

# TANZANIA HUMAN RIGHTS REPORT 2024

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## The Resurgence of Unknown Assailants



**NOT  
FOR SALE**



# The Resurgence of Unknown Assailants

## Tanzania Human Rights Report 2024

### **Part One:** Mainland Tanzania - Legal and Human Rights Centre (LHRC)



### **Part Two:** Zanzibar – The Zanzibar Fighting Against Youth Challenges Organization (ZAFAYCO)





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Tanzania Human Rights Report 2024

## **Part One: Mainland Tanzania**

Legal and Human Rights Centre (LHRC)

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**Dr. Anna Henga**

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## List of Acronyms & Abbreviations

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACHPR	African Charter on Human and Peoples Rights
ACRWC	African Charter on the Rights and Welfare of the Child
AIDS	Acquired Immune Deficiency Syndrome
CAG	Controller and Auditor General
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CCM	Chama cha Mapinduzi
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of all Forms of Racial Discrimination
CHRAGG	Commission for Human Rights and Good Governance
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organizations
CVAWG	Cyber Violence against Women and Girls
DC	District Commissioner
DPP	Director of Public Prosecutions
FGM	Female Genital Mutilation
H.E.	His/Her Excellency
HIV	Human Immunodeficiency Virus
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
IPH	Intimate Partner Homicide
IPV	Intimate Partner Violence
LG	Local Government
LGAs	Local Government Authorities
LGE	Local Government Elections
LHRC	Legal and Human Rights Centre
MoCCWSC	Ministry of Community Development, Gender, Women and Special Groups



MPs	Members of Parliament
NBS	National Bureau of Statistics
NCII	Non-Consensual Intimate Image
NEA	National Elections Act
NEC	National Electoral Commission
NEMC	National Environmental Management Council
PCCA	Prevention and Combating of Corruption Act
PCCB	Prevention and Combating of Corruption Bureau
PLHIV	Persons living with HIV/AIDS
PWAs	Persons with Albinism
PWDs	Persons with Disabilities
PO-RALG	President's Office – Regional Administration and Local Government
RC	Regional Commissioner
REO	Regional Environmental Officer
RSWO	Regional Social Welfare Officer
SDG	Sustainable Development Goal
THRDC	Tanzania Human Rights Defenders Coalition
TLS	Tanganyika Law Society
TPS	Tanzania Prisons Services
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UPR	Universal Periodic Review
URT	United Republic of Tanzania
VAC	Violence against Children
VAP	Violence against Persons with Disabilities
VAM	Violence against Men
VAW	Violence against Women
VAWC	Violence against Women and Children
WEO	Ward Executive Officer





## About LHRC

**Legal and Human Rights Centre (LHRC)** is a private, autonomous, voluntary non-governmental, non-partisan and non-profit sharing organization envisioning a just and equitable society. LHRC was established in 1995 and its operations mainly focus on Mainland Tanzania, with specific interventions in Zanzibar. It has four offices, two in Dar-es-Salaam, one in Arusha and another in Dodoma. The Head Office is located at the Justice Lugakingira House in Kijitonyama Area Dar-es-Salaam.

**Vision:** The LHRC envisages a just and equitable society, in which the three arms of the State, as well as non-state actors, practice accountability, transparency and there is the rule of law; and where there is public awareness, respect and engagement for human rights and good governance, where justice and respect for human dignity are reality.

**Mission:** To empower the public, promote, reinforce, and safeguard human rights and good governance in Tanzania through legal and civic education and information; sound legal research and advice; monitoring and following-up on human rights violations; and advocacy for reforms of policies, laws, and practices in conformity with international human rights standards.

**LHRC's Values:** Integrity; Equality; Transparency; Accountability; Professionalism; and Voluntarism and Volunteerism.



## Major Developments in 2024

Increased reports of abductions and disappearances, including of children, threatening personal safety and security.
Enactment of three laws governing elections and political parties in Tanzania, <sup>1</sup> amending and repealing some of the earlier electoral laws.
Tanzanians exercising their right to vote and run for office during the Local Government Elections 2024.
Widespread reports of violence against women and children (VAWC), including intimate partner violence (IPV) and sexual violence against children.
Resurgence of attacks and killings of Persons with Albinism (PWAs), reported in Kagera and Geita.
Concerns and complaints of violations of the rights of accused persons, including arbitrary arrest and detention.
Societal pressure in demanding accountability for injustices, including against victims of GBV and attacks against PWAs.
Increased feedback on the status of criminal investigations by the law enforcement agencies.
Amendment of the Law of the Child Act and the Cybercrimes Act to enhance child protection. <sup>2</sup>
Adoption of the National Plan of Action on the Rights and Welfare of Persons with Albinism (2024/2025-2028/2029).
Enactment of the Tanzania Broadcasting Corporation Act 2024.
Tabling of Parliamentary Bill proposing granting of a special status to diaspora Tanzanians, guaranteeing them certain rights, including the right to acquire property.
Government re-introduction of the 10% council loans for women, youth, and PWDs.
Amendment of the Law of the Child Act to legally recognize and officially establish children's councils to enhance child participation in decision-making.
Adoption of the revised National Youth Development Policy of 2007, (2024 edition).
Adoption of the Strategy for Implementation of the National Youth Development Policy of 2007 (2024 edition).
Drafting of the National Plan of Action on Business and Human Rights.



## Executive Summary

### Introduction

This is the 23<sup>rd</sup> report to be produced by LHRC since 2002. The report discusses the situation of human rights in Tanzania for the year 2024, 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.

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 2024 compared to the previous year of 2023. This was mainly attributed to violations of civil and political rights, especially the right to life, the right to freedom from violence, the right to liberty and personal security, and the right to equality before the law.

### Key Findings

Children continued to constitute the majority of victims of reported and documented incidents of human rights violations (41%), followed by women (29%), men (15%), elderly (11%), and persons with disabilities (4%). The percentage of children victims slightly decreased from 45% in 2023, while the percentage of women victims decreased by 1%. The percentages for men, the elderly, and PWDs slightly increased by 5%, 1%, and 1% respectively. The most violated human rights were right to life, freedom from violence, right to liberty and personal security, right to equality before the law, and right to participate in governance.



## 1 Civil and Political Rights

Key issues affecting civil and political rights in 2024 included threats to right to life, through mob violence, extrajudicial killings, witchcraft-motivated killings, intimate partner homicide, disappearances, and the death penalty; different forms of violence perpetrated against women, children, and other groups; threats to personal security, mainly through abductions and disappearances; gaps in laws; barriers to access to justice; and criminal justice challenges.

**Right to Life:** In 2024, right to life in Mainland Tanzania continued to be violated or affected by issues such as mob violence, extrajudicial killings, witchcraft-motivated killings, death penalty, intimate partner homicide (IPH), disappearances, and road accidents.

- Police crime statistics show that an average of 500 incidents of **mob violence** are recorded each year in Tanzania, 95% of them in Mainland Tanzania.
- Since 2020, LHRC has documented 36 reported incidents of **extrajudicial killings**, averaging 7 incidents each year, perpetrated by law enforcement officials such as police officers, game wardens, and members of the people's militia (mgambo). The documented incidents slightly decreased from 7 in 2023 to 6 in 2024.
- In 2024, LHRC documented twelve (12) incidents of **witchcraft-motivated killings**, the same number as in 2023. Women accounted for majority of victims, their killing mainly attributed to harmful societal beliefs and gender norms. However, analysis of police statistics shows that a lot more incidents (over 100) are reported each year.
- While no incidents of **attack and killing of PWAs** were reported in 2023, the incidents re-emerged in 2024 as the nation was rocked and shocked by the brutal attack and killing of a 2-year-old child with albinism, Asimwe Novath, in Kagera Region and attack of a 10-year-old child with albinism, Kazungu Julius, in Geita.
- In 2024, LHRC documented 10 **death sentences** imposed by the High Court of Tanzania in different regions across the country, including Tabora, Ruvuma, Shinyanga, and Dar es Salaam. Analysis of the data revealed that 9 out of 10 death penalty convicts (90%) were men, while 1 was a woman. Currently, there are over 700 death row inmates in Tanzanian prisons, as the country maintains death penalty and mandatory death penalty in the penal law.





- In 2024, LHRC documented 41 incidents of **IPH** reported within the period of January to December 2024. In comparison with the incidents recorded in 2023, the incidents decreased by 9 incidents (18%). Women accounted for 88% of the victims, while men accounted for the remaining 12%.
- **Disappearance**, including enforced disappearance, continued to be an issue of public concern, as LHRC documented 63 incidents, reported in regions such as Dar es Salaam, Kilimanjaro, Tanga, Arusha, and Tanga.
- Despite the progress made 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. Police assessments of road accidents for the years 2022 and 2023 have shown that 94% of road accidents occurred because of human error. Road accidents cause great suffering to families, especially dependants of the victims, including children, affecting enjoyment of other basic rights.

**Freedom of Expression:** Key issues threatening freedom of expression in 2024 included restrictive laws and regulations; suspension of media outlet licences; arrests, attacks, harassment, intimidation, and detention of journalists; media house and journalist self-censorship; and restrictions on artistic freedom and creative expression. While media stakeholders have observed improved media landscape in recent years, they are concerned that the provisions that curtail free speech, access to information, and press freedom remain in the Media Services Act (MSA) of 2016, which was partially amended in 2023. Other laws such as the Cybercrime s Act 2015 and the Online Content Regulations 2020 also continued to arbitrarily restrict online freedom of expression.

- In 2024, LHRC documented 10 incidents of arrest, attack, harassment, and detention of journalists, reported in regions such as Simiyu, Mbeya, Dar es Salaam, and Mwanza. These incidents are eight more than those documented in 2023.
- Despite existing press freedom concerns, Tanzania jumped 46 places in the 2024 World Press Freedom Index, from 143<sup>rd</sup> in 2023 to 97<sup>th</sup> in 2024. This was mainly attributed to the Government's new approach of loosening the grip on the right to news and information.
- In 2024, the right to access information was also jeopardized by restrictions on access to social media platforms such as X space, threatening digital rights and online freedom of expression.



**Freedoms of Assembly and Association:** Key freedoms of assembly and association issues and violations in Mainland Tanzania included existence of laws that arbitrarily restrict them and interference of the right to hold peaceful demonstrations. In 2024, laws such as the Political Parties Act (amended in 2019 and 2024), the NGOs Act of 2002 (amended in 2019), and the Basic Rights and Duties Enforcement Act (BRADEA), amended in 2020 continued to pose challenges in effective enjoyment of freedoms of assembly and association by containing provisions that arbitrarily restrict them.

- In 2024, LHRC documented three reported complaints or incidents of arbitrary restrictions on freedoms of assembly and association, the same as in 2023. Opposition political parties, particularly CHADEMA, lamented disruption and ban of planned political rallies and demonstrations by the Police Force, citing security concerns
- LHRC and other stakeholders are also concerned that Tanzania is yet to ratify the African Charter on Democracy Elections and Governance (ACDEG) of 2007. Ratification of this important AU convention is crucial to safeguarding freedoms of assembly and association.

**Rights to Equality before the Law and Effective Remedy:** In 2024, 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; impediments to access to justice; criminal justice challenges including right to fair trial violations; and juvenile justice.

- In 2024, community members engaged by LHRC identified corruption as the biggest barrier to accessing justice. They also mentioned other barriers such as costs of legal representation, low awareness of laws and rights, lengthy court proceedings, court proximity, and limited access to legal aid. Women and persons with disabilities (PWDs) face additional barriers to accessing justice because of socioeconomic conditions, cultural norms, discriminatory legal frameworks, and limited resources, impeding their capacity to effectively seek and obtain remedy.
- Key issues and concerns in criminal justice, most of which were highlighted in the 2023 Report of the Presidential Commission on Criminal Justice Reforms, include arbitrary arrest and detention, lengthy pre-trial detention, frequent adjournment of cases, corruption, denial of bail, fabrication of cases (trumped-up



charges), torture while under police custody and in prison, denial of bail for bailable offences, and accused person not being brought before court promptly.

- LHRC documented over 600 complaints of arbitrary arrests and detention featuring excessive use of force during arrest, arresting officers not telling an accused person reasons for arrest, arrest without warrant, concealing whereabouts of arrest person, and holding accused person without contact with the outside world.
- LHRC also documented 103 complaints of delays, detention, adjournment of cases and other criminal justice challenges such as denial of bail, corruption, and fabrication of cases.
- Key issues in the juvenile justice system include shortage of social welfare officers; mixing of children in conflict with the law with adults; shortage of safe houses; and lack of child-friendly juvenile courts and retention centres.

**Right to Liberty and Personal Security:** In 2024, key right to liberty and personal security issues and violations in Mainland Tanzania included abductions and disappearances; arbitrary arrest and detention; denial of bail; trumped-up charges; and human trafficking. LHRC documented 63 reported incidents of abduction and disappearance, including 33 believed to be enforced. These incidents were reported in regions such as Dar es Salaam, Arusha, Kigoma, Kigoma, and Tanga.

From January 2015 to February 2025, LHRC has documented 100 incidents of abductions and enforced disappearance. Nearly two thirds of the incidents (64) were reported in 2022 (31) and 2024 (33) alone. Among the incidents that shocked the nation in 2024 was the abduction and brutal killing of Ali Mohamed Kibao, a veteran cadre and leader of the CHADEMA opposition party. LHRC also documented 63 incidents of arbitrary arrest and detention, increasing from 51 in 2023. Regarding bail, 48 incidents of denial of bail were documented, increasing from 21 recorded in 2023. There were also complaints of trump-up charges or fabrication of cases, whereby LHRC documented 11 reported incidents, slightly increasing from 9 in recorded in 2023.

Human trafficking also continued to be a threat to right to liberty and personal security as well as other fundamental human rights, with children constituting the majority of the victims. LHRC documented 14 incidents of human trafficking through human rights monitoring, media survey, and human rights survey, reported in Pwani, Mtwara, Morogoro, Dodoma, Tabora, and Dar es Salaam. The incidents are one less than those documented



in 2023, and 10 of them were incidents of child trafficking. There are also concerns over awareness of human trafficking, as half of community members (5 out of 10) reached by LHRC in 2024 indicated they were not informed about human trafficking.

**Right to Take Part in Governance:** Key issues that affected enjoyment of the right to take part in governance in 2024 included amendments of electoral and political party laws and the conduct of the Local Government Elections (LGE) 2024. In February 2024, the Government enacted three new electoral laws, namely the Political Parties Laws (Amendment) Act; The Presidential, Parliamentary and Councilors' Elections Act; and the Independent National Electoral Commission, which amended or repealed some of the previous laws. According to an analysis of stakeholders, including LHRC, the amendments did not adequately accommodate key recommendations made by the Presidential Taskforce on Multiparty Democracy, in the judgements of domestic and regional courts, and by NGOs.

The year 2024 was also important for Tanzanians in Mainland Tanzania as they participated in the Local Government Elections (LGE) in November. While there was a record participation of political parties and voters, the election was marred with widespread reports and complaints of unfair disqualifications of candidates and electoral irregularities, particularly made by opposition parties such as CHADEMA and ACT-Wazalendo. The two parties reported that over two thirds of their candidates were unfairly disqualified. LHRC also received complaints of unfair nomination of candidates from the ruling party; denial of nomination forms; disinformation and misinformation, including spreading of false information about political parties and their candidates; and poor engagement and participation of women and persons with disabilities (PWDs) in the nomination process.

Additionally, LHRC documented incidents of political violence, reported in various parts of the country, resulting into serious physical injuries, loss of property, and even death. Most of the incidents were reported on the eve of the election day (26th November) and the election day itself. In total, LHRC documented at least 5 deaths of party leaders and candidates reported during the election period.

**Freedom from Torture and Inhuman or Degrading Treatment:** In 2024, key issues and violations affecting freedom from torture and inhuman or degrading treatment in Mainland Tanzania included non-ratification of the Convention against Torture and incidents of torture of accused persons under police custody and child torture. In 2024, LHRC documented 68 incidents of torture, reported in regions such as Arusha, Dar es Salaam, Mbeya, Kilimanjaro, Kigoma, Katavi, and Pwani. The incidents are eleven (11)





more than those documented in 2023. Over half of these incidents (55%) were of child torture. Also among the victims of torture were death row inmates.

**Freedom from Violence:** In 2024, 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.

- LHRC documented 317 incidents of violence against women (VAW) through human rights monitoring and media survey alone, reported across Mainland Tanzania. These incidents are more than double than those documented in 2023 (147), an increase of 116%.
- LHRC documented 602 incidents of violence against children (VAC) through human rights monitoring and media survey alone, increasing from 464 in 2023. Sexual VAC constituted the most incidents (69%), followed by physical and psychological violence (30%) and economic violence (1%).
- LHRC documented 26 incidents of violence against men (VAM), decreasing from 27 in 2023. The incidents were reported in regions such as Morogoro, Mbeya, Kilimanjaro, Mara, Songwe, and Arusha. 95% of the incidents were perpetrated in marriage settings, by the victims' wives.
- In 2024, PWDs continued to be vulnerable to violence, abuse, and mistreatment in the community, violating or restricting their freedom from violence, right to liberty and personal security, and freedom of movement. In total, LHRC documented 19 incidents of violence against PWDs, increasing from 12 in 2023.
- LHRC documented 76 incidents of violence against the elderly, increasing from 45 in 2023. Most of the reported incidents were physical and psychological violence (68%), followed by sexual violence (22%), and economic violence (10%).

**Right to Privacy:** Key issues affecting enjoyment of the right to privacy included inadequate legal protection and imposition of a ban on the use of Virtual Private Networks (VPN) without a permit by the Tanzania Communications Regulatory Authority (TCRA). LHRC and other stakeholders continued to voice their concerns over gaps in the Personal Data Protection Act of 2023, including vague and ambiguous terms and phrases susceptible to abuse by authorities. In May 2024, the High Court of Tanzania delivered its judgment on a landmark case filed by a human rights activist, Tito Magoti, challenging the constitutionality of the Personal Data Protection Act.



While the Court dismissed most of the petitioner's claims for lack of proof of constitutional violation (actual as opposed to potential), it did find sections 22(3) and 23(3)(c) and (e) unconstitutional due to their vague and ambiguous language, which could potentially lead to legal uncertainty and abuse.

Another issue that affected data privacy in 2024 is predatory lending, whose impact on human rights was brought to light in the human rights survey conducted in 20 regions of Mainland Tanzania. Community members identified humiliation or shaming of borrowers as one of the top concerns (41%) and consequences (59%) of predatory lending. Online lenders were reportedly invading the privacy of borrowers' phonebooks and sending humiliating messages to contacts.

**Civic space for human rights defenders:** Human rights defenders (HRDs) reached by LHRC in 2024 identified hostile or difficult working environment (74%) as the biggest challenge they face in the community, followed by threats/intimidation and reprisal (65%); shrinking civic space i.e interference with freedoms of expression, association, and assembly (61%), unfriendly legal environment/inadequate legal protection (61%), false accusations (59%), surveillance (55%), and violence, torture, abductions (54%). The HRDs further indicated that the challenges and consequences they faced mostly affected their right to liberty and personal security (71%), followed by freedom of expression (64%), freedom of assembly (36%), and freedom of movement (33%).

## 2 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; land disputes; predatory lending practices; mental health issues; and different forms of violence, especially against children, women, and PWDs. LHRC also observed that mismanagement, misuse and embezzlement of public funds, was hindering the ability of the Government to ensure progressive realization of economic and social rights.

**Right to Education:** In 2024, effective enjoyment of this right continued to be restricted by several factors, mainly budgetary constraints; poor quality education; shortages of classrooms, teachers, toilets, and other learning and teaching facilities and tools; violence against schoolchildren; child labour; child pregnancy; and child marriage.



- Budget for the education sector increased for the financial year 2024/25 but still fell short of the 20% of the national budget standard.
- The budget for implementing the fee-free education policy remained a topic of public debate in 2024, with stakeholders calling for increased capitation grants for both primary and secondary schools,
- Despite the progress made, shortages of teachers and learning facilities and tools, especially in rural and semi-urban areas, persist - hampering effective enjoyment and realization of the right to education. Currently, the teacher shortage in pre-primary, primary, and secondary education stands at 49.1%.
- Shortage of classrooms and desks was also widely reported in 2024, particularly in regions such as Shinyanga, Singida, and Arusha.
- Budgetary constraints and shortages of teachers and learning facilities were significant obstacles to accessing quality education in 2024, particularly in public primary and secondary institutions. Other contributing factors included challenging teaching environment, menstrual hygiene, violence against children, school proximity, child pregnancy, and child marriage.
- In 2024, children faced physical, sexual, psychological, and economic violence in a variety of places, including at home and school. These instances have an impact on children's learning and academic performance. In school settings, perpetrators of violence, particularly physical and sexual, included teachers.
- In 2024, corporal punishment continued to be administered by teachers in various parts of the country. Such punishment resulted in devastating consequences, including deaths of students, severe injuries, and disability. Since 2018, LHRC has documented 10 school corporal punishment deaths.
- Following the implementation of re-entry guidelines, education stakeholders continued to advocate for legal reforms to include provisions on re-entry for pregnant girls and teen mothers in education laws. LHRC has also observed that re-entry is not comprehensively covered in the education policy or law and its implementation has been challenging.

**Right to Health:** In 2024, right to health issues and violations in Mainland Tanzania included budgetary constraints; shortage of healthcare workers; mental health issues; shortages of equipment, medicines, and medical supplies; and maternal health challenges. Women, children, persons with disabilities (PWDs), and the elderly are disproportionately affected by these issues.





- Budget allocated for the health sector increased by 6% for the financial year 2024/25 but still fell significantly short of the 15% of national budget standard, as it was equivalent to only 5.1% of the national budget, decreasing from 5.4% in 2023/24. Stakeholders noted with concern that the Tshs. 2.5 trillion allocated for the health sector also falls significantly short of the Tshs. 10.1 trillion projected in the Health Sector Strategic Plan 2021-2026 (HSSP V). Delays in disbursement of funds for the health sector, particularly for development projects was also pointed out as a challenge in 2024.
- Shortage of health workers remains a key concern. In May 2024, it was reported that there were 126,925 workers in the health sector, equivalent to 57.9% of the required 219,061 workers.
- 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 (obstetric violence).
- Menstrual health and hygiene is still a challenge for many women and girls across the country, especially in rural areas. 53% of women and girls often rely on cloth for menstrual protection. Removal of tax for sanitary pads and materials is essential in improving access for women and girls.
- Mental health, a key component of the right to health, is key human rights concern in Tanzania, especially among youth, driving some of the people to commit suicide. According to the Minister of Health, the number of mental health patients increased from 246,544 in the financial year 2022/23 to 293,952 in 2023/24. Community health workers were also reported to be affected by mental health disorders, including depression.
- There is also a significant shortage of mental healthcare workers in Tanzania, including a 95% shortage of psychiatry nurses.
- Suicide is one of the major consequences of mental health problems. An alarming five out of every 100,00 people have committed suicide in Tanzania in the past five years. In 2024, LHRC documented 54 incidents of suicide, which are 3 less than those documented in 2023. Reasons for committing suicide included economic hardships, love, debts, being scolded by parents, extra-marital affair, jealousy, and social exclusion. Analysis of the documented incidents showed that majority of the victims (67%) were male, while among children 90% of victims were boys. Further analysis showed that youth accounted for the largest percentage of the victims (58%), increasing from 46% in 2023.





- The issue of predatory lending was examined in the 2024 edition of the LHRC's annual human rights survey. One of the key findings of the survey was that mental health problems and financial distress were among the top five consequences of predatory lending.

**Right to Clean and Safe Water:** In 2024, budgetary constraints, water leakages and loss, lack of or limited access to clean water in certain regions, and the effects of climate change all continued to impede the effective realization of the right to clean and safe water. Women and girls are disproportionately affected by the lack of access to safe water and sanitation, which has an impact on their health, education, and economic opportunities. Stakeholders have been voicing concerns, however, about water sector financing and fund distribution. This is because the budget has consistently fallen short of the recommended 5.5% of the national budget benchmark, as well as other standards.

**Right to Work:** In 2024, key right to work issues included labour rights violations and low awareness about labour laws and rights. LHRC's survey on business and human rights in 2024 revealed that the situation of labour rights in the business sector continued to be critical, owing to violations of various fundamental labour rights relating to employment contracts, working hours, remuneration, working environment, violence in the workplace, compensation, freedom of association, child rights, leaves, social security, and access to justice. Through her legal aid and human rights monitoring programmes and media survey, LHRC received a total of 2,555 new labour rights violations complaints, of which 460 (18%) were filed by women and 2,095 (82%) by men. They included unfair termination, non-payment of salaries, delayed payment of salaries, non-remittance of social security contributions, and workplace violence.

Other key issues and challenges that affected progressive realisation of the right to work in 2024 included poor working conditions for teachers and health workers; discrimination of persons with disabilities (PWDs) in employment; low awareness of labour laws and rights; limited access to justice for workers; violations of journalists' labour rights; and non-ratification of key International Labour Organization (ILO) conventions.

**Right to Own Property:** In 2024, key right to own property issues and violations in Mainland Tanzania included predatory lending, land conflicts/disputes, non-payment of compensation, and property grabbing. Women were among the major victims of property rights violations, including through denial of inheritance. In 2024, LHRC documented over 20 land disputes, reported in regions such as Mbeya, Singida, Mwanza, Shinyanga, Mara, Iringa, Tanga, Pwani, Arusha, Kagera, and Mtwara, through human rights monitoring and survey. Additionally, LHRC received 2,680 new land-related complaints and disputes through her legal aid programme. In July 2024, it was reported that land disputes, especially around compensation, double allocation of land, and inheritance, dominated the disputes entertained through the Mama Samia Legal Aid Campaign since the initiative was launched in April 2023.



- **Predatory lending:** In 2024 LHRC conducted a survey on predatory lending and its impact on human rights. The survey found that predatory lending is a growing problem in the country, with majority of community members (44%) feeling that it is a serious problem. High interest rates and excessive fines (68%) were identified as their biggest concern, followed by little time for loan repayment (57%), humiliation or shaming of borrowers (41%), and granting loans to qualified people (39%). In terms of impact on human rights, seizure of property and financial distress (73%) were identified as the top consequence of predatory lending. The right to property was identified as the most affected by predatory lending (59%). LHRC documented 302 incidents of property rights violations caused by predatory lending practices.
- Other key issues and challenges in relation to property rights that emerged in 2024 included will writing, Maasai land rights in Ngorongoro, and property rights of Tanzanians in diaspora.

**Right to Adequate Standard of Living:** Key issues affecting right to adequate standard of living in Mainland Tanzania included food insecurity; access to nutritious food; food affordability; and inadequate housing. Climate change continued posing a serious risk to agriculture, food, and nutrition security in the country. It caused impacts such as drought, increased temperatures, affected soil, and ultimately contributed to reduced crop production, including production of food crops. Rising food prices also affected the right to an adequate standard of living in 2024. Budgetary constraints for the agricultural sector, delays in disbursement of funds for the sector, poverty, lack of adequate housing, and predatory lending practices also affected enjoyment of the right to adequate standard of living. Among the top five consequences of predatory loans were seizure of property and financial distress (73%) and failure to meet basic needs (34%), both of which significantly affected ability to realize the right to adequate standard of living.

**Right to Social Security:** In 2024, key issues affecting enjoyment of the right to social security included limited access to health insurance and non-remittance of social security contributions. Despite measures to increase access to social security, most Tanzanians remained uncovered by social security schemes in 2024. Only a small part of the population (less than 10%), notably those in the formal sector, is covered by formal social security schemes such as NSSF. This situation is complicated by the fact that even the traditional forms of social protection have weakened.

### 3 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.



**Right to Development:** Key issues affecting the right to development included mismanagement, misuse and embezzlement of public funds; budgetary constraints; and tax avoidance and evasion. Several GAG reports, covering the financial year 2022/23, which were released in March 2024, revealed red flags of corruption and serious mismanagement, misuse, and embezzlement of public funds. Analysis found the red flags of corruption and fraudulent issues in the public sector, namely the Local Government Authorities, Central Government, and Public Authorities amounted to TZS 2.41 trillion, equivalent to 6% of the national budget of TZS 41.48 trillion for 2022/23. In March 2024, the Prevention and Combating of Corruption Bureau (PCCB) released its annual report, which also showed indicators of corruption, fraud, and embezzlement.

Progress in social and economic development was affected by various issues and challenges, including budgetary constraints and shortages of facilities, infrastructure, equipment, and workers.

**Right to Enjoy and Benefit from Natural Resources:** In 2024, key issues and challenges affecting the right to enjoy and benefit from natural resources included corruption and mismanagement, misuse, and embezzlement of public funds generated through natural resources; tax avoidance and evasion; environmental degradation; and climate change impacts. The Performance Audit Report on the Management of Fisheries Resources in Tanzania, released by the Controller and Auditor General (CAG) in March 2024, also highlighted deficiencies in management of fisheries resources which hinder effective realization of the right to enjoy and benefit from natural resources.

**Right to Healthy and Sustainable Environment:** In 2024, key issues affecting the right to healthy and sustainable environment included environmental pollution and degradation and climate change impacts. LHRC documented 51 incidents of environmental pollution, slightly increasing from 40 in 2023. In 2024, LHRC's survey on business and human rights also revealed complaints of air pollution, land pollution, water pollution, noise pollution, and odour pollution caused by industries. In April 2024, the Minister of State (Union and Environment), Hon. Dr. Selemani Jafo (MP), disclosed that for the financial year 2023/24, NECM received 366 complaints of environmental pollution and degradation, including noise and vibration, air pollution, land pollution, and water pollution. The complaints are 49 more than those recorded in 2022/23.

In 2024, climate change impacted livelihoods, environment, and human rights in various ways, including through floods, house and infrastructure destruction, drought, and decreased production. These events affected enjoyment of fundamental human rights such as the right to adequate standard of living, right to health, right to work, right to development, right to clean and safe water, and right to education.



## 4 Rights of Special Groups

Key issues affecting enjoyment of rights of special groups included discrimination and different forms of violence. There were widespread reports of violence against women and children (VAWC). Women are especially vulnerable to physical violence, especially in domestic settings, as 7 out of 10 victims and survivors of GBV are women. Sexual violence is most common among children, with acts of rape and sodomy dominating.

**Women's Rights:** In 2024, violence and discrimination continued to be key issues affecting women's rights. Other issues included restrictions on political participation and limited access to justice.

- Gender-based violence (GBV) continued to be a key barrier to women's rights and to achieving gender equality in Tanzania. An average of 20,000+ GBV incidents are reported each year and women account for over 70% of GBV victims and survivors. This means that 7 out of 10 victims and survivors of GBV are women.
- Analysis of GBV incidents recorded by the Tanzania Police Force (TPF) in 2023 reveals that top three regions with most incidents are Dar es Salaam, Arusha, and Tanga. Police regions with the highest frequency of GBV incidents were Temeke (4,214), Arusha (3,476), Tanga (2,368), Kinondoni (2,361), and Ilala (1,921).
- In 2024, LHRC documented 317 incidents of violence against women (VAW) through human rights monitoring and media survey alone, reported across Mainland Tanzania. These incidents are more than double those documented in 2023 (147), an increase of 116%. Physical and psychological violence constituted 63% of the incidents, increasing from 61% in 2023.
- In 2024, LHRC documented 199 incidents of physical and psychological VAW through human rights monitoring and media survey. These constituted 63% of the incidents, increasing from 61% in 2023. The majority of these incidents involved intimate partners as perpetrators. LHRC documented an additional 113 incidents reported in 12 out of 20 regions that were visited, bringing the overall total to 232.
- Intimate partner violence (IPV) continued to be the most dominant form of VAW, as IPV incidents continued to be widely reported in 2024 across Mainland Tanzania. 70% of incidents of physical and psychological VAW documented by LHRC through human rights monitoring and media survey were IPV. One of the major consequences of IPV was intimate partner homicide (IPH). LHRC documented 41 incidents of IPV reported within the period of January to December 2024 and women accounted for 88% of the victims.



- Other key issues affecting women's rights included child and family neglect and abandonment; sexual violence, including sextortion, sexual harassment, marital rape and sodomy; predatory lending practices; economic violence; limited participation in governance; maternal health rights violations; discriminatory customs and traditions; and cyberviolence.
- Police crime statistics released in 2024 showed that there were 475 incidents of cyberviolence that were recorded by the police in 2023, which were 112 more than those recorded in 2022. In 2024, LHRC documented incidents of cyberviolence, all of them against women, including women in elections. In the Local Government Elections (LGE) 2024 LHRC documented 13 incidents, which included verbal abuse, character assassination, disinformation, coercive voting, and sextortion.

**Children's Rights:** Many children and adolescents in Tanzania experience violence, exploitation, and abuse. Sexual violence is the most common form of violence, especially targeting and affecting girls. Physical violence, particularly in home and school settings, is also prevalent.

- In 2024, LHRC documented 602 incidents of violence against children (VAC) through human rights monitoring and media survey alone, increasing from 464 in 2023. Sexual VAC constituted the most incidents (69%), followed by physical and psychological violence (30%) and economic violence (1%). The percentage of reported incidents of sexual violence slightly decreased from 79% in 2023, while physical and psychological violence increased by 11%, and economic violence decreased by 1%.
- Analysis of the documented VAC incidents showed that perpetrators of VAC included parents, guardians, neighbours, teachers, grandparents, close relatives, family friends, and strangers. Most of the acts of violence were perpetrated in home, community, and school settings.
- An average of 13,708 incidents of VAC are reported each year, with girls accounting for 80% of the victims and survivors. Half of the reported VAC incidents are rape incidents, most of them (80%) involving girls as victims and survivors.
- Analysis of police data also shows that 80% of victims and survivors of sodomy are boys. 22% of the 415 incidents of sexual VAC documented by LHRC in 2024 were sodomy incidents.
- Child-on-child sexual abuse is also a growing problem in Mainland Tanzania. 19 out of 415 incidents (5%) of sexual VAC documented by LHRC in 2024 involved fellow children as perpetrators. Most of them were incidents of sodomy and perpetrated in school settings.



- Physical and psychological violence constituted 30% of VAC incidents documented by LHRC in 2024, of which 63% involved boys and 37% girls as victims. Analysis of the incidents showed that children were subjected to acts of violence such as beating (including whipping), punching, burning of body parts, torture, mutilation, abduction, verbal abuse, strangulation, and being attacked with a weapon or sharp object. The main perpetrators were parents, stepparents, guardians, teachers, domestic workers, and strangers. 33% of the incidents were beating, including whipping or corporal punishment, followed by burning of body parts (21%).
- Child neglect was one of the most common and reported acts of psychological VAC across the country. Most of the perpetrators were fathers, who were accused of neglecting and abandoning their children and spouses.
- Key challenges in addressing VAC include discriminatory and harmful cultural practices, social acceptance of violence, budget allocation for prevention and response, coordination challenges, shortages of safehouses and fit persons/families, shortage of social welfare officers, and cultures of silence, forgiveness, and 'concealing family shame.'
- Other issues affecting children's rights and welfare included child and exploitative labour; human trafficking; child marriage; child pregnancy; female genital mutilation (FGM); limited access to quality education; limited participation in decision-making; and juvenile justice challenges.
- Five years on from the Court of Appeal judgement, the Parliament of Tanzania is yet to amend the Law of Marriage Act of 1971 to outlaw child marriage by setting 18 years as the minimum age of marriage. In 2024, LHRC documented 4 incidents of children marriage, the same as in 2023. These incidents were reported in Pwani, Manyara, and Shinyanga Regions.
- FGM continues to be a big threat to girls' rights. . In December 2024, it was reported that 180 girls were rescued by the Tanzania Police Force (TPF) in Mara Region.
- Access to quality education for children with disabilities was limited by challenges such as stigma, discrimination, shortage of special education teachers, and non-availability of disability friendly infrastructure.





**Rights of Persons with Disabilities:** In 2023, LHRC's human rights survey identified various key issues affecting the rights of PWDs, including stigma and discrimination (48%), poverty and unreliable sources of income (44%), unfriendly infrastructure (42%), and limited access to quality healthcare (31%). Neglect and social exclusion (30%), food insecurity (30%), abuse or mistreatment (28%), and limited access to quality education (28%) were also identified as key issues and challenges by nearly a third of respondents. These issues continued to be key barriers to enjoyment of their rights in 2024. Community members engaged by LHRC in 2024, including PWDs, indicated that stigma and discrimination were the biggest barrier to enjoyment of human rights by PWDs. In July 2024, the Tanzania League of the Blind (TLB), issued a statement condemning the stigma directed towards the blind in the community. The NGO called for the Government's intervention, including in raising awareness about their rights.

Other key issues and concerns for the rights of PWDs include limited access to information, especially among the deaf and the blind; limited involvement in decision-making; inadequate access to health services, particularly sexual and reproductive health services; and communication barrier.

**Rights of the Elderly:** LHRC's human rights survey conducted in 2023 identified several key issues that affect the rights of the elderly, including poverty and unreliable sources of income (57%), limited access to quality health services (45%), food insecurity (40%), childcare burden imposed by their own children (38%), neglect/social exclusion (36%), and violence (21%). These and other issues continue to hinder effective enjoyment of fundamental human rights among the elderly. Another factor hindering effective enjoyment of human rights for the elderly in Tanzania is inadequate legal protection. In 2024, the elderly and elderly rights stakeholders, including HelpAge International, continued to emphasize the need for elderly protection law, which should include various provisions such as universal pension and access to quality health services.

- LHRC documented 76 incidents of violence against the elderly, increasing from 45 in 2023. Most of the reported incidents were physical and psychological violence (68%), followed by sexual violence (22%), and economic violence (10%). LHRC has also observed that older persons rarely report violence due to several reasons, including fear of retaliation and isolation; feelings of shame; fears of action not being taken after reporting incident; and perpetrators mostly being family members, especially in the case of physical and economic violence.
- Other issues that affected the welfare of the elderly in 2024 included delays and bureaucracy in receiving retirement benefits; inadequacy of the retirement benefits; nutritional challenges due to limited access to adequate and nutritious food; increased vulnerability to diseases; neglect and abandonment by their children or family.



**Youth Rights:** In 2024, issues such as violence, unemployment, underemployment, limited access to quality education, mental health issues, limited participation in governance, corruption and limited access to quality health services continued to hinder effective realization of youth rights. Youth in Tanzania face high levels of unemployment and underemployment. Many are forced to work in the informal sector with low wages and little job security.

**Rights of Persons Living with HIV:** The biggest human rights concern for PLHIVs in Tanzania is stigma and discrimination. 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. This group is also disproportionately affected by health sector challenges such as budgetary constraints and shortages of workers, medicines, and medical supplies. A 2024 study on the challenges of the delivery of health services for PLHIVs in Dar es Salaam, found that there were facility-related challenges such as inadequate and limited space for CTC services, lack of integrated HIV services, and shortage of staff, which needed collaborative efforts to overcome.

## 5 Human Rights Mechanisms

**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.

**Regional and International Human Rights Mechanisms:** Key issues regarding regional and international human rights mechanisms in Tanzania include withdrawal of Tanzania of access of individuals and NGOs to the African Court on Human and Peoples' Rights and non-implementation of recommendations made by the non- or semi-judicial mechanisms, and non-enforcement of judgements delivered by the judicial mechanisms. There is also an issue of delays in submission of implementation reports to human rights mechanisms.





## 6 Implementation of Previous Report Recommendations

In 2024, the percentage of implemented recommendations stood at 38%, increasing from 36% in 2023. Percentage of partially implemented recommendations also increased from 40% in 2023 to 41% in 2024, while the percentage of recommendations not implemented decreased from 23% in 2023 to 20% in 2024. Overall, five more recommendations were implemented or partially implemented in 2024, of which two were implemented and three were partially implemented.



## Key Recommendations

<b>Legal reforms, including in the criminal justice system</b>	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.
<b>Government and non-government actors and individuals to refrain from arbitrary interference with human rights, especially civil and political rights</b>	
<b>A new constitution</b>	This is desirable to enhance protection of human rights in conformity with international human rights standards
<b>Ratification of key human rights instruments yet to be ratified</b>	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.
<b>Enforcement of laws, regulations, rules, and policies to safeguard human rights</b>	
<b>Enactment of laws to protect special groups</b>	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.
<b>Ensuring accountability of law enforcement officers when they violate human rights</b>	
<b>Increasing budgetary allocations for education, health, water, and agriculture sectors in line with international minimum standards/benchmarks.</b>	
<b>Addressing challenges faced by national human rights mechanisms</b>	
<b>Setting aside adequate resources/budget for the implementation of the National Plan of Action to End Violence Against Women and Children</b>	
<b>Increasing public awareness on human rights issues</b>	
<b>Incorporating human rights education in curricula</b>	



# Chapter One

## Introduction

# Chapter One: Introduction

## 1.1. Contextual Overview

### 1.1.1. Historical Overview

Tanzania (previously Tanganyika and Zanzibar) was ruled by the Germans, British, and Arabs until gaining independence in 1961 and 1963. This period was marked by severe human rights abuses. These violations of the rights of the natives drove the two union countries, Tanganyika, and Zanzibar, to push for independence.<sup>4</sup> 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. Five constitutions later, this milestone signaled the start of Tanzania's path toward improved human rights protection, opening the door for the 1992 constitutional revisions that brought multiparty democracy and the growth of nongovernmental organizations that promoted human rights in the 1990s and 2000s.

### 1.1.2. Geography and Population

**The Population** of the country is rapidly growing, at the rate of 3.2 per annum.<sup>5</sup> 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.<sup>6</sup> 96.9% of the population resides in Mainland Tanzania, while the remaining 3.1% resides in Zanzibar. The majority of the country's population resides in rural areas, where the number of households found is high compared to urban areas. Distribution of the population categories based on age, sex, and location is provided below.<sup>7</sup>

**Table 1.1: #Distribution of Tanzanian Population by Location**

Category	Location		Total
	Urban	Rural	
Tanzania	21,539,695	40,201,425	61,741,120
Mainland	20,613,420	39,237,927	59,851,347

<sup>4</sup> TANU Political Party led by the late Julius Kambarage Nyerere in Mainland Tanzania and ASP Political Party in Zanzibar, led by the late Abeid Amani Karume.

<sup>5</sup> See JAMHURI YA MUUNGANO WA TANZANIA, *SENSA YA WATU NA MAKAZI YA MWAKA 2022: MATOKEO YA MWANZO*, OKTOBA 2022, at <https://www.nbs.go.tz/nbs/takwimu/Census2022/matokeomwanzooktoba2022.pdf>.

<sup>6</sup> Ibid.

<sup>7</sup> Ministry of Finance and Planning, Tanzania National Bureau of Statistics and President's Office - Finance and Planning, Office of the Chief Government Statistician, Zanzibar. The 2022 Population and Housing Census: Age and Sex Distribution Report. Tanzania, December 2022, at [https://www.nbs.go.tz/nbs/takwimu/Census2022/Age\\_and\\_Sex\\_Distribution\\_Report\\_Tanzania\\_volume2\\_a.pdf](https://www.nbs.go.tz/nbs/takwimu/Census2022/Age_and_Sex_Distribution_Report_Tanzania_volume2_a.pdf).



Children Tanzania	9,283,834	20,973,362	30,257,196
Youth Tanzania (15-35)	8,664,902	12,647,509	21,312,411
Children Mainland	8,875,234	20,490,000	29,365,234
Youth Mainland	8,300,163	12,312,403	20,612,566
Source: Census 2022			

**Geographically**, with its numerous mountains, lakes, rivers, national parks, and other tourist destinations, Tanzania is a stunning country. It is home to Mount Kilimanjaro, the world's highest free-standing mountain and the highest mountain in Africa. In addition, there are other national parks, such as the Serengeti National Park, which is well-known for the enormous yearly migration of zebra and wildebeest, and Lakes Victoria and Tanganyika, which are the largest and deepest in Africa, respectively.

### 1.1.3. Literacy & Enrolment Rate

The 2022 census data shows that 83% of the population aged 15 years and above in Tanzania are literate.<sup>8</sup> The literacy rate is higher among males (86.8%) than females (79.5%). Adult literacy rate shows an increase from 71.8% in 2012 to 83% in 2022 censuses. A similar pattern has been observed for both males and females. This attests to considerable progress made in increasing literacy, in line with the Sustainable Development Goals (SDGs) on education and the Development Vision 2025. Women are marginalized, particularly in rural regions, which contributes to their lower adult literacy rates as compared to men. The literacy rate is highest in Dar es Salaam (97.5%) and lowest in Tabora (68%).<sup>9</sup>

Regarding enrolment, the Net Enrolment Rate (NER) in primary schools in Tanzania stands at 83.3%, according to the 2022 census data.<sup>10</sup> This constitutes a 6.5% increase in comparison with the 2012 census data. The NER is currently slightly higher for females (85.4%) than males (81.2%).<sup>11</sup>

### 1.1.4. Economic Situation

In the aftermath of the COVID-19 pandemic, Tanzania's economy has grown steadily. According to recent data, GDP growth picked up speed in the first quarter of 2024, increasing to 5.6% year over year after growing by 5.1% in 2023.<sup>12</sup> Construction, mining

<sup>8</sup> The United Republic of Tanzania, Ministry of Finance National Bureau of Statistics Tanzania and Presidents' Office, Ministry of Finance and Planning Office of the Chief Government Statistician, Zanzibar, *BASIC DEMOGRAPHIC AND SOCIO-ECONOMIC PROFILE: Key Findings*, at [https://sensa.nbs.go.tz/publication/08.%20Key\\_Findings\\_Basic\\_Demographic\\_and\\_Socio-economic\\_%20Eng\\_%2012.06.2024%20Final.pdf](https://sensa.nbs.go.tz/publication/08.%20Key_Findings_Basic_Demographic_and_Socio-economic_%20Eng_%2012.06.2024%20Final.pdf).

<sup>9</sup> Ibid.

<sup>10</sup> BASIC DEMOGRAPHIC AND SOCIO-ECONOMIC PROFILE: Key Findings (*supra*).

<sup>11</sup> Ibid.

<sup>12</sup> See World Bank Group, *Tanzania Overview*, at <https://www.worldbank.org/en/country/tanzania/overview>.



and quarrying, transportation and storage, and agriculture were the primary development drivers.<sup>13</sup> The majority of people live in rural areas, where economic growth is slower, hence the rate of poverty reduction is still comparatively slow.

### 1.1.5. Political and Governance Systems

Six Presidents have led Tanzania since 1962. These are the late Julius Kambarage Nyerere (1962–1985), the late Ali Hassan Mwinyi (1985–1995), the late Benjamin William Mkapa (1995–2005), Dr. Jakaya Mrisho Kikwete (2005–2015), the late Dr. John Pombe Magufuli (2015–2021), and Samia Suluhu Hassan (2021 to date). H.E Samia Suluhu Hassan is the first ever female President of the United Republic of Tanzania, following the passing of the late Dr. John Pombe Magufuli in March 2021.

The Tanzanian Government structure comprises the Executive, the Legislature, and the Judiciary, established under Article 4 of the Constitution of the United Republic of Tanzania of 1977.

<b>Executive</b>	<ul style="list-style-type: none"> <li>• Composed of the President, who is the Head of State, Head of Government and the Commander in Chief of the Armed Forces, and the cabinet.</li> <li>• Government of the United Republic of Tanzania is in charge of all union matters and all matters of Mainland Tanzania.</li> <li>• Zanzibar has a semi-autonomous government that has the power over non-union matters in the Isles.</li> </ul>
<b>Legislature</b>	<ul style="list-style-type: none"> <li>• Consists of two parts: the President and the National Assembly.</li> <li>• Vested with legislative powers in relation to all Union Matters and in relation to all other matters concerning Mainland Tanzania.</li> <li>• The laws passed by the National Assembly shall apply also in Zanzibar if they address specifically designated union matters.</li> </ul>
<b>Judiciary<sup>14</sup></b>	<ul style="list-style-type: none"> <li>• A constitutional organ and an arm of the State with final decision in dispensation of justice in the United Republic of Tanzania.</li> <li>• Judges are appointed by the President, in consultation with the Judicial Service Commission of Tanzania.</li> <li>• Magistrates are appointed directly by the Commission.</li> <li>• Zanzibar has its own Judiciary,<sup>15</sup> but under Court of Appeal of Tanzania.</li> </ul>

<sup>13</sup> See BANK OF TANZANIA, *ECONOMIC BULLETIN FOR THE QUARTER ENDING DECEMBER 2022*, VOL. LIV NO. 4, at <https://www.bot.go.tz/Publications/Filter/2>.

<sup>14</sup> Consists of the following courts: the Court of Appeal, which is the highest court in the country; the High Court of Tanzania; Resident Magistrates Courts; District Courts; and Primary Courts.





## 1.2. Report Preparation, Objectives, and Structure

### 1.2.1. Report Preparation & Objectives

This report discusses the state of human rights in mainland Tanzania from January to December 2024, focusing on the major human rights concerns of that year. In addition to discussing incidences of human rights violations and gaps in human rights protection, the study highlights the good aspects and positives witnessed in 2024. Along with providing evidence to support advocacy, the report also reminds duty bearers and rights holders of their human rights obligations, informs them of pertinent human rights standards, encourages behavior change in society, and provides important data on human rights issues to guide government and non-governmental actors' interventions. This report serves as a starting point for research on human rights and identifies legal and human rights concerns for more study. It also serves as a tool for increasing knowledge and understanding of human rights and human rights issues.

### 1.2.2. Sources of Data

Nine data sources, divided into primary and secondary categories, provided information for this report.

#### 1.2.1.1. Primary Data

Primary data and information used in this report were the Human Rights Survey 2024, LHRC's engagement with her programme beneficiaries, legal aid data, and human rights monitoring. The human rights survey was conducted in 20 regions of Mainland Tanzania,<sup>15</sup> and covered seven themes, namely: Impact of exploitative or predatory loans (*mikopo kausha damu*) on human rights; Access to justice; Violence against women and girls (VAWG); Violence against men and boys (VAMB); Criminal justice; Human trafficking; and Work and state of human rights defenders. The survey aimed to obtain key data and information around these themes to inform assessment of the human rights situation in the country. The regions were purposively sampled to ensure representation of all zones of Mainland Tanzania and considered prevalence of different human rights issues, such as GBV, VAC, mob violence, and criminal justice challenges.

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<sup>15</sup> Consisting of (in descending order): the Court of Appeal of Tanzania; the High Court of Zanzibar; Regional and District Magistrate Courts; Primary Courts; Kadhi Appeal Courts; and Kadhi Courts.

<sup>16</sup> Dar es Salaam, Pwani, Mtwara, Morogoro, Dodoma, Tabora, Singida, Tanga, Kilimanjaro, Manyara, Njombe, Mbeya, Ruvuma, Shinyanga, Mwanza, Mara, Simiyu, Kageram Katavi, & Kigoma.



LHRC's Human Rights Survey 2024 reached 2,984 respondents,<sup>17</sup> comprising: 2,037 Community members; 50 Social Welfare Officers (SWOs); 47 Community Development Officers (CDOs); 180 Ward Executive Officers (WEOs); 123 Lawyers; 410 NGO officials; and 137 Human rights defenders. Cluster sampling was employed in region sampling, while purposive and random sampling techniques were inclusively used to identify respondents, key informants and community members respectively.

**Table 1.2: %Respondents by sex (N=2,984)**



Source: Field data, 2024

Both qualitative and quantitative approaches were applied to acquire pertinent data, utilizing questionnaire, interview, key informant interview, focus group discussion (FGD), and observation methods. LHRC engaged and deployed 15 research assistants (8 male and 7 female) to assist in data collection. The research assistants attended a two-day training session that included ethical issues and quality assurance before fieldwork began.

Frequencies and important factors were established by analyzing data gathered during fieldwork using LHRC-RMS and the Statistical Package for Social Scientists (SPSS) analysis software. Microsoft Word and Excel were used to further analyze these data and turn them into tables and figures. The several themes that emerged were used to group and analyze the qualitative data, mainly employing the thematic analysis method of data analysis.

Data for areas not included in the Human Rights Survey 2024 were among the important primary data that LHRC was able to produce through her network of human rights monitors in every part of Mainland Tanzania. Data from legal aid also constituted a valuable source of information, particularly on issues around economic and social rights, such as property and land rights issues, access to justice, and criminal justice.

<sup>17</sup> Above the minimum sample size, calculated using Calculator.net.





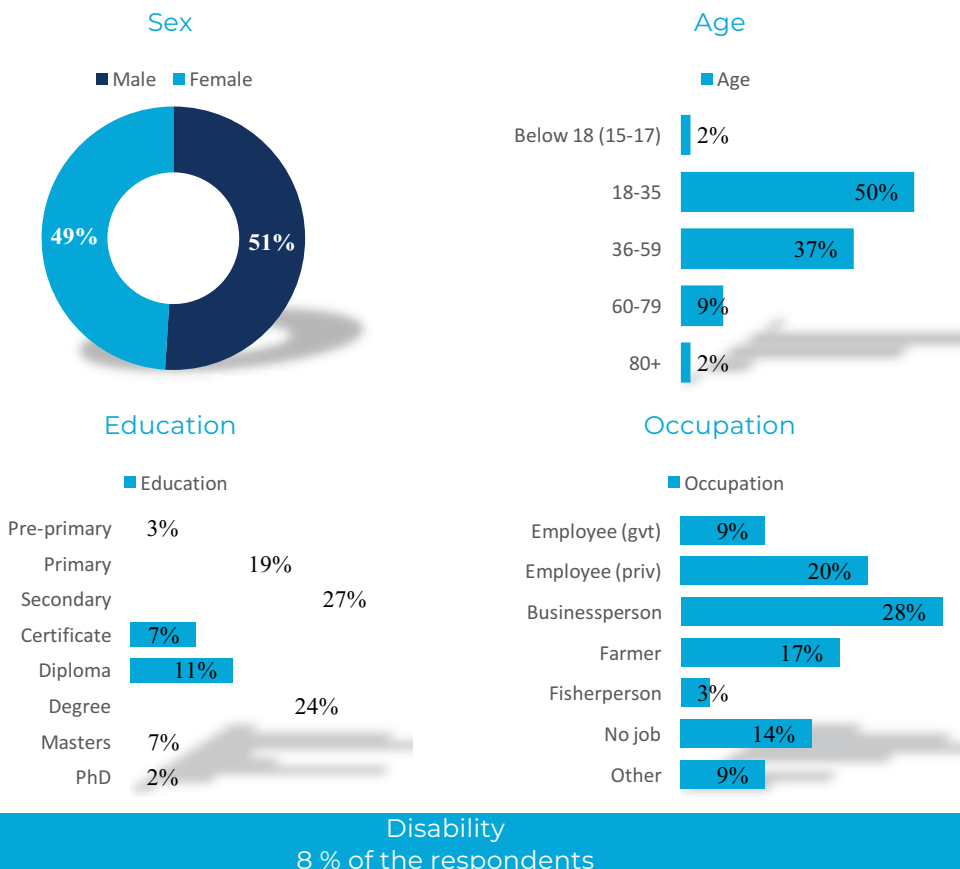


### 1.2.1.2. Secondary Data

A variety of reliable sources, including government and non-government actors' reports and remarks, were reviewed in order to gather secondary data. Among the data sources were Government documents, including parliamentary reports; budget speeches; ministry reports; reports from law enforcement agencies; speeches and reports from the judiciary; and police data and crime statistics. Previous LHRC reports, local and international CSO reports, regional and international human rights instruments, and regional and international human rights bodies' judgments have all greatly influenced this report. An essential source of data for this report was the LHRC media survey, which also made data triangulation possible and established the groundwork for future studies.

### 1.2.2. Demographic Characteristics of Respondents

Through the Human Rights Survey 2024, LHRC managed to reach 2,037 community members. Data collected from them included sex, age, education, occupation, and disability, summarized below.



### 1.2.3. Report Structure

This report is divided into two parts, namely Part One (covering Mainland Tanzania) and Part Two (covering Zanzibar). Each part consists of seven chapters, Chapter One (Introduction) provides a short contextual overview of Tanzania and highlights report preparation, objectives, and structure. It also covers report theme findings and provides a general overview of the state of human rights. Chapter Two (Civil and Political Rights) discusses 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 Three (Economic, Social, and Cultural Rights) looks at enjoyment and realization of key rights such as 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 Four (Collective Rights) discusses realisation of rights to development, right to benefit from natural resources, and right to clean and healthy environment, while Chapter Five (Rights of Special Groups) focuses on rights of women, children, PWDs, the elderly, and other special groups.

Chapter Six (Human Rights Mechanisms) of this report is about the role of various bodies at domestic, regional, and international levels in protection of human rights and challenges experienced in this regard. Lastly, Chapter Seven (Implementation of Recommendations) briefly explains the status of implementation of the recommendations made in the previous human rights reports.

### 1.3. Report Theme: The Resurgence of Unknown Assailants

In 2017, LHRC issued her annual human rights report with a theme **‘Unknown Assailants’: A Threat to Human Rights**. The choice of theme was inspired by a wave of reported attacks, abductions and disappearances of people in 2016 and 2017, including the disappearance of Ben Saanane in 2016, who remains missing to date; the abduction and torture of local singer/rapper known as Roma Mkatoliki and his two colleagues in 2017; the attack and killing of anti-poaching crusader and wildlife conservationist from South Africa, Wayne Lotter, in 2017; and the brutal attack of the current CHADEMA Chairperson, Mr. Tundu Lissu, by unknown gunmen outside his house in Dodoma Region in 2017. Unknown assailants were also reported to be responsible for 17 bodies found ashore Coco Beach in Dar es Salaam in September





2017 alone, believed to have been tortured and then killed. The bodies were wrapped in polythene bags and some with rocks tied to them or wrists tied with ropes.<sup>18</sup>

Fast-forward seven years later, widespread reports of abductions and disappearances of people believed to be orchestrated and carried out by unknown assailants resurfaced. Some of the incidents reported in 2024 included the attack of a politician and Simanjiro Member of Parliament (CCM), Christopher Ole Sendeka, by unknown gunmen; mysterious disappearance of Shadrack Chaula (24), 20 days after he was released from prison; attacks, abduction, and disappearances of members and leaders of the main opposition party, CHADEMA, such as Deusdedith Soka, Jacob Godwin Mlay, Frank Mbiye, Dioniz Kipanya, Ali Kibao, and Kombo Mbwana; and abduction of ACT-Wazalendo political party youth wing leader, Abdul Nondo. These and other incidents are further discussed in Chapter Two (Right to Life and Right to Liberty and Personal Security) of this report.

## LHRC 100

From January 2015 to February 2025, LHRC has documented 100 incidents of abductions and enforced disappearance. Nearly two thirds of the incidents (64) were reported in 2022 (31) and 2024 (33) alone. No incidents were recorded in 2019 and 2020. Just over a third of the incidents (35%) were reported in Dar es Salaam Region, followed by Arusha (26%).

### 1.4. Overview of Human Rights Situation in 2024

#### 1.4.1. Overall Human Rights Situation

##### Verdict on the overall human rights situation

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 2024 compared to the previous year of 2023. This was mainly attributed to violations of civil and political rights, especially the right to life, the right to freedom from violence, the right to liberty and personal security, and the right to equality before the law.

<sup>18</sup> See LHRC & ZLSC (2018), *Tanzania Human Rights Report 2017*, at <https://humanrights.or.tz/en/post/resources-center/tanzania-human-rights-report-2017>.



## Most reported and documented human rights issues

The most reported and documented human rights issues were right to life violations; violence against women (VAW), violence against children (VAC); criminal justice challenges, including violations of rights of accused persons; political participation; abductions and disappearances; intimate partner violence (IPV) and intimate partner homicide (IPH); and predatory lending and its impact on human rights, which is further discussed below. Reasons for persistence of most of these issues include inadequate measures to prevent crime, gaps in laws and policies, discriminatory customs and traditions, poverty, inadequate protection against human rights violations, mental health issues, and the culture of impunity.

## 5 Most violated human rights in 2024

1

### Right to life

- Mob violence; Witchcraft-motivated killings; Elderly killings; IPH; Disappearances

2

### Freedom from violence

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

3

### Right to liberty & personal security

- Abductions & disappearances; Delays in dispensation of justice; Denial of bail; VAW, VAP, & VAC; Arbitrary arrests & detentions

4

### Right to equality before the law

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

5

### Right to participate in governance

- Restrictions on participation rights (expression, assembly & association); unfair disqualifications in elections; barriers to political participation

## Other key human rights issues

Other human rights issues reported in 2024 included mental health issues, violence against the elderly, stigma and discrimination of persons with disabilities (PWDs), human and child trafficking, child neglect, child labour and exploitation, child marriage, privacy, personal security, FGM, health insurance, and violations of property and inheritance rights.



### 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 (41%), followed by women (29%), men (15%), elderly (11%), and PWDs (4%).<sup>19</sup> The percentage of children victims slightly decreased from 45% in 2023, while the percentage of women victims decreased by 1%. The percentages for men, the elderly, and PWDs slightly increased by 5%, 1%, and 1% respectively.



**Figure 1.1: Victims of human rights violations based on reported incidents documented by LHRC in 2024**

Source: Human Rights Monitoring 2024

## 1.5. Predatory Lending, Household Debts, and Human Rights

In 2024, LHRC included a theme of predatory lending in the human rights assessment. This followed widespread reports of predatory loans, popularly known as 'kausha damu' across Mainland Tanzania in 2023 and 2024 and emerging human rights concerns. This sub-chapter highlights some key findings, which are further discussed in other relevant chapters below.

<sup>19</sup> N=1,965.



### 1.5.1. Overview

Predatory lending is defined as imposing unfair, deceptive, or abusive loan terms on borrowers.<sup>20</sup> Key aspects of predatory lending include high-interest rates, excessive and abusive fees, and terms that strip the borrower of equity. Borrowers are often taken advantage of through being induced, mislead, and assisted to take loans that lenders, also known as loan sharks, know they cannot repay reasonably and will pay extremely above the market rate.<sup>21</sup> The target is often **vulnerable people** in the

*The Universal Declaration of Human Rights enshrines rights of particular relevance for an analysis of overindebtedness and abusive lending and collection practices, in particular the rights to life, liberty and security, to freedom of movement, to social security, to just remuneration, to an adequate standard of living, including food, housing, education, clothing and medical care and necessary social services, and the right to security.*

community, who have no or few options to obtain loans from more established financial institutions, including banks. Such loans include payday loans and asset-based loans.

In 2020, the UN Human Rights Council recognized the problem of predatory lending in its report on private debts and human rights.<sup>22</sup> While acknowledging that debt is not per se a human rights problem or violation, the report notes that it becomes a problem when indebtedness is either caused by or causes human rights

violations, **affecting in particular members of a community who are marginalized or vulnerable, including women and members of poor households.**<sup>23</sup> The report recognizes the growing problem of predatory lending at the expense of borrowers' human rights worldwide, increasing poverty and lowering the standard of living. Among the biggest concerns with the abusive loans offered is the high interest rates levied on them, serving to push them over the edge. The report also identifies several common abusive debt collection practices such as borrowers being called daily and regularly, harassment, shaming, confiscation of property, and humiliation.<sup>24</sup>

<sup>20</sup> See Adam Hayes, *Predatory Lending: How to Avoid, Examples and Protections*, Investopedia, 23 May 2023, at [https://www.investopedia.com/terms/p/predatory\\_lending.asp#toc-what-is-predatory-lending](https://www.investopedia.com/terms/p/predatory_lending.asp#toc-what-is-predatory-lending).

<sup>21</sup> Ibid.

<sup>22</sup> See UN Human Rights Council, *Private debt and human rights: Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights*, A/HRC/43/45, 3 January 2020, <https://documents.un.org/doc/undoc/gen/g20/001/47/pdf/g2000147.pdf> [accessed 28 December 2024].

<sup>23</sup> Ibid.

<sup>24</sup> UN Human Rights Council, *Private debt and human rights report* (*supra*).





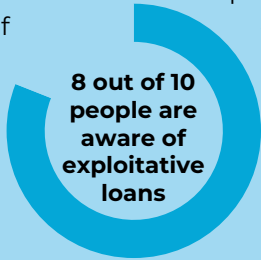
## 1.5.2. Predatory Lending in Tanzania: LHRC's Findings

### 1.5.2.1. State of Predatory Lending in 2024

#### Awareness

LHRC's human rights survey in 20 regions of Mainland Tanzania and media survey, both conducted in 2024, revealed high awareness of predatory lending or exploitative loans, popularly called '*mikopo kausha damu*.'

81% of  
of  
of



community members reached by LHRC as respondents the human rights survey said they were aware of the loans deemed exploitative in their community.<sup>25</sup> Most the community members defined the loans as high interest loans that are unfair but people take them because they feel they have no other option.

The issue of predatory lending was also widely reported and discussed by the media in 2024, reported as a problem across Mainland Tanzania.<sup>26</sup> The reports attracted the attention of the Government, including high profile figures such as the Prime Minister, the Minister of Finance, and Regional Commissioners (RCs), who promised action to address the problem.<sup>27</sup>

#### Extent of the Problem

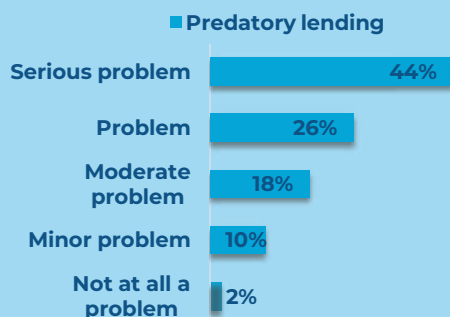
Predatory lending is a growing problem in Mainland Tanzania, mostly targeting and affecting marginalized and vulnerable members of the community, especially from poor households. When asked to what extent predatory lending is a problem in their community, majority of community members said it was a serious problem (44%) and a problem (26%). Only 12% of the respondents dismissed the issue as a minor problem or not at all a problem.

<sup>25</sup> Number of respondents = 2,037.

<sup>26</sup> See Vitus Audax "Majaliwa awaasa vijana mikopo kausha damu" Nipashe Newspaper (online), 13 October 2024, at <https://ippmedia.com/nipashe/biashara/read/majaliwa-awaasa-vijana-mikopo-kausha-damu-2024-10-13-073728-nipashe-jumapili>; "How to escape from the clutches of loan sharks" The Guardian Newspaper (online), 16 July 2024, at <https://www.ippmedia.com/the-guardian/business/read/how-to-escape-from-the-clutches-of-loan-sharks-2024-07-15-172029>; "Mikopo 'Kausha Damu' yamuinua Mwigulu Singida" Mwananachi Digital, 26 Jan 2024, at <https://youtu.be/rZnKBpJqhZE?t=5>.

<sup>27</sup> Ibid.





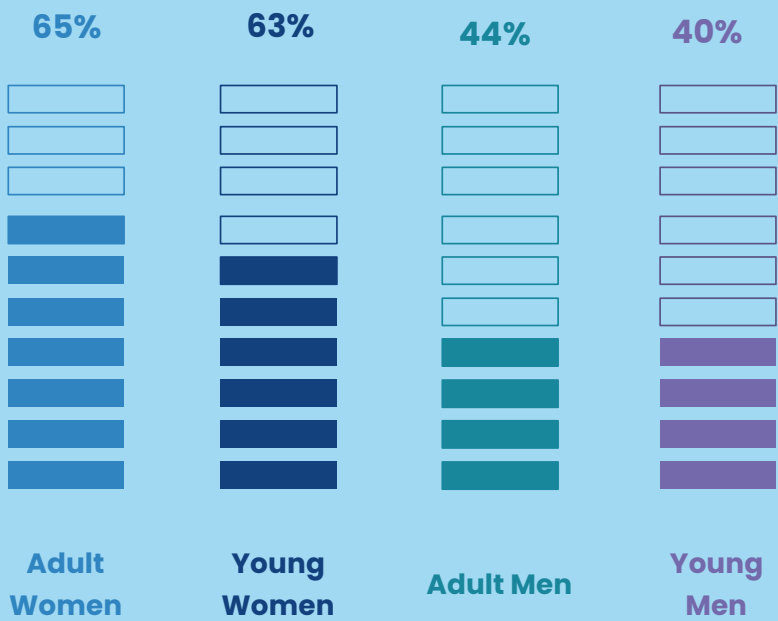
**Figure 1.1: Community perception on predatory lending problem (N=1,649)**

The fact that predatory lending received a lot of media coverage from mainstream media and social media in 2023 and 2024 also attests to the seriousness of the problem. The media also confirmed that the victims of such abusive lending and debt collection practices are mostly those from poor households, with few or no other credit options.

### **Most Vulnerable Groups**

Community members who participated in LHRC's human rights survey in 2024 were asked which groups in their community were most vulnerable to predatory lending (exploitative loans). Adult women (65%) and young women (63%) were mentioned the most, followed by adult men (44%) and young men (40%). In over half of the regions, including Pwani and Morogoro, women were also accused of misusing the money they borrow from predatory lenders, while some reportedly borrowed without their spouses' knowledge.





**Figure 1.2: Community perception on groups most targeted by or involved in predatory lending (N=1,649)**

The survey revealed that older men and women were less likely to be victims of predatory lending, at 2% and 9% respectively. Additionally, only 3% of community members indicated that there were other groups in the community who were victims of such lending, including persons with disabilities (PWDs). Media reports also identified teachers and retirees as common victims of predatory lending.<sup>28</sup>

*The group that leads in taking predatory loans are women between the ages of 20 and 45. They often take such loans from multiple lenders then struggle to repay them.*

Community member – Pwani

During interviews with some community members, it was further discovered that the women who regularly take predatory loans included those who had become single mothers and widows. Others indicated that some husbands use their wives to borrow money on their behalf. Some women in regions such as Singida, Pwani, and Tabora, stated that sometimes they are forced to take such loans because their husbands were not fulfilling their duty of taking care of the family. In some families, women are responsible for paying household expenses and are overburdened in this regard, which increases their vulnerability. Another vulnerability factor that was

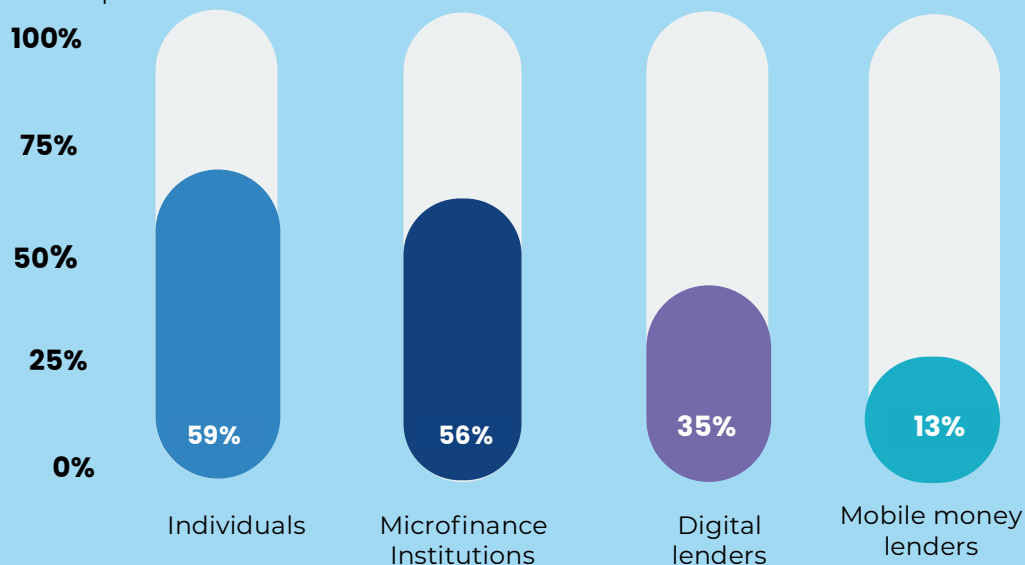


observed in 2024 is the discriminatory wages and earning among women, including in the industrial sector, causing some of them to resort to predatory loans to fill the gap in expenses. It is also a fact that women in Tanzania constitute the majority of the poor and the less educated, which also increases the possibility of falling in the predatory lending practices.

LHRC has observed that women's vulnerability to predatory lending is mainly rooted in lack of equitable access to educational and economic opportunities, trapping most women in the cycle of poverty and hindering their ability to achieve financial independence. Addressing this root cause is therefore crucial to rescuing women from predatory lending practices and escape poverty, safeguarding their social and economic rights in the process.

### **Predatory Lenders**

Community members who responded to LHRC's survey were also asked about lenders perceived to be predatory in their community. Individual lenders (59%) were mentioned the most, followed by microfinance institutions (56%), digital lenders (35%), and mobile money lenders (13%). Other lenders were only mentioned by 3% of the respondents.



**Figure 1.3: Community perception on lenders perceived to be predatory (N=1,649)**

<sup>28</sup> "6 mbaroni tuhuma za kujihusiha na mikopo ya kausha damu" Nipashe Newspaep, 6 May 2024.



Media reports also identified individual lenders and some microfinance institutions as perpetrators of predatory lending across Mainland Tanzania. Technological advancements and increased access to the internet have also made it easy for community members to access loans from digital lenders.

### Key Issues/Concerns

Selected community members across Mainland Tanzania provided their opinions on key issues or concerns regarding the exploitative personal loans provided in their community. High interest rates and excessive fines (68%) were identified as their biggest concern, followed by little time for loan repayment (57%), humiliation or shaming of borrowers (41%), and granting loans to qualified people (39%). Some lenders were accused of charging interest of 50% to 100%, contrary to financial laws and regulations, while others operated without a license issued by the Bank of Tanzania (BoT).

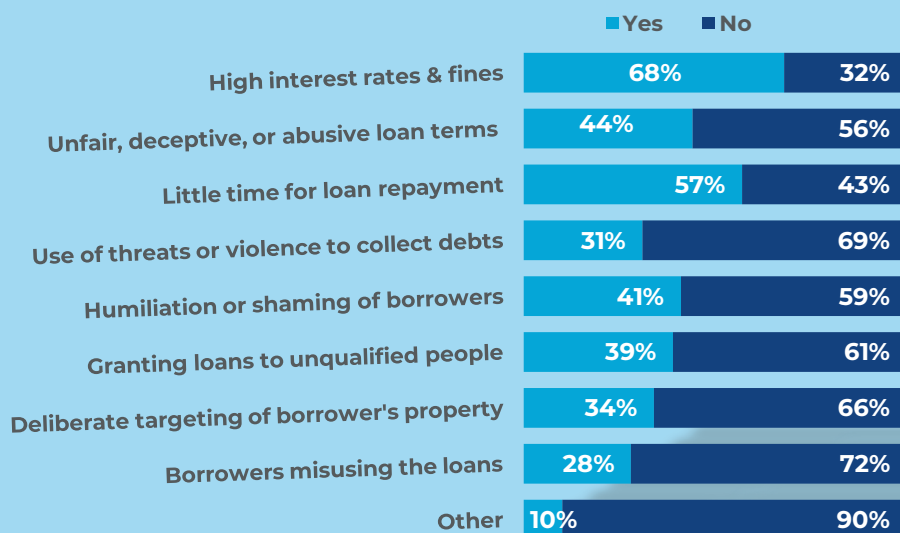


Figure 1.4: Community concerns regarding predatory lending (N=1,649)



*What people like about these loans is the fact that the process is easy and very fast, once you have signed the loan agreement. However, the interest is too high, which is why they are popularly known as 'kausha damu.'*

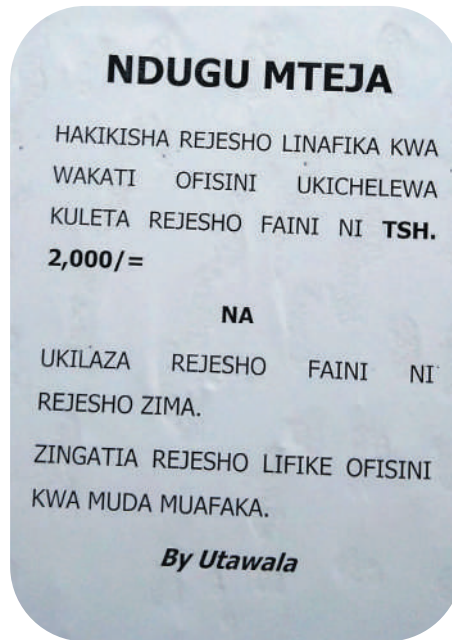
*Community member – Pwani*

*It is unjust for someone to borrow Tshs. 100,000 but pay Tshs. 800,000 overall. The lenders must obtain a lending license and follow the microfinance regulations' specified interest rates.*

*Makete DED – Njombe*

As shown in Figure 1.4 above, other key concerns regarding predatory lending include lenders deliberately granting loans so that they can later seize borrowers' properties, use of threats or violence to collect debts, and borrowers misusing the loans. Key informants engaged during the survey mentioned lack of financial literacy as a key challenge among community members. Most of the issues highlighted above, including high interest rates and property seizure, were also reported by the media in 2023 and 2024.<sup>29</sup>

<sup>29</sup> See "Uchambuzi: Je, mikopo kausha damu inaweza kudhibitiwa?" Azambi TV, 24 August 2023, at <https://youtu.be/0xMzukMSeQ4?t=4>; "Mawaziri Nchemba, Nape Wabanwa Bungeni Mikopo 'Kausha Damu'" WAKILI TV, 2 May 2024, at <https://youtu.be/XIDpUCXnNkY?t=2>; "How to escape from the clutches of loan sharks" The Guardian Newspaper, 16 July 2024, at <https://www.ippmedia.com/the-guardian/business/read/how-to-escape-from-the-clutches-of-loan-sharks-2024-07-15-172029>; Aurea Simtowe "BoT yatoa angalizo mikopo 'kausha damu'" Mwananchi Newspaper, 15 May 2024, at <https://www.mwananchi.co.tz/mw/habari/kitaifa/bot-yatoa-angalizo-mikopo-kausha-damu--4623338>.



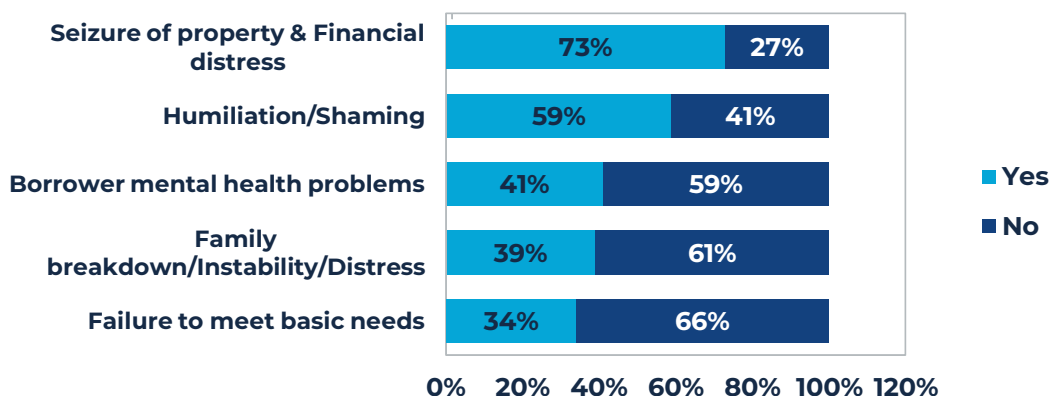
**A notice of double payment as a late payment punishment issued by one of the lenders observed in Simiyu Region**

#### **1.5.2.2. Impact of Kausha Damu Loans (Predatory Lending) on Human Rights**

LHRC surveys conducted in 2024, particularly the human rights survey and the media survey, found that top consequences of predatory lending include seizure of property and financial distress (73%), humiliation or shaming of borrowers (59%), mental health problems for borrowers (41%), family instability or distress (39%), and failure to meet basic needs (34%). Other effects include arrest and detention (29%), physical attack or threats by lenders (28%), closure of business (25%), and other consequences (24%).



### Top consequences of predatory lending



**Figure 1.5: Community perception on consequences of predatory lending (top 5)**

The other consequences include sextortion, social stigma, child neglect and malnutrition. Some community members stated that some victims were unable to properly take care of their families due to their loan repayment obligations. Others reported cases of mental health problems such as stress and depression, leaving the victims vulnerable to committing suicide. In June, the District Executive Officer (DED) of Madaba District, Sajidu Idrisa Mohamed, urged teachers to refrain from taking abusive loans to avoid mental health problems such as stress and depression.

*I have seen children go hungry all day because their parents are busy repaying predatory loans. Some of them even end up sleeping on the floor because lenders have seized mattresses and other furniture.*

Community member – Dar es Salaam

*I have observed an increase of patients suffering from stress and anxiety because of predatory loans. Most of them are women who are single parents or are sole breadwinners for their families.*

Pharmacist – Simiyu



Some women reportedly took loans without their husbands' knowledge and ended up as victims of domestic violence and/or being divorced.<sup>30</sup> Other women in Dar es Salaam and several other regions, reportedly succumbed to sextortion to repay their loans.

*These predatory loans sometimes cause marriage breakdown. There is a man who divorced his wife because she took out a loan without telling him.*  
Community member – Shinyanga

In extreme cases, predatory lending may result into death. In 2024, LHRC documented at least two incidents of a death caused by predatory lending in Dar es Salaam and Pwani Regions. In one incident, a woman committed suicide after failing to repay her loan of Tshs. 30,000.<sup>31</sup> In another incident, reported in October 2024, four young men from a microfinance company called OYA, were arrested and taken to court for attacking and killing Juma Said Seif (45), resident of Mlandizi in Pwani Region, because wife, Khadija Ramadhani, had failed to repay the loan she had taken from the company.<sup>32</sup> They went to the victim's home looking for his wife but did not find her, started arguing with the husband, and then beat him to death.<sup>33</sup>

*There was a woman who committed suicide after failing to repay a Tshs. 30,000 loan. There are also families which can only afford two meals because of this type of loan.*  
Community member – Dar es Salaam

<sup>30</sup> "Taarifa mikopo 'kausha damu' kutua bungeni" Nipashe Newspaper, 2 May 2024.

<sup>31</sup> Human Rights Survey 2024: Dar es Salaam Field Report.

<sup>32</sup> "Wafanyakazi wa OYA wafikishwa mahakamani kwa kesi ya mauaji" Swahili Times (online), 16 October 2024, at <https://swahilitimes.co.tz/wafanyakazi-wa-oya-wafikishwa-mahakamani-kwa-kesi-ya-mauaji/>.

<sup>33</sup> Ibid.



Some women and men have also been known to abandon their families and flee due to constant pressure and regular home visits by lenders.<sup>34</sup> In Njombe, a focus group discussion (FGD) with members of the KKKT Church in Makete District revealed that some people use the method of '**robbing Peter to pay Paul**' – whereby they borrow from one lender to pay another, finding it difficult to get out of a debt spiral. A similar concern was raised during interviews with some community members in Dar es Salaam, where one of them said:

*Some people are forced to take a loan from one lender to pay another, finding themselves in a debt trap they cannot escape.*

*Community member – Dar es Salaam*

**64%** Nearly two thirds of community members said they knew or had heard of any person who suffered the consequences of predatory lending in the past 12 months.



<sup>34</sup> Elizabeth Edward "Bila elimu sahihi ya fedha kausha damu itatumaliza" Mwananchi Newspaper (online), 1 November 2023, at <https://www.mwananchi.co.tz/mw/kolamu/bila-elimu-sahihi-ya-fedha-kausha-damu-itatumaliza-4806614>; "KAUSHA DAMU INAVYOSABABISHA WATU KUKIMBIA MAKAZI YAO" Wasafi Media, 18 November 2024, at <https://www.youtube.com/watch?v=4e48koHKGLg>.



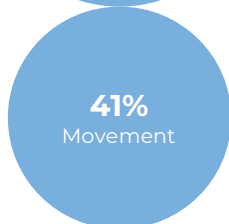
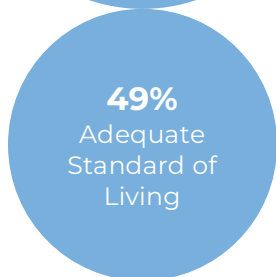
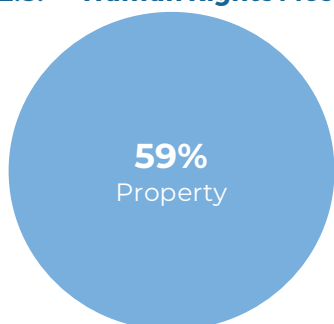


Despite the consequences, some community members indicated that they would still take predatory loans because they are easily accessible. One of them, a resident of Kibaha District in Pwani Region, said:

*People understand the risks associated with predatory loans but take them anyway because they are easy and fast. Where else can you easily obtain cash when faced with an emergency? The lenders give you the money on the same day you apply for loan.*

Community member – Pwani

#### 1.5.2.3. Human Rights Most Affected by Predatory Lending



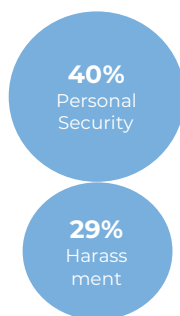
Community members who responded to LHRC's human rights survey in 2024 were asked about human rights that were most affected by predatory lending in their community. The right to property was identified as the most affected (59%), followed by the right to an adequate standard of living (49%), freedom of movement (41%), right to personal security (40%), and freedom from violence and harassment (29%).

*My wife took a loan without telling me and when she failed to repay it the lenders came to my home to seize property. I had to commit to repay the loan and forbid her from ever taking such loans again.*

Community member – Dar es Salaam

Other rights that were violated through predatory lending included right to health (29%), right to family (29%), right to life (24%), right to equality





before the law (22%), and right to social security (16%).

### 1.5.3. Government Action

The widespread reports and complaints of predatory lending across Mainland Tanzania in 2023 and 2024 prompted Government response to address the problem. In April and May 2024, the issue of predatory lending landed in the Parliament, where MPs expressed concern and called for the Government probe and a report detailing strategies to curb the problem.<sup>35</sup> In May, the Bank of Tanzania (BoT) warned the public against predatory lenders and urged community members to report them.<sup>36</sup>

In August 2024, BoT issued a guidance note for digital lenders falling under Tier 2 Microfinance Service Providers.<sup>37</sup> The note, issued in line with Section 12(3) of the Microfinance Act, 2018, acknowledges that while digital microfinance services have positively impacted financial inclusion and economic development, they have also created challenges such as **'excessive fees and interest rates, abusive debt recovery practices, inadequate identification of service providers, data privacy issues, and harassment through messages and other communication methods demanding payment.'**<sup>38</sup>

The challenges associated with digital microfinance services have led to significant issues, including **consumer protection concerns**, market instability, financial vulnerability, and damage to the credibility of the microfinance sub sector.

BoT, August 2024

The BoT guidance note sets out the minimum criteria for digital lenders, requires application for a no objection letter from the bank, lists prohibited activities, and

<sup>35</sup> "Taarifa mikopo 'kausha damu' kutua bungeni" Nipashe Newspaper, 2 May 2024; "Mikopo Kausha Damu Yazua Mjadala Bungeni, Wabunge Wambananisha Mwigulu Nchemba na Nape Nnauye" The Chanzo YouTube Channel, 2 May 2024, at <https://www.youtube.com/watch?v=DW-8J948Q-s>.

<sup>36</sup> Aurea Simtowe "BoT yatoa angalizo mikopo 'kausha damu'" Mwananchi Newspaper, 15 May 2024, at <https://www.mwananchi.co.tz/mw/habari/kitaifa/bot-yatoa-angalizo-mikopo-kausha-damu--4623338>.

<sup>37</sup> See Bank of Tanzania (BoT), *Guidance Note on Digital Lenders Under Tier 2 Microfinance Service Providers, 2024*, at <https://www.bot.go.tz/Publications/Acts,%20Regulations,%20Circulars,%20Guidelines/Guidelines/en/2024082813141188.pdf>.

<sup>38</sup> Ibid.



requires submission of periodic reports on digital lending operations. Minimum criteria include a microfinance service provider to obtain a license from the bank; having in place a robust and secure digital lending platform for conducting digital lending operations with respective product(s); and ensure full protection of customer data and be compliant with the Personal Data Protection Act, 2022, and its regulations. The provider's digital lending platform must also display interest rates, fees and charges, late payment penalty, payment frequency, loan limits, and tenure of each loan product and operate in a language that is easily understood by borrowers (Swahili Language as the default language).

**ANNEXURE 1**

*(Made under guidance note 4.2)*

The Governor,  
Bank of Tanzania,  
P.O. Box 2939,  
Dar es Salaam,  
TANZANIA.

**Re: Application for a No Objection Letter to Offer Digital Loan Products and Services by Tier 2 Microfinance Service Provider**

Sir/Madam,

I/We, the undersigned, hereby apply for a no objection letter to establish/carry out digital lending operations in Tanzania through a Digital Lending Platform known as \_\_\_\_\_ which has been published/to be published in \_\_\_\_\_ (App Distribution Platform/Hosting Platforms). This Digital Lending Platform is proposed to issue \_\_\_\_\_ product(s)(number), namely, \_\_\_\_\_.

In support of this application, I/we submit herewith the documents listed in Guidance Note 3.2 of Guidance Note on Digital Lenders Under Tier 2 Microfinance Service Providers, 2024. I/ We certify the correctness of all the information indicated in such documents to the best of my/our knowledge and belief.

I / We hereby authorize the Bank of Tanzania and any of its authorized agents or staff members to make an enquiry or obtain any information from any source to determine the correctness of all the representations made in connection with this application or to assess its merits.

Yours faithfully,

.....

Signature of Chairperson of Governing body or Sole Proprietor

Name of Institution:  
P.O. Box:  
Date:  
Phone:  
Email:

Digital lenders are prohibited from engaging in activities such as operating more than one digital lending platform; **using the platform to access customer lists, call logs, phone messages, pictures, storage, social media accounts, emails, media, photos and files**, and other installed applications as a way of e-KYC or delinquency management; and divulgence of customer information by any director, officer, employee, or agent of the microfinance service provider during and after the termination of engagement or employment with the microfinance service provider.



They are also prohibited from **requiring the borrower to pay interest amount upfront or before the loan repayment due date.**

Other prohibitions include those relating to debt collection, such as **the use of threat, violence, or other means to harm the person, or his reputation or property if they do not settle their loans**; use of **obscene or profane language sent to the customer or the customer's references or contacts for purposes of shaming them**; **post the customer's personal or sensitive information online or on any other forum or medium for purposes of shaming them**; and **make unauthorised or unsolicited calls or messages to a customer's phone contacts and other contacts.**

#### ***Banning of unlicensed digital lenders and arrest of abusive lenders***

BoT followed up on the issuance of a guidance note for digital lenders with banning of such lenders who had failed to comply with the guidelines. In November 2024, BoT announced that it had banned 69 digital lenders<sup>39</sup> for operating without a license.<sup>40</sup> It noted that the move sought to protect consumer rights and that it was also working with the Tanzania Communications Regulatory Authority (TCRA) to disable the unauthorised digital loan applications.

Arrests of predatory lenders were also reported in some regions of Mainland Tanzania. For instance, in Songwe Region, the Police Force reported in May 2024 that it had collaborated with BoT to arrest six predatory lenders, who were found operating with BoT-issued license contrary to the Microfinance Act of 2018.<sup>41</sup>

#### **1.5.4. Key Recommendations**

- i. The Ministry of Finance and the Bank of Tanzania (BoT) to ensure effective enforcement of the Microfinance Act of 2018 and microfinance regulations and guidelines to protect consumers from predatory lending and debt collection practices, including by addressing high interest rate and increasing transparency in digital lending.
- ii. The Ministry of Finance, BoT, the Ministry of Constitutional and Legal Affairs (MoCLA), and the Commission for Human Rights and Good Governance

<sup>39</sup> Including BoBa Cash, Bolla Kash-Bolla Kash Financial Credit, BongoPesa-Personal Online Loan, Cash Mkopo, Cash Pesa, Cash poa, Cash mama, CashX, Credit Land, Eaglecash Tz, Fast Mkopo, Flower Loan, and Fun Loan

<sup>40</sup> "BoT bans unlicensed digital lending platforms" Daily News Newspaper (online), 22 Nov 2024, at <https://www.bot.go.tz/Publications/Acts,%20Regulations,%20Circulars,%20Guidelines/Guidelines/en/2024082815215600.pdf>; "Tanzania cracks down on unlicensed digital lenders" The EastAfrican Newspaper, 21 Nov 2024, at <https://www.theeastafrican.co.ke/tea/business-tech/tanzania-cracks-down-on-unlicensed-digital-lenders-4831680>; "BoT yafungia 'taasisi' 69 mikopo kidijiti" HABARILEO Newspaper, 22 Nov 2024, at <https://habarileo.co.tz/bot-yafungia-taasisi-69-mikopo-kidijiti/>.

<sup>41</sup> "6 mbaroni tuhuma kuhusika mikopo kausha damu" Nipashe Newspaper, 6 May 2024; "Songwe: Polisi yawakamata wanaotoa Mikopo ya Kausha Damu" Jamii Forums, 5 May 2024, at <https://www.jamiiforums.com/threads/songwe-polisi-yawakamata-wanaotoa-mikopo-ya-kausha-damu.2210640/>.

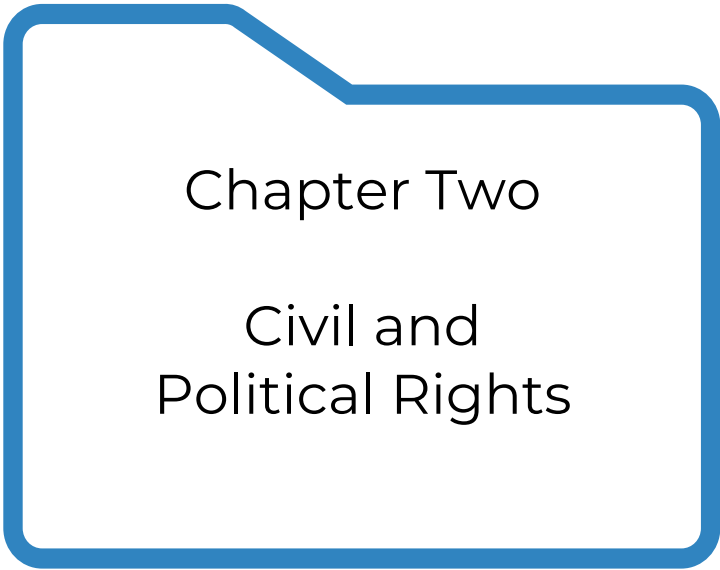




(CHRAGG) to closely monitor lending and collection operations to prevent, identify and address abusive practices, in line with Tanzania's business and human rights obligations. They should also collaborate with CSOs to facilitate provision of financial literacy education to the society and raise public awareness on predatory lending.

- iii. The Government, through the Ministry of Community Development, Gender, Women and Special Groups and the Prime Minister's Office – Labour, Youth, Employment and Persons with Disabilities (PMO LYED), to increase opportunities for capital access for women and youth.





## Chapter Two

### Civil and Political Rights



## Chapter Two: Civil and Political Rights

Civil and political rights are rights that protect peoples' freedoms from infringement by governments, institutions, and private individuals. These rights involve citizens' participation in the establishment of a government and participation in political life; and protect individuals' freedoms from interference by state and non-state actors, promote participation in civil society, and are essential component of democracy. These rights are protected and guaranteed under international and regional human rights instruments, as well as the Constitution of the United Republic of Tanzania of 1977.<sup>42</sup> Women and other marginalized groups such as persons with disabilities (PWDs) and youth are disproportionately affected by violations of civil and political rights.

### Key Takeaways

- Widespread reports of abductions and disappearances, threatening the right to liberty and personal security.
- Mob violence, extrajudicial killings, intimate partner homicide, and disappearances were the leading threats to right to life in 2024.
- Resurgence of attack and killing of persons with albinism (PWAs), jeopardizing and violating their right to life, including the abduction and brutal killing of 2-year-old Asimwe Novath in Kagera.
- Mandatory death penalty continues to exist preventing judges from exercising discretion on a case-by-case basis, taking into account any mitigating or extenuating circumstances.
- Widespread reports of intimate partner violence (IPV) and intimate partner homicide (IPH), with women accounting for 88% of IPH victims.
- Corruption, costs of legal representation, low awareness of laws and rights, lengthy court proceedings, court proximity, and limited access to legal aid among key barriers to access to justice, according to community members.
- Violations of rights of accused persons, including arbitrary arrest and detention and lengthy pre-trial detention are still key criminal justice challenges.
- Slow pace of implementation of the recommendations provided by the Presidential Commission on Criminal Justice Reforms in 2023 to improve the administration of criminal justice.
- Complaints of unfair disqualifications and irregularities by opposition political parties in the Local Government Elections 2024.
- Amendment and enactment of electoral laws to enhance political participation, especially for women.

<sup>42</sup> The Constitution contains the bill of rights, which guarantees fundamental human rights such as right to life, freedom of expression, freedom of assembly, right to liberty and personal security, and right to take part in governance.



- Civic space-related challenges for human rights defenders, as they identified hostile or difficult working environment (74%) as the biggest challenge they face in the community.
- High Court of Tanzania delivered its judgment on a landmark case filed by a human rights activist, Tito Magoti, challenging the constitutionality of the Personal Data Protection Act.

## 2.1. Right to Life

This right imposes upon States and other actors several responsibilities, including abstaining from arbitrarily killing individuals; taking appropriate care in the planning and conduct of an operation; carrying out an effective official investigation when individuals have been killed or 'disappeared'; and ensuring provision of effective remedy where it has been found complicit in right to life violation. In 2024, right to life in Mainland Tanzania continued to be violated or affected by issues such as mob violence, extrajudicial killings, witchcraft-motivated killings, death penalty, intimate partner homicide (IPH), disappearances, and road accidents.

### 2.1.1. Mob Violence

In 2024, LHRC documented 39 incidents of mob violence through human rights monitoring and media survey. These incidents are 3 less than those documented in 2023. However, many more incidents are usually recorded by the Tanzania Police Force (TPF).

The incidents were reported in regions such as Dar es Salaam, Mara, Tabora, Simiyu, Dodoma, and Kilimanjaro. One of the incidents which caught the attention of the public was the killing of an officer from the Tanzania Revenue Authority (TRA) by an angry mob in Tegeta area, Dar es Salaam. <sup>43</sup>The mob attacked and killed the officer, Amani Simbayao, in December 2024, after mistaking him for an abductor while

<sup>43</sup> LHRC Human Rights Monitoring 2024.



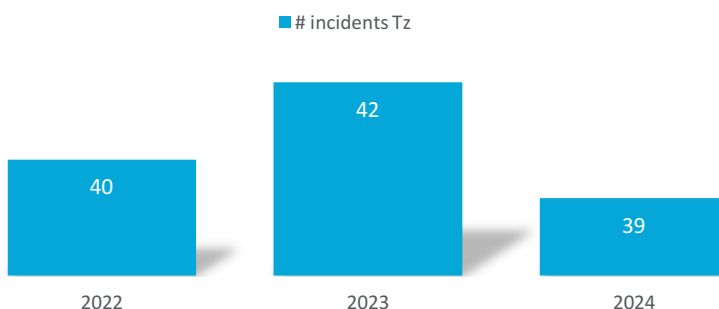


conducting his duties. Four people were arrested in connection with the killing within four days of the occurrence of the incident.<sup>44</sup> In Tabora, an angry mob attacked and killed two people accused of killing and cutting body parts of a 62-year-old woman, resident of Mahene Village, for witchcraft purposes. In Simiyu, police arrested five people for attacking and killing two people accused of committing a crime in September 2024.<sup>45</sup> In the same month, three people from the same family, including two children, were brutally killed by a mob in Dodoma City.<sup>46</sup> Ninety five percent (95%) of the victims were adult males.



One of the victims who was killed by an angry mob in Dar es Salaam after they mistook him for a thief

Police crime statistics for the past five years suggest that **nearly 500 incidents of mob violence are recorded each year in Tanzania. 95% of these incidents are recorded in Mainland Tanzania.** LHRC did not obtain the requested 2024 police data in time for the report's finalization.



**Figure 2.1: Mob violence incidents documented by LHRC - 2022 to 2024**

<sup>44</sup> Romana Mallya "Wanne mbaroni tuhuma mauaji mtumishi TRA" Nipashe Newspaper (online), 8 December 2024, at <https://ippmedia.co.tz/nipashe/habari/kitaifa/read/wanne-mbaroni-tuhuma-mauaji-mtumishi-tra-2024-12-08-092614-nipashe-jumapili>.

<sup>45</sup> LHRC Human Rights Monitoring 2024.

<sup>46</sup> Ibid.



In Tanzania, mob violence frequently results from a perceived failure of the legal system and a lack of confidence in law enforcement. Due to the obstacles in the justice system, including corruption and delays in the administration of justice, community members frequently resort to taking the law into their own hands. Mob violence is also influenced by the factor of frustration resulting from economic hardships.

**LHRC's View:** Mob violence, often referred to as mob justice, undermines the due process by denying and violating the presumption of innocence and the right to be heard, which are key principles of natural justice and components of the right to equality before the law. It constitutes a serious violation of the right to life, which is the most fundamental human right.

**LHRC's Call:** The Government should speed up criminal justice reforms to enhance trust and confidence in the justice delivery institutions and reduce incidents of mob violence. LHRC also 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.

## **2.1.2. Extrajudicial Killings and Violence against Law Enforcement Officers**

### **2.1.2.1. Extrajudicial Killings**

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.<sup>47</sup> When they fail to do this and cause deaths of civilians or suspected criminals, they commit extrajudicial killings. In 2024, LHRC documented six (6) incidents of extrajudicial killings, reported in regions such as Lindi, Katavi, Pwani, Arusha, Kilimanjaro, and Singida. All the victims were men and among them was an opposition party candidate (George Juma Mohamed) in the Local Government Elections (LGE) 2024, who was reportedly shot and killed by police officers in Manyoni, Singida.<sup>48</sup> Other perpetrators included wildlife officers from the Kilimanjaro National Park (KINAPA) and the Tanzania National Parks (TANAPA), who were implicated in extrajudicial killing incidents in Kilimanjaro and Katavi respectively.<sup>49</sup> The two wildlife officers were arrested and brought before the court of law.

<sup>47</sup> See Article 3 of the Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly in resolution 34/169 of 17 December 1979 at New York, at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>, accessed 10<sup>th</sup> December 2021.

