

TANZANIA CIVIL AND POLITICAL RIGHTS PERCEPTIONS INDEX 2016





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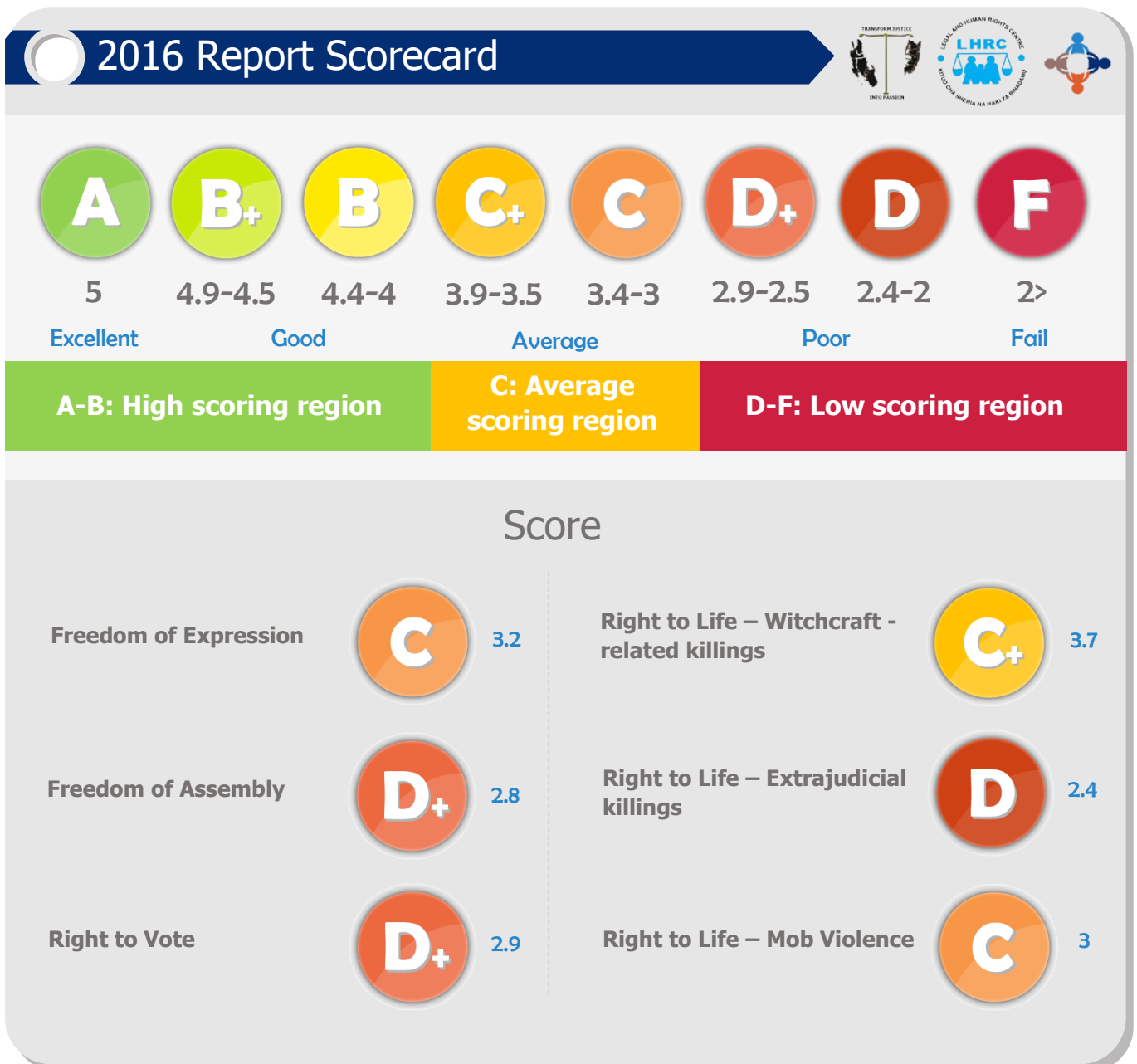
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Executive Summary

In 2016, the civil and political rights situation in Tanzania was perceived to be average by local experts from across the country – with regions’ scores ranging from ‘failing’ to ‘good’. Overall, the protection of key civil and political rights in Tanzania scored a C (‘average’). Inspired by international indexes but informed by local expert perceptions, the Legal and Human Rights Centre (LHRC) and the Zanzibar Legal Services Centre (ZLSC), with the support of the UK-funded UHAKIKI project, have developed an innovative index to generate an annual report card on six civil and political rights issues. Grades can be compared regionally and trends can be identified across years. This is the first year the Index has been implemented and 2016 sets a baseline for the coming years from which trends of civil and political rights will be tracked and trends identified.





The Tanzania Civil and Political Rights Perceptions Index establishes national and regional grades for six civil and political rights issues. These grades are based on the perceptions of a network of **local experts** across the country. The LHRC and ZLSC have trained and supported 31 human rights monitors and paralegals across the regions to participate in the Index process and provide informed assessments on the civil and political rights situation in their regions. The experts have graded the situation based on their experiences and observations in their community and region. Their perceptions are shaped by the situation around them, in addition to their deep knowledge of human rights standards.

In the post-election context, there have been major developments both positively and negatively affecting the safeguarding and promotion of civil and political rights. For instance, the Magufuli administration made significant changes in cutting government corruption and wasteful spending, while on the other hand has been heavy handed when it comes to restricting civil and political rights, particularly Freedom of Assembly and Freedom of Expression. The process leading to the enactment of the Media Services Act raised concern and debate on the freedom of the media in Tanzania, with **new laws bringing new limits to Freedom of Expression**. The government has been criticised for **arbitrary restrictions to political assemblies, infringing on people's right to assembly**. However, there have also been positive developments, **with proactive efforts by the government to protect the elderly and people with albinism**. Similarly, while mob violence continues to be a considerable issue threatening the Right to Life for Tanzanians, **the issue has been nationalised** with statements by key government personnel condemning mob violence. While extrajudicial killings remain a key human rights violation, we have seen **the judiciary processing cases against police accused of committing extrajudicial killings or violence**.

Many of the developments that have been happening at the national level have significant impact on the local and regional level. In addition to setting a baseline, the 2016 Index presents important perspectives on the current state of civil and political rights across Tanzania's regions. The 2016 Index results are striking for their low average scores, signalling deep discontent and concern that human rights are not sufficiently being protected at the local level, particularly in the current post-election context.

