital offences, and cases are filed after investigation is completed. The law should also provide clarity as to who is responsible for ensuring that custody time limits are met and clearly stipulate the process that should be followed in situations where such limits have been exceeded.

2.5. Right to Liberty and Personal Security

In 2022, key right to liberty and personal security issues and violations in Mainland Tanzania included arbitrary arrests and detentions; lack of police presence in some wards across Mainland Tanzania; concerns over safety and security following wave of killings and attacks; fabricated cases; delays in investigations; denial of bail; and digital safety and security.

Arbitrary arrest and detention

Arbitrary arrest and detention deprive people of their liberty. In 2022, LHRC documented at least twelve incidents of arbitrary arrest and detention through human rights monitoring, media survey, and human rights survey, four more than those documented in 2021. Victims included six journalists and one member of an opposition political party.

Shortage of police stations

Lack of police presence in some of the wards in Mainland Tanzania continues to pose a challenge in realization of the right to liberty and personal security. In April 2022, the Minister of Home Affairs, Hon. Hamad Yusuf Masauni, disclosed that Tanzania is facing shortage of 470 Grade B police stations. Some of the residents in Mtapenda Ward in Nsimbo District, Katavi Region, who participated in the human rights survey also lamented crime increase due to lack of police station.

Wave of killings and attacks

Personal security was also put to test by wave of killings and attacks, including by youth crime gangs popularly known as the 'Panya Road' in Dar es Salaam, 'Panya Kaloa' in Dodoma and 'Panya Teleza' in Pwani.



The criminal gangs caused havoc in these regions by breaking into homes, attacking, and robbing people, using machetes as their main weapon of choice. Police reported that they arrested over 150 members of the gangs. Prior to the terror of the youth crime gangs, the country was alarmed by the wave of killings in January 2022. LHRC documented at least 20 killing incidents in this month alone, including brutal killing of three women in Mwanza after they were raped. On 1st February 2022, the Government, through the Ministry of Home Affairs, announced that it had formed a committee to look into the wave of killings and provide findings within 21 days.

Trumped-up charges and delays in investigations

In 2022, Government leaders, including the President, continued to be vocal about trumped-up charges and delays in conducting investigations. In November 2022, President Samia Suluhu Hassan disclosed that most of the remandees in prisons are victims of trumped-up charges. Earlier, in August 2022, the Tanzania Police Force stated that 1,844 fabricated cases had been dismissed in courts of law as a measure to reduce prison overcrowding. The report on 20 years of the Commission for Human Rights and Good Governance

(CHRAGG), released by the national human rights institution in September 2022, also shows that trumped-up charges and delays in police investigation are among the big challenges in administration of criminal justice in Tanzania.

Human trafficking

In 2022, human trafficking also continued to be a threat to right to liberty and personal security. In April 2022, the Minister of Home Affairs, Hon. Hamad Yussuf Masauni, disclosed that for the financial year 2021/2022, his ministry had rescued 182 victims of human trafficking, of whom 171 were rescued within Tanzania and the remaining 11 in Iraq and Kenya. Through media survey and human rights monitoring, LHRC documented at least twelve incidents of human trafficking, reported in Mbeya, Singida, Dar es Salaam, and Dodoma Regions, eight less than those documented in 2021. However, LHRC documented further 83 incidents of human trafficking through the human rights survey, reported in regions such as Kigoma, Dodoma, Rukwa, Mbeya, Katavi, Morogoro, and Dar es Salaam. On a positive note, in 2022, the Government was praised for the overall progress demonstrated in combatting trafficking in persons, passed its 2021-2024 National Action Plan to Combat Trafficking



in Persons, and made notable amendments to the 2008 Anti-Trafficking in Persons Act. In July 2022, the Minister of Constitutional and Legal Affairs, Hon. Damas Ndumbaro, launched the Anti-Human Trafficking Child Protection Task Force (AHTCP-TF).

LHRC's Call: The Government, especially through the Ministry of Home Affairs, to collaborate with other stakeholders to strengthen anti-human trafficking measures in regions where children are most trafficked from, such as Dodoma, Iringa, Mbeya, Manyara, Singida, Kilimanjaro, and Tanga Regions.

Digital safety and security

Human rights survey findings show that awareness about digital safety and security among community members is low. Only 15% of the survey respondents said they were either very well informed or well informed about digital safety and security and only 10% said they were very well informed or well informed about digital safety and security laws. When asked about most common form of digital attack, majority of them (46%) mentioned money theft, followed by 22% who said it is verbal abuse, 19% who mentioned cyberbullying, and 7% who mentioned identity theft. Nearly half (44%) of the respondents also said cyberbullying

is a serious problem in the community, especially in urban areas.

- Women and children are more vulnerable to cyber-attacks, especially cyberviolence and identity theft.
- 45% of survey respondents said they use birth or age in their passwords, which leaves them more vulnerable to digital attackers or hackers, while 46% also indicated that they use the same password for multiple accounts, majority of them (70%) youths. The main reason for doing this is to easily remember the password. In Mtwara, the survey found that some people enlist the help of strangers, including stationery workers, to create email accounts, open social media accounts, and create passwords, which jeopardizes their digital safety and security.

LHRC's Call: The Government, through the Ministry of Constitutional and Legal Affairs, Ministry of Information, Communication and Information Technology, and the national human rights institution (CHRAGG), to increase public awareness programmes on digital safety and security.

2.6. Right to Take Part in Governance

In 2022, key right to take part in governance



issues and violations in Mainland Tanzania included legal barriers hindering effective participation in governance; calls to improve multiparty democracy; and right to vote for prisoners and remandees.

Over the years, the Government has taken various legal and institutional measures to enhance political participation, including affirmative action. However, several barriers hinder effective realization of the right to stand in election and participate in political life. These barriers are found in the Constitution of the United Republic of Tanzania of 1977 and electoral laws, including the Political Parties Act, Cap. 258 (R.E 2019). For instance, the Constitution does not recognize private or independent candidates, and prohibits challenging presidential election results in court. Amendments made in the Political Parties Act have further impacted the right to freely participate in political life, given the excessive and intrusive powers of the Registrar of Political Parties. For women, gender-blind electoral laws pose a big challenge for them to effectively realize their right to participate in public affairs.

On a positive note, in 2022 the President formed a multiparty democracy taskforce, which made various recommendations to

improve democracy in Tanzania, including presidential election results to be challenged in Supreme Court, once such court has been established; Political Parties Act to be amended to compel political parties to adopt gender and inclusion policies; and constitutions of political parties to incorporate gender equality and GBV provisions.

In 2022, the right to vote for prisoners and remandees was also put on the spotlight, when the High Court of Tanzania ruled that provision of section 11(1)(c) of the National Elections Act constitutes a blanket restriction on right to vote for prisoners and remandees and declared it unconstitutional.

2.7. Freedom from Torture and Inhuman or Degrading Treatment

In 2022, LHRC documented at least 44 incidents of torture and/or inhuman or degrading treatment, 3 less than those documented in 2021. These incidents include torture of accused persons under custody of law enforcement officers (detainees) and child torture. The incidents were reported in regions such as Mwanza, Dar es Salaam, Shinyanga, Geita, Mara, and Iringa.

2.8. Freedom from Violence

Different forms of violence perpetrated



against women, children, men, PWDs, and the elderly in 2022, infringed their right to freedom from violence. Women and children constituted the overwhelming majority of different forms of violence, especially sexual violence and physical violence. Just over a half of (56%) of the incidents of violence against women (VAW) documented by LHRC through media survey and human rights monitoring were acts of physical and emotional violence, while 81% of documented incidents of violence against children (VAC) were acts of sexual violence. In 2022, LHRC also documented at least 9 incidents of violence against men (VAM), two more than those documented in 2021. Further, LHRC documented at least 12 incidents of violence against PWDs and 24 incidents of violence against the elderly.

2.9. Right to Privacy

In November 2022, Tanzania joined neighbouring countries such as Kenya, Uganda, and Rwanda in enacting data

protection law. The Personal Data Protection Act was enacted to strengthen protection of personal data and provide remedy in case of breach, hence safeguarding rights to privacy and personal security. Before the law was enacted, personal data rights stakeholders, including CSOs, analysed the bill and provided comments. However, only 4% of the 57 comments provided were accepted, while another 4% were partially accepted. Several issues of concern regarding the law have also been raised, including: vague and ambiguous terms and phrases susceptible to abuse by authorities; broad language and unclear terms; independence and impartiality of the Data Protection Commission; powers of the Chairperson and the Commission as a whole; duties and accountability of data collectors and data processors; gender gaps in the law; registration requirements; rights to be heard and appeal; and severe punishment.



03



CHAPTER THREE:
**ECONOMIC, SOCIAL AND
CULTURAL RIGHTS**

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Introduction

In 2022, the situation of economic, social, and cultural rights slightly improved compared to the year 2021, especially in terms of budgetary allocation for key social service sectors, provision of fee-free education, employment of new workers in key sectors, and setting new minimum wages. However, several challenges continued to hinder effective realisation of these rights, key among them being budgetary constraints; delays in disbursement of funds; partial disbursement of funds; poor working conditions; unemployment; shortages of workers; shortages of equipment, tools, and facilities; discrimination in employment; and different forms of violence, especially against children, women, and PWDs.

3.1. Right to Education

The Government continued to take various measures to ensure progressive realisation

of the right to education, including implementation of the fee-free education policy and construction of new classrooms. However, various challenges persisted and continued to hinder effective realization and enjoyment of the right to education, including quality of education; proximity of schools; budget allocation; shortages of classrooms, teachers, toilets, and other learning and teaching facilities and tools; violence against schoolchildren; child labour; child pregnancy; child marriage; and lack of parental support in education.

Poor working and learning environment

Various challenges, including unsatisfactory working environment for teachers, inadequate funding, shortage of teachers, shortage of classrooms, proximity of schools, outdated curricula, WASH/menstrual hygiene challenge among schoolgirls, and



starvation and malnutrition, are among key barriers to quality education in Tanzania.

'Some children have to walk long distances to reach school. Even an adult would not be able to cope with walking such long distances every day. Consequently, some children drop out of school because they can't walk such long distances.'

SWO, Katavi

Focus issues

Focus issues also affect the learning environment for schoolchildren. Hunger is one of the key focus issues for schoolchildren in Tanzania. Videogame addiction among boys has also been said to affect their focus in learning, especially in urban areas. For girls, menstrual hygiene concern affects their focus in learning.

