

# Human Rights Situation Report: January – June 2019



# INTRODUCTION

- ▶ Legal and Human Rights Centre (LHRC) prepares a mid-year human rights report each year, which highlights the situation of human rights in Tanzania Mainland for the period of January to June.
- ▶ This year's report looks at the civil and political rights, social rights and rights of vulnerable groups. It also provides recommendations on improving the situation of these rights in Tanzania.
- ▶ Data used to prepare this report were mainly collected through media survey and document review. Some of the data was obtained through human rights monitoring conducted by LHRC. Reports of various stakeholders were also reviewed and analysed in the process of preparing this report. LHRC also obtained data from reports by international organizations.

## Major Developments

- ▶ Increased incidents of violence against children, especially sexual violence and physical violence
- ▶ The Commission for Human Rights and Good Governance (CHRAGG) still without commissioners
- ▶ Killings of *bodaboda* drivers by unknown assailants
- ▶ Increased reports of child pregnancy
- ▶ Increased incidents of women killed due to jealousy (physical violence against women)
- ▶ Killings of innocent children in Njombe District
- ▶ Amendments to the Statistics Act in terms of requirement to obtain permission from NBS for use of official statistics

## KEY FINDINGS

▶ Sexual violence against children still an issue of major concern. 66% of VAC incidents documented by LHRC were sexual violence incidents.

▶ 38% of VAC incidents were reported in Lake Zone (Geita, Mwanza, Shinyanga, Mara, Simiyu and Kagera Regions), followed by Southern Highlands Zone at 32%.

▶ Incidents of physical violence against children increasing

▶ Right to life mainly affected by death penalty, withcraft-related killings, mob violence and extrajudicial killings

▶ Male parents and guardians among major perpetrators of sexual violence against their female children

▶ Freedoms of expression, assembly and association affected by restrict laws, including the latest Online Content Regulations

## KEY FINDINGS

- ▶ Budget for a major challenge in realisation of social rights, especially health and education sectors
- ▶ Increased incidents of teachers engaging in sexual affairs with female students and impregnating them
- ▶ Right to personal security for *bodaboda* drivers under threat

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# Civil and Political Rights

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

## Right to Life



- ▶ In this reporting period, right to life continued to be under threat, owing to witchcraft-related killings, death penalties, mob violence, extrajudicial killings and road accidents.
- ▶ Killings of children in Njombe Region raised a concern over protection and respect for children's right to life.

# Right to Life

## **Death Penalty**

- ▶ Death sentences continue to be issued by courts of law in Tanzania as provided for the law, more than 20 years since the last recorded execution. In practice, Tanzania is considered to be an abolitionist state when it comes to death penalty, which is more of a reason for the current administration to go a step further and abolish it.
- ▶ In LHRC's view, death penalty constitutes violation of the fundamental right to life; and its introduction has not made any impact in Tanzania in terms of acting as a deterrent, as is the case in other parts of the world. That is why the more countries around the world continue to abolish it. It has also been found that some people are subjected to this type of punishment and then later after they are killed it becomes apparent that they never even committed a crime that warranted a death sentence.

**Table 1: Death Sentences issued by the High Court documented by LHRC**

Description	Source	Date
<p><b>Moshi, Kilimanjaro:</b> High Court of Tanzania sentenced to death the first accused person, Hamis Chacha, in the murder case of a 16-year-old, Humphrey Makundi, who was a student at Scholastica Secondary School.</p>	<p><i>Nipashe</i> Newspaper</p>	<p>4 Jun 2019</p>
<p><b>Dar es Salaam:</b> High Court of Tanzania sentenced to death Masamba Musiba (39), after convicting him of killing his lover, Bertha Mwarabu.</p>	<p>HABARILEO Newspaper</p>	<p>1 Apr 2019</p>
<p><b>Bukoba, Kagera:</b> High Court of Tanzania, sentenced five people to death by hanging after being convicted of murder of a husband of one of the accused. The sentenced are Bymatozi John Byeya (32), Isaya Kakuru (45), Dastan Makwaya (44) and Jovith Mtagahwa (39) and Hilda Innocent (30).</p>	<p>SUNDAY NEWS Newspaper</p>	<p>16 Jun 2019</p>

Source: LHRC Media Survey

## Right to Life

- ▶ More than 430 inmates are currently death row inmates.
- ▶ For the first six months of 2019, LHRC was managed to document 7 death sentences, which are 2 more than those reported in the same period in 2018.



## Right to Life – Witchcraft-Related Killings



- ▶ Belief in witchcraft is high in Tanzania and continues to be one of the major issues affecting human rights. This belief has resulting into witchcraft-related killings, either perpetrated against people suspected to be witches or wizards or against other people in order to gain success through potions created by witchdoctors. Major victims or targets of such killings continue to be the elderly, especially elderly women; children; and persons with albinism.
- ▶ In the first six months of 2018, police data indicated that a total of 106 witchcraft-related killings had occurred in Tanzania Mainland. LHRC could not obtain police data for January to June 2019, but the media survey results show incidents of witchcraft-related killings reported in Mbeya, Dar es Salaam, Iringa and Simiyu.

## Right to Life – Witchcraft-Related Killings

Description	Source	Date
<b>Chunya, Mbeya:</b> Police force reported that Tenson Meta (54), resident of Kibaoni area in Chunya was killed by his relatives and a witchdoctor on witchcraft suspicion.	<i>Channel Ten</i> Television	27 May 2019
<b>Dar es Salaam:</b> A man was arrested by police for selling his six-year-old daughter to be killed so that her body parts could be used in a potion to make him rich. The child's body was found decapitated in Mbeya Region, with the right foot amputated.	<i>The Citizen</i> Newspaper (Online)	11 May 2019
<b>Iringa:</b> Police in Iringa Region arrested a man and his wife, accused of removing part of their child's face skin to be used to make a petition, as requested by a witchdoctor.	<i>Nipashe</i> Newspaper	14 Jul 2019
<b>Lamadi, Simiyu:</b> A body of a woman was found in abandoned building with her private parts and left breast removed.	<i>Mtanzania</i> Newspaper	17 Feb 2019

Source: LHRC Media Survey

## Right to Life – Attacks and Killings of PWAs

- ▶ Attacks and killings of persons with albinism (PWAs) has seen them live in fear and refrain from fully participating in social, economic and political activities over the past 20 years. Nevertheless, recent efforts by the Government and its partners, including NGOs, have contributed to making Tanzania safer for PWAs, owing to a significant decline in attacks and killings of PWAs.
- ▶ For the period of January to June, LHRC's media survey indicated no reported incident of attacks or killings of PWAs.
- ▶ However, members of this group continue to live in fear, especially during this period as we head for local government elections later this year and the general elections of 2020. PWAs thus need greater protection from the Government during in 2019 and 2020.

## Right to Life – Mob Violence

- ▶ Angry mobs continue to perpetrate violence against and kill people suspected of committing a crime, usually theft. Urban areas continue to be more prone to mob violence, while rural areas are more notorious for witchcraft-related killings.
- ▶ For the period of January to June 2019, LHRC was able document 5 mob killings through media survey and human rights monitoring. However, these are only a small fraction of incidents usually reported to the police.

# Right to Life – Mob Violence

**Table 3: Incidents of mob killings documented by  
LHRC**

Description	Source	Date
<b>Muleba, Kagera:</b> Colletha Francis (65) was killed by an angry mob, who accused her of being a witch and killing a 7-year-old boy, Ismail Hamisi, whose body was found buried in her property with some of the body parts missing.	<i>HABARILEO</i> Newspaper	20 Apr 2019
<b>Shinyanga Town, Shinyanga:</b> Esther Samwel (35) was killed by an angry mob after being accused of stealing some greens and vegetables at a marketplace.	-	21 Jun 2019
<b>Dar es Salaam:</b> Jumanne Kategile, accused of being a notorious thief, was beaten and torched to death by an angry mob on 31 <sup>st</sup> May 2019.	<i>Mwananchi</i> Newspaper	8 Jun 2019
<b>Shinyanga:</b> Esther Samweli (35) was reportedly attacked and killed by an angry mob. She was attacked with sticks.	<i>HABARILEO</i> Newspaper	21 Jun 2019
<b>Tunduru:</b> Angry mob attacked Said Matumla (27), whom they accused of stealing a motorcycle, leading to his death upon arrival at hospital. Incident occurred in Ausilinda Village.	<i>Majira</i> Newspaper	11 Apr 2019

## Right to Life – Extrajudicial Killings

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- ▶ Extrajudicial killings is when law enforcement officers use excessive force against civilians or suspected criminals, resulting into their deaths.
- ▶ In the first half of 2019, incidents of extrajudicial killings were reported in Kilimanjaro, Geita and Pwani Regions. Police officers were implicated in such killings for the case of Kilimanjaro and Geita Regions, while in Pwani Region it was reported that police had arrested 2 forest guards, accused of killing Emmanuel Yusup (36) in Kifuru Village in Kisarawe District.

## Right to Life – Extrajudicial Killings

**Table 4: Incidents of extrajudicial killings documented by LHRC – January to June 2019**

Description	Source	Date
<b>Moshi, Kilimanjaro:</b> Waziri Mlacha (18) was reportedly killed while in police custody. Relatives refuted police claims that he died because he had epilepsy and claimed that the deceased's body had injuries and bruises, which indicated that he received a heavy beating. In June it was reported that a police officer was sent to court in connection with the killing of the 18-year-old.	<i>Mwananchi</i> Newspaper	22 Apr 2019 & 5 Jun 2019
<b>Geita:</b> Jackson Charles (24) from Nyakafuro Village in Geita was reportedly beaten by police, leading to his death.	Mwananchi Newspaper	24 Apr 2019
<b>Pwani:</b> Police in Pwani Region arrested 2 forest guards, accused of killing Emmanuel Yusup (36) in Kifuru Village in Kisarawe District.	HABARILEO Newspaper	20 May 2019

## Right to Life – Road Accidents

- ▶ Where road accidents are caused by negligence or reckless driving, they become an issue of human rights; and recent report by the Police Force indicate that most accidents in Tanzania have been avoided had the drivers not been reckless.
- ▶ For the past five years, incidents of road accidents and resulting deaths and injuries have been on the decline, owing to efforts by the Police Force and the Government in regulating road use and promoting road safety.
- ▶ From January to June 2019, LHRC was able to document several road accidents, which occurred in Mwanza, Tanga, Morogoro, Songwe, Kigoma and Tanga.