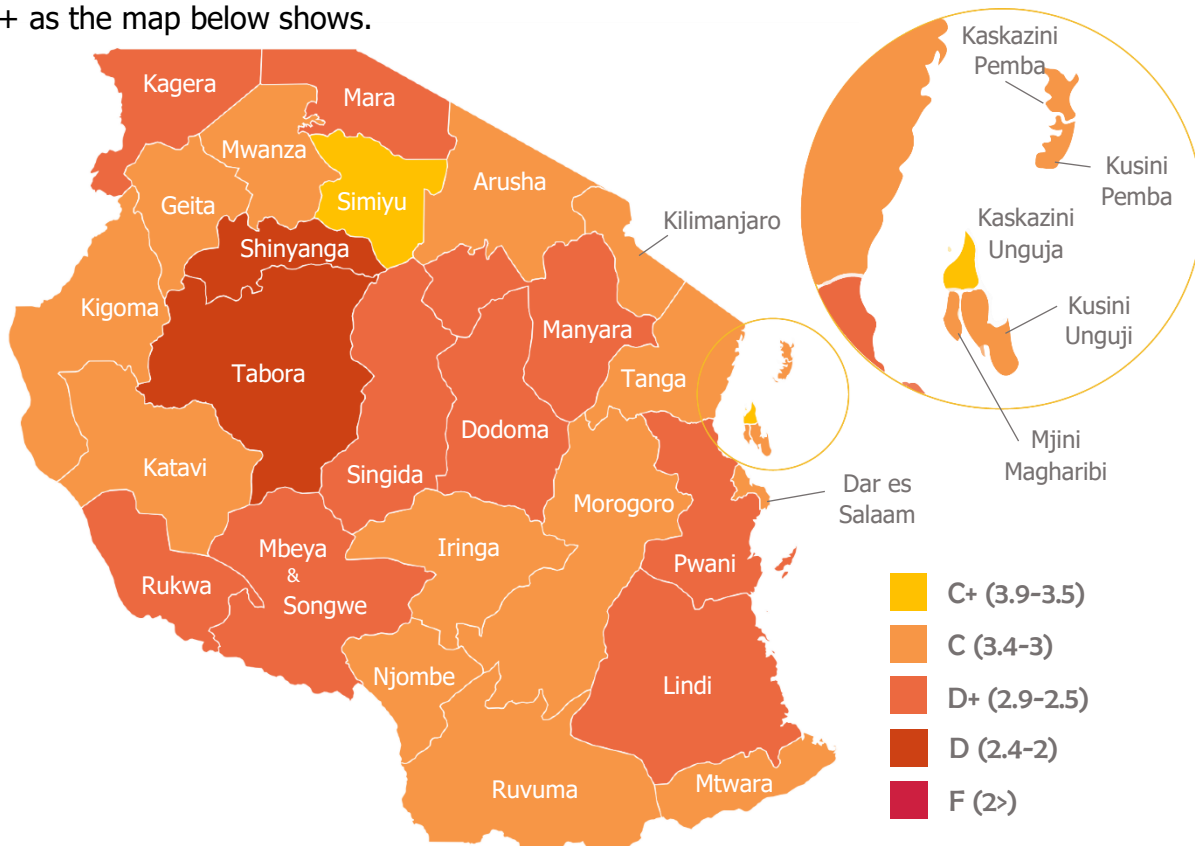
The Index focuses on three key issues related to the Right to Life in Tanzania – extrajudicial killings, mob violence, and witchcraft-related killings affecting the elderly and people with albinism. The 2016 Index results assessed the issue of extrajudicial killings to be a D. This report highlights some fundamental issues as well as a contextual analysis to better understand this score, such as perceptions of police accountability. Witchcraft-related killings and violence were graded a C+. Although this is comparably the highest grade in the Index, this is an average score across the country, whereas witchcraft-killing issues are largely considered to be issues affecting specific regions, particularly in the lake zone. The results reflect this – the Index results grade Tabora, Songwe and Shinyanga relatively low as these regions are the most affected by witchcraft-related killings. In 2017, the Index report will look specifically at these regions to analyse whether the perceptions have improved on these key issues.

With the 2016 Index, Freedom of Assembly and Right to Vote have been graded D+, whereas Freedom of Expression has been graded relatively better with a C. Among the reasons for the poor grades for these political rights has been the influence by the position of the Executive not



to tolerate many forms of political activism and dissent after the 2015 general elections. This has led to the banning of political assemblies and the banning of politically-motivated demonstrations. The Index findings show that the right to Freedom of Expression scored a C, a fairly good score for this right despite the developments on the ground, where institutions and individuals were summoned by the authorities and others prosecuted for expressing opinions deemed to incite the public at different forums.

This report provides specific recommendations for each right surveyed. In the light of the six civil and political rights prioritized by the Index, the LHRC and ZLSC urge all stakeholders to address the recommendations in order to improve the situation of human rights, particularly at the local level. Both the government, through the Commission for Human Rights and Good Governance, and civil society must play a role in sensitizing the public about key civil and political rights. Freedom of Expression is a key element for democracy, and as such the Government must ensure review and reform of key legislations such as the Cybercrimes Act, the Statistics Act and the Media Services Act in light of national and international critiques of these laws. In exercising their discretion to limit assemblies, the police must act objectively and provide clear justification in writing when they deny assemblies. Together with the judiciary, they must also increase the pace of investigation and prosecution of perpetrators of killings and violence against persons with albinism to safeguard their Right to Life. To further protect the Right to Life, there is a need for the Ministry of Home Affairs to create a mechanism to ensure law enforcement officials implicated in extrajudicial killings and violence are held accountable. To address mob violence, which also continues to violate the Right to Life, deliberate efforts by the Government and civil society are needed to sensitize the public. The police must take concrete action against criminal suspects in order to restore public faith and reduce mob violence. These measures will help to improve key civil and political rights in regions of Tanzania, most of which have scored less than a C+ as the map below shows.





Introduction to the Tanzania Civil and Political Rights Perceptions Index

The Tanzania Civil and Political Rights Perceptions Index is based on an annual survey with LHRC and ZLSC human rights monitors and paralegals in each region across Tanzania. By surveying this group of experts annually, the Index tracks trends in civil and political rights. It develops a highly unique bottom-up approach, built around the definitions and indicators that those observing human rights trends across the country have identified within their community. The methodology draws on established and tested tools for perceptions indexes, while adapting and re-defining them for the unique Tanzanian context.

The perceptions Index focuses on six rights: **Freedom of Expression; Right to Vote; Freedom of Assembly; Right to Life – Extrajudicial killings and violence; Right to Life – Mob violence;** and **Right to Life – Witchcraft-related killings and violence.**

This report is divided into three main sections. The first section addresses the major social, political and economic developments in 2016, particularly in the context of the aftermath of the 2015 elections. The second section presents the Report Cards of each of the civil and political rights the index assesses, including recommendations for improving the scores of the rights. The third section looks forward and highlights the regions and rights to watch in 2017, including focusing on the possible areas for improvement or deterioration of civil and political rights.

This report provides an overview of the Index results and analysis to identify areas for improvement. There is limited data on civil and political rights in Tanzania, and the aim of this report is to contribute further evidence and analysis to inform advocacy efforts. This year's Index will set a baseline for upcoming years.