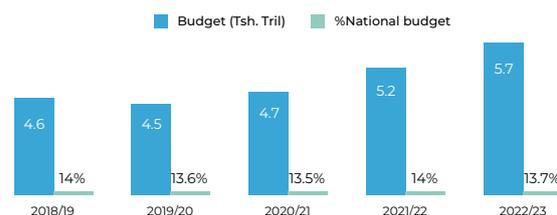
Medium of instruction and gaps in education policy

In 2022, education stakeholders continued to express concerns over language of instruction (LOI), which affects quality of education, as the debate over using Swahili or English Languages as LOI went on. In 2021, HakiElimu conducted a critical analysis of the Education and Training Policy (ETP) of 2014, highlighting some key issues and providing some recommendations.

LHRC's Call: The review of the 2014 Education and Training Policy should take into consideration various recommendations provided by HakiElimu.

Budget allocation

Budget allocated for the education sector still falls short of international standards. Budget allocated by the Government on education sector for the financial year 2022/23 is equivalent to 13.7% of the overall budget, falling short of the 20% international standard, which is instrumental in achieving SDG 4. Delays and partial disbursement of funds also affect enjoyment of right to quality education.



Budget allocation for the education sector for the financial years 2018/19 to 2022/23 and percentages of national budgets

Violence against schoolchildren

In 2022, some children were subjected to all forms of violence, namely sexual violence, physical violence, psychological violence,



and economic violence, which hinder or affect effective realization of their right to education.

Corporal punishment in schools is another form of violence against children that has been discouraged for being inhumane and detrimental to a productive learning environment. The nation remains divided over the use of corporal punishment, as some want the practice to continue while others indicate that it needs to be abolished. In 2022, corporal punishment continued to be administered by teachers in various parts of the country. In extreme cases, corporal punishment may cause death of a student. In October 2022, Amina Ally, (16), a student in Mtwara, reportedly died after being caned by a teacher for allegedly failing to correctly answer a question.

Child marriage and child/teenage pregnancy

Child marriage and child/teenage pregnancy continued to cut short dreams of many girls to realize their right to education. Dreams of attaining a good education for a better future for girls also continue to be threatened by the problem child marriage, which is compounded by the Government's reluctance to amend the Law of Marriage Act of 1971 to prohibit such marriage to

safeguard girls' rights and welfare.

Parents wanting their children to fail exams

In 2022, some parents were accused of telling and encouraging their children to deliberately fail in their examinations. In 2022, LHRC documented such reports made in Songwe, Geita, Njombe, Katavi and Shinyanga Regions. LHRC found that girls are mainly asked to fail so that they can get married.

'We were alarmed when we saw that performance of some of the brighter students was dropping day by day. We decided to call a meeting with parents, Village Executive Officer, and Ward Executive Officer. That is when it was revealed that some parents were telling their children that they would die if the children passed their examinations. .'

Teacher - Njombe

3.2. Right to Health

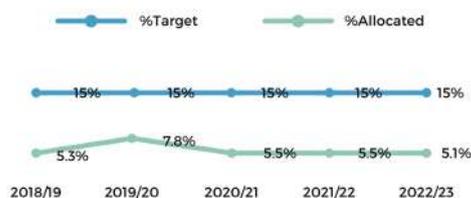
In 2022, the Government continued to facilitate progressive realisation of the right to health, including by hiring new health workers, construction of health facilities, procurement and distribution of essential medicines and medical supplies. However, several issues continued to affect enjoyment of this fundamental right, including budgetary



constraints; shortage of healthcare workers; mental health and suicide; violence against women and girls; shortage of equipment, medicines, and medical supplies; and sexual and reproductive health challenges.

Budget for the health sector

Tanzania has committed to set at least 15% of national budget for the health sector under the Abuja Declaration. However, in the past five financial years (2018/19 to 2022/23), the budget for the health sector has averaged 5.84%.



%Government budget allocation in the health sector vis-à-vis required target – 2018/19 to 2022/23

LHRC's View & Call: To meet international standards and realize key health-related targets, the Government must strive to significantly improve budget allocation for the health sector. The Government should also ensure funds for the health sector are disbursed in full and timely, to facilitate

provision of quality health services.

Shortages

- Despite government efforts to improve availability of health workers, shortage of healthcare workers continues to be a big challenge in Mainland Tanzania. For instance, it was reported that the Muhimbili National Hospital (MNH) was faced with a 40% shortage of medical staff and the country is faced with a critical shortage of 101 oral and dental health practitioners.
- Shortage of equipment, medicines, and medical supplies continued to be a concern in effective realisation of the right to health in 2022.

Health insurance concerns

Lack of health insurance coverage is also big concern for the majority of Tanzanians. However, introduction of the universal health insurance bill in 2022 brought hope for the public, but a lot of work still needs to be done to enact a good law.

LHRC's Call: The Parliament to involve all health rights stakeholders, including CSOs, in the process of adopting the universal healthcare insurance system, taking into consideration their concerns and recommendations, and employing a

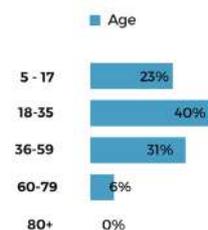


human rights-based approach (HRBA). Additionally, the Government also to speed up the process and introduce UHI in order to further safeguard the right to health for all.

Mental health and suicides

In 2022, mental health was one of the widely discussed issues in Mainland Tanzania, with stakeholders expressing concerns over the state of mental health among citizens. In July 2022, Dr. Omary Obuguyu from the Ministry of Health revealed that mental health patients have been increasing in the past five years.

Psychologists and social development experts in Mwanza pointed out mental health as a major cause of increasing trends of citizens committing suicides countrywide. In 2022, LHRC documented 35 suicide incidents through media survey and human rights monitoring, decreasing from 45 in 2021. Analysis of the suicide incidents showed that majority of the victims (83%), were male, increasing from 76% in 2021. Female victims only constituted 17% of the victims, half of them children. Youth also constituted the majority of the victims.



%Suicide incidents by age

Source: Media Survey 2022 & Human Rights Monitoring 2022

Reasons for committing suicide included: family quarrel, salary suspension, debt, jealousy, parental scolding, heartbreak, accusation of crime, missing items, and losing money.

Sexual and reproductive health

Various sexual and reproductive health challenges, including access to quality maternal healthcare and violence against women and girls, also continued to affect enjoyment of the right to health. For instance, in 2022, some women and girls were subjected to different forms of violence which led to violation of their sexual and reproductive health rights, especially physical violence and sexual violence, including acts of rape, sodomy (including marital sodomy), and FGM.



3.3. Right to Clean and Safe Water

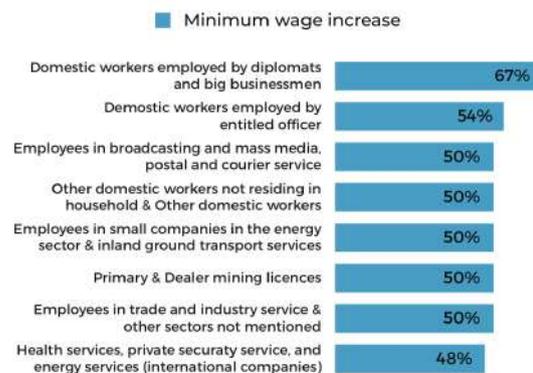
Despite the efforts to ensure progressive realization of the right to water, in some parts of Mainland Tanzania some people could not effectively realize this fundamental right because of various challenges, including insufficient budget allocated for the water sub-sector; water leakages and loss; lack of or limited access to clean water, especially in rural areas; water rationing; and negative impacts of climate change.

3.4. Right to Work

In 2022, key right to work issues and violations in Mainland Tanzania included adoption of a new Wage Order; shortage of workers in key sectors; and labour rights violations, especially in the business sector.

New Wage Order

Introduction of the long-awaited new Wage Order of 2022 was a positive development in terms of safeguarding labour rights. The biggest winners included domestic workers employed by diplomats and big businessmen, who saw their minimum wages increase by 67%, domestic workers employed by entitled officers (54%), and employees in broadcasting and mass media, postal and courier services (50%).



Top % minimum wage increases (48 – 67%) in the Wage Order 2023

Lowest wage increases in minimum wages (30% and below), were for employees at restaurants, guest houses, and bars (15%), in fishing and marine services (19%), large and tourist hotels (20%), medium hotels (20%), clearing and forwarding services (20%), telecommunication services (25%), mining and prospecting licences (25%), broker licences (25%), construction services (28 – 29%), and aviation services (30%).

LHRC's Call: Government, through PMO-LYED, to ensure effective implementation of the new Wage Order in the private sector. The Government should also ensure timely review of Wage Order (every three years) so that we can get the new Wage Order in 2025.



Labour rights violations

In 2022, LHRC observed that labour rights violations continue to be a big human rights concern, especially in the business sector. Common labour rights violations included denial of overtime pay; being overworked and underpaid; discrimination; delayed wage payments; workplace violence; non-remittance of social security contributions; denial of annual leave; unfair termination of employment; and lack of occupational health and safety training.

For workers in sectors such as education and health in public institutions, poor working conditions were also cited as a right to work challenge in some areas, especially rural areas.

Through human rights monitoring and legal aid programmes, LHRC documented at least 50 incidents of labour rights violations in the period of January to June 2022 alone, including cases of unfair termination of employment, non-payment of salary, and non-remittance of social security contributions.

LHRC's View: Given the interrelated nature of human rights, violation of labour rights or rights of workers, does not only violate the right to work, but may also lead to violations

of other human rights, including right to adequate standard of living, right to health, right to education, right to equality before the law, and right to liberty and personal security.

LHRC's Call: Government, through PMO-LYED, to ensure effective implementation of labour laws and regulations to safeguard labour rights.

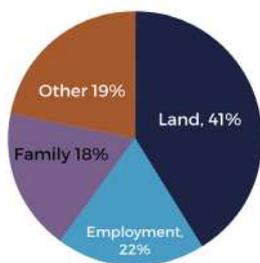
3.5. Right to Own Property

In 2022, key right to own property issues and violations in Mainland Tanzania included land conflicts/disputes; property grabbing from women and elderly people; women's access to land; and land dispute resolution.

Human rights survey respondents were asked about their satisfaction with protection of property rights, whereby majority of them (48%), said they were only moderately satisfied, followed by a quarter who said they were satisfied, and 18% who indicated they were dissatisfied. Just over a half (52%) of them also mentioned boundary disputes as the most common disputes, followed by 18% who said it is the disputes between farmers and pastoralists, and 16% who said it is community members versus investors.



In 2022, LHRC observed various key land issues in the course of providing legal aid services to indigent persons across Mainland Tanzania. These issues include low awareness about land issues and laws among community members, low or lack of awareness about amendments made in the Land Dispute Courts Act [Cap 216] among members of ward tribunals, and political interference in determination of land disputes. LHRC's legal aid data for the year 2022 also showed that land disputes constituted the majority of disputes brought by legal aid clients (41%), followed by employment (22%), and family disputes (18%).