# Right to Life – Road Accidents

**Table 5: Road accident incidents recorded by LHRC, January to June 2019**

Description	Source	Date
<b>Mwanza:</b> 3 people died and 48 injured after a commuter bus plunged into a drainage chamber in Ilemela District.	<i>The Guardian</i> Newspaper	20 Apr 2019
<b>Muheza, Tanga:</b> 3 people killed in an accident and 54 others injured in Shebomeza Village, Muheza District following a lorry accident.	<i>Nipashe</i> Newspaper	9 Mar 2019
<b>Morogoro:</b> 2 people killed and 5 injured after two cars collided at Makunganya area.	<i>Mtanzania</i> Newspaper	30 Jan 2019
<b>Tunduma, Songwe:</b> 19 people killed after passenger bus was hit by a lorry.	<i>Nipashe</i> Newspaper	23 Feb 2019
<b>Kigoma:</b> Four people were killed and 42 others injured after their private car overturned.	<i>Nipashe</i> Newspaper	25 Jan 2019
<b>Lushoto, Tanga:</b> 5 people of the same family were killed in a road accident in Makole Village, after their car collided with another car.	<i>Nipashe</i> Newspaper	19 Feb 2019

Source: LHRC Media Survey

## Right to life – Violence against Law Enforcement Officers

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- ▶ For the past three years, there have been less incidents of violence against law enforcement officers. For the first six months of 2018, no such incidents were reported.
- ▶ From January to June 2019, LHRC was able to document one incident of violence against law enforcement officers. The incident occurred in Geita Region, whereby police officers from the Nyang'hwale District Police Station were injured by an angry mob after trying to intervene to prevent them from killing a suspected robber. One of them was seriously injured and had to be rushed to Bugando Hospital in Mwanza Region. The incident occurred on 30<sup>th</sup> March 2019.

## Brutal Killings of Children in Njombe Region

- ▶ Safety of children in Njombe Region has been an issue of great concern in the period of January to June 2019. This is due to brutal attacks and murders of children in the region since late 2018. News of disappearances of children, who were later found dead, circulated in the social media and were reported by the mainstream media.
- ▶ About ten bodies of children were reported to have been found in different parts of Njombe, with some of their body parts/organs, including private parts, removed.
- ▶ Among those killed were 3 children of the same family.
- ▶ The murders were reportedly mainly motivated by belief in witchcraft, whereby witchdoctors demanded body parts for money rituals.

## Brutal Killings of Children in Njombe Region

- ▶ The murders were widely condemned by stakeholders at both domestic and international levels, including by the United Nations (UN), which issued a statement condemning the murders of innocent children and called for the Government that homes, schools and communities are safe spaces for children.
- ▶ In February 2019, LHRC assembled a team that went to Njombe to conduct a fact-finding mission on the murders of innocent children. The main objective was to ascertain the truth behind the killings of children in Njombe and determine the causes of such killings.
- ▶ LHRC managed to meet with regional police, victims' families, local government officials, community members, school children, teachers, and social welfare officers.

## Brutal Killings of Children in Njombe Region

- ▶ Regional police confirmed the murders and noted that 28 suspects had been arrested in connection with the killings. Witchdoctors in the region were also rounded up by police for questioning.
- ▶ The LHRC fact-finding team confirmed that the killings were mainly motivated by witchcraft beliefs. Other factors include family conflicts and business-related disputes.
- ▶ LHRC found out that the children in the region are very scared following the murders of fellow children, to the extent that parents are forced to escort their children to and from school and are even afraid of leaving the children alone at home.

## Brutal Killings of Children in Njombe Region

- ▶ Children have become very scared of people, especially strangers. Some school children ran away when they saw LHRC vehicle approaching.
- ▶ LHRC strongly condemns the killings of children in Njombe and other parts of Tanzania, which are unacceptable and in violation of their fundamental human rights, including right to life and freedom from violence.

# Freedom of Expression



- ▶ Freedom of expression is a fundamental human right, one that is essential for enjoyment of the right to participate in governance. It is one of the so-called participation rights (freedom of expression, freedom of assembly and freedom of association).
- ▶ Freedom of expression includes press/media freedom, right to information and freedom of opinion. Restrictions on freedom of expression must be stated by law and necessary to protect the rights and reputations of others national security, public order, or public health or morals. There are must be valid reasons and the restriction imposed must be proportionate.
- ▶ In 2019, freedom of expression continued to be affected by restrictive laws such as the Media Services Act, Cyber Crimes Act, Statistics Act and the Online Content Regulations.

## Freedom of Expression – Press Freedom

- ▶ Media freedom has been in the decline, with existing laws instilling fear into journalists and forcing them into self-censorship. The 2018 World Press Freedom Index Report by Reporters Without Borders (RSF) shows that Tanzania has dropped 12 places in the world rankings, from 83rd in 2017 to 93rd in 2018.
- ▶ LHRC and other stakeholders have continued to voice their concerns over the Online Content Regulations, which have also caught the attention of the African Commission on Human and Peoples' Rights.
- ▶ Restrictions on freedom of expression and other participation rights, namely freedom of assembly and freedom of association, continue to be major factors contributed to reduced civic space in Tanzania.

## Freedoms of Assembly and Association

▶ These two rights, freedom of assembly and freedom of association, are essential in participation of Tanzanians in governance as the country heads towards the local government elections of 2019 and general elections of 2020.

▶ The major obstacle in realization of freedoms of assembly and association is the ban on political assemblies outside one's for politicians, which continues to mainly affect opposition political parties. Opposition parties continued to lament this move, noting that they are not free to conduct political assemblies – which affects their chances in the upcoming elections.

▶ Introduction of the Political Parties (Amendment) Act, will serve to further curtail the freedom of association of political parties.

## Freedoms of Assembly and Association

- ▶ During this reporting period, freedom of association for NGOs has been jeopardized by the amendments of the NGO Act, which reduce the autonomy of NGOs and provide for excessive regulation of the NGO sector.
- ▶ Registrar of NGOs is granted sweeping powers to suspend and de-register NGOs, leaving loopholes which could be abused.
- ▶ Amendments have implications on legal protection of NGOs, as NGOs can no longer register under the Companies Act.

## Freedoms of Assembly and Association

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▸ An analysis of the Political Parties (Amendment) Act, 2018 Twaweza East Africa, Legal and Human Rights Centre (LHRC) , Tanganyika Law Society (TLS), Media Council of Tanzania (MCT), Waandishi wa Habari za Maendeleo Zanzibar (WAHAMAZA) and Centre for Strategic Litigation Submitted to The Parliamentary Committee on Legal and Constitutional Affairs Submitted on January 17, 2019 indicates that the major concerns with the amendments are: lack of clarity in some provisions, which leaves loopholes for abuse of powers and creation of fear; sweeping discretionary powers granted to the Registrar, which seriously affect autonomy of political parties; criminalisation or regulation of legitimate political activities and expressions; severe penalties for breaching the regulations, which are not proportional to the administrative offences; and limited checks and balances on the work of the Registrar.

## Right to Liberty and Personal Security

- ▶ Right to liberty and personal security is an essential human right, guaranteed under regional and international human rights instruments, including UDHR and ICCPR. This right includes freedom from arbitrary arrest and detention, right to personal security and right to bail.
- ▶ From January to June 2019, LHRC was able to document several incidents and issues relating to right to liberty and personal security. These include killings of *bodaboda* drivers by unknown assailants; and abduction of a political activist, Mdude Nyagali.

# Right to Liberty and Personal Security

## ***Killings of bodaboda drivers: A personal security concern***

- ▶ In its 2018 Tanzania Human Rights Reports, LHRC reported about growing concern over killings of motorcycle drivers, popularly known as *bodaboda* drivers. These killings are perpetrated by unknown assailants, who target the drivers, kill them and leave with their motorcycles.
- ▶ In this reporting period, most of these incidents have been reported in **Mbeya**. For instance, in April 2019, unknown assailants attacked and killed a *bodaboda* driver, Aidan Chongola (27), before leaving with his motorcycle.
- ▶ In **June** 2019, Omary Kandonga (25), a *bodaboda* driver based in Chunya, Mbeya, was reportedly strangled to death by unknown people, before leaving with his motorcycle. The local government showed concern with the trend of the killings, noting that a total of 3 *bodaboda* drivers had been killed by June 2019.

## Right to Liberty and Personal Security

### ***Abduction of Mdude Nyagali***

- ▶ In May 2019, it was reported that a member of an opposition political party (CHADEMA), Mdude Ngagalai, was abducted by unknown people, forcing him into their car, a white Nissan with no registration number. Eyewitnesses reportedly stated that they heard Mr. Mdude crying out for help as he was taken away.
- ▶ It was reported that Mdude Nyagali, popularly known as Mdude Chadema, went missing on 4<sup>th</sup> May 2019. He was found alive four days later, appearing weak and to have been tortured.

# Right to Liberty and Personal Security

**Picture 1: Mdude Nyagali taken to a hospital for medical attention after he was found**

Source: The Citizen Newspaper (online) – 9 May 2019



## Right to Liberty and Personal Security

### ***Azory Gwanda and Ben Saanane still missing***

- ▶ In 2019, Azory Gwanda – a journalist with Mwananchi Communications Ltd – is still missing since he disappeared in late 2017. Ben Saanane, a member of an opposition political party, is also still missing since his disappearance was reported in 2016.
- ▶ These incidents have had a huge impact on right to liberty and personal security.