Major Developments in 2016

The 2016 post-election period saw major developments affecting civil and political rights. Freedom of Expression has been a key concern due to worrying legislation while freedom of assembly has been limited. These rights were restricted to “allow” the government to deliver on its election promises. Right to life continued to be affected by mob violence, witchcraft belief and extrajudicial killings. In Zanzibar, the cancellation of the 2015 election spurred a highly contentious public debate on the legality of such action that led to restrictions on some civil and political rights.

New law brings new limits to Freedom of Expression

In 2015, Tanzania’s international freedom rating, according to Freedom House, dropped from 3.0 to 3.5¹, the first time Tanzania’s rating dropped in over 20 years.² This was attributed to the passage of the Statistics Act and the Cybercrimes Act, which “had a chilling effect on the media, academic, and civil society”.³ As such, further legislation that infringes on Freedom of Expression could further impact the score negatively.

Although Freedom House has not yet released the final scores for 2016, further developments in 2016 do not bode well for this freedom score. In October, the Media Services Act was passed by the parliament and assented by the president to become

law in November. Prior to October, civil society and other stakeholders, including the media, advocated against the Bill, arguing that it limits the right to Freedom of Expression. Among the key issues include lack of specific guarantee to Freedom of Expression, for not providing for independence of the media and media regulatory bodies. The Bill was also criticized for limiting freedom of press and speech by requiring journalist accreditation and educational requirements for journalists. Despite these concerns, the bill was passed.

In addition to new bills and laws, there have been other worrying actions by authorities in 2016. These actions include the banning and fining of newspapers and radio stations. For instance, in January 2016 the Government permanently banned the *Mawio* Newspaper from publishing both in print and online⁴ and in August, another weekly newspaper, *Mseto*, was banned for three years, both for breaching the highly criticized Newspaper Act.⁵

Furthermore, several individuals were summoned by the police for airing views that were considered to have incited violence. For instance, a prominent journalist, Jenerali Ulimwengu, was summoned for comments he made at an annual national dialogue conducted at the University of Dar es Salaam, criticizing former President, Jakaya Kikwete.⁶

¹ The scale of these ratings is from 1 to 7, with 1 the ‘most’ free. As such, a 3.5 score is less free than a score of 3.

² Mtega Blog *Has Tanzania passed Peak Freedom is the latest Freedom House Rating a Temporary Blip?* (2016), [link](#).

³ Freedom in the World 2016 – Tanzania, [link](#).

⁴ Committee to Protect Journalists, Tanzania imposes ban on weekly newspaper, [link](#).

⁵ East African, *Tanzania bans Mseto newspaper for three years*, Newspaper Article (11 Aug 2016), [link](#).

⁶ Mwananchi Newspaper *Jenerali Ulimwengu amrushia kombora JK* (14 Jun 2016), [link](#).



The United Nations' Universal Periodic Review (UPR) process has provided a platform for diplomatic pressure on the government to uphold the right to Freedom of Expression. The government has been specifically recommended to review and amend bills and laws recently tabled and enacted such as the Media Service Bill of 2015, the Access to Information Act and the Cybercrimes Act infringing on freedom of expression.⁷ It was also recommended to ensure the legal framework and enforcement of these laws affecting members of the media are fully consistent with human rights and fundamental freedoms as guaranteed in the Tanzania Constitution and stipulated in the Universal Declaration of Human Rights.⁸ However, these recommendations were rejected for what the Government called the consultative and participatory manner in which the bills and laws were created and enacted respectively.⁹

Arbitrary restrictions to political assemblies further infringe people's right to assemble

Freedom of Assembly was also under significant pressure in 2016. As highlighted in the LHRC's thematic brief on freedom of assembly, authorities have the power to use their discretion to limit Freedom of Assembly under specific conditions. However, there are fundamental issues with this limitation, as 'assemblies are restricted without adequate reasoning, leading to

suspicions around the motivations of such denials.¹⁰ In 2016, The president suggested political activities should be suspended until 2020.¹¹ This was interpreted by the Police and other government leaders as banning of political assemblies, leading to banning of political assemblies and meetings, both public and indoor in August 2016.¹² Among the most prominent assemblies banned were those organised by the coalition of opposition parties known as *UKUTA*. Although the police eventually removed the ban in September 2016, there are still arbitrary impositions of the ban in specific regions by the regional governments and the police force making this a significant issue in 2016.

Civil society organisations have exerted pressure on the government to uphold the right to Freedom of Assembly, including providing several recommendations during the Universal Periodic Review (UPR) process, but there is little indication that the Government is acting on them. Faith Based Organisations requested to meet the president to discuss political developments of the country. The president has yet to respond to the call.¹³

Positive trends in government action to protect the elderly and people with albinism

In 2016 significant government actions have been made to change the perceptions of Tanzanians towards the elderly and

⁷ Report of the Working Group on the Universal Periodic Review for the United Republic of Tanzania *Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, Page 2-4 (2016), [link](#).

⁸ Ibid

⁹ Ibid

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¹⁰ LHRC and ZLSC Thematic Brief 'Freedom of Assembly is a Civil Right' (2015).

¹¹ IPP Media (2016), *Mafuriko ya kisiasa marufuku hadi 2020*, [link](#).

¹² The Citizen Newspaper, *No agreement on legality of ban of meetings*, (26 Aug 2016), [link](#).

¹³ Mwananchi Newspaper, *Sakata la Ukuta: Viongozi wa dini wasota kumuona Rais* (23 Nov 2016), [link](#).



persons with disabilities (PWDs), including persons with albinism (PWAs). Among the positive government actions include the appointment of PWDs such as Mr. Abdallah Possi (a PWA) and Mr. Amon Mpanju (a blind person) to high government positions. In Zanzibar, the Government also appointed two PWDs to high government positions. Other notable actions include visits made to centres for PWDs by top government officials, including the First Lady and a decision by the Zanzibar Government to pay monthly allowances to elderly persons. These efforts are indications that work is being done to further safeguard the Right to Life for key vulnerable groups, which is a key civil right.

The Judiciary takes action against extrajudicial killings but controversial statements promoting such killings continue

Despite the positive developments highlighted above, the Right to Life remains under threat in Tanzania as extrajudicial killings and violence remain unaddressed. The police are legally obliged to follow due process when it comes to dealing with suspects and criminals. However, in 2016, there were instances of government officials issuing statements that condone – or even instigate – extrajudicial violence. For instance, in August 2016 the Dar es Salaam Regional Commissioner was quoted at the funeral of four police officers killed by bandits in Dar es Salaam encouraging the police to use lethal force against suspects of the police killings.¹⁴ This statement risks

police using excessive force while engaging suspected criminals, which may result in extrajudicial killings.

While the statement by the Regional Commissioner represents instances of extrajudicial punishment being promoted, there have also been some positive developments, indicating that the judiciary is acting to further safeguard the right to life against extrajudicial killings. In 2016, there have been two convictions involving suspected extra-judicial killings by police officers. The first conviction involves a former police officer who was accused, charged and sentenced to 15 years in prison for brutally killing a journalist, Daudi Mwangosi, in 2012. In the second case, famously known as the *Zombe* case, a former senior police official was sentenced to death for the killing of businessmen in Dar es Salaam in 2006.