LHRC legal aid cases by type of dispute, 2022
Source: LHRC Legal Aid Data, 2022

In 2022, through media survey and human rights monitoring, LHRC documented at least nine land disputes/conflicts, reported in Arusha, Lindi, Kilimanjaro, Kigoma, Singida, and Morogoro. LHRC also documented

at least 13 incidents of property grabbing from women and older persons, reported in regions such as Kilimanjaro, Njombe, Tanga, and Kigoma.

In most rural communities, women are still denied the right to own land, while men have final say in their access and use of land and being in total control. Limited access to agricultural land affects their economic empowerment and food security, including access to financial services and the ability to seek and obtain credit. Women's low ownership of land is fuelled by discriminatory inheritance practices and discriminatory social norms that restrict women's access to land ownership are primarily held by men and poorer individuals with a low educational background.

'Women struggle to own property, especially once their husbands die. They are usually kicked out of the land once 40 days have passed since the deaths of their husbands. Access to dispute settlement mechanisms is also a challenge and contributing factor...'

NGO worker – Nsimbo, Katavi



3.6. Right to Adequate Standard of Living

In 2022, key issues and violations affecting right to adequate standard of living in Mainland Tanzania included food security, compounded by climate change impact; access to nutritious food; food affordability; access to adequate housing; and security of tenure.

Food security

Food insecurity was said to be a challenge in some parts of Mainland Tanzania, driven primarily by a prolonged dry spell and erratic rainfall that has contributed to failure in crop and livestock production and has negatively affected pasture and water availability. Climate change was identified as a significant risk affecting agriculture, food and nutrition security in Tanzania.

Access to nutritious food

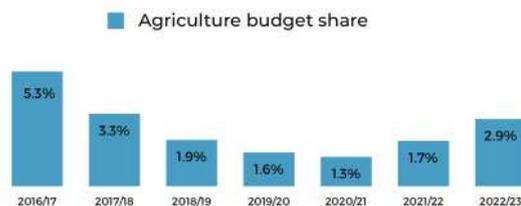
Majority of households in Tanzania find it difficult to afford nutritious diets. However, Tanzania is making progress to meet global nutrition targets, according to the 2022 Global Nutrition Report. The Tanzania Demographic and Health Survey and Malaria Indicator Survey 2022 has revealed that percentage of children under 5 who are stunted has decreased steadily from 48% in

1999 to 30% in 2022.

In 2022, rising food prices also threatened the right to food, as power and water rationing compounded the problem.

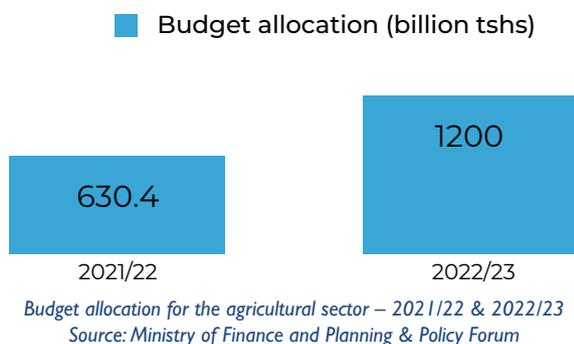
Budget for agriculture sector

Agriculture stakeholders expressed concerns over budget allocation for the agriculture sector, which is below the 2014 AU Malabo Declaration standards, which requires allocation of at least 10% of the budget share. They also expressed concerns over disbursement of funds. However, for the financial year 2022/23, budget has significantly increased, including for irrigation, bringing optimism.



Agriculture budget share trends (2016/17 – 2022/23)
Source: Ministry of Finance and Planning & Policy Forum





Access to adequate housing

Access to adequate housing also remains a challenge for some Tanzanians in both urban and rural areas. Women and other vulnerable groups are disproportionately affected by lack of adequate housing. Women's access to adequate housing is compromised by various factors, including denial of inheritance rights, fuelled by discriminatory customs and traditions; property grabbing; and limited access to and control over land. Customary laws in Tanzania continue to be a big threat to women's and girls' right to own property, right to inheritance, and by extension right to adequate housing.

LHRC's View: Adequate housing is essential for effective realization of other human rights. However, lack of adequate housing remains a big challenge for many people, in both rural and urban areas. Women,

children, and other vulnerable groups are disproportionately affected by lack of adequate housing.

LHRC's Call: The Government, through the Ministry of Lands, Housing, and Settlements Development, to intensify efforts to ensure access to adequate housing. Collaborative and multi-sectoral efforts are needed to address adequate housing challenges. Discriminatory inheritance laws should be reformed to safeguard women's and girls' property and adequate housing rights.

3.7. Right to Social Security

Despite government measures to safeguard the right to social security, including through establishment of social security schemes, provision of loans to economic groups, and implementation of the Tanzania Social Action Fund (TASAF) social protection programme, majority of Tanzanians remain uncovered by social security, especially those in the informal sector. Other key issues of concern include lack of pension for older persons, collapse of the traditional social security structures, low levels of income, access to quality health services and nutritious food for the elderly, youth not taking care of the elderly, and maternity benefits and job security for women in the business sector,



and submission of employees social security contributions.

LHRC's Call: The Government, through the Prime Minister's Office-Labour, Youth, Employment and Persons with Disability, to ensure effective implementation of social security laws and ensure employers remit monthly social security contributions.



04



CHAPTER FOUR:
COLLECTIVE RIGHTS

CHAPTER FOUR: **COLLECTIVE RIGHTS**

Introduction

In 2022, key issues affecting other human rights also affected collective rights, including the right to development.

4.1. Right to Development

In 2022, key right to development issues in Mainland Tanzania included human rights violations, especially of civil and political rights, and challenges in provision of social and judicial services, including budgetary constraints and shortages of human resources. Corruption, which is the greatest obstacle to economic and social development, also continued to hinder effective realization of the right to development. Positives included economic growth, improved media environment, and increased budget for the agriculture sector, including for irrigation farming.

4.2. Right to Enjoy and Benefit from Natural Resources

Despite the efforts to boost enjoyment of the right to enjoy and benefit from natural resources, key challenges persist, including corruption, tax incentives, tax avoidance, and tax evasion, especially in the extractive sector. Consequently, community members in most resource-rich areas remain poor.

4.3. Right to a Clean and Healthy Environment

In 2022, community members who participated in LHRC's survey on business and human rights, conducted in 14 regions of Mainland Tanzania, cited air pollution as the most common environmental pollution (40.5%) in their community, followed by land pollution (27%), water pollution (21.7%), and noise pollution (10.8%). Through this



survey, LHRC documented 37 incidents of environmental pollution, including reported pollution of Mara River in Mara Region, which was a subject of huge public debate. In Tanga, complaints over dust pollution were made against Neelkanth Lime Ltd., located in Kiomoni Ward in Tanga MC. In Dar es Salaam, complaints about industrial pollution in the form of air pollution were made by some of the interviewed respondents residing around the Mikocheni industrial area. In Mbeya, air pollution caused by operations at

rice mills was said to be a big concern for nearby residents, especially in Mbarali DC. Through media survey, LHRC also documented incidents of noise pollution, reported in regions such as Dar es Salaam, Kilimanjaro, Arusha, Morogoro, Tanga, Mbeya, Iringa, Mwanza, and Mara. Stakeholders called on the National Environment Management Council (NEMC) to intervene and curb this type of pollution, which is causing discomfort and distress.



05



CHAPTER FIVE:

RIGHTS OF VULNERABLE GROUPS

CHAPTER FIVE: **RIGHTS OF VULNERABLE GROUPS**

Introduction

In 2022, vulnerable groups, including women, children, and persons with disabilities (PWDs), continued enjoying their various human rights, as guaranteed under the Constitution of the United Republic of Tanzania of 1977 and international human rights standards. However, some of them were subjected to various human rights violations, including gender-based violence and discrimination.

5.1. Women's Rights

Apart from various human rights conventions that protect such rights for all people, there are human rights conventions which are specific for women, providing for women's rights. These conventions include the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) of 1979 and the Protocol to the African Charter on Human and Peoples' Rights on the Rights

of Women in Africa (Maputo Protocol) of 2003. They prohibit discrimination against women - which prevents them from enjoying their fundamental human rights. They also prohibit gender-based violence (GBV) and violence against women (VAW).

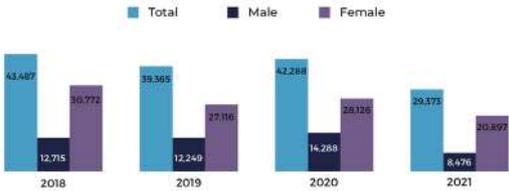
GBV and VAW: Trends and documented incidents

In 2022, GBV continued to be a big threat to women's rights in Tanzania. Incidents of different forms and acts of violence were reported and documented in all regions across Mainland Tanzania, including physical, psychological, sexual, and economic violence.

Recent police statistics on GBV show that reported incidents decreased from 42,414 in 2020 to 29,373 in 2021, equivalent to a decrease of 30.8%. However, in 2022, police in various regions reported that GBV incidents were on the rise. For instance,



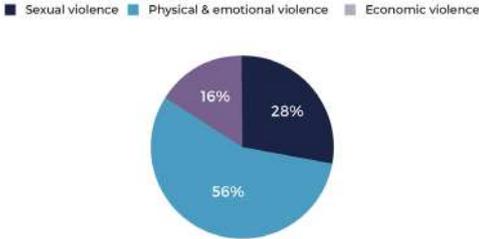
in October 2022, Katavi Regional Police Commander, Ali Makame, revealed that GBV incidents reported in the period of January to September 2022 had already surpassed those reported for same period in 2021 by 30 incidents, increasing from 240 to 270.



GBV victims in Tanzania by sex - 2018 to 2021

Source: Police data, 2018 to 2021

Through media survey and human rights monitoring, LHRC documented at least 108 incidents of violence against women (VAW), reported in regions such as Pwani, Kilimanjaro, Dar es Salaam, Mara, Mtwara, Rukwa, Songwe, Geita, Dodoma, and Kigoma Regions. 56% of these incidents were acts of physical and emotional violence, followed by sexual violence (28%), and economic violence (16%).



%Incidents OfVAW Documented by LHRC In 2022 By Type (N=108)

Source: Human Rights Monitoring & Media Survey 2022

Incidents of VAW were also reported in all 20 surveyed regions. A total of 1,391 incidents were documented, of which 46% were of physical and psychological violence, 29% were of sexual violence (including rape and sextortion), and the remaining 25% were of economic violence. Majority of the interviewed respondents in the regions, including SWOs, paralegals, and human rights monitors, acknowledged that physical violence is the most common form of VAW, followed by economic violence.

‘Physical violence against women is big challenge, especially for partners or married couples.’

