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# TACKLING THE DANGEROUS DRIFT

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## ASSESSMENT OF CRIME AND VIOLENCE IN TANZANIA & RECOMMENDATIONS FOR VIOLENCE PREVENTION AND REDUCTION

*June 2013*

*Open Society Foundations Crime and Violence Prevention Initiative (OSF  
CVPI) & Open Society Initiative for Eastern Africa (OSIEA)*

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## ACRONYMS

ANGOZA	Association of NGOs of Zanzibar
BAKWATA	<i>Baraza Kuu la Waislamu Tanzania</i> – (National Muslim Council)
CCM	<i>Chama cha Mapinduzi</i>
CCT	Christian Council of Tanzania
CHADEMA	<i>Chama cha Demokrasia na Maendeleo</i>
CHRAGG	Commission for Human Rights and Good Governance
CHRI	Commonwealth Human Rights Initiative
CP	Community Policing
CRC	Constitutional Review Commission
CSR	Corporate Social Responsibility
CUF	Civic United Front
CVPI	Crime and Violence Prevention Initiative
DC	District Commissioner
FBOs	Faith Based Organizations
FGDs	Focus Group Discussions
FGM/C	Female Genital Mutilation/Cutting
GBV	Gender Based Violence
IGP	Inspector General of Police
ICNIC-T	International Centre and Network for Information on Crime - Tanzania
ISS	Institute for Security Studies
LHRC	Legal and Human Rights Center
MKUKUTA	National Strategy for Growth and Reduction of Poverty (NSGRP)
ODA	Official Development Assistance



OECD	Organization for Economic Cooperation and Development
OSF	Open Society Foundation
OSIEA	Open Society Initiative for East Africa
PCT	Pentecostal Conference of Tanzania
PEPFAR	President's Emergency Plan for AIDS Relief (US government)
PSC	Private Security Company
PWA	Persons with Albinism
RC	Regional Commissioner
RPC	Regional Police Commander
SFCG	Search for Common Ground
TACCEO	Tanzania Civil Society Consortium on Election Observation
TAMWA	Tanzania Media Women's Association
TAS	Tanzania Albino Society
TCD	Tanzanian Centre for Democracy
TEC	Tanzania Episcopal Council
THRR	Tanzanian Human Rights Report
TPF	Tanzanian Police Force
UN	United Nations
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
UN-Habitat	United Nations Human Settlements Programme
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
UTSS	Under the Same Sun

VAC	Violence Against Children
WILAC	Women Legal Aid Clinic
WILDAF	Women in Law and Development in Africa
ZAFELA	Zanzibar Female Lawyers Association
ZLSC	Zanzibar Legal Services Centre

# 1. INTRODUCTION AND METHODOLOGY

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## BACKGROUND ON CVPI AND OSIEA

Crime and violence prevention has long been recognized by civil society organizations internationally as a key component, along with law enforcement, of an effective response to promoting safety. However it was not until recently that key lending institutions began to make explicit links between violence prevention and development and not simply to view it as a security issue. For example, in its recently released World Development Report 2011, the World Bank notes that more than 1.5 billion people live in countries affected by violence and highlights the negative impact of repeated cycles of violence on a country or region's development prospects.<sup>1</sup>

The Open Society Foundations' Crime and Violence Prevention Initiative (OSF-CVPI) is based on the premise that the criminal justice system alone cannot curb violence. Addressing violent crime requires an integrated, long-term approach that addresses the root causes and drivers of crime, in addition to traditional law enforcement and criminal justice sanctions. The CVPI is currently in the process of building the foundations for a violence prevention initiative in Tanzania and as a first step is conducting an Assessment of Crime and Violence Prevention in Tanzania. This will add to the work underway in Kenya, Namibia, South Africa, and Mozambique.

## JUSTIFICATION FOR TANZANIA

Tanzania is at a critical crossroads. While its crime rates are not as high as neighboring countries, there are several issues that the country is confronting which put it at significant risk for future crime and conflict including:

- The drafting of a new Constitution, scheduled for 2014
- Democratic elections scheduled for 2015, in which the decades long ruling CCM party is facing significant competition from the opposition party as well as internal challenges.
- Rising ethnic tensions
- Increased inter-faith and intra-faith conflicts.
- Increased risk of terrorist-related threats and radicalization of youth in the coastal regions.
- The secessionist Zanzibar movement, and links between the political secessionist agenda and a religious agenda.
- Hardening of religious identities.
- Heightened tensions over access to land and minerals, leading to conflicts between pastoralists and agriculturalists, and investors and communities.
- Cultural practices targeting the elderly (citing witchcraft) and people with albinism.
- Increasing sophistication of organized crime and gang related activities.

The above points, as well as others, offer opportunities for engagement and argue strongly for a crime and violence prevention program, to be implemented over the next few years, to help ensure that Tanzania does not "drift" into a high crime country.

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<sup>1</sup> World Bank Development Report, Conflict Security and Development, 2011.

## ASSESSMENT PURPOSES/OBJECTIVES

The assessment team had been tasked by Open Society to undertake the following activities:

- Analyze the current context of crime and violence in Tanzania, including the main drivers, triggers, and settings;
- Assess Tanzania's local resources to confront violence, such as the political will and power of NGOs, commitment of key national and local government officials, and available financial and structural resources;
- Assess present and planned programs to reduce violence that need support from OSI and/or coordinated support from a number of concerned donors, in order to make a qualitative jump in terms of impact;
- Identify key government, donor, and civil society organizations and existing programs that could be built upon and important areas of a comprehensive anti-violence strategic approach that are presently not being addressed in Tanzania;
- Recommend measures that might be taken in Tanzania to develop and sustain a long-term comprehensive strategic plan for reducing violence;
- Present and prioritize multiple programmatic areas for OSI consideration for future funding and implementation;

## METHODOLOGY

In November 2012, the CVPI supported a global conference on youth violence held in Dar es Salaam that brought together hundreds of practitioners from around the globe. As a result of this activity, the CVPI/OSIEA began to establish itself within the sector. Critically, the CVPI/OSIEA has established a strong working relationship with the Tanzanian Police Force.

Following the conference, an assessment team was identified and contracts issued in January 2013. The assessment team is comprised of Lainie Reisman as the lead international consultant (who had previously co-authored both the Kenya and Mozambique assessments), Kennedy Mkutu (Associate Professor of International Relations, Peace building and Conflict at the United States International University), and Samwel Lyimo (of the Tanzanian NGO International Centre and Network for Information on Crime –Tanzania, retired Senior Assistant Commissioner of Police and ex-Safer Cities Tanzania Deputy Coordinator Tanzania Program).

The CVPI/OSIEA is grateful to the Tanzania Police Force, which has supported and endorsed the assessment process, providing important data, contacts, and access. This level of collaboration is unique to Tanzania; in the other CVPI countries the police forces were distant and hard to engage. In addition to lending to the credibility of the assessment report, the direct collaboration of the police offers interesting opportunities in program implementation moving forward.

The research was undertaken between November 2012 and June 2013 in the three areas of Dar es Salaam, Arusha and Zanzibar. Dar es Salaam is Tanzania's largest city and is one of the fastest growing cities in Africa, mainly through rural-urban migration. Dar experiences typical urban problems such as overcrowding, poor urban planning, inequality, high levels of petty crime, and an infiltration of organized crime (particularly involving the port and also cybercrime, with the growth of financial institutions). Arusha is Tanzania's third largest city and is a short distance from the Kenya border and Nairobi. It hosts a high international population and many new offices including

the headquarters of the East African Community and the recently closed International Criminal Court Tribunal for Rwanda. It has experienced a variety of resource-based conflicts (mining and land) on its doorstep and houses the headquarters of the anti-stock theft police. It is also a popular tourist destination for visitors to Kilimanjaro. Furthermore, it is an opposition party stronghold that has seen political violence. Lastly, Zanzibar was chosen due to the secessionist debate and related religious tensions and unrest, which are frequently reported in the media. Dodoma, although the capital of Tanzania housing the parliament, is a smaller city than both Dar es Salaam and Arusha, and thus was not chosen for study.

The work took a mixed method approach of first hand observation and in-depth interviews with government ministry officials, security personnel, community policing personnel, ward executive officers, municipal staff, civil society and faith based organization representatives, donor agencies and community members. Interviews were conducted face to face and lasted between half to 2 hours. A snowballing strategy was employed, some interviews were carried out opportunistically and where necessary, phone calls were made to follow up information. Focus group discussions (FGDs) were carried out at the community level with community policing personnel, youth and others. In Temeke (Dar es Salaam) an open questionnaire survey was randomly distributed to community members to build a picture of the challenges related to crime at the community level and what the different stakeholders are doing in this regard. The work also makes use of ongoing fieldwork collected in person during supervision of a PhD student (2010 to date) on the area of pastoral/farmer conflict in Kilosa District.<sup>2</sup>

Media reports; government documents; official statistics; and secondary data in the form of books, peer-reviewed journals, civil society reports, and media reports were also used, taking into account the limitations of bias and validity. Lastly, a comprehensive internet search was undertaken to examine crime and violence prevention initiatives in Tanzania.

The authors' research methodologies were limited in the following ways, firstly, by the sensitive nature of some issues such as witchcraft, mob-justice, albino killings and religious tensions. Secondly, because of the vast underdeveloped country that is Tanzania, the team faced time constraints and was not able to visit a wider variety of regions. Thirdly, there is limited data on crime and violence, other than that which is collected by the police, and a limited number of non-governmental actors that focus on security issues. There is no independent body (i.e. National Crime Research Centre) or other institution with a mandate to research crime. Despite these limitations, the use of a variety of research methods and triangulation of findings assisted in drawing valid conclusions.

The meetings were arranged largely by the consultants with support provided by OSIEA-Tanzania and the police (interviews with the ministries). Other interviewees provided some contacts. The overwhelming support and openness of interviewees and FGD participants, and especially the government, highlighted to the team the level of interest and concern amongst communities regarding the issues surrounding security and safety.

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<sup>2</sup> Massoi, Lucy, Information collected for PhD (unfinished) 2010-2013, Ghent University

## 2. BACKGROUND AND CONTEXT

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### GEOGRAPHICAL SETTING

The United Republic of Tanzania is located in East Africa; and is made of Tanzania Mainland and Zanzibar. Zanzibar is formed of 2 main islands (Unguja and Pemba) located approximately 30 kilometers from the mainland. Tanzania occupies a land area of about 945,090 square km. The country shares porous land boundaries that cover 3,402 km. with 8 countries, namely: Kenya (769km.), Uganda (396km.), Rwanda (217km.) Democratic Republic of Congo, Burundi (451km.), Zambia (338km.), Malawi (475km) and Mozambique (756km).<sup>3</sup>

Tanzania has a long coastline of 1,868 nautical miles, and also contains elevation extremes; the lowest point is the Indian Ocean in the East and the highest is Mount Kilimanjaro, 5,895m above the sea level in the North. The mountain is also the highest in point in Africa. Tanzania is surrounded by three of the largest lakes in Africa, namely Victoria, Tanganyika and Nyasa. The country is also endowed with wildlife resources that include 15 national parks and 17 game reserves and has one of the largest forest regions in Africa. Tanzania is blessed with numerous resources including tin, phosphates, iron ore, coal, gold, natural gas and Tanzanite.<sup>4</sup>

### THE PEOPLE

Tanzania conducted its last national census in 2012, in which it was established that there were 44,929,000 people, with 43,625,434 residing in Mainland Tanzania, while the population of Zanzibar was 1,303,568.<sup>5</sup> The country's national language is Kiswahili; however the official languages are both Kiswahili and English, as are the languages of the court system. Despite Kiswahili being the national language that unites the people of Tanzania, the country is actually multilingual. There are more than 120 tribes. Tanzania is a secular state, where people have constitutional rights to worship any religion.<sup>6</sup>

There are very contrasting figures regarding the overall religious breakdown of Tanzania, as the question of religious has been left out of the public census since 1967. In 1967, the census showed a population of Mainland Tanzania as 32% Christian, 30% Muslim, and 37% local beliefs. There is significant debate regarding the actual rates, which is a highly sensitive and politicized issue. For example, the Islamic Foundation (Leicester, UK) notes that over 50% of the population is Muslim while the World Christian Encyclopedia claim that Christians are over 50% of the population.<sup>7</sup> Tanzania is among the countries where both Muslims and Christians claim that they have a majority – other countries include Nigeria, Ethiopia, Togo, Cameroon, and Central African Republic. According to research done by the Pew Forum on Religion and Public Life (a project of the Pew Research Center), 30.2% of the population is Muslim.<sup>8</sup>

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<sup>3</sup> LHRC 2010, 1.2 Geography p. 27

<sup>4</sup> LHRC 2013, p. 2

<sup>5</sup> Ibid. 1.3 People, p. 3

<sup>6</sup> Ibid, p.3

<sup>7</sup> Information provided by Zanzibar Interfaith Centre

<sup>8</sup> See <http://www.pewforum.org/Muslim/Mapping-the-Global-Muslim-Population%2818%29.aspx>

Tanzania was a multi-party state from 1961 to 1965, before it adopted a single political party system in 1965. Despite this system, there were 2 political parties in Tanzania between 1965 and 1977, TANU in the Mainland and ASP in Zanzibar. On 05 February 1977, TANU and ASP merged to form the ruling *Chama Cha Mapinduzi* (CCM). CCM was the only party permitted to operate in Tanzania as of 1977 to 1992 until the country again became a multiparty state in 1992.<sup>9</sup>

## HISTORICAL OVERVIEW

European colonialists divided the East African region into arbitrary regions in the mid 1800s. Under the General Agreement Act of 1885 and the Anglo-German Agreement of 1886, Germany ruled mainland Tanzania, while Kenya to the north came under British control.<sup>10</sup> Germany ruled mainland Tanzania, known as Tanganyika from 1886 to 1919. In 1890, Tanganyika (now Tanzania mainland) was split into different areas through treaties drawn by Germany, Britain and the Sultan of Zanzibar. After the treaties were signed, Tanganyika, and Ruanda-Urundi (now Rwanda and Burundi) became German East Africa colonies, while Zanzibar (Unguja and Pemba) became a British protectorate under the rule of Sultan.<sup>11</sup>

Some local inhabitants of Tanganyika opposed the agreements mentioned above. Stiff opposition to colonial rule was led by Mirambo of *Nyamwezi* tribe in the western region, Mkwawa of the *Hehe* tribe in the southern highlands and Mangi Meli of the *Chagga* tribe in the northern region. These pockets of stiff opposition to colonial rule were highlighted by popular insurgency in the southern and eastern parts of Tanganyika that culminated in the *Maji Maji* resistance of 1905 to 1907. Kinjekitile Ngwale, a spiritual leader in the southern Tanzania whose medicine allegedly prevented “white men’s bullets” from harming the followers, inspired the *Maji Maji* resistance.

The outbreak of World War 1 in 1914 altered the political landscape of East Africa. German East Africa was the only Germany colony that did not fall, for a number of months the British and South African forces were held off by the Germans using guerrilla war techniques of conscripting and using local soldiers known as the *askari*. Germany’s colonial occupation over Tanganyika ended in 1919 with the end of World War 1. Control of most of the country passed to the British through a League of Nations’ mandate. Tanganyika became a United Nations’ Trust Territory, subject to British control after World War II. However, it began to steadily move towards self-government and independence. The area now known as Tanzania Mainland became an independent nation, named Tanganyika under the Tanganyika African National Union (TANU- a political party) on 09 December 1961. A year later, it attained the status of a Republic under the leadership and father of the nation, the late *Mwalimu*, Julius Kambarage Nyerere.

## ZANZIBAR

Zanzibar has a long history of links with the Middle East and specifically the Arab world from the 10th century onwards. It was a centre of the slave trade, ferrying imprisoned Africans to Arabia, China and India. Since the late 17th Century Zanzibar had been part of Oman. In 1840, the capital of Oman was moved from Muscat to Zanzibar and during this period of Arab colonization, there was

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<sup>9</sup> LHRC 2013, p.7

<sup>10</sup> CHRI 2006, p. 2

<sup>11</sup> CHRI 2006, pp. 2-3

an influx of Asians, mainly from India, who came as traders and businessmen. In 1861, following a successful struggle Zanzibar and Oman were divided into 2 principalities, each governed by its own Sultan. British influence over Zanzibar grew throughout this period. Britain played an instrumental part in the banning of the slave trade in 1873, establishing the first police force to enforce anti-slavery laws. Britain formalized its control over the islands in 1890, when Zanzibar became a British Protectorate, keeping the Sultan in place in a largely ceremonial role.<sup>12</sup>

Zanzibar won its independence from Britain on 10 December 1963. Shortly after independence the Sultanate Government was overthrown on 12th January 1964 by the *Afro-Shirazi Party (ASP)* under the late Abeid Karume. The ASP suspended the Constitution and three months later, 26 April 1964, Zanzibar joined with Tanganyika to form the modern Tanzania. The 2 Governments agreed on a Political Union under which Zanzibar retains a separate Executive, Legislature and Judiciary to deal with domestic issues while the Union Government rules the mainland Tanzania and taking care of the foreign affairs, national security and defense for both the mainland and the islands. The 1964 Articles of Union initially identified 11 Union Matters, and an additional 11 matters have been added bringing the current total to 22.<sup>13</sup> The full list of Union matters is included in Annex 6 but includes foreign affairs, defense, police, and immigration amongst others.

## ECONOMY

Tanzania's economy is strong and growing. Its goal is to increase annual economic growth by 10% by 2016 in order to accomplish the goals of the Tanzania Development Vision 2025. Thus, a number of initiatives have been implemented to ensure the goal is achieved through attracting Foreign Direct Investment (FDI) and supporting Export Processing Zones (EPZs).<sup>14</sup> The country's economic growth now stands at 7% per annum. Notwithstanding strong growth, according to the Human Development Report 2011, Tanzania belongs to the group of low human development countries of the world. The economy of Tanzania depends heavily on agriculture, which accounts for over 80% of the country's GDP. Other economic activities include tourism, mining, fishing and industrial sectors.

The country's socio-economic development is based on the Tanzania Development Vision aimed at eradicating poverty by 2025. Tanzania joined the commitment of 189 other nations in implementing the Millennium Development Goals (MDGs) proclaimed by the General Assembly of the United Nations in September 2000. The MDGs aim to enable developing countries to work in partnership towards eradication of poverty throughout the world.

The country has devised various development plans in order to attain high performance in economic development. The country is implementing the MDGs and the Tanzania Development Vision 2025 through the National Strategy for Growth and Reduction of Poverty (NSGRP) popularly known as MKUKUTA. The current phase of MKUKUTA II was introduced in July 2010 to broaden the work under MKUKUTA I (2005), aimed at growth of individual income and reduction of poverty, improvement of life and social well being; and enhancing good governance and accountability.<sup>15</sup>

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<sup>12</sup> CHRI 2006, p. 4

<sup>13</sup> Interviews, various sources, Zanzibar, 13-19 May 2013

<sup>14</sup> LHRC 2013, p. 4

<sup>15</sup> LHRC 2010, 7.1.1. Taking Stock of MKUKUTA Progress MKUKUTA I & II pp.203-207



Tanzania is also implementing various sectoral programs, such as *Kilimo Kwanza* (green revolution), the Primary Education Development Program, the Agricultural Sector Development Program, the Education Structural Development Program multiple programs in the health sector, such as Primary Health Sector Development Program (PHSSP 2007-2012), aimed at attaining the Millennium Development Goals by 2025.<sup>16</sup>

## GOVERNANCE SYSTEM

In Tanzania, the governance structure comprises of the Executive, Legislature and Judiciary. The three bodies are established by Article 4 of the Constitution of the United Republic of Tanzania, 1977.<sup>17</sup>

### THE EXECUTIVE

The executive arm of the state is made up of the President, who is the head of state, the government and the Cabinet. The Cabinet includes the Vice-President, The Prime Minister, the President of Zanzibar and all ministers. The Vice-President assists the President with all union matters. Zanzibar has a semi-autonomous government that has power to deal with all non-Union matters in the islands.<sup>18</sup>

### THE LEGISLATURE

The Mainland Parliament is composed of the President and the National Assembly whose members are elected for a 5-year term by direct popular vote. The President appoints a Prime Minister who must be approved by the National Assembly. The Prime Minister serves as the leader of government business in the Parliament. The President appoints Cabinet Members (Ministers) from the National Assembly members and also nominates ten individuals from non-elected members to be part of the Parliament.

The majority Members of Parliament (MPs) are elected from the constituencies. However, there are ten appointed by the President and 102 special seats for women nominated by respective political parties. Additionally there are 5 MPs that are members of the House of Representatives, and the Attorney General of Tanzania who is an *ex-officio* member by virtue of his/her office. Laws passed by the National Assembly are only valid in Zanzibar if they address specifically designed Union Matters and have been presented to the Zanzibari House of Representatives by the responsible minister.

The Zanzibar House of Representatives has jurisdiction over all non-Union matters that do not pertain to foreign affairs, citizenship, higher education and other matters set out by the Constitution under the powers of the entire union. There are currently 70 members in the Zanzibar House of Representatives. The term of office for Zanzibar President and its House of Representative is also 5 years.

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<sup>16</sup> LHRC 2012, 1.4.1 General Description of Tanzania Economy pp.3-4

<sup>17</sup> Cap 2.[R.E.2002]

<sup>18</sup> LHRC 2013, 1.6.1 The Executive, p.8

## THE JUDICIARY

The judiciary is a constitutional organ and an arm of the state vested with powers of interpreting the laws of the country. The Tanzania legal system is based on English common law. Judicial functions are administered by various courts established in accordance with Articles 108, 114 and 117 of the Constitution of the URT (1977)<sup>19</sup> and Magistrates Court Act (1984).<sup>20</sup>

The judicial hierarchy in Tanzania Mainland consists of the following structure (in descending order): The Court of Appeal, The High Court, Resident Magistrates Courts/Districts Courts, and the Primary Courts. In the Court of Appeal and High Court, adjudicators are judges appointed by the President in consultation with the Judicial Services Commission. In remaining courts adjudicators are magistrates appointed by the Commission.

In addition, there is a Court Martial established that functions under the National Defense Act (1965)<sup>21</sup> dealing with cases related to armed forces and a special Constitutional Court which is an ad hoc court resolving disputes related to the interpretation of the Constitution of the URT, (1977). Tribunals have also been established under various legislations to adjudicate on other matters, including labor, land and taxes issues.