Despite these positive developments, issues of police accountability are still perceived to be problematic at the regional level, as highlighted in the report card section.

Agenda on Mob violence is nationalized

Another key development this past year has been the elevation of Mob violence to a national issue. In 2016, researchers in Dodoma were killed by a group of villagers.¹⁵ This case was highlighted nationally and condemned as an act of Mob violence. These brutal killings led the prime minister to order arrest of all those involved

¹⁴Commission for Human Rights and Good Governance (CHRAGG) *Taarifa kwa vyombo vya habari* Press Statement 26 Aug 2016,

[link](#); see also Ayo TV, VIDEO: 'Polisi mkimkuta mtu kwenye msitu piga, haki za binadamu waje kwangu' - RC Makonda, [link](#).

¹⁵ Citizen Newspaper, *Shock over slaying of Arusha researchers* Newspaper article (2 Oct, 2016), [link](#).



and the killers were publicly condemned and charged in a court of law. The police and civil society groups were also outspoken and critical towards the villagers for resorting to mob violence as a solution.

Conclusion

As highlighted in this section, there have been major developments both positively and negatively affecting the safeguarding and promotion of civil and political rights. The next section of the report will analyse the results from the Index and highlight the situation across the regions at the local level. This will set an important baseline for future trend analysis on the situation of civil and political rights.

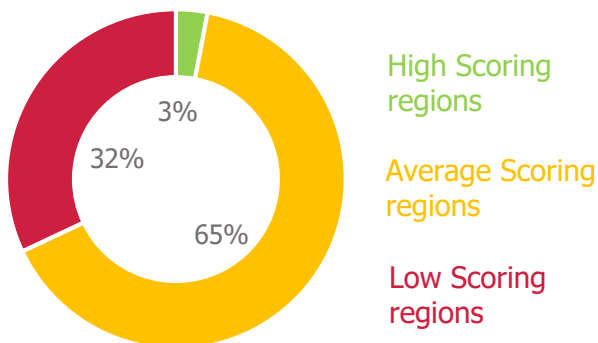


The 2016 Score Card: Civil and Political Rights

Freedom of Expression

Average Score = 3.2, Grade=C

In 2016, the situation on Freedom of Expression in Tanzania is perceived by our local experts to be average, with an overall C grade.¹⁶ When compared to the overall grades for the five other rights and issues captured in the Index, this is relatively high. However, the chart below highlights that while the majority of regions are considered average, only 1 region has scored higher than a C+. Furthermore, major developments at national level are worrying, and there is a risk that this grade could fall next year if these new limits to Freedom of Expression are felt at the regional levels in 2017.



The 2016 Index considers the situation in Dar es Salaam (B) good, whereas other regions have been graded as slightly better than average with a C+, such as Tanga, Kigoma, Simiyu, and Mwanza (among others)

with a C+. There are common factors across these regions that contributed to higher grades compared to regions with lower grades. These included a perception that the government generally allows citizens to express themselves freely, including political views. Other key factors include a perception that women are speaking freely in public forums. While the score was relatively high in Dar es Salaam, it was also noted that freedom of public servants to speak about political issues is very limited. This was noted across the majority of regions.

Regions with the lowest grades include Songwe Tabora and Kusini Pemba, all graded a D. Across these regions, common factors were raised which are perceived to be limiting Freedom of Expression in these regions. These factors include the inability of civil servants to speak freely about political issues and low awareness on key human rights, including Freedom of Expression. Furthermore, the monitors in these regions highlighted limited participation of women in meetings and limited opportunities for women to express their views and raise issues due to customs and traditions. Media freedom was also highlighted as a key issue in these regions, with journalists and media houses facing challenges to report within a system of unclear regulations and arbitrary limits.

¹⁶ See section below on 'Indicators' for a list of the indicators for each right.



Highest graded regions		
Dar es Salaam	B	4
Tanga	C+	3.9
Kigoma	C+	3.8
Niombe	C+	3.7
Manyara	C+	3.6
Simiyu	C+	3.6
Mwanza	C+	3.6
Morogoro	C+	3.5
Lowest graded regions		
Kisini Pemba	D	2.3
Songwe	D	2.1
Tabora	D	2.1

There is scope for the overall grade to improve next year if key issues affecting citizens at the community and regional level, particularly in the lower scoring regions, are addressed. Even amongst higher scoring regions the freedom of civil servants to express their opinions is perceived to be limited. As such, safeguarding freedom of opinion across the civil service is considered important and a key action for the government in 2017.

Although the impact will be longer-term, both the government and civil society need to do more work to raise awareness among citizens on the importance of women’s equal participation in decision-making and public forums, to ensure that women’s Freedom of Expression is promoted and safeguarded.

In a recent [thematic brief on Freedom of Expression](#), LHRC outlined key recommendations targeting policy makers at the national level.¹⁷ These recommendations are specifically focused on addressing limitations to Freedom of Expression in the new legislation. These recommendations remain relevant, as the effects of new legislation are being felt at the regional level, with limited media freedom being mentioned as a key factor affecting low graded regions. Specifically, the government needs to review and reform key legislation such as the Cybercrimes Act, the Statistics Act and the Media Services Act in light of national and international critiques of these laws.

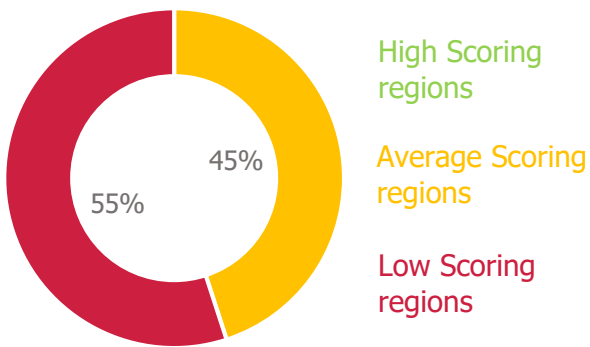
Freedom of Assembly

Average Score = 2.8, Grade = D+

In the post-election context, Freedom of Assembly is perceived to be poor, with an overall grade of D+.¹⁸ As highlighted above, there have been worrying trends in 2016, amounting to a dominant perception that government authorities are restricting assemblies without adequate reasoning or justification. The 2016 Index results are striking, with more than half of the regions (55%) graded between a D and F, as the chart below shows.

¹⁷ Please see LHRC *Thematic Briefing: Freedom of Expression*, (2016).

¹⁸ See section below on ‘Indicators’ for a list of the indicators for each right.



With the 2016 Index, none of the regions were graded higher than a C+ on Freedom of Assembly. Simiyu, Tanga, Lindi, Iringa and Morogoro recorded the highest grades, all with a C+. While the situation in these regions is only perceived to be slightly better than average, there are common factors for the relatively higher grades in these regions. These include perceptions that the police are actively providing security at assemblies and government authorities are not interfering with meetings, even those of a political nature.