# 2. Social Rights

Right to Health, Right to Education

## Right to Health

▶ Right to health is key for realization of other rights, including fundamental right to life. In this regard, the Government is duty bound to ensure effective realization of the right, thus it has taken several measures to improve availability and accessibility of health services, some of the measures taken include:

▶ Strengthening the health insurance services by ensuring that many citizens join the health insurance fund and thus achieve the goal of universal health coverage.

▶ Strengthening partnerships between the public sector and the private sector and other stakeholders in the health care delivery including construction of pharmaceutical industry.

▶ Strengthening the health care delivery system by ensuring that health services are available and accessible to all citizens.

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## Right to Health

- ▶ HIV counseling and testing stations have increased from 5,555 stations in 2015 to 6,370 stations in March 2019. Population estimated to be HIV-positive in the country and those who are aware of their situation (first 90 goal) has increased from 1,038,603 in 2017 to 1,126,366 people at the end of March 2019 which equals to 75 percent of 1,500,000 people estimated to be HIV positive in the country.
- ▶ A project implemented in collaboration with the government of Tanzania, Gradian health systems and Muhimbili University of health and allied science to provide facilities over 200 health facilities who will be equipped with high tech anaesthesia machines through a USD 3 million project that was launched on world Health day as one of Goal In The National Plan II that intends to reduce the maternal and new born death across the country by adding more health facilities in the rural health facilities in order to provide lifesaving services to pregnant women with complications.

## Right to Health

Despite these measures, realization of right to health continues to be faced with several challenges, highlighted below.

- ▶ Insufficient budget: One of the major factors that have been affecting delivery of quality health services is insufficient budget, which usually falls short of the minimum 15% of the annual budget required under the Abuja Declaration on HIV/AIDS, Tuberculosis and other related Infectious Diseases of 2001. as of March 2019 the ministry received a sum of Tsh 304,707,109,084 which was approved by the government out of Tsh 866,233,475,000 which have been requested.

## Right to Health

- ▶ Shortage of health officers. During discussion of the 2019/2020 when responding to supplementary questions to the speech budget of the ministry of health, Prime minister of the Regional Administration and local government Hon. Josephat Kandege revealed that there is shortage of 56841 health officers in the health sector, which is equal to 48%.
- ▶ The government on the health sector depending a lot on donation from the global fund which may also necessitate problems, in case of cessation of donation from the donors, the health sector will be much affected

## Right to Health

► Politics over professionalism:  
Sacking of health officials by  
Regional and District Commissioners,  
and other political leaders contrary  
to the ethical rules and regulations  
governing them. Eg: In Ngarenaro  
Health Center, Arusha region, Dr.  
Japhet Kivuyo was sacked after  
being found out of the office during  
working hours.



**Table 6: Health-related issues documented by LHRC  
– January to June 2019**

Description	Source	Date
<p><b>Masasi, Mtwara:</b> It was reported that the 13 new health centres were constructed in Mtwara Region in the past 18 months (from April). 352 new health centres were reportedly constructed across the country within that period.</p>	<p><i>Nipashe</i> Newspaper</p>	<p>5 Apr 2019</p>
<p><b>Tunduru, Ruvuma:</b> Residents of Mkasale Village thanked the Government for building them a health centre.</p>	<p><i>HABARILEO</i> Newspaper</p>	<p>1 Apr 2019</p>
<p><b>Dar es Salaam:</b> It was reported in May 2019 that the MOI department within the Muhimbili National Hospital has shortage of doctors. According to Dr. Respicius Boniface, there are 150 doctors, while the required number is 2000, forcing one doctor to attend up to 600,000 patients per year.</p>	<p><i>Nipashe</i> Newspaper</p>	<p>28 May 2019</p>
<p><b>Dodoma:</b> It was reported that the Minister responsible for regional administration and local government, Hon. Selemani Jafo, had ordered new equipment to be installed at 352 health centres built or renovated across the country.</p>	<p><i>Nipashe</i> Newspaper</p>	<p>14 Jun 2019</p>
<p><b>Dar es Salaam:</b> A doctor from the Emergency Services Departement at the Muhimbili National Hospital, Dr. Deus Kitapondya, warned against congestion in the rapid buses, noting that there are health implications, including psychological effects for passengers. He noted that he had attended 4 patients who were victims of congestion in the buses.</p>	<p><i>HABARILEO</i> Newspaper</p>	<p>23 May 2019</p>
<p><b>Serengeti, Mara:</b> A health centre in Buchanchari Village in Serengeti District reportedly stopped providing health services due to lack of toilet for patients.</p>	<p><i>Mtanzania</i> Newspaper</p>	<p>13 Feb 2019</p>

## Right to Education

- ▶ Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESR) of 1966 explicitly provides for the right to education as one of the basic human rights.
- ▶ States, Tanzania inclusively, are bound to ensure progressive realization of such right. It is evidently realized that the 5th phase government of the United Republic of Tanzania realizes the right to education in a mode of a fee free education which was introduced under the education policy of 2014. The primary and secondary education was made compulsory and available to all hence made education accessible to all and progressively being freely provided.

## Right to Education

- ▶ The Fee-Free Education Policy is still implemented and enrolment of students in both primary and secondary education has increased and enabled civilians to enjoy such right freely.
- ▶ However, several challenges continue to affect quality of education, including the shortage of buildings, problem of toilets/toilet holes for pupils and students.



# Right to Education

▶ Challenges affecting the right to education in Tanzania for the year 2019:

▶ Insufficient budget: “In the Incheon Declaration, all of sub-Saharan states were urged to set aside 20% of their overall budget on education. However, in Tz the budget has decreased from 16.1 % (including national debt) in 2016/17 to 15% in 2017/18 and has dropped to 14% for the 2018/19 fiscal year. “Despite challenges in the education sector that need to be addressed by the government, the ministry of Education Prof. Ndalichako was quoted requesting for a budget that is a bit low compared to the 2018/2019 budget. From Tsh. 929.9 to Tsh. Sh826.71 billion. The NGO, HakiElimu called for increased budget to 20% of the overall budget. It is indicated that Budget needs to be increased to meet the needs of the expanded admissions.

## Right to Education

▶ Shortage of teachers in both primary and secondary schools: Teachers are scarce in public schools. The education policy of 2014 indicates that a ratio between teacher and students is 40 students per teacher, however due shortage of teachers, most teachers are burdened with more pupils and students than they can handle. A good example is Chole Primary school in Mafia, Kisarawe District, Pwani Region whereby a ratio is 1:56, 1 teacher for 56 students, contrary to the education policy of 2014.

**Table 7: Education-related challenges documented by LHRC – January to June 2019**

Description	Source	Date
<b>Lushoto, Tanga:</b> Bumbuli District Council in Lushoto District reportedly has shortage of 581 teachers. It has experiences shortage of classrooms.	<i>Majira</i> Newspaper	4 Jun 2019
<b>Geita:</b> More than 4000 pupils of Ihunamilo Primary School and Mwaloni Primary School are reportedly forced to use toilets of nearby residents due to shortage of toilet holes at their schools.	<i>Mtanzania</i> Newspaper	28 May 2019
<b>Siha:</b> Students residing in Biriri and Songu Wards in Siha District are reportedly walking up to 24 km to reach school. The schools, Kilingi and Nuru Secondary Schools, are located in Sanyajuu and Makiwaru Wards respectively.	<i>Mtanzania</i> Newspaper	28 May 2019
<b>Lindi:</b> More than 50 students at Mingoyo Secondary School are reportedly forced to use physics lab as a class due shortage of classrooms at the school.	<i>Mtanzania</i> Newspaper	11 May 2019
<b>Dodoma:</b> In May 2019 the Government reported that 80,000 teachers are needed across the country to address the problem of shortage of teachers.	<i>HABARILEO</i> Newspaper	9 May 2019
<b>Handeni, Tanga:</b> 294 children from the pastoralist families in Mzeri Village were reportedly not going to school due to reasons such as distance to school and engaging in pastoralist activities.	<i>Mwananchi</i> Newspaper	29 Jun 2019
<b>Lushoto, Tanga:</b> Bumbuli District Council in Lushoto District reportedly has shortage of 581 teachers. It has experiences shortage of classrooms.	<i>Majira</i> Newspaper	4 Jun 2019

Table 7: Education-related challenges documented by LHRC  
– January to June 2019

Description	Source	Date
<p><b>Bukombe, Geita:</b> Teachers of primary and secondary schools in Geita have requested the Government to build houses for them so that they do not have to waste so much time walking from home to school. It was reported that there is shortage of 1,879 teacher houses for primary schools and 462 for secondary schools.</p>	<p><i>Mwananchi Newspaper</i></p>	<p>13 Jun 2019</p>
<p><b>Dodoma:</b> In June 2019, the Government reported that during the financial year 2017/2018 and 2018/2019 it employed a total of 14,422 teachers, 10,695 of which are for primary schools and 3,727 for secondary schools.</p>	<p><i>Majira Newspaper</i></p>	<p>5 Jun 2019</p>
<p><b>Mwanza:</b> Shortage of classrooms was reported at Kanindo Primary School, forcing 2,615 pupils to go to school in shifts.</p>	<p><i>Mtanzania Newspaper</i></p>	<p>13 February 2019</p>
<p><b>Mwanza:</b> Shortage of toilet holes was reported at Kanindo Primary School, whereby it was reported in February 2019 that there were only 6 toilet holes at the school, serving more than 2500 pupils.</p>	<p><i>Mtanzania Newspaper</i></p>	<p>13 February 2019</p>
<p><b>Bukoba, Kagera:</b> It was reported in January 2019 that a total of 866 students could not join secondary school due to shortage of classrooms at schools in Bukoba Rural. It was reported that there was shortage of 21 classrooms, which were under construction, expected to be completed by March 2019.</p>	<p><i>Mtanzania Newspaper</i></p>	<p>6 Jan 2019</p>

Source: LHRC Media Survey

3.