Zanzibar has its own judicial system consisting of the following (in descending order of authority): The Court of Appeal of Tanzania; The High Court of Zanzibar; Regional and Districts Magistrates Courts; Primary Courts; *Kadhi* Appeal Courts; and *Kadhi* Courts. These courts have jurisdictions over all cases arising in Zanzibar that involve non-union matters. *Kadhi* courts are Islamic Courts that have a mandate only in family and personal matters, as laid out in the Constitution and the *Kadhi* Court Act.<sup>22</sup>

The High Court of Zanzibar is the highest court for matters originating from *Kadhi* Courts and interpretation of the Constitution of Zanzibar. However, the appeal process of cases originating from Magistrates Court is slightly different, as the case may be appealed to the High Court of Zanzibar and then appealed again in the Court of Appeal of Tanzania.<sup>23</sup>

## LOCAL GOVERNMENTS

Tanzania has local government structures that operate pursuant to Article 145 of the Constitution and local government laws that apply to regional and district levels of the government. Currently, Tanzania has 29 regions.<sup>24</sup>

There are 2 categories of Local Government Authorities, namely Local Government District Authorities and Local Government Urban Authorities. District authorities include (in descending order): District Councils, Town Councils, Township Authorities, Divisions, Wards (with Ward Development Committees and Ward Defense and Security Committees), Villages (with Village

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<sup>19</sup> Cap 2 [R.E 2002]

<sup>20</sup> Cap 11 [R.E 2002]

<sup>21</sup> Cap192, [R.E 2002]

<sup>22</sup> LHRC 2010: 1.6.1 The Judiciary, p.35

<sup>23</sup> Ibid

<sup>24</sup> Ibid, p. 9

Councils & Village Defense and Security Committees), and *Vitongoji* or hamlets. Local Government Urban Authorities include (in descending order): City/Municipal Councils, Town Councils, Urban Wards (with Ward Development Committees and Ward Defense and Security Committees); *Mtaa* or Village (Council); and *Vitongoji*. Local Government District Authorities are led by Regional and District Commissioners while urban authorities are led by the City Mayor, elected by Councilors. The City Director is appointed by the President and accountable to the President through the Minister responsible for Regional Administration and Local Government.

### 3. DATA ON CRIME AND VIOLENCE

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Following independence in 1961, Tanzania has enjoyed high levels of peace and tranquility, with relatively low levels of crime compared to situation existing in most of the neighboring countries. Between 1995 and 2006 the country progressively experienced major changes in the nature, character and types of crime with an increase in transnational organized crimes (such as terrorism, illicit trafficking in small arms and light weapons, illicit trafficking of drugs, human trafficking, money laundering, illegal immigration and smuggling), armed robberies, carjacking, bank robberies, *white collar crimes including corruption, cyber crimes and other related crimes*.<sup>25</sup> In urban areas, like Dar es Salaam and Arusha, petty crime using threats of violence is common, and is mostly a crime of opportunity.

According to UNODC data, which pulls data from international sources, Tanzania's homicide rate is 28.5/100,000 citizens (data from 2008), making it the fourth highest country in East Africa and the ninth highest on the continent.<sup>26</sup> By way of comparison, Uganda's rate is 36.3 while Kenya's is 20.1. It must be noted however; that while homicide data is typically the most reliable indicator for crime and violence, homicide rates, like all crime data, are often inaccurate as reporting and monitoring systems are flawed, particularly in developing countries.

#### CRIME DATA AND SOURCES

Tanzania has approximately 41,560 active police officers, representing a ratio of 1:1,081, which is well below the target of 1:600. Table 1 below summarizes major crime and traffic statistics from 2009 to 2012. All data for this section is taken from the Tanzanian Police Forces Annual Reports unless otherwise noted. Data for 2012 is based on initial draft police data that has not yet been published.

#### TANZANIA POLICE FORCE (TPF) DATA

All official data on crime is managed by the Tanzanian Police Force (TPF) and published annually in its Annual Crime Report, the latest published being that of 2011-2012. The 2012 report notes, "It is no longer possible for the TPF to fight against crimes with a big chance of success without community participation."<sup>27</sup> A strong emphasis is placed on the role of community and participative policing aimed at mobilizing the community so as to take full responsibility for protecting itself, and establishing a conducive environment between the police and the public. This vision is one shared by the OSF CVPI.

#### CRIME OVERVIEW

Crime incidences reported to Police in the country are classified into Major/ Serious and Minor offences. Major/Serious criminal offences are those which police give priority due to their seriousness in terms of life and public concern; and minor offences are those that annoy

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<sup>25</sup> TPF RP VOL 1 May 2010 1.1 Introduction, p. 01

<sup>26</sup> UNODC, Intentional homicide, count and rate per 100,000 population (1995 - 2011)

<sup>27</sup> URT 2012a, Tanzanian Police Force, Annual Crime Report: January – December 2012, p.3

individuals, public life or cause minor harm to individuals. Minor offences include common assault, abusive language, rogue and vagabond, gambling; etc<sup>28</sup>

The offences are further categorized into four major areas: Offences against Persons; Offences against Property, Offences against Public Tranquility, and Traffic Cases.<sup>29</sup> Offences against Persons are grouped into 7 serious offences, namely: murder, rape, unnatural offences, stealing of children, desertion of children, defilement and human trafficking. Offences against Property are grouped into 19 serious offences, namely: armed/highway robberies, robbery with violence, house breaking, common theft, motorcycle theft, motor vehicle theft, being in possession of forged bank notes, theft in government/local government/cooperative union/political parties and para-statal organizations; etc. arson and forgeries. Offences against public tranquility are grouped into 12 serious offences, namely: unlawful possessions of firearms, drug offences, unlawful possession of government trophies, smuggling of goods, corruption, unlawful possession of illicit liquor, instruments for manufacturing illicit liquor, unlawful possession of ammunitions/bombs and illegal immigrants.

Traffic incidents are classified into major and minor traffic accidents. Major traffic incidents are those that result in causing deaths, injuries and damage to properties. Minor traffic incidents include wrong parking, driving without driving license, speeding, and illegal passing. Traffic Offences include driving without valid driving license obtained after traffic police tests; taking alcohol before, or while driving a motor vehicle under the influence of liquor or drugs, speeding, side of driving, traffic signs, crossings, wrong parking, recklessness or negligently driving causing bodily injury or deaths<sup>30</sup>

**Table 1: Summary of serious and minor crime and traffic cases for the year 2009-2012**

<b>Criminal cases</b>	<b>2009 (%)</b>	<b>2010 (%)</b>	<b>2011 (%)</b>	<b>2012 (%)</b>	<b>4-year Variance</b>
Minor cases	463,619 (50.0)	448,968 (48.3)	488,664 (47.5%)	493,937 (41.4%)	6.5%%
Serious cases	103,669 (11.2)	94,390 (10.2)	76,052 (7.4%)	72,765 (6.1%)	-29.8%
<b>TOTAL</b>	<b>567,288 (61.2)</b>	<b>543,358 (58.5)</b>	<b>564,716 (54.9%)</b>	<b>566,702 (47.5%)</b>	<b>-0.1%</b>
<b>Traffic cases</b>	<b>22,019</b>	<b>24,928</b>	<b>23,986</b>	<b>23,604</b>	
Minor cases	337,286 (36.4)	359,750 (38.8)	440,667 (42.8%)	603,668 (50.6%)	79.0%
Major/Serious cases	22,019 (2.4)	24,926 (2.7)	24,078 (2.3%)	23,604 (2.0%)	7.2%
<b>TOTAL</b>	<b>359,305 (38.8)</b>	<b>384,676 (41.5)</b>	<b>464,745 (45.1%)</b>	<b>627,272 (52.5%)</b>	<b>74.6%</b>
<b>GRAND TOTAL</b>	<b>926,593</b>	<b>928,034</b>	<b>1,029,461</b>	<b>1,193,974</b>	<b>28.9%</b>

Source: Tanzania Police Force

<sup>28</sup> TPF, Annual Crime Report, January-December, 2011, Classification of Major and Minor Cases, Chapter 4, p. 68

<sup>29</sup> Ibid, p.5-17

<sup>30</sup> Road Traffic Act, 1974, Cap 168 of the R. E. 2002; also LHRC (Report) 2009 ; 2.1.7 Road Accidents,..p.25

As can be evidenced, serious criminal cases represent only 6.1% of overall cases in 2012, a decline of 29.8% over the 2009 data. Of the reported 72,765 cases, 33.8% were break-ins, 9% violent robberies, 8% rape cases (a slight increase over 2011), 8% livestock theft, 8% bhang, 7% local brews, and 5% murders. Minor criminal cases increased 6.5% since 2009 to the current total of 493,937 cases. Contrasting with the relatively stagnant overall crime figures, there is a significant increase in traffic cases totaling 627,272 traffic cases in 2012, with 50.6% of cases reported as minor cases and 2% as serious traffic cases. Some of this may be accounted for by an increase in motorcycles but also increased reporting rates due to raised awareness is likely as the police have been campaigning on road safety.<sup>31</sup>

The regions with the highest numbers of serious criminal cases are (in decreasing order) Kinondoni, Ilala, Temeke, Morogoro, Kilimanjaro, Pwani, and Kagera. According to the Regional Police Commander (RPC) in Kilimanjaro, criminal acts in Mbeya and Kilimanjaro dropped by 9.5% in 2012 who stated in the press “we have managed to reduce crime but the problem remains with road accidents.” The RPC attributed this reduction to the community policing and cooperation from the public.

The data also indicates a very poor clearing rate for criminal cases. Of the total cases in 2012, 82.9% are still being investigated and a mere 5% of offenders have been convicted. This is consistent with the knowledge of extensive pre-trial detention in Tanzania, which is ranked 38<sup>th</sup> in the world with over 49% of prisoners being pre-trial detainees. Linked to this is the overcrowding of Tanzania prisons at 190.5% (ranking it the 15<sup>th</sup> most overcrowded prison system in the world).<sup>32</sup>

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<sup>31</sup> FGD with police, Dar es Salaam, November 2012

<sup>32</sup> See <http://www.nationmaster.com/country/tz-tanzania/crime>

Table 2: Regional breakdown of serious criminal cases (in descending order), 2012

DISTRICIT	PROPERTY THEFT	CRIME AGAINST HUMANITY	CRIME AGAINST NATURAL RESOURCES	TOTAL CRIMES
KINONDONI	5853	716	1841	8410
ILALA	3610	422	1098	5130
TEMEKE	3103	603	1150	4856
MOROGORO	3106	544	639	4289
KILIMANJARO	2255	390	1122	3767
PWANI	2629	419	512	3560
KAGERA	2437	620	377	3434
TABORA	2255	654	358	3267
ARUSHA	2394	304	550	3248
MARA	1976	314	466	2756
RUVUMA	1863	290	305	2458
MANYARA	1439	280	709	2428
TANGA	1226	535	599	2360
KIGOMA	1466	371	514	2351
IRINGA	1459	420	261	2140
MWANZA	714	617	724	2055
MBEYA	939	686	413	2038
RUKWA	1272	385	200	1857
SHINYANGA	640	487	517	1644
TARIME - RORYA	1098	179	342	1619
DODOMA	802	398	409	1609
MTWARA	1025	202	275	1502
SINGIDA	883	270	190	1343
GEITA	410	226	224	860
LINDI	275	239	283	797
NJOMBE	436	150	54	640
SIMIYU	215	155	182	552
KATAVI	275	146	130	551
SOUTH UNGUJA	202	62	131	395
NORTH UNGUJA	124	26	55	205
WEST TOWN	111	34	26	171
NORTH PEMBA	80	20	29	129
SOUTH PEMBA	51	41	22	114
RAILWAY	88	0	5	93
AIRPORT	20	0	72	92
TAZARA	37	0	2	39
SEA	5	1	0	6
<b>TOTAL</b>	<b>46,773</b>	<b>11,206</b>	<b>14,786</b>	<b>72,765</b>

Source: 2012 Tanzania Police Force A

## STRIKING VIOLENT CRIMES TRACKED BY TPF

### *KILLINGS DUE TO WITCHCRAFT BELIEFS*

Police statistics show a growing trend in the killings of elderly people related to allegations of witchcraft from 579 in 2010 to 642 in 2011 and 629 in 2012. The leading regions are Mwanza, Shinyanga, and Rukwa.<sup>33</sup> The LHRC report notes that between 2005 and 2011, about 3,000 people were killed by fearful neighbors who believed them to be witches, victims often being elderly women with some behavior or appearance perceived to be suspicious.<sup>34</sup>

### *MOB(IN)JUSTICE*

Mob-(in)justice refers to arbitrary action by a group of people who decide to assume the role of judges by punishing those who are suspected to have committed/about to commit an offence in the community. TPF data notes 673 deaths of civilians at the hands of angry mobs in 2011 (Dar es Salaam 150, Mbeya 93, Mwanza 84, Shinyanga 80, Kilimanjaro 59, Tabora 58, Morogoro 15, Mtwara 13, Iringa 11, Pwani 9, Lindi 8, Kigoma 7, Singida 5 Arusha 4 and Dodoma 3).<sup>35</sup> In 2012, LHRC quoting police data notes a sizable increase to 1,234<sup>36</sup>, which is of grave concern. There is a high prevalence of these killings in the Lake Zone region (Mara, Shinyanga, Geita, Kingoma, and Kagera) as well as in busy cities like Dar es Salaam and Mbeya. 65% of respondents of an LHRC survey believed that mob justice was related to a loss of trust in the police forces, while 32% felt it was related to ignorance regarding the law.<sup>37</sup>

### *KILLINGS/ATTACKS OF PERSONS WITH ALBINISM (PWA)*

In regards to the particularly heinous murders and attacks on PWA, the TPF report the following data that shows a marked decrease since the peak of events in 2008-9 (however, this data is disputed by other sources, as discussed in below sections).

*Table 3: Summary cases of murders of PWA*

	2007		2008		2009		2010		2011		2012	
	Events	Suspects	Events	Suspects	Events	Suspects	Events	Suspects	Events	Suspects	Events	Suspects
<b>Mwanza</b>	5	0	9	13	3	18	0	0	0	0	0	0
<b>Kagera</b>	0	0	4	12	2	10	0	0	0	0	0	0
<b>Shinyanga</b>	0	0	4	12	2	2	0	0	0	0	0	0
<b>Mara</b>	0	0	4	4	0	0	0	0	0	0	0	0
<b>Kigoma</b>	0	0	3	4	0	0	1	0	0	0	0	0

<sup>33</sup> LHRC 2012, p.34

<sup>34</sup> Ibid.

<sup>35</sup> LHRC 2012, p.29

<sup>36</sup> LHRC 2013, p.27 Quoting TPF letter PHQ/84/VOL.1/7 of 20<sup>th</sup> February 2013

<sup>37</sup> Ibid, page 32.



<b>Mbeya</b>	0	0	1	2	0	0	0	0	0	0	0	0
<b>Tabora</b>	0	0	0	0	3	0	0	0	0	0	0	0
<b>Arusha</b>	0	0	0	0	0	0	0	0	0	0	1	0
<b>Total</b>	<u>5</u>	<u>0</u>	<u>25</u>	<u>48</u>	<u>10</u>	<u>30</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>

Source: Tanzania Police Force

## TRANSPORT SAFETY

While this assessment does not emphasize road accidents *per se*, this is a grave concern for Tanzania with the police noting “this is one of our biggest challenges”.<sup>38</sup> Traffic offences have increased by 75% over three years to 627,272 cases in 2012. Of these incidents 3,249 Tanzanians lost their lives. Motorcycle accidents are also significantly on the rise with 4,363 motorcycle accidents reported in 2010, resulting in 683 deaths (15%). Analysis of those killed in road accidents revealed the following:

- Three-quarters of those killed are passengers and pedestrians;
- Most of those killed and injured are in the productive years of between 16 and 35;
- Most serious/severe accidents happen in highways and involve buses;
- Many serious/severe accidents also happen at night, especially during weekends;
- In urban areas, pedestrians and cyclists are more likely to be killed or injured than others
- In the rural areas, the majority of accidents occur along the paved trunk roads, and many of them involve buses speeding and unsafe overtaking;
- Almost all accidents involve human error, but secondary causes include the poor conditions of many vehicles, and roads that are not as safe as they should be;
- Road accidents continue to cause huge economic losses, in addition to the pain and suffering experienced by victims’ friends and families.

## BODA BODA (MOTORBIKES), ACCIDENTS, AND CRIME

In many parts of Africa the bicycle taxi has been an important mode of transport and part of the culture since 1960s. They were a particular feature in Kenya-Tanzania-Uganda border regions (hence the name) with the need to transport people through inaccessible areas between border posts. In the last 2 decades many of these have been replaced by cheap motorcycles from China, although bicycles are still in use. *Boda bodas* operate where more conventional services are uneconomical or physically impossible. They are cheaper than hailing a car or *bajaji* (3 wheeled covered vehicle) and are fast, convenient, able to bypass traffic jams and are suitable for unmade roads. They are found in both rural and urban areas acting primarily as feeder services to the towns or major public transport routes. They are a relatively lucrative business that has been able to create many jobs and open up inaccessible areas.

<sup>39</sup>

On the down side, *boda bodas* are commonly operated by youths who may have only just learned to drive, have little knowledge of road safety and are unlicensed. They may also be overloaded, driven dangerously, with drivers and passengers failing to wear helmets through streets where other drivers

<sup>38</sup> FGD held with police leadership.

<sup>39J</sup> Jacob (2013). “Tanzania boda boda transport set to become safe.” *Allafrica*. 24 May <http://allafrica.com/stories/201305241056.html>

also lack due care. Research findings have shown that drivers of *boda bodas* are not fully employed but are paid daily or weekly depending on what they collect. This may force some of them find alternative income after working hours and hence increase fatigue while driving. Some use excessive speed to reach their destination in order to have ample time to engage in other income-earning activities.<sup>40</sup>

Moreover, drivers may also use alcohol and drugs further increasing the risk of accidents. Deaths by *Bodaboda* rose from 695 in 2011 to 930 in 2012. TPF Traffic statistics for the last five (5) years, 2009-2012 on *Bodaboda* accidents is summarized as follows:<sup>41</sup>

Table 4: *BODA BODA: Accidents, deaths, and injuries: 2009-2012*

	2009	2010	2011	2012
No. Accidents	3406	4363	5384	5763
Accidents Causing Deaths	2872	3159	3349	3429
Deaths	3851	3687	3981	4062
Injuries	20717	20064	20802	2007

Source: TPF Crime Statistics Unit, April, 2013

*Boda bodas* have also been implicated in crime, transporting criminals and engaging in crime, including transport of illicit drugs<sup>42</sup>. On May 12, 2013, a 20 old motorcycle taxi operator Victor Ambrose was charged for his suspected role in a grenade attack on an Arusha church.<sup>43</sup> A senior police officer concurred with the link between *boda bodas* and crime, noting that security was tightened in Mutukula town along the Uganda-Tanzania border to prevent clashes between Ugandan *boda boda* drivers and their Tanzanian counterparts after the lynching of a Tanzanian man by Ugandan motorcyclists over alleged theft of motorcycles.<sup>44</sup>

To address issues of crime, it was noted that *boda boda* drivers are being obligated to join an association and complete short courses on road safety regulations being offered in various parts of the country. In Tarime District of Mara Region that is one of the country's busiest border posts, hundreds have already been awarded certificates by the Tarime Community Driving School (TCDS) in. A regional police chief

#### UNDER-REPORTING OF CRIME

Police crime statistics should not be interpreted as representing a complete picture of the crime situation in the country as there are a large number of crimes that go unreported and sometimes unnoticed. Respondents of victimization surveys and safety audits show that 60- 70% victims of various crimes or witnesses to crimes, have never reported them to the police, known as 'dark figure crime'. The main contributors to dark figure crime include:

<sup>40</sup> LHRC (Report), 2011, 2.1.6.2 Reasns for Road Accidents, p.41

<sup>41</sup> TPF, Taarifa ya Hali ya Uhalifu, January Hadi Desemba 2012, April,2013, p. 27

<sup>42</sup> Comment made at validation meeting 3<sup>rd</sup> July 2013 and observation in Mbezi Beach, Dar es Salaam

<sup>43</sup> see <http://www.bbc.co.uk/news/world-africa-22425364>

<sup>44</sup> See <http://ugandaradionetwork.com/a/story.php?s=40800>

- Fear of revenge from offenders and associates.<sup>45</sup>
- Social acceptance of the use of domestic violence as a way of instilling discipline.<sup>46</sup>
- Treatment-of domestic crimes which are gender related through other institutions, e.g. religious institutions, etc.
- Police stations/posts being for removed from where most of the people stay or work: (especially in emerging rural suburbs).<sup>47</sup>
- Crimes that have no victims (i.e.. some of the traffic offences).
- Fear of being social out-casts: (e.g. sexual offences).
- Where a victim and an offender are in agreement: (e.g. corruption or bribery offences).
- Fear of being detained as a witness
- Victims being ashamed due to the nature of the crime.

## **OTHER SOURCES OF RELIABLE DATA**

While the TPF is the official source of government data and statistics on crime, there are reliable sources to compliment government efforts. Most notable is data collected and monitored by human rights organizations, data collected by special interest groups and NGOs, and data collected by other government bodies or international organizations. While impossible to highlight all of these groups, this section has selected three independent sources of data, one from each of the three categories outlined above, to accentuate some of the discrepancies (or absences) in official government data as well as some key findings related to crime and violence. The three sources are:

1. Tanzanian Human Rights Report (LHRC and ZLSC);
2. Database of crimes against persons with albinism (Under the Same Sun -UTSS);
3. Ministry for Community Development, Gender, and Children with support from UNICEF.

### TANZANIAN HUMAN RIGHTS REPORT – EXTRAJUDICIAL KILLINGS

Recognized as the leading source of data and information regarding human rights compliance and abuses through the country, the Tanzanian Human Rights Report (THRR) is published annually as collaboration between the Legal and Human Rights Center (LHRC -Tanzania Mainland) and the Zanzibar Legal Services Centre (ZLSC). The THRR provides important information, verified by activists, regarding human rights issues. One of the main areas in which LHRC collects and publicizes crime data, but the police do not, is related to extrajudicial killings and police brutality. LHRC reported a total of 31 killings in 2012, an increase of 24% from the previous year but well below the 2010 (electoral year) peak of 52. The main perpetrators in 2012 include the police (11 cases), Tanzania People’s Defense Force (6 cases), and the North Mara Mine Security Officers (4 cases). Since 2003, LHRC has documented 246 cases of extrajudicial killings.

According to the LHRC,

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<sup>45</sup> Yasin et al. 2009

<sup>46</sup> Ibid, p.2

<sup>47</sup> PMO-RALG/UN-Habitat, 2008

*An extrajudicial killing is the killing of a person by governmental authorities without the sanction of any judicial proceedings or legal processes. Extrajudicial killings and police brutality in Tanzania often affect political activists, trade union demonstrations, criminal suspects, human rights activists, investigative journalists and political demonstrations. Police force, militia, prisons officials, park wardens and guards from private security companies are in most cases named as the leading institutions in extra-judicial killings in Tanzania.*

According to the report, most killings are related to political rallies, non-political demonstrations, and shooting around mining centers and protected areas. LHRC believes the growing trend is related to a weak criminal justice system and a growing culture of impunity.