The Index results highlight a failing grade in Tabora and Shinyanga. Other regions, such as Songwe and Ruvuma, have been graded slightly better but still perceived to be poor.. Among the reasons cited for the low grades are the perceptions that the police are not providing equal security at assemblies and are harassing the assembly organisers. Also cited is discrimination by local government authorities in providing venues for assemblies.

While human rights monitors perceive there to be relatively little interference in regions such as Simiyu and Tanga, the overall findings indicate that on average, Freedom of Assembly is seen to be poor in Tanzania.

Highest graded regions		
Simiyu	C+	3.8
Tanga	C+	3.6
Lindi	C+	3.6
Iringa	C+	3.6
Morogoro	C+	3.6
Lowest graded regions		
Arusha	D	2.4
Kusini Unguja	D	2.4
Dar es Salaam	D	2.4
Pwani	D	2.4
Kaskazini Pemba	D	2.2
Mara	D	2.2
Kusini Pemba	D	2.2
Ruvuma	D	2
Songwe	D	2
Tabora	F	1.8
Shinyanga	F	1.4

There is scope for a higher grade in 2017 if key issues are tackled both nationally and regionally. A number of key recommendations have been outlined in [LHRC and ZLSC's joint thematic brief on this Right](#) which focus on high-level recommendations to the police and government.¹⁹ At the local level, more action is needed to demonstrate that the police are acting objectively in exercising

¹⁹ Please see LHRC and ZLSC (2015) *Thematic Brief: Freedom of Assembly is a Civil Right*. Available in hard copy at LHRC offices and online.

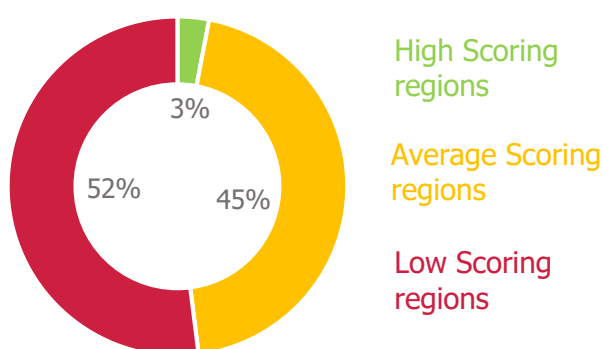


their discretion to limit assemblies under the Police Force and Auxiliary Services Act. The police must also work to ensure citizens feel protected when exercising their right to assembly by providing adequate security at assemblies. Furthermore, more effort is needed to provide clear justification in writing, in the instance of an assembly being denied. These actions are fundamental to safeguarding this right, and will be felt at both the regional and national levels. Without these fundamental safeguards in place, the grade will likely remain poor – or even risk failure.

Right to Vote

Average Score = 2.9, Grade = D+

In 2016, the Right to Vote has been graded a D+ based on perceptions of human rights monitors and paralegals across the country.²⁰ Their assessments are informed largely by the 2015 general elections and the post-election context as well as the Zanzibar re-election in 2016.



In 2016, Geita Simiyu and Morogoro are the only regions that have been graded above a C. In these regions, a

number of key factors have contributed to higher grades, such as the provision of civic education by both the government and CSOs and a perception that journalists are generally free to report and write about the elections and election campaigns. Another factor has been a perception that journalists and media houses have been free from harassments and interference. Other positive indications have been the perception that women are generally free to participate in the elections and vote for the candidates of their choice. Access of PWDs to the electoral process has also been made possible.

On the other side of the spectrum, there are regions in Tanzania which have scored relatively low, such as Songwe with a F and Lindi and Shinyanga with a D, among others. In these regions, the poor scores reflect a perceived lack of civic and voter education in most areas, as well as perceived media bias in reporting news about political parties. It is also perceived that media houses and journalists were not able to freely report issues within these regions during the elections. Other issues raised include women not being free to participate in politics and elections (for example voting for candidates of their choice and vying for political positions) and poor assistance for PWDs to enable them to fully participate in the elections. Another key perception is that local electoral authorities, the National Electoral Commission (NEC) and the Zanzibar Electoral Commission (ZEC), experienced interference by the government at both local and national levels.

²⁰ See section below on 'Indicators' for a list of the indicators for each right.



Highest graded regions		
Geita	B	4
Simiyu	C+	3.7
Morogoro	C+	3.7
Lowest graded regions		
Pwani	D	2.4
Singida	D	2.2
Tabora	D	2.1
Lindi	D	2
Shinyanga	D	2
Songwe	F	1.3

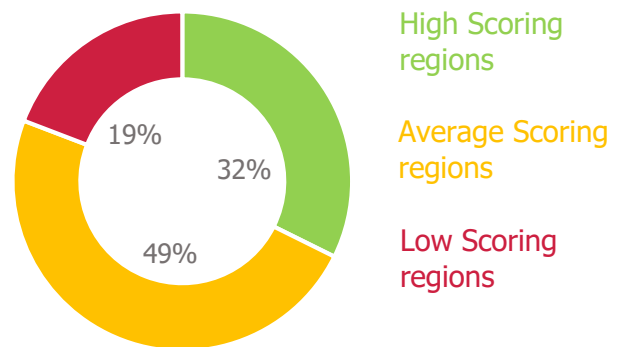
The LHRC and the Tanzania Civil Society Consortium on Election Observation (TACCEO) have published a [report on the 2015 elections](#), highlighting a number of issues that need to be addressed following the elections.²¹ This report includes a number of key recommendations, some of which have already been taken up by NEC such as starting voter education immediately for the next election cycle. Another one is for the media to be responsible and objective in their reporting and avoid bias. In order for the Index score to improve in the upcoming years, these national policies will need to be seen and felt at the regional levels. The government's action on civic education is a positive step,

and indicates scope for this grade to improve in subsequent years.

Right to Life-Witchcraft-related Killings and Violence

Average Score = **3.7**, Grade = **C+**

In the 2016 Index, witchcraft-related killings scored a C+, indicating that this issue is perceived to be slightly better than average by the human rights monitors and paralegals.²² However, this national average includes regions where witchcraft killings are not considered a major issue, such as Dar es Salaam, Mtwara and Kaskazini Unguja. In these regions there have been no reported cases of witchcraft-related killings and there is a good relationship between government and traditional healers.



