



CONSTITUTION: A PILLAR FOR ACCOUNTABILITY AND RIGHTS PROTECTION

TANZANIA HUMAN RIGHTS REPORT 2023
SUMMARY - MAINLAND





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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.

MAJOR DEVELOPMENTS IN 2023

- Corruption and mismanagement, misuse, and embezzlement of public funds revealed in **CAG reports**, released in March 2023
- Amendment of the **Media Services Act, 2016**
- Release of the Report of the **Presidential Commission** on Criminal Justice
- **EAC judgement** on civil servants as returning officers
- **African Court** judgement on right to bail
- High Court judgement on political candidates running and winning unopposed
- Review and introduction of the new Education and Training Policy
- **Toto Afya Card** health insurance package removal
- Establishment of the Tanzania Network against Human Trafficking (**TANAHUT**)
- Lifting of the ban on political rallies
- Enactment of the Universal Health Coverage (**UHC**) law
- Introduction and implementation of the nationwide **Mama Samia Legal Aid Campaign**



KEY HIGHLIGHTS

1	Intimate partner homicide (IPH)	<ul style="list-style-type: none">• More reported incidents in 2023.• Caused by intimate partner violence (IPV), continued to be a serious concern.• Mostly affecting the right to life, right to health, right to personal security, and freedom from violence.• Women constituting overwhelming majority of victims (90%).• Fears of more unreported incidents.
2	Violence against women & children	<ul style="list-style-type: none">• Sexual violence against children (rape and sodomy), the biggest threat to their rights.• Physical violence against the biggest concern for women, especially among those in relationships (with a partner/husband).• Economic violence a concern for women and girls: Including denial of property and inheritance rights for women and girls; denial of education for girls and boys; denying women access to family income, especially in rural areas; and eviction of widows from marital homes, usually by in-laws.
3	Criminal justice	<ul style="list-style-type: none">• Many problems and challenges in the criminal justice chain, according to the Presidential Commission on Criminal Justice Reforms.• Use of excessive force when arresting suspects a key concern.• Immediate and concrete action, including legal reforms, needed to address key challenges, including corruption, delays in investigations and lengthy pre-trial detention.
4	Violence against the elderly	<ul style="list-style-type: none">• Elderly men and women subjected to different acts of physical, sexual, psychological, and economic violence.• Some older persons attacked and killed over witchcraft suspicion and property.• More reported incidents of violence against the elderly.



5	Access to quality health services	<ul style="list-style-type: none"> • A key concern for older people, still facing challenges getting quality health services despite the existence of free-medical services policy. • Budgetary constraints and shortage of healthcare workers among key challenges hindering effective realisation of the right to health. • Maternal healthcare challenges, including shortage of beds in labour wards and neglect by nurses. • Menstrual health and hygiene a key challenge for many women and girls, especially in rural areas. • Mental health problems driving people to commit violence and suicide.
6	Witchcraft-motivated killings	<ul style="list-style-type: none"> • Systematic and carried out by individuals or groups, including family members and close relatives. • Older people, especially women, mostly targeted, attacked, publicly humiliated, and sometimes killed. • Witchdoctors at the centre of most killings, especially through their practice of divination (popularly called ramli by the natives). • The Kamchape witchcraft eradicator in Kigoma 'exposing' witches and helping to 'hold them to account.'
7	Climate change impacts	<ul style="list-style-type: none"> • Impacted livelihoods, environment, and human rights in various ways, including floods, house and infrastructure destruction, drought, and decreased production. • Affected fundamental rights included the right to life, right to adequate standard of living (food and shelter), right to health, right to clean and safe water, right to clean and healthy environment, and right to development. • Community members' awareness of climate change and its impacts still generally low.
8	Torture	<ul style="list-style-type: none"> • Increase of reported torture incidents. • Incidents include those of Maasai in Ngorongoro District. • Child torture incidents also a key concern, as is of individuals under custody of law enforcement officers.



9	Corruption and mismanagement, misuse, and embezzlement of public funds	<ul style="list-style-type: none"> • Various flaws and gross financial irregularities in public spending, pointing to corruption and related offences, once again exposed in CAG reports. • Findings of the CAG reports reveal a serious problem of lack of accountability for individuals and institutions with regards to public funds. • Right to development the most affected right, especially the aspects of economic and social development. • Lost funds could significantly improve enjoyment of socio-economic rights.
10	Property rights	<ul style="list-style-type: none"> • Land disputes and conflicts posing threats to realisation of the right to property. • Reported violations of property rights of pastoralists, requiring legal reforms and other measures. • Customary laws the biggest barrier to women's and girls' property and inheritance rights. • Violation of elderly property rights, mostly by their own children.
11	Health insurance	<ul style="list-style-type: none"> • Introduction of universal health coverage (UHC) presenting a new hope in safeguarding the right to health.



KEY RECOMMENDATIONS

<p>Legal reforms, including in the criminal justice system</p>	<p>Laws which need to be amended to safeguard human rights in line with international human rights standards include: Cybercrimes Act, 2015; Media Services Act, 2016; Online Content Regulations, 2020; Basic Rights and Duties Enforcement Act (BRADEA); customary laws (to safeguard women’s inheritance and property rights); all electoral laws (to address gender gaps/gender equality issues and mainstream gender to enhance women’s political participation); and the Political Parties Act, to safeguard rights of political parties, especially freedoms of association and assembly.</p>
<p>Government and non-government actors and individuals to refrain from arbitrary interference with human rights, especially civil and political rights</p>	
<p>A new constitution</p>	<p>This is desirable to enhance protection of human rights in conformity with international human rights standards</p>
<p>Ratification of key human rights instruments yet to be ratified</p>	<p>These include: the African Charter on Democracy Elections and Governance (ACDEG), 2007; Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984; and the African Union Road Safety Charter, adopted in 2016.</p>
<p>Enforcement of laws, regulations, rules, and policies to safeguard human rights.</p>	
<p>Enactment of laws to protect special groups</p>	<p>This includes an elderly rights law and domestic violence/GBV law. There is also need for stakeholders, including CSOs, to continue with campaigns for introduction of the universal pension scheme for the elderly.</p>
<p>Enforcement of court judgements</p>	<p>This includes various judgements by domestic courts and regional courts which are yet to be enforced, including on death penalty, child marriage, private candidates, and challenging presidential election results in court.</p>
<p>Ensuring accountability of law enforcement officers when they violate human rights</p>	





Increasing budgetary allocations for education, health, water, and agriculture sectors in line with international minimum standards/benchmarks

Addressing challenges faced by national human rights mechanisms

Setting aside adequate resources/budget for the implementation of the National Plan of Action to End Violence Against Women and Children

Increasing public awareness on human rights issues

Addressing issues and implementing recommendations made in CAG reports, the Presidential Taskforce on Multiparty Democracy, and the Presidential Commission on Criminal Justice Reforms



01

Chapter One

INTRODUCTION

CHAPTER ONE: INTRODUCTION

1.1. Historical Overview

Prior to independence in 1961 and 1963, Tanzania (formerly Tanganyika and Zanzibar) was under the colonial rules of the Germans, British, and Arabs, largely characterized by massive human rights violations. These violations of the rights of the natives drove the two union countries, Tanganyika and Zanzibar, to push for independence. After independence, Tanzania, born in 1964 following the union of the two countries, did not make much progress towards enhancing human rights protection until in 1984 when constitutional amendments were made to incorporate the Bill of Rights into the Constitution of Tanzania. This milestone, reached five constitutions later, marked the beginning of the journey of better protection of human rights in Tanzania, paving way for the 1992 constitutional amendments to introduce multiparty democracy and proliferation of human rights advocacy NGOs in the 1990s and 2000s.

1.2. 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, whereby 96.9% of the population resides in Mainland Tanzania and 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.



61,741,120,
POPULATION

WOMEN

Five stylized female icons in purple, representing 51% of the population.
51%

MALE

Four stylized male icons in teal, representing 49% of the population.
49%



1.3. 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 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, the Prime Minister, the 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, 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.

1.4. About the Report

This is the 22nd report to be produced by LHRC since 2002. The report discusses the situation of human rights in Tanzania for the year 2023, covering both Mainland Tanzania



(Part One) and Zanzibar (Part Two). 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. The report is informed by both primary and secondary sources of data, including a survey conducted in 20 regions of Mainland Tanzania.

1.5. 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.

1.6. Overview of Human Rights Situation in 2023

Based on the assessment of human rights issues vis-à-vis international human rights standards, LHRC observed that the overall situation of human rights slightly deteriorated in 2023 compared to the previous year of 2022.

Most reported and documented human rights issues

Like it was the case in 2022, in the year 2023 the most reported and documented human rights issues were violations of civil and political rights, including freedom from violence. Different forms of violence against women, children, PWDs, and the elderly were the most reported issues and incidents. These contributed to intimate partner homicides, witchcraft-motivated killings, denial of property and inheritance rights, and physical and psychological harm. Criminal justice issues were also widely reported, debated, and discussed as many accused persons continued to languish in prisons because of deficiencies in the criminal justice system. Torture issues and incidents were also reported across Mainland Tanzania.



Most violated rights

1. Right to Life

[Mob violence; Witchcraft-motivated killings; elderly killings; IPH]

2. Freedom from Violence

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

3. Right to Equality before the Law

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

4. Right to Liberty & Personal Security

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

5. Freedom from Torture

[Torture of accused persons under custody; child torture; torture as punishment]

Other key human rights issues

Other key human rights issues for the year 2023 included mob violence, witchcraft-motivated killings, intimate partner violence (IPV) and intimate partner homicide (IPH), violations of fair trial rights (especially due to lengthy pre-trial detention), human and child trafficking, child neglect, child labour and exploitation, child marriage, privacy and personal security, FGM, health insurance, and violations of property and inheritance rights of women (including widows).

Victims of human rights violations

Based on LHRC's human rights monitoring data, children continued to constitute the majority of victims of reported and documented incidents of human rights violations (45%), followed by women (30%), elderly (12%), men (10%), and PWDs (3%).





Victims of human rights violations based on reported incidents documented by LHRC in 2023

1.7. Report Structure

Chapter 1 Introduction

Provides a short contextual overview of Tanzania and highlights report preparation, objectives, and structure

Chapter 2 Civil and 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 Special Groups

Covers rights of special 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 Recommendations

Assesses the status of implementation of the recommendations made in the previous human rights reports.



02

Chapter Two

CIVIL AND POLITICAL RIGHTS

CHAPTER TWO: CIVIL AND POLITICAL RIGHTS

Civil and political rights discussed in this chapter are the right to life, freedom of expression, freedom of association, freedom of assembly, right to equality before the law, right to effective remedy, right to liberty and personal security, right to take part in governance, freedom from torture and inhuman or degrading treatment, freedom from violence, and right to privacy.