#### UNDER THE SAME SUN - DATABASE ON ATTACKS ON PERSONS WITH ALBINISM (PWA)

Under the Same Sun (UTSS) is a Tanzanian NGO that provides support to PWA and exists to promote, via advocacy and education, the wellbeing of persons often marginalized and misunderstood. UTSS maintains its own statistics and data, which are often more detailed than that compiled by the police. For example, since its founding in 2009, UTSS has registered 123 reports of attacks on PWA gathered through UTSS fieldwork and research, reports from victims' families and police reports (the TPF, which first began gathering data in 2007 reports 42).<sup>48</sup> This includes 72 killings, 34 survivors (most severely mutilated), 15 grave robberies, and 2 failed grave robbery attempts. In the first 2 months of 2013, attacks on PWA spiked, with the killing of a 7 year-old boy, mutilation of a 10 year-old boy, and mutilation of a 39 year-old woman. A 7 month-old baby boy narrowly escaped an armed attack on his home. This level of data and information provides more details, and more accurate accounting of crime and violence against PWA, which as evidenced by the police data above, is significantly higher than official statistics.

#### SECTOR SPECIFIC RESEARCH - VIOLENCE AGAINST CHILDREN

The Violence Against Children Report (August 2011), compiled by the Ministry of Community Development, Gender, and Children with support from UNICEF, is one of the most comprehensive research pieces providing critically important data on all types of violence against children in Tanzania, a universally under-reported type of crime. The results are shocking, with some of the major points highlighted below:

- Nearly 3 out of every 10 girls and 1 out of every 7 boys reported at least one experience of sexual violence prior to the age of 18;
- Approximately 1 out of every 10 girls reported the perpetrator of sexual violence was a teacher.
- The majority of sexual crimes occur between 12noon and 8pm;
- Approximately 75% of girls and boys reported experiencing physical violence prior to the age of 18, most often at the hand of relatives and teachers;
- 50% of girls and 33% of boys who experienced sexual violence told someone about it. Only 20% and 10% sought services, respectively with only 12.5% and 5% receiving services, respectively;
- Approximately 60% of girls and more than 50% of boys aged 13-24 believed it is acceptable for a husband to beat a wife; and
- 84% of Tanzanian females and 79% of males believe FGM/C should be stopped.

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<sup>48</sup> See [http://www.underthesamesun.com/sites/default/files/PWA%20Attacks%20in%20Africa\\_1.pdf](http://www.underthesamesun.com/sites/default/files/PWA%20Attacks%20in%20Africa_1.pdf)

## VICTIMIZATION STUDIES

As a result of under-reporting of crime, victimization studies, crime opinion surveys, victimization and street surveys, and safety audits are considered the most accurate form of crime and violence data as they take into account individual's experiences of crime. UNODC/UNHabitat published the most recent victimization data in June 2009 with data gathered in Tanga, Mbeya, and Mwanza and in the municipalities of Moshi and Dodoma. The 2009 survey was built on previous Safer Cities victimization studies in Dar es Salaam (2000) and Dar es Salaam, Arusha, and Mtwara (2003). Of total crimes, 70.3% were household crimes and 29.7% were crimes against individuals, with livestock theft ranking most common at 15.8 % of overall crime. Levels of reporting to the police varied greatly, with motorcycle theft being the highest at 93.3% (likely due to the need for insurance claims) and corruption the lowest at 4.4%. Unlike data in neighboring countries, which often shows a high degree of dissatisfaction with police, over 70% of survey respondents indicated the police were doing a good job or a fairly good job at crime prevention and assisting citizens.<sup>49</sup>

The Crime Opinion and Victimization Survey, conducted by Safer Cities Dar es Salaam in 2000 revealed that burglaries, armed robberies, muggings, thefts, assaults, traffic offences, drugs and violence were frequent. Burglaries and robberies were mostly committed during the end of the months of January and December on Fridays and Saturdays; and during the middle of the day, on evenings and midnight.<sup>50</sup> The survey also revealed that violence against women in Dar es Salaam was most frequently economic abuse, followed by emotional abuse and physical abuse. The majority of residents interviewed (94%), said they felt safe walking in the City Center, established suburbs, emerging suburbs, and rural suburbs during the day, while 61% felt unsafe walking in the areas during the night, especially in emerging rural suburbs. 50% of the residents interviewed observed that effective crime prevention intervention depended on police/public cooperation, and joint police/community policing or neighborhood watch patrols in rural suburbs.

Victimization Surveys and Women Safety Audits were conducted by International Centre and Network for Information on Crime – Tanzania (ICNIC-T) under the Gender Inclusive Cities Project on Women Safety in Public Places in 2 pilot wards of Keko in Temeke municipality and Kinondoni in Ubungo municipality of Dar es Salaam. The audits revealed a large proportion of women facing sexual harassment both during the day and after dark, (55% in Ubungo and 30% in Keko). 72% avoided going-out after dark to protect themselves from crime and violence. 43% avoided wearing certain types of clothing and 70% had not taken any action when faced with sexual harassment or assault. Only 7% such incidents were reported to the police. 20% of the non-reporters claimed that the process was too tedious and 15% claimed that the police would do nothing. Several contextual factors were highlighted as causes of fear of crime and insecurity in public spaces. Survey respondents highlighted poor lighting (59%) and men/boys dealing/using drugs (60%). Factors contributing to insecurity were also said to be poor signage, unplanned buildings, lack of employment, drug use among youth, informal markets operating in unauthorized places, and abandoned/unfinished buildings.<sup>51</sup>

## LEGAL AND POLICY FRAMEWORK

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<sup>49</sup> Information for this section was taken from the UNODC Victimization Survey for Tanzania, Executive Summary, June 2009. For more details see the full report online at <http://www.unodc.org/unodc/en/data-and-analysis/Data-for-Africa.html>

<sup>50</sup> Robertshaw et al. 2001,

<sup>51</sup> Information from this section was taken from interviews with ICNIC-T, 2012-13

Tanzania notes that it cherishes good governance through the rule of law and seeks to ensure that its people are empowered to make informed decisions, and that its leaders and public servants are effective and accountable.<sup>52</sup> The attributes of good governance include: accountability, transparency and integrity, principles that have guided the creation of policy frameworks and constitutional and legislative enactments.<sup>53</sup>

## THE CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA 1977 AND REVIEW PROCESS<sup>54</sup>

The following Articles of the Constitution are an important backdrop to looking at policy on crime, violence and safety.

- Article (Art.) 13: Asserts equality of all before the law, without discrimination and protection by law;
- Art. 14: Recognizes the right to live, and protection of life by society in accordance to law;
- Art. 16: Reiterates the right of every person to respect and protection of his person;
- Arts 21(2) and 146 empower people to participate in the affairs of the community and nation as a whole that affects them such as public safety;
- Art. 147: Assigns the responsibility to the police to ensure the enforcement of law and public safety of the people.<sup>55</sup>

In addition to the current articles, Tanzania is in the process of a Constitutional Review. The Bill for Constitutional Review Act 2011 was tabled in Parliament on 05th April 2011. The Bill was strongly debated because it did not meet people's expectations. It was withdrawn by the government, and presented again November 2011, debated and passed in November 2011.

The Act established the Constitutional Review Commission (CRC) headed by Hon. Judge J. Warioba, assisted by former Chief Justice A. Ramadhani. Members were drawn from various professionals and cadres on equal representation between Zanzibar and Tanzania Mainland. The CRC commenced its groundwork to collect public views in five selected wards in each district.<sup>56</sup>

In regards to crime and violence, the Constitution is expected to provide a framework and platform that classify and coordinates aspects of public safety and security dimensions and frameworks for sustainability and management of safer and secured environment. The current Draft Constitution (June, 2013) provides for a "Safety and Security Council", *Baraza la Ulinzi na Usalama* (Art. 221-222)<sup>57</sup> and Articles 227-232 provides for policing that observes principles of human rights and good governance principles that includes professionalism, integrity, transparency and accountability.

There are still many obstacles to overcome regarding the Constitution. Some critics note that the sampling in the five wards is not representative and that civil society has not been fully consulted.

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<sup>52</sup> URT 2007b Community Policing Policy (Draft 1), 3.7 Good Governance, p.11

<sup>53</sup> Ibid.

<sup>54</sup> Cap 2 [R.E 2002]

<sup>55</sup> PMO-RALG/UN-Habitat 2008, 1.2 National Context on Urban Crime Prevention, p.10

<sup>56</sup> LHRC (Report) 2012, 3.5.1 Constructional Review Process, p.88

<sup>57</sup> Mpiga Chapa Mkuu wa Serilikali, Dar es Salaam, Tanzania, Rasimu ya Katba ya Muungano wa Tanzania,, Sura ya Kumi Na Tano, Ulinzi na Usalama Katika Jamhuri ya Muungano, Jeshi la Polisi la Jamhuri ya Muungano, Uk.124

## KEY POLICY FRAMEWORK

National policies and legislative enactments are guiding principles on the manner the society is organized, it therefore becomes imperative that they are well ordered, relevant and up to date to meet community demands, and concerns of those involved in criminal justice system. Policies relevant to this assessment include:

### THE TANZANIA DEVELOPMENT VISION 2025

The Policy aims at providing the nation with high quality of livelihood; peace, stability and unity; good governance and the rule of law; a well-educated society and a competitive economy capable of producing sustainable growth and shared benefits. The policy promotes an integrated participatory approach, which prioritizes good governance and inclusiveness in addressing urban development and environmental management challenges, has a high propensity to positively contribute towards improvement of quality of livelihoods and sustainable economic development in line with the national vision.

### NATIONAL STRATEGY FOR GROWTH AND REDUCTION OF POVERTY (NSGRP OR MKUKUTA I (2005-2010) & MKUKUTA II (2010-2015))

The main poverty eradication reference document is the MKUKUTA, which is a medium term plan to implement the Vision 2025 objectives. The MKUKUTA (I & II) seeks to address poverty issues in three clusters, namely:

1. Growth and income poverty eradication
2. Improvement of quality of life and social well-being, and
3. Governance and accountability, in which goal 6 seeks to 'Improve personal and material security, reduce crime, and eliminate sexual abuse and domestic violence.'<sup>58</sup>

### WOMEN AND GENDER DEVELOPMENT POLICY (2000)<sup>59</sup>

This Policy aims to ensure that the gender perspective is mainstreamed into all policies, programs and strategies. In addition, the policy strives to redress gender gaps and inequality between men and women. It guides implementers to incorporate gender concerns into their plans, strategies and programs with a view to implementing commitments at international, regional and national levels. In order to meet this objective, the government has established mechanisms for gender policy formulation, and coordination, monitoring and evaluation of implementation.

### NATIONAL STRATEGY ON URBAN CRIME PREVENTION (2008)<sup>60</sup>

The Strategy has a primary objective of building safe local environments where citizens are assured of living in peace and harmony, without fear of crime or domestic violence and with security of their property in order to achieve sustainable urbanization. The strategy focuses on building capacities at city

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<sup>58</sup> Table 1: Summary of MKUKUTA Cluster -1, Growth and Reduction of Poverty, p.8, Cluster II- Improvement In Quality of Life and Well Being, p.9

<sup>59</sup> URT 2000

<sup>60</sup> PMO-RALG/UN-HABITAT, 2008, 1.2 -National Context on Urban Crime Prevention, p.11

and municipal level to address crime and insecurity and on establishing a crime prevention culture. The strategy applies the UN-Habitat Safer Cities approach that focuses on three main areas of interventions, namely:

- Institutional prevention - focusing on law enforcement and alternative forms of justice;
- Safer design, planning and management of public and semi-public spaces - aimed at making public spaces safer for people to interact and businesses to flourish; and
- Social crime and violence prevention - focusing on marginalized groups, groups at risk or vulnerable group, and empowering them through various activities.<sup>61</sup>

## **PRIORITY LEGISLATION**

### THE PENAL CODE, CAP 16<sup>62</sup>

The Penal Code codifies the behaviors that are considered a criminal offence in Tanzania.<sup>63</sup> The code is responsible for defining crimes and prescribing their punishment. Its main features are the laid down general principles of criminal responsibility and the rules relating to parties to criminal offences, definitions of wide range of specific offences related to life and health, personal safety and security, morality, domestic relations, administration of justice and religion. The enforcement of criminal law is currently undertaken by several institutions in the administration of criminal justice system including the TPF, Auxiliary Police, courts of law, Prevention of Corruption Bureau (PCB), Director of Public Prosecutions (DPP), Immigration, Prisons, Customs, Tribunals, Ward Tribunals, Land Court Marshal, and Regulatory Bodies.

### PAROLE BOARDS ACT<sup>64</sup>

An emphasis on non-custodial sentences is facilitated by a number of laws, including section 25 of the Penal Code and Parole Boards Act whose general aim is to authorize and provide for the release of prisoners on parole. The Parole Boards Act establishes the National Parole Board for the Tanzania Mainland and Regional Parole Boards for every region. While the spirit of the Parole Board Act is noble, the criterion for determining entitlement to parole as set out under Section 4 automatically disqualifies prisoners who are serving sentences or convicted of the following: armed robbery; dealing on dangerous drugs; rape or defilement; those who have served less than one-third of his/her sentence and those who are commuted or subjected to a community service order.

### COMMUNITY SERVICE ACT<sup>65</sup>

This Act seeks to divert offenders away from custodial punishments into community service. Prisoners imprisoned for life or detained at the President's pleasure are not entitled to have their sentences remitted. There are few structures to support community service so it is not commonly in use.

### PROBATION OFFENDERS ACT<sup>66</sup>

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<sup>61</sup> Ibid, p. 9

<sup>62</sup> Cap 16 [R.E 2002]

<sup>63</sup> CHRI 2006, Legislative Framework, Domestic Law, Penal Code, p.8

<sup>64</sup> Cap 400 [R.E 2002]

<sup>65</sup> Cap 291[R.E 2002]



The Act directs courts to sentence offender(s) to probation upon conviction, or even without conviction, where the court deems fit, except in situations where the offence falls under the Minimum Sentences Act. In so doing the court considers issues such as the youth, character and antecedents, home surroundings, health or mental condition of the offender, nature of the offence or to any extenuating circumstances in which the offence was committed. Probation orders are for period not less than one year and not more than three years.

#### PRISONS ACT,<sup>67</sup> (GRANT OF REMISSION) ORDER, G. N.156/ 1982

The Act provides for the prison authorities to remit one-third of the sentence of prisoner who demonstrates industry and good behavior. The procedure of remitting sentences is laid down in the said Order. Prisoners sentenced to life imprisonment or detained at the President's pleasure are not entitled to remission under this law. Remission of sentences contributes to reducing prison congestion. and the Act has the potential of encouraging industry and good behavior amongst prisoners.

#### DEATH PENALTY BY HANGING

The Death penalty in Tanzania is imposed once a person is convicted of murder or treason.<sup>68</sup> Critics note that the death penalty contradicts the spirit of a resolution adopted in 1999 by the African Commission on Human and Peoples' Rights that urged African states to consider affecting a moratorium on the death penalty. Tanzania has had a *de-facto* moratorium since 1994, but has remained undecided on the question of abolishing death penalty.<sup>69</sup> Hundreds of prisoners convicted to death by hanging continue to be on death row.<sup>70</sup>

The thrust towards a progressive sentencing regime in Tanzania has been limited not only to loopholes in laws mentioned above, but also the continued existence of laws that authorize courts to apply sentences that are arguably inconsistent with constitutional and international guarantees of human rights, such as the death penalty. Convicts sentenced to death are executed by hanging.<sup>71</sup>

#### CORPORAL PUNISHMENT ACT

The Act defines corporal punishment as whipping of a person aged at least 16 years and caning in the case of a younger person. The law allows the use of corporal punishment for persons convicted of offence of rape, acts of gross indecency, grave sexual abuse, attempted robbery, and endangering the safety of aviation.<sup>72</sup> The law is discretionary for persons convicted of attempted rape, defilement of "idiots and imbeciles", defilement by husband of a wife under the age of fifteen, a male person living on earnings of prostitution or persistently soliciting bribery/corruption.<sup>73</sup>

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<sup>66</sup> Cap 247 [R.E 2002]

<sup>67</sup> Cap 58 [R.E 2002]

<sup>68</sup> ISS 2009, p.89

<sup>69</sup> LHRC 2012, 2.1.1 Death Penalty in Tanzania, p.13

<sup>70</sup> Ibid, 2.1.1 Tanzania Safe Without Death Penalty, p.14

<sup>71</sup> AHSI p.88

<sup>72</sup> Cap 16 [R.E 2002] S. 131, 138C (2), 286, 318A

<sup>73</sup> Cap 16 [R.E 2002] S. 132, 137, 138, 145, 286

## LAW OF THE CHILD ACT<sup>74</sup>- JUVENILE JUSTICE

The Act provides for the domestic juvenile justice system in the country, with the establishment of a Juvenile Court that has a mandate to determine children's legal matters. The jurisdiction of this court is not limited to criminal matters only, but also extended to determine issues related to childcare and maintenance. Furthermore, in order to make the juvenile courts user-friendly to children, it has made an emphasis on placing the location of the court in a venue separate to adult courts where possible.

In addition, the Act made some provisions amending some provisions of the Penal Code and the Criminal Procedure Act to reflect the best interests of children in administering justice. For example Section 15 of the Penal Code was amended to add a new sub-section 4, stipulating:

*Any person under the age of twelve (12) years who commits an act or omission which is unlawful shall be dealt with under the Law of the Child Act.*

It is an international standard that juvenile justice systems should focus on protection, treatment and rehabilitation, and not punishment and retribution. The international protection of children who are in conflict with the law is set out in a number of legal instruments and guidelines that include:

- UN Convention of Rights of the Child, 1989;
- UN Standard Minimum Rules of the Administration of Delinquency (the Beijing Rules), 1989;
- UN Guidelines for the Prevention of Juvenile Delinquency; and
- African Charter on Rights and Welfare of a Child, 1999, ratified 2003<sup>75</sup>

The Act has repealed and replaced the following laws related to a child: The Affiliation Act; The Adoption Act; The Day Care Centers Act; and the Young Persons and the Home (Regulation) Act. The law has widened the interpretation and definition of a child in the Law of Marriage Act. The term "child" now means a person under the age of 18 years. The Act further criminalizes impregnating a pupil by setting a punishment of three years imprisonment and a fine of TSH 500,000 (USD 313). The Act provides a wider discretion to the Court in setting child maintenance according to merits of each case.

## CRIMINAL PROCEDURE ACT, 1985<sup>76</sup>

The Act provides for procedure of investigations on arrests, searches, bail conditions; institution of proceedings, conduct of trials, summoning witnesses, and control of criminal trials by the state. The Act governs the conduct of criminal trials in both District and Residents Courts and the High Court. The Act is a law of procedure conducting criminal trials for almost all criminal cases except those related with Economic and Organized Crime Control Act<sup>77</sup> The Criminal Procedure Act, 1985 (CPA) provides the right of legal representation in criminal trials.

## POLICE FORCE AND AUXILIARY POLICE SERVICES ACT<sup>78</sup>

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<sup>74</sup> No.21 of 2009

<sup>75</sup> LHRC 2010, Juvenile Justice, p 184

<sup>76</sup> Cap 20 [R.E 2002]

<sup>77</sup> Cap 200 [R.E.2002]

<sup>78</sup> Cap 322 [R.E 2002]

The Act establishes the Police Force and Auxiliary Police Services throughout the United Republic of Tanzania, and the entitlement to carry arms for the performance their duties. The Act sets out the mandate of the TPF that includes the preservation of the peace, the maintenance of law and order, the prevention and detection of crime, the apprehension and guarding of offenders and the protection of property. The Act provides the TPF with powers and duties to perform various tasks envisaged by the general mandate. The powers are set out in Criminal Procedure Act. Other powers include being able to detain, summon attendance, produce documents, interview and record statements, break and enter buildings (including vessels, boats and air crafts), seize and detain vehicles, vessels and other materials connected with (or reasonably so suspected) to commission of an offence place or erect barricades cross roads; take measurements (finger, feet, toes), take photographs, record voices and take sample handwriting.

LOCAL GOVERNMENTS ACTS: LOCAL GOVERNMENT (DISTRICT AUTHORITIES) ACT NO7 OF 1982; AND LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT NO 8 OF 1982

These Acts establish the 2 categories of Local Government Authorities, namely: Local Government (District Authorities) and Local Government (Urban Authorities) and the hierarchy of authority as noted in section 2 (subsection on local government). The Acts list the functions of Local Governments Authorities (LGAs) noting their responsibility to, “maintain and facilitate peace, order and good governance.”<sup>79</sup> The Acts further provide “for the better execution of its functions...the LGAs shall take all such measures as in its opinion are desirable, conducive or expedient for the suppression of crime and maintenance of good order and protection of public and private property lawfully acquired.”<sup>80</sup>

PEOPLE’S MILITIA LAWS (1989)

Article 146 (2)(b) of the Constitution of the URT provides for community participation in policing functions. The People’s Militia Act gives members similar powers to those “vested in a police officer of the rank of a Police Constable (PC)”<sup>81</sup> with powers being subject to the same limitations, restrictions and conditions as apply in relation to an arrest or search effected by such police officer. The Act provides for Minister of Home Affairs to make rules/regulations for smooth operation of the Act. However, to date there are no such enacted rules/regulations.

SEXUAL OFFENCES SPECIAL PROVISIONS ACT 1998 (SOSPA)<sup>82</sup>

The Act provides for the following offences, namely: rape, attempted rape, indecent assault, sexual harassment and FGM/C to the girl child. SOSPA also criminalizes human trafficking and covers cases of direct buying, selling or bartering of people. SOSPA has been integrated into the Penal Code.

The law was also enacted to harmonize different types of marriages and the Act provides that a husband and wife shall have the same rights towards each other as though they were unmarried and prohibits a spouse from inflicting corporal punishment on his/her spouse. It states that sexual perversion of the respondent and mental or physical cruelty on the petitioner or on children of the marriage is evidence that the marriage is broken down. The Act further provides for injunction against molestation and

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<sup>79</sup> Section 54 as amended by SS 62 (1) and 62 (5) Act 8/1982[R.E 2002]

<sup>80</sup> Section 54(5)(a) Act 82/1982 [R.E.2002]

<sup>81</sup> People’s Militia Laws (Miscellaneous Amendments) Act, 1989, ‘Recognizing and defining *Sungu Sungu/Wasalama*’.

<sup>82</sup> Cap 1010 [R.E 2002]

provides the court with the power to order any person to refrain from forcing his/her company on his or her spouse during matrimonial proceedings on or after the grant of a decree of separation, annulment or divorce.

#### EMPLOYMENT AND LABOR RELATIONS ACT, 2004

The Act defines child labor as exploitation of under-aged children in the form of forceful and illegal actions that can cause harm or abuse. The abuse may be physical, mental or sexual abuse and deprivation of the right to education.