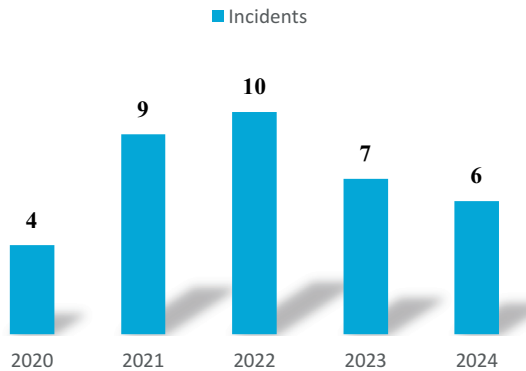
<sup>48</sup> LHRC Human Rights Monitoring 2024.

<sup>49</sup> Ibid.





Since 2020, LHRC has documented 36 reported incidents of extrajudicial killings, **averaging 7 incidents each year**. These acts were perpetrated by law enforcement officials such as police officers, game wardens, and members of the people's militia (*mgambo*).



**Figure 2.2: #Reported incidents of extrajudicial killings documented by LHRC (2020 – 2024)**

Extrajudicial killings frequently overlap with torture, particularly when torture by a law enforcement officer results in death.<sup>50</sup> Over the past ten years, LHRC has observed that occurrence of extrajudicial killings is also contributed by overreliance on confession from accused persons by law enforcement officers. This has created a practice of torturing and beating suspects to extract a confession. There is also a gap in employing modern skills, knowledge, and techniques of conducting investigations and collecting evidence, assisted by technology.

**LHRC's View:** The persistence of the problem of extrajudicial killings necessitates the existence of an external civilian oversight of police actions and operations.

**LHRC's call:** Law enforcement officers implicated in police brutality and extrajudicial killings to be held accountable for their actions. An independent civilian police oversight body is also desirable to investigate incidents or allegations of extrajudicial killings. A police oversight body can help the police and other law enforcement organs restore or enhance public trust, which is a prerequisite for effective policing, and prevent police misconduct and a culture of impunity. There is also a need to provide comprehensive and regular training to law enforcement officers on modern evidence gathering techniques, including forensics and traditional methods, and facilitating

<sup>50</sup> See OMCT, Extrajudicial killings, at <https://www.omct.org/en/who-we-are>.



them with relevant tools and equipment to reduce overreliance on confession to gather evidence.

### **2.1.2.2. Violence against Law Enforcement Officers**

In 2024, LHRC recorded one incident of violence against law enforcement officers, reported in Mara Region. In the incident, a driver and conductor were arrested for assaulting a traffic police officer in September 2024 while conducting his duties.<sup>51</sup> The number of recorded incidents is the same as in 2023.

**LHRC's call:** Community members must refrain from attacking law enforcement officials, as this behaviour is illegal and violates their rights as human beings. The Commission for Human Rights and Good Governance should also collaborate with other stakeholders to raise public awareness on this matter as a measure of preventing violence against law enforcement officials. Attacking and causing harm to law enforcement officers also reduces their ability to protect citizens and their properties, affecting the right to liberty and personal security.

### **2.1.3. Witchcraft-Motivated Killings and Violence against Persons with Albinism**

#### **2.1.3.1. Witchcraft-motivated Killings**

Despite numerous warnings from the government and the police, deaths resulting from the belief in witchcraft persist in various regions of Tanzania, whereby some people believe that their misfortunes are the result of witchcraft. This situation is primarily driven by the widespread belief in witchcraft that persists in Mainland Tanzania. Women often account for the majority of witchcraft-motivated killings victims. Traditionally, such killings have been occurring mostly in Lake Zone and Central Zone regions, especially Shinyanga and Tabora. Police reports indicate that **since 2020 over 100 incidents of witchcraft-motivated killings have been reported each year across the country.**

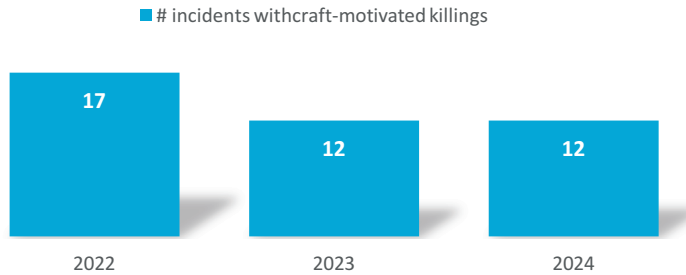
In 2024, LHRC documented twelve (12) incidents of witchcraft-motivated killings, the same number as in 2023. Analysis of these incidents showed that women accounted for majority of victims, their killing mainly attributed to harmful societal beliefs and gender norms. Half of these incidents were reported in Singida and Dodoma, orchestrated by a witchdoctor. In Tabora, there was also an incident of a 62-year-old woman, resident of Mahene Village, who was killed by unknown people for her body parts.<sup>52</sup> Also among the victims was a four-month baby, who was reportedly killed for body parts by its grandmother in Itahwa Village in Kagera in November 2024.<sup>53</sup> Two thirds of the victims were women, including elderly women.

<sup>51</sup> LHRC Human Rights Monitoring 2024.

<sup>52</sup> Ibid.

<sup>53</sup> LHRC Human Rights Monitoring 2024.





**Figure 2.3: #Incidents of witchcraft-suspicion killings recorded by LHRC – 2022 to 2024**

Persons with albinism (PWAs) are among the people who are often attacked for their body parts, which are then used for witchcraft purposes. In 2024, PWAs continued to be targeted for their body parts and one of the shocking incidents was the attack of a two-year-old child in Kagera Region. This and another incident are further discussed below.

**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. In some cases, such killings are not driven by belief in witchcraft but rather the need to seize property owned by older persons. Other older people, especially women, are simply targeted and attacked because they have red eyes.

**LHRC's call:** The Government, through the Commission for Human Rights and Good Governance, to continue collaborating with other stakeholders 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. The Witchcraft Act is also not helping the situation, is outdated, and should be repealed. Additionally, religious leaders can play a critical role in addressing this problem and should therefore be engaged.

#### **2.1.3.2. Violence against PWAs**

The attacks and murders of persons with albinism (PWAs) in Tanzania and other regions of Africa are closely associated with witchcraft. The belief is that a witchdoctor can use an organ or body part of a PWA to create a potion or charm that will make someone rich or successful in their endeavors.

While no incidents of attack and killing of PWAs were reported in 2023, the incidents re-emerged in 2024 as the nation was rocked and shocked by the brutal attack and killing of a 2-year-old child with albinism in Kagera Region. In May 2024, the young girl



was reported missing, abducted by unknown people from her home.<sup>54</sup> In June, her body, missing some parts, was found in a sack dumped in a gutter by the side of a road in Muleba District.<sup>55</sup> By then she had been missing for about three weeks.<sup>56</sup> In the same month, police investigation led to arrest of nine people, including the child's father and a priest, implicated in her abduction and killing.<sup>57</sup>



The brutal attack and killing of Asimwe Novath was strongly condemned by various stakeholders, including the Government, the Tanzania Albinism Society (TAS), LHRC, and the Tanzania Human Rights Defenders Coalition (THRDC).<sup>58</sup> TAS National Chairperson, Godson Mollé, demanded severe punishment for perpetrators of attacks against PWAs, including life imprisonment.<sup>59</sup> TAS also criticized law enforcement authorities for failing to prioritise the plight of PWAs in Tanzania and sought the intervention of the Head of State.<sup>60</sup>

<sup>54</sup> "Mtoto mwenye ualbino aliyebwa afikisha siku 14" Mwananchi Newspaper, 13 Jun 2024.

<sup>55</sup> "Baba, padri kortini wakituhumiwa kuhusika na mauaji ya Asimwe" Mwananchi Newspaper, 29 Jun 2024.

<sup>56</sup> Matonyinga Makaro "Fear Grips Albino Community in Tanzania As Pressure Mounts on Authorities to Ensure Its Members' Safety As, Elections Near" The Chanzo Initiative, 19 June 2024, at <https://thechanzo.com/2024/06/19/fear-grips-albino-community-in-tanzania-as-pressure-mounts-on-authorities-to-ensure-its-members-safety-as-elections-near/>.

<sup>57</sup> Ibid.

<sup>58</sup> LHRC Human Rights Monitoring 2024.

<sup>59</sup> "Wanaokata viungo na kuwaua wenye ualbino waadhibiwe vikali" HABARILEO Newspaper, 13 Jun 2024; "Watu wenye ualbino wamwangukia Samia" Nipashe Newspaper, 13 Jun 2024.

<sup>60</sup> Matonyinga Makaro "Fear Grips Albino Community in Tanzania As Pressure Mounts on Authorities to Ensure Its Members' Safety As, Elections Near" The Chanzo Initiative, 19 June 2024 (supra).





In their joint statement, released in June 2024, LHRC and THRDC noted that the horrific act of cruelty against a PWA tarnished Tanzania's image and demonstrated a significant lack of security for its citizens, particularly those with albinism.<sup>61</sup> They also expressed their disappointment with the response from the authorities, criticizing the lack of public information regarding efforts made immediately after the child's disappearance and the subsequent search for the perpetrators. Further, they called upon the Government to develop clear strategies for enhancing safety and security of PWAs and allocate special funds to strengthen their protection.<sup>62</sup>

In another incident, which preceded that of the killing of Asimwe Novath, a 10-year-old child with albinism, Kazungu Julius, was attacked and severely injured in Geita in May 2024.<sup>63</sup> Like Asimwe, he was also attacked at home, when he was coming from the shower. The incident was also condemned by various stakeholders, including TAS and LHRC, as PWAs expressed concerns over their safety.



Julius Kazungu (10), who was attacked by unknown people in Geita

### **Investigation of attacks against PWAs: Tanzania on the spotlight**

In April 2024, the UN Committee on the Rights of Persons with Disabilities (CRPD) issued a statement expressing disappointment with the State's failure to condemn and investigate attacks against PWAs.<sup>64</sup> The Committee noted that Tanzania had

<sup>61</sup> See LHRC and THRDC condemn brutal murder of child with albinism in Tanzania, urge immediate action, at [https://humanrights.or.tz/en/news-events/condemn\\_brutal\\_murder](https://humanrights.or.tz/en/news-events/condemn_brutal_murder).

<sup>62</sup> Ibid.

<sup>63</sup> LHRC Human Rights Monitoring 2024.

<sup>64</sup> See Tanzania's lack of investigation and action equivalent to condoning ritual killings and mutilations of people with albinism, UN committee says, 24 April 2024, at <https://www.ohchr.org/en/press-releases/2024/04/tanzanias-lack-investigation-and-action-equivalent-condoning-ritual-killings>.





been unwilling to follow up on three petitions filed to the Committee between 2008 and 2010 concerning the mutilation of PWAs and the lack of accountability for such abuses, adding that such action is equivalent to condoning ritual killings and mutilations of PWAs. It further noted that judicial proceedings in these cases were unduly prolonged and appeared ineffective and domestic authorities had not taken effective measures to prevent violence against PWAs, contrary to their obligations under the UN Convention on Rights of Persons with Disabilities. The Committee then called on Tanzania to urgently and unambiguously condemn any attacks against PWAs and to investigate any such attacks promptly and effectively. It also asked Tanzania to provide the victims with an effective remedy, including compensation and the support necessary to enable them to live independently again.<sup>65</sup>

### ***Adoption of the National Action Plan for Persons with Albinism***

On a positive note, in December 2024, the Government adopted the Tanzania National Action Plan for Persons with Albinism.<sup>66</sup> The plan aims to address the challenges of discrimination and protection faced by people with albinism. Its objectives include reducing the stigmatization of PWAs; reducing attacks against PWAs, including verbal, physical, ritual, and cyberbullying; ensuring equal access to health, education, justice, and other human rights; providing state support for PWAs, including for education, health, protective gear, and employment; and de stigmatizing albinism.

**LHRC's View:** LHRC understands that the Government has taken various measures in the past to address attacks and killings of PWAs, which included formation of taskforce coordinated by the Commission for Human Rights and Good Governance (CHRAGG). This move resulted into significant reduction of the reported incidents.

**LHRC's Call:** A special taskforce, composed of the representatives from the Tanzania Police Force, the Ministry of Home Affairs, the Ministry of Constitutional and Legal Affairs, the Ministry of Community Development, Gender, Women and Special Groups, CHRAGG, and CSOs should be formed to probe into attacks and killings of PWAs and create long-term strategies for their protection.

#### **2.1.4. Death Penalty**

Death penalty continues to be in the law books in Tanzania despite the fact that the country is de facto abolitionist, since there have been no executions for over thirty years.

<sup>65</sup> Ibid.

<sup>66</sup> Ashrack Miraji "Mpango Kazi wa Kitaifa Kukomesha Mauaji ya Wenye Ualbino Wapongezwa na Wadau" 9 December 2024, at <https://www.mzawa.co.tz/mpango-kazi-wa-kitaifa-kukomesha-mauaji-ya-wenye-ualbino-wapogezwa-na-wadau/>.

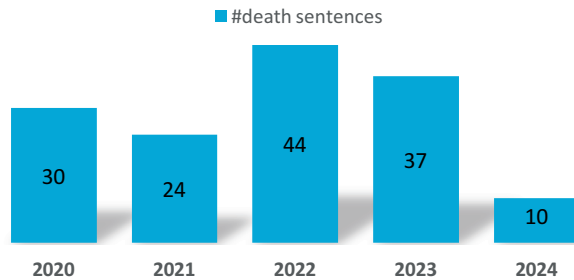






### Reported death sentences imposed in 2024

In 2024, LHRC documented 10 death sentences imposed by the High Court of Tanzania in different regions across the country, including Tabora, Ruvuma, Shinyanga, and Dar es Salaam. Analysis of the data revealed that **9 out of 10 death penalty convicts (90%) were men, while 1 was a woman**. This is largely attributed to the higher rate of men committing or getting involved in violent crimes, particularly murder. The recorded death sentences are significantly less than the 37 documented in 2023.



**Figure 2.4: #Death sentences documented by LHRC – 2020 to 2024**

Source: LHRC Media Survey & Human Rights Monitoring 2024

As part of the commemoration of 60 years of the union between Tanganyika and Zanzibar, her Excellency President Samia Suluhu Hassan granted a presidential pardon to over 1,000 prisoners. The pardon included commuting of 20 death sentences to life imprisonment.<sup>67</sup>

## Over 700 death row inmates

As of December 2023, there were a total of 802 death row inmates in Tanzania, of whom 771 (96%) were male and 31(4%) were female.<sup>68</sup> Majority of them were imprisoned in Mwanza (179), Dodoma (128), Mbeya (121), and Dar es Salam (128). 626 (78%) have appealed against their conviction.<sup>69</sup> However, as stated above, the presidential pardon granted in 2024 included commuting of 20 death sentences to life imprisonment, which brings the number of death row inmates slightly down to 782.

<sup>67</sup> LHRC Human Rights Monitoring 2024.

<sup>68</sup> Wizara ya Mambo ya Ndani ya Nchi Jeshi la Magereza, Tanzania Bara, Takwimu za Wafungwa na Mahabusu Tanzania Bara Januari - Desemba 2023, at <https://www.nbs.go.tz/uploads/statistics/documents/sw-1728296530-TAKWIMU%20ZA%20WAFUNGWA%20NA%20MAHABUSU%20TANZANIA%20BARA,%20JANUARI%20-%20DESEMBER%202023.pdf>.

<sup>69</sup> Ibid.



### **Mandatory death penalty continues to exist**

Tanzania's penal laws include provisions on mandatory death penalty, preventing judges from exercising discretion on a case-by-case basis, taking into account any mitigating or extenuating circumstances. This practice contradicts international human rights law by violating right to life and this was affirmed by the African Court on Human and People's Rights, which ruled in December 2022 in the case of *Marthine Christian @ Msuguri v. United Republic of Tanzania*,<sup>70</sup> in which the applicant was represented by LHRC and the Cornell Center on the Death Penalty Worldwide, that mandatory death penalty violates right to life and lengthy confinement on death row constitutes cruel and inhuman treatment.<sup>71</sup>

### **Moratorium on the use of death penalty**

On 14<sup>th</sup> November 2024, the African Commission on Human and Peoples' Rights urged African States to vote in favour of the United Nations General Assembly Resolution calling for a universal moratorium on the use of the death penalty.<sup>72</sup> The Commission further called on African States that retain the death penalty to establish or maintain an official moratorium and share their experience in this regard; adopt legislative reforms to reduce the number of crimes punishable by death to the most serious crimes; ensure that those facing the death penalty are able to exercise their right to seek pardon or commutation of their death sentence; and consider the possibility of abolishing the death penalty.

On 17 December 2024, the United Nations General Assembly adopted the 10th resolution for a moratorium on the use of the death penalty with 130 votes in favor out of the 193 United Nations Member States (5 more than in 2022), 32 votes against (5 less than in 2022), 22 abstentions and 9 absent.<sup>73</sup> Positive changes included three African countries, Kenya, Morocco, and Zambia, voting in favour of the resolution for the first time. Algeria, Morocco, and Tunisia also voted in favour of the resolutions. Recently, Zimbabwe has also abolished the death penalty, becoming the 30<sup>th</sup> African nation to end capital punishment, after President Emmerson Mnangagwa signed the Death Penalty Abolition Act in December 2024.

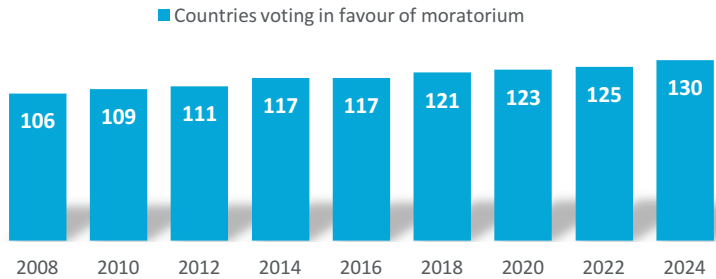
<sup>70</sup> The African Court on Human and Peoples Rights Application No. 052/2016

<sup>71</sup> Tanzania Human Rights Report 2022 (*supra*).

<sup>72</sup> See RESOLUTION ON THE UNITED NATIONS GENERAL ASSEMBLY BIENNIAL VOTE CALLING FOR A MORATORIUM ON THE USE OF THE DEATH PENALTY - ACHPR/Res.614 (LXXXI) 2024, at <https://achpr.au.int/en/adopted-resolutions/614-biannual-vote-calling-moratorium-use-death-penalty>.

<sup>73</sup> See "Two thirds of the United Nations General Assembly vote in favor of the 10th resolution for a moratorium on the death penalty" World Coalition Against the Death Penalty, 20 December 2024, at <https://worldcoalition.org/2024/12/20/two-thirds-of-the-united-nations-general-assembly-vote-in-favor-of-the-10th-resolution-for-a-moratorium-on-the-death-penalty/#:~:text=On%2017%20December%202024%2C%20the,22%20abstentions%20and%209%20absen> t..





**Figure 2.5: #Countries voting in favour of UNGA resolution on moratorium on the use of the death penalty**

Source: World Coalition against the Death Penalty

In 2023, LHRC called upon the United Republic of Tanzania to vote in favour of the moratorium on the use of death penalty resolution for the session of 2024. However, Tanzania yet again abstained to vote.

#### **Stakeholder calls for abolition of death penalty**

Various stakeholders continued to call for legal reforms to abolish death penalty. Among the stakeholders was the African Court on Human and Peoples' Rights, which urged the Government to review the death penalty provisions and remove mandatory death sentence.<sup>74</sup>

**LHRC's View:** Death penalty violates the right to life and amounts to a cruel, degrading, and inhuman punishment under the Convention against Torture (CAT).<sup>75</sup> Imposition of this kind of punishment has not made much impact in terms of deterrence of crime, which is why there is a global movement towards the abolition of the death penalty. LHRC is also worried about the psychological torture experienced by death row inmates.

**LHRC's Call:** Being an abolitionist state in practice, Tanzania should join a global movement against death penalty and abolish it altogether, as also recommended by the former Prime Minister, Hon. Mizengo Pinda, in 2023. Only about 53 out of 195

<sup>74</sup> "Tanzania yaombwa kutathmini hukumu ya kifo" HABARILEO Newspaper, 15 Feb 2024; "Tanzania yaombwa kupitia adhabu ya kifo" Nipashe Newspaper, 15 Feb 2024.

<sup>75</sup> The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "Torture Convention") was adopted by the General Assembly of the United Nations on 10 December 1984 (resolution 39/46). The Convention entered into force on 26 June 1987 after it had been ratified by 20 States.



countries in the world have retained death penalty and execute death row inmates, while 29 are abolitionist in practice,<sup>76</sup> including Tanzania. Neighbouring countries like Rwanda, Burundi, and Mozambique are among the 112 countries in the world that have abolished death penalty,<sup>77</sup> and Tanzania can take a step further and do the same. Other African countries which have recently (2021 to 2024) taken the step include Sierra Leone, Central African Republic, Equatorial Guinea, Ghana, Zambia, and Zimbabwe.

#### 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.

### 2.1.5. Intimate Partner Homicide

Intimate Partner Homicide (IPH) simply refers to the killing of a spouse, ex-spouse, boyfriend, or girlfriend. It is an extreme outcome of Intimate partner violence (IPV), defined as physical, sexual, or psychological harm by a current or former partner or spouse.<sup>78</sup> According to the World Health Organization (WHO), **women bear the overwhelming global burden of IPV**, which is one of the most common forms of violence against women.<sup>79</sup> It includes physical, sexual, and emotional abuse and controlling behaviours by an intimate partner and occurs in all settings. Consequently, women also constitute the overwhelming majority of the victims of IPH, typically above 90%. Causes of IPH include history of violence, controlling behaviours, social norms supportive of violence, extreme jealousy and possessiveness, and alcoholism. Women are more likely to be the victims of IPH due to gender inequality and harmful social norms in the community, exacerbated by patriarchy.

<sup>76</sup> See Death Penalty Information Center “Abolitionist and Retentionist Countries” at <https://deathpenaltyinfo.org/policy-issues/international/abolitionist-and-retentionist-countries>.

<sup>77</sup> Amnesty International, Death Penalty 2021: Facts and Figures, at 24 May 2022, at <https://www.amnesty.org/en/latest/news/2022/05/death-penalty-2021-facts-and-figures/>; and Death Penalty Information Center, Countries That Have Abolished the Death Penalty Since 1976, at <https://deathpenaltyinfo.org/policy-issues/international/countries-that-have-abolished-the-death-penalty-since-1976>.

<sup>78</sup> See CDC “Intimate Partner Violence” at <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/index.html>, accessed 20 January 2022.

<sup>79</sup> See WHO “Intimate partner violence” at [https://apps.who.int/iris/bitstream/handle/10665/77432/WHO\\_RHR\\_12.36\\_eng.pdf](https://apps.who.int/iris/bitstream/handle/10665/77432/WHO_RHR_12.36_eng.pdf), accessed 20 January 2022.





### Reported IPH incidents

In 2024, LHRC documented 41 incidents of IPH reported within the period of January to December 2024. In comparison with the incidents recorded in 2023, the incidents decreased by 9 incidents (18%). They were reported in 17 regions of Mainland Tanzania, namely Mbeya, Njombe, Kilimanjaro, Morogoro, Pwani, Mwanza, Mara, Tabora, Dar es Salaam, Kigoma, Songwe, Morogoro, Shinyanga, Tanga, Arusha, Rukwa, and Kagera, averaging 2 incidents per region. **Regions which recorded 2 or more incidents** were Njombe, Mara, Tabora, Dar es Salaam, Kilimanjaro, Mwanza, Songwe, Arusha, and Tanga. **Women accounted for 88% of the victims, while men accounted for the remaining 12%.**

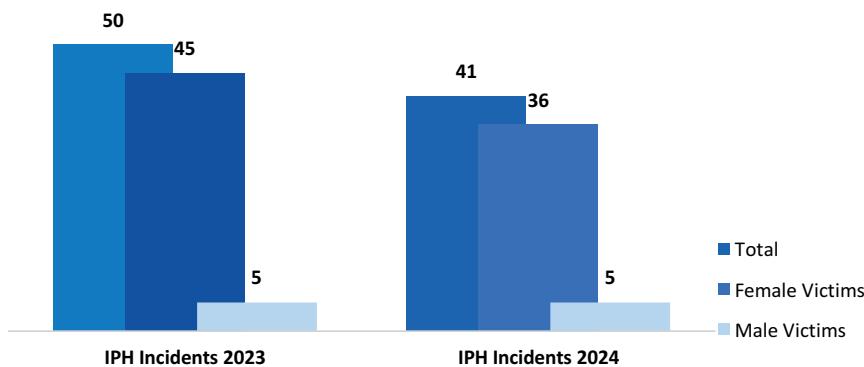


Figure 2.6: IPH incidents documented by LHRC in 2023 & 2024

**Reasons for committing IPH** included jealousy (over half of the incidents), returning home late, marital property dispute, denial of sex, parenting, marital dispute, rejecting an ex-partner, not doing house chores, and need to marry another. These causes are rooted in gender inequality and harmful social norms in the community, exacerbated by patriarchy.

In March 2024 police in Mbeya arrested a man, resident of Lusese Village in Mbara District, for killing his 40-year-old wife over jealousy.<sup>80</sup> In the same month, police in Njombe arrested a man, resident of Kichiwa Village in Njombe District, for killing his wife for returning home late.<sup>81</sup> In another incident reported in Njombe in January, a man in Makete District killed his 35-year-old wife with a machete after she refused having sex with him.<sup>82</sup>

<sup>80</sup> "Aua mke wiki mbili baada ya kurudiana" HABARILEO Newspaper, 15 Mar 2024.

<sup>81</sup> "Mume atuhumiwa kumuua mkewe kisa kucheleva kurudi" Nipashe Newspaper, 29 Mar 2024.

<sup>82</sup> "Adaiwa kuua mkewe kwa kumnyima tendo la ndoa" Nipashe Newspaper, 10 Jan 2024.



In Mara, it was reported in April that a 30-year-old woman in Bunda District had attacked with a sharp object and killed her 39-year-old husband.<sup>83</sup> A similar incident was reported in Kilimanjaro in June, where a 36-year-old woman, resident of Moshi Municipality, allegedly killed her 43-year-old husband after she found him at his ex-partner and co-parent's house.<sup>84</sup>



**LHRC's View:** IPV present a serious threat to right to life, right to health, right to liberty and personal security, and freedom from violence. The victims of these incidents are mostly women and girls who are more vulnerable compared to men. 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, 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. This will be a crucial step towards domesticating the Protocol to the African Charter

<sup>83</sup> "Familia yatoa msimamo aliyefariki akidaiwa kubanwa 'nyeti,' kuchomwa kisu na mkewe" Mwananchi Newspaper, 5 Apr 2024.

<sup>84</sup> "Anayedaiwa kumuua mumewe apandishwa kizimbani" Nipashe Newspaper, 11 Jun 2024.





on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) of 2003.

### 2.1.6. Enforced Disappearances

Under international human rights law, Tanzania has a duty to carry out an effective official investigation when individuals have been killed or 'disappeared'.<sup>85</sup> This is one of the obligations that arises out of the right to life, requiring States to carry out an 'effective' official investigation by an appropriate and impartial body when there is a case of disappearance in circumstances that may involve a violation of the right to life.<sup>86</sup>

In 2024, there were still no answers from the State regarding disappearances of various people in the past eight years, including that of a journalist, Azory Gwanda, who disappeared under mysterious circumstances in Pwani Region in November 2017.<sup>87</sup> There were also widespread reports of disappearances reported in various regions across the country, some of which were believed to be enforced.<sup>88</sup> LHRC documented 63 incidents of disappearance. The incidents were reported in regions such as Dar es Salaam, Kilimanjaro, Arusha, and Tanga. In one of the incidents reported in Tanga, 41-year-old Enock Chambala, a businessperson, reportedly went missing since July 2024.<sup>89</sup> In another incident, a 38-year-old health worker at the KCMC Hospital in Kilimanjaro, Lenga Masunga, reportedly disappeared under mysterious circumstances.

In August 2024, Yusuph Chaula (56) called for the return of his son, Shadrack Chaula (24), dead or alive, following his disappearance 20 days after he was released from prison.<sup>90</sup> The son, who is an artist, had been convicted and sentenced to prison for burning a picture of President Samia Suluhu Hassan. On 2<sup>nd</sup> August 2024, Chaula's father reported to the police that Chaula was abducted by unknown people in a van at 09:30 pm.<sup>91</sup> In the same month, a cadre of the CHADEMA opposition party in Rukwa, Dioniz Kipanya, was reported missing since 26<sup>th</sup> July, disappearing in mysterious

<sup>85</sup> Sepulveda, M. M., Van, B. T., Gudmundsdottir, G. D., & Chamoun, C. (2004). *Universal and regional human rights protection: Cases and commentaries*. Ciudad Colon: University for Peace.

<sup>86</sup> Ibid.

<sup>87</sup> Others include Ben Saanane, an opposition political activist, who was abducted by unknown people in 2016, and Simon Kanguye, former Chairperson of Kibondo District Council, who disappeared in 2017. Deusdedith Soka, a CHADEMA cadre, also went missing in 2024.

<sup>88</sup> See Tanganyika Law Society (TLS), *Taarifa kwa Umma: Ongezeko la Vitendo vya Utekaji na Upoteaji wa Watu Nchini*, at <https://tls.or.tz/wp-content/uploads/2024/08/Tamko-Kutekwa-na-Kuteswa.pdf>.

<sup>89</sup> LHRC Human Rights Monitoring 2024.

<sup>90</sup> Ibid.

<sup>91</sup> See "ABDUCTION OF CHAULA: ARTIST WHO BURNED A PRESIDENT'S PORTRAIT" Tanzania Artists Rights Organization (TARO), at <https://www.tanzaniaartistsrightsorganization.com/post/abduction-of-chaula-artist-who-burned-a-president-s-portrait>.





circumstances.<sup>92</sup> Another member and leader of CHADEMA, Deusdedith Soka, also disappeared in August after he was reportedly taken by a group of men on 18<sup>th</sup> August, 2024, in the Buza area alongside two colleagues Jacob Godwin Mlay and Frank Mbise.<sup>93</sup> Before his disappearance, he posted on the X social media platform that his life there was in danger and that was a plan to 'make him disappear from this world'.<sup>94</sup>

**LHRC's View:** Mysterious disappearances present a serious threat to the right to life and warrant official police investigation. They have also caused fear and uncertainty among citizens and infringe enjoyment of the right to equality before the law, freedom from torture, and the right to liberty and personal security guaranteed under the Constitution of the United Republic of Tanzania, 1977.

**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. Additionally, as recommended by the Presidential Commission on Criminal Justice Reforms in its report released in 2023, the Government should enact a law that shall introduce and govern **private investigation**, as also recommended by stakeholders over the years. Stakeholders such as CHRAGG and CSOs should also consider conducting joint monitoring and inquiries on incidents of disappearances and provide recommendations to relevant authorities.

### 2.1.7. Road Accidents

Road accidents become a human rights issue when negligence is involved in terms of drivers of vehicles and quality of roads. Police assessments of road accidents for the years 2022 and 2023 have shown that **94% of road accidents occurred because of human error**.<sup>95</sup>

#### **Road accident trends**

Since 2020, fewer than 2,000 road accidents have been recorded by police. In May 2023, the Minister of Home Affairs, Hon. Hamad Masauni (MP), said road accidents decreased from 1,731 incidents in 2021/22 to 1,283 in the period of July 2022 to May 2023,

<sup>92</sup> Omari Mikoma "Utata Kupotea Kwa Kiongozi Mwingine wa CHADEMA. Polisi Rukwa Wasema Hakuna Utekaji" The Chanzo Initiative, 5 August 2024, at <https://thechanzo.com/2024/08/05/utata-kupotea-kwa-kiongozi-mwingine-wa-chadema-polisi-rukwa-wasema-hakuna-utekaji/>.

<sup>93</sup> "Pressure Mounts Over the Fate of Missing Activist Deusdedith Soka and His Two Colleagues" The Chanzo Initiative, 22 August 2024, at <https://thechanzo.com/2024/08/22/pressure-mounts-over-the-fate-of-missing-activist-deusdedith-soka-and-his-two-colleagues/>.

<sup>94</sup> Ibid.

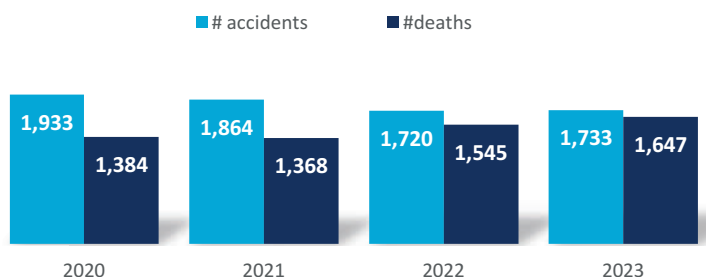
<sup>95</sup> Jamhuri ya Muungano wa Tanzania, Jeshi la Polisi Tanzania & Ofisi ya Taifa ya Takwimu, *Takwimu za Uhalifu wa Matukio ya Usalama Barabarani: Januari - Disemba 2023*.





equivalent to a 25.9% decline.<sup>96</sup> He also mentioned that the number of deaths had declined by 11%, from 946 in 2021/22 to 842 in 2022/23.<sup>97</sup> In 2024, the Minister disclosed that a total of 1,463 road accidents had been reported by April, increasing by 12% in comparison with 2022/23.<sup>98</sup>

Police crime statistics indicate that the number of road accidents has slightly decreased from 1,933 in 2020 to 1,733 in 2023, **averaging 1,812 accidents each year**.<sup>99</sup> Over half of them have been fatal accidents. The statistics further show that the number of deaths has increased from 1,384 in 2020 to 1,647 in 2023,<sup>100</sup> **averaging 1,486 deaths each year**. Over 90% of the accidents and deaths occur in Mainland Tanzania.



**Figure 2.7: #Road accidents and resulting deaths in Tanzania, 2020-2023**

Source: Tanzania Police Force

Despite the progress in reducing 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. According to the Tanzania Police Force (TPF), 94% of road accidents are caused by human error, including driver negligence (38%) and over speeding (21%). Other causes include poor road conditions, limited knowledge of traffic laws and regulations, car defects, corruption, and inadequate inspection.

<sup>96</sup> See HOTUBA YA WAZIRI WA MAMBO YA NDANI YA NCHI MHE. MHANDISI HAMAD M. Y. MASAUNI (MB.), AKIWASILISHA BUNGENI MAKADIPIO YA MAPATO NA MATUMIZI YA FEDHA KWA MWAKA 2023/2024, at [https://www.parliament.go.tz/uploads/budgetspeeches/1685369435-document%20\(5\).pdf](https://www.parliament.go.tz/uploads/budgetspeeches/1685369435-document%20(5).pdf).

<sup>97</sup> Ibid.

<sup>98</sup> See HOTUBA YA WAZIRI WA MAMBO YA NDANI YA NCHI, MHE. MHANDISI HAMAD YUSUF MASAUNI (MB.), AKIWASILISHA BUNGENI MAKADIPIO YA MAPATO NA MATUMIZI YA FEDHA YA WIZARA YA MAMOB YA NDANI YA NCHI KWA MWAKA 2024/2025, at [https://www.moha.go.tz/storage/speeches\\_uploads/1715768842.pdf](https://www.moha.go.tz/storage/speeches_uploads/1715768842.pdf).

<sup>99</sup> See Tanzania in Figures 2023 (supra).

<sup>100</sup> Ibid.



### **Impact of road accidents**

Road accidents cause great suffering to families, especially dependants of the victims, including children, affecting enjoyment of other basic rights. Many family members perish in road accidents, especially those travelling together as family. Road accidents also leave loved ones in disability, sometimes permanent, affecting their ability to work and earn a living and leading to job loss.

**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. The Government also incurs unexpected costs such as repair of road infrastructure, which could be used to cover other social services.

**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 and labour laws and regulations, is also important in preventing and further reducing road accidents in Tanzania. Tanzania should also restrict importation of vehicles which are damaged or defective as a measure of reducing the risk of road accidents.

#### **2.1.8. Key Recommendations**

- i. The Tanzania Police Force to promptly respond to witchcraft related killings and attacks against PWAs and ensure the perpetrators are brought to justice.
- ii. Being a de facto abolitionist state, the Government, through the Ministry of Constitutional and Legal Affairs, to declare a state of moratorium and improve death row conditions and prepare to abolish death penalty.
- iii. The Ministry of Constitutional and Legal Affairs to ensure ratification and domestication of the African Union Road Safety Charter, adopted in 2016.

## **2.2. Freedom of Expression**

This is one of the participation rights - rights essential for enjoyment of the right to participate in governance - others being freedom of assembly and freedom of association. It is essential for good governance and democracy strengthening. In 2024, freedom of expression was affected by issues such as existence of restrictive laws and regulations, imposition of bans, and harassment of journalists.

### **2.2.1. Freedom of Expression Laws vis-à-vis International Standards**

Laws and regulations such as the Media Services Act of 2016, the Cybercrimes Act of 2015, the Access to Information Act of 2016, and the Electronic and Postal





Communications (Online Content) Regulations of 2020 continued to arbitrarily restrict freedom of expressions, amid calls for their review by stakeholders.

In 2019, the East African Court of Justice (EACJ) found various provisions in 16 sections within the Media Services Act to be in violation of basic fundamental and operational principles of the East African Community set out in Articles 6(d) and 7(2) of the Treaty for the Establishment of the East African Community.<sup>101</sup> In June 2023, the Media Services Act (MSA) of 2016 was finally amended following repeated calls by stakeholders but stakeholders, including the Deputy Chairperson of MISA-TAN, James Marenga, expressed dissatisfaction with the number of recommendations taken on board, noting that only a few of the 21 recommendations and three key recommendations made to the parliamentary committee responsible for the bill. Analysis of the amendments made in June 2023 suggests that only 5 out of the 16 (31%) sections highlighted by the EACJ were amended.

**LHRC's View:** LHRC commends amendment of some of the restrictive provisions in the MSA, indicating a step in the right direction in terms of improving the media landscape. However, there are still many provisions which are yet to be amended, including especially those identified by the EACJ to violate freedom of expression and the EAC Treaty.

**LHRC's Call:** The Government and the Parliament to cause amendment of other restrictive provisions within the MSA of 2016 to bring the whole law in line with international human rights standards. Full amendment of the law is also critical to improving investigative reporting of issues of national interest, including corruption and mismanagement of public funds, and building accountability on basic human rights. The Government should also amend other laws and regulations, such as the Cybercrimes Act of 2015, Access to Information Act, and the EPOCA Online Content Regulations of 2020, to bring them in line with international standards.

### 2.2.2. Ban, Suspension, and Other Punishment for Media Outlets

In October 2024, the Tanzania Communications Regulatory Authority (TCRA) suspended the online content licenses for three Mwananchi Communication Limited (MCL) brands; *The Citizen*, *Mwananchi Digital*, and *Mwanaspoti* for 30 days.<sup>102</sup> This action follows the release of a viral animated clip by *The Citizen*, highlighting cases of abductions and disappearances in the country. TCRA claimed that the suspension

<sup>101</sup> Sections in the Media Services Act of 2016 found to violate freedom of expression and EAC Treaty: sections 7(3) (a), (b), (c), (f), (g), (h), (i) and (j); sections 19, 20 and 21; sections 35, 36, 37, 38, 39 and 40; sections 50 and 54; sections 52 and 53; and sections 58 and 59.

<sup>102</sup> "Tanzania Regulator Suspends Online Content Licenses for Three Mwananchi Communication Publications Following Viral Animation by The Citizen" The Chanzo Initiative, 3 October 2024, at <https://thechanzo.com/2024/10/03/tanzania-regulator-suspends-online-content-licenses-for-three-mwananchi-communication-publications-following-viral-animation-by-the-citizen/>.



was made under the Electronic and Postal Communications (Online Content) Regulations 2020. The animation featured a female cartoon character who was seen seated in front of a television and changing channels.<sup>103</sup> Media stakeholders, including the Tanzania Editors Forum (TEF), condemned the decision to suspend the licenses, expressing concerns over disregard of the principles of natural justice, including the right to be heard, as the Online Content Regulations allow TRCA to be both accuser and judge.<sup>104</sup> TEF also reminded media editors and owners that ‘a bad law is still a law until it is amended.’

In October, TCRA also accused the privately owned YouTube-based Jambo TV of breaking the law in its broadcast of criticism of two telecoms companies, Tigo and Vodacom.<sup>105</sup> TCRA again cited contravention of the Online Content Regulations after Jambo TV broadcasted live allegations that Tigo had shared the location data of Tundu Lissu, the vice chairperson of the opposition CHADEMA party, with the government prior to a 2017 assassination attempt, and after journalist Erick Kabendera claimed that Vodacom Tanzania had shared his data with security personnel who arrested him in 2019.<sup>106</sup> TCRA then ordered Jambo TV to submit a written defense and appear before the Content Committee to explain themselves. Apparently, it was only Jambo TV who went public after being accused but there were more than ten online media facing similar charges. LHRC issued a statement to condemn the move by TRCA, expressing concerns over arbitrary restrictions on media freedom.

### **2.2.3. Arrests, Attacks, Harassment, Intimidation, and Detention of Journalists**

In 2024, LHRC documented 10 incidents of arrest, attack, harassment, and detention of journalists, reported in regions such as Simiyu, Mbeya, Dar es Salaam, and Mwanza. These incidents are eight more than those documented in 2023.

In Dar es Salaam, it was reported that two journalists from Mwananchi Communications Limited (MCL) were arrested at different times while on official duty.<sup>107</sup> In another incident, reported in Mbeya, two journalists of Jambo TV, Ramadhani Khamis and Fadhil Kirundwa, were reportedly arrested while covering an

<sup>103</sup> Ibid.

<sup>104</sup> “Wadau walaani mitandao ya MCL kufungiwa siku 30” Mwananchi Newspaper, 4 Oct 2024.

<sup>105</sup> “Tanzania’s regulator bans media outlets as journalists harassed” Committee to Project Journalists, 15 October 2024, at <https://cpj.org/2024/10/tanzanias-regulator-bans-media-outlets-as-journalists-harassed/>.

<sup>106</sup> Ibid.

<sup>107</sup> “No end in sight to hurdles to freedom of expression” The Guardian Newspaper, 20 December 2024, at <https://ippmedia.com/the-guardian/features/read/no-end-in-sight-to-hurdles-to-freedom-of-expression-2024-12-19-211754>.





opposition party rally event in Mbeya City.<sup>108</sup> There were also reported arrests of Simiyu Press Club members Samweli Mwanga and Constantine Mathias in June. In another incident reported in Simiyu, the Bariadi District Commissioner (DC), Simon Simalenga, reportedly kicked journalists out of a meeting to discuss the possibility of authorities dividing the Bariadi constituency into two.<sup>109</sup> Journalists removed from the meeting were from Zanzibar Broadcasting Corporation (ZBC), STV online media, TV, EATV, Uhuru Media, RFA, Mwananchi, TBC, and Nyanza FM. The move by the DC was condemned by various media stakeholders, including MISA-TAN.

#### 2.2.4. Performance in the World Press Freedom Index 2024

In 2024, Reporters Without Borders (RSF) ranked Tanzania 97<sup>th</sup> in its annual World Press Freedom Index, a significant leap from 143<sup>rd</sup> in 2023.<sup>110</sup> Tanzania jumped 46 places, mainly due to the Government's new approach of loosening the grip on the right to news and information. However, the decision to loosen such grip is largely driven by the President's say so, not the result of reform of media related laws and regulations. Most of contested media laws and provisions that curtail free speech, access to information, and press freedom in the country remain in force.

**Table 2.1: Tanzania's rank and score in press freedom in 2024**

Tanzania	WPF Index	Rank	Score
	World Press Freedom Index 2024	97/180	54.8
	World Press Freedom Index 2023	143/180	44.02

Source: RSF World Press Freedom Index 2024

#### 2.2.5. Access to Information

Violations and potential violations of press freedom also continued to jeopardize enjoyment of the right to information. Access to information, especially public information, also remained somewhat limited or restricted due to the gaps in the Access to Information Act of 2016. Some of the key concerns with the access to

<sup>108</sup> Ibid.; "Tanzania's regulator bans media outlets as journalists harassed" Committee to Project Journalists (supra).

<sup>109</sup> Matonyinga Makaro "Bariadi DC Simon Simalenga Criticised After Kicking Journalists Out of Key Meeting" 20 February 2024, at <https://thechanzo.com/2024/02/20/bariadi-dc-simon-simalenga-criticised-after-kicking-journalists-out-of-key-meeting/>.

<sup>110</sup> "New report: Tanzania improves in press freedom ranking, but violations continue" CIVICUS, at <https://monitor.civicus.org/explore/new-report-tanzania-improves-in-press-freedom-ranking-but-violations-continue/#:~:text=Expression,East%20Africa%20in%20press%20freedom..>



information law include vague exceptions to disclosure of information, long time for responding to information request, vague terms and phrases, severe punishment for releasing exempt information, and the law not overriding other laws on access to information.

In 2024, the right to access information was also jeopardized by restrictions on access to social media platforms such as X space. On 30<sup>th</sup> August 2024, users across Tanzania experienced difficulties in accessing the X platform (formerly Twitter), a widely used social media service.<sup>111</sup> This disruption was soon confirmed to be a deliberate restriction imposed by several major mobile companies and Internet Service Providers (ISPs), including Airtel and Vodacom. Stakeholders, including the Internet Governance Tanzania Working Group (IGTWG), condemned the move as a threat to digital rights and freedom of expression in the country. IGTWG noted that the move constituted violation of Article 18 of the Constitution, which guarantees freedom of expression, and the Access to Information Act of 2016. The blocking of the platform was also condemned beyond Tanzania, notably by the Net Rights Coalition (NRC).<sup>112</sup> Earlier, in July, there was also a proposal by the ruling party (CCM) youth wing to shut down the X platform in Tanzania, which was strongly opposed by IGTWG.<sup>113</sup>

Despite the legal drawbacks mentioned above, the government enacted the Personal Data Protection Act of 2023 and its subsequent Regulations as legal mechanism for protecting personalized data against undue infringements. Relatedly, the government established the Data Protection Commission that together with the legal instruments aim to ensure personal data are processed lawfully, fairly, and in a manner, they guarantee safety, security, and confidentiality of the data subject.

### 2.2.6. Other Issues

Another issue that arose in 2024 in relation to media freedom is the incident involving Wasafi FM and the CHADEMA leader, Mr. Tundu Lissu. In February 2024, the radio station reportedly cancelled the interview with the senior leader of the main opposition party for 'unclear reasons.'<sup>114</sup> Mr. Lissu was scheduled to appear on Wasafi

<sup>111</sup> "IGTWG Condemns X Platform Restriction: Tanzania's Renewed Censorship Amid Political Tensions and Activist Campaigns" Tanzania Digest, 2 September 2024, at <https://www.digest.tz/igtwg-condemns-x-platform-restriction-tanzanias-renewed-censorship-amid-political-tensions/>.

<sup>112</sup> Press release: Net Rights Coalition Calls on Tanzania to Stop Restricting Access to X (former Twitter)!, at <https://paradigmhq.org/press-release-net-rights-coalition-calls-on-tanzania-to-stop-restricting-access-to-x-former-twitter/>.

<sup>113</sup> Julius Maricha "Internet body slams proposed 'X' platform ban in Tanzania" THE CITIZEN Newspaper (online), 6 July 2024, at <https://www.thecitizen.co.tz/tanzania/news/national/internet-body-slams-proposed-x-platform-ban-in-tanzania-4682016>.

<sup>114</sup> Lukelo Francia 'Tanzania's Radio Station Wasafi FM On Spot After Canceling Show with Opposition Leader Tundu Lissu' The Chanzo Initiative, 7 February 2024, at <https://thechanzo.com/2024/02/07/tanzanias-radio-station-wasafi-fm-on-spot-after-canceling-show-with-opposition-leader-tundu-lissu/>.





FM's morning show, Good Morning, but was reportedly informed on the eve of the interview that the interview had been canceled because of 'unspecified order from above.' However, a manager at the radio station claimed that no order was received to cancel the interview, but rather there was an internal 'miscommunication' that led to the decision, adding that there was an agreement with the opposition leader to re-schedule the interview.<sup>115</sup> The incident raises concerns over self-censorship in Tanzania. While stakeholders admit that the media landscape has improved under President Samia's administration, they note that existing media laws and regulations remain a thorn that perpetuates self-censorship among media outlets and journalists.

The State of the Media 2022-2023 Report (SMR), launched by the Media Council of Tanzania (MCT) in July 2024, notes that editorial interference and suspension of programmes on television or radio were among the 46 press violations reported in 2022 and 2023.<sup>116</sup> The former MCT Executive Secretary, Kajubi Mukajanga, pointed out that the existing legal environment has contributed to self-censorship and praising journalism among media practitioners in Maitland Tanzania.<sup>117</sup>

In 2024, stakeholders also expressed concerns over the application of some sections of the Cybercrimes Act of 2015, which fall short of international standards. This followed the arrest of two digital activists in March 2024, for using their X account called Skununu and YouTube channel called Jamii Digital, to spread false information about senior government leaders.<sup>118</sup> They were charged under Section 16 of the Cybercrimes Act, 2015, which has been identified as one of the problematic provisions in the law. Terms such as "deceptive, misleading and inaccurate information" are subjective and open to abuse by implementers of the law.

Another issue that came to light in 2024 was artistic freedom and creative expression, which has been recognized as part of the freedom of expression, requiring artists to be protected against censorship and any form of pressure or intimidation.<sup>119</sup> Artistic freedom stakeholders, expressed concerns about the current legal framework governing creative expression fueling self-censorship following the ban of a song called 'Nitasema' released by a rapper Emmanuel Elibariki, popularly known as Ney wa Mitego, in September 2024 for contravening the National Arts Council (BASATA)

<sup>115</sup> Ibid.

<sup>116</sup> See Saumu Mwalimu 'SMR highlights press violations and self-censorship in Tanzania' Media Council of Tanzania, at <https://mct.or.tz/smrlaunch24/>.

<sup>117</sup> Ibid.

<sup>118</sup> LHRC Human Rights Monitoring 2024.

<sup>119</sup> See United Nations Office of the High Commissioner for Human Rights, Artistic freedom: Special Rapporteur in the field of cultural rights, at <https://www.ohchr.org/en/special-procedures/sr-cultural-rights/artistic-freedom>; Council of Europe, *Manifesto on the Freedom of Expression of Arts and Culture in the Digital Era*, at <https://www.coe.int/en/web/culture-and-heritage/manifesto-on-the-freedom-of-expression-of-arts-and-culture-in-the-digital-era>.





Regulations. Stakeholders, including rappers, expressed that the authorities have become increasingly obsessed with silencing artists who express alternative viewpoints.<sup>120</sup> One of the hip-hop music icons, Seleman Msindi, popularly known as Afande Sele, expressed frustration with BASATA's decision, accusing the council of 'rewarding artists who produce vulgar content while penalizing those like Nay wa Mitego, who address important social issues such as corruption, injustice, and poverty.'<sup>121</sup> LHRC's main concern with BASATA is the fact that it acts as both the accuser and judge, in contravention of the rules of natural justice. Such actions also stifle creative expression and thereby affecting freedom of expression in Tanzania.

### ***Freedom of Opinion: The High Court Ruling on the Clubhouse Case***

In May 2024, the High Court of Tanzania in Dar es Salaam issued a judgement in the case of Paul Kisabo vs. Minister of Information, Communication, and Information Technology (1<sup>st</sup> respondent), Tanzania Communications and Regulatory Authority (2<sup>nd</sup> respondent), and the Attorney General (3<sup>rd</sup> respondent). The petitioner, a human rights activist and regular user of the popular audio social media platform called Clubhouse, argued that the respondents had arbitrarily restricted access of Clubhouse by imposing restrictions that require users to use the Virtual Private Network (VPN) to access the platform, in contravention of the Constitution of the United Republic of Tanzania. He mentioned infringement of several constitutional rights,<sup>122</sup> including freedom of opinion and expression and right and access to information. On the key issues, the High Court ruled that:

- Access to Clubhouse is a fundamental right of the petitioner, based on the principle of functional equivalence – which states that rights enjoyed in the real world are also enjoyed in cyberspace.
- The right to access Clubhouse is protected under the Constitution of Tanzania and regional and international freedom of expression instruments.
- Although, access to Clubhouse is a fundamental right, it is not without limits and can be restricted if the three-part test is fulfilled, as per Articles 29(5) and 30(a) of the Constitution, namely limitation is provided by law, necessary, and proportionate.
- The issue of restriction on Clubhouse has not been proved, hence it cannot be declared that there have been violations of stated provisions of the Universal Declaration of Human Rights (UHDR), the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights (ACHPR), and the Constitution of the United Republic of Tanzania.

<sup>120</sup> 'Tanzanian Artist Nay wa Mitego Released a Song About Political Kidnapping. Now Authorities Threaten Him With Legal Actions' The Chanzo Initiative, 27 September 2024, at <https://thechanzo.com/2024/09/27/tanzanian-artist-nay-wa-mitego-released-a-song-about-political-kidnapping-now-authorities-threaten-him-with-legal-actions/>; Adonis Byemelwa 'Tanzanian Hip-Hop Icon Defends Nay wa Mitego in Censorship Dispute with Tanzanian Arts Council' Pan African Visions, 30 September 2024, at <https://panafricanvisions.com/2024/09/tanzanian-hip-hop-icon-defends-nay-wa-mitego-in-censorship-dispute-with-tanzanian-arts-council/>.

<sup>121</sup> Ibid.

<sup>122</sup> Articles 18(1); 18(2); 20(1); 26(1) [ 29(1) and 29(5) of the Constitution of the United Republic of Tanzania of 1977.







### 2.2.7. Key Recommendations

- i. The Ministry of Communications and Information Technology to initiate amendment of the Media Services Act of 2016 in line with the decision/judgement of the East African Court of Justice of 2019 and other related media laws that curtail press freedom, free speech, and right to access information.
- ii. The Ministry of Constitutional and Legal Affairs and the Ministry of Communications and Information Technology to ensure amendment of the Online Content Regulations 2020 to bring them in line with international human rights standards.
- iii. The Ministry of Constitutional and Legal Affairs to collaborate with the Ministry of Information, Communication, and Information Technology to facilitate amendment of the Access to Information Act and the Cybercrimes Act to bring them in line with international human rights standards.

## 2.3. Freedoms of Assembly and Association

These are fundamental participation rights which enable people to organize groups and organizations and peacefully hold meetings, in public or private, as well as engage in peaceful protest. In 2024, key issues that affected or contributed to violation of these freedoms included existence of laws that arbitrarily restrict them and interference of the right to hold peaceful demonstrations.

### 2.3.1. Freedoms of Assembly and Association Laws vis-à-vis International Standards

In 2024, laws such as the Political Parties Act (amended in 2019 and 2024), the NGOs Act of 2002 (amended in 2019), and the Basic Rights and Duties Enforcement Act (BRADEA), amended in 2020 continued to pose challenges in effective enjoyment of freedoms of assembly and association by containing provisions that arbitrarily restrict them. Among those most affected are NGOs and political parties, with excessive and intrusive powers of Registrar of NGOs and Registrar of Political Parties among key concerns. Another obstacle to the freedom of assembly through peaceful protests and demonstrations is the Police Force and Auxiliary Services Act. This legislation grants the Police Force the authority to restrict assemblies by requiring prior notification and broad power to disperse gatherings that are perceived as disrupting public order.

LHRC and other stakeholders are also concerned that Tanzania is yet to ratify the African Charter on Democracy Elections and Governance (ACDEG) of 2007. Ratification of this important AU convention is crucial to safeguarding freedoms of assembly and association.



**LHRC's View:** Over the years, LHRC and other human rights stakeholders have been making repeated calls for these laws 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 and 2024, as discussed in subchapter 2.6 of this report.

**LHRC's Call:** The Government to take measures to review and fully amend Political Parties Act, BRADEA, NGOs Act, and Police Force and Auxiliary Services Act to bring them in line with international human rights standards and the Constitution of the United Republic of Tanzania of 1977. The Government should also ratify the African Charter on Democracy Elections and Governance (ACDEG) of 2007.

### 2.3.2. Enjoyment of Freedoms of Assembly and Association

In 2024, LHRC documented three reported complaints or incidents of arbitrary restrictions on freedoms of assembly and association, the same as in 2023. Opposition political parties, particularly CHADEMA, lamented disruption and ban of planned political rallies and demonstrations by the Police Force, citing security concerns. In one incident, reported in June 2024, police reportedly banned a planned meeting in Ngorongoro District, citing security reasons.<sup>123</sup>

In another incident, reported in November, CHADEMA followers were dispersed by police during a public rally organized in Mlowo, Songwe Region and arrested their leaders for unlawful assembly.<sup>124</sup> CHADEMA also complained about denial of permission to hold peaceful demonstrations in September and prevention of the party's youth wing (BAVICHA) members from attending organized conference to commemorate international youth day in Mbeya earlier in August. A total of 110 BAVICHA members enroute to Mbeya for the conference were reportedly arrested in Iringa.<sup>125</sup> Overall, CHADEMA Deputy Secretary General (Tanzania Mainland) Benson Kigaila claimed that 443 CHADEMA members and officials had been arrested since August 10, 2024, adding that many of them are held unlawfully.<sup>126</sup>

<sup>123</sup> Janeth Mushi "Polisi yazuia Chadema kufanya mikutano Tarafa ya Ngorongoro" Mwananchi Newspaper, 21 June 2024, at <https://www.mwananchi.co.tz/mw/habari/siasa/polisi-yazuia-chadema-kufanya-mikutano-tarafa-ya-ngorongoro-4665336>.

<sup>124</sup> Saddam Sadick "VIDEO: Mbowe na wenzake washikiliwa Polisi Songwe" Mwananchi Newspaper (online), 22 November 2024, at <https://www.mwananchi.co.tz/mw/habari/kitaifa/video-mbowe-na-wenzake-washikiliwa-polisi-songwe-4832590>.

<sup>125</sup> "Over 400 CHADEMA Members Arrested in Tanzania, Whereabouts Unknown, Ahead of Now-Cancelled Youth Day Commemoration. But What Can Explain Such a Wholesale Police Crackdown?" The Chanzo Initiative, 12 August 2024, at <https://thechanzo.com/2024/08/12/over-400-chadema-members-arrested-in-tanzania-whereabouts-unknown-ahead-of-now-cancelled-youth-day-commemoration-but-what-can-explain-such-a-wholesale-police-crackdown/>.





Some of the BAVICHA members complaining to the media in Iringa about being stopped from attending a conference in Mbeya in August 2024

In September 2024, the then CHADEMA Chairperson, Mr. Freeman Mbowe, and his daughter were arrested in connection with the planned peaceful demonstrations to protest incidents of abduction and disappearance across the country.<sup>127</sup> In November, Mbowe and 10 other fellow party members were also arrested in Mbozi, Songwe, for conducting unlawful campaign.<sup>128</sup>

In another incident, reported in March 2024, the Maasai community in Enduleni Ward, Ngorongoro District, lamented a move by the police in the district to ban their planned meeting, citing security concerns.<sup>129</sup> Several stakeholders denounced the police move.<sup>130</sup>

### 2.3.3. Key Recommendations

- i. The Ministry of Constitutional and Legal Affairs to facilitate amendment of the Political Parties Act, BRADEA, NGOs Act, and Police Force and Auxiliary Services Act to bring them in line with international human rights standards.

<sup>126</sup> Ibid.

<sup>127</sup> "Mtoto wa Mbowe akamatwa akizungumza na waandishi wa habari" Mwananchi Newspaper (online), 23 September 2024, at <https://www.mwananchi.co.tz/mw/habari/kitaifa/mtoto-wa-mbowe-akamatwa-akizungumza-na-waandishi-wa-habari-4772250>.

<sup>128</sup> LHRC Human Rights Monitoring, 2024.

<sup>129</sup> LHRC Human Rights Monitoring 2024.

<sup>130</sup> Baraka Loshilaa "Polisi wazuia kusanyiko Ngorongoro, wanaharakati waingilia kati" Mwananchi Newspaper (online), 16 March 2024, at <https://www.mwananchi.co.tz/mw/habari/kitaifa/polisi-wazuia-kusanyiko-ngorongoro-wanaharakati-waingilia-kati-4558142>.



- ii. The Tanzania Police Force to refrain from restricting peaceful assemblies without proper cause.
- iii. The Ministry of Constitutional and Legal Affairs to initiate the process of ratification of the African Charter on Democracy Elections and Governance (ACDEG) of 2007.

## 2.4. Rights to Equality before the Law and Effective Remedy

These rights require all people to be treated equally before the law, without discrimination, regardless of wealth, social status, or political power and provision of effective remedy when rights are violated. In 2024, 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; impediments to access to justice; criminal justice challenges including right to fair trial violations; and juvenile justice.

### 2.4.1. Access to Justice: Key Issues and Concerns

Access to justice means access to **formal** or **informal** institutions that are tasked with delivery of justice such as courts and tribunals.<sup>131</sup> This access enables people whose rights are violated or jeopardized to seek remedy from these institutions, where their grievances can be heard and determined.

#### 2.4.1.1. Action to Improve Access to Justice

In 2024, 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; provision of mobile court services; use of technology to facilitate access to justice; and facilitating use of the Swahili Language in administration of justice.

In April 2024, it was reported that the Ministry of Constitutional and Legal Affairs (MoCLA) continued to collaborate with the Office of the Attorney General to oversee translation of laws into Swahili to enhance access to justice. A total of 258 laws had been translated by April, awaiting to be validated.<sup>132</sup> The Government, through the

<sup>131</sup> See the United Nations and the Rule of Law, *Access to Justice*, at <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/>; UNDP (2013), Strengthening Judicial Integrity through Enhanced Access to Justice: Analysis of the national studies on the capacities of the judicial institutions to address the needs/demands of persons with disabilities, minorities and women, at <https://www.undp.org/sites/g/files/zskgke326/files/migration/eurasia/Access-to-justice.pdf>.

<sup>132</sup> HOTUBA YA MHESHIMIWA BALOZI DKT. PINDI HAZARA CHANA (MB), WAZIRI WA KATIBA NA SHERIA, AKIWASILISHA BUNGENI MPANGO NA MAKADIRIO YA MAPAO NA MATUMIZI YA WIZARA KWA MWAKA WA FEDHA 2024/2025, Aprili 2024, Dodoma, at <https://www.sheria.go.tz/uploads/documents/en-1714655844->





Mama Samia Legal Aid Campaign and the Commission for Human Rights and Good Governance (CHRAGG) also provided legal aid to indigent persons across the country. For instance, it was reported in July that over 400 people had been provided with legal aid through the Mama Samia Legal Aid Campaign.<sup>133</sup>

Construction and renovation of court buildings included construction of six integrated justice centres in Katavi, Ruvuma, Songwe, Njombe, Simiyu, and Geita.<sup>134</sup> The Judiciary also continued to embrace technology to administer justice. For instance, in February it was reported that the Judiciary had incorporated AI in its new transcriptions and translations system with the aim of improving court efficiency and reduce burden of work for judges and magistrates.<sup>135</sup> In July, the Judiciary announced plans to seek permission to provide mobile court services in the SGR train.<sup>136</sup>

#### 2.4.1.2. *Barriers to Access to Justice*

Despite the various measures taken by the Government and other stakeholders to enhance access to justice across the country, several barriers persisted. In 2024, the LHRC conducted a human rights survey that investigated the main obstacles to accessing justice. Community members identified **corruption** as the biggest barrier to accessing justice. They also mentioned other barriers such as **costs of legal representation, low awareness of laws and rights, lengthy court proceedings, court proximity**, and **limited access to legal aid**.

In Tanzania, women and persons with disabilities (PWDs) face additional barriers to accessing justice because of socioeconomic conditions, cultural norms, discriminatory legal frameworks, and limited resources, impeding their capacity to effectively seek and obtain remedy. Women and other special groups like PWDs, marginalized youth, and older persons often experience disproportionate poverty, which makes it difficult to afford costs of legal representation and regularly attend court session. The SIGI Tanzania report notes that women's ability and willingness

[HOTUBA%20YA%20BAJETI%20YA%20MWAKA%20WA%20FEDHA%202024\\_25\\_compressed%20FINAL.pdf](#).

<sup>133</sup> "Zaidi wananchi 400,000 wafikiwa msaada kisheria" Nipashe Newspaper, 8 Jul 2024.

<sup>134</sup> HOTUBA YA MHESHIMIWA BALOZI DKT. PINDI HAZARA CHANA (MB), WAZIRI WA KATIBA NA SHERIA, AKIWASILISHA BUNGENI MPANGO NA MAKADIRIO YA MAPAO NA MATUMIZI YA WIZARA KWA MWAKA WA FEDHA 2024/2025.

<sup>135</sup> "Tanzania Court Adopts Artificial Intelligence (AI) in its Processes" The Chanzo Initiative, 2 February 2024, at <https://thechanzo.com/2024/02/02/tanzania-court-adopts-artificial-intelligence-ai-in-its-processes/>; "Mahakama 11 zafungwa mfumo wa kutafsiri" HABARILEO Newspaper, 18 May 2024.

<sup>136</sup> Hadija Jummane "Mahakama ya Tanzania kuendesha kesi ndani ya treni ya SGR" Mwananchi Newspaper (online), 8 July 2024, at <https://www.mwananchi.co.tz/mw/habari/kitaifa/mahakama-ya-tanzania-kuendesha-kesi-ndani-ya-treni-ya-sgr-4683752>.



to resort to courts and police are limited, mainly due to discriminatory social norms and attitude.<sup>137</sup>

### Corruption

*Corruption is the main barrier to access to justice. There is nothing else.*

A woman – Mkuranga, Pwani

*Corruption has permeated and tainted every part of the justice system, from the point of arrest to the point of trial.*

NGO official – Kigoma

### Lengthy court proceedings

*Sometimes people abandon their pursuit of justice because of cases taking long and costs associated with frequently travelling to the court of law.*

Community member – Ruvuma

*It is hard for people like us from poor households when cases take long in court. The Government should address this issue and help us.*

Community member – Shinyanga

### Limited access to legal aid

*There are only a few legal aid providers and even fewer lawyers. As a result, access to legal aid is limited for most people.*

Lawyer – Bariadi, Simiyu

*It is a fact that there is a shortage of paralegals in our community. You may find one paralegal serving more than one ward, while a ward may even require at least two paralegals.*

Paralegal – Ruvuma

<sup>137</sup> OECD (2022), SIGI Country Report for Tanzania, Social Institutions and Gender Index, OECD Publishing, Paris, <https://doi.org/10.1787/06621e57-en>.



### Delays and frequent adjournment of cases

*It is very annoying when every time you attend a court session, they say the case has been adjourned. Sometimes you just decide to forget about the case and stop attending.*

Community member – Manyara

*Indeed, there is a challenge of cases taking long to conclude in court, and this sometimes causes people to decide to settle matters outside the court.*

NGO official – Kigoma

### Low awareness of laws and rights

*Some community members are not informed about their rights or lack knowledge of the law. This affects their ability to assert their rights.*

State attorney – Makambako TC,  
Niombe

*Awareness of laws and rights is low in most rural communities. Believe it or not there are people who know nothing about their rights or the law.*

Community member – Kiteto.

### Other barriers

#### Non-reporting of human rights violations

*Most people in this community rarely report incidents of human rights violations. They tend to take matters in their own hands and only later we come to learn about what happened.*

WEO – Chamwino, Dodoma

*..for instance, there are cases of teenage pregnancy which are not taken to court, instead settled at family level to avoid a 30-year prison sentence for the man responsible.*

Community member – Simiyu

#### Superstitious beliefs and practices





*Some people avoid the formal justice mechanisms and resort to seeking justice from witchdoctors. There is need to continue raising community awareness, including about where to seek effective remedy.*

Regional State Attorney – Njombe

#### Political interference

*Sometimes cases are lost due to political interference. Some political actors tell community members they can help resolve their disputes but often fail and leave them without any remedy.*

Lawyer – Arusha

*Certain community members tend to seek intervention of politicians in their cases, hoping to expedite the dispensation of justice or overturn a court decision. When they are unable to help, the politicians send them back to us, often too late.*

State Attorney – Makambako, Njombe

Women are disproportionately affected by limited access to legal aid services, especially those residing in rural areas. This is contributed by customs and traditions that marginalize them and the fact that majority of legal aid providers are male, which means some women may be uncomfortable sharing intimate information with a male legal aid provider. In the context of domestic violence or family disputes, women may also experience a sense of hesitancy or inability to seek legal assistance due to societal expectations and cultural norms.

**LHRC's Call:** CSOs and other legal aid providers need to concentrate their legal aid interventions in rural areas and make deliberate efforts to reach rural women. The legal aid fund is also needed to further enhance access to justice through legal aid. Additionally, the Ministry of Constitutional and Legal Affairs (MoCLA) should consider revising the Legal Aid Act of 2017 and its regulations to reduce the costs of training and recruiting new paralegals. There is also a need of strengthening and making the Mama Samia Legal Aid Campaign more sustainable for a wider coverage in order to meet the demands of legal aid by the vulnerable communities, particularly in the rural areas. Additionally, MoCLA should collaborate with other stakeholders to strengthen





and sustain programmes of educating the public on legal matters, including through media and dissemination of IEC materials

## 2.4.2. Criminal Justice: Key Issues and Concerns

Tanzania's criminal justice system is faced with various challenges, most of which were highlighted in the report of the Presidential Commission on Criminal Justice Reforms, released in July 2023.<sup>138</sup> The commission found that there were 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). Most of these challenges remained relevant in 2024, as discussed below.

### 2.4.2.1. Violations of Rights of Accused Persons

In Tanzania, the rights of an accused person include the right to a fair trial, the right to legal representation, freedom from arbitrary arrest and detention, right to bail, freedom from torture, and the right to be presumed innocent until proven guilty. Reports of violations of these rights were widespread in 2024 across nearly all regions of Mainland Tanzania. Majority of them were free from arbitrary arrest and detention, which accounted for over half of the reported incidents.

LHRC documented over 600 complaints of arbitrary arrests and detention featuring **excessive** use of force during arrest, arresting officers not telling an accused person reasons for arrest, arrest without warrant, concealing whereabouts of arrest person, and holding accused person without contact with the outside world. The overwhelming majority of the victims were members of the opposition parties, including during the local government election (LGE) period and those accused of unlawful assembly, followed by journalists and human rights activists. LHRC also understands and is concerned that there are about 51 sheikhs who continue to languish in jail over terrorism charges for almost 10 years now awaiting trial.

#### **Permissible use of force and arrest without warrant**

LHRC understands that there are circumstances recognized in criminal laws and regulations where an accused person can be subjected to reasonable use of force and arrested without warrant.<sup>139</sup> For instance, warrantless arrest may be done in case of breach of the peace in presence of Police Officer; willfully obstructing a police officer while in the execution of his duty, or escaping or attempting to escape from lawful custody; and being found lying or loitering in any highway, yard or garden or other place during the night. However, as revealed in the Criminal Justice

<sup>138</sup> JAMHURI YA MUUNGANO WA TANZANIA, MUHTASARI WA RIPOTI YA TUME YA KUANGALIA JINSI YA KUBORESHA TAASISI ZA HAKI JINAI NCHINI, JULAI, 2023, DODOMA.

<sup>139</sup> See for example Paragraph 6 of the Police General Orders (PGO) 236; Section 14 & 28 of the Criminal Procedure Act (CPA).



Presidential Commission Report of 2023, criminal justice institutions with arresting powers usually use excessive force when arresting suspects, causing them pain and suffering.<sup>140</sup> The report on the 20<sup>th</sup> anniversary of the Commission for Human Rights and Good Governance (CHRAGG), which was published in September 2022, also indicates that the national human rights institution conducted a variety of investigations that revealed instances of excessive use of force, torture and beatings during arrest and interrogations by certain police officers and other law enforcement officers, in disregard of criminal legislation and regulations.<sup>141</sup>

#### 2.4.2.2. Delays, Detention, Adjournment of Cases, and Other Challenges

In 2023, CAG performance audit report on criminal justice in Tanzania and interviews conducted by the Presidential Commission on Criminal Justice System Reforms both revealed delays in investigations and disposal of cases as serious impediments to effective and fair administration of criminal justice.<sup>142</sup> In 2024, community members reached by LHRC through a human rights survey also identified such delays as a key issue of concern in the criminal justice system.

Community members reached by LHRC in 2024 also mentioned other challenges in criminal justice such as lengthy pre-trial detention, frequent adjournment of cases, corruption, denial of bail, fabrication of cases (trumped-up charges), torture while under police custody and in prison, bail for bailable offences, and accused person not being brought before court promptly.

Overall, in 2024 LHRC documented 103 complaints of delays, detention, adjournment of cases and other criminal justice challenges such as denial of bail, corruption, and fabrication of cases.

In Dar es Salaam, some of the CSO officials and lawyers interviewed by

*We have many friends and relatives who have experienced torture while under police custody to confess to crimes they have not committed. So sometimes you just end up confessing to end the torment.*

Community member – Dar es Salaam

<sup>140</sup> JAMHURI YA MUUNGANO WA TANZANIA, MUHTASARI WA RIPOTI YA TUME YA KUANGALIA JINSI YA KUBORESISHA TAASISI ZA HAKI JINAI NCHINI, JULAI, 2023, DODOMA.

<sup>141</sup> See JAMHURI YA MUUNGANO WA TANZANIA TUME YA HAKI ZA BINADAMU NA UTAWALA BORA, TAARIFA YA MIAKA ISHIRINI YA TUME YA HAKI ZA BINADAMU NA UTAWALA BORA 2001-2021, Septemba, 2022, p. 41, at <https://www.chragg.go.tz/uploads/documents/sw-1665407606-MIAKA%2020%20FINAL.pdf>.

<sup>142</sup> See UNITED REPUBLIC OF TANZANIA, NATIONAL AUDIT OFFICE, *PERFORMANCE AUDIT REPORT ON THE CRIMINAL JUSTICE SYSTEM IN TANZANIA*, CONTROLLER AND AUDITOR GENERAL, MARCH 2022, at <https://www.nao.go.tz/reports/view/performance-audit-report-on-the-management-of-backlog-of-cases-by-the-justice-system>; <sup>142</sup> “Commission pokes holes in criminal justice system” DAILY NEWS Newspaper, 16 Jul 2023, at <https://dailynews.co.tz/commission-pokes-holes-in-criminal-justice-system/>.



LHRC recommended regular human rights training for judges and magistrates. They argued that criminal justice and human rights are inseparable, hence the need to train them on human rights to enable them to effectively administer justice.<sup>143</sup> In one of the incidents, reported in Dar es Salaam in February 2024, Alphonce Magombola, who was charged with murder before the Kisutu Resident Magistrate Court, complained about delays in investigation of his case, which remained incomplete since the charges were first read in August 2022.<sup>144</sup> However, it was later revealed that the matter has been scheduled for hearing and is in its final stage of adjudication.<sup>145</sup>

In April 2024, the Commissioner General of Prisons (CGP), Mzee Nyamka, disclosed that some prisoners had complained of being assaulted and tortured by prison wardens, causing them considerable pain and even disability.<sup>146</sup> He further stated that in extreme circumstances, beatings and torture result in death, citing the example of an inmate who was beaten to death at Utete Prison in Pwani Region. A former inmate, who spent five years in prison told a journalist that torture of prisoners was an order of the day in the prison he was held.<sup>147</sup>

#### **Good practice by the National Prosecutions Services (NPS)**

Through consultations with NPS officials LHRC also learned that NPS has created internal directives which set the threshold of completing an investigation within 90 days for cases permissible by law to be filed in court before completion of an investigation such as murder. This marks an improvement in enhancing access to justice and protecting the rights of accused persons, by ensuring investigations are completed without delay.

#### **Other factors contributing to adjournment of cases**

LHRC understands that there are other factors that contribute to the adjournment of cases, which can be drawn from court, prosecution and accused persons. For instance, adjournments can be caused by the absence of parties, witnesses, or lawyers. Adjournments may also occur due to poor coordination, unavailability of a judge or magistrate, lack of a vehicle to transport defendants to court, insufficient staff, and procedural and administrative errors. In a few circumstances, judges or magistrates may also be unprepared for a case, hence deciding to postpone a hearing.

<sup>143</sup> LHRC Human Rights Survey 2024: Dar es Salaam.

<sup>144</sup> "Alalamika mashtaka kwa kuchelewesha upelelezi" HABARILEO Newspaper, 15 Feb 2024.

<sup>145</sup> Consultation with an NPS official during report validation.

<sup>146</sup> "Vipigo, vifo vya wafungwa: Mkuu wa Magereza awashukia askari" Mwananchi Newspaper, 21 Apr 2024.

<sup>147</sup> Ibid.



### 2.4.2.3. Implementation of the Report of the Presidential Commission on Criminal Justice Reforms

In 2024, LHRC observed the slow pace of implementation of the recommendations provided by the Presidential Commission on Criminal Justice Reforms in 2023 to improve the criminal justice system. Key recommendations which are yet to be implemented include:

#### Crime Prevention and Detection

- ✎ The Ministry of Home Affairs, in collaboration with the President's Office-Public Service Management and Good Governance; President's Office - Regional Administration and Local Government (PO-RALG); the Ministry of Finance and Planning; the Office of the Attorney General; the Office of the Controller and Auditor General (CAG); and other criminal justice stakeholders to develop and ensure implementation of the Crime Detection and Prevention Strategy.

#### Arrest of Suspects

- ✎ Law enforcement officers and other individuals with arresting powers to be held accountable/disciplined for abusing such powers.

#### Crime Investigation & Inquiry

- ✎ Government to establish a single investigative body, called the National Bureau of Investigation (NBI), which shall have mandate to investigate all major crimes.

#### Safety and Security of Whistleblowers/Informants and Witnesses

- ✎ The Whistleblower and Witness Protection Act to be amended to state a specific institution that will be responsible for coordinating safety and security of informants and witnesses.

#### Bail

- ✎ Amendment of the Economic and Organized Crime Control Act to grant the court power to deny or grant bail.

#### Justice Institutions Operating in a Militarised Manner

- ✎ Institutions involved in criminal justice or providing services to the public in a militarized manner, such as the Fire and Rescue Force, Immigration Department, and Wildlife and Forest Conservation Force, to return to their original mandate of providing services to the public.





### Death Penalty

- ✂ The Penal Code, Chapter 16, to be amended to make death penalty not the only punishment for murder.

**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 made by stakeholders not taken on board by the Commission.

#### 2.4.3. Juvenile Justice and Children in Contact with the Law

According to the United Nations (UN), children can come into contact with the justice system as victims and witnesses or as children accused or convicted of crimes, among others.<sup>148</sup> UNICEF notes that most children who come in conflict with the law commit petty crimes and are often used or coerced by adults.<sup>149</sup> In Tanzania, efforts to safeguard the rights of children in contact with the law include enactment of the Law of the Child Act of 2009, which establishes the juvenile justice system. Government ministries and the Judiciary collaborate to administer juvenile justice across the country and address various challenges faced by children in contact with the law.

Juvenile justice challenges were brought to light in the presidential criminal justice reform commission report and a report by the Law Reform Commission of Tanzania (LRCT), both issued in 2023. The challenges included the Social Welfare Department being faced with serious shortage of human and financial resources, shortage of safe houses in some areas, and a structure that does not allow them to effectively carry out their criminal justice responsibilities; complaints about juvenile offenders being mixed with adult offenders in prisons, which puts them in the danger of becoming hardened criminals and jeopardizes their lives; age analysis of the children; and lack of child-friendly juvenile courts and retention centres. These challenges remained relevant in 2024.

Among others, the commission recommended the Social Welfare Department to be designated an independent division within the Ministry of Community Development, Gender, Women and Special Groups; providing more human and financial resources for social welfare services; and construction of more juvenile detention facilities to

<sup>148</sup> See OHCHR, *Children and the justice system*, <https://www.ohchr.org/en/children/children-and-justice-system>.

<sup>149</sup> See UNICEF, *Justice for Children*, at <https://www.unicef.org/protection/justice-for-children>.



avoid **mixing children in conflict with the law with adults** in detention facilities. This shall significantly enhance access to juvenile justice. The available approved schools should be improved, and more retention centres should be established, including in Mwanza.

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

#### 2.4.4. Key Recommendations

- i. The Judiciary and the Prevention and Combating of Corruption Bureau (PCCB) to closely work together to address corruption within the justice system to improve public trust and confidence in the criminal justice system and safeguard the right to access to justice and effective remedy.
- ii. The Ministry of Constitutional and Legal Affairs to take measures to facilitate legal reforms in the criminal justice system address various challenges, including lengthy pre-trial detention.
- iii. Criminal justice institutions to implement recommendations provided by the presidential criminal justice reform commission.

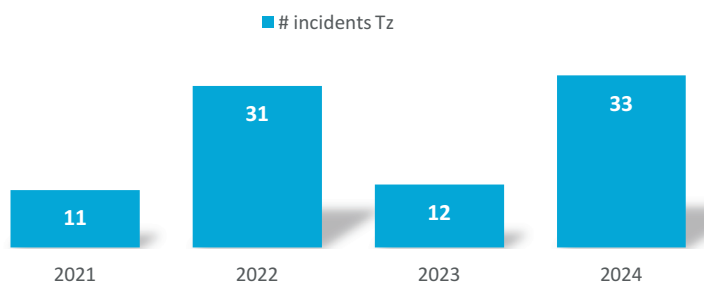
## 2.5. Right to Liberty and Personal Security

This right entails two distinct rights: the right to liberty of the person and the right to personal security and protects individuals from arbitrary arrest and detention. In 2024, key right to liberty and personal security issues and violations in Mainland Tanzania included abductions and disappearances; arbitrary arrest and detention; denial of bail; trumped-up charges; and human trafficking.

### 2.5.1. Safety and Security Concerns: Attacks, Abductions, and Disappearances

Reported threats to personal safety and security in 2024 included abductions and disappearances. LHRC documented 63 reported incidents of abduction and disappearance, including 33 believed to be enforced. These incidents were reported in regions such as Dar es Salaam, Arusha, Kigoma, Kigoma, and Tanga.





**Figure 2.8: #Incidents of abductions & disappearances documented by LHRC – 2021 to 2024**

### The abduction and killing of Ali Kibao

Among the incidents which caught the public attention was the abduction and brutal killing of Ali Mohamed Kibao, a veteran cadre and leader of the CHADEMA opposition party. Mr. Kibao was abducted by armed men on 6<sup>th</sup> July 2024 in Tegeta, Dar es Salaam. According to eyewitness, two vehicles, a white Landcruiser and a saloon car blocked the bus the victim was in before two of the armed men entered the bus, handcuffed him, and took him.<sup>150</sup> In the morning of 7<sup>th</sup> September, his body was found with a disfigured face. During a press briefing, CHADEMA claimed that Mr. Kibao had succumbed to sever beating and torture, including having acid poured on his face.<sup>151</sup>

<sup>150</sup> "Abducted Tanzanian Opposition Leader Found Dead, President Orders Investigation. Three Recently Abducted Opposition Leaders Remain Missing" The Chanzo Initiative, 8 September 2024, at <https://thechanzo.com/2024/09/08/abducted-tanzanian-opposition-leader-found-dead-president-orders-investigation-three-recently-abducted-opposition-leaders-remain-missing/>.

<sup>151</sup> Ibid.





Ali Kibao, who was abducted in broad daylight and brutally killed in September 2024

### Reaction by stakeholders, including clerics

LHRC and other stakeholders, within and beyond Tanzania, issued statements strongly condemning this incident and calling for prompt investigation to bring those responsible to justice. In a press statement, LHRC demanded a transparent inquiry and urged the Minister of Home Affairs to explain the procedures taken to prevent such crimes, as well as calling on President Samia to denounce the abduction and killing. The President issued a statement, condemning the murder, extending condolences to the victim's family and CHADEMA leadership, and instructing investigative bodies to provide a detailed report on this and other incidents of similar nature immediately.

Other political parties, including ACT Wazalendo also issued statements condemning the abduction and murder of Ali Kibao and other incidents of abduction, disappearance and murder. ACT Wazalendo Chairperson, Dorothy Semu, demanded thorough investigations of the incidents and the President's response and intervention.

Embassies, including the European Union (EU), and religious leaders also issued statements condemning the murder and calling for an independent, transparent, and prompt investigation into ongoing abductions and the murder of Ali Mohamed Kibao.<sup>152</sup>

<sup>152</sup> Priscilla Mines "With opposition arrests, abductions rising, Tanzanian president alleges Western meddling" VoA, 27 September 2024, at <https://www.voanews.com/a/with-opposition-arrests-abductions-rising-tanzanian-president-alleges-western-meddling/7801998.html>; "Matukio ya utekaji







The Kibao family also called for transparency in the investigation, expressing concerns over the silence on the news of the investigation.<sup>153</sup>

### Demand for inquiry

CHADEMA demanded judicial inquiry into the abductions and killings while condemning the disappearance and cold-blooded murder of the party leaders. The party Chairperson, Freeman Mbowe, called on the President to establish a Judicial Commission of inquiry because they did not have faith in the police investigating the matter.<sup>154</sup> He also accused state security agencies of being involved in the disappearances.<sup>155</sup>

### Other incidents

In March 2024, it was reported that **Christopher Ole Sendeka**, a member of the ruling political party CCM and Simanjiro Member of Parliament, was attacked by unknown assailants who shot multiple bullets at his car, with him and his driver inside the vehicle during the assassination attempt.<sup>156</sup> The incident was confirmed by the regional police, who claimed that the incident occurred in Kiteto District, while heading to his constituency.

Prior to the abduction and killing of Ali Kibao, other CHADEMA leaders had gone missing in July and August 2024. In July, **Dioniz Kipanya**, Sumbawanga District CHADEMA Secretary, went missing in Rukwa.<sup>157</sup> In August, the party's Temeke youth leader and political activist, **Deusdedith Soka** and Temeke Secretary, **Jacob Godwin Mlay**, were both abducted by a group of men in Buza – Dar es Salaam and have been missing since. Also abducted was **Frank Mbise**, a bodaboda driver working for Soka.<sup>158</sup> CHADEMA believes they were taken by the police, who have since denied the claim. Before his disappearance, Soka reportedly posted on the X social media platform that his life was in danger and that there was a plan to 'make him disappear from this world.

yawaibua maaskofu" Mwananchi Newspaper, 28 Jul 2024; "Clerics condemn abductions, killings in Christmas message" THE CITIZEN Newspaper, 24 Dec 2024.

<sup>153</sup> LHRC Human Rights Monitoring 2024.

<sup>154</sup> Abducted Tanzanian Opposition Leader Found Dead, President Orders Investigation. Three Recently Abducted Opposition Leaders Remain Missing" (supra).

<sup>155</sup> "Chadema demands judicial inquiry into abductions, killings" THE CITIZEN Newspaper, 23 Aug 2024.

<sup>156</sup> Mpoki Thomson 'Tanzanian politician survives assassination attempt after gunmen spray bullets into his car' THE CITIZEN Newspaper (online), 30 March 2024, at <https://www.thecitizen.co.tz/tanzania/news/national/tanzanian-politician-survives-assassination-attempt-after-gunmen-spray-bullets-into-his-car-4573262>.

<sup>157</sup> Omari Mikoma "Utata Kupotea Kwa Kiongozi Mwingine wa CHADEMA. Polisi Rukwa Wasema Hakuna Utekaji" The Chanzo Initiative, 5 August 2024, at <https://thechanzo.com/2024/08/05/utata-kupotea-kwa-kiongozi-mwingine-wa-chadema-polisi-rukwa-wasema-hakuna-utekaji/>.

<sup>158</sup> "Pressure Mounts Over the Fate of Missing Activist Deusdedith Soka and His Two Colleagues" The Chanzo Initiative, 22 August 2024, at <https://thechanzo.com/2024/08/22/pressure-mounts-over-the-fate-of-missing-activist-deusdedith-soka-and-his-two-colleagues/>.



Another CHADEMA cadre, **Kombo Mbwana**, was also reportedly taken by unknown people in Tanga in June,<sup>159</sup> before police later disclosed that he was in their custody.

In June, it was also reported that **Edgar Mwakabela**, famously known as **Sativa**, had been abducted and disappeared, later found half-conscious in Katavi Region.<sup>160</sup> The victim later revealed he had been tortured and left for dead in a forest.<sup>161</sup>

In August 2024, Yusuph Chaula (56) called for the return of his son, **Shadrack Chaula** (24), dead or alive, following his disappearance 20 days after he was released from prison.<sup>162</sup> The son, who is an artist, had been convicted and sentenced to prison for burning a picture of President Samia Suluhu Hassan. On 2<sup>nd</sup> August 2024, Chaula's father reported to the police that Chaula was abducted by unknown people in a van at 09:30 pm.<sup>163</sup>

In November reports also emerged that ACT-Wazalendo youth wing leader, **Abdul Nondo**, had been abducted in Dar es Salaam as he arrived from Kigoma and forced into a vehicle,<sup>164</sup> which former ACT leader, Zitto Kabwe, claimed belonged to the police. He was then released by his abductors and dumped at the Coco Beach area in the city. ACT Wazalendo stated that Nondo had sustained injuries and was taken to Aga Khan Hospital for treatment.

In November, there was also another incident of abduction, involving a businessperson, **Deogratius Tarimo**.<sup>165</sup> He narrowly escaped kidnapping by individuals who claimed to be police officers. A video circulating on social media showed the individuals attempting to force him into a car as he resisted the abduction attempt.<sup>166</sup> In December, it was reported that police had arrested eight people in connection with the attempted kidnapping.<sup>167</sup>

<sup>159</sup> ““Mke asimulia wasiojulikana walivyomteka mume wake”” Mwananchi Newspaper, 3 Jul 2024.

<sup>160</sup> “Sativa kurejeshwa Dar kwa matibabu zaidi” Mwananchi Newspaper, 29 Jun 2024.

<sup>161</sup> Tito Magoti “It’s About Time Authorities Come Out Clean on Enforced Disappearances in Tanzania” The Chanzo Initiative, 6 February 2024, at <https://thechanzo.com/2025/02/06/its-about-time-authorities-come-out-clean-on-enforced-disappearances-in-tanzania/>.

<sup>162</sup> Ibid.

<sup>163</sup> See “ABDUCTION OF CHAULA: ARTIST WHO BURNED A PRESIDENT’S PORTRAIT” Tanzania Artists Rights Organization (TARO), at <https://www.tanzaniaartistsrightsorganization.com/post/abduction-of-chaula-artist-who-burned-a-president-s-portrait>.

<sup>164</sup> “Opposition Youth Leader Abdul Nondo Released by His Abductors After 18 Hours” The Chanzo Initiative, 2 December 2024, at <https://thechanzo.com/2024/12/02/opposition-youth-leader-abdul-nondo-released-by-his-abductors-after-18-hours/>.

<sup>165</sup> “Tukio la utekaji Dar laacha maswali tele” Mwananchi Newspaper, 14 Nov 2024.

<sup>166</sup> LHRC Human Rights Monitoring 2024.

<sup>167</sup> Amina Mwampangala “Police arrest eight in attempted kidnapping of Dar businessman” DAILY NEWS Newspaper (online) 4 December 2024, at [https://dailynews.co.tz/police-arrest-eight-in-attempted-kidnapping-of-dar-businessman/#google\\_vignette](https://dailynews.co.tz/police-arrest-eight-in-attempted-kidnapping-of-dar-businessman/#google_vignette).



### ***Kariakoo commercial buildings and safety concerns***

Another incident which raised concerns over safety of civilians in 2024 was the collapse of commercial buildings in Kariakoo in November 2024, causing deaths and injuries. It was reported that the final death toll reached 29, while 88 people were left injured.<sup>168</sup> President Samia Suluhu Hassan issued condolences and directed formation of a team of experts to inspect all commercial buildings in Kariakoo and provide relevant recommendations, which must be fully implemented. This incident also brings into question the protection of consumers and failure of relevant regulatory bodies to ensure adherence to construction standards and conduct regular inspection.

### **2.5.2. Arbitrary Arrest and Detention**

Arbitrary arrest and detention mean arrest and/or detention of a person accused of a crime without following laid down procedures. Examples include not informing the person reasons for arrest, not allowing a person to communicate with family, using excessive and/or unnecessary force during arrest, and not taking the accused person to court promptly (within 24 hours in Tanzania).<sup>169</sup>

As discussed in sub-chapter 2.4 of this report, there were widespread reports of arbitrary arrest and detention in 2024, including arrests of opposition party members (CHADEMA) seeking to exercise their freedom of assembly and their leaders. LHRC also documented six incidents of arrest and detention of journalists, reported in Dar es Salaam, Mbeya, and Simiyu Regions. There was also a report of the arrest and detention of a lawyer in Arusha, Yonas Masiaya (Advocate), for allegedly circulating a picture of the Arusha Regional Commissioner in WhatsApp group in April 2024.<sup>170</sup> He was also denied bail, even though the offence he was charged with is bailable. Overall, LHRC documented 63 incidents of arbitrary arrest and detention, increasing from 51 in 2023.

### **2.5.3. Bail**

Right to bail is essential in safeguarding the right to liberty and the principle of presumption of innocence. In 2024, LHRC also documents incidents of denial of bail, most of them reported in Dar es Salaam. A total of 48 incidents were documented, increasing from 21 recorded in 2023. Among those arrested and denied bail were 36 women arrested on accusation of being sex workers and denied bail in Dar es Salaam. In Arusha, a lawyer, Yonas Masiaya (Advocate), arrested and detained for circulating a

<sup>168</sup> "Kariakoo's final death toll hits at 29 as 88 injured" THE CITIZEN Newspaper, 27 Nov 2024,

<sup>169</sup> See Article 9(2) of ICCPR of 1966; Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers; BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT, adopted by the UN General Assembly in resolution 43/173 on 9 December 1988 at New York; Section 12 of the Criminal Procedure Act, CAP 20.

<sup>170</sup> LHRC Human Rights Monitoring 2024.



picture of the Arusha Regional Commissioner in WhatsApp group in April 2024, was also reportedly denied bail, even though the offence he was charged with is bailable.<sup>171</sup>

**LHRC's View:** 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. Considering 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 on a case-by-case basis.

**LHRC's Call:** Like it is the case in countries such as Kenya, Malawi, Uganda, and Zambia, the High Court should be granted powers to hear and determine bail for non-bailable offences on case-by-case basis. The prosecution should have the burden of showing that there are compelling reasons for not releasing the accused person. Mandatory or automatic bail denial should thus not be provided in law, hence the need to amend section 148(5) of the Criminal Procedure Act.

#### 2.5.4. Trumped-up Charges

In 2024, complaints of trumped-up charges or fabrication of cases continued to be levelled against the law enforcement officers, especially police officers. LHRC documented 11 reported incidents of trumped-up charges through human rights monitoring, media survey, and human rights survey, increasing from 9 recorded in 2023. The incidents were reported in regions such as Geita, Dar es Salaam, Mara, and Manyara. There were also reports of two people, Richard Ng'ombe and Lawrence Tara, being released by courts of law in Mara and Manyara respectively because their cases had allegedly been fabricated.<sup>172</sup> However, LHRC further learned that the Manyara case was still under investigation.<sup>173</sup>

#### 2.5.5. Delays in Investigations and Disposal of Cases

As discussed in sub-chapter 2.4 of this report, complaints of delays, detention, and adjournment of cases were widespread in 2024. LHRC documented 21 complaints of delays in investigations and disposal of cases. In one of the incidents, reported in Dar es Salaam in February 2024, Alphonce Magombola, who was charged with murder before the Kisutu Resident Magistrate Court, complained about delays in investigation of his case, which remained incomplete since the charges were first read in August 2022.<sup>174</sup> In another incident, reported in November, also in Dar es Salaam, a lawyer representing Peter Gasaya (33), who had been charged with an economic crime, bemoaned his client spending 690 days in prison and called for the case to be

<sup>171</sup> LHRC Human Rights Monitoring 2024.

<sup>172</sup> LHRC Human Rights Monitoring 2024.

<sup>173</sup> Consultation with an NPS official during report validation.

<sup>174</sup> "Alalamika mashtaka kwa kuchelewesha upelelezi" HABARILEO Newspaper, 15 Feb 2024.





dismissed.<sup>175</sup> In Manyara, the parties responsible were also required to pay the victim a fine of Tshs. 10 million. LHRC has also observed that there are about 51 Muslim clerics (sheikhs) who remain in prison over terrorism charges for over 10 years without trial due to delays in investigations.

### 2.5.6. Human Trafficking

#### Overview

The Government of Tanzania has taken various legal, policy, and institutional measures to combat human trafficking. Efforts to combat human trafficking include ratification and domestication of key international human rights instruments, including the United Convention on Transnational Organized Crime (UNTOC), 2000 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000. The Protocol was domesticated through the Anti-Trafficking in Persons Act, No. 6 of 2008, which criminalizes trafficking in persons. There is also the National Anti-Trafficking in Persons Action Plan and the Tanzania Network against Human Trafficking (TANAHUT), which seek to bring together government and non-government stakeholders to intensify efforts to curb human trafficking in Tanzania. The Ministry of Home Affairs leads these efforts through its various agencies such as the Tanzania Police Force (TPF) and the Immigration Department, which also collaborate enhance security at borders, airports, and ports to curb human trafficking.

#### Community awareness of human trafficking

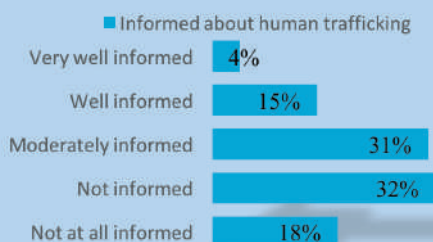
Human trafficking was one of the themes covered in LHRC's human rights survey conducted in 20 regions of Mainland Tanzania in 2024. Community members were asked how informed they were about human trafficking and the extent of the problem in their community.

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<sup>175</sup> LHRC Human Rights Monitoring 2024.



### How informed are you about human trafficking?



**Figure 2.8: %Community responses on being informed about human trafficking (N=2,037)**

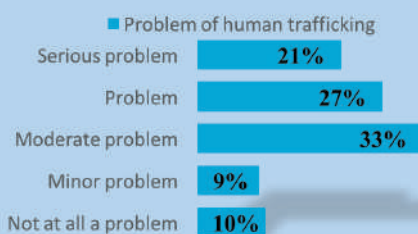
50% of community members (5 out of 10 people) indicated that they were not informed about human trafficking, meaning they did not understand what it entails. Nearly a third (31%) said they were only moderately informed, while only 19% claimed they were either well informed (15%) or very well informed (4%). This suggests the need to intensify public awareness efforts.

*I have no idea what human trafficking actually means. I just hear the phrase being uttered by people and the media.*

Community member – Kibaha, Pwani

### To what extent is human trafficking a problem in your community?

Nearly half of community members who said they were informed or moderately informed about human trafficking (48%) said human trafficking is a problem or a serious problem in the community, followed by a third who felt it was only a moderate problem. Only 19% of the community members felt it was not a problem. This suggests need to intensify efforts to combat human trafficking.



**Figure 2.9: %Community responses on extent of human trafficking problem (N=2,037)**



## Reported incidents of human trafficking

In 2024, LHRC documented 14 incidents of human trafficking through human rights monitoring, media survey, and human rights survey, reported in Pwani, Mtwara, Morogoro, Dodoma, Tabora, and Dar es Salaam. The incidents are one less than those documented in 2023, and 10 of them were incidents of child trafficking. In May 2024, the Minister of Home Affairs revealed in Parliament that a total of 184 victims of human trafficking had been rescued during the financial year 2023/24.<sup>176</sup>



In Dodoma, some NGO officials and local leaders told LHRC that some parents and guardians collude with traffickers to traffick their children for labour.<sup>177</sup> Some community respondents in Bariadi District, Simiyu Region, asserted that there is a tendency of luring girls to urban areas with the promise of employment, only to be subjected to sexual exploitation (sex trafficking) upon their arrival.<sup>178</sup> This was also reported to be the case in Mwanza, Singida and Shinyanga.<sup>179</sup>

<sup>176</sup> HOTUBA YA WAZIRI WA MAMBO YA NDANI YA NCHI, MHE. MHANDISI HAMAD YUSSUF MASAUNI (MB), AKIWASILISHA BUNGENI MAKADIRIO YA MAPATO NA MATUMIZI YA FEDHA YA WIZARA YA MAMBO YA NDANI YA NCHI KWA MWAKA 2024/2025 (supra).

<sup>177</sup> LHRC Human Rights Survey 2024: Dodoma.

<sup>178</sup> LHRC Human Rights Survey 2024: Simiyu.

<sup>179</sup> "Simulizi 'mchongo' mabinti wa kazi wanaopokewa mijini" Nipashe Newspaper, 17 Mar 2024.



*Child trafficking has been a challenge in Mpwapwa District. We have received complaints of children being trafficked to other regions such as Dar es Salaam and Arusha for labour.*

NGO official – Dodoma

**LHRC's View:** Children are the most vulnerable members of the society and are very vulnerable to the trickery and deception of human traffickers. This is because they are easy to deceive and manipulate, given their age. It is important to identify areas and hotspots for human trafficking so that preventive measures can be taken and human traffickers and those who assist them are brought to justice.

**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 essential and should be strengthened.

#### 2.5.7. Key Recommendations

- i. The Police Force to ensure police officers refrain from conducting arbitrary arrests and arbitrarily detaining accused persons instead of sending them to court within a specified period (usually 24 hours) as required by the law, to promote the right to liberty. Police officers implicated in this behaviour should be held accountable.
- ii. The Ministry of Constitutional and Legal Affairs to initiate the process of amending criminal laws to ensure all offences are bailable, and the court is given powers to grant or deny bail on a case-by-case basis.
- iii. The Tanzania Police Force to ensure bail is timely issued for all bailable offences in line with the Criminal Procedure Act, if the bail conditions have been met. Regular checks on police officers are needed to address denial of police bail.

## 2.6. Right to Take Part in Governance

This right facilitates participation of Tanzanians in public affairs and elections – as voters or candidates. In 2024, key issues that affected enjoyment of the right to take part in governance included amendments to electoral and political party laws and the conduct of the Local Government Elections (LGE) 2024.