Paralegal – Moshi MC, Kilimanjaro

LHRC’s View: It is high time for Tanzania to enact anti-GBV law. Several countries across the world already have such law in

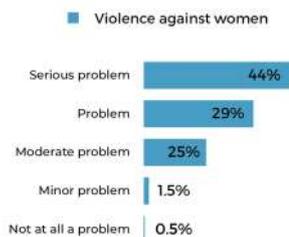


place. These countries include Bulgaria, South Africa, Malaysia, India, Sierra Leone, and Namibia.

LHRC's Call: The Government to enact anti-GBV law to prevent and address GBV in line with international human rights standards.

Community perceptions on VAW

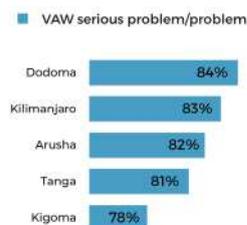
Nearly a half of the community members who participated in the human rights survey (44%) perceived VAW to be a serious problem in their community, followed by just over a quarter (29%) who said it is a problem, and a quarter who said it is a moderate problem.



*% Responses on the extent to which VAW is a problem in the community (N=1,497)
Source: Field data, 2022*

In terms of region, the percentage of respondents who said VAW is a very serious/serious problem was highest in Dodoma

Region (84%) and lowest in Katavi Region (58%). In terms of zones, the Northern Zone (Tanga, Kilimanjaro, and Arusha), scored the highest average percentage (82%), followed by Central Zone (Morogoro, Dodoma, Tabora, and Singida) at 76%, and Eastern (Dar es Salaam, Pwani & Mtwara) and Western (Rukwa, Kigoma, and Katavi) Zones, both at 70%.



*Top 5 regions where VAW is perceived to be a serious problem/ problem (N=1,497)
Source: Field data, 2022*

Cyber violence against women and girls (CVAWG)

Like any other form of violence, both women and men can be victims of cyber violence. However, evidence shows that women and girls are more likely to be targeted by cyber violence, resulting into physical, sexual, psychological, or economic harm and suffering. Because it does not always lead to physical harm, this type of violence is usually regarded as insignificant



and less harmful to its victims, but it has just as devastating consequences, sometimes acting as precursor to physical violence, and contributing to mental health issues such as depression and anxiety disorders. This type of violence also often results into abandonment of digital spaces, which has a devastating impact on women's confidence when it comes to ICT, hence worsening gender equality issues. CVAWG acts include cyber stalking, cyber harassment, cyber bullying, online gender-based hate speech, and non-consensual intimate image abuse.

In 2022 various stakeholders, including Hon. Neema Lugangira (Member of Parliament), expressed concern over cyber violence against women and called for incorporation of online gender-based violence in the new National Plan of Action to End Violence against Women and Children (NPA-VAWC). Hon. Neema Lugangira noted that GBV in online platforms is gaining momentum, and it is high time something is being done about it, identifying girls, female businesspersons (entrepreneurs), female political leaders, and female MPs as major victims.

LHRC View: In today's world, access to internet and use of digital platforms has become a necessity for economic development and essential for realization

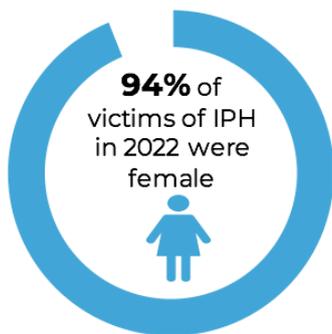
of human rights. Digital platforms therefore need to be safe for everyone, including women and children, and protection of fundamental human rights, including freedom of expression, freedom from violence, and right to liberty and personal protection, needs to be extended to digital platforms.

LHRC's Call: The Government, through the Ministry of Constitutional and Legal Affairs and the Ministry of Community Development, Gender, Women and Special Groups, needs to make legal and policy reforms to ensure cyber violence against women and children is fully incorporated into laws and policies and public awareness programmes are conducted. Further research into CVAWG in Tanzanian context is also needed.

Intimate partner violence and homicide: A key physical VAW concern

In Tanzania, nearly half of women (48%) have survived intimate partner violence (IPV) in their lifetime, and one in four women has experienced IPV over the last 12 months. In recent years, IPV has caused many incidents of intimate partner homicide (IPH). LHRC documented 33 incidents of IPH in 2022, which are 2 less than those documented in 2021. 94% of the victims were female and majority of the incidents (52%) were motivated by jealousy.





'..We buried our sister in February this year. She was killed by her husband after accusing her of being infertile.'

Community member, Njombe

Other incidents of physical and psychological VAW

LHRC also documented at least 73 other incidents of physical and psychological VAW, including physical IPV, through human rights monitoring and media survey. These incidents were reported in regions such as Dar es Salaam, Mwanza, Songwe, Iringa, Mara, Mtwara, Manyara, Rukwa, and Kilimanjaro. Reported acts of physical and psychological violence perpetrated against

women included beatings, cutting of body parts, being attacked with a machete, biting ears, being attacked with a hammer, inserting a sharp object in a woman's private parts, and being subjected to female genital mutilation (FGM).

Additionally, LHRC documented at least 635 incidents through Human Rights Survey 2022, conducted in 20 regions of Mainland Tanzania. These incidents were reported by community members in regions such as Morogoro, Tabora, Singida, Kagera, Geita, Kigoma, Kilimanjaro, Arusha, and Katavi.

Sexual violence

LHRC documented at least 30 incidents of sexual VAW, through media survey and human rights monitoring, constituting 28% of the documented VAW incidents. These incidents include rape, sexual harassment, sexual corruption, and marital sodomy. LHRC also documented an additional 406 incidents through the Human Rights Survey 2022, including acts of rape, gang-rape, sexual harassment, and sextortion. Incidents of rape documented in 2022 included the rape of a pregnant woman in Iringa and rape of an elderly woman aged 80 years, resident of Mawengi Village in Njombe.



In 2022, marital sodomy re-emerged as a key concern for married women. In Dar es Salaam, a social welfare officer, Joyce Maketa, disclosed that marital sodomy is one of the main reasons for divorce in the city. Marital sodomy was said to be a growing problem by social welfare officers, community development officers, religious leaders, and other community members in regions such as Singida, Kilimanjaro, Mbeya, and Katavi.

'We have received more than three cases of marital sodomy. Those who don't oblige are beaten. One of the marriages broke up because the husband wouldn't change.'

Paralegal, Mbeya CC – Mbeya

Economic violence

In 2022, LHRC documented 17 incidents of economic violence against women, through media survey and human rights monitoring. The incidents include denial of inheritance, property grabbing, and withholding access to money. LHRC also documented additional 350 incidents through the Human Rights Survey 2022.

In 2022, LHRC also documented at least 21 incidents of eviction of widows from marital home through human rights monitoring and

human rights survey, which are 2 less than those documented in 2021.

LHRC's Call: Men and women to write wills as a way of safeguarding property rights, including of women and children.

Violence against women in politics (VAWP)

VAWP has been defined as any act, or threat, of physical, sexual, or psychological violence that prevents women from exercising and realizing their political rights and a range of human rights. Victims and survivors of VAWP may include political office holders, women candidates and aspirants, political supporters, voters, election workers and observers, public officials, and civil servants.

LHRC's Human Rights Survey 2022 also probed on the issue of VAWP in Tanzania, whereby 94% of interviewed women in politics, said VAWP is a serious problem in the community. Nearly all of them mentioned sexual violence as the most common form of VAWP. In most surveyed regions sextortion was identified as the biggest challenge facing women in politics. Some of the respondents mentioned that in some cases women themselves offer sex bribe to party leaders so that they can be nominated or helped with election. Perpetrators of



VAWP also employ the tactic of character assassination to discredit female political aspirants and candidates. Threats and character assassination were mentioned as common acts of VAWP, especially in regions such as Tabora, Arusha, Singida, Geita, Kigoma, Katavi, and Tanga.

'Politics, especially intraparty politics, is a dirty game and very dangerous for a woman. Someone may seem to genuinely help you to attain a leadership position, but once you succeed, they come for 'payment.'

Female politician, Mtwara DC – Mtwara

'If we don't take deliberate measures to combat VAWP, women shall continue to be underrepresented in leadership and decision-making.'

Female politician, Nyang'hwale – Geita

Drivers of VAW

Key drivers of VAW include normalization and tolerance of physical VAW in marriage; poverty and lack of financial independence among women; witchcraft beliefs; and customs and traditions. A wide social acceptance of VAW has perpetuated violence and is strongly associated with higher prevalence of IPV. Almost half of the population in Tanzania (49%) believes that a husband is justified in hitting or beating

his wife if she burns food (13%), goes out without telling him (29%), neglects the children (39%) or argues with him (37%). About 59% also said hitting or beating is justified when wife cheats on husband.

'There are women who are beaten by their partners and husbands but don't report the incidents to social welfare officers or police gender and children desk. When you ask them why they don't report, they say the practice is normal as they are used to seeing women being beaten since they were children.'

SWO – Chato, Geita

Women's political participation

In 2022, women's effective political participation continued to be hindered by several barriers, including gender gaps in electoral laws, including the Constitution of the United Republic of Tanzania of 1977; violence against women in politics (VAWP); and lack of adequate support from political parties and exclusion in decision-making party structures. The presidential taskforce on multiparty democracy in Tanzania, led by Prof. Rwekaza Mukandala, recommended amendment of the political party law to make it mandatory for every political party to develop and adopt a gender and inclusion policy.



Women's economic empowerment

Women's economic empowerment programmes, including the 4% women's loan granted by the Local Government Authorities (LGAs), continued to benefit women in different parts of Tanzania. They benefited them in various ways, including helping them to generate income to sustain their families, improving livelihoods, and expanding their businesses. However, several challenges affect the programmes, including non-repayment or slow repayment of the loans and political interference in loan provision.

'Provision of loans to women, youth and PWDs has really helped to improve livelihoods by economically empowering these groups, although there are challenges in loan repayment.'

CDO, Geita DC – Geita

Safety and security of women

According to the 2022 Social Institutions and Gender Index (SIGI) Tanzania Report, more women than men fear walking alone at night in their neighbourhoods because they fear violence specifically. 45% of women cited fears of physical assault, being robbed, kidnapping, rape, being sexually harassed, verbal assault and obscene words,

and exhibitionism. More specifically, 33% of women said they fear being robbed, 28% mentioned fear of being physically assaulted and a quarter (25%) said they fear being raped. Additionally, LHRC found that some women are attacked and sometimes killed because of property; some elderly women are attacked and/or killed over witchcraft suspicion or for witchcraft purposes; and in Singida, women may be targeted for their breasts and private parts.

LHRC's Call: There is need to strengthen the capacity of women and children protection committees in order to enhance protection for women and safeguard rights of women, including right to personal security, freedom from violence, and freedom of movement.