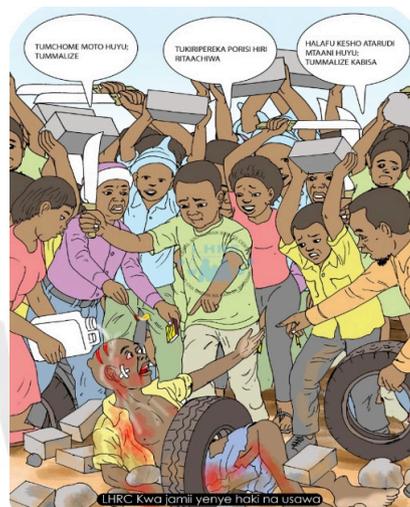
In 2023, key issues affecting enjoyment of civil and political rights included killings, press freedom violations, violence, barriers to access to justice, and criminal justice challenges.

2.1.Right to Life

In 2023, right to life in Mainland Tanzania continued to be violated and affected by issues such as mob violence, extrajudicial killings, witchcraft-motivated killings, death penalty, intimate partner homicide (IPH), disappearances, and road accidents.

Mob violence

In 2023, LHRC documented 42 incidents of mob violence, which are two more than those documented in 2022. The age of mob violence victims ranged from 15 to 40 years, most of them youth. Two of the victims were children, aged 15 and 17 years. These incidents, constitute only a small fraction of those usually documented by police. Police crime statistics indicate that more than 400 incidents of mob violence have been reported each year since 2020. A total of 461 incidents were recorded by the police in 2023.



Over **400**
incidents of mob violence
occur each year.

LHRC's View: 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 the law enforcement organs, and ignorance about criminal law, especially on the issue of bail.

LHRC's Call: 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

Extrajudicial killings occur when law enforcement officers use excessive force to deal with an accused person and cause their death. LHRC documented seven (7) incidents of extrajudicial killings in 2023, three less than those documented in 2022.

Law enforcement officers implicated in these killings were police officers and wildlife/forest officers. In one of the incidents that occurred in Dar es Salaam in November 2023, two police officers reportedly shot and killed a bar security guard in Kinondoni District. In another incident, reported in Mara Region in March 2023, a police officer in Tarime District was reportedly arrested for shooting to death a bodaboda driver, Ng'ondi Marwa Masiaga (22), resident of Kubiterere Village.



*A police statement on arrest of a police officer
accused of killing a man in Tarime District*





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Number of incidents of extrajudicial killings documented by LHRC from 2017 to 2023, mostly perpetrated by police officers, game wardens, and members of the people's militia (mgambo).

LHRC's call: Law enforcement officers, including police officers, to refrain from using excessive force when apprehending criminal suspects and when such suspects are under their custody. An independent civilian police oversight body is also desirable to investigate incidents or allegations of extrajudicial killings.

Violence against law enforcement officers

LHRC also documented one incident of violence against law enforcement officers, reported in Geita Region. In April 2023, an angry mob in Chato District raided a police station and burned it after accusing police officers at the station of causing the death of 34-year-old Enos Msalamba, resident of Mganza Village, who was under police custody for allegedly stealing a car battery.

LHRC's Call: Community members must refrain from attacking law enforcement officials, as this behaviour is illegal and violates their rights as human beings.

Witchcraft-Motivated Killings and Violence against Persons with Albinism

Witchcraft-motivated killings

Witchcraft-motivated killings, especially of so called 'witches,' continued to be a big threat to right to life in 2023. This situation is mainly fueled by belief in witchcraft, which remains pervasive throughout Mainland Tanzania. LHRC documented 12 incidents of witchcraft-motivated killings, five less than those documented in 2022. Women, including elderly women, constituted the majority of victims (75%). In one of the incidents, reported in February, police in Geita arrested a man, Juma Charles, and his wife, Joyce Julius, for killing the husband's mother, Butamo Igonzelo (70), after accusing her of bewitching and killing their child a week earlier.

In Kigoma, it was reported that there was a witchdoctor, popularly known as Kamchape, who was helping communities exposing witches, and helping them fight back against people who were bewitching them.





A vigilante group formed to search for and 'hold to account' those implicated by the Kamchape reportedly killed four people accused of witchcraft.

Incidents documented by LHRC represent only a small fraction of those usually recorded by the police. Police crime statistics indicate that more than 100 incidents of witchcraft-motivated killings have been reported each year since 2019.

LHRC's View: It has been observed that 'witchdoctors' are at the centre of most witchcraft-motivated killings, especially through their practice of divination (popularly called ramli by the natives), whereby they read 'divining boards' and identify witches. The Witchcraft Act is also not helping the situation, is outdated, and should be repealed.

LHRC's call: The Government and other stakeholders, including CSOs, to educate the public about witchcraft beliefs and killings. Those who commit violence due to belief in witchcraft should also be prosecuted to the full extent of the law.

Violence against PWAs

Attacks and killings of persons with albinism (PWAs) in Tanzania and other parts of Africa

is heavily linked to witchcraft, whereby it is believed that an organ or body part of a PWA can be used by a witchdoctor to create a potion or charm to make someone rich or successful in their endeavours.

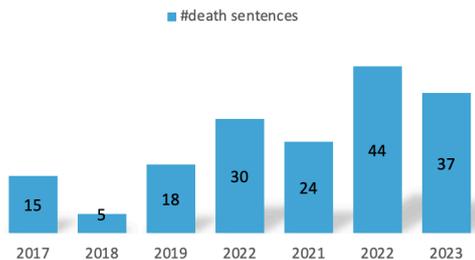
In 2023, LHRC did not document any incident of attack or killing of PWAs for their body parts. However, PWAs continued to live in fear and renewed collaborative efforts are needed to protect them so that they can enjoy their human rights equally with others.

Death Penalty

Death penalty violates the right to life and amounts to a cruel, degrading, and inhuman punishment. However, it continues to be part of the penal laws in Tanzania. Nevertheless, there have been no executions in the country since 1994, nearly 30 years ago, under the administration of the late H.E. President Ali Hassan Mwinyi.

In 2023, LHRC documented 37 reported death sentences imposed by the High Court, whereby nearly all the convicts (94%) were male. Mandatory death penalty also continues to exist, contrary to international human rights standards.





#Death sentences documented by LHRC – 2017 to 2023



A front-page story of former Prime Minister calling for abolition of death penalty (Mwananchi Newspaper)

Recommendations by the Criminal Justice Reforms Commission

- The Penal Code, Chapter 16, to be amended to make death penalty not the only punishment for murder.
- Death sentence to be commuted to life imprisonment if the President does not authorize execution within a period of three years.

LHRC’s View: LHRC advocates for abolition of death penalty for several reasons, including the penalty being cruel and the fact that worldwide, innocent people have too often been sentenced to death and such penalty is irreversible. Death penalty has also failed to achieve its main objective of deterring crime, which is why more than 70% of the world’s countries have abolished capital punishment in law or practice.

LHRC’s Call: Being an abolitionist state in practice, Tanzania should join a global movement against death penalty and abolish it altogether.

Intimate Partner Homicide

Intimate partner homicide (IPH) is an extreme outcome of intimate partner violence (IPV), which is a big problem in Tanzania, especially for women who are



married or in relationships. In 2023, LHRC documented 50 incidents of IPH, whereby 45 of the victims (90%) were female, and 5(10%) were male. The number of incidents is 17 more than those documented in 2022. The 50 incidents documented in 2023 takes the number of incidents documented by LHRC since 2019 to 162. LHRC fears that a lot more incidents may have gone unreported.

Half of the incidents were reported in the Northern Zone, especially in Kilimanjaro Region, and Lake Zone, while the remaining half were reported in other zones. 46% of the incidents were motivated by jealousy. Other reasons include one partner not wanting to be with another (especially for women), marital dispute, and property dispute.

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 incidents. 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, including awareness-raising strategies. 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 2023, there were still no answers from the State regarding disappearances of various people in the past seven years, including that of a journalist, Azory Gwanda, who disappeared under mysterious circumstances in Pwani Region in November 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.

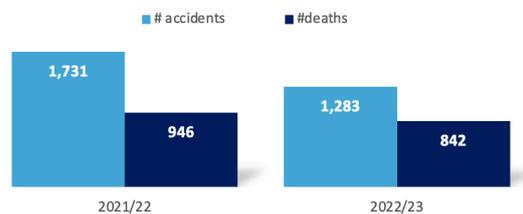
Road accidents

Road accidents become a human rights issue when negligence is involved in terms of driving of vehicles and quality of roads. Police assessment of road accidents has shown that over two thirds of road accidents



occur because of human error. Despite the progress in reduction of road accidents, over 500 people continue to lose their lives each year because of road accidents, majority of them caused by negligence, especially over speeding, reckless driving, drink-driving, driving defective vehicles, and brake failure. Such accidents not only affect the right to life, but also other fundamental human rights, including right to work, right to health, right to adequate standard of living, and right to family.

Road accidents decreased from 1,731 incidents in 2021/22 to 1,283 in the period of July 2022 to May 2023, equivalent to a 25.9% decline. The number of deaths also declined by 11%, from 946 in 2021/22 to 842 in 2022/23.



#Road accidents and resulting deaths in Tanzania, 2021/22 & 2022/23

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 permanent disability, creating a huge impact on the community and the national development. 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.

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. Proper implementation of road use and safety laws, including the Road Traffic Act, is also important in preventing and further reducing road accidents in Tanzania.

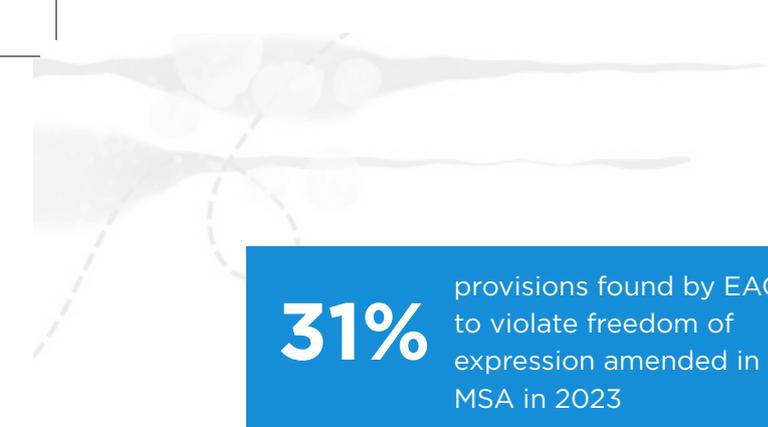
2.2. Freedom of Expression

Key freedom of expression issues and violations in Mainland Tanzania included partial amendments to the Media Services Act (MSA) and attacks of journalists.

Positive amendments in the MSA include:

- Reducing punishments for contravening various provisions of the law, touching on both fines and jail terms; and
- Removing powers of the Director of Information Services Department





31%

provisions found by EACJ to violate freedom of expression amended in MSA in 2023

of coordinating government advertisements, which shall increase the chances of private media outlets securing the advertisements and increase income.

While media freedom stakeholders, including LHRC, welcomed the amendment of the Media Services Act (MSA) of 2016, they were concerned that it was only partially amended, contrary to the judgement of the East African Court of Justice (EACJ) of 2019. Other laws such as the Cybercrimes Act of 2015 and the Online Content Regulations of 2020 also continued to arbitrarily restrict online freedom of expression.

Restrictive provisions in freedom of expression laws also limit access to information. Women, in both urban and rural areas, are disproportionately affected by limited access to information, making it more difficult for them to hear about and take advantage of opportunities and make informed choices. Access to information is also fundamental for women's

empowerment.

While journalists acknowledge and are happy with the improved media landscape under the President Samia administration, they 'underscored that the freedom of the media in Tanzania could not be ensured until the laws are changed.' Fewer incidents of attacks or harassment of journalists have also been reported in recent years. In 2023, LHRC documented two incidents of attacks of journalists, reported in Dar es Salaam and Arusha Regions.

Challenges in the media sector saw Tanzania drop 20 places, from 123rd in 2022 to 143rd in 2023, in the World Press Freedom Index, prepared by Reporters Without Borders (RSF). The main reason for this is lack of concrete action to amend media freedom laws, to bring them fully in line with international standards.

LHRC's Call: The Government and the Parliament to cause amendment of other restrictive provisions within laws governing freedom of expression to bring them in line with international standards and better safeguard freedom of expression.

2.3.Freedoms of Assembly and Association



Key freedoms of assembly and association issues and violations in Mainland Tanzania in 2023 included official lifting of ban on political rallies and arbitrary denial of holding rallies. Stakeholders lauded the move by the Government to lift the ban, imposed in 2016, but called for amendment of laws, including the Political Parties Act and Police Force and Auxiliary Services Act (Cap 322).

LHRC documented three reported complaints or incidents of arbitrary restriction on freedoms of assembly and association, including holding rallies.

LHRC's View: Over the years, LHRC and other human rights stakeholders have been making repeated calls for the laws governing freedoms of assembly and association to be reviewed and brought in line with international standards on freedoms of assembly and association. However, the laws are yet to be amended to safeguard these fundamental rights, with the exception of the Political Parties Act, which was partially amended in 2023.

LHRC's Call: The Government to take measures to review and fully 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

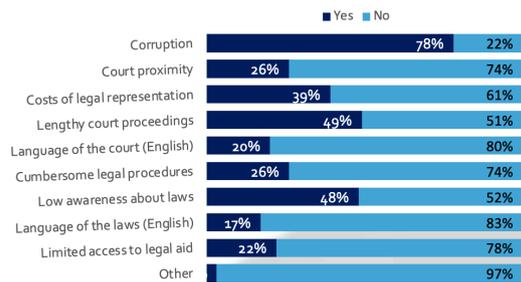
Key issues and violations affecting the rights to equality before the law and effective remedy in Mainland Tanzania included government action to improve access to justice; barriers to access to justice; criminal justice challenges, including right to fair trial violations; and juvenile justice.

Government action to enhance access to justice

In 2023, the Government and the Judiciary continued to take various measures to improve access to justice, including provision of court services; legal aid provision; construction and renovation of court buildings; and translation of laws into Swahili. One of the key highlights was introduction and implementation of the nationwide Mama Samia Legal Aid Campaign, coordinated by the Ministry of Constitution and Legal Affairs.

Barriers to access to justice

Community members reached by LHRC's survey mentioned corruption as the biggest barrier to access to justice, at 78%, followed by lengthy court proceedings (49%), low awareness about laws (48%), and costs of legal representation (39%). Low awareness about laws, and even rights, was also mentioned as a challenge in accessing and obtaining justice in all surveyed regions.



%Responses on key barriers to access to justice

‘Corruption is the biggest barrier to access to justice here in Moshi. I cannot think of anything else.’

Paralegal - Moshi, Kilimanjaro

The role of paralegals in legal aid provision at grassroots level cannot be underestimated and is appreciated by community members. Majority of community members engaged by LHRC in 2023 indicated general satisfaction with the legal aid services provided by paralegals, as nearly two thirds (61%) said they were very satisfied (20%) and satisfied (41%). However, lack of adequate funding for paralegals and other legal aid providers is a big challenge for sustainability of paralegal legal aid services.

‘Paralegals have helped a lot to enhance access to justice in the community through provision of legal aid services.’

Legal Officer- Morogoro

Criminal justice challenges

Following repeated calls for reform of Tanzania’s criminal justice system in recent years, in July 2022 H.E President Samia Suluhu Hassan formed a 12-member commission, led by the Former Chief Justice, Hon. Mohamed Othman Chande, to probe into the performance of criminal justice institutions and how the criminal justice system can be improved to enhance access to justice. In July 2023, the presidential commission released its report, showing probe findings and recommendations.

The commission has found that there are many problems and challenges in the criminal justice chain, from crime prevention; crime detection and reporting; investigation and manner of arrest of suspects; prosecution; adjudication and sentencing; imprisonment of convicted persons; and life of released prisoners upon re-entry into society (social reintegration of offenders).

-Criminal Justice Presidential Commission Report 2023, pg. 1



- According to the commission, criminal justice institutions with arresting powers were said to usually use excessive force when arresting suspects, causing them pain and suffering.
- Citizens have complained about existence of many institutions with arresting powers, making it difficult to know who is holding their loved ones and where, and increasing chances of accused persons ‘disappearing’ while under custody.

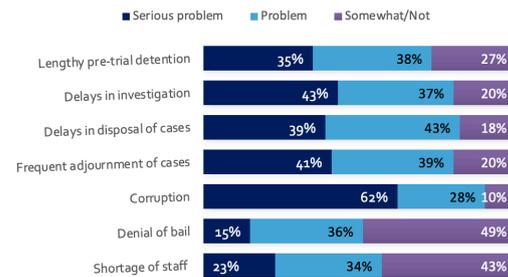
LHRC’s View: The Presidential Commission on Criminal Justice Reforms has done a commendable job of assessing key challenges in the criminal justice system and provide relevant recommendations.

LHRC’s Call: The Government, through the Ministry of Constitutional and Legal Affairs, the Ministry of Home Affairs, and justice institutions, to take immediate measures to implement recommendations made in the Commission’s report, and consider other key recommendations provided by stakeholders not taken on board by the Commission.

Community perceptions on criminal justice challenges

Corruption was identified as a serious problem by the majority of community

members engaged by LHRC in 2023, nearly two thirds (62%), followed by delays in investigations (43%), frequent adjournment of cases (41%), delays in disposal of cases (39%), and lengthy pre-trial detention (35%).



%Responses on seriousness of criminal justice problems

‘A relative of mine is in remand prison for three months now because we are told the investigation is not complete, and there is nothing I can do to help him get justice.’

Community member – Tanga Urban, Tanga

Other criminal justice issues and challenges include lack of an institution responsible for coordinating safety and security of informants or whistleblowers and witnesses; justice institutions operating in a militarised manner instead of service provision; lack of private investigation; lack of adequate



protection for accused persons in the plea-bargaining process; torture while under custody; overreliance on confession; denial of bail for bailable offences; and accused persons not being brought to court promptly.

'I attempted to bail out my husband and even offered money to a police officer, but he refused, saying he wanted 'something else,' not money. So, I had to agree to what he wanted, gave him my number, and eventually I managed to get my husband out.'

Community member – Kigoma MC, Kigoma

Juvenile justice

One of the key challenges in administration of juvenile justice in Tanzania is mixing juvenile offenders with adults in detention facilities, including prisons. In 2023, LHRC observed during prison visits that some juvenile offenders were mixed with adult offenders, including at Segerea Prison in Dar es Salaam. Other challenges include shortage of detention facilities, approved schools, and juvenile courts; and inadequate support for Social Welfare Officers (SWOs), who play a crucial role in administration of juvenile justice. Shortage of SWOs is also a challenge in administration of juvenile justice.

According to the Law Reform Commission of Tanzania (LRCT), mixing juvenile offenders with adults puts them in the danger of becoming hardened criminals and jeopardizes their lives. As recommended by the Presidential Criminal Justice Reform Commission in 2023, there is need for construction of more juvenile detention facilities and approved schools to avoid mixing children in conflict with the law with adults in detention facilities.

LHRC's View & Call: There is need to review and amend juvenile justice laws, including the Law of the Child Act of 2009. Other measures recommended by the LRCT should also be taken to improve juvenile justice.

2.5. Right to Liberty and Personal Security

Key right to liberty and personal security issues and violations in Mainland Tanzania in 2023 included arbitrary arrest and detention; denial of bail; trumped-up charges; and human trafficking.

Increase of crime a concern for safety and security

Reported incidents of major crimes increased from 43,771 in the period of July 2021 to May 2022 to 45,455 from July 2022



to May 2023. Contributing factors included people taking the law into their hands, jealousy, belief in witchcraft, and land and inheritance disputes. Reported threats to personal safety and security included brutal killings and acts of violence, including GBV.

Digital safety and security

Digital insecurity also continued to pose a threat to personal safety and security. Women and children were found to be more vulnerable to digital attacks, which are more prevalent in urban areas.

Arbitrary arrest and detention

LHRC documented 51 incidents of arbitrary arrest and detention, 39 more than those documented in 2022. Majority of them were reported in Ngorongoro District. LHRC also documented nine reported cases of trumped-up charges, but fears more incidents go unreported.

‘We have discovered that suspects are being detained for a long time in police cells without being taken to court, which is contrary to the law’.

Former CJ, Mohamed Othman Chande – Chairperson of the Criminal Justice Reforms Commission – July 2023

Denial of bail

Complaints about denial of bail continued to be widely made and reported in 2023. LHRC

documented 21 incidents and complaints of denial of bail, all of them police bail, three more than those documented in 2022.

The debate about bail for some non-bailable offences and powers of granting and denying bail for such offences also continued in 2023. The Presidential Commission on Criminal Justice Reforms recommended amendment of the Economic and Organized Crime Control Act (CAP 200) and the Criminal Procedure Act (CAP 20) to grant the court power to deny or grant bail. It also recommended enactment of the Bail Act, a standalone legislation on bail.

Additionally, in 2023, the African Court on Human and People’s Rights delivered its judgment on a case filed by LHRC and the Tanzania Human Rights Defenders Coalition (THRDC), challenging Section 148(5) of the Criminal Procedure Act Cap. 20 (CPA), whereby the Court found the provision to be in violation of various provisions of the African Charter on Human and Peoples’ Rights by denying the accused person rights such as the right to be presumed innocent, the right to a fair hearing, and the right to be heard.

LHRC’s View & Call: LHRC maintains its position on bail, that all offences should be bailable. An automatic denial of bail for ‘non-



bailable offences' contravenes international human rights standards. In light of various existing challenges in our criminal justice system, LHRC believes that the High Court should be granted mandate to decide if bail should be granted or denied on a case-by-case basis.

Human trafficking

Human trafficking continued to be a threat to right to liberty and personal security as well as other fundamental human rights. LHRC documented 15 incidents of human trafficking, mostly of children, three more than those documented in 2022. In May 2023, the Ministry of Home Affairs told the Parliament that a total of 190 victims of human trafficking, 184 of them Tanzanians, had been rescued by the ministry in collaboration with stakeholders in the period of July 2022 to May 2023.

LHRC's Call: The Government, especially through the Ministry of Home Affairs, to collaborate with other stakeholders to strengthen anti-human trafficking measures. Public awareness on human trafficking is also needed and very important.

2.6. Right to Take Part in Governance

In 2023, key right to take part in governance issues included gaps in governing laws,

amendments to electoral and political party laws and court judgements on MPs running unopposed. Key gaps, including gender gaps, in the Constitution and other laws such as the Political Parties Act and the National Elections Act, are yet to be addressed ahead of the 2024 and 2025 elections. In November 2023, three bills were tabled in Parliament for first reading, namely the Presidential, Parliamentary and Local Government Elections Bill; the Political Parties Affairs Laws (Amendment) Bill; and the National Electoral Commission (NEC) Bill. Stakeholder analysis showed that the proposed amendments to the Political Parties Act were inadequate and do not change the Act in any major way. The proposed amendments to the Political Parties Act have left out other key recommendations proposed by the Report of the Presidential Taskforce on Multiparty Democracy.

In March 2023, the High Court delivered its judgement in the case regarding provisions of the National Elections Act and the Local Government (Elections) Act which allow unopposed candidates for member of parliament and councillorship seats. The court ruled that the provisions are unconstitutional, and therefore null and void for offending the provision of Article 21(1) and (2) of the Constitution.



Civic and Voter Education

Another key governance issue ahead of the elections of 2024 and 2025 is civic and voter education. The National Electoral Commission (NEC) should ensure this type of education is provided to community members as soon as possible. This is important to ensure all groups in the community, mainly men, women, youth, the elderly, and persons with disabilities (PWDs), understand their rights, the political system, and the electoral cycle, as provided for under the Constitution of the United Republic of Tanzania of 1977 and other electoral laws, and guaranteed under international and regional human rights instruments. It is also important for these groups to understand the specifics and mechanics of the voting process. The education provided should be gender-sensitive and provided using different platforms, depending on the audience and issues such as literacy and access to information. CSOs have an important role to play in provision of civic and voter education and should therefore seek relevant permissions to start providing such education well before the elections.

2.7. Freedom from Torture and Inhuman or Degrading Treatment

In 2023, incidents and complaints about torture were widely reported across Mainland Tanzania. LHRC documented 57 such incidents, increasing from 44 in 2022. These incidents included child torture and torture of accused persons under custody of law enforcement officers.

2.8. Freedom from Violence

Some members of different groups, including women, children, men, PWDs, and the elderly were subjected to different acts of physical, sexual, economic, and psychological violence. Majority of the victims of violence were children, followed by women.

LHRC documented 27 incidents of violence against men (VAM), increasing from 9 incidents documented in 2022. Twelve of these incidents were reported in Rukwa and seven in Kilimanjaro. Men are less likely to report violence due to shame, caused by patriarchal perceptions.





A man with disability who was attacked by his wife in Dodoma

Official police statistics indicate that a total of 35,013 VAM cases were reported in the period of 2019 to 2021, averaging 11,671 incidents per year and 973 per month. The 2022 demographic and health survey found that 2% of women aged 15-49 who have ever had a husband or intimate partner initiated physical violence against their husband or intimate partner when he was not already beating or physically hurting them. The highest percentage of women who committed physical violence against their husbands or intimate partner in Mainland Tanzania was in Njombe (7%).

2.9. Right to Privacy

The personal data protection law, enacted in 2022, was a welcome development in terms of protecting privacy but needs to be amended to bring it in line with international human rights standards. In 2023, one of the key issues which raised concern over enjoyment of the right to privacy was imposition of a ban on the use of Virtual Private Networks (VPN) without a permit by the Tanzania Communications Regulatory Authority (TCRA) in October 2023, a decision which has far-reaching implications for the digital rights and freedoms of Tanzanian citizens.



03

Chapter Three

**ECONOMIC, SOCIAL, AND
CULTURAL RIGHTS**

CHAPTER THREE: ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Key issues affecting enjoyment of social, economic, and cultural rights included budgetary constraints; delays in disbursement of funds; poor working conditions; unemployment; shortages of workers; shortages of equipment, tools, and facilities; labour rights violations; and different forms of violence, especially against children, women, and PWDs.

3.1. Right to Education

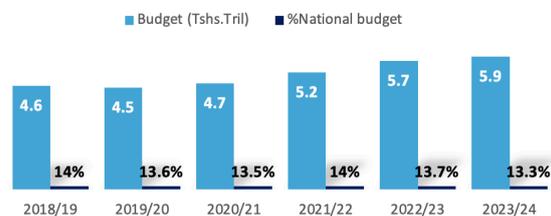
Government action

The Government continued to take various measures to ensure progressive realisation of the right to education, including implementation of the fee-free education policy. In 2023, the Government also continued reviewing the Education and Training Policy of 2014. However, various challenges persisted, key among them budgetary constraints and shortages of teachers, teacher houses, classrooms, and toilet holes.

Budgetary constraints

Budget for the education sector increased

for the financial year 2023/24, but still fell short of the 20% of the national budget standard. Budget for implementation of fee-free education is also inadequate. All these factors continued to affect the education quality in 2023.



Budget allocation for the education sector for the financial years 2018/19 to 2023/24 and percentages of national budgets

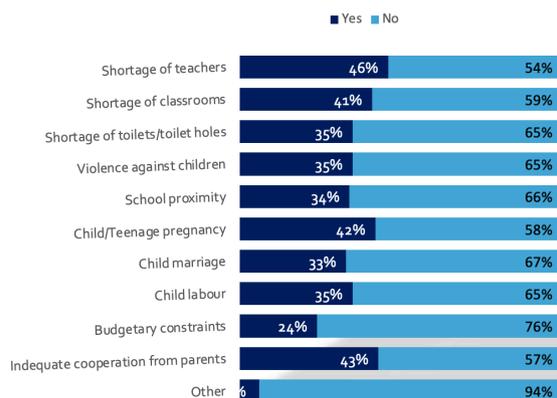
In 2023, education stakeholders were also critical of the budget allocated for implementation of the fee-free education policy, noting that the amounts set for primary and secondary school students were insufficient to meet the needs of educational institutions.



LHRC's View & Call: To significantly improve the quality of education, there is need for a substantial investment in the education sector, including in infrastructure, and Tanzania needs to allocate at least 20% of its national budget on education.

Community perception on key educational challenges

Community members who participated in LHRC's human rights survey in 2023 identified shortage of teachers (46%) as the leading issue affecting effective realization of the right to education, followed by inadequate cooperation from parents (43%), child/teenage pregnancy (42%), and shortage of classrooms (41%).



%Responses on community perception of key issues affecting the right to education

Shortage of teachers is a bigger concern in primary education and is contributed by increased enrollment following the introduction of the fee-free education. Shortage of special education teachers is also a problem in terms of advancing inclusive education.

Shortage of toilets/toilet holes, especially in primary schools; school proximity; violence against children; child labour; and child marriage were also said to be key challenges by a third of the respondents (33 to 35%). These challenges contribute to school dropout, which is currently most prevalent in Geita, Mwanza, Tabora, Kagera, Simiyu, and Dodoma. Boys and girls drop out of school for different reasons, including getting married and working.

'Most girls drop out of school to go and get married, while for boys they drop out to engage in agricultural and livestock keeping activities, especially in rural areas.'

Paralegal – Tabora

Lack of parental cooperation

Nearly two thirds (62%) of interviewed community members said they have ever heard about incidents of parents telling their children to deliberately fail their national examinations. LHRC documented such reports from Pwani, Njombe, Mbeya,



Dodoma, Mtwara, and Tabora Regions. Reasons include child marriage, child labour, parents lacking educational background, fear of 'wasting' their money, poor performance of schools in national examinations, and parents avoiding further educational costs should their children pass their national examinations.

'It's true that some parents persuade their children to fail their exams for different reasons, including marriage and work. They usually claim that they have no more money to facilitate their children's education.'

Paralegal – Mtwara

Menstrual hygiene

Menstrual hygiene problems also affect girls' right to education, contributed by lack of sanitary pads, limited access to clean and safe water, dirty toilets, and lack of changing rooms for girls. Girls in rural areas are disproportionately affected.

'Most of us don't come to school during menstruation because when you come you are not comfortable. We often use pieces of clothing as pads, which are not very useful and sometimes cause you embarrassment in front of men.'

A form three girl – Kigoma

Violence against children

Some school children experience physical violence, especially severe corporal punishment; sexual violence, including sexual VAC perpetrated by teachers; psychological violence, including going to school on empty stomach; and economic violence, including denial of education for girls 'because they shall get married.' Children residing far from school and having to walk long distances to get there are at bigger risk of being subjected to different forms of violence, especially sexual violence.

Child pregnancy and marriage

Child/teenage pregnancy and child marriage hinder girls from effectively realizing their right to education. In 2023, girls in different parts of Mainland Tanzania dropped out of school because of child pregnancy and child marriage. LHRC documented 14 incidents of child marriage in 2023, two less than those documented in 2022. It also documented 2,953 child pregnancy incidents reported in various regions across Mainland Tanzania.

- Some parents, especially in rural areas, tell their daughters to fail or drop out of school to get married.
- Harmful cultural practices and poverty were said to be key drivers of child marriage.
- In 2023, some girls were not only



impregnated but also infected with STDs, including HIV/AIDS.

Other challenges

Other reported education-related challenges in 2023 included truancy, child trafficking, difficult working environment for teachers, and school re-entry for pregnant girls and teen mothers.

- Truancy accounts for over 90% of dropout cases. It is contributed by menstrual hygiene problems, long distance to school, and inadequate cooperation from parents, especially in rural areas.
- In 2023, education stakeholders recommended legal reforms to be made to incorporate provisions on re-entry for pregnant girls and teen mothers in education laws, following introduction of re-entry guidelines. They also stated that most teen mothers were struggling to return to school due to various challenges, including lack of family support, and needing help to re-adjust.

GBV and human rights in education curricula

In 2023, various stakeholders proposed for education about gender-based violence (GBV) and human rights to be incorporated into the education curricula in Tanzania.



50% Worker shortage in the health sector.

3.2. Right to Health

Key right to health issues and violations in Mainland Tanzania included budgetary constraints; shortage of healthcare workers; mental health problems; shortages of equipment, medicines, and medical supplies; and maternal health challenges.

Government action

The Government continued to take various measures to ensure progressive realisation of the right to health, including employing more health workers, procurement of essential medicines and supplies, and construction of health facilities and buildings.

Budget allocation

Budget allocated for the health sector increased for the financial year 2023/24, but still fell significantly short of the 15% of national budget standard, as it was equivalent to only 5.4% of the national budget.

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.

Health insurance

The Universal health coverage (UHC) law was finally enacted in 2023, a key milestone in safeguarding the right to health. However, removal of the Toto Afya Card health insurance package brought key concerns for children's access to health services.

Maternal health services

Women's right to quality maternal healthcare continued to be affected by various issues and challenges in the health sector, especially in public hospitals, including long distance to health facilities; shortage of medicines and medical supplies; shortage of health workers, including nurses; and acts of violence perpetrated against them. These challenges contribute to maternal mortality. In 2023, LHRC also documented reports of pregnant women being made to pay for delivery services, which are supposed to be provided free of charge, according to government policy. poli

Nearly 80 maternal deaths occur each month.

Shortage of beds

Shortage of beds in labour wards, especially in public health facilities, was widely reported in 2023, causing pregnant women to share beds. Two to three women reportedly shared beds at some hospitals in regions such as Dar es Salaam and Pwani.

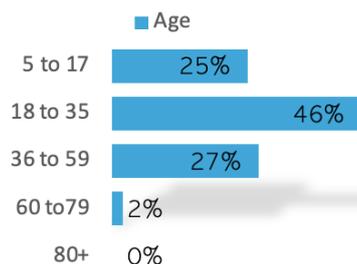
Menstrual health and hygiene

Menstrual health and hygiene is still a challenge for many women and girls across the country, especially in rural areas. Access to sanitary pads is particularly a key concern. Most used pad among women aged 15-49 is cloth (53%), followed by disposable pads (37%). Women in rural areas (63%) more likely to use cloth than those in urban areas (37%).

Mental health and suicide

Mental health also continued to be a key challenge, especially among youth, driving some of the people to commit suicide. LHRC documented 57 incidents of suicide, 22 more than those documented in 2022. Among the victims, 79% were male and a quarter were children. Majority of the victims (46%) were youth (18 to 35 years).





%Suicide incidents documented by LHRC by age

Suicide victims had different background, including civil service, law enforcement, business, farming, and teaching. Analysis of the reported incidents indicated that people committed suicide for various reasons, including causing an accident, debts, abandonment, lack of school fees, imitating scenes from a movie, sickness, incurring loss, relationship breakup, parental discipline, extra-marital affair, jealousy, job suspension, and economic hardships.

3.3.Right to Clean and Safe Water

Despite the efforts to increase access to water, right to clean and safe water continued to be affected and hindered by several key issues and challenges, including budgetary constraints; water leakages and loss; lack of or limited access to clean water in some areas; and climate change impacts. While trends show the budget for the water sector

has been slightly increasing since 2021/22, the funds remain short of the recommended 5.5% of the national budget benchmark, as well as other standards. Human activities were said to contaminate water sources in different parts of the country. Climate change caused delays in rainfall, drought, and floods, which contributed to drying up of water sources, damage of water infrastructure, and water rationing.

3.4.Right to Work

Key right to work issues and challenges included labour rights violations, poor working environment, and low awareness about labour laws and rights. In 2023, LHRC received 2,653 new labour rights violations complaints, of which 624 were filed by women (24%) and 2,029 by men (76%). The overwhelming majority of the complaints (54%) were of unfair termination, followed by benefits (29%). Systemic violations of the rights of workers remained a key challenge in Tanzania.

Violations of labour rights of domestic workers were also widely reported in 2023, including non-payment of wages and paying of wages below the minimum wages. In Mwanza, some of the domestic workers and their leaders from six regions complained about some employers paying domestic



workers below minimum wages despite the Wage Order of 2022 introducing new minimum wages, starting from Tshs. 60,000.

Other labour rights violations included workplace violence, discrimination of persons with disabilities (PWDs) in the job market, non-remittance of social security contributions, and delayed salaries and benefits.

- In 2023, workplace violence continued to be a concern, especially for female workers in the private sector.
- PWDs continued to lament discrimination in the job market. Additionally, non-remittance of social security contributions continued to violate labour rights.
- In June 2023, the National Social Security Fund (NSSF) revealed that there were 350 cases against employers for non-remittance of social security contributions in different parts of the country.
- Delays in payment of salaries and allowances were reported in 2023, including among teachers and domestic workers.

3.5. Right to Own Property

Key right to own property issues and violations in Mainland Tanzania included

land conflicts/disputes and property grabbing from women and elderly people. Land disputes and conflicts were found to be a top challenge facing pastoralists across Mainland Tanzania. Pastoralists expressed huge concerns over violations of their property rights, especially confiscation and auctioning of livestock as a way of penalizing pastoralists for their livestock entering national parks and other protected areas. They recommended legal reforms to address this challenge to the Presidential Criminal Justice Reforms Commission.

In 2023, LHRC documented land disputes reported in Shinyanga, Mbeya, Kigoma, Arusha, Lindi, Mwanza, Dodoma, Manyara, Singida, and Tanga Regions. Some land disputes reportedly led to death and property destruction. Land disputes between farmers and pastoralists were particularly deadly, as has been the case in the past.

LHRC's legal aid clinics in Dar es Salaam, Arusha, and Dodoma received a total of 12,205 land rights violations complaints, of which, 4,225 (35%) were filed by women and 7,980 (65%) by men. The overwhelming majority of the land disputes (98%) related to land ownership.

LHRC also documented 15 incidents of



eviction of widows from their properties. There were also reports of some older people who were threatened by their own children and forced to provide inheritance. Discriminatory customary laws also continued denying women and girls property and inheritance rights.

Other land rights-related challenges reported in 2023 included low awareness about land laws and rights, delays in granting adequate compensation following land acquisition, unplanned settlements, and mortgage.

3.6. Right to Adequate Standard of Living

Key issues affecting the right to adequate standard of living in Mainland Tanzania included food insecurity; access to nutritious food; food affordability; and inadequate housing.

Food security

Some parts of Mainland Tanzania were said to be experiencing food insecurity. For instance, 900,000 people in 21 district councils of Mainland Tanzania, especially Longido and Monduli, were reportedly experiencing high levels of acute food insecurity, according to a study. Food insecurity was said to be driven primarily by a prolonged dry spell and erratic rainfall that highly affected crop

and livestock production, pasture, and water availability. Climate change was reported to affect production of quality seeds as well as food production. However, the situation was projected to improve in 2024.

Budget for the agriculture sector

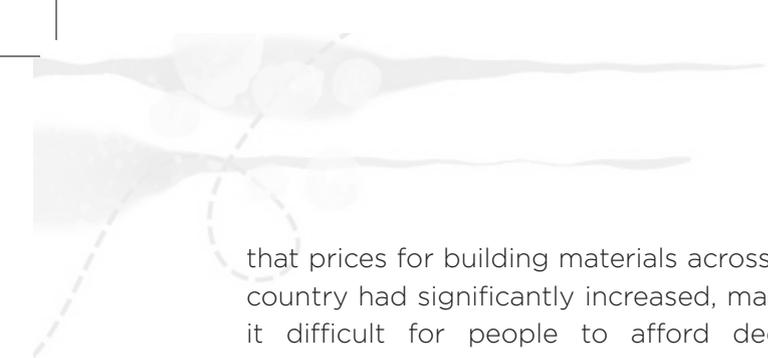
Agriculture is the backbone of Tanzania's economy and the largest employer in the country, hence not only essential for food production and realisation of the right to food but also generating income for majority of Tanzanians, which in turn helps them afford a decent housing. However, budget allocation for this important sector has not been sufficient over the years, usually less than the benchmark set under the 2014 AU Malabo Declaration, which requires allocation of at least 10% of the budget share.

For the financial year 2023/24, the budget allocated for the agriculture sector, including Livestock and Fisheries, was Tshs. 1.47 trillion, increasing from Tshs. 1.2 trillion allocated in 2022/23. This is equal to 3.3% of the national budget, which again falls short of the 10% benchmark.

Housing

Regarding shelter, it was reported in 2023 that Tanzania was faced with shortage of 3.8 million houses. It was also reported





that prices for building materials across the country had significantly increased, making it difficult for people to afford decent housing. The situation of housing was further complicated by heavy floods and landslides (climate change impacts) that hit different parts of the country in 2023, destroying houses and other infrastructures along the way.

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.

3.7. Right to Social Security

Key issues affecting enjoyment of the right to social security included limited social security coverage, health insurance, including universal health insurance (UHC) law introduction, and non-remittance of social security contributions. In 2023, some employers were accused of non-remittance

of social security contributions, like it was the case in the previous years. Older people in 20 regions of Mainland Tanzania complained about the lack of a universal pension scheme and reliable income, contributing to dire economic circumstances and live in abject poverty. Additionally, in 2023, some retired workers in surveyed regions expressed concerns over inadequacy of the retirement benefits and delays and bureaucracy in provision of such benefits.

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

Key issues affecting enjoyment of collective rights included mismanagement, misuse, and embezzlement of public funds; environmental pollution and degradation; and climate change impacts.

4.1. Right to Development

Enjoyment of the right to development depends on realisation of civil, political, social, and economic rights. To this end, in 2023, enjoyment of this right was affected by challenges discussed in chapters above, as well as corruption and mismanagement, misuse, and embezzlement of public funds.

The DP World Agreement Saga

In the past, bilateral investment treaties (BITs) have hurt Tanzania through losing investment disputes and having to pay huge compensation, affecting the right to development. In 2023, a huge public debate ensued when details of the agreement between Tanzania and Dubai-based DP World, giving the firm mandate to operate a section of the Dar es Salaam Port, were

revealed. Overall, the stakeholders were concerned with the vagueness, doubts, and ambiguities within the agreement and warned that if unamended or removed, the provisions have a potential to lead to costly disputes during the implementation of the agreement. Some of the critics, led by Adv. Boniface Mwabukusi, even filed a case to contest the deal at the High Court in Mbeya in June 2023, as tension grew across the country.

LHRC's View: The voices raised by various stakeholders regarding the agreement with DP World did not suggest or mean that they did not want the investors from Dubai as the public were led to believe on numerous occasions, but rather their concerns were with the problematic provisions within the agreement, which needed amendment and/or removal.

LHRC's Call: The Government is urged to consult stakeholders before entering into agreements and contracts with other countries and foreign companies for the



greater good of the nation, considering the loss the nation has incurred in the past when Tanzania lost trade or investment disputes.

Corruption Red flags and Mismanagement, Misuse, and Embezzlement of Public Funds

Another key public concern regarding the right to development in 2023 was reports and incidents of mismanagement, misuse, and embezzlement of public funds highlighted in the CAG reports, indicating corruption and fraud. Different stakeholders voiced their opinions and continued to bemoan lack of accountability for individuals and institutions implicated in embezzlement and misuse of public funds.

According to an assessment conducted by the WAJIBU Institute of Accountability, the CAG found indicators of corruption, fraud, and embezzlement worth Tshs. 3,084.55 billion (nugatory expenditure), decreasing by 33% compared to the situation in 2020/21. Public institutions accounted for 65% of the nugatory expenditure, and the 2021/22 expenditure increased by 43% compared to 2020/21.

Among those who reacted to the CAG findings was the President, H.E Dr. Samia Suluhu Hassan, who told government officials 'we are killing our own country' and

'you will not be buried with the money you are stealing from the country' and directed relevant accountability institutions, including the Prevention and Combating of Corruption Bureau (PCCB), to hold accountable those implicated in the report

Corruption and embezzlement of public funds in Tanzania has a serious impact on progressive realisation of socio-economic rights, including right to education, right to health, and right to adequate standard of living. The funds lost to corruption and mismanagement, misuse, and embezzlement of public funds could significantly boost budgets for key sectors of education, health, water, and agriculture, which have consistently failed to reach the minimum standards.

LHRC's View: Findings of the CAG reports reveal a serious problem of lack of accountability for individuals and government institutions with regards to public funds.

LHRC's Call: The Government to take measures to ensure all those implicated in acts of corruption, fraud, and embezzlement are held accountable, including at the minimum, removal from office.



4.2. Right to Enjoy and Benefit from Natural Resources

Key issues affecting the right to enjoy and benefit from natural resources in Mainland Tanzania included corruption and mismanagement, misuse, and embezzlement of public funds, as revealed in various CAG reports released in March 2023.

4.3. Right to a Clean and Healthy Environment

Key issues affecting the right to a healthy and sustainable environment included environmental pollution and degradation, disregard of environmental impact assessment, and climate change impacts.

Community perception on environmental pollution

79% of community members who participated in LHRC's human rights survey in 20 regions of Mainland Tanzania said environmental pollution is a concern in their community. Soil/land pollution was mentioned the most (44%) as the common type of environmental pollution, followed by water pollution (39%), air pollution (32%), and noise pollution (27%).

'Environmental pollution is a big problem in the city. You can observe rubbish left lying on the ground everywhere, including in streams and drains. You find the same at the public beaches, so it appears people are not motivated to protect the environment.'

Paralegal – Dar es Salaam



Sold waste observed littered in Kasulu, Kigoma (left) and Dodoma City, Dodoma (right)

Incidents of noise pollution were reported in regions such as Dar es Salaam, Kigoma, Dodoma, Mwanza, Kilimanjaro, Arusha, and Mbeya. In March 2023, it was reported that noise pollution was rampant in residential areas and uncontrolled noise was putting residents at the risk of suffering from stress, heart problems, deafness, and other effects. The National Environmental Management Council (NEMC) recorded a 65% increase in noise pollution and vibration complaints.

In the financial year 2022/23, NEMC received a total of 317 environmental pollution and



degradation complaints, including noise and vibration, air pollution, land pollution, and water pollution. In May, it was reported that NEMC closed down 89 businesses across the country for causing noise pollution.

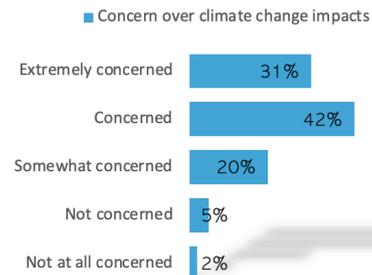
Deforestation is another key environmental challenge, said to be mostly a problem in regions such as Tabora, Dodoma, Ruvuma, Pwani, Morogoro, Mbeya, and Kigoma.

“Forests are destroyed for purposes of producing firewood and charcoal, and this is because people find other alternatives, such as gas, expensive and not easily accessible in rural areas.”

Community member – Bukene, Nzega

Awareness about climate change and its impact

Less than a quarter (21%) of community members reached by LHRC in 2023 said they were very well informed (8%) and well informed (13%) about climate change and its impacts. Nearly three quarters (73%) of those who said they were informed about climate change said they were extremely concerned (31%) and moderately concerned (42%) about climate change impacts on environment and human rights.



%Community responses on being concerned about impacts of climate change on environment and human rights

In 2023, climate change impacted livelihoods, environment, and human rights in various ways, including through floods, house and infrastructure destruction, drought, and decreased production. Affected rights included right to life, right to adequate standard of living (food and shelter), right to work, right to family, right to health, and right to development.

‘My husband decided to abandon us and move to Mwanza after we continually produced less crops due to reduced rainfall. It is now a year since he left, and life has become very hard for us.’

Community member – Kasulu, Kigoma



05

Chapter Five

RIGHTS OF SPECIAL GROUPS



CHAPTER FIVE: RIGHTS OF SPECIAL GROUPS

Key issues affecting enjoyment of rights of special groups included discrimination and different forms of violence.

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).

Gender-based violence

Gender based violence (GBV) continued to be the biggest threat to women's rights. Police gender desk data for the period of July 2022 to May 2023 showed that a total of

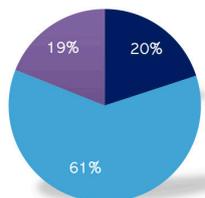
14,184 incidents of GBV and violence against children (VAC) were reported at police stations, increasing from 12,642 incidents in 2021/22, equal to a 12.2% increase. Over two thirds of the victims of GBV are usually women, while girls constitute the majority of VAC victims.

Reported incidents of violence against women

LHRC documented 147 incidents of violence against women (VAW) through human rights monitoring and media survey alone, reported in nearly all regions of Mainland Tanzania. These are 39 more incidents than those documented in 2022. Like in 2022, physical violence constituted the largest percentage of documented incidents (61%), followed by sexual violence (20%), and economic violence (19%). The main perpetrators of VAW were men, particularly intimate partners, and most of the incidents occurred in home settings (domestic violence).



■ Sexual violence ■ Physical & emotional violence ■ Economic violence



%Incidents of VAW documented by LHRC in 2023 by form

LHRC documented an additional 1,738 incidents of VAW reported in 10 of the 20 surveyed regions of Mainland Tanzania, increasing from a total of 1,391 incidents reported in 2022. Key informants, including Regional Social Welfare Officers (RSWOs) and NGO officials, in the majority of the surveyed regions indicated that VAW was on the rise, especially physical violence.



Total GBV and VAW incidents documented by police – 2019 to 2023

Source: Police data, 2019 to 2023

Community perceptions on VAW

Nearly three quarters of community members (73%), including paralegals, said VAW is a serious problem (36%) and a problem (37%) in their community. Nearly half of the respondents (49%) indicated that physical violence is the most common form of VAW. They also identified beating or battery as the most common act (64%), followed by verbal abuse (42%), humiliation (38%), sexual corruption (25%), and rape (23%).

‘The most common act of violence for women, especially for those in relationships and marriage, is beating. In some areas wife beating is perceived to be normal.’

Community member – Songea, Ruvuma

Demographic and health survey findings

The 2022 demographic and health survey report indicates that current husbands/intimate partners were mentioned the most as the perpetrators of physical VAW (64.4%), followed by former husbands/intimate partners (36.4%). Over a quarter of women in Tanzania (27%) aged 15 to 49 years old have ever experienced physical violence since age 15, and 18% have experienced such violence in the last 12 months.



Intimate partner violence

Two in five ever-partnered women have experienced intimate partner violence (IPV), and a third (33%) have experienced such violence in the past 12 months in Tanzania. IPV is mostly prevalent in the Lake (48.6%), Central (48%), Western (42.1%), Southern Highlands (41.9%), and Northern (38.3%) Zones. It is mostly prevalent (40%+) in Mara, Dodoma, Kagera, Iringa, and Njombe and Tabora (top 5). IPV was experienced more by women (girls) aged 15-19 (37%) than older women in last 12 months – dangers of child marriage!

Incidents of IPV were widely reported in 2023 and LHRC documented 115 such incidents through media survey, human rights monitoring, and human rights survey. One of the major consequences of IPV is intimate partner homicide (IPH), and in 2023, LHRC documented 50 incidents of IPH, of whom 45 of the victims (90%) were female, and 5(10%) were male. These are 17 more than those documented in 2022. 40% of reported incidents of IPV documented by LHRC in 2023 were said to be motivated by jealousy.

'Physical violence against women is usually caused by jealousy and the husbands are the major perpetrators. Some women are even strangled and get sick because of it.'

Community member (machinga) – Nzega, Tabora



Psychological VAW

Psychological VAW is also a key concern, and common acts include verbal abuse, humiliation, neglect, and abandonment.

Sexual VAW

Sexual violence is a serious threat to mental health and a grave human rights violation. In Tanzania, 12% of women aged 15 to 49 years have ever experienced sexual violence by any perpetrator, declining from 17% in 2015, based on the 2022 demographic and health survey findings. Regions with the highest percentages of sexual violence (20%) are Kagera, Mwanza, and Mara, while Mtwara has the lowest percentage (1%). 20% of incidents of VAW documented by LHRC in 2023 were sexual violence.

LHRC documented more than 300 incidents of sexual VAW in 2023, including acts of rape, attempted rape, sexual harassment, sextortion, sodomy, and gangrape. For older women, rape is mostly associated with belief in witchcraft. Marital rape and sodomy also continued to be subjects of public debate in 2023, as women's rights activists called for legal reforms to criminalize marital rape.

Economic VAW

Incidents of economic VAW, including denial of inheritance and property rights,

eviction of widows from marital home, and withholding access to money or family income, were also widely reported in 2023. LHRC documented 323 economic VAW incidents through human rights monitoring and surveys. Discriminatory customs and traditions were found to be the main driver of economic VAW.

'Our customs and traditions do not allow women to acquire and own property, thus accelerating violations of widows' property rights.'

Paralegal – Kongwa, Dodoma

Cyberviolence against women

Cyberviolence is also a key challenge for women in Tanzania. Nearly two thirds of community members (62%) engaged by LHRC in 2023 said it is a problem (34%) and a serious problem (28%) in their community. Verbal abuse was said to be the most common act of cyberviolence against women and girls (CVAWG), at 47%, followed by non-consensual intimate image (NCII) abuse (31%). LHRC documented 22 incidents of cyberviolence against women reported in some surveyed regions, especially of NCII abuse. Perpetrators of NCII abuse are mostly current and former lovers, some of whom blackmail women for

money or staying in relationship with them in exchange for not posting or sharing nude photos and videos.

'My sister lost her fiancé because a man took photos from her Facebook account, used an app to create nudes from the photos, and then posted them on his account.'

A young woman – Kasulu DC

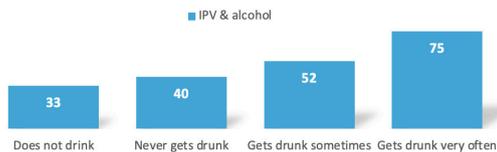
Key challenges in addressing VAWC

Key challenges in addressing VAWC include discriminatory customs and traditions, acute shortage of social welfare officers (SWOs), budgetary constraints, social acceptance of VAWC, alcoholism, coordination challenges, and ineffectiveness of NPA-VAWC committees. For instance, regarding alcoholism, men who get drunk very often are more likely to subject their wives or partners to physical violence.

'Our husbands are justified in beating us when we make mistakes so that we can correct ourselves.'

A woman – Kibondo, Kigoma





%Intimate partner violence by husband's/ intimate partner's alcohol consumption

Source: TDHS-MIS 2022

Women's political participation

Women's effective political participation continued to be hindered by various socio-economic and legal hurdles, including gender gaps in electoral and political parties laws such as the Constitution of the United Republic of Tanzania, 1977, the Political Parties Act, and the National Elections Act. In some communities across Mainland Tanzania, discriminatory customs and traditions also continued to hinder women's political participation. Violence against women in politics (VAWP), inadequate support from political parties, and inadequate representation in party decision-making structures are other key concerns for women as the country heads towards the 2024 and 2025 elections.

Women's access to justice

Women also face various barriers to access to justice, including not knowing where to file a complaint, poverty and costs of legal representation, patriarchy, low legal awareness, corruption, discriminatory customs and traditions, and access to legal aid services.

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.



Violence against children trend and settings

In 2023, violence against children (VAC) continued to be one of the biggest threats to children's rights in Tanzania. Analysis of police data on VAC in recent years has shown that over 30 incidents of VAC occur in Tanzania each day, and that over two thirds of the victims (8 out of 10 children) are girls. A total of 15,901 VAC incidents were recorded by police in the period of January 2022 to March 2023.

In 2023, it was also reported that 60% of incidents of VAC occur at home, while the remaining 40% occurs in settings such as streets and school.



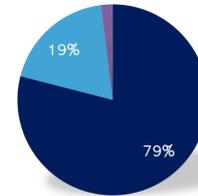
VAC victims in Tanzania by sex – 2019 to 2023
Source: Police data, 2019 to 2023

Reported incidents of VAC

Children across Mainland Tanzania continued to be subjected to various forms of violence, including physical, sexual, psychological,

and economic violence. LHRC documented 464 incidents of violence against children (VAC), increasing from 350 documented in 2022, through media survey and human rights monitoring. Sexual violence continued to account for the majority of reported incidents, at 79%, followed by physical and emotional violence (19%), and economic violence (2%). VAC victims were children as young as one year old and perpetrators included parents, close relatives, fellow children, teachers, neighbours, and strangers.

■ Sexual violence ■ Physical & emotional violence ■ Economic violence



%Incidents of VAC documented by LHRC in 2023 by form

'Most of the perpetrators of violence against children are close relatives, which is why people fear reporting the incidents to the authorities to avoid family quarrels. However, this is unacceptable, and we should all fight against such violence day and night.'

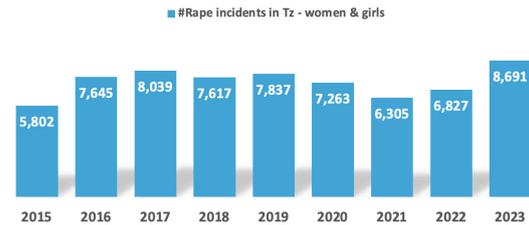
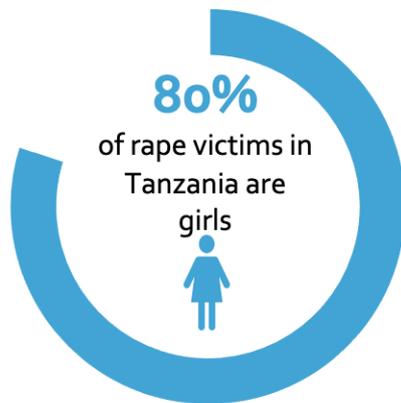
Community member – Bumbuli, Tanga



Sexual violence (especially rape and sodomy) is the most common form of VAC. Perpetrators include fathers and stepfathers, whose motivations for committing such acts of violence include to get rich, as directed by witchdoctors. Girls account for over 80% of rape victims, while boys account for 87% of child sodomy victims.

Rape

Girls constitute the majority of rape victims in Tanzania. A total of 57,335 rape incidents have been reported in Tanzania in the period of 2015 to 2022, averaging 7,166 incidents each year and 597 each month.



#Rape incidents reported in Tanzania – 2015 to 2023

Source: NBS & TPF

Physical VAC is also common across Mainland Tanzania. Children were subjected to acts of violence such as beating, burning of body parts, torture, rape, attempted rape, sextortion, sexual harassment, humiliation, and verbal abuse. Perpetrators included parents, grandparents, uncles, relatives, teachers, and strangers.

Nearly a quarter (23%) of physical VAC incidents documented by LHRC in 2023 involved burning of body parts, including hands, as punishment.

Corporal punishment

Severe corporal punishment perpetrated in school and home settings continued to be a threat to children’s physical and emotional wellbeing. LHRC documented 11 incidents of severe corporal punishment reported in



Kilimanjaro, Mbeya, Dar es Salam, Morogoro, Kagera, Kigoma, and Dodoma. In the period of 2018 to 2023, LHRC has documented 8 incidents of schoolchildren killed due severe corporal punishment imposed by teachers. There have also been incidents of children being beaten or flogged to death by parents.

Psychological VAC, especially child neglect and abandonment also continued to be a key challenge for children, as did child labour and exploitation. SWOs and NGOs interviewed during the human rights survey in 20 regions of Mainland Tanzania mentioned child neglect and family abandonment as very common.

Community perceptions on VAC

Like in the previous survey, over two thirds of community members (77%) said VAC is a problem (39%) and a serious problem (38%).

'Violence against children is more prevalent in our community than violence against women.'

RSWO – Singida

Child-on-child sexual abuse and boychild sexual abuse

Incidents of child-on-child sexual abuse and boychild sexual abuse were also widely reported in 2023. Through media survey, human rights monitoring, and human rights survey, LHRC documented 87 incidents of

boy child sexual abuse in 2023, which are 79 less than those documented in 2022. However, on average, 900 child sodomy cases are reported to police each year and over 80% of the victims are boys.

'There is a man who sodomized three boys as punishment for leading cattle they were herding into his farm. One of the boys reported him to the local government.'

NGO director – Tabora

In Dar es Salaam, it was reported in July 2023 that majority of boys taken to the juvenile court in the region are accused of sodomy and this situation is contributed by poor parenting, peer pressure, and family income poverty.

Child marriage and pregnancy

Child marriage and pregnancy also continued to be key hindrances for girls in 2023. LHRC documented 14 incidents of child marriage, two less than those documented in 2022. Bride price was cited as the main driver of child marriage. Other drivers include poverty, social acceptance of child marriage, female genital mutilation (FGM), discriminatory customs and traditions, child neglect, and gaps in the legal protection of girls' rights. For instance, Tanzania is yet to amend the Law of Marriage Act to abolish child marriage, contributing to child marriage.



'This year, there was an incident of twins who had just finished standard seven, who were forced to marry two men from the same family. Their pregnant mother was so distressed by the marriages that she had a miscarriage.'

NGO director – Nzega, Tabora

The Tanzania Demographic and Health Survey and Malaria Indicator Survey 2022 indicates that 22% of women aged 15-19 in Tanzania have ever been pregnant and 6% are currently pregnant. Child pregnancy is most prevalent in Songwe (44.7%), Ruvuma (37.2%), Katavi (34.4%), Mara (31.1%), Rukwa (29.6%), Tabora (29.1%), Manyara (28.8%), Geita (28.4%), Morogoro (28.0%), and Mtwara (25.7%). In 2023 incidents of child pregnancy were widely reported and LHRC documented 2,953 child pregnancy incidents reported in various regions across Mainland Tanzania.

Female Genital Mutilation

Government statistics indicate a declining rate of FGM in Tanzania. For instance, the rate of FGM/C has declined from 18% in 1996 to 8% in 2022, equal to a 10% decline. Regions where FGM/C is most prevalent are Manyara (43%), Arusha (43%), Mara (28%), Singida (20%), Tanga (19%), Dodoma (18%), and Iringa (12%). In 2023, LHRC documented 76 incidents of FGM/C reported in Mara, Dodoma, and Singida.



'There are fewer reported cases of FGM, but that doesn't mean it is no longer practiced, rather it is done in utmost secrecy, like the marijuana business.'

NGO official – Manyoni, Singida

Child trafficking

Child trafficking is a key safety and security concern for children. In 2023, LHRC documented 15 incidents of human trafficking through human rights monitoring, 11 of which (73%) were child trafficking incidents. In May 2023, the Minister of Home Affairs, Hon. Hamad Masauni (MP), told the Parliament that in the period of July 2022 and May 2023, his ministry collaborated with other stakeholders to rescue and help 190 victims of human trafficking, of whom 73% were children.

Challenges in addressing VAC

Challenges in addressing VAC include inadequate legal protection; corruption, especially when perpetrators attempt to bribe poor parents/guardians; shortages of safe houses and fit persons or families; and cultures of silence, forgiveness, and 'concealing family shame.'

'It is common for perpetrators of violence against children, especially sexual violence, to attempt to bribe their way out of trouble, taking advantage of the economic hardships of victims' parents.'

Community member - Dar

Child labour and exploitation

In 2023 LHRC documented 33 incidents of child labour and exploitation, 13 more than those documented in 2022. Such incidents were reported in Tanga, Arusha, Dodoma, Morogoro, Tabora, Kilimanjaro, Rukwa, and Kigoma.



Children observed working at a mine in Lusu Ward, Nzega District

In most regions, especially in cities and urban areas, it is common to see children working on the street as vendors during the time when they are supposed to be at school, spending hours on the streets under difficult conditions.

'Child labour greatly impacts children's education because you find a child going to school for three days and using the remaining two days for work.'

CDO – Morogoro

5.3. Rights of Persons with Disabilities

Key issues affecting the rights of PWDs included limited access to employment

and economic opportunities, including discrimination in employment, and stigma and discrimination. Community members who participated in LHRC's human rights survey mentioned stigma and discrimination (48%) as the biggest challenge for PWDs, followed by poverty and unreliable source of income (44%) and unfriendly infrastructure (42%).

'The main challenge faced by PWDs in the community is discrimination. We are perceived to be incapable of doing what others can.'

NGO director – Tabora

One of the key misconceptions about PWDs that was identified in surveyed regions is that women with disabilities should not attempt to get pregnant, given their condition.

'Most nurses stigmatize pregnant women with disabilities, telling them they don't feel pity on themselves by deciding to get pregnant. It's like we have no right to get pregnant simply because of disability.'

PWD – Mbeya

Children with disabilities were also said to be stigmatized and discriminated against, including in school settings. Some parents in some surveyed regions were also said to lack faith in their children with disabilities



and consider it unnecessary to take them to school. Neglect and abandonment of children with disabilities, which is a form of psychological violence, was also said to be common in some surveyed regions.

'Most children with disabilities are neglected by their parents and abandoned at their grandparents, as their parents see them as a burden.'

NGO official - Kilimanjaro

Other challenges faced by PWDs include low awareness about PWDs' rights; limited access to justice; lack of disability-friendly infrastructure; trafficking, especially for begging; and access to quality education and health services.

5.4. Rights of the Elderly

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. Community members who participated in LHRC's human rights survey mentioned poverty and unreliable source of income (57%) as the biggest concern for the elderly, followed by limited access to quality health services (45%), food insecurity (40%), childcare burden imposed by their own children (38%), and neglect/social exclusion (36%). Interviewed older

people also mentioned access to quality health services as a big challenge for them, largely due to not quite enjoying entirely free-medical services. Most of them said they only enjoy free-medical checkups and are told to buy most medicines, except painkillers (Panadol).

'There are times when we enjoy free medical checkups but when it comes to medicine, we are told to buy them. Otherwise, they only give you painkillers like Panadol, which are usually provided free of charge.'

Older person – Bumbuli, Tanga

Some older persons were subjected to different forms of violence, including physical, sexual, economic, and psychological violence. In 2023, LHRC documented 24 incidents of violence against the elderly. There are those who were attacked and/or killed over witchcraft suspicion and others who were attacked or killed over property, as their own children demanded the properties or inheritance.

'Most of the older persons killed over witchcraft suspicion are female, and this is because they are ones who usually have red eyes, which are associated with being a witch. However, the red colour in the eyes is caused by years of cooking using firewood or charcoal.'

FGD – Igunga, Tabora



The elderly also mentioned lack of adequate social protection, including lack of universal pension scheme, as a key challenge. The majority of the interviewed older people also called for enactment of the elderly protection law, akin to the one in Zanzibar. In 2017 the Law Reform Commission of Tanzania (LRCT) recommended enactment of elderly law that would include a provision on establishing a universal pension scheme.

LHRC's Call: The Government to take measures to enact elderly protection law, that would also provide for universal pension scheme.

In 2023, older people also complained about childcare burden due to raising grandchildren 'dumped' on them by their parents. Incidents of grandchild care burden were widely reported, especially in Singida, Rukwa, Kigoma, Njombe, and Pwani.

'Grandchild care burden is a big problem for older people, and the worst part is that they are not given any support by their children.'

Community member – Njombe

5.5. Youth Rights

In 2023 LHRC observed that employment; underemployment; quality education;

mental health and access to quality health services; violence; and limited participation in decision-making continued to be key concerns for youth.

Analysis of reported incidents of violence and recent demographic and health survey data show that majority of violence victims are youth (15 to 35 years), especially children (boys and girls) and young women.

Mental health problems among youth are contributed by violence and lack of employment, causing stress, anxiety, and depression, and increasing vulnerability to crime and substance abuse.

5.6. Rights of Persons Living with HIV

Stigma and discrimination remain key concerns for persons living with HIV (PLHIVs) in Tanzania. According to the recent demographic and health survey, 28% of women and 27% of men aged 15 to 49 years express discriminatory attitudes towards PLHIVs. The discriminatory attitudes tend to be more common in rural areas and decrease with increasing education and wealth. Widespread stigma and discrimination are said to adversely affect people's willingness to be tested and their adherence to antiretroviral therapy (ART) and ART programmes.



06

Chapter Six

HUMAN RIGHTS MECHANISMS



CHAPTER SIX: HUMAN RIGHTS MECHANISMS

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, non-implementation of recommendations made by the mechanisms, and non-enforcement of judgements delivered by the judicial mechanisms.



07

Chapter Seven

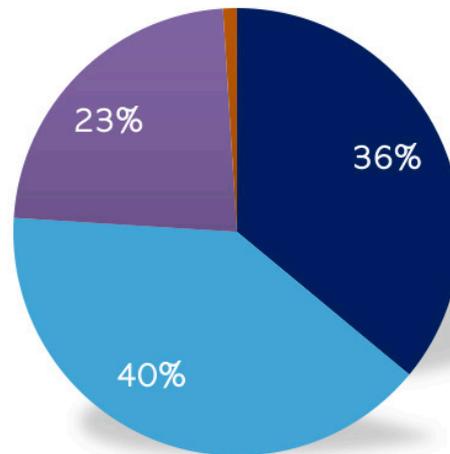
IMPLEMENTATION OF RECOMMENDATIONS

CHAPTER SEVEN: IMPLEMENTATION OF RECOMMENDATIONS

In 2023, the percentage of implemented recommendations stood at 36%, increasing from 35% in 2022. Percentage of partially implemented recommendations also increased from 38% in 2022 to 40% in 2023, while the percentage of recommendations not implemented decreased from 26% in 2022 to 23% in 2023.

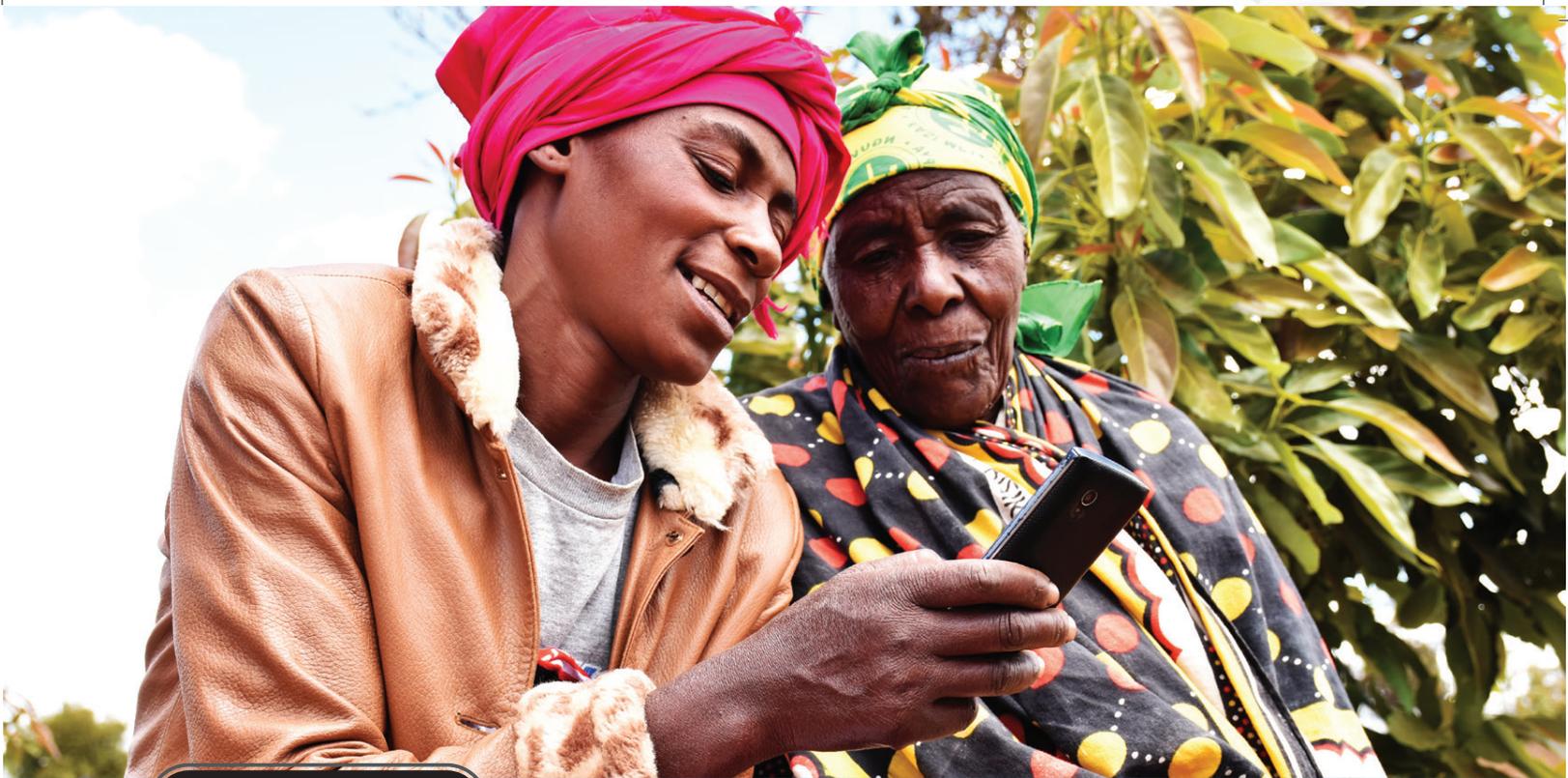
LHRC's Call: In order to safeguard fundamental human rights, enhance social justice, and achieve sustainable development goals (SDGs), LHRC calls upon the Government and other actors to fully implement recommendations which are not implemented and fully implement those which are partially implemented.

- Implemented
- Partially implemented
- Not Implemented
- Unknown



Status of implementation of THRR recommendations (2015 – 2022)





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- 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

For a Just and Equitable Society



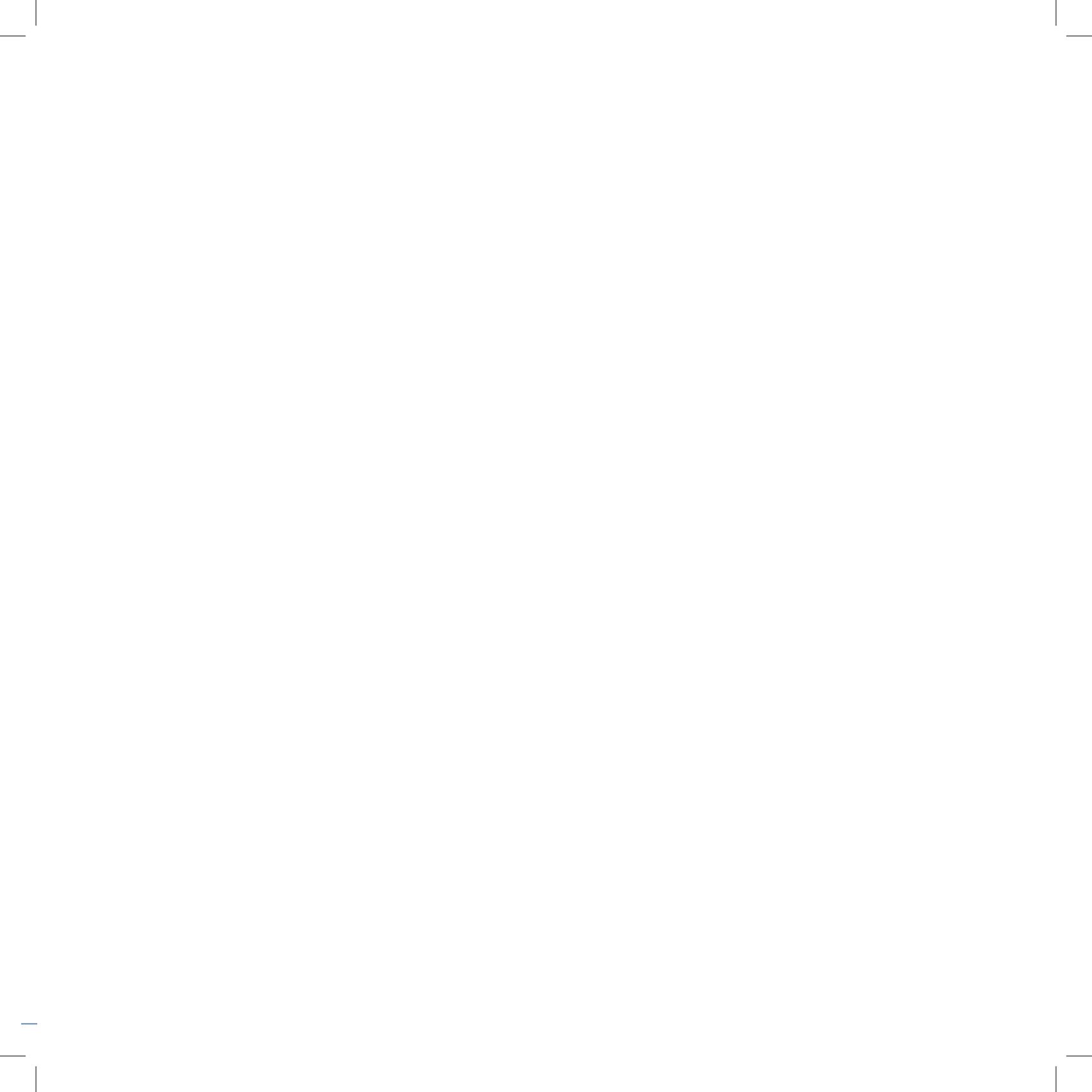
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