## 2.6.1. Enactment of New Electoral Laws

### The new laws

In February 2024, the Government enacted three new electoral laws, namely the Political Parties Laws (Amendment) Act; The Presidential, Parliamentary and Councillors' Elections Act; and The Independent National Electoral Commission Act.<sup>180</sup>

#### The Political Parties Laws (Amendment) Act, 2024

This law amends the Election Expenses Act (CAP 278) and the Political Parties Act (CAP 258). Key amendments in the Political Parties Act include punishment for a political party allowing a non-citizen to participate in its decision-making process;<sup>181</sup> addition of a provision on 'Documents to be maintained by political party,' which include the party's gender and social inclusion policy and rules for intra-party nomination of candidates and election of party leaders;<sup>182</sup> and a schedule (third schedule) outlining basic provisions to be contained in the **gender and social inclusion policy** of a political party.<sup>183</sup> The basic provisions are provisions relating to programmes and initiatives for promotion of gender and social inclusion; provisions relating to programmes for capacity building for women, youth, and persons with disabilities (PWDs) to become leaders in or outside the party; and provisions relating to gender and social inclusion desk for coordinating the implementation of gender and social inclusion laws and policies and handling complaints regarding gender issues.

#### The Presidential, Parliamentary and Councillors' Elections Act, No. 1 of 2024

Key chapters and parts of this new electoral law include registration of voters, including qualifications and disqualifications; nomination of candidates; election procedure and qualification of candidates; election voting and counting procedure; and offences and penalties. Key provisions which are different from previous electoral laws replaced by this new law include a provision on sexual harassment and violence during election. The provision reads '**A person who, during election process, does an act of sexual harassment or violence to a candidate commits an offence and shall, upon conviction in accordance with the Electoral Code of Conduct, be liable to the penalty in accordance with such Code,**' essentially criminalizing violence, including GBV, during

<sup>180</sup> See The Political Parties Laws (Amendment) Act, 2024, at [https://www.parliament.go.tz/polis/uploads/bills/acts/1712043990-ACT%20NO.%203%20OF%202024%20THE%20POLITICAL%20PARTIES%20AFFAIRS%20LAWS%20\(AMENDMENT\)%20ACT%202024.docx%20chapa%20dom.pdf](https://www.parliament.go.tz/polis/uploads/bills/acts/1712043990-ACT%20NO.%203%20OF%202024%20THE%20POLITICAL%20PARTIES%20AFFAIRS%20LAWS%20(AMENDMENT)%20ACT%202024.docx%20chapa%20dom.pdf); The Presidential, Parliamentary and Councillors' Elections Act, Act No. 1 of 2024, at <https://oagmis.oag.go.tz/storage/index-attachments/parliamentary-acts/1UUhMaVSB2RXIazz4hvVcH3DbeJSmBonfNaqhLlitr.pdf>; and The Independent National Electoral Commission Act, Act No. 2 of 2024, at <https://oagmis.oag.go.tz/storage/index-attachments/parliamentary-acts/pwRfK7NjyHYUrqh1IEYia2LEPG73imjVvlyKYhj8.pdf>.

<sup>181</sup> Section 11 of the Political Parties Laws (Amendment) Act, 2024.

<sup>182</sup> Ibid, Section 14.

<sup>183</sup> Ibid, Third Schedule.



election.<sup>184</sup> Other positive provisions include any public officer, apart from District Executive Officers (DEOs), to be eligible for appointment as returning officers;<sup>185</sup> and removal of unopposed candidate provision for Presidential, Parliamentary, and Councillor seats, meaning the sole candidate will still be voted for or against and is not guaranteed a win;<sup>186</sup> removal of payment requirement for renewal of voters identification card; and integration of gender and disability options in voter registration forms. Additionally, the law has shortened the timeline for the hearing of election petitions from twelve months to six months.

### **The Independent National Electoral Commission Act, Act No. 2 of 2024**

The new legislation changes the name of the electoral management body (EMB) from the National Electoral Commission (NEC) to the Independent National Electoral Commission (INEC).<sup>187</sup> It also describes the composition and responsibilities of the commission and establishes the secretariat. The law also grants INEC powers to coordinate and supervise Local Government Election.<sup>188</sup>

### **Stakeholder reactions**

In January 2024, stakeholders, including LHRC, Centre for Strategic Litigation (CSL), Tanganyika Law Society (TLS), Twaweza, Jukwaa la Katiba (JUKATA), and Jamii Forums, analysed three bills 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.<sup>189</sup> Their analysis concluded that the proposed amendments to the Political Parties Act were inadequate and did not change the Act in any major way. They further noted that the proposed amendments and other bills did not adequately accommodate key recommendations made by the Presidential Taskforce on Multiparty Democracy, in the judgements of domestic and regional courts, and by NGOs.

In 2024, various stakeholders,<sup>190</sup> including LHRC, CSL, and the Governance and Economic Policy Centre (GEPC), also did the post-enactment analysis following the passing of the three bills into law in February 2024. They made the following key observations:<sup>191</sup>

<sup>184</sup> Section 135 of the Presidential, Parliamentary and Councillors' Elections Act, Act No. 1 of 2024.

<sup>185</sup> Ibid, Section 6.

<sup>186</sup> Ibid, Sections 38(1), 54(1), & 66(1).

<sup>187</sup> Section 4 of the Independent National Electoral Commission Act, Act No. 2 of 2024.

<sup>188</sup> Ibid, Section 10(1)(d).

<sup>189</sup> MAONI YA WADAU (LHRC, TLS, Twaweza, CSL, JUKATA na Jamii Forums) KWENYE MISWADA YA SHERIA ZA UCHAGUZI NA MUSWADA WA SHERIA YA VYAMA VYA SIASA, Januari 8 2024, Dodoma, Tanzania.

<sup>190</sup> "Sheria Tume Huru ya Taifa ya Uchaguzi yaendelea kukosolewa na wadau" Mwananchi Newspaper, 19 Apr 2024; "LHRC yataka maboresho ya sheria" Mwananchi Newspaper, 5 Apr 2024.





- ✎ Public servants are still an integral part of the EMB, which is not good practice: The Presidential, Parliamentary and Councillors Election Act leaves room for the appointment of District Executive Directors as returning officers.
- ✎ Discrimination: By limiting the eligibility of the returning officers to senior civil servants, the Presidential, Members of Parliament and Councillors Election Act discriminates against those who may be competent but outside of the public service.
- ✎ Disregard of stakeholder recommendation on the use of information and communications technology (ICT) in elections with the aim of improving the electoral process, including in voter registration, submission of nomination forms, voting, and vote tallying.
- ✎ Lack of provisions on independent candidature, despite various court decisions requiring constitutional and other amendments to accommodate independent candidates: Various stakeholders and public figures, including Prof. Anna Tibaijuka, also questioned why the laws did not allow independent candidature.<sup>192</sup>
- ✎ Appeal against INEC decisions: Stakeholders, including LHRC, had recommended INEC decisions to be challenged through constitutional petition or judicial review. However, the INEC law declares INEC decisions to be final and conclusive.
- ✎ Lack of changes in provisions on special seats for women.
- ✎ Election petition requiring deposition of security for costs, contrary to a precedent set in the case of Julius Ishengoma Francis Ndyanao *versus* the Attorney General of Tanzania.<sup>193</sup>
- ✎ Inability to challenge Presidential results: The Presidential, Parliamentary and Councillors' Elections Act does not allow the Presidential results to be challenged in court in line with Article 41(7) of the Constitution of Tanzania, despite various court judgments directing the electoral laws to allow the results to be challenged.
- ✎ NEC members, including the Chairperson and Vice-Chairperson, continue with their positions under INEC, as the nomination committee cannot resume their roles until 2028.

<sup>191</sup> See Center for Strategic Litigation, *A Review of the Newly Enacted legislation on Elections and Political Parties in Tanzania*, at <https://strategiclitigation.org/wp-content/uploads/2024/06/Analysis-of-Tanzanias-2024-Electoral-Laws.pdf>; LHRC'S POST-ENACTMENT ANALYSIS OF THE NEW ELECTORAL LAWS, at [https://humanrights.or.tz/en/news-events/electoral\\_reforms](https://humanrights.or.tz/en/news-events/electoral_reforms); "Tanzania's new political and electoral reforms : A step to the right, a high jump to go!" Governance and Economic Policy Centre, 20 February 2024, at <https://gepc.or.tz/tanzanias-new-political-and-electoral-reforms-a-step-to-the-right-a-high-jump-to-go/>; "LHRC yaona kasoro sheria mpya ya uchaguzi" Nipashe Newspaper, 5 Apr 2024.

<sup>192</sup> LHRC Human Rights Monitoring 2024.

<sup>193</sup> Appeal No. 64 of 2001/2002.



- ✎ Lack of sanctions for failure of political parties to adhere to Section 10C of the Political Parties Act (maintaining certain policy documents), as amended by the Political Parties Laws (Amendment) Act, 2024.

LHRC made various other recommendations to enhance political participation, including minimal constitutional reforms to fast-track implementation of the recommendations made by the presidential taskforce on multiparty democracy, amendment of laws to allow Tanzanians living abroad (diaspora) to vote, and amendment of the Presidential, Parliamentary, and Councilors Elections Act to require conducting debates at all levels.

## 2.6.2. The 2024 Local Government Elections

### 2.6.2.1. Overview

In Tanzania, Local Government Elections (LGE) are held every five years, a year before the General Election (GA). These elections feature street, village, and sub-village seats that were contested by political parties. The Government of the United Republic of Tanzania announced in August 2024 that the LGE would be held in November 2024,<sup>194</sup> five years after the most recent elections in 2019. Indeed, on 27<sup>th</sup> November 2024, the LGE was held, with 18 out of 19 registered political parties reportedly participating. According to the President's Office – Regional Administration and Local Government (PO-RALG), **26.9 million Tanzanians voted in the LGE 2024**, equivalent to a record 86% of all registered voters.

### 2.6.2.2. Legal Framework Governing the LGE 2024

Like any other election in Tanzania, the LGE was governed by the Constitution of the United Republic of Tanzania, 1977. Other key LGE 2024-specific laws and regulations were the Political Parties Act [CAP 258 RE 2019]; the Local Government (Urban Authorities) Act, CAP 288; the Local Government (District Authorities) Act, CAP 287; the Election of Local Government Chairperson and Committee Members in Urban Authorities Regulations (GN. 574 of 2024);<sup>195</sup> Election of Hamlet Chairperson in Township Authorities Regulations (GN. 572 of 2024);<sup>196</sup> Election of Village Chairperson, Members of Village Council, and Hamlet Chairperson in Urban Authorities (GN 573 of

<sup>194</sup> See TANGAZO LA UCHAGUZI WA SERIKALI ZA MITAA WA MWAKA 2024 (A statement by the Minister of the President's Office – Regional Administration and Local Government (RALG)) at <https://www.kariakoomarket.co.tz/storage/app/uploads/public/66b/dfe/67c/66bdf67c40cb760483584.pdf>

<sup>195</sup> Kanuni za Uchaguzi wa Mwenyekiti wa Mtaa na Wajumbe wa Kamati ya Mtaa katika Mamlaka za Miji, (Tangazo la Serikali Na. 574 la Mwaka 2024), at <https://drive.google.com/drive/folders/1MtZGa-Fcg0gtbg8RGboEVKG7KS2ocln8>.



2024,<sup>197</sup> and Election of Village Chairperson, Members of the Village Council, and Hamlet Chairperson in District Authorities Regulations (GN. 571 of 2024).<sup>198</sup> The laws generally establish various authorities at district, township, and village levels, while the regulations generally provide procedure and guidance on election for different positions, voter education, election observation, nomination of candidates, polling agents, and election petitions.

### 2.6.2.3. Contested Positions

According to the election announcement issued by the Minister of the President's Office – Regional Administration and Local Government (PO-RALG), Mohamed Mchengerwa, on 15<sup>th</sup> August 2024, the LGE 2024 there were a total of 12 main contested positions, categorized as follows:<sup>199</sup>

Positions	Governing Regulation
1. Village Chairperson, Members of the Village Council (mixed), Members of the Village Council (women only), and Hamlet Chairperson in District Authorities	Election of Village Chairperson, Members of the Village Council, and Hamlet Chairperson in District Authorities Regulations (GN. 571 of 2024)
2. Hamlet Chairperson in Township Authorities	Election of Hamlet Chairperson in Township Authorities Regulations (GN. 572 of 2024)
3. Chairperson, Members of Village Council (mixed), Members of Village Council (women only), and Hamlet Chairperson in Urban Authorities	Election of Village Chairperson, Members of Village Council, and Hamlet Chairperson in Urban Authorities (GN 573 of 2024)
4. Local Government Chairperson, Committee Members (mixed), and Committee Members (women only) in Urban Authorities	Election of Local Government Chairperson and Committee Members in Urban Authorities Regulations (GN. 574 of 2024)

<sup>196</sup> Kanuni za Uchaguzi wa Mwenyekiti wa Kitongoji katika Mamlaka za Miji Midogo, (Tangazo la Serikali Na. 572/2024), at <https://drive.google.com/drive/folders/1MtZGa-Fcg0gtbg8RGboEVKG7KS2ocln8>.

<sup>197</sup> Kanuni za Uchaguzi wa Mwenyekiti wa Kijiji, Wajumbe wa Halmashauri ya Kijiji Na Mwenyekiti wa Kitongoji Katika Mamlaka za Miji, (Tangazo la Serikali Na. 573 la Mwaka 2024), at <https://drive.google.com/drive/folders/1MtZGa-Fcg0gtbg8RGboEVKG7KS2ocln8>.

<sup>198</sup> Kanuni za Uchaguzi wa Mwenyekiti wa Kijiji, Wajumbe wa Halmashauri ya Kijiji, na Mwenyekiti wa Kitongoji katika Mamlaka za Wilaya, (Tangazo la Serikali Na. 571 la Mwaka 2024), at <https://drive.google.com/drive/folders/1MtZGa-Fcg0gtbg8RGboEVKG7KS2ocln8>.

<sup>199</sup> See TANGAZO LA UCHAGUZI WA SERIKALI ZAMITAA WA MWAKA 2024, at <https://www.kariakoomarket.co.tz/storage/app/uploads/public/66b/dfc/67c/66bdfc67c40cb760483584.pdf>.



#### 2.6.2.4. Voter Education

Both government and non-government stakeholders participated in provision of voter education to prepare Tanzanians for the LGE 2024. The government efforts were led by the PO-RALG, which also developed the Voter Education Guidelines for the 2024 LGE.<sup>200</sup> A variety of strategies were utilized by stakeholders to provide voter education, including use of grassroots partners, public meetings, radio and television programmes, social media engagements, and distribution of Information, Education and Communication (IEC) materials. LHRC made effective use of her Haki TV, social media platforms, and community media to convey voter education messaging.

#### 2.6.2.5. LHRC Observations

LHRC monitored the LGE 2024, particularly from the stage of voter education to the post-election period. The following observations were made at each stage. LHRC recruited, trained and deployed the election observers in fifteen (15) regions, namely Kagera, Njombe, Singida, Geita, Simiyu, Lindi, Mtwara, Morogoro, Mbeya, Katavi, Iringa, Mara, Ruvuma, Manyara, and Songwe.<sup>201</sup>

#### Pre-Election Period

Key aspects of the pre-election period include election planning, training, voter education, and voter registration.

##### Voter education

Generally, efforts to provide voter education were intensified in comparison with the previous LGE, conducted in 2019. This might explain the increased voter registration and turnout during the LGE 2024. There was also increased engagement of special groups, particularly women and persons with disabilities (PWDs).

##### Voter registration

The LGE 2024 Regulations described the voter registration procedures. In order to be eligible for voter registration, individuals must be Tanzanian citizens, have reached the age of majority (18), reside in the designated ward or hamlet, and be

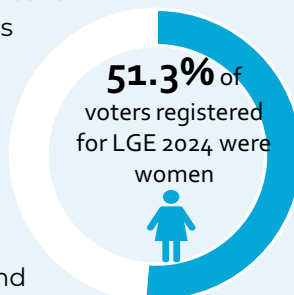
<sup>200</sup> See PO-RALG Voters Education Guidelines 2024, at <https://www.tamisemi.go.tz/storage/app/media/uploaded-files/MWONGOZO%20WA%20ELIMU%20YA%20MPIGA%20KURA.pdf>.

<sup>201</sup> LHRC LGE 2024 Voter Education and Election Observation Report.





in excellent mental health, among other criteria. observed that the voter registration process and peaceful. Official statistics showed that number of registered voters increased million in the LGE 2019 to 31.2 million in LGE Women accounted for a higher number of registered voters (51.3%) than men (48.7%).



LHRC generally was smooth the from 19.6 2024.

LHRC observed several issues of concerns and during the voter registration process. These included complaints of registration of ineligible voters, allegedly under 18 years; registration of voters at multiple stations, contrary to LGE Regulations; some political parties not deploying agents at voter registration centres; voter registration fraud, particularly registering voters without their knowledge; some registration officers conducting voter registration outside the officially designated stations; and question marks over the record number of registered voters. There were also reported inconsistencies between voter registers and displayed lists of voters; names of deceased persons being registered as voters; and concerns over manual registration of voters while technology could be applied to expedite the process and increase credibility.

The number of registered voters significantly increased from 19.6 million in the 2019 LGE to 31.2 million in the 2024 LGE.<sup>202</sup> In comparison with the 2022 census data, it appeared that PO-RALG had managed to register nearly all eligible voters, leaving stakeholders deeply skeptical of this historic achievement.<sup>203</sup>

## Election Period

The election period includes nominations, campaigns, voting, and results.

### Nominations in LGE 2024

According to the LGE 2024 announcement issued by the Minister of PO-RALG in August 2024, members of registered political parties seeking to contest in the elections were required to take nomination forms 26 days before the election day, which was scheduled for 27<sup>th</sup> November, and return them within seven days from the data announced by the returning officer.<sup>204</sup> The nomination process was implemented 19 days before the election day and applicants and their respective

<sup>202</sup> LHRC Human Rights Monitoring 2024; LHRC LGE 2024 Voter Education and Election Observation Report (*supra*).

<sup>203</sup> Ibid.

<sup>204</sup> See TANGAZO LA UCHAGUZI WA SERIKALI ZAMITAA WA MWAKA 2024, at <https://www.kariakoomarket.co.tz/storage/app/uploads/public/66b/dfe/67c/66bdf67c40cb760483584.pdf>.



parties were granted an avenue of objecting to nomination and appealing against the nomination decisions to the district appeals committee. The nominations took place on 8<sup>th</sup> November 2024.

The results of the nomination process showed that a total of 410,258 aspiring leaders from the 19 political parties were nominated for contested positions.<sup>205</sup>

Position	Nominees
1. Village Chairperson	18,340
2. Local Government Chairperson	7,545
3. Hamlet Chairperson	85,522
4. Members of the Village Council (mixed)	160,371
5. Members of the Village Council (women only)	108,166
6. Street Committee Members (mixed)	18,552
7. Street Committee Members (women only)	11,762
<b>TOTAL</b>	<b>410,258</b>

The ruling party, CCM, dominated the nominations, amidst complaints of unfair disqualifications of opposition party candidates across the country. CCM scooped over two thirds of the nominations.<sup>206</sup>

There were widespread complaints of unfair disqualifications from the camps of opposition parties. In Singida, Deputy Chairperson (Mainland) of CHADEMA, Tundu Lissu, said on 11<sup>th</sup> November that most of the party candidates had been unfairly disqualified during the nomination process.<sup>207</sup> In some regions, including Dar es Salaam, CHADEMA complained that up to 95% of their candidates had been disqualified.<sup>208</sup> ACT-Wazalendo's Secretary General, Ado Shaibu, also complained that most of their candidates (60%) were disqualified, and that their

<sup>205</sup> See JAMHURI YA MUUNGANO WA TANZANIA, OFISI YA RAIS, TAWALA ZA MIKOA NASERIKALI ZA MITAA, TAARIFA KWA VYOMBO VYA HABARI: MATOKEO YA UCHAGUZI WA SERIKALI ZA MITAA ULIOFANYIKA, TAREHE 27 NOVEMBA, 2024, at [https://drive.google.com/file/d/16UIPZ\\_7QcKhaXOLse57FYasuF\\_M8lmLz/view](https://drive.google.com/file/d/16UIPZ_7QcKhaXOLse57FYasuF_M8lmLz/view).

<sup>206</sup> Steven Mmbogo 'Are Tanzania's Local Elections Truly Democratic? Shocking Statistics Raise Questions' Tanzania Digest, 28 November 2024, at <https://www.digest.tz/are-tanzanias-local-elections-truly-democratic/>.

<sup>207</sup> Julius Maricha 'CCM urges government leniency on minor nomination paper errors in Tanzania's local elections' THE CITIZEN Newspaper, 12 November 2024, at <https://www.thecitizen.co.tz/tanzania/news/national/ccm-urges-government-leniency-on-minor-nomination-paper-errors-in-tanzania-s-local-elections-4821242>.

<sup>208</sup> Ibid.





appeals had largely been dismissed.<sup>209</sup> Some of the individuals who lamented unfair disqualification claimed that their forms had been substituted with fake forms that contained errors, such as an age of six months.<sup>210</sup>

CCM Secretary General, Dr. Emmanuel Nchimbi, held a press conference about the disqualification complaints, noting that errors such as mistakes in birth dates, minor spelling issues in names, self-endorsements, or skipping sections on forms, should not automatically disqualify candidates.<sup>211</sup> Election stakeholders, including religious leaders, also condemned the widespread disqualification of opposition candidates, questioning the essence of the elections, as the move was robbing voters the opportunity to choose leaders they wanted.<sup>212</sup>

During the nomination period, the CCM Secretary in Kilolo District, Irina Region, Christina Kibiki, was reportedly shot dead by unknown assailants. The incident occurred in Ugwachanya Village, Mseke Ward, on 13<sup>th</sup> November 2024.<sup>213</sup>

Apart from reported unfair disqualifications and violence, LHRC received complaints of unfair nomination of candidates from the ruling party; denial of nomination forms; disinformation and misinformation, including spreading of false information about political parties and their candidates; and poor engagement and participation of women and persons with disabilities (PWDs) in the nomination process.<sup>214</sup> Opposition political parties also complained about being denied right of appeal following the conclusion of the nomination process.<sup>215</sup> These issues dented the nomination process and contributed to contravention of electoral laws and regulations.

### **LGE 2024 Campaigns**

According to the LGE 2024 announcement, the LGE 2024 campaigns were to be conducted seven days before the election day, meaning from 20<sup>th</sup> to 26<sup>th</sup> November 2024.<sup>216</sup> Out of the 19 political parties that participated in the elections, namely CCM, CHADEMA, and ACT-Wazalendo, dominated the campaigns

<sup>209</sup> "Disqualification of candidates sparks uproar, govt responds" THE CITIZEN Newspaper, 11 Nov 2024; LHRC LGE 2024 Voter Education and Election Observation Report (*supra*).

<sup>210</sup> LHRC Human Rights Monitoring 2024.

<sup>211</sup> 'CCM urges government leniency on minor nomination paper errors in Tanzania's local elections' (*supra*).

<sup>212</sup> LHRC Human Rights Monitoring 2024.

<sup>213</sup> LHRC Human Rights Monitoring 2024.

<sup>214</sup> LHRC LGE 2024 Voter Education and Election Observation Report (*supra*).

<sup>215</sup> *Ibid*.

<sup>216</sup> TANGAZO LA UCHAGUZI WA SERIKALI ZAMITAA WA MWAKA 2024 (*supra*).



and enjoyed most of the media coverage.<sup>217</sup> Financial constraints were said to be a major stumbling block for other political parties.<sup>218</sup>

While the situation was peaceful in some areas, incidents of arbitrary arrests, harassment, arbitrary interference with freedom of assembly, political violence, and killings were reported in others, including in regions such as Dar es Salaam, Pwani, Geita, Songwe, and Mbeya.<sup>219</sup> For instance, it was reported that on 20<sup>th</sup> November police in Pwani prevented the CT-Wazalendo party leader Dorothy Semu from holding a campaign rally in Magoza Village in Mkuranga District without giving a reason. Other key issues observed during the campaign period of the LGE 2024 included adherence to campaign schedules by most political parties and candidates and lack of security at some of the campaign rallies, particularly by opposition parties.

### **Voting in LGE 2024**

LHRC observed that voting procedures, including opening and closing of polling stations, were generally adhered to. There were a few things that were overlooked during the planning period, such as not arranging the names on the voter list in alphabetical order, which caused inconvenience for voters. It was also reported that there were sufficient voting materials at most polling stations and voters were able to cast their votes in confidence.

On the other hand, opposition parties raised several issues and challenges on election day. CHADEMA and ACT-Wazalendo parties complained about some of their agents not being able to access polling stations because they were deliberately denied introduction letters a day prior.<sup>220</sup> Others were reportedly denied entry into polling stations even though they had the introduction letters, including in regions such as Arusha, Mbeya, and Mwanza.<sup>221</sup> The two parties also reported encountering fake ballots in various parts of the country, including in Kigoma, Geita, Shinyanga, Mwanza, Morogoro, Tabora, Dar es Salaam, and Pwani. There were also several videos circulating on social media showing people allegedly in possession of fake ballots.<sup>222</sup> Additionally, LHRC documented

<sup>217</sup> LHRC Human Rights Monitorign 2024.

<sup>218</sup> "Campaigns for Local Govt Elections Close in Tanzania. Here's What We Observed for Seven Days" The Chanzo Initiative, 26 November 2024, at <https://thechanzo.com/2024/11/26/campaigns-for-local-govt-elections-close-in-tanzania-heres-what-we-observed-for-seven-days/>.

<sup>219</sup> Ibid; LHRC Human Rights Monitoring 2024.

<sup>220</sup> 'Reports of Violence, Fake Ballots Dominate Local Govt Elections Exercise in Tanzania' The Chanzo Initiative, 27 November 2024, at <https://thechanzo.com/2024/11/27/reports-of-violence-fake-ballots-dominate-local-govt-elections-exercise-in-tanzania/>.

<sup>221</sup> Ibid.

<sup>222</sup> Ibid.





complaints of ballot papers exceeding the total number of registered voters in Mbarali District, Mbeya Region; some ballot papers not bearing the pictures of candidates in Iringa Municipality, Iringa; missing names in the voter lists in Katavi and Morogoro; cold treatment of election observers at some polling stations; and deliberate omission of names of some of the nominated candidates from the ballot papers.<sup>223</sup> In some areas, such as Ikungi Village in Singida's Ikungi District, LHRC observed that some of the voters were ineligible for being under the age of 18 years (children), while in other areas, such as Mpanda M.C in Katavi and Morogoro M.C in Morogoro, there were concerns over secrecy of the ballot.<sup>224</sup> In Dodoma M.C, Dodoma and Serengeti D.C, Mara, there were complaints of some unregistered voters being allowed to vote. In some areas in Ruvuma and Arusha Regions, some candidates, including from CHADEMA, assumed the role of polling agents, contrary to regulations.<sup>225</sup>

LHRC also documented incidents of political violence, reported in various parts of the country, resulting into serious physical injuries, loss of property, and even death. Most of the incidents were reported on the eve of the election day (26<sup>th</sup> November) and the election day itself. In one of the incidents, which occurred on the night of 26<sup>th</sup> November, CHADEMA party candidate in Singida's Manyoni District, George Juma Mohamed, was reportedly shot dead by unknown assailants.<sup>226</sup> On 27<sup>th</sup> November, ACT-Wazalendo reported that its secretary in Igunga Constituency in Tabora Region, Erick Yugalila, had been attacked by and seriously injured by some youth on CMM-labelled motorcycles.<sup>227</sup> On the same day, CHADEMA reported killing of one of their candidates, Modestus Timbisimiliwa, in Dar es Salaam, and a cadre, Steven Chalamila, in Songwe.<sup>228</sup> In total, LHRC documented at least 5 deaths of party leaders and candidates reported during the election period.

#### **Considerations for people with special needs**

Save for some few areas, where needs of special groups were not given a priority, it was generally observed that special and gender needs of groups such as pregnant women, the elderly, and PWDs were considered and measures were taken to accommodate them. This was one of the key positives of the LGE 2024.

<sup>223</sup> LHRC LGE 2024 Voter Education and Election Observation Report (*supra*).

<sup>224</sup> Ibid.

<sup>225</sup> LHRC LGE 2024 Voter Education and Election Observation Report (*supra*).

<sup>226</sup> LHRC Human Rights Monitoring 2024.

<sup>227</sup> Ibid.

<sup>228</sup> LHRC Human Rights Monitoring 2024.



### LGE 2024 Results

On 28<sup>th</sup> November 2024, the Minister of PO-RALG announced the LGE 2024 results, expressing that CCM had enjoyed an overall landslide victory by winning 99% of all contested positions.<sup>229</sup> Major opposition parties, CHADEMA and ACT-Wazalendo protested the elections, criticizing the manner in which the elections were held and going as far as calling them ‘a sham.’<sup>230</sup> CHADEMA leadership accused government authorities of ‘stealing’ the LGE 2024 for CCM, noting that the elections were a lost opportunity to strengthen democracy in the country.<sup>231</sup>

LHRC generally observed that returning officers complied well with the requirement of public display of election results on the polling stations notice boards. However, there were few polling stations where the results were not displayed, in contravention of the law.<sup>232</sup>

### Post-Election Period

Key aspects of the post-election period include review or evaluation of election and reform proposals. LHRC observed that the general feeling amongst stakeholders and opposition parties was that LGE 2024 was tainted by widespread unfair disqualifications that specifically targeted opposition candidates, political violence, and irregularities on the election day.<sup>233</sup> ACT-Wazalendo, one of the aggrieved opposition political parties, filed 51 cases in protest of the election results.

After the elections, there was also a reported incident of suspension of 14 pupils of Izinga Primary School in Nkasi District, Rukwa, by the headteacher because their parents supported CHADEMA in the LGE 2024.<sup>234</sup> The incident occurred in December 2024 and the children were later allowed to return to school as the local authorities continued to investigate the matter.

### 2.6.3. Gaps in the Legal Framework Governing the Electoral Process

Despite the recent amendments of electoral laws and introduction of new ones, several key gaps remain in the legal framework governing the electoral process.

<sup>229</sup> TAARIFA KWA VYOMBO VYA HABARI: MATOKEO YA UCHAGUZI WA SERIKALI ZA MITAA ULIOFANYIKA, TAREHE 27 NOVEMBA (*supra*).

<sup>230</sup> “Tanzania’s CCM Wins Big in Local Govt Elections That Opposition Parties Dismissed as a ‘Sham’” The Chanzo Initiative, 29 November 2024, at <https://thechanzo.com/2024/11/29/tanzanias-ccm-wins-big-in-local-govt-elections-that-opposition-parties-dismissed-as-a-sham/>.

<sup>231</sup> *Ibid*.

<sup>232</sup> LHRC LGE 2024 Voter Education and Election Observation Report (*supra*).

<sup>233</sup> LHRC Human Rights Monitoring 2024.

<sup>234</sup> LHRC LGE 2024 Voter Education and Election Observation Report (*supra*).





These gaps, some of which have been confirmed by national and regional judicial bodies and the Presidential Taskforce on Multiparty Democracy, include:

- ✗ Prohibition of private or independent candidates<sup>235</sup>
- ✗ Prohibition of challenging presidential election results in a court of law<sup>236</sup>
- ✗ Excessive and intrusive powers over political parties of the Registrar of Political Parties
- ✗ Challenging conduct and decisions of the National Electoral Commission (NEC) in courts of law
- ✗ Special seats: The taskforce recommended that special seats arrangement should be limited to a total of 10 years, so that others can also get an opportunity to grow in politics and leadership.

#### 2.6.4. Barriers to Participation Rights and Other Reported Issues

In addition to electoral laws, other legal obstacles to effective participation arise from other laws, particularly those that regulate fundamental participation rights, such as the freedoms of assembly, association, and expression. As previously mentioned, these fundamental participation rights are unduly restricted by a variety of laws and regulations, which subsequently impacts their enjoyment and realization of the right to participate in governance. Women, youth and persons with disabilities (PWDs) are disproportionately affected by the restrictions, leading to minimal participation as candidates and underrepresentation in leadership and decision-making positions.

On a positive note, it was reported in June 2024 that INEC was taking measures to facilitate registration of prisoners and other detainees as voters, targeting those with a sentence of less than six months.<sup>237</sup> A total of 140 registration centres were prepared for this group, in both Mainland Tanzania and Zanzibar.<sup>238</sup>

#### 2.6.5. Key Issues and Concerns Ahead of 2025 General Elections

Ahead of the 2025 elections, LHRC is concerned that some of the key recommendations made by the Presidential Taskforce on Multiparty Democracy and other stakeholders are yet to be implemented. These include allowing parallel vote tallying/tabulation and announcement of results at polling stations, as was the case

<sup>235</sup> In June 2013, the African Court of Human and Peoples' Rights held that the freedom of every citizen to participate freely in government either directly or through a representative is "not meant to be enjoyed only in association with some other individuals or groups of individuals such as political parties." [African Court of Human and Peoples' Rights, *Tanganyika Law Society et al. v. The United Republic of Tanzania*, App. Nos 09/2011 and 11/2011, Judgment of 14 June 2013, para 4.]

<sup>236</sup> In July 2020, the African Court on Human and Peoples' Rights (the African Court) found in the case of *Jebra Kambole v United Republic of Tanzania* that Article 41(7) of the Constitution of the United Republic of Tanzania, 1977 violates Articles 2 and 7(1) (a) of the Banjul Charter.

<sup>237</sup> "Wafungwa, mahabusu gereza kuandikishwa kuwa wapiga kura" Nipashe Newspaper, 13 Jun 2024.

<sup>238</sup> "Wafungwa, mahabusi watengewa vituo 140" Mwananchi Newspaper, 8 Jun 2024.



in the 2022 Kenya elections; using technology to announce election results to reduce possibility of electoral fraud; allowing presidential results to be challenged in court; allowing private candidacy; and transparency of the EMB, including by quickly scanning and posting copies of results forms from polling stations and constituencies on its website, allowing political candidates, media outlets, citizens, and other election stakeholders to see the primary data. There is also need to intensify efforts to enhance participation of women and youth in the electoral processes.

#### 2.6.6. Key Recommendations

- i. The Ministry of Constitutional and Legal Affairs to facilitate ratification of the African Charter on Democracy Elections and Governance (ACDEG) of 2007.
- ii. The Ministry of Constitutional and Legal Affairs and the National Electoral Commission (NEC) to take legal and administrative measures to safeguard the right to take part in governance, including allowing independent candidates and challenging presidential results.
- iii. NEC and CSOs to start provision of civic and voter education, which should be gender-sensitive, ahead of the elections of 2025.

## 2.7. Freedom from Torture and Inhuman or Degrading Treatment

This right protects people from being subjected to torture, cruel, inhuman, or degrading treatment or punishment, including by law enforcement officials. In 2024, key issues and violations affecting freedom from torture and inhuman or degrading treatment in Mainland Tanzania included non-ratification of the Convention against Torture and incidents of torture of accused persons under police custody and child torture.

### 2.7.1. Legal Protection against Torture

The Constitution of the United Republic of Tanzania, 1977 stipulates that ‘no person shall be subjected to torture or inhuman or degrading punishment or treatment.’<sup>239</sup> The Law of the Child Act of 2009 also provides for protection of children from torture and degrading treatment, noting that ‘A person shall not subject a child to torture, or other cruel, inhuman punishment or degrading treatment, including any cultural practice which dehumanizes or is injurious to the physical and mental well-being of a child.’<sup>240</sup> Other laws and regulations, including the criminal law, also prohibits acts of torture, including assault, grievous bodily harm, and attempted murder.<sup>241</sup>

<sup>239</sup> Article 13(6)(e) of the Constitution of Tanzania, 1977.

<sup>240</sup> Section 13(1) of the Law of the Child Act, 2009 [CAP 13, R.E 2019].

<sup>241</sup> See COMMONWEALTH HUMAN RIGHTS INITIATIVE (2006), THE POLICE, THE PEOPLE, THE POLITICS: POLICE ACCOUNTABILITY IN TANZANIA, at [https://www.humanrightsinitiative.org/publications/police/tanzania\\_country\\_report\\_2006.pdf](https://www.humanrightsinitiative.org/publications/police/tanzania_country_report_2006.pdf).



However, Tanzania is yet to ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which was adopted in 1984 to protect people from various acts of torture and cruel, inhuman or degrading treatment. This convention, among others, requires States to take effective legislative, administrative, judicial, or other measures to prevent acts of torture in any territory under State's jurisdiction.<sup>242</sup> Currently, only two countries in Africa, Tanzania and Zimbabwe, are yet to ratify the CAT.

### 2.7.2. Reported Torture Incidents

In 2024, LHRC documented 68 incidents of torture, reported in regions such as Arusha, Dar es Salaam, Mbeya, Kilimanjaro, Kigoma, Katavi, and Pwani. The incidents are eleven (11) more than those documented in 2023. Over half of these incidents (55%) were of child torture. Also among the victims of torture were death row inmates.

In one of the incidents, a 21-year-old man in Arusha claimed that he had been tortured while under police custody.<sup>243</sup> In another incident, reported in June, it was stated that **Edgar Mwakabela**, famously known as **Sativa**, had been abducted and disappeared, later found half-conscious in Katavi Region.<sup>244</sup> The victim later revealed he had been tortured and left for dead in a forest.<sup>245</sup> In July 2024, Ali Mohamed Kibao, a veteran cadre and leader of the CHADEMA opposition party, was abducted, tortured, and brutally killed.<sup>246</sup>

In April 2024, the Commissioner General of Prisons (CGP), Mzee Nyamka, disclosed that some prisoners had complained of being assaulted and tortured by prison wardens, causing them considerable pain and even disability.<sup>247</sup> He further stated that in extreme circumstances, beatings and torture result in death, citing the example of an inmate who was beaten to death at Utete Prison in Pwani Region. A former inmate, who spent five years in prison told a journalist that torture of prisoners was an order of the day in the prison he was held.<sup>248</sup>

**LHRC's View:** LHRC has observed that acts of torture of accused persons under law enforcement custody are largely influenced by the need to get confessions. In the absence of adequate resources for the law enforcement institutions, especially the

<sup>242</sup> Article 2(1) of CAT.

<sup>243</sup> "Kijana anayedai kuvunjwa mguu na polisi Arusha aibua mapya" Mwananchi Newspaper, 22 Aug 2024; "Ofisa wa polisi atajwa kumvunja mguu mtuhumiwa" Mwananchi Newspaper, 16 Aug 2024.

<sup>244</sup> "Sativa kurejeshwa Dar kwa matibabu zaidi" Mwananchi Newspaper, 29 Jun 2024.

<sup>245</sup> Tito Magoti "It's About Time Authorities Come Out Clean on Enforced Disappearances in Tanzania" The Chanzo Initiative, 6 February 2024, at <https://thechanzo.com/2025/02/06/its-about-time-authorities-come-out-clean-on-enforced-disappearances-in-tanzania/>.

<sup>246</sup> LHRC Human Rights Monitorign 2024.

<sup>247</sup> "Vipigo, vifo vya wafungwa: Mkuu wa Magereza awashukia askari" Mwananchi Newspaper, 21 Apr 2024.

<sup>248</sup> Ibid.



Police Force, coupled with pressure to deliver and capacity gaps in investigation, torture appears to be an acceptable method of interrogation. Torture and ill-treatment are even considered deserved and inflicted as punishment in some circumstances simply because someone is a 'criminal,' a perception shared not only by some police officers but also a section of the society.

**LHRC's Call:** The Government needs to reconsider its position and ratify the Convention against Torture. This investigation of torture incidents is also warranted, but to ensure this is done impartially and effectively, LHRC insists on the establishment of a civilian independent police oversight body, which shall ensure victims obtain redress and those responsible are brought to justice. Comprehensive and effective training on human rights and policing shall also help to improve the conduct of police officers and prevent acts of torture and inhuman or ill-treatment.

### 2.7.3. Key Recommendations

- i. The Ministry of Constitutional and Legal Affairs to facilitate ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) to safeguard freedom from torture.
- ii. The Commission for Human Rights and Good Governance (CHRAGG) to collaborate with CSOs to promote and protect civil and political rights, including freedom from torture, and conduct regular human rights training to police officers.
- iii. Religious leaders and traditional leaders to use their platforms to speak against violations of civil rights, especially right to life, freedom of expression and freedom from torture, as a way of promoting these rights.

## 2.8. Freedom from Violence

This right means protection of everyone from all forms of violence, whether physical, sexual, economic, or psychological/emotional. In 2024, 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.

### 2.8.1. Violence against Women

In 2024, LHRC documented 317 incidents of violence against women (VAW) through human rights monitoring and media survey alone, reported across Mainland Tanzania. These incidents are more than double than those documented in 2023 (147), an increase of 116%. Physical and psychological violence constituted 63% of the incidents, increasing from 61% in 2023. Sexual violence also slightly increased from 20% in 2023 to 25% in 2024, while economic violence decreased from 19% in 2023 to 12% in 2024.







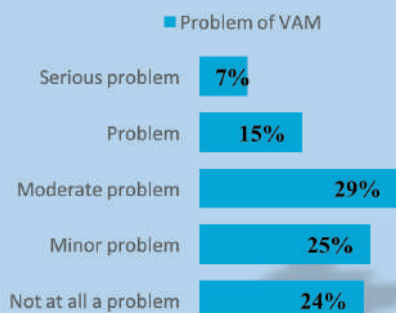
### 2.8.2. Violence against Children

In 2024, LHRC documented 602 incidents of violence against children (VAC) through human rights monitoring and media survey alone, increasing from 464 in 2023. Sexual VAC constituted the most incidents (69%), followed by physical and psychological violence (30%) and economic violence (1%). The percentage of reported incidents of sexual violence slightly decreased from 79% in 2023, while physical and psychological violence increased by 11%, and economic violence decreased by 1%.

### 2.8.3. Violence against Men

Globally, men are not often seen as victims of domestic violence or GBV, hence usually ignored by the community, law, and the police.<sup>249</sup> It is also seen as shameful for a man to complain about being abused by a woman in African societies,<sup>250</sup> and Tanzania is no exception.

#### Community perceptions on violence against men



**Figure 2.10: %Community responses on opinion on VAM in the community (N=2,037)**

In 2024, LHRC's human rights survey touched on the subject of violence against men (VAM). Community members were asked to give their opinions on VAM in their respective communities. Majority of them (29%) felt it was only a moderate problem, followed by a quarter (25%) who said it was only a minor problem. Only 7% said VAM was a serious problem in their community.

Community members mentioned denial of sexual intercourse, verbal abuse, physical abuse, throwing objects, and attack of private parts as examples of acts of violence perpetrated against men. In Pwani, it was reported that denial of sexual intercourse contributed to violence against women.

Community members were also asked about key challenges in addressing VAM. Shame (66%) and fear (47%) were mentioned as top challenges. These factors also contribute to non-reporting of VAM. In Mtwara, some interviewed men in Kitama Village, Tandahimba District, told LHRC that men decide not to report violence, particularly to the ward and village authorities, because 'the whole village would

<sup>249</sup> Kolbe, V., & Büttner, A. (2020). Domestic Violence Against Men-Prevalence and Risk Factors. *Deutsches Arzteblatt international*, 117(31-32), 534–541. <https://doi.org/10.3238/arztebl.2020.0534>

<sup>250</sup> Ibid.



know.<sup>251</sup> NGO and LGA officials, including social welfare officers (SWOs), identified non-reporting as a major obstacle in combating VAM. In Makete, Njombe, a SWO noted that there is a perception among most men in the community that the social welfare offices are for women, not men.<sup>252</sup>

“  
....As a man, how do you allow yourself to be beaten by your wife in the first place? Something must be wrong in your head.  
LGA official – Dar es Salaam

“  
It is true that some men endure physical and verbal abuse at the hands of their spouses. Their fear of embarrassment and being a laughingstock prevents them from disclosing the difficulties.  
Village leader – Pwani

### Reported incidents of violence against men

In 2024, LHRC documented 26 incidents of VAM, decreasing from 27 in 2023. The incidents were reported in regions such as Morogoro, Mbeya, Kilimanjaro, Mara, Songwe, and Arusha. 95% of the incidents were perpetrated in marriage settings, by the victims' wives. 5 out of 26 victims (19%) were victims of intimate partner homicide (IPH) – killed by the wives for different reasons, including jealousy and marital dispute. Denial of conjugal rights (sexual intercourse) was also a common act of VAM that was reported, including in Itetemea Ward – Tabora Region.

In Dar es Salaam and other regions, some interviewed women said they were refusing their spouses sex because they were not properly taking care of their families.

“  
If my man cannot sufficiently provide for his family, he should forget about sexual intercourse. Everyone needs to play their part.  
Community member – Dar es Salaam

“  
Sometimes we don't hurt our men intentionally, but rather because we want them to change their ways and provide for the family, ensuring there is money for food and other basic needs.  
Community member – Dodoma

<sup>251</sup> LHRC Human Rights Survey 2024: Mtwara.

<sup>252</sup> LHRC Human Rights Survey 2024: Njombe.





#### 2.8.4. Violence against PWDs

In 2024, PWDs continued to be vulnerable to violence, abuse, and mistreatment in the community, violating or restricting their freedom from violence, right to liberty and personal security, and freedom of movement. In total, LHRC documented 19 incidents of violence against PWDs, increasing from 12 in 2023. These incidents are discussed in Chapter Five below.

#### 2.8.5. Violence against the Elderly

Some older persons were subjected to various forms of violence in 2024. LHRC documented 76 incidents of violence against the elderly, increasing from 45 in 2023. Most of the reported incidents were physical and psychological violence (68%), followed by sexual violence (22%), and economic violence (10%). Regions where these incidents were reported included Dodoma, Shinyanga, Njombe, Tabora, Kigoma, Mwanza, Lindi, Kilimanjaro, Morogoro, Dar es Salaam, and Simiyu. Older persons, especially women, were subjected to acts of violence for various reasons, including witchcraft suspicion and need to acquire their properties.

#### 2.8.6. Key Recommendations

- i. The Ministry of Constitutional and Legal Affairs to ensure enactment of a specific and comprehensive law on gender-based violence as the current legislation does not adequately address gender-based violence issues.
- ii. CSOs and FBOs to use their platforms to speak against and raise awareness about gender-based violence, including intimate partner violence, and their impacts on human rights.
- iii. Community members to collaborate with authorities, including the police, to expose incidents of different forms of violence and ensure perpetrators of such violence are brought to justice.

### 2.9. Right to Privacy

This right is essential to effective and good democratic governance and in enjoyment of other fundamental human rights, including freedoms of expression and association. In 2024, key issues affecting enjoyment of the right to privacy included inadequate legal protection and imposition of a ban on the use of Virtual Private Networks (VPN) without a permit by the Tanzania Communications Regulatory Authority (TCRA)

#### 2.9.1. Privacy Laws vis-à-vis International Standards

In 2024, LHRC and other stakeholders continued to voice their concerns over gaps in the Personal Data Protection Act, enacted in 2023. Stakeholder concerns with the law include: vague and ambiguous terms and phrases susceptible to abuse by authorities;



broad language and unclear terms; rights of the data subject; independence and impartiality of the Data Protection Commission; term limit and reappointment of the Director General; powers of the Chairperson and the Commission as a whole; duties and accountability of data collectors and data processors; gender gaps in the law; registration requirements; rights to be heard and appeal; and severe punishment.

### **High Court Judgement: *Tito Magoti vs. The Attorney General***

In May 2024, the High Court of Tanzania delivered its judgment on a landmark case filed by a human rights activist, Tito Magoti, challenging the constitutionality of the Personal Data Protection Act.<sup>253</sup> The main issue for the court's determination was whether the provisions of Sections 8 (1)(2)(3), 11(1), 14(5), 19, 20, 22 (3), 23(3)(c) (d)(e), 25(2)(e)(f), 26, 30, 31(2), 33(2) and 34 of the PDPA are unconstitutional for being contrary to the provisions of Article 12(1)(2), 13(1)(2)(6)(a), 16(1), 21(2) and 29(1) of the Constitution of Tanzania. While the Court dismissed most of the petitioner's claims for lack of proof of constitutional violation (actual as opposed to potential), it did find sections 22(3) and 23(3)(c) and (e) unconstitutional due to their vague and ambiguous language, which could potentially lead to legal uncertainty and abuse.<sup>254</sup> The High Court ordered for the amendment of the provisions within a year to ensure clarity and avoid potential misuse.

**LHRC's View:** Enactment of the Personal Data Protection Act is a positive development in safeguarding the right to privacy, which is a fundamental human right. However, the concerns raised by stakeholders are valid and addressing them shall make it a much better law.

**LHRC's Call:** The Government to amend the Personal Data Protection Act (Sections 22(3) and 23(3)(c) and (e)) as directed by the High Court Judgement in the case of *Tito Magoti vs. The Attorney General*. The Government should also consider amending the Personal Data Protection Act to address concerns raised by stakeholders and ensure the law is compatible with international human rights standards.

### **2.9.2. Reported Privacy-Related Issues and Incidents**

In 2024, stakeholders continued to lament the decision to impose a ban on the use of Virtual Private Networks (VPN) without a permit by the Tanzania Communications Regulatory Authority (TCRA) in October 2023. The regulatory authority issued a public notice requiring individuals and companies using VPNs to declare such use and

<sup>253</sup> *Tito Magoti vs Hon. Attorney General* (Misc. Civil Cause No. 18 of 2023) [2024] TZHC 1939 (8 May 2024).

<sup>254</sup> See Zayn Aslam 'Challenging the Constitutionality of the Personal Data Protection Act: *Tito Magoti v Attorney General*' Centre for Intellectual Property and Information Technology, 9 August 2024, at <https://cipit.org/challenging-the-constitutionality-of-the-personal-data-protection-act-tito-magoti-v-attorney-general/>.





provide relevant information, including IP addresses. LHRC and other members of the Tanzania Digital Rights Coalition felt that this move would have huge impacts on digital rights and freedoms and called for the Government to reconsider the decision.

### **Predatory Lending and Data Privacy Issues**

Another issue that affected data privacy in 2024 is predatory lending, whose impact on human rights was brought to light in the human rights survey conducted in 20 regions of Mainland Tanzania. Community members identified humiliation or shaming of borrowers as one of the top concerns (41%) and consequences (59%) of predatory lending. Online lenders were reportedly invading the privacy of borrowers' phonebooks and sending humiliating messages to contacts. The Personal Data Protection Commission (PDPC) issued a warning against the online lenders, citing violation of consumers' right to privacy.

### **2.9.3. Key Recommendations**

- i. The Ministry of Constitutional and Legal Affairs to facilitate review of the Personal Data Protection Act to address key concerns raised by stakeholders and spearhead amendment of the law.
- ii. The Commission for Human Rights and Good Governance (CHRAGG) and the Personal Data Protection Commission (PDPC) to collaborate with CSOs to raise awareness about personal data protection and the data protection law.
- iii. Community members to make efforts to seek information about the data protection law.

## **2.10. Civic Space for Human Rights Defenders: A Special Look**

### **2.10.1. Overview**

Civic space is essential in creating an environment in which human rights defenders (HRDs) can freely operate in carrying out their work of promoting and protecting human rights. Studies on the situation human rights in East Africa have revealed that HRDs face various challenges, including threats, violence, unfavourable laws and policies, surveillance, harassment, arbitrary arrest and detention, prosecution, enforced disappearance, isolation, displacement, and even being killed (in extreme circumstances).<sup>255</sup> The challenges create a hostile working environment for them.

<sup>255</sup> See ASF, *Protecting Human Rights Defenders in The East Africa Community: Briefing Paper*, at [https://www.asf.be/wp-content/uploads/2015/06/HRDs\\_Briefing-Paper.pdf](https://www.asf.be/wp-content/uploads/2015/06/HRDs_Briefing-Paper.pdf); DefendDefenders (2023), *THE STATE OF ENVIRONMENTAL HUMAN RIGHTS DEFENDERS IN Tanzania, Uganda, and the Democratic Republic of Congo*, at <https://defenddefenders.org/wp-content/uploads/2023/11/The-State-of-Environmental-Human-Rights-Defenders-in-Tz-Ug-and-DRC-Final-Report.pdf>.



### 2.10.2. LHRC Survey Findings

In 2024, the LHRC survey investigated the state of human rights defenders, focusing on civic space. Below is a summary of key findings:

#### Challenges and consequences faced by HRDs

HRDs identified **hostile or difficult working environment (74%) as the biggest challenge** they face in the community, followed by **threats/intimidation and reprisal (65%); shrinking civic space i.e interference with freedoms of expression, association, and assembly (61%)**, unfriendly legal environment/inadequate legal protection (61%), false accusations (59%), surveillance (55%), and violence, torture, and abductions (54%).

#### Top 5 challenges faced by HRDs

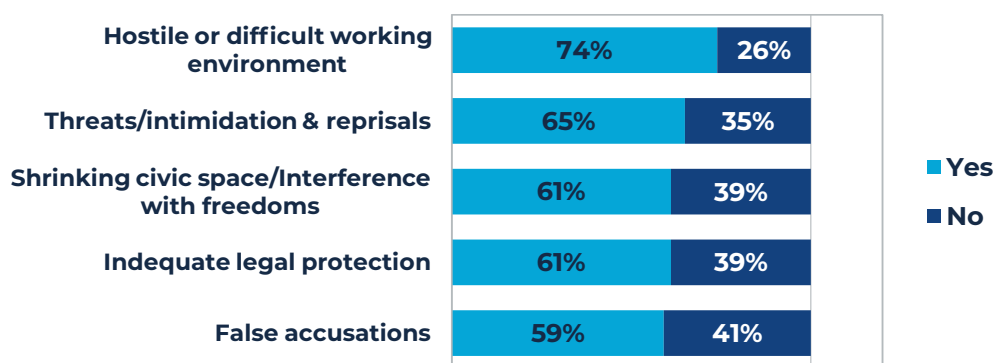


Figure 2.9: %Responses on top challenges faced by HRDs

Other challenges included arbitrary arrest and detention (44%), limited access to justice (38%), limited access to funding opportunities (37%), GBV and community backlash against women (34%), and in extreme cases, death (24%).

*We often face threats in our line of work, creating a difficult working environment, especially for women human rights defenders.*

Community member – Simiyu

HRDs also reported facing consequences such as being exiled or having to flee their homes; seeking temporary relocation from public or private entities;



stopping doing the defending work; loss of job or livelihood; being labelled and secluded by other community members; doing less defending of human rights due to fear, and family disruption or breakup, because of their work.

*As human rights defenders, our working environment is hostile and sometimes very dangerous. We receive all sorts of threats, including being bewitched, from relatives and criminals.*

Community member – Pwani

The HRDs further indicated that the challenges and consequences they faced mostly affected their right to liberty and personal security (71%), followed by freedom of expression (64%), freedom of assembly (36%), and freedom of movement (33%).

### Threats HRDs receive

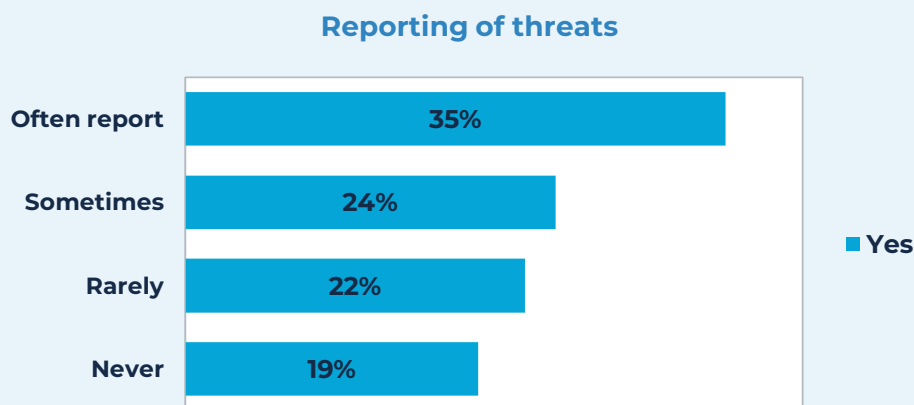
The most common type of threats that was reported by HRDs was **detention (64)**, followed by beating/torture (34%), prosecution or fabricated case (30%), and death or disappearance (27%). HRDs also noted that the threats were mostly made through phone calls (57%), a messenger (53%), and face-to-face (52%). Other platforms where HRDs received threats included social media (19%) and meetings (14%).

HRDs were also asked if they were aware of any HRD who received threats in the past 12 months. In response, 42% of the respondents said they knew of such a HRD, while the remaining 58% said they did not.

### Reporting of threats among HRDs

Regarding reporting of the threats received, **less than half of the respondents (35%) indicated that HRDs often report the incidents.** Nearly a quarter of them (24%) said they only sometimes report the incidents, while 22% said they rarely report, and 19% said they never report.





**Figure 2.10: %Responses on reporting of threats by HRDs**

When asked about the reasons for non-reporting of threats, **belief that no action would be taken against perpetrators (55%)** was mentioned the most, followed by fear of reprisal (50%), and not being taken seriously when they report (48%). Other reasons included inadequate legal protection (44%), criminal justice challenges such as delays in investigations (36%), and low awareness of criminal justice (33%).

#### Strategies for addressing threats and other challenges faced by HRDs

Regarding strategies for mitigating threats and other challenges, HRDs mostly mentioned working under or being a member of a network (53%) as an effective strategy, followed by working secretly (52%), increasing security at their homes (44%), alerting NGOs and the public about being in danger (44%), and temporarily hiding (36%). Other strategies included not staying at one place for a long time (29%) and working closely with local authorities or law enforcement officials (18%).

## 2.11. Relevant SDGs, TDV 2025, and Agenda 2063 Targets

### Key SDGs and TDV 2025 Targets relating to Civil and Political Rights

SDGs	<u>SDG 5 GENDER EQUALITY:</u> Achieve Gender Equality and Empower All Women and Girls.
	<u>SDG 10 REDUCED INEQUALITIES:</u> Reduce Inequality Within and Among Countries.
	<u>SDG16 PEACE, JUSTICE AND STRONG INSTITUTIONS:</u> Promote Peaceful and Inclusive Societies for Sustainable Development, Provided







	Access to Justice for All and Build Effective, Accountable and Inclusive Institutions At All Levels.
<b>TDV 2025</b>	<u>Peace, Stability and Unity</u> <u>Good Governance</u> <ul style="list-style-type: none"> <li>☞ Desirable moral and cultural uprightness.</li> <li>☞ Strong adherence to and respect for the rule of law</li> </ul>
<b>Agenda 2063: The Africa We Want.</b>	<p>ASPIRATION 2: An integrated continent, politically united, based on the ideals of Pan-Africanism and the vision of Africa's Renaissance</p> <p>ASPIRATION 3: An African of good governance, democracy, respect for human rights, justice and the rule of law</p> <p>ASPIRATION 4: A peaceful and secure Africa</p>

## 2.12. Recommendations

### State actors

- 1 Being a de facto abolitionist state, the Ministry of Constitutional and Legal Affairs, to declare a state of moratorium and improve death row conditions and prepare to abolish death penalty.
- 2 The Tanzania Police Force to promptly respond to mob violence and witchcraft-related killings and ensure the perpetrators are brought to justice.
- 3 The Ministry of Home Affairs to ensure law enforcement officials who conduct extra-judicial killings are held accountable in accordance with the law.
- 4 The Tanzania Police Force to adequately enforce traffic laws to reduce road traffic fatalities and injuries.
- 5 The Ministry of Constitutional and Legal Affairs to spearhead ratification and domestication of the African Union Road Safety Charter, adopted in 2016.
- 6 The Tanzania Police Force to collaborate with non-state actors like CSOs to raise public awareness about road accidents and their impact on families, communities, and the nation at large.
- 7 The Ministry of Constitutional and Legal Affairs to spearhead amendments of laws restricting freedoms of expression, association, and assembly.
- 8 The Ministry of Constitutional and Legal Affairs to collaborate with the Ministry of Information, Communication, and Information Technology to oversee amendment of the Online Content Regulations 2020 to bring them in line with international human rights standards.
- 9 The Ministry of Constitutional and Legal Affairs spearhead to collaborate with the Ministry of Information, Communication, and Information Technology to amend Media Services Act of 2016 in line with the decision/judgement of the East African Court of Justice of 2019.



- 10 The Ministry of Constitutional and Legal Affairs to enact a law establishing an independent civilian police oversight body to ensure and promote accountability in law enforcement.
- 11 The Commission for Human Rights and Good Governance (CHRAGG) and the Tanzania Police Force to ensure police officers at all levels are regularly trained on the UN Basic Principles on Use of Force and Firearms by Law Enforcement Officials and human rights in general, to address extrajudicial killings.
- 12 The Judiciary and the Prevention and Combating of Corruption Bureau (PCCB) to closely work together to address corruption within the justice system in order to improve public trust and confidence in the criminal justice system and safeguard the right to access to justice and effective remedy.
- 13 Government officials and police officers to refrain from arbitrarily interfering with freedom of expression, including press freedom; freedom of assembly; and freedom of association.
- 14 Police officers to refrain from conducting arbitrary arrests and arbitrarily detain accused persons instead of sending them to court within a specified period (usually 24 hours) as required by the law, in order to promote the right to liberty. The Tanzania Police Force should ensure police officers implicated in this behaviour are held accountable.
- 15 The Ministry of Constitutional and Legal Affairs to take measures to ensure legal reforms in the criminal justice system to address various challenges, including lengthy pre-trial detention. The law should set the maximum limit for pretrial detention and clearly stipulate the process that should be followed in situations where such limits have been exceeded.
- 16 The Tanzania Police Force should ensure police officers refrain from fabricating cases against innocent civilians; and those responsible are disciplined and charged with malicious prosecution.
- 17 The Ministry of Home Affairs to collaborate with other stakeholders to strengthen anti-human trafficking measures in regions where children are most trafficked from and effectively implement the anti-human trafficking laws and regulations.
- 18 The Ministry of Constitutional and Legal Affairs to take legal and administrative measures to safeguard the right to take part in governance, including allowing independent candidates and creation of an independent and inclusive electoral body.
- 19 The Ministry of Constitutional and Legal Affairs to measures to ensure ratification of the African Charter on Democracy Elections and Governance (ACDEG) of 2007.
- 20 The Ministry of Constitutional and Legal Affairs spearhead legal reforms to safeguard the right to access to justice for presidential candidates and political parties by allowing presidential results to be challenges in Court in line with the judgment of the African Court on Human and Peoples' Rights.
- 21 The National Electoral Commission (NEC) to allow all CSOs, especially those dealing with human rights, to freely observe elections in order to enhance credibility of such elections.





- 22 The Ministry of Constitutional and Legal Affairs to take measures to ensure ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) in order to safeguard freedom from torture.
- 23 The Tanzania Police Force to ensure police officers grant bail for all bailable offences and to do so timely, as long as the bail conditions have been met.
- 24 The Commission for Human Rights and Good Governance (CHRAGG) to collaborate with CSOs to promote and protect civil and political rights.

### **Non-state actors**

- 1 CSOs to intensify efforts to raise public awareness on legal procedures and human rights, as well as encouraging community members to obey the law and respect human rights of others to preserve right to life. In the case of mob violence, for example, members of the public should be made aware of offences which are bailable.
- 2 CSOs and FBOs to use their platforms to speak against and raise awareness about mob violence, death penalty, witchcraft-related killings, attacks of PWAs and road accidents as well as their overall impact on human rights.
- 3 CSOs to collaborate with the Tanzania Police Force to raise public awareness about road accidents and their impact on families, communities, and the nation at large.
- 4 CSOs to collaborate with CHRAGG to provide regular human rights trainings to judges, magistrates, and other legal professionals in order to enhance with knowledge and understanding of human rights as a way of safeguarding right to equality before the law and ensuring access to justice.
- 5 CSOs, including the media, to jointly work to promote and protect civil and political rights.
- 6 The media to increase coverage and reporting of issues and incidents of violations of civil and political rights.
- 7 The media to collaborate with NGOs to raise awareness of civil and political rights issues, including by reducing costs for airtime.

### **Members of the public**

- 1 Community members to refrain from punishing other people (taking the law into their own hands) and seek remedies at higher levels of the justice system when they are not satisfied with the outcome of a case.
- 2 Religious leaders and traditional leaders to use their platforms to speak against violations of civil rights, especially right to life, freedom of expression and freedom from torture, as a way of promoting these rights.
- 3 Community members to expose and report violations of human rights, especially right to life, and ensure the perpetrators are brought to justice.
- 4 Community members and road users to obey traffic laws to prevent and reduce road traffic fatalities and injuries.





## Chapter Three

### Economic, Social and Cultural Rights



## Chapter Three: Economic, Social and Cultural Rights

Economic, social and cultural rights are human rights that guarantee the conditions needed to live a life of dignity. They are guaranteed under various regional and international human rights instruments, most notably the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966, ratified by Tanzania in 1976.<sup>256</sup> Under these instruments, States are duty bound to support provision of entitlements to the basic needs such as education, food, public health care, housing, and other social goods to the maximum of the available resources.<sup>257</sup> These rights are also protected domestically.<sup>258</sup> Restrictions and violations of economic and social rights disproportionately affect women, children, persons with disabilities (PWDs), and the elderly.

### Key Takeaways

- Budgetary allocation for the key sectors of education and health is still below the minimum standards
- Shortages of classrooms, teachers, toilets, and other learning and teaching facilities affecting quality of education
- Violence against children, especially in home and school settings, poses a big threat to children's right to education.
- The Law of Marriage Act, 1971 remains unamended, threatening girls' rights to education and health (sexual and reproductive health).
- Mental health problems on the rise, with consequences including suicide – mostly by men and youth.
- Labour rights violations are a key concern, especially in the private/industrial sector. These include non-payment of salaries, delayed payment of salaries, workplace violence, and non-remittance of social security contributions.
- Mismanagement, misuse and embezzlement of public funds, hinder effective realization of economic and social rights.

<sup>256</sup> See Article 2(1) of ICESCR; See also Universal Declaration of Human Rights (UDHR), 1948; Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), 1979; Convention on the Rights of the Child (CRC), 1989; Articles 15, 16(1) and 17(1) of African Charter on Human and Peoples' Rights (ACHPR); Articles 12(1), 14 15 and 16 of Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol); and Articles 11 and 14 of African Charter on the Rights and Welfare of the Child (ACRWC).

<sup>257</sup> Dawood, A. et al (2017) *Social and Economic Rights*, International Institute for Democracy and Electoral Assistance (IDEA) 2<sup>nd</sup> Ed, Stockholm Sweden.

<sup>258</sup> See for example Articles 22, 23 and 24 of the Constitution of the United Republic of Tanzania, 1977; Also land, education, and labour laws and regulations.



- Predatory lending affects property and adequate standard of living, with seizure of property and financial distress identified as a top consequence.
- Land disputes and property rights violations are still a major problem in various parts of the country, affecting enjoyment of fundamental rights.

### 3.1. Right to Education

Right to education is a basic human right for all and is important for everyone to make the most of their lives and essential for effective realization of all other human rights. In 2024, effective enjoyment of this right continued to be restricted by several factors, mainly budgetary constraints; poor quality education; shortages of classrooms, teachers, toilets, and other learning and teaching facilities and tools; violence against schoolchildren; child labour; child pregnancy; and child marriage.

#### 3.1.1. Government Action

Government action to support enjoyment of the right to education in 2024 included implementation of the fee-free education policy; construction and renovation of classrooms; employment of new teachers; operationalization of the revised Education and Training Policy of 2014; initiative to amend the Education Act of 1987 (R.E 2002); inclusion of education in the draft Tanzania Development Vision 2050; implementation of the National Strategy for Inclusive Education 2021/22-25/2026; and provision of loans to higher education students.

In May 2024, the Minister of Education, Science and Technology reported that the Government had started implementation of the revised Education and Training Policy of 2014,<sup>259</sup> following a successful review in 2023. Additionally, the minister disclosed that the Government continued to finance higher education during the fiscal year 2023–2024, whereby a total of 229,652 students benefited from a Tshs. 7.8 billion loan provided by the Higher Education Students' Loans Board (HELSB).<sup>260</sup>

In April 2024, it was reported that the Government had facilitated return to school for 10,239 girls who had dropped out of school due to various reasons, including pregnancy within the period of 2021/22 to 2023/24.<sup>261</sup> This was achieved through implementation of the Tanzania Secondary Education Quality Improvement Project

<sup>259</sup> See HOTUBA YA BAJETI YA WAZIRI WA ELIMU SAYANSI NA TEKNOLOJIA PROF. ADOLF F. MKENDA (MB) AKIWASILISHA BUNGENI MAKADIRO YA MAPATO NA MATUMIZI YA FEDHA KWA MWAKA 2024/25, Dodoma Mei 2024, at [https://www.moe.go.tz/sites/default/files/Hotuba%20ya%20Bajeti%20ya%20mwaka%202024-2025\\_0.pdf](https://www.moe.go.tz/sites/default/files/Hotuba%20ya%20Bajeti%20ya%20mwaka%202024-2025_0.pdf).

<sup>260</sup> Ibid.

<sup>261</sup> "Wasichana 10,000 warejea shuleni baada ya kukatisha masomo yao" Nipashe Newspaper, 11 Apr 2024.



(SEQUIP)- Alternative Education Pathway (AEP) Programme. However, stakeholders' main concern with the AEP programme is that girls are not given freedom of choice.

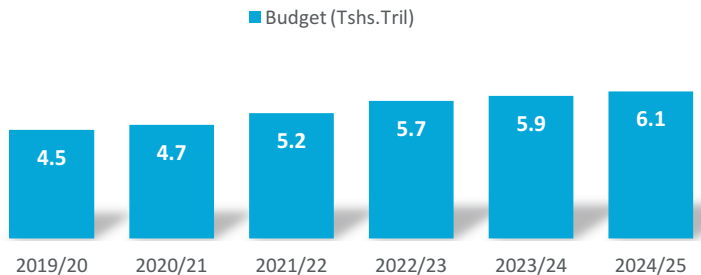
### **Gaps and issues**

While the Government continued to take measures to promote education, some key gaps and issues persist. These include the issue of language of instruction (LoI), which is not resolved in ETP 2014; corporal punishment, which is also not addressed in ETP 2014; budgetary constraints; and capitation grants for fee-free education not being gender sensitive and inclusive. These and other issues are further elaborated below.

### **3.1.2. Budgetary Allocation and Disbursement**

#### **Education budget vis-à-vis national budget**

In 2024, the Government allocated Tshs. 6.1 trillion for the education sector for the financial year 2024/2025,<sup>262</sup> increasing from Tshs. 5.9 trillion allocated during the financial year 2023/2024. This continues an upward trend in the sector's budget allocation over the past few years, as illustrated in Figure 3.1 below.



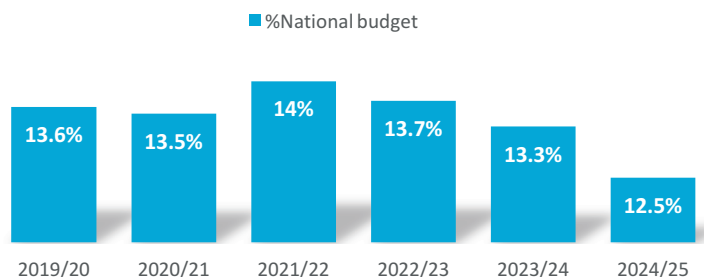
**Figure 3.1: Budget allocation for the education sector for the financial years 2019/20 to 2024/25**

Despite increased allocations for the education budget sector, a comparison of the budget to the national budget shows that the sector's budget proportion is decreasing. For instance, the share was 14% in fiscal year 2021/22, but gradually decreased to 13.7% in 2022/23, 13.3% in 2023/24, and 12.5% in the current fiscal year 2024/25. As a result, the country continues to struggle to satisfy the minimum commitment of allocating up to 20% of the overall budget to education. This

<sup>262</sup> See Policy Forum, *POST-BUDGET POSITION STATEMENT FOR FINANCIAL YEAR 2024/2025: Budget Credibility, Allocations and Expenditures for Improved Social Services*, at <https://www.policyforum-tz.org/sites/default/files/2024-07/Policy%20Forum%20Post%20Budget%20Analysis%20for%20Financial%20Year%202024%20to%202025.pdf>.



commitment was made in 2015 by 184 states throughout the world, including Tanzania, and is critical to meeting Sustainable Development Goal (SDG) 4 targets by 2030.<sup>263</sup> The budget allocated is also below the budget standard recommended in the Education Sector Development Program III (ESDP III).



**Figure 3.2: %Education sector budget relative to the national budget**

In 2024, education stakeholders, including NGOs such as *LHRC*, *HakiElimu*, and *Policy Forum*, continued to express concerns about the education budget and specific budget items. They stated that a failure to allocate enough resources to education in accordance with international and national commitments had resulted in low sector development.<sup>264</sup> They also raised concern about the allocation of limited funds for research and innovation and allocation of only 1% for ICT and 3% for technical education and vocational training.<sup>265</sup>

<sup>263</sup> See Incheon Declaration and Framework for Action for the implementation of Sustainable Development Goal 4 Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, at <https://unesdoc.unesco.org/ark:/48223/pf0000245656>.

<sup>264</sup> Policy Forum, *POST-BUDGET POSITION STATEMENT FOR FINANCIAL YEAR 2024/2025* (supra).

<sup>265</sup> Ibid.





### Budget for free education

The budget for implementing the fee-free education policy remained a topic of public debate in 2024, with stakeholders calling for increased capitation grants for both primary and secondary schools, which are used to fund the purchase of textbooks and other teaching and learning materials. Currently, the capitation stipend for primary school students is Tshs. 10,000, while for secondary school students it is Tshs. 25,000, which most stakeholders consider insufficient. In May 2024, the ACT-Wazalendo political party recommended an increase of capitation grants for primary and secondary school students to Tshs. 25,000 and Tshs. 58,000 respectively.<sup>266</sup>

Reports of the Controller and Auditor General (CAG) on the local government audit for the financial years 2021/22 and 2022/23 highlight the issue of under-release of capitation grants for primary and secondary schools.<sup>267</sup> The CAG notes that the under-release of the funds affects the learning environment and students' academic performance.

#### 2021/22

CAG finds under-release of capitation grants worth Tshs. 5.8 billion in 25 LGAs

#### 2022/23

CAG finds under-release of capitation grants worth 1.25 billion in 15 LGAs

### Disbursement

For the financial year 2022/23, the Ministry of Education, Science and Technology disclosed that by April 2023 it had received 104.05% of the funds allocated for development expenditure,<sup>268</sup> increasing from 96% in the previous financial year. For the financial year 2023/24, the ministry reported that by April 2024, it had received 87% of the funds for development expenditure,<sup>269</sup> decreasing by 9% in comparison with the previous financial year.

<sup>266</sup> "ACT yatoa neno bajeti finyu elimu" Nipashe Newspaper, 9 May 2024.

<sup>267</sup> See THE UNITED REPUBLIC OF TANZANIA, NATIONAL AUDIT OFFICE, *ANNUAL GENERAL REPORT OF THE CONTROLLER AND AUDITOR GENERAL FOR THE FINANCIAL YEAR 2021/22: REGIONAL ADMINISTRATION AND LOCAL GOVERNMENT*, MARCH 2023, at

[https://www.nao.go.tz/uploads/Annual\\_General\\_Report\\_for\\_Regional\\_Administration\\_and\\_Local\\_Government\\_\(LGA\)\\_FY\\_2021-22.pdf](https://www.nao.go.tz/uploads/Annual_General_Report_for_Regional_Administration_and_Local_Government_(LGA)_FY_2021-22.pdf); THE UNITED REPUBLIC OF TANZANIA, NATIONAL AUDIT OFFICE,

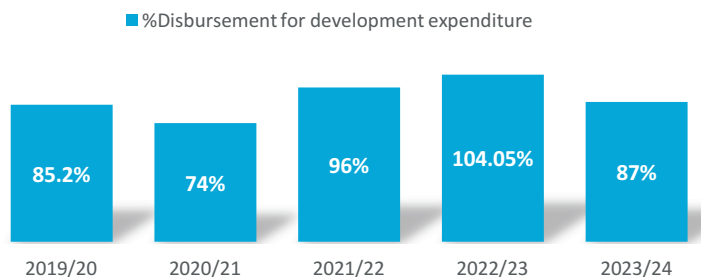
*ANNUAL GENERAL REPORT OF THE CONTROLLER AND AUDITOR GENERAL ON THE AUDIT OF REGIONAL ADMINISTRATIONS AND LOCAL GOVERNMENTS FOR THE FINANCIAL YEAR 2022/23*, MARCH 2024, at

[https://www.nao.go.tz/uploads/Annual\\_General\\_Report\\_on\\_Audit\\_of\\_Local\\_Government\\_Authorities\\_FY\\_2022-23.pdf](https://www.nao.go.tz/uploads/Annual_General_Report_on_Audit_of_Local_Government_Authorities_FY_2022-23.pdf)

<sup>268</sup> HOTUBA YA BAJETI YA WAZIRI WA ELIMU, SAYANSI NA TEKNOLOJIA PROF. ADOLF F. MKENDA (MB) AKIWASILISHA BUNGENI MAKADIRO YA MAPATO NA MATUMIZI YA FEDHA KWA MWAKA 2023/24 (*supra*), p. 8.

<sup>269</sup> HOTUBA YA BAJETI YA WAZIRI WA ELIMU SAYANSI NA TEKNOLOJIA PROF. ADOLF F. MKENDA (MB) AKIWASILISHA BUNGENI MAKADIRO YA MAPATO NA MATUMIZI YA FEDHA KWA MWAKA 2024/25 (*supra*).





**Figure 3.3: Disbursement of funds allocated for development expenditure for education ministry for the financial years 2019/20 to 2023/24**

Source: Education ministry budget speeches – 2018/19 to 2022/23

**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 the Government needs to allocate at least 20% of its national budget on education. This shall also help to improve performance in national examinations, which has generally been low, and more importantly help achieve SDG 4 on education. Funds allocated for each budget item must also be released in full and timely to facilitate effective realization of the right to education.

### 3.1.3. Availability of Teachers and Learning Facilities

Significant progress has been made to increase the number of teachers and learning facilities in recent years. For instance, the number of teachers in primary schools (both public and private) has increased from 194,736 in 2020 to 207,323 in 2023, while in public schools the number has increased from 170,569 in 2020 to 176,540 in 2023.<sup>270</sup> In secondary schools, the overall number of teachers (public and private) has increased from 106,006 in 2020 to 117,909 in 2023, while for public schools the number has increased from 84,614 in 2020 to 96,130 in 2023.<sup>271</sup> Official statistics further indicate that the number of public primary schools has risen from 16,656 in 2020 to 17,463 in 2023. Similarly, in the realm of secondary education, the number of public schools has increased from 3,863 in 2020 to 4,578 in 2023.<sup>272</sup>

Despite the progress made, shortages of teachers and learning facilities and tools, especially in rural and semi-urban areas, persist - hampering effective enjoyment and

<sup>270</sup> See National Bureau of Statistics (NBS), *Tanzania in Figures 2023*, at <https://www.nbs.go.tz/uploads/statistics/documents/en-1721204106-2023%20Tanzania%20in%20Figure%20English.pdf>.

<sup>271</sup> Ibid.

<sup>272</sup> Ibid.



realization of the right to education. Currently, the teacher shortage in pre-primary, primary, and secondary education stands at 49.1%.

**Table 3.1: Availability of teachers in pre-primary, primary, and secondary education levels**

Education Level	Required	Available	#Shortage	%Shortage
Pre-Primary	71,652	10,093	61,559	85.9%
Primary	298,687	173,861	124,826	41.8%
Secondary	177,436	94,919	82,517	46.5%
<b>TOTAL</b>	<b>547,775</b>	<b>278,873</b>	<b>268,902</b>	<b>49.1%</b>

Source: PO-PALG, 2024

In 2024, LHRC documented incidents of teacher shortage reported in regions such as Dodoma, Ruvuma, and Dar es Salaam. For instance, in Dodoma, it was reported in April that there was a 55.8% shortage of science and mathematics teachers in public primary and secondary schools across the country.<sup>273</sup> In June and July, it was reported that schools at pre-primary, primary and secondary levels were facing a combined shortage of over 270,000 teachers,<sup>274</sup> forcing teachers in some schools to educate a significantly higher number of students than the recommended ratio. A notable example is Lutuhi Primary School, located in Nyasa District of Ruvuma Region, which was said to have 7 teachers and 888 students, translating to one teacher for every 127 students.<sup>275</sup> Another school in the district, Ngingama Primary School, reportedly had only 2 teachers for over 400 students.<sup>276</sup> A similar challenge was reported at Chididimo Primary School in Dodoma.<sup>277</sup>

### CAG audit findings in LGAs

#### Shortage of teachers in 13 LGAs

- ▢ 41% shortage in primary schools
- ▢ 30% shortage in secondary schools

#### Shortage of classrooms in 18 LGAs

- ▢ Shortage of 11,038 classrooms in primary schools
- ▢ Shortage of 355 classrooms in secondary schools

<sup>273</sup> "Upungufu walimu wa sanyansi ni 55.8%" HABARILEO Newspaper, 23 Apr 2024.

<sup>274</sup> "Uhaba wa Walimu nchini" Mwananchi Newspaper, 18 Jun 2024; "Uhaba wa walimu janga sugu la taifa" Nipashe Newspaper, 31 Jul 2024.

<sup>275</sup> Ibid.

<sup>276</sup> LHRC Human Rights Monitoring, 2024.

<sup>277</sup> Ibid.



The CAG report on the audit of the local government for the fiscal year 2022–2023, released in March 2024, also brought attention to the teacher shortage issue.<sup>278</sup> The audit found that 13 LGAs had a severe teacher shortage, which had a major impact on students' academic performance in public primary and secondary schools. The report also revealed shortages of various infrastructures and furniture, including tables and chairs, classrooms, pit latrines, teacher houses, laboratories, dining halls, dormitories and hostels.

**Shortage of classrooms and desks** was also widely reported in 2024, particularly in regions such as Shinyanga, Singida, and Arusha. For instance, in Shinyanga, the shortage of classrooms and other facilities was mentioned as one of the key concerns ahead of school openings in January 2024.<sup>279</sup> In May 2024, it was reported that 480 children at Kimpungua Primary School in Singida were forced to learn while sitting on the floor due to a shortage of desks.<sup>280</sup> Shortage of toilet holes was observed to be a bigger challenge in primary schools and was disrupting the learning environment. In addition to the shortage of toilet facilities, Mlevo Primary School in Kilimanjaro's Mwanza District was also said to be deteriorating due to a lack of renovations, impacting the safety and education of students.<sup>281</sup>

The CAG report on the audit of the local government for the fiscal year 2022–2023 also revealed shortages of pit-latrine for both teachers and students in 18 LGAs.<sup>282</sup> There was a 51% student pit-latrine shortage in primary schools and a 37% deficiency in secondary schools. In primary and secondary schools, the teacher shortage of pit latrines was 77% and 22%, respectively.

### 3.1.4. Education Quality

Budgetary constraints and shortages of teachers and learning facilities were significant obstacles to accessing quality education in 2024, particularly in public primary and secondary institutions. Other contributing factors included challenging teaching environment, menstrual hygiene, violence against children, school proximity, child pregnancy, and child marriage. These factors affect the learning and academic performance, as briefly discussed below.

#### **Performance in National Examinations**

Results of national examinations at primary and secondary education levels in recent years show consistency in performance, characterized by a high passing rate

<sup>278</sup> ANNUAL GENERAL REPORT OF THE CONTROLLER AND AUDITOR GENERAL ON THE AUDIT OF REGIONAL ADMINISTRATIONS AND LOCAL GOVERNMENTS FOR THE FINANCIAL YEAR 2022/23 (supra).

<sup>279</sup> "Uhaba madarasa, vifaa shule zikifunguliwa" Mwananchi Newspaper, 9 Jan 2024.

<sup>280</sup> "Wanafunzi 480 waketi sakafuni" Nipashe Newspaper, 21 May 2024.

<sup>281</sup> LHRC Human Rights Monitoring, 2024.

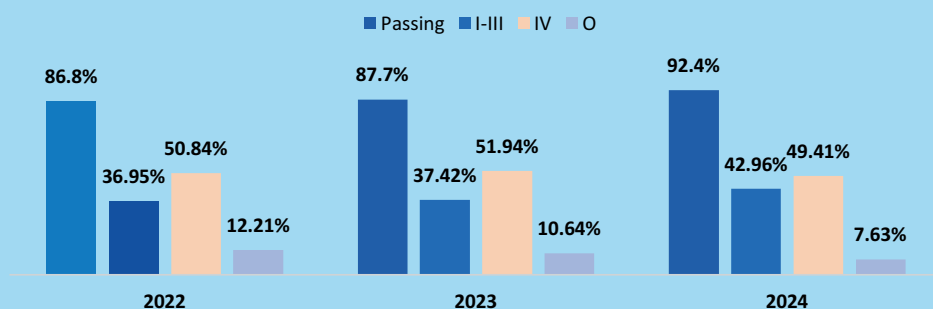
<sup>282</sup> ANNUAL GENERAL REPORT OF THE CONTROLLER AND AUDITOR GENERAL ON THE AUDIT OF REGIONAL ADMINISTRATIONS AND LOCAL GOVERNMENTS FOR THE FINANCIAL YEAR 2022/23 (supra).



and slight improvements. For instance, the passing rate in the National Form Four Examination Results increased from 86.78% in 2022 to 87.65% in 2023.<sup>283</sup> For the 2024 examinations, the passing rate further increased to 92.37%.<sup>284</sup>

While the overall passing rate is good, a closer look at the results shows that nearly two thirds of students scored division IV and O in 2022 and 2023, while the situation slightly improved in 2024. There has also been an overall decrease in the percentage of students scoring Division O, from 12.21% in 2022 to 7.63% in 2024. Addressing the various educational challenges discussed in this sub-chapter is key to improving performance, particularly decreasing the percentage of students scoring Divisions IV and O.

2022-2024 National Form Four Results



**Figure 3.4: Performance in National Form Four Examinations**

Source: NECTA, 2023 & 2024

In 2024, the percentage of students with Division IV was higher among girls (54.13%) than boys (44.18%). The percentage of Division O was also slightly higher among girls (8.28%) than boys (6.92%). Boys also recorded a slightly higher overall passing rate (93.08%) than girls (91.72%).

### 3.1.5. Other Key Issues and Challenges

#### Teaching environment

Teacher shortage and inadequate school facilities contribute to a challenging working environment for teachers. Another significant factor influencing this environment is the lack of housing for teachers, particularly in public primary schools.

<sup>283</sup> See Baraza la Mitihani la Tanzania, *Taarifa ya Matokeo ya Mtihani wa Taifa wa Kidato cha Nne na Maarifa Uliofanyika Novemba 2023*, at [https://www.necta.go.tz/publications/Press%20Releases/CSEE/PRESS\\_CSEE\\_2023.pdf](https://www.necta.go.tz/publications/Press%20Releases/CSEE/PRESS_CSEE_2023.pdf).

<sup>284</sup> See Baraza la Mitihani la Tanzania, *Taarifa ya Matokeo ya Mtihani wa Taifa wa Kidato cha Nne na Maarifa Uliofanyika Novemba 2024*, at [https://www.necta.go.tz/publications/Press%20Releases/CSEE/PRESS\\_CSEE\\_2024.pdf](https://www.necta.go.tz/publications/Press%20Releases/CSEE/PRESS_CSEE_2024.pdf).



The CAG report on the audit of the local government for the fiscal year 2022–2023, released in March 2024, revealed acute shortage of teacher houses in 18 LGAs. For primary schools, the shortage was a staggering 79%, while in secondary schools it was 39%.

### Menstrual hygiene

Menstrual hygiene issues in public schools in Tanzania arise from insufficient availability of sanitary pads, restricted access to clean and safe water, unsanitary toilet facilities, and the absence of designated changing rooms for girls.

In April 2024, it was reported that female students at Kaselya Secondary School in Shinyanga were using one of the toilets as an improvised changing room due to lack of designated rooms for girls.<sup>285</sup>

### Truancy & School dropout

Review of various reports suggests that truancy and school dropout in Tanzania are contributed by factors such as school proximity, menstrual hygiene problems, poor learning environment, inadequate parental involvement, child or teen marriage, teenage pregnancy, and child labour.

In 2024, LHRC documented over 10,000 incidents of truancy reported in regions such as Morogoro, Shinyanga, Mtwara, and Ruvuma. For instance, it was reported in March that 10,000 of the 56,827 students who were selected to enroll in secondary education in Morogoro Region had not reported to school by February.<sup>286</sup> A similar claim was made in the same month in Shinyanga Region, when 813 out of 5,757 students allegedly failed to report to school.<sup>287</sup> In Mtwara's Masasi District, more than 360 students had not enrolled in secondary education,<sup>288</sup> while in the neighbouring region of Ruvuma, there were reports of a church preacher urging parents not to send their children to school because 'Jesus is coming back soon.'<sup>289</sup>

### School proximity

Walking a great distance to school has a severe impact on children's learning and performance. This is a major issue in most African countries, including Tanzania, particularly in rural areas. In one of the incidents reported in July 2024 in Tanga Region, children in Mikwamba Village that is located in Muheza District had to

<sup>285</sup> "Ukosefu wa chumba Maalum wasababisha wanafunzi kubadilisha taalo za kike chooni" Nipashe Newspaper, 24 Apr 2024.

<sup>286</sup> "10,000 hawajaripoti kidato cha 1" Nipashe Newspaper, 14 Mar 2024.

<sup>287</sup> "Wanafunzi 813 wakacha kuripoti shuleni, msako watangazwa" Nipashe Newspaper, 13 Mar 2024.

<sup>288</sup> "Wanafunzi 360 hawajaripoti sekondari" Nipashe Newspaper, 2 Aug 2024.

<sup>289</sup> LHRC Human Rights Monitoring 2024.





walk for up to three kilometres to reach school.<sup>290</sup> The long distance affects the learning environment because children arrive at school late and tired, hence struggling to concentrate and catch up in class.

### Language of Instruction

Language of instruction (LOI) plays a crucial role in determining the quality of education, as a vehicle through which education is delivered.<sup>291</sup> Proponents of Swahili Language as the LOI in Tanzania, led by *HakiElimu*, claim that the issue of LOI has been ignored for a long time and created a negative impact on the quality of education. They note that the use of Swahili, the language which both teachers and students understand very well, instead of English, is important in terms of enabling them to discuss, debate, ask and answer questions, and ask for clarifications.<sup>292</sup> The review of the ETP 2014 has missed the opportunity of addressing LOI by clearly stating the LOI for each level of education and acknowledging English as a Foreign Language (EFL), not a second Language (ESL).<sup>293</sup>

### Capitation grants for fee-free education

Over the years, stakeholders have expressed concerns over the capitation grants provided by the Government to facilitate fee-free education.<sup>294</sup> While the Government has continued to implement fee free education whereby, Tshs. 10,000 is allocated per primary school pupil per year and Tshs. 25,000 per secondary school student per year, stakeholder recommendations to review these rates have not been met. Stakeholders have pointed out the current rates are inconsiderate of current costs of living and are gender insensitive because they have not considered special needs children. They have therefore recommended the Government retains the SEDP and PEDP costing of capitation grants, which is 10 USD per primary student per year (about Tshs. 25,000) and 20 USD per secondary school (about Tshs. 50,000).

<sup>290</sup> "Watoto shule awali watembea kilometa tatu kufuata elimu" HABARILEO Newspaper, 26 Jul 2024.

<sup>291</sup> Martha Qorro, *Does Language of Instruction Affect Quality of Education?*, HakiElimu, Working Paper 8, 2006, at [https://hakielimu.or.tz/download/does-language-of-instruction-affect-quality-of-education/?wpdmdl=8873&refresh=640ceb1887c3a1678568216&ind=1618213846882&filename=wp\\_06\\_8\\_does\\_lang\\_instruc\\_fct\\_qual\\_edu\\_en.pdf](https://hakielimu.or.tz/download/does-language-of-instruction-affect-quality-of-education/?wpdmdl=8873&refresh=640ceb1887c3a1678568216&ind=1618213846882&filename=wp_06_8_does_lang_instruc_fct_qual_edu_en.pdf).

<sup>292</sup> Ibid.

<sup>293</sup> The Education We Want: A Critical Analysis of Education and Training Policy (ETP) 2014, Issues, and Recommendations, April 2021, at <https://www.policyforum-tz.org/sites/default/files/2022-02/The%20Education%20We%20Want.pdf>.

<sup>294</sup> See Policy Form, *Budget 2015/2016 Position Statement*, at <https://www.policyforum-tz.org/sites/default/files/PFBWGPositionStatement20152016Final.pdf>.





## Violence against children and Corporal punishment

In 2024, children faced physical, sexual, psychological, and economic violence in a variety of places, including at home and school. These instances, elaborated in Chapter Five of this report, have an impact on children's learning and academic performance. Sexual violence continued to be the most dominant form of violence against children (VAC).

In school settings, perpetrators of violence, particularly physical and sexual, included teachers. Incidents of teachers imposing severe corporal punishment on students were reported in regions such as Kagera and Kilimanjaro. In one of the incidents, which was reported in Kagera's Muleba District in July 2024, an 18-year-old student at Kiteme Secondary School allegedly sustained severe bodily injury after she was caned by her teacher for not enrolling in an optional subject (Physics). In another incident, reported in September in Kagera's Karagwe District, police arrested a teacher for attacking and beating to death a student from Igurwa Secondary School. Three more teachers were arrested in 2024 in connection with the death of a 6-year-old pupil at Mrupanga Primary School in Kilimanjaro Region. The victim succumbed to injuries caused by caning inflicted by the teachers for late arrival to school.<sup>295</sup>



In 2024, education stakeholders continued to voice their concerns over sexual violence perpetrated by teachers, particularly male teachers – who are often accused of engaging in sexual relationships with female students. A report by the Teachers Service Commission (TSC) of Tanzania, revealed that the commission had received 328 complaints of teachers perpetrating sexual violence against female students since 2016.

### Corporal punishment

Corporal punishment in schools is another form of violence against children that has been discouraged for being inhumane and detrimental to a productive learning environment.<sup>296</sup> Despite being contrary to the country obligations under various international and regional human rights instruments, corporal punishment is legal in Tanzania, provided for under the Education Act and the

<sup>295</sup> LHRC Human Rights Monitoring 2024.

<sup>296</sup> See Human Rights Watch, "Corporal Punishment in Schools and Its Effect on Academic Success" Joint HRW/ACLU Statement, 15 April 2010, at <https://www.hrw.org/news/2010/04/15/corporal-punishment-schools-and-its-effect-academic-success-joint-hrw/aclu>; UNICEF, Corporal punishment is harming our children, 18 October 2022, at <https://www.unicef.org/tanzania/stories/corporal-punishment-harming-our-children>.







Education (Corporal Punishment) Regulations, 2002. Corporal punishment may be administered where there is a serious breach of school code of discipline or grave offence committed whether within or outside the school which is deemed by the school to have brought or capable of bringing the school into disrepute.<sup>297</sup> The punishment is administered by the head of the school, but he/she is allowed to delegate this to another teacher in writing. The maximum number of strokes that can be administered is four and considerations of gravity of the offence, age, health, and sex of the pupil or the student offender should be made.<sup>298</sup>

While the nation remains divided over the issue of corporal punishment, human rights and right to education stakeholders such as LHRC and *HakiElimu* maintain that the practice is contrary to Tanzania's human rights obligations and should be replaced with alternative punishments, which are not cruel.

In 2024, corporal punishment continued to be administered by teachers in various parts of the country. LHRC has observed that the guidelines for imposing corporal are usually not followed by teachers, sometimes leading to devastating consequences, including deaths of students, severe injuries, and disability. For instance, Mwanza, it was reported in March 2024 that 12 students at Ipandiko Secondary School in Sengerema District were subjected to a severe corporal punishment by their teachers for disciplinary reasons.<sup>299</sup> In Kilimanjaro, police arrested 5 teacher trainees for subjecting a 6-year-old pupil to a severe corporal punishment (caning) and causing his death in March.<sup>300</sup> This brings the number of **school corporal punishment deaths** documented by LHRC since 2018 to **10**.

**LHRC's View:** Corporal punishment constitutes an act of violence against children and amounts to cruel treatment. It also contravenes Tanzania's international human rights obligations.

**LHRC's Call:** The Government to amend the Education Act and Law of the Child Act to abolish corporal punishment and replace it with alternatives to corporal punishment.

<sup>297</sup> HakiElimu, *Litigating the Right to Education in Tanzania: Legal, Political, and Social Considerations and Potential Applications*, February 2011, at [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/HakiElimu\\_Litigating\\_the\\_Right\\_to\\_Education\\_in\\_Tanzania\\_2011.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/HakiElimu_Litigating_the_Right_to_Education_in_Tanzania_2011.pdf).

<sup>298</sup> Ibid.

<sup>299</sup> "Wanafunzi 12 wadaiwa kuchapwa viboko 75 kila mmoja" Nipashe Newspaper, 29 Mar 2024.

<sup>300</sup> "Walimu 5 mbaroni kwa kifo cha mwanafunzi" HABARILEO Newspaper, 18 Mar 2024.



### Teen pregnancy & Child marriage

Child/teenage pregnancy and child marriage make it difficult for girls in Tanzania to exercise their right to an education. In 2024, LHRC documented 1,091 incidents of child pregnancy, significantly decreasing from 2,953 in 2023. The incidents were reported in regions such as Pwani, Njombe, Songwe, Mbeya, Singida, Dar es Salaam, and Mwanza. Some of the girls got pregnant because of rape, including by their own fathers and fellow children. LHRC also documented 4 incidents of children marriage, the same as in 2023. These incidents were reported in Pwani, Manyara, and Shinyanga Regions.

### Child labour and trafficking

Child labour and trafficking deprives children of the opportunity to learn in school, resulting in some of them underperforming and others dropping out altogether. It hinders their development and exposes them to all forms of violence, as the work they do is inappropriate for their age and is likely to harm their health, safety or morals. In Tanzania, the law allows children to work, but under certain conditions, key among them being not doing hazardous work and the work not interfering with their education.<sup>301</sup>

In 2024, LHRC documented more than 100 incidents of child labour through human rights monitoring and surveys, reported in regions such as Shinyanga, Pwani, Dar es Salaam, Shinyanga, Geita, Mara, Iringa, Mbeya, Kilimanjaro, and Mtwara. Child labour was found to be common in the sectors of agriculture, mining, and trade. For instance, in April, some children in Shinyanga were observed vending fruits and soft drinks at bus terminals during school hours. A month later, it was reported that several parents in the region's Shinyanga District Council had stopped their children from attending Ng'homongo Primary School during the farming season so that they could assist with the farming.<sup>302</sup>

In Geita, some children were also employed by some traders to sell food items at bus terminals while others were observed working at bars and restaurants, including during school hours. However, the survey found that child labour had decreased in the region,<sup>303</sup> save in artisanal and small-scale sale mining, where child labour is still a problem, as revealed by the Executive Director of New Light Children Center Organization (NELICO) based in Geita. In Dodoma, child labour was also reported to be a big problem in mining and grape farming.<sup>304</sup>

<sup>301</sup> Employment and Labour Relations (General) Regulations, GN. 47 of 2017 and under section 82(3) of the Law of the Child Act 2009

<sup>302</sup> "Wazazi wachangia wanafunzi kukithiri utoro" Nipashe Newspaper, 1 May 2024.

<sup>303</sup> LHRC's Human Rights and Business Survey 2024.

<sup>304</sup> Ibid.





In Mbeya, it was reported that children were mostly employed in agriculture and mining sectors, working under exploitative conditions and sometimes working during school hours or beyond working hours for children stipulated in the labour regulations.<sup>305</sup> Children were observed and reported working in rice mills, rice plantations or farms (including chasing away birds and plant seeds), marketplaces, and mines, especially in Mbeya City, Mbarali, and Chunya Districts.<sup>306</sup> Poverty and family neglect were mentioned as some of the factors behind some parents pushing or allowing their children to work to generate family income. However, a Trade Officer in Mbeya City Council told the survey team that incidents of child labour had somewhat decreased in the city. In Mbarali District, a Trade Officer said child labour was preferred by some business owners because it is cheap.



**Children found crushing stones during school hours in Mbeya City in April 2024**

Source: Field data, 2024

### School re-entry for pregnant girls and teen mothers

Following the implementation of re-entry guidelines, education stakeholders continued to advocate for legal reforms to include provisions on re-entry for pregnant girls and teen mothers in education laws. It was reported in August 2024 that hundreds of young mothers were being denied their right to education due to systemic failures, predominantly within the teaching profession, despite government policies supporting their return to school.<sup>307</sup> According to a report by *HakiElimu*, a local organization that advocates the right to education, stigma and a lack of supportive laws prevented many of them from returning to school. Some head teachers also contributed to the issue by refusing to accept students

<sup>305</sup> LHRC's Human Rights and Business Survey 2024.

<sup>306</sup> Ibid.

<sup>307</sup> "How systemic obstacles keep teen mothers away from school" THE CITIZEN Newspaper, 19 Aug 2024.



who have given birth, even though guidelines encouraged them to do so.<sup>308</sup> A District Education Officer (DEO) commented that officials were struggling to implement the guidelines due to lack of accompanying legislation.

LHRC has also observed that reentry is not comprehensively covered in the education policy or law and its implementation has been challenging. Most students who reenter end up dropping out again because of a non-enabling environment for them to stay at school. During the implementation hearing for the 2022 case filed by LHRC and the Centre for Reproductive Rights,<sup>309</sup> held in October 2024 it was presented before African Committee of Experts on the Rights and Welfare of the Child (ACEWRC) that reentry for girls is faced with several challenges that need to be addressed, including the selection of specific schools, which makes it hard for girls from remote areas to access school; absence of psychosocial support; and the two-year waiting period – which is considered a long time.

#### Other issues

Other issues that affected enjoyment of the right to education in 2024, particularly at primary and secondary school levels, included limited access to food at home and school among schoolchildren in some parts of the country, which affected learning and academic performance; teacher absenteeism; unsanitary toilets, which pose health risks, especially in rural areas; dilapidated school infrastructure; and lack of disability-friendly infrastructure, including toilets.

### 3.1.6. Key Recommendations

- i. The Ministry of Finance and Planning to increase budgetary allocation for the education sector in line with international standards and ensure full and timely disbursement of funds.
- ii. The Ministry of Education, Science and Technology to collaborate with the President's Office – Regional Administration and Local Government to address challenges faced by teachers to ensure they work in favourable conditions, as a key measure in improving quality of education and achieving key targets under Sustainable Development Goal (SDG) 4 and the Tanzania Development Vision 2025.

<sup>308</sup> Ibid.