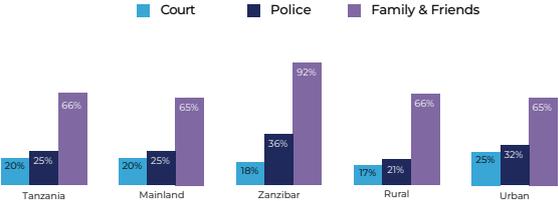
Women's access to justice

Like in most other African countries, in Tanzania discrimination against women extends to access to justice. According to the 2022 SIGI report, Tanzania scored 29 on the "Access to justice" indicator, with Songwe recording the lowest level of discrimination, with the score of 13. Women's access to justice was found to be most limited in Iringa, Mwanza, and Tabora Regions.

The SIGI report also indicates that women's ability and willingness to resort to the courts



and the police are limited. In situations of conflict, only 20% of women said they seek access to the lowest court and just a quarter (25%) would seek help from the police. Overall, both men and women living in urban areas are more likely to solicit the help of court or police to settle a conflict than in rural areas. Family and friends are the most preferred option for the majority of women when seeking justice or settling a dispute.



%Share of women who would turn to a court, the police, or family and friends in cases of conflict
 Source: SIGI Tanzania Report, 2022

The SIGI report further shows that a large majority of the population believes that both men and women should have equal opportunity to file a complaint at a police station. However, more than three quarters hold the opinion that a woman needs her husband’s or partner’s permission if she wants to contact the police (77%) or a court (83%). In all regions this was the opinion of 50% and above of the population.

5.2. Children’s Rights

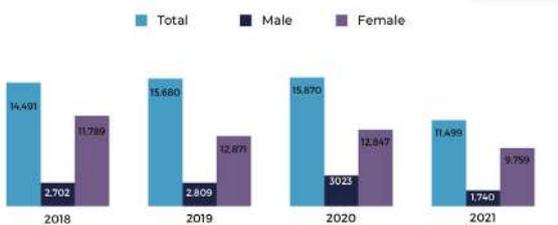
Children’s rights are protected under two main children rights conventions, namely: the UN Convention on the Rights of the Child (CRC) of 1989 and the African Charter on the Rights and Welfare of the Child (ACRWC) of 1990, both ratified by Tanzania. At domestic level, there is the Law of Child Act of 2009 (as amended in 2019), which provides for fundamental rights of children as provided for in the two conventions and clearly stipulates that in making decisions about a child the best interests of that child must be given paramount and primary consideration (the principle of best interests of the child). These conventions and the law of the child stipulate duties of the Government, parents, guardians, and community members at large to protect children from all forms of violence and discrimination.

VAC trends and incidents

For the year 2022, key issues affecting children’s rights included: sexual violence; physical and psychological violence; child labour and exploitation; child trafficking; child marriage; and predicament of child pregnancy. Violence against children (VAC) continued to a big threat to children’s rights and welfare.



Police statistics on VAC show that in the period of 2017 to 2021, a total of 70,997 incidents of VAC were reported at police stations, averaging 14,199 each year, 1,183 incidents each month, and 39 incidents each day.

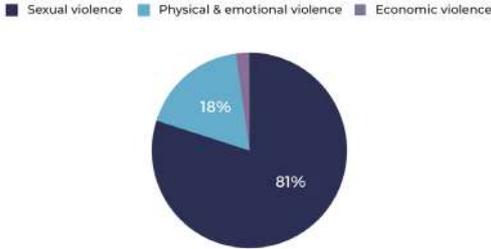


VAC victims in Tanzania by sex – 2018 to 2021
 Source: Police data, 2018 to 2021

In 2022, police and government reports also indicated increase of VAC incidents in various regions, especially sexual VAC, as revealed in December 2022 during the commemoration of 16 Days of Activism against Gender-Based Violence in various parts of the country.

Through media survey and human rights monitoring, in 2022 LHRC documented at least 350 incidents of VAC, reported across Mainland Tanzania. Sexual VAC accounted for the overwhelming majority of incidents (81%), followed by physical and emotional

violence (18%). A quarter (25%) of the victims were under the age of 10 years and boys (78%) constituted the majority of sodomy victims.



%Incidents of VAC documented by LHRC in 2022 by type (N=350)
 Source: Human Rights Monitoring & Media Survey 2022

Further analysis of the documented incidents revealed that perpetrators of sexual VAC included a father, stepfather, unknown adult male (resident of the area), uncle, elderly man, close relative/family friend (e.g cousin), child at school (especially for sodomy), health worker (e.g doctor), teacher, and bodaboda (motorcycle) driver. 14 fathers, 30 close relatives, 10 teachers, and 2 religious clerics (1 padre, 1 sheikh/madrassa teacher) were mentioned as perpetrators of sexual VAC.

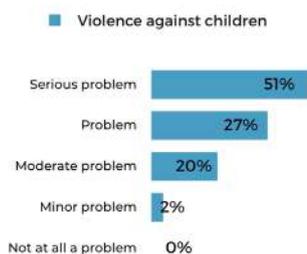
VAC victims included 88 (25%) who were under the age of 10, and 88(25%) victims of child-on-child sexual VAC (perpetrator age ranging from 14 to 17 years), and 212



victims of sodomy. Boys constituted the overwhelming majority of victims of sodomy, at 166 (78%). Most of the sodomy incidents occurred in school and home settings.

Community perceptions on VAC

Just over half of community members who participated in the human rights survey (51%) perceived VAC to be a serious problem in the community, followed by just over a quarter (27%), who felt it is a problem, and 20% who said it is only a moderate problem. Majority of interviewed respondents, including social welfare officers, expressed concern over alarming rate of child rape and sodomy incidents.



% Responses on the extent to which violence against children is a problem in the community (N=1,497)
Source: Field data, 2022

Sexual VAC

Sexual violence was the most common form of VAC among the reported incidents in 2022, accounting for over 80% of the

incidents. Through media survey and human rights monitoring, LHRC documented at least 283 sexual VAC incidents in 2022. Rape and sodomy were found to be the most common acts of sexual VAC. Perpetrators of sexual VAC included a father, stepfather, unknown adult male (resident of the area), uncle, elderly man, close relative/family friend (e.g cousin), child at school (especially for sodomy), health worker (e.g doctor), teacher, and bodaboda driver.

Over 5000 child rape cases and 1000 child sodomy cases were reported by the Government in 2021/22 and in the period of January to September 2022, averaging over 400 rape and 93 sodomy incidents each month.

Child sodomy concerns: In all surveyed regions, SWOs, CDOs, paralegals, and local NGO officials expressed concerns over child sodomy incidents, especially in schools, where child-on-child sexual abuse was reported by teachers to be a problem.

'...children are sexually abusing each other, including in school settings, on the way back home, and even in home settings..'

Primary school teacher – Geita DC, Geita

Child-on-child sexual violence a big concern,



especially in school settings: Children, usually older children, also perpetrate sexual violence against other children, usually younger children. In 2022, incidents of VAC documented by LHRC through media survey and human rights monitoring included 88 victims (25%) of child-on-child sexual VAC, committed by perpetrators ranging from 14 to 17 years.

Sexual abuse of boys: Many countries around the world have been faulted for lacking adequate legal protections for boys and usually not looking at boys as victims of sexual abuse. Community members usually do not look at boys as victims of sexual abuse, largely due to problematic beliefs about masculinity.

Sodomy is the most common form of sexual violence against boys in Tanzania and is gaining momentum in different settings, including school and home. In the period of 2016 to 2021, a total of 5,716 incidents of child sodomy cases were reported to police stations, averaging 900 incidents each year, 79 each month and at least 2 each day. Majority, 87%, of the victims were boys.



In 2021, LHRC documented at least 34 incidents of sexual abuse of boys in the form of sodomy. In 2022, the number of incidents rose to 166, equivalent to 78% of all documented child sodomy incidents. In December 2022, it was reported that over 1,000 child sodomy incidents were also reported in the period of January to September 2022, with boys constituting the overwhelming majority of victims (84%).

'In the past, we were more worried with girls, but now boys are more vulnerable to acts of sexual violence than girls...I don't have the statistics but it is based on what I have heard...boys constitute the majority of sodomy victims..'

Sauti ya Jamii Director – Iringa

Child sexual abuse in religious settings: In many parts of the world, child sexual abuse has also been known to occur in religious settings. Globally, the biggest challenge in



addressing child sexual abuse in religious settings is the institutional secrecy and widespread protection of those who abuse children in religious institutions. The perpetrators also know that the victims, usually vulnerable children, are less likely to be believed.

In the past five years (2017 - 2021), LHRC has documented at least nine incidents of child sexual abuse in religious settings. At least 16 other incidents of clerics committing sexual abuse outside religious settings were documented during this period, including sexually abusing their own children. This suggests that they were also more likely to have abused more children in religious settings. However, due to the culture of secrecy and protection of clerics in such settings, it is feared that many incidents go unreported.

Physical VAC

In 2022, physical and psychological violence constituted 18% of the VAC incidents documented by LHRC through media survey and human rights monitoring. Acts include beating, strangulation, burning hands, being torched, being buried alive, being poisoned, and being attacked with a weapon. Parents constituted the majority of perpetrators of physical VAC.



*A 15-year-old girl, who was reportedly attacked by her husband and his friend in Longido, Arusha
Picture credit: Jamii Forums (Sep 2022)*

In 2022, some parents reportedly imposed some cruel punishment of burning hands and other parts of the bodies of their children. LHRC documented such incidents involving at least 8 children as victims, reported in regions such as Simiyu, Mtwara, Njombe, Geita, and Kilimanjaro.

Through Human Rights Survey 2022, LHRC also documented at least 460 incidents of physical VAC, reported in 7 out of 20 regions alone, namely Singida, Iringa, Njombe, Kagera, Geita, Kigoma, and Katavi.





*A girl in Geita who could not do her standard seven national examinations after her mother burned her hands
Source: Field data, 2022*

Child neglect and abandonment

In 2022, through human rights monitoring and media survey, LHRC documented 67 incidents of child neglect, reported in regions such as Tanga, Morogoro, Lindi, Mtwara, Kilimanjaro, Tabora, Geita, and Simiyu, which are 43 more incidents than those documented in 2021. LHRC also documented over 700 child neglect cases through the human rights survey across 20 regions of Mainland Tanzania.

Child labour and exploitation

Through human rights monitoring, in 2022 LHRC documented at least 10 incidents of child labour, reported in Mbeya, Geita, and Shinyanga Regions. Most of the children were said to be working in mines and farms.

Further 53 incidents were documented through the human rights survey.

Child marriage

In 2022, stakeholders, including child rights advocates, continued to call for legal reforms to prohibit child marriage. However, the Law of Marriage Act of 1971 is yet to be amended to abolish child marriage by setting 18 as minimum age of marriage for both men and women, in line with the 2019 Court of Appeal Decision in the Rebecca Gyumi case. In 2022, LHRC documented 16 incidents of child marriage through media survey and human rights monitoring, decreasing from 37 incidents in 2021. During this reporting period, it was also reported that parents in some regions were telling their female children to fail in their national examinations so that they can marry them off. High rates of social acceptance of child marriage and bride price were also said to contribute to the persistence of child marriage in Tanzania.