# Rights of Vulnerable Groups

Children, Women, PWDs

## Children's Rights

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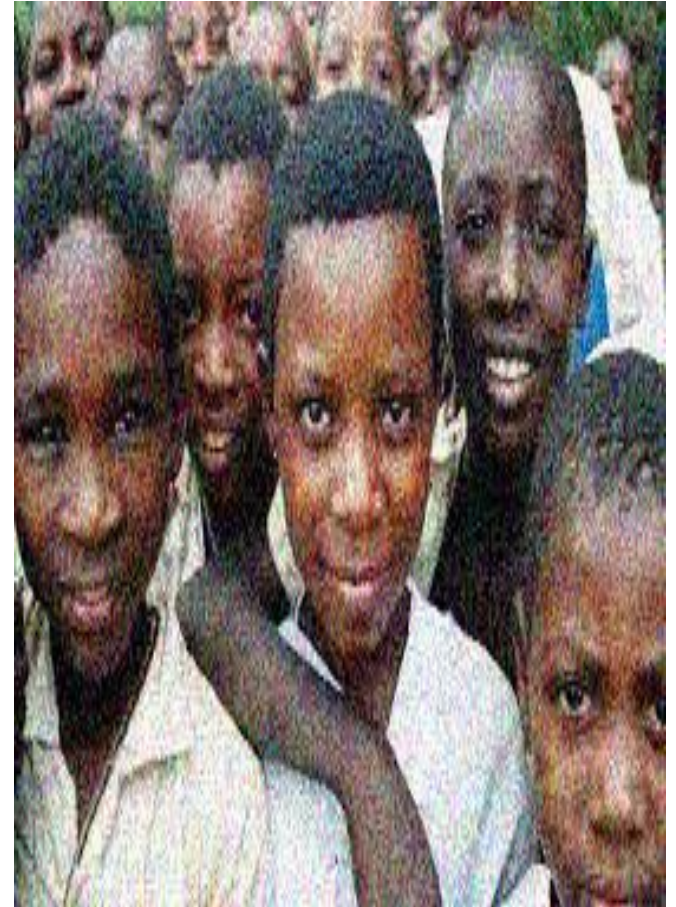
- ▶ Violence against children continues to be a major threat to children's rights
- ▶ Sexual violence, especially in the form of rape, and physical violence are on the rise

### **Sexual violence against children still an issue of great concern in the first half of 2019**

- ▶ In the year 2018, police data and LHRC's media survey indicated that sexual violence, especially incidents of rape and sodomy, had significantly increased.
- ▶ For the period of January to June 2019, LHRC has not been able to obtain data on reported cases of violence against children in the whole of Tanzania Mainland.
- ▶ However, LHRC's media survey and human rights monitoring show that many children continue to be subjected to sexual violence, especially rape.

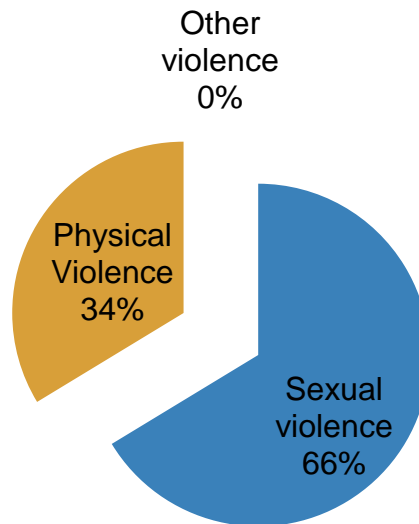
## Children's Rights

- ▶ Major perpetrators of this type of violence continue to be family members, close relatives and neighbours.
- ▶ Majority of VAC incidents (66%) were sexual violence, with rape accounting for more than 90%. Fewer incidents of sodomy have been reported compared to the period of January to June 2019



# Children's Rights

## *Incidents of violence against children documented by LHRC*



Source: LHRC Media  
Survey & Human Rights  
Monitoring

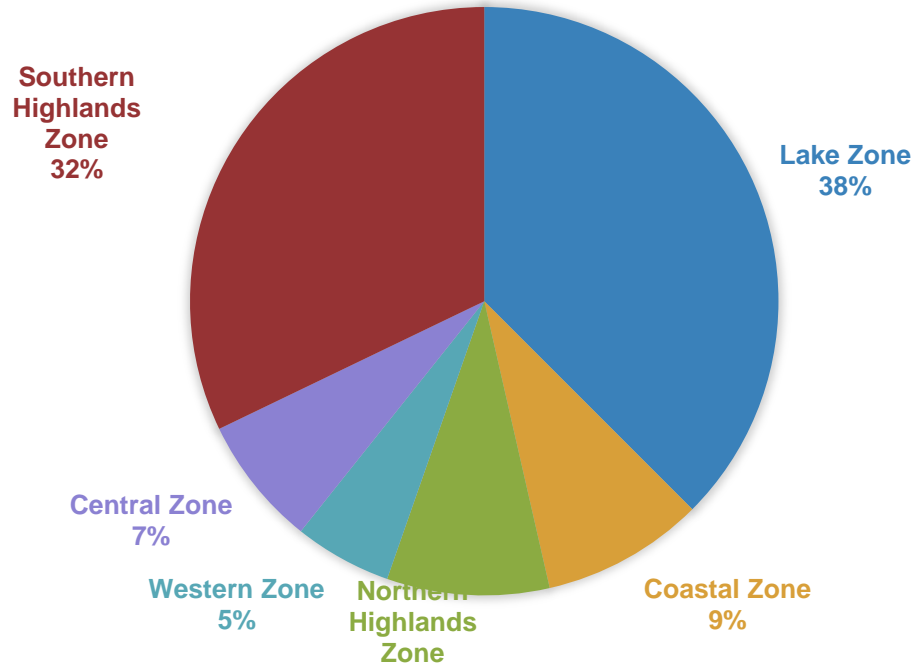
## Children's Rights

- ▶ VAC incidents were reported in: **Tabora, Njombe, Geita, Songwe, Simiyu, Pwani, Ruvuma, Kilimanjaro, Katavi, Mara, Dodoma, Kagera, Mwanza, Iringa, Morogoro, Singida, Tanga, Rukwa** and **Dar es Salaam** Regions.
- ▶ 38% of VAC incidents were reported in Lake Zone (Geita, Mwanza, Shinyanga, Mara, Simiyu and Kagera Regions), followed by Southern Highlands Zone at 32%.

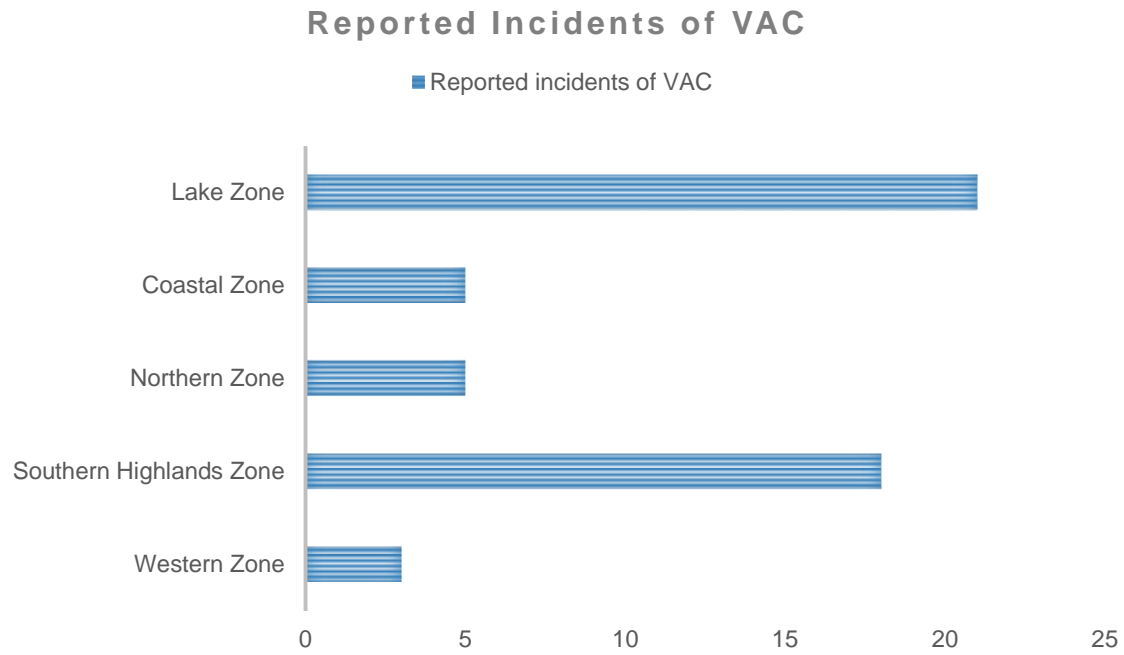
# Children's Rights

Source: LHRC Media Survey & Human Rights Monitoring

% Distribution of reported VAC incidents



# Children's Rights



Source: LHRC Media Survey & Human Rights Monitoring

## Children's Rights

▸ Rape incidents are been more common in regions within the Lake Zone and Southern Highlands Zone. In **Njombe**, the Inspector General of Police (IGP) stated that rape has become a common occurrence in Njombe Region; and most of the perpetrators are relatives. In **Mwanza**, Sodomy has been found to become prevalent, especially in 17 wards, including Igofu, Igoma and Nyegezi, where children are said to engage in child on child sodomy.

## Children's Rights

- ▶ In **Geita**, Incidents of violence against children appear to be on the rise in Geita District, after it was revealed that in the past 3 months, a total of 21 children were raped. This was revealed by a police gender and children desk officer, Christina Gabriel – who noted that statistics indicate that majority of the perpetrators are close relatives and people who children know and trust.
- ▶ **Morogoro** Region has also recorded many incidents of VAC. For instance, according to the social welfare department in the region, a total of 396 GBV incidents, 297 incidents of VAC and 194 incidents of child pregnancy have been reported from January to March 2019.