<sup>309</sup> See Center for Reproductive Rights, *ACERWC Ruling in Legal and Human Rights Centre and Centre for Reproductive Rights v United Republic of Tanzania*, 19 Sep 2022, at <https://reproductiverights.org/acerwc-ruling-in-legal-and-human-rights-centre-and-centre-for-reproductive-rights-v-united-republic-of-tanzania/>.





- iii. The Ministry of Education, Science and Technology to initiate legal reforms to incorporate the re-entry provisions through amendment of the Education Act.

## 3.2. Right to Health

Achieving the right to the highest standard of health is both central to, and dependent upon, the realisation of other human rights, to food, housing, work, education, information, and participation. In 2024, right to health issues and violations in Mainland Tanzania included budgetary constraints; shortage of healthcare workers; mental health issues; shortages of equipment, medicines, and medical supplies; and maternal health challenges. Women, children, persons with disabilities (PWDs), and the elderly are disproportionately affected by these issues.

### 3.2.1. Government Action

Key government action to facilitate progressive realisation of the right to health in 2024 included employment of new health workers, construction and renovation of health facilities, procurement and distribution of essential medicines and medical supplies, provision of health insurance services, and provision of health education.<sup>310</sup> In April 2024, the Government announced plans to recruit over 10,000 health workers.<sup>311</sup> In May, the Minister of Health Hon. Ummay Mwalimu, revealed in Parliament that the number of health facilities in Mainland Tanzania had increased from 8,549 in 2021 to 9,693 in 2024, equal to an increase of 1,114 facilities.<sup>312</sup> She added that there also significant increases in the number of beds, from 86,131 in 2021 to 145,374 in 2024; the number of Intensive care units (ICUs) beds, from 258 in 2021 to 1,362 in 2024; number of hospitals providing Emergency Medical Dispatch (EMD) services, from 7 in 2020 to 116 in 2024; and number of health facilities providing emergency maternity services, including Comprehensive Emergency Obstetric and Newborn Care (CEmONC), from 388 in 2021 to 523 in 2024.<sup>313</sup> The Ministry of Health also reported in May that it was continuing implementing the Integrated Health Education and Social Behavioral Change Campaign.

<sup>310</sup> See HOTUBA YA WAZIRI WA AFYA, MHE. UMMY ALLY MWALIMU (MB.), KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI YA FEDHA YA WIZARA YA AFYA KWA MWAKA WA FEDHA 2024/25, Mei 2024, at <https://www.moh.go.tz/storage/app/uploads/public/664/4b0/793/6644b07936538231945634.pdf>.

<sup>311</sup> "46,000 kuajiriwa kupitia mikoa" HABARILEO Newspaper, 18 Apr 2024.

<sup>312</sup> HOTUBA YA WAZIRI WA AFYA, MHE. UMMY ALLY MWALIMU (MB.), KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI YA FEDHA YA WIZARA YA AFYA KWA MWAKA WA FEDHA 2024/25, Mei 2024 (*supra*).

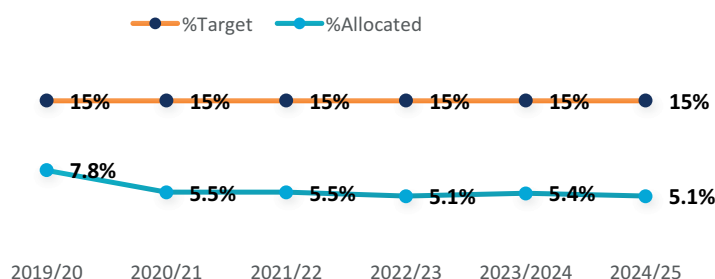
<sup>313</sup> *Ibid*.



### 3.2.2. Budgetary Allocation and Disbursement

#### Health budget vis-à-vis national budget

International minimum standards, set under the Abuja declaration, require countries, including Tanzania, to set 15% of national budget for the health sector.<sup>314</sup> For the financial year 2023/24, the Government allocated Tshs. 2.4 trillion for the health sector,<sup>315</sup> increasing from 2.1 trillion in 2022/23. For the financial year 2024/25, the Government allocated Tshs. 2.5 trillion, increasing by 6% in comparison with the previous budget.<sup>316</sup> The budget allocated is equivalent to 5.1% of the national budget, which falls of Tanzania's commitment of allocating 15%. Figure 3.5 below illustrates the percentage of the budget allocated for the health sector in comparison with the recommended standard of 15% within the period of 6 financial years.



**Figure 3.5: %Government budget allocation in the health sector vis-à-vis required target – 2019/20 to 2024/25**

Source: MoF & MoH data

Stakeholders noted with concern that the Tshs. 2.5 trillion allocated for the health sector also falls significantly short of the Tshs. 10.1 trillion projected in the Health Sector Strategic Plan 2021-2026 (HSSP V).<sup>317</sup> Additionally, they pointed out that for the last four years, the budget has remained between Tshs. 2.02 and 2.54 trillion, failing to keep pace with the 3.2% annual population growth rate.<sup>318</sup>

#### Disbursement

Delays in disbursement of funds for the health sector, particularly for development projects, have also been a challenge in recent years. Stakeholders observe that this

<sup>314</sup> See the Abuja Declaration on HIV/AIDS, Tuberculosis and other related Infectious Diseases, 2001 at <https://au.int/sites/default/files/pages/32894-file-2001-abuja-declaration.pdf..>

<sup>315</sup> CITIZEN'S BUDGET BOOK: A SIMPLIFIED VERSION OF THE GOVERNMENT BUDGET FOR THE FINANCIAL YEAR 2023/24 (supra).

<sup>316</sup> Policy Forum, *POST-BUDGET POSITION STATEMENT FOR FINANCIAL YEAR 2024/2025* (supra).

<sup>317</sup> Policy Forum, *POST-BUDGET POSITION STATEMENT FOR FINANCIAL YEAR 2024/2025* (supra).

<sup>318</sup> Ibid.



has hindered efficient execution of budgets and consequently affected progressive realisation of the right to health.<sup>319</sup>

For the financial year 2023/24, the Ministry of Health was allocated Tshs. 1.2 trillion out of the 2.4 trillion allocated for the health sector.<sup>320</sup> By March 2024, the ministry had received Tshs. 838 billion, which is equivalent to 68% of the budget. Only 59% of the funds allocated for development expenditure had been received by then.<sup>321</sup>

**LHRC's View & Call:** The Government must endeavor to considerably enhance the allocation of budgetary resources to the health sector in order to achieve critical health objectives and adhere to international standards. Addressing revenue collection loopholes, such as "generous" tax incentives, can be a good starting point in boosting revenue to enable the provision of improved health services. In order to facilitate the provision of high-quality health services, the government should also guarantee that funds allocated to the health sector are disbursed in time and in full.

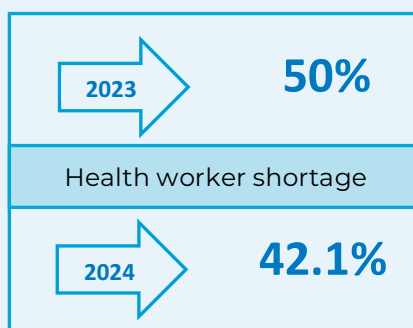
### 3.2.3. Predatory Lending and Health Rights

The issue of predatory lending was examined in the 2024 edition of the LHRC's annual human rights survey. One of the key findings of the survey was that mental health problems and financial distress were among the top five consequences of predatory lending. Some of the community respondents acknowledged experiencing anxiety and distress because of the debts they were struggling to pay, the risk of property loss, and actual property loss. Failure to meet basic needs, including food, was also a top five challenge, which affected the physical health of affected households.<sup>322</sup>

### 3.2.4. Other Key Issues and Challenges

#### Shortage of health workers

Right to health is directly impacted by a shortage of healthcare workers, as it restricts access to essential medical care, particularly in regions with high healthcare requirements and considering Tanzania's high population growth rate. By March 2023, the health sector was faced with a shortage of 109,445 healthcare workers (50%), including doctors and nurses. In May 2024, the Minister of Health announced that there were 126,925 workers in the health sector, equivalent to 57.9% of the required 219,061 workers, by March 2024.<sup>323</sup>



<sup>319</sup> Policy Forum, *POST-BUDGET POSITION STATEMENT FOR FINANCIAL YEAR 2024/2025* (supra).

<sup>320</sup> HOTUBA YA WAZIRI WA AFYA, MHE. UMMY ALLY MWALIMU (MB.), KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI YA FEDHA YA WIZARA YA AFYA KWA MWAKA WA FEDHA 2024/25 (supra).

<sup>321</sup> Ibid.

<sup>322</sup> LHRC's Human Rights Survey 2024.



### Shortages of equipment, medicines, and medical supplies

Shortages of essential medical equipment, medicines, and supplies significantly hinder access to necessary healthcare services, resulting in individuals being unable to effectively exercise their right to adequate healthcare. The report of the Controller and Auditor General (CAG) of the United Republic of Tanzania on the audit of regional administrations and local governments, released in March 2024, revealed shortage of 629 essential medical equipment in 20 local government authorities (LGAs), including 214 delivery beds, 102 microscopes, and 79 X-ray machines.<sup>324</sup>

### Availability and proximity of health facilities

The availability and proximity of health facilities are crucial for the effective realization of the right to health. Although official statistics indicated that the number of health facilities increased from 9,366 in 2023 to 9,693 in 2024,<sup>325</sup> residents in certain parts of the country, especially in rural areas, continued to face the challenges of non-availability and a long distance to these facilities. LHRC documented incidents of such challenges reported in regions such as Dodoma and Geita. In November 2024, a Member of Parliament, Hon. Luhanga Mpina, revealed that a total of 6,000 villages lack a dispensary.<sup>326</sup>

### Sexual and reproductive health

Sexual and reproductive health and rights **encompass efforts to eliminate preventable maternal and neonatal mortality and morbidity, to ensure quality sexual and reproductive health services, including contraceptive services, and to address sexually transmitted infections (STI) and cervical cancer, violence against women and girls, and sexual and reproductive health needs of adolescents.**<sup>327</sup>

<sup>323</sup> HOTUBA YA WAZIRI WA AFYA, MHE. UMMY ALLY MWALIMU (MB.), KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI YA FEDHA YA WIZARA YA AFYA KWA MWAKA WA FEDHA 2024/25 (supra).

<sup>324</sup> ANNUAL GENERAL REPORT OF THE CONTROLLER AND AUDITOR GENERAL ON THE AUDIT OF REGIONAL ADMINISTRATIONS AND LOCAL GOVERNMENTS FOR THE FINANCIAL YEAR 2022/23 (supra).

<sup>325</sup> Ibid; Tanzania in Figures 2023.

<sup>326</sup> LHRC Human Rights Monitoring 2024.

<sup>327</sup> See WHO, *Sexual and reproductive health and rights: a global development, health, and human rights priority*, at [https://www.who.int/reproductivehealth/publications/gender\\_rights/srh-rights-comment/en/#:~:text=Sexual%20and%20reproductive%20health%20and%20rights%20encompass%20efforts%20to%20eliminate,and%20cervical%20cancer%2C%20violence%20against.](https://www.who.int/reproductivehealth/publications/gender_rights/srh-rights-comment/en/#:~:text=Sexual%20and%20reproductive%20health%20and%20rights%20encompass%20efforts%20to%20eliminate,and%20cervical%20cancer%2C%20violence%20against.)

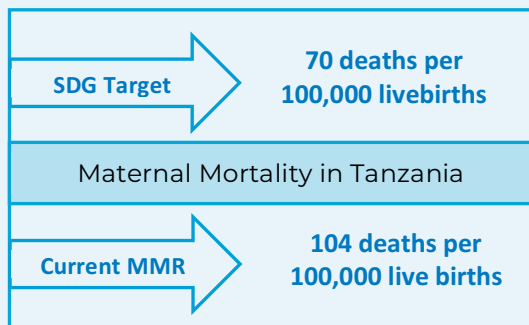






## Maternal health

The Government of Tanzania has a human rights obligation of ensuring health of women during pregnancy, childbirth, and the postnatal periods. According to the 2022 Tanzania Demographic and Health Survey and Malaria Indicator Survey (TDHSMIS), Tanzania's maternal mortality ratio (MMR) was 104 per 100,000 live births in the seven years preceding the survey.<sup>328</sup> In May 2024, the Minister of Health, Hon. Ummu Mwalimu, revealed that MRR had declined by 80%, from 556 in 2015/16 to 104 in 2024.<sup>329</sup> This is a crucial step towards achieving the SDG target of 70 deaths per 100,000 live births by 2030. Several factors have been attributed to this progress, including increased delivery in health facilities and assisted



delivery by health professionals.<sup>330</sup> Child mortality has also decreased from 67 to 43 deaths per 1,000 live births during the same period.

Despite the reported progress in improving maternal healthcare and reducing MMR, several challenges persist. LHRC documented 9 incidents of maternal health rights violations, including verbal abuse and mistreatment by health workers, reported in regions such as Kigoma, Tanga, Morogoro, and Shinyanga.

For instance, in June 2024, the District Executive Director (DED) of Kigoma's Uvinza District, Fred Milanzi, suspended a health worker (nurse) at Basanza Dispensary, Alex Lyimo, for failure to provide proper care to a pregnant woman. The pregnant woman who left in labour pains and subjected to preventable suffering as she gave birth alone on the floor.<sup>331</sup> Earlier, in March, five health workers (doctors and nurses) at Mijanjuni Health Centre in Tanga City were suspended for medical negligence that resulted into death of a pregnant woman, Fatma Suleiman (36), during a surgical delivery (caesarean section).<sup>332</sup> The Minister of Health was quoted in 2024 saying that 85% of maternal deaths are caused by skills incompetence among health workers.<sup>333</sup>

<sup>328</sup> See TANZANIA DEMOGRAPHIC AND HEALTH SURVEY AND MALARIA INDICATOR SURVEY (2022TDHS-MIS): Maternal Mortality, at [https://www.nbs.go.tz/uploads/statistics/documents/sw-1705490100-MMR\\_English.pdf](https://www.nbs.go.tz/uploads/statistics/documents/sw-1705490100-MMR_English.pdf).

<sup>329</sup> HOTUBA YA WAZIRI WA AFYA, MHE. UMMY ALLY MWALIMU (MB.), KUHUSU MAKADIIRIO YA MAPATO NA MATUMIZI YA FEDHA YA WIZARA YA AFYA KWA MWAKA WA FEDHA 2024/25 (supra).

<sup>330</sup> TANZANIA DEMOGRAPHIC AND HEALTH SURVEY AND MALARIA INDICATOR SURVEY (2022TDHS-MIS): Maternal Mortality (supra).

<sup>331</sup> A statement released by the President's Office – Regional Administration and Local Government (PO-RALG); "Asimamishwa kazi mama kujifungua bila msaada" Mwananchi Newspaper, 16 Jun 2024.

<sup>332</sup> "Madaktari, wauguzi matatani kifo mjamzito" Nipashe Newspaper, 31 Mar 2024.

<sup>333</sup> LHRC Human Rights Monitoring 2024/ITV News.



In March 2024, there were also reports of some health workers at Tarime Town Hospital in Mara verbally abusing patients, including pregnant women.<sup>334</sup> The Deputy Secretary of the President's Office – Regional Administration and Local Government (PO-RALG), Dr. Charles Mahera, issued a warning. In April, it was reported that expectant women in Tulole Village, located in the Kahama District of Shinyanga, were giving birth at home because construction of a dispensary was yet to be completed since 2012.<sup>335</sup>

In April, there were reports of pregnant women in Tulole Village in Shinyanga's Kahama District having to give birth at home due to incompleteness of construction of dispensary. In September, it was reported that a pregnant woman, resident of Kilosa District in Morogoro Region, died after the administration of Kidodi Health Centre refused to transfer her to St. Kizito Hospital, unless Tshs. 180,000 to buy fuel for ambulance is paid.<sup>336</sup>

### Violence against women and Obstetric Violence

The sexual and reproductive health of women is also influenced by violence, particularly intimate partner violence. Women and girls were subjected to a variety of forms of violence, such as physical, sexual, economic, and psychological, as detailed in Chapter Five of this report. The Tanzania Demographic and Health Survey and Malaria Indicator Survey (TDHS-MIS 2022) also indicates that some women face abuse during pregnancy (**obstetric violence**), particularly by intimate partners. Obstetric violence, defined as any act by a healthcare worker that causes harm to someone who is pregnant or giving birth or has recently given birth,<sup>337</sup> is a widespread problem and a form of violence against women.<sup>338</sup> As discussed above, some pregnant women suffered harm at the hands of health workers in 2024.

### Adolescent sexual and reproductive health

In 2024, adolescent sexual and reproductive health continued to be affected by different forms of violence and harmful cultural practices, including FGM and child marriage, which are discussed in detail in Chapter Five of this report.

<sup>334</sup> Ibid.

<sup>335</sup> "Zahanati yashindwa kukamilika miaka 12, wajawazito wajifungulia nyumbani" Nipashe Newspaper, 22 Apr 2024.

<sup>336</sup> LHRC Human Rights Monitoring 2024.

<sup>337</sup> See 'Obstetric violence' at <https://www.pregnancybirthbaby.org.au/obstetric-violence#:~:text=Obstetric%20violence%20includes%20any%20act,%20disrespected%2C%20helpless%20or%20violated..>

<sup>338</sup> Garcia, Lorraine & Jones, Jacqueline & Scandlyn, Jean & Thumm, Elisabeth & Shabot, Sara. (2024). The meaning of obstetric violence experiences: A qualitative content analysis of the Break the Silence Campaign. International Journal of Nursing Studies. 160. 104911. 10.1016/j.ijnurstu.2024.104911.





### Menstrual health and hygiene

Menstrual health and hygiene (MHH) refers the ability of women and girls to having access to products, facilities, and information to manage menstruation. It is a fundamental human right and is crucial to achieving SDG goals, including gender equality. Access to sanitary pads continued to be a key challenge for MHH in 2024, as majority of women and girls resorted to using makeshift pads, including old rags.

**53%** of women and girls often rely on cloth for menstrual protection

In November 2024, LHRC documented reports of girls and women in Oltepesi Village, located in Arusha's Longido District, who were forced to rely on unconventional and frequently hazardous methods to manage their periods.<sup>339</sup> These women were compelled to use cattle butter and even cattle urine for personal hygiene due to water scarcity. When water sources dry up, their search for water extends up to ten kilometers, leaving little to no room for personal hygiene.

Removal of tax for sanitary pads and materials is essential in improving access for women and girls. In 2024, various stakeholders, including LHRC, Msichana Initiative, and Pastoral Women's Council, continued to push for the Government to reinstate the tax exemption on sanitary towels.<sup>340</sup> In June, it was reported that finance ministries with the East African Community (EAC) countries, Tanzania inclusive, had agreed to remove tax on sanitary products.

### Mental health

Mental health, a key component of the right to health, is key human rights concern in Tanzania. Mental health issues dominated media headlines in 2024. Psychologists among other mental health stakeholders expressed worries about underfunding, insufficient resources, staff shortage, and rising problem of mental illnesses.<sup>341</sup> A survey by the Africa Academy for Public Health (AAPH) found youth to be the most affected group.<sup>342</sup> According to the Minister of Health, the number of mental health patients increased from 246,544 in the financial year 2022/23 to

<sup>339</sup> "Menstrual hygiene: Cattle urine in demand amid water shortage" THE CITIZEN Newspaper, 12 Nov 2024.

<sup>340</sup> "Activists push for tax exemption" THE CITIZEN Newspaper, 17 May 2024.

<sup>341</sup> "A closer look into Tanzania's mental health crisis" THE CITIZEN Newspaper, 20 May 2024.

<sup>342</sup> "Mambo 12 chanzo tatizo la afya ya akili" Mwananchi Newspaper, 3 May 2024



293,952 in 2023/24. Some of the stakeholders called for the inclusion of psychological services in the health insurance packages offered by the National Health Insurance Fund (NHIF). The Government also announced plans to establish a mental health taskforce.

### Health workers and mental health

Among those affected by mental health disorders, including depression, are community health workers, according to a study on prevalence and predictors of anxiety, depression and Post Traumatic Stress Disorder (PTSD) among healthcare workers in Tanzania, conducted by the Aga Khan University.<sup>343</sup> PTSD merged as the most prevalent issue, affecting one in three community health workers and one in four nurses, midwives, and doctors. Depression and anxiety also caused significant challenges, with 14% of community health workers and 11% of doctors experiencing depression.<sup>344</sup>

### Availability of mental healthcare services

An audit report on the availability of mental healthcare services, released by the Controller and Auditor General (CAG) in March 2024, revealed various challenges in provision of timely and appropriate mental healthcare services in the country.<sup>345</sup> These include ineffective identification of mental health patients at community level; psychosocial care and support services not being effectively mainstreamed into plans, budgets, policies, programs, interventions and strategies at all levels; and insufficient resources (experts, infrastructure, medical equipment and medicines) to facilitate the provision of mental healthcare services. The shortage of mental healthcare workers was found to be critical at the Mirembe National Hospital, while the Muhimbili National Hospital had a 95% shortage of psychiatry nurses and 21% shortage of psychiatrists.<sup>346</sup>

### Suicide and mental health

Suicide is one of the major consequences of mental health problems. An alarming five out of every 100,00 people have committed suicide in Tanzania in the past five years.<sup>347</sup> In 2024, LHRC documented 54 incidents of suicide, which are 3 less than those documented in 2023. These incidents were reported in

<sup>343</sup> See The Agha Kan University, *Tanzania Health Workers Battle Mental Health Crisis*, May 6, 2024, at [https://www.aku.edu/news/Pages/News\\_Details.aspx?nid=NEWS-003364](https://www.aku.edu/news/Pages/News_Details.aspx?nid=NEWS-003364).

<sup>344</sup> Ibid.

<sup>345</sup> See The United Republic Of Tanzania, National Audit Office, *Performance Audit Report on the Availability of Mental Healthcare Services in the Country*, March 2024, at [https://www.nao.go.tz/uploads/Performance\\_Audit\\_Report\\_on\\_the\\_Availability\\_of\\_Mental\\_Healthcare\\_Services\\_in\\_the\\_Country.pdf](https://www.nao.go.tz/uploads/Performance_Audit_Report_on_the_Availability_of_Mental_Healthcare_Services_in_the_Country.pdf).

<sup>346</sup> Ibid.

<sup>347</sup> "A closer look into Tanzania's mental health crisis" THE CITIZEN Newspaper, 20 May 2024.





regions such as Njombe, Arusha, Tabora, Dodoma, Tanga, Pwani, Mwanza, Songwe, Simiyu, Lindi, Manyara, and Mara. Among the victims were children (especially schoolchildren), religious leaders, spouses, businesspersons, domestic workers, a teacher, and a health worker. Songwe Region accounted for 11% of all documented incidents.

Reasons for committing suicide included economic hardships, love, debts, being scolded by parents, extra-marital affair, jealousy, and social exclusion. In one of the incidents, a bishop with the Methodist Church, Joseph Bundala, reportedly committed suicide in his office in May 2024 after being overwhelmed by debts.<sup>348</sup> In the same month, a Seminarian, Rogassion Hughon, reportedly committed suicide after failing to advance in priestly formation at a seminary in Tanga Region.<sup>349</sup> In another incident, a 13-year-old secondary school student, resident of Tunduma District in Songwe Region, committed suicide by stabbing himself in September because of parental scolding about stealing and skipping school. A similar incident involving a 12-year-old child was reported in Mtwara's Newala District earlier in June 2024.

In Mwanza, a 41-year-old man, resident of Magu District, killed his 40-year-old wife and then committed suicide because of jealousy in August 2024. In the neighbouring Simiyu Region, a 29-year-old woman committed suicide after her husband found out she was having an extra-marital affair.<sup>350</sup>

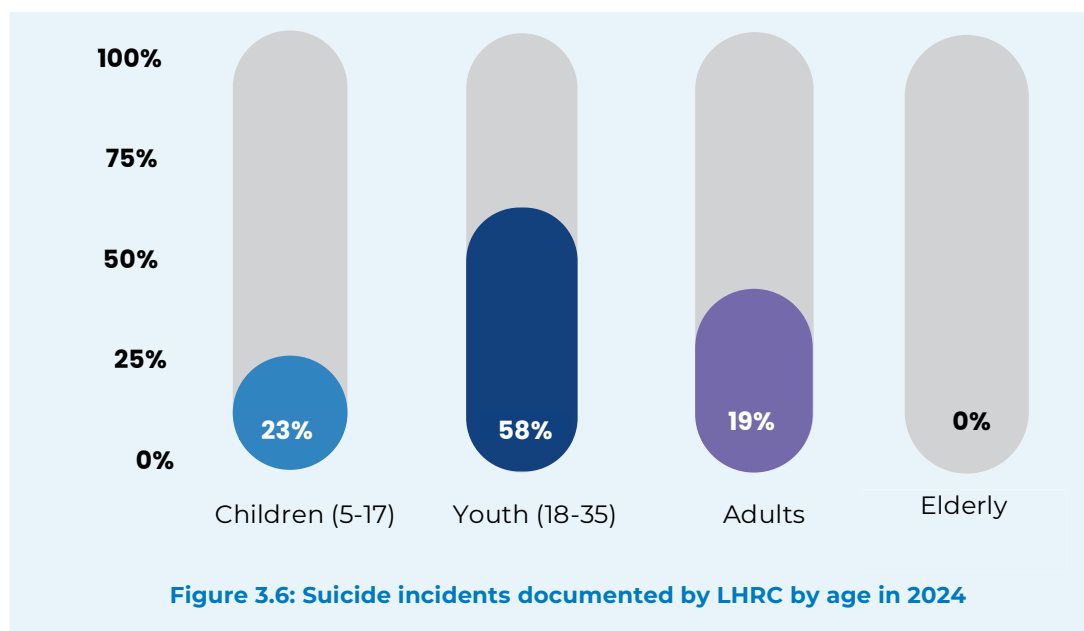
Analysis of the documented incidents showed that majority of the victims (67%) were male, while among children 90% of victims were boys. This is contributed by the fact that boys are less likely to speak about their stressful situations to someone compared to girls, owing to the existing masculine norms in the community. Further analysis showed that youth accounted for the largest percentage of the victims (58%), increasing from 46% in 2023. Unlike in 2023, LHRC did not document any incident involving an older person. The percentages for children and adults slightly dropped by 2% and 8% respectively in comparison with 2023.

<sup>348</sup> "A Tanzanian bishop allegedly commits suicide over debts" THE CITIZEN Newspaper (online), 18 May 2024, at <https://www.thecitizen.co.tz/tanzania/news/national/a-tanzanian-bishop-allegedly-commits-suicide-over-debts-4626972>.

<sup>349</sup> LHRC Human Rights Monitoring 2024.

<sup>350</sup> LHRC Human Rights Monitoring 2024.





#### Access to health services by the elderly and PWDs

The elderly and PWDs were disproportionately affected by the various challenges discussed above, including shortages of healthcare workers and essential medicines. In addition, they faced additional challenges such as stigma and discrimination, neglect, and not being given priority in the provision of health services, as required by various guidelines put in place by the Government.

#### Health insurance

Universal health coverage continued to be a subject of public discussion following the enactment of the universal health coverage (UHC) law in 2023. While the law has brought a new hope in safeguarding the right to health, access to quality health services remains a challenge for most of the population. Effective implementation of the law and health financing reforms are crucial in ensuring good health and well-being for Tanzanians in line with the Sustainable Development Goal (SDG) number 3.

#### Other issues

Other issues that affected the progressive realization of the right to health in 2024 included non-use of procured items and completed health facilities; delayed delivery of medical commodities from the Medical Stores Department (MSD); underutilization of the Improved Community Health Fund (iCHF), procurement of drugs and medical equipment from private supplies without the approval of



MSD to confirm out-of-stock in contravention of the Public Procurement Regulations of 2013; and diversion of funds for drugs, medicines, and medical supplies to finance other activities.<sup>351</sup> Some health facilities are also faced with the challenge of limited access to clean and safe water. For instance, it was reported in Shinyanga in March that patients and pregnant women at the Msalala District Hospital were suffering due to water shortage at the hospital.<sup>352</sup>

### 3.2.5. Key Recommendations

- i. The Ministry of Finance and Planning to progressively increase budgetary allocation for the health sector in line with international standards and ensure full and timely disbursement of funds.
- ii. The Ministry of Health to increase investment in maternal healthcare and primary health care and ensure that children's right to access quality health services is guaranteed.
- iii. The Ministry of Health to ensure effective implementation of the universal health coverage (UHC) law to increase access to health services among Tanzanians and intensify efforts to address mental health issues and access to mental health services.

## 3.3. Right to Clean and Safe Water

The human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity. In 2024, budgetary constraints, water leakages and loss, lack of or limited access to clean water in certain regions, and the effects of climate change all continued to impede the effective realization of the right to clean and safe water. Women and girls are disproportionately affected by the lack of access to safe water and sanitation, which has an impact on their health, education, and economic opportunities.

### 3.3.1. Government Action

In 2024, the government implemented a variety of water projects, particularly in rural areas, to enhance access to water, manage and develop water resources, and improve and expand water supply systems and construct new ones, in order to ensure the progressive realization of the right to clean and safe water. The Minister of Water, Hon. Jumaa Aweso (MP), said at a parliamentary session in May 2024 that rural area access to safe and clean water had increased from an average of 77% in December 2022 to

<sup>351</sup> ANNUAL GENERAL REPORT OF THE CONTROLLER AND AUDITOR GENERAL ON THE AUDIT OF REGIONAL ADMINISTRATIONS AND LOCAL GOVERNMENTS FOR THE FINANCIAL YEAR 2022/23 (supra).

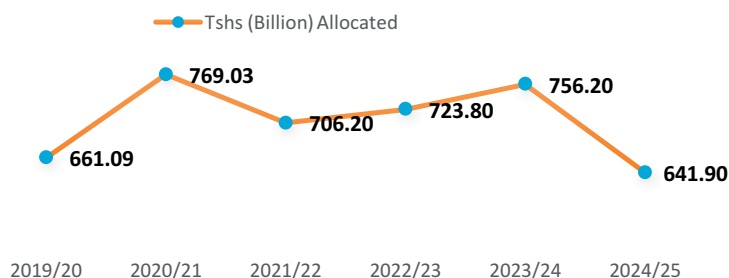
<sup>352</sup> "Hospitali ya Wilaya Kahama yakumbwa na uhaba wa maji" Nipashe Newspaper, 29 Mar 2024.



79.6% in December 2023.<sup>353</sup> He credited easier access to the execution of 632 water projects. In urban areas, access apparently rose from 88% to 90% over the same period, mostly in line with the execution of 85 water projects.

### 3.3.2. Budgetary Allocation and Disbursement

Along with other important sectors such education, health, agriculture, and energy, the water sector ranks among the top priorities for the government. Stakeholders have been voicing concerns, however, about water sector financing and fund distribution. This is because the budget has consistently fallen short of the recommended 5.5% of the national budget benchmark, as well as other standards.<sup>354</sup> For the financial year 2024/25, the budget allocated for the water sector was Tshs. 641.9 billion, down from Tshs. 756.2 billion from the previous financial year of 2023/24.<sup>355</sup>



**Figure 3.7: Budget allocation for the water sub-sector – 2018/19 to 2023/24**

Stakeholders urged policymakers to consider increasing funding for water infrastructure and services to ensure adequate supply and sanitation, which is disproportionately low in comparison with budgets for other priority areas such as agriculture, health, and education. In LHRC's view, allocation of sufficient budget for the water sector is not only crucial to progressive realisation of the right to clean and safe water but also other fundamental human rights such as right to health, right to adequate standard of living, and right to life.

<sup>353</sup> See HOTUBA YA WAZIRI WA MAJI, MHE. JUMAA HAMIDU AWESO (MB), AKIWASILISHA BUNGENI MAKADIRIO YA MAPATO NA MATUMIZI YA FEDHA YA WAZIRA YA MAJI KWA MWAKA 2024/25, Dodoma, Mei 2024, at <https://www.maji.go.tz/uploads/speeches/docs/sw1717666882-hotuba%202024-2025.pdf>.

<sup>354</sup> See TAWASANET (2019) No-one left behind: Putting the water Sector to Work for Inclusive Growth and Sustainable Industrialization, Water Sector Equity Report 2019.

<sup>355</sup> Policy Forum, *POST-BUDGET POSITION STATEMENT FOR FINANCIAL YEAR 2024/2025* (supra).





### 3.3.3. Access to Clean and Safe Water

In 2024, LHRC documented reports of lack of or limited access to clean and safe water in regions such as Tanga, Tabora, Dodoma, Dar es Salaam (especially Tabata and Mbezi areas). For instance, in Tanga water scarcity was reported in Msomera Village, located in Handeni District,<sup>356</sup> while in Dodoma, villagers in Chemba Districts' Madaha Village, especially women and children, were reportedly walking long distances in search of clean water.<sup>357</sup> In Dodoma, it was also reported that the villages in Makutupa Village in Kongwa District were experiencing an acute water shortage, prompting them to flee to neighboring villages during the dry season.<sup>358</sup>

Women and girls are disproportionately affected by the lack of access to clean water or limited access to water, sanitation and hygiene (WASH) services, especially in developing nations like Tanzania, because they must spend time and energy gathering water, frequently from unreliable sources, which can affect their ability to study, work and live in dignity.<sup>359</sup> Access to clean and safe water is therefore essential for women to realize their other fundamental human rights.

### 3.3.4. Other Key Issues and Challenges

Other key issues and challenges that affected effective and progressive realization of the right to clean and safe water in 2024 included contamination of water sources, mainly through human activities; limited capacity of water supply authorities; shortage of water treatment facilities; and climate change impacts. Increased demand for water caused by the growing population also poses a challenge in ensuring access to clean and safe water for all.

### 3.3.5. Key Recommendations

- i. The Ministry of Finance and Planning to increase budgetary allocation for the water sector in line with international standards and ensure full and timely disbursement of funds.
- ii. The Ministry of Finance and Planning to increase funding for the water projects, especially for rural areas, in a bid to improve accessibility and quality of water, which is essential to the Government's industrialisation drive.
- iii. Members of the public to protect public infrastructure and refrain from the habit of damaging them, especially water infrastructure. They also have a duty to report incidents of damage to the infrastructure.

<sup>356</sup> "Aweso aahidi kumaliza tatizo la maji Msomera" HABARILEO Newspaper, 12 Mar 2024.

<sup>357</sup> LHRC Human Rights Monitoring 2024.

<sup>358</sup> Ibid/ITV News.

<sup>359</sup> See UN Water, Water and Gender, at <https://www.unwater.org/water-facts/water-and-gender>.



### 3.4. Right to Work

Right to work is a foundation for life with dignity, giving an individual an opportunity to earn a living by work they freely choose or accept. In 2024, key right to work issues included labour rights violations and low awareness about labour laws and rights

#### 3.4.1. Government Action

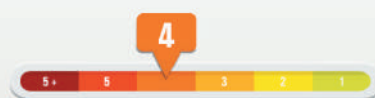
Government actions to promote and safeguard the right to work in 2024 included implementation of labour laws and regulations, including conducting labour inspections; raising labour awareness among employers and employees; and resolving labour disputes.<sup>360</sup> In May 2024, the Prime Minister, Hon. Kassim Majaliwa, revealed in Parliament that for the financial year 2023/24, the Government had resolved 2,712 out of 4,579 labour disputes through mediation and arbitration, by February 2024.<sup>361</sup> Some of these disputes were resolved using the **Mobile Labour Disputes Settlement Services**. The Prime Minister further reported that a total of 187,093 occupational health and safety labor inspections, which is equivalent to 66.8% of the target, were conducted by February 2024. Action was taken against 2,360 employers for contravening occupational health and safety laws and regulations.<sup>362</sup>

#### 3.4.2. Reported Labour Rights Violations

##### 2024 ITUC Global Rights Index

In 2024, the International Trade Union Confederation (ITUC) released its 2024 edition of the global rights index report, documenting violations of internationally recognised labour rights by government and employers.<sup>363</sup> The index depicts the world's worst countries for workers by rating countries on a scale from 1 to 5+ on the degree of respect for workers' rights. As it was the case in 2023, Tanzania fell under Rating 4 (systematic violations of rights).<sup>364</sup>

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<sup>360</sup> See HOTUBA YA MHESHIMIWA KASSIM MAJALIWA MAJALIWA (MB.), WAZIRI MKUU WA JAMHURI YA MUUNGANO WA TANZANIA, KUHUSU MAPITIO NA MWELEKEO WA KAZI ZA SERIKALI NA MAKADIRIO YA MAPATO NA MATUMIZI YA FEDHA ZA OFISI YA WAZIRI MKUU NA OFISI YA BUNGE KWA MWAKA 2024/2025, at [https://www.kazi.go.tz/uploads/documents/en-1713273050-Hotuba%20ya%20Bajeti%20ya%20Waziri%20Mkuu%202024-2025%20CHAPA%20\\_Final.pdf](https://www.kazi.go.tz/uploads/documents/en-1713273050-Hotuba%20ya%20Bajeti%20ya%20Waziri%20Mkuu%202024-2025%20CHAPA%20_Final.pdf)

<sup>361</sup> Ibid.

<sup>362</sup> Ibid.

<sup>363</sup> See International Trade Union Confederation (ITUC), Global Rights Index 2024, at <https://www.ituc-csi.org/global-rights-index>.

<sup>364</sup> See ITUC Global Rights Index at <https://www.ituc-csi.org/tanzania>.



### Labour Rights Violations in the Business Sector

LHRC's survey on business and human rights in 2024 revealed that the situation of labour rights in the business sector continued to be critical, owing to violations of various fundamental labour rights relating to employment contracts, working hours, remuneration, working environment, violence in the workplace, compensation, freedom of association, child rights, leaves, social security, and access to justice. Complaints about denial of employment contracts, copies of such contracts, being overworked and underpaid, violence, denial of overtime pay, restricted access to justice, denial of a right to establish or join trade union, and unfair termination of employment were widespread across all the surveyed regions.<sup>365</sup>

### Labour Rights Violations Complaints Documented by LHRC

Through her legal aid and human rights monitoring programmes and media survey, LHRC received a total of 2,555 new labour rights violations complaints, of which 460 (18%) were filed by women and 2,095 (82%) by men.<sup>366</sup> They included unfair termination, non-payment of salaries, delayed payment of salaries, non-remittance of social security contributions, and workplace violence.

In one of the incidents that LHRC documented in January 2024, workers employed by a *Yapi Merkezi* to construct the Standard Railway Gauge (SGR) went on strike due to non-payment of their December 2023 salaries.<sup>367</sup> In June, some workers of SGR Lot 2 (444km) went on another strike for the company's failure to remit their social security contributions to the National Social Security Fund (NSSF).<sup>368</sup> In another strike incident, reported in Dar es Salaam in October, bold drivers went on strike for what they called unfair deduction of 25% of their earnings, contrary to the deduction of 15% recommended by the Tanzania Revenue Authority (TRA).<sup>369</sup> In December, there was yet another strike, reported in Geita, where workers at the Geita Gold Mining Limited (GGML) weren't on strike over slashed education allowance agreed under the company's employment contract.<sup>370</sup>

<sup>365</sup> See LHRC (2024), *Human Rights and Business Report 2023/24*, LHRC: Dar es Salaam, at [www.humanrights.or.tz](http://www.humanrights.or.tz).

<sup>366</sup> LHRC LAC Data 2024.

<sup>367</sup> „Wafanyakazi wa SGR, Dar, Tabora, Dodoma na Singida wagoma wakishinikiza kulipwa mshahara” Jamii Forums, 6 Jan 2024, at <https://www.jamiiforums.com/threads/wafanyakazi-wa-sgr-dar-tabora-dodoma-na-singida-wagoma-wakishinikiza-kulipwa-mshahara.2173293/>.

<sup>368</sup> LHRC Human Rights Monitoring 2024.

<sup>369</sup> Ibid.



In July 2024, the DL Group's *Kibena Tea Factory* employees in Njombe went on strike due to the failure of their employer to pay them Tshs. 200 million in salary arrears.<sup>371</sup> In a similar incident, reported in May 2024, some workers Sanitas Hospital in Dar es Salaam lamented non-payment of their 12-month salary arrears. They also accused their employer of failing to remit their social security contributions to the National Social Security Fund (NSSF).<sup>372</sup>

Earlier, in April 2024, reports emerged that more than 180 older persons who had retired from the Tanzania Zambia Railway Authority (TAZARA) in 2004, 2005, and 2006, were yet to be paid their retirement benefits.<sup>373</sup>

### 3.4.3. Other Key Issues and Challenges

Other key issues and challenges that affected effective realisation of the right to work in 2024 included poor working conditions for teachers and health workers; discrimination of persons with disabilities (PWDs) in employment; low awareness of labour laws and rights; limited access to justice for workers; violations of journalists' labour rights; and non-ratification of key International Labour Organization (ILO) conventions.

Shortage of teachers and health workers continued to create a burden for available workers, creating a difficult working environment. Teachers faced additional challenges such as shortage of teacher houses and non-payment of salary arrears. For instance, in November, teachers at Meta Secondary School in Mbeya reportedly went on strike stating<sup>374</sup> non-payment of 3-year salary arrears as the major reason for the strike.

Regarding the ILO Conventions, stakeholders continued to urge the Government to ratify the Domestic Workers Convention, 2011 (No. 189) and the Violence and Harassment Convention, 2019 (No. 190). In July, it was reported that the Government was in the final stages of ratifying the domestic workers convention.<sup>375</sup>

<sup>370</sup> "GGM Workers strike over slashed education allowance" DAILY NEWS Newspaper (online), 5 December 2024, at <https://dailynews.co.tz/ggm-workers-strike-over-slashed-education-allowance/>.

<sup>371</sup> "Wafanyakazi waliogoma kisa mshahara warejea kazini" Nipashe Newspaper, 8 Jul 2024.

<sup>372</sup> LHRC Human Rights Monitoring 2024.

<sup>373</sup> LHRC Human Rights Monitoring 2024.

<sup>374</sup> Ibid.

<sup>375</sup> "Wafanyakazi wa nyumbani mbioni kutambulika rasmi" HABARILEO Newspaper, 7 Jul 2024.





In June 2024, a Judge of the High Court of Tanzania – Iringa Zone, Dr. Eliamani Laltaika, urged the Government to amend workers' compensation law to include workers' compensation for mental injuries.<sup>376</sup> He argued that workers can now suffer mentally in the course of doing their jobs.

Additionally, in 2024, the Labour Laws (Amendments) Bill was introduced, which includes a provision to extend maternity leave for women who give birth to premature babies, raising the leave period from 36 weeks to 40 weeks. The bill also provides seven days of leave for fathers of premature babies.<sup>377</sup> This is a positive and welcome development in safeguarding maternity rights.

#### 3.4.4. Key Recommendations

- i. The Prime Minister's Office Labour, Youth, Employment and Persons with Disability (PMO-LYED) to ensure effective implementation of labour laws and regulations, especially in the business sector, to safeguard labour rights of workers.
- ii. The Prime Minister's Office Labour, Youth, Employment and Persons with Disability (PMO-LYED) and the Ministry of Constitutional and Legal Affairs (MoCLA) to facilitate ratification of the Domestic Workers Convention, 2011 (No.189) and the Violence and Harassment Convention, 2019 (No.190).
- iii. CSOs to collaborate with the Prime Minister's Office Labour, Employment, Youth and Persons with Disability to regularly raise public awareness about labour laws, rights and duties.

### 3.5. Right to Own Property

This is an essential right that has implications for other human rights, including the right to work, right to education and right to adequate housing. In 2024, key right to own property issues and violations in Mainland Tanzania included predatory lending, land conflicts/disputes, non-payment of compensation, and property grabbing. Women were among the major victims of property rights violations, including through denial of inheritance.

#### 3.5.1. Government Action

Measures taken by the Government to facilitate the right to own property in 2024 included issuance of land title deeds, awareness-raising, and dispute resolution. The Government continued with implementation of the Land Tenure Improvement

<sup>376</sup> "Jaji ashauri fidia athari za kiakili kazini" HABARILEO Newspaper, 22 Apr 2024.

<sup>377</sup> Jackline Kuwanda "Maternity Leave for Mothers Giving Birth to Premature Babies Has Been Extended to 40 Weeks in Tanzania" The Chanzo Initiative, 3 Feb 2025, at <https://thechanzo.com/2025/02/03/maternity-leave-for-mothers-giving-birth-to-premature-babies-has-been-extended-to-40-weeks-in-tanzania/#:~:text=The%20Parliament%20of%20the%20United,for%20fathers%20of%20premature%20babies>.



Project (LTIP), which seeks to strengthen the national land administration system and increase tenure security for at least two million land holders, users, and their families. The project also helps to close the gender gap on women's land rights by increasing their access to land and help collect gender disaggregated data. In May 2024, the Ministry of Lands, Housing and Human Settlements Development reported that it had administratively resolved 7,444 land disputes through mobile land clinics and 15,550 disputes through District Land and Housing Tribunals during the period of financial year 2023/24.<sup>378</sup> In December, it was reported that the Ministry of Constitutional and Legal Affairs (MoCla) had also made efforts to resolve land disputes in Morogoro's Kilosa District. This was achieved through the implementation of the Mama Samia legal Aid Campaign.<sup>379</sup>

### 3.5.2. Land Disputes and Property Rights Violations

In 2024, LHRC documented over 20 land disputes, reported in regions such as Mbeya, Singida, Mwanza, Shinyanga, Mara, Iringa, Tanga, Pwani, Arusha, Kagera, and Mtwara, through human rights monitoring and survey. Additionally, LHRC received 2,680 new land-related complaints and disputes through her legal aid programme.

The types of disputes included boundary, compensation for land acquisition, conservation-related disputes. For instance, in Singida LHRC found a dispute between some residents of Kisaki Village and *Kijiji Cha Nyuki Company Limited* in April 2024.<sup>380</sup> In Shinyanga, there was reported a long long-standing dispute between an investor and community members was reported in Shinyanga, involving *El Hilal Mining Ltd.* The cause of the conflict is 10,000 hectares of underutilized, formerly of the *Williamson Diamond Limited* (WDL), which the Government allocated to *El Hilal Mining Ltd.*<sup>381</sup>

In Mbeya, it was reported in March that land disputes and conflicts in Chunya and Mbarali Districts were threatening peace, and most of them were caused by low awareness about land laws; competition over resources, especially land and minerals; and wildlife conservation efforts.<sup>382</sup> In one of disputes, reported in April 2024 in Mbuyuni Village, a dispute between farmers and pastoralists had escalated into a full-scale conflict and resulted into serious injuries.

<sup>378</sup> See MUHTASARI WA HOTUBA YA WAZIRI WA ARDHI, NYUMBA, NA MAENDELEO YA MAKAZI, MHESHIMIWA JERRY W. SILAA (MB.), AKIWASILISHA BUNGENI MAKADIRIO YA MAPATO NA MATUMIZI YA WIZARA KWA MWAKA 2024/25, Dodoma, Mei 2024, at <https://www.lands.go.tz/uploads/speeches/en1716542319-23.05.2024%20MUHTASARI%20WA%20HOTUBA%20YA%20WAR%202024.25.pdf>

<sup>379</sup> See "MSLAC Kutatua Migogoro ya Wakulima na Wafugaji Kilosa" Ministry of Constitutional and Legal Affairs, 18 Dec 2024, at <https://www.sheria.go.tz/news/mslac-kutatua-migogoro-ya-wakulima-na-wafugaji-kilosa>.

<sup>380</sup> LHRC Human Rights and Business Survey 2024.

<sup>381</sup> Ibid.

<sup>382</sup> "Migogoro ya ardhi yahatarisha maisha ya wakazi wa Chunya" Nipashe Newspaper, 19 Mar 2024.





In Pwani, more than 900 residents of Lupunga Village in Pwani's Kibaha District claimed to be victims of land grabbing by an investor and pleaded for President Samia Suluhu Hassan's intervention.<sup>383</sup> There were also claims for the President's intervention by farmers and pastoralists in Mbarali, Mbeya, who had a land dispute with the Tanzania National Parks (TANAPA).<sup>384</sup>

Compensation-related disputes included reported claims of 120 residents of Vibaoni Ward in Tanga's Handeni District against the Tanzania National Roads Agency (TANROADS).<sup>385</sup> A similar dispute was reported in Malinyi District, Morogoro Region, where villagers in Ngombo Village lamented being evicted from their lands and given little compensation.<sup>386</sup> There were also allegations of 1,860 residents of the Kupunguni A area in Dar es Salaam not receiving compensation after their land was acquired to facilitate the expansion of the Julius Nyerere International Airport.<sup>387</sup>

#### Land Disputes Dominating Legal Aid Disputes

In July 2024, it was reported that land disputes, especially around compensation, double allocation of land, and inheritance, dominated the disputes entertained through the Mama Samia Legal Aid Campaign since the initiative was launched in April 2023.<sup>388</sup>

#### Land Disputes Documented by LHRC's Legal Aid Clinics

In 2024, LHRC's legal aid clinics in Dar es Salaam, Arusha, and Dodoma received a total of 2,680 new land rights violations complaints, of which, 857 (32%) were filed by women and 1,823 (68%) by men.<sup>389</sup> Land, family, and labour disputes dominated the legal aid provided to clients in 2024.

### 3.5.3. Predatory Lending and Property Rights Violations

## Seizure of property and financial distress (73%)

Top consequence of predatory lending

As discussed in Chapter One of this report, in 2024 LHRC conducted a survey on predatory lending and its impact on human rights. The survey found that predatory lending is a

<sup>383</sup> "Kaya 900 zamililia Rais mgogoro na mwekezaji" Nipashe Newspaper, 4 Mar 2024.

<sup>384</sup> "Wakulima, wafugaji Mbarali wamuita Samia utatuzi mgogoro" Nipashe Newspaper, 17 May 2024;

"Wakulima, wafugaji Mbuyuni 'wazichapa' kisa malisho" Nipashe Newspaper, 11 Apr 2024.

<sup>385</sup> "Walilia fidia tangu 2014" Mwananchi Newspaper, 24 Mar 2024.

<sup>386</sup> LHRC Human Rights Monitoring 2024.

<sup>387</sup> "Danadana ulipwaji fidia unavyowatesa wakazi Kipunguni" Mwananchi Newspaper, 8 Jan 2024.

<sup>388</sup> "Why land disputes dominate complaints to legal aid team" THE CITIZEN Newspaper, 8 Jul 2024.

<sup>389</sup> LHRC LAC data 2024.



growing problem in the country, with **majority of community members (44%)** feeling that it is a serious problem. High interest rates and excessive fines (68%) were identified as their biggest concern, followed by little time for loan repayment (57%), humiliation or shaming of borrowers (41%), and granting loans to qualified people (39%). In terms of impact on human rights, the survey that top consequences of predatory lending include seizure of property and financial distress (73%), humiliation or shaming of borrowers (59%), mental health problems for borrowers (41%), family instability or distress (39%), and failure to meet basic needs (34%).

## 302 incidents

Property rights violations caused by predatory lending documented by LHRC through survey in 2024

**The right to property was identified as the most affected by predatory lending (59%),** followed by the right to an adequate standard of living (49%), freedom of movement

(41%), right to personal security (40%), and freedom from violence and harassment (29%).

### Testimonies on the impact of predatory lending on property rights

*Most of the borrowers fail to repay their loans on time due to the difficult terms associated with predatory loans and high interest rate that is charged. As a result, they end up losing their property to the lenders and encounter even more life hardships.*

Community Development Officer – Dodoma

*Predatory loans have severe consequences for borrowers, including seizure of one's property. Most of the property that lenders often take from borrowers include home furniture, plots, cars, and even houses.*

Community member – Dodoma





*“There was a woman at our office who took a loan after retiring. She was living a relatively good life, but the lenders took almost everything from her house due to her failure to repay on time.”*  
Community member – Kilimanjaro

Various media reports before and after the survey conducted by LHRC confirmed the magnitude of the predatory lending problem and its impact on human rights. The issue was extensively covered in the media and was also discussed during parliamentary sessions.

In Parliament, Members of Parliament (MPs) urged the government to take immediate action against predatory lenders to protect individuals from humiliation and suffering.<sup>390</sup> During one of the parliamentary sessions, Hon. Saashisha Elinikyo Mafuwe, the MP for Hai Constituency, disclosed that women in his constituency were the main victims of predatory lending. She also disclosed that her office had paid off debts for some of these women to prevent property loss.<sup>391</sup> In May, the Government pledged to probe into the issue and take action against lenders who were providing such loans, contrary to financial laws and regulations.<sup>392</sup> In the same month, the government presented its report on predatory lending to Parliament, outlining ideas for resolving the issue.<sup>393</sup>

Reported consequences included loss of property, including household items; paying up to three times the amount borrowed; hiding from lenders; and financial stress.<sup>394</sup> Others fled their homes because of such loans. Some predatory lenders reportedly sought to ‘confiscate’ the vehicles of their clients, even going so far as to avoid them when the time for repayment approached to increase the interest rate for ‘late payment’.<sup>395</sup>

*“Teachers are among the common victims of predatory lending. They even hand over their ATM cards as security for a loan.”*  
NGO project coordinator – Njombe

<sup>390</sup> “Mikopo kausha damu bungeni” Mwananchi Newspaper, 3 May 2024.

<sup>391</sup> “Mbunge aumizwa wanaokopa mikopo umiza” Nipashe Newspaper, 12 Mar 2024.

<sup>392</sup> “Serikali yaahidi kufuatilia mikopo umiza ya bodaboda” Nipashe Newspaper, 17 May 2024.

<sup>393</sup> “Taarifa mikopo ‘kausha damu’ kutua bungeni” Nipashe Newspaper, 2 May 2024.

<sup>394</sup> “Mikopo ya ‘kausha damu’ pasua kichwa” HABARILEO Newspaper, 8 Apr 2024.

<sup>395</sup> Ibid.



Women and *bodaboda* drivers were reported to be among the main victims of predatory lending, reportedly falling into the 'trap' of predatory lending due to lack of financial literacy.<sup>396</sup> Teachers were another group identified as vulnerable to predatory lending and at risk of losing their property, in regions such as Manyara, Njombe, and Ruvuma.<sup>397</sup> In Njombe, the LHRC survey revealed that some public servants, including teachers, were entrusting their bank cards and PINs to their lenders as collateral. The lenders then utilized these items to access their accounts through ATM machines and collect their payments.

As covered in Chapter One of this report, the Government took several measures to address the problem of predatory lending. In May, the Bank of Tanzania (BoT) warned the public against predatory lenders and urged community members to report them.<sup>398</sup> In August 2024, BoT issued a guidance note for digital lenders falling under Tier 2 Microfinance Service Providers.<sup>399</sup> The note acknowledges that while digital microfinance services have positively impacted financial inclusion and economic development, they have also created challenges such as **'excessive fees and interest rates, abusive debt recovery practices, inadequate identification of service providers, data privacy issues, and harassment through messages and other communication methods demanding payment.'**<sup>400</sup> In November 2024, BoT announced that it had prohibited 69 digital lenders<sup>401</sup> for operating without a license, seeking to protect consumer rights.<sup>402</sup> The Fair Competition Commission (FCC) also issued a warning to the public about not taking loans issued by predatory lenders and exercising caution before entering contract with any lending institution.<sup>403</sup> The commission also advised the public to only seek loans from licensed lenders. There were also reports of arrests of various people implicated in predatory lending,

<sup>396</sup> "Serikali yaahidi kufuatilia mikopo umiza ya bodaboda" Nipashe Newspaper; 17 May 2024;

"Wanawake wafundwa mikopo kausha damu" Nipashe Newspaper, 9 Mar 2024.

<sup>397</sup> LHRC Human Rights Monitoring 2024.

<sup>398</sup> Aurea Simtowe "BoT yatoa angalizo mikopo 'kausha damu'" Mwananchi Newspaper, 15 May 2024, at <https://www.mwananchi.co.tz/mw/habari/kitaifa/bot-yatoa-angalizo-mikopo-kausha-damu--4623338>.

<sup>399</sup> See Bank of Tanzania (BoT), *Guidance Note on Digital Lenders Under Tier 2 Microfinance Service Providers, 2024*, at

<https://www.bot.go.tz/Publications/Acts,%20Regulations,%20Circulars,%20Guidelines/Guidelines/en/2024082813141188.pdf>.

<sup>400</sup> Ibid.

<sup>401</sup> Including BoBa Cash, Bolla Kash-Bolla Kash Financial Credit, BongoPesa-Personal Online Loan, Cash Mkopo, Cash Pesa, Cash poa, Cash mama, CashX, Credit Land, Eaglecash Tz, Fast Mkopo, Flower Loan, and Fun Loan

<sup>402</sup> "BoT bans unlicensed digital lending platforms" Daily News Newspaper (online), 22 Nov 2024, at <https://www.bot.go.tz/Publications/Acts,%20Regulations,%20Circulars,%20Guidelines/Guidelines/en/2024082815215600.pdf>; "Tanzania cracks down on unlicensed digital lenders" The EastAfrican Newspaper, 21 Nov 2024, at <https://www.theeastafrican.co.ke/tea/business-tech/tanzania-cracks-down-on-unlicensed-digital-lenders-4831680>; "BoT yafungia 'taasisi' 69 mikopo kidijiti" HABARILEO Newspaper, 22 Nov 2024, at <https://habarileo.co.tz/bot-yafungia-taasisi-69-mikopo-kidijiti/>.

<sup>403</sup> "...FCC yaonya wananchi wanaokopa kausha damu" Nipashe Newspaper, 12 Mar 2024.





particularly in the Songwe Region. Police collaborated with the Bank of Tanzania (BoT) to arrest six people in May 2024 for issuing predatory loans and operating without a license, contrary to microfinance laws and regulations.<sup>404</sup>

### 3.5.4. Other Issues and Challenges

Other key issues and challenges in relation to property rights that emerged in 2024 included will writing, Maasai land rights in Ngorongoro, and property rights of Tanzanians in diaspora. In January 2024, a High Court Judge at the Iringa Zone of the High Court of Tanzania, Ilvin Mugeta, reminded the public to prepare wills as a measure of safeguarding inheritance rights and reducing or avoid inheritance disputes.<sup>405</sup>

The issue of the Maasai evacuation in Ngorongoro also continued to dominate public discussion in Tanzania and beyond, amid insistence by the government officials that the evacuation exercise was voluntary. In 2023, local observers told LHRC that the operation was causing massive property rights violations and affecting community livelihoods, which were also affected by arbitrary arrests and detentions.<sup>406</sup> In June 2024, it was reported that the European Union Commission had cut funding for Tanzania's wildlife conservation programmes due to concerns over human rights violations allegations, particularly based on the controversial eviction of the Maasai.<sup>407</sup> Consequently, the €18 million previously allocated for both Kenya and Tanzania, were allocated for Kenya only.<sup>408</sup> In December 2024, reports emerged that the President was planning to establish two commissions to probe into the Ngorongoro issue.<sup>409</sup>

Regarding the property rights of Tanzanians in Diaspora, in March 2024 it was revealed that there plans to review land laws to enable the diaspora acquire property. The proposed amendments, among others, sought to give them legitimacy to own property such as land in Tanzania and freedom to pass on or transfer the property.<sup>410</sup>

In November, land rights stakeholders, inkling Prof. Issa Shivji, identified involvement of local communities in management of natural resources and

<sup>404</sup> "6 mbaroni tuhuma kuhusika mikopo kausha damu" Nipashe Newspaper, 6 May 2024; WATUHUMIWA 6 WANAOTOA MIKOPO YA 'KAUSHA DAMU' WAKAMATWA SONGWE" Jamii Forums, 6 May 2024.

<sup>405</sup> "Jaji akumbusha umuhimu wa uandishi wa wosia" HABARILEO Newspaper, 14 Jan 2024.

<sup>406</sup> LHRC Human Rights Monitoring, 2023.

<sup>407</sup> Bob Karashani "Tanzania conservation plan takes another hit as EU withdraws funding" The East African (online), 15 June 2024, at <https://www.theeastafrican.co.ke/tea/news/east-africa/tanzania-conservation-plan-takes-another-hit--4658802>; "European Commission cancels planned conservation funding in Tanzania over Maasai abuses" Survival International, 7 June 2024, at <https://www.survivalinternational.org/news/13943>.

<sup>408</sup> Ibid.

<sup>409</sup> LHRC Human Rights Monitoring 2024.

<sup>410</sup> "Researchers propose ways of resolving disputes related to natural resources" THE CITIZEN Newspaper, 8 Nov 2024.



decision-making as key to disputes relating to land and other natural resources.<sup>411</sup> Indeed, LHRC has observed that lack of meaningful participation and the principle of Free, Prior and Informed Consent (FPIC) are among the key drivers of disputes over natural resources, including land.

### 3.5.5. Key Recommendations

- i.! The Ministry of Lands, Housing and Human Settlements Development to spearhead legal reforms for the introduction of resettlement during the compulsory acquisition of land, as currently the law only provides for compensation and relocation.
- ii.! The Ministry of Finance and the Bank of Tanzania to intensify efforts to raise public awareness of predatory lending and collaborate with other stakeholders to provide financial literacy education.
- iii.! Members of the public report violations of their economic, social, and cultural rights to relevant authorities, including the Ministry of Lands, Housing and Human Settlements Development and the Commission for Human Rights and Good Governance (CHRAGG).

## 3.6. Right to Adequate Standard of Living

States have a duty to take appropriate steps to ensure realization of the right to an adequate standard of living, including the right to adequate food and right to shelter/housing. In 2024, key issues affecting right to adequate standard of living in Mainland Tanzania included food insecurity; access to nutritious food; food affordability; and inadequate housing.

### 3.6.1. Government Action

To promote the right to an adequate standard of living, the Government took several measures, such as implementation of the Tanzania Social Action Fund (TASAF) cash transfers program to address the basic needs of poverty (food, clothing, shelter) among the poor and increasing access to nutritious food through implementation of the Nutrition Sensitive Agriculture Action Plan (NSAAP).<sup>412</sup> To improve access to housing, the Government also continued undertaking the construction of low-cost houses.<sup>413</sup>

<sup>411</sup> "Researchers propose ways of resolving disputes related to natural resources" THE CITIZEN Newspaper, 8 Nov 2024.

<sup>412</sup> HOTUBA YA WAZIRI WA KILIMO, MHESHIMIWA HUSSEIN MOHAMED BASHE (MB), KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI YA FEDHA YA WIZARA YA KILIMO KWA MWAKA 2024/2025, at <https://www.kilimo.go.tz/uploads/speeches/sw1737970946-Hotuba.pdf>.

<sup>413</sup> MUHTASARI WA HOTUBA YA WAZIRI WA ARDHI, NYUMBA, NA MAENDELEO YA MAKAZI, MHESHIMIWA JERRY W. SILAA (MB.), AKIWASILISHA BUNGENI MAKADIRIO YA MAPATO NA MATUMIZI YA WIZARA KWA MWAKA 2024/25 (*supra*).





### 3.6.2. Food security

#### **Food insecurity**

An analysis conducted by Integrated Food Security Phase Classification (IPC) in 21 district councils of Mainland Tanzania, covering the period of November 2023 to April 2024, shows that 900,000 people in the analysed districts were experiencing high levels of acute food insecurity (IPC phase 3 or above).<sup>414</sup> The analysis report suggested improved food security situation for the projected period of May to October 2024, owing to increase of food production, as normal to above normal are expected in many parts of Mainland Tanzania. Climate change continued posing a serious risk to agriculture, food, and nutrition security in the country. It caused impacts such as drought, increased temperatures, affected soil, and ultimately contributed to reduced crop production, including production of food crops.

In August 2024, it was reported that 33 million people across East Africa were struggling with food poverty, 9.24% of them in Tanzania.<sup>415</sup> Earlier, in May, the Minister of Agriculture, Hon. Hussein Bashe, disclosed that while the overall situation of food security improved during the financial year 2023/24, some district councils (19) across the country were experiencing food shortages and required assistance from the National Food Reserve Agency (NFRA).<sup>416</sup>

Rising food prices also affected the right to an adequate standard of living in 2024.<sup>417</sup> In May, the Government announced new measures to curb rising sugar prices,<sup>418</sup> as sugar became a scarce commodity in various parts of the country.<sup>419</sup> Other key challenges that affected enjoyment of the right to an adequate standard of living were power outages and limited access to clean and safe water in some areas.<sup>420</sup>

#### **Budget for the agriculture sector**

Since agriculture is the main employer and the foundation of Tanzania's economy, it is not only necessary for the production of food and the fulfillment of the right to food, but it also provides the majority of Tanzanians with income, which enables them to afford decent housing. However, the budget allocation for this critical sector has been

<sup>414</sup> See IPC, *UNITED REPUBLIC OF TANZANIA (MAINLAND): IPC ACUTE FOOD INSECURITY ANALYSIS, NOVEMBER 2023 - OCTOBER 2024*, 29 December 2023, at [https://www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/IPC\\_Tanzania\\_Acute\\_Food\\_Insecurity\\_Nov2023\\_Oct2024\\_Report.pdf](https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Tanzania_Acute_Food_Insecurity_Nov2023_Oct2024_Report.pdf).

<sup>415</sup> "33 million people in E.Africa struggle with food shortage" THE CITIZEN Newspaper, 15 Aug 2024.

<sup>416</sup> HOTUBA YA WAZIRI WA KILIMO, MHESIMIWA HUSSEIN MOHAMED BASHE (MB), KUHUSU MAKADIPIO YA MAPATO NA MATUMIZI YA FEDHA YA WIZARA YA KILIMO KWA MWAKA 2024/2025, at <https://www.kilimo.go.tz/uploads/speeches/sw1737970946-Hotuba.pdf>.

<sup>417</sup> "Festive season here with us amid galloping food prices" THE CITIZEN Newspaper, 25 Dec 2024.

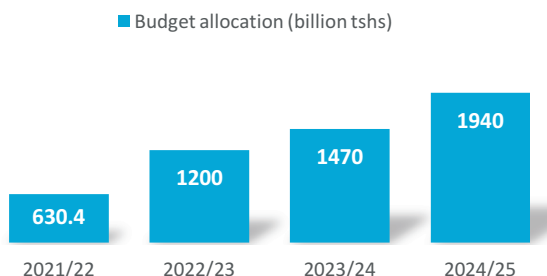
<sup>418</sup> "Government in fresh move to curb sugar price spikes" THE CITIZEN Newspaper, 3 May 2024.

<sup>419</sup> LHRC Human Rights Monitoring 2024.

<sup>420</sup> "Makali ya maisha" Mwanachi Newspaper, 12 Feb 2024; "Government acts over wave of power outages" THE CITIZEN Newspaper, 24 Dec 2024.



insufficient in recent years, consistently falling short of the benchmark established by the 2014 AU Malabo Declaration, which mandates a minimum of 10% of the budget share. For the financial year 2024/25, the budget allocated for the agriculture sector, including Livestock and Fisheries, was Tshs. 1.94% trillion, increasing by 31.8% in comparison with the budget allocated during the previous financial year.<sup>421</sup> However, the budget is equal to only 3.9% of the national budget, hence still short of the 10% Malabo Declaration benchmark despite slightly increasing from 3.3% in the previous financial year.



**Figure 3.8: Budget allocation for the agriculture sector – 2021/22 to 2024/25**

Source: MoF

At times, the agriculture sector is also subject to delayed or partial disbursements, as is the case with other sectors. By April 2024 only about 53% of the 2023/24 approved budget for development to the Ministry of Agriculture, and the Ministry of Livestock and Fisheries had been distributed, suggesting a significant delay or inefficiency in the distribution of funds meant for developmental purposes inside these ministries.<sup>422</sup>

### 3.6.3. Adequate housing

In 2024, access to adequate housing remained a challenge for most people in both urban and rural areas, with poverty being a major factor. This situation has further been complicated by climate change impacts, including floods. In April 2024, it was reported that more than 2,500 households in Muhoro Ward, located in Pwani's Rufiji District, were left affected by floods caused by heavy rains. The floods reportedly left more than 10,000 people homeless.<sup>423</sup>

**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,

<sup>421</sup> Policy Forum, *POST-BUDGET POSITION STATEMENT FOR FINANCIAL YEAR 2024/2025* (supra).

<sup>422</sup> Policy Forum, *POST-BUDGET POSITION STATEMENT FOR FINANCIAL YEAR 2024/2025* (supra).

<sup>423</sup> "Hali tete wilayani Rufiji, mafuriko yakiacha watu 10,000 bila makazi" Nipashe Newspaper, 10 Apr 2024.



in both rural and urban areas. Women, children, and other vulnerable groups are disproportionately affected by lack of adequate housing.

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

#### 3.6.4. Predatory Lending and Adequate Standard of Living

As discussed in Chapter One of this report, in 2024 LHRC conducted a survey on predatory lending and its impact on human rights. Among the top five consequences of predatory loans were **seizure of property and financial distress (73%) and failure to meet basic needs (34%)**, both of which significantly affected ability to realize the right to adequate standard of living. Some community members stated that some victims were unable to properly take care of their families, including children, due to their loan repayment obligations. Community members also identified the right to an adequate standard of living as the second most affected human right by predatory lending (49%), behind the right to property (59%).

#### 3.6.5. Key Recommendations

- i. The Ministry of Lands, Housing, and Settlements Development to intensify efforts to ensure access to adequate housing. Collaborative and multi-sectoral efforts are needed to address adequate housing challenges.
- ii. The Ministry of Finance, to increase budgetary allocation for the agriculture sector to at least 10% of the government budget as committed in the Malabo Declaration.
- iii. CSOs to raise public awareness on food security and adequate housing, as well as key issues and challenges.

### 3.7. Right to Social Security

The right to social security plays an important role in reducing and alleviating poverty, preventing social exclusion, and promoting social inclusion. In 2024, key issues affecting enjoyment of the right to social security included limited access to health insurance and non-remittance of social security contributions.

#### 3.7.1. Government Action

In 2024, government measures to facilitate realisation of the right to social security included provision of social security services through existing social security schemes, including the National Social Security Fund (NSSF) and the National Health Insurance Fund (NHIF); provision of loans to women, youth, and PWDs through funds such as





the Local Government Authority (LGA) revolving fund and Women Development Fund; and implementation of various social protection programmes, including the Tanzania Social Action Fund (TASAF) cash transfers programme. The Government also continued with implementation of the Universal Health Coverage (UHC) law, introduced in 2023.

### 3.7.2. Social Security Coverage

Despite measures to increase access to social security, most Tanzanians remained uncovered by social security schemes in 2024. Only a small part of the population (less than 10%), notably those in the formal sector, is covered by formal social security schemes such as NSSF. This situation is complicated by the fact that even the traditional forms of social protection have weakened. Lack of universal pension for the elderly also continued to affect their enjoyment of the right to social security.

### 3.7.3. Remittance of Social Security Contributions

As discussed in sub-chapter 3.4 above, reports of employers' non-remittance of social security contributions were widespread in 2024, as some of the workers even went on strike over the issue. The enjoyment of the right to social security is jeopardized by this situation.

**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.

### 3.7.4. Other Key Issues and Challenges

#### Complaints about the new pension formula

In 2024, retired workers and other stakeholders continued to lament the new formula for calculating benefits, under which entitled to only 33% of their total savings is paid in lumpsum, while the remaining 67% is paid as monthly pension. The issue was a subject of hot debate in Parliament in April,<sup>424</sup> whereby some Members of Parliament (MPs) expressed that the new pension formula ignored workers' expectations and subjects them to stressful lives, thus adversely affecting their efficiency.<sup>425</sup> The percentage later increased to 35% but still fell short of 50% recommended by some MPs and other stakeholders.<sup>426</sup>

#### Delays and bureaucracy in provision of retirement benefits

As discussed in sub-chapter 3.4 above, there were some reports of delays and bureaucracy in provision of retirement benefits. For instance, it was reported in April that more than 180 older persons who had retired from the Tanzania Zambia

<sup>424</sup> "Kikokotoo moto, Bunge lacharuka" Mwananchi Newspaper, 18 Apr 2024.

<sup>425</sup> "Change 'unfair' pension formula, MPs urge govt" THE CITIZEN Newspaper, 18 Apr 2024.

<sup>426</sup> "Kikotoo bado moto, wabunge waibana Serikali" Mwananchi Newspaper, 5 Apr 2024.







Railway Authority (TAZARA) in 2024, 2005, and 2006, were yet to be paid their retirement benefits.<sup>427</sup>

### Voluntary Social Scheme (VSS)

Tanzania's legal framework provides an option for a supplementary scheme, voluntarily chosen by the member to complement benefits of any mandatory scheme. This scheme enables people to voluntarily save for retirement, working capital, and insure themselves against events such as disability and loss of income. The Social Security (Regulatory Authority) Act allows any person to establish a supplementary scheme whose membership must be voluntary.<sup>428</sup> VSS provides options for self-employed individuals and informal sector workers to join a scheme of their choice and obtain benefits. Self-employed individuals and informal sector workers thus need to be encouraged to establish or join VSS to safeguard against various risks.

### 3.7.5. Key Recommendations

- i. The Prime Minister's Office-Labour, Youth, Employment and Persons with Disability to ensure social security laws are enforced and employers not remitting social security contributions are held accountable.
- ii. The Ministry of Constitutional Affairs to spearhead efforts to enact elderly law that would include a provision on establishing a universal pension scheme, as recommended by the Law Reform Commission of Tanzania (LRCT) in 2017.
- iii. Community members to make efforts to join various formal and informal social security schemes.

### 3.8. Relevant SDGs, TDV 2025, and Agenda 2063 Targets

Tanzania's achievement of these 2030 SDGs, TDV 2025, and Agenda 2063, depends on progress made in realization of economic, social, and cultural rights:

Key SDGs and TDV 2025 Targets relating to Economic, Social, and Cultural Rights	
<b>SDGs</b>	<u>SDG1 NO POVERTY:</u> End Poverty in All Its Forms Everywhere. <u>SDG2 ZERO HUNGER:</u> End Hunger, Achieve Food Security and Improved Nutrition and Promote Sustainable Agriculture.

<sup>427</sup> LHRC Human Rights Monitoring 2024.

<sup>428</sup> Section 31 of the Social Security (Regulatory Authority) Act, CAP 135.



	<p>SDG3 GOOD HEALTH AND WELL-BEING: Ensure Healthy Lives and Promote Well-Being for All At All Ages.</p> <p>SDG4 QUALITY EDUCATION: Ensure Inclusive and Equitable Quality Education and Promote Lifelong Learning Opportunities for All.</p> <p>SDG 5 GENDER EQUALITY: Achieve Gender Equality and Empower All Women and Girls.</p> <p>SDG6 CLEAN WATER AND SANITATION: Ensure Availability and Sustainable Management of Water and Sanitation for All</p> <p>SDG8 DECENT WORK AND ECONOMIC GROWTH: Promote Sustained, Inclusive and Sustainable Economic Growth, Full and Productive Employment and Decent Work for All.</p> <p>SDG11 SUSTAINABLE CITIES AND COMMUNITIES: Make Cities and Human Settlements Inclusive, Safe, Resilient and Sustainable</p>
<b>TDV 2025</b>	<p><u>High Quality Livelihood</u></p> <p><u>A Well Educated and Learning Society</u></p> <p><u>Peace, Stability and Unity</u></p>
<b>Agenda 2063: The Africa We Want</b>	<p>ASPIRATION 1: A prosperous Africa based on inclusive growth and sustainable development</p> <p>ASPIRATION 3: An African of good governance, democracy, respect for human rights, justice and the rule of law</p> <p>ASPIRATION 5: An Africa with a strong cultural identity, common heritage, values, and ethics</p>

### 3.9. Recommendations

#### State actors

- 1 The Ministry of Finance and Planning to progressively increase budgetary allocations for education, water, and health sectors in line with international standards and ensure full and timely disbursement of funds for these sectors.
- 2 The Ministry of Finance and Planning, to increase budgetary allocation for the agriculture sector, which is the leading employer, in order to boost the right to development and right to work.
- 3 The Ministry of Agriculture to progressively increase investment in irrigation farming in order to boost food production and improve accessibility.





- 4 The Prime Minister's Office - Labour, Youth, Employment and Persons with Disability to collaborate with the Ministry of Community Development, Gender, Women and Special Groups to promote self-employment and entrepreneurship to address the problem of youth unemployment.
- 5 The Prime Minister's Office Labour, Youth, Employment and Persons with Disability (PMO-LYED) to ensure effective implementation of the new Wage Order in the private sector.
- 6 The Ministry of Lands, Housing, and Human Settlement Development to develop a joint strategy between the Government and non-state actors to improve security of land tenure in Tanzania.
- 7 The Ministry of Lands, Housing and Human Settlements Development to spearhead legal reforms for the introduction of resettlement during the compulsory acquisition of land, as currently the law only provides for compensation and relocation.
- 8 The Ministry of Education, Science and Technology to address challenges faced by teachers to ensure they work in favourable conditions, as a key measure in improving quality of education and achieving key targets under Sustainable Development Goal (SDG) 4 and the Tanzania Development Vision 2025.
- 9 The Ministry of Education, Science and Technology to address the issue of language of instruction in primary and secondary education.
- 10 The Ministry of Education, Science and Technology to initiate legal reforms to incorporate the re-entry provisions through amendment of the Education Act.
- 11 The Ministry of Education, Science and Technology to collaborate with Ministry of Community Development, Gender, Women and Special Groups to the devise strategies of preventing violence against children perpetrated in school settings, including by teachers.
- 12 The Parliament of the United Republic of Tanzania to ensure that recommendations made in the reports of the Controller and Auditor General (CAG) are implemented by relevant government ministries, institutions, agencies, and local government authorities (LGAs).
- 13 The Ministry of Finance and Planning to increase funding for the water projects, especially for rural areas, in a bid to improve accessibility and quality of water, which is essential to the Government's industrialisation drive.
- 14 The Ministry of Water to ensure its institutions pay water bills on time in order for the water authorities to effectively implement their activities and maintain water infrastructure.
- 15 The Ministry of Water to intensify efforts to address the problem of water leakages, which lead to water loss, and costs water authorities billions of monies.
- 16 Ministry of Education, Science and Technology to improve access to education for children with disabilities by ensuring availability of relevant infrastructure, teachers and learning tools.
- 17 The Commission for Human Rights and Good Governance (CHRAGG) to collaborate with CSOs in promoting and protecting economic, social, and cultural rights.



**Non-state actors**

- 1 CSOs to collaborate with relevant government ministries, including the Ministry of Community Development, Gender, Women and Special Groups and Ministry of Lands, Housing and Human Settlements Development, to promote and protect economic rights, including conducting awareness-raising sessions and campaigns.
- 2 CSOs to collaborate with the Prime Minister's Office Labour, Employment, Youth and People with Disability to regularly raise public awareness about labour laws, rights and duties.
- 3 The private sector, through the Tanzania Private Sector Foundation, to collaborate with the Government to invest in water projects in order to increase access to water services. This could also be done as part of corporate social responsibility.
- 4 CSOs, the media and other stakeholders to collaborate with the Government to promote and protect economic, social, and cultural rights, including through public awareness-raising programmes.
- 5 The media to raise public awareness on economic, social, and cultural rights issues.

**Members of the public**

- 1 Members of the public to seek knowledge and access information about their economic, social, and cultural rights, including right to work, right to own property and popular versions on laws relating to these rights prepared by government and no-government actors.
- 2 Members of the public to report violations of their economic, social, and cultural rights to relevant authorities, including trade unions and the Commission for Human Rights and Good Governance (CHRAGG).
- 3 Parents to strive to understand their duties and responsibilities towards their children under the Law of the Child Act of 2009 (as amended in 2019) and make efforts to ensure children enjoy and realise their rights, including right to education and freedom from violence.
- 4 Members of the public to protect public infrastructure and refrain from the habit of damaging them, especially water infrastructure. They also have a duty to report incidents of damage to the infrastructure.
- 5 Community members to mobilize themselves and help the Government in addressing some of key challenges in the education sector, such as shortage of desks and shortage of toilets/toilet holes.





## Chapter Four

### Collective Rights

## Chapter Four: Collective Rights

Collective rights are the rights that belong to the group of people as opposed to individual rights. **An individual enjoys collective rights as part of a group.** Collective rights include the right to self-determination, the right to clean and safe environment, the right to enjoy and benefit from natural resources, right to peace and right to development. These rights are enshrined in various international human rights instruments.<sup>429</sup>

### Key Takeaways

- Red flags of corruption and serious mismanagement, misuse, and embezzlement of public funds, revealed in the CAG reports, released in March 2024.
- Corruption and mismanagement, misuse, and embezzlement of public funds are key obstacles to realization of the right to development and the right to enjoy and benefit from natural resources.
- Environmental pollution, degradation, and climate change impacts are key threats to enjoyment of the right to healthy and sustainable environment.

### 4.1. Right to Development

An inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural, and political development, in which all human rights and fundamental freedoms can be fully realized. It is both an individual and a collective right. It belongs to all individuals and all peoples. In 2024, key issues affecting the right to development included mismanagement, misuse and embezzlement of public funds; budgetary constraints; and tax avoidance and evasion.

#### 4.1.1. Corruption, Embezzlement, & Accountability

Corruption and other related offences such as embezzlement undermine the right to development and other fundamental human rights. They do this by diverting and wasting public funds that could be used by governments to effectively fulfill their human rights obligations and deliver services, thereby improving the standard of living.<sup>430</sup>

<sup>429</sup> Including the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966; the African Charter on Human and People's Rights (ACHPR) of 1981 and the United Nations Charter of 1945.

<sup>430</sup> See United Nations Office on Drugs and Crime (UNODC), *Impact of corruption on specific human rights*, at <https://www.unodc.org/e4j/en/anti-corruption/module-7/key-issues/impact-of-corruption-on-specific-human-rights.html>.



## CAG Reports

Several GAG reports, covering the financial year 2022/23, which were released in March 2024, revealed red flags of corruption and serious mismanagement, misuse, and embezzlement of public funds. Some of the key reported incidents are summarized below.

### General Report on Local Government Audit for the FY 2022/23

Among other issues raised, the CAG's General Report on Local Government Audit for the Financial Year 2022/23<sup>431</sup> revealed:

- ✎ Procurements worth TZS 4.22 billion conducted in 35 LGAs without inviting competitive quotations.
- ✎ 16 LGAs, opted for single-source and restricted tendering methods for procurement worth TZS 4.87 billion. without reasonable justification.
- ✎ Six MDAs made uncompetitive procurements amounting to TZS 77.67 billion.
- ✎ 13 LGAs procured items worth TZS 1.45 billion that were not delivered at the time of conducting the audit despite payments being made.
- ✎ Procurements of goods worth TZS 2.16 billion were made without contracts.
- ✎ Contractor and consultant responsible for construction of the Dar es Salaam CC Bus Terminal at Mbezi Luis had not been paid their invoices totaling TZS 8.92 billion, resulting in an interest claim of TZS 2.23 billion.
- ✎ 20 LGAs had completed projects valued at TZS 8.04 billion that remained unused and hence not fulfilling intended purposes.
- ✎ In 12 LGAs there are projects at various stages of completion with a cost of TZS 12.92 billion, which have been abandoned for significant periods ranging between two and 21 years.

### Annual General Report on Central Government Audit for the FY 2022/23

Among other things, the Annual General Report on Central Government Audit for the Financial Year 2022/23<sup>432</sup> revealed:

- ✎ Women Development Fund issued loans of TZS 1.13 billion to women groups and individuals without insurance coverage
- ✎ 13 entities made payments of TZS 2.87 billion without demanding EFD receipts from suppliers and service providers.
- ✎ 25 MDAs did not implement their annual procurement plans (AAPs) of TZS 565.49 billion.

<sup>431</sup> United Republic of Tanzania, National Audit Office, *General Report on Local Government Audit for the Financial Year 2022/23*, March 2024, at [https://www.nao.go.tz/uploads/Annual\\_General\\_Report\\_on\\_Audit\\_of\\_Local\\_Government\\_Authorities\\_FY\\_2022-23.pdf](https://www.nao.go.tz/uploads/Annual_General_Report_on_Audit_of_Local_Government_Authorities_FY_2022-23.pdf).

<sup>432</sup> The United Republic of Tanzania, National Audit Office, *Annual General Report on Central Government Audit for the Financial Year 2022/23*, March 2024, at [https://www.nao.go.tz/uploads/Annual\\_General\\_Report\\_on\\_Audit\\_of\\_Central\\_Government\\_FY\\_2022-23.pdf](https://www.nao.go.tz/uploads/Annual_General_Report_on_Audit_of_Central_Government_FY_2022-23.pdf).



- ✎ Four Water Authorities implemented procurements of TZS 537.93 million without having Annual Procurement Plans, and six MDAs made procurements of TZS 1.82 billion out of their Annual Procurement Plans.
- ✎ The Medical Stores Department purchased 10 Diathermy machines from a supplier at TZS 136.7 million, disregarding the lowest bidder who offered a price of TZS 103.2 million, leading to increase of avoidable cost of TZS 33.5 million.

### Annual General Report on Public Authorities Audit for the FY 2022/23

Among other things, the Annual General Report on Public Authorities Audit for the Financial Year 2022/23<sup>433</sup> revealed:

- ✎ Revenue collection outside the GePG system amounting to TZS 21.46 billion for seven public sector entities for the financial year 2022/23.
- ✎ Eight Public Sector Entities (PSEs) overspent TZS 21.14 billion without approval of either Accounting Officer or Board of Directors.
- ✎ Non-adherence to procurement laws by Keko Pharmaceutical Industry for procurement worth USD 4.97 million without a tender board and the tender evaluation team.
- ✎ Tanzania Standard Newspapers outsourced printing services amounting to TZS 1.71 billion without performing procurement process and entering a contract.

### Annual General Report on Audit of Development Projects for the FY 2022/23

Among other things, the Annual General Report on Audit of Development Projects for the Financial Year 2022/23<sup>434</sup> revealed:

- ✎ SEQUIP Program under PO-RALG paid TZS 1,528,253,924 (TZS 1.53 billion) to a local artisan for constructing secondary school buildings in Lindi Municipal Council, Mtama, and Kilwa district Council without formal contracts.
- ✎ NFRA paid TZS 315,812,546 to the contractor for civil works not executed, including walls, frame concrete works, in-situ concrete, reinforcement to drainage structures, excavation and earthwork for soak pits in Songea and Shinyanga project.
- ✎ TANROADS was charged TZS 874,996,553 (28.4%) for late payments to contractors and commitment charges for non-utilization of loan balances.
- ✎ Tanzania National Roads Agency (TANROADS) incurred substantial cost overruns of TZS 130.51 billion on six road projects due to inadequate feasibility studies, design flaws, contract management issues, and delayed payments.

<sup>433</sup> United Republic of Tanzania, National Audit Office, Annual General Report on Public Authorities Audit for the Financial Year 2022/23, March 2024, at [https://www.nao.go.tz/uploads/Annual\\_General\\_Report\\_on\\_Audit\\_of\\_Public\\_Authorities\\_FY\\_2022-23.pdf](https://www.nao.go.tz/uploads/Annual_General_Report_on_Audit_of_Public_Authorities_FY_2022-23.pdf).

<sup>434</sup> The United Republic of Tanzania, National Audit Office, Annual General Report on Audit of the Development Projects for the Financial Year 2022/23, March 2024, at [https://www.nao.go.tz/uploads/Annual\\_General\\_Report\\_on\\_Audit\\_of\\_Development\\_Projects\\_FY\\_2022-23.pdf](https://www.nao.go.tz/uploads/Annual_General_Report_on_Audit_of_Development_Projects_FY_2022-23.pdf).







Analysis of 299 financial statements for 2022/23 by the Controller and Auditor General (CAG) also revealed that development project funds worth Tshs. 6.5 trillion were received, but only Tshs. 4.19 trillion were spent.<sup>435</sup> The unspent funds are equivalent to 35.53% of the total funds received and this could pose a risk of misappropriation, fraud or embezzlement if there are weak internal control systems and supervision.

#### Indicators of corruption, fraud, and embezzlement: WAJIBU Report

In 2024, WAJIBU released its report on indicators of corruption, fraud, and embezzlement in CAG's audit reports for the financial year 2022/23.<sup>436</sup> Criteria used to identify transactions with red flags of corruption, embezzlement and fraudulent in the public sector included: revenue collected but not deposited to the bank; uncollected revenues contrary to the approved budget; payments not supported by EFD receipts; payments made contrary to laws, regulations and guidelines; payments for goods or services not rendered or received; receipt of incorrect goods or services; and revenue collection outside the GePG system (bypassing the official government revenue collection system).

After analysing the CAG reports, WAJIBU found that the red flags of corruption and fraudulent issues in the public sector, namely the Local Government Authorities, Central Government, and Public Authorities amounted to TZS 2.41 trillion, equivalent to 6% of the national budget of TZS 41.48 trillion for 2022/23.<sup>437</sup> The analysis showed a decline on the indicators of corruption and fraudulent issues for three years consecutively, as shown in Table 4.1 below.

**Table 4.1: Status of indicators of corruption, fraud, and embezzlement in Tshs. billion – 2020/21-2022/23**

SOURCE	2020/21	2021/22	2022/23
Central Government	1,781.77	770.91	676.66
Local Government Authorities (LGAs)	1,400.60	297.86	499.96

<sup>435</sup> The United Republic of Tanzania, National Audit Office, Annual General Report on Audit of the Development Projects for the Financial Year 2022/23, March 2024, at [https://www.nao.go.tz/uploads/Annual\\_General\\_Report\\_on\\_Audit\\_of\\_Development\\_Projects\\_FY\\_2022-23.pdf](https://www.nao.go.tz/uploads/Annual_General_Report_on_Audit_of_Development_Projects_FY_2022-23.pdf)

<sup>436</sup> WAJIBU, ACCOUNTABILITY REPORTS, 2022/23: CHAPTER 2: ACCOUNTABILITY REPORT ON THE RED FLAGS OF CORRUPTION AND FRAUDULENT ISSUES IN THE PUBLIC SECTOR 2022/2023, at [https://bluefindigital.co.tz/wajibu/uploads/52595-aaccountability-report-20-dec-2024-\(2\).pdf](https://bluefindigital.co.tz/wajibu/uploads/52595-aaccountability-report-20-dec-2024-(2).pdf).

<sup>437</sup> Ibid.



Public Authorities	1,400.60	2,015.78	1,234.67
<b>Total</b>	<b>4,590.73</b>	<b>3,084.55</b>	<b>2411.29</b>

Source: WAJIBU, 2023 & 2024 Accountability Reports

Overall, the analysis by WAJIBU identified three main issues, which had indicators red flags of corruption and fraudulent issues in the public sector. The issues are weaknesses in the management of public procurement; shortfalls in the management of government revenues; and nugatory expenditures of public funds.

To address these problems, WAJIBU made several recommendations, including:

- ✎ Parliament should consider amending the Prevention and Combatting of Corruption Bureau (PCCB) Act such that the PCCB Annual Operational Performance report presented to the President of the URT concurrently with the CAG's report in March every year be tabled in Parliament and thereafter be made a public document.
- ✎ The government, through Parliament, should enact an Anti-Fraud Act to hold accountable all individuals involved in corruption, embezzlement, and fraudulent acts related to public resources. This legislation will provide a more effective legal framework for addressing and penalizing all corruptive and fraudulent wrongdoers.
- ✎ The PCCB and the Office of the Director of Public Prosecution should amend their principal Acts to establish a mechanism of enforcing Section 27 of the Public Audit Act of 2008 (as amended in 2010). These amendments should include provisions for public disclosure of information regarding corruption, embezzlement, and fraudulent practices reported by the CAG to PCCB and the Office of the Director Public Prosecution.
- ✎ The government to enforce disciplinary measures against all public servants involved in the mismanagement of public resources. Investigative bodies, including the PCCB, the Director of Criminal Investigations and Offenses, and the Office of the Director of Public Prosecution, should ensure that those responsible are held accountable and brought before the law.

### Indicators of corruption, fraud, and embezzlement: PCCB Report

In March 2024, the Prevention and Combating of Corruption Bureau (PCCB) released its annual report, which also showed indicators of corruption, fraud, and embezzlement.<sup>438</sup> Among other things, the report revealed:

- ✎ Failure of the Dar es Salaam City Council to deposit Tshs. 8.9 billion collected through the POS cash collection machine to the bank.

<sup>438</sup> Rosemary Mirondo 'Tanzania anti-corruption body says uncovered 21 major cases' THE CITIZEN Newspaper (online), 28 March 2024, at <https://www.thecitizen.co.tz/tanzania/news/national/tanzania-anti-corruption-body-says-uncovered-21-major-cases-4571780>; LHRC Human Rights Monitoring 2024.



- ✎ Misappropriation of Tshs. 4 billion from collections by entities such as the Tanzania National Parks Authority (TANAPA), the Ngogoro Conservation Area Authority (NCAA), and the Tanzania Tourist Board (TTB).
- ✎ Misappropriation of Tshs. 14 billion by the Dar es Salaam Transportation Agency (UDA).
- ✎ Mismanagement of funds at the Dar es Salaam Rapid Transit Company (UDART), causing the Government the loss of Tshs. 3.29 billion.
- ✎ Procurement irregularities at the Tanzania Ports Authority (TPA) and diversion of Tshs. 1.6 billion at Kigoma Port.

**LHRC's View:** Findings of the CAG and PCCB reports reveal a serious problem of lack of accountability for individuals and government institutions with regards to public funds. This further delays the achievement of human right to development.

**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, to safeguard the right to development. As recommended by stakeholders, the PCCB report should also be made public and anti-fraud law to be enacted. Additionally, LHRC reiterates the need for a new, people-centred constitution to increase accountability and better safeguard human rights, including the right to development.

#### 4.1.2. Political Development

To ensure realization of the right to development States, including Tanzania, are required to take steps to eliminate obstacles to development resulting from failure to observe civil and political rights.<sup>439</sup> As discussed in Chapter Two of this report, the effective enjoyment of civil and political rights was hindered by various factors, including extrajudicial killings, torture, abductions and disappearances, violence, restrictive legal environment, and criminal justice challenges. These issues and challenges therefore affected the realisation of the political aspect of the right to development.

Another challenge is the violation of international obligations, Articles 2, 10, and 13(1) of the African (Banjul) Charter on Human and Peoples' Rights by prohibiting citizens to participate in the democratic process as independent candidate in the electoral process. Despite the African Court ruling to amend the legislation still the issue has not been addressed.

<sup>439</sup> Article 6(3) of the Declaration on the Right to Development.



### 4.1.3. Social and Economic Development

To ensure realization of the right to development, States, including Tanzania, are required to take steps to eliminate obstacles to development resulting from failure to observe economic social and cultural rights.<sup>440</sup> Social development requires effective realisation of key social rights such as right to education, right to health, right to water and right to adequate standard of living.<sup>441</sup> Article 8 (1)(d) of the Constitution of Tanzania requires people to participate in the affairs of their government, however, this right is also denied with the fact that dual citizenship is prohibited. Therefore, the Government is limiting itself in exploring opportunities for increasing remittances from diaspora.

As discussed in Chapter Three of this report, in 2024 the Government continued to take various measures to ensure progressive realization of economic and social rights, including increasing budgetary allocations for key sectors such as education and health. However, effective realization of these key socio-economic rights was hindered by various issues and challenges, including budgetary constraints and shortages of facilities, infrastructure, equipment, and workers. Additionally, other factors that significantly impacted realization of these rights included mismanagement, misuse, and embezzlement of public funds; tax avoidance and evasion; tax haven and incentives; and illicit financial flows. 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.

### 4.1.4. Key Recommendations

- i. The Parliament to amend the Prevention and Combating of Corruption Act (CAP. 329 R.E. 2019) to make its annual report public after being read presented by the President to the National Assembly.
- ii. The Government to hold accountable all public officials implicated in corruption and mismanagement, misuse, and embezzlement of public funds, including taking them to court.
- iii. The Commission for Human Rights and Good Governance (CHRAGG) to use CAG reports to advocate for reforms, demand accountability, and raise public awareness of financial accountability issues.

## 4.2. Right to Enjoy and Benefit from Natural Resources

This right requires people to freely dispose of their wealth and natural resources and have the right to access, use, and gain economic benefits from those resources. In 2024, key issues affecting the right to enjoy and benefit from natural resources in

<sup>440</sup> Article 6(3) of the Declaration on the Right to Development.

<sup>441</sup> See Article 8 (1) of the Declaration on the Right to Development.





Mainland Tanzania included corruption and mismanagement, misuse, and embezzlement of public funds, as revealed in various CAG reports released in March.

#### 4.2.1. Efforts to Safeguard the Right to Enjoy and Benefit from Natural Resources

Efforts to safeguard the right to enjoy and benefit from natural resources in 2024 included revenue collection from key industries such as tourism and mining; employment creation; and implementation of Local content requirements (LCR) policies, which require companies to use domestically manufactured goods or domestically supplied services in order to operate in an economy and encourage local employment and the use of local goods and services.

#### 4.2.2. Key Issues and Challenges

In 2024, key issues and challenges affecting the right to enjoy and benefit from natural resources included corruption and mismanagement, misuse, and embezzlement of public funds generated through natural resources; tax avoidance and evasion; environmental degradation; and climate change impacts. This is because some of the funds come from natural resources, including through the mining and tourism industries. Lack of accountability has largely contributed to hindering effective realisation of this fundamental human right. Tax avoidance and evasion also continued to present a challenge in enjoyment of the right to enjoy and benefit from natural resources by limiting revenue collection.

The Performance Audit Report on the Management of Fisheries Resources in Tanzania, released by the Controller and Auditor General (CAG) in March 2024, also highlighted deficiencies in management of fisheries resources which hinder effective realization of the right to enjoy and benefit from natural resources.<sup>442</sup> Key issues identified in the report include the presence of illegal fishing practices, including use of illegal fishing gear, in water bodies such Lake Victoria and Lake Tanganyika; inadequate licensing and registration; inadequate management of maximum allowable catches; inadequate monitoring and surveillance; insufficient control over the size of fish catches; and not enforcing the closure of the season by the LGA due to fear of losing revenues collected from license fees and fish levy.<sup>443</sup>

The CAG notes that continued use of illegal fishing methods was attributed to inadequate monitoring, control and surveillance campaigns. He also notes that that a total of 20,885 vessels out of 28,615, equivalent to 72.99% of all operating fishing vessels,

<sup>442</sup> See the United Republic of Tanzania, National Audit Office, *Performance Audit Report on the Management of Fisheries Resources in Tanzania*, March 2024, at [https://www.nao.go.tz/uploads/Performance\\_Audit\\_Report\\_on\\_the\\_Management\\_of\\_Fisheries\\_Resources.pdf](https://www.nao.go.tz/uploads/Performance_Audit_Report_on_the_Management_of_Fisheries_Resources.pdf).

<sup>443</sup> Ibid.



are unregistered and that the presence of both unregistered and unlicensed vessels has led to a potential cumulative loss of Tshs. 15,162,640,000, which would have been generated through fisher's registration fee, Tanzania Shipping Agencies Corporation (TASAC) fee and tax revenues by the Tanzania Revenue Authority (TRA).<sup>444</sup> The percentage of unregistered vessels was highest (above 60%) in regions such as Mwanza, Mara, Kigoma, and Pwani,<sup>445</sup>

#### 4.2.3. Key Recommendations

- i. CSOs, including the media, to raise public awareness on collective rights, including the right to development and right to enjoy and benefit from natural resources.
- ii. The Ministry of Minerals and the Tanzania Revenue Authority (TRA) to address tax evasion and avoidance in the extractives sector and ensure companies which evade tax are held accountable.
- iii. The Government to hold accountable all public officials implicated in corruption and mismanagement, misuse, and embezzlement of public funds, including taking them to court.

### 4.3. Right to Healthy and Sustainable Environment

Requires a healthy human habitat, including clean water, air, and soil that are free from toxins or hazards that threaten human health. In 2024, key issues affecting the right to healthy and sustainable environment included environmental pollution and degradation and climate change impacts.

#### 4.3.1. Overview

In Mainland Tanzania, key policy and legal documents that provide for and govern the right to environment are the National Environmental Policy of 1997 and the Environmental Management Act of 2004.<sup>446</sup> The Act also establishes the National Environment Management Council (NEMC),<sup>447</sup> which is the government body responsible for regulation of environment.

#### 4.3.2. Reported Incidents of Environmental Pollution and Degradation

In 2024, LHRC documented 51 incidents of environmental pollution, slightly increasing from 40 in 2023. There were incidents of environmental pollution, including water pollution, land/soil pollution, air pollution, and noise pollution. However, such incidents often represent only a small fraction of those recorded by authorities,

<sup>444</sup> CAG Fisheries Management Audit Report (*supra*).

<sup>445</sup> Ibid.

<sup>446</sup> Section 4 of the Environmental Management Act recognizes the right to clean, safe, and healthy environment, section 5 provides for the right to bring an action on environment, and section 6 provides for the duty to protect the environment.

<sup>447</sup> Section 17 of the Environmental Management Act, 2004.





particularly NEC. The incidents were perpetrated by different actors, including individuals and businesses.

In April 2024, the Minister of State (Union and Environment), Hon. Dr. Selemani Jafo (MP), disclosed that for the financial year 2023/24, NECM received **366 complaints of environmental pollution and degradation**, including noise and vibration, air pollution, land pollution, and water pollution. The complaints are 49 more than those recorded in 2022/23.

#### ***Industrial Pollution: LHRC's Human Rights and Business Survey 2024***

In 2024, LHRC's survey on business and human rights revealed complaints of air pollution, land pollution, water pollution, noise pollution, and odour pollution caused by industries. Complaints about air pollution were aired by community members in over half of the surveyed regions, including Pwani, Mbeya, Mara, Shinyanga, Iringa, Arusha, Tanga, and Mtwara. Land and soil pollution was also reported as a concern in most regions, including Pwani, Shinyanga, Geita, Kilimanjaro, Arusha, Tanga, and Mtwara. Water pollution was mainly identified as a challenge in 9 out of the 15 regions that were surveyed (60%), namely Pwani, Shinyanga, Geita, Mara, Iringa, Kilimanjaro, Arusha, Tanga, and Mtwara. Odour pollution was reported in surveyed regions such as Shinyanga, Dar es Salaam, and Kilimanjaro.