Two girls who were rescued from child marriage (left) by police in Katavi and the cows paid as dowry (right)

Source: Field Data, 2022

Child/teenage pregnancy

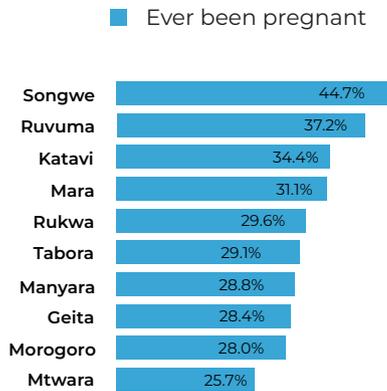
In 2022, incidents of child pregnancy continued to be widely reported in different regions across Mainland Tanzania. Through media survey and human rights monitoring, LHRC documented over 6,000 child pregnancy incidents, reported in various regions, including Kigoma, Pwani, Mwanza, Katavi, Rukwa, and Arusha.

On September 15, 2022, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) issued its decision on mandatory pregnancy testing of schoolgirls and the expulsion of pregnant and married girls from schools, concluding that by doing so Tanzania had violated various girls' rights guaranteed under the

African Charter on the Rights and Welfare of the Child. Violated rights included protection against cruel, inhuman, and degrading treatment; right to education; right to non-discrimination; protection against harmful practices; right to privacy; and right to health. The Committee also found violation of the principle of best interests of the child.

Additionally, the Tanzania Demographic and Health Survey and Malaria Indicator Survey 2022 has revealed that 22% of women aged 15 to 19 years have ever been pregnant, 16% have had a live birth, 2% have had a pregnancy loss, and 6% are currently pregnant. Percentage of women aged 15 to 19 years who have ever been pregnant is higher in rural areas (24.9%) compared to urban areas (16.4%). In terms of regions, percentage of women aged 15 – 19 who have ever been pregnant is highest in Songwe (44.7%), followed by Ruvuma (37.2%).





%Women aged 15-19 who have ever been pregnant
Source: TDHS – MIS 2022 & writer's own analysis

Child trafficking

In recent years, child trafficking, particularly child labour trafficking and child sex trafficking, have been the most common forms of human trafficking in Tanzania. Eight (8) out of twelve (12) incidents of human trafficking documented by LHRC through media survey and human rights monitoring in 2022 were child trafficking. Through human rights survey, LHRC also documented 62 incidents of child trafficking, reported in regions such as Kigoma, Singida, Njombe, and Dar es Salaam. In Singida, a social welfare officer disclosed that children in the region are usually trafficked for domestic work and sex.

5.3. Rights of Persons with Disabilities

In 2022, key issues affecting the rights of PWDs included promotion and protection of their rights; access to employment and economic opportunities, including discrimination in employment; stigma and discrimination, including of children with disabilities; different forms of violence, especially physical violence; and access to health services and buildings.

Stigma and discrimination

In 2022, incidents of stigma and discrimination against PWDs were reported in regions such as Njombe, Kilimanjaro, Dar es Salaam, Dodoma, Arusha, Katavi, Rukwa, Mbeya, Iringa, and Morogoro. Social isolation, including of children with disabilities, was said to be a major challenge.

'Many children with disabilities are locked up at home by their parents, and in some cases, it is difficult to know if there are such children in some families unless you are close to them, as their existence becomes a family secret. Most of these children are not taken to school and are not even allowed to go outside the house because their disabilities are considered a curse.'

PWD – Ludewa, Njombe



Discrimination in employment

Survey on business and human rights , conducted by LHRC in 2022, found that some employers do not like hiring PWDs because they ‘are not as effective as persons without disability’. Other employers said PWDs are not employed at industries because they ‘may somehow delay production’ and the environment is ‘not suitable’ for them.

Violence

During this reporting period, LHRC documented at least 12 incidents of violence against PWDs, including persons with albinism (PWAs) and children with disabilities. Acts of violence included rape, physical attack, verbal abuse, isolation, and denial of education.

In recent years, attacks and killings of PWAs have re-emerged. In 2021, brutal killing of a child with albinism, aged around 4 to 7 years, was reported in Tabora Region. In 2022, LHRC documented another incident of attack and killing of Joseph Mathias (50), whose hand was cut by unknown assailants, causing him to bleed to death. The incident occurred in Kwimba District, Mwanza Region.

Access to quality, disability friendly health services

In March 2022, women with disabilities in the country called on the government to improve health services and help the group obtain high quality maternal healthcare services in various facilities. Tanzania Federation of Disabled People’s Organization (SHIVYAWATA) said government intervention is needed because pregnant women with disabilities experience challenges during the labour and delivery process. They called on the government to allocate special beds for pregnant women with disabilities in hospitals and allow them to get assistance of sign language interpreters, since most healthcare professionals lack knowledge about disabilities.

5.4. Rights of the Elderly

Unlike women, children, and PWDs, there is no international human rights convention specific for the elderly. Domestically, there is also no legislation for the protection of the elderly in Mainland Tanzania, unlike in the neighbouring Zanzibar. Over half of the community members who participated in the Human Rights Survey 2021 indicated that the rights of the elderly are somewhat protected. However, interviews with other community members, including older



people themselves, revealed that the elderly face various challenges, including access to quality health services, violence, and lack of social protection.

In 2022, key issues affecting the rights of the elderly in Tanzania included different forms of violence, threatening their safety and welfare; access to health services; killings, and social protection.

Protection for the elderly

In 2022, stakeholders continued to call for enactment of the law for protection of rights of the elderly, following in the footsteps of Zanzibar. Among other things, the law should recognize the right to universal pension for older people.

Lack of adequate social protection is also a big concern for the elderly. According to HelpAge International, just 4% of older people in Tanzania receive a pension, forcing them to take on difficult tasks such as farming, which is physically too demanding to them.

In September 2022, the World Health Organization (WHO) and HelpAge International called on the government to enact a special law which to supervise and strengthen protection of older people in Tanzania and take into account all their

needs.

Access to quality health services

In 2022, the elderly continued to be disproportionately affected by challenges hindering effective enjoyment of their right to health. These challenges included lack of medical services nearby where health facilities are located far, shortage of health workers, and shortage of medicines and medical supplies.

“Older people in my community have access to free medical services. However, they are then told to go and buy medicines. This is tantamount to telling them to go and die, a very sad situation.”

**Elderly organization representative,
Morogoro**

Violence

LHRC documented at least 24 incidents of violence against the elderly, increasing from 16 documented in 2021. But it should be noted that this could just be a small fraction of the actual number of incidents reported, considering the problem of non-reporting of different forms of violence against older people.

Elderly men and women were subjected to different acts of physical, sexual,



psychological, and economic violence, including rape, beatings, neglect, being attacked with sharp objects, and being deprived of property.

Older persons are not only attacked, but also killed. LHRC documented at least eight (8) incidents of parents killed by their own children, three (3) more than those documented in 2020 and 2021 combined. For instance, in March 2022, police in Nzega District arrested Michael Jacob (25) for brutally killing his father over witchcraft allegations. In December 2022, police in Njombe arrested Otmary Wangerage (38), resident of Njombe Town, for raping an elderly woman aged 80 years.

'Older persons are the witches, responsible for killing youth in our village. When the witchdoctors tell us that that a certain older person has bewitched another person, we don't think twice in 'getting rid' of them.'

Community member (female) - Njombe DC, Njombe

5.5. Youth Rights

In Africa, like in other parts of the world, there is a specific convention for youth rights, the African Youth Charter of 2006. According to the Charter, youth or young

people refer to every person between ages 15 and 35 years.

In 2022, LHRC observed that youth are most concerned about 1. Employment 2. Quality of education 3. Health 4. Discrimination & violence 5. Participation in decision-making.

'You may find that someone has retired but then is immediately given another job, while there are university graduates with no jobs in the streets. People should not be rehired so that we can also get jobs.'

Youth – Singida MC, Singida

'I have given up on being employed, despite having the qualifications, because of sexual corruption in the job market. I am better off doing some online business, although lack of sufficient capital is a challenge.'

Youth – Arusha CC, Arusha

Generally, youth who participated in the human rights survey in 20 regions across Mainland Tanzania mentioned the following as key issues and challenges:

- Employment and economic opportunities.
- The pressure of social networking and laziness
- Knowledge about sexual and reproductive health and rights.
- Access to quality and youth-friendly



health services.

- Mental health.
- Harmful cultural practices, including FGM and child/forced marriage.
- Political participation, leadership, and decision-making.
- Quality of education.
- Vulnerability to crime, alcoholism, drugs/substance abuse, teenage pregnancy, and prostitution.
- Violence.

Youth income generating groups, which are eligible for the 4% loans granted by Local Government Authorities (LGAs) were also engaged and asked about the economic empowerment programme. They acknowledged that the programme has helped improve livelihoods, but several challenges exist, including provision of loans to unqualified groups, misuse of funds, favouritism, lack of entrepreneurship and proposal writing skills, and delays in disbursement of funds.

5.6. Rights of Other Vulnerable Groups, Including Persons Living with HIV

Other vulnerable groups include persons living with HIV (PLHIVs) and refugees. For PLHIVs in Tanzania, key human rights concerns are access to medical services,

stigma, and discrimination. Stigma and discrimination limit women and girls' access to HIV prevention, treatment and care, as well as to SRH and other services.

In August 2022, it was reported that the war against HIV/AIDS, Malaria and TB in Tanzania could be seriously affected in three years due to dwindling resources, according to a new UNAIDS Report. Stakeholders expressed concern over access to ARVs for over 1.7 million Tanzanians.

For refugees, key concerns include employment, adequate standard of living, and violence. In the Nduta Refugees Camp in Kigoma, several key issues affecting refugees were reported. One of the key issues of concern is gender-based violence, whereby it was reported that over 1,000 such incidents are reported each year. One of the common forms of violence is sexual violence against women (especially rape), perpetrated by fellow refugees as well as members of surrounding communities, including when they go to fetch firewood. Male refugees were also said to commit economic violence against female refugees, including grabbing their goods.



06



CHAPTER SIX:
HUMAN RIGHTS MECHANISMS

CHAPTER SIX: HUMAN RIGHTS MECHANISMS

Introduction

Human rights mechanisms comprise of institutions that promote and protect human rights at national, regional, and international levels.

6.1. National Human Rights Mechanisms

The national human rights mechanisms in Tanzania include the Commission for Human Rights and Good Governance (CHRAGG), the Prevention and Combating of Corruption Bureau (PCCB), the Judiciary, the National Prosecutions Service (NPS), the Tanzania Police Force (TPF), and the Tanzania Prisons Services (TPS).