**Table 8: Incidents of physical and sexual violence documented by LHRC – January to June 2019**

Description	Source	Date
<b>Tabora:</b> Salma Hassan, resident of Malolo Ward, was arrested by police, accused of burning a 3-year-old child on her thighs for allegedly wetting on bed.	<i>Majira</i> Newspaper	16 May 2019
<b>Njombe:</b> More than 10 children were killed for witchcraft purposes since December 2018.	<i>Mtanzania</i> Newspaper	1 May 2019
<b>Urambo, Tabora:</b> Slemani Mashaka (31) was arrested and accused of poisoning his 2 stepchildren, leading to death of one. He reportedly wanted them sent to their father.	<i>Mwananchi</i> Newspaper	1 May 2019
<b>Geita:</b> Rape incidence reported to be on the rise in Geita, despite efforts to combat sexual violence. It was reported that in the past 3 months a total of 21 girls were reported raped. This was revealed by police gender and children officer Christina Gabriel. Some parents were accused of colluding with perpetrators to sabotage cases, after receiving cash	<i>Mwananchi</i> Newspaper	1 May 2019
<b>Songwe:</b> A five-year-old was reportedly raped.	<i>Majira</i> Newspaper	3 May 2019

# Children's Rights

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Description	Source	Date
A father, Musa Msonde, was accused of inserting his first fingers in the private parts of his young daughter after demanding they sleep on same bed.	<i>Majira</i> Newspaper	22 May 2019
<b>Geita:</b> Selemani Marhias (35) was accused of raping his 4-year-old daughter after being left with children following a quarrel with wife.	<i>Mwananchi</i> Newspaper	10 Apr 2019
<b>Maswa, Simiyu:</b> Maswa District Court has sentenced a teacher, Abubakari Katakweba (32) to 30 years in prison after he was convicted of raping a Form Two student.	<i>Mtanzania</i> Newspaper	12 Apr 2019
<b>Kibaha, Pwani:</b> Police are holding Robert Enerst (33), who was accused of strangling his 6-month-old baby, claiming it is not his.	<i>HABARILEO</i> Newspaper	3 Apr 2019
<b>Tunduru, Ruvuma:</b> 3 people were accused of strangling a standard six pupil, Rarik Issa Mohammed , before disappearing with his bicycle.	<i>Mwananchi</i> Newspaper	3 April 2019

# Children's Rights

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Description	Source	Date
<b>Hai, Kilimanjaro:</b> Headmaster of Sawe Secondary School was accused of sleeping with and impregnating a Form Four student.	<i>Nipashe</i> Newspaper	3 Apr 2019
<b>Igunga, Tabora:</b> Sagwa Shigela (35) was sent to court, accused of molesting his 13 year old child in January 2019.	<i>HABARILEO</i> Newspaper	1 Apr 2019
<b>Mbeya:</b> Antony Mandava (58) was sentenced to 30 years in prison and 12 strokes after he was convicted of raping a student.	<i>Nipashe</i> Newspaper	2 Apr 2019
<b>Muleba, Kagera:</b> A 7-year-old child aged 7 years, Ismail Hamisi, was found dead and buried with his private parts missing.	<i>HABARILEO</i> Newspaper	20 Aug 2019
<b>Kinondoni, Dar es Salaam:</b> Said Rashid (36) was sent before Kinondoni Resident Magistrate Court, accused of raping his daughter between 2016 and 2019 in Mbezi Juu area.	<i>Mtanzania</i> Newspaper	29 May 2019

# Children's Rights

<b>Nkasi, Rukwa:</b> Police arrested a teacher at Kati Secondary School, Peter Silamba, accused of severely canning a student, Nicholaus Kwimba(17) , including on the face, causing him blindness.	<i>Nipashe</i> Newspaper	30 May 2019		
<b>Geita:</b> An elderly woman, Magreth Digugulo, was accused of burning her grandchild's hands and cutting him with a razor blade for allegedly eating most of the food.	<i>Nipashe</i> Newspaper	31 May 2019		
<b>Ujiji, Kigoma:</b> A 7-year-old child, resident of Mwasenga area, was reportedly sodomized by an unknown man in the bush, who then inserted soil into her private parts, causing her some serious health risks and pain.	<i>Majira</i> Newspaper	25 Jun 2019		
<b>Geita:</b> Happy nes Shadrack (36), resident of Buligi Village, was arrested for killing and cooking her 6-month-old baby in June 2019.	<i>Mtanzania</i> Newspaper	24 Jun 209		
<b>Dodoma:</b> Aisha Juma, resident of Ndachi area in Dodoma Urban, was arrested and sent to court over allegations of burning hands of her child, Godfrey Bada (13), after accusing him of stealing meat in the kitchen.	<i>Mwananchi</i> Newspaper	<b>Descripti on</b>	<b>Source</b>	<b>Date</b>

# Children's Rights

61

Description	Source	Date
<p><b>Bukoba, Kagera:</b> A pupil of Kashenge Primary School suffered violence at the hands of her stepmother, who poured hot water on her right hand, shoulder and breast, a for allegedly cooking sweet potatoes for breakfast without permission.</p>	<p><i>Majira</i> Newspaper</p>	<p>24 May 2019</p>
<p><b>Nzega, Tabora:</b> Nzega Resident Magistrate Court sentenced Wilson Bernard (25) to 30 years in prison after convicting him of raping a 16-year-old girl in April 2019. He also received a sentence of 5 strokes.</p>	<p><i>HABARILEO</i> Newspaper</p>	<p>23 May 2019</p>
<p><b>Igunga, Tabora:</b> Police arrested and sent to court Nyalagi Simon (30), resident of Mwanzugwi area, who was accused of burning his child's hands with a hot machete in March 2019, causing him sever pain.</p>	<p><i>HABARILEO</i> Newspaper</p>	<p>1 Apr 2019</p>
<p><b>Misungwi, Mwanza</b>": Stephano Richard (22), resident of Mwajombo Village, was sentenced to 30 years in prison after the court found him guilty of raping and impregnating a student on 15<sup>th</sup> June 2019.</p>	<p><i>Mtanzania</i> Newspaper</p>	<p>23 Jun 2019</p>
<p><b>Bukoba, Kagera:</b> A pupil of Kashenge Primary School suffered violence at the hands of her stepmother, who poured hot water on her right hand, shoulder and breast, a for allegedly cooking sweet potatoes for breakfast without permission.</p>	<p><i>Majira</i> Newspaper</p>	<p>24 May 2019</p>

# Children's Rights

62

Description	Source	Date
<b>Misungwi, Mwanza:</b> A 12-year-old child was reportedly killed by a man who has a sexual affair with his mother. He was killed with a sharp object after the man quarreled with his mother.	<i>Mwananchi</i> Newspaper	1 Jun 2019
<b>Bariadi, Simiyu:</b> Pili Juma (30), resident of Nyang'aka area, was sentenced to 5 years in prison for attacking her 2-year-old stepson and throwing into the farm.	<i>Nipashe</i> Newspaper	1 Jun 2019
<b>Kyela, Mbeya:</b> A police officer Constable Daniel Mlanda of Kyela District Police Station, was accused of raping a 14-year-old female student.	<i>Nipashe</i> Newspaper	15 Jun 2019
<b>Mufindi, Iringa:</b> A husband and wife, residents of Kiengemabasi Village, were arrested by police, accused of killing their own child after removing his facial skin. They were arrested together with 3 other people, including 2 witchdoctors.	<i>Mwananchi</i> Newspaper	15 Jun 2019
<b>Bukombe, Geita:</b> Bukombe Resident Magistrate Court sentenced Juma John (25), resident of Masumbwe Ward, to life in prison after finding him guilty of raping a Standard 6 pupil. He committed the offence in May 2019, after luring her to his farm. He was also accused of raping 2 other girls by using the same tactic.	<i>Mwananchi</i> Newspaper	15 Jun 2019

# Children's Rights

63

Description	Source	Date
<b>Kinondoni, Dar es Salaam:</b> Vicent Marseli(37), was brought before the Kinondoni Resident Magistrate Court, accused of touching a 3-year-old child's private parts (child molestation).	<i>Mtanzania</i> Newspaper	13 Jun 2019
<b>Misungwi, Mwanza:</b> Jacob Shabani (30), resident of Wanzamiso Village, was sentenced to 30 years in prison for raping and impregnating his 16-year-old child. He committed the offence in 2018.	<i>Mtanzania</i> Newspaper	12 Jun 2019
<b>Maswa, Simiyu:</b> Domician Faustine (20), resident of Uzunguni area, was sentenced to 30 years in prison for impregnating a Form One student from Binza Secondary School.	<i>Mtanzania</i> Newspaper	20 Jun 2019
<b>Moshi, Kilimanjaro:</b> Fidelis Matemu (60), a teacher at Uru Primary School, was sentenced to 20 years in prison for sexually assaulting an 11-year-old pupil in April 2018.	<i>Mwananchi</i> Newspaper	8 Jun 2019
<b>Siha, Kilimanjaro:</b> Seif Abdallah, resident of Karasini Village, was sentenced to 30 years in prison after being convicted of raping a Form Two student in January 2019.	<i>Nipashe</i> Newspaper	5 Jun 2019

# Children's Rights

64

Description	Source	Date
<b>Sengerema, Mwanza:</b> Michael Mayala (16) was arrested by police, accused of raping and killing his cousin, Bertha Joseph (13) on 5 <sup>th</sup> June 2019 in Kishinda Village.	Mwananchi Newspaper	13 Jun 2019
<b>Ilemela, Mwanza:</b> John Samweli (18), resident of Ibanda area, was arrested by police, accused of molesting (sodomizing) a 2-year-old child and causing him severe pain, after luring him into his room on the promise of buying him sweets. The incident occurred on 10 <sup>th</sup> June 2019.	Mwananchi Newspaper	13 Jun 2019
<b>Tarime, Mara:</b> Mniko Chacha (20), resident of Getenga Village, is sought by police for killing his 7-year-old brother due to jealousy, claiming he was their parents' favourites.	Mwananchi Newspaper	30 Jun 2019
<b>Lamadi, Simiyu:</b> Joyce Joseph (8), Standard Two pupil at Lukungu Primary School, resident of Lukungu Village, was killed and her body dumped in an abandoned house.	Mtanzania Newspaper	13 Feb 2019
<b>Nyang'hwale, Geita:</b> Concerns over safety and security of children continues to grow after another child, Alex Pastory (16) was found dead in a farm, 500 hundred metres from his school. He disappeared on 1 <sup>st</sup> March 2019.	Mtanzania Newspaper	16 Mar 2019