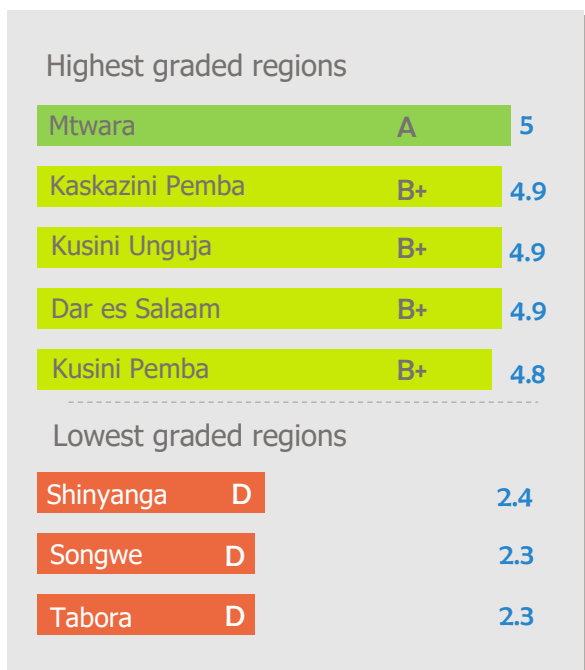
There are, however, several regions where witchcraft killings remains a critical situation including **Songwe, Tabora, and Shinyanga which have all been graded a D in 2016** due to poor police investigation of witchcraft-related killings, poor judicial processing of these cases, and

²¹ Legal And Human Rights Centre (LHRC) & Tanzania Civil Society Consortium For Election Observation (TACCEO) *Report on the United Republic of Tanzania General Elections of 2015 Report*, (2016).

²² See section below on 'Indicators' for a list of the indicators for each right.



a general feeling that the elderly and PWAs feel insecure. Other issues highlighted in regions with low grades include poor relationships between government authorities and traditional healers and alternative medicine practitioners as well as discrimination of PWAs and the elderly within their family and communities.



In 2017, the Index report will look specifically at these regions to analyse whether the perceptions have improved on these key issues. In order for these regions to score higher, factors behind these low scores need to be addressed directly. For instance, the police and judiciary need to actively and publicly investigate and prosecute incidents of witchcraft killings and violence. This has been an ongoing recommendation, and was also highlighted in the [2015 Tanzania Human Rights](#)

[Report](#).²³ Furthermore, more action is needed to ensure the security for PWAs and the elderly by the police and community as whole. The Ministry of Education, Science and Technology needs to do more to include rights of PWAs and the elderly in school curricula. Civil society and Government institutions such as the Commission for Human Rights and Good Governance (CHRAGG) also have a role to play in sensitizing communities in these problematic regions.

Right to Life-Extrajudicial Killings and Violence

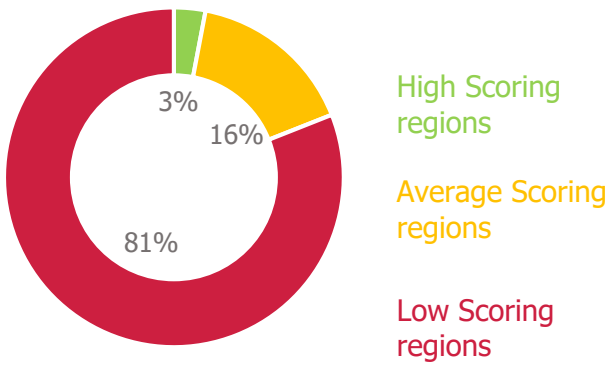
Average Score = 2.4, Grade = D

In the 2016 Index, the right to life is perceived to be under threat due to the issue of extrajudicial killings and violence in Tanzania, ranking the lowest among all other civil and political rights in the perceptions Index in terms of national average. According to the Index, this right is not being adequately protected and the situation has been graded a D, which is poor.²⁴

Although the overall grade is poor, there are some positive examples, such as **Kaskazini Unguja with a score of B and Simiyu with C+**. The perception in these regions is that citizens are protected when under police custody and protection and confidentiality is given to whistle-blowers who raise extrajudicial issues. Furthermore, there is a sense that there is a relatively good investigation when there is an incident of extrajudicial killings.

²³ LHRC, *Tanzania Human Rights Report*, p. 38-39, (2015).

²⁴ See section below on 'Indicators' for a list of the indicators for each right.



However, these regions are the outliers with **25 regions (81%) scoring between an F and a D+**, which is considerably below average.²⁵ **Tabora, Songwe, Kigoma, Dar es Salaam, Mbeya, and Singida all scored a failing grade.** Low scores have been attributed to a number of key factors, such as incidents of police brutality and excessive use of force during arrest, sometimes leading to death. Poor police investigation of incidents of extrajudicial violence or killings was also flagged as a key issue, in addition to a lack of confidentiality for whistle-blowers and witnesses.

Highest graded regions		
Kaskazini Unguja	B	4.4
Simiyu	C+	3.6
Mjini Magharibi	C	3.2
Kusini Unguja	C	3.2
Arusha	C	3
Geita	C	3
Lowest graded regions		
Dar es Salaam	F	1.8
Singida	F	1.8
Mbeya	F	1.6
Songwe	F	1.4
Kigoma	F	1.4
Tabora	F	1.2

In order for the index grades to improve in 2017, fundamental issues need to be addressed, mainly the absence of a mechanism to address misconduct by law enforcement officials. This mechanism must be established, and may include creating an independent police oversight body akin to that proposed in the Second Draft Constitution, that will conduct investigations and hold to account police officers implicated in extrajudicial killings and violence.

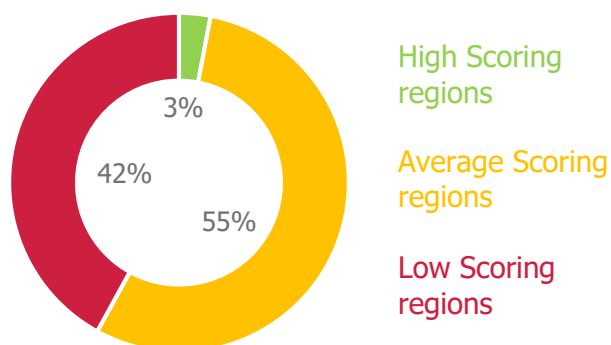
²⁵ Please note that this figure has been updated since the launch of the report. In the first iteration of the English report, it was noted that 24 regions scored between an F and D+. However, the actual number is 25.



Right to Life-Mob Violence

Average Score= 3, Grade = C

In the 2016 Index, mob violence has been graded a C.²⁶ While there were some regions that scored relatively high, other regions had low scores reflecting significant



concerns of insecurity at the local level.

Among the regions with high to average scores, Simiyu was graded a B and Iringa, Ruvuma and Kaskazini Unguja were each graded a C+. Factors contributing to these scores include a perception that religious and traditional leaders in these regions have a role in resolving disputes, limiting the incentive for citizens to resort to Mob violence. Furthermore, across these regions courts were perceived as taking legal action against offenders of Mob violence.

In Simiyu, traditional dispute resolution mechanisms seem to provide a useful mechanism to address crime. Further research is needed to understand the correlation, but according to our monitors dispute settlement bodies known as

“Dagashida” have contributed to addressing crime and punishing criminals, therefore reducing the tendency by community members to resort to mob justice. Although these mechanisms might contribute to a high grade in Simiyu with regards to promoting Right to Life by addressing Mob violence, these bodies are contentious and their role in the community needs further investigation. There have been reports of punishments imposed by these bodies that may infringe on other human rights. Another interesting development in Simiyu is the work being done by the new Regional Police Commander (RPC). According to the monitors, the RPC’s hands-on approach has also helped to deal with crimes, instilling confidence among community members. This example suggests some ideas on how mob violence can be addressed at the regional level.