#### **4.3.3. Climate Change and Other Environmental Issues and Challenges**

Tanzania, being one of the countries mostly affected by climate change in the world, has undertaken various measures to address climate change and its impact, including creating legal and policy frameworks. Key legal and policy documents in this regard include the Environmental Management Act of 2004, the National Climate Change Strategy of 2012, and the National Environmental Policy of 2021. The Government has also adopted Guidelines for Integrating Climate Change Adaptation into National Sectoral Policies, Plans and Programmes of Tanzania (2012), ratified the United Nations Framework Convention on Climate Change (UNFCCC), and set budget for climate adaptation and mitigation.

In 2024, climate change impacted livelihoods, environment, and human rights in various ways, including through floods, house and infrastructure destruction, drought, and decreased production. These events affected enjoyment of fundamental human rights such as the right to adequate standard of living, right to health, right to work, right to development, right to clean and safe water, and right to education. Women and other marginalized or special groups such as children and the elderly are disproportionately affected by climate change impacts. Erratic and reduced amounts of rainfall remained a key concern for farmers, resulting into decreased agricultural



production and loss of employment in the agricultural sector – which is the biggest employer.

#### **Climate change and children's rights**

Recognizing the disproportionate impact of climate change on children's rights, in August 2023, the United Nations (UN) adopted the General comment No. 26 (2023) on children's rights and the environment with a special focus on climate change.<sup>448</sup> In the general comment, the Committee on the Rights of the Child emphasizes the urgent need to address the adverse effects of environmental degradation, with a special focus on climate change, on the enjoyment of children's rights; clarifies the obligations of States to address environmental harm and climate change; and confirms that children have a right to a clean, healthy and sustainable environment.

#### **4.3.4. Key Recommendations**

- i. The Ministry of Investment, Industry and Trade to employ a human rights-based approach (HRBA) to investment by ensuring investors, both local and foreign, comply with Tanzanian laws and respect human rights in their operations, including the right to clean and healthy environment.
- ii. The National Environment Management Council to effectively implement environmental and climate change laws and regulations to safeguard the right clean and healthy environment.
- iii. CSOs to collaborate with other government and non-government stakeholders to raise public awareness on environmental protection and climate change.

#### **4.4. Relevant SDGs, TDV 2025, and Agenda 2063 Targets**

Tanzania's achievement of these 2030 SDGs, TDV 2025, and Agenda 2063, depends on progress made in realization of collective rights:

##### **Key SDGs and TDV 2025 Targets relating to Collective Rights**

<b>SDGs</b>	<p><u>SDG1 NO POVERTY</u>: End Poverty in all Its Forms Everywhere.</p> <p><u>SDG2 ZERO HUNGER</u>: End Hunger, Achieve Food Security and Improved Nutrition and Promote Sustainable Agriculture.</p> <p><u>SDG 5 GENDER EQUALITY</u>: Achieve Gender Equality and Empower All Women and Girls</p>
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<sup>448</sup> See CRC/C/GC/26: General comment No. 26 (2023) on children's rights and the environment with a special focus on climate change, at <https://www.ohchr.org/en/documents/general-comments-and-recommendations/crcgc26-general-comment-no-26-2023-childrens-rights>.







	<p><u>SDG12 RESPONSIBLE CONSUMPTION AND PRODUCTION</u>: Ensure Sustainable Consumption and Production Patterns.</p> <p><u>SDG13 CLIMATE ACTION</u>: Take Urgent Action to Combat Climate Change and Its Impacts.</p> <p><u>SDG17 PARTNERSHIPS FOR THE GOALS</u>: Strengthen the Means of Implementation and Revitalize the Global Partnership for Sustainable Development.</p>
<b>TDV 2025</b>	<p>High quality livelihood</p> <p>Peace, stability and unity</p>
<b>Agenda 2063: The Africa We Want.</b>	<p>ASPIRATION 1: A prosperous Africa based on inclusive growth and sustainable development</p> <p>ASPIRATION 3. An Africa of good governance, democracy, respect for human rights, justice and the rule of law</p> <p>ASPIRATION 4. A peaceful and secure Africa</p> <p>ASPIRATION 6: An Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children</p>

## 4.5. Recommendations

### State actors

- 1 The Government, through the Ministry of Constitutional and Legal Affairs, to revive the constitution-making process and adopt a new, people-centred constitution, to better safeguard collective and other human rights.
- 2 The Parliament to amend the Prevention and Combating of Corruption Act to make its annual report public after being read presented by the President to the National Assembly.
- 3 The Government, through Prevention and Combating of Corruption Bureau (PCCB) and other justice institutions, to hold accountable all public officials implicated in corruption and mismanagement, misuse, and embezzlement of public funds, including taking them to court.
- 4 The Ministry of Minerals and the PCCB to address corruption in the mining sector, which is threatening right to development and right to enjoy and benefit from natural resources.
- 5 The Ministry of Natural Resources and Tourism to ensure effective implementation of natural resources laws.



- 6 The Ministry of Constitutional and Legal Affairs and the Ministry of Investment, Industry and Trade to employ a human rights-based approach (HRBA) to investment by ensuring investors, both local and foreign, comply with Tanzanian laws and respect human rights in their operations.
- 7 The Ministry of Minerals to ensure effective implementation of corporate social responsibility (CSR) policy to ensure people in areas with heavy investment, such as mining areas, benefit from their natural resources through improved social services.
- 8 The Ministry of Minerals and the Tanzania Revenue Authority (TRA), to address tax evasion and avoidance in the mining sector and ensure companies which evade tax are held accountable.
- 9 The Parliament of the United Republic of Tanzania to ensure that recommendations made in the reports of the Controller and Auditor General (CAG) are implemented by relevant government ministries, institutions, agencies, and local government authorities (LGAs). Currently, the rate of implementation of CAG recommendations is below 45%.
- 10 The Commission for Human Rights and Good Governance (CHRAGG) to raise public awareness on collective rights, including the right to development and right to benefit from natural resources.

### **Non-state actors**

- 1 CSOs, including the media, to raise public awareness on collective rights, including the right to development, right to benefit from natural resources, and right to clean and healthy environment.
- 2 CSOs to identify gaps in realization of natural resources and engage and advise the government accordingly.
- 3 CSOs to collaborate with the government to ensure companies comply with their corporate social responsibilities. CSOs can also advocate for CSR to be mandatory for other companies, following amendments to the Mining Act of 2010, which have made CSR a legal requirement for companies in the mining sector.

### **Members of the public**

- 1 Community members are encouraged to preserve and protect natural resources, which is their constitutional duty (Article 27(1) of the Constitution of Tanzania).
- 2 Community members are also encouraged to pay their taxes, since these are key in realization of social and economic rights.





## Chapter Five

### Rights of Special Groups

## Chapter Five: Rights of Special Groups

In Tanzania, special groups include women, children, persons with disabilities (PWDs), the elderly, youth, refugees, and persons living with HIV/AIDS. These are the main special groups for purposes of this report. There is even a ministry for most of these groups, such as the Ministry of Community Development, Gender, Women and Special Groups and the Prime Minister's Office-Labour, Youth, Employment and Persons with Disability. This chapter discusses how rights of these groups were impacted, negatively and positively, in 2024, focusing on fundamental human rights and principles such as freedom from violence, non-discrimination, right to health, right to education, access to justice, and gender equality.

### Key Takeaways

- Widespread reports of violence against women and children (VAWC). Women are especially vulnerable to physical violence, especially in domestic settings, as 7 out of 10 victims and survivors of GBV are women. Sexual violence is most common among children, with acts of rape and sodomy dominating.
- Intimate partners, especially husbands, are the major perpetrators of physical violence against women, as incidents of intimate partner violence (IPV) continue to be widely reported.
- Incidents of intimate partner homicide (IPH), also widely reported in 2024.
- Tanzania is yet to adopt a standalone anti-GBV law, as recommended in the UPR sessions and by local stakeholders.
- Sexual violence against female workers in industries, as reports suggest that female workers are often subjected to sexual violence, including unwarranted touching of buttocks and breasts, unwanted sexual advances, and sextortion.
- Increased reported incidents of cyberviolence, with women constituting the majority of victims. Such violence is also a threat to women in politics and elections, used as a tool to stifle their political participation.
- Girls are mostly affected by violence against children (VAC), as 8 out of 10 VAC victims and survivors are girls. Sexual VAC is particularly concerning, as 8 out of 10 rape victims are girls and 8 out of 10 sodomy victims are boys.
- Violence against boys is a growing problem, amid community and stakeholders concern that the boychild has been left behind or forgotten in the fight against VAC.
- Tanzania is yet to amend the Law of Marriage Act, 1971 to abolish child marriage by setting 18 years as the minimum age of marriage as directed by the Court of Appeal in 2019.
- Stigma and discrimination are a top concern for persons with disabilities (PWDs), considered the biggest barrier to enjoyment of their rights.
- Poverty, limited access to quality health services, inadequate legal protection, and violence are among top concerns for the elderly.



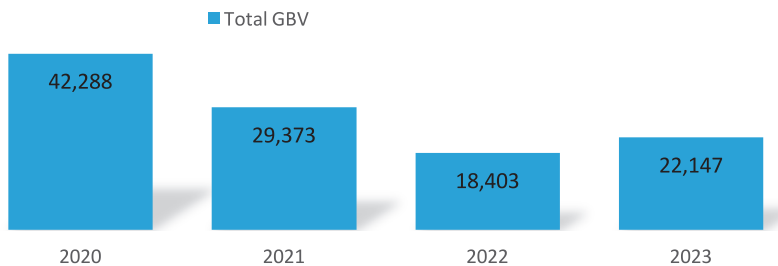
- o Unemployment, underemployment, limited access to quality education, and violence are among key factors affecting youth rights.

## 5.1. Women's Rights

Tanzania has ratified several conventions, at international and regional level, that protect the rights of women and girls, including from violence and discrimination. In 2024, violence and discrimination continued to be key issues affecting women's rights. Other issues included restrictions on political participation and limited access to justice.

### 5.1.1. Gender-Based Violence

Gender-based violence (GBV)<sup>449</sup> remains a key barrier to women's rights and to achieving gender equality in Tanzania. From 2020 to 2023, a total of 112,211 incidents of GBV have been reported across Tanzania, averaging more than 28,052 incidents each year. The trend, however, shows that the incidents peaked in 2020, in which 42,288 incidents were reported, as illustrated in Figure 5.1 below. Further analysis of the 2023 statistics, released in 2024, revealed that women account for over 70% of GBV victims and survivors



**Figure 5.1: #GBV incidents recorded by the police – 2020 to 2023**

Source: Tanzania Police Force

Analysis of GBV incidents recorded by the Tanzania Police Force (TPF) in 2023 reveals that top three regions with most incidents are Dar es Salaam, Arusha, and Tanga. Police regions with the highest frequency of GBV incidents were **Temeke** (4,214),

<sup>449</sup> Defined as harmful acts directed at an individual based on their gender by the NATIONAL PLAN OF ACTION TO END VIOLENCE AGAINST WOMEN AND CHILDREN IN TANZANIA 2017/18 – 2021/22, December 2016, p. vi.



**Arusha** (3,476), **Tanga** (2,368), **Kinondoni** (2,361), and **Ilala** (1,921). The incidents reported in these regions constituted nearly two thirds (65%) of all recorded incidents.

## 5.1.2. Violence against Women

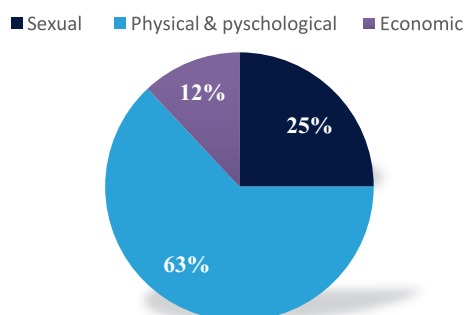
### 5.1.2.1. Overview

As highlighted above, women account for the majority of GBV victims, hence violence against women (VAW) being a dominant form of GBV. Women experience physical, sexual, psychological, and economic violence, but sometimes also experience a combination of such violence, usually physical and sexual violence.

### 5.1.2.2. General Findings

#### VAW incidents documented by LHRC

In 2024, LHRC documented 317 incidents of violence against women (VAW) through human rights monitoring and media survey alone, reported across Mainland Tanzania. These incidents are more than double those documented in 2023 (147), an increase of 116%. Physical and psychological violence constituted 63% of the incidents, increasing from 61% in 2023. Sexual violence also slightly increased from 20% in 2023 to 25% in 2024, while economic violence decreased from 19% in 2023 to 12% in 2024.



**Figure 5.2: Incidents of VAW documented by LHRC in 2024 by form**

#### Police Crime Statistics

Incidents documented by LHRC constitute a small fraction of those documented by the police. As highlighted above, over 20,000 GBV incidents are reported each year and women account for over two thirds of the victims and survivors.

**7 out of 10**  
victims/survivors of GBV in  
Tanzania are women



## Community Perceptions on VAW

The general feeling among community members is that VAW is still a big challenge in the community. Most community members are particularly concerned about domestic violence, which is mostly driven by poverty, cultural beliefs and attitudes. Interviewed community members and key informants alike recognized the role of traditional norms in contributing to social acceptance of VAW. Most community members also expressed belief that VAW is underreported, citing fear of reporting among women due to factors such as conviction and imprisonment of their partners, social stigma, and household poverty.

*Many women in the community are reluctant to report their abusive partners because they fear that they will be prosecuted and imprisoned. They feel that they cannot afford to allow their sole breadwinners to be jailed.*

Community member - Mara

*At first, I was scared and embarrassed to report my abusive partner. When I ultimately took action and sought assistance from the legal authorities, some of my fellow community members perceived it as an act of disrespect towards my husband.*

Community member - Simiyu

LHRC's human rights survey also found that some community members are less comfortable seeking help from the Police Gender and Children Desks. For instance, an NGO official in Njombe expressed that most people would rather report incidents at the social welfare office than the police desks.<sup>450</sup> Another NGO official told the survey team that in rural areas, most people report GBV incidents to village and hamlet chairpersons, who often lack the capacity to handle such disputes.<sup>451</sup>

### 5.1.2.3. Physical & Psychological Violence

#### Overview

As highlighted above, physical and psychological violence constituted 63% of the incidents documented by LHRC in 2024, increasing from 61% in 2023. **Current husbands/intimate partners have been mentioned the most as the perpetrators**

<sup>450</sup> Interview with PADECO official in Njombe.

<sup>451</sup> Interview with WILDAF official in Njombe.



of physical VAW (64.4%), followed by former husbands/intimate partners (36.45).<sup>452</sup> Other perpetrators include former boyfriend, father/stepfather, daughter/son, other relative, mother-in-law, father-in-law, and employer/someone at work.

### Reported Incidents of Physical & Psychological VAW

In 2024, LHRC documented 199 incidents of physical and psychological VAW through human rights monitoring and media survey. These constituted 63% of the incidents, increasing from 61% in 2023. The majority of these incidents involved intimate partners as perpetrators. LHRC documented an additional 113 incidents reported in 12 out of 20 regions that were visited, bringing the overall total to 232.

### Intimate Partner Violence (IPV)

Official statistics show that currently, **two in five ever-partnered women in Tanzania have experienced IPV**, and a third (33%) have experienced such violence in the last 12 months.<sup>453</sup> Majority of IPV incidents were said to be physical violence, followed by emotional violence, then sexual violence.<sup>454</sup> 41% of women who have experienced IPV have experienced injuries, mostly cuts, bruises or aches (40%).<sup>455</sup>

#### Top 5 regions for IPV

1. Mara (66%)
2. Dodoma (54%)
3. Kagera (53%)
4. Iringa (50%)
5. Njombe & Tabora (48%)

According to official statistics

Official government statistics also show that IPV is mostly prevalent in the Lake (48.6%), Central

(48%), Western (42.1%), and Southern Highlands (41.9%) Zones.

Incidents of IPV continued to be widely reported in 2024 across Mainland Tanzania. 70% of incidents of physical and psychological VAW documented by LHRC through human rights monitoring and media survey were IPV. Women suffered harm at the hands of their partners in various ways, including being stabbed, burned, strangled, mutilated, and punched. In one incident, a woman in Bagamoyo was attacked and stabbed by her husband for refusing to have sex with him after returning home drunk.<sup>456</sup> In another incident, reported in Mbeya, a 45-year-old woman, Honga Shinja,

<sup>452</sup> Ministry of Health (MoH) [Tanzania Mainland], Ministry of Health (MoH) [Zanzibar], National Bureau of Statistics (NBS), Office of the Chief Government Statistician (OCGS), and ICF. 2022. *Tanzania Demographic and Health Survey and Malaria Indicator Survey 2022 Final Report*. Dodoma, Tanzania, and Rockville, Maryland, USA: MoH, NBS, OCGS, and ICF.

<sup>453</sup> Tanzania Demographic and Health Survey and Malaria Indicator Survey 2022 Summary Report (*supra*).

<sup>454</sup> Ibid.

<sup>455</sup> Tanzania Demographic and Health Survey and Malaria Indicator Survey 2022 Final Report (*supra*).

<sup>456</sup> LHRC Human Rights Survey 2024: Pwani.







suffered severe injuries and a broken arm after receiving a brutal beating from her husband and in-laws in Chunya District.<sup>457</sup> In Geita, a 26-year-old woman, Rehema Paul, resident of Bukombe District, suffered a brutal attack by her lover, who cut-off both of her arms.<sup>458</sup>

Some pregnant women were also not spared from violence by their intimate partners. In one incident, reported in Kibaha District, Pwani Region, a man was accused of brutally beating his 25-year-old wife for asking him to escort her to a clinic.<sup>459</sup>

One of the major consequences of IPV was **intimate partner homicide (IPH)**. As reported in Chapter Two of this report, LHRC documented 41 incidents of IPV reported within the period of January to December 2024 and women accounted for 88% of the victims. were reported in 17 regions of Mainland Tanzania, namely Mbeya, Njombe, Kilimanjaro, Morogoro, Pwani, Mwanza, Mara, Tabora, Dar es Salaam, Kigoma, Songwe, Morogoro, Shinyanga, Tanga, Arusha, Rukwa, and Kagera, averaging 2 incidents per region. **Reasons for committing IPH**, rooted in patriarchy and harmful social norms, included jealousy (over half of the incidents), returning home late, marital property dispute, refusing sex, parenting, marital dispute, rejecting an ex-partner, forgetting to feed domestic animals, and need to marry another. Some of these reasons were also mentioned by community members reached by LHRC in 2024. For instance, one of them had to this to say:

“One of the main causes of physical violence against women in Zinga Ward is women denying their husband sexual intercourse. Sometimes the woman is too tired, but the husband still desires the act, resulting into a quarrel.

SWO - Pwani

### Other Reported Incidents of Physical and Psychological VAW

LHRC also documented incidents of physical and psychological VAW not perpetrated by intimate partners (30%). This included violence experienced at workplaces and

<sup>457</sup> LHRC Human Rights Monitoring 2024.

<sup>458</sup> Ibid.

<sup>459</sup> LHRC Human Rights Survey 2024: Pwani.



health facilities by coworkers, supervisors, and health workers. There were also reports of attacks and killing of women for their body parts. In one of the documented incidents, reported in Shinyanga Region, police arrested a man for beating and gouging out both eyes of his ex-wife.<sup>460</sup> In another incident, reported in Tabora Municipality in December 2024, a man attacked and stabbed his mother-in-law to death following a family dispute.<sup>461</sup>

LHRC's survey on business and human rights, conducted in April 2024, revealed that threats, intimidation and bullying (52%) and physical violence (10%) were among the common acts of workplace violence.

### Psychological VAW

Common incidents of psychological VAW documented by LHRC in 2024 included **verbal abuse, humiliation, neglect, and abandonment**. Child neglect cases were reported as an issue of concern across Mainland Tanzania, including in coastal regions such as Pwani, Tanga, and Mtwara. Among the 63 incidents documented by LHRC was an incident of a mother in Dodoma, whose husband abandoned her after giving birth to triplets.<sup>462</sup>

*The common form of violence against women in Zinga Ward is child neglect and abandonment. It is normal for a man to abandon their family and move in with other women.*  
WEO – Zinga, Pwani

#### 5.1.2.4. Sexual Violence

##### Overview

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.<sup>463</sup> Women falling in the age category of 40 – 49 years and divorced/separated/widowed women are more likely to experience sexual violence.

<sup>460</sup> Ibid.

<sup>461</sup> "Mama mkwe adaiwa kuuawa" Mwananchi Newspaper, 11 Dec 2024.

<sup>462</sup> LHRC Human Rights Monitoring 2024.

<sup>463</sup> Tanzania Demographic and Health Survey and Malaria Indicator Survey 2022 Final Report (*supra*).



## Reported Incidents of Sexual Violence

As highlighted above, sexual violence constituted a quarter (25%) of VAW incidents documented by LHRC through human rights monitoring and media survey in 2024, slightly increasing from 20% in 2023. Reported incidents of sexual VAW included rape, attempted rape, sexual harassment, sextortion, sodomy, and gangrape. One of the incidents which shocked the nation was a gangrape of a young woman in Dar es Salaam, reported in August 2024.<sup>464</sup> Five people, believed to be security officers, recorded themselves raping and sodomizing the young woman and were arrested after the video circulated on social media. The video was strongly condemned by various stakeholders, including LHRC, who also demanded legal action. The perpetrators were later arrested and sentenced to life imprisonment in September 2024.

**Marital rape and sodomy** also continued to be a challenge for some married women. In March, it was reported that a 42-year-old man in Iringa had been found guilty of sodomizing his wife and sentenced to 30 years in prison.<sup>465</sup> There were also complaints of sextortion of female university students at their field placements, young women seeking employment, female workers, and female journalists.<sup>466</sup>

### ***Sexual violence against female workers in industries***

LHRC's survey on business and human rights, conducted in April 2024, revealed that sexual violence was one of the common forms of VAW at industrial workplaces. Female workers are often subjected to sexual violence, including unwarranted touching of buttocks and breasts, unwanted sexual advances, and sextortion. In some of the surveyed regions, male human resources officers or managers were accused of demanding sexual favours from female casual and other workers in exchange for job security. In the hospitality sector, hotel and bar owners in some of the regions were accused of forcing their female workers to sleep with customers (sex trafficking).

## Predatory lending and sexual violence against women

As discussed in Chapter One of this report, in 2024 LHRC conducted a survey on predatory lending and its impact on human rights. Some of the women in Dar es Salaam and several other regions, reportedly succumbed to sextortion to repay their loans.

<sup>464</sup> "Kelele za haki binti aliyebakwa" Mwananchi Newspaper, 6 Aug 2024.

<sup>465</sup> LHRC Human Rights Monitoring 2024.

<sup>466</sup> LHRC Human Rights Monitoring 2024.



“Some of us (women) have found ourselves sleeping with bodaboda drivers in exchange for money so that we can repay these predatory loans.

Community member – Chamazi,  
Dar es Salaam

“Predatory loans have severe consequences, especially for women. This is because some of them resort to sleeping with men for money so that they can repay their loans.

WEO – Dodoma

#### 5.1.2.5. Economic Violence

##### Overview

Economic violence refers to a form of violence that involves denial of certain opportunities, including controlling a woman or man's access to resources for generating income, discrimination in employment, denial of inheritance and discrimination in accessing economic and educational opportunities. It includes making or attempting to make a person financially dependent by maintaining total control over financial resources, withholding access to money, and/or forbidding attendance at school or employment.<sup>467</sup>

##### Reported Incidents of Economic VAW

In 2024, LHRC documented 38 incidents of economic VAW through human rights monitoring and media survey, increasing from 28 in 2023. The incidents included denial of inheritance and property rights and denial of opportunities. In one incident, reported in Shinyanga in May 2024, some of the women entrepreneurs in Mwamala Ward complained about their husbands forcibly taking their money obtained through the 10% loans offered by the Shinyanga District Council. It was reported that the husbands felt their wives did not have to engage in any business venture while the husbands were still around and able to work.<sup>468</sup>

##### Predatory Lending and Economic VAW

The problem of predatory lending, investigated by LHRC in 2024, also revealed economic impact of such lending practices on women's rights. As discussed in

<sup>467</sup> See UNWOMEN “Frequently asked questions: Types of violence against women and girls” at <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/types-of-violence>, accessed 20<sup>th</sup> December 2020.

<sup>468</sup> “Waume wadaiwa kushushia vipigo wenza, kuwapora mikopo” Nipashe Newspaper, 6 May 2024.





Chapters One and Three of this report, some women lost their properties due predatory loans that they failed to repay, while others even had to abandon their homes, something that affected their ability to earn a living.

### 5.1.2.6. **Cyberviolence**

#### **Overview**

While both women and men can be victims of cyber violence, evidence shows that women and girls are more likely to be targeted by cyber violence, resulting into physical, sexual, psychological, or economic harm and suffering.<sup>469</sup> Cyber violence against women and girls (CVAWG) occurs across different cyberspaces, including social media platforms, whereby a vast array of information and communications technology (ICT) tools may be used to stalk, harass, survey, and control victims, including smartphones, computers, cameras, and other recording equipment.<sup>470</sup> Because it does not always lead to physical harm, this type of violence is **usually regarded as insignificant and less harmful to its victims**, but it has just as devastating consequences, sometimes acting as precursor to physical violence, and contributing to mental health issues such as depression and anxiety disorders. This type of violence also often results into abandonment of digital spaces, which contributes to digital divide.<sup>471</sup>

#### **Reported Incidents of Cyberviolence against Women**

Police crime statistics released in 2024 showed that there were 475 incidents of cyberviolence that were recorded by the police in 2023, which were 112 more than those recorded in 2022. In 2024, LHRC documented 21 incidents of cyberviolence, all of them against women, including women in elections.

### 5.1.2.7. **Violence against Women in Politics**

#### **Overview**

VAWP refers to any act, or threat, of physical, sexual, or psychological violence that prevents women from exercising and realizing their political rights and a range of human rights.<sup>472</sup> It includes violence against women in elections (VAWE) and victims

<sup>469</sup> See EIGE, *Cyber Violence against Women and Girls: Key Terms and Concepts*, at [https://eige.europa.eu/sites/default/files/cyber\\_violence\\_against\\_women\\_and\\_girls\\_key\\_terms\\_and\\_concepts.pdf](https://eige.europa.eu/sites/default/files/cyber_violence_against_women_and_girls_key_terms_and_concepts.pdf).

<sup>470</sup> Ibid.

<sup>471</sup> EIGE, *Cyber Violence against Women and Girls* (*supra*).

<sup>472</sup> See UN WOMEN, PREVENTING VIOLENCE AGAINST WOMEN IN POLITICS: GUIDANCE NOTES, July 2021, at <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2021/Guidance-note-Preventing-violence-against-women-in-politics-en.pdf>.



or survivors may include political office holders, women candidates and aspirants, political supporters, voters, election workers and observers, public officials, and civil servants.

### Reported Incidents of VAWP

Incidents of VAWP in Tanzania have especially been reported during election periods, including in the 2015 and 2020 General Elections. In 2022, LHRC's survey found VAWP to be a serious problem within and outside political parties. Interviewed women in politics highlighted various acts of sexual, physical, and psychological violence that they suffer when engaged in political life, with sexual violence being the most common type of VAWP.<sup>473</sup>

In 2024, LHRC was interested in observing VAWP or VAWE in the Local Government Elections (LGE) 2024. The outcome was documentation of 13 incidents, which included verbal abuse, character assassination, disinformation, coercive voting, and sextortion.

#### 5.1.3. Measures to Eliminate Violence against Women and Children

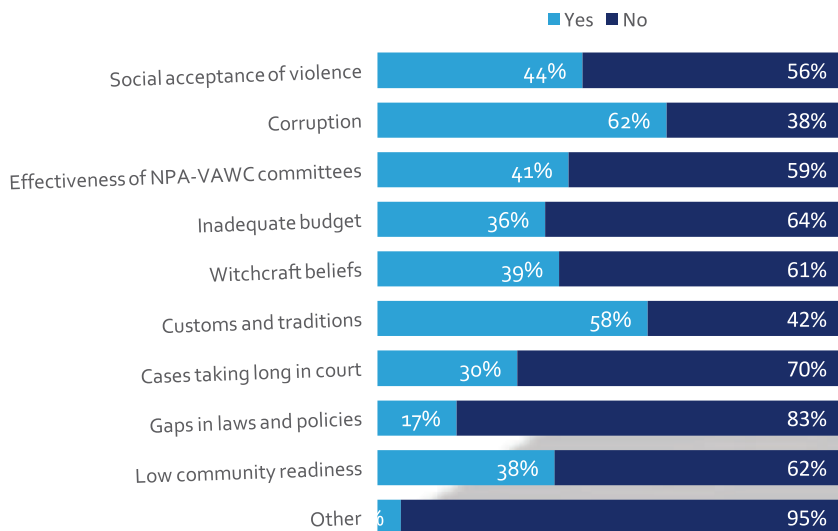
In 2024, various stakeholders, both government and non-government, continued to play their role in preventing and combating violence against women and children (VAWC), including through conducting campaigns and awareness-raising programmes. Government efforts in this regard were led by the Ministry of Community Development, Gender, Women and Special Groups, whose Deputy Minister disclosed in June 2024 that the Government was in the process of preparing an anti-GBV bill.<sup>474</sup> Other key stakeholders who played a role in eliminating VAWC included the police gender and children desks, social welfare officers (SWOs), prosecutors, and judicial officers.

Despite the various measures being taken to address VAWC, several challenges persist, as revealed by community members and stakeholders. Community members identified corruption (62%), customs and traditions (58%), social acceptance of violence (44%), and effectiveness of NPA-VAWC committees as top challenges. Inadequate budget for implementation of the National Plan of Action to End Violence Against Women and Children (NPA-VAWC) also remains a key barrier to addressing violence against these two groups.

<sup>473</sup> See LHRC & ZAFAYCO (2023). Tanzania Human Rights Report 2022. LHRC: Dar es Salaam, at <https://humanrights.or.tz/en/post/resources-center/TZHumanRightsReport2022>.

<sup>474</sup> "Serikali yajipanga kuja na Sheria ya Ukatili wa Kijinsia" Nipashe Newspaper, 12 Jun 2024.





**Figure 5.3: %Community responses on key challenges in combating VAWC**<sup>475</sup>

Source: Field data, 2024

*A woman was hospitalized after her spouse subjected her to severe abuse. She opted to return to her marriage after her recovery, and she continues to endure domestic violence from her spouse.*

SWO – Makambako, Njombe

Customs and traditions included the cultures of silence and ‘concealing family shame’. Other challenges that were mentioned included lack of or shortage of safe houses, shortage of SWOs, remoteness of some areas, fear of providing testimony, fear of reprisal, and poverty.

#### **ISALE Leaf Barrier in Kilimanjaro: A Testimony**

“ISALE is a leaf that serves a variety of functions in the Chagga culture. The utilization of this leaf in the context of dispute resolution is a significant impediment to the combating of violence against women and children in the community. For instance, the victim's family may neglect to pursue justice and offer appropriate

<sup>475</sup> N = 2,037.



assistance to the victim in the event that a child is raped by her uncle. Instead, they may sit down with the perpetrator or his family and require the perpetrator to hold a leaf and pledge never to commit the offence again. This practice has fostered a culture of impunity among the perpetrators of violence, who are aware that they will not be held accountable for their actions beyond being instructed to swear on the leaf. Consequently, the offenders frequently persist in committing offences. The ISALE leaf culture has therefore contributed to the perpetuation of domestic violence and rape against women and girls in the community.”

**LHRC's View:** It is high time for Tanzania to enact anti-GBV law. Several countries across the world already have such law in place. For instance, Bulgaria has the Law on Protection Against Domestic Violence (2005), South Africa enacted the Domestic Violence Act (1998), Malaysia has the Domestic Violence Act (1994), India has in place the Protection of Women from Domestic Violence Act (2005), Sierra Leone enacted the Domestic Violence Act (2007), and Namibia has the Combating of Domestic Violence Act (2003).<sup>476</sup> In East Africa, Uganda has the Domestic Violence Act of 2010, Kenya has the Protection against Domestic Violence Act of 2015, while Rwanda has Law on Prevention and Punishment of Gender-Based Violence Law 59 of 2008.

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

#### **Hope for the new NPA-VAWC**

In May 2024, Tanzania adopted and launched the new National Plan of Action to End Violence Against Women and Children (NPA-VAWC II), covering the period of 2024/25 – 2028/29, which builds on previous NPA-VAWC 2017/18 – 2021/22 and introduces improved tactics to reduce violence. LHRC is hopeful that there shall be significant improvements in the implementation of this plan, made possible by allocation of an adequate budget. Lessons should be drawn from the findings of the recent audit report on the NPA-VAWC 2017/18 – 2021/22, which highlights various challenges in eliminating violence.<sup>477</sup>

<sup>476</sup> See UN Women, Definition of domestic violence, 11 December 2010, at <https://www.endvawnow.org/en/articles/398-definition-of-domestic-violence.html>.

<sup>477</sup> United Republic of Tanzania, National Audit Office, Performance Audit Report on the Management of Measures for Eliminating Violence Against Women and Children in Tanzania, Controller and Auditor General, March 2023, at [https://www.nao.go.tz/uploads/Performance\\_Audit\\_Report\\_on\\_Measures\\_for\\_Eliminating\\_Violence\\_against\\_women\\_and\\_Children\\_in\\_Tanzania.pdf](https://www.nao.go.tz/uploads/Performance_Audit_Report_on_Measures_for_Eliminating_Violence_against_women_and_Children_in_Tanzania.pdf).







#### 5.1.4. Women's Political Participation

Since the Beijing Conference in 1995, Tanzania has taken various measures to increase women's political participation, including making necessary legal and policy reforms and taking affirmative action measures, such as introducing special seats for women in leadership positions. However, stakeholders perceive the progress to be slow as various challenges continue to limit women's participation in politics and governance. Such challenges include discriminatory customs and traditions, socio-economic hurdles, gaps in laws and policies, corruption, violence against women in politics (VAWP), inadequate support from political parties, inadequate representation in party decision-making structures, and gender gaps in political party instruments.<sup>478</sup> Overall, few women hold leadership positions, including in political party decision-making structures.<sup>479</sup> For instance, women currently make up only 10.5% of party chairpersons and only 10.5% of party secretary generals of 19 registered political parties.<sup>480</sup>

##### ***New electoral laws bringing new hope for women's political participation***

In February 2024, the Government enacted new electoral laws, which, among others, seek to address VAWP. For instance, the Presidential, Parliamentary and Councilors' Elections Act no. 1 of 2024,<sup>481</sup> contains a provision that criminalizes VAWP as an electoral offence.<sup>482</sup> The Political Parties Act was also amended to require political parties to adopt gender and social inclusion policy,<sup>483</sup> which has been one of the key recommendations made by LHRC and the 2023 the Presidential Taskforce on Multiparty Democracy.

##### ***Women's participation in the LGE 2024***

LHRC generally observed that women's participation in the LGE 2024 was good, especially during campaign and nomination periods. However, their meaningful participation was hindered by reported unfair disqualifications (particularly for women in opposition parties) and electoral/political violence. Only a few women also emerged as winners, as men continued to dominate most leadership positions.

<sup>478</sup> See LHRC's previous human rights reports, particularly the 2022 and 2023 editions; 'Empowering Women in Tanzania: Addressing The Barriers to Political Participation' FEMNET, 29 Aug 2024, at <https://www.femnet.org/2024/08/empowering-women-in-tanzania-addressing-the-barriers-to-political-participation/>.

<sup>479</sup> See Victoria Lihuru 'Tanzania's political parties have few women in leadership and candidate lists: some solutions' The Conversation, 13 May 2024, at <https://theconversation.com/tanzanias-political-parties-have-few-women-in-leadership-and-candidate-lists-some-solutions-228199>.

<sup>480</sup> Ibid.

<sup>481</sup> See Parliamentary and Councillors' Elections Act, Act no. 1 of 2024 at <https://oagmis.oag.go.tz/storage/index-attachments/parliamentary-acts/IUhMaVSB2RXIaz4hvVcH3DbeJSmBonfNaqhLltr.pdf>.

<sup>482</sup> Section 135 of Parliamentary and Councillors' Elections Act, Act no. 1 of 2024.

<sup>483</sup> See Section 14 of the Political Parties Affairs Laws (Amendment) Act, 2024.



### 5.1.5. Women's Safety and Security

In 2024, women's right to safety and security continued to be mainly jeopardized by various factors, including intimate partner violence (IPV), sexual violence, and being attacked over witchcraft suspicion and property, which are discussed in various parts of this report.

**LHRC's View:** Attacks of women for different purposes, including sexual violence and witchcraft purposes, constitutes violation of their right to personal security and affects effective enjoyment of their other human rights, including freedom of movement, right to work, and right to adequate standard of living.

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

### 5.1.6. Women's Access to Justice

Women in Tanzania have limited access to justice due to various barriers, including corruption, costs of legal representation, low awareness of laws and rights, lengthy court proceedings, court proximity, and limited access to legal aid. LHRC observed that these barriers persisted in 2024.

### 5.1.7. Women's Economic Empowerment

Economically empowering women is essential in the fight against GBV as a key preventive measure and escape route.<sup>484</sup> Economic empowerment can afford women the financial independence to leave abusive relationships or prevent GBV.<sup>485</sup> According to UN Women, investing in women's economic empowerment sets a direct path towards gender equality, poverty eradication and inclusive economic growth.<sup>486</sup>

Tanzania has in put in place various economic empowerment initiatives for women. Key among these initiatives are the 10% interest free loans issued by councils to women (4%), youth (4%) and persons with disabilities (2%)<sup>487</sup> and the Women

<sup>484</sup> See UN Women "Take Five: "Economic empowerment of women is one of the key steps in prevention of gender-based violence in rural areas"" 3 August 2021 at

<https://eca.unwomen.org/en/news/stories/2021/07/take-five-economic-empowerment-of-women>.

<sup>485</sup> International Center for Research on Women (ICRW), PREVENTING AND RESPONDING TO GENDER-BASED VIOLENCE, A CRITICAL COMPONENT OF ECONOMIC DEVELOPMENT AND WOMEN'S ECONOMIC EMPOWERMENT, 2020, at <https://www.icrw.org/publications/preventing-and-responding-to-gender-based-violence-a-critical-component-of-economic-development-and-womens-economic-empowerment/>.

<sup>486</sup> See UN Women "Economic empowerment" at <https://www.unwomen.org/en/what-we-do/economic-empowerment>.

<sup>487</sup> See Section 37A of The Local Government Finance Act, CAP 290 [R.E 2019].





Development Fund (WDF), which issues loans to women. In 2023, the Government announced its decision to seize granting of 10% loans until further notice following several issues and challenges identified by the Controller and Auditor General (CAG). The issues included non-payment and recovery of loans, failure of LGAs to set aside funds for the revolving fund, provision of loans to unqualified groups, disregard of procedure in provision of loans, and inadequate capacity of Community Development Officers (CDOs) to manage loans.<sup>488</sup> In April 2024, it was reported that the Government had decided to re-introduce the 10% loans, starting July 2024, with new conditions<sup>489</sup> while also continuing to offer loans through the WDF.

### 5.1.8. Maternal Health

Tanzania has made considerable progress in safeguarding women's maternal health rights. In May 2024, the Minister of Health, Hon. Umy Mwalimu, revealed that maternal mortality ratio (MRR) had declined by 80%, from 556 in 2021/16 to 104 in 2024,<sup>490</sup> a crucial step towards achieving the SDG target of 70 deaths per 100,000 live births by 2030. Despite this progress, several challenges persisted in 2024. LHRC documented 9 incidents of maternal health rights violations, including verbal abuse and mistreatment by health workers, reported in regions such as Kigoma, Tanga, Morogoro, and Shinyanga, as discussed in Chapter Three (right to health) of this report. In Morogoro, a pregnant woman, resident of Kilosa District, reportedly died after the administration of Kidodi Health Centre refused to transfer her to St. Kizito Hospital, unless Tshs. 180,000 to buy fuel for ambulance is paid.<sup>491</sup>

### 5.1.9. Key Recommendations

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

<sup>488</sup> See JAMHURI YA MUUNGANO WA TANZANIA, OFISI YA TAIFA YA UKAGUZI, *RIPOTI YA MDHIBITI NA MKAGUZI MKUU WA HESABU ZA SERIKALI YA MAMLAKA YA SERIKALI ZA MITAA*, MACHI 2022, at [https://www.nao.go.tz/uploads/reports/RIPOTI\\_YA\\_UKAGUZI\\_WA\\_SERIKALI\\_ZA\\_MITAA\\_MWAKA\\_2020\\_21.pdf](https://www.nao.go.tz/uploads/reports/RIPOTI_YA_UKAGUZI_WA_SERIKALI_ZA_MITAA_MWAKA_2020_21.pdf).

<sup>489</sup> LHRC Human Rights Monitoring 2024.

<sup>490</sup> HOTUBA YA WAZIRI WA AFYA, MHE. UMMY ALLY MWALIMU (MB.), KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI YA FEDHA YA WIZARA YA AFYA KWA MWAKA WA FEDHA 2024/25 (supra).

<sup>491</sup> LHRC Human Rights Monitoring 2024.



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

## 5.2. Children's Rights

Tanzania is obligated to take all appropriate measures to ensure children do not suffer discrimination and protect them from all forms of abuse such as torture; violence; inhuman or degrading treatment; and especially sexual abuse and exploitation.<sup>492</sup> It is also obligated to ensure children's best interests are considered in decision-making, safeguard their right to survival and development, and facilitate their participation in decision-making (consider and respect children's views). In 2024, children across Mainland Tanzania continued to be subjected to various forms of violence, including physical, sexual, psychological, and economic violence. This sub-chapter presents some key findings on violence against children during this reporting period.

### 5.2.1. Violence against Children

#### 5.2.1.1. Overview

Many children and adolescents in Tanzania experience violence, exploitation, and abuse. Sexual violence is the most common form of violence, especially targeting and affecting girls. Physical violence, particularly in home and school settings, is also prevalent.

#### 5.2.1.2. General Findings

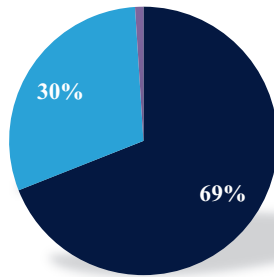
##### VAC incidents documented by LHRC

In 2024, LHRC documented 602 incidents of violence against children (VAC) through human rights monitoring and media survey alone, increasing from 464 in 2023. Sexual VAC constituted the most incidents (69%), followed by physical and psychological violence (30%) and economic violence (1%). The percentage of reported incidents of sexual violence slightly decreased from 79% in 2023, while physical and psychological violence increased by 11%, and economic violence decreased by 1%.

<sup>492</sup> Articles 5 & 6 of Maputo Protocol; Articles 6, 19& 34 of the Convention on the Rights of the Child; Article 16 of the African Charter on the Rights and Welfare of the Child.



■ Sexual ■ Physical & psychological ■ Economic



**Figure 5.4: Incidents of VAC documented by LHRC in 2024 by form**

Analysis of the documented VAC incidents showed that perpetrators of VAC included parents, guardians, neighbours, teachers, grandparents, close relatives, family friends, and strangers. Most of the acts of violence were perpetrated in home, community, and school settings.

#### Police Crime Statistics

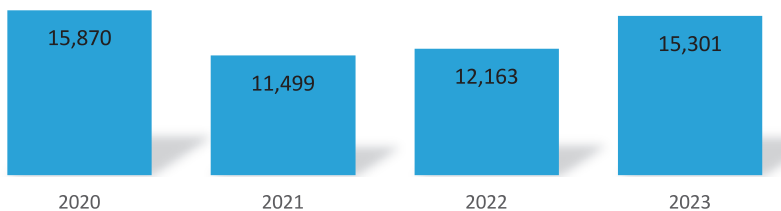
VAC remains one of the biggest threats to children's rights in Tanzania. From 2020 to 2023, a total of 54,833 VAC incidents were recorded by the police across Tanzania, averaging 13,708 incidents each year and 1,142 each month. Further analysis of the reported incidents shows that

**8 out of 10**

victims/survivors of VAC in Tanzania are girls.

**girls account for 80% of VAC victims and survivors.**

■ Total VAC



**Figure 5.5: #VAC incidents recorded by the police – 2020 to 2023**

Source: Tanzania Police Force



Analysis of the VAC incidents recorded by the Tanzania Police Force (TPF) in 2023 also reveals that top three regions for VAC were Dar es Salaam, Arusha, and Morogoro. Police regions with the highest frequency of VAC incidents (both Mainland and Zanzibar) were Arusha (1,089), Morogoro (976), Tanga (884), Kinondoni (789), and Mjini Magharibi (788). The incidents reported in these police regions constituted 30% of all recorded incidents. **Out of the 15,301 VAC incidents reported in 2023, half of them (53%) were rape incidents, followed by sodomy (16%).**

### Community Perceptions on VAC, including Violence against Boys

The general feeling among community members is that VAC is a serious problem in the community and deliberate efforts are needed to combat it. They were especially concerned with sexual and physical violence. This has been corroborated by various reports by government and non-government institutions or organizations, including reports by the National Bureau of Statistics (NBS), the National Audit Office (NAO), the Tanzania Police Force (TPF), and local and international NGOs.<sup>493</sup>

Community members reached by LHRC in 2024 were also asked to give their views on prevalence of violence against boys (VAB) in their communities. They generally noted that VAB is a growing problem and most of them felt that a boychild is forgotten or left behind in the fight against violence. When asked which acts of VAB they were mostly concerned about, sodomy (64%), beatings (42%), and verbal abuse (39%) were mentioned the most.<sup>494</sup> Some of them also mentioned other acts, such as neglect, sexual harassment, and humiliation.

“Violence against boys exists and many incidents go unreported. Sodomy is one of the most common acts of violence perpetrated against boys.”  
SWO – Kibaha, Pwani

<sup>493</sup> See Msichana Initiative, *Unlocking Girls' Power & Potential: SITUATION OF GIRLS' RIGHTS AND WELLBEING ANALYSIS REPORT*, October 2024, at <https://msichana.or.tz/publications/>; The United Republic of Tanzania, National Audit Office, *Performance Audit Report on the Management of Measures for Eliminating Violence against Women and Children in Tanzania*, March 2023, at [https://www.nao.go.tz/uploads/Performance\\_Audit\\_Report\\_on\\_Measures\\_for\\_Eliminating\\_Violence\\_against\\_women\\_and\\_Children\\_in\\_Tanzania.pdf](https://www.nao.go.tz/uploads/Performance_Audit_Report_on_Measures_for_Eliminating_Violence_against_women_and_Children_in_Tanzania.pdf); The United Republic of Tanzania, *Tanzania Police Force, Crime and Traffic Incidents Statistics Report, January – December 2023*, at <https://www.nbs.go.tz/uploads/statistics/documents/en-1719756357-Crime%20and%20Traffic%20Incidents%20Statistics%20Report%20%E2%80%93%20January%20to%20December%202023.pdf>.

<sup>494</sup> LHRC Human Rights Survey 2024.



### Drivers of VAB

Community members were also asked about the drivers of VAB, whereby the community forgetting about the boy child (49%), fear (47%), and perception that boys can defend themselves (43%) were mentioned the most.<sup>495</sup> They also identified factors such as lack of specific campaigns for boychild protection (36%) and gaps in laws and polices (28%) as contributing factors.

*Patriarchy, customs, and traditions have influenced non-reporting of violence among boys and men.*

SWO – Dodoma

In some regions that were visited, including Simiyu, Mbeya, Tabora, Shinyanga, and Geita, economic VAB was reported to be a key concern. For instance, in Simiyu the survey found that boys were often engaged in labor-intensive activities such as farming and livestock herding, while not benefiting from fruits of their labour and restricting their time for education and other opportunities for personal development.<sup>496</sup> Overall, LHRC observed that exploitative child labour was common in sectors such as agriculture, mining, trade, and livestock.<sup>497</sup>

### Drivers of VAC

In 2024, LHRC observed that key drivers of VAC included inadequate legal protection for boys and girls, corruption, inadequate funding for implementation of the NPA-VAWC, shortage SWOs, shortages of safehouses and fit persons/families, poor parenting and broken homes, witchcraft beliefs, and the cultures of silence, forgiveness, and 'concealing family shame.' For instance, as discussed in Chapter Two of this report, the killing of a 2-year-old child with albinism, Asimwe Novath, in Kagera was motivated by witchcraft beliefs. Some of the incidents of sexual VAC were also motivated by such beliefs, as further discussed below. In Njombe, it was reported in April 2024 that marital disputes, witchcraft beliefs, and poor parenting were among the key contributors of VAC in the region.<sup>498</sup>

<sup>495</sup> LHRC Human Rights Survey 2024.

<sup>496</sup> LHRC Human Rights Survey 2024: Simiyu.

<sup>497</sup> LHRC Human Rights and Business Survey 2024.

<sup>498</sup> "Sababu za watoto kufanyiwa uktili Njombe zatajwa" Nipashe Newspaper, 19 Apr 2024.



*Witchcraft-beliefs have contributed to increased violence against children in our community. Some of the conditions to transform lives given by witchdoctors to their clients perpetuate violence.*

*Community member – Dodoma*

*There are some customs and traditions, such as the Isale leaf tradition in Kilimanjaro, which perpetuate violence against children. You find, for example, a child has been sexually abused and there is sufficient evidence to hold the perpetrator accountable but when the victim's family is approached with the leaf and some offerings, they must forgive the perpetrator.*

*Community member – Kilimanjaro*

### 5.2.1.3. Sexual Violence

#### Overview

Sexual VAC in Tanzania is a big threat to children's rights, including freedom from violence, right to liberty and personal security, and right to education. Rape and sodomy are the most common acts of sexual VAC in both Mainland Tanzania and Zanzibar.

#### Reported Incidents of sexual VAC

As highlighted above, 69% of reported VAC incidents documented by LHRC in 2024 were sexual VAC. LHRC documented a total of 415 incidents of sexual VAC through human rights monitoring and media survey, 49 more than those documented in 2023. **The perpetrators included close relatives, family friends, neighbours, fathers, stepfathers, grandfathers, teachers, religious teachers, law enforcement officers, and other children.** Victims and survivors of sexual VAC were as young as 2 years old.

**LHRC's Call:** Community members should refrain from protecting perpetrators of violence against children simply because they are close relatives or families. They should promptly report perpetrators to the authorities and cooperate in providing testimony.







## Rape

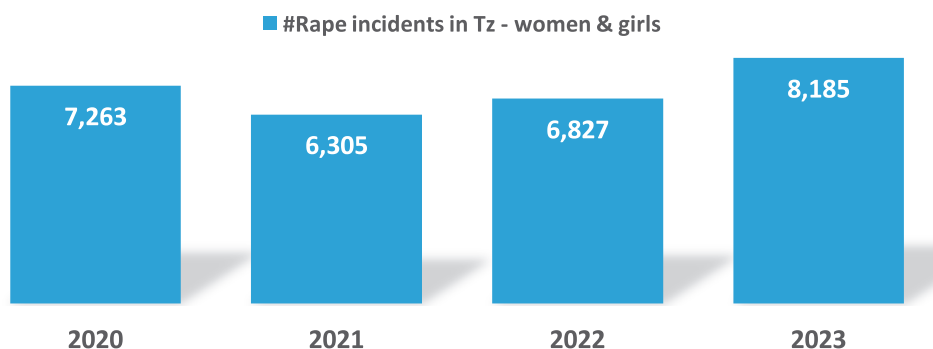
Since 2020, a total of 28,580 incidents of rape have been documented by the Tanzania

# 8 out of 10

victims/survivors of rape in Tanzania are girls.

Police Force (TPF), averaging 7,145 incidents each year and 595 each month.<sup>499</sup> **Out of the 15,301 VAC incidents recorded by police in 2023, half of them (53%) were rape incidents.** Rape incidents were

mostly reported in **Morogoro** (525), **Tanga** (519), **Kinondoni** (506), **Mbeya** (406), **Dodoma** (399), **Temeke** (381), **Kilimanjaro** (374), **Arusha** (358), **Ilala** (347), and **Iringa** (304) Police Regions. For the normal regions, Dar es Salaam (which includes Kinondoni, Temeke, and Ilala police regions) leads with 1,234 incidents, followed by **Morogoro** (525), **Tanga** (519), **Mbeya** (406), **Dodoma** (399), **Kilimanjaro** (374), **Arusha** (358), and **Iringa** (304) Regions.<sup>500</sup> Further analysis of the incidents shows that that **girls constitute over 80% of rape victims in Tanzania.**



**Figure 5.6: #Rape incidents recorded by the police – 2020 to 2023**

Source: Tanzania Police Force

Like it was the case in 2023, rape also dominated the acts of sexual VAC reported and documented by LHRC in 2024. 76% of the 415 incidents of sexual VAC documented by LHRC in 2024 were rape incidents.

### Some of the reported incidents

In one of the incidents, reported in January 2024 in Pwani's Bagamoyo District, a 47-year-old father was arrested by police and taken to court for raping his 12-year-old daughter in Majani Mapana Village so that he could become rich.<sup>501</sup> In another

<sup>499</sup> Police Force Crime Statistics 2023.

<sup>500</sup> Ibid.

<sup>501</sup> LHRC Human Rights Survey 2024: Pwani.



incident reported in the village in June, an 80-year-old witchdoctor was accused of raping his 11-year-old granddaughter.<sup>502</sup>

In Dodoma, it was reported in May 2024 that a resident of Ilolo Village in Mpwapwa District had been arrested for repeatedly raping his daughter when her mother is away drinking at a local liquor pub.<sup>503</sup> A similar incident occurred in Njombe, where a stepfather reportedly raped his two stepdaughters.<sup>504</sup> In Babati, Manyara, there was an incident of a 13-year-old girl, who was raped by her uncle. In Morogoro, it was reported in June that Azizi Hussein, resident of Mwidu Hamlet in Morogoro, had fled his home after raping and impregnating his 14-year-old daughter. Similar incidents were reported in Geita, where police arrested a 34-year-old man for raping his 5-year-old child in Bukombe District<sup>505</sup> and in Geita, where police arrested a 34-year-old resident of Makambako Town for raping his 13-year-old girl.

In Mara, it was reported in February that a 10-year-old child, resident of Pemba Ward in Tarime District, had been raped by a 40-year-old man.<sup>506</sup> In Bunda District, also in Mara Region, a head-teacher was arrested by police in March for raping his 16-year-old student at his home.<sup>507</sup> In neighbouring Mwanza, two other primary school teachers were accused of raping two schoolgirls in May and December.

In extreme cases, the victims were gangraped and raped to death. For instance, there was an incident reported in Mbagala Kuu area in Dar es Salaam, where a 6-year-old girl was raped to death by unknown assailants.<sup>508</sup> In June, it was reported that three female students of Chinangali Secondary School in Dodoma were attacked and gangraped by a group of young men.<sup>509</sup>

## Sodomy

**16% of the 15,301 VAC incidents recorded by the police in 2023 were sodomy related.** Analysis of police data also shows that **80% of victims and survivors of sodomy are boys.** 22% of the 415 incidents of sexual VAC documented by LHRC in 2024 were sodomy incidents. Perpetrators included a law-enforcement officer, teachers, religious teachers, other children (boys), neighbours, and fathers.

### *Some of the reported incidents*

<sup>502</sup> Ibid.

<sup>503</sup> LHRC Human Rights Survey 2024: Dodoma.

<sup>504</sup> LHRC Human Rights Monitoring 2024.

<sup>505</sup> "Ashikiliwa kwa kumnajisi bintiye wa miaka mitano" HABARILEO Newspaper, 22 Jun 2024.

<sup>506</sup> LHRC Human Rights Monitoring 2024.

<sup>507</sup> "Mwalimu mkuu atuhumiwa kumlawiti, kumbaka mwanafunzi" Mwananchi Newspaper, 13 Mar 2024.

<sup>508</sup> LHRC Human Rights Monitoring 2024.

<sup>509</sup> Ibid.





In Mwanza, police were looking for two people accused of sodomizing a 16-year-old child in April 2024.<sup>510</sup> In Singida, the Singida Resident Magistrate Court sentenced a police sergeant to life imprisonment after finding him guilty of sodomizing his 7-year-old child.<sup>511</sup> In Tabora, the Nzega Resident Magistrate Court sentenced a 37-year-old religious (madrassa) teacher, Abdala Selemani, to 30 years in prison for sodomizing a 12-year-old child.<sup>512</sup> In another incident reported in the region, a primary school teacher was accused of sodomizing his student in Tabora Municipality.

In Tanga, a 19-year-old madrasa teacher and 25-year-old bodaboda driver were arrested following accusation of sodomizing a 9-year-old schoolchild.<sup>513</sup> In Pwani, it was reported that 15 children had been sodomized by a madrasa teacher in Mafia District.<sup>514</sup>

In Dar es Salaam, a teacher at Mount Moriah Primary School was accused of sodomizing a 6-year-old child, as reported in March. In the same month, police in Morogoro arrested a 39-year-old man for sodomizing his 9-year-old son.<sup>515</sup>

### Child-on-child sexual abuse

19 out of 415 incidents (5%) of sexual VAC documented by LHRC in 2024 involved fellow children as perpetrators. Most of them were incidents of sodomy and perpetrated in school settings.

#### **Some of the reported incidents**

In March 2024, the Police Force in Morogoro reported that there was an increase of child-on-child sexual abuse incidents in the region, especially sodomy incidents.<sup>516</sup> In April, police in Njombe announced an arrest of a 12-year-old child accused of sodomizing another child at a primary school.<sup>517</sup> In another incident, reported in neighbouring Mbeya, a 17-year-old child was sentenced to a 1-year non-custodial sentence and a fine of Tshs. 200,000 for raping and impregnating a schoolgirl.<sup>518</sup> In Pwani, a 16-year-old child was sentenced to 12 lashes and a fine of Tshs. 500,000 for raping and sodomizing a 12-year-old schoolgirl.<sup>519</sup>

<sup>510</sup> "Wahalifu tukio udhalilishaji mwanafunzi wasakwa" Nipashe Newspaper, 5 Apr 2024.

<sup>511</sup> "Sajenti Polisi jela maisha kwa kumlawiti mwanawe" Nipashe Newspaper, 8 Feb 2024.

<sup>512</sup> "Mwalimu madrasa jela miaka 30 kwa kumlatiwi mwanafunzi" Nipashe Newspaper, 16 Mar 2024.

<sup>513</sup> LHRC Human Rights Monitoring 2024.

<sup>514</sup> LHRC Human Rights Monitoring 2024.

<sup>515</sup> LHRC Human Rights Monitoring 2024.

<sup>516</sup> "Idadi ya wanafunzi wanaolawitiana na kubakana shuleni yaongezeka" Nipashe Newspaper, 11 Mar 2024.

<sup>517</sup> "Mtoto Mbaroni kwa kumlawiti mwenzie" Nipashe Newspaper, 17 Apr 2024.

<sup>518</sup> LHRC Human Rights Monitoring 2024.

<sup>519</sup> Ibid.



#### 5.2.1.4. *Physical and Psychological Violence*

##### Overview

Physical violence against children refers to all acts perpetrated against children that bring them physical harm. Such acts may include slapping, pushing, hitting with a fist (punching), kicking, whipping, or threatening a child with a weapon.<sup>520</sup> Emotional or psychological violence includes restricting a child's movements, denigration, ridicule, threats and intimidation, discrimination, rejection, and other non-physical forms of hostile treatment.<sup>521</sup>

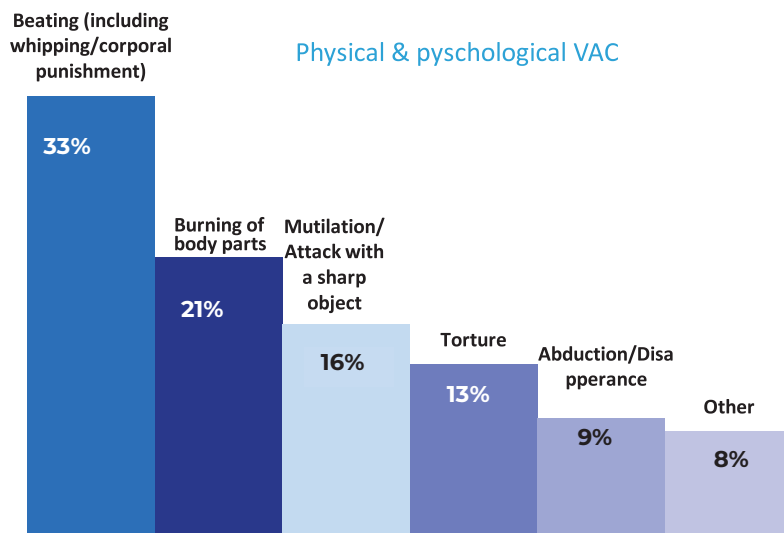
##### Reported Incidents of Physical and Psychological VAC

As highlighted above, 30% of VAC incidents documented by LHRC in 2024 were physical and psychological violence through human rights monitoring and media survey. In total, LHRC documented 181 incidents, reported across Mainland Tanzania, 63% involving boys and 37% girls. These are more than double those documented in 2023 (88). Analysis of the incidents showed that children were subjected to acts of violence such as **beating (including whipping), punching, burning of body parts, torture, mutilation, abduction, verbal abuse, strangulation, and being attacked with a weapon or sharp object.** The main perpetrators were **parents, stepparents, guardians, teachers, domestic workers, and strangers.** The victims were as young as 1 year old. Reasons for subjecting children to such violence included stealing, eating without permission, arriving at school late, failing a school subject, witchcraft belief, and not doing house chores.

<sup>520</sup> See the National Plan of Action to End Violence Against Women and Children in Tanzania 2017/18 – 2021/22, p. vi.

<sup>521</sup> See World Health Organization “Violence against children” 8 June 2020 at <https://www.who.int/news-room/fact-sheets/detail/violence-against-children>, accessed 18 October 2020.





**Figure 5.7: %Incidents of physical & psychological VAC documented by LHRC in 2024**

#### **Some of the reported incidents**

One of the shocking incidents was a brutal attack and killing of a child with albinism, Asimwe Novath (2), in Kagera Region.<sup>522</sup> In another shocking incident, reported in August in Dar es Salaam, a 6-year child, Malik Hashim, narrowly escaped death after a housemaid slit his throat and left him for dead.<sup>523</sup> In Mwanza, it was reported in March 2024 that 12 students at Ipandiko Secondary School in Sengerema District were subjected to a severe corporal punishment by their teachers for disciplinary reasons.<sup>524</sup> In Kilimanjaro, police arrested 5 teacher trainees for subjecting a 6-year-old pupil to a severe corporal punishment (caning) and causing his death in March.<sup>525</sup>

<sup>522</sup> LHRC Human Rights Monitoring 2024.

<sup>523</sup> "It was a day of horror and fear" THE CITIZEN Newspaper, 8 Aug 2024.

<sup>524</sup> "Wanafunzi 12 wadaiwa kuchapwa viboko 75 kila mmoja" Nipashe Newspaper, 29 Mar 2024.

<sup>525</sup> "Walimu 5 mbaroni kwa kifo cha mwanafunzi" HABARILEO Newspaper, 18 Mar 2024.





In Tandika, Dar es Salaam, a 7-year-old child was reportedly burned on his hands by his parents for stealing Tshs. 300.<sup>526</sup> A similar incident was reported in Mbeya, where a neighbour poured petrol on a child and burned him for losing Tshs. 200 he had given her to buy him food.<sup>527</sup> In another incident, reported in Tabora, a 15-year-old girl, a student at Kalunde Secondary School, was brutally attacked and torched by unknown assailants.<sup>528</sup>

In Morogoro, Mohamed Omary (37) was arrested by police for brutally killing his wife and assaulting his stepchildren in March.<sup>529</sup> In Mwanza and Geita the were reported incidents of fathers beating their children aged 1 and 3 years to death.<sup>530</sup>

In Mbeya, police arrested a 30-year-old woman, resident of Mashesy Village in Mbeya District for killing her two children with poison.<sup>531</sup> In another incident reported in the region, police arrested a father and stepmother of a 4-year-old girl for severely beating the child with sticks and causing her death.<sup>532</sup> In a similar incident, reported in Kalambo District, Rukwa Region, parents in Katapulo Village reportedly beat their 8-year-old child to death for stealing Tshs. 10,000.<sup>533</sup>

In Mbeya, a primary school teacher and a 16-year-old secondary school student she was staying with were found brutally killed with a sharp object in April.<sup>534</sup> In Kilimanjaro, police in Moshi arrested a woman for allegedly beating and torturing a 16-year-old domestic worker, causing her severe bodily harm.<sup>535</sup>

### **Abductions and disappearances of children**

There were widespread reports of abduction and disappearance of children, as parents and stakeholders across the country expressed their concerns over child safety and security. Reports emerged that parents had become increasingly worried

<sup>526</sup> LHRC Human Rights Monitoring 2024.

<sup>527</sup> Ibid.

<sup>528</sup> Ibid.

<sup>529</sup> "Kortini akidaiwa kuua, kubaka" HABARILEO Newspaper, 27 Mar 2024.

<sup>530</sup> "Adaiwa kumuua mwanawe kisa kujipaka kinyesi" Nipashe Newspaper, 17 May 2024; "Baba adaiwa kuua mwanawe mchanga kwa kumpiga" HABARILEO Newspaper, 13 Jan 2024.

<sup>531</sup> "Mama adaiwa kuua wanaye wawili kwa kuwanyeshwa soda yenye simu" Nipashe Newspaper, 11 Mar 2024.

<sup>532</sup> "Police arrest two over death of minor girl, 4" THE CITIZEN Newspaper, 27 Nov 2024.

<sup>533</sup> LHRC Human Rights Monitoring 2024.

<sup>534</sup> "Mwalimu, mwanafunzi wauawa kinyama" Mwananchi Newspaper, 2 Apr 2024.

<sup>535</sup> LHRC Human Rights Monitoring 2024.





about letting their children out of sight for long.<sup>536</sup> Police, however, largely dismissed the reports as 'being blown out of proportion' and accused some community members of spreading false information causing panic.<sup>537</sup>

Various human and child rights NGOs, including LHRC, Children's Dignity Forum (CDF), and C-Sema condemned the abductions and disappearances of children and held a special vigil in memory of children who had reportedly been missing, killed or abused in July 2024. They urged the authorities, particularly the Tanzania Police Force, to ensure the safety of children and conduct thorough investigations of the reported incidents of their abductions and disappearances. Veteran human rights activists, Ms. Gemma AKilimali and Dr. Hellen Kijo-Bisimba, also urged the authorities to take legal action against those spreading false information about the abductions and disappearances.<sup>538</sup>

### Child neglect

Child neglect was one of the most common and reported acts of psychological VAC across the country. Most of the perpetrators were fathers, who were accused of neglecting and abandoning their children and spouses. In some regions, such as Njombe, some parents reportedly left their children alone for too long to go farming or doing business.<sup>539</sup> An NGO official in the region noted that some children are left alone for days without enough or nutritious food. There were also reports of child neglect and abandonment in regions such as Mtwara, Ruvuma, Kigoma, Lindi, Tabora, and Katavi.

*Sometimes, children are left to raise themselves. A mother leaves early in the morning to go farming or trading, leaving her children alone for a long time.*  
NGO official – Njombe

### Consequences of Physical and Psychological VAC

The consequences of physical and psychological VAC documented by LHRC in 2024 included death, injury, disability, and emotional damage. LHRC documented 19 child

<sup>536</sup> See 'Panic Strikes Tanzanian Parents As Reports of Missing Children Soar' The Chanzo Initiative, 25 July 2024, at <https://thechanzo.com/2024/07/25/panic-strikes-tanzanian-parents-as-reports-of-missing-children-soar/>.

<sup>537</sup> Ibid.

<sup>538</sup> Restituta Jame 'Wanaharakati wahadharisha matukio ya watoto kutekwa' Nipashe Newspaper (online), 25 July 2024, at <https://www.ipppmedia.com/nipashe/habari/kitaifa/read/wanaharakati-wahadharisha-matukio-ya-watoto-kutekwa-2024-07-25-092954>.

<sup>539</sup> Interviews with PADECO and WILDAF NGO officials in Njombe.



deaths caused by physical VAC, slightly decreasing from 25 in 2023. The perpetrators were mostly parents, stepparents, and teachers. 2 out of the 19 deaths were caused by teachers, who inflicted severe corporal punishment on students, reported in Kilimanjaro and Kagera, while parents and stepparents were responsible for most other deaths (13). In one of the incidents, reported in Keroti Village in Mara's Tarime District, a man was accused of killing his child so that he would receive 'funeral contributions' and use them to repay his Tshs. 2 million debts.<sup>540</sup> Similar consequences have been highlighted in other reports covering VAC issues, including media reports.<sup>541</sup>

### **5.2.1.5. Economic Violence**

#### **Overview**

Economic violence against children includes child and exploitative labour; denying children their basic needs such as food, clothing, and shelter; and denial of education, including for girls. It causes economic harm to them by preventing them from effectively pursuing opportunities. It can also lead to poor health outcomes, stress, and anxiety among children.

#### **Reported Incidents of Economic VAC**

In 2024, LHRC documented six economic VAC incidents through human rights monitoring and media survey, 11 less than those documented in 2023. These incidents were reported in Katavi, Tabora, Simiyu, Mtwara, and Manyara. The incidents included denial of educational opportunities for girls and children with disabilities, non-provision of basic needs (neglect), and exploitative labour.

### **5.2.2. Child Marriage, Child Pregnancy, and Female Genital Mutilation**

#### **5.2.2.1. Child Marriage**

#### **Overview**

Tanzania has an obligation to combat and eliminate all forms of discrimination against women and girls, including harmful practices which endanger their health and general well-being such as child marriage.<sup>542</sup> As a country and member of the African Union (AU), it is duty bound to take effective action, including legislation, to specify the minimum age of marriage to be 18 years.<sup>543</sup> Nevertheless, the Law of Marriage Act, 1971 still allows girls aged 14 and 15 years to get married.

<sup>540</sup> Ibid.

<sup>541</sup> LHRC Human Rights Monitoring 2024.

<sup>542</sup> See Articles 1, 5, & 6 of the Maputo Protocol.

<sup>543</sup> Article 21(2) of African Charter on the Rights and Welfare of the Child, 1990.







## Developments relating to child marriage in Tanzania

1994-2007	<p>The Law Reform Commission releases its report on the Law of Marriage Act. It recommends minimum age of marriage to be 21 years, outlawing child marriage.</p> <p>Tanzania ratifies the African Charter on the Rights and Welfare of the Child 1990, which prohibits child marriage and sets 18 years as minimum age of marriage for women.</p> <p>Tanzania ratifies the Maputo Protocol of 2003, which prohibits child marriage and sets 18 years as minimum age of marriage for women.</p>
2016-2019	<p>Tanzania participates in developing and adopting the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage' Rebecca Gyumi case, challenging provisions within LMA allowing child marriage, is filed before the High Court of Tanzania.</p> <p>High Court of Tanzania delivers its judgement on the Rebecca Gyumi case, declaring provisions within the Law of Marriage Act allowing girls at 14 and 15 years to be married unconstitutional and calling for amendment of LMA to set 18 years as minimum age for marriage.</p> <p>The Court of Appeal upholds decision of the High Court, calling for amendment of LMA to outlaw child marriage by setting 18 years as minimum age for marriage. Judgement follows Government appeal in 2017.</p>
2021-2024	<p>Five years on from the Court of Appeal judgement, the Parliament of Tanzania is yet to amend the Law of Marriage Act of 1971 to outlaw child marriage.</p> <p>The national report of Tanzania before the UPR Working Group reveals that the Government is in the process of reviewing the Law of Marriage Act, Cap. 29 to conform to the Court of Appeal decision in the case of Attorney General vs Rebecca Z. Gyumi, Civil Appeal No. 204 of 2017 on the age of marriage.</p> <p>The Government announces that it is planning on consulting the public regarding child marriage. Consultation process reportedly ongoing as of December 2022.</p> <p>Child rights stakeholders, members of the Tanzania Ending Child Marriage Network (TECMN), including LHRC and TAWLA, hold a press conference expressing concerns over the public consultation process and calling for the Government to amend the LMA in line with the Rebecca Gyumi appeal judgement of 2019.</p> <p>The CAG audit performance report on measures to eliminate VAWC in Tanzania finds that available measures have failed to address 'existence of discriminatory laws contributing to violence, such as Law of Marriage Act, said to contribute to child marriage and pregnancy.'</p> <p>The Law of Marriage Act yet to be amended to outlaw child marriage.</p>



**LHRC's View:** Delays and hesitancy to amend the Law of Marriage Act to outlaw child marriage following repeated calls of both government and non-government stakeholders are causing girls to continue to suffer and being vulnerable to child marriage, especially in rural areas and among poor households.

**LHRC's Call:** The Government to take immediate measures to comply with the decision of the Court of Appeal of Tanzania in the *Rebecca Cyumi* case to set 18 years as the minimum age of marriage for both males and females and thereby abolishing or outlawing child marriage.

### Reported incidents

In 2024, LHRC documented 4 incidents of children marriage, the same as in 2023. These incidents were reported in Pwani, Manyara, and Shinyanga Regions. In Pwani, a 13-year-old girl, resident of Fukayosi Ward in Bagamoyo District, was reportedly married off by her parents in January 2024, after her father had received a dowry of Tshs. 300,000.<sup>544</sup> However, paralegals and authorities intervened, leading to the arrest of the child father and the man who married her. In another incident, also reported in Bagamoyo in February, a 14-year-old student at Fukayosi Secondary School was also prepared for marriage after her father had received a dowry but was later rescued by paralegals and a Social Welfare Officer.<sup>545</sup>

In November 2024, it was reported that a 16-year-old girl in Monduli District, Arusha Region was married to a man who constantly beat her.<sup>546</sup> She endured the beatings and suffered depression until the authorities intervened and rescued her from the marriage. The Minister of Community Development, Gender, Women and Special Groups, Dr Dorothy Gwajima, issued a statement strongly condemning the incident and thanking the authorities and other stakeholders for intervening to rescue and help the child.

#### 5.2.2.2. Child Pregnancy

##### Overview

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. The percentage is highest in the South-west Highlands (31.1%), followed by Southern Highlands (29.4%), Southern (25.4%), and Western (24.0%).

<sup>544</sup> LHRC Human Rights Survey 2024: Pwani.

<sup>545</sup> Ibid.

<sup>546</sup> LHRC Human Rights Monitoring 2024.





Analysis of TDHS-MIS 2022 data shows that 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%).

### Reported incidents

Incidents of child pregnancy were widely reported across Mainland Tanzania in 2024. LHRC documented 1,091 incidents of child pregnancy, significantly decreasing from 2,953 in 2023. The incidents were reported in regions such as Pwani, Njombe, Songwe, Mbeya, Singida, Dar es Salaam, and Mwanza. Some of the girls got pregnant because of rape, including by their own fathers and fellow children.

#### 5.2.2.3. Female Genital Mutilation/Cutting

##### Overview

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, equivalent to a 10% decline (currently less than half that of 1996). The most common type of FGM/C is cutting or removing flesh (89%), and circumcision is performed through childhood.<sup>547</sup> Regions where FGM/C is most prevalent are **Manyara** (43%), **Arusha** (43%), **Mara** (28%), **Singida** (20%), **Tanga** (19%), **Dodoma** (18%), and **Iringa** (12%).

### Reported incidents

In 2023, LHRC documented 76 incidents of FGM/C reported in Mara, Dodoma, and Singida. In 2024, LHRC documented incidents of FGM reported in Mara Region. In December 2024, it was reported that 180 girls were rescued by the Tanzania Police Force (TPF) in Mara Region.<sup>548</sup> The girls were rescued and sheltered at the Association for Termination of Female Genital Mutilation (ATFGM) Safe House in Masanga, Tarime District in early December.<sup>549</sup> Interviews with some of the community members in regions such as Mara, Dodoma, Manyara, and Arusha, revealed that FGM/C was believed to be practiced in secret to avoid the ‘watchful eye’ of the Government.<sup>550</sup>

#### 5.2.3. Child Labour and Exploitation

##### Overview

Child labour is work that is inappropriate for a child’s age, affects children’s education, or is likely to harm their health, safety or morals.<sup>551</sup> In Tanzania, child labour is

<sup>547</sup> Tanzania Demographic and Health Survey and Malaria Indicator Survey 2022: Final Report (*supra*).

<sup>548</sup> Beldina Nyakeke “Watoto 180 wanusurika kukeketwa Mara” Mwananchi Newspaper (online), 9 December 2024, at <https://www.mwananchi.co.tz/mw/habari/kitaifa/watoto-180-wanuserika-kukeketwa-mara-4851626>.

<sup>549</sup> Ibid.

<sup>550</sup> LHRC Human Rights Survey 2024.

<sup>551</sup> See FAO “Child Labour in Agriculture” at <http://www.fao.org/childlabouragriculture/en/>, accessed 17<sup>th</sup> September 2019.



prohibited under various domestic legislations, most notably the Law of the Child Act of 2009 (revised in 2019) and the Employment and Labour Relations Act of 2004. Children are only allowed to work under certain conditions, including only doing light work and work that is not hazardous.

### **Key Facts**

- A total of 160 million children – 63 million girls and 97 million boys – are in child labour globally, accounting for almost one in ten of all children worldwide.
- Africa ranks highest both in the percentage of children in child labour – one-fifth – and the absolute number of children in child labour, 92 million.
- Sub-Saharan Africa stands out as the region with the highest prevalence and largest number of children in child labour.
- The agricultural sector accounts for the largest share of child labour (70%) worldwide.
- Children aged 5 to 11 years form the largest share of those in child labour and also form a substantial share of those in hazardous work.
- 48% of all those in child labour are in the 5–11 years age bracket, 28% are aged 12–14 years, and 25% fall into the 15–17 years age range.
- Poverty remains the major cause of child labour in Tanzania, hindering a child's basic social and economic rights, such as the right to education and right to protection.
- In Tanzania, Child labour may lead to impairment of a child's physical, mental, moral, spiritual and social development.

### **Reported incidents**

In 2024, LHRC documented 29 incidents of child labour through human rights monitoring and media survey, 4 less than those documented in 2023. The incidents were reported in Pwani, Dar es Salaam, Shinyanga, Geita, Mara, Iringa, Mbeya, Kilimanjaro, Tabora, Ruvuma, and Mtwara. Child labour was found to be common in the sectors of agriculture, mining, and trade. Drivers of child labour and exploitation in Tanzania include poverty, which is the greatest driving factor; inadequacies and weaknesses in national educational systems; local customs and traditions; and challenging family environment.

### **Some of the reported incidents**

In Shinyanga some children were observed vending fruits and soft drinks at bus terminals during school hours. In Geita, some children were also employed by some traders to sell food items at bus terminals while others were observed working at bars and restaurants, including during school hours.<sup>552</sup> However, the survey found that child labour had decreased in the region, save in artisanal and small-scale sale mining, where child labour is still a problem, as revealed by the Executive Director

<sup>552</sup> LHRC Human Rights and Business Survey 2024.





of New Light Children Center Organization (NELICO) based in Geita. In Dodoma, child labour was also reported to be a big problem in mining and grape farming.<sup>553</sup>

In Mbeya, it was reported that children were mostly employed in agriculture and mining sectors, working under exploitative conditions and sometimes working during school hours or beyond working hours for children stipulated in the labour regulations. Children were observed and reported working in rice mills, rice plantations or farms (including chasing away birds and plant seeds), marketplaces, and mines, especially in Mbeya City, Mbarali, and Chunya Districts.<sup>554</sup> Poverty and family neglect were mentioned as some of the factors behind some parents pushing or allowing their children to work to generate family income. However, a trade officer in Mbeya City Council told the survey team that incidents of child labour had somewhat decreased in the city. In Mbarali District, a trade officer said child labour was preferred by some business owners because it is cheap.<sup>555</sup>

**LHRC's View:** Child labour and exploitation remains a key child rights problem in Tanzania. LHRC has observed that this problem is partly contributed by lack of or limited awareness about child labour and exploitation and governing laws, especially employment and labour laws and regulations and the Law of the Child Act, not only among children but also adults. For instance, some people believe all children are not allowed to work at all, while the truth is that a child is allowed to work and entitled to labour rights, including fair remuneration, under certain conditions.

**LHRC's View:** LHRC and other stakeholders need to continue raising awareness about child labour and exploitation, including the relevant laws and regulations, as well as applicable regional and international standards.

#### 5.2.4. Measures to Prevent and Combat Violence against Children

As discussed in sub-chapter 5.1 above, the Government and other stakeholders took various measures to prevent and combat violence against women and children (VAWC). However, key challenges include discriminatory and harmful cultural practices, social acceptance of violence, budget allocation for prevention and response, coordination challenges, shortages of safehouses and fit persons/families, shortage of social welfare officers, and cultures of silence, forgiveness, and 'concealing family shame.'

Measures to address corporal punishment are also inadequate. The starting point should be making legal and policy reforms, including amending laws and regulations

<sup>553</sup> Ibid.

<sup>554</sup> LHRC Human Rights and Business Survey 2024.

<sup>555</sup> Ibid.



such as the Law of the Child Act of 2009 and the Education Act of 1978 to prohibit corporal punishment and promote positive discipline. Amendment of these laws should result in the repealing of National Education (Corporal Punishment) Regulations of 1979. Additionally, there is a need to capitalize on implementation of the positive parenting guidelines and educate parents, teachers and all gate keepers on the application of alternative positive discipline measures for the upbringing of children.

### 5.2.5. Children's Access to Quality Education

As discussed in Chapter Three above (on socio-economic rights) effective enjoyment of children's rights in Tanzania continued to be hindered by various barriers, including proximity of schools, especially for children in rural areas; budgetary constraints; shortages of school facilities and teachers; violence against children; and household poverty. There are also challenges which affect girls disproportionately, such as availability of menstrual hygiene facilities; child marriage; and child pregnancy. Access to quality education for children with disabilities was limited by challenges such as stigma, discrimination, shortage of special education teachers, and non-availability of disability friendly infrastructure, as further discussed in sub-chapter 5.3 below (Rights of persons with disability).

#### ***Budget for education vis-à-vis the regional benchmark***

While there has been an upward trend in the education sector's budget, the proportion of the education sector's budget relative to the national budget has decreased over the past three years. As discussed in Chapter Three of this report, It has dropped from 14.9% in the financial year 2022/23 to 13.5% in the financial year 2023/24 and currently to 12.5% in the financial year 2024/25. This trend is also contrary to the regional commitment made by Sub-Saharan African countries, including Tanzania, to allocate at least 20% of their national budget to education, as per the Incheon Declaration (2015).

### 5.2.6. Child Participation

Child participation refers to the informed and voluntary involvement of children, including those from marginalized groups, children of different ages and abilities, in every issue that affects them, either directly or indirectly.<sup>556</sup> It is both a right and one of the principles of children's rights, comprising the right to be heard and have a say all decisions affecting them.<sup>557</sup> Tanzania is required to facilitate participation

<sup>556</sup> See UNICEF, *Child and Youth Participation*, at <https://www.unicef.org/bulgaria/en/child-and-youth-participation#:~:text=Child%20participation%20is%20the%20informed,them%2C%20either%20directly%20or%20indirectly.>

<sup>557</sup> See AU Guidelines on Child Participation, 2022, at [https://www.acerwc.africa/sites/default/files/2022-10/ACERWC%20Guidelines%20on%20Child%20Participation\\_English.pdf](https://www.acerwc.africa/sites/default/files/2022-10/ACERWC%20Guidelines%20on%20Child%20Participation_English.pdf).





of children in all matters concerning them at the national level, access to sufficient and child-friendly information, appropriate space and time in order to freely formulate and communicate an opinion in any matter that concerns them, and consider, take seriously, and act upon views of the child.<sup>558</sup>

In Tanzania, the Government has taken measures to promote child participation, including legal, policy, and institutional measures. Such measures include establishment of children's councils, which were legally recognized under Section 96A of the Law of the Child Act, Cap 13 of 2009 (R.E 2019) through the amendments made in 2024.<sup>559</sup> However, the pace of establishing the councils is slow. Only 592 children councils, equivalent to 3.6 % out of targeted 16,582, were established countrywide during the financial year 2024/2025.<sup>560</sup> Budgetary constraints and shortage of community development officers (CDOs), hinder effective operations of existing councils, which are largely dependent on financial support from CSOs and development partners. As a result, the child participation initiatives have struggled to comply with the nine basic requirements for meaningful and ethical children participation required under the UN Convention on the Rights of the Child.<sup>561</sup>

#### 5.2.7. Children's Safety and Security

**Children constitute over two thirds of human trafficking victims in Tanzania.**

Children are guaranteed the right to liberty and personal security under the Constitution of the United Republic of Tanzania, 1977 and various regional and international human rights instruments. However, as discussed above, enjoyment of this right was jeopardized by incidents such as VAC (especially sexual and physical), abductions and disappearances, and child trafficking. The resurgence of the attack and killing of children with albinism resulted in

new safety concerns for persons with disabilities (PWAs), while reported incidents of child abductions and disappearances caused a nationwide fear and child safety concern among parents and child rights stakeholders.

<sup>558</sup> Ibid.

<sup>559</sup> See Section 26 of the Child Protection Laws (Miscellaneous Amendments) Act, 2024, at [https://www.oag.go.tz/uploads/documents/sw-1729664469-THE%20CHILD%20PROTECTION%20LAWS%20\(MISCELLANEOUS%20AMENDMENTS\)%20ACT,%202024.pdf](https://www.oag.go.tz/uploads/documents/sw-1729664469-THE%20CHILD%20PROTECTION%20LAWS%20(MISCELLANEOUS%20AMENDMENTS)%20ACT,%202024.pdf).

<sup>560</sup> MoCDGSWG budget speech 2024/2025 (*supra*).

<sup>561</sup> UN Committee on the Rights of the Child (CRC), General comment No. 12 (2009): The right of the child to be heard, CRC/C/GC/12, 20 July 2009, <https://www.refworld.org/legal/general/crc/2009/en/70207> [accessed 06 April 2025].





### 5.2.8. Juvenile Justice

As discussed in Chapter Two of this report, Tanzania's juvenile justice system is faced with various challenges. These challenges include mixing juvenile offenders with adults in detention facilities; shortage of detention facilities, approved schools, and courts; shortage of retention homes; shortage of SWOs; and inadequate financial support for SWOs, who play a crucial role in administration of juvenile justice.

### 5.2.9. Key Recommendations

- i. The Ministry of Constitutional and Legal Affairs to facilitate amendment of the Law of Marriage Act of 1971 in line with the Court of Appeal decision of 2019 in the *Rebeca Gyumi* case.
- ii. The Ministry of Finance and Planning to increase budget for implementation of the National Plan of Action to End Violence Against Women and Children (NPA-VAWC) in order to effectively address VAC and VAW, which have reached alarming levels.
- iii. The Government to strengthen child participation by providing sufficient budget to support council operations, establishing more children's councils and developing regulations for children's councils.

## 5.3. Rights of Persons with Disabilities

Tanzania is obligated to take appropriate measures to ensure PWDs do not suffer any form of discrimination and are protected from forms of exploitation, violence, and abuse.<sup>562</sup> In 2024, key issues that affected the rights of PWDs included stigma and discrimination, unreliable source of income, neglect, unfriendly infrastructure, and attack and killing of persons with albinism (PWA).

### 5.3.1. Promotion and Protection of Rights of Persons with Disability

Rights of persons with disabilities (PWDs)<sup>563</sup> are guaranteed internationally, regionally, and nationally.<sup>564</sup> Tanzania is obligated to take appropriate measures to ensure PWDs do not suffer any form of discrimination that hinders enjoyment of their rights and are protected from forms of exploitation, violence, and abuse.<sup>565</sup> In Tanzania, significant strides have been made to promote and protect these rights, yet persistent gaps in implementation continue to undermine the full realization of the legal guarantees.

<sup>562</sup> Articles 16(1) & 27(1) of CRPD.

<sup>563</sup> Include right to equality and non-discrimination, right to life, right to equality before the law, right to liberty and security of person, freedom from torture, freedom from violence, right to education, right to health and right to work and employment

<sup>564</sup> *See for example*, Convention on the Rights of Persons with Disabilities (CRPD), 2006; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (not yet ratified by Tanzania); and Persons with Disabilities Act, No. 9 of 2010.

<sup>565</sup> Articles 16(1) & 27(1) of CRPD.

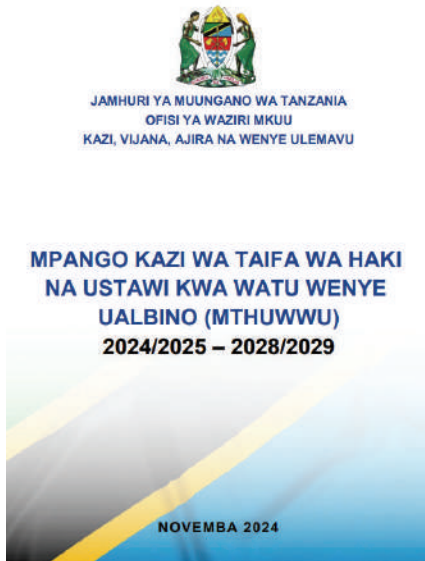






Recent efforts have focused on adapting public facilities to meet the needs of PWDs. For instance, new public offices now incorporate accessibility features such as ramps, tactile signage, and accessible passage. Furthermore, during the Local Government Election 2024 targeted training programs for election officials were initiated to sensitize staff on the needs of PWDs, thereby promoting a culture of inclusion and respect.<sup>566</sup> These measures, along with public awareness campaigns aimed at reducing social stigma, are essential in ensuring that PWDs are empowered to exercise their rights fully and participate actively in society.<sup>567</sup>

On PWDs loans, the new regulations on the Loan now allow giving loans to a single person,<sup>568</sup> this legislative move enables PWDs who do not have another person to form a group with to be able to access the loans provided by the Local Government Authorities.



In November 2024, the Prime Minister's Office - Labour, Youth, Employment and Persons with Disability (PMO-LYED) launched the National Action Plan for the Rights and Inclusion of Persons with Albinism (MTHUWWU) for the period 2024/2025–2028/2029.<sup>569</sup> This plan comprehensively analyzes the challenges faced by persons with albinism such as inadequate equipment, limited access to essential services, discriminatory practices, violence, and abuse and outlines targeted strategies to address these issues. Complementing this initiative, the National Assistive Technology Strategy 2024–2027 has been developed to promote the use of assistive technologies that facilitate inclusion and participation in education, employment,

<sup>566</sup> The Guidelines for Voters Education in Local Government Election 2024. Part 3.11.2 Persons with Disabilities.

<sup>567</sup> *Ibid.* p. 16-17.

<sup>568</sup> Kanuni za Utoaji na Usimamizi wa Mikopo kwa Vikundi vya Wanawake, Vijana na Watu Wenye Ulemavu za Mwaka 2024. Tangazo la Serikali Na. 856/2024. Regulation 7 read together with regulation 6. Available at: <https://babatitc.go.tz/storage/app/media/uploaded-files/kanuni-za-utoaji-na-usimamizi-wa-mikopo-ya-10-za-mwaka-2024.pdf>

<sup>569</sup> Prime Minister's Office Labour, Youth, Employment and Persons with Disability, "MPANGO KAZI WA TAIFA WA HAKI NA USTAWI KWA WATU WENYE UALBINO (MTHUWWU) NOVEMBER 2024", <https://www.kazi.go.tz/uploads/documents/en-1735281794-MTHUWWU%20.pdf>



cultural, social, and civic activities.<sup>570</sup> By maintaining or enhancing individuals' functional independence, these assistive products empower persons with disabilities to live healthy, productive, and dignified lives.

### 5.3.2. Key Issues Affecting Rights of PWDs

In 2023, LHRC's human rights survey identified various key issues affecting the rights of PWDs, including stigma and discrimination (48%), poverty and unreliable sources of income (44%), unfriendly infrastructure (42%), and limited access to quality healthcare (31%). Neglect and social exclusion (30%), food insecurity (30%), abuse or mistreatment (28%), and limited access to quality education (28%) were also identified as key issues and challenges by nearly a third of respondents. These issues continued to be key barriers to enjoyment of their rights in 2024, as discussed below.

#### Double or multiple discrimination

Women and girls with disabilities often face multiple discrimination, as recognized under Article 6 of the Convention on the Rights of Persons with Disabilities (CRPD) of 2006. In Tanzania, they often face discrimination on at least two grounds, typically sex and disability. This results into denial of their fundamental rights.

#### Stigma and Discrimination

Community members engaged by LHRC in 2024, including PWDs, indicated that stigma and discrimination were the biggest barrier to enjoyment of human rights by PWDs. LHRC's survey on business and human rights revealed complaints of non-employment of PWDs in the industrial sector, with some employers claiming that they preferred not to hire PWDs because 'they are not suitable to the job,' 'can delay production,' or 'cannot operate heavy machines.'<sup>571</sup> The survey also found that most business enterprises, especially SMEs, failed to adhere to the statutory requirement under the Persons with Disabilities Act of 2010 of employing at least 3% of workers with disabilities.

In July 2024, the Tanzania League of the Blind (TLB), issued a statement condemning the stigma directed towards the blind in the community. The NGO called for the Government's intervention, including in raising awareness about

<sup>570</sup> Prime Minister's Office Labour, Youth, Employment and Persons with Disability, "NATIONAL ASSISTIVE TECHNOLOGY STRATEGY 2024 - 2027", <https://www.kazi.go.tz/uploads/documents/en-1734703693-NATIONAL%20ASSISTIVE%20TECHNOLOGY%20STRATEGY-2024-2027%20SIGNED%2021-11-2024.pdf>

<sup>571</sup> LHRC Human Rights and Business Survey 2024.





their rights.<sup>572</sup> Stigma of PWDs contributes to social isolation, which causes them emotional damage and limits access to opportunities.

### Poverty and unreliable sources of income

LHRC has observed that limited access to employment and economic activities has left most PWDs more vulnerable to poverty and unreliable sources of income. This is mainly contributed by stigma and discrimination; particularly discrimination in employment; limited educational opportunities; and limited access to economic opportunities. Another consequence associated with these factors is food insecurity.

### Unfriendly infrastructure

Despite efforts to enhance accessibility of buildings and other facilities for PWDs, the challenge of unfriendly infrastructure persists in most parts and facilities across the country. LHRC's survey on business and human rights discovered that some workplaces lacked a conducive working environment for PWDs, including lack of ramps to allow easy access to different parts of buildings, lack of lifts, and lack disability-friendly toilets. Ramps were found to be non-existent at most workplaces.<sup>573</sup> In Njombe and several other regions visited by LHRC in 2024, PWDs identified the challenge of unfriendly infrastructures, making it difficult to access some of the government buildings and other places where services are provided such as banks, hospitals and schools.<sup>574</sup> Health facilities frequently lack accessible infrastructure, such as wheelchair-accessible ramps, adjustable hospital beds, and qualified sign language interpretation for accessible communication, according to a recent report on disability inclusion in Tanzania published by the World Bank Tanzania Gender and Inclusion Platform in 2024.<sup>575</sup>

### Limited access to key services

Limited access to key services continued to be among key challenges faced by PWDs in 2024. This included services such as health, education, and justice. For instance, there were also reports that some pregnant with disabilities were struggling to access quality and friendly maternal health services due to

<sup>572</sup> "Wasioona walalamikia kuongezeka unyanyapaa" Nipashe Newspaper, 2 Jul 2024.

<sup>573</sup> LHRC Human Rights and Business Survey 2024.

<sup>574</sup> LHRC Human Rights Survey 2024.

<sup>575</sup> See The World Bank Group & Eastern and Southern Africa Gender Platforms, *Disability Inclusion in Tanzania: Experiences and Recommendations from People with Disabilities*, 2024, at <https://documents1.worldbank.org/curated/en/099700212162411477/pdf/IDU1630084ea1b776145b61bcf2115c7b7039773.pdf>.



stigma and misconceptions about women PWDs getting pregnant. In July 2024, some of the pregnant women with albinism complained about being stigmatized when seeking maternal health services at dispensaries, health centres, and hospitals.<sup>576</sup> One of them noted that she encountered a lot of stigma when she went for clinic at a hospital, from other pregnant women and nurses – who were shaking their heads as she entered. The first nurse she met went as far as asking her questions like, “**Why did you decide to get pregnant?**”, “**Don’t you pity yourself being a PWA?**”, “**What do you people think?**”, and “**What will happen during delivery?**” At least two other women gave a similar testimony of stigma when seeking maternal health services.<sup>577</sup>

A study on the state of PWDs, conducted by SHIVYAWATA and Handicap International in 13 regions, has revealed that **55% of PWDs face the challenge of stigma when accessing health services**, most of them women.<sup>578</sup> The 2024 Disability Inclusion in Tanzania Report, also highlights challenges faced by PWDs in accessing services.<sup>579</sup> For instance, the report notes that PWDs struggle to adequately access health services, particularly sexual and reproductive health services, mainly due to negative attitudes of healthcare providers toward them. It adds that women with disabilities are often humiliated and discriminated against by healthcare workers and pregnant women with disabilities are frequently subjected to mockery and ridicule by medical personnel.<sup>580</sup>

Some parents hide their children with disabilities, limiting their **access to education** and other opportunities. In January 2024, the Shinyanga Regional Commissioner, Christina Mndeme, issued a warning to parents in the region who were hiding such children and denying them their right to education.<sup>581</sup> In Njombe, interview with some PWDs and disability rights organizations also revealed a challenge of denial of education for children with disabilities.<sup>582</sup> They also noted lack of disability-friendly facilities at schools and existence of only a few schools providing inclusive education and shortage of inclusive education teachers with requisite training. Key informants in Njombe also lamented inconsideration of the needs of deaf children in the education curriculum, which

<sup>576</sup> “Madhila unyanyapaa wenye ualbino kujifungua” Nipashe Newspaper, 25 Jul 2024.

<sup>577</sup> Ibid.

<sup>578</sup> Ibid.

<sup>579</sup> WB Disability Inclusion in Tanzania Report (*supra*).

<sup>580</sup> Ibid.

<sup>581</sup> “RC Mndeme aonya wazazi, walezi wanaoficha watoto wenye ulemavu” Nipashe Newspaper, 9 Jan 2024.

<sup>582</sup> LHRC Human Rights Survey 2024: Njombe.





contributes to poor learning and performance.<sup>583</sup> Children with disabilities, especially beyond primary education level, also face difficulties accessing classrooms due to inadequate infrastructure.<sup>584</sup>

Limitations in accessing key services, including health, education, police, and court services, were also found to be contributed by a communication barrier, especially for the deaf and the blind, as most people and service providers are not conversant with sign language. The communication barrier reportedly sometimes occasions miscarriage of justice at courts of law. Some of leaders of PWDs recommended for a sign language to be formalized, like Swahili and English Languages, to address the communication barrier and enhance access to services.

“  
Legal recognition of sign language as a formal language is necessary. This will improve communication with the deaf and hard of hearing by enabling the language to be taught in schools and forcing the general public to learn it.

CHAVITA leader – Njombe

### Violence, abuse, and mistreatment of PWDs

In 2024, PWDs continued to be vulnerable to violence, abuse, and mistreatment in the community, violating or restricting their freedom from violence, right to liberty and personal security, and freedom of movement. One of the groups that was especially vulnerable are persons with albinism (PWAs), who continued to live in fear due to being targeted for their body parts. One of the shocking incidents was the attack and killing of a 2-year-old child with albinism, Asimwe Novath, in Kagera. There was another incident in Geita, where a 10-year-old child with albinism, Kazungu Julius, was attacked and severely injured in May 2024. In total, LHRC documented 19 incidents of violence against PWDs, increasing from 12 in 2023. The 2024 World Bank Group report on disability inclusion in Tanzania, mentioned above, shows that women with disabilities are more vulnerable to gender-based violence (GBV) and are disproportionately subjected to

<sup>583</sup> Interviews with CHAVITA leaders in Njombe.

<sup>584</sup> WB Disability Inclusion in Tanzania Report (*supra*).



discrimination in the workplace.<sup>585</sup> The report also notes that some women with disabilities experience sexual exploitation when they apply for jobs and harassment in the workplace.

#### Limited access to information, particularly among the deaf and the blind

The communication barrier also contributes to limited access to information, especially for the deaf and the blind. In Njombe, it was reported that some of the deaf children lacked information on sexual and reproductive health, including menstrual hygiene.<sup>586</sup>

#### Limited involvement in decision-making

Lack of meaningful participation in decision-making is also a key concern for PWDs. Some of the PWDs and disability rights organizations reached by LHRC in 2024 in region such as Njombe, Dar es Salaam, and Manyara, complained about being left out in decision-making at different levels, including family and community levels.

#### Other issues

Tanzania has put in place various economic empowerment initiatives for women. Key among these initiatives are the 10% interest free loans issued by councils to women (4%), youth (4%) and persons with disabilities (2%)<sup>587</sup> and the Women Development Fund (WDF), which issues loans to women. In 2023, the Government announced its decision to cease granting of 10% loans until further notice following several issues and challenges identified by the Controller and Auditor General (CAG), including provision of loans to unqualified groups.<sup>588</sup> However, the prolonged suspension deprived PWDs of vital financial resources that could enhance their economic empowerment and inclusion.

Other key issues affecting enjoyment of fundamental rights by PWDs, highlighted in the 2024 report on disability inclusion commissioned by the World Bank, include inadequate buildings and transportation facilities; some public information and communications often being in a format that is not easily accessible; gaps in coverage of PWDs by the national social protection schemes;

<sup>585</sup> WB Disability Inclusion in Tanzania Report (*supra*).

<sup>586</sup> LHRC Human Rights Survey 2024: Njombe.

<sup>587</sup> See Section 37A of The Local Government Finance Act, CAP 290 [R.E 2019].

<sup>588</sup> See JAMHURI YA MUUNGANO WA TANZANIA, OFISI YA TAIFA YA UKAGUZI, *RIPOTI YA MDHIBITI NA MKAGUZI MKUU WA HESABU ZA SERIKALI YA MAMLAKA YA SERIKALI ZA MITAA*, MACHI 2022, at [https://www.nao.go.tz/uploads/reports/RIPOTI\\_YA\\_UKAGUZI\\_WA\\_SERIKALI\\_ZA\\_MITAA\\_MWAKA\\_2020\\_21.pdf](https://www.nao.go.tz/uploads/reports/RIPOTI_YA_UKAGUZI_WA_SERIKALI_ZA_MITAA_MWAKA_2020_21.pdf).





and gaps in existing disability rights legislation and implementation.<sup>589</sup> There is also inadequate participation in political life, as PWDs face attitudinal barriers that affect their participation in voting and politics.