# Children's Rights

65

Description	Source	Date
<b>Kyela, Mbeya:</b> Gilbert Sanga, resident of Mikoroshini area, was accused of raping his 14-year-old daughter. He was caught by his wife in the act; and there had been rumours that he was sleeping with his daughters as a condition for him to get rich (witchcraft beliefs).	<i>Mtanzania</i> Newspaper	9 Jan 2019
<b>Mpanda, Katavi:</b> 7 children were reportedly raped and sodomized, 3 of them in January 2019. Perpetrators had mainly been using the tactic of promising the victims some biscuits.	<i>Mtanzania</i> Newspaper	30 Jan 2019
<b>Serengeti, Mara:</b> A 21-year-old man was arrested by police for allegedly molesting an 8-month-old baby. The child was admitted at Nyerere Hospital.	<i>Mwananchi</i> Newspaper	21 Mar 2019
<b>Uvinza, Kigoma:</b> Makigo Maduhu (23) was sentenced to 30 years in prison and a fine of Tshs. 500,000 for raping a 13-year-old child.	<i>Nipashe</i> Newspaper	30 Mar 2019
<b>Njombe:</b> Joel nziku (35), Nasson Alfred Kaduma (39) and Alphonse Edward Danda (51), were brought before the Njombe Resident Magistrate Court for killing 3 children.	<i>Nipashe</i> Newspaper	13 Feb 2019

# Children's Rights

66

Description	Source	Date
<b>Kyela, Mbeya:</b> Alinani Mwakifuna (59), a teacher, raped his granddaughter when he was with her at his farm. He was caught when police set a trap following complaints from the victim.	<i>Mtanzania Newspaper</i>	21 Feb 2019
<b>Kyela, Mbeya:</b> Samwel Msukila (22), was arrested by police for raping his 9-year-old daughter. He committed the offence on 19 <sup>th</sup> February 2019.	<i>Mtanzania Newspaper</i>	21 Feb 2019
<b>Gairo, Morogoro:</b> A woman, Shani Suleymani (35), was arrested by police for indecent assault of a 12-year-old boy. She committed the offence on 13 <sup>th</sup> January, where she was found having sexual intercourse with the boy.	<i>HABARILEO Newspaper</i>	23 Feb 2019
<b>Siha, Kilimanjaro:</b> Elizabeth Mmari, resident of Kilingi Village, was sentenced to 6 months in prison for attempting to kill her 3-day-old baby with poison.	<i>Nipashe Newspaper</i>	14 Jun 2019
<b>Hai, Kilimanjaro:</b> Police were reportedly looking for a man, Peter Kimaro, accused of cohabiting with 15 and 14-year-old girls, who were students at Kilimani Secondary School.	<i>Mwananchi Newspaper</i>	12 Apr 2019

# Children's Rights

67

Description	Source	Date
<p><b>Singida:</b> A 76-year-old madrasa teacher, Daudi Idd Karata, was sentenced to life in prison after the court convicted him on the charge of defiling a 9-year-old girl. He committed the offence in 2017.</p>	<p><i>THE CITIZEN</i> Newspaper</p>	<p>25 May 2019</p>
<p><b>Makambako, Njombe:</b> Letisia Lusulile, reportedly badly injured her child for allegedly cooking too much mushrooms. Neighbours claimed that they usually hear her beating her children and in this particular incident they claimed her mother tied her with a rope and started beating her using a stick, a knife and a machete. When the neighbours warn her against subjecting her children to violence she usually insults them and tells them to mind their own business.</p>	<p><i>Mtanzania</i> Newspaper</p>	<p>19 Apr 2019</p>
<p><b>Mbeya:</b> Police in Mbeya were reportedly holding a man in connection with the killing of an 8-year-old child, Junior Siame, whom he allegedly abducted. He allegedly decided to kill him after parents failed to Tshs. 10 million.</p>	<p><i>Mwananchi</i> Newspaper</p>	<p>16 Apr 2019</p>
<p><b>Njombe:</b> Police in Njombe are holding 28 people, including six witchdoctors, in connection with killings of children in Njombe Region, which commenced in November 2018.</p>	<p><i>Mwananchi</i> Newspaper</p>	<p>5 Feb 2019</p>
<p><b>Makambako, Njombe:</b> In January 2019, a child, Leonia Nyagawa, was reportedly abducted by unknown people as while on his way to school, who was later abandoned and found unconscious by a good Samaritan. It was reported that more than 40 children had been reported to have disappeared in Makambako.</p>	<p><i>LHRC Human Rights</i> <i>Monitoring</i></p>	<p>Jan 2019</p>

# Children's Rights

68

Description	Source	Date
<p><b>Biharamulo, Kagera:</b> Christopher, resident of Ng'ambo area in Biharamulo District, was accused of raping his daughter, a grade five pupil, several times since February 2019.</p>	<p><i>LHRC Human Rights Monitoring</i></p>	<p>Feb 2019</p>
<p><b>Muheza, Tanga:</b> In June, Amiri Abdallah Kiroboto (68), resident of Muheza Town, reportedly raped a 10-year-old girl in Kivindo B Village. He lured the victim to 'collect mangos' in his farm, using the opportunity to rape her.</p>	<p><i>LHRC Human Rights Monitoring</i></p>	<p>Jun 2019</p>
<p><b>Madaba, Ruvuma:</b> A 10-year-old child, Eda John, was burn on her hands by her mother in June 2019 in Gumbilo Village for allegedly failing to secure a top 2 position in school results. She acquired the 10<sup>th</sup> position in her class.</p>	<p><i>LHRC Human Rights Monitoring</i></p>	<p>Jun 2019</p>
<p><b>Njombe:</b> A child aged 13 years, resident of Itunduma Village, was reportedly raped by a relative, Seti Mhema (45).</p>	<p><i>LHRC Human Rights Monitoring</i></p>	<p>May 2019</p>
<p><b>Bukoba, Kagera:</b> A 16-year-old girl, Judith Erick, a grade seven pupil at Kashenge Primary School, was severely burned on different parts of her body after her stepmother poured hot water as punishment for cooking potatoes without her permission.</p>	<p><i>LHRC Human Rights Monitoring</i></p>	<p>May 2019</p>

## Children's Rights

Description	Source	Date
<p><b>Ulanga, Morogoro:</b> Pius Mgombeli (37), was arrested following accusations of sodomizing a 4-year-old boy in Iragua Kidugulo Village.</p>	<p><i>LHRC Human Rights Monitoring</i></p>	<p>May 2019</p>
<p><b>Nyasa, Ruvuma:</b> A man was arrested and detained at Iluli Police Station, accused of hitting his child (son) with a sharp object and causing him severe injuries.</p>	<p><i>LHRC Human Rights Monitoring</i></p>	<p>Mar 2019</p>

Source: LHRC Media Survey

## Children's Rights

- ▶ Incidents of physical violence have been widely reported, with parents and guardians inflicting severe and inhuman punishment on children.

**Picture 2: Judith Erick getting medical attention at hospital following physical abuse by her stepmother**



## Children's Rights

### *Judicial action against perpetrators of sexual violence*

- ▶ In the first half of 2019, courts of law in different parts of Tanzania Mainland continued to take legal action against persons accused and convicted of committing sexual violence against children.
- ▶ LHRC's media survey revealed action taken against accused persons in **Kilimanjaro, Dar es Salaam, Tanga, Simiyu, Mbeya, Tabora, Kigoma, Mwanza, Geita, Singida, Lindi** and **Morogoro**.

**Table 9: Judicial action against perpetrators of sexual violence – January to June 2019**

Description	Source	Date
<b>Siha, Kilimanjaro:</b> Joseph Nkea (24) has been sentenced to 30 years in prison for raping/molesting a 2-year-old child. He committed the offence in October 2018.	<i>Nipashe</i> Newspaper	20 May 2019
<b>Kinondoni, Dar es Salaam:</b> Selemani Hoza(34) was charged before the Kinondoni Resident Magistrate Court with raping an 11-year-old girl. He allegedly did so in May 2018.	<i>Mtanzania</i> Newspaper	6 May 2019
<b>Muheza, Tanga:</b> Resident Magistrate Court of Muheza sentenced to 60 years in prison, Salimu Idd, after convicting him of raping his daughter aged 10 and daughter of his neighbour aged 13. He committed the crimes in October 2018.		
<b>Maswa, Simiyu:</b> Maswa District Court has sentenced a teacher, Abubakari Katakweba (32) to 30 years in prison after he was convicted of raping a Form Two student.	<i>Mtanzania</i> Newspaper	12 Apr 2019
<b>Mbeya:</b> Antony Mandava (58) was sentenced to 30 years in prison and 12 strokes after he was convicted of raping a student.	<i>Nipashe</i> Newspaper	2 Apr 2019

# Children's Rights

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Description	Source	Date
<b>Nzega, Tabora:</b> Julias Katambi (65) was sentenced to life in prison and 6 strokes by Nzega Resident Magistrate Court for molesting a 6-year-old child. He did so in 2018.	<i>HABARILEO</i> Newspaper	20 May 2019
<b>Kigoma:</b> Kigoma District Court sentenced Sadik Amani (21) to life in prison after convicting him of raping a 5-year-old child in 2018.	<i>Nipashe</i> Newspaper	28 May 2019
<b>Kinondoni, Dar es Salaam:</b> Said Rashid (36) was sent before Kinondoni Resident Magistrate Court, accused of raping his daughter between 2016 and 2019 in Mbezi Juu area.	<i>Mtanzania</i> Newspaper	29 May 2019
<b>Misungwi, Mwanza:</b> Julius John (21) was sentenced to 30 years in prison after the court found him guilty of raping and impregnating a student. He committed the offence in December 2018.	<i>Mwananchi</i> Newspaper	10 May 2019
<b>Nzega, Tabora:</b> Nzega Resident Magistrate Court sentenced Wilson Bernard (25) to 30 years in prison after convicting him of raping a 16-year-old girl in April 2019. He also received a sentence of 5 strokes.	<i>HABARILEO</i> Newspaper	23 May 2019