Despite their efforts to promote and protect human rights in Tanzania, these mechanisms continued to be faced with various challenges, including shortage of staff; delays in investigations and disposal of cases; corruption; capacity gaps, especially

in criminal investigation; gaps in monitoring and evaluation; budgetary constraints; and poor working conditions.

6.2. Regional and International Human Rights Mechanisms

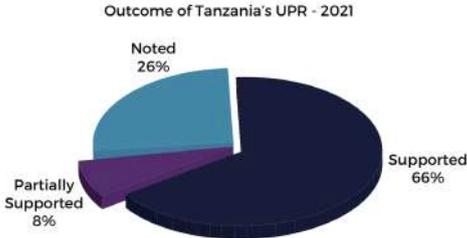
Key issues regarding regional and international human rights mechanisms in Tanzania include withdrawal of Tanzania of access of individuals and NGOs to the African Court on Human and Peoples' Rights and non-implementation of recommendations made by the mechanisms, and non-enforcement of judgements delivered by the judicial mechanisms.

Tanzania's Universal Periodic Review (UPR)

In 2021, Tanzania's human rights record was yet again examined by the UN Human Rights Council's Universal Periodic Review (UPR) Working Group. In March 2022, the Working Group released its report on the outcome of Tanzania's Universal Periodic Review,



which showed that Tanzania has accepted to implement 187 recommendations (20 with partial support) and has noted 65 recommendations. The percentage of supported recommendations increased from 43% in 2021 to 66% in 2022, while the number of noted recommendations decreased from 52% in 2021 to 26% in 2022.



*%2021 UPR Recommendations supported, partially supported, and noted by Tanzania in 2022 (N=252)
Source: Report of the Working Group on the Universal Periodic Review 2022*



07

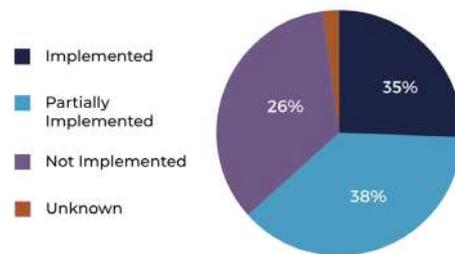


CHAPTER SEVEN:
**IMPLEMENTATION OF
RECOMMENDATIONS IN
PREVIOUS REPORTS**

CHAPTER SEVEN: IMPLEMENTATION OF RECOMMENDATIONS IN PREVIOUS REPORTS

LHRC's human rights reports provide recommendations to various government and non-government actors to improve promotion and protection of human rights in Tanzania. Implementation of recommendations is an important yardstick to measure where we are in terms of improving the situation of human rights in Tanzania.

In 2022, the percentage of implemented recommendations stood at 35%, increasing from 31% in 2021. Percentage of partially implemented recommendations also increased from 37% in 2021 to 38% in 2022, while the percentage of recommendations not implemented decreased from 29% in 2021 to 26% in 2022.



Status of implementation of THRR recommendations (2015 – 2021)

Majority of the recommendations made during this period (47%) were on civil and political rights. This is because these rights constitute the majority of human rights stipulated in international human rights instruments and are the most violated human rights compared to other categories of human rights. Recommendations on civil



and political rights also constituted the majority of recommendations which were implemented (48%) and not implemented (49%).

LHRC's Call: In order to safeguard fundamental human rights, enhance social justice, and achieve sustainable development goals (SDGs), LHRC calls upon the Government and other actors to fully implement recommendations which are not implemented and fully implement those which are partially implemented.



08



CHAPTER EIGHT:
**CONCLUSION AND KEY
RECOMMENDATIONS**

CHAPTER EIGHT: **CONCLUSION & KEY RECOMMENDATIONS**

Conclusion

Civil and Political Rights

In the year 2022, LHRC observed a lot of positives in promotion and protection of civil and political rights, including lifting of bans on media outlets, proposed lifting of ban political rallies, and plans to reform the criminal justice system. Consequently, there was an overall slight improvement in protection and promotion of civil and political rights. However, these rights continued to be the most violated in 2022, due to factors such as existence of restrictive laws and regulations, especially on freedoms of expression, assembly, and association; corruption and delays in administration of criminal justice; gender discrimination; different forms of violence, including against women, children, PWDs, and the elderly; disregard of due process of the law; arbitrary arrests and detentions; and killings.

Economic, Social and Cultural Rights

In 2022, effective realisation of economic and social rights continued to be hindered by challenges such as insufficient budget; shortage of workers, including teachers and healthcare workers; shortage of classrooms and dormitories; shortage of toilet holes; violence against children; harmful cultural practices; low social security coverage; and labour rights violations. Despite these challenges, the situation of economic, social, and cultural rights slightly improved in 2022 compared to 2021. Among the key positives were the adoption of the new Wage Order of 2022, replacing the Wage Order of 2013, and introduction of the universal health coverage (UHC) bill.

Collective Rights

During this reporting period, collective rights, particularly the right to development, were boosted by various factors, including



promises to lift the ban on political rallies and formation of multiparty democracy presidential taskforce. However, achieving human development remains a key concern. There are also challenges such as corruption, tax incentives, tax avoidance, and tax evasion, especially in the extractive sector, and environmental pollution.

Rights of Vulnerable Groups

Vulnerable groups include women, children, PWDs, youth, refugees, the elderly and PLHIVs. These are groups that are more likely to suffer human rights violations, which is why there are special protection mechanisms for them, including specific human rights instruments, save for the elderly who are yet to have a specific human rights convention. In the year 2022, incidents of violence and discrimination against vulnerable groups were widely reported and documented, significantly increasing from those reported in 2021. Sexual, physical, and economic violence continued to be a big threat to effective enjoyment of the rights of vulnerable groups.

Key Recommendations

Civil and Political Rights

1. The Tanzania Police Force to promptly

- respond to mob violence and witchcraft-related killings and ensure the perpetrators are brought to justice.
2. Being a de facto abolitionist state, the Government, through the Ministry of Constitutional and Legal Affairs, to declare a state of moratorium and improve death row conditions and prepare to abolish death penalty.
 3. The Government, through the Ministry of Constitutional and Legal Affairs, to ratify and domesticate the African Union Road Safety Charter, adopted in 2016.
 4. The Government, through the Ministry of Constitutional and Legal Affairs, to amend Media Services Act of 2016 in line with the decision/judgement of the East African Court of Justice of 2019.
 5. The Government, through the Ministry of Constitutional and Legal Affairs, to amend the Online Content Regulations 2020 to bring them in line with international human rights standards.
 6. The Commission for Human Rights and Good Governance (CHRAGG) and the Tanzania Police Force to ensure police officers at all levels are regularly trained on the UN Basic Principles on Use of Force and Firearms by Law Enforcement Officials and human rights in general, in an effort to address extrajudicial killings.
 7. The Government, through the Ministry



of Constitutional and Legal Affairs, to amend the Political Parties Act to bring it in line with international human rights standards.

8. The Government to lift ban on political rallies organized and conducted by political parties.
9. The Government, through the Ministry of Constitutional and Legal Affairs, to ratify the African Charter on Democracy Elections and Governance (ACDEG) of 2007.
10. The Government, through the Ministry of Constitutional and Legal Affairs, to make legal reforms in the criminal justice system address various challenges, including lengthy pre-trial detention. The law should clearly set the maximum limit for pretrial detention and clearly stipulate the process that should be followed in situations where such limits have been exceeded.
11. The Government, through the Ministry of Constitutional and Legal Affairs, to enact a law establishing an independent civilian police oversight body to ensure and promote accountability in law enforcement.
12. The Police Force to ensure police officers refrain from conducting arbitrary arrests and arbitrarily detaining accused persons instead of sending them to

court within a specified period of time (usually 24 hours) as required by the law, in order to promote the right to liberty.

13. The Police Force to ensure police officers refrain from fabricating cases against innocent civilians; and those responsible should be charged with malicious prosecution.
14. Tanzania Police Force to ensure bail is timely issued for all bailable offences in line with the Criminal Procedure Act. Regular checks on police officers are needed to address denial of police bail.
15. The Government, through the Ministry of Constitutional and Legal Affairs, to ratify the African Charter on Democracy Elections and Governance (ACDEG) of 2007.
16. The Government, through the Ministry of Constitutional and Legal Affairs, to take legal and administrative measures to safeguard the right to take part in governance, including allowing independent candidates and creation of an independent and inclusive electoral body.
17. The Government, through the Ministry of Constitutional and Legal Affairs, to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) to safeguard freedom



from torture.

18. Religious leaders and traditional leaders to use their platforms to speak against violations of civil rights, especially right to life, freedom of expression and freedom from torture, as a way of promoting these rights.
19. The Government, through the Ministry of Constitutional and Legal Affairs, to review the Personal Data Protection Act to address key concerns raised by stakeholders.
20. The Commission for Human Rights and Good Governance (CHRAGG) to collaborate with CSOs to raise awareness about personal data protection and the data protection law.

Economic, Social and Cultural Rights

1. The Government, through the Ministry of Finance and Planning, to increase budgetary allocation for the education, health water, and agriculture sectors in line with international standards and ensure full and timely disbursement of funds.
2. The Ministry of Education, Science and Technology to address challenges faced by teachers to ensure they work in favourable conditions, as a key measure in improving quality of education and achieving key targets under Sustainable

Development Goal (SDG) 4 and the Tanzania Development Vision 2025.

3. Members of the public to report violations of their economic, social, and cultural rights to relevant authorities.
4. The Parliament to involve all health rights stakeholders, including CSOs, in the process of adopting the universal healthcare insurance system, taking into consideration their concerns and recommendations, and employing a human rights-based approach (HRBA).
5. The Government, through the Ministry of Finance and Planning, to increase funding for the water projects, especially for rural areas, in a bid to improve accessibility and quality of water, which is essential to the Government's industrialisation drive.
6. Government, through the Prime Minister's Office Labour, Youth, Employment and Persons with Disability (PMO-LYED), to ensure effective implementation of labour laws and regulations, especially in the business sector, to safeguard labour rights of workers.
7. CSOs to collaborate with the Prime Minister's Office Labour, Employment, Youth and Persons with Disability to regularly raise public awareness about labour laws, rights and duties.
8. Members of the public to seek knowledge and access information about their



economic, social, and cultural rights, including right to own property and popular versions on laws relating to this right prepared by government and non-government actors, including CSOs.