#### **INTERNATIONAL CONVENTIONS AND PROTOCOLS<sup>83</sup>**

Tanzania belongs to organizations like the United Nations (UN), the African Union (AU), the Southern African Development Community (SADC) the East African Community and several other international and regional organizations. By virtue of its membership in these organizations, Tanzania is a signatory to several Treaties, Conventions and Agreements of different objectives and in particular those dealing with security, crime and law enforcement. At the global level the instruments include (See Annex 5 for a more complete listing)

- The Universal Declaration of Human Rights;
- The International Convention on Civil and Political Rights; and
- The Conventions on the Rights of the Child.

At the regional level, the instruments include The SDC Protocol on Legal Affairs. the Protocol Against Corruption;, the Protocol on Combating illicit Drugs and at continental level, Tanzania is a party to the African Charter of Human and Peoples Rights. These instruments place an obligation on Tanzania to ensure that the country's criminal justice is effective in, on one hand, delivering security and safety from crime and violence on the other hand, protection of the rights of the people accused of crime.<sup>84</sup>

#### **ADDITIONAL LEGISLATIVE AND POLICY DATA**

While this section has highlighted the policy and legal frameworks most relevant to crime and violence prevention, more details, as well as an analysis regarding gaps and shortcomings in the legal and policy framework, can be found in Annexes 3 and 4.

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<sup>83</sup> ISSS,AHSI, Overview of Criminal Justice System in Tanzania, 2009), p.22

<sup>84</sup> [Ibid, p.22](#)

## 4. KEY ACTORS IN CRIME AND VIOLENCE PREVENTION

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### NATIONAL GOVERNMENT ACTORS

Government Ministries and Institutions have important roles in ensuring government policies are consistent and supportive of crime prevention and reduction initiatives in order to enable cross-sector coordination during the implementation of the national urban crime strategy. Where necessary, ministries are expected to review their policies, revise and harmonize legislations and allocate funds in their annual budgets for capacity building and monitoring of all aspects that are relevant to their sector activities. Tanzania has many actors from the National Government who are involved in public safety and security with crime prevention and reduction initiatives. However, their mandates have been defined structured to meet their internal and external needs and demands. They are summarized to include:

- President's Office – Good Governance
- Prime Minister's Office – Regional Administration and Local Government, Ministry of Home Affairs, Ministry of Justice and Constitutional Affairs, Ministry of Industries, Trade and Markets, Ministry of Information, Youth Development and Culture, Ministry of Community Development, Gender and Children, Ministry of Health and Social Welfare.
- Administration of Justice organs namely the Judiciary, Juvenile Courts, Traffic Courts and Ward Tribunals.
- Parliamentary Committees such as the Parliamentary Committees on Defence and Security and Justice and Constitutional Affairs.
- Commission for Human Rights and Good Governance (CHRAGG);
- TPF and Auxiliary Service;
- Tanzania Intelligence and Security Service
- Tanzania Peoples Defence Force and National Service
- The Prevention and Combating of Corruption Bureau (PCCB)
- Drug Control Commission (DCC)
- Director of Public Prosecutions (DPP)
- Tanzania Prisons Service (TPS)
- Tanzania Immigration Services (TIS)
- National Parole Boards
- National Community Service Committee
- Remand Homes, and Approved Schools
- Regulatory Bodies, namely: Surface and Marine Transportation Regulatory Authority (SUMATRA), Tanzania Civil Aviation Authority, Tanzania Ports Authority, Tanzania Bureau of Standards, Chief Government Chemist's Office, Food and Drugs Agency, National Environment Management Commission, National Road Safety Council, Motor Vehicles Registration and Licensing Authority.

### LOCAL GOVERNMENT AUTHORITIES

One of the basic functions of Local Government Authorities (LGAs) is to ensure the enforcement of law and public safety of the people,<sup>85</sup> and maintain and facilitate the maintenance of peace and good government within their areas of jurisdiction.<sup>86</sup> In addition, LGAs have a key role to play in providing safety and security to their inhabitants not only because it is stipulated in the Constitution and legislative enactments, but also at the local government level, the government is closest to the citizenry, and therefore at a unique position to actively initiate and implement social service delivery, safety and security included. Some of the most important functions of local government in urban authorities include the delivery and maintenance of services and infrastructure (roads, water, health, education, fire prevention, local policing services, and sewerage system), the management and planning of the town's development, and protection of the infrastructure and facilities (including parks, forests recreational facilities, land, buildings and properties). Many of these functions are linked to preventing and/or reducing violence, conflicts and crime caused by urban development dynamics and practices. Currently in mainland Tanzania there are 20 regions, 150 Districts, 168 Local Government Authorities, 3337 Wards, 11,137 *Vijiji & Mtaa*, and 60,357 *Vitongoji* registered through the Prime Minister's Office, Regional Administration and Local Government (PMO-RALG).<sup>87</sup>

One of the key platforms used to bring some of the players together is through the Defense and Security Committees which are intended to create important synergies between the Ministries/Local Government Authorities (LGAs), corrections, crime prevention and law enforcement in the country in general, yet the structure is not yet backed up by any law, with a number of entities remaining outside the framework of Defense and Security Committees.

## NON-STATE ACTORS

### CITIZENS/MEMBERS OF PUBLIC

It bears mentioning that Tanzanian citizens are the primary actors responsible for helping to ensure their own safety and security. This includes individual actions (i.e. Tanzanians protecting themselves and their property) as well as collective community action (i.e. community patrols/neighborhood watch and creating safe spaces). However, in the minds of citizens there often seems to be an overemphasis on the role of the state (more specifically the police). The Afrobarometer Survey of 2009 noted that over 89% of the population believed that crime prevention is exclusively duty of the police force and leaders.<sup>88</sup> This assumption is both flawed and unrealistic. Regardless of the level of sophistication and size of the police forces, until such time as citizens play a strong role in their own safety and security, crime and violence will continue to plague the country. This is particularly the case related to crimes committed in the home (violence against children and gender-based violence), which are principally under-reported crimes and in which resolution, for better or for worse, often takes place through family and community mechanisms, rather than through the criminal justice system.

### KEY DONORS AND INTERNATIONAL ORGANIZATIONS

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<sup>85</sup> Constitution of the United Republic of Tanzania, (1977), Article 146(2)(b) Cap 2 [R.E.2002]

<sup>86</sup> Section 54(1) as amended by Section 62(1) and 62(5), Local Government (Urban Authorities), Act 1982 Cap 288 [R.E.2002]

<sup>87</sup> Interview Anna Mtani, Director LGAs, PMO-RALG, Dodoma Tanzania, 29 May, 2013

<sup>88</sup> LHRC 2010, Domestic Initiatives in Human Rights Protection, Chapter 8, Community Policing, (*Polisi Jamii*) p. 234

Tanzania receives significant support from external donors. According to the OECD, Official Development Assistance (ODA) in 2011 was USD 2.4 billion (a decrease of 17% percent since 2009), making Tanzania the ninth highest recipient of ODA worldwide.<sup>89</sup> The 5 largest donors are the United States, IDA (International Development Assistance Account of the World Bank), United Kingdom, EU Institutions, and the African Development Bank. Important to note is that the overall rate of General Budget Support, defined as ODA disbursed in favor of the central government's revenue accounts without any earmarking to a particular expenditure, has been steadily declining (in both real and nominal terms) since 2008, reaching its lowest level in a decade of USD 496 million, a decrease of 17% in the last year. While this has caused some alarm in Tanzania, some specialists disagree arguing "This is not bad news. It shows that Tanzania is becoming less dependent on aid funding; its income is increasingly sourced locally."<sup>90</sup>

### UNITED STATES

The bulk of the development funding from the United States is channeled through USAID, with the large majority (85%) of resources focused on health and more specifically the global AIDS initiative, the President's Emergency Plan for AIDS Relief (PEPFAR). Many of the PEPFAR funded projects address, either directly or indirectly, gender-based violence (GBV). A recent trend to providing explicit support to GBV is an important step in the right direction. The current USAID portfolio does not offer any specific support in the areas of crime, conflict, and violence prevention and some note this as a shortcoming.<sup>91</sup>

### UN AGENCIES

The UN agencies have multiple programs addressing different aspects of violence. UNICEF, working alongside the Ministry of Community Development and Social Welfare, has played a fundamental role in providing important data on violence against children, supporting and advocating for child protection systems, and promoting advances in juvenile justice and children in conflict with the law. UNODC does not currently support any programming around crime and violence, although there is a pending request for UNODC to provide technical assistance in the areas of drug trafficking and human smuggling. Notably, the UNDP does not have many programs in this area but is keenly interested in developing work around the infrastructure for peace and noted that the IGP is the key government official focusing on this critical issue.

### BILATERAL DONORS WITH AN INTEREST IN THE EXTRACTIVE SECTOR

Given Tanzania's robust extractive sector, several bilateral donors (i.e. Canada, Norway) provide significant support to Tanzania and maintain a strong presence to facilitate international investments. For example, Tanzania is Norway's third highest recipient of aid worldwide receiving NOK 640 million (USD 114 million) in 2011, and was the second highest from 2007-2010.<sup>92</sup>

The main focus of Norway's support is clean energy, the environment, forests, climate change interventions and reduction of child and maternal mortality. With the discovery of oil and gas that opens

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<sup>89</sup> See <http://www.oecd.org/dac/stats/aidstatisticsbyrecipientandsector.htm>

<sup>90</sup> Police Forum Tanzania Policy Brief 03:2012, General Budget Support: Are donors abandoning Tanzania?, 2012

<sup>91</sup> Interviews American Embassy, Dar es Saalam, 17 May, 2013

<sup>92</sup> Royal Norwegian Embassy, 2012, pp.4-5

the door to both opportunity and challenge, Norway through the Oil for Development program hopes to strengthen the ability of Tanzania to maximize the benefits and make these benefits available to all citizens. In addition, Norway served as Chair of the Development Partner Group on General Budget Support in 2010-11, and contributes to the national fight against corruption. Norway does not donate directly to crime prevention initiatives nor directly supports police reform, though it is supporting Zanzibar Inter-faith dialogue through Norwegian Church Aid.<sup>93</sup>

#### OTHER KEY INTERNATIONAL ORGANIZATIONS

There are several organizations active in Tanzania that focus more specifically on crime and violence. For example, the German funded Hanns Seidel Foundation provides direct support to the TPF in the areas of monitoring and evaluation, community policing, and strategic planning. Also German funded, the Conrad Adenauer Foundation supports peace building, political dialogue, and cultural interaction and tolerance. Save The Children is a major player in the area of child protection and is supporting groundbreaking efforts in Zanzibar like the One-Stop Centers (bringing together police, health practitioners, counselors, and legal support, described in detail in section 8) at 4 hospitals to provide 24 hour holistic care for victims of abuse. Both the Ministry of Health and the Ministry of Social Welfare services manage the One-Stop Centers.<sup>94</sup> Save the Children is also piloting work in schools around alternative forms of discipline and school safety to establish a child protection system that responds, prevents and advises on issues of violence and exploitation.

#### **SELECTED TANZANIAN NGOS/CSOS**

Tanzanian NGOs are registered under the Non-Governmental Organization Act, 2002, and are defined as

A voluntary grouping of individuals or organization which is autonomous, non-partisan, non-profit making which is organized locally at grassroots, national, or international level for the purpose of enhancing human development.<sup>95</sup>

The World Bank classifies NGOs as either Operational NGOs or Advocacy NGOs.<sup>96</sup> In Tanzania the legal classification of NGOs depends on their area of operation and origin. For example there are five (5) classes of NGOs: international, national, regional, district and community based. The varieties are registered variously under the following legislations: Societies Act, the Trustee Incorporation Act, the Companies Act and the Non-Governmental Organization Act, 2002.<sup>97</sup>

#### VULNERABLE POPULATIONS RIGHTS AND VICTIMIZATION

*WILDAF / WILAC* – The Women in Law Development for Africa (WILDAF) is a pan-African initiative with the Tanzanian office focusing on gender-based violence prevention and response, governance, democracy & rule of law (mainly through legal aid clinics and paralegal units), capacity building, and lobbying and advocacy around women’s rights. Much of the GBV work is done in conjunction with the TPF (gender desks, police awareness campaigns, and standard operating procedures around GBV).<sup>98</sup>

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<sup>93</sup> Interview, Elizabeth Schwabe-Hansen, Counselor Political Affairs, Norwegian Embassy, Dar es Salaam, 15 May 2013

<sup>94</sup> Interview, Save the Children and ZAFELA, Zanzibar, 15 May, 2013

<sup>95</sup> Non Governmental Organisations Act (No. 24) of 2002

<sup>96</sup> LHRC 2010, 3.1.1 Association as Non Governmental Organizations (NGOs), p. 85

<sup>97</sup> Ibid p.85

<sup>98</sup> Interview with Anna Kulaya, WILDAF staff, 23 January 2013



WILDAF cites as a success the design of the TPF PF3 (Police Form #3), in which sexual assault and GBV has been included. While WILDAF has a strong collaborative relationship with the TPF (which is a strong indication of the openness of the TPF to working with civil society), it has major concerns about limited coverage of the gender desks (see later sections) and broader penetration into the TPF. WILDAF is also a founding member of the Mukiki, a Coalition of NGOs focusing on GBV. Also a member of Mukiki, Women Legal Aid Clinic (WILAC) provides much needed legal aid to women.

*TAS/UTSS* – The Tanzanian Albino Society (TAS) has been in existence since 1978, its establishment linked to the specific medical needs of PWA (i.e. skin cancer risk) and serves as a resource center and support organization for PWA, with over 8000 members.<sup>99</sup> Under the Same Sun (UTSS), established in 2009 with support from a Canadian donor is collaboration with well-known journalist Vicky Ntetema. It focuses its work on education to demystify albinism, conducting seminars at the village level, as well as supporting legal processes to bring the perpetrators of crimes against PWA to justice. UTSS also provides support to children and youths with albinism, many of whom are abandoned by their families.

Both organizations note that attacks on PWA peaked in 2009, and decreased in both 2011 and 2012, but statistics are again on the rise in 2013. On April 13, 2013, both organizations were present at a Parliamentary Session dedicated to focusing on advocacy for comprehensive government responses to support PWA.<sup>100</sup>

*Help Age International* - Help Age International is a global organization that focuses on support to the elderly in diverse areas such as social protection, pension systems, geriatric care, and livelihoods. In Tanzania, it is one of the few groups that are advocating for the reduction in violent attacks on the elderly carried out in the name of fighting witchcraft, which has been increasing each year since 2010. Help Age International is concerned that no National Coordinated Plan exists to deal with such violence and firmly believes that many of the attacks are rooted more in issues around inheritance than cultural beliefs. The organization is also concerned about the elderly who migrate to the cities to live with their children after they can no longer take care of themselves, but are instead sometimes neglected or mistreated. There are multiple documented cases of children killing their elderly parents, in some cases simply because they can no longer provide food and shelter.<sup>101</sup>

*TAWOC and other local GBV groups* - With significant funding being provided to Tanzania for HIV/AIDS prevention (largely through the US PEPFAR funds), many local NGOs are working on issues related to women's health and that deal, directly or indirectly, with GBV. One such group, TAWOC is working in the Iringa area and operates a drop-in center that serves to rehabilitate and empower survivors of GBV by providing them with temporary shelter, medical care, psychosocial support, and legal support. In addition, the center also support job skills training, and access to other essential services. The center serves roughly 1000 victims per year (an estimated 8% male children, 11% female children, 28% adult males, and 52% adult females) through direct provision and an additional 8,000 through community outreach.<sup>102</sup>

## GOVERNANCE AND HUMAN RIGHTS ORGANIZATIONS

### *LEGAL AND HUMAN RIGHTS CENTER (LHRC)*

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<sup>99</sup> Interview with TAS members, 16 April 2013

<sup>100</sup> Interview with UTSS staff, 17 April 2013

<sup>101</sup> Interview with Daniel Smart of Help Age International, 17 April 2013

<sup>102</sup> Information provided by Donald Kayumba of TAWOC via email 2 May 2013

The LHRC is the pre-eminent human rights organization in Tanzania, compiling the annual Human Rights Report that is cited as the single most informative evidence regarding human rights abuses, basing its data on official reports as well as the input of its network of over 155 district monitors. The 2012 report highlights issues around mob-justice, extrajudicial killings, and attacks against journalists. Executive Director Dr. Helen Kijo-Bisimba noted, “A shocking trend in 2012 is that of extra judicial killings and other trends of torturing,” adding, “police are now using live bullets.”<sup>103</sup> Also openly recognized is the fact that mob justice has also been on the rise, due in part to a breakdown in trust between the citizens of Tanzania and the TPF.<sup>104</sup> LHRC believes that disciplinary action against police implicated in extrajudicial killings (and attacks) has been particularly poor and has had several meetings with the IGP aimed at improving the investigation and punishment of officers involved in such crimes.<sup>105</sup> The LHRC submitted a report on the State of Human Rights Violations and Police Failure to Take Action to the IGP in April 2013, but was still waiting feedback at the time of the assessment. While the 2012 Human Rights report does not highlight inter-religious tensions per se, the Executive Director did note the increase in the use of hate speech, increased religious tensions, and the role of the media in provoking violent reactions.<sup>106</sup>

#### *COMMISSION ON HUMAN RIGHTS AND GOOD GOVERNANCE (CHRAGG)*<sup>107</sup>

Tanzania’s human rights commission is CHRAGG. The Commission was created by Parliament in 2001 and is responsible for investigating human rights abuses (including police brutality, corruption and breaches of women’s rights), and maladministration. It may issue summons, interview witnesses, gather information from persons and inspect premises to this end. While the team was unable to meet with a current Commissioner, several interviewees noted that the CHRAGG is limited in terms of its ability to investigate abuses and that it is both under-funded and understaffed. It also has limited influence as the Commission can make recommendations but not judgments in cases, and is thus impacted and bound by political dynamics, which many think have led to the CHRAGG losing its independence. The CHRAGG also has an oversight responsibility for the police, although in practice this is not fully exercised.<sup>108</sup>

#### COMMUNITY DEVELOPMENT, YOUTH, AND ECONOMIC EMPOWERMENT ORGANIZATIONS

##### *HAKIARDHI*

Founded in 1994, HakiArdhi (Land Rights Research and Resources Institute) aims to generate and sustain public debate and participation on land tenure issues especially in rural areas. It strives to advance, promote and research into land rights of small peasants and pastoralists with a view to provide information and knowledge so as to facilitate equitable and socially just access to, and control over land for production of food and other basic needs. In particular, HakiArdhi monitors developments in land tenure regimes (including machinery for settling of land disputes) in rural and peri-urban areas. HakiArdhi believes the fundamental issue facing Tanzania is resource management and use in the light of inequality. It focuses on 6 areas namely:

- Minerals (gold, copper, tanzanite and gems - gems are now preserved for Tanzanians).

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<sup>103</sup> LHRC 2013, pp.20-22

<sup>104</sup> LHRC 2013, p.31

<sup>105</sup> Interview, LHRC staff, names withheld, Dar es Saalam, May 2013

<sup>106</sup> Interview, LHRC Executive Director, Dar es Saalam, May 2013

<sup>107</sup> CHRAGG is a government body, not an independent NGO, but included here given its mandate

<sup>108</sup> Interview, senior member of CHRAGG, Dar es Salaam, 15 May 2013

- Wildlife resources (tourism industry, poaching, illegal hunting, etc.)
- Land (as a bio-resource, agro-forestry carbon credits, and farming/pastoralism)
- Gas and oil
- Water
- Marine Resources<sup>109</sup>

#### *HAKIMADINI*

Based in Arusha, HakiMadini is a Tanzanian NGO established in 2001 to address issue of justice as it relates to minerals, economic livelihood and empowerment. Among the issue it addresses are policy, legislation, and commercial mining. HakiMadini works in 7 regions of the country and is particularly concerned about small-scale mining (which employs nearly 1 million people)<sup>110</sup> as well as the conflicts between various parties in the mining sector. The main challenges it confronts are around the double allocation of licenses, compensation and relocation, evictions, and conditions in commercial mines.

#### *PASTORALIST INDIGENOUS NGOS FORUM TANZANIA (PINGOS)*

PINGOS (based in Arusha) is a membership organization for pastoralists and hunter-gatherers, established in 1994 in response to the many problems facing their target groups, particularly land alienation. The number of member organizations to the Forum has now increased to 39, working in some 8 regions of mainland Tanzania on diverse issues such as advocacy, capacity building, networking, climate change, and gender. PINGOS emphasis is on conflicts between pastoralists and farmers and believes government policies strongly favor the latter. It is also concerned about the displacement of its members by foreign investors (i.e. ranches, agri-businesses, tourism, etc.) and the resulting violence particularly when there are forced evictions (i.e. Loliondo). PINGOS leadership emphasizes that there is no long-term vision or strategy to resolve these complex issues, and that relocation just creates problems in new areas. Its newly established gender program is focusing on alternatives to FGM/C and reducing child marriage and sexual abuse.

*FEMINA* – Femina defines itself as a youth serving organization (youth is defined as aged 15-35). Its three programmatic areas include sexual and reproductive health, economic empowerment, and citizen engagement. FEMINA has a strong emphasis on media and supports the following media initiatives:

- FEMA Magazine (distributed quarterly to 2500 secondary schools, 600 of which have FEMA clubs) – English and Swahili
- SiMchezo Magazine (distributed biannually through partners focusing on Out of School Youth) – Swahili
- FEMA TV – talk show style on issue affecting youth
- Ruka Juu TV show – Emphasis on economic empowerment. Season 1 was an entrepreneurship reality TV show and season 2 will focus on young famers and businesses.
- Social media

FEMINA is concerned about safety in schools and also considering possible engagement on issues around inter-religious tensions, noting, “Youth want and need to talk about these things.”