# Children's Rights

74

Description	Source	Date
<p><b>Igunga, Tabora:</b> Police arrested and sent to court Nyalagi Simon (30), resident of Mwanzugi area, who was accused of burning his child's hands with a hot machete in March 2019, causing him sever pain.</p>	<p><i>HABARILEO</i> Newspaper</p>	<p>1 Apr 2019</p>
<p><b>Maswa, Simiyu:</b> 18 men have been sentenced to jail after being found guilty of impregnating female students and engaging in child marriage. They were sentenced between January 2018 and May 2019, of which 13 were sentenced in 2018 and 5 in 2019.</p>	<p><i>Mtanzania</i> Newspaper</p>	<p>1 Jun 2019</p>
<p><b>Misungwi, Mwanza</b>": Stephano Richard (22), resident of Mwajombo Village, was sentenced to 30 years in prison after the court found him guilty of raping and impregnating a student on 15<sup>th</sup> June 2019.</p>	<p><i>Mtanzania</i> Newspaper</p>	<p>23 Jun 2019</p>
<p><b>Bukombe, Geita:</b> Bukombe Resident Magistrate Court sentenced Juma John (25), resident of Masumbwe Ward, to life in prison after finding him guilty of raping a Standard 6 pupil. He committed the offence in May 2019, after luring her to his farm. He was also accused of raping 2 other girls by using the same tactic.</p>	<p><i>Mwananchi</i> Newspaper</p>	<p>15 Jun 2019</p>
<p><b>Kinondoni, Dar es Salaam:</b> Vicent Marseli(37), was brought before the Kinondoni Resident Magistrate Court, accused of touching a 3-year-old child's private parts (child molestation).</p>	<p><i>Mtanzania</i> Newspaper</p>	<p>13 Jun 2019</p>

# Children's Rights

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Description	Source	Date
<b>Misungwi, Mwanza:</b> Jacob Shabani (30), resident of Wanzamiso Village, was sentenced to 30 years in prison for raping and impregnating his 16-year-old child. He committed the offence in 2018.	<i>Mtanzania</i> Newspaper	12 Jun 2019
<b>Maswa, Simiyu:</b> Domician Faustine (20), resident of Uzunguni area, was sentenced to 30 years in prison for impregnating a Form One student from Binza Secondary School.	<i>Mtanzania</i> Newspaper	20 Jun 2019
<b>Moshi, Kilimanjaro:</b> Fidelis Matemtu (60), a teacher at Uru Primary School, was sentenced to 20 years in prison for sexually assaulting an 11-year-old pupil in April 2018.	<i>Mwananchi</i> Newspaper	8 Jun 2019
<b>Siha, Kilimanjaro:</b> Seif Abdallah, resident of Karasini Village, was sentenced to 30 years in prison after being convicted of raping a Form Two student in January 2019.	<i>Nipashe</i> Newspaper	5 Jun 2019
<b>Ilala, Dar es Salaam:</b> Ilala District Court sentenced Ombeni Said (30) to life in prison after finding him guilty of sodomizing a 4-year-old female child. He committed the offence in 2017.	<i>Mwananchi</i> Newspaper	7 Mar 2019

# Children's Rights

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Description	Source	Date
<b>Kinondoni, Dar es Salaam:</b> Tumsifu Munisis (43), resident of Ubungo Kibangu, has been sent before the Kinondoni Resident Magistrate Court for raping a 5-year-old child. He committed the offence in October 2018.	<i>Mtanzania</i> Newspaper	22 Mar 2019
<b>Uvinza, Kigoma:</b> Makigo Maduhu (23) was sentenced to 30 years in prison and a fine of Tshs. 500,000 for raping a 13-year-old child.	<i>Nipashe</i> Newspaper	30 Mar 2019
<b>Njombe:</b> Joel nziku (35), Nasson Alfred Kaduma (39) and Alphonse Edward Danda (51), were brought before the Njombe Resident Magistrate Court for killing 3 children.	<i>Nipashe</i> Newspaper	13 Feb 2019
<b>Masasi, Mtwara:</b> Mussa Katambo(30), was sentenced to 30 years in prison for raping his 11-year-old daughter. He committed the offence in June 2018.	<i>Nipashe</i> Newspaper	25 Feb 2019
<b>Tunduru, Ruvuma:</b> Tunduru Resident Magistrate Court has sentenced Yasini Mrope (47) to life in prison after he was found guilty of raping his 8-year-old stepdaughter. He committed the offence in December 2018.	<i>Nipashe</i> Newspaper	1 Jan 2019

# Children's Rights

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Description	Source	Date
<b>Siha, Kilimanjaro:</b> Elizabeth Mmari, resident of Kilingi Village, was sentenced to 6 months in prison for attempting to kill her 3-day-old baby with poison.	<i>Nipashe</i> Newspaper	14 Jun 2019
<b>Mbeya:</b> Mbeya Resident Magistrate Court sentenced to 30-years in prison Anthony Mandava (58), after finding him guilty of raping and impregnating a student. He committed the offence in 2018.	<i>Mtanzania</i> Newspaper	2 Apr 2019
<b>Mwanza:</b> Jacob Shabani (30) was brought before the Misungwi District Court, accused of turning his daughter into his 'wife' and having two children with her from 2015 to 2018.	<i>Mwananchi</i> Newspaper	12 Apr 2019
<b>Kigoma:</b> Yasini Shabani (21) was brought before court of law, accused of raping and impregnating a 17-year-old standard seven pupil. He committed the offence in 2018.	<i>Nipashe</i> Newspaper	25 Apr 2019
<b>Singida:</b> A 76-year-old madrasa teacher, Daudi Idd Karata, was sentenced to life in prison after the court convicted him on the charge of defiling a 9-year-old girl. He committed the offence in 2017.	<i>THE CITIZEN</i> Newspaper	25 May 2019

# Children's Rights

Description	Source	Date
<b>Lindi:</b> Lindi District Court sentenced to a to 60 years in prison Abubakari Kipande (58) after finding him guilty of raping an 11-year-old girl. He reportedly did so in 2018.	<i>Nipashe Newspaper</i>	20 Apr 2019
<b>Ulanga, Morogoro:</b> Pius Mgombeli (37), was arrested following accusations of sodomizing a 4-year-old boy in Iragua Kidugulo Village.	<i>LHRC Human Rights Monitoring</i>	May 2019
<b>Lindi:</b> Lindi District Court sentenced to a to 60 years in prison Abubakari Kipande (58) after finding him guilty of raping an 11-year-old girl. He reportedly did so in 2018.	<i>Nipashe Newspaper</i>	20 Apr 2019
<b>Ulanga, Morogoro:</b> Pius Mgombeli (37), was arrested following accusations of sodomizing a 4-year-old boy in Iragua Kidugulo Village.	<i>LHRC Human Rights Monitoring</i>	May 2019
<b>Lindi:</b> Lindi District Court sentenced to a to 60 years in prison Abubakari Kipande (58) after finding him guilty of raping an 11-year-old girl. He reportedly did so in 2018.	<i>Nipashe Newspaper</i>	20 Apr 2019

Source: LHRC Media Survey

## **Child Marriage and Child Pregnancy**

- ▶ Child marriage and child pregnancy continue to affect girls' human rights, especially the right to education.
- ▶ Incidents and issues of child marriage and child pregnancy were reported in different parts of Tanzania Mainland from January to June 2019. Most of these incidents were reported in the Lake Zone, which is notorious for child marriage and child pregnancy.
- ▶ In **Kishapu, Shinyanga**, Kishapu Ward Executive Officer, Nunya Chege, cited Law of Marriage Act of 1971 as a major obstacle in combating child marriage in the district.
- ▶ In **Bunda, Mara**, child pregnancy was mentioned as a major problem, whereby in the period of four months, a total of 40 girls could not continue with education due to child pregnancy.

## Children's Rights

- ▶ In **Sengerema, Mwanza**, Residents of Chifunfu Village have urged the Minister responsible for local government, Hon. Selemani Jafo, to visit their village and see how girls are forced to walk up to 19 km to reach school, which puts them at risk of child and unexpected pregnancy.
- ▶ In **Shinyanga**, it was reported that 351 girls repeatedly dropped out of school in the region because of child pregnancy from 2016 to 2018.
- ▶ In **Mwanza**, it reported in June 2019 that 412 girls who were at school acquired pregnancy in 2018.
- ▶ In **Missenyi, Kagera**, child pregnancy was also said to be a major problem, whereby it was reported in June 2019 that 366 pregnant women were below the age of 18 years.

## Children's Rights

► In **Lindi**, it was reported in June 2019 that 65 female pupils and students in the region were forced to drop out of school due to child pregnancy in the past 6 months.



## ***Women's Rights***

- ▶ ***Increased incidents of physical violence against women***



## Women's Rights

- ▶ Physical violence against continued to be a major problem affecting women's rights in the period of January to June 2019. LHRC's media survey revealed jealousy as a major cause of such violence.
- ▶ In this reporting period, LHRC was able to document several incidents through media survey and human rights monitoring. The incidents were reported in **Dodoma, Kagera, Kigoma, Morogoro, Dar es Salaam, Mbeya, Shinyanga** and **Manyara**.