9. The Government, through the Ministry of Lands, Housing, and Settlements Development, to intensify efforts to ensure access to adequate housing. Collaborative and multi-sectoral efforts are needed to address adequate housing challenges.
10. The Government, through the Ministry of Constitutional and Legal Affairs, to make legal reforms to safeguard women's and girls' property and adequate housing rights, including by addressing discriminatory inheritance laws.
11. CSOs to raise public awareness on food security and adequate housing, as well as key issues and challenges.
12. The Government, through the Ministry of Constitutional and Legal Affairs and Ministry of Health, to fast-track enactment of the universal health insurance law.
13. The Government, through the Ministry of Constitutional and Legal Affairs and Prime Minister's Office-Labour, Youth, Employment and Persons with Disability, to ensure social security laws are enforced and employers not remitting social security contributions are held

accountable.

Collective Rights

1. The Government, through the Ministry of Constitutional and Legal Affairs and Ministry of Investment, Industry and Trade, to employ a human rights-based approach (HRBA) to investment by ensuring investors, both local and foreign, comply with Tanzanian laws and respect human rights in their operations.
2. CSOs, including the media, to raise public awareness on collective rights, including the right to development and right to benefit from natural resources.
3. CSOs, including the media, to raise public awareness on collective rights, including the right to development and right to benefit from natural resources.
4. The Government, through the Ministry of Minerals, to address tax evasion and avoidance in the extractives sector and ensure companies which evade tax are held accountable.
5. The Government, through the Ministry of Constitutional and Legal Affairs and Ministry of Investment, Industry and Trade, to employ a human rights-based approach (HRBA) to investment by ensuring investors, both local and foreign, comply with Tanzanian laws and respect human rights in their operations,



including the right to clean and healthy environment.

6. The Government, through the National Environment Management Council, to effectively implement environmental laws and regulations to safeguard the right clean and healthy environment.
7. Companies and industries to ensure their operations are environmentally friendly and take measures to mitigate their negative impacts on the environment.

Rights of vulnerable groups

1. The Government, through the Ministry of Constitutional and Legal Affairs, to ensure enactment of a specific and comprehensive law on gender-based violence.
2. The Government, through the Ministry of Constitutional and Legal Affairs and the Ministry of Community Development, Gender, Women and Special Groups, to make legal and policy reforms to ensure cyber violence against women and children is fully incorporated into laws and policies.
3. The Government, through the Ministry of Constitution and Legal Affairs and the Law Reform Commission of Tanzania, to review, amend and repeal all discriminatory laws which continue to deprive women of their rights and which

are contrary to fundamental principles of human rights as provided for in various regional and international conventions ratified by Tanzania.

4. The Government, through the Ministry of Constitutional and Legal Affairs, to facilitate amendment of the Law of Marriage Act of 1971 in line with the Court of Appeal decision of 2019 in the Rebeca Gyumi case.
5. The Government, through the Ministry of Finance and Planning, to increase budget for implementation of the National Plan of Action to End Violence Against Women and Children (NPA-VAWC) in order to effectively address VAC and VAW, which have reached alarming levels.
6. Community members to refrain from protecting perpetrators of violence against children simply because they need 'to conceal family shame.'
7. The Government, through the Ministry of Constitutional and Legal Affairs and the Ministry of Foreign Affairs, to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa of 2018.
8. The media to report, raise public awareness, and expose incidents of violations of rights of vulnerable groups,



including PWDs, including different forms of violence.

9. The Government, through the Ministry of Constitutional and Legal Affairs, to table a bill in Parliament to propose enactment of a specific law to cater for the promotion and protection of the elderly.
10. The Government, through the Ministry of Education, Science, and Technology, to revamp the education system to improve the quality of education to better prepare youth for employment and self-employment.
11. The Government, through the Ministry of Health, to ensure persons living with HIV have access to quality health services, including access to ARVs.
12. The Government, through the Ministry of Home Affairs, to collaborate with local and international refugee rights organizations to address challenges faced by refugees in Tanzania, including combating different forms of violence within refugee camps.

Human Rights Mechanisms

1. The Government, through the Ministry of Home Affairs and the Ministry of Constitutional and Legal Affairs, to strengthen national human rights mechanisms to ensure better protection

of human rights.

2. The Government, through the Ministry of Home Affairs and the Ministry of Constitutional and Legal Affairs, to ensure adequate budget is allocated for Commission on Human Rights and Good Governance (CHRAGG) to enable it to effectively carry out its mandate as the national human rights institution.
3. CSOs to sensitize the public about different national, regional/continental and international human rights mechanisms.
4. The Government, through the Ministry of Constitutional and Legal Affairs, to re-sign the African Court Declaration to allow NGOs and individuals to access the African Court on Human and Peoples' Rights to enhance access to justice for Tanzanians.
5. The Government, through the Ministry of Constitutional and Legal Affairs, to ensure the various judgements issued by regional human rights mechanisms, particularly the African Court on Human and Peoples' Rights and the East African Court of Justice, are implemented.
6. The Government, through the Ministry of Constitutional and Legal Affairs, to implement the 187 accepted recommendations following the Universal Periodic Review (UPRC) process of 2021.





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Donate Now!



How to Donate (Airtel Money)

- 1st Step: Dial *150*60# to access your AIRTEL MONEY account.
- 2nd Step: Select 5 – Make Payments.
- 3rd Step: Select 4 – Enter Business Number.
- 4th Step: Enter business number (275454)
- 5th Step: Enter the amount you want to pay.
- 6th Step: Enter the reference number.(1234)
- 7th Step: Enter your "PIN" to confirm.



How to Donate (TigoPesa)

- 1st Step: Dial *150*01 # to access your Tigo Pesa account.
- 2nd Step: Select 4 – Pay Bills.
- 3rd Step: Select 3 – Enter Business Number.
- 4th Step: Enter business number (275454)
- 5th Step: Enter the reference number.(1234)
- 6th Step: Enter the amount you want to pay.
- 7th Step: Enter your "PIN" to confirm.



How to Donate (M-PESA)

- 1st Step: Dial *150*00# to access your MPESA account.
- 2nd Step: Select 4 – Pay By Mpesa.
- 3rd Step: Select 4 – Enter Business Number.
- 4th Step: Enter Business number (275454)
- 5th Step: Enter the reference number.(1234)
- 6th Step: Enter the amount you want to pay.
- 7th Step: Enter your "PIN" to confirm.
- 8th Step: Enter 1 to confirm the transaction

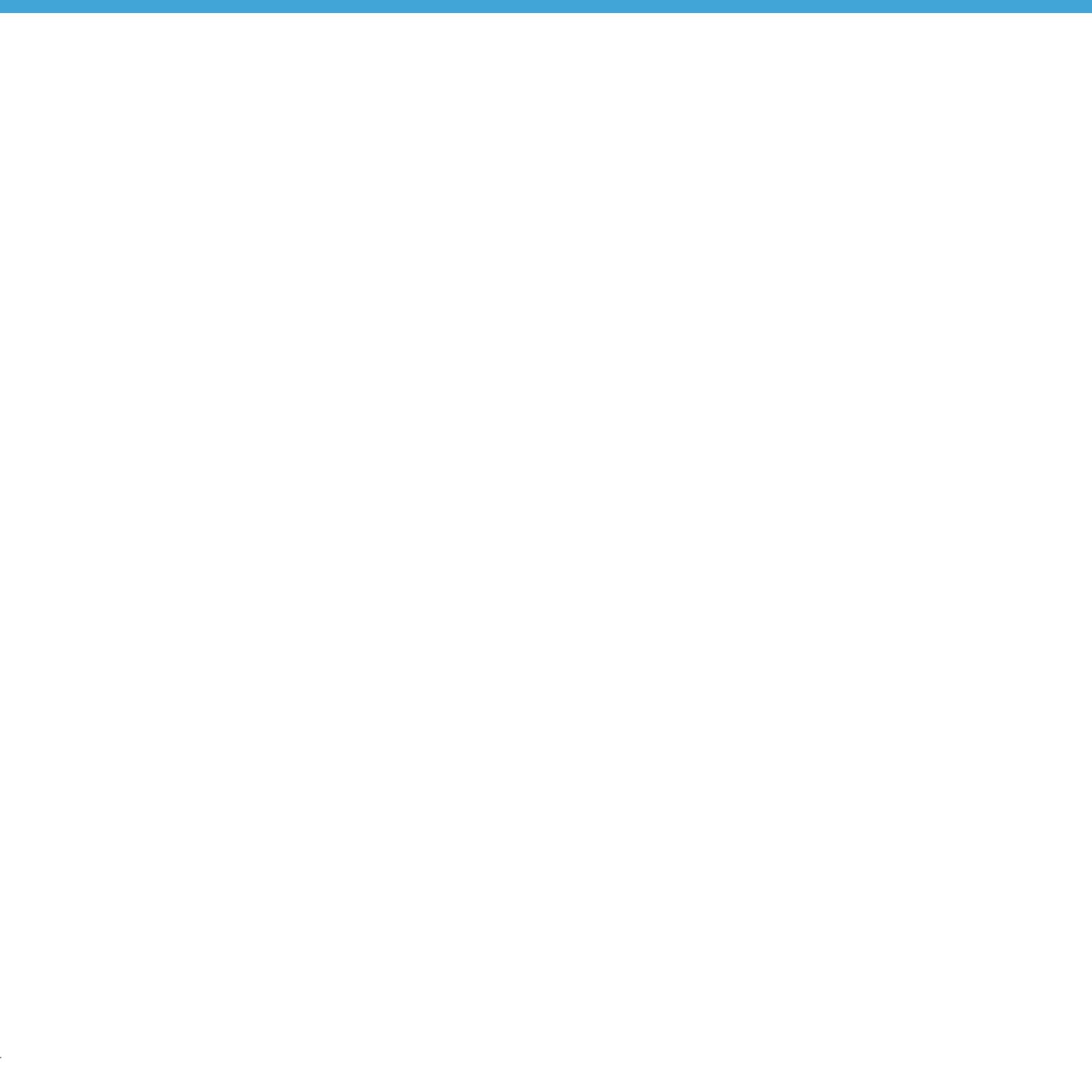


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LEGAL AND HUMAN RIGHTS CENTRE, HEADQUARTERS

Justice Lugakingira House, Kijitonyama,
P. O. Box 75254, Dar es Salaam - Tanzania

Tel: +255 22 2773038/48 **Fax:** +255 22 2773037

Email: lhrc@humanrights.or.tz **Website:** www.humanrights.or.tz

THE LEGAL AID CLINIC

Isere Street – Kinondoni, P. O. Box 79633, Dar es Salaam, Tanzania
Phone/Fax: +255 22 27612015/6 **Email:** legalaid@humanrights.or.tz

ARUSHA OFFICE,

Olerian Street, Plot No. 116/5, Sakina kwa Iddi
P. O. Box 15243, Arusha, Tanzania

Phone: +255 27 2544187 **Email:** lhrcarusha@humanrights.or.tz

DODOMA OFFICE

Plot No. Area D, P. O. Box 2289, Dodoma, Tanzania

Phone/Fax: +255 262350050 **Email:** lhrc@humanrights.or.tz

   @humanrightstz

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