In comparison, there are regions with very low grades, including Dar es Salaam and Morogoro, both with a failing grade (F). Other regions which scored relatively low are Songwe, Singida, Tabora, all with a D. One of the common issues across these regions is a perception that the police do not act against the perpetrators of Mob violence. It was noted that the police are usually slow in responding to calls from concerned citizens about ongoing Mob violence and sometimes seem to encourage or condone such violence particularly in the case of suspected thieves. This has contributed to low confidence in the police and the overall criminal justice system, which they generally perceive to be very corrupt

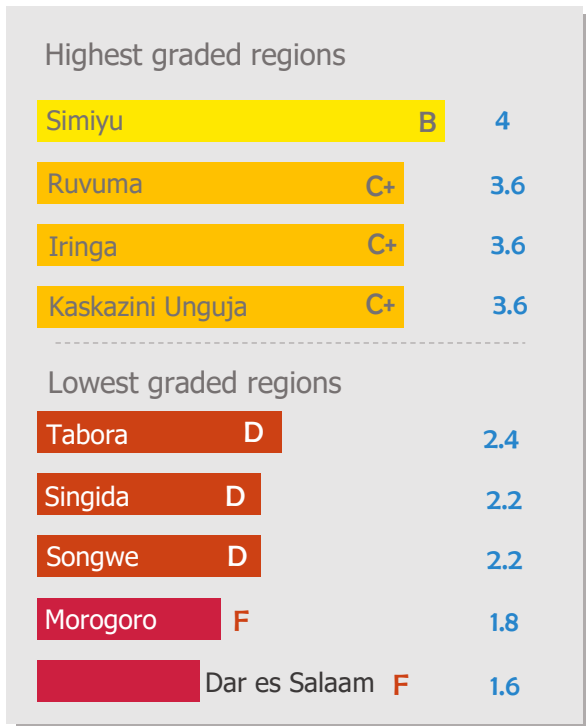
²⁶ See section below on ‘Indicators’ for a list of the indicators for each right.



according to recent corruption-related studies.²⁷

A general lack of confidence in the police seems to be an issue across all regions, even the highest performing ones. Filling this gap, the role played by traditional courts and leaders makes a difference in terms of addressing Mob violence.

complement the government's efforts by sensitizing the public about the impact of Mob violence.



To combat Mob violence, the Government must work closely with CSOs and community leaders to address the major factors behind such violence identified above. The Ministry of Home Affairs should ensure the police take action against perpetrators of mob violence in order to restore public confidence in the police. Community and religious leaders need to use their positions to speak against and prevent mob violence. CSOs can

²⁷ Business anti-corruption portal, *The Tanzania Corruption Report* (2016), [link](#). (last updated in October 2016)



Regions and Rights to Watch

Regions to Watch in 2017

- **Simiyu and Kaskazini Unguja:** These regions came out strongest in our Index with high scores, particularly around Right to Life. If the regions can address challenges such as Freedom of Expression, Freedom to Assembly and Right to Vote, it is likely that they can continue to lead the country with respect to civil and political rights. Next year we will watch whether these regions remain above average or whether the situation is perceived to be worse and why.
- **Songwe, Tabora and Shinyanga:** These regions had the lowest scores among all regions. Both regions had particularly low scores in Freedom of Assembly and Right to Life-Extrajudicial Killings. If improvements are made, these scores will increase over the course of 2017. However, if local authorities continue to restrict Freedom of Assembly and combat Witchcraft-related, Extrajudicial and Mob killings and violence, then such positive trends remain unlikely.
- **Morogoro, Arusha and Manyara:** While these regions all scored relatively well, there may be a decline in their scores next year due to increased land pressures which can sometimes lead to Mob violence or Extrajudicial killings. There is an urgent need to resolve land disputes to ensure that these scores increase rather than decrease.

Key Rights to Watch in 2017

- **Right to Life – Mob Violence:** Given the low scores with regards to Mob violence in largely urban regions such as Dar es Salaam and Morogoro, there is an urgent need for the police and public authorities to build more trust amongst citizens and curb the incidents of Mob violence. These scores can be improved through addressing criminality and prosecuting perpetrators of Mob violence, particularly in urban areas.
- **Freedom of Expression:** The effects of the Media Service Act will be important to analyse in the 2017 results since media freedom was highlighted as an issue amongst lower graded regions. Given current international and civil society pressure, it will be important to watch whether the government acts on the recommendations of human rights advocates to amend problematic provisions. It will also be critical to monitor how the debate and discussion on legislation affect perceptions and experiences at regional levels.
- **Freedom of Assembly:** We witnessed the banning of political assemblies in 2016 which dramatically affected perceptions that the right to assemble was limited. While the Police later lifted the ban, the legacy of restrictions continued to affect local perceptions of this freedom. 2017 will be an important year to monitor restrictions on the right to assemble and the



extent to which communities feel able and are willing to assert this right.

- **Right to Life – Witchcraft related killings and violence:** LHRC's Bi-Annual Human Rights Report 2016 indicates 394 witchcraft related killings from January to May 2016, a massive increase compared to the 57 incidents which were reported during the same period in 2015. However, there have been positive indications that the Government is taking action to address public perceptions of PWAs. As such, in 2017 it will be particularly important to watch to see whether these government initiatives are having an impact in areas affected by witchcraft killings as a decline in killings and a rise in prosecutions of perpetrators will lead to a positive and upward trend.
- **Right to Life – Extrajudicial killings:** Extrajudicial killings had a significant impact on lowering the scores of many regions. It was consistently given near failing or failing grades by the human rights monitors suggesting that it is of widespread national concern. While increased prosecution of perpetrators of extrajudicial killings would likely improve the score for this right and the recent cases of two police officers being convicted is a positive trend, statements by authorities that condone or even instigate extrajudicial killings could negatively impact the grade in 2017. Such statements have, unfortunately, been relatively common in recent months suggesting that we will not see a

significant positive upward trend for this right. Key things to watch include the work of the judiciary but also key statements by public authorities.



Methodology and Scores

The 2016 perceptions index survey for the Tanzania Civil and Political Rights Perceptions Index was conducted in all regions of Tanzania (Tanzania Mainland and Zanzibar) in 2016. The respondents for the survey were human rights monitors and paralegals who were selected for their expertise and in-depth knowledge of the regions that they regularly monitor and report on for the LHRC and ZLSC. A total of 31 respondents were involved in the survey and gave each of the statements used to assess the rights a letter grade of A, B, C, D or F based on standards common at the primary and secondary school level. Experts were also required to add supporting statements justifying the score provided. The scores were compared, peer reviewed, and evaluated during a ratings review meeting with human rights experts both internal and external to the process.²⁸ The questionnaire had 45 main statements/indicators; and was divided into six main sections along the rights included in this Index.