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<sup>109</sup> Interview, Mr. Yefred Myenzi, Chief Executive, Dar es Salaam, 15 May, 2013

<sup>110</sup> FGD with HakiMadini, Arusha, 22 March 2013

*Restless Development* – Restless Development is a well-known youth organization that supports youth (aged 18-28), with its headquarters in Iringa and a satellite office in Dar and Mbeya. Restless Development receives its core funding from DFID and Swedish International Development Aid (SIDA), and works through international, national and community volunteers. It has a strong network in the universities in Tanzania with thousands of volunteers throughout the country. It focuses its effort on empowerment and entrepreneurship and also is initiating a new project focusing on out-of-school girls. Restless Development has a strong research arm and has conducted investigative research in a variety of areas affecting youth.<sup>111</sup>

## PEACE, SECURITY, AND CONFLICT PREVENTION ORGANIZATIONS

### *NORWEGIAN CHURCH AID*

Crime and violence prevention are not the main themes of the organization's work as it focuses more on the promotion of Village Community Banks and Public Expenditure Tracking Systems, working mostly through faith-based community organizations (FBOs). However, the main partners are the largest religious organizations in the country including the Christian Council of Tanzania (CCT), Tanzania Episcopal Council (TEC), the Pentecostal Conference of Tanzania (PCT) and *Baraza Kuu la Waislamu Tanzania* – BAKWATA (National Muslim Council). Even though crime and violence is not on top of their agenda they reserve convening power across the major religions and have over the years worked towards the building of religious cohesion in Tanzania by promoting collaborative work through the Inter-faith Standing Committee on Economic Justice and Climate Change. According to Norwegian Church Aid, internal cohesion within the committee itself is on the decline. It is thought that this erosion of confidence could have resulted from the rising spate of inter-religious conflicts.<sup>112</sup>

### *SEARCH FOR COMMON GROUND (SFCG)*

SFCG is an international conflict transformation and peace building NGO seeking to transform adversarial conflict into cooperative action. Its work in Tanzania focuses on the mainland in 2 primary areas: Firstly, a radio and TV program called "The Team" which focuses on gender equality (funded by DFID) and secondly, support to African Barrick Gold on community relationships. Regarding the latter, SFCG believes the key to resolving conflicts at the community level around resources is improved communication flows and relationships. It notes that "the first interaction with the community is critically important" and often botched. SFCG acknowledges that both the companies and the communities have shared responsibilities in terms of the conflicts and violence. By way of example, SFCG noted that African Barrick built a beautiful market in Kahama, which is not being used, as vendors did not want to move away from heavily trafficked areas and not enough consultation was done. SFCG believes that without adequate grievance mechanisms, continued conflicts will arise.<sup>113</sup>

### *THE JOINT COMMITTEE OF RELIGIOUS LEADERS FOR PEACE AND TRANQUILITY IN ZANZIBAR*

Based in Zanzibar, the Joint Committee is supported by the Norwegian Church Aid, Danmission (Denmark), United Evangelical Mission (Germany), FIDA International (Finland), Konrad Adenauer

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<sup>111</sup> Interview, staff, Restless Development, 17 April 2013

<sup>112</sup> Interview, staff, Norwegian Church Aid, 19 April 2013

<sup>113</sup> Telephone interview, Paul Glick, SFCG, 24 April 2013

Foundation (Germany) and Zanzibar Interfaith Centre and the committee brings together Christian and Muslim leaders to dialogue for peace and tolerance.

After much success, the public work of the Joint Committee was brought to a halt by the direction of the Ministry of Justice and Constitutional Affairs in 2011, but after the publication on a booklet on conflict resolution in May 2013, the Joint Committee was invited to conduct a seminar for the House of representatives in Zanzibar on July 1<sup>st</sup> 2013 and it is now expected to be able to work publicly again. Prior to the interruption by the Ministry the Joint Committee had initiated 300 local peace committees throughout Zanzibar – one in each *Shehia*. The Joint Committee also has a youth initiative that focuses on sports, skills training and drama and the Joint Committee is supporting the process of developing more robust training programs (such as a Diploma in Inter-Cultural Relations). The Joint Committee representatives believe that the driving force behind the attacks on religious institutions and leaders is political, social and economic but not fundamentally religious in its nature.

### ZANZIBARI NGOS

Zanzibar counts with its own set of NGOs that focus specifically on the region. Noteworthy to mention are the following:

#### *ZANZIBAR LEGAL SERVICE CENTER (ZLSC)*

The ZLSC is a partner organization of the LHRC and co-produces the Tanzania Human Rights Report. The ZLSC report is somewhat optimistic noting that Zanzibaris participated in the census and the Constitutional Review Process, and engage in programs for free clove seedlings to boost production and economic growth. ZLSC also notes the greater stability provided by the power-sharing GNU government. However, ZLSC expressed grave concerns related to attacks on religious institutions and leaders. The growth of *Ubaya-Ubaya*, a loose affiliation of disaffected youth linked to crime and violence, was discussed. ZLSC expects to highlight this in the 2013 Human Rights Report.<sup>114</sup>

#### *ASSOCIATION OF NGOS OF ZANZIBAR (ANGOZA)*

ANGOZA is a long-standing umbrella of NGOs (with over 200 members) that focuses on capacity building, information sharing, and advocacy/dialogue. ANGOZA notes it has brought the NGO voice to important initiatives like the local government policy, MKUKUZA (the Zanzibari version of MKUKUTA), and the Public Expenditure Tracking System. Concerns related to crime and violence as expressed by ANGOZA on behalf of its membership includes gender-based violence and violence against children, as well as election related violence.

#### *ZANZIBAR FEMALE LAWYERS ASSOCIATION (ZAFELA)*

Established in 2003 and officially registered in 2005 ZAFELA's main aim is to mobilize and organize female lawyers in Zanzibar and to exchange and share ideas on legal issues affecting women and children. ZAFELA, like its mainland counterparts, provides support for both criminal and civil cases, with a focus on services for women and children. ZAFELA also supports the Zanzibar One-Stop Center (see section 8) for legal support for victims of abuse and engages in awareness campaigns, including school-based, that it argues are urgently needed. ZAFELA is working to advocate for access to justice for women

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<sup>114</sup> Interview, name withheld, Zanzibar, 14 May 2013

within the Kadhi courts, which is particularly important in the area of marital break-up that is common. ZAFELA is also attempting to address the “culture of silence” surrounding rape, which is usually dealt with by families. A case was given where a 3 year-old child was raped and the mother was given money to be silent. Thus the police were unable to deal with the case. ZAFELA has good relations with the police and are now working on this and similar issues.<sup>115</sup>

### *ZANZIBAR YOUTH FORUM (ZYF)*

The ZYF serves as a platform to advocate for the rights, social, economic and empowerment of youths with over 200 members. It stressed that the main issues facing Zanzibari youth are inadequate participation in decision-making processes, unemployment, drug abuse and HIV/AIDS.

## **PRIVATE SECTOR**

Tanzania has a vibrant and growing private sector and some private businesses do provide support for safety and security issues. The TPF receives direct support (in the way of vehicles, motorcycles, free telephone lines, station renovation, fuel, and training) from a variety of sources including several mining companies (i.e. African Barrick, Geita, and Resolute) oil companies, banks, security companies, and telecommunication companies as part of their corporate social responsibility programs.<sup>116</sup> While many of these companies provide direct support to the police, they also are known to provide support to communities in the form of assistance with recreational facilities for youth, scholarships for at-risk youth, and support for orphans and vulnerable children. There is little data regarding the extent to which the private sector is supporting training, mentoring, or internship opportunities for vulnerable youth.

Tanzania has enacted the Public Private Partnership Act, 2010.<sup>117</sup> The key role of this legislation is to encourage partnership between the two sectors on areas of mutual interest and benefit. The government is committed to strengthening global initiatives of Open Government Partnership under which civil societies work with it as partners in development to cement the cooperation.<sup>118</sup>

## **MEDIA**

Media play a vital and influential part in daily life in Tanzania. They inform and educate, question challenge, and entertain. In general terms, Tanzania has a very limited independent media sector, with most journalists affiliated with one party or the other. The few independent journalists face continuing harassment from the government. For example, one prominent journalist interviewed noted that when he reported on issues considered to be not friendly to government, he was attacked with uric acid and his paper banned for 3 months. The ban was later made permanent, which is permitted under the 1976 Tanzania Newspaper Act. The journalist stated, “If you are an independent journalist, you are simply not safe.”<sup>119</sup> Many of the major news agencies are state run and even so-called independent news outlets have strong links to politics.

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<sup>115</sup> FGD with ZAFELA, Zanzibar, 14 May 2013

<sup>116</sup> Information provided by the TPF on CSR

<sup>117</sup> Act No.8 of 2010

<sup>118</sup> LHRC 2013, 3.1.1.3 Collaboration of Government and Civil Societies, p.64

<sup>119</sup> Meeting with independent journalist, name withheld, May 2013

This view of the limited scope of independent journalists is confirmed by the Tanzanian Media Women's Association (TAMWA), which works closely with journalists on issues around gender-based violence (school pregnancy, rape, and parental abuse). TAMWA is also working on a manual on how to report on volatile situations and mitigate conflict, although at present the manual does not include a section on inter-religious conflict. TAMWA openly acknowledged, "The ethics of journalism are endangered because our pockets are lined. If a reporter tries to publish a controversial story, he/she is invited to a government office and offered a large envelope."

There is also a growing trend of threats and attacks against critics of the state, particularly journalists. The Constitution of Tanzania provides for freedom of speech but it does not specifically guarantee freedom of the Press. Journalists were arbitrarily arrested, threatened, and assaulted in 2011, leading to self-censorship. In December, authorities charged the managing editor and a columnist for the daily *Tanzania Daima* with incitement over an article which claimed that the government misused police to block demonstrators. The case was pending at year's end.<sup>120</sup> In regards to inter-religious conflicts, it is alleged that the media is restricted from reporting, based on the argument that further incidents may be incited.

Social and electronic media is limited at the present, although offers an alternative for independent journalism as Tanzanians increasingly have access to electronic media. For example, the *Jamii* Forum Blog is one of the most respected sites that facilitate open (and anonymous) reporting, although many contributors and readers are living outside of the country. All journalists interviewed for this assessment expressed concern that as the country moves towards 2015, there will be increased levels of violence and that independent journalists will face ever-growing threats.<sup>121</sup>

## **RELIGIOUS INSTITUTIONS/FAITH BASED ORGANIZATIONS**

The major religious groups in the country include the Christian Council of Tanzania (CCT, congregation of the protestant churches mainly Lutheran and Anglican), the Tanzania Episcopal Council (TEC, the Catholics' congregation), the Pentecostal Conference of Tanzania (PCT), and *Baraza Kuu la Waislamu Tanzania* (BAKWATA, the National Muslim Council). BAKWATA is an umbrella organization of the Muslim community established in 1968. It undertakes a multitude of programs including counseling, advising the justice sector on Islamic Laws of Inheritance, and para-legal support for violence victims. All of these organizations, Christian and Muslim alike, work with their own membership, and also come together as part of inter-faith initiatives.

In light of a recent increase in inter-religious clashes (see section 6, subsection Religious Tensions), there have been deliberate efforts by religious organizations to promote peace. Christian organizations (CCT, TEC and PCT) have mobilized through a Christian forum to discuss the situation and issued a communiqué with specific recommendations. BAKWATA has also attempted to organize its opinion on the matter, however, the council (BAKWATA) suffers from the growing conflict between the leadership and some of the younger clerics.<sup>122</sup>

## **ACADEMIC, THINK TANKS, TRAINING AND RESEARCH INSTITUTIONS**

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<sup>120</sup> See <http://www.freedomhouse.org/report/freedom-world/2012/tanzania>

<sup>121</sup> Interviews, various media houses and individual journalists, Mainland and Zanzibar, November 2012 –May 2013.

<sup>122</sup> Interview, Sheikh.Muhamed Khasim Said, Dean & Deputy Secretary General BAKWATA, 10 June 2013

Several academic and research institutions exist in Tanzania, working not directly in crime prevention, but in matters relevant to crime prevention such as sociology, public health, public administration, criminology and policing. The Tanzania National Defense College trains the army and senior security officers and Police training is carried out at the Police Academy in (Moshi). The University of Dar es Salaam (Economic Research Bureau), is currently undertaking a nationwide research on community policing. Mzumbe University Morogoro/Mbeya/Dar es Salaam trains public administrators and police and offers programs on governance, bringing in public-non-state actor partnership, which was developed in collaboration with the European Union and University of Bradford UK. The National Social Welfare Training Institute is currently training prison officers on rehabilitation of offenders. MS Training Centre for Development Cooperation (MSTDC) based in Arusha trains a variety of practitioners in gender based violence, social protection and social justice, child rights and governance and also hold a two weeks training in peace building and conflict transformation.

## **PRIVATE SECURITY COMPANIES**

Across the world, many states are increasingly outsourcing functions to private contractors that were traditionally undertaken by their military and police. Private security companies (PSCs) are now operating in more than 50 states globally, providing services for governments, international institutions, embassies, businesses and corporations).<sup>123</sup> In East Africa, private security is now a growth industry and exports its services Puntland, Somalia. In theory, this new model of security provision allows governments and public institutions to increase efficiency by concentrating on their core functions whilst transferring surplus responsibilities to private companies. A number of factors ranging from the ready availability of personnel in states downsizing their security forces, to the chronic insecurity and poor quality of policing in many countries, appear to be driving this trend.<sup>124</sup>

PSCs were established in Tanzania in the 1980s and were initially related to the protection of private investments.<sup>125</sup> The number has grown to 512 registered companies with around 5 new companies being registered every month. PSCs in Tanzania are registered and incorporated under the Companies Act Cap.212 (R.E.2002) as private limited companies. In 2010, 142 were also members of Tanzania Security Industry Association (TSIA), a self-regulatory body that provides standards of practice. These companies employ around 1.8 million personnel; 1.7 million are security officers<sup>126</sup> a figure which may be compared with 40,000 officers of the TPF .

Several issues may be raised regarding PSCs in Tanzania. The industry lacks a legal and policy framework for providing security and operates under company laws. Each of the companies is responsible for setting its own professional standards, including whom to employ, what training to provide, a code of conduct and management of weapons. The lack of legal instruments makes it more difficult to hold companies accountable and instances exist of serious professional misconduct and other malpractices by employers and employees. These include the payment of salaries below official minimum wage, employment of unqualified people, unregulated working hours and sexual exploitation. PSC employees have been reported as being involved in crime or planning crime (this is often related to low or late wages).<sup>127</sup> Fears are also voiced that the sector itself has become a source of insecurity, as

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<sup>123</sup> Mathieu and Dearden 2006

<sup>124</sup> Richards and Smith 2007

<sup>125</sup> FGD with former CEO of Tanzania Security Industry Association (TSIA), Dar es Salaam, 2010

<sup>126</sup> Ibid.

<sup>127</sup> See <http://www.thecitizen.co.tz/newe.php?id=17557> 28.2.2010



guards may collude with criminals and conspire against clients.<sup>128</sup> In many cases, PSCs are established and managed by ex-army or ex-police officers and this poses a problem in terms of transparency and accountability but also issues of conflict of interests.

Guards are legally armed with shotguns and semi-automatic pistols, but are not allowed rifles or automatic pistols which are reserved for the military.<sup>129</sup> The director of the PSC is responsible for the management of these firearms but no legal framework exists for this, leading to some cases of firearms being rented out for or used in criminal activities and collusion of private security officers in security breaches. Given the size of the industry and the lack of policy in this area, this is potentially dangerous, especially in the event of a conflict situation when they may be misused.

PSCs are expected to report all crimes to the police. However, there is a lack of clarity regarding their communication with the police and responsibilities of each sector. For example, sometimes both the police and private security guards are guarding the same premises, but receive command from different authorities, which do not communicate.

Private security actors can make a valuable contribution to the provision of security within a state. However, an uncontrolled or poorly regulated sector can function as an obstacle to peace building, good governance and sustainable development. The licensing of PSCs and PSC personnel is important and a clear set of criteria should be established against which applications are assessed on a case by case basis with thorough background checks to be undertaken of PSC employees and owners. Licenses should be of limited duration in order to ensure high standards of professionalism. Working conditions and remuneration should be part of such standards. Arming of PSCs inevitably increases the proliferation of firearms in Tanzania that the state should try by all means to avoid. Since PSC personnel have very little or no training in human rights, the same firearms can be abused. Lastly, a market for security services can increase differentials in security between the rich and the poor. PSCs have a profit motive. Their goal is not the provision of security to ordinary citizens, as is the mandate of the state and they have no commercial interest in seeing widespread reduction in crime. Their growth is therefore increasing security inequality as the rich hire private guards and the poor form their own vigilante groups. Moreover, there is so far no evidence indicating that with the sudden increase of PSCs, crime and violence has decreased. In other countries such as Colombia, the US or South Africa, where the private security sector is massive, crime and violence remain high and prison populations continue to grow.

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<sup>128</sup> See <http://www.ippmedia.com/ipp/guardian/2008/01/01/105402.html>

<sup>129</sup> Interview: Insp. Sebastian Madembwe, Supervisor for registration of firearms, Tanzania Police Headquarters, 13 April 2010

## 5. ENABLING ENVIRONMENT

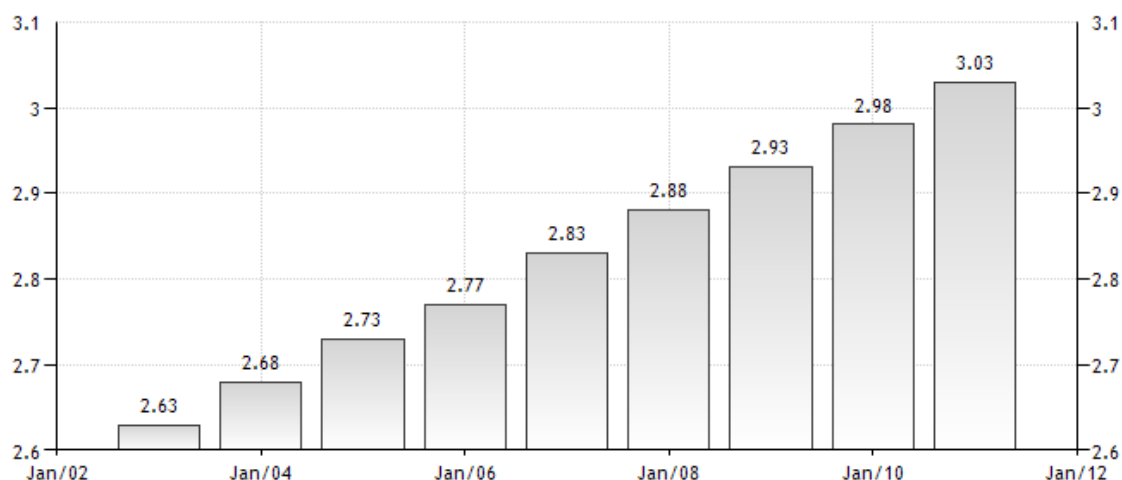
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There are multiple chronic conditions that affect Tanzania and essentially create an enabling environment for growth and development of crime and violence. This section of the report attempts to highlight some of the structural issues that contribute to safety challenges.

### POPULATION GROWTH, UNEMPLOYMENT AND THE YOUTH BULGE

According to the 2012 Tanzania Population and Housing Census WebPage, recent estimates of Tanzania's population are approximately 44.9 million inhabitants, a 300% rise in population in the past 4 decades. 44.7% of the population is below 15 years while 52.1 between 16 and 64, and a mere 3.1% above the age of 65.<sup>130</sup> According to Population in Action, in the next 10 to 15 years Tanzania will also transition from a child rich to a youth rich population structure due to decreasing fertility rates and mortality rates.<sup>131</sup> A youthful population, while providing tremendous resources that can contribute to the development of a country, also can lead to particular challenges if employment and livelihood opportunities do not exist (see below). Youth in Tanzania are defined as aged 15-24. For example, Tanzanian youth represent 68% of the active labor force but face an unemployment rate of 13.4% (16.5% in urban areas and 7.5% in rural areas).<sup>132</sup> Unemployment of youth in Dar es Salaam is estimated to be approximately 31.5%. According to the Director of Youth Development, there is a direct correlation between unemployment and crime and that youth lacking moral capital are particularly vulnerable noting, "an idle young mind can easily be drawn away."<sup>133</sup>

Figure 1, Tanzania Population Growth<sup>134</sup>



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<sup>130</sup> See [http://www.nbs.go.tz/sensa/PDF/Percentage\\_Population\\_Distribution\\_by\\_Region.pdf](http://www.nbs.go.tz/sensa/PDF/Percentage_Population_Distribution_by_Region.pdf)

<sup>131</sup> See

[http://www.populationaction.org/Publications/Reports/The\\_Shape\\_of\\_Things\\_to\\_Come\\_Interactive\\_Database/Index.shtml](http://www.populationaction.org/Publications/Reports/The_Shape_of_Things_to_Come_Interactive_Database/Index.shtml)

<sup>132</sup> URT 2006b, Tanzania Labor Force Study

<sup>133</sup> Interview, Elisante Ole Gabriel, Director of Youth Development, Dar es Saalam, April, 2013

<sup>134</sup> <http://www.tradingeconomics.com/tanzania/population-growth-annual-percent-wb-data.html>

## POVERTY AND INEQUALITY

Tanzania is a poor country, with 33.4% of the country living below the poverty line.<sup>135</sup> However, it is a common misconception that poverty leads to crime and violence. On the contrary, the very large majority of poor people around the world do not resort to crime and violence. A strong correlation does however exist between crime and inequality. Based on the Household Survey Budget Report of 2007, Tanzania has a Gini coefficient of 37.6, making it a moderately unequal country and ranking it well ahead of most of its neighbors.<sup>136</sup> The highest 10% of Tanzanians account for approximately 30% of the nation's income, while the lowest 10% accounts for a mere 2.8%. Income inequality is a particular concern as research findings show that criminal violence and insecurity affects the poor more intensely than the rich, because the poor don't have adequate means of defending or compensating themselves. It erodes the social capital of the poor, tearing away social fabrics, preventing social mobility particularly amongst women and children, and threatens the foundation of democratic institutions. Gender inequality is another major issue affecting Tanzania. According to the African Economic Research Consortium (AERC), "gender inequality is drawing back economic advancements on the continent."<sup>137</sup>

## EXCLUSION/LACK OF OPPORTUNITIES

Income inequality (discussed above) is but one measure of the degree to which individuals are excluded from decision making, power, and resources which in turn makes them more likely to engage in violent acts. For example, most recent research on the factors contributing to a rise in violent extremism have found that it is not poverty but the acute form of social exclusion by the government and society that elicits support for violent extremism. People, especially youth, who feel excluded or marginalized will feel that they, and others like them, have no ability to impact decision making. USAID-sponsored research has found that perceptions of social exclusion and marginality are particularly prevalent among peri-urban/slum youth and in environments where family structures have eroded and normal social comparisons no longer check behavior.<sup>138</sup>

*When access to resources is based on ethnic, cultural or religious characteristics or there is a growing divide between the 'haves' and 'have nots' in countries and communities, economic conditions further contribute to instability.....Countries confronted by large differences between 'haves' and 'have nots' are additionally vulnerable to conflict, which may include resorting to acts of terrorism.<sup>139</sup>*

Tanzania, which faces a rising youth bulge, is particularly vulnerable to violence committed by idle youth who are either unable or unwilling to engage in productive activities (i.e. education or livelihoods). The issue of out-of-school youth is a growing area of concern, which, according to youth NGOs consulted for this study, has largely been overlooked in government and international programming.

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<sup>135</sup> See [Databank.worldbank.org](http://Databank.worldbank.org).

<sup>136</sup> See <http://www.tradingeconomics.com/tanzania/gini-index-wb-data.html>

<sup>137</sup> Nkwame, Marc (2012), 'Gender Inequality Cripples Africa's Development' 4 December, Daily News (Tanzania) <http://www.dailynews.co.tz/index.php/local-news/12295-gender-inequality-cripples-africa-s-development>

<sup>138</sup> See USAID's Guide to the Drivers of Violence Extremism, 2009 for a fuller discussion as well as bibliography that informs this observation.