In Njombe, deaf persons complained about challenges in accessing the 10% loans issued by councils, citing discrimination and bureaucracy.<sup>590</sup> There is also a challenge of low awareness of rights among PWDs, especially the deaf and the blind in various parts of the country.

### **Key issues affecting rights of the deaf: A case study of Njombe**

In Njombe, the LHRC survey team met with members of the Tanzania Deaf Association (CHAVITA) to discuss the state of the rights of the deaf in the region. The team met the CHAVITA leadership and members. They acknowledged various efforts by the Government and other stakeholders in promotion of rights of PWDs, including the deaf. They also highlighted various challenges that the deaf face in the region. Key challenges include:

- ✗ Low awareness about their rights.
- ✗ Denial of education for deaf children.
- ✗ Stigma, mistreatment and discrimination, including in provision of health services.
- ✗ Limited access to quality and friendly health services due to barriers such as communication and stigma.
- ✗ Lack of or shortage sign language interpreters at institutions, including hospitals and courts of law.
- ✗ Delays and bureaucracy when seeking services and assistance.
- ✗ Discrimination in employment and limited access to economic opportunities.

*It's very unfortunate that nurses and doctors are not willing to learn the sign language to improve communication with the deaf and hard of hearing.*  
CHAVITA member – Njombe

*The deaf face discrimination in employment, even for jobs that they can easily do. Most employers prefer to workers without disabilities.*  
CHAVITA member – Njombe

<sup>589</sup> WB Disability Inclusion in Tanzania Report (*supra*).

<sup>590</sup> FGD with CHAVITA members in Njombe.





- ✗ Limited access to credit due to poverty and difficult conditions.
- ✗ Limited access to information.
- ✗ Unfriendly infrastructure



**CHAVITA members in Njombe after a group discussion with LHRC**

CHAVITA members also stated that deaf persons in the region, especially women, were subjected to various forms of violence. They noted that one of the common acts of violence against deaf women is being abandoned by their spouses after getting pregnant and men giving empty promises of marriage. One of them noted that she was taking care of her children alone after their father abandoned them.

### 5.3.3. Key Recommendations

- i. The Ministry of Constitutional and Legal Affairs and the Ministry of Foreign Affairs to ensure ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa of 2018.
- ii. The media and CSOs to report, raise public awareness, and expose incidents of violations of rights of vulnerable groups, including PWDs, including different forms of violence.
- iii. Community members to refrain from stigmatizing and discriminating against PWDs and ensuring their rights are respected and protected.







## 5.4. Rights of the Elderly

Globally, legal protection of the elderly is deemed to be inadequate, with lack of elderly-specific international and regional human rights instruments as well as lack of domestic legislation on the same in some countries, including Tanzania said to be a major factor.

### 5.4.1. Promotion and Protection of the Rights of the Elderly

Like other people, older persons in Tanzania are entitled to fundamental rights enshrined in the Constitution of the United Republic of Tanzania, 1977. The Government has also taken various measures to promote their rights, including adoption of relevant policies and guidelines and establishing and implementing social protection programmes such as Tanzania Social Action Fund (TASAF) – which provides cash transfers and other assistance to the poor, including older persons.

### 5.4.2. Key Issues Affecting Elderly Rights

LHRC's human rights survey conducted in 2023 identified several key issues that affect the rights of the elderly, including poverty and unreliable sources of income (57%), limited access to quality health services (45%), food insecurity (40%), childcare burden imposed by their own children (38%), neglect/social exclusion (36%), and violence (21%). These and other issues continue to hinder effective enjoyment of fundamental human rights among the elderly, as highlighted below.

#### Poverty and unreliable sources of income

Most older persons in Tanzania live in poverty, especially those who worked or are working in the informal sector – characterized by lack of formal social security schemes. Lack of a reliable source of income is also a challenge for the elderly, compounded by inadequate family support and isolation.

*Despite several government initiatives to protect the well-being of the elderly, the majority of them remain impoverished. The government should do more to safeguard their rights.*  
NGO official – Tabora



### Limited access to quality health services

In 2024, LHRC found that many older persons across the country experienced challenges in accessing quality health services. Like other special groups, they were disproportionately affected by various challenges in the health sector, including shortage of workers and proximity of health facilities. For instance, in November 2024, a Member of Parliament, Hon. Luhanga Mpina, revealed that a total of 6,000 villages lack a dispensary, which is concerning since most older persons reside in rural areas. In addition, they were faced with challenges such as sometimes not getting free medical services or only getting certain medical services, despite the existence of the government policy on provision of free medical services and provision of some IDs to that effect; absence of specific attention to them as patients, including having specific health workers attending them; and not getting most of the essential medicines they require.<sup>591</sup>

### Inadequate legal protection

Another factor hindering effective enjoyment of human rights for the elderly in Tanzania is inadequate legal protection. In 2024, the elderly and elderly rights stakeholders, including *HelpAge International*, continued to emphasize the need for elderly protection law, which should include various provisions such as universal pension and access to quality health services.

### ***The Law Reform Commission of Tanzania: Elderly Law***

In 2017, the Law Reform Commission of Tanzania (LRCT) identified legal protection of the elderly to be inadequate and recommended the Government enacts 'a single statute for elderly social care to consolidate existing scattered provisions on elderly social and translate the National Ageing Policy Statement into a proper legal and regulatory framework for elderly social care.'<sup>592</sup> It recommended provisions on **universal social pension scheme, respect and dignity for the elderly, obligation of the youth to take care of the elderly, participation of the elderly in dispute settlement, councils for the elderly, enhancing the economic status of the elderly through participation in income generating activities, exempting the elderly who have no reliable sources of income from paying all taxes and contributions, and community support to the elderly**, among others.

<sup>591</sup> LHRC Human Rights Monitoring 2024.

<sup>592</sup> See Law Reform Commission of Tanzania, *Report of the Review of the Legal Framework on Elderly Social Care in Tanzania*, August 2017, at <https://tanzlii.org/akn/tz/doc/law-reform-report/2017-08-01/report-on-the-review-of-the-legal-framework-on-elderly-social-care-in-tanzania/eng@2017-08-07>.





**LHRC's View & Call:** Having in place specific legislation for the elderly is essential for safeguarding their human rights. There are various countries in the world who have enacted such legislation, including China and South Africa which have enacted the Elderly Rights Law and the Older Persons Act No. 13 of 2006 respectively, which among other things prohibit adult children from neglecting or snubbing elderly people. Tanzania (Mainland) should do so, also considering Zanzibar already has in place such law.

#### Lack of universal pension scheme

Unlike their fellow older persons in Zanzibar, the elderly in Mainland Tanzania are not entitled to monthly pensions. **A 2010 study into feasibility of a universal social pension, conducted by the Ministry responsible for employment in collaboration with the elderly rights organization called *Help Age International* concluded that such a scheme is feasible for Tanzania**, and based on these findings, 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.**<sup>593</sup> Such a scheme is urgently needed as over 90% of older persons are ineligible for old age pension/retirement benefits.<sup>594</sup>

#### Violence

Some older persons were subjected to various forms of violence in 2024. LHRC documented 76 incidents of violence against the elderly, increasing from 45 in 2023. Most of the reported incidents were physical and psychological violence (68%), followed by sexual violence (22%), and economic violence (10%). Regions where these incidents were reported included Dodoma, Shinyanga, Njombe, Tabora, Kigoma, Mwanza, Lindi, Kilimanjaro, Morogoro, Dar es Salaam, and Simiyu. Older persons were subjected to acts of violence for various reasons, including witchcraft suspicion and need to acquire their properties. The acts of violence included rape, physical assault, verbal abuse, neglect and abandonment, forceful eviction from property, and the children leaving them to raise grandchildren without any support. In extreme cases, older persons were killed, especially due to suspicion of witchcraft and dispute over their properties. LHRC documented killings of 13 older persons in 2024 due to violence. In recent years, LHRC has also observed that **older persons rarely report violence due to several reasons, including fear of retaliation and isolation; feelings of shame; fears of action not being taken after reporting incident; and perpetrators mostly being family members**, especially in the case of physical and economic violence.

<sup>593</sup> Ibid..

<sup>594</sup> See HelpAge International "Why do we work in Tanzania?" at <https://www.helpage.org/where-we-work/helpage-global-network-members-in-africa/tanzania/>.



**Some of the reported incidents of violence against the elderly**

In Shinyanga, it was reported in April 2024 that Andrea Mayunga (77), resident of Mwamashimba Village in Shinyanga District, was brutally attacked and killed by three people following a dispute between her family and theirs.<sup>595</sup> In Kilimanjaro, Jenny Mtesha (77), resident of Nakombila Village, was reportedly brutally attacked and killed with a sickle by her grandson in July after forcibly trying to take her money, Tshs. 240,000.<sup>596</sup> In another incident reported in the region, 74-year-old Adela Mushi, resident of Moshi District, was strangled and attacked with an axe to death by her child over a property dispute.<sup>597</sup>

In Dodoma, the LHRC survey team documented an incident of a 25-year-old man, resident of Mpwapwa District, who mutilated his 80-year-old grandmother to death over witchcraft allegations.<sup>598</sup> A similar incident was reported in June in Mwanza, where six children were arrested by police for killing their mother, Shija Mageranya (77), resident of Misungwi District, after accusing her of witchcraft.<sup>599</sup>

In another incident, reported in Morogoro, another 25-year-old man killed his 70-year-old grandmother following a quarrel.<sup>600</sup> In Tabora, there was also an incident of a 62-year-old woman, resident of Mahene Village, who was killed by unknown people for her body parts.<sup>601</sup>

In Pwani, there was a reported incident of an elderly woman and her family being threatened to evict their land. The old woman called for intervention from the regional authorities to safeguard her property rights.<sup>602</sup>

In Kigoma, a 25-year-old man, resident of Kigoma District, was sentenced to 30 years in prison after being found guilty of raping a 66-year-old woman. In Lindi, the Lindi Resident Magistrate Court sentenced a 33-year-old man to 15 years in prison following an attempt to rape an 80-year-old woman in April 2024.<sup>603</sup>

<sup>595</sup> "Auawa kisha mwili kufukiwa ndani ya nyumba" Nipashe Newspaper, 4 Apr 2024.

<sup>596</sup> "Bibi wa miaka 77 auawa kwa kukatwa shingo" Mwananchi Newspaper, 6 Jul 2024.

<sup>597</sup> LHRC Human Rights Monitoring 2024.

<sup>598</sup> LHRC Human Rights Survey 2024: Dodoma.

<sup>599</sup> LHRC Human Rights Monitoring 2024.

<sup>600</sup> Ibid.

<sup>601</sup> LHRC Human Rights Monitoring 2024.

<sup>602</sup> Ibid.

<sup>603</sup> LHRC Human Rights Monitoring 2024.





### Other issues

Other issues that affected the welfare of the elderly in 2024 included delays and bureaucracy in receiving retirement benefits, as discussed in Chapter Three of this report; inadequacy of the retirement benefits; nutritional challenges due to limited access to adequate and nutritious food; increased vulnerability to diseases; and neglect and abandonment by their children or family.

#### 5.4.3. Key Recommendations

- i. The Ministry of Constitutional and Legal Affairs to table a bill in Parliament to propose enactment of a specific law to cater for the promotion and protection of the elderly.
- ii. The Ministry of Community Development, Gender, Women and Special Groups to fast-track the process of introducing pension for the elderly.
- iii. CSOs to continue raising awareness on the rights of the elderly and conduct campaigns on ending violence and discrimination against the elderly.

## 5.5. Youth Rights

Youth rights in Tanzania are protected under various international, regional, and domestic human rights instruments.<sup>604</sup> At continental level, a key youth rights instrument is the Youth Charter of 2006,<sup>605</sup> according to which, youth or young people refer to every person between ages 15 and 35 years.<sup>606</sup> Fundamental rights recognized under this convention including right to non-discrimination, right to gainful employment, right to adequate standard of living, and right to education of good quality.

#### 5.5.1. Promotion and Protection of Youth Rights

Like other for other Tanzanians, the rights of youth are protected in the Constitution of Tanzania, 1977. Over the years, the Government has taken various measures to promote youth rights, including enhancing access to quality education, employment, and healthcare. Key among them is the adoption of the National Youth Development Policy in 2007, increasing investment in youth education, and establishment of youth economic empowerment programmes, including 4% loans granted to youth by councils. In November 2024, the Government resumed provision of the 4% loans following suspension in 2023, to support youth entrepreneurship and financial

<sup>604</sup> Including the Universal Declaration of Human Rights (UDHR) of 1948; the International Covenant on Civil and Political Rights (ICCPR) of 1966; the African Charter on Human and Peoples Rights (Banjul Charter) of 1981; and the African Charter on the Rights and Welfare of the Child (ACRWC) of 1981.

<sup>605</sup> African Youth Charter, adopted by the Seventh Ordinary Session of the Assembly, held in Banjul, The Gambia on 2<sup>nd</sup> July 2006.

<sup>606</sup> Ibid.



inclusion.<sup>607</sup> The year 2024 was also crucial for promotion of youth rights as the Government adopted the revised National Youth Development Policy of 2007 to better address the evolving challenges facing young people.<sup>608</sup> Complementing this policy is the Strategy for Implementation for 2024–2034,<sup>609</sup> which provides a comprehensive roadmap to overcome economic, technological, political, and social challenges, ensuring that Tanzanian youth become skilled, innovative, and responsible citizens.

### 5.5.2. Key Issues Affecting Youth Rights

In 2024, issues such as violence, unemployment, underemployment, limited access to quality education, mental health problems, limited participation in governance, corruption and limited access to quality health services continued to hinder effective realization of youth rights.

#### Unemployment and Underemployment

Youth in Tanzania face high levels of unemployment and underemployment. Many are forced to work in the informal sector with low wages and little job security.<sup>610</sup> Unemployment and underemployment are contributed by factors such as corruption, poor education quality, and the gap between the skills demanded by the job market and the skills possessed by young people.

#### Quality Education and Higher Education Loan Challenges

While primary education access has improved, tertiary education remains problematic.<sup>611</sup> In 2024, a total of 86,646 first-year students were allocated loans worth TZS 273.46 billion 79,573 were first-year students and 7,073 were continuing students receiving loans for the first time. Unsuccessful applicants

<sup>607</sup> TAMISEMI (2024). Mikopo Ya Asilimia 10 Kuanza Kutolewa Kabla Novemba 30, 2024. Available at: <https://www.tamiseemi.go.tz/new/mikopo-ya-asilimia-10-kuanza-kutolewa-kabla-novemba-30-2024>

<sup>608</sup> See JAMHURI YA MUUNGANO WA TANZANIA, OFISI YA WAZIRI MKUU KAZI, VIJANA, AJIRA NA WENYE ULEMAVU, *SERA YA TAIFA YA MAENDELEO YA VIJANA YA MWAKA 2007*, TOLEO LA MWAKA 2024, at [https://www.kazi.go.tz/uploads/documents/en-1725000463-en-1723558834-Sera%20ya%20Taifa%20ya%20Maendeleo%20ya%20Vijana%20\(2007\),%20Toleo%20la%20Mwaka%202024.pdf](https://www.kazi.go.tz/uploads/documents/en-1725000463-en-1723558834-Sera%20ya%20Taifa%20ya%20Maendeleo%20ya%20Vijana%20(2007),%20Toleo%20la%20Mwaka%202024.pdf).

<sup>609</sup> See JAMHURI YA MUUNGANO WA TANZANIA, OFISI YA WAZIRI MKUU KAZI, VIJANA, AJIRA NA WENYE ULEMAVU, *Mkakati wa Utekelezaji wa Sera ya Taifa ya Maendeleo ya Viji ya Mwaka 2007, 2024-2034*, 2024, at [https://www.kazi.go.tz/uploads/documents/en-1724999635-en-1723559471-Mkakati%20wa%20Utekelezaji%20wa%20Sera%20ya%20Taifa%20ya%20Maendeleo%20ya%20Vijana%20ya%202007-%20\(2024-2034\).pdf](https://www.kazi.go.tz/uploads/documents/en-1724999635-en-1723559471-Mkakati%20wa%20Utekelezaji%20wa%20Sera%20ya%20Taifa%20ya%20Maendeleo%20ya%20Vijana%20ya%202007-%20(2024-2034).pdf).

<sup>610</sup> See MCC, *Tanzania 2024 Constraints Analysis Report*, <https://assets.mcc.gov/content/uploads/constraints-analysis-tanzania-2024.pdf>

<sup>611</sup> UNICEF Tanzania, *Tanzania Youth Study of the Productive Social Safety Net (PSSN) Impact Evaluation: Endline Report*, [https://transfer.cpc.unc.edu/wp-content/uploads/2024/11/Endline\\_report\\_final\\_rev.pdf](https://transfer.cpc.unc.edu/wp-content/uploads/2024/11/Endline_report_final_rev.pdf)



were advised to apply when the window reopens in 2025/2026.<sup>612</sup> Youth also struggle with insufficient funding and complex application processes under the HESLB system, limiting their higher education opportunities.

### Mental Health and Access to Quality Healthcare

There is a growing need for youth-friendly mental health services. Inadequate support, especially in rural areas, and a shortage of specialized healthcare professionals leave many young people without the care they need. A recent survey by the Africa Academy for Public Health (AAPH) found youth to be most affected by the growing problem of mental illness.<sup>613</sup>

One of the major consequences of mental health issues is committing suicide. In 2024, LHRC documented 54 incidents of suicide, which are 3 less than those documented in 2023. Youth accounted for the largest percentage of the suicide victims (58%), increasing from 46% in 2023.

### Limited Access to Financial Services

Many young entrepreneurs struggle to secure credit and other financial services, limiting their ability to start businesses or finance further education.<sup>614</sup>

### Exposure to Violence and Harmful Cultural Practices

Youth are vulnerable to various forms of violence, physical, sexual, economic, and psychological, and are affected by harmful cultural practices that limit their rights and opportunities.<sup>615</sup> As discussed in Chapter Five of this report, girls, boys, and young women (15 to 35 years) constituted the majority of victims and survivors of violence in 2024. Youth, including young women seeking field placements and employment after completing their studies are also subjected to sextortion and sexual harassment, while male youth often complain about being asked for bribes to get jobs.

<sup>612</sup> HESLB (2024). TAARIFA YA MIKOPO KWA WANAFUNZI WALIOKATA RUFAA. Available at: <https://www.heslb.go.tz/blog/2024/12/03/taarifa-ya-mikopo-kwa-wanafunzi-waliokata-rufaa?lang=>

<sup>613</sup> "Mambo 12 chanzo tatizo la afya ya akili" Mwananchi Newspaper, 3 May 2024

<sup>614</sup> MCC, *Tanzania 2024 Constraints Analysis Report*, <https://assets.mcc.gov/content/uploads/constraints-analysis-tanzania-2024.pdf>.

<sup>615</sup> UN Women, *Tanzania - UN Women Report*, [https://www.unwomen.org/sites/default/files/2024-11/b30\\_report\\_tanzania\\_en.pdf](https://www.unwomen.org/sites/default/files/2024-11/b30_report_tanzania_en.pdf)



### Limited Participation in Decision-Making

Youth have minimal representation in political and social decision-making processes. For instance, during the local government elections in 2024, youth participation as both voters and candidates was notably low, undermining their influence on policies that affect their future.<sup>616</sup> This low engagement further limits their influence on local policy and governance.

### Digital Rights and Online Challenges

The increasing integration of digital technology has raised concerns about data privacy, cybersecurity, and the regulation of online gambling and betting, which affect youth economic opportunities and personal security.<sup>617</sup>

### Inadequate Parenting and Social Guidance

Many young people lack sufficient parental support and community-based mentorship programs, leaving them without adequate social guidance during critical developmental stages. Several civil society organization reports have raised these concerns.

#### 5.5.3. Key Recommendations

- i. The Ministry of Education, Science, and Technology to revamp the education system to improve the quality of education to better prepare youth for employment and self-employment.
- ii. The Prime Minister's Office – Labour, Youth, Employment and Persons with Disabilities should promote youth participation in governance by operationalizing the established National Youth Council and platforms that ensure their voices are heard in decision-making processes.
- iii. The Ministry of Community Development, Gender, Women and Special Groups to intensify efforts to combat different forms of violence against youth to safeguard their rights to freedom from violence, education and health.

### 5.6. Rights of Persons Living with HIV and Other Special Groups

Other special groups in Tanzania include persons living with HIV (PLHIVs) and refugees. Like other groups, these groups are entitled to fundamental human rights guaranteed under various international, regional, and domestic human rights instruments.<sup>618</sup>

<sup>616</sup> Open Doors International, *Youth and Participation Report*, <https://www.opendoors.org/research-reports/wwl-background/WWL-Background-Information-Tanzania-September-2024.pdf>.

<sup>617</sup> See: MCC, *Tanzania 2024 Constraints Analysis Report*, <https://assets.mcc.gov/content/uploads/constraints-analysis-tanzania-2024.pdf>.







### 5.6.1. Promotion and Protection of PLHIVs and Other Special Groups

Tanzania has taken various measures, including legal and policy, to promote and protect rights and welfare of the PLHIVs. One such measure is the enactment of the HIV and AIDS (Prevention and Control) Act 2008, which provides for right to health services; prohibits compulsory HIV testing; prohibits discriminatory laws, policies, and practices; and prohibits stigma and discrimination, among others.<sup>619</sup> There is also the National Policy on HIV/AIDS of 2001, which states that PLHIVs are entitled to all basic rights and prohibits discrimination, including in employment, education, or access to healthcare, among others.<sup>620</sup> The Government has also established the Tanzania Commission for AIDS (TACAIDS), which, among others, looks after PLHIVs.

As for refugees, government initiatives to promote and protect their rights include putting in place legal and policy frameworks, most notably the Refugees Act of 1998 and the National Refugees Policy of 2003. The Government has also established refugee camps in Kigoma, which host refugees from neighbouring countries and works with the United Nations High Commission for Refugees (UNHCR) to provide services to them.

### 5.6.2. Key Issues Affecting Rights of PLHIVs and Other Special Groups

The biggest human rights concern for PLHIVs in Tanzania is **stigma and discrimination**. 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.<sup>621</sup> 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. They are also vulnerable to discrimination in employment and in the workplaces.

<sup>618</sup> Include the Universal Declaration of Human Rights, 1948 (which states that everyone has the right to seek and enjoy asylum from persecution in other countries); the International Covenant on Civil and Political Rights (ICCPR), 1966; the International Covenant on Economic, Social, and Cultural Rights (ICESCR), 1966; the UN Refugee Convention, 1951; OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969; the Refugees Act, 1998; and the HIV and AIDS (Prevention and Control) Act, 2008.

<sup>619</sup> See The HIV and AIDS (Prevention and Control) Act 2008 at <https://nacp.go.tz/download/the-hiv-and-aids-prevention-and-control-act-2008/>.

<sup>620</sup> See National Policy on HIV/AIDS, 2001, at <https://hsrc.tamsemi.go.tz/hsrc/storage/app/uploads/public/5ac/f19/840/5acff98406dea322558709.pdf>.

<sup>621</sup> TDHIS-MIS 2022, p. 436 (*supra*).



Another key challenge for PLHIVs is access to quality health services, including HIV-related health services. The challenges in the health sector, discussed in Chapter Two of this report, affect more special groups, including PLHIVs. A 2024 study on the challenges of the delivery of health services for PLHIVs in Dar es Salaam, found that there were facility-related challenges such as **inadequate and limited space for CTC services, lack of integrated HIV services, and shortage of staff**, which needed collaborative efforts to overcome.<sup>622</sup> The study also discovered healthcare provider-related challenges such as a **lack of up-to-date knowledge and limited access to health information**. Both sets of challenges were said to limit the provision of quality HIV care to the clients.<sup>623</sup> The study makes several recommendations, including implementation of appropriate infrastructure to promote the privacy and confidentiality of clients.

### **Situation of refugees**

By the end of March 2024, Tanzania was hosting 241,883 refugees and asylum-seekers, mainly from Burundi and Democratic Republic of Congo.<sup>624</sup> About 83% of the refugees in Tanzania live in two camps located in Kigoma Region, namely Nduta and Nyarugusu Camps.<sup>625</sup> In May 2024, the Government announced that it had continued to provide security and other services in refugee camps to ensure safety of refugees and enhance their access to social services.<sup>626</sup>

Despite the progress in protection of refugees, they face various challenges in the refugee camps. These challenges include sexual and physical violence, especially against women;<sup>627</sup> unemployment; criminal activities conducted by some refugees, which threatens safety and security of others; and limited access to quality education and health services. Refugees in camps also currently face restricted movement following the introduction of stricter encampment laws amid security and economic strain concerns.<sup>628</sup> Under the laws, host communities are also prohibited from offering shelter, work, and food to refugees without government permission.<sup>629</sup>

<sup>622</sup> Iseselo MK, Ambikile JS, Lukumay GG and Mosha IH (2024) Challenges in the delivery of health services for people living with HIV in Dar es Salaam, Tanzania: a qualitative descriptive study among healthcare providers. *Front. Health Serv.* 4:1336809. doi: 10.3389/frhs.2024.1336809.

<sup>623</sup> Ibid.

<sup>624</sup> See UNHCR, Refugees in the United Republic of Tanzania, at <https://reporting.unhcr.org/operational/operations/united-republic-tanzania>.

<sup>625</sup> Ibid.

<sup>626</sup> HOTUBA YA WAZIRI WA MAMBO YA NDANI YA NCHI MHE. MHANDISI HAMAD YUSSUF MASAUNI (MB.), AKIWASILISHA BUNGENI MAKADIRO YA MAPATO NA MATUMIZI YA FEDHA YA WIZARA YA MAMBO YA NDANI YA NCHI KWA MWAKA 2024/2025 (supra).

<sup>627</sup> See 'CHANZO CHA UKATILI, UJAMBAZI KAMBI ZA WAKIMBIZI CHABAINISHWA' Matukio Daima Blog, at <https://www.matukiodaimamedia.co.tz/2025/03/chanzo-cha-ukatiliujambazi-kambi-za.html>.

<sup>628</sup> Jacob Mosenda 'Compassion amid challenges: How host communities in Tanzania navigate refugee support' THE CITIZEN Newspaper (online), 28 December 2024, at





### 5.6.3. Key Recommendations

- i. The Ministry of Health to ensure persons living with HIV have access to quality health services, including access to ARVs.
- ii. Community members to refrain from stigma and discrimination against persons living with HIV.
- iii. The Ministry of Home Affairs to collaborate with local and international refugee rights organizations to address challenges faced by refugees in Tanzania, including combating different forms of violence within refugee camps.

## 5.7. Relevant SDGs, TDV 2025, and Agenda 2063 Targets

Tanzania's achievement of these 2030 SDGs, TDV 2025, and Agenda 2063, depends on progress made in realization of rights of vulnerable groups:

### Key SDGs and TDV 2025 Targets relating to Rights of Vulnerable Groups

#### SDGs

SDG3 GOOD HEALTH AND WELL-BEING: Ensure Healthy Lives and Promote Well-Being for All at All Ages.

SDG4 QUALITY EDUCATION: Ensure Inclusive and Equitable Quality Education and Promote Lifelong Learning Opportunities for All.

SDG5 GENDER EQUALITY: Achieve Gender Equality and Empower All Women and Girls.

SDG6 CLEAN WATER AND SANITATION: Ensure Availability and Sustainable Management of Water and Sanitation for All.

SDG10 REDUCED INEQUALITIES: Reduce Inequality Within and Among Countries.

SDG16 PEACE, JUSTICE AND STRONG INSTITUTIONS: Promote Peaceful and Inclusive Societies for Sustainable Development, Provided Access to Justice for All and Build Effective, Accountable and Inclusive Institutions At All Levels.

<https://www.thecitizen.co.tz/tanzania/news/national/compassion-amid-challenges-how-host-communities-in-tanzania-navigate-refugee-support-4872216>.

<sup>629</sup> Ibid.



<b>TDV 2025</b>	<u>High quality livelihood.</u> <u>A well educated and learning society</u> <u>Peace, Stability and Unity</u> <u>Good Governance</u> <u>A strong and Competitive economy</u>
<b>Agenda 2063: The Africa We Want.</b>	<p>ASPIRATION 1. A prosperous Africa based on inclusive growth and sustainable development.</p> <p>ASPIRATION 3. An Africa of good governance, democracy, respect for human rights, justice and the rule of law.</p> <p>ASPIRATION 4. A peaceful and secure Africa.</p> <p>ASPIRATION 6: An Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children.</p> <p>ASPIRATION 7: Africa as a strong, united, resilient and influential global player and partner and partner.</p>

## 5.8. Recommendations

### State actors

- 1 The Government, through the Ministry of Constitutional and Legal Affairs, to ensure enactment of a specific and comprehensive law on gender-based violence as the current legislations do not adequately address gender-based violence issues.
- 2 The Government, through the Ministry of Constitutional and Legal Affairs and the Ministry of Community Development, Gender, Women and Special Groups, to make legal and policy reforms to ensure cyber violence against women and children is fully incorporated into laws and policies.
- 3 The Government, through the Ministry of Constitution and Legal Affairs and the Law Reform Commission, to review, amend and repeal all discriminatory laws which continue to deprive women of their rights, and which are contrary to fundamental principles of human rights as provided for in various regional and international conventions ratified by Tanzania.
- 4 The Government, through the Ministry of Constitutional and Legal Affairs and the Ministry of Foreign Affairs, to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa of 2018.
- 5 The Government, through the Ministry of Education, Science and Technology to integrate gender education in learning curriculums from elementary to higher learning.
- 6 The Government, through the Ministry of Finance and Planning and Ministry of Home Affairs, to increase funding for the Police Gender And Children's Desks to





- enable it to effectively address gender-based violence and violence against children.
- 7 The Government, through the Ministry of Community Development, Gender, Women and Special Groups, the Ministry of Home Affairs, the National Prosecutions Services (NPS), and the Judiciary of Tanzania to ensure that acts of gender-based violence and violence against children are timely investigated and prosecuted.
  - 8 The Government, through the Ministry of Constitutional and Legal Affairs, to ratify the ILO C190 - Violence and Harassment Convention, 2019 (No. 190) to safeguard against acts of violence and harassment in the world of work.
  - 9 The Government to consider gender parity and equality in leadership and decision-making positions to increase female representation.
  - 10 The Government, through the Ministry of Constitutional and Legal Affairs, to facilitate amendment of the Law of Marriage Act of 1971 in line with the Court of Appeal decision of 2019 in the *Rebeca Gyumi* case.
  - 11 The Judiciary of Tanzania to ensure that courts of law fast-track proceedings of violence against PWDs.
  - 12 The Government, through the Ministry of Home Affairs, to ensure that the elderly are protected from all forms of violence, particularly witchcraft-related killings, through investigation and prosecution of cases of violence against them.
  - 13 The Government, through the Ministry of Constitution and Legal Affairs, to table a bill in Parliament to propose enactment of a specific law to cater for the promotion and protection of the elderly.
  - 14 The Ministry of Community Development, Gender, Women and Special Groups to fast-track the process of introducing pension for the elderly.
  - 15 The Government, through the Ministry of Finance and Planning, to increase budget for implementation of the National Plan of Action to End Violence Against Women and Children (NPA-VAWC) in order to effectively address VAC and VAW, which have reached alarming levels.
  - 16 The Ministry of Community Development, Gender, Women and Special Groups to ensure allocation of adequate budget for community development and social welfare departments to enable them to effectively perform their duties in relations to violence against women and children, including making follow-ups on the incidents and providing relevant assistance to victims.
  - 17 The Government to take deliberate measures to increase the number of social welfare officers to enhance the provision of relevant services to the special groups.




**Non-state actors**

- 1 CSOs to increase awareness on violence against women and children and encourage community members to report incidents to relevant authorities so that the perpetrators can be brought to justice.
- 2 CSOs to collaborate with the Government to ensure effective implementation of the 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 in order to safeguard rights of all children, including street children and children with disabilities.
- 3 CSOs to continue raising awareness on the rights of the elderly and conduct campaigns on ending violence and discrimination against the elderly.
- 4 CSOs to collaborate with the Government to strengthen mechanisms to enable women to report abuse instantly as they happen, especially women in remote areas of Tanzania.
- 5 CSO to advocate for the realization of a specific Convention on the rights of the elderly.
- 6 The media to report, raise public awareness, and expose incidents of violations of rights of vulnerable groups, including different forms of violence.

**Members of the public**

- 1 Community members perform their duties of protecting and safeguarding children's rights refraining from conducting acts of abuse to children.
- 2 Community members refrain from discriminating all children, including street children and children with disabilities.
- 3 Community members to refrain from protecting perpetrators of violence against children simply because they need 'to conceal family shame.'
- 4 Women and children to report acts of violence against them in order to receive relevant assistance, including legal and health services.
- 5 Victims of different forms of violence and their families cooperate with the social welfare officers and prosecutors, including testifying in court, in order to ensure perpetrators of violence are held accountable and justice is achieved.
- 6 Community members to obey and comply with various laws and regulations to safeguard rights of special groups.



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## Chapter Six

### Human Rights Mechanisms

## Chapter Six: Human Rights Mechanisms

Human rights mechanisms comprise institutions that promote and protect human rights at national, regional, and international levels. This chapter looks at some of the key national, regional, and international human rights mechanisms and their role in promotion and protection of human rights in Tanzania.

### Key Takeaways

- Slow pace of recommendations by the presidential commission on criminal justice system by the national human rights mechanisms.
- Non-execution/implementation of judgements of human rights petitions.
- Shortages of staff affecting protection and promotion of human rights by the national human rights mechanisms, including the Tanzania Police Force and the Judiciary.
- Difficulties in enforcing decisions of regional and international human rights mechanisms
- Non-ratification of some key international and regional human rights instruments
- Slow pace of implementation of accepted UPR recommendations.
- Delays in submission of implementation reports under various human rights conventions, including the Convention on the Rights of Persons with Disabilities (CRPD), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the African Charter on the Rights and Welfare of the Child (ACRWC).

### 6.1. National Human Rights Mechanisms

#### 6.1.1. Legal Framework

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). These mechanisms are established under the following laws:

- ▶ CHRAGG is established under the Commission for Human rights and Good Governance Act, CAP 391, No. 7 of 2001.
- ▶ PCCB is established under the Prevention and Combating of Corruption Bureau Act, CAP 329, Act No. 11 of 2007.
- ▶ The Judiciary is established under the Constitution of the United Republic of Tanzania, 1977.
- ▶ NPS is established under the National Prosecutions Service Act, CAP 430 (RE 2019).
- ▶ TPF is established under the Police Force and Auxiliary Services Act, CAP 322.







- ▶ TPS is established under the Prisons Act, CAP 58.

In conducting their operations and day-to-day activities, all these mechanisms are also governed by various other laws, rules, and regulations as well as international human rights standards, in line with Tanzania obligations and commitments under various international and regional human rights instruments.

## 6.1.2. Judiciary

### 6.1.1.1. *Mandate and Positive Action*

#### **Mandate**

- Authority with final decision in dispensation of justice in the United Republic of Tanzania.
- Administration of justice through interpretation and application of laws, rules, and regulations as well as international human rights standards.
- Setting precedents and developing case law.
- Provide remedy for legal and human rights violations.

#### **Positive action to promote or protect human rights**

In 2024, action by the Judiciary to promote and protect human rights included administration of civil and criminal cases, including sentencing convicted accused persons; construction of new courts and renovation of current ones; reducing backlog of cases; delivering justice through mobile courts, bringing judicial services closer to the people; provision of legal education; and conducting judicial inspections.

### 6.1.1.2. *Key Issues and Challenges*

- Shortage of judicial staff.
- Corruption, especially in lower courts: Corruption in justice institutions is considered the biggest barrier to access to justice by community members.
- Delays in dispensation of justice, mainly attributed to delays in police investigations, delays in scheduling criminal sessions, and delays in disposal of criminal cases.
- Frequent adjournment of cases.
- Non-execution/implementation of judgements: There are several court judgements which await implementation, including the Court of Appeal judgement in the *Rebecca Gyumi* case. Another good example is the case of private candidates in elections filed by the late Rev. Christopher Mtikila in 1994.
- Backlog of cases, contributed by shortage of judicial workers and delays in completing investigations.
- Imbalance of the Judges and Magistrates-Prosecutors ratio.
- Insufficient witness, creating a challenge for both the Judiciary and NPS.



### 6.1.3. Ministry of Constitutional and Legal Affairs (MoCLA)

#### 6.1.3.1. *Mandate and Positive Action*

##### **Mandate**

The Ministry of Constitutional and Legal Affairs (MoCLA) has a key role to play in promoting and protecting human rights in Tanzania. In this regard, it works closely with the other ministries and government institutions, including the Judiciary and CHRAGG.

Regarding human rights, the mandate of MoCLA includes:

- Preparing national reports for presentation before the human rights bodies;
- Disseminating concluding observations from human rights treaty bodies;
- Preparing country reports on human rights in accordance with regional and international human rights instruments;
- Sensitizing the public on human rights matters;
- Ensuring state compliance with human rights obligations; and
- Overseeing the development of human rights regime.

##### **Positive action to promote or protect human rights**

In 2024, MoCLA continued to take various measures to promote and protect human rights, including collaborating with the Office of the Attorney General to facilitate amendment of various laws, facilitating translation of laws into Swahili, sensitizing the public on human rights issues, enhancing access to justice through paralegal work, and engaging government and non-government institutions on issues affecting human rights. MoCLA also continued facilitating implementation of the *Mama Samia Legal Aid Campaign*, which was conducted various parts of Mainland Tanzania.

#### 6.1.3.2. *Key Issues and Challenges*

- Budgetary constraints, including budget for preparing due state reports.
- Gaps in monitoring and evaluation of justice delivery organs and coordination.
- Shortage of staff.

### 6.1.4. Commission for Human Rights and Good Governance (CHRAGG)

#### 6.1.4.1. *Mandate and Positive Action*

##### **Mandate**

The Commission for Human Rights and Good Governance (CHRAGG) is an independent government institution, established as a national focal point institution for the promotion and protection of human rights and duties as well as good governance in Tanzania. The Commission is mandated to promote, protect, and preserve human rights and deal with maladministration i.e. abuse of public authority





in the context of administrative justice as per Article 130(1) of the Constitution of the United Republic of Tanzania and sections 6 and 15 of the CHRAGG Act. According to the Act, the Commission has protective, promotive, advisory, and mediatory/conciliatory functions.

### **Positive action to promote or protect human rights**

In 2024, CHRAGG continued carrying out its key functions, including: sensitizing the public about protection and preservation of human rights and duties; and receiving allegations and complaints on violations of human rights and contravention of principles of good governance. CHRAGG also continued to collaborate with CSOs in Tanzania, including LHRC, to promote and protect human rights and principles of good governance, including serving the citizens whose rights have been violated. Citizens can now easily submit and track their complaints through the Complaints Management Information System (CMIS).

#### **6.1.4.2. Key Issues and Challenges**

- Budgetary constraints: Like most other government institutions, budgetary constraints are a challenge for CHRAGG in terms of providing and expanding its services.
- Shortage of staff to implement CHRAGG mandates.
- Increasing demand and expectations of stakeholders of human rights and good governance vis-à-vis CHRAGG's capacity and country's coverage: Currently, CHRAGG has few offices, whereby it operates through its Dodoma Headquarters in Mainland Tanzania and Unguja in Zanzibar and branch offices located in Dar es Salaam, Mwanza, Mtwara, and Pemba. This limits its ability to reach many people and provide timely services.

#### **6.1.5. Tanzania Police Force (TPF)**

##### **6.1.5.1. Mandate and Positive Action**

###### **Mandate**

- Maintain law and order.
- Protect life and property.
- Prevent, detect, and investigate crime.

Police mandate includes investigation of human rights violations, as well as arresting and taking to court perpetrators of such violations. Preventing crime includes raising awareness on crimes and criminal laws as well as road safety. TPF has also established Police Gender and Children's Desks, which attend victims of gender-based violence and violence against children.



### Positive action to promote or protect human rights

In 2024, TPF continued to take action to protect citizens and their property, including by conducting investigations, raising public awareness on crime and its consequences, and arresting and taking to court perpetrators of crime and human rights violations. The Police Force also continued implementing various programs and projects, including the community policing programme and the safer cities project.<sup>630</sup>

#### 6.1.5.2. Key Issues and Challenges

- Shortage of facilities and equipment, including vehicles.
- Budgetary constraints.
- Corruption: In 2024, the police officers, including traffic police, continued to be implicated in corruption allegations.
- Shortage of police officers and lack of police presence in some wards/areas, which affects provision of quality police services and causes overworking of available police officers.
- Poor and dangerous working conditions: This problem is exacerbated by shortage of police officers and budgetary constraints.
- Negative perception and poor cooperation from community members and witnesses to crimes.
- Excessive use of force during arrest or interrogation, sometimes leading to extrajudicial killings.
- Violence against police officers.
- Arbitrary arrests and detentions: Complaints about arbitrary arrests and detention continued to be levelled against police officers in 2024, including by opposition party members.
- Trumped-up charges/fabrication.
- Holding accused people 24 hours before taking them to court.
- Lengthy investigations, causing delays in dispensation of criminal justice: This problem is contributed by shortage of investigators, inadequate specialized training, and budgetary constraints.
- **Lack of the national strategy for detecting and preventing crime:** The criminal justice system reforms presidential commission recommended development of such a strategy in its report, released in July 2023.
- **Lack of a single investigative body:** The criminal justice system reforms the presidential commission recommended in 2023 establishment of a single investigative body, called the **National Bureau of Investigation (NBI)**, which

<sup>630</sup> HOTUBA YA WAZIRI WA MAMBO YA NDANI YA NCHI MHE. MHANDISI HAMAD M. Y. MASAUNI (MB.), AKIWASILISHA BUNGENI MAKADIRIO YA MAPATO NA MATUMIZI YA FEDHA KWA MWAKA 2024/2025 (*supra*).





shall have mandate to investigate all major crimes, also have own budget, recruitment capacity, training institution, and a modern laboratory.

### **6.1.6. Tanzania Prison Services (TPS)**

#### **6.1.6.1. Mandate and Positive Action**

##### **Mandate**

Key functions of TPS include:

- Custodial sentence management and supervision of offenders.
- Proper management of custodial remand services.
- Designing and implementation of programmes and services which address offenders' rehabilitation needs.

Prisons are there to protect society from convicted criminals and act to reform such individuals so that they can fit back into society, should they be released. TPS also conducts or facilitates training for prisoners.

##### **Positive action to promote or protect human rights**

In 2024, TPS continued to provide prison services, including managing and supervising detainees and ensuring inmates are taken to court whenever required. TPS also took measures to collaborate with other justice institutions to reduce prison overcrowding. The Minister of Home Affairs disclosed that the number of prisoners and detainees in prisons had declined from 38,601 in 2019/20 to 27,461 by April 2024.<sup>631</sup>

#### **6.1.6.2. Key Issues and Challenges**

- Prolonged detention of accused persons in prisons, largely caused by denial of bail and delays in investigations, causing prison overcrowding and compromising the ability of TPS to provide required prison services.
- Budgetary constraints.
- Shortage of prison wardens.
- Poor working environment.
- Shortage of vehicles for transporting detainees to court.
- Prison overcrowding in some prisons.
- Poor or lack of health care service, lack of quality food, absence of spiritual services, and inappropriate inspections, according to the criminal justice reform presidential commission in 2023.
- Mixing juvenile offenders with adult inmates.
- Torture of inmates, as highlighted in Chapter Two of this report.

<sup>631</sup> HOTUBA YA WAZIRI WA MAMBO YA NDANI YA NCHI MHE. MHANDISI HAMAD M. Y. MASAUNI (MB.), AKIWASILISHA BUNGENI MAKADIRIO YA MAPATO NA MATUMIZI YA FEDHA KWA MWAKA 2024/2025 (*supra*).



### 6.1.7. National Prosecutions Services (NPS)

#### 6.1.7.1. *Mandate and Positive Action*

##### **Mandate**

NPS has the overall mandate over prosecution of criminal offenders in Tanzania, on behalf of the Government. Key functions include:

- Deciding to prosecute or not to prosecute cases in relation to any offence.
- Taking and conducting criminal cases on behalf of the sovereign of the United Republic, the Central Government, independent departments, executive agencies, and the local government.
- Coordinating and supervising criminal investigation and conduct of criminal prosecution in courts of law other than court martial.
- Discontinuing at any stage before judgement is delivered any criminal proceeding brought to the court by another person or authority.
- Issuing directives to any public officer performing functions relating to conduct of criminal prosecution in courts of law.
- Direct the police and other investigative organs to investigate any information of a criminal nature and to report expeditiously.
- Entering plea bargaining agreements with criminal offenders.

##### **Positive action to promote or protect human rights**

In 2024, NPS continued to act on behalf of the State to ensure criminal offenders are prosecuted to the full extent of the law. TPS also completed construction of prosecution offices in Shinyanga, Manyara, Katavi, and Rukwa Regions, while continuing with constructions in Morogoro, Mbeya, Njombe, and Geita Regions.<sup>632</sup>

#### 6.1.7.2. *Key Issues and Challenges*

- Budgetary constraints, which sometimes make it difficult to prepare witnesses for the prosecution.
- Frequent adjournment of cases.
- Inadequate management of case files during investigations.
- Shortage of state attorneys: NPS is faced with shortage of prosecutors with requisite expertise and experience to guarantee effective case disposal.

<sup>632</sup> HOTUBA YA MHESHIMIWA BALOZI DKT. PINDI HAZARA CHANA (MB), WAZIRI WA KATIBA NA SHERIA AKIWASILISHA BUNGENI MPANGO NA MAKADIRIO YA MAPATO NA MATUMIZI YA WIZARA KWA MWAKA WA FEDHA 2024/2025 (supra).





### 6.1.8. Prevention and Combating of Corruption Bureau (PCCB)

#### 6.1.8.1. *Mandate and Positive Action*

##### **Mandate**

Functions of PCCB include:

- Preventing and combating corruption in all its forms.
- Raising public awareness on corruption and its impacts on the society.
- Examining and advising the practices and procedures of public parastatal and private organisations, to facilitate the detection of corruption or prevent corruption and secure the revision of methods of work or procedure which appear to add to the efficiency and transparency of the institution concerned.
- Addressing corruption, both grand and petty, which have a negative impact on human rights, especially socio-economic rights.

##### **Positive action to promote or protect human rights**

In 2024, PCCB continued to take various measures to prevent and address corruption, including awareness-raising and arrest and prosecution of perpetrators of corruption. PCCB also issued its annual report and presented it to the President, highlighting incidences of corruption, mismanagement, and embezzlement of public funds; investigations conducted; and legal action taken against those implicated.

##### **Tanzania in the Corruption Perceptions Index 2024**

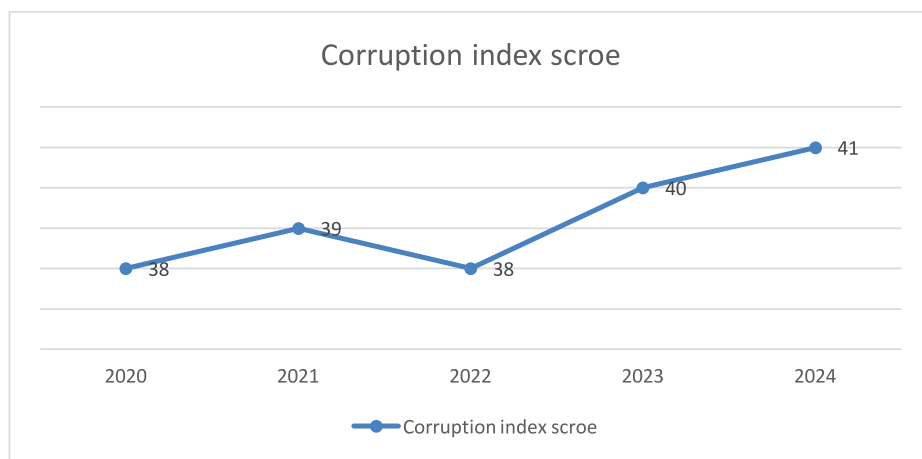
##### **CPI 100-point scale**

0 is highly corrupt and 100 is very clean.

In 2024, Tanzania's performance in the Corruption Perceptions Index continued to improve after scoring 41 out of 100 points, increasing from 40 in 2023. This also enabled the country to jump 87<sup>th</sup> position out of 180 countries in 2023 to 82<sup>nd</sup> position in 2024. <sup>633</sup>

<sup>633</sup> See Transparency International's Corruption Perceptions Index 2024 at <https://www.transparency.org/en/countries/tanzania>.





**Figure 6.1: Tanzania's scores in the Corruption Perceptions Indexes 2020-2024**

Source: Transparency International's Corruption Perceptions Index 2024

#### 6.1.8.2. Key Issues and Challenges

- Delays in investigation and prosecution of corruption cases.
- Low conviction rate due to prosecution challenges, contributing to public suspicion.
- Corruption and shortages of experts and modern tools, as found by the criminal justice system reforms presidential commission in 2023.
- Corruption report not being made public.

#### 6.1.9. Key Recommendations

- i. The Ministry of Home Affairs and the Ministry of Constitutional and Legal Affairs to strengthen national human rights mechanisms to ensure better protection of human rights.
- ii. The Ministry of Constitutional and Legal Affairs to ensure adequate budget is allocated for Commission on Human Rights and Good Governance (CHRAGG) to enable it to effectively carry out its mandate as the national human rights institution.
- iii. The Ministry of Home Affairs and the Ministry of Constitutional and Legal Affairs to ensure timely submission of implementation reports to relevant treaty bodies at regional and international levels.





## 6.2. Regional and International Human Rights Mechanisms

### 6.2.1. Legal Framework

Tanzania is part of various regional and international human rights mechanisms. These include the Universal Periodic Review Mechanism (UPR) - whereby it submits its reports on promotion and protection of human rights; and bodies established under various human rights treaties.

Treaty bodies are established by the human rights treaties that have been ratified, with the aim of monitoring the implementation of such treaties by States parties. The provisions of the treaties require States parties to submit to the treaty bodies periodic reports on their efforts to implement the treaties. The major international and regional treaty bodies are the Human Rights Committee (HRC), the UN Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination Against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of Persons with Disabilities, the African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights, the African Committee of Experts on the Rights and Welfare of the Child and the East African Court of Justice.

### 6.2.2. Key Issues and Challenges

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

#### Difficulties in Enforcing Decisions of Regional and International Human Rights Mechanisms

In December 2019, Tanzania decided to withdraw access of individuals and NGOs to the African Court on Human and Peoples' Rights, issuing a notice of withdrawal.<sup>634</sup> According to the notice, the withdrawal decision was reached after the Declaration had been implemented contrary to the reservations submitted by Tanzania when making its Declaration.<sup>635</sup> The withdrawal came at a time when its enforcement of regional and international human rights mechanisms, especially of the African Court on Human and Peoples' Rights and the East African Court of Justice, has been a

<sup>634</sup> See NOTICE OF WITHDRAWAL OF THE DECLARATION MADE UNDER ARTICLE 34(6) OF THE PROTOCOL TO THE AFRICAN CHARTER ON THE ESTABLISHMENT OF AN AFRICAN COURT ON HUMAN AND PEOPLE'S RIGHTS at <https://www.southernafricalitigationcentre.org/wp-content/uploads/2019/12/Tanzania-Withdrawal-Article-36-4-African-Court.pdf>.

<sup>635</sup> Ibid.



challenge. In 2023, enforcement of such decisions continued to be a challenge. However, at least the EACJ judgement on the Media Services Act, delivered in 2019 was partially implemented in 2023 through partial amendment of the law. Most other judgements remained unenforced, as discussed in Chapter Two above.

### **Non-ratification of some key international and regional human rights instruments**

Tanzania is yet to ratify some of the key regional and international human rights conventions, including the UN Convention against Torture (CAT) and the African Charter on Democracy Elections and Governance (ACDEG) of 2007. This is a gap in terms of the human rights mechanisms effectively carrying out their mandate of promoting and protecting human rights.

### **Delays in submission of implementation reports to human rights mechanisms**

Tanzania is required to submit implementation reports to regional and international human rights mechanisms established by various conventions it has ratified. LHRC has generally observed that there are often delays in submission of implementation reports under various human rights conventions, including the Convention on the Rights of Persons with Disabilities (CRPD), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the African Charter on the Rights and Welfare of the Child (ACRWC).

## **6.2.3. Universal Periodic Review (UPR)**

### **6.2.3.1. Overview**

UPR is a unique mechanism of the Human Rights Council (HRC) aimed at **improving the human rights situation on the ground** of each of the 193 United Nations (UN) Member States.<sup>636</sup> Under this mechanism, human rights situation of all UN Member States, Tanzania inclusive, is reviewed every 5 years to ascertain the extent States have taken action to improve human rights and fulfil their international human rights obligations.<sup>637</sup>

### **6.2.3.2. Tanzania's Review Process**

In 2021, Tanzania's human rights record was yet again examined by the UN Human Rights Council's Universal Periodic Review (UPR) Working Group for the third time on 5<sup>th</sup> November 2021, following the first and second UPR reviews in October 2011 and May 2016 respectively.<sup>638</sup> During the interactive dialogue, 92 delegations made statements. Tanzania supported 108 recommendations (43%), promised to examine

<sup>636</sup> See United Nations Human Rights Office of the High Commissioner, *Universal Periodic Review*, at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>, accessed 29<sup>th</sup> December 2016.

<sup>637</sup> Ibid.

<sup>638</sup> OHCHR "Tanzania's human rights record to be examined by Universal Periodic Review" at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27747&LangID=E>.





12 recommendations (5%), and noted 132 recommendations (52%). In March 2022, the Working Group on the Universal Periodic Review released its report on the outcome of Tanzania's Universal Periodic Review.<sup>639</sup> According to the report, Tanzania accepted to implement 187 recommendations (20 with partial support) and noted 65 recommendations.<sup>640</sup> The percentage of supported recommendations increased from 43% in 2021 to 66% in 2022, while the number of noted recommendations decreased from 52% in 2021 to 26% in 2022.

**LHRC's View:** The Government's decision to accept majority of the recommendations is commendable and a step in the right direction in terms of enhancing promotion and protection of human rights in Tanzania.

**LHRC's Call:** The Government to reconsider its stance on some of the noted or partially supported recommendations, including on the enactment of the anti-GBV law, ratification of the Convention against Torture, and amendment of the Non-Governmental Organisations Act (Amendments) Regulations of 2018. The Government should also commit and take measures to implement all accepted recommendations.

#### 6.2.3.3. **Implementation of Accepted UPR Recommendations**

In 2024 the Government partially implemented a few of the accepted UPR recommendations, most notably amendment of the electoral laws to criminalize violence against women in elections. However, many other recommendations were yet to be implemented.

#### 6.2.4. **Key Recommendations**

- i. The Ministry of Constitutional and Legal Affairs to spearhead re-signing of the African Court Declaration to allow NGOs and individuals to access the African Court on Human and Peoples' Rights to enhance access to justice for Tanzanians.
- ii. The Ministry of Constitutional and Legal Affairs to ensure the various judgements issued by regional human rights mechanisms, particularly the African Court on Human and Peoples' Rights and the East African Court of Justice, are implemented.
- iii. The Ministry of Constitutional and Legal Affairs to ensure Government implementation of the 187 accepted recommendations following the Universal Periodic Review (UPRC) process of 2021.

<sup>639</sup> See UNGA, *Report of the Working Group on the Universal Periodic Review: United Republic of Tanzania*, Human Rights Council Forty-ninth session 28 February–1 April 2022 Agenda item 6, Universal periodic review, 21 March 2022, at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/287/06/PDF/G2228706.pdf?OpenElement>.

<sup>640</sup> Ibid.



### 6.3. Relevant SDGs, TDV 2025, and Agenda 2063 Targets

Key SDGs and TDV 2025 Targets relating to Human Rights Mechanisms	
<b>SDGs</b>	<p><u>SDG 10 REDUCED INEQUALITIES</u>: Reduce Inequality Within and Among Countries.</p> <p><u>SDG16 PEACE, JUSTICE AND STRONG INSTITUTIONS</u>: Promote Peaceful and Inclusive Societies for Sustainable Development, Provided Access to Justice for All and Build Effective, Accountable and Inclusive Institutions At All Levels.</p>
<b>TDV 2025</b>	<p><u>Peace, Stability and Unity</u></p> <p><u>Good Governance</u></p> <p>☞ Strong adherence to and respect for the rule of law</p>
<b>Agenda 2063: The Africa We Want.</b>	<p>ASPIRATION 2: An integrated continent, politically united, based on the ideals of Pan-Africanism and the vision of Africa's Renaissance</p> <p>ASPIRATION 3: An African of good governance, democracy, respect for human rights, justice and the rule of law</p> <p>ASPIRATION 4: A peaceful and secure Africa</p>

### 6.4. Recommendations

#### State actors

- 1 The Ministry of Home Affairs and the Ministry of Constitutional and Legal Affairs to strengthen the institutional capacity of the national human rights mechanisms, including in the areas of investigation and protection, to ensure better protection of human rights.
- 2 The Ministry of Home Affairs and the Ministry of Constitutional and Legal Affairs to ensure adequate budget is allocated for Commission on Human Rights and Good Governance (CHRAGG) to enable it to effectively carry out its mandate as a national human rights institution.
- 3 The Prevention and Combating of Corruption Bureau (PCCB) to move to address corruption in the justice system to boost protection of human rights and their ability to ensure justice, including by closely monitoring the justice mechanisms, conducting investigations, and prosecution of corruption.



- 4 The Ministry of Constitutional and Legal Affairs to re-sign the African Court Declaration to allow NGOs and individuals to access the African Court on Human and Peoples' Rights to enhance access to justice for Tanzanians.
- 5 The Ministry of Constitutional and Legal Affairs to ensure the various judgements issued by regional human rights mechanisms, particularly the African Court on Human and Peoples' Rights and the East African Court of Justice, are implemented in Tanzania, including the judgements on independent candidate, challenging of presidential results, and mandatory death sentence.
- 6 The Ministry of Home Affairs and the Ministry of Constitutional and Legal Affairs to ensure timely submission of implementation reports to relevant treaty bodies at regional and international levels.

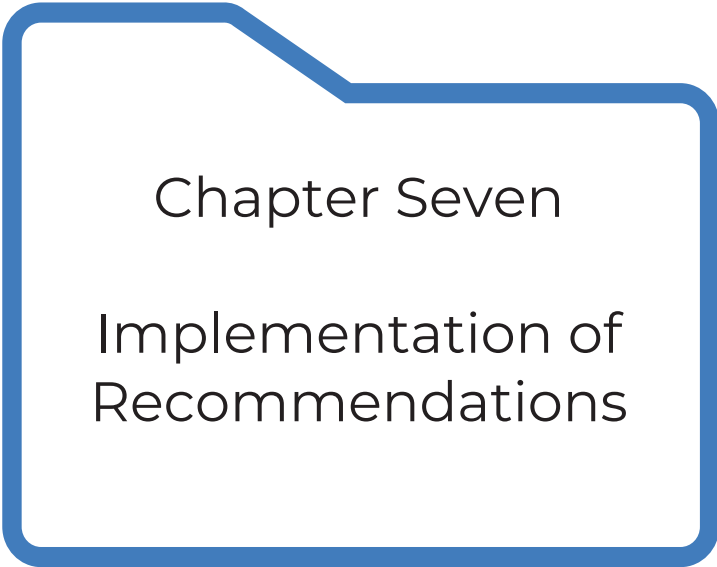
### **Non-state actors**

- 1 CSOs to collaborate with the Commission for Human Rights and Good Governance (CHRAGG) to build capacity for law enforcement officials to apply a rights-based approach in their work.
- 2 CSOs also to collaborate with CHRAGG to prepare rights-based approach guides for law enforcement officials.
- 3 CSOs to engage human rights mechanisms at national, regional, continental and international levels as a way of promoting and protecting human rights. CSOs should apply for observer status at some of the human rights mechanisms, such as the African Committee of Experts on the Rights and Welfare of the Child and the African Commission on Human and Peoples' Rights.
- 4 CSOs to engage regional and international human rights mechanisms as part of their regional and international level advocacy and influencing the Government to improve its human rights record and ratifying key human rights treaties that it is yet to ratify.
- 5 The Media to report about different human rights mechanisms and how they can be engaged.
- 6 CSOs to sensitize the public about different national, regional/continental and international human rights mechanisms.

### **Members of the public**

- 1 Members of the public are encouraged to engage different levels of human rights mechanisms, either individually, or with assistance of CSOs when their human rights are violated, as a way of seeking remedy.





## Chapter Seven

### Implementation of Recommendations



## Chapter Seven: Implementation of Recommendations

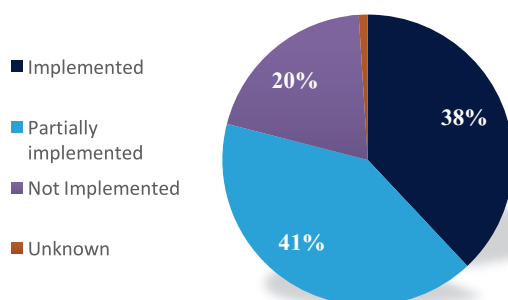
LHRC's human rights reports provide recommendations to various government and non-government actors to improve promotion and protection of human rights in Tanzania. Implementation of recommendations is an important yardstick to measure where we are in terms of improving the situation of human rights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

### Key Takeaways

- Progress in implementation of recommendations, but key recommendations, especially in civil and political rights, remain unimplemented.
- The majority of recommendations are only partially implemented, which affects effective enjoyment and realization of fundamental human rights.

### 7.1. Overall Picture

In 2024, the percentage of implemented recommendations stood at 38%, increasing from 36% in 2023. Percentage of partially implemented recommendations also increased from 40% in 2023 to 41% in 2024, while the percentage of recommendations not implemented decreased from 23% in 2023 to 20% in 2024.



**Figure 7.1: Status of implementation of THRR recommendations (2015 – 2023)**

Table 8 below shows the number of recommendations that were implemented (I), partially implemented (PI), not implemented (NI), and whose status is unknown (U).



**Table 7.1: Status of recommendations of LHRC's Tanzania Human Rights Reports**

Human Rights Category	#Recommendations	I	PI	NI	U
Civil and Political Rights	71	27	32	12	0
Economic, Social, and Cultural Rights	45	18	18	9	0
Rights of Special Groups	28	9	10	8	1
Other human rights	7	3	2	1	1
<b>Total</b>	<b>151</b>	<b>57</b>	<b>62</b>	<b>30</b>	<b>2</b>

Majority of the recommendations made during this period (47%) were on civil and political rights. This is because these rights constitute the majority of human rights stipulated in international human rights instruments and are the most violated human rights. Recommendations on civil and political rights also constituted the majority of recommendations which were implemented (48%) and not implemented (43%). Overall, five more recommendations were implemented or partially implemented in 2024, of which two were implemented and three were partially implemented.

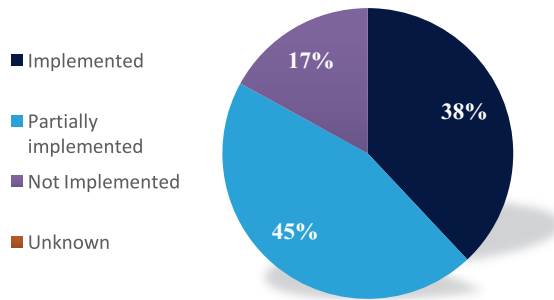
**LHRC's Call:** To safeguard fundamental human rights, enhance social justice, and achieve sustainable development goals (SDGs), LHRC calls upon the Government and other actors to fully implement recommendations which are not implemented and those which are partially implemented.

## 7.2. Civil and Political Rights Recommendations

During this reporting period, a total of 71 key recommendations on civil and political rights made in the Tanzania Human Rights Reports of years 2015 to 2023 were assessed to determine their status. Out of these, only 27 recommendations were found to be implemented, while 32 were found to be partially implemented. A total of 12 recommendations were found to be unimplemented. However, the percentage of implemented recommendations increased by 1%, while percentage of partially implemented recommendations also increased by 3%. Percentage of recommendations not implemented decreased from 21% in 2023 to 17% in 2024.







**Figure 7.2: Status of civil & political rights THRR recommendations (2015-2023)**

Among key recommendations that were implemented in 2024 were the amendment and enactment of electoral laws, which among other things promoted gender equality in political parties and criminalised violence against women in elections. They also addressed the issue of unopposed candidates, which raised concerns during the Local Government Elections of 2024, and prisoners with sentences of below six months were allowed to vote in the elections.

Some of the key recommendations on civil and political rights which are yet to be implemented include:

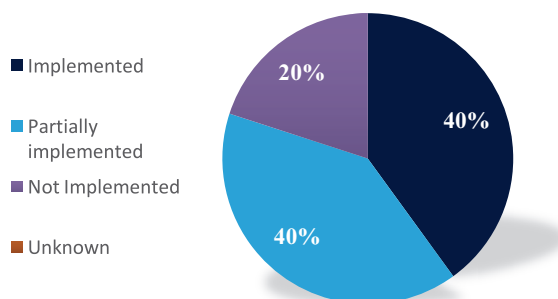
- Officially declare the state of moratorium on execution of death penalty, vote in favour of moratorium, and amend Penal Code to end compulsory sentencing of death penalty for the crime of murder and treason.
- Sign and ratify the Second Optional Protocol to the International Convention on Civil and Political Rights to abolish the death penalty.
- Establishment of an independent police oversight body.
- Government to amend the Cybercrimes Act so that it does not infringe on freedom of expression and other human rights.
- The Government to ratify and domesticate the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Government to sign and ratify the African Charter on Democracy, Elections and Governance.
- Government to amend the Online Content Regulations to remove or amend provisions that do not conform to international human rights standards.

### 7.3. Economic, Social, and Cultural Rights Recommendations

During this reporting period, a total of 45 key recommendations on economic, social, and cultural rights made in the Tanzania Human Rights Reports of years 2015 to 2023



were assessed to determine their status. Out of these, only 18 recommendations have been implemented, while 18 have been partially implemented, and total of 9 recommendations have not been implemented.



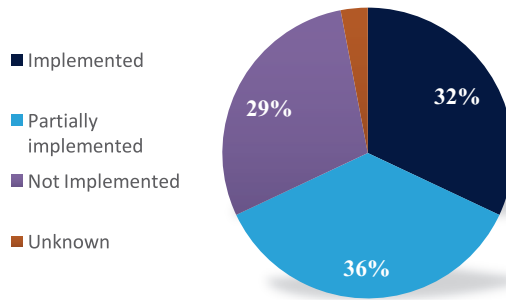
**Figure 7.3: Status of THRR recommendations on economic, social and cultural rights (2015-2023)**

Percentage of implemented recommendations increased by 2%, from 38% in 2023 to 40% in 2024. Partially implemented recommendations remained the same, at 42%, while recommendations not implemented decreased from 22% in 2023 to 20% in 2024. The key difference was the removal of tax on production of sanitary products.

For economic, social, and cultural rights, one of the key recommendations which are yet to be implemented is the Government to increase budgetary allocations for education, water, health, and agriculture sectors in line with international minimum standards and to ensure full and timely disbursement of funds for these sectors. While budgets have been somewhat increasing, they have not been in line with international minimum standards.

#### 7.4. Rights of Special Groups Recommendations

During this reporting period, a total of 28 key recommendations on rights of special groups made in the Tanzania Human Rights Reports of years 2015 to 2023 were assessed to determine their status. Out of these, only 9 recommendations have been implemented, while 10 have been partially implemented. A total of 8 recommendations were not implemented, and status of implementation of 1 recommendation was unknown.



**Figure 7.4: Status of THRR recommendations on rights of special groups (2015-2023)**

Percentage of implemented recommendations increased from 29% in 2023 to 32% in 2024, while the percentage of partially implemented recommendations remained the same, at 36%. The percentage of recommendations not implemented decreased from 32% in 2023 to 29% in 2024. The key difference was criminalization of violence against women in elections in the electoral laws.

Some of the key recommendations on the rights of special groups which are yet to be implemented include:

- The Government to ensure enactment of a specific and comprehensive law on gender-based violence as the current legislations do not adequately address gender-based violence issues.
- The Government to enact the law on elderly rights and protection to complement the National Age Policy.
- The Government to fulfil its obligation under the regional and international children rights treaties to end child marriage and confirm the age of 18 as the minimum age for marriage, through a legislative action to amend the Law of Marriage Act 1971.
- The Government to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa of 2018



# Tanzania Human Rights Report 2024

## **Part Two: Zanzibar**

Zanzibar – The Zanzibar Fighting  
Against Youth Challenges  
Organization (ZAFAYCO)



## Acknowledgement

ZAFAYCO would like to acknowledge the tremendous efforts made by several people, organizations, departments, and governmental and non-governmental groups to ensure successful preparation of this report. The information they provided was crucial to the preparation of this report. We are also appreciative of a group of data collectors, including our network of paralegals and human rights monitors, who diligently collaborated with ZAFAYCO to gather primary data in Pemba and Unguja for this report and to keep us informed about important human rights concerns in their local communities.

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## List of Acronyms & Abbreviations

ACHPR	African Charter on Human and Peoples Rights
ACRWC	African Charter on the Rights and Welfare of the Child
AIDS	Acquired Immune Deficiency Syndrome
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of all Forms of Racial Discrimination
CHRAGG	Commission for Human Rights and Good Governance
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organizations
FGM	Female Genital Mutilation
H.E.	His/Her Excellency
HIV	Human Immunodeficiency Virus
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
LRCZ	Law Review Commission of Zanzibar
LHRC	Legal and Human Rights Centre
MDG	Millennium Development Goal
MoHR	Members of House of Representatives
NEA	National Elections Act
OCGS	Office of the Chief Government Statistician
PLHIV	Persons living with HIV/AIDS
PWAs	Persons with Albinism
PWDs	Persons with Disabilities
SDG	Sustainable Development Goal
TLS	Tanganyika Law Society
TPS	Tanzania Prisons Services
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization



UPR	Universal Periodic Review
VAW	Violence against Women
ZAFAYCO	The Zanzibar Fighting Against Youth Challenges Organization
ZEMA	Zanzibar Environmental Management Authority



## About ZAFAYCO

**The Zanzibar Fighting Against Youth Challenges Organization (ZAFAYCO)** is a non – governmental, nonprofit –making membership organization established in 2011 and got its registration the same year on 23<sup>rd</sup> December, with Registration No. 1047 under the societies Act No.6 of 1995, known as “Zanzibar Fighting Against Youth Challenges Organization”. In the new online registration system ZAFAYCO has been registered under Business Entities Registration Act No. 12 of 2012 with the registration No. Z0000012796. ZAFAYCO now has 40 organization active members (19 females and 21 males) and 4 Board of Trustees members (1 male and 4 females). ZAFAYCO is hierarchically arranged from the Board of Trustees, Annual General Meeting, Executive Committee, Executive Director, Head of Programs, Head of Finance and Administration, MEAL, Program Managers and Coordinator with sub committees. Currently there are 15 staff, 11 are permanent and 4 are part-timers.

**Vision:** To see Zanzibar youth are very active and flexible in order that they can handle current economic, political, and social challenges.

**Mission:** ZAFAYCO is dedicated towards promoting young people through awareness raising, capacity building and networking programs which are youth centred, environmentally friendly and development oriented.

**Main Objective:** The Organization's main focus is the development of youth and women, by helping all that need help regardless of age, tribe, etc. The most pressing needs of the groups are identified through meetings with community members and possible solutions are worked out in partnership with them.







# Major Developments in 2024

Establishment of the Afya Call Centre to facilitate reporting of infectious diseases (epidemics) and ask about other health issues by dialing 190.
Continued calls by media stakeholders to the Government to introduce a new media law that would repeal existing restrictive laws such as the Registration of News Agents, Newspapers and Books Act of 1988 and the Zanzibar Broadcasting Commission Act of 1997.
Concerns over the number of remandees in the correctional centres, far exceeding that of inmates.
Move by the Independent National Electoral Commission (INEC) to safeguard prisoners' and remandees' right to vote by establishing registration centres in correctional centres.
Alarming rate of violence against children, as the number of reported incidents increased in 2024.
Concerns over the growing problem of cyberviolence against women.



# Executive Summary

## Introduction

This report (Part Two) discusses the situation of human rights in Zanzibar for the year 2024. The report assesses the situation of human rights in line with international human rights standards, the Constitution of Zanzibar, and other laws applicable in Zanzibar. A diverse of sources of data, both primary and secondary, informed this report. These include primary data generated internally and through interaction with ZAFAYCO stakeholders, and secondary data from government reports, budget speeches, media reports, judgements, and analyses.

## Key Findings

Incidents of gender-based violence (GBV) and violence against children (VAC) continued to significantly affect the enjoyment of human rights in Zanzibar in 2024, as the overall situation was observed to remain the same as 2023.

### 1 Civil and Political Rights

Key issues that were observed to significantly affect civil and political rights in 2024 included right to life violations, GBV and VAC, restrictive laws and regulations, barriers to access to justice, and criminal justice challenges.

#### Right to Life

- **Mob violence** has been a significant obstacle to the enjoyment of the right to life, with an average of 16 incidents reported annually in Zanzibar from 2015 to 2020. Extrajudicial killings and violence against law enforcement officers are rare in Zanzibar, and witchcraft-motivated killings and violence against PWAs are not right to life concerns in Zanzibar.
- The **death penalty**, a controversial and inhumane punishment, is still one of the penalties in Zanzibar's penal laws. ZAFAYCO could not obtain official data on death penalty and did not document any reported incidents in 2024.
- **Intimate Partner Homicide (IPH)** is a form of intimate partner violence (IPV) that occurs in domestic settings. In 2024, ZAFAYCO documented one reported IPH incident, involving a 26-year-old man arrested for killing his wife.
- **Disappearances** create a right to life obligation for law enforcement bodies, but no incidents were documented in 2024.
- **Road accidents**, caused by reckless driving and poor road quality, remain a human rights concern. In 2024, a total of 222 road accidents were reported,





with the majority of victims being male. Such accidents resulted in death, injury, and disability, impacting families, communities, and the nation.

### **Freedom of Expression**

- Freedom of expression is a right to communicate opinions and ideas, but in 2024, restrictive laws and regulations were key issues. The freedom of expression laws, including the Constitution of Zanzibar of 1984, Cybercrimes Act of 2015, and Online Content Regulations of 2020, have been criticized for non-compliance with international human rights standards.
- In 2024, the Zanzibar Media Stakeholders Committee (ZAMECO) acknowledged the government's commitment to introduce a new media law, but no legal reforms have taken place.
- The country's performance in the World Press Freedom Index 2024 showed positive progress, but a decline in the political indicator suggests a need for strengthened safeguards and proactive measures.
- The right to information remains undermined by legal and practical challenges, with eight reported violations over the past decade. The current legal framework does not mandate a timely response to information requests and lacks clear penalties for non-compliance.

### **Freedoms of Assembly and Association**

There were no reported incidents of arbitrary restrictions or infringement on these freedoms. However, stakeholders continued to express concerns over the existence of restrictive provisions within the Political Parties Act, which was amended in 2019, and 2024 not conforming with international standards. This is a genuine concern as the country head towards the 2025 General Elections.

### **Right to Equality before the Law and Effective Remedy**

Rights to equality before the law and effective remedy in Zanzibar included access to justice, legal representation, presumption of innocence, and fair trial. Key issues affecting these rights included barriers to access to justice and criminal justice challenges. However, the Revolutionary Government of Zanzibar (RGZ) and the Judiciary of Zanzibar have taken action to improve access to justice through technology and ICT tools, the use of Swahili Language in case hearings, construction and renovation of court buildings, and provision of legal aid through the Mama Samia Legal Aid Campaign.

Criminal justice reforms have been called for in 2024, including the implementation of the Presidential Commission on Criminal Justice Reforms, considering other



recommendations from stakeholders, and taking deliberate measures to address corruption in the justice system.

### **Right to Liberty and Personal Security**

The right to liberty and personal security in Zanzibar is a fundamental right that guarantees the right to be free and live like a free person. However, key issues that continue to hinder effective enjoyment of this right include arbitrary arrest and detention, safety and security concerns, denial of bail, trumped-up charges, delays in investigations, delays in case disposal, corruption, and human trafficking. In 2024, the Chief Justice of Zanzibar, Hon. Khamis Ramadhan Shaaban, raised concerns over the bailing system, as most detained people were remandees, some of whom were detained for bailable offences.

- Delays in investigations, particularly in criminal cases, have caused delays in the disposal of cases and backlog of cases.
- Human rights and justice stakeholders, including NGOs, continue to voice their concerns over bail and the fact that remandees outnumber inmates in correctional centres.
- In recent years, incidents of abductions and assaults have been common, threatening safety and security.
- Violence against special groups, particularly women and children, is also a significant concern. Human trafficking remains a key challenge in achieving the right to liberty and personal security in Zanzibar, particularly for children.

### **Right to Take Part in Governance**

The right to participate in governance, also known as the right to vote and be voted for public office, has been significantly impacted by gaps and restrictions in laws and regulations.

- In 2024, Tanzania introduced three key laws to regulate elections and political party affairs, but these amendments still leave critical gaps that must be resolved to ensure fair and credible elections in 2025.
- Gaps and restrictions on freedoms of expression, assembly, and association hinder effective realization of the right to take part in governance.
- The 2024 Local Government Elections in Mainland Tanzania highlighted significant structural weaknesses in the electoral process, including voter registration issues, candidate disqualification and limited competition, unequal access to media coverage and campaign conduct, election day irregularities, and limited inclusivity. The Revolutionary Government of Zanzibar must take these lessons into account and strengthen electoral preparations to ensure the 2025 General Election is transparent, inclusive, and free from political interference.





- The 2025 General Elections in Tanzania are marked by several pressing issues that require urgent action. These include ensuring a majority (50%+1) vote for presidential elections, allowing judicial review of results, reforming the selection process for NEC members, promoting fair political participation, empowering female candidates, establishing a Gender Desk, limiting special seats for women, and promoting equal participation of persons with disabilities (PWDs) in politics.

### **Freedom from Torture and Inhuman or Degrading Treatment**

Freedom from torture and inhuman or degrading treatment is a fundamental human right protected under regional and international human rights treaties. However, Tanzania has not yet ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and there is persistent non-reporting or underreporting of torture incidents. Reports of extreme physical violence and child torture highlight the vulnerability of minors to severe abuse. To safeguard this fundamental human right, the Union Government and the RGZ should take immediate measures to ratify the UN Convention Against Torture (CAT), investigate, report, and take legal actions on torture incidents, and encourage community members to expose acts of torture.

### **Freedom from Violence**

The report highlights the critical situation of violence in Zanzibar, particularly against children and women. Women constitute 74% of gender-based violence survivors, with most incidents occurring in domestic settings. Violence against children (VAC) remains the most dominant form of violence, with 84% of reported incidents being VAC incidents. Violence against men (VAM) is also a significant issue, with 73 reported incidents in 2024. Verbal abuse is the most common VAM act, followed by physical abuse, denial of sexual intercourse, and harassment or humiliation. Shame and fear are key drivers of VAM, with most men being less likely to report VAM suffered at the hands of their spouses.

Violence against persons with disabilities (PWDs) is less likely to be reported due to limited access to justice and perpetrators being close to them. The elderly face various forms of violence, mostly psychological and economic, including neglect, verbal abuse, mistreatment or disrespect, and social exclusion. Key recommendations include the Revolutionary Government of Zanzibar (RGZ) intensifying efforts to prevent and combat all forms of violence, allocating sufficient budget for the implementation of the National Plan of Action to End Violence



against Women and Children (NPA-VAWC), and ensuring all incidents of violence are reported and collaborated to raise awareness about all forms of violence.

## 2 Economic, Social, and Cultural Rights

Key issues that continued to affect progressive realization of economic, social, and cultural rights in 2024 included budgetary constraints and shortages of resources.

### Right to Education

Budgetary restrictions, teacher and school facility shortages, truancy, school dropout, and violence against children are some of the major concerns affecting enjoyment of the right to education.

- The Revolutionary Government of Zanzibar (RGZ) has implemented a number of initiatives to support the progressive realization of the right to education, including increasing budget for education. However, the budget allocation for the education sector remains below the 20% national budget target outlined in the Incheon Declaration, which worries stakeholders.
- Lack of teachers, a lack of classrooms in some areas of Unguja and Pemba, a lack of ICT resources, a long commute to school, truancy and school dropout, and violence against children are some of the other major problems and obstacles preventing the effective realization of the right to education in 2024.
- With almost the same number of classrooms in public and private schools, the main obstacles to high-quality education in Zanzibar are a lack of teachers and school infrastructure. Lack of classrooms and other school infrastructure is another major issue mentioned by community stakeholders. After the Education Act of 1982 and the Education Policy of 2006 are amended, the RGZ intends to completely restructure the education system.
- Certain public schools' lack of special education teachers, suitable teaching resources, and disability-accessible facilities.
- Children in rural areas frequently walk great distances to school, which impairs their focus and learning efficiency. Another issue in some schools is truancy, which frequently results in school dropout.
- According to a 2024 assessment, some community members do not take education seriously, which causes parents to not cooperate with instructors and schools.

### Right to Health

Effective realization of other rights largely depends on the right to health, and in 2024, financial limitations, a lack of medical personnel, a lack of medications and





medical supplies, and the close proximity of medical facilities have all impeded progress. Although the RGZ has taken a number of steps to help the right to health be gradually realized, it has not yet met the international community-agreed threshold of 15% of the total budget.

- In certain areas of Unguja and Pemba, there is a shortage of medical personnel, especially physicians.
- Concerns about the implementation of the health budget, particularly with regard to the development budget, have been voiced by stakeholders. It is advised that ICT be used more effectively to improve access to healthcare services.
- Maternal health, mental health, access to clean and safe water, and shortages of medications and medical supplies are some of the obstacles the Revolutionary Government of Zanzibar (RGZ) must also overcome in order to uphold the right to health.
- Depression and anxiety disorders are among the mental health conditions that make it difficult to effectively exercise the right to mental health. In Zanzibar, mental health problems were gradually becoming more prevalent in 2024, particularly among young people. Mental health problems are exacerbated by a shortage of mental health professionals as well as deficiencies in registration and recordkeeping.

### Right to Water

Budgetary restrictions, the effects of climate change, contaminated water sources, deteriorating water infrastructure, and some residents' failure to pay water bills all have an impact on the enjoyment of the right to clean and safe water.

- The provision of safe and clean water requires government intervention, but funding distribution and allocation continue to be obstacles.
- Water contamination, deteriorating infrastructure, leaks, the effects of climate change, urbanization, heightened economic activity, and non-payment of water fees were some of the obstacles Zanzibar faced in 2024 when trying to obtain clean and safe water.

In order to solve these problems, the RGZ should enhance funding for the water sector, step up efforts to stop water contamination and leaks, and educate the public about the importance of not contaminating and invading water sources. The government should also give entrepreneurs money and equipment, as well as enhance the number of formal jobs produced.

### Right to Work

The effective exercise of the right to work in Zanzibar is hampered by labour rights violations and unfavorable working conditions.

- By enforcing labour laws and regulations, expanding access to employment possibilities, attracting investment, and encouraging entrepreneurship, the



RGZ has taken action to advance the right to work. Community members have, however, claimed labour rights infringements, including lack of work contracts, unjust termination of employment, and payment below the minimum wage structure.

- The government should step up efforts to increase economic opportunities, work with stakeholders, educate the public and workers about labor laws and rights, fortify institutional and legal frameworks, and encourage freedom of association and collective bargaining in order to improve the right to own property.

### **Right to Own Property**

In 2024, the Revolutionary Government of Zanzibar (RGZ) implemented land-related programs, settled land disputes, issued land titles and certificates of occupancy, and surveyed plots in an effort to promote and safeguard the right to own property. During the fiscal year 2023–2024, the ministry issued 1,555 land use permits and 880 land title documents. In addition, the ministry is drafting a three-year strategic plan and creating the Land Administration and Registration Information System (LARIS).

- Land disputes continue to be a major obstacle to enjoyment of property rights. Between July 2023 and March 2024, a total of 135 land disputes from Unguja and Pemba were submitted to the Land Tribunal. In 2023–2024, a total of 46 landlord–tenant disputes were settled by the Rent Restriction Board.
- Denial of inheritance rights, especially for widows, and other abuses of property rights limit women's ability to purchase and own property.
- Predatory lending was also recognized by community stakeholders as a problem impacting the enjoyment of the right to own property in 2024.

### **Right to Adequate Standard of Living**

The rights to labour, own property, water, education, and health are all directly related to the right to a sufficient standard of life. Issues like unemployment, rising food costs, informal settlements, insufficient housing, and lax enforcement of land use plans hindered the effective exercise of this right in 2024.

The Zanzibar Food Security and Nutrition Policy of 2008, the Zanzibar Food Security and Nutrition Act No. 5 of 2011, and the creation of the Food Security and Nutrition Department (FSND) are just a few of the initiatives the Revolutionary Government of Zanzibar (RGZ) has put in place to enhance the nation's food security and nutrition. Nonetheless, acute food insecurity and other nutritional issues still affect some people. Sharp increases in food prices, protracted dry periods and unpredictable rainfall, agricultural pests and disease infestations, inadequate







traditional storage methods of food crops produced, and limited purchasing power of the populace as a result of price increases are some of the main causes of this problem.

Increasing budgetary allocation for the agriculture sector, ensuring proper enforcement of pertinent laws to prevent informal settlements, and working with CSOs to promote adequate housing and raise awareness of the right to a decent standard of living are some of the main recommendations for the RGZ.

### **Right to Social Security**

Key issues affecting enjoyment of the right to social security included provision of pension to older persons, low coverage of social security, limited access to health services, climate change, growing population, neglect of older persons by their families, and limited budget for social security. The RGZ should boost financial allocation for the social security component, expand social assistance to underprivileged groups, and encourage community members to enrol in various formal and informal social security programmes.

## **3 Collective Rights**

Collective rights include the right to development, the right to enjoy and benefit from natural resources, and the right to clean and healthy environment. In 2024, effective enjoyment of these rights was hampered by various issues including budgetary constraints, corruption and mismanagement, climate change impacts, and environmental pollution.

### **Right to Development**

Key issues affecting the right to development in 2024 included infrastructure and resource gaps, economic and social barriers, environmental and climate concerns, budgetary constraints, gender-based violence, climate change impacts, corruption and mismanagement, and gaps in legal and policy frameworks. The government should strengthen its development policies, enhance measures to prevent and combat GBV and VAC, and intensify anti-corruption initiatives and improve resource management to ensure equitable distribution of development benefits.

### **Right to Enjoy and Benefit from Natural Resources**

In 2024, the Revolutionary Government of Zanzibar faced significant challenges in promoting the right to enjoy and benefit from natural resources. Key issues included overexploitation, environmental degradation, climate change, and tax evasion and corruption. To address these challenges, the government should implement stronger regulatory and enforcement mechanisms, develop



comprehensive strategies to mitigate climate change impacts, and enhance transparency and accountability in resource management.

### **Right to Clean and Healthy Environment**

The right to clean and healthy environment is crucial for human dignity and development, but environmental pollution, degradation, and climate change impacts continue to be key issues. The government has increased efforts to protect the environment through the Zanzibar Environmental Management Authority (ZEMA), but environmental pollution remains a pressing public health concern. The First Vice President's Office (FVPO) highlights persistent challenges affecting the right to a clean and healthy environment in Zanzibar, including conflicting environmental laws, inadequate land use planning, industrial and urban pollution, and climate change.

To address these challenges, the government should address corruption, tax avoidance, and evasion, ensure respect for human rights, and intensify efforts to address environmental challenges and climate change. Non-state actors should raise public awareness on the right to development and natural resources, and community members should preserve and protect natural resources.

## **4 Rights of Special Groups**

In 2024, key issues affecting the rights of special groups included violence and discrimination.

### **Women's Rights**

In 2024, women's rights in Zanzibar were significantly threatened by gender-based violence (GBV), safety and security, and access to justice.

- Women in Zanzibar face physical, sexual, economic, and psychological violence. As highlighted above, women constituted the 74% of victims of GBV in 2024. A total of 211 incidents of violence against women (VAW) were reported, slightly decreasing from 235 reported in 2023. This is equivalent to a 10% decrease. The report of the Office of the Chief Government Statistician (OCGS) Zanzibar for the year 2024 shows that most of the incidents of GBV and VAW were perpetrated in home settings.
- Sexual violence dominated the incidents of VAW, constituting 42% of all reported incidents. Rape was the most reportable act of sexual VAW, slightly decreasing from 97 in 2023. Physical and psychological violence also affected women, with 8.4% experiencing physical violence since age 15 and 6% having





experienced such violence in the past 12 months. Physical VAW constituted 28% of VAW, while psychological VAW was 25%. Common acts of psychological or emotional VAW included verbal abuse, humiliation, neglect, and abandonment.

- Cyberviolence against women is a growing issue in Zanzibar, with women being the major victims. In 2024, the problem was reported to be a problem, mostly perpetrated by former intimate partners. An investigation by The Chanzo Initiative Media revealed that image-based abuse, also known as revenge porn, is a common form of cyberviolence experienced by girls and women in Zanzibar.
- The Revolutionary Government of Zanzibar (RGZ) has taken various measures to prevent and combat violence against women and children, including public awareness-raising, campaigns, arrest and prosecution of perpetrators, and trainings for key stakeholders. However, challenges such as budgetary constraints, shortage of personnel, moral decay, the culture of silence, inadequate monitoring, and coordination challenges continue to affect these measures.

### Children's Rights

- In 2024, violence against children (VAC) constituted 84% of all reported incidents of violence in Zanzibar, with girls accounting for over two-thirds of victims. The majority of VAC incidents were perpetrated at the perpetrator's home and other places, with unfinished or abandoned buildings also used to commit violence against children, especially sexual violence. Perpetrators included strangers and neighbors, with Magharibi B, Magharibi A, and Mjini being the leading districts in 2023.
- Sexual violence continued to be the most common form of VAC in Zanzibar, with rape incidents accounting for half of all reported VAC incidents. Physical and psychological violence occurred in various settings, including school routes and abandoned houses. Economic violence, which can take the form of property damage, restricting access to financial resources, education, or the labor market, is more common among women but can also affect children through denial of education and property rights.
- Efforts to prevent and combat VAC in 2024 were hampered by various challenges, including poor parenting, single parenting, parental neglect, lack of fear of God, insufficient budget, low awareness about VAC impact, non-reporting of most incidents, the culture of preventing/concealing family shame (*Muhali*), separation/divorce, moral decay and globalization, and inadequate enforcement of laws.



### **Rights of Persons with Disabilities**

In 2024, the RGZ continued its efforts to promote and protect PWDs' rights, but faced challenges such as discrimination, stigma, limited access to quality education, unfriendly infrastructure, and inconsistent enforcement of laws and policies. Key recommendations include ensuring effective enforcement of existing laws and policies, allocating resources to the Zanzibar National Council of Persons with Disabilities, and investing in the development of disability-friendly infrastructure.

### **Rights of the Elderly**

In 2024, the Revolutionary Government of Zanzibar (RGZ) implemented several initiatives to improve the welfare of the elderly and youth. However, challenges remained, such as access to social services, healthcare services, financial constraints, and social discrimination. The RGZ should ensure the effective implementation of laws and policies designed to protect the rights of the elderly, increase accessibility to quality healthcare for the elderly, and consider reviewing and increasing the monthly pension.

### **Youth Rights**

Youth rights are protected under international and regional human rights instruments, including the African Youth Charter of 2006. Key issues affecting youth rights in Zanzibar include persistent unemployment, limited access to quality vocational training, and the growing challenge of drug abuse. The RGZ launched a \$54 million project in collaboration with the African Development Bank Group to create jobs within Zanzibar's blue economy sector, including the construction of five vocational training centers across Unguja and Pemba islands.

However, youth in Zanzibar continued to face significant challenges, including unemployment, limited access to quality education, discrimination, violence, and mental health issues. Recommendations include creating and expanding employment and economic opportunities tailored for youth, enhancing and diversifying vocational training programs, and intensifying efforts to combat drug abuse among youth by implementing comprehensive prevention and rehabilitation programs.

### **Rights of PLIHVs**

In 2024, the Revolutionary Government of Zanzibar (RGZ) intensified efforts to promote and protect the rights of Persons Living with HIV (PLHIV) in Zanzibar, including providing comprehensive HIV-related health services and launching the ZIHHTLP website. However, challenges persisted, particularly affecting young women aged 15-24, who experienced high rates of new HIV infections. The





prevalence of HIV among key populations was notably high, with rates of 21.1% among Female Sex Workers, 11.4% among Men who have Sex with Men, and 9.3% among People Who Inject Drugs. Key recommendations include intensifying public awareness campaigns, enhancing access to Pre-Exposure Prophylaxis (PrEP) among high-risk groups, and strengthening community-based support systems.

## 5 Human Rights Mechanisms

In 2023, national human rights mechanisms, including the Police Force and the Judiciary of Zanzibar, continued to take various measures to protect and promote human rights. However, they are faced with various challenges, including shortage of staff, delays in investigations and dispensation of justice, corruption, and budgetary constraints.

## 6 Implementation of Previous Report Recommendations

In 2024, the percentage of implemented recommendations stood at 14%. Percentage of partially implemented recommendations was 58%, while the percentage of recommendations not implemented stood at 28%.

## Key Recommendations

**Legal reforms, including in the criminal justice system, considering recommendations by the criminal justice reforms commission**

**Ratification of key human rights instruments yet to be ratified, including the Convention against Torture**

**Enforcement of laws, regulations, rules, and policies to safeguard human rights**

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

**Setting aside adequate resources/budget for addressing GBV and VAC**

**Increasing public awareness on human rights issues**





# Chapter One

## Introduction



# Chapter One: Introduction

## 1.1. Contextual Overview

### 1.1.1. Historical Overview

The first settlements of Zanzibar are believed to have been established by immigrants from numerous sections of the African Mainland.<sup>641</sup> At that time, there was contact between the people of Zanzibar and outsiders. The word Zanzibar is believed to be derived from Arabic word 'Zanjibar' which means coast of the blacks. During the 16<sup>th</sup> Century, the Portuguese who were the first foreign visitors arriving from the South to Zanzibar were also the first European power to gain control of Zanzibar from 1503 to 1698. The people of Zanzibar have also been socially influenced by the coming of Persians (Shirazi) who began landing in Zanzibar from about the 10<sup>th</sup> Century. It is common even nowadays to find a good number of Zanzibaris as "Shirazi" with the Persian origin.<sup>642</sup>

Politically, the people of Zanzibar have a long political relationship with Arabs from Oman.<sup>643</sup> The Omani Arabs, who expelled the Portuguese from Muscat in 1650 and were the leading force against them in the entire region, gradually established at least nominal control over many settlements, including Zanzibar. After a lengthy turmoil of dynastic wars and losses and gains on the African coast, the ruling sultan of Oman, Said bin Sultan, decided to relocate his capital from Muscat to Zanzibar.<sup>644</sup> Zanzibar became an increasingly important part of the Omani empire due to its value as the main slave market of the East African coast. It was the slave trade which was originally responsible for generating the increased economic interest of the Omanis in the Swahili Coast.

When the British came to rule in Zanzibar, the human rights agenda took another shape in the islands. The British rule remained the colonial power with its well-established political presence signified by the abrupt redistribution of the Sultan's inland territories. The joint colonial leadership between British and Sultan took place for virtually 70 years from 1890. Their rule came to an end after the islands got their independence in 1963.<sup>645</sup> Despite bringing into the end the Sultanate regime in Zanzibar, the social relationship between the people of Zanzibar and the Oman people continued to be significantly in existence. The main cause behind this social

<sup>641</sup> Michael F (1965), Zanzibar Background to Revolution, p.29

<sup>642</sup> . Ibid.

<sup>643</sup> . S.C. Nicholls (1971), The Swahili Coast, Politics, Diplomacy and Trade on the East African Littoral, p.217

<sup>644</sup> . <https://www.britannica.com/place/Zanzibar-island-Tanzania>

<sup>645</sup> Majamba H.I. (2007), Perspectives on the Kadhis' Courts in Zanzibar, p.2



link appears to be inter-marriage and, therefore, blood relationships between Zanzibaris of African origin and Zanzibari of Arabs.

Realization of human rights was a struggle for Zanzibaris during the British and Sultan rules, as was the case for their neighbours in Tanganyika. This situation intensified the struggle for independence and realization of the right to self-determination, led by the Afro-Shirazi party (ASP). Eventually, on December 10, 1963, Zanzibar achieved independence as a member of the Commonwealth. In January 1964, the Zanzibar government was overthrown by an internal revolution, whereby Sayyid Jamshid ibn Abdullah (who had succeeded to the sultanate in July 1963 on his father's death) was deposed, and a republic was proclaimed.<sup>646</sup> An armed insurrection led by Ugandan ASP member John Okello (dubbed the "Field Marshal of Zanzibar and Pemba"), an ASP Youth League mob supported by disaffected ex-police officers overwhelmed security authorities to gain strategic control of the capital, Zanzibar Town.<sup>647</sup> The Umma Party, led by the radical left-winger Abdulrahman Mohamed Babu, was at the forefront. While it did not start the uprising, Umma turned it into a revolutionary insurrection, which took over state power – becoming the first time in modern Africa that a neocolonial administration had been directly overthrown.<sup>648</sup> ASP's Abeid Amani Karume became the first President of Zanzibar following the 1964 revolution and in the same year led Zanzibar into the union with Tanganyika to form the United Republic of Tanzania.

The Independence Constitution of 1963, which was characterized by a monarchy leadership, included a bill of rights. However, following the 1964 revolution, the Independence Constitution was replaced by the Constitutional Decree passed by the Revolutionary Council. Consequently, Zanzibar was ruled without a permanent Constitution from 1964 to 1979 when the Revolutionary Council passed the first democratic Constitution of 1979 under the administration of Aboud Jumbe, the then President of Zanzibar. The 1979 Constitution created a legislative body called the House of Representatives followed by first national election after Revolutionary. In 1983 another constitutional debate started in Zanzibar, culminating into the constitutional reforms which saw Zanzibar adopt a new constitution in 1984, which is still in use to date.<sup>649</sup> This democratic Constitution made it mandatory for the House

<sup>646</sup> See Britannica, *Independence of Tanzania*, <https://www.britannica.com/place/Tanzania/Independence>.

<sup>647</sup> See "Remembering Zanzibar's revolution and its bloody aftermath" TRT World Magazine, 12 January 2021, at <https://www.trtworld.com/magazine/remembering-zanzibar-s-revolution-and-its-bloody-aftermath-43195>.

<sup>648</sup> Ibid.

<sup>649</sup> See University of Minnesota Human Rights Library, *Tanzania Human Rights Jurisprudence*, at <http://hrlibrary.umn.edu/research/TanzaniaB.html>.







of Representatives to be directly elected from constituencies and included the provisions of the Bill of Rights into it. The Constitution has undergone various amendments, including the 2002 amendments which saw the inclusion of provisions on separation of powers and the right of anyone to protect the constitution through court process.<sup>650</sup>

## 1.1.2. Geography and Population

### 1.1.2.1. Geography

Zanzibar lies off the eastern coast and situated at its narrowest point some 40 km. away from the east of Mainland Tanzania, (West of Zanzibar) in the Indian Ocean. The northern tip of Unguja Island is located at 5.72 degrees south, 39.30 degrees east; with the southernmost point at 6.48 degrees south, 39.51 degrees east.<sup>651</sup> The northern tip of Pemba Island is located at 4.87 degrees south, 39.68 degrees east, and the southernmost point located at 5.47 degrees east. To the east of both islands exist deep Indian oceans.<sup>652</sup> Pemba Island is 40 miles long and 14 miles wide with a surface area of 608 square miles. It is found 36 miles from the mainland and 29 miles north-east of Unguja island. Unguja is about 24 miles wide and 50 miles long and has a surface area of just under 1,000 square miles.<sup>653</sup> Zanzibar islands cover a total area of around 2,654 square kilometers out of which Unguja Island occupies an area of 1,666 square kilometers and Pemba Island occupies the remaining 988 square kilometers of the total area.

Zanzibar is characterized by beautiful sandy beaches with fringing coral reefs, and the magic of the historic Stone Town - said to be the only functioning ancient town in East Africa.<sup>654</sup> The country is also blessed with the brilliant white beaches round by the warm turquoise waters of the Indian Ocean, provide the perfect place to relax, soak up the sun and take a break from some busy sightseeing. The Climate of Zanzibar is usually warm and humid (equatorial). However, there are four common and long climate changes experienced in Zanzibar. *Masika* is the longer and heavy rains, and some time comes with consequences, normally occurs between March and May,<sup>655</sup> *Kipupwe* which is cold season usually comes on June and August; the hot season is known as *Kaskazi* or *Kiangazi* always comes between December and

<sup>650</sup> Ibid.

<sup>651</sup> See Zanzibar in Figures 2020, at

<http://www.ocgs.go.tz/php/ReportOCGS/Zanzibar%20In%20Figures%202020.pdf>.

<sup>652</sup> Ibid.

<sup>653</sup> Ibid.

<sup>654</sup> Lugoe F.N (2012) Land Diputes in Zanzibar for SMOLE p.13

<sup>655</sup> Zanzibar Institute for Tourist Development (2014) p.33



February and the fourth is *Vuli* where short rains are experienced, usually happens on October and November.<sup>656</sup>

### 1.1.2.2. Population

According to census conducted in Tanzania in 2022, Zanzibar currently has a population of 1,889,773, which is equal to 3.1% of the whole population of Tanzania.<sup>657</sup> 51.6% of the population is female and the remaining 48.4% is male.<sup>658</sup> The majority of Zanzibaris are Muslim of Sunni sect, however there are also Christians and Hindu followers. Zanzibaris are an eclectic mixture of ethnic backgrounds, indicative of the islands' colourful history. Widespread intermarriages between Shirazis and Africans gave rise to a coastal community with distinctive features, using a highly Arabicized form of language, known as Kiswahili, which is the country's national language. However, while the official languages are both Kiswahili and English, English generally is used as a medium of instruction in academic institutions. The language of the court and all official documents and public recordings is either Swahili or English.<sup>659</sup>

### 1.1.3. Literacy

The literacy rate in Zanzibar has been impressive, being over 80%.<sup>660</sup> Literacy rate has been reported to increase by 11 percentage points from 74.3% in 2014/15 to 85.3% in 2020/21, surpassing Tanzania's rate of 76%.<sup>661</sup> Literacy rate is highest in Mjini Magharibi (88.9%) and lowest in Kusini Pemba (64.6%).<sup>662</sup>

### 1.1.4. Economic Situation

Zanzibar's economy is largely dependent on agriculture and tourism sectors. In agriculture, production of cloves is very important to Zanzibar, historically considered to be the economic backbone of Zanzibar's economy. Zanzibar has been enjoying a good economic growth rate, increasing from 1.3% in 2020 to 7.4% in 2023/24.<sup>663</sup> During this period, the average economic growth rate was impressive, at 6.9%. Impressive

<sup>656</sup> Zanzibar Human Rights Report, 2016

<sup>657</sup> See JAMHURI YA MUUNGANO WA TANZANIA, *SENSA YA WATU NA MAKAZI YA MWAKA 2022: MATOKEO YA MWANZO*, OKTOBA 2022, at <https://www.nbs.go.tz/nbs/takwimu/Census2022/matokeomwanzooktoba2022.pdf>.