During the data analysis, LHRC and ZLSC calculated the average for each right and region and used the following scores:

Score	A	B+	B	C+	C	D+	D	F
Range	5	4.5-4.9	4-4.4	3.5-3.9	3-3.4	2.5-2.9	2-2.4	1-1.9

The LHRC, ZLSC and the UHAKIKI team engaged various government and CSO stakeholders during the preparation of the survey and the development of the methodology, including: the Commission for Human Rights and Good Governance (CHRAGG); the Police, Ministry of Constitutional and Legal Affairs; Ministry of Health, Community Development, Gender, Children and Elderly; *Twaweza*, Under the Same Sun; and Tanzania Human Rights Defenders Coalition (THDRC). The stakeholders were offered an opportunity to suggest questions to be included in the survey and make recommendations about the overall design and implementation of the Index.

²⁸ The values for the scores were A (Excellent) = 5; B (Good) = 4; C (Average) = 3; D (Poor) = 2; and F (Fail) = 1. These scores were provided for each main statement, followed by comments or reasons for providing such scores.



Indicators

Experts were asked to assess and grade the rights according to the statements associated with them in the specific region that they monitor. Sub-statements and further explanations of each statement were provided to all monitors and are available on request from the LHRC.

Freedom of Assembly – Indicators

- Participating in an assembly is free and safe
- Assemblies are held even on sensitive issues (e.g big bribery scandals, constitution)
- The police provide equal security to all assemblies
- Space for assemblies is provided regardless of the organisers' political affiliations or issue to be discussed
- Government officials do not interfere with right to hold an assembly

Freedom of Expression – Indicators

- Journalists and other media actors are able to operate freely within the region as per laws and regulations
- Anyone or a group of people is free to establish a media outlet
- Public employees are participating in discussing political issues publicly
- Women are given equitable rights and opportunities to participate and speak at community decision making meetings
- People with disabilities are given equitable rights and opportunities to participate, speak, express their ideas and make decisions at community meetings
- Citizens are able to express themselves about a variety of political, social or economic issues without interference or threat
- Citizens are able to freely participate in religious discussions
- Religious leaders are able to freely participate in political and social discussions
- Artists and community members are free to express their ideas through all artistic work
- The media is free from all forms of censorship both official and unofficial



Right to Life – Witchcraft-related killings and violence – Indicators

- Police actively process cases of violence against people with albinism and the elderly
- Traditional and local leaders intervene against people that injure or kill people with albinism
- Penalties for injuring or killing people with albinism and the elderly are imposed by courts
- People with albinism or elderly are safe to engage in social and community activities
- People with albinism have equal opportunities within the family
- Government authorities advocate for the rights and protection of people with albinism and the elderly who have been accused of witchcraft (both central and local government authorities)
- Police are processing cases of violence against the elderly that have been accused of witchcraft
- Traditional, local leaders and religious leaders intervene against people that injure or kill people who have been accused of violence against elderly that have been accused of witchcraft
- Penalties for injuring or killing the elderly that have been accused of witchcraft are imposed by courts
- Government authorities support legally registered traditional healers

Right to Vote - Indicators

- Police actively process cases of violence against people with albinism and the elderly
- Traditional and local leaders intervene against people that injure or kill people with albinism
- Penalties for injuring or killing people with albinism and the elderly are imposed by courts
- People with albinism or elderly are safe to engage in social and community activities
- People with albinism have equal opportunities within the family
- Government authorities advocate for the rights and protection of people with albinism and the elderly who have been accused of witchcraft (both central and local government authorities)
- Police are processing cases of violence against the elderly that have been accused of witchcraft
- Traditional, local leaders and religious leaders intervene against people that injure or kill people who have been accused of violence against elderly that have been accused of witchcraft
- Penalties for injuring or killing the elderly that have been accused of witchcraft are imposed by courts
- Government authorities support legally registered traditional healers



Right to Life – Mob violence – Indicators

- Police are processing cases of Mob violence
- Community members believe that their grievances or claims of violence, theft, etc. will be dealt with fairly and effectively by the police
- Community members believe their grievances or claims of violence, theft, etc. will be dealt with fairly and effectively by traditional leaders, elders or religious leaders
- Community leaders do not encourage, facilitate or support Mob violence
- Courts impose and enforce penalties for Mob violence

Right to Life – Extrajudicial violence and killings – Indicators

- Community members are protected against Extrajudicial violence or killings
- Police investigate incidences of Extrajudicial violence or killings with the same diligence (as other cases)
- Courts engage and participate in investigation adequately deal with cases of Extrajudicial violence and killings
- There are clear and effective mechanisms for raising complaints and grievances about local police/security forces on issues related to Extrajudicial violence or killings
- Community members are confident and feel protected when reporting cases of Extrajudicial violence or killings



Index Regional Scores

Key:

1. **FoE** = Freedom of Expression; **FoA**=Freedom of Assembly; **RV**=Right to Vote; **RLW**=Right to Life – Witchcraft-related Killings; **RLE**=Right to Life – Extrajudicial Killings; **RLM**=Right to Life – Mob Violence
2. **A & B** = **High/Good**; **C** = **Average**; and **D & F** = **Low**

The table below indicates the regions and grades of rights for each region as well as average grades.

Regions	Grades							Regions	Grades						
	FoE	FoA	RV	RLW	RLE	RLM	Average		FoE	FoA	RV	RLW	RLE	RLM	Average
Simiyu	C+	C+	C+	C+	C+	B	C+	Mjini Magharibi	D+	C	D+	B	C	D+	C
Kaskazini Uguja	C	C	C	A	B	C+	C+	Morogoro	C+	C+	C+	C	D+	F	C
Tanga	C+	C+	D+	B	D	C	C	Dar es Salaam	B	D	C	B+	F	F	C
Arusha	C	D	C	B	C	C	C	Kagera	C	D+	D+	D+	D	D+	D+
Mtwara	D+	D+	D+	A	D	C	C	Dodoma	D+	D+	C	D+	D+	D+	D+
Mwanza	C+	C	C	C	D	C	C	Lindi	D+	C+	D	B	D	D+	D+
Geita	C+	C	B	C+	C	C	C	Manyara	C+	D+	D+	C	D	C	D+
Iringa	C	C+	C	C+	D+	C+	C	Mara	C	D	D+	C	D+	C	D+
Katavi	C	C	C	C	D	C	C	Mbeya	D+	D+	C	C	F	C	D+
Kigoma	C+	C	C	C+	F	C	C	Singida	C	D+	D	C+	F	D	D+
Kilimanjaro	C	C	D+	C+	D+	C	C	Pwani	D+	D	D	D+	D+	C	D+
Kusini Pemba	D	D	D+	B+	D+	C	C	Rukwa	C	C	D+	C+	D	D+	D+
Kusini Uguja	C	D	D+	B+	C	D+	C	Shinyanga	D+	F	D	D	D	D+	D
Njombe	C+	C	C	C+	D	D+	C	Tabora	D	F	D	D	F	D	D
Kaskazini Pemba	C	D	C	B+	D	C	C	Songwe	D	D	F	D	F	D	F
Ruvuma	C	D	C	C	D+	C+	C								



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