**Table 10: Incidents of violence against women documented by LHRC**

Description	Source	Date
<b>Dodoma:</b> Deputy Minister of Ministry of Health, Community Development, Gender, Elderly and Children, Dr. Faustine Ndugulile, has expressed concerns over increasing rate of rape despite existence of strict laws.	<i>Majira</i> Newspaper	16 May 2019
<b>Muleba, Kagera:</b> Police are looking for a resident of Mlela Village, Eliud Gervas, who is accused of killing his wife due to jealousy, accusing her of adultery.	<i>HABARILEO</i> Newspaper	20 Apr 2019
<b>Monduli, Arusha:</b> Another woman, Anastazia Paulo (62), has been found dead in her house under suspicious circumstances at <i>Mto wa Mbu</i> area, presumed killed. She was the tenth woman to be killed under suspicious circumstances in the period of 3 years in the area, believed to be motivated by witchcraft belief/suspicion, alcoholism, jealousy and gender-based violence.	<i>Mwananchi</i> Newspaper	23 Apr 2019
<b>Morogoro:</b> Michael Mwandu (54), resident of Dumila, killed his wife, Leonora Ogora (37), because of jealousy, before killing himself. He killed her after she confessed to having an affair with another man.	<i>Mwananchi</i> Newspaper	28 May 2019
<b>Dar es Salaam:</b> Sharifa Seleman (25) accused co-housemate and neighbour, Finyiasi Didas, of sexually assaulting her and attempting to rape her.	<i>Mwananchi</i> Newspaper	29 May 2019

## Women's Rights

Description	Source	Date
<b>Shinyanga:</b> Zainab Shija (28) was reportedly killed by her spouse because of jealousy.	<i>HABARILEO</i> Newspaper	21 Jun 2019
<b>Dar es Salaam:</b> George John (20), Sudi Musa (27) and Gerald Joh (32) were accused of breaking into a house (armed robbery) and raping a woman.	<i>Mtanzania</i> Newspaper	29 Jun 2019
<b>Mbalizi, Mbeya:</b> A man was arrested by police for raping a woman who was looking for a house to rent. He took her to his house, claiming there are rooms for rent. While he was raping her, she had a baby on her back and was rescued by neighbours who heard her screams.	<i>Majira</i> Newspaper	15 Mar 2019
<b>Dar es Salaam:</b> Saidi Mahfudhi (25) was brought before the Kinondoni Resident Magistrate Court, accused of raping a 25-year-old woman.	<i>Mtanzania</i> Newspaper	14 Mar 2019
<b>Kyela, Mbeya:</b> Zawadi Daudi (41) was accused of killing his wife Hawa Kamwela (32) for allegedly forcing him to send their child to begin secondary education.	<i>Mtanzania</i> Newspaper	23 Jan 2019

## Women's Rights

Description	Source	Date
<p><b>Shinyanga:</b> Maselle Mheziwa (40) was reportedly killed by her husband Omary Juma (46) after accusing her of having an extra-marital affair with a man who bought her a drink.</p>	<p><i>Nipashe</i> Newspaper</p>	<p>5 Feb 2019</p>
<p><b>Kiteto, Manyara:</b> A resident of Kwamamba area in Kiteto District was arrested for killing his wife, Eva Ndalul (20), by stabbing her with a knife, after accusing her of having extra-marital affair with her brother-in-law (jealousy).</p>	<p><i>Mwananchi</i> Newspaper</p>	<p>3 Jun 2019</p>

Source: LHRC Media Survey

## Teleza nightmare for women in Kigoma

- ▶ In early 2019 it reports of a gang of men in invading homes and raping women in Kigoma emerged. LHRC and *Twaweza* joined hands and went to Kigoma to conduct a fact-finding mission.
- ▶ Stories shared and fact-finding conducted by LHRC, Tamasha, Change Tanzania, the Centre for Strategic Litigation, JamiiForums, and Twaweza revealed that scores of women in Kigoma were living in fear since 2016 because of an organised crime phenomenon known as Teleza. Women, particularly those who live without men in their homes, are at risk of having their homes broken into by unknown men and then being raped or, if they resist, facing violent retaliation.
- ▶ The organisations were able to identify and document over 45 stories and incidents dating back from 2016 to this year, 2019.

## Teleza nightmare for women in Kigoma

- ▶ The rapes were said to be perpetrated against women who are living without men in the house (widows, divorcees, young girls, older women, or even women whose husbands are travelling).
- ▶ The men are armed, often with pangas, and victims are threatened with these weapons to stop them from resisting. But many do fight back and suffer very serious injuries as a result. Those who stay silent in an effort to minimize personal injury, are often targeted again and again.
- ▶ Impact of this phenomenon include death of victims; destruction of relationships; economic deprivation; and risk of infection of sexually transmitted diseases, including HIV/AIDS.



## Rights of Persons with Disability

- ▶ The major challenges that continue to face PWDs, hindering them from fully realizing their rights continue to be violence and discrimination against them.
- ▶ Inadequate infrastructure continues to be a challenge for PWDs in Tanzania, including in accessing education.
- ▶ On the part of PWAs, although LHRC has not documented any reported incident of attack or killings in the first half of 2019, they continue to live in fear as we head towards the local government elections of 2019 and general elections of 2020.

## Rights of Persons with Disability

▶ In **Songwe**, it was reported by Japhari Magwaza, a teacher from the department of children with visual impairment (blind), has noted that there has been a challenge of parents hiding their children with disability for fear of ‘community shame.’ He noted that perhaps having hostels in place could help with that situation. The Prime Minister, Hon. Kassim Majaliwa, has warned that legal action will be taken against parents and guardians who hide their children with disability.

▶ In **Chikwanda**, it was reported by Japhari Magwaza, a teacher from the department of children with visual impairment (blind), has noted that there has been a challenge of parents hiding their children with disability for fear of ‘community shame.’ He noted that perhaps having hostels in place could help with that situation. The Prime Minister, Hon. Kassim Majaliwa, has warned that legal action will be taken against parents and guardians who hide their children with disability.

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## Rights of Persons with Disability

- ▶ Lack of friendly infrastructure, including hostels, contributes to absenteeism among the 17 children with disability at Mwenge Primary School.
- ▶ In Ileje, Songwe, it was reported that 6 children with disability were found abandoned by their parents and guardians. The district is becoming notorious for abandonment/dumping of babies with disability.
- ▶ In Kigoma, it was reported that more than 3000 children with disability have no access to education due to shortage of special schools for them.

# 4. Recommendations

Government, Law Enforcement, MPs, CSOs, Public

## Recommendations – Civil and Political Rights

- ▶ The Government should consider appointing the Chairman and commissioners of human Rights and Good Governance for enhancement of the principles of human Rights, Rule of law and Good Governance (CHRAGG). It is more than two years now, and CHRAGG still has no commissioners in place
- ▶ Being a de facto abolitionist state, the Government should move to declare a state of moratorium and improve death row conditions, and prepare to abolish death penalty.
- ▶ Police force should promptly respond to mob violence and witchcraft-related killings; and ensure the perpetrators are brought to justice.
- ▶ Ministry of Home Affairs to ensure law enforcement officers who conduct extra-judicial killings are held accountable in accordance with the law.

## Recommendations – Civil and Political Rights

- ▶ The Ministry of Constitutional and Legal Affairs to spearhead amendment of laws restricting freedom of expression such as the Media Services Act and Cybercrimes Act.
- ▶ Government officials to refrain from interfering with freedom of expression without reasonable ground stipulated by law; and stop threatening journalists.
- ▶ Freedom of expression should be effectively guaranteed and citizens should be freely allowed to air their views on the governance.
- ▶ Incidences of Abduction and threat to journalists should be investigated and the media freedom should be freely guaranteed with no restrictive conditions.

## Recommendations – Civil and Political Rights

- ▶ Police to use their powers under the Police Force and Auxiliary Services Act in relation to freedom of assembly objectively, ensuring that any denial of assembly is lawful, reasonable and necessary.
- ▶ Government authorities and police to refrain from suppressing opposition political parties through denial of political assembly.
- ▶ Government officials and members of political parties to exercise political tolerance in order to preserve peace and security.
- ▶ Community members to expose and report violations of human rights, especially right to life, and ensure the perpetrators are brought to justice.
- ▶ Community members to refrain from taking matters into their own hands, instead ensuring suspected criminals are brought to justice.

## Recommendations – Social Rights

- ▶ The Ministry of Education and Vocational Training to devise strategies of improving the quality of education in public schools, to compliment improved access to education through free basic education.
- ▶ The Ministry of Education and Vocational Training to improve teachers' welfare, as an important step towards raising quality of education.
- ▶ The Government, through Ministry of Education and Vocational Training, and in collaboration with community members and companies – through their corporate social responsibility (CSR) activities - to construct toilets at public schools to address shortage of toilet holes.

## Recommendations – Social Rights

- ▶ The government should increase their budget in order to address challenges resulted from poor educational facilities.
- ▶ The government should consider establishment of education curriculum on human rights issues as well as violence against children in both primary and secondary education so as to sensitize children on their rights and welfare.
- ▶ The Government to increase the budget for Ministry of Health in order to address shortages of medicines, medical supplies and health officials in both rural and urban areas.
- ▶ The Government, in collaboration with the private sector, to construct more classrooms to address the problem of shortage of classrooms caused by increased enrollment due to introduction of free basic education.

## Recommendations- Rights of Vulnerable Groups

- ▶ The police force to improve investigation of cases of violence against children in order to ensure the perpetrators are brought to justice and receive strict sentences.
- ▶ Establishment of more one stop centers so as to easily report and tackle incidences of VAC.
- ▶ CSOs to continue raising awareness about violence against children and women.
- ▶ Religious and traditional leaders to use their positions in the society to encourage people to respect and protect human rights and speak against all acts of violence against women and children.

## Recommendations- Rights of Vulnerable Groups

- ▶ Members of the public to report incidents of human rights violations, including violence against children and women, as they have a legal obligation to do so.
- ▶ Members of the public to obey laws and refrain from acts and practices which violate human rights. They should respect, protect and promote human rights.
- ▶ Community members should take a lead in protecting affairs of children and refrain themselves from incidences that necessitate sexual and physical violence against children.



## MID-YEAR HUMAN RIGHTS REPORT 2019