<sup>139</sup> See <http://www.issafrika.org/assessing-the-vulnerability-of-kenyan-youths-to-radicalization-and-extremism>

## URBANIZATION

Urbanization is on the rise in Tanzania, as it is elsewhere in Africa, and is an irreversible trend in most developing countries. According to UN-HABITAT, Tanzania has one of the highest urbanization rates in sub-Saharan Africa, estimated to be 4.7% annually. With the said rate of urbanization, by year 2030, 55.4% of all Tanzanians will be living in urban centers, with the highest concentration in Dar es Salaam.<sup>140</sup> Increased levels of crime, violence against women and girls, and lawlessness, have accompanied urbanization, particularly in a developing world. Many also argue that increased urbanization leads to a corresponding decrease in community and social cohesion, in addition to threatening traditional family structures. Without a deliberate effort to address this situation, the prospects of future development and of poverty reduction are limited.

## CORRUPTION

Transparency International's (TI) Corruption Perception Index scores Tanzania at 35, ranking it number 102 worldwide (out of 174), ahead of neighbors Uganda and Kenya (ranks 130 and 139 respectively), but still showing a relatively high degree of perceived corruption. According to TI, corruption amounts to a dirty tax, and the poor and most vulnerable are its primary victims.<sup>141</sup> Types of corruption include bureaucratic corruption, political corruption, corruption in public procurement and tax administration, police and judicial sector corruption, and corruption in national resource management. While TI's Corruption Perception Index scores Tanzania very poorly, Afrobarometer data indicate that the public perceives corruption in Tanzania to be on the decline.

Corruption became an issue in the public eye in Tanzania since the publication of the 1996 Warioba Report. Every President since has made a declaration to reduce corruption levels, and specific actions have been taken including the enacting of anti-corruption laws (i.e. 2007 Prevention and Combating of Corruption Act) and establishing oversight institutions (i.e. the Prevention and Combating of Corruption Bureau). Notwithstanding progress, the issue is still of major concern. The Tanzanian Auditor estimated that no less than 20% of the overall government budget is lost to corruption and there have been multiple corruption scandals, including the one that led to the sacking of Prime Minister Lowassa in 2008 and the firing of the Governor of the Central Bank. According to journalist Kizito Makoye, "Everyone is corrupt. Although the public is generally satisfied with the government's efforts to fight graft, the truth is that both petty and grand forms of corruption are still a menace to the society."<sup>142</sup>

## LIMITATIONS OF CRIMINAL JUSTICE SYSTEM

The criminal justice institutions in Tanzania are established by the Constitution of the United Republic of Tanzania, 1977. Key institutions and processes in criminal justice system are: criminal procedure, policing, judiciary, penal policy, juvenile justice, and customary justice.<sup>143</sup> Tanzania also subscribes to a number of international instruments that have a wide range of human rights principles with an impact on criminal justice system. The instruments include: The SADC Protocol on Legal Affairs, The Universal Declaration of Human Rights, The International Covenant on Civil and Political Rights and The African

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<sup>140</sup> Professor Anna Tibaijuka, then Executive Director of UN-Habitat; reported in RAI Newspaper Dar es Salaam, 02-08 January, 2003

<sup>141</sup> See [http://www.ey.com/Publication/vwLUAssets/2012\\_TI\\_CPI/\\$FILE/2012%20TI%20CPI.pdf](http://www.ey.com/Publication/vwLUAssets/2012_TI_CPI/$FILE/2012%20TI%20CPI.pdf)

<sup>142</sup> Reuters, Kizito Makoye, Corruption Corrupts Everyone in Tanzania, March 14, 2013. <http://www.trust.org/item/20130314060600-p7doz/?source=search>

<sup>143</sup> ISS 2009, p. 12-14

Charter of Human and People's Rights. The instruments place an obligation on the Government to ensure on one hand, that the country's criminal justice is effective in delivering safety and security from crime and violence, and on the other hand that there is protection of the rights of the people accused of those crimes.<sup>144</sup>

The Criminal Procedure Act, (CPA), provides the right to be tried within a reasonable time by limiting the period of adjournments while awaiting investigations to be completed, to a maximum period of 60 days.<sup>145</sup> In practice, the CPA has failed to produce the intended results and in most cases the pre-trial period has been extended thrice, even up to 240 days. The 60-day period has also been abused by prosecutors, who often withdraw the charges shortly before the expiration of the 60 days and then file another charge the next day, thus restarting the 60-day period. There is also a serious dearth of advocates to support legal proceedings.

The Minimum Sentences Act<sup>146</sup> sets out minimum sentences for certain offences (i.e. corruption, theft of public property, robbery, cattle theft, etc. The Act is considered by some to be inconsistent with spirit of judicial independence because it prevents judges from exercising their discretion to consider all relevant facts, including mitigation and extenuating circumstances. This also applies to the law that makes death sentences mandatory in relation to murder and treason.

Courts sentences can also be changed through a presidential pardon exercise as provided by Article 45 of the Constitution of United Republic of Tanzania. The presidential pardon powers have advantages of reducing congestion in prisons, allowing convicts to reform and promoting non-custodial punishments. The power of pardon is vulnerable to abuse as it can be exercised as a tool for dispensing patronage.<sup>147</sup>

The police are the gatekeepers of the criminal justice system. In 2006 the TPF developed and started to implement an 8-year strategy expected to deal with its main challenges more comprehensively.<sup>148</sup> The Strategy was categorized into three major clusters, namely: Modernization, Professionalism, and Community policing.<sup>149</sup> At the heart of all reform efforts lies the need to create an effective oversight mechanism for police accountability on performance, observance of human rights and good governance principles.<sup>150</sup> The TPF oversight mechanism is sometimes described as a multiple accountability model, requiring TPF to account to a number of different structures and audiences. At the institutional level, various institutions<sup>151</sup> are established to oversee and investigate alleged police abuses on rule of law, human rights violations, corruption, extra judicial killings, etc. The various oversight mechanisms are categorized into external, internal and independent.

External oversight mechanisms extend across parliament, the judiciary, the executive, and the community.<sup>152</sup> Internal oversight mechanisms deal with discipline, ethics and performance standards of police officers of various ranks, through the Police Force and Prison Services Commissions Act<sup>153</sup> and

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<sup>144</sup> Ibid, p.9

<sup>145</sup> Ss 225(1) and 225 (4) and (5) Criminal Procedure Act (CPA) 1985

<sup>146</sup> Cap 29 [R.E 2002]

<sup>147</sup> ISS 2009, Key findings, p 13

<sup>148</sup> Ministry of Home Affairs, Tanzania Police Force Reform Program (TPFRP), Background and Context, p.1

<sup>149</sup> Ibid p.2

<sup>150</sup> CHRI 2003

<sup>151</sup> URT 2007a, Tanzania Police Force Annual Report, Part 10 Oversight, Challenges and Reforms, p.69

<sup>152</sup> CHRI 2005

<sup>153</sup> Cap 341 [R.E 2002]

Police General Orders (PGO). Independent oversight institutions include Commission of Human Rights and Good Governance, LHRC, Commission of Inquiries, media houses, etc. However, there is no mandated civilian oversight mechanism that has powers of authority over the TPF. Furthermore, TPF accountability and internal oversight mechanisms are overwhelmed by a culture of secrecy within TPF itself and the responsible Ministry of Home Affairs.

The Judiciary also confronts significant challenges including inadequate manpower, poor remuneration, corruption, inadequate facilities and lack of modern technology in recording evidence, lack of training and continuing legal education for newly appointed judges and magistrates, excessive court delays which contribute to congestion in remand prisons, and lastly that the Chief Justice and other senior court officials are political appointees by the President which jeopardizes the independence of the judiciary.

In regards to juvenile justice, there is only one Juvenile Court, which is in Dar es Salaam, and 5 remand homes all over the country that are incapable of providing adequate accommodation to all children who are in conflict with the law. In addition there is 1 probational school in Mbeya. Section 119(1) of the Law of the Child Act, 2009 provides that a child shall not be sentenced to imprisonment, but there have been cases where children are imprisoned in adult prisons contrary to the provision of the said law.

Historically, customary law and institutions have played a very significant role in the control of crime and administration of criminal justice in Tanzania. However, that role was diminished considerably by section 11 of the Judicature and Application of Laws Act 2002,<sup>154</sup> which recognizes the application of customary law but then declares that it is applicable to matters of civil rather than criminal nature. A more drastic and radical step was taken in 1963 with the enactment of Magistrates' Courts Act, 1963, Cap 11 [R.E 2002] that categorically abolished, among others, the criminal customary law. Specifically, Section 66 (1)(1) provides:

*No person shall be charged with, tried for or convicted of any offence contrary to customary law in respect of any act committed or omission on or after the appointed day.*

In spite of this apparent abolition of customary criminal law principles, standards of customary criminal justice have had a direct impact on administration of criminal justice in individual cases in Primary Courts by involvement of assessors in the administration of justice. In District and Resident Magistrates Courts, magistrates may sit with assessors when either there is an issue of Islamic or Customary law to be resolved.

## **DRUGS AND TRAFFICKING**

Tanzania has vast porous borders, with very few areas with officials, and few airports are equipped with facilities for screening for illegal drugs. The country receives a number of illegal drug imports from all over the world including cocaine, heroin/opium, mandrax/methaqualone, amphetamines/ecstasy, cannabis resin/hashish, and cannabis sativa/Marijuana. Cannabis sativa and khat are also locally produced in Mara, Morogoro, Tanga, Arusha and Kilimanjaro.<sup>155</sup>

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<sup>154</sup> Cap 358, [R. E. 2002]

<sup>155</sup> Interview, Nzumbi Kitebo, Superintendent of Police, Police Headquarters, February 2013

Airlines are a major route of transport, particularly via the following routes:<sup>156</sup>

- Iraq -India - Ethiopia - Tanzania (Ethiopia Airline)
- Pakistan – Dubai -Tanzania (Emirates Airline)
- Doha-Tanzania (Qatar Airline)
- Iran – Doha - Comoro to Tanzania (Kenya Airways)
- Dubai - Malawi - Zambia, then via roads and railway to Tanzania
- Dubai - South Africa (South Africa Airline) then by road via Zambia and Zimbabwe to Tanzania.

Illegal drugs are concealed in all manner of ways and have even been found on dead bodies and in diplomatic passports. In 2012, 30kg of Cocaine, 243kgs of heroin and 44 kg of processed Cannabis sativa was confiscated with a total of 49 traffickers arrested (33 male/16 female). These have been identified through searches at entry points and through informants and tracking of mobile phones. Corruption and lack of resources impede Tanzania's efforts to combat this crime. UNODC has now been requested to assist with dealing with drug trafficking.<sup>157</sup>

Zanzibar also has a problem with drug trafficking,<sup>158</sup> in particular by sea, and often targeting wealthy youth.<sup>159</sup> Cocaine is a problem with the trade linked to businesses and corruption at the port. In Mkele, it was noted that community policing was started by residents because of drugs and insecurity. The community identified 13 houses of drug dealers who were paraded and then taken to the police.<sup>160</sup>

The Narcotic Drugs Unit (ADU) is a government initiative aiming to control drug use according to the National Development vision 2025. It is trying to sensitize youths to the dangers of drug use through media campaigns. It has also intensified intelligence networking at border points, surveillance at potential sites of sale and moved to prevent cultivation of noxious plants.

## **ILLICIT SMALL ARMS AND LIGHT WEAPONS<sup>161</sup>**

The proliferation of small arms and light weapons in the Greater Horn of Africa contributes to a high number of criminal offences committed in the region.<sup>162</sup> Several factors responsible for this include: fifty years of fallout from decolonization and the struggle for liberation of African peoples, instability and proxy wars, (in particular wars framed around Cold War ideologies and sponsored by superpowers), the arming of communities for protection due to lack of security (in particular marginalized pastoral groups), the arming of militia groups by states, the licensing of arms to private security companies and the limited presence of state institutions responsible for law and order.

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<sup>156</sup> FGD police, Police Headquarters, Dar es Salaam, January, 2013

<sup>157</sup> Interview, UNODC Official, name withheld, Dar es Salaam, 18 April 2013

<sup>158</sup> Interview, Hassan Juma, Secretary General ANGOZA, Zanzibar, 12 May 2013

<sup>159</sup> Interview, name withheld, Stone Town, Zanzibar, 13 May 2013

<sup>160</sup> FGD, Mkele Community policing group, Mkele, Zanzibar, 16 May 2013

<sup>161</sup> Small arms are handheld small calibre firearms, usually consisting of handguns, rifles, shotguns, manual, semiautomatic, and full automatic weapons and man-portable machineguns. Light weapons include a wide range of medium-calibre and explosive ordnance, including man-portable and vehicle mounted antipersonnel, antitank and antiaircraft rockets, missiles, grenade launchers, rocket launchers, landmines, antiaircraft guns, mortars, hand grenades and rocket-propelled grenades (RPGs), and so on.

<sup>162</sup> Mkutu 2008

Proliferation of arms in Tanzania has been a particular issue between 2004-2008 especially in Northwestern Tanzania, the Kigoma-Kagera border, the areas around Rukwa and borders with DRC, Burundi and Rwanda. The latter 3 countries are highly porous and politically unstable. Tanzania has played host to one of the largest populations of refugees in Africa, and concern has been raised about the transit of weapons through this route, which are then used in crime.<sup>163</sup> Geographical factors are also relevant here, given that there are many forests and infrastructure is poor. The territory of Tanzania has been utilized as transit point by illicit networks, and has suffered directly from terrorism.<sup>164</sup>

Weapons may be old (stemming from Cold War conflicts) and new (from new conflicts) and not all illicit weapons in circulation started their life as such. In Arusha, Tanga and Kilimanjaro many arms are believed to originate from Somalia travelling through Kenya into Tanzania. In Mara region that borders Lake Victoria, firearms may come from as far as Northern Uganda and Turkana, Kenya, and may often be used in cattle rustling.<sup>165</sup> In the Coast, firearms are rarely found although arms uses in piracy may be captured mainly in the sea and may remain in the region.

The Tanzania Government has involved itself in all sub-regional, continent and international policy formulation initiatives that aim to tackle the proliferation of an illicit trade in small and light weapons. Guidelines or national, regional and international action plans that have been set forth include: The Vienna Firearms Protocol; the Bamako Declaration; the SADC Protocol on Firearms and Ammunition; the Nairobi Declaration and the East African Firearms Protocol (draft). These agreements have been formulated within UN Program of Action and have provided an important guide in the formulation of Tanzania National Action Plan. An assessment of the extent of the small arms problem in Tanzania was conducted in 2001 resulting in the Plan in which the following bodies were included or established.

- The National Defense and Security Committee: the highest decision making body pertaining to issues of national security
- The National Focal Point on Arms and Ammunition: an interdependent committee comprising of all stakeholders who have some role in addressing the small arms issue.
- Provincial Focal Point Agencies: regional bodies under the direction of the National Focal Point (NFP)
- National Committee on Arms Management and Disarmament (AMAD Committee: the planning, coordinating, functioning and monitoring body of the National Action Plan.

Areas of focus of the plan include: establishment/sanitization of existing national bodies and agencies; review of national legislation, administrative procedures and regulations; training and capacity building; developing international and regional cooperation and information exchange; cooperation and interaction with civil society in order to build support for the National Plan of Action and secure civil society involvement in its implementation; and identification and action on critical areas of control such as cross-border entry points. The Tanzania Government notes that the process of carrying out the Plan is inclusive of all sectors of Tanzanian society ensuring a sense of ownership by Tanzanians. The budget for implementation comes from the police.

There are machines for marking privately owned and state arms, which has been carried out in 19 out of 23 regions. The Government has also carried out several disarmament operations collecting 24,187

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<sup>163</sup> See <http://www.irinnews.org/report/45867/tanzania-president-ties-rise-in-small-arms-to-refugee-inflows>

<sup>164</sup> Interview, Modest L. Mwauzi, Assistant Commissioner SALW, Dar es Salaam, 19 April, 2013

<sup>165</sup> Ibid



arms between 2002 and 2013 that have been destroyed.<sup>166</sup> Many of these are captured from national parks.<sup>167</sup> One criticism of such strategies they fail to address issues leading to demand for arms, such as livelihood and survival needs, lack of official security provision, and commercial push factors in small arms ownership, such that owning a weapon is quick money. Lastly, while arms are being removed from communities, in other places, arms are being given out with insufficient controls, as in the case of private security guards, whose guns are sometimes used in criminal activities.<sup>168</sup>

## CYBER-CRIME

Cyber crime is a product of the inevitable information and technological advancement and it involves illegal transactions through ICT as *money laundering, child pornography, and information related crime*<sup>169</sup>

Regions	2007	2008	2009	2010	2011	2012
Arusha	7	22	23	30	35	40
Dar es salaam	31	45	40	50	54	75
Dodoma	32	21	22	31	38	30
Pwani	7	12	15	18	25	18
Lindi	0	6	7	13	19	17
Mtwara	0	3	0	10	12	20
Mwanza	12	39	35	40	45	50
Morogoro	30	37	33	34	30	43
Mara	10	13	14	15	10	13
Kigoma	8	9	10	18	20	25
Kilimanjaro	11	21	20	25	27	30
Manyara	4	8	10	10	12	15
Iringa	17	20	10	15	16	18
Mbeya	28	32	30	30	35	48
Ruvuma	12	8	7	10	12	15
Shinyanga	18	26	25	20	19	25
Singida	4	7	6	7	10	15
Tabora	19	16	15	11	19	20
Tanga	4	10	14	18	31	35
Kagera	10	12	10	17	33	39
Rukwa	3	7	0	10	15	11
Zanzibar	3	8	5	12	25	24
<b>Total</b>	<b>270</b>	<b>382</b>	<b>351</b>	<b>444</b>	<b>542</b>	<b>627</b>

Source: TPF Crime Statistics, January-December, 2012; April, 2013

From the statistics provided, cyber crime is on the increase 2007-2012; e.g. from 542 incidents reported in 2011 to 627 incidents reported in 2012, an increase of 85 incidents which is equivalent to 15.6%.

<sup>166</sup> See <http://allafrica.com/stories/201302180100.html>

<sup>167</sup> Interview, Modest L. Mwauzi, Assistant Commissioner SALW, Dar es Salaam, 19 April, 2013

<sup>168</sup> Mkutu 2008

<sup>169</sup> TPFRRP, May 2010, 2.2.1 Changing characteristics and intensity of Crime, p.09

Regions mostly affected include Dar es Salaam (75) incidents, Mwanza(50), Mbeya(48), Morogoro (43) and Arusha (40).<sup>170</sup>

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<sup>170</sup> *Ibid*, p.57

## 6. MAJOR CRIME AND VIOLENCE DYNAMICS

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### POLITICAL AND STATE CHALLENGES

#### URBAN STREET CRIME

Cities and towns in the country are faced with several complex social, economic and cultural issues that contribute to crime, delinquency and violence. These include widespread poverty and growing income disparities, gender bias and domestic violence (economic abuse), the impact of HIV/AIDS with the attendant growing number of orphans, beggars, street children, “street families”, homelessness and overcrowding. Also impacting events in cities and towns is the decline in traditional clan and extended family based social security systems that could offer protection to vulnerable groups. Findings of Crime Opinion Survey and Victimization Surveys conducted in the Cities of Dar es Salaam, Arusha and Mtwara revealed that armed robberies, muggings, thefts, assaults, traffic offences, drugs and violence acts are frequently committed and are on the increase.<sup>171</sup>

Crime and violence do not happen spontaneously. Inadequate urban environments that exclude members of society from the benefits of urbanization and participation in decision-making and development encourage crime. The lack of a long-term solution to social, economical and governance issues in cities of the world, and failure to promote inclusive policies targeting the most vulnerable groups is the root-cause of increases in urban crime and violence.

People living and/or working in some crowded *mtaa* of most of the cities and towns in the country are in constant struggle for survival. Others who see no future in such struggles, may live with attitudes of jealousy, desperation, or servility, conducive to violent reactions or damaging behaviors such as alcoholism, drug abuse, commercial sex, mugging, banditry and be easily drawn into religious and political violence.

Urban youth unemployment and juvenile delinquency, out of school youth who are often too young to be gainfully employed, or lack of necessary skills, capital or opportunities for self-employment cause youth to become idle and easily drawn into drug abuse, violent and anti-social behavior and crime. The lack of employment is exacerbated by inadequate and/or lack of recreational facilities and where they exist they are not well maintained and fully utilized, leading to boredom, which is a recipe for criminal behaviors. Physical factors contributing to urban crime and violence include, poor management of land use plans and bad design of streets and public spaces contribute to crime in urban areas. Most streets and public spaces in urban centers in the country are not visible from adjoining buildings and are unlit and therefore unsafe, encouraging crime. Similarly, most of the streets lack street names and street addresses making it difficult to report crime, respond and provide timely rescue.<sup>172</sup>

Social inequality, lack of basic social services and lack of livable incomes, leads to distrust, intolerance, and in some cases to violent reactions, e.g. urban violence against person(s) or property among various social groups. This not only creates a feeling of insecurity, but tears away social fabric threatening the

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<sup>171</sup> Robertshaw et al. 2001

<sup>172</sup> Vanderschureren Franz, Safer Cities Concept Note, Prevention of Urban Crime, June 2000 Africites, Windhoek, Namibia, p.1

foundations of democratic institution, erodes the ability of the poor to live harmoniously, creates urban ghettos, and stigmatizes neighborhoods, particularly among the poor and the more vulnerable groups i.e. women children, youth and the aged. Violence is the product of social inequality, social exclusion, in sufficient urban services, and failure to incorporate security related issues in urban management policies.

## **PARTY POLITICS**

The multiparty system was introduced in 1992 with 2 parties; there are now 20 registered political parties in Tanzania. *Chama cha Mapinduzi* (CCM), the ruling party, has however won all elections. Inevitably there is conflict between parties, and this has become heated on several occasions. For example, Mr. Wenje, a *Chama cha Demokrasia na Maendeleo* (CHADEMA – strongholds in Mbeya, Arusha and Mwanza) member and shadow minister for foreign affairs, recently angered CCM while reading the opposition camp's views on 2013/14 budget estimates. A Civic United Front (CUF – stronghold in Zanzibar) Member of Parliament stood up and sought the deputy speaker's guidance on words that were felt to be abusive. In the resulting disagreement MPs became furious and threw papers at Mr. Wenje threatening to beat him up. The house became ungovernable and the session was adjourned. Even outside parliament, some CUF MPs remained furious with their CHADEMA counterparts.<sup>173</sup> More generally there has been failure of parties to cooperate for developing consensus on important matters. Instead they have been actively engaged in conflicts and competition for power. Several interviews made mention of the concern that Parliament is becoming violent.

Conflict exists not only between parties but also within them. There are splits that may threaten parties, and shifting loyalties fuelled by the search for resources by the new smaller parties. In 1992 National Convention for Construction and Reform – Maguezi (NCCR-Maguezi) was founded by a group of academics and lawyers with support from dispossessed youths wishing to challenge one party rule, headed by former CCM member Lyatonga Mrema. The party became popular among the Chagga constituencies of Kilimanjaro region and large sections of the urban poor known in Kiswahili as *walaahoi*,<sup>174</sup> such that in 1996, NCCR gained 27% of the vote. From then tensions emerged between Mrema and his Secretary General, a prominent lawyer<sup>175</sup> resulting in a permanent split within the party. Other opposition parties have also experienced splits and power struggles. CHADEMA terminated elected councilors in Mwanza in 2012 claiming misconduct<sup>176</sup> and in an interview with a CUF founder member in Zanzibar, he noted that he decided to leave the party due to disagreement from within. Differences between Mr. Hamad Rashid Mohammed, the Secretary General and Mr. Seif Sharrif Hamad the Vice President of the Government of National Unity (GNU) were publically aired in the media.<sup>177</sup>

While political demonstrations and rallies have historically been peaceful, more recently rival factions have been known to be aggressive towards one another and the police, for example, the Arumeru-East by-election of 2012 in which there was violence leading to some deaths, use of children under 18 years in campaigns, abusive language and corruption and misuse of funds.<sup>178</sup> There have been sporadic acts of violence during registration and election periods in both Zanzibar and the mainland with at least one death on each election. Political parties in Tanzania are often guilty of incitement of uneducated masses

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<sup>173</sup> 'Chadema remarks annoy CUF in Bunge', Daily News. 31 Friday, May 2013.

<sup>174</sup> Means those who go to bed tired

<sup>175</sup> 'Anti-Mrema plots'. Daily Guardian, 28 March 1997

<sup>176</sup> LHRC, 2010, p.90

<sup>177</sup> See <http://www.dailynews.co.tz/home/?n=26804&cat=home>

<sup>178</sup> TACCEO 2012, p28

and militarization, leading to a situation of constant tension with violence erupting with little provocation. Examples may be noted in Mbeya, Mwanza, Arusha, and Mtwara. “Even if a *boda boda* (bicycle taxi) hits someone, youths are ready to respond”.<sup>179</sup> Many youths are now moving to support the opposition. In the upcoming 2015 election the ruling party CCM is facing many challenges including discontent from Zanzibar. The inter- and intra-party tensions noted, combined with militarization of youths may make for electoral related violence in the future.

## **ZANZIBAR SECESSIONIST MOVEMENT**

Since the Union founders, Mwalimu Julius Nyerere and Sheifkh Abeid Amani Karume signed the Articles of Union in 1964, a significant challenge has been discontent over the distribution of revenue between the 2 sides. To address this delicate issue a joint Finance Commission was set up in 2003 to advise the government on the equitable distribution of revenue. Apart from the revenue distribution, the commission had to focus on other areas of divergences such as the exclusive economic zone, harbors, foreign aid, exploration and exploitation of nature resources such as oil and minerals, currency, finance and banking, income tax and external debts. Another potential source of conflict has been news on the existence of oil and gas reserves around Pemba, raising dispute over which entity is eligible to take charge of exploration and how revenue should be distributed between the Union. An advisor was commissioned to provide a formula for sharing petrol and gas revenues, which was rejected by the House of Representatives in Zanzibar in their April 2009 session (more details may be found in Section 7 subsection Community Snapshot: Zanzibar).

## **EXCESSIVE FORCE, EXTRAJUDICIAL KILLING, AND ATTACKS ON POLICE**

As enforcers of the law, the police are commonly seen as the trusted embodiment of law, meant to protect the innocent, find the guilty and bring them trial, and promote the means and ends of justice. They are expected to act righteously and rigorously in defense of the rule of law and adhere to its letter and spirit. But sadly, and too often police are cited for wrongdoing that range from individual misbehavior to institutional criminality. Some of the commonest complaints against police cited year after year by human rights observers include: due process abuses, brutality and torture, corruption, bias and discrimination, and extra-judicial killings.

An extrajudicial killing is the killing of a person by government authorities without the sanction of any judicial proceeding or legal processes. Police, militias, prison officials, park wardens, and guards from private security companies are in most cases named as the leading institutions in extra-judicial killings in Tanzania. Extrajudicial killings and police brutality in Tanzania has often affected the following: political activists and demonstrators, trade union demonstrators, criminal suspects, human rights activists and investigative journalists. When operating outside of the strict prescribed protocol for the use of force, killing in the course of policing is nothing less than murder. However, there are all too frequently reports of police resorting to extra judicial killings as a “quick fix” device. Faced with mounting public frustration at their inefficiency to control crime or low-level conflicts, police seek to solve deep-rooted security and societal challenges by simply liquidating the problem without the need to go through the “inconvenience” of the legal process.

LHRC recorded a total of 31 extra-judicial killings in 2012 and 13 from January - March 2013. The issue was raised by different donor agencies and missions interviewed as a worrying problem citing a recent

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<sup>179</sup> Interview, HakiMadini, Arusha, 22 March, 2013

Mtwara case in which it was alleged 8 people were killed. It was also indicated that there is a need to train the police on crowd control.

## **GANGS AND MOB-VIOLENCE**

Gangs are an emerging issue in Tanzania. In the Dar es Salaam area there are several gangs (*Abajalo*, *Wakush*, Vibe, Star from Sinza, *Wamarekani Weusi* (black Americans), *Panga Nasia* and *Watoto wa Mbwa* (children of dogs) all from Mbagala (a large urban informal settlement). Musoma municipality, Mara region, has a particular problem with gangs, and has suffered high levels of violence since last year, including several killings and maimings, often targeting women with removal of body parts. This and other types of violence have led to the establishment of a special “police zone” in Tarime (one of its 5 districts). Street youth gangs (such as *Mbio za Vijiti*, *Mdomo wa Furu*, Jamaica Mockers, West Lawama, *Wamaili* and B5 Ink) emerged as an important issue around 2008/2009 and have continued, with inter-gang violent conflicts and theft, robbery, kidnappings and killings targeting the community, necessitating police intervention.

Zanzibar is another area where gangs are becoming a problem. This is related to politics. Just prior to the 2010 election, politicians mobilized around 1000-2000 youths, promising them jobs if elected. Following the election the elected politicians failed to fulfill their promises adequately and youths organized themselves into several gangs, of which the best known is *Ubaya Ubaya* (evil for evil). As a result many people fear walking at night in certain parts of Zanzibar, though community policing in Stone Town has had some success in preventing the gang activity. Drugs (both hard and soft drugs) exacerbate the gang problem in Zanzibar.<sup>180</sup> Gangs could potentially be used in the upcoming election in 2015.

In various interviews with diplomats and the Director of Youth, it was noted that Tanzania faces a major problem with nearly 60% of the population being youths, many of whom who are unemployed. The problem of gangs in Tanzania has not reached the scale of that in Kenya, and it may be possible to prevent further growth of these groups with targeted interventions.

Mob-violence (sometimes referred to as mob-justice) refers to arbitrary action by a group of people who decide to assume the role of judges by punishing those who are suspected to have committed/about to commit an offence in the community. Mob-violence is also referred to as a disturbance of the peace conducted by a group of people assembled and acting with a common intent in executing a lawful or unlawful enterprise in a violent and turbulent manner. In most cases, mob violence occurs when.

In Tanzania, mob-violence is typically a reaction to an alleged offense of a community group that believes justice will only be served if taken into their own hands, often killing the perpetrator for a crime such as stealing through stoning (50%) and burning (48%).<sup>181</sup> Much of what is known about mob-violence in Tanzania draws on the LHRC 2011 report and TPF data (see section 3) that notes 673 deaths in 2011. In 2012, LHRC reported notes a sizable increase to 1,234.<sup>182</sup> In a study by Ng’walali and Kitinya conducted from January 2000 to December 2004 out of 10,000 forensic autopsies performed in the Department of Pathology between 2000-2004 12.49 percent were victims of mob-justice<sup>183</sup>. The majority

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<sup>180</sup> Interviews, security, politicians, community policing, civil society and FBOs, Zanzibar, 13-17 May 2013

<sup>181</sup> LHRC 2012, p.29

<sup>182</sup> LHRC 2013, p.27

<sup>183</sup> Ng’walali and Kitinya 2006

of the victims were aged between 15-40 years. In an interview with LHRC it was also revealed that the police have become victims, e.g. in Zanzibar in 2012 where a police officer was decapitated.<sup>184</sup>

A taxi driver in Dar es Salaam gave the following story,

*In December 2012, I was headed home after work around midnight. I was approached by a gang of 10 youths. They beat me up but because am a big guy, I managed to defend myself, though they cut parts of my head. I managed to report to the police and 2 of the guys were brought to court, but since I could not take time off to attend as a witness they were set free. The 2 guys came back to the community and the community identified them and they were set on fire in mob-justice.*<sup>185</sup>

The main reasons for mob-justice noted in interviews and secondary sources include:

- Lack of trust of police, judiciary and other law enforcing agencies, due to corruption, and incompetence and perpetrators not being held accountable<sup>186</sup>
- Long, expensive and cumbersome legal and administration of justice system<sup>187</sup>
- Far locations of police stations
- Ignorance of due legal process<sup>188</sup>
- Development of a culture of state lawlessness (especially among the youth) because the leadership disregards the needs/concerns of the people, especially due to perpetrators of impunity not held accountable, lack of transparency and inequity.
- High unemployment
- High level of theft

A lawyer noted, "You report and investigation starts with you."<sup>189</sup> Access to justice is an issue due to capacity with only 3,000 advocates in the entire country of 44 million.<sup>190</sup>

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<sup>184</sup> Interview, Flavan Charles, LHRC, Dar es Salaam, 12 April, 2013

<sup>185</sup> Interview, taxi driver, name withheld, Dar es Saalam, 19 April, 2013

<sup>186</sup> Interview, diplomat name withheld, Dar es Salaam, 15 April, 2013

<sup>187</sup> Interview, diplomat name withheld, Dar es Salaam, 15 April, 2013

<sup>188</sup> LHRC, 2012

<sup>189</sup> Interview, lawyer and high court advocate, Dar es Saalam, 18 April, 2013

<sup>190</sup> Interview, Diplomat, name withheld, Dar es Saalam, 15 April, 2013

*Figure 2: Mob chasing a suspect in Etaro, Butiama District, December 5, 2012. He was eventually beaten to death upon suspicion of involvement in ritual killings in Musoma and Butiama districts.<sup>191</sup>*



International human rights standards and domestic laws prohibit the destructive practice of mob-violence. Some of the national laws prohibiting mob-violence include The Constitution of the United Republic of Tanzania 1977, the Penal Code Cap. 16, which prohibits mob-violence, assault, intimidation and destruction of property; the Criminal Procedure Act, 1985 which provides for due legal process when handling a person suspected to commit a criminal wrong. The assessment team found no evidence of action by either state, civil society or other actors to combat mob-violence. Education on the law and legal process and the importance of respecting these may be recommended in the light of the findings. Media may also have an important role to play in education and dissemination of information.

## RESOURCE BASED CONFLICTS

Several resource-based conflicts are currently evident in Tanzania. These may be denoted as communities vs. investor conflicts (mainly commercial farming and mining), inter-communal land conflicts between pastoralists and local farmers, inter-pastoral conflict over water, pasture and cattle (raiding), and conflict between community and state over conservation and development projects. This section examines these conflicts and the occurrence of or potential for violence. It should also be noted there is often high levels of violence within mining communities, sometimes related to land tenure rights.

### COMMUNITY VS. INVESTOR CONFLICT

Although historically there had been no formal ownership of land, Tanzania like many other African countries was subjected to structural adjustment policies (SAPs) imposed by the International Monetary

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<sup>191</sup> Daily Nation 2012



Fund (IMF) and the World Bank in the early 1980s and adopted the liberalized market economy. In this process, land was also liberalized. The government enacted the Tanzania Investment Act No. 26 of 1995 and established the Tanzania Investment centre (TIC), a body now responsible for granting rights of land to foreign investors. Since the 1990s, there has been an influx of both local and multinational investors who are interested in land for commercial farming, ranching or mining activities leading to the granting of leases to such. However, there are questions about the capacity of Tanzania amongst other countries targeted by land deals to effectively manage these investments in order to ensure that they contribute to rural development and poverty alleviation.<sup>192</sup> Interviews with HakiArdhi and their 2011 report from which this section draws some of its information, gives several examples of investment where the community has failed to benefit, leading to investor-community conflict.<sup>193</sup>

### INVESTMENT LAW

Foreign investors apply through the Tanzania Investment Centre (TIC) note above. Frequently the land targeted for investment is under 'customary right of occupancy' which constitutes what the Village Land Act, 1999 calls as "village land" 4 (1). This land, for the purpose of 'public interest' that includes national interests, can be transferred for investment purposes on the decision of the Minister or Commissioner for Lands. Provision is made in the Village Land Act (section 4) for affected villagers to represent their case to the village council. Their case must be considered and compensation is a mandatory part of the procedure. However, in another section (7) of the Village Land Act these provisions may be overridden by higher powers, due to the provisions of other Acts (The Land Act and the Local Government Act), Villagers' power to appeal is then limited by their ignorance of the technicalities of the complex legal provisions, high illiteracy and lack of resources for legal representation.

### MINING

Tanzania is rich in several minerals including, gold, tanzanite, uranium, oil and gas. The gold sector has expanded rapidly since 2001, and now routinely exceeds one million ounces per annum, accounting for 40% of the country's exports.

*Figure 3: Small scale gold mine with local miners*

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<sup>192</sup> De Schutter 2011, p.249

<sup>193</sup> Chachage and Baha 2011



Conflict between communities and investors is common, over the displacement of communities and small-scale businesses, and failure to adequately benefit local communities. The role of the state is important in giving of licenses and failing to enforce the law to protect communities. In an interview it was noted that there are more than 200 unsettled cases in various courts.<sup>194</sup> There is an apparent contradiction between the investment law, as it relates to mining, and land law that recognizes the communal land ownership and rights of communities to live in these places.

In Nybigena and Nyabirama areas of Tarime District in Mara region in August 2001, some 1260 former small-scale miners, peasant farmers and other residents were forcibly evicted from their lands, settlements and had their properties expropriated by Afrika Mashariki Gold Mine when the company took over the 2 gold mining areas. The forced evictions were carried out with the assistance of the FFU paramilitary security force.<sup>195</sup> Small-scale local mining companies and local artisans are in many cases licensed and recognized by the state, however, they may be displaced by double allocation of land, e.g. in Mt Elizabeth, with rights being given to large companies without compensation.

Commentators argue that land expropriation and social exclusion is deepening social division because there is little benefit from sustainable social services or infrastructures despite a requirement for investors to do provide this.<sup>196</sup> Equal employment opportunities for locals are often lacking, and environmental degradation is a further concern, e.g. toxic waste from mining is contaminating water sources leading to deaths such as in Barricks North Mara gold mine in Tarime district, Mara region, where it is suspected that at 22 people and 270 cattle died after drinking water from the contaminated Tigithe river.<sup>197</sup>

Reports of conflict are frequent. In May 2011 an estimated 500 or more villagers attempted to forcefully

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<sup>194</sup> Interview, HakiMadini, Arusha, 22 April, 2013

<sup>195</sup> Mwikwabe, 2011

<sup>196</sup> Cooksey and Kelsall 2011; Curtis and Lissu 2008

<sup>197</sup> Interviews, November 2012 and 19 April, 2013

enter Barricks gold mine to confiscate gold sands.<sup>198</sup> The disorder continued for 5 days resulting in 7 people killed and 10 injured. In Mererani, Arusha, a Tanzanite area, conflict between small-scale miners and a large investor has continued for years with some violent confrontations. Oil and gas, which have been discovered in Mtwara, have also become causes for debate, with residents protesting about a proposed pipeline to take gas to Dar es Salaam for processing and sale, rather than the building of a plant in Mtwara.<sup>199</sup>

A clear dispute mechanism between the communities, investors and state is needed. Presently this is vague, with the person giving out licenses being the same individual to which appeals for arbitration are made. A special tribunal for the mining sector is needed, as many cases are handled in the high court, but high court judges are not trained in law and technicalities related to mining. Moreover, clarity is required regarding the various ministries and commissions involved and the potential contradictions in the law as the current confusion allows space for arbitrary decision-making and corruption. Lastly, there is a need for the state to reassess its role. As one interviewee put it “The state has embraced the liberalized market and is protecting business, using its machinery to fight its citizens.”<sup>200</sup>

### COMMERCIAL AGRICULTURE

Three important industries have led to large-scale land acquisition in recent years.<sup>201</sup> The first is biofuel, for which an estimated 280,000 hectares had been acquired by 2011, with the biggest grants in Kilwa, Lindi, Bagamoyo, Coast, Biharamulo, Kagera, Mbarali and Mbeya.<sup>202</sup> The second and third industries are food for export and agro-forest (managed by foreign countries to offset carbon emissions). All have resulted in evictions of locals and many conflicts now exist over improper and unlawful deals and lack of fulfillment of promises. It must be noted that not all investors are foreign. An initiative by Tanzania Eco-Development Trust (TEDET) has encouraged buying of farmland for 500,000 Tsh (333 dollars) per 5 acres. This is clearly a threat to food security for rural based small producers.<sup>203</sup>

In an interview with HakiArdhi it was noted again that legal and institutional frameworks overlap or are weak and ineffective, thus gaps need to be closed. It was suggested that this could be done through advocacy. Other suggestions included capacity building of law enforcement agencies, such as establishment of police stations where there are none and ward tribunals, and a greater engagement by the state with communities.<sup>204</sup>

### **INTER-COMMUNAL CONFLICTS (PASTORALISTS AND FARMERS)**

Tanzania has the third largest cattle population in sub-Saharan Africa, after Ethiopia and Sudan,<sup>205</sup> 90%

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<sup>198</sup> See Tanzania Daima, 10 May 2011; HabariLeo, 16 May, 2011

<sup>199</sup> See

<http://www.thecitizen.co.tz/News/-/1840392/1860180/-/ewg3dez/-/index.html>; <http://www.thecitizen.co.tz/News/Why-Mtwara--violence-is-beyond-gas-pipeline/-/1840392/1861170/-/ctbqen/-/index.html>.

<sup>200</sup> Interview, name withheld, Arusha, April 2013

<sup>201</sup> Chachage and Baha 2011

<sup>202</sup> Information compiled from FAO 2010, Gordon-McLean et al. 2008, Sulle and Nelson 2009 in Chachage and Baha 2011

<sup>203</sup> De Schutter, 2011

<sup>204</sup> Interview, Dar es Salaam, 16 April 2013

<sup>205</sup> URT 2006a, p.1

of these cattle are indigenous stock produced mainly in the semi arid areas by the pastoralists.<sup>206</sup> Pastoralist-farmer conflict is prominent, occurring in Kilosa, Mvomero and Kilombero districts in Morogoro region; Kilindi and Handeni districts in Tanga region; Mbarali district (Ihefu Valley) in Mbeya region, Rorya, Tarime and Mwanza districts in Mara region, Arumeru district in Arusha region and Simanjiro, Kiteto and Babati districts in Manyara region.

Kilosa has been a particular trouble spot, with ongoing farmer-pastoralist conflicts in the last one and half decades. In 2000 tensions resulted in inter-communal warfare<sup>207</sup> with 38 farmers killed. The farmers allegedly hired militias (said to be the proscribed Ujaki from the Wakurguru tribe), while the Masai used their own *morans* (warriors). Conflicts continued and in December 2008 at Kikengg hamlet of Mabwegwa and Mabwegere village in Kilosa, 8 people were reported dead, with 832 people taking refuge in neighboring villages, several houses burned, crops destroyed and thousands of animals stolen.<sup>208</sup> Figure 3 details the factors involved in pastoralist-famer conflicts graphically.

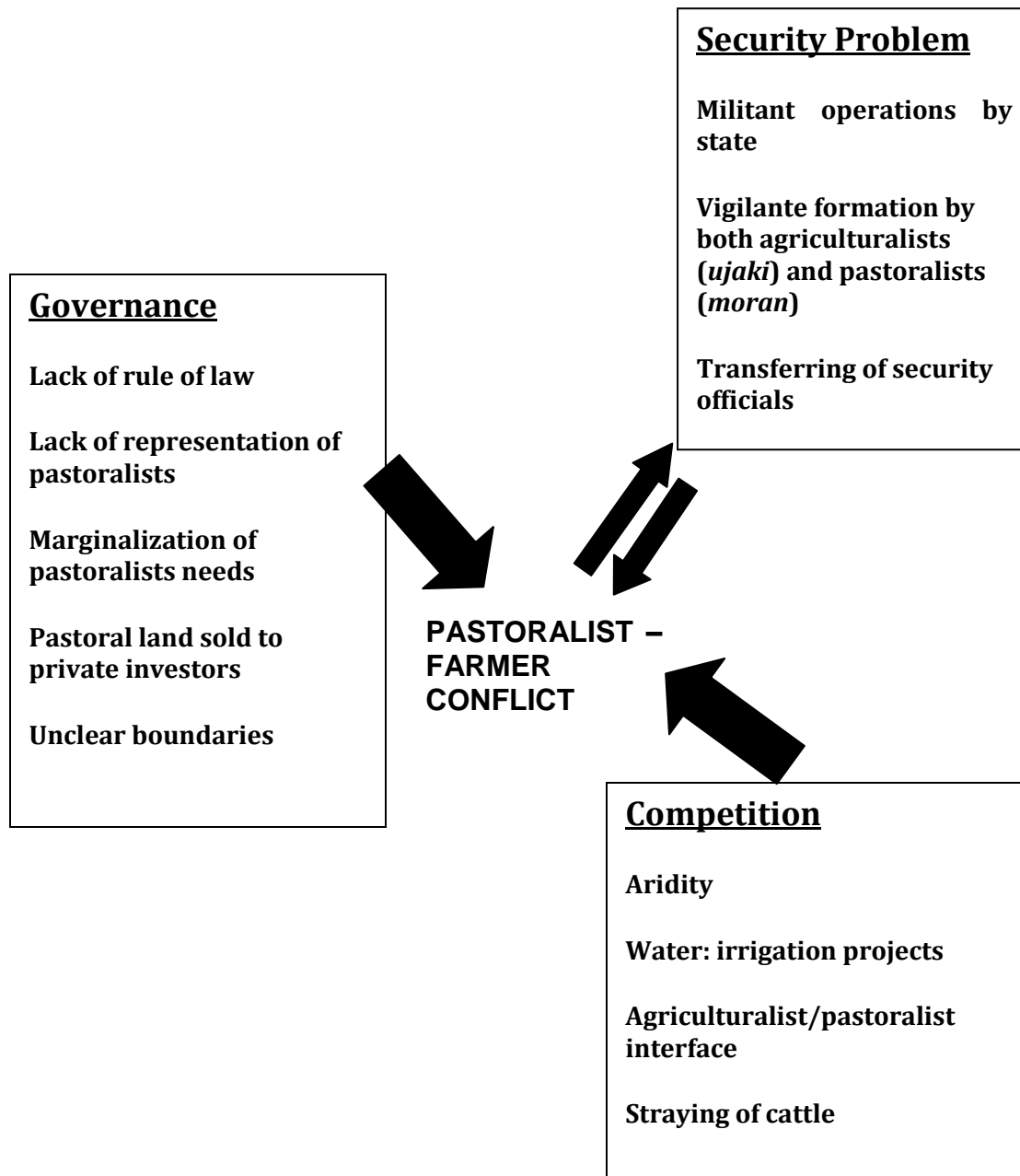
*Figure 4 - Pastoralist-Farmer Conflicts*

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<sup>206</sup> Ibid.

<sup>207</sup> Benjaminsen et al. 2009

<sup>208</sup> Interviews, community, Kilosa, 2011



Pastoralists have occupied land in Ngaite since colonial times that affords them the benefit of ownership according to Tanzanian law (time of occupancy of 12 or more years). Schools, hospitals and water points have been built by the government in the Ngaite village.<sup>209</sup> However, pastoralists are now being removed in favor of ranchers. Faulty survey information and a lack of collaboration between the different arms of the state were noted as contributing to the decision. The marginalization of pastoralists in the land tenure system is also important here. In the categorization of land, there is no specific land set aside for

<sup>209</sup> Interview, Hamisi Issa, former OCD Kilosa, Morogoro, 28 December 2010

pastoral activities. Pastoral livelihoods were not provided for during the creation of villages under the 1974 socialist government and in the Wildlife Act of 1974 national parks, game reserves and game controlled areas were given preeminence over pastoralism. Furthermore, there is a dearth of policy as related to pastoralism as compared to other sectors like agriculture, tourism and mining. Yet importantly, Tanzania is the third largest producer of beef in Sub-Saharan Africa.

At the local level there is no clear land demarcation for users due to the lack of proper land use plans, although this is required in the Land Act No. 4 and Village Land Act No. 5, 1999. Various obstacles including boundary conflicts have prevented this. Weak conflict mitigation mechanisms exist in villages. It was noted, "The cases brought for resolution are often presented as the destruction of farmers' properties by pastoralists and result in a decision that pastoralists should compensate farmers. This fails to bring about true reconciliation between herders and farmers."<sup>210</sup> Interestingly, it is not always that pastoralists come out worst. The Masai are often rich in cattle and it was noted that they might bribe their way out of a court case with the proceeds of the sale of one cow at Tshs 300, 000 (USD 200).<sup>211</sup> Farmers on the other hand are unable to raise such funds. In Kilosa it was also noted that pastoralists might bribe local leaders to be allowed to enter land being used to grow crops.<sup>212</sup>

One response by the government has been to force pastoralists to reduce their cattle numbers by selling them, or moving them out of the district as in Operation Kilosa of Feb-March 2009. However this displaced the problem, leading to conflicts elsewhere. Some pastoralists have sold cattle and invested elsewhere such as the hotel industry. Managing the Kilosa conflict and other conflicts has often been left to the police although other partners should include ministries of agriculture, lands, livestock and the administrators. Social and economic networks between pastoralists and farmers are complex and to some extent interdependent, which may be a useful starting point for conflict mitigation.

## INTER-PASTORAL CONFLICTS

Cattle rustling occurs all over the country, with particularly high frequency in border areas like Kagera and Mara (Tarime). Dodoma, Morogoro, Tanga, Arusha, Kilimanjaro, Singida and Tabora. Ministry of livestock and fisheries published figures for cattle rustling between 2005-2008 are given below (these are the same figures as provided by the police, noted later). According to the Ministry the communities most commonly involved in cattle rustling include pastoralist tribes such as Masai (Ngorongoro, Monduli, Longido, Simanjiro and Kiteto districts), Barbeig (Hanang district), Taturu (Meatu District) and Kuria (Mara region). Others are Tutsi (Kibondo and Kasulu districts) and Sukuma (Mwanza, Tabora and Shinyanga regions).

*Table 4 - Cattle Rustling All Regions, Tanzania 2005 to 2007*

Region	Cattle Stolen			Total cattle stolen	Cattle recovered			Total cattle recovered
	2005	2006	2007		2005	2006	2007	
ARUSHA	96	71	818	985	17	17	466	500
D'SALAAM	256	300	198	754	104	102	47	253
DODOMA	2,303	2,723	1,938	6,964	-	-	1,218	1,218

<sup>210</sup> Interviews, various, Kilosa, March 2011

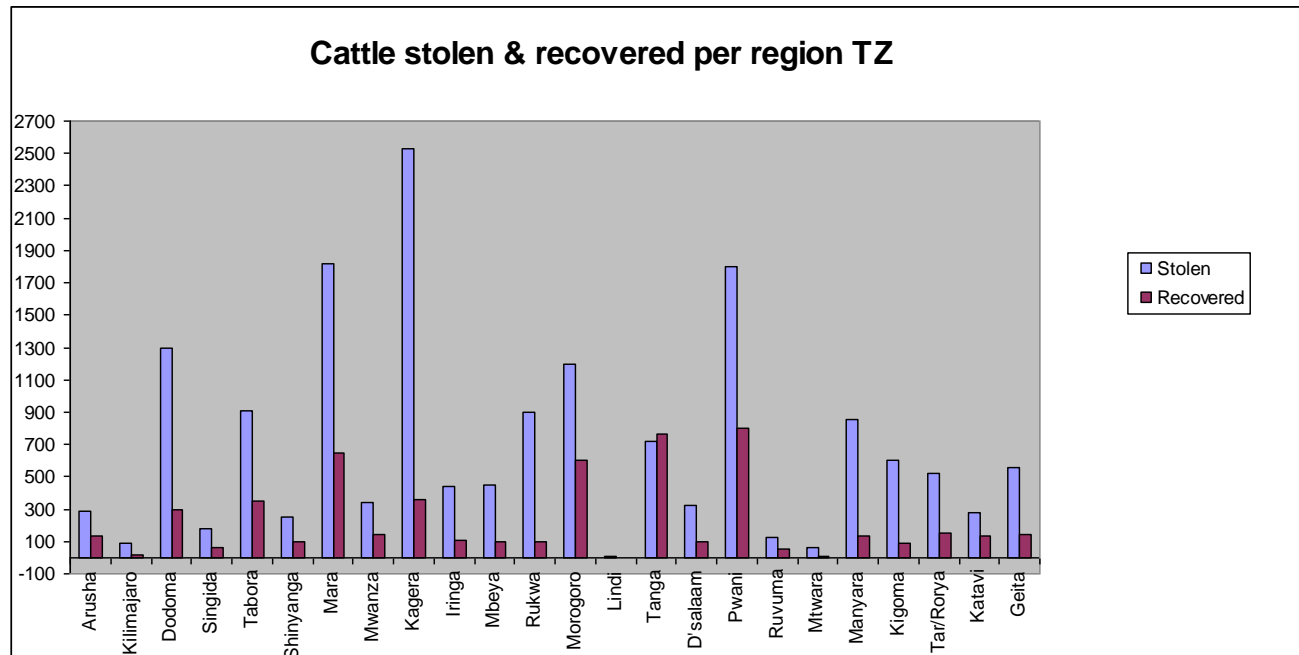
<sup>211</sup> Ibid

<sup>212</sup> Ibid

IRINGA	721	721	457	1,899	152	252	165	569
KAGERA	2,707	8,647	3,723	15,077	988	1,726	975	3,689
KIGOMA	87	97	332	516	40	95	189	324
KILIMANJARO	400	708	312	1,420	268	368	106	742
LINDI	7	2	46	55	-	-	6	6
MARA	2,980	3,480	3,612	10,072	646	546	764	1,956
MANYARA	448	548	368	1,364	218	312	158	688
MBEYA	671	971	903	2,545	300	603	264	1,167
MOROGORO	1,635	2,035	2,529	6,199	441	741	303	1,485
MTWARA	36	46	45	127	17	19	12	48
MWANZA	380	589	1,060	2,029	138	232	423	793
PWANI	308	905	972	2,185	98	198	350	646
RUKWA	424	524	755	1,703	165	265	299	729
RUVUMA	76	86	184	346	30	32	62	124
SHINYANGA	768	968	787	2,523	163	263	384	810
SINGIDA	1,889	1,689	1,086	4,664	438	538	473	1,449
TABORA	1,943	2,143	1,117	5,203	1,060	1,330	526	2,916
TANGA	1,035	1,435	524	2,994	660	760	98	1,518
<b>Total</b>	<b>19,206</b>	<b>28,758</b>	<b>21,889</b>	<b>69,624</b>	<b>5,959</b>	<b>8,432</b>	<b>7,318</b>	<b>21,630</b>

Source: Ministry of Livestock Development and Fisheries, 2008

Figure 5 - Total cattle stolen (2005 to 2007) (TPF records)



Source: Interviews 16 April, 2013.

The Ministry of Livestock estimate an economic loss of TSH 12 billion (equivalent to almost US\$9.2m) due to raiding, however it is worth noting that many of the cattle are raided and re-raided and the figures may not therefore represent net loss of wealth from the areas. The most recent figures from the police indicate that cattle rustling does not seem to be slowing, but remains a major issue, particularly in Kagera, Mara and Pwani.<sup>213</sup>

Survival needs and traditional practices such as the demand of as many as 200 cattle for a bride among the Sukuma people, and the proving of manhood are important factors in raiding violence. However, cattle rustling has changed into a commercial enterprise for cash to pay school fees or for various goods. Modern weaponry has facilitated the involvement of outsiders (elites, businessmen and even politicians) who are able to fund raiding and transport cattle out of the community and even across international borders as has been well documented in Kenya and Uganda; there is evidence of this in Tanzania also, although on a smaller scale. With the increase in violence, women and children are now often included among the injured or dead. Deaths and debilitating injuries of men, women and children as well as fear and limitation of movements impact greatly on livelihood and food security.<sup>214</sup>

The Tanzanian government attempted to curb raiding through border closure in 1975 (Kenya – Tanzania border)<sup>215</sup> and on occasion since then has at times carried out collective punishment reminiscent of colonial days. During 1980s the then President Nyerere gave consent to a new law to set up village tribunals to deal with crime, including cattle raiding, which law enforcement agencies were unable to manage. *Sungu Sungu* as it became known were given legal powers similar to those of a police constable in an Act passed in 1989<sup>216</sup> The concept was successful in bring order to many areas and has since been modernized into a comprehensive community policing or in some places neighborhood watch strategy (see section 8).

The government has been encouraging modernization, education and diversification of industry amongst pastoralists away from cattle herding into fishing, business and farming. A special police patrol in Mara region has been initiated to deal with raiding. Cross border security cooperation such as has taken place between Kenya and Tanzania in Tarime and Narok border areas have become necessary due to increased raiding and other crimes. The effectiveness of this cooperation has not yet been evaluated. Other suggestions include setting up a cattle border markets to allow people to trade properly and benefit, and also control of cattle movement toward borders without approved cattle passport, with a computerized database of all cattle trade.<sup>217</sup> It was also noted that community-based mediation or grass roots approaches should be encouraged which may lead to practical agreements to prevent escalation of conflict.

## **WILDLIFE, TOURISM AND CONSERVATION**

Tanzania has 6 world heritage sites with many wildlife parks. In many protected areas there is tension between wardens and communities (both farmers and pastoralists) over land. In Rufiji district the villagers of Mloka village have been in longstanding conflict with the management of Selous Game Reserve. In Usangu plain, Manyara, expansion of Game Reserve land to include pastoral dry season

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<sup>213</sup> URT, 2012

<sup>214</sup> Mkutu, 2008

<sup>215</sup> Interview, J.F. Hadu Senior Superintendent of Police, Arusha, 23 March 2013

<sup>216</sup> URT 1989

<sup>217</sup> Interview, J.F. Hadu Senior Superintendent of Police, Arusha, 23 March 2013



grazing areas led to the forced removal of pastoralists from Ihefu Valley.<sup>218</sup> A wildlife policy objective is to continue establishment of protected areas and maintenance of existing ones in order to enhance biological diversity, but there is no legal requirement for consultation on affected communities.<sup>219</sup>

Game Reserves are the foremost category of protected area under the Wildlife Conservation Act (WCA). The Act notes that the President, using his powers under section 5 of the Act, may establish this category of protected area and entry is prohibited without the express permission of the Director of Wildlife. Game Controlled Areas are less restrictive form of protected area, but agriculture and grazing have recently been restricted since 2009 and it is now illegal for village lands and GCAs to overlap where previously they co-existed.<sup>220</sup> The result has been conflict between state, investors and communities. In Loliondo, Arusha region Maasai pastoralists are currently challenging the government's decision to evict many people for these purposes of 'conservation' and restrict their access to ancestral grazing grounds that they claim will reduce their grazing grounds by 40% and severely threaten their livelihoods. They add that the government plans to give some of the land to Arab royals for hunting privileges.<sup>221</sup>

In just one month in 2011 the Tanzania government authorities seized more than 1,000 elephant tusks at Zanzibar airport. It is estimated that on average 30 elephants are killed for ivory every day, amounting to 10,000 each year.<sup>222</sup> It is likely that officials are involved at all levels including ports authorities and government officials to allow poaching on such a large scale to continue.<sup>223</sup> Important in addressing this issue is also the poverty that drives those at grassroots level to become involved.

## RELIGIOUS TENSIONS

There is an increasing trend in violence that is linked to inter- and intra-faith conflicts with a spate of religious related violence in the past year, culminating in the most recent attack on St Joseph's Roman Catholic Church in Arusha which left 3 dead and over 60 seriously wounded. The attack raised initial concerns about the involvement of foreign nationals in an act of terrorism, although this concern was later abandoned. There has been a marked rise in attacks between Tanzanians, and in particular in Zanzibar. It is important to note that both the Christian and the Muslim communities face their own divisions between more moderate and extremist tendencies and the hardening of religious identity is of serious concern. (See also section 7, subsection on Temeke) The below timeline outlines some of the major events, with a focus on Zanzibar.

*Figure 6 – Timeline of major religious linked conflicts<sup>224</sup>*

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<sup>218</sup> Kamata 2008

<sup>219</sup> Ibid.

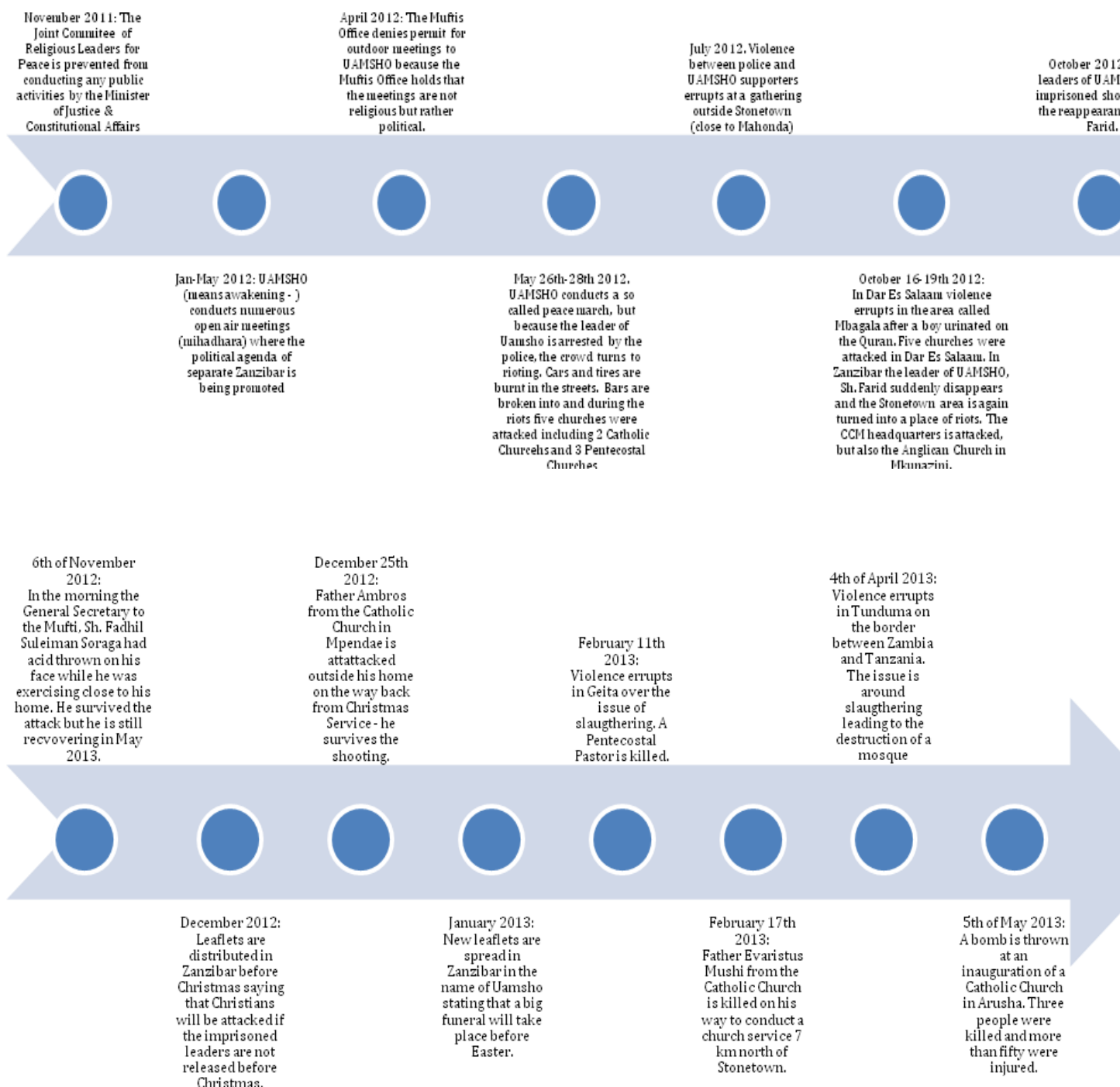
<sup>220</sup> Ibid, Implications of Policies and Laws on Pastoral Livelihoods, p.123

<sup>221</sup> See <http://www.cnn.com/2013/05/01/world/africa/tanzania-maasai-eviction>

<sup>222</sup> See <http://www.reuters.com/article/2012/10/31/tanzania-ivory>

<sup>223</sup> See <http://www.usatoday.com/story/news/world/2013/04/20/tanzanians-elephant-poaching/2099195/>

<sup>224</sup> The assessment team is grateful to the Inter-faith Council for their work on this chart.



The growing religious tension has been attributed to other factors such as politics and inequality and inequity in the distribution of resources, be it between Zanzibar and the mainland or between areas in Tanzania (i.e. Mtwara and Geita). While many informants interviewed for this report cite the primary driver of the inter-religious violence as political interests, rather than a true religious divide, it is nonetheless critical to note that one can quickly morph into another over time. While Tanzanians have historically lived side-by-side in peace, religious tensions if further inflamed can continue to rise and create a truly polarizing division in the years to come.

Youth seem to be key players in the growing religious tension as both victims and perpetrators. As a result of growing urbanization more and more young people are being recruited into extremist groups that propagate discrimination based on religion. Referencing the recent spate of violence in the mainland and Zanzibar (see section 7), violence has mostly occurred in towns and cities as opposed to rural areas. Increasing hopelessness in urban areas has led some youth to turn to crime and violence, motivated by political, economic, or religious beliefs. As witnessed in Kenya and other East African neighbors, idle out-of-school youth can easily become a recruitment target for different groups (political, criminal, or extremist) looking for hired hands.

## SOCIAL VICTIMIZATION

Social victimization continues to be a major issue for Tanzania, with discrimination and attacks against vulnerable groups a common concern. While women and children face higher levels of discrimination worldwide, Tanzania also has unique challenges protecting special groups (i.e. elderly and persons with albinism) from ritualistic attacks.

## GENDER-BASED VIOLENCE (GBV)

Violence against women and girls is both a global and local problem. Many countries are struggling to curb this issue. The magnitude of the problem varies from country to country and from one community to another. In Tanzania the most recent Tanzania Demographic and Health Survey found that 44% of ever-married women have experienced physical and/or sexual violence from an intimate partner in their lifetime.<sup>225</sup> In the May 2013 Tanzanian Parliamentary budget hearings, the Minister of Community Development, Gender, and Children was criticized for not doing enough to address GBV. The Spokesman for the Parliamentary Committee for Community Development, Gender and Children noted "Women and children are raped, killed and abused in various ways, we need government to take on serious measures to end the problem."<sup>226</sup>

According to a 2013 study published by the International Centre For Research on Women (ICRW), while there are significant constructive barriers for victims to obtain support and help, one of the biggest challenges in Tanzania is that there are "important normative and cultural barriers that hinder women's willingness and ability to access such services even if and when they exist. The study found that while most participants were aware of what GBV is, and could list a range of violent behaviours that would fall under GBV, many forms of violence were also largely accepted as normal behaviour and were perceived

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<sup>225</sup> See <http://www.icrw.org/publications/help-seeking-pathways-and-barriers-survivors-gender-based-violence-tanzania>

<sup>226</sup> See <http://allafrica.com/stories/201305141093.html>

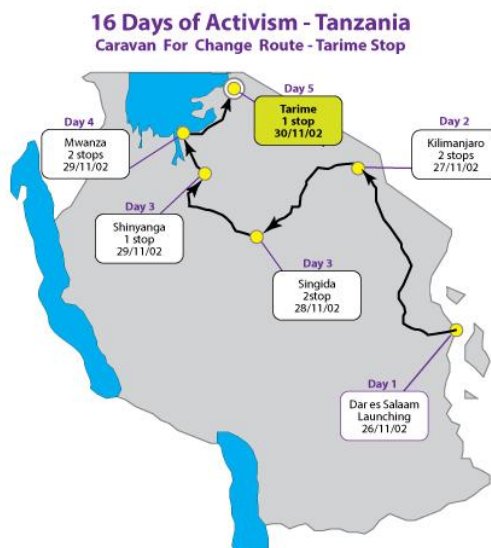
acceptable under the existing cultural and social norms.”<sup>227</sup> This is summarized in the ICRW graphic below (Figure 7):

Figure 7 – Community definitions of gender based violence



One of the major initiatives in Tanzania to create awareness around GBV, and influence the social norms, is the 16 Days of Activism – Tanzania Caravan for Change that visits major GBV hotspots over a 16-day period. In the opening of the campaign, Dr. Judith Odunga, the Director of WILDAF and the national coordinator for Tanzania’s 2012, 16 Days of Activism Against Gender Violence Campaign noted that research