<sup>658</sup> Ibid.

<sup>659</sup> THRR Zanzibar Human Rights Report, 2016

<sup>660</sup> See Office of the Chief Government Statistician (OCGS), Zanzibar Statistical Abstract 2021, at <https://ocgs.go.tz/ReportOCGS/ZANZIBAR%20STATISTICAL%20ABSTRACT%202021.pdf>.

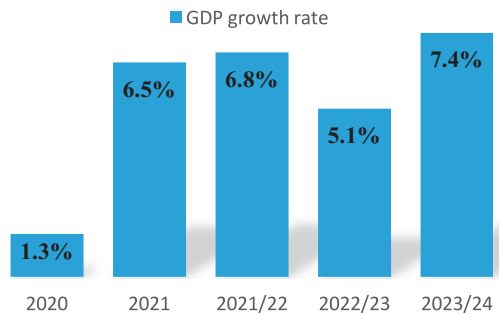
<sup>661</sup> See Akuffo Amankwahamparo, Palacios-Lopez, & Maryam Gul "The latest Tanzanian National Panel Survey shows progress in education" World Bank Blogs, 1 Feb 2023, at <https://blogs.worldbank.org/opendata/latest-tanzanian-national-panel-survey-shows-progress-education#:~:text=Improved%20literacy%20rate&text=The%20largest%20improvement%20was%20displayed,85.3%25%20in%202020%2F21..>

<sup>662</sup> Zanzibar Statistical Abstract 2021 (*supra*).

<sup>663</sup> Zanzibar in Figures 2020 (*supra*).



economic growth has also seen Zanzibar attain the lower-middle income status by 2020, which was the goal of the Zanzibar Development Vision 2020.<sup>664</sup>



**Figure 1.1: Zanzibar GDP Growth Rate – 2020 to 2023/24**

Source: Bank of Tanzania Annual Reports

## 1.1.5. Political and Governance Systems

### 1.1.5.1. Political Background

Since the revolution of 1964, Zanzibar has been led by eight Presidents, namely: Abeid Amani Karume (1<sup>st</sup> President, 1964-1972); Aboud Jumbe Mwinyi (2<sup>nd</sup> President, 1972-1984); Ali Hassan Mwinyi (3<sup>rd</sup> President, 1984-1985); Idrissa Abdul Wakil (4<sup>th</sup> President, 1985-1990); Dr. Salmin Amour Juma (5<sup>th</sup> President, 1990-2000); Amani Abeid Karume (6<sup>th</sup> President, 2000-2010); Dr. Ali Mohammed Shein (7<sup>th</sup> President, 2010-2020); and the current President, H.E Dr. Hussein Ali Mwinyi (8<sup>th</sup> President, 2020 to date).

### 1.1.5.2. Governance System

The Zanzibari governing structure comprises of Executive, the Legislature and the Judiciary, established by the Constitution of Zanzibar of 1984.

#### The Executive

The Executive arm of Zanzibar (currently Government of National Unity (GNU)) is established under Chapter Four of the Constitution of Zanzibar of 1984. It is led by the President, who is the Head of the Country, Head of the Revolutionary Government of Zanzibar, and Chairperson of the Revolutionary Council. Other members of the Revolutionary Council are the First Vice President, the Second Vice President, Ministers, and the Attorney General. As of December 2020, Zanzibar had 17 members in the Revolutionary Council.<sup>665</sup>

#### The Legislature

<sup>664</sup> The Revolutionary Government of Zanzibar, *Zanzibar Development Vision 2050*, at <http://planningznz.go.tz/doc/new/ZDV2050.pdf>.

<sup>665</sup> Tanzania in Figures 2020 (supra).



The legislative body in Zanzibar is the House of Representatives, established under Chapter Five of the Constitution of Zanzibar of 1984. The House of Representatives is vested with legislative powers in relation to all non-union matters in Zanzibar. It is composed of the Speaker, Deputy Speaker, elected representatives, representatives nominated by President, special seats representatives, and the Attorney General. The majority of representatives are elected members from their constituencies. The House of Representatives also has mandate to oversee and advise the Revolutionary Government of Zanzibar and all its institutions/agencies in discharging their respective duties or responsibilities.

### The Judiciary

The Judiciary of Zanzibar is a constitutional organ, established under Chapter Six of the Constitution of Zanzibar of 1984. Zanzibar has its own judicial system consisting of (in descending order): the Court of Appeal of Tanzania; the High Court of Zanzibar; Regional and District Magistrate Courts; Primary Courts; *Kadhi* Appeal Courts; and *Kadhi* Courts. These courts have jurisdiction over cases arising in Zanzibar that involve non-union matters.<sup>666</sup> The High Court of Zanzibar is the highest court for matters originating from *Kadhi* Courts and the interpretation of the Constitution of Zanzibar. However, the appeal process for a case originating from a magistrate court is slightly different, as some of the cases may be appealed to the High Court of Zanzibar and then appealed again to the Court of Appeal of Tanzania. Therefore, not all cases in Zanzibar can be appealed to the Court of Appeal of Tanzania.

## 1.2. Report Preparation, Objectives, and Structure

### 1.2.1. Report Preparation and Objectives

The report covers the situation of human rights in Zanzibar for the period of January to December 2024. Reference is also made to the situation in previous years, especially the year 2023, for purposes of showing trends and where specific data for the year 2024 were not obtained. The main objective of this report is to highlight the situation of human rights in Zanzibar during the period under review and discuss reported human rights issues, violations, and acts that promoted or affected human rights. The report can be used to promote understanding of human rights and human rights issues, identify legal and human rights issues for advocacy, and act as a starting point in human rights-related research.

<sup>666</sup> There are 22 union matters, originally there were only 11 union matters. The Court of Appeal is one of the union matters listed in the First Schedule of the Constitution of Tanzania 1977. Other union matters include foreign affairs, security, police, citizenship, immigration, foreign trade, higher education, aviation and statistics.





### 1.2.2. Sources of Data

ZAFAYCO's assessment of human rights situation in Zanzibar was primarily informed by various reports by government and non-government actors, especially reports by the Office of Chief Government Statistician (OCGS) Zanzibar, the National Bureau of Statistics (NBS) of the United Republic of Tanzania, and the Tanzania Police Force (TPF). Speeches, including budget speeches, as well as speeches and statements by government leaders and institutions were also instrumental in preparation of this report, providing information on how much progress Zanzibar has made in promoting and protecting human rights and persisting challenges that need to be addressed. Further, the report benefited a lot from previous human rights reports; reports by local and international CSOs; domestic, regional, and international human rights instruments; and decisions of regional and international human rights bodies. The media also provided an important source of data for this report, particularly on issues around socio-economic rights and violence against women and children. Different sources of data were used to enable triangulation of data. Key human rights that were assessed included right to life, freedom from violence, right to equality before the law (especially access to justice), right to liberty and personal security, right to education, right to health, right to work, right to property, right to clean and healthy environment, right to non-discrimination, and youth rights.

An assessment involving ZAFAYCO's beneficiaries and partners, including youth, paralegals, human rights monitors, and other community members, also informed this report by providing their perceptions on various human rights issues, including on human rights impact of predatory loans; access to justice; violence against women and girls (VAWG); violence against men and boys (VAMB); criminal justice; human trafficking; work and state of human rights defenders; and state of youth rights. A total of 516 stakeholders, including community stakeholders, participated in the assessment, of whom 48% were male and 51% were female. Out of the 516 stakeholders, 429 were community stakeholders who provided their opinions on human rights issues. The overwhelming majority of those who participated in the assessment (47%) were youth – since ZAFAYCO primarily a youth rights organization, hence engaging more with youth (15 – 35 years). Primary data were also obtained through ZAFAYCO's various programmes and projects, especially on youth, were also used. These programmes include public awareness-raising and human rights monitoring.



### 1.2.3. Report Structure

<b>Chapter 1</b> <b>Introduction</b>	Provides a short contextual overview of Zanzibar and highlights report preparation, objectives, and structure
<b>Chapter 2</b> <b>Civil and Political Rights</b>	Covers the 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.
<b>Chapter 3</b> <b>Economic, Social, and Cultural Rights</b>	Covers economic, social, and cultural rights, including the right to work, the 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.
<b>Chapter 4</b> <b>Collective Rights</b>	Looks at and discusses realisation of rights to development, right to benefit from natural resources, and right to clean and healthy environment.
<b>Chapter 5</b> <b>Rights of Special Groups</b>	Covers rights of special groups, including women, children, PWDs, and the elderly.
<b>Chapter 6</b> <b>Human Rights Mechanisms</b>	Looks at human rights mechanisms at domestic, regional, and international levels and discusses their role in human rights protection.
<b>Chapter 7</b> <b>Implementation of Recommendations</b>	Assesses the status of implementation of the recommendations made in the previous human rights reports.

### 1.3. Overview of Human Rights Situation in 2024

In comparison with the situation in 2023, the situation of human rights in Zanzibar in 2024 was observed to have mostly remained about the same, mainly due to the persistence of high rates of gender-based violence (GBV) and violence against children (VAC). To this end, freedom from violence was the most violated human right in 2024, followed by right to equality before the law and right to liberty and personal security. Civil and political rights were therefore the most affected in 2024. For social and economic rights, the biggest concern was budgetary constraints, especially for key services such as education and health, which fell short of international minimum standards. Based on the analysis of the reported human rights violations incidents, children and youth constituted the majority of victims of human rights violations.

### 1.4. Predatory Lending and Human Rights

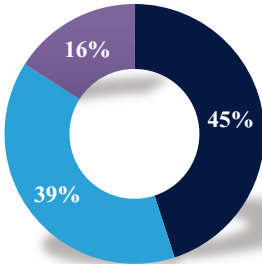
In 2024, ZAFAYCO conducted a special assessment of the impact of predatory lending, popularly known as 'kausha damu' loans, on human rights. Community stakeholders shared their views on key questions around predatory lending, summarized in the table below.





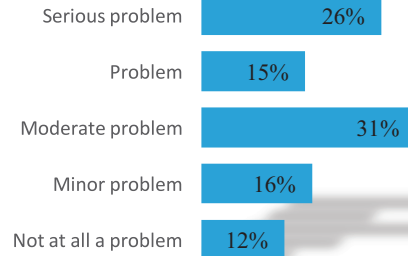
Are you aware of or have ever heard of predatory lending?

■ Yes ■ No ■ Don't know/Not sure

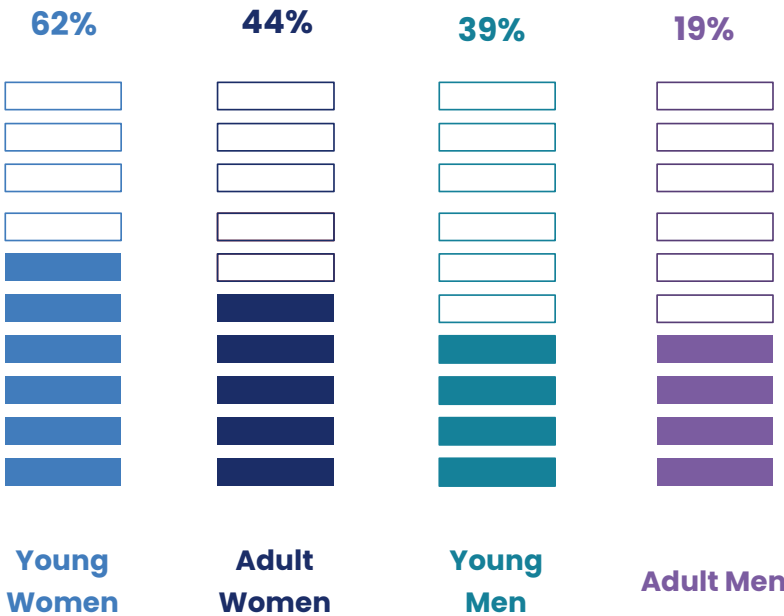


If you are aware of predatory loans, to what extent are they a problem in your community?

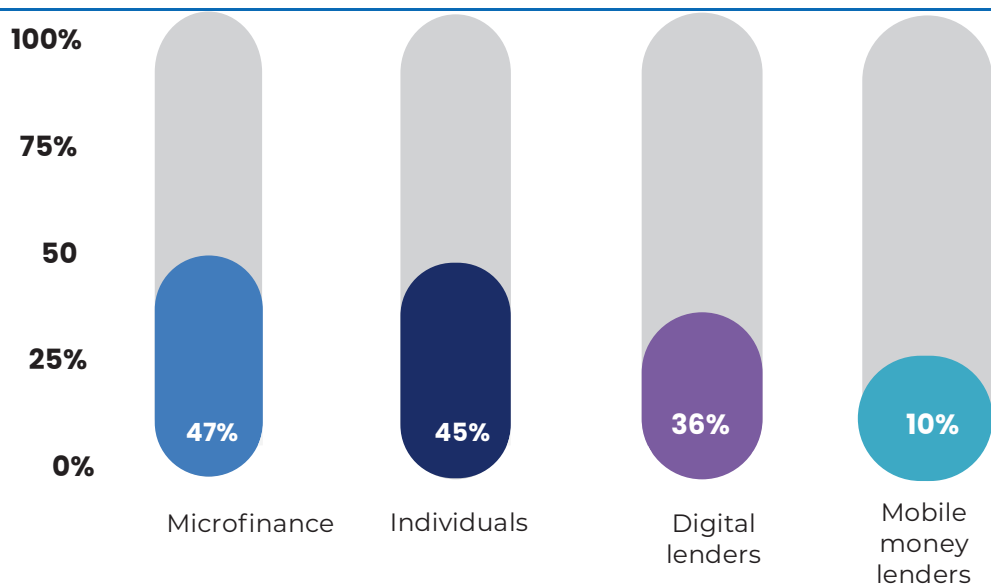
■ Problem of predatory lending



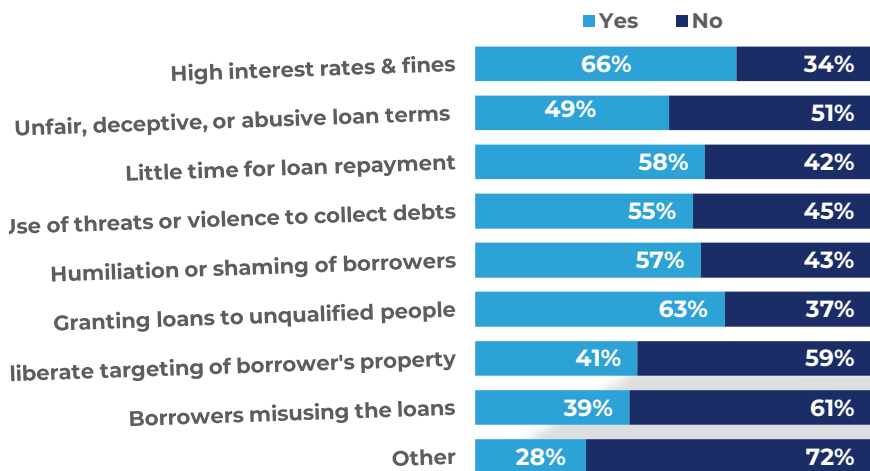
Which groups in the community are mostly targeted or affected by predatory lending?



Who provides predatory loans?



What are the biggest concerns over predatory lending?

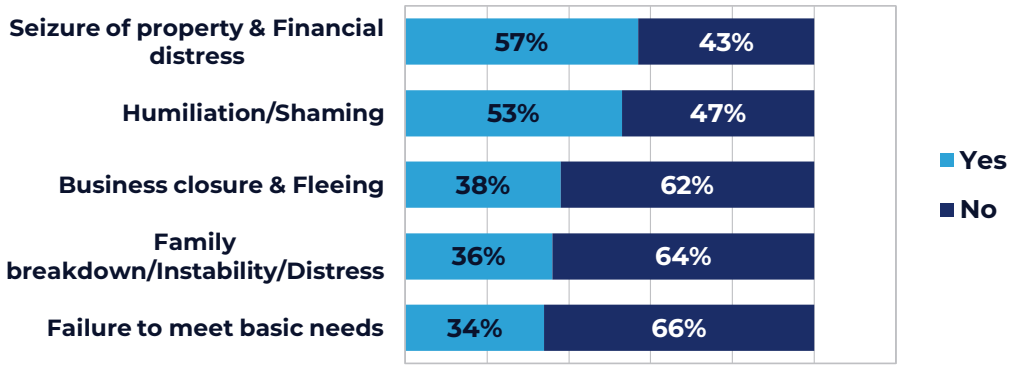




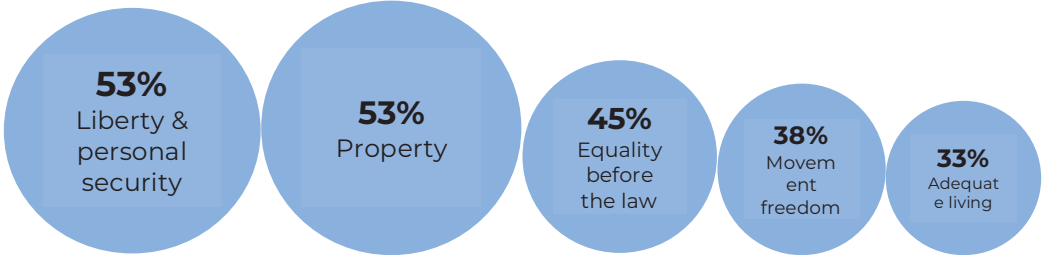


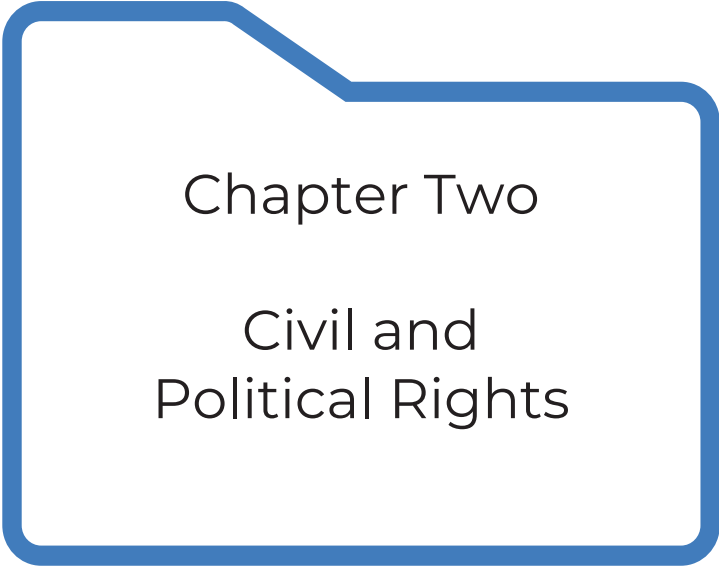
What are the consequences of predatory lending in your community?

Top consequences of predatory lending



which human rights have been mostly affected or could potentially be affected by predatory lending?





## Chapter Two

### Civil and Political Rights



## Chapter Two: Civil and Political Rights

Civil and political rights are rights that protect peoples' freedoms from infringement by governments, institutions, and private individuals. These rights involve citizens' participation in the establishment of a government and participation in political life. They are protected and guaranteed under international and regional human rights instruments,<sup>667</sup> as well as the Constitution of Zanzibar.<sup>668</sup> This chapter highlights the situation of key civil and political rights in Zanzibar, namely: right to life; freedom of expression; freedom of assembly; freedom of association; right to equality before the law; right to liberty and personal security; right to take part in governance; freedom from torture; and freedom from violence.

### 2.1. Right to Life

Right to life is the most fundamental human right, upon which realization of other rights depends on. In 2024, key issues that were observed to affect the right to life included mob violence, intimate partner violence and homicide, and road accidents.

#### 2.1.1. Mob Violence

In recent years, mob violence has been one of the key obstacles in the enjoyment of the right to life. Going by the police data from 2015 to 2020, an average of 16 mob violence incidents are reported each year in Zanzibar. The incidents peaked in 2017, when 26 incidents were recorded by police, dropping to 15 in 2020. However, from 2021 to 2024, ZAFAYCO did not document any reported incidents of mob violence that resulted in killings.

In comparison with the incidents usually reported in Mainland Tanzania, the incidents reported in Zanzibar are much fewer. However, considering the smaller size and population of Zanzibar, the number of reported incidents is still significant.

#### 2.1.2. Extrajudicial Killings and Violence against Law Enforcement Officers

Law enforcement officers in Zanzibar are obligated by various international and regional human rights instruments to safeguard the lives of its citizens as well as foreigners and only use force proportionately and only when strictly necessary and to the extent required for the performance of their duty. When they do not observe this principle of proportionality and people die, they commit extrajudicial killings.

<sup>667</sup> Including the International Covenant on Civil and Political Rights (ICCPR) of 1966 and the African Charter on Human and Peoples' Rights (ACHPR/Banjul Charter) of 1981.

<sup>668</sup> The Constitution contains the bill of rights, which guarantees fundamental human rights such as right to life, freedom of expression, freedom of assembly, right to liberty and personal security, and right to take part in governance.



Unlike in Mainland Tanzania, incidents of extrajudicial killings and violence against law enforcement officers are rare in Zanzibar. As it was the case in the previous year, ZAFAYCO did not document any reported incident of extrajudicial killing and violence against law enforcement officers in 2024.

### **2.1.3. Witchcraft-Motivated Killings and Violence against PWAs**

Unlike in Mainland Tanzania, witchcraft-motivated killings and violence against persons with albinism (PWAs) are not right to life concerns and issues in Zanzibar. Community members, including older persons, are rarely accused of witchcraft and even when this happens it does not usually escalate into violence. Like it was in the previous year, ZAFAYCO did not document any reports of killings motivated by witchcraft and attacks of PWAs in 2024. Therefore, this also continued to be mainly the problem in Mainland Tanzania.

### **2.1.4. Death Penalty**

In many countries around the world, the death penalty is seen as a violation of the right to life and deemed a cruel, degrading, and inhuman punishment under the Convention against Torture (CAT). The death penalty has therefore been criticized by many human rights advocates on the grounds that it is inhuman and against the right to life, and many countries (over 100) have moved to abolish it. However, in Zanzibar, like it is the case in Mainland Tanzania, death penalty continued to be one of the punishments in the penal laws. As was the case in 2023, ZAFAYCO could not obtain any official data on death penalty and did not document any reported incidents in 2024.

### **2.1.5. Intimate Partner Homicide**

Intimate partner homicide (IPH) is an outcome of intimate partner violence (IPV), which is a form of violence perpetrated by one partner against another, usually in domestic settings. IPV can be physical, sexual, economic, or psychological/emotional. The main perpetrators of IPV are usually former or current husband or partner. IPV is further discussed in Chapter Five of this report.

In 2024, ZAFAYCO documented one reported incident of IPH. This is the first time such incidents have been documented by the organization in three years. In this incident, reported in April 2024, the Police in Kusini Unguja Region reportedly arrested a 26-year-old Ali Abdallah for killing his wife Zulfa Abdul Mohamed (25).<sup>669</sup>

### **2.1.6. Disappearances**

Disappearances create a right to life obligation for the law enforcement bodies, usually the police, to investigate the incidents to find out what happened to persons who

<sup>669</sup> "Mume mbaroni tuhuma kumuua mkewe" Nipashe Newspaper, 2 Apr 2024.



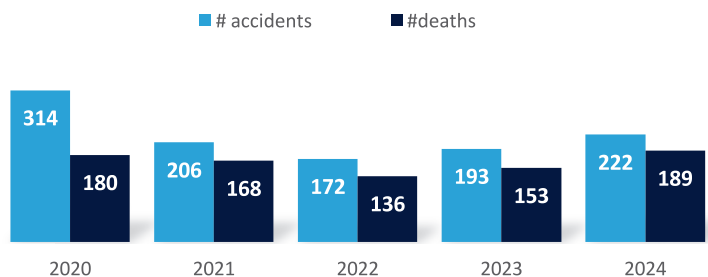


have disappeared and take relevant action. As was the case in 2023, there were no reported incidents of disappearance that ZAFAYCO documented in 2024.

### 2.1.7. Road Accidents

Road accidents become a human rights issue when negligence of drivers of vehicles and poor quality of roads are involved. Road safety is an essential human right linked to the right to life. As a result of these accidents, communities bear the burden after families lose their loved ones, including breadwinners and children. These accidents are usually caused by reckless behaviour and negligence on the part of motor vehicle drivers,<sup>670</sup> hence jeopardizing right to life.

In 2024, a total of 222 road accidents were reported, increasing from 193 in 2023. The number of road accident victims increased from 385 in 2023 to 413 in 2024. The reported number of deaths increased by 23.5%, from 153 in 2023 to 189 in 2024.<sup>671</sup> 89% of the road accident victims in 2024 were male. Majority of the victims who died (90%) were also male.



**Figure 2.1: #Road accidents and resulting deaths in Zanzibar, 2020 – 2024**

Source: Official OCGS statistics 2022, 2023, & 2024

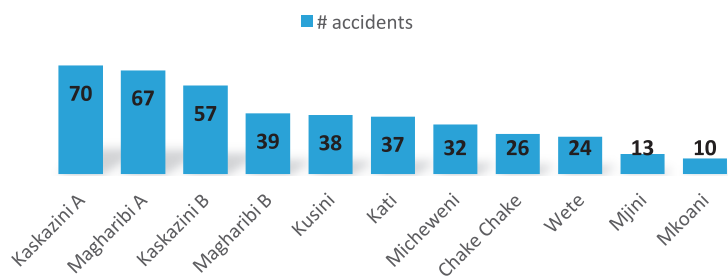
Majority of the accidents were reported in Kaskazini A (70), Magharibi A (67), Kaskazini B (57), Magharibi B (39), Kusini (38), Kati (37), and Micheweni (32) Districts.<sup>672</sup> In 2023, Magharibi and Kaskazini B were also in the top three districts with the highest number of road accidents.

<sup>670</sup> Jeshi la Polisi Tanzania & Ofisi ya Taifa ya Takwimu, *TAKWIMU ZA HALI YA UHALIFU NA MATUKIO YA USALAMA BARABARANI*, Januari – Disemba 2020.

<sup>671</sup> See Ofisi ya Mtakwimu Mkuu wa Serikali Zanzibar & Makao Makuu ya Polisi Zanzibar, *Toleo la Takwimu za Ajali na Makosa ya Barabarani Zanzibar, Mwaka 2024*, at [https://www.ocgs.go.tz/ReportOCGS/13%20TOLEO%20LA%20TAKWIMU%20ZA%20AJALI%20BARABARA%20NI%20MWAKA%202024\\_FINAL.pdf](https://www.ocgs.go.tz/ReportOCGS/13%20TOLEO%20LA%20TAKWIMU%20ZA%20AJALI%20BARABARA%20NI%20MWAKA%202024_FINAL.pdf).

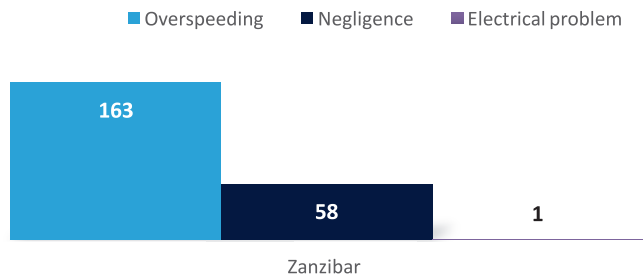
<sup>672</sup> Ibid.





**Figure 2.2: Road accidents in Zanzibar in 2024 by district**  
Source: OCGS, 2024

The majority of accidents were caused by human error, especially over speeding (73%) and negligence (26%). These accidents resulted into death, injury, and disability, impacting the families, communities, and the nation at large. Consequences included losing breadwinners and experts, and causing family breakdown, unemployment, and mental health problems.



**Figure 2.3: Causes of road accidents in Zanzibar in 2024**  
Source: OCGS, 2024

**2.1.8. Key Recommendations**

- i. The Police Force to continue collaborating with other stakeholders to raise awareness about the dangers of people taking law into their own hands and engage in mob violence.
- ii. The Police Force to continue collaborating with other stakeholders to raise awareness on road safety and reduce road accidents.



- iii. RGZ and other stakeholders should continue with different peace building programmes so as to improve the situation and ensure road signs are in place.

## 2.2. Freedom of Expression

This right is defined as a right to communicate one's opinions and ideas to anyone who is willing or entitled to receive them. It includes any act of seeking, receiving, and imparting information or ideas regardless of the medium of the information used. In 2024, key freedom of expression issues and concerns included restrictive laws and regulations.

### 2.2.1. Freedom of Expression Laws vis-à-vis International Standards

Laws governing freedoms of expression in Zanzibar include the Constitution of Zanzibar of 1984, the Cybercrimes Act of 2015 and Online Content Regulations of 2020. In recent years, stakeholders have expressed concerns over non-compliance of these laws with international human rights standards.<sup>673</sup> They identified various provisions which contravene regional and international human rights conventions ratified by Zanzibar, as part of Tanzania. Media stakeholders have also identified the Zanzibar Penal Code No. 6 of 2004 as one of the laws that restrict press freedom and needed amendment. They specifically mention Section 44(1) of the penal law, which criminalizes uttering, writing, and publishing of 'seditious' content, without defining 'sedition.'<sup>674</sup>

In January 2024, the Zanzibar Media Stakeholders Committee (ZAMECO) met and discussed various issues related to the development of the media sector, challenges faced, and progress made in advancing media freedom. During the meeting, the stakeholders acknowledged the Government's efforts and commitment to introduce a new media law and called for the process to be fast-tracked so that the new law would be in place by the end of the year.<sup>675</sup> In April, ZAMECO reiterated the call during a visit to the Law Reforms Commission of Zanzibar,<sup>676</sup> while the Media Council of

<sup>673</sup> Ibid; LHRC & ZLSC (2019), Tanzania Human Rights Report 2018, at [www.humanrights.or.tz](http://www.humanrights.or.tz); LHRC (2020), Tanzania Human Rights Report 2019 at [www.humanrights.or.tz](http://www.humanrights.or.tz); ARTICLE 19, *Tanzania: Cybercrime Act 2015, Legal Analysis*, May 2015, at <https://www.article19.org/data/files/medialibrary/38058/Tanzania-Cybercrime-Bill-TO.pdf>.

<sup>674</sup> "Wadau habari walia na sheria kandamizi" Nipashe Newspaper, 6 Apr 2023.

<sup>675</sup> See 'Media Stakeholders Advocate for New Media law in Zanzibar' TAMWA, 18 January 2024, at <https://tamwaznz.or.tz/blog/2024/01/18/media-stakeholders-advocate-for-new-media-law-in-zanzibar/>.

<sup>676</sup> 'ZAMECO urges govt to review media laws to bolster access to information' The Guardian Newspaper, 16 April 2024, at <https://www.ippmedia.com/the-guardian/news/local-news/read/zameco-urges-govt-to-review-media-laws-to-bolster-access-to-information-2024-04-16-120831>.



Tanzania (MCT) did the same during the commemoration of the World Press Freedom Day in May.<sup>677</sup>

In 2024, ZAFAYCO observed that no legal reforms had taken place, a year after the Zanzibar Information Minister, Hon. Tabia Mwita Maulid, reiterated the Government's commitment to enact a new media law.<sup>678</sup> The Minister had indicated that the new law would replace the Registration of News Agents, Newspapers and Books Act of 1988 and the Zanzibar Broadcasting Commission Act of 1997, which stakeholders have deemed outdated and restrictive.<sup>679</sup> In May, during the commemoration of the World Press Freedom Day, media stakeholders again reminded the RGZ to make good on its promise to enact new media law.<sup>680</sup>

## **2.2.2. Ban, Suspension, Harassment, Intimidation, and Detention of Journalists**

As was the case in 2023, ZAFAYCO did not document any reported incidents of ban, suspension, harassment, intimidation, and detention of journalists or media outlets.

## **2.2.3. Performance in the World Press Freedom Index 2024**

In 2024, Reporters Without Borders (RSF) ranked Tanzania 97<sup>th</sup> in its annual World Press Freedom Index—a remarkable improvement of 46 positions from 143<sup>rd</sup> in 2023,<sup>681</sup> positioning Tanzania as the leading East African nation in press freedom.<sup>682</sup> However, RSF warns of a concerning trend: a decline in the political indicator, one of the five key metrics of the Index. This indicates that States and political forces are increasingly failing to support press freedom, a disempowerment that sometimes leads to more hostile actions against journalists, including harassment and disinformation campaigns.<sup>683</sup>

While the overall ranking shows positive progress, the deteriorating political indicator underscores the need for strengthened safeguards and proactive measures by the

<sup>677</sup> See 'Zanzibar Government urged to finalize Media Law Reforms' Media Council of Tanzania, at <https://mct.or.tz/wpfdznz24en/>.

<sup>678</sup> "Zanzibar Reiterates Commitment to Come Up With New Media Law" The Chanzo Initiative, 1 May 2023, at <https://thechanzo.com/2023/05/01/zanzibar-reiterates-commitment-to-come-up-with-new-media-law/>; "Muswada Sheria ya Habari Zanzibar mbioni kukamilika" Nipashe Newspaper, 6 Jul 2023.

<sup>679</sup> Ibid.

<sup>680</sup> "Wahoji mkwamo wa sheria, sera ya habari" Mwananchi Newspaper, 5 May 2024.

<sup>681</sup> Monitor Civic Space (2024). New report: Tanzania improves in press freedom ranking, but violations continue. Available at: <https://monitor.civics.org/explore/new-report-tanzania-improves-in-press-freedom-ranking-but-violations-continue/>

<sup>682</sup> Daily News (2024): Press freedom: Tanzania makes big leap. Available at: <https://dailynews.co.tz/press-freedom-tanzania-makes-big-leap/>

<sup>683</sup> Reporters Without Borders (2024). 2024 World Press Freedom Index – journalism under political pressure. Available at: <https://rsf.org/en/2024-world-press-freedom-index-journalism-under-political-pressure>







government to ensure that media freedom is fully protected in practice especially in the coming 2025 General Elections.

#### 2.2.4. Right and Access to Information

In 2024, the right to information remained undermined by both legal and practical challenges. Although the Constitution of Zanzibar guarantees access to information, existing laws do not include a dedicated section to enforce this right. Analysis by Tanzania Media Women Association (TAMWA) in 2024 revealed significant gaps, noting that over the past decade there have been eight reported violations of the right to information.<sup>684</sup> The current legal framework does not mandate a timely response to information requests—ideally, officers should respond within a maximum of seven days—and lacks clear penalties for non-compliance.

Efforts to address these issues include the “**Sema na Rais Mwinyi**” platform, which facilitates citizen feedback and complaint submission. According to the platform’s data, a total of 21,415 complaints have been submitted, with an average of 167 complaints per month. Currently, 2,520 complaints remain active, while 18,864 have been closed.<sup>685</sup> These figures underscore the urgent need for reform to ensure that the right to information is not only recognized in principle but is also effectively enforced in practice.

#### 2.2.5. Key Recommendations

- i. The Revolutionary Government of Zanzibar (RGZ) should urgently review and amend all laws and regulations governing freedom of expression including the outdated Registration of News Agents, Newspapers and Books Act (1988) to align them with international human rights standards and remove arbitrary restrictions.
- ii. The RGZ and private media outlets should launch participatory programmes to engage citizens in the media landscape, thereby enhancing freedom of expression and ensuring that public concerns are effectively communicated and addressed.
- iii. The Members of Parliament and House of Representative of Zanzibar should be required to conduct quarterly meetings in their constituencies so as to facilitate community access to information regarding government activities.

### 2.3. Freedoms of Assembly and Association

Freedom of assembly includes freedom to hold public rallies and peacefully demonstrate. Freedom of Association ensures one the right to form and participate

<sup>684</sup> TAMWA (2024), *Policy and Legal Restrictions on Freedom of Expression in Zanzibar 2024*, pages 9-10. Available at: <https://tamwaznz.or.tz/download/policy-and-legal-restrictions-on-freedom-of-expression-in-zanzibar-2024/#>

<sup>685</sup> Sema na Rais Mwinyi Website, 2024. Available at: <https://snrmwinyi.co.tz/app/home>



in association, either formally or informally. Restrictive electoral and political parties' legislations continued to be key concerns over enjoyment of freedoms of assembly and association in 2024.

### 2.3.1. Freedoms of Assembly and Association Laws vis-à-vis International Standards

Despite the fact that it has been two years since the Government of the United Republic of Tanzania lifted a ban on conducting political rallies outside one's constituency, imposed in 2016,<sup>686</sup> the report of the presidential taskforce on multiparty democracy, released in October 2022, showed the need to amend the Political Parties Act, as well as review and amendment of the Police Force and Auxiliary Services Act (Cap 322). The amendment made by the Political Parties Affairs Act in 2024 does not address the persisting challenges on freedom of assembly as recognized under international law.

### 2.3.2. Enjoyment of Freedoms of Assembly and Association

As was the case in 2023, there were no reported incidents of arbitrary restrictions or infringement on freedoms of association and assembly in 2024.

### 2.3.3. Key Recommendations

- i. Amendment of freedoms of assembly and association laws such as the Political Parties Act and the Police Force and Auxiliary Services Act to bring them in line with international standards.
- ii. Special measures to be taken to ensure enjoyment of these fundamental rights as Zanzibar heads towards the General Elections of 2025.
- iii. The RGZ to ensure all recommendations provided by the presidential taskforce on multiparty democracy relating to freedoms of assembly and association are fully implemented.

## 2.4. Rights to Equality before the Law and Effective Remedy

Rights derived from these two rights include right to access to justice, right to legal representation,<sup>687</sup> right to presumption of innocence and right to fair trial.<sup>688</sup> In 2024, key issues affecting the rights to equality before the law and effective remedy in Zanzibar included various barriers to access to justice and criminal justice challenges.

<sup>686</sup> Human Rights Watch (2023). Tanzania Ends Ban on Political Rallies. Available at: <https://www.hrw.org/news/2023/01/09/tanzania-ends-ban-political-rallies>

<sup>687</sup> See Article 14(3) (b) of the Constitution of Tanzania 1977; Article 7(1)(c) of ACHPR; and Article 14(3)(d) of ICCPR.

<sup>688</sup> Article 13(6) of the Constitution of the United Republic of Tanzania of 1977; Article 7 of ACHPR; Article 14 of ICCPR; and Article 10 of UDHR.



## **2.4.1. Access to Justice: Key Issues and Concerns**

### **2.4.1.1. Action to improve access to justice**

Action to improve access to justice in Zanzibar, particularly by the Revolutionary Government of Zanzibar (RGZ) and the Judiciary of Zanzibar, included leveraging technology and ICT tools, such as *ZanWakili* (E-Wakili) and *ZanLii*, to enhance dispensation of justice; use of Swahili Language in case hearings; construction and renovation of court buildings; and provision of legal aid through the Mama Samia Legal Aid Campaign. Non-state actors such as NGOs and paralegals, also continued to support provision of legal aid to indigent persons in Unguja and Pemba. In 2024, the RGZ also announced that it was in the process of enacting the alternative dispute resolution (ADR) law to ensure the people have non-judicial options to choose from in settling their disputes.<sup>689</sup> Additionally, the President of Zanzibar, H.E Dr. Hussein Ali Mwinyi, continued engaging with citizens of Zanzibar on different issues, including access to justice, through the Sema na Rais Mwinyi (SNR) system.

### **2.4.1.2. Barriers to access to justice**

Several barriers to access to justice continued to hinder effective enjoyment of the right to equality before the law in Zanzibar, despite the RGZ efforts to improve the justice system. Key barriers include corruption, lengthy court proceedings, costs of legal representation, low awareness about laws, and limited access to justice by remote communities. Lawyers and NGO officials who participated in assessing the state of human rights in Zanzibar in 2024 also mentioned challenges such as political interference, societal attitudes, and delays in administration of justice as additional barriers. They also called for intensified efforts to address corruption in the justice system.

## **2.4.2. Criminal Justice: Key Issues and Concerns**

### **2.4.2.1. Calls for criminal justice reforms**

In 2024, justice stakeholders in Zanzibar continued to demand criminal justice reforms to safeguard the right to equality before the law. This includes implementation of the recommendations to improve the criminal justice system by the Criminal Justice Reforms Commission, established by the President of the United Republic of Tanzania, H.E Samia Suluhu Hassan, in July 2022. Key Zanzibar-specific recommendations provided by the Commission in its report, released in 2023, include

<sup>689</sup> See HOTUBA YA MHESHMIWA DKT. HUSSEIN ALI MWINYI, RAIS WA ZANZIBAR NA MWENYEKITI WA BARAZA LA MAPINDUZI KATIKA KILELE CHA MAADHIMISHO YA SIKU YA SHERIA ZANZIBAR KWA MWAKA 2024, 07 FEBRUARI, 2024, at [https://www.ikuluzanzibar.go.tz/uploads/KILELE\\_CHA\\_MAADHIMISHO\\_YA\\_SIKU\\_YA\\_SHERIA\\_1\\_1.pdf](https://www.ikuluzanzibar.go.tz/uploads/KILELE_CHA_MAADHIMISHO_YA_SIKU_YA_SHERIA_1_1.pdf).



strengthening collaboration between the Police Force and the KMKM Special Unit to better combat criminal activities in the Indian Ocean and restructuring of the Zanzibar Correctional Facilities. Other general concerns covered in the report, relevant in both Mainland Tanzania and Zanzibar, include lack of national strategy for detecting and preventing crime; existence of many institutions with arresting powers; lack of legal recognition of private investigation; lack of disability-friendly infrastructures at some criminal justice institutions; and availability of multiple investigation institutions, causing challenges in coordination, crime control, and data management.

#### 2.4.2.2. Criminal Justice Challenges

In 2024, ZAFAYCO observed that most of the key criminal justice challenges such as corruption, delays in administration of justice, shortage of justice actors, and frequent adjournment of cases continued to hinder effective administration of criminal justice. Lawyers and NGO officials in both Unguja and Pemba also mentioned low awareness of laws and criminal justice as key barriers, especially for residents of rural areas. They also recommended strict time limits, including for investigations, to address the problems of delays in the dispensation of justice and lengthy pre-trial detention.

*Corruption is one of the biggest obstacles in the criminal justice system. The Government should intensify efforts to address this problem.*

Community member – Wete

#### 2.4.3. Key Recommendations

- i. The Government and its institutions to take immediate action to implement recommendations provided by the Presidential Commission on Criminal Justice Reforms.
- ii. The Government to consider other recommendations on criminal justice reforms provided by stakeholders that were not taken aboard by the criminal justice reforms commission.
- iii. The RGZ to take deliberate measures to address corruption in the justice system.

### 2.5. Right to Liberty and Personal Security

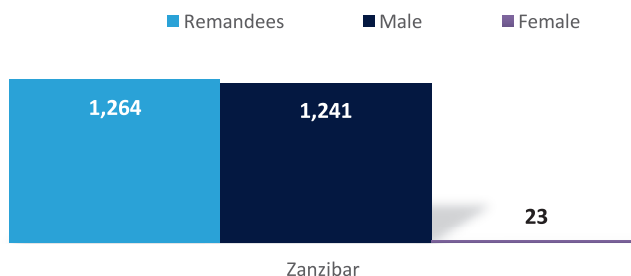
Guarantees the right of every person to be free and to live like a free person, ensuring that no one is dispossessed of their liberty in an 'arbitrary fashion.' In 2024, key issues affecting the right to liberty and personal security in Zanzibar included safety and security concerns, especially for special groups; denial of bail; corruption; and delays in investigations and disposal of cases.



### 2.5.1. Key Issues and Challenges

Key issues affecting the enjoyment of the right to liberty and personal security in Zanzibar in recent years include arbitrary arrest and detention, safety and security, denial of bail, trumped-up charges, delays in investigations, delays in disposal of cases, corruption, and human trafficking. Stakeholders who participated in the human rights assessment for the year 2024 pointed out that these are some of the key challenges community members continue to face, especially in the criminal justice system.

In 2023, the Chief Justice of Zanzibar, Hon. Khamis Ramadhan Shaaban, disclosed during his tour of all correctional centres (prisons) in Zanzibar that inmates and officers had raised concerns over the bailing system, as most of the detained people were remandees, some of whom were detained for bailable offences.<sup>690</sup> The Chief Justice recommended review of the system to ensure bail for bailable offences is not restricted. In 2024, human rights and justice stakeholders in Zanzibar, including NGOs, continued to voice their concerns over bail and the fact that remandees outnumber inmates in the correctional centres.<sup>691</sup> Latest available prison statistics show that in 2023 there were 1,264 remandees in the correctional centres, while the number of inmates was 520.<sup>692</sup> Nearly half of the remandees are said to be in the age category of 18 to 30 years (youth).<sup>693</sup>



**Figure 2.4: #Remandees in correctional centres in Zanzibar as of December 2023**

Source: Zanzibar Statistical Abstract 2023

<sup>690</sup> See Issay Yussuf 'Reforms bail system to address congestions in 'prisons' DAILY NEWS Newspaper (online), 1 February 2023, at <https://dailynews.co.tz/reforms-bail-system-to-address-congestions-in-prisons/>.

<sup>691</sup> Consultations with NGO officials, human rights defenders, and lawyers who participated in the human rights assessment for the year 2024.

<sup>692</sup> See The Revolutionary Government of Zanzibar, Office of the Chief Government Statistician, *Statistical Abstract 2023*, April 2024, at <https://ocgs.go.tz/ReportOCGS/ABSTRACT%20BOOKLET%202024%20NEW.pdf>.

<sup>693</sup> Ibid.



*We are happy that some efforts have been made to improve access to justice. However, several key barriers persist, including the slow pace of investigation. This is also contributed by shortage of staff in the justice sector.*

*Lawyer – Mjini Magharibi*

In 2024, stakeholders also continued to point out that delays in investigations, particularly in criminal cases, were causing delays in disposal of cases and backlog of cases. Some NGO officials and lawyers commended the RGZ and the Judiciary of Zanzibar for taking measures to improve access to justice. However, they claimed that more efforts are needed to protect the rights of people involved in the criminal justice system, especially the rights of accused

persons – which are mostly affected by delays in investigations and denial of bail.<sup>694</sup> They further noted that the delays in the justice system were also contributed by shortage of staff in the Judiciary of Zanzibar.

Additionally, ZAFAYCO has observed that incidents of abductions and assaults have been commonly reported in recent years, threatening safety and security. For instance, the most recent publicly available statistics, covering the year 2023, show that there were 109 reported abductions in 2023, equivalent to an average of 9 incidents each month.<sup>695</sup> These incidents increased from 84 in 2022. Statistics further show that incidents of assault tripled, increasing from 125 in 2022 to 376 in 2023.<sup>696</sup>

Other key issues that threaten safety and security, especially of special groups such as women and children, are different forms of violence perpetrated against them, especially sexual acts such as rape and sodomy. As discussed in Chapter Five of this report, the number of reported incidents of rape and sodomy remains high in Zanzibar, with children constituting most survivors.

<sup>694</sup> Lawyers and NGO officials consulted in Unguja and Pemba to give opinions on criminal justice issues.

<sup>695</sup> Statistical Abstract 2023 (*supra*).

<sup>696</sup> *Ibid.*





Human trafficking, understood as the process through which individuals are placed or maintained in an exploitative situation for economic gain,<sup>697</sup> also remains a key challenge in realization of the right to liberty and personal security in Zanzibar, mostly for children. Key stakeholders consulted to give their opinions on human trafficking



in Zanzibar, including NGOs and paralegals, generally indicated that there is low awareness of human trafficking in Zanzibar, which poses a challenge in addressing the problem. Indeed, when asked whether they were informed about human trafficking, most community stakeholders said they were not informed (31%) and not at all informed (25%), followed by 24% who reported that they were moderately informed. Less than a quarter of the

community stakeholders (20%) expressed that they were either well informed or very well informed.

Among those who said they were informed or somewhat informed about human trafficking, only 49% could correctly define human trafficking. Most of them (33%) also said human trafficking is a moderate problem in their community, while 10% claimed it was a serious problem. Deliberate efforts are therefore needed to address the problem of human trafficking in Zanzibar. Legal and policy reforms could be a good starting point, but ZAFAYCO understands that Zanzibar is yet to enact the anti-trafficking law.

### 2.5.2. Key Recommendations

- i. The Revolutionary Government of Zanzibar (RGZ), to implement criminal justice recommendations provided by the URT Presidential Commission on Criminal Justice Reforms to safeguard the right to liberty and personal security.
- ii. The RGZ, through its law enforcement bodies, to increase efforts to investigate and prosecute alleged traffickers, including complicit officials
- iii. The RGZ to collaborate with other stakeholders to create more awareness-raising programmes on human trafficking.

<sup>697</sup> See The Office of the United Nations High Commissioner for Human Rights, *Human Rights and Human Trafficking*, Fact Sheet No. 36 at [https://www.ohchr.org/Documents/Publications/FS36\\_en.pdf](https://www.ohchr.org/Documents/Publications/FS36_en.pdf), accessed 15 October 2020.



## 2.6. Right to Take Part in Governance

Also known as the right to take part in public affairs or the right to participate in the government. It includes the right for citizens to vote and be voted for public office and the right to participate in political life. In 2024, gaps and restrictions in laws and regulations continued to affect enjoyment and realization of the right to take part in governance.

### 2.6.1. Gaps in Legal Framework Governing Political Participation

In 2024, as Tanzania moves toward the General Election in 2025, the legal framework for electoral processes has undergone significant changes, but gaps and challenges remain, affecting both Mainland Tanzania and Zanzibar. Ahead of the 2025 General Elections, both Mainland Tanzania and Zanzibar have seen changes in electoral laws. In 2024, Tanzania introduced three key laws to regulate elections and political party affairs whose key provisions and gaps are summarized below.

Law Name	Summarized Analysis	Gaps/Recommendations
<b>The Presidential, Parliamentary, and Councillors' Elections Act, 2024<sup>698</sup></b>	Establishes new legal procedures for the registration of voters, nomination of candidates, voting, and electoral dispute resolution. It also introduces provisions for campaign conduct, vote counting, and election petitions.	No provisions for judicial review of presidential election results; reliance on a single voter ID card without alternatives; no requirement for political debates.
<b>The Political Parties Affairs Laws (Amendment) Act, 2024<sup>699</sup></b>	Introduces financial disclosure rules for political parties, mandates social inclusion policies, and strengthens internal governance structures.	Fails to fully implement the <b>East African Court of Justice ruling</b> on unconstitutional provisions; <sup>700</sup> lacks mandatory quotas for youth, women, and PWDs in political party leadership.
<b>The Independent National Electoral Commission Act, 2024<sup>701</sup></b>	Establishes an independent electoral body with defined powers to oversee elections,	The recruitment process remains open to political influence; the Director of Elections is still directly appointed by the President rather

<sup>698</sup> The Presidential, Parliamentary, and Councillors' Elections Act, (Act No. 1 of 2024).

<sup>699</sup> The Political Parties Affairs Laws (Amendment) Act, 2024.

<sup>700</sup> In a landmark ruling by the East African Court of Justice (EACJ) in the consolidated case of Freeman Mbowe, Hashimu Rungwe, Salum Mwalimu, and the Legal and Human Rights Centre v. Attorney General of the United Republic of Tanzania, the Court declared several provisions of the Political Parties Act unconstitutional. Specifically, the EACJ found that sections 3, 4, 5, 9, 15, and 29 of the Political Parties Act violated Articles 6(d), 7(2), and 8(1)(c) of the Treaty for the Establishment of the East African Community, 1999. These provisions were held to unduly restrict the rights of citizens to participate freely in the political process by limiting the internal democratic operations of political parties, thereby contravening the fundamental principles of non-discrimination and equality in political participation.

<sup>701</sup> The Independent National Electoral Commission Act, (Act No. 2 of 2024).







	voter registration, and election dispute resolution.	than an independent body; electoral boundary delimitation powers are still vested in the executive instead of the Commission.
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These amendments, while addressing some election-related concerns, leave critical gaps that must be resolved to ensure fair and credible elections in 2025. Gaps and restrictions on freedoms of expression, assembly, and association, discussed above, also hinder effective realization of the right to take part in governance. This is because they are the pillars of meaningful participation.

**2.6.2. Lessons from Mainland Tanzania’s Local Government Elections**

Although Zanzibar did not conduct Local Government Elections in 2024, the challenges faced in Mainland Tanzania provide valuable insights that should inform the preparations for the upcoming General Election in 2025.

The **2024 Local Government Elections (LGE)** in Mainland Tanzania highlighted significant structural weaknesses in the electoral process, including:

- **Voter Registration Issues:** Reports indicated that the registration process faced logistical challenges, leaving out some eligible voters due to limited access to registration centers and inconsistent updates to voter lists.
- **Candidate Disqualification and Limited Competition:** There were concerns over the mass disqualification of opposition candidates, which raised questions about the fairness of the nomination process.
- **Media Coverage and Campaign Conduct:** Unequal access to media coverage and the lack of mandatory public debates affected the quality of voter education and informed decision-making.
- **Election Day Irregularities:** Some regions experienced delays in ballot paper distribution, logistical failures, and incidents of voter intimidation and fraud.
- **Limited Inclusivity:** Women, youth, and PWDs remained underrepresented both as candidates and in leadership positions, showing a need for stronger affirmative action policies.

The Revolutionary Government of Zanzibar must take these lessons into account and strengthen electoral preparations to ensure that the 2025 General Election is transparent, inclusive, and free from political interference.

**2.6.2. Key Issues and Concerns Ahead of the 2025 General Elections**

Ahead of the 2025 General Elections, several pressing issues remain unaddressed, requiring urgent action:



- Presidential election victory should require a majority (50%+1) of the vote, ensuring broader democratic legitimacy.
- Judicial review of presidential election results should be permitted in the Supreme Court once it is established.
- The selection process for NEC members should be reformed, with an independent selection panel forwarding qualified candidates for presidential appointment.
- Political parties' constitutions should include explicit gender equality and anti-GBV provisions, promoting fair political participation.
- Political parties should implement structured programs to empower female candidates and encourage their participation in elections.
- The Registrar of Political Parties should establish a Gender Desk to oversee gender-related issues within political parties.
- Special seats for women should have a 10-year term limit to ensure that more women have the opportunity to gain leadership experience and contest open seats.
- All political parties should adopt a clear strategy to increase female candidates in elections.
- Electoral laws should be amended to promote the equal participation of PWDs in politics and decision-making structures.

### ***Right to vote for prisoners***

In June 2024, the Independent National Electoral Commission (INEC) announced that it had established 140 centres to be used for registration of prisoners and remandees in the voter register in both Mainland and Zanzibar. This is a key milestone in safeguarding the rights of all people to participate in governance, including elections.

### **2.6.3. Key Recommendations**

- i. The Union Government and the Revolutionary Government (RGZ) of Zanzibar should take measures to effectively implement the recommendations of the Presidential Taskforce on Multiparty Democracy in Tanzania.
- ii. The Union Government and the RGZ should take legal and policy measures to address remaining gaps electoral laws and regulations. Electoral laws should also be amended to introduce alternative voter identification





- methods, ensuring that no eligible voter is disenfranchised due to documentation issues.
- iii. The Union Government and the RGZ should ratify the African Charter on Democracy, Elections and Governance (ADC) of 2007 to further safeguard the right to take part in governance.

## 2.7. Freedom from Torture and Inhuman or Degrading Treatment

This is a basic right protected under the regional and international human rights treaties. Torture and inhuman or degrading treatment are also prohibited under the Constitution of Zanzibar, 1984. Non-ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) by Tanzania remains a key obstacle in safeguarding this fundamental human right in Zanzibar.

### 2.7.1. Legal Protection against Torture

Protection against torture in Zanzibar remains inadequate due to two key challenges. The primary challenge is that Tanzania has not yet ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).<sup>702</sup> A second challenge is the persistent non-reporting or underreporting of torture incidents, especially those committed by state agents or by close family members.

### 2.7.2. Reported Torture Incidents

As in 2022 and 2023, ZAFAYCO did not document any officially reported incidents of torture by state agents in 2024. However, through media monitoring it was revealed that there were several alarming cases of extreme physical violence that bear the hallmarks of torture and inhumane treatment.<sup>703</sup> For instance, on 14<sup>th</sup> December 2024, Ali Bakari Ali, the Former Secretary of ACT-Wazalendo was brutally assaulted and later succumbed to his injuries after receiving treatment at Mnazimmoja Hospital. In another disturbing incident, Ramadhani Iddi Shaaban (48), a resident of Chumbuni, was abducted by individuals claiming to be SMZ soldiers and his dismembered body was found the following day, with initial police findings indicating severe injuries from sharp objects. Additional cases include the discovery of a mutilated body in Kisakasaka, where three suspects (including a woman) were apprehended, as well as incidents involving the dismemberment of a soldier, the fatal shooting of two individuals by police on November 9, 2024, and the killing of Idarous Masoud Omar in

<sup>702</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, December 10, 1984, 1465 U.N.T.S. 85 (entered into force June 26, 1987).

<sup>703</sup> Mwananchi Jumamosi, Desemba 14, 2024 Matukio ya mauji, ukatili yalivyoitikisa Zanzibar, Available at: <https://www.mwananchi.co.tz/mw/zanzibar/matukio-ya-mauji-ukatili-yalivyoitikisa-zanzibar--4857566>



September 2024 near Mombasa in Magharibi B.<sup>704</sup> These reports underscore a pattern of violent repression and unchecked brutality in various contexts from politically charged assaults to domestic and targeted violence, highlighting the urgent need for thorough investigations and remedial action.

On the other hand, isolated cases of child torture through physical violence were reported. Given that children accounted for approximately 84.6% of all GBV victims in 2024, these incidents highlight the extreme vulnerability of minors to severe physical abuse, some of which may meet the threshold of torture. (See Chapter Five for further details.)

### 2.7.3. Key Recommendations

- i. The Union Government and the Revolutionary Government of Zanzibar to take immediate measures to ratify the UN Convention Against Torture (CAT) to safeguard the right to freedom from torture.
- ii. The Union Government and the Revolutionary Government of Zanzibar should investigate, report and take legal actions on incidents of torture perpetrated by unidentified individuals.
- iii. Community members to expose acts of torture perpetrated by fellow community members.

## 2.8. Freedom from Violence

This freedom is protected by various international and regional human rights instruments as well as the Constitution of Zanzibar and other key legislations, such as the child law and labour laws. It protects everyone from all forms of violence, whether physical, sexual, economic, or psychological/emotional. In 2024, the situation of violence remained critical in Zanzibar, especially violence against children (VAC) and violence against women (VAW).

### 2.8.1. Violence against Women

In 2024, women constituted 74% of gender-based violence (GBV) survivors, the same as in 2023. Most of the GBV incidents were perpetrated in domestic settings, especially by intimate partner or husband. This type of violence is further discussed in Chapter Five of this report.

### 2.8.2. Violence against Children

Violence against children (VAC) continued to be the most dominant form of violence in 2024. According to the statistics released by the Office of the Chief Government

<sup>704</sup> *Ibid.*



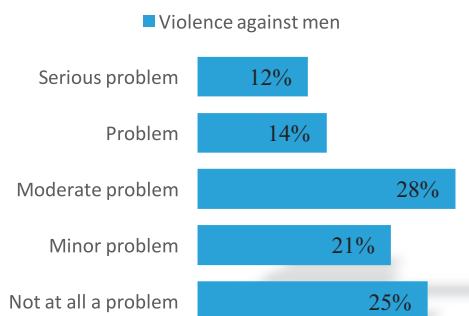
Statistician (OCGS) Zanzibar, 84% of all reported incidents of violence against women, children, and men were VAC incidents, slightly increasing from 83.7% in 2023.

Overall, a total of 1,525 VAC incidents were reported, slightly decreasing from 1,639 incidents reported in 2023. This is equivalent to a 7% decrease. These incidents are further discussed and analysed in Chapter Five of this report.

### 2.8.3. Violence against Men

Like any other violence, violence against men (VAM) can be physical, sexual, psychological, or economic. In 2024, police crime statistics indicated that there were 73 reported VAM incidents, which are 24 incidents less than those recorded by the police in 2023.

In 2024, community stakeholders were also asked about VAM in the community. Specifically, they were asked the extent to which they think VAM is a problem in the community and which acts of VAM are common. Regarding the first question, majority of them (28%) stated that it is a moderate problem, followed by a quarter (25%) who felt it was not at all a problem, and 21% who said it was only a minor problem. Only 12% said it was a serious problem, while 14% said it was a problem, as illustrated in Figure 2.6 below.



**Figure 2.6: %Community stakeholder responses on the extent of VAM problem**

Analysis of community responses for the second question revealed that verbal abuse (42%) was identified as the most occurring VAM act, followed by physical abuse (39%), denial of sexual intercourse (32%), and harassment or humiliation (28%). Having objects through at them (26%) was also mentioned by at least a quarter of community stakeholders as a common act of VAM.

Additionally, community stakeholders were also asked about the drivers of VAM, whereby shame (69%) and fear (55%) were mentioned as key drivers and major factors



behind non-reporting of VAM. This was also confirmed by key stakeholders, including social welfare officers (SWOs), who indicated that most men were less likely to report VAM suffered at the hands of their spouses because that would turn them into a laughingstock in the community. There is also a perception among some community members, particularly men, that the social welfare office is for women's issues only.

#### **2.8.4. Violence against PWDs**

As was the case in 2023, ZAFAYCO did not document any reported incidents of violence against persons with disabilities (PWDs) in 2024. However, it was observed that this is due to the fact that PWDs are less likely to report acts of violence perpetrated against them due to factors such as limited access to justice and perpetrators being mostly people close to them, including family members and relatives.

#### **2.8.5. Violence against the Elderly**

The elderly also face various forms of violence in the community, mostly psychological and economic. According to community and other stakeholders who participated in ZAFAYCO's human rights assessment, common acts of violence against the elderly in Zanzibar include neglect, particularly their own family or children; verbal abuse; mistreatment or disrespect; and social exclusion, including in decision-making.

#### **2.8.6. Key Recommendations**

- i. The Revolutionary Government of Zanzibar (RGZ), through the Ministry of Community Development, Gender, Elderly, and Children, to intensify efforts to prevent and combat all forms of violence against women, men, children, PWDs, and the elderly.
- ii. The RGZ to allocate sufficient budget for implementation of the National Plan of Action to End Violence against Women and Children (NPA-VAWC)
- iii. CSOs, media, and community members to ensure all incidents of violence in the community are reported and collaborate to raise awareness about all forms of violence.

### **2.9. Right to Privacy**

This right is essential for effective and good democratic governance and in the enjoyment of other fundamental human rights, including freedoms of expression and association. Inadequate protection of privacy remained a key concern among stakeholders in Zanzibar in 2024.





### 2.9.1. Legal Protection of Privacy

The right to privacy is protected under Section 15 of the Constitution of Zanzibar.<sup>705</sup> In 2022 Tanzania Mainland enacted the Personal Data Protection Act,<sup>706</sup> Per express language in Section 2, the Act shall apply to Mainland Tanzania as well as in Zanzibar. In Zanzibar, the law shall only apply to Union matters. The First Schedule of the Constitution of Tanzania enumerates the “union matters” that includes the Constitution of Tanzania and the government of the United Republic. Laws passed by the Union Parliament can only apply to Zanzibar where there is an express provision declaring so.

Despite Zanzibar’s constitutional guarantee, and PDPA protection of this fundamental right for only union matters, personal data protection is incomplete without specific legislation on personal data protection, ensuring that data collected by different people and institutions for different purposes are not misused. Stakeholders have raised their concerns on the needs of the law while there has been political will from the government to come with the new law that will protect, support and facilitate compensation for whistleblowers, along with raising trust and personal security while enhancing the war against graft in the country and protection of personal data.<sup>707</sup>

### 2.9.2. Reported Privacy-Related Issues and Incidents

In 2024, ZAFAYCO did not document any reported incidents of right to privacy violations. However, ZAFAYCO has observed that right to privacy is among the less known human rights in Zanzibar, and this means violations may well have occurred, but people are not aware they are violations.

### 2.9.3. Key Recommendations

- i. The Revolutionary Government of Zanzibar to enact the Personal Data Protection Act to address key concerns raised by stakeholders and spearhead amendment of the law.
- ii. CSOs to collaborate with other stakeholders to raise public awareness on privacy.

<sup>705</sup> *Ibid*. The Article provides ‘every person is entitled to respect and protection of his person, the privacy of his own person, his family and of his matrimonial life, and respect and protection of his residence and private communication.’

<sup>706</sup> The Personal Data Protection Act of 2022.

<sup>707</sup> The Guardian, Jul 13 2024. *Z’bar leader hails new Personal Data Protection Act*. Available at: <https://ippmedia.com/the-guardian/news/local-news/read/zbar-leader-hails-new-personal-data-protection-act-2024-07-13-085253>



- iii. Community members to take relevant precautions to ensure their personal data is protected by people collecting them and understand for what purpose they may be used.

## 2.10. Recommendations

### State Actors

- 1 Urgently review and amend restrictive laws governing freedom of expression, access to information, media operations, and freedoms of association and assembly to align with international standards. This includes updating the Cybercrimes Act (2015), Online Content Regulations (2020), and the outdated Registration of News Agents, Newspapers and Books Act (1988).
- 2 The Commission for Human Rights and Good Governance (CHRAGG) and the Tanzania Police Force to ensure police officers at all levels are regularly trained on the UN Basic Principles on Use of Force and Firearms by Law Enforcement Officials and human rights in general, in an effort to address police misconducts, including extrajudicial killings.
- 3 Tanzania has become an abolitionist state in practice when it comes to death penalty. As such, the Government should move to abolish death penalty in its penal laws.
- 4 The Revolutionary Government of Zanzibar to collaborate with the Union Government take measures to amend laws and regulations governing freedom of expression, particularly the Cybercrimes Act of 2015 and the Online Content Regulations of 2020, to bring them in line with international human rights standards.
- 5 The Revolutionary Government of Zanzibar to collaborate with the Union Government to take measures to amend laws and regulations governing freedoms of association and assembly, including the Political Parties Act, to bring them in line with international human rights standards.
- 6 The Zanzibar Anti-Corruption and Economic Authority to work closely with other stakeholders, including NGOs, to intensify prevention and combating of corruption initiatives, as part of a strategy to address corruption in administration of justice.
- 7 The Police Force to ensure police officers refrain from conducting arbitrary arrests and arbitrarily detain accused persons instead of sending them court within a specified period of time (usually 24 hours) as required by the law, in order to the right to liberty. Police officers implicated in this behaviour should be held accountable.
- 8 Establish an independent police oversight body to monitor and hold law enforcement accountable, particularly regarding arbitrary arrests, detention, and the fabrication of cases.
- 9 The Revolutionary Government of Zanzibar to collaborate with the Union Government to ratify the UN Convention against Torture (CAT) of 1984.







- 10 The Revolutionary Government of Zanzibar to enact the Personal Data Protection Act to address key concerns raised by stakeholders and spearhead amendment of the law.
- 11 Address road safety by promoting initiatives such as Road Safety Week, while ensuring that law enforcement takes timely action to prevent accidents and respond to violations.
- 12 The Union Government and the Revolutionary Government of Zanzibar to take measures to implement the recommendations by the presidential criminal justice reforms commission to improve access to justice and administration of criminal justice in Zanzibar.
- 13 The Tanzania Police Force to ensure police officers respond timely to prevent mob violence and legal action is taken against perpetrators.

### Non-State Actors

- 1 CSOs to intensify effort to raise public awareness on legal procedures and human rights, as well as encouraging community members to obey the law and respect human rights of others.
- 2 CSOs to collaborate with CHRAGG to provide regular human rights trainings to judges, magistrates, and other legal professionals in order to enhance with knowledge and understanding of human rights as a way of safeguarding right to equality before the law and ensuring access to justice.
- 3 Religious and community leaders to use their platforms and influence to speak out against human rights violations, especially violations of civil and political rights.
- 4 Media houses and journalists should work together with CSOs to monitor and report on violations of civil and political rights.

### Community Members

- 1 Community members to refrain from engaging in mob violence practices.
- 2 Community members to perform their duty of reporting crimes whenever and wherever they occur.
- 3 Community members to cooperate with law enforcement officers when conducting investigations and be willing to provide testimony in court to ensure justice is done.
- 4 Engage regularly with local representatives by attending community meetings organized by Members of Parliament and local government officials to stay informed and involved in the governance process.
- 5 Citizens are urged to use platforms like "Sema na Rais Mwinyi" which recorded 21,415 complaints (with 2,520 active and 18,864 closed) in 2024 to voice their concerns and demand accountability.



## Chapter Three

### Economic, Social and Cultural Rights



## Chapter Three: Economic, Social and Cultural Rights

Economic, social, and cultural rights are rights which enable us to access social services and economic opportunities, as well as enjoying cultural activities. They include the right to education, the right to health, the right to clean and safe water, the right to own property, and the right to work. This chapter discusses key issues affecting these rights within the period of January to December 2024.

### 3.1. Right to Education

A fundamental human right that is essential for effective realization of all other human rights. It enables all people to participate effectively in a free society, promoting understanding, tolerance and friendship among all nations and groups. In 2024, key issues affecting the right to education in Zanzibar included budgetary constraints; shortages of school facilities; shortages of teachers, especially in primary schools; truancy; school dropout; and violence against children.

#### 3.1.1. Government Action

In 2024, the Revolutionary Government of Zanzibar (RGZ) continued to take various measures to facilitate progressive realization of the right to education. These measures included budgetary allocation and disbursement of funds for the education sector; construction and renovation of classrooms; promoting and facilitating use of ICT in education; addressing school dropout; provision of loans to higher education students; and continuing with legal and policy reforms to improve education.

In May 2024, the Minister of Education and Vocational Training, Hon. Lela Mohammed Mussa, disclosed in the House of Representatives that the RGZ had taken several measures to improve access to quality education, including improving the education infrastructure, pre- and primary education, and the secondary education.<sup>708</sup> She also mentioned that her ministry had received Tshs. 21.5 billion, equivalent to 74% of the budget, for higher education loans.<sup>709</sup> It was further reported that the RGZ was

<sup>708</sup> Serikali ya Mapinduzi ya Zanzibar, Hotuba ya Waziri wa Elimu na Mafunzo ya Amali, Mhe. Lela Muhamed Mussa (MBM), kuhusu Makadirio ya Mapato na Matumizi ya Fedha kwa Mwaka wa Fedha 2024/2025, Mei 2024.

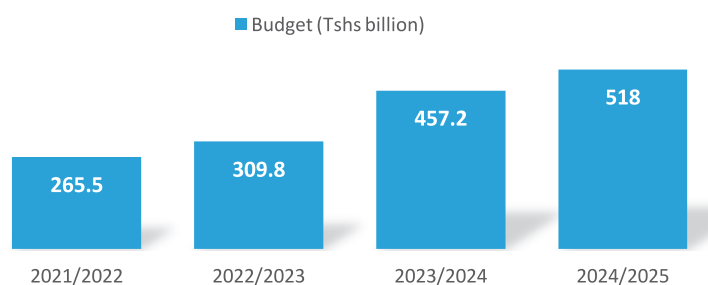
<sup>709</sup> Ibid.



planning to construct 1,500 classrooms, 20 teacher houses, and 300 toilets at various schools across Zanzibar.<sup>710</sup>

### 3.1.2. Budgetary Allocation and Disbursement

The budget for the education sector in Zanzibar covers six main items, namely: **Pre and Primary Education; Secondary Education; Higher Education; Alternative and Vocational Training; Quality Education; and Administration and Coordination in Education.** In recent years, an upward trend in budgetary allocation for the education sector has been observed. However, stakeholders are concerned that the budgetary allocation falls short of the 20% of the national budget benchmark stipulated in the Incheon Declaration.<sup>711</sup> For instance, the budget allocated for the financial year 2023/2024 was Tshs. 457.2 billion, equivalent to 16% of the budget. For the financial year 2024/2025, the RGZ allocated Tshs. 518 billion for the education sector,<sup>712</sup> equivalent to a 13% increase. In comparison with the national budget of Tshs. 5.1 trillion,<sup>713</sup> this budget is equivalent to 10% of the overall budget.



**Figure 3.1: Budgetary allocation for the education sector in Zanzibar (2021/22 to 2024/25)**

Source: Zanzibar MOEVT & MoF

In recent years, education stakeholders have also expressed concerns over delayed disbursement of funds for the education sector. For instance, for the financial years 2021/22 and 2022/2023 the percentages of disbursement by April 2022 and 2023 were 58% and 79% respectively. For the financial year 2023/2024, it was reported that the

<sup>710</sup> "Bil. 190.7/- kuimarisha elimu sekondari Zanzibar" Nipashe Newspaper (online), 25 May 2024, at <https://www.ipppmedia.com/index.php/nipashe/habari/kitaifa/read/bil-1907-kuimarisha-elimu-sekondari-zanzibar-2024-05-24-203217>.

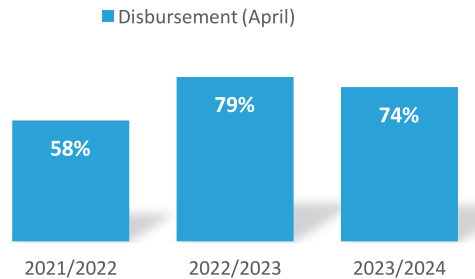
<sup>711</sup> See Incheon Declaration and Framework for Action for the implementation of Sustainable Development Goal 4, at [https://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en\\_2.pdf](https://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf).

<sup>712</sup> "Bilioni 518 kuendeleza elimu Zanzibar" HabariLeo Newspaper (online), 1 November 2024, at <https://habarileo.co.tz/bilioni-518-kuendeleza-elimu-zanzibar/>.

<sup>713</sup> Issa Yusuf "Zanzibar tables 5.1tri/- budget" DailyNews Newspaper (online) 14 June 2024, at <https://dailynews.co.tz/zanzibar-tables-5-1tri-budget/>.



amount of funds disbursed by April 2024 stood at 74%.<sup>714</sup> The funds for the pre-primary and primary education and secondary education items received by then was 82%, while for the higher education it was 72%.<sup>715</sup>



**Figure 3.2: %Education budget disbursement in Zanzibar by April 2022, 2023 & 2024**

### 3.1.3. Other Key Issues and Challenges

Other key issues and challenges that were reported or observed to hinder effective realization of the right to education in 2024 included shortage of teachers, shortage of classrooms in some parts of Unguja and Pemba, inadequate cooperation from parents, shortage of ICT tools, long distance to school, truancy and school dropout, and violence against children.

#### Shortages of school facilities and teachers

Shortages of school facilities and teachers are key barriers to quality education in Zanzibar. The most recent publicly available official statistics show that the number of classrooms is nearly the same in public and private schools, despite the latter enrolling less than a quarter of the former.<sup>716</sup> They also show that the number of pupils (primary schools) in a single class in 11 districts of Zanzibar is much higher in public schools, averaging 81 pupils, compared to private schools, which averages 18 pupils.<sup>717</sup>

Community stakeholders also identified shortages of classrooms and other school facilities, such as modern laboratories, toilets and desks, as key challenges. Shortage of classrooms affects the learning environment, including by causing

<sup>714</sup> Hotuba ya Waziri wa Elimu na Mafunzo ya Amali, Mhe. Lela Muhamed Mussa (MBM), kuhusu Makadirio ya Mapato na Matumizi ya Fedha kwa Mwaka wa Fedha 2024/2025 (supra).

<sup>715</sup> Ibid.

<sup>716</sup> Serikali ya Mapinduzi ya Zanzibar, Hotuba Ya Waziri wa Elimu na Mafunzo ya Amali Mhe. Lela Muhamed Mussa (MBM) Kuhusu Makadirio ya Mapato na Matumizi ya Fedha kwa Mwaka wa Fedha 2023/2024, Mei, 2023, at

<https://www.zanzibarassembly.go.tz/storage/documents/Budgets/all/1685516257.pdf>.

<sup>717</sup> Ibid.



classes to be overcrowded, hence lower concentration. In April 2024, it was reported that 274 pupils at Minungwini Primary School in Wete District were learning under a tree because four classrooms that they were using were in a dilapidated condition and not safe for use.<sup>718</sup>

Shortage of teachers equally affects the learning environment, as teachers struggle to handle and teach many students. Some districts, such as Micheweni District (77), followed by Mkoani (67), and Chake-Chake (51), have a high teacher/pupil ratio, above the standard of one teacher for 40 pupils/students.<sup>719</sup> The problem of shortage of teachers in Zanzibar has been contributed by growing enrolment caused by the government's efforts in enhancing access to education. It has also been compounded by teaching quality and teacher absenteeism.

### Review and amendment of the Education Act and the Education Policy

In May 2023, it was reported that the RGZ was planning to overhaul the education sector. The Minister of Education and Vocational Training, Hon. Lela Mohammed Mussa, told journalists that the full review of the education system would be done upon amendment of the Education Act of 1982 and the Education Policy of 2006, and that a taskforce had been formed to this effect.<sup>720</sup> In 2024, there were no reports regarding the progress made in this initiative.

### Violence against children

As discussed in Chapter Five of this report, the situation of violence against children (VAC) remains critical in Zanzibar, mainly due to high rates of sexual VAC. This and other forms of violence affect schoolchildren's learning and school performance, as they experience physical and psychological harm.

### Difficult teaching environment

Teachers in some public primary and secondary schools are reportedly faced with the challenge of a difficult working environment, characterized by poor remuneration, lack of regular training, overcrowded classrooms, and shortage of

<sup>718</sup> "Wanafunzi 274 wakosa sehemu ya kusomea" Mwananchi Newspaper, 2 Apr 2024.

<sup>719</sup> Hotuba Ya Waziri wa Elimu na Mafunzo ya Amali Mhe. Lela Muhamed Mussa (MBM) Kuhusu Makadirio ya Mapato na Matumizi ya Fedha kwa Mwaka wa Fedha 2023/2024 (supra).

<sup>720</sup> "Zanzibar yajipanga kufanya mabadiliko sekta ya Elimu" Zanzi News Online, at <http://www.zanzinews.com/2023/10/zanzibar-yajipanga-kufanya-mabadiliko.html>.





teaching tools.<sup>721</sup> Some schools are also faced with a shortage of modern laboratories,<sup>722</sup> which makes it difficult to effectively teach science subjects.

### Inclusive education

The RGZ has taken various measures to provide inclusive education in Zanzibar, key among them being the development and implementation of Zanzibar Education Policy, the Zanzibar Education Development Plan (ZEDP) and the Zanzibar Inclusive Quality Education (ZIQUE) project. The goal is to ensure all children, including children with disabilities, have access to quality education. Beneficiaries of the ZIQUE project include students who are visually impaired, and the project has also facilitated construction of inclusive classrooms.<sup>723</sup> School such as Kisiwandui Primary School also accommodate children with disabilities, enhancing access to inclusive education. The Zanzibar Disability Act of 2006 also safeguards the right to education for persons with disabilities (PWDs). Statistics show that there are 8,858 children with disabilities in public schools in Zanzibar.<sup>724</sup>

Despite the various measures to improve access to quality education for PWDs in Zanzibar, several key challenges persist. They include shortage of special education teachers; shortage of appropriate learning tools, including ICT tools; and lack of disability-friendly infrastructure at some public schools.<sup>725</sup> One of the barriers to teaching and learning computer and ICT skills for children with disabilities is lack of appropriate learning tools, including the Orbit Reader 20<sup>726</sup> - a unique 3-in-1 device and serves as a self-contained book reader, a note-taker and as a braille display by connecting to a computer or smartphone via USB or Bluetooth.

### Other issues

In some schools, especially in rural areas, some children tend to walk long distances to reach school, which affects their ability to concentrate in class and

<sup>721</sup> "MATOKEO IV ZANZIBAR: Lazima kuchukua hatua haraka kuimarisha elimu" Nipashe Newspaper, 4 February 2025, at <https://www.ippmedia.com/nipashe/makala/read/matokeo-iv-zanzibar-lazima-kuchukua-hatua-haraka-kuimarisha-elimu-2025-02-03-174343>.

<sup>722</sup> Ibid.

<sup>723</sup> See World Bank Group, Over 400,000 Students to Benefit from Improved and More Inclusive Education in Zanzibar, Press Release, 22 December 2022, at <https://www.worldbank.org/en/news/press-release/2022/12/22/over-400-000-students-to-benefit-from-improved-and-more-inclusive-education-in-zanzibar#:~:text=ZIQUE%20beneficiaries%20include%20students%20living,the%20Korea%20International%20Cooperation%20Agency>.

<sup>724</sup> Najjat Omar "Elimu ya Zanzibar Inavyowaacha Nyuma Wanafunzi Wenye Ulemavu Kwenye Masuala ya Teknolojia" The Chanzo Newspaper, 21 February 2025, at <https://thechanzo.com/2025/02/21/elimu-ya-zanzibar-inavyowaacha-nyuma-wanafunzi-wenye-ulemavu-kwenye-masuala-ya-teknolojia/>.

<sup>725</sup> Ibid.

<sup>726</sup> Ibid.



effectively learn.<sup>727</sup> Truancy, which often leads to school dropout, is also a challenge in some schools, contributed by long distance to school, poor cooperation from parents, child labour, child marriage, and unfavourable learning environment.

In 2024, it was also reported that some community members do not take education seriously, especially for female children.<sup>728</sup> As a result, some parents do not accord schools and teachers enough cooperation, sometimes even encouraging their children to be truant and drop out of school.

#### 3.1.4. Key Recommendations

- i. Increase budgetary allocation for the education sector to reach a 20% benchmark set by the international community through the Incheon Declaration.
- ii. Address some key challenges in the education sector, including shortage of teachers, shortage of classrooms, truancy, and violence against children to improve learning outcomes.
- iii. The RGZ to intensify efforts to promote and provide inclusive education to safeguard right to education for PWDs.

### 3.2. Right to Health

This right is essential for realisation of other rights and means hospitals, clinics, medicines, and doctors' services must be accessible, available, acceptable, and of good quality for everyone on an equitable basis, where and when needed. In 2024, progressive realisation of the right to health continued to be affected by issues such as budgetary constraints, shortage of health workers, shortage of medicines and medical supplies, and proximity of health facilities.

#### 3.2.1. Government Action

In 2024, the Revolutionary Government of Zanzibar (RGZ) continued to take various measures to facilitate progressive realization of the right to health, implementing the Zanzibar Development Vision 2050, the Zanzibar Health Policy of 2011, and the Health Sector Strategic Plan IV – 2021/22-2024/25. These included disbursement of funds for the provision of health services, procurement and distribution of medicines and medical supplies, renovation and construction of health facilities, and recruitment of new health staff. In July 2024, it was reported that the RGZ had planned to recruit 1,050

<sup>727</sup> According to stakeholders who participated in human rights assessment for the year 2024.

<sup>728</sup> MATOKEO IV ZANZIBAR: Lazima kuchukua hatua haraka kuimarisha elimu (*supra*).

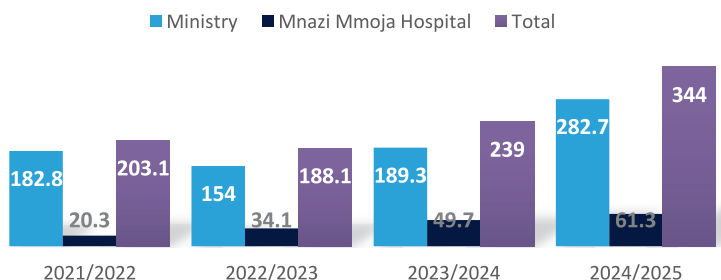




new health workers and construct houses for health workers.<sup>729</sup> In the same month, the President of the RGZ, H.E Dr. Hussein Ali Mwinyi, announced that his administration was in the process of starting construction of the Binguni Referral Hospital.<sup>730</sup> Key achievements for the financial year 2023/2024 included provision of health services at newly opened district and regional hospitals; increased access to essential medicines at health centres from 63% in 2022/2023 to 73% in 2023/2024; provision of health insurance services through the Zanzibar Health Services Fund (ZHSF); and increased number of beds for inpatients at public hospitals from 1,445 in 2022 to 2,645 in 2024.<sup>731</sup> The Minister of Health, Hon. Nassor Ahmed Mazrui, stated in the House of Representatives that a total of 95 new health workers were recruited within the period of July 2023 to March 2024, including 3 doctors and 30 assistant nursing officers.<sup>732</sup>

### 3.2.2. Budgetary Allocation and Disbursement

Statistics provided by the Ministry of Health show that the budget allocation for the health sector in Zanzibar significantly increased from Tshs. 188.1 billion in 2022/2023 to Tshs. 239 billion in 2023/2024, equivalent to a 27% increase. For the financial year 2024/2025 the requested budget was Tshs. 344 billion (Tshs. 282.7 for the Ministry of Health and Tshs. 61.3 billion for the Mnazi Mmoja Hospital), which is equivalent to a 43% increase.



**Figure 3.3: Budgetary allocation for the Zanzibar Health Sector – 2021 to 2025**

Despite the gradual increase of the budget for the health sector in recent years, the RGZ is yet to achieve the benchmark of 15% of the overall budget agreed by the

<sup>729</sup> “BMF kuendeleza sekta ya afya Zanzibar” HabariLeo Newspaper (online), 31 July 2024, at <https://habarileo.co.tz/bmf-yajitolea-kuendeleza-sekta-ya-afya-zanzibar/>.

<sup>730</sup> Ibid.

<sup>731</sup> SERIKALI YA MAPINDUZI YA ZANZIBAR, HOTUBA YA WAZIRI WA AFYA MHESHIMIWA NASSOR AHMED MAZRUI (MBM) KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI KWA MWAKA WA FEDHA 2024/2025 KATIKA BARAZA LA WAWAKILISHI ZANZIBAR, JUNI 2024, at <https://zanzibarassembly.go.tz/storage/documents/Budgets/all/1735288335.pdf>.

<sup>732</sup> Ibid.



international community. For instance, the health budget for the financial year 2023/2024 was 8.4% of the overall budget, while for the financial year 2024/2025 it is 6.6% of the overall budget.

Another key budget-related concern is the disbursement of funds. Stakeholders have expressed concerns over health budget execution, especially regarding the development budget.<sup>733</sup> For instance, the budget execution for the financial year 2022/2023 was 46.3% for the Ministry of Health and 57.1% for the Mnazi Mmoja Hospital.<sup>734</sup> However, a significant improvement was observed for the financial year 2023/2024, in which the budget execution was 78.8% for the ministry and 77.3% for the hospital.<sup>735</sup>

### 3.2.3. Other Key Issues and Challenges

#### Shortage of health workers

Shortage of health workers, including doctors, is a concern in some parts of Unguja and Pemba. In June 2024, stakeholders identified the challenge of shortage of specialist physicians in some district hospitals, which was causing delays in receiving medical services.<sup>736</sup> Others recommended improved use of ICT to enhance access to health services.<sup>737</sup>

#### Shortage of medicines and medical supplies

Despite the RGZ efforts to procure and distribute medicines and medical supplies, shortages continue to occur at some health facilities, especially in remote and rural areas. Medical equipment, including ICT equipment, also remain in short supply at some health facilities.

<sup>733</sup> See UNICEF, Health Budget Issue Paper Zanzibar, July 2022, at <https://www.unicef.org/tanzania/media/2856/file/Zanzibar%20Health%20Budget%20Issue%20Paper%202022.pdf>.

<sup>734</sup> SERIKALI YA MAPINDUZI YA ZANZIBAR, HOTUBA YA WAZIRI WA AFYA MHESHIMIWA NASSOR AHMED MAZRUI (MBM) KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI KWA MWAKA WA FEDHA 2023/2024 KATIKA BARAZA LA WAWAKILISHI ZANZIBAR, JUNI 2023, at <https://mohz.go.tz/eng/wp-content/uploads/2023/09/Budget-Speech-2023-24.pdf>.

<sup>735</sup> SERIKALI YA MAPINDUZI YA ZANZIBAR, HOTUBA YA WAZIRI WA AFYA MHESHIMIWA NASSOR AHMED MAZRUI (MBM) KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI KWA MWAKA WA FEDHA 2024/2025 KATIKA BARAZA LA WAWAKILISHI ZANZIBAR, JUNI 2024 (*supra*).

<sup>736</sup> Jesse Mikofu "Hivi ndio vipaumbele Wizara ya Afya Zanzibar" Mwananchi Newspaper (online), 3 June 2024 (*supra*).

<sup>737</sup> Ibid.





## Maternal health

Maternal health refers to the health of women during pregnancy, childbirth and the postnatal period.<sup>738</sup> Provision of quality maternal health services is essential for women's enjoyment of the right to health. The RGZ has prioritized maternal health services provision by establishing and implementing various initiatives focused on improving access to quality care and reducing maternal deaths.

While Zanzibar has made considerable progress to reduce maternal mortality ratio (MMR) towards reaching the Sustainable Development Goal (SDG) target of 70 maternal deaths per 100,000 live births, the MMR is still high. The MMR has reportedly declined from 267 per 100,000 live births in 2017<sup>739</sup> to 145 per 100,000 live births in 2024.<sup>740</sup> In contrast, in June 2024, the Minister of Health disclosed in his budget speech that maternal deaths had declined from 199 per 100,000 live births in 2017 to 145 in 2023 and the goal for the financial year 2024/2025 is to further reduce them to 123 deaths per 100,000 live births.<sup>741</sup>

Most deaths occur in childbirth and the immediate postpartum period.<sup>742</sup> Direct causes include haemorrhage, pregnancy-induced hypertension, obstructed labour, high blood pressure during pregnancy, malnutrition, infection, and unsafe abortion. Contributing factors are limited access to quality health services, a weak referral system and poor health-seeking behaviour among women.<sup>743</sup>

HIV also continues to be a threat to maternal health. For the financial year 2023/2024, it was reported that 58 pregnant women were found with HIV.<sup>744</sup> Community stakeholders who participated in assessing the state of human rights also mentioned shortage of health staff, especially nurses,<sup>745</sup> and neglect and abuse by some health workers, especially nurses, as a threat to maternal rights.

<sup>738</sup> World Health Organization, Maternal health, at [https://www.who.int/health-topics/maternal-health#tab=tab\\_1](https://www.who.int/health-topics/maternal-health#tab=tab_1).

<sup>739</sup> See the Zanzibar Reproductive, Maternal, Newborn, Child and Adolescent Health Strategic Plan 2019-2023, at <https://mohz.go.tz/wp-content/uploads/2021/01/Zanzibar-Reproductive-Maternal-Newborn.pdf>.

<sup>740</sup> Jesse Mikofu "Hivi ndio vipaumbele Wizara ya Afya Zanzibar" Mwananchi Newspaper (online), 3 June 2024, at <https://www.mwananchi.co.tz/mw/habari/kitaifa/hivi-ndio-vipaumbele-wizara-ya-afya-zanzibar-4645592>.

<sup>741</sup> SERIKALI YA MAPINDUZI YA ZANZIBAR, HOTUBA YA WAZIRI WA AFYA MHESHIMIWA NASSOR AHMED MAZRUI (MBM) KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI KWA MWAKA WA FEDHA 2024/2025 KATIKA BARAZA LA WAWAKILISHI ZANZIBAR, JUNI 2024 (*supra*).

<sup>742</sup> Issa Yusuf "How USAID is helping Zanzibar accelerate progress towards reducing maternal, newborn mortality" DailyNews Newspaper, 21 August 2024, at <https://dailynews.co.tz/how-usaid-is-helping-zanzibar-accelerate-progress-towards-reducing-maternal-newborn-mortality/>.

<sup>743</sup> Ibid.

<sup>744</sup> "Wajawazito waambukizwa VVU" Nipashe Newspaper, 7 Jun 2024.

<sup>745</sup> "Tatizo la afya ya akili laongezeka Zanzibar" Mwananchi Newspaper (online), 30 April 2024, at <https://www.mwananchi.co.tz/mw/zanzibar/tatizo-la-afya-ya-akili-laongezeka-zanzibar-4608422>.



## Mental health

Mental health, referring to emotional, psychological, and social wellbeing, is essential to the realization of the right to health. However, effective enjoyment of the right to mental health is hindered by a variety of mental health issues, including depression and anxiety disorders. In 2023, ZAFAYCO observed that mental health issues were slowly growing in Zanzibar, especially among youth. In May 2024, it was reported by the Ministry of Health that there was a significant increase in the number of people experiencing mental health issues.<sup>746</sup> It was disclosed that about 5,000 people, most of them youth and children, had been diagnosed with mental disorders.<sup>747</sup> Currently, about 100 to 150 patients are received at the Kidongo Chekundu Mental Health Hospital each month.<sup>748</sup> Shortage of mental health workers, especially specialists, is a concern in promoting mental health. It has been reported that more people could be facing mental health issues as there is a challenge of gaps in registration and documentation.<sup>749</sup>

In extreme cases, mental health issues drive people to commit suicide. In 2024, ZAFAYCO documented two incidents of suicide, involving a young woman and a man as victims. In the first incident, a young woman, who was working as domestic worker in Malindi, committed suicide after the man who promised to engage her in March 2024 failed to deliver on his promise. In the second incident, a man, known by one name of Mahmoud, committed suicide by jumping into the Indian Ocean while onboard a boat for unknown reasons.

## Other issues

Other issues that affected the right to health in Zanzibar in 2024 included limited access to sexual and reproductive health services for adolescents; different forms of violence, especially against women and children; and drug abuse problem, especially among youth.

### 3.2.4. Key Recommendations

- i. Increase budgetary allocation for the health sector to reach 15% of the overall budget, in line with international standards.
- ii. The Ministry of Health to ensure availability of more funds to facilitate provision of quality maternal health services.

<sup>746</sup> "Afya ya akili tishio kwa vijana, watoto Z'bar" Nipashe Newspaper, 2 May 2024.

<sup>747</sup> Ibid.

<sup>748</sup> Ibid; "Tatizo la afya ya akili laongezeka Zanzibar" Mwananchi Newspaper (online), 30 April 2024, at <https://www.mwananchi.co.tz/mw/zanzibar/tatizo-la-afya-ya-akili-laongezeka-zanzibar-4608422>.

<sup>749</sup> Ibid.





- iii. The Ministry of Health to collaborate with other stakeholders to increase efforts in promoting mental health and addressing mental health issues, especially among youth.

### 3.3. Right to Clean and Safe Water

Also known as the right to water and sanitation, this right is defined as the right of everyone to sufficient, safe, acceptable, and physically accessible and affordable water for personal and domestic uses. In 2024, key issues affecting progressive realisation of the right to water in Zanzibar included budgetary challenges; climate change impacts; contamination of water sources; dilapidated water infrastructure, and non-payment of water bills by some citizens.

#### 3.3.1. Government Action

In 2024, the Revolutionary Government of Zanzibar (RGZ) continued to facilitate provision of clean and safe water through the Zanzibar Water Authority (ZAWA), which works under the Ministry of Water, Energy and Minerals. The Minister of Water, Energy and Minerals, Hon. Shaib Hassan Kaduara, disclosed in June 2024 that ZAWA had increased water production from 67% in March 2023 to 70% in March 2024.<sup>750</sup> He added that implementation of various water projects has led to an increase of access to clean and safe water Unguja and Pemba, the goal being 85% access in 2025.<sup>751</sup>

#### 3.3.2. Budgetary Allocation and Disbursement

While budgetary allocation has generally been increasing in recent years, progressive realization of the right to clean and safe water continues to be affected by budgetary allocation constraints. The budget for the water sector significantly increased from Tshs. 3.6 billion in 2021/2022 to 106.7 billion in 2022/2023, largely due to the funding of Tshs. 79.9 billion obtained from development partners.<sup>752</sup> For the financial year 2023/2024, the budget allocated for the water component under the Ministry of Water, Energy and Minerals was Tshs. 66.7 billion, of which 42.9 billion was expected from development partners. By March 2024, the ministry had received Tshs. 57.3 billion for the water programme, equivalent to 86% of the budget.<sup>753</sup> In terms of

<sup>750</sup> SERIKALI YA MAPINDUZI YA ZANZIBAR, HOTUBA YA MAKADIRIO YA MAPATO NA MATUMIZI YA WIZARA YA MAJI, NISHATI NA MADINI KWA MWAKA WA FEDHA, 2024/2025, MHE. SHAIB HASSAN KADUARA, JUNI, 2024 at

<https://zanzibarassembly.go.tz/storage/documents/Budgets/all/1735288393.pdf>.

<sup>751</sup> Ibid.

<sup>752</sup> SERIKALI YA MAPINDUZI YA ZANZIBAR WIZARA YA MAJI, NISHATI NA MADINI HOTUBA YA WAZIRI WA MAJI, NISHATI NA MADINI. MHESHIMIWA SHAIB HASSAN KADUARA KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI KWA MWAKA WA FEDHA 2023/2024. JUNI, 2023, at

<https://www.zanzibarassembly.go.tz/storage/documents/Budgets/all/1686232870.pdf>.

<sup>753</sup> SERIKALI YA MAPINDUZI YA ZANZIBAR, HOTUBA YA MAKADIRIO YA MAPATO NA MATUMIZI YA WIZARA YA MAJI, NISHATI NA MADINI KWA MWAKA WA FEDHA, 2024/2025, MHE. SHAIB HASSAN KADUARA, JUNI, 2024 (*supra*).



budget execution, this is a significant improvement compared to the financial year 2022/2023, in which disbursement stood at only 33% because both the RGZ and the donor funds fell significantly short.

### 3.3.3. Other Key Issues and Challenges

In 2024, various key issues and challenges continued to affect access to clean and safe water among citizens in Zanzibar. These included invasion and contamination of water sources; dilapidated water infrastructure; water leakages; climate change impacts; growing population; urbanization; increased economic activities, including in the investment and tourism sectors; and non-payment of water bills.<sup>754</sup> These issues contribute to the gap of 30% in water production per day.<sup>755</sup> To address the problem of contamination of water sources, the RGZ has reportedly installed 64 banners prohibiting entry at various water sources such as Dimani, Maungani, Kidutani, Mfenesini, Dole, Mkorogo and Masingani. The RGZ also reported that it had fixed 882 water leaks in Unguja (510) and Pemba (372) to address water waste.<sup>756</sup>

Additionally, the Minister of Water, Energy and Minerals, Hon. Shaib Hassan Kaduara, stated in June 2024 that ZAWA continued to receive citizen complaints regarding water availability and access through the *Sema na Rais* (SNR) system. Within the period of July 2023 to March 2024, a total of 146 complaints were received, of which 81 were addressed, while efforts to address the remaining 65 continue.<sup>757</sup>

### 3.3.4. Key Recommendations

- i. The RGZ to increase budgetary allocation for the water sector to enhance access to clean and safe water among Zanzibaris in both urban and rural areas.
- ii. ZAWA to intensify efforts to address challenges such as water leaks and contamination of water sources to increase access to clean and safe water.
- iii. CSOs and the Commission for Human Rights and Good Governance (CHRAGG) to raise awareness and encourage citizens to refrain from invading and contaminating water sources and paying water bills on time.

<sup>754</sup> SERIKALI YA MAPINDUZI YA ZANZIBAR, HOTUBA YA MAKADIRIO YA MAPATO NA MATUMIZI YA WIZARA YA MAJI, NISHATI NA MADINI KWA MWAKA WA FEDHA, 2024/2025, MHE. SHAIB HASSAN KADUARA, JUNI, 2024 (*supra*); "Tatizo la maji bado pasua kichwa, sababu zatajwa" Mwananchi Newspaper, 10 Apr 2024.

<sup>755</sup> Ibid.

<sup>756</sup> Ibid.

<sup>757</sup> SERIKALI YA MAPINDUZI YA ZANZIBAR, HOTUBA YA MAKADIRIO YA MAPATO NA MATUMIZI YA WIZARA YA MAJI, NISHATI NA MADINI KWA MWAKA WA FEDHA, 2024/2025, MHE. SHAIB HASSAN KADUARA, JUNI, 2024 (*supra*).





### 3.4. Right to Work

This is a fundamental right that is protected by regional and international human rights instruments and domestically under the Constitution of Zanzibar and labour laws and regulations. It includes the right to earn a living by work and right to just and favourable working conditions. In 2024, labour rights violations and difficult working environment continued to be among key issues affecting effective enjoyment of the right to work.

#### 3.4.1. Government Action

To promote the right to work, including through employment and self-employment, the Revolutionary Government of Zanzibar (RGZ) took various steps in the period of 2023/2024. These included enforcement of labour laws and regulations; increasing access to employment opportunities; increasing investment; provision of funds and loans to support entrepreneurship; recruitment of new workers in key sectors such as education and health; provision of labour education at workplaces and through television and radio programmes; and conducting labour inspections at workplaces.<sup>758</sup> For instance, it was reported in June 2024 that the President's Office Labor, Economic Affairs and Investment had conducted 216 labour inspections (141 in Unguja and 75 in Pemba) to ensure compliance with labour laws and standards.<sup>759</sup>

Through its labour department, the ministry also reviewed and confirmed employment contracts of 8,624 citizens (8,739 in Unguja and 885 in Pemba) to ensure compliance with labour laws and regulations, equal to 192% of the target (5,000) for the financial year 2023/2024; received 167 labour complaints and addressed 67 of them; participated in developing and submitting the report on implementation of the International Labour Organization (ILO) conventions; and established a desk for coordinating workers seeking to work abroad. Additionally, within the period of 2023/2024, the ministry facilitated adoption and implementation of three labour-related regulations and facilitated provision of loans and equipment to entrepreneurs.<sup>760</sup> The number of formal jobs created increased by 65.9%, from 6,348 in 2022/2023 to 9,630 in 2023/2024, particularly in the private school, hotel, and

<sup>758</sup> SERIKALI YA MAPINDUZI YA ZANZIBAR, AFISI YA RAIS KAZI, UCHUMI NA UWEKEZAJI, HOTUBA YA MAKADIRIO YA MAPATONAMATUMIZIKWA MWAKA WA FEDHA 2024/2025 ILIYOSOMWA KATIKA BARAZA LA WAWAKILISHI NA WAZIRI WA NCHI, AFISI YA RAIS, KAZI UCHUMI NAUWEKEZAJIMHE. SHARIFF ALI SHARIFF(MBM) MEI, 2024, at <https://zanzibarassembly.go.tz/storage/documents/Budgets/all/1735283594.pdf>.

<sup>759</sup> Ibid.

<sup>760</sup> Ibid.



industrial sectors. The number of jobs created abroad also increased, by 285%, increasing from 1,080 jobs in 2022/2023 to 3,078 in 2023/2024.<sup>761</sup>

In May 2024, it was also reported that the Zanzibar budget for the financial year 2024/2025 included a transport allowance of Tshs. 50,000 for government employees. This followed a prolonged request from the workers to ease the rising cost of living.<sup>762</sup>

### 3.4.2. Reported Labour Rights Violations

In 2024, community members reported labour rights violations such as payment of wages below the minimum wage structure, unfair termination of employment, and lack of employment contracts, particularly in the private sector. In June 2024, the Minister of the President's Office Labor, Economic Affairs and Investment, Hon. Shariff Ali Shariff, reported that the ministry had received 167 labour complaints and settled 94 labour disputes. The number of disputes settled increased by 17% in comparison with the financial year 2022/2023.

### 3.4.3. Other Key Issues and Challenges

Other key issues hindering effective enjoyment of the right to work in Zanzibar included low awareness of community members about labour laws and rights and limited access to justice. Low awareness of labour laws and rights contributed to limited access to justice, along with other access to justice challenges, such as corruption and limited access to legal aid.

Shortage of workers in sectors such as education and health, including teachers, doctors, and nurses, also continued to create a burden for existing workers. For youth, unemployment and underemployment remain key concerns.

### 3.4.4. Key Recommendations

- i. The Government, through the President's Office Labor, Economic Affairs, and Investment, to intensify efforts of job creation and creating economic opportunities, especially for youth, who are faced with the problem of unemployment.
- ii. The RGZ to collaborate with stakeholders, including CSOs, to raise public and workers' awareness about labour laws and rights.
- iii. The RGZ to strengthen legal and institutional frameworks to ensure fair wages, safe working conditions, and protection against discrimination, while promoting freedom of association and collective bargaining.

<sup>761</sup> SERIKALI YA MAPINDUZI YA ZANZIBAR, AFISI YA RAIS KAZI, UCHUMI NA UWEKEZAJI, HOTUBA YA MAKADIRIO YA MAPATONAMATUMIZIKWA MWAKA WA FEDHA 2024/2025 ILIYOSOMWA KATIKA BARAZA LA WAWAKILISHI NA WAZIRI WA NCHI, AFISI YA RAIS, KAZI UCHUMI NAUWEKEZAJIMHE. SHARIFF ALI SHARIFF(MBM) MEI, 2024 (*supra*).

<sup>762</sup> Issa Yusuf "Zanzibar tables 5.1tri/- budget" DailyNews Newspaper (online) 14 June 2024 (*supra*).







### 3.5. Right to Own Property

This right is protected under regional and international human rights instruments and guaranteed under the Constitution of Zanzibar of 1984 and land laws, including the Land Tenure Act 1992 and the Land Acquisition Decree of 1909. In 2024, key issues affecting enjoyment of the right to own property included land disputes and low awareness about land laws and rights.

#### 3.5.1. Government Action

Measures taken by the Revolutionary Government of Zanzibar (RGZ) to promote and protect the right to own property in 2024 included implementation of various land related programmes and projects, land dispute resolution, issuance of land titles and certificates of occupancy, and survey of plots.<sup>763</sup> For instance, ministry issued a total of 880 land title deeds (614 in Unguja and 266 in Pemba) and 1,555 land use permits (1,370 in Unguja and 185 in Pemba) during the financial year 2023/2024.<sup>764</sup> The ministry also revealed that it was continuing with the development of the Land Administration and Registration Information System (LARIS) and adopted the three year (2023-2026) strategic plan of the ministry.<sup>765</sup>

Through the Ministry of Land and Housing Development and institutions under it, the RGZ also continued to raise awareness about land ownership, laws, and disputes through different platforms. Additionally, the ministry announced that it was reviewing 5 land laws and 4 land regulations, including the Land Tenure Act of 1992.

#### 3.5.2. Land Disputes and Conflicts

In 2024, land disputes and conflicts remained a dominant issue in enjoyment of the right to own property in Zanzibar. The Ministry of Lands and Housing Development reported that the Land Tribunal, which was established to hear land disputes, received 135 land disputes from both Unguja and Pemba in the period of July 2023 to March 2024.<sup>766</sup>

<sup>763</sup> SERIKALI YA MAPINDUZI YA ZANZIBAR, WIZARA YA ARDHI NA MAENDELEO YA MAKAAZI, HOTUBA YA WAZIRI WA ARDHI NA MAENDELEO YA MAKAAZI, MHESHIMIWA RAHMA KASSIM ALI (MBM) KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI KWA MWAKA WA FEDHA 2024/2025 MEI, 2024, at <https://zanzibarassembly.go.tz/storage/documents/Budgets/all/1735288037.pdf>.

<sup>764</sup> Ibid.

<sup>765</sup> Ibid.

<sup>766</sup> SERIKALI YA MAPINDUZI YA ZANZIBAR, WIZARA YA ARDHI NA MAENDELEO YA MAKAAZI, HOTUBA YA WAZIRI WA ARDHI NA MAENDELEO YA MAKAAZI, MHESHIMIWA RAHMA KASSIM ALI (MBM) KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI KWA MWAKA WA FEDHA 2024/2025 MEI, 2024 (*supra*).



**Table 3.1: Land Disputes at the Land Tribunal in Zanzibar (2023/2024)**

Part	Regions	Filed (New)	Resolved	Ongoing
Unguja	Mjini Magharibi	41	27	85
	Kaskazini Unguja	15	15	34
	Kusini Unguja	27	16	34
Pemba	Kaskazini Pemba	23	20	25
	Kusini Pemba	29	30	40
<b>TOTAL</b>		<b>135</b>	<b>108</b>	<b>218</b>

*Source:* Ministry of Lands and Housing Development

Additionally, the Minister of Lands and Housing Development reported in June 2024 that the disputes between landlords and tenants had been resolved by the Rent Restriction Board, established under the Rent Restriction Decree, 3 of 1987. In the period of 2023/2024, the board received 27 new disputes (25 in Unguja and 2 in Pemba), bringing the total to 46 disputes (41 in Unguja and 5 in Pemba).

In April 2024, the Commission for Human Rights and Good Governance (CHRAGG) reported that there were also many land disputes between citizens and the Tanzania People's Defense Force (TPDF).<sup>767</sup> This was revealed by the Commissioner Khatib Mwinyichande following an investigation conducted by the Commission between March 2022 and June 2023.

### 3.5.3. Other Key Issues and Challenges

Other key issues in enjoyment of the right to own property in Zanzibar in 2024 included low awareness about land laws and rights; weaknesses in dispute resolution, especially at lower levels; bureaucracy in accessing legal land ownership documents; corruption; existence of large tract of unutilized land; property brokers facilitating illegal land sales; and shortage of experts in the land and housing development sectors. Women's right to acquire and own property also continues to be restricted through denial of inheritance rights, particularly for widows, and other property rights violations. However, the RGZ continues to collaborate with stakeholders such as CSOs to facilitate acquisition of property by women and other marginalized groups.<sup>768</sup>

Community stakeholders who participated in assessing the state of human rights in Zanzibar also pointed out predatory lending as a key issue affecting enjoyment of the right to own property in Zanzibar in 2024. This issue is elaborated below.

<sup>767</sup> "THBUB: Kuna migogoro mingi ya ardhi wananchi, JWTZ" Nipashe Newspaper, 2 Apr 2024.

<sup>768</sup> ZAFAYCO Human Rights Monitoring 2024.





### Predatory Lending and Human Rights Violations

As discussed in Chapter One of this report, in 2024 ZAFAYCO conducted a special assessment on predatory lending and its impact on human rights. Most of the community stakeholders (31%) identified predatory loans as a moderate problem, followed by 26% who felt it was a serious problem. Their biggest concerns over such loans were high interest rates and fines (66%), granting loans to unqualified people (63%), and little time for loan repayment (58%). When asked about consequences of predatory lending, seizure of property and financial distress (57%) was rated as the top consequence and right to own property (53%) and right to liberty and personal security (53%) were identified as the most affected human rights.

#### 3.5.4. Key Recommendations

- i. The RGZ, through the Ministry of Lands and Housing Development and the Judiciary of Zanzibar, to intensify efforts to prevent and resolve land disputes.
- ii. The RGZ, through the Zanzibar Anti-Corruption and Economic Authority (ZAECA), to intensify efforts to address corruption in the land sector, which also contributes to land disputes and illegal constructions.
- iii. The RGZ, through the Ministry of Lands and Housing Development to ensure there is no bureaucracy in acquisition and accessing land ownership documents.

### 3.6. Right to Adequate Standard of Living

This human right is closely associated and dependent on the rights to education, health, water, work, and own property. It includes food, clothing, and housing at an adequate level. In 2024, effective enjoyment of the right to an adequate standard of living was affected by challenges such as unemployment, increased food prices, informal settlements, inadequate housing, and poor enforcement of land use plans.

#### 3.6.1. Government Action

In 2024, the Revolutionary Government of Zanzibar (RGZ) continued to take various measures to facilitate progressive realization of the right to adequate standard of living. These included increasing food production; increasing access to nutritious food; boosting irrigation farming; and construction of residential buildings.<sup>769</sup> For instance, in May 2024 it was reported that food crop production had increased from 342,181 tonnes in 2022 to 529,085 tonnes in 2023.<sup>770</sup> This was partly achieved due to

<sup>769</sup> HOTUBA YA MAKADIPIO YA MAPATO NA MATUMIZI YA FEDHA YA WIZARA YA KILIMO, UMWAGILIAJI, MALIASILI NA MIFUGO KWA MWAKA WA FEDHA WA 2024/2025 ILIYOWASILISHWA NA MHE. SHAMATA SHAAME KHAMIS (MBM) WAZIRI WA KILIMO, UMWAGILIAJI, MALIASILI NA MIFUGO ZANZIBAR, MEI, 2024, at <https://zanzibarassembly.go.tz/storage/documents/Budgets/all/1735288133.pdf>.

<sup>770</sup> Ibid.



implementation of irrigation farming projects in different parts of Zanzibar. Regarding housing, it was reported that there was an ongoing construction of 72 residential houses in Mombasa (Kwa Mchina) area, 3-storey building in Darajani area, and a 4-storey building in Mkungu Malofa area (Chake Chake District).<sup>771</sup>

### 3.6.2. Food Security

The RGZ has taken various measures to enhance food security in Zanzibar, key among them being the adoption of the Zanzibar Food Security and Nutrition Policy of 2008, enactment of the Zanzibar Food Security and Nutrition Act No. 5 of 2011, and the establishment of the Food Security and Nutrition Department (FSND). The FSND, which works under the Ministry of Agriculture and Natural Resources, is charged with three core responsibilities namely, coordination, capacity enhancement, and monitoring and evaluation of the food security and nutrition situation within Zanzibar. Implementation of the food security laws and regulations have contributed to increased food availability and access to nutritious food.

Despite the measures taken above, which aim to improve food availability and access to nutritious food, some people in different parts of Zanzibar continue to face food insecurity and nutritional challenges,<sup>772</sup> including acute food insecurity.<sup>773</sup> Key drivers of acute food insecurity situation in some areas of Zanzibar include sharp increase in prices of the main food products; prolonged dry spells and erratic rainfall, that causes failure of crop and livestock production; crop pests and disease infestations; poor traditional storage systems of food crops produced; and low purchasing power of the population due to prices increase.<sup>774</sup>

Another key issue affecting food security is inadequate budget for the agricultural sector and partial disbursement of funds. For instance, for the financial year 2023/2024, the Ministry of Agriculture, Irrigation, Natural Resources, and Livestock reported that by March 2024, it had only received 48.31% of the budget funds.

<sup>771</sup>SERIKALI YA MAPINDUZI YA ZANZIBAR, WIZARA YA ARDHI NA MAENDELEO YA MAKAAZI, HOTUBA YA WAZIRI WA ARDHI NA MAENDELEO YA MAKAAZI, MHESHIMIWA RAHMA KASSIM ALI (MBM) KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI KWA MWAKA WA FEDHA 2024/2025 MEI, 2024 (*supra*).

<sup>772</sup> See World Vegetable Center, Healthy diet seed kits enhancing food and nutrition security in Zanzibar, at <https://avrdc.org/healthy-diet-seed-kits-enhancing-food-and-nutrition-security-in-zanzibar/>.

<sup>773</sup> See IPC, ZANZIBAR: PRICE INCREASE, DRY SPELLS, AND CROP PESTS DRIVE FOOD INSECURITY IN ZANZIBAR, IPC ACUTE FOOD INSECURITY ANALYSIS, OCTOBER 2022 – MAY 2023, 30 December 2022, at <https://reliefweb.int/report/united-republic-tanzania/zanzibar-tanzania-acute-food-insecurity-situation-october-2022-february-2023-and-march-may-2023>; Government of the United Republic of Tanzania & World Bank Group et al, *The Impact Evaluation of Productive Social Safety Net in Tanzania Phase II: Baseline Report*, June 2023, at <https://www.ocgs.go.tz/ReportOCGS/Tanzania%20PSSN2%20IE%20Baseline%20Report%20-2022.pdf>.

<sup>774</sup> Ibid.





### 3.6.3. Adequate Housing

Despite various government efforts to facilitate access to adequate housing, inadequate housing remains a challenge for some people in Zanzibar, largely driven by poverty. Limited access to land and high costs of building materials compromise the ability of many to afford adequate housing. There is also the challenge of building houses on planned or unplanned areas without securing formal planning approval, a situation which contributes to an increase in informal settlements and limited access to social services.

### 3.6.4. Other Key Issues and Challenges

Other key issues and challenges that affected enjoyment of the right to an adequate standard of living in 2024 included shortage of experts in the agriculture and livestock sectors; invasion of agricultural land and expansion of residential areas; high costs of agricultural inputs; climate change impacts; and land disputes.<sup>775</sup>

### 3.6.5. Key Recommendations

- i. The RGZ, through the Ministry of Lands and Housing Development, to ensure proper enforcement of relevant laws to prevent informal settlements, which limit enjoyment of the right to adequate standard of living.
- ii. The RGZ, through the Ministry of Agriculture, Irrigation, Natural Resources and Livestock, to ensure increased budgetary allocation for the agriculture sector to boost food production and employment in the sector.
- iii. The RGZ, through the Ministry of Agriculture, Irrigation, Natural Resources and Livestock, to collaborate with CSOs to raise awareness about the right to an adequate standard of living and promote adequate housing.

## 3.7. Right to Social Security

This right is essential in reducing and alleviating poverty, preventing social exclusion, and promoting social inclusion. In 2024, key issues affecting enjoyment of the right to social security included provision of pension to older persons, low coverage of social security and limited access to health services.

### 3.7.1. Government Action

A key action that continued to be taken by the Revolutionary Government of Zanzibar (RGZ) in 2024 is provision of social security services through the Zanzibar Social

<sup>775</sup> HOTUBA YA MAKADIRIO YA MAPATO NA MATUMIZI YA FEDHA YA WIZARA YA KILIMO, UMWAGILIAJI, MALIASILI NA MIFUGO KWA MWAKA WA FEDHA WA 2024/2025 ILIYOWASILISHWA NA MHE. SHAMATA SHAAME KHAMIS (MBM) WAZIRI WA KILIMO, UMWAGILIAJI, MALIASILI NA MIFUGO ZANZIBAR, MEI, 2024 (*supra*); SERIKALI YA MAPINDUZI YA ZANZIBAR, WIZARA YA ARDHI NA MAENDELEO YA MAKAAZI, HOTUBA YA WAZIRI WA ARDHI NA MAENDELEO YA MAKAAZI, MHESHIMIWA RAHMA KASSIM ALI (MBM) KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI KWA MWAKA WA FEDHA 2024/2025 MEI, 2024 (*supra*).



Security Fund (ZSSF), in line with the Zanzibar Social Protection Policy (ZSPP) which provides social transfers to extremely poor Zanzibaris who are unable to provide for themselves and have no other means of support, among others. The RGZ also continued providing elderly care at elderly homes (Sebleni, Welezo, and Limbani) and pension to 30,317 older people aged 70 and above (17,970 in Unguja and 12,347 in Pemba).<sup>776</sup> The RGZ also created 11,814 IDs for older people (8,901 in Unguja and 3,913 in Pemba), equal to 47.2% of the target and registered 3,144 new older people eligible for the pension.<sup>777</sup>

### 3.7.2. Social Security Coverage

Coverage of security is a key concern in Zanzibar. Like in Mainland Tanzania, coverage of social security in Zanzibar is low. Only a small part of the population is part of formal (contributory) social security schemes, particularly those employed in the formal sector. While social protection for the elderly has been strengthened, social protection for other special groups, such as persons with disabilities (PWDs) and children, remains inadequate.

### 3.7.3. Other Key Issues and Challenges

Other key issues which continued to affect the right to social security in 2024 included climate change, growing population, limited access to quality health services, neglect of older persons by their families, and limited budget for social security. Climate change impacts are particularly felt by fishing and agricultural communities, which experience decreased fish catches and crop production respectively, with their vulnerability increased by overreliance on traditional fishing and farming methods.

### 3.7.4. Key Recommendations

- i. As proposed in the 2020 mid-term evaluation of the Zanzibar Social Protection Policy, there is need to increase social assistance to underserved groups, especially PWDs, but also children and their families.
- ii. The RGZ to increase budgetary allocation for the social security component to provide better social protection services.
- iii. Community members to make efforts to join various formal and informal social security schemes

<sup>776</sup> SERIKALI YA MAPINDUZI ZANZIBAR, WIZARA YA MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO, HOTUBA YA WAZIRI WA MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO, MHESHIMIWA RIZIKI PEMBE JUMA (MBM) KATIKA BARAZA LA WAWAKILISHI KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI KWA MWAKA WA FEDHA 2024/2025 JUNI, 2024, at

<https://zanzibarassembly.go.tz/sw/ministerial-budgets>.

<sup>777</sup> Ibid.





### 3.8. Recommendations

#### State Actors

- 1 The Revolutionary Government of Zanzibar to intensify efforts to increase budgetary allocation for education and health sectors in line with international standards, which require allocation of at least 15 to 20% of the overall budget.
- 2 The Government to take measures to address shortages of human and material resources in key sectors such as health and education.
- 3 The Government, through the Ministry of Education and Vocational Training, to take measures to address challenges faced by teachers in primary and secondary schools as part of a strategy to improve quality of education in Zanzibar.
- 4 The Government to spearhead legal reforms to protect women's property and inheritance rights.
- 5 The Government, through the Ministry of Lands and Housing Development, and the Zanzibar Land Tribunal to increase efforts to resolve or address land disputes to safeguard the right to own property.
- 6 The Government to continue with efforts to address employment-related challenges such as unemployment and underemployment in order to safeguard the right to work and the right to adequate standard of living.
- 7 The Government, through the Zanzibar Anti-Corruption and Economic Authority (ZAECA), to intensify efforts to address corruption in the land sector, which also contributes to land disputes and illegal constructions.
- 8 The Government, through the ministry responsible for education, to collaborate with non-state actors to address the problem of employability skills among college and university graduates.
- 10 As proposed in the 2020 mid-term evaluation of the Zanzibar Social Protection Policy, there is need to increase social assistance to underserved groups, especially PWDs, but also children and their families
- 11 The RGZ to increase budgetary allocation for the social security component to provide better social protection services.
- 12 To promote and ensure quality education, the Ministry of Education and Vocational Training to ensure school inspections are conducted regularly and meals are available at primary schools, especially in rural areas.

#### Non-State Actors

- 1 CSOs to work with relevant government ministries, such as the ministry responsible for women and ministry responsible for land, to promote and protect economic and social rights, including conducting awareness-raising sessions and campaigns.
- 2 The media collaborate with CSOs to raise public awareness on social and economic rights to contribute promoting such rights and ensuring their progressive realization.



## Community Members

- 1 Members of the public to seek knowledge and access information about their economic and social rights, including right to work and right to own property, including popular versions on laws relating to these rights prepared by government and no-government actors.
- 2 Members of the public to report violations of their economic and social rights to relevant authorities, including trade unions and the Commission on Human Rights and Good Governance.
- 3 The private sector to continue supporting the Government to address key challenges in health, education, and water sectors, as part of their corporate social responsibility.
- 4 Community members to write wills to safeguard property and inheritance rights.
- 5 Community members to mobilize themselves and help the Government in addressing some of key challenges in the education sector, such as shortage of desks and shortage of toilets/toilet holes.
- 6 Members of the public to refrain from damaging infrastructures, especially water infrastructures.
- 7 Community members to make efforts to join various formal and informal social security schemes.







## Chapter Four

### Collective Rights

## Chapter Four: Collective Rights

Collective rights are the rights that belong to the group of people as opposed to individual rights. An individual enjoys collective rights as part of a group, which is why they are also called solidarity rights. These rights form the third generation of human rights, protected under several regional and international human rights instruments as well as the Constitution of Zanzibar. This chapter briefly discusses three key collective rights, namely the right to development, the right to enjoy and benefit from natural resources, and the right to clean and healthy environment in Zanzibar for the period of 2024.

### 4.1. Right to Development

This right is defined as “...an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”<sup>778</sup> In 2024, key affecting the right to development included poverty, budgetary constraints, corruption, and climate change impacts.

#### 4.1.1. Government Action

The Revolutionary Government of Zanzibar has maintained its commitment to the Zanzibar Development Vision 2050 by promoting social, economic, and infrastructural development. In 2024, efforts focused on strengthening public services and expanding community participation in development projects. In January 2025, the President of the Revolutionary Government of Zanzibar (RGZ), H.E. Dr. Hussein Ali Mwinyi, disclosed that by September 2025 the economic growth rate of Zanzibar had reached 7.5%.<sup>779</sup> He added that the Gross Domestic Product (GDP) of Zanzibar had increased from Tsh. 4.78 trillion in 2021 to Tshs. 6.04 in 2023, equivalent to a 26% increase.<sup>780</sup> This growth was mainly attributed to significant gains in the services sector, tourism sector, and revenue collection. For instance, revenue collected by the RGZ has increased from Tshs. 858.2 billion in 2020/2021 to Tshs. 1.3 trillion in 2022/2023, equivalent to a 51% increase.<sup>781</sup> The fisheries sector has also contributed to Zanzibar's

<sup>778</sup> Article 1 of the UN Declaration on the Right to Development, A/RES/41/12, 4 December 1986, available at <http://www.un.org/documents/ga/res/41/a41r128.htm>, accessed 27<sup>th</sup> December 2021.

<sup>779</sup> See Hotuba ya Rais wa Zanzibar na Mwenyekiti wa Baraza la Mapinduzi Mheshimiwa Dk. Hussein Ali Mwinyi, katika Maadhimisho ya Miaka 61 ya Mapinduzi Matukufu ya Zanzibar, Tarehe 11 Januari 2025, at [https://www.ikuluzanzibar.go.tz/uploads/Mapinduzi\\_2025\\_hutuba.pdf](https://www.ikuluzanzibar.go.tz/uploads/Mapinduzi_2025_hutuba.pdf).

<sup>780</sup> Ibid.

<sup>781</sup> Ibid.



economic development, whereby fish catches increased from 38,107 tonnes worth of Tshs. 205.35 billion in 2020 to 78,943 tonnes worth Tshs. 618.18 billion in 2024. This is equivalent to a remarkable 107.2% increase. During the same period, sea moss farming has also increased by 124.6%. Additionally, Zanzibar has done well in infrastructural development, particularly through construction of roads and flyovers.

Regarding political development, ongoing political reforms and enhanced civic participation, bolstered by recent policy adjustments such as the lifting of restrictions on political rallies, have provided an enabling environment for progress. Yet, the gap between policy intentions and on-ground realities remains a significant obstacle to the full realization of the right to development.

#### 4.1.2. Key Issues and Challenges

In 2024, ZAFAYCO observed that effective realization of the right to development in Zanzibar continues to be hindered by several interrelated challenges:

- **Infrastructural and Resource Gaps:** Limited facilities and equipment, coupled with human resource shortages, continue to impede progress.
- **Economic and Social Barriers:** Unemployment and underemployment, along with widespread corruption, have limited the equitable distribution of developmental benefits.
- **Environmental and Climate Concerns:** The increasing impact of climate change has strained natural resources, affecting sustainable development and community resilience.
- **Budgetary Constraints:** Limited public resources restrict the ability to invest in essential services and infrastructure.
- **Gender-Based Violence (GBV) and Violence Against Children (VAC):** These persistent forms of violence disrupt community development and diminish individual well-being.
- **Climate Change Impacts:** Increasing adverse weather patterns and environmental degradation adversely affect agriculture, water resources, and public health.
- **Corruption and Mismanagement:** Misallocation of resources and corrupt practices impede effective development initiatives.
- **Gaps in Legal and Policy Frameworks:** Inadequate or outdated laws limit the potential for comprehensive development and equitable benefit-sharing.



### 4.1.3. Key Recommendations

- i. The Revolutionary Government of Zanzibar should strengthen its development policies to address budgetary constraints and ensure the efficient and transparent use of resources.
- ii. Enhance measures to prevent and combat GBV and VAC, integrating these efforts into broader development strategies.
- iii. Intensify anti-corruption initiatives and improve resource management to ensure equitable distribution of development benefits.

## 4.2. Right to Enjoy and Benefit from Natural Resources

The right to enjoy and benefit from natural resources is recognized under various international and regional instruments, as well as Zanzibar's municipal laws. It is anchored in UN General Assembly Resolution 1803 (1962) on "Permanent Sovereignty over Natural Resources," which sets out guiding principles for ensuring that natural resource exploitation benefits both the individual and the state, and is conducted through consensual agreements for the advancement of human development. In 2024, key issues affecting enjoyment of this right included overexploitation of resources, mismanagement of resources, and environmental degradation and climate change impacts.

### 4.2.1. Government Action

In Zanzibar, natural resources such as land, oil and gas, water, forests, biodiversity, and marine assets are critical for revenue generation and employment, particularly in tourism, agriculture, fishing, and hospitality. Recognizing the strategic importance of its marine resources, the Revolutionary Government of Zanzibar has implemented the Zanzibar Blue Economy Policy (2020) and prioritized the blue economy in the Zanzibar Development Vision 2025.<sup>782</sup> It has also introduced the Zanzibar Development Plan (ZADEP) 2021 – 2026.<sup>783</sup> Moreover, the Zanzibar Fisheries Master Plan 2023-2038 was prepared by the Ministry of Blue Economy and Fisheries in Zanzibar.<sup>784</sup> These initiatives aim to harness natural resources for sustainable development and economic growth.

### 4.2.2. Key Issues and Challenges

Despite the various initiatives to promote the right to enjoy and benefit from natural resources, 2024 continued to present significant challenges:

<sup>782</sup> RGZ (2020). "Zanzibar Development Vision 2050" Available at:

<https://www.planningzanz.go.tz/dashboard/uploads/32935.pdf>

<sup>783</sup> RGZ (2021). "The Zanzibar Development Plan (ZADEP) 2021 – 2026" Available at:

<https://tanzaniagoaltrack.nbs.go.tz/content/platform/tanzania/five-year-plan-zanzibar.pdf>

<sup>784</sup> Zanzibar Ministry of Blue Economy and Fisheries (2023). "The Zanzibar Fisheries Master Plan 2023-2038" Available at: <http://blueeconomyzanz.go.tz/sera-mpango/fisheriesMasterPlan.pdf>





- **Overexploitation and Environmental Degradation:** Unsustainable use of resources and environmental damage remain prevalent due to population growth and inadequate regulatory oversight.
- **Climate Change:** Adverse climatic conditions exacerbate resource depletion and threaten the sustainability of key economic sectors.
- **Tax Evasion and Corruption:** Weak enforcement and corrupt practices hinder effective resource management and equitable benefit-sharing.

#### 4.2.3. Key Recommendations

- The Revolutionary Government of Zanzibar should implement stronger regulatory and enforcement mechanisms to prevent overexploitation of natural resources and curb environmental degradation.
- Develop and enforce comprehensive strategies to mitigate the impacts of climate change on resource sustainability.
- Enhance transparency and accountability in resource management to reduce tax evasion and corruption, ensuring that natural resource revenues benefit the broader community.

### 4.3. Right to Clean and Healthy Environment

This right ensures that every person has access to clean air, water, and a sustainable natural environment essential for human dignity and development. In 2024, environmental pollution; environmental degradation; and climate change impacts continued to be key issues affecting the right to clean and healthy environment

#### 4.3.1. Government Action

In 2024, the Revolutionary Government of Zanzibar (RGZ) continued its commitment to environmental protection through the enhanced efforts of the Zanzibar Environmental Management Authority (ZEMA). ZEMA has expanded its monitoring and enforcement activities, including the establishment of two new waste disposal sites in urban areas. These new sites complement existing facilities at Kibele, Kizimbani (Unguja), and Bandata (Chake Chake – Pemba), and aim to further reduce marine pollution and improve overall waste management.

#### 4.3.2. Environmental Pollution

Environmental pollution remains a pressing public health concern. According to the World Health Organization (WHO, 2024), approximately 24% of global deaths, roughly 13.7 million annually, are linked to environmental factors such as air pollution and chemical exposure.<sup>785</sup> A 2023 human rights assessment indicated that 86.2% of

<sup>785</sup> World Health Organization (WHO, 2024). *Global Environmental Health Report*.



respondents view environmental pollution as a major issue. Key sources of pollution include industrial emissions, improper waste disposal, and agricultural runoff, all of which are exacerbated by rapid urbanization.

#### 4.3.3. Climate Change and Other Key Issues and Challenges

A 2021 report by the First Vice President's Office (FVPO) highlights several persistent challenges affecting the right to a clean and healthy environment in Zanzibar, which remain valid to date:<sup>786</sup>

- **Conflicting Environmental Laws:** Overlapping and sometimes contradictory regulations hinder effective environmental management.
- **Institutional Capacity:** Limited resources and capacity within environmental agencies reduce the efficacy of monitoring and enforcement.
- **Inadequate Land Use Planning:** Poorly coordinated land use contributes to environmental degradation and increased pollution.
- **Industrial and Urban Pollution:** Industries such as timber, welding, and grain milling often located near residential areas, continue to contribute significantly to air and noise pollution.
- **Climate Change:** The adverse impacts of climate change, including extreme weather and rising sea levels, further strain local ecosystems.

Despite these challenges, efforts to reduce marine pollution have shown some success, and overall air pollution remains comparatively low due to minimal greenhouse gas emissions.

#### 4.3.4. Key Recommendations

- i. The Revolutionary Government of Zanzibar, through the FVPO and ZEMA, should intensify measures to combat industrial pollution, improve urban waste management, and address the adverse impacts of climate change.
- ii. Strengthen and harmonize environmental laws to eliminate conflicts and ensure robust enforcement mechanisms.
- iii. Enhance institutional capacity by increasing funding and technical support for environmental agencies.

<sup>786</sup> See SERIKALI YA MAPINDUZI YA ZANZIBAR OFISI YA MAKAMU WA KWANZA WA RAIS, *RIPOTI YA HALI YA MAZINGIRA ZANZIBAR*, DISEMBA, 2021, at [http://www.omkr.go.tz/docs/86xwNKMzfJ\\_RIPOTI\\_YA\\_HALI\\_HALISI\\_YA\\_MAZINGIRA\\_ZANZIBAR\\_YA\\_MW\\_AKA\\_2021..pdf](http://www.omkr.go.tz/docs/86xwNKMzfJ_RIPOTI_YA_HALI_HALISI_YA_MAZINGIRA_ZANZIBAR_YA_MW_AKA_2021..pdf).





## 4.4. Recommendations

### State Actors

- 1 The Government, through relevant agencies such as ZAECA and the Zanzibar Revenue Board (ZRB), to take measures to address issues of corruption and tax avoidance and evasion as a way of safeguarding collective rights, especially the right to development.
- 2 The Government to ensure respect of human rights in the course of attracting investment and ensure investors comply with Tanzanian laws and respect human rights in their operations.
- 3 The Revolutionary Government of Zanzibar, through the First Vice President's Office (FVPO) and ZEMA, take measures and intensify efforts to address environmental challenges and climate change in Zanzibar.

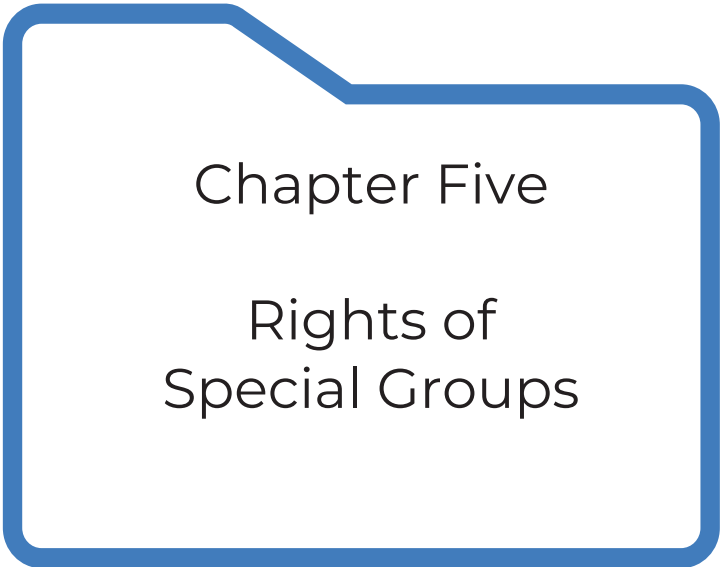
### Non-State Actors

- 1 CSOs and the Commission for Human Rights and Good Governance (CHRAGG) to raise public awareness on the right to development and right to benefit from natural resources.
- 2 CSOs to collaborate with the RGZ and other stakeholders to increase public awareness about environmental issues and climate change.

### Community Members

- 1 Community members are encouraged to preserve and protect natural resources, which is their constitutional duty.
- 2 Community members are also encouraged to pay their taxes, since these are key in realization of the right to development.





## Chapter Five

### Rights of Special Groups





## Chapter Five: Rights of Special Groups

For purposes of this report, special groups are women; children; persons with disabilities; the elderly; youth; and persons living with HIV/AIDS. These groups require special protection to safeguard their human rights. This chapter provides an assessment of the situation of the rights of special groups for the year 2024, while making comparisons with previous years or showing trends. The focus is on the right to freedom from violence and the right to non-discrimination.

### 5.1. Women's Rights

Women's rights are protected under several international and regional human rights instruments, most notably the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) of 1979; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) of 2003; and SADC Protocol on Gender and Development of 2008. They are also protected under the Constitution of Zanzibar, which prohibits discrimination of any form and provides for equal enjoyment of rights for all. In 2024, key issues affecting effective realisation of women's rights included gender-based violence (GBV), safety and security, and access to justice.

#### 5.1.1. Gender-Based Violence

Gender-based violence (GBV) continued to be a big threat to human rights in Zanzibar in 2024, especially for women and girls. Incidents of different acts of violence were reported and documented in all regions across Zanzibar.

##### Reported GBV and VAC Incidents

In 2024, a total of 1,809 incidents of violence (GBV and VAC) were reported in Zanzibar in the period of January to December.<sup>787</sup> The number of reported incidents slightly decreased by 149 in comparison with the incidents reported in 2023, equivalent to a 7.6% decrease.<sup>788</sup>

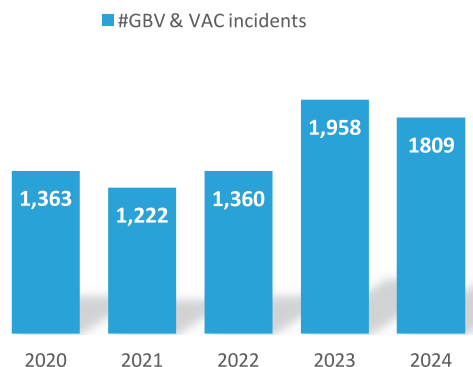
VAC accounted for 84.3% of the incidents of violence in 2024, while **GBV (violence against women and violence against men) accounted for the remaining 15.7%**. Overall, 284 GBV incidents were reported, whereby 211 were of violence against

<sup>787</sup> See Ofisi ya Mtakwimu Mkuu wa Serikali Zanzibar, *Takwimu za Ukatili na Udhalilishaji wa Kijinsia Zanzibar Mwaka 2024*, Januari 2025, at [https://www.ocgs.go.tz/ReportOCGS/13%20TOLEO%20LA%20TAKWIMU%20ZA%20UDHALILISHAJI%20M%20WAKA%202024\\_FINAL.pdf](https://www.ocgs.go.tz/ReportOCGS/13%20TOLEO%20LA%20TAKWIMU%20ZA%20UDHALILISHAJI%20M%20WAKA%202024_FINAL.pdf).

<sup>788</sup> Ibid.



women (VAW) and 73 were of violence against men (VAM). In comparison, in 2023, a total of 319 GBV incidents were reported, of which 235 were VAW and 84 were VAM.



**Figure 5.1: Reported GBV & VAC incidents in Zanzibar, 2020-2024**

## 5

Average of GBV & VAC incidents reported on daily basis in Zanzibar in 2024.

### Victims of GBV

Women accounted for the overwhelming majority of GBV victims. Nearly three quarters (74%) of the reported GBV incidents were of violence against women (VAW), while violence against men (VAM) accounted for just over a quarter (26%) of the victims.

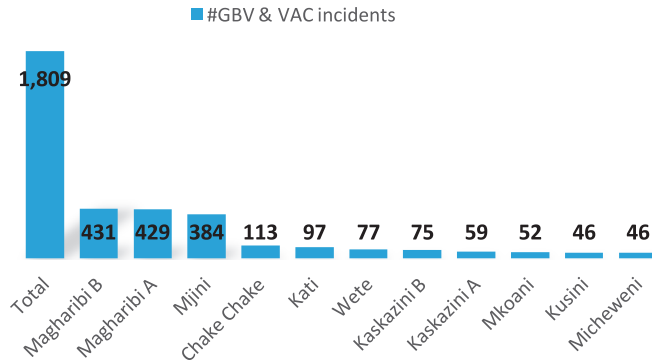
### GBV settings

Statistics released by the OCGS in 2024 showed that the majority of the GBV and VAC incidents were perpetrated at the perpetrator's home (655) and other places (592). 344 incidents occurred in abandoned houses.

### Leading districts

Most of the incidents of GBV and VAC were said to be perpetrated in Magharibi B (431) and Magharibi A (429) Districts. These districts were also leading districts (top three) in 2023. The districts which recorded the least incidents (46 each) were Micheweni and Kusini Unguja.





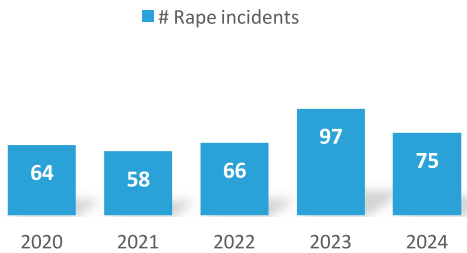
**Figure 5.2: Reported GBV & VAC incidents in Zanzibar in 2024 by district**  
Source: OCGS, 2025

**5.1.2. Violence against Women**

Women in Zanzibar face physical, sexual, economic, and psychological violence. As highlighted above, women constituted 74% of victims of GBV in 2024. A total of 211 incidents of violence against women (VAW) were reported, slightly decreasing from 235 reported in 2023. This is equivalent to a 10% decrease. The report of the Office of the Chief Government Statistician (OCGS) Zanzibar for the year 2024 shows that most of the incidents of GBV and VAW were perpetrated in home settings.

**5.1.2.1. Sexual Violence**

Sexual violence dominated the incidents of VAW reported in 2024 in Zanzibar, constituting 42% of all reported incidents. Rape was the most reported act of sexual VAW (75), slightly decreasing from 97 in 2023.



**Figure 5.3: Reported incidents of rape of women in 2024**  
Source: OCGS



### 5.1.2.2. Physical and Psychological Violence

According to the Tanzania Demographic and Health Survey and Malaria Indicator Survey (TDHS-MIS) 2022, 8.4% of women in Zanzibar have experienced physical violence since age 15, and 6% have often or sometimes experienced such violence in the past 12 months.<sup>789</sup> The percentage of those who have experienced violence since age 15 is higher in Unguja (9.4%) compared to Pemba (5.8%).<sup>790</sup>

### Reported Incidents of Physical and Psychological Violence

According to the Office of the Chief Government Statistician (OCGS) Zanzibar, a total of 60 incidents of physical VAW and 52 of psychological VAW were recorded by police in 2024. Physical VAW constituted 28% of VAW, while for psychological VAW it was 25%. Common acts of psychological or emotional VAW included **verbal abuse, humiliation, neglect, and abandonment**.<sup>791</sup>

### Intimate Partner Violence

The Tanzania Demographic and Health Survey and Malaria Indicator Survey (TDHS-MIS) 2022 shows that 15.6% of women aged 15 to 49 in Zanzibar who have ever had a husband or intimate partner have experienced physical or sexual or emotional violence committed by their current or most recent husband or intimate partner.<sup>792</sup> The TDHS-MIS 2022 also shows that 15% of women aged 15 to 49 in Zanzibar who have ever had a husband or intimate partner have experienced at least three forms of controlling behaviours by their husband or partner. These behaviours include being jealous or angry if she talks to other men, wrongly accusing her of being unfaithful, not permitting her to meet her female friends, trying to limit her contact with her family, and insisting on knowing where she is at all times. IPV is said to be partly driven by social acceptance of physical violence against women. For instance, 28% of women and 13% of men in Zanzibar believe that wife beating is justified in at least one of the five specified circumstances, namely: **she burns the food, she argues with him, she goes out without telling him, she neglects the children, and she refuses to have sex with him**.<sup>793</sup>

In extreme cases, IPV leads to intimate partner homicide (IPH). In 2024, ZAFAYCO documented one incident of IPH, reported in Kusini Unguja Region in April. In this

<sup>789</sup> Ministry of Health (MoH) [Tanzania Mainland], Ministry of Health (MoH) [Zanzibar], National Bureau of Statistics (NBS), Office of the Chief Government Statistician (OCGS), and ICF.2022. *Tanzania Demographic and Health Survey and Malaria Indicator Survey 2022 Final Report*. Dodoma, Tanzania, and Rockville, Maryland, USA: MoH, NBS, OCGS, and ICF.

<sup>790</sup> Ibid.

<sup>791</sup> ZAFAYCO Human Rights Monitoring, 2024.

<sup>792</sup> TDHS-MIS 2022 (*supra*).

<sup>793</sup> TDHS-MIS 2022 (*supra*).





incident, police in the region arrested Khalfan Ali Abdallah (26) for allegedly killing his wife, Zulfa Abdul Mohamed (25).<sup>794</sup>

### 5.1.2.3. Economic Violence

Economic violence refers to any act or behaviour which causes economic harm to an individual. Economic violence can take the form of, for example, property damage, restricting access to financial resources, education, or the labour market, or not complying with economic responsibilities, such as alimony.<sup>795</sup> ZAFAYCO has observed that economic violence against women is less of a problem in Zanzibar, based also on the recent demographic and health survey statistics, which show that **married women in Zanzibar (76%) are more likely to make decisions themselves on how their earnings are spent than women in Mainland Tanzania (36%).**<sup>796</sup> Various economic empowerment programmes of women, youth, and PWDs have also helped to reduce economic violence against women in Zanzibar. However, as briefly discussed in Chapter Three of this report (Right to Own Property), women continue to be vulnerable to economic violence, particularly through denial of property or land rights as well as inheritance rights.

### 5.1.3. Cyberviolence against Women

Cyberviolence can simply be defined as violence perpetrated on and through online platforms. UN WOMEN defines it as ‘when a person (or group of persons) uses an online-connected device to cause someone to suffer sexual, psychological, economic or any other form of harm, often by exploiting their target’s circumstances, characteristics, or vulnerabilities.’<sup>797</sup> According to UN WOMEN, the most common types of cyberviolence include cyber-harassment; cyberbullying; revenge porn; cyberstalking; online child sexual exploitation, sexual abuse and child pornography; and sextortion.<sup>798</sup>

In March 2023, the Head of the Cybercrimes Unit within the Police Force in Zanzibar, Issa Mohammed Salum, said that the problem of cyberviolence had been growing in Zanzibar.<sup>799</sup> He added that women were the major victims of such violence.<sup>800</sup> In 2024, cyberviolence against women was reported to be a problem, mostly perpetrated by

<sup>794</sup> “Mume mbaroni tuhuma kumuua mkewe” Nipashe Newspaper, 2 Apr 2024.

<sup>795</sup> See European Institute for Gender Equality “economic violence” at <https://eige.europa.eu/thesaurus/terms/1096#:~:text=Any%20act%20or%20behaviour%20which,economic%20responsibilities%2C%20such%20as%20alimony..>

<sup>796</sup> TDHS-MIS 2022 (*supra*).

<sup>797</sup> See Amira Diallo, *A Guide for Women and Girls to Prevent and Respond to Cyberviolence*, UN WOMEN, 2021, at <https://eca.unwomen.org/sites/default/files/2022-02/ONLINE%20cyberV%20women%20ENG.pdf>.

<sup>798</sup> *A Guide for Women and Girls to Prevent and Respond to Cyberviolence* (*supra*).

<sup>799</sup> “Polisi yatoa tahadhari vitendo vya udhalilishaji mitandaoni” Nipashe Newspaper, 21 Mar 2023.

<sup>800</sup> *Ibid*.



former intimate partners. An investigation conducted by *The Chanzo Initiative* Media in 2024 revealed that image-based abuse, also known as revenge porn, whereby someone shares a person's private images without consent, is a common form of cyberviolence experienced by girls and women in Zanzibar.<sup>801</sup> The investigation report discusses at least three incidents of young women who were subjected to cyberviolence. The first incident involved a 29-year-old woman whose former husband circulated her private images on the social media. Narrating her ordeal, the woman said that the incident caused her and her family a great harm and that she even considered committing suicide due to shame. Due to the incident, she decided to transfer from her university and leave home. In a similar incident, a 23-year-old young woman decided to cut short her higher education in 2023 after her private image with her former partner was circulated in *WhatsApp* groups.<sup>802</sup> She noted that she never knew that she was recorded, and the video, which does not show the face of the former partner, was leaked three months after they broke up. As a result, her father kicked her out of her home and her educational journey ended. She sought refuge at her aunt's house in the village where she resides to date. She added that people call her by all sorts of names and tell her that she will never get married. Like the other woman, she was also depressed and considered committing suicide.<sup>803</sup> In the third incident, a 24-year-old woman, resident of Mjini Magharibi, was also victimized by her former partner, who secretly recorded a video of her and threatened to circulate it on social media. With her mother's help, she sought help from the authorities and the perpetrator was arrested.

Asha Abinallah from *Tech & Media Convergency (TMC)*, an NGO that promotes safe use of ICT and right to privacy, reported that since 2018 it had received 11 cases of image-based abuse of women in Zanzibar. Warda Hemed from *The LaunchPad*, an NGO that works on digital inclusion and gender equality, noted that most women are afraid to come forward and report such cases because they can also be held responsible under the cybercrimes law.

#### 5.1.4. Measures to Eliminate Violence against Women and Children

In 2024, the Revolutionary Government of Zanzibar (RGZ), through the Ministry of Community Development, Gender, Elderly, and Children, and other ministries, government institutions, and CSOs, including the Police Force, continued to take various measures to prevent and combat violence against women and children, including public awareness-raising, campaigns, arrest and prosecution of

<sup>801</sup> See Najjat Omar "Ukatili wa Wenza Kusambaza Picha na Video za Faragha Baada ya Kuachana Waliza Wanawake Zanzibar" *The Chanzo Initiative*, 13 October 2024, at <https://thechanzo.com/2024/10/13/ukatili-wa-wenza-kusambaza-picha-na-video-za-faragha-baada-ya-kuachana-waliza-wanawake-zanzibar/>.

<sup>802</sup> Ibid.

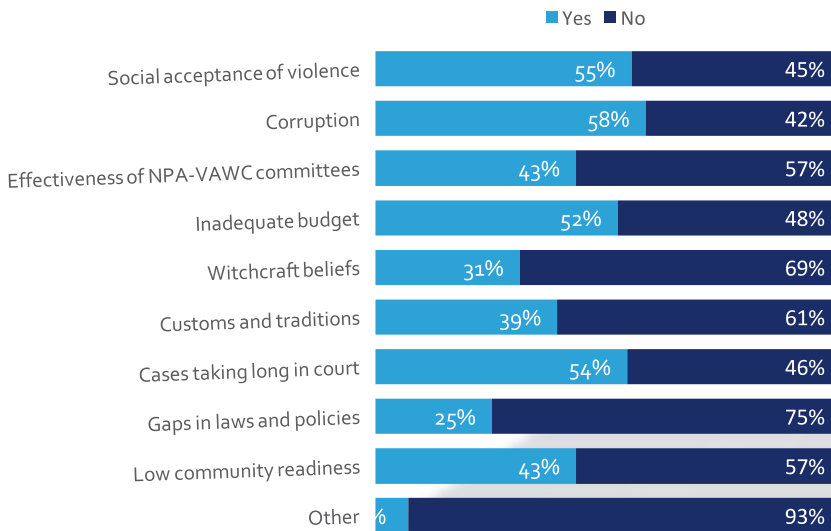
<sup>803</sup> Ibid.





perpetrators, and trainings for various key stakeholders. However, various challenges continued to affect these measures, including budgetary constraints, shortage of personnel, moral decay, the culture of silence and not cooperating with law enforcement bodies, inadequate monitoring, and coordination challenges.

Community stakeholders who participated in assessing the human rights in Zanzibar in 2024 gave their opinions on key challenges in combating violence against women and children (VAWC). Corruption (58%) was ranked the highest, followed by social acceptance of violence (55%), and cases taking long in court (54%), as illustrated in Figure 5.5 below.



**Figure 5.5: Reported incidents of rape of women in 2024**



*Civil society organizations should make more efforts to educate the community to prevent these incidents from occurring. They should improve their outreach by going to schools and markets to provide education on protecting against gender-based violence*

Ward Leader/Sheha, North 'A' District

### 5.1.5. Women's Political Participation

The right of women to participate in political life is enshrined both internationally and domestically. Efforts to enhance women's political participation in Zanzibar have resulted in a modest increase in the number of women holding leadership positions in local councils a rise of about 5% compared to 2023. However, persistent challenges, including insufficient support from political parties, continued instances of violence against women in politics, and gender disparities within party decision-making structures, continue to hinder the full realization of this right ahead of the upcoming elections in Zanzibar and Mainland Tanzania.<sup>804</sup>

### 5.1.6. Women's Safety and Security

Although women in Zanzibar have constitutionally guaranteed right to liberty and personal security, their safety continues to be compromised by various forms of violence and inadequate living conditions. In 2024, survey data revealed that many women reported concerns about their personal safety in both public and private settings. Contributing factors include domestic violence, inadequate housing, and insufficient community security measures issues that demand a more robust and targeted governmental response.

### 5.1.7. Women's Access to Justice

Access to justice for women remains a critical issue in Zanzibar. Despite legal provisions, discriminatory practices and lengthy judicial processes continue to hinder effective redress for violence against women. Recent evaluations, including updated SIGI index findings, indicate that the average discrimination score for women in Zanzibar in 2024 hovers around 36%, with notable disparities across districts. These challenges underscore the need for reforms that ensure more equitable and timely access to legal remedies for women.

<sup>804</sup> Zanzibar Human Rights Survey 2024 Data.







### 5.1.8. Women's Economic Empowerment

In 2024, the Revolutionary Government of Zanzibar and other stakeholders, including CSOS, continued taking various measures to economically empower women so that they can escape poverty, including through provision of loans to groups and individuals. A key challenge is the availability of limited funds, while the demand is high. Another challenge in the provision of loans is the slow pace of loan repayment, especially due to community perception that the funds belong to the Government, hence beneficiaries should not be compelled to pay back.

### 5.1.9. Key Recommendations

- i. The RGZ, through the Ministry of Constitution and Legal Affairs, to facilitate enactment of a specific and comprehensive law on gender-based violence.
- ii. The RGZ, through the Ministry of Community Development, Gender, Elderly, and Children, to intensify efforts to prevent and combat violence against women.
- iii. The RGZ, through the Ministry of Community Development, Gender, Elderly, and Children, to spearhead legal and policy reforms to address cyberviolence, which mostly affects women and girls.

## 5.2. Children's Rights

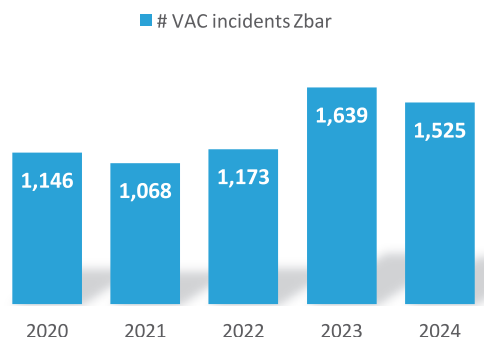
Children's rights are mainly protected by regional and international child rights instruments, the Constitution of Zanzibar of 1984, and the Children's Act No. 6 of 2011. In 2024, violence against children continued to be the biggest threat to children's rights in Zanzibar.

### 5.2.1. Violence against Children

#### 5.2.1.1. Reported Incidents of Violence against Children

Statistics released by the Office of the Chief Government Statistician (OCGS) Zanzibar show that incidents of violence against children (VAC) constituted 84% of all reported incidents of violence (VAC, VAW, & VAM) in 2024. Overall, a total of 1,525 VAC incidents were reported, slightly decreasing from 1,639 incidents reported in 2023. This is equivalent to a 7% decrease.





**Figure 5.6: Reported VAC incidents in Zanzibar, 2020-2024**

Source: OCGS

On average, 127 incidents of VAC occurred each month in Zanzibar in 2024, translating into 4 incidents each day. This shows the magnitude of the problem of VAC and the need to increase interventions to combat such violence.

### Victims

In 2024, girls continued to constitute an overwhelming majority of VAC victims, accounting for over two thirds of the victims (1,238). This was largely driven by rape incidents, which accounted for a half of all reported VAC incidents.

### VAC settings

Statistics released by the OCGS in 2024 showed that the majority of the VAC incidents were perpetrated at the perpetrator's home and other places. Unfinished or abandoned buildings were also used to commit violence against children, especially sexual violence.

### Perpetrators

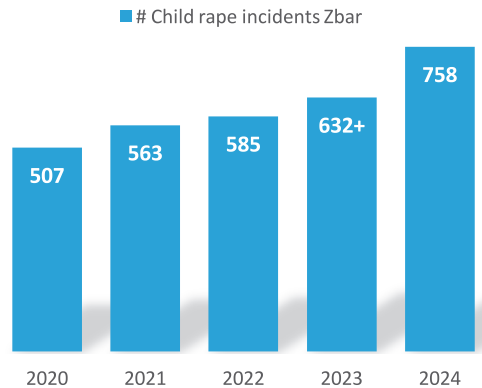
Perpetrators of VAC included strangers and neighbours. These were mentioned the most as perpetrators in 2024.

### Leading districts

Most of the VAC incidents were said to be perpetrated in Magharibi B (370), Magharibi A (352), and Mjini (306). These three districts were also leading districts (top three) in 2023.

#### 5.2.1.2. Sexual Violence

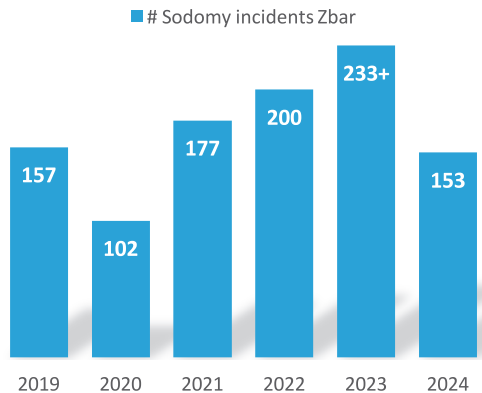
Sexual violence continued to be the most common form of violence against children (VAC) in Zanzibar in 2024 (91%). Rape incidents constituted the majority of the reported sexual VAC incidents, all the victims being girls. On average, at least 63 rape incidents were reported each month.



**Figure 5.7: #Reported child rape incidents in Zanzibar, 2020-2024**

Source: OCGS, 2021-2024

Most of the victims of sexual VAC, especially rape and sodomy, fell in the age category of 15 to 17 years, while for sodomy specifically, it was the age category of 6 to 10 years. Sodomy was once again found to be the most common form of sexual abuse against boys in Zanzibar. In 2024, a total of 153 incidents of child sodomy were recorded by the police. All the victims were boys. On average, at least 13 sodomy incidents were reported each month.



**Figure 5.8: #Reported incidents of sodomy of boys in Zanzibar, 2019-2024**

Source: OCGS, 2021-2024

In October 2024, it was reported that some girls in Zanzibar's Mjini Magharibi Region were living in fear due to the prevalence of sexual violence against them, especially in



the form of rape.<sup>805</sup> Settings where sexual violence occurs include on the way to school and in abandoned houses, putting schoolgirls particularly at risk.<sup>806</sup>



### 5.2.1.3. Physical and Psychological Violence

In 2024, a total of 206 incidents of physical VAC and 225 of psychological VAC were recorded. Majority of the victims were aged 15 to 17 years, followed by those in the age category of 11 to 14 years. Most of the incidents were perpetrated in Mjini, Magharibi A, and Magharibi B Districts. Common acts of psychological or emotional VAC included **verbal abuse**, **humiliation**, **neglect**, and **abandonment**.

<sup>805</sup> Najjat Omar "Ubakaji Unavyowajaza Hofu Watoto wa Kike Mjini Magharibi, Z'bar: 'Tunaogopa, Hatuko Salama'" The Chanzo Initiative, 24 October 2024, at <https://thechanzo.com/2024/10/24/ubakaji-unavyowajaza-hofu-watoto-wa-kike-mjini-magharibi-zbar-tunaogopa-hatuko-salama/>.

<sup>806</sup> Ibid.



#### 5.2.1.4. Economic Violence

Economic violence can be defined as 'any act or behaviour which causes economic harm to an individual.'<sup>807</sup> It can take the form of, for example, property damage, restricting access to financial resources, education, or the labour market, or not complying with economic responsibilities, such as alimony. While this form of violence is more common among women, children can also be victims of such violence, and this can materialize, for example, through denial of education and property rights, as well as child marriage. Child marriage constitutes economic VAC because it limits future economic opportunities, as does the denial of education.

In 2024, ZAFAYCO did not document any reported incidents of economic VAC, but believes they occur but usually go unreported. This may be explained by low community awareness about economic violence.

#### 5.2.2. Child Marriage, Child Pregnancy, and Female Genital Mutilation

Child marriage remains a significant concern in Zanzibar. According to the 2022 Social Institutions and Gender Index (SIGI) Tanzania Report, 21% of women aged 15 and older in Zanzibar were married before the age of 18. The prevalence varies across regions, with Kaskazini Pemba at 37%, Kusini Pemba at 26%, Kaskazini Unguja at 21%, Kusini Unguja at 15%, and Mjini Magharibi at 14%. The absence of a legally defined minimum age for marriage contributes to this issue, perpetuating cycles of poverty and limiting educational and economic opportunities for young girls. While female genital mutilation (FGM) is not commonly reported in Zanzibar, the social acceptance of child marriage necessitates targeted interventions to shift cultural norms and protect children's rights.

#### 5.2.3. Child Labour and Exploitation

Despite legal prohibitions under the Employment Act No. 11 of 2005 and the Children's Act No. 6 of 2011, child labor persists in Zanzibar. The Tanzania & Zanzibar Labour Market Profile 2024/2025 indicates a persistently high child labor rate, linked to weak progress in primary education and gaps in the legal framework and policy implementation. This ongoing issue underscores the need for more robust enforcement and social mobilization efforts to protect children from labor exploitation.<sup>808</sup>

#### 5.2.4. Measures to Prevent and Combat Violence against Children

In 2024, efforts to prevent and combat VAC continued to be hampered by various challenges, including **poor parenting**; single parenting; **parental neglect** (failure to provide a child with necessities); **lack of fear of God**; insufficient **budget for**

<sup>807</sup> See EIGE, *economic violence*, at [https://eige.europa.eu/publications-resources/thesaurus/terms/1229?language\\_content\\_entity=en](https://eige.europa.eu/publications-resources/thesaurus/terms/1229?language_content_entity=en).

<sup>808</sup> *Ibid.* p. iii.



**preventing and combating VAC**; low awareness about impact of VAC; **non-reporting of most incidents of VAC**; **the culture of preventing/concealing family shame (Muhali)**; **separation/divorce**; **moral decay and globalization**; and inadequate enforcement of laws.

#### 5.2.5. Children's Access to Quality Education

Access to quality education in Zanzibar is hindered by challenges such as budgetary constraints, school proximity, especially in rural areas various forms of violence, truancy, and shortages of teachers and classrooms. The Zanzibar Education Sector Transformation Plan for 2023/2024–2029/2030 aims to address these issues by improving educational access and quality, and implementing institutional reforms.<sup>809</sup> However, continued efforts are required to ensure that all children can benefit from quality education.

#### 5.2.6. Children's Safety and Security

Violence against children, including trafficking, domestic violence, and parental neglect, continues to threaten their safety and security in Zanzibar. In 2023, at least eight incidents of human trafficking, including child trafficking, were reported in Unguja. Additionally, 117 victims of child trafficking (115 girls and 2 boys) were rescued and placed in safe houses. The government has adopted an Electronic Border Management and Control System to combat human trafficking, enhancing its ability to monitor and prevent such activities.<sup>810</sup>

#### 5.2.7. Juvenile Justice

The Zanzibar Children's Act of 2011 governs juvenile justice, emphasizing principles such as the best interests of the child, non-discrimination, the right to survival and development, and consideration of the child's views. Despite this comprehensive legal framework, concerns remain regarding the increase in children in conflict with the law. Efforts to align with international standards focus on treating and rehabilitating offending children while ensuring their separation from adult offenders. Addressing these multifaceted challenges requires a concerted effort from the government, civil society, and international partners to implement effective policies and programs that safeguard children's rights and promote their well-being in Zanzibar.

<sup>809</sup> UNICEF (2024). Schools Inspiring Change: Research on the practices and behaviours of positive deviant schools in Zanzibar. Available at: <https://www.unicef.org/innocenti/media/9911/file/UNICEF-Innocenti-DMS-Zanzibar3-ExecSum-2024.pdf>

<sup>810</sup> Daily News; September 18, 2024. "Isles steps up battle against human trafficking" Available at: <https://dailynews.co.tz/isles-steps-up-battle-against-human-trafficking/>





### 5.2.8. Key Recommendations

- i. The Revolutionary Government of Zanzibar (RGZ), through the Ministry of Community Development, Gender, Elderly, and Children, to intensify efforts to prevent and combat violence against children.
- ii. The RGZ to recruit more anti-GBV and VAC male champions as part of a strategy to increase men's engagement in addressing violence against children.
- iii. Civil Society Organizations (CSOs), including the Zanzibar Child Rights Forum (ZCRF), to strengthen advocacy and community awareness programs on child rights and protection.

## 5.3. Rights of Persons with Disability

These are protected under regional and international human rights conventions, including the UN Convention on the Rights of Persons with Disabilities (CRPD) of 2006. They are also protected domestically under the Constitution of Zanzibar and specifically the Persons with Disabilities (Rights and Privileges) Act, No.9 of 2006. Under the Act, every PWD in Zanzibar has the right to education, the right to employment, the right to medical care, accessibility and mobility. In 2024, discrimination and stigma, lack of disability friendly social services, access to quality health services, and inadequate enforcement of laws and policies continued to affect enjoyment of the rights of PWDs in Zanzibar.

### 5.3.1. Promotion and Protection of Rights of PWDs

In 2024, the Revolutionary Government of Zanzibar (RGZ) continued its efforts to promote and protect the rights of Persons with Disabilities (PWDs). Collaborations with organizations such as the Zanzibar Association of the Blind (ZANAB), Zanzibar Association for People with Developmental Disabilities (ZAPDD), the Association of People with Disabilities in Zanzibar (UWZ), and the Zanzibar Centre for Disability and Inclusive Development (ZACEDID) were strengthened. These partnerships aimed to enhance the welfare and inclusion of PWDs in societal development.

A significant development in 2024 was the launch of a new policy on people with disabilities, focusing on integrating various aspects such as women's issues, health services, and the development of disability-friendly infrastructure. The policy's introduction was accompanied by the distribution of tablets equipped with special programs to facilitate data collection on PWDs in the Isles, aiming to improve service delivery and policy implementation.<sup>811</sup>

<sup>811</sup> IPP Media (2024). Zanzibar Launches New Policy for Persons with Disabilities. Available at: <https://legacy.ippmedia.com/en/news/zanzibar-launches-new-policy-people-disabilities>



### 5.3.2. Key Issues and Challenges

Despite these advancements, PWDs in Zanzibar continued to face several challenges in 2024:

- **Discrimination and Stigma:** Stigma remained a significant barrier, hindering PWDs' full participation in society. The Minister of State in the First Vice-President's Office, Ms. Harusi Said Suleiman, emphasized the need to respect PWDs and eliminate stigma during the 2024 World Day of the Deaf celebration.<sup>812</sup>
- **Limited Access to Quality Education:** Educational opportunities for PWDs were constrained by inadequate facilities and resources tailored to their needs, limiting their academic and professional prospects.
- **Unfriendly Infrastructure:** Many public spaces and transportation systems lacked disability-friendly designs, restricting PWDs' mobility and access to essential services.
- **Inadequate Enforcement of Laws and Policies:** While progressive policies were in place, their effective implementation and enforcement remained inconsistent, limiting their impact on improving PWDs' lives.

### 5.3.3. Key Recommendations

- i. The RGZ, through the First Vice President's Office (FVPO), should ensure the effective enforcement of existing laws and policies related to PWDs, translating legislative frameworks into tangible benefits.
- ii. The RGZ should allocate sufficient resources to the Zanzibar National Council of Persons with Disabilities to enhance its capacity to address PWDs' complaints and challenges effectively.
- iii. The RGZ should invest in the development of disability-friendly infrastructure, ensuring public spaces and transportation systems are accessible to all.

## 5.4. Rights of the Elderly

Unlike other vulnerable groups such as women, children, and PWDs, there is no international or regional convention that is specific on the rights of the elderly. Nevertheless, their rights, like those of other groups, are guaranteed under various international and regional conventions, as well as domestically under the Constitution of Zanzibar of 1984. In 2024, key issues affecting the rights of the elderly in Zanzibar included limited access to quality healthcare, financial insecurity, and social discrimination. While the government continued providing monthly pensions, the amount remained insufficient to meet the rising cost of living. Many elderly individuals, particularly in rural areas, struggled to access essential healthcare services due to inadequate facilities and mobility challenges. Social exclusion and stigma also persisted, with reports of neglect and mistreatment by family members and the community. Additionally, bureaucratic hurdles in pension distribution and the lack of elderly-friendly infrastructure further hindered their ability to live with dignity and security.

<sup>812</sup> Daily News (2024). "Stop stigma against persons with disabilities." Available at: <https://dailynews.co.tz/stop-stigma-against-persons-with-disabilities/>







#### 5.4.1. Promotion and Protection of Rights of the Elderly

In 2024, the Revolutionary Government of Zanzibar (RGZ) implemented several initiatives to enhance the welfare of the elderly. On October 7, 2024, during the International Day of Older Persons celebrations in Pemba Island, President Dr. Hussein Ali Mwinyi directed all public institutions to prioritize the needs of the elderly and provide prompt solutions to their challenges.<sup>813</sup>

Additionally, the RGZ, through the Ministry of Health, continued strengthening various services for the elderly, including a special project initiated in 2022 and set to conclude in December 2024. This project aims to educate the elderly about non-communicable diseases associated with lifestyle changes.<sup>814</sup> Furthermore, the RGZ maintained the provision of monthly pensions to older individuals aged 70 years and above, with ongoing efforts to identify more eligible beneficiaries and ensure timely disbursements.

#### 5.4.2. Key Issues and Challenges

Despite these efforts, the elderly in Zanzibar continued to face several challenges in 2024:

- **Access to Social Services:** Many elderly individuals experienced difficulties accessing social services due to mobility issues and the lack of elderly-friendly infrastructure.
- **Healthcare Services:** While initiatives were in place, some elderly individuals still faced challenges in accessing quality healthcare, particularly in rural areas where facilities were limited.
- **Financial Constraints:** The monthly pension, although beneficial, was often insufficient to meet all the needs of the elderly, especially those without additional sources of income.
- **Social Discrimination:** Instances of social discrimination and neglect persist, affecting the mental and emotional well-being of the elderly.<sup>815</sup>

<sup>813</sup> Daily News (October 2024). "Mwinyi orders prioritisation of elderly at all public offices" Available at: <https://dailynews.co.tz/mwinyi-orders-prioritisation-of-elderly-at-all-public-offices/>

<sup>814</sup> Ministry of Health Zanzibar (2024). The Revolutionary Government of Zanzibar will continue to Strengthen various services for Elderly in Zanzibar Available at: <https://mohz.go.tz/eng/the-revolutionary-government-of-zanzibar-through-the-ministry-of-health-has-said-it-will-continue-to-strengthen-various-services-for-the-elderly-in-zanzibar/>

<sup>815</sup> The Citizen. (2024). "International Day of Older Persons calls on society to help the elderly age with dignity" Available at: <https://www.thecitizen.co.tz/tanzania/oped/international-day-of-older-persons-calls-on-society-to-help-the-elderly-age-with-dignity-4780076>



### 5.4.3. Key Recommendations

- i. The RGZ, through the Ministry of Constitution and Legal Affairs, should ensure the effective implementation of laws and policies designed to protect the rights of the elderly.
- ii. Increase accessibility to quality healthcare for the elderly, particularly in rural areas, by establishing more healthcare centers equipped to cater to their specific needs.
- iii. Consider reviewing and increasing the monthly pension to better align with the cost of living and the needs of the elderly population.

## 5.5. Youth Rights

Youth rights are protected under various international and regional human rights instruments, including specifically under the African Youth Charter of 2006. Among the rights recognized in the Charter are the right to non-discrimination; freedom of movement; freedom of expression; freedom of association; right to own and inherit property; right to development; right to education of good quality; right to gainful employment; right to adequate standard of living; right to health; and fair trial rights. In 2024, key issues affecting youth rights in Zanzibar included persistent unemployment, limited access to quality vocational training, and the growing challenge of drug abuse. While the government launched new initiatives to create employment opportunities, many young people continued to struggle with job insecurity, particularly in the private sector. Drug abuse remained a significant concern, with authorities reporting increased narcotics seizures, highlighting the need for stronger prevention and rehabilitation efforts. Additionally, youth were both victims and perpetrators of gender-based violence (GBV), underscoring the urgency of targeted interventions to address violence and support victims. These challenges, combined with economic instability and social pressures, continued to hinder the full realization of youth rights in Zanzibar.

### 5.5.1. Promotion and Protection of Youth Rights

In 2024, the Revolutionary Government of Zanzibar (RGZ) intensified efforts to promote and protect youth rights by implementing various initiatives aimed at enhancing employment and skill development opportunities. A significant measure was the launch of a \$54 million project in collaboration with the African Development Bank Group, focusing on job creation within Zanzibar's blue economy sector. This initiative includes the construction of five vocational training centres across Unguja and Pemba islands, aiming to equip youth with relevant skills for emerging industries.<sup>816</sup>

<sup>816</sup> African Development Bank Group (2024). "African Development Bank Group, Government of Tanzania launch \$54 million initiative to drive job creation for youth in Zanzibar's blue economy"





### 5.5.2. Key Issues and Challenges

Despite these initiatives, youth in Zanzibar continued to face significant challenges in 2024. Unemployment remained a pressing issue, with the youth unemployment rate in Tanzania recorded at 8.9% in 2023, reflecting ongoing difficulties in securing stable employment. Drug abuse persisted as a major concern, with authorities reporting the seizure of approximately 125 kilograms

of various narcotics, including heroin and methamphetamine, indicating the scale of substance abuse among the youth. Furthermore, young individuals were identified as both major perpetrators and victims of gender-based violence (GBV),

underscoring the need for targeted interventions to address this issue.

*Youth have become more aware compared to the past, so many now know their rights. However, there is little youth involvement in the social matters.*  
Ward Leader/Sheha, Mkunguni – North 'A'

In 2024, community stakeholders identified unemployment & underemployment (77%); awareness of rights (58%); and education (access to quality education (49%) as top three challenges. Discrimination (44%) and violence (44%) were also identified as key challenges. Additionally, as discussed in Chapter Three of this report (Right to Health), youth are also faced with the challenge of mental health issues. Majority of the people diagnosed with such issues are youth. In 2024, community stakeholders also identified mental health as one of the key challenges that youth face in Zanzibar.

### 5.5.3. Key Recommendations

- i. The RGZ, through the ministries responsible for youth, labour, and trade, should continue to create and expand employment and economic opportunities tailored for youth, particularly within the blue economy and emerging sectors.
- ii. The RGZ, in collaboration with educational institutions, should enhance and diversify vocational training programs to equip youth with skills that match current market demands, ensuring their competitiveness in various industries.
- iii. The RGZ, alongside relevant stakeholders, should intensify efforts to combat drug abuse among youth by implementing comprehensive prevention and rehabilitation programs, addressing both supply and demand aspects.

Available at: <https://www.afdb.org/en/news-and-events/press-releases/african-development-bank-group-government-tanzania-launch-54-million-initiative-drive-job-creation-youth-zanzibars-blue-economy-61949>



## 5.6. Rights of Persons Living with HIV

These rights are protected under various international and regional instruments. Fundamental rights include the right to non-discrimination and the right to treatment. In 2024, individuals living with HIV (PLHIV) in Zanzibar continued to face significant challenges, including persistent stigma and discrimination, which hinder access to essential health services and social support.

### 5.6.1. Promotion and Protection of Rights of PLHIVs

In 2024, the Revolutionary Government of Zanzibar (RGZ), through Zanzibar Integrated HIV, Hepatitis, Tuberculosis, and Leprosy Programme (ZIHHTLP), intensified efforts to promote and protect the rights of Persons Living with HIV (PLHIV).<sup>817</sup> Key initiatives included the continued provision of comprehensive HIV-related health services such as counseling and antiretroviral therapy (ART). Additionally, the RGZ launched the ZIHHTLP website on May 23, 2024, serving as a central hub for HIV & AIDS, Hepatitis, and TB information in Zanzibar, aiming to reach both national and international audiences with valuable resources and insights.<sup>818</sup>

### 5.6.2. Key Issues and Challenges

Despite these efforts, significant challenges persisted in 2024. Stigma and discrimination remained major barriers, particularly affecting young women aged 15 to 24, who continued to experience high rates of new HIV infections. Dr. Ahmed Mohammed Khatib, Executive Director of the Zanzibar AIDS Commission (ZAC), highlighted that while new HIV infections decreased to 60,000 people per year from the previous 72,000, young women in this age group remained disproportionately affected.<sup>819</sup> Furthermore, the prevalence of HIV among key populations was notably high, with rates of 21.1% among Female Sex Workers, 11.4% among Men who have Sex with Men, and 9.3% among People Who Inject Drugs, underscoring the urgent need for targeted interventions.<sup>820</sup>

### 5.6.3. Key Recommendations

- i. The RGZ, in collaboration with ZAC and other stakeholders, should intensify public awareness campaigns to combat stigma and discrimination against

<sup>817</sup> UC GLOBAL PROGRAMS (2024). "Zanzibar Integrated HIV, Hepatitis, TB, and Leprosy Programme (ZIHHTLP)." Available at: <https://www.ucglobalprograms.org/post/zihhttp-website-launched>

<sup>818</sup> *Ibid.*

<sup>819</sup> IPP Media (2024). "New HIV infections remain high among young women in Zanzibar." Available at: <https://www.ippmedia.com/the-guardian/news/local-news/read/new-hiv-infections-remain-high-among-young-women-in-zanzibar-2024-05-29-082530>

<sup>820</sup> Mshenga, M.M., Tang, W. A call for change: addressing the implementation strategy using pre-exposure Prophylaxis for combating the escalating HIV crisis in Zanzibar's key populations. *AIDS Res Ther* **21**, 9 (2024).



PLHIVs, with a particular focus on vulnerable groups such as young women and key populations.

- ii. Enhance access to and uptake of Pre-Exposure Prophylaxis (PrEP) among high-risk groups to reduce new HIV infections.
- iii. Strengthen community-based support systems to provide psychosocial support and improve the overall well-being of PLHIVs.

## 5.7. Recommendations

### State Actors

- 1 The Government, through the Ministry responsible for legal affairs and the Zanzibar Law Review Commission, should review, amend, and repeal all discriminatory laws that deprive individuals of their rights, ensuring alignment with regional and international human rights conventions ratified by Tanzania.
- 2 The Ministry of Finance and Planning should increase the budget dedicated to addressing Gender-Based Violence (GBV) and Violence Against Children (VAC) to enhance prevention and response initiatives.
- 3 The Government should collaborate with Civil Society Organizations (CSOs) to intensify public awareness campaigns on GBV and VAC, aiming to reduce incidents and encourage reporting.
- 4 The Government should promote gender equality by ensuring increased representation of women in leadership and decision-making positions across all sectors.
- 5 The Government should implement policies that increase employment and economic opportunities for Persons with Disabilities (PWDs), while also addressing all forms of violence and discrimination against them.
- 6 The Government, through ministries responsible for youth, labour, and trade, should create more employment and economic opportunities for youth, including programs that impart employability skills to enhance their performance in the private sector.
- 7 The Government should ensure the effective implementation of laws protecting the elderly, including increasing the monthly pension and improving access to social services.
- 8 The Government should take measures to address stigma and discrimination against Persons Living with HIV (PLHIVs), especially through public awareness-raising programs, and ensure access to quality health services.

### Non-State Actors

- 1 CSOs and social welfare departments within local governments should increase awareness on violence against women and children, encouraging community members to report incidents to relevant authorities to ensure perpetrators are brought to justice.



- 2 CSOs should continue raising awareness on the rights of the elderly and PWDs, conducting campaigns to end violence and discrimination against these groups.
- 3 CSOs should develop programs that engage youth in productive activities, provide education on the dangers of drug abuse and criminal activities, and promote entrepreneurship.
- 4 CSOs should provide support services for PLHIVs, including counselling, advocacy against discrimination, and assistance in accessing health services.

## Community Members

- 1 Community members should actively protect and safeguard children's rights, refraining from any form of abuse and ensuring a safe environment for all children, including those with disabilities.
- 2 Women and children should be encouraged to report acts of violence against them to receive relevant assistance, including legal and health services, and to cooperate with authorities to ensure perpetrators are held accountable.
- 3 Community members should respect and support the elderly and PWDs, refraining from discrimination and ensuring their inclusion in community activities.
- 4 Youth should take advantage of existing economic empowerment programs to become entrepreneurs, rather than waiting for government employment, and engage in activities that promote their personal and professional development.





## Chapter Six

### Human Rights Mechanisms

## Chapter Six: Human Rights Mechanisms

Human rights mechanisms comprise laws and institutions that promote and protect human rights. These mechanisms exist at national, regional, and international level. National level mechanisms that are discussed under this chapter are the Judiciary; the Commission for Human Rights and Good Governance (CHRAGG); Law Review Commission of Zanzibar (LRCZ); Office of the Director of Public Prosecutions (DPP); and the Police Force.

Regional and international human rights mechanisms accessible by Zanzibar include: Universal Periodic Review Mechanism (UPR); Human Rights Committee (HRC), the UN Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights; the Committee on the Elimination of Discrimination Against Women; the Committee on the Elimination of Racial Discrimination; the Committee on the Rights of Persons with Disabilities; the African Court on Human and Peoples' Rights; the African Commission on Human and Peoples' Rights; African Committee of Experts on the Rights and Welfare of the Child; and the East African Court of Justice.

### 6.1. National Human Rights Mechanisms

#### 6.1.1. Legal Framework

Mechanisms	Legal Framework
Judiciary of Zanzibar	The Judiciary of Zanzibar is comprised of the High Court of Zanzibar, Kadhis Court, and other courts established and provided for under Chapter Six of the Constitution of Zanzibar (1984) and the Magistrates Court Act, 1985.
Commission for Human Rights and Good Governance	The Commission for Human Rights and Good Governance (CHRAGG) is an independent government institution, established as a national focal point institution for the promotion and protection of human rights and duties as well as good governance in Tanzania. CHRAGG is established under Article 129(1) of the Constitution of the United Republic of Tanzania of 1977 as amended by Act No. 3 of 2000. The Commission became operational on the 1 <sup>st</sup> of July 2001 after coming into force of the Commission for Human Rights and Good Governance CAP 391. The Commission was officially inaugurated in March 2002 following the appointment of Commissioners by the President of United Republic of Tanzania.





Tanzania Police Force	The Tanzania Police Force (TPF) is established under the Police Force and Auxiliary Services Act. <sup>821</sup> Its main function is to protect citizens and their properties, ensuring there is peace in the community.
Institute of Education for Offenders (Chuo cha Mafunzo Zanzibar)	The Institute of Education for Offenders, popularly known as <i>Chuo cha Mafunzo Zanzibar</i> , was established under the Offenders Education Act, No. 1 of 1980, which was amended in 2007 through the Offenders Education (Amendment) Act No. 3 of 2007. Its main objective is to correct criminal behaviour so that offenders become noble citizens upon release from the institute.
Office of Director of Public Prosecutions	<p>The Office of the Director of Public Prosecution as the National Human Rights Mechanisms in Zanzibar was established in 2002, following the 8<sup>th</sup> amendment of the Constitution of Zanzibar 1984.<sup>822</sup></p> <p>This office performs its functions in accordance with the Constitution of Zanzibar of 1984, the office of Director of Public Prosecutions Act (No. 2) 2010, the Prosecution Manual of 2005 as revised in 2015. The four constitutionally founded core values of the DPP Office are independence, impartiality, integrity, and truthfulness.</p>
Zanzibar Anti-corruption and Economic Crimes Authority	In 2011, the Revolutionary Government of Zanzibar (RGZ) developed and adopted a good governance policy and shortly thereafter an Anti-Corruption and Economic Crimes Act was passed by the Zanzibar House of Representatives. <sup>823</sup> The Act establishes the Zanzibar Anti-Corruption and Economic Crimes Authority (ZAECA) operationalized in 2012 with a three-pronged mandate of Prevention, Education, and Investigations for both public and private sector. <sup>824</sup>
The Law Review Commission of Zanzibar	Another National Human Right Mechanism in the country is Law Review Commission of Zanzibar (LRCZ). This commission was established under Section 3 of the Law Review Commission of Zanzibar Act No: 16 of 1986. It was a result of recommendations of Law Review Commission commonly known as the “Msekwa Commission”, as led by Hon. Pius Msekwa. It was the idea of the Msekwa Commission that there are various laws which are outdated in Zanzibar and do not reflect

<sup>821</sup> Section 3 of the Police Force and Auxiliary Services Act, [CAP 322].

<sup>822</sup> 1984 Section 56A

<sup>823</sup> See the Zanzibar Anti-Corruption and Economic Crimes Authority (ZAECA) website at <https://zaeca.go.tz/background.html>.

<sup>824</sup> Ibid.



the existing situation in the society. Hence, there is a need to establish a permanent organ to deal with law review. LRCZ was established under Zanzibar Law Review Commission Act No. 16 of 1986.

## 6.1.2. Judiciary of Zanzibar

### 6.1.2.1. *Mandate and Positive Action*

#### **Mandate**

The Judiciary of Zanzibar has the final decision in dispensation of justice in Zanzibar. It administers justice through interpretation and application of laws, rules, and regulations as well as international human rights standards. In this regard, it plays a very important role in safeguarding human rights through administration of justice, preventing human rights violations, and ensuring effective remedy is provided where such violations occur.

The Court of Appeal of the United Republic of Tanzania has the mandate to determine an appeal case from the High Court of Zanzibar, except where the subject matter is interpretation of the Zanzibar Constitution, Islamic case originating from Kadhis Court, and other matters reserved in the Constitution of Zanzibar and other laws enacted by the House of Representatives.<sup>825</sup>

#### **Positive Action**

The Judiciary of Zanzibar continued carrying out its mandate of dispensation of justice in Zanzibar. It facilitated arraignment, prosecution, and sentencing of suspected offenders, ensuring the victims of crimes enjoy their rights to access to justice and access to remedy, which are fundamental human rights. It has also constructed a new court building in Tungua area to ensure better provision of court services and embraced the use of modern technology to enhance access to justice.

### 6.1.2.2. *Key Issues and Challenges*

- Shortage of judicial staff.
- Corruption, especially in lower courts.
- Delays in dispensation of justice, mainly contributed by delays in police investigations.
- Constant adjournment of cases.
- Delays in execution of judgements.
- Backlog of cases, contributed by shortage of judicial workers and delays in completing investigations.

<sup>825</sup> See Section 99 of the Constitution of Zanzibar (1984).





### 6.1.3. Commission for Human Rights and Good Governance

#### 6.1.3.1. Mandate and Positive Action

##### Mandate

The Commission is mandated to promote, protect, and preserve human rights and deal with mal administration i.e. abuse of public authority in the context of administrative justice as per Article 130(1) of the Constitution of the United Republic of Tanzania and sections 6 and 15 of the CHRAGG Act. According to Section 6 (1) (a) – (o) of the Act CAP 391, the Commission has protective, promotive, advisory, and mediatory/conciliatory functions.

##### Positive Action

CHRAGG continued carrying out its key functions, including: sensitizing about protection and preservation of human rights and duties; and receiving allegations and complaints in the violation of human rights and contravention of principles of good governance. CHRAGG also continued to closely work with some CSOs in Zanzibar, including ZAFAYCO, to promote and protect human rights and principles of good governance in Tanzania. CHRAGG continued to use a newly developed system known as Complaints Management Information System (CMIS) which is used and accessible in all CHRAGG offices that enabling citizens to submit and track their complaints.

#### 6.1.3.2. Key Issues and Challenges

- Budgetary constraints: Like most other government institutions, budgetary constraints are a challenge for CHRAGG in terms of providing and expanding its services.
- Shortage of staff to implement CHRAGG Mandates.
- Increasing demand and expectations of stakeholders and citizen on human rights and good governance vis-à-vis CHRAGG's capacity and country's coverage: Currently, CHRAGG has few offices where it operates through its Dodoma Headquarters in Mainland Tanzania and Unguja in Zanzibar and branch offices located in Dar es Salaam, Mwanza, Lindi and Pemba.
- Limited ability to reach many people and provide timely services.
- Low awareness about CHRAGG and its mandate among Zanzibaris.

### 6.1.4. Tanzania Police Force

#### 6.1.4.1. Mandate and Positive Action

##### Mandate

Police mandate includes investigation of human rights violations, for instance arresting and taking to court perpetrators of violence against women and children or violators of right to life. Preventing crime includes raising awareness on crimes and criminal laws as well as road safety.



## Positive Action

The Police Force continued to take action to protect citizens and their property, including arresting and taking to court perpetrators of human rights violations such as people accused of committing acts of physical and sexual violence.

### 6.1.4.2. Key Issues and Challenges

- Corruption.
- Shortage of police officers.
- Trumped-up charges/fabrication of cases.
- Delays in investigations.
- Poor working environment.
- Accessibility challenges for both police officers and residents, in some areas.

## 6.1.5. Institute of Education for Offenders (Chuo cha Mafunzo Zanzibar)

### 6.1.5.1. Mandate and Positive Action

#### Mandate

The institute has the mandate to hold offenders convicted by courts of law in Zanzibar for the purpose of correcting their criminal behaviour. The correctional programmes are implemented in four key areas, namely: education, agriculture, livestock keeping, and industry.<sup>826</sup> Offenders are supposed to be trained and equipped to become better citizens or reformed.

## Positive Action

The institute of Education for Offenders continued to provide correctional services to various offenders in Zanzibar correctional facilities. By doing this it also continued to protect other citizens from the criminal behaviour of the offenders.

### 6.1.5.2. Key Issues and Challenges

- Budgetary constraints.
- Some buildings at correctional facilities and houses of institute workers being in dilapidated conditions.
- Shortage of working tools and equipment.
- Overcrowding: This is mainly contributed by lengthy pre-trial detention. For instance, during the financial year 2022/2023, more detainees (1,825) were received in the correctional facilities in Zanzibar than convicted offenders (504).<sup>827</sup>

<sup>826</sup> See CHUO CHA MAFUNZO ZANZIBAR at [https://www.chuochamafunzohq.go.tz/Historia\\_ya\\_Mafunzo#](https://www.chuochamafunzohq.go.tz/Historia_ya_Mafunzo#).

<sup>827</sup> See SERIKALI YA MAPINDUZI YA ZANZIBAR HOTUBA YA WAZIRI WA NCHI, AFISI YA RAIS TAWALA ZA MIKOA, SERIKALI ZA MITAA NA IDARA MAALUM ZA SMZ MHESHIMIWA MASOUD ALI MOHAMMED (MBM) KUHUSU MAKADIRIO YA MAPATO NA MATUMIZI KWA MWAKA WA FEDHA 2023/2024 IMEWASILISHWA KATIKA BARAZA LA WAWAKILISHI ZANZIBAR MEI, 2023, at <https://www.zanzibarassembly.go.tz/storage/documents/Budgets/all/1684332929.pdf>.



- Shortage of institute workers.
- Failure to correct criminal behaviour of some offenders.

## **6.1.6. Office of Director of Public Prosecutions**

### **6.1.6.1. *Mandate and Positive Action***

#### **Mandate**

The fundamental role of the DPP office is the administration of criminal cases by charging and prosecuting persons accused of crime. The DPP has constitutional powers to institute, prosecute, discontinue, and take over any criminal case in all courts in Zanzibar other than martial courts. The DPP office administers criminal cases by prosecuting all criminal cases in all courts of Zanzibar from District Courts, Regional Magistrates courts, High Court and the Court of Appeal of Tanzania cases that are filed in Zanzibar. It also coordinates all prosecution services in primary courts. The office is also responsible for educating members of society on matters relating to criminal justice.

As far as human rights and good governance are concerned, the DPP office performs its responsibilities under two main slogans. The first is that investigation should precede prosecution and the second is that there is no conviction without evidence. From these two slogans, the DPP office always requires police to admit suspects to bail until such time when an investigation of a given case is completed and where prosecution can then be formally initiated.

#### **Positive Action**

The DPP Office continued to perform its various roles in the administration of criminal justice in Zanzibar, including charging criminal suspects in courts of law and conducting investigations to assist in prosecution of cases.

### **6.1.6.2. *Key Issues and Challenges***

- Delays in police investigations.
- Shortage of staff.

## **6.1.7. Zanzibar Anti-corruption and Economic Crimes Authority**

### **6.1.7.1. *Mandate and Positive Action***

#### **Mandate**

ZAECA has a three-pronged mandate of Prevention, Education, and Investigation for both public and private sector.<sup>828</sup> Fighting corruption is essential for safeguarding human rights, especially economic and social rights such as education, health, and water. Corruption has also proven to be an enemy of the administration of justice in

<sup>828</sup> Ibid.



Zanzibar. Therefore, the role of the national anti-corruption body, such as ZAECA, in promoting and protecting human rights cannot be underestimated.

### **Positive Action**

ZAECA continued to take various measures to prevent and address corruption, including awareness-raising and arrest and prosecution of perpetrators of corruption.

#### **6.1.7.2. Key Issues and Challenges**

Despite the various government efforts to combat it, corruption is still a big problem, including in the provision of social services. However, in 2023, Tanzania, including Zanzibar, jumped two places in the Corruption Perceptions Index to be ranked 87<sup>th</sup> from 94<sup>th</sup> in 2022, after scoring two more points.<sup>829</sup>

### **6.1.8. The Law Review Commission of Zanzibar**

#### **6.1.8.1. Mandate and Positive Action**

##### **Mandate**

The main function of the Commission is to review the laws of Zanzibar and to propose necessary amendments to make sure that they respond timely to changes taking place in Zanzibar.

### **Positive Action**

The Commission continued to carry out its mandate of reviewing various laws that are operational in Zanzibar. The commission has also been working with various CSOs, including ZAFAYCO, to address legal challenges and gaps in various laws.

#### **6.1.8.2. Key Issues and Challenges**

- The Commission has not been very active in reviewing laws that have been identified by various stakeholders, both within and outside Zanzibar and Tanzania, as containing provisions which infringe on human rights. It has also not been vocal in this regard.

### **6.1.9. Key Recommendations**

- i. The RGZ to take measures to strengthen the national human rights mechanisms, taking into consideration the recommendations provided by the Presidential Commission on Criminal Justice Reforms.

<sup>829</sup> See Transparency International's Corruption Perceptions Index 2023 at [https://www.transparency.org/en/cpi/2023?gad\\_source=1&gclid=EAlaIQobChMI8fnEyuOvhAMVPjcGAB29xgzbEAAAYASAAEgKyFPD\\_BwE](https://www.transparency.org/en/cpi/2023?gad_source=1&gclid=EAlaIQobChMI8fnEyuOvhAMVPjcGAB29xgzbEAAAYASAAEgKyFPD_BwE).





## 6.2. Regional and International Human Rights Mechanisms

### 6.2.1. Legal Framework

Tanzania, Zanzibar inclusive, is part of various regional and international human rights mechanisms. These include the Universal Periodic Review Mechanism (UPR) - whereby it submits its reports on promotion and protection of human rights; and bodies established under various human rights treaties.

Treaty bodies are established by the human rights treaties that have been ratified, with the aim of monitoring the implementation of such treaties by States parties. The provisions of the treaties require States parties to submit to the treaty bodies periodic reports on their efforts to implement the treaties. The major international and regional treaty bodies are the Human Rights Committee (HRC), the UN Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination Against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of Persons with Disabilities, the African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights, African Committee of Experts on the Rights and Welfare of the Child and the East African Court of Justice.

### 6.2.2. Key Issues and Challenges

Key issues regarding regional and international human rights mechanisms in Tanzania include withdrawal of Tanzania of access of individuals and NGOs to the African Court on Human and Peoples' Rights and non-implementation of recommendations made by the mechanisms, and non-enforcement of judgements delivered by the judicial mechanisms. Non-ratification of some key international and regional human rights instruments, including the UN Convention against Torture (CAT) and the African Charter on Democracy Elections and Governance (ACDEG) of 2007, is also a challenge.

### 6.2.3. Key Recommendations

- i. The Union Government and the RGZ to re-sign the African Court Declaration to allow NGOs and individuals to access the African Court on Human and Peoples' Rights to enhance access to justice for Tanzanians.
- ii. The RGZ, through the Ministry of Constitution and Legal Affairs, to implement the recommendations accepted by Tanzania following the Universal Periodic Review (UPRC) process of 2021.



## 6.3. Recommendations

### **State actors**

- 1 The Government to strengthen national human rights mechanisms to ensure better protection of human rights.
- 2 ZAECA to intensify efforts to address corruption within the national human rights mechanisms and ensure individuals are held accountable.

### **Non-state actors**

- 1 CSOs to collaborate with CHRAGG to build capacity for national human rights mechanisms officials to apply a rights-based approach in their work.
- 2 CSOs to engage human rights mechanisms at national, regional, regional, and international levels as a way of promoting and protecting human rights.
- 3 CSOs to sensitize the public about different national, regional, and international human rights mechanisms accessible to Zanzibaris and their role in promoting and protecting human rights.

### **Community members**

- 1 Members of the public to engage different levels of human rights mechanisms, either individually, or with assistance of CSOs when their human rights are violated, as a way of seeking remedy.







## Chapter Seven

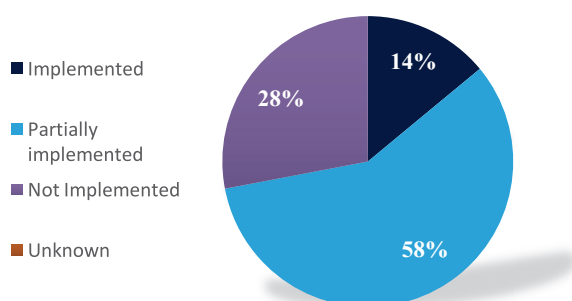
### Implementation of Recommendations

## Chapter Seven: Implementation of Recommendations

This chapter provides a brief status of implementation of recommendations made in the Zanzibar part of the Tanzania Human Rights Report for the period of 2016 to 2023.

### 7.1. Overall Picture

In 2024, the percentage of implemented recommendations stood at 14%. Percentage of partially implemented recommendations was 58%, while the percentage of recommendations not implemented stood at 28%.



**Figure 7.1: Status of implementation of THRR recommendations in Zanzibar (2016 – 2023)**

Table 7.1 below shows the number of recommendations that were implemented (I), partially implemented (PI), not implemented (NI), and whose status is unknown (U).

**Table 7.1: Status of recommendations of THRR in Zanzibar**

Human Rights Category	#Recommendations	I	PI	NI	U
Civil and Political Rights	12	1	5	6	0
Economic, Social, and Cultural Rights	26	2	16	8	0
Rights of Special Groups	17	2	12	3	0
Other human rights	12	4	6	2	0
<b>Total</b>	<b>67</b>	<b>9</b>	<b>39</b>	<b>19</b>	<b>0</b>

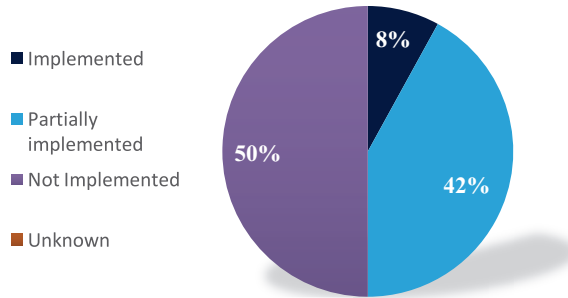
Majority of the recommendations made during this period (39%) were on economic, social, and cultural rights, followed by rights of special groups (25%), civil and political rights (18%), and other human rights (18%).



**Call:** To safeguard fundamental human rights, enhance social justice, and achieve sustainable development goals (SDGs), ZAFAYCO calls upon the Revolutionary Government of Zanzibar and other actors to fully implement recommendations which are not implemented and those which are partially implemented.

## 7.2. Civil and Political Rights Recommendations

During this reporting period, a total of 12 key recommendations on civil and political rights made in the Tanzania Human Rights Reports (Part Two) of years 2016 to 2023 were assessed to determine their status. Out of these, only 1 recommendation (8%) was found to be implemented, 5 were partially implemented, and the remaining 6 not implemented.



**Figure 7.2: Status of civil & political rights THRR recommendations in Zanzibar (2016-2023)**

Some of the key recommendations on civil and political rights which are yet to be implemented include:

- Officially declare the state of moratorium on execution of death penalty and amend Penal Code to end compulsory sentencing of death penalty for the crime of murder and treason.
- The Government to ratify and domesticate the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Government to sign and ratify the African Charter on Democracy, Elections and Governance.

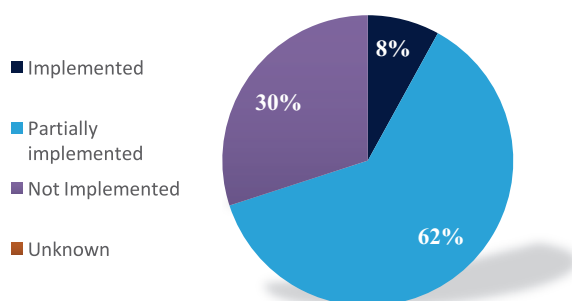
Some of the key recommendations on civil and political rights which were partially implemented include:



- Government to amend the Political Parties Act 1992 to remove problematic provisions in line with international standards on freedoms of association and assembly.

### 7.3. Economic, Social, and Cultural Rights Recommendations

During this reporting period, a total of 26 key recommendations on economic, social, and cultural rights made in the Tanzania Human Rights Reports of years 2016 to 2023 were assessed to determine their status. Out of these, only 2 recommendations have been implemented, while the majority, 16, have been partially implemented, and 8 recommendations have not been implemented.

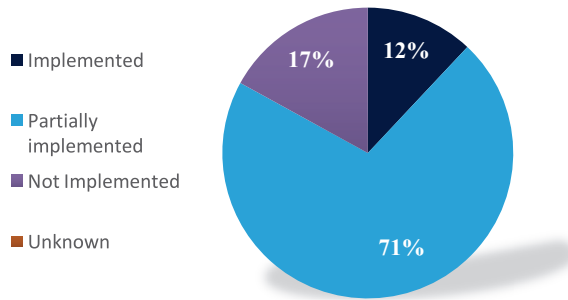


**Figure 7.3: Status of THRR recommendations on economic, social, and cultural rights in Zanzibar (2016-2023)**

For economic, social, and cultural rights, one of the key recommendations which is yet to be implemented is the Government to increase budgetary allocations for education, water, health, and agriculture sectors in line with international standards and to ensure full and timely disbursement of funds for these sectors. While budgets have been somewhat increasing, they have not been in line with international minimum standards.

### 7.4. Rights of Special Groups Recommendations

During this reporting period, a total of 17 key recommendations on rights of special groups made in the Tanzania Human Rights Reports of years 2016 to 2023 were assessed to determine their status. Out of these, only 2 recommendations have been implemented, while 12 have been partially implemented. A total of 3 recommendations were not implemented.



**Figure 7.4: Status of THRR recommendations on rights of special groups in Zanzibar (2016-2023)**

Some of the key recommendations on the rights of vulnerable groups which are yet to be implemented include:

- The Government to ensure enactment of a specific and comprehensive law on gender-based violence as the current legislations do not adequately address gender-based violence issues.
- The Government to fulfil its obligation under the regional and international children rights treaties to end child marriage and confirm the age of 18 as the minimum age for marriage, through a legislative action to amend the Law of Marriage Act 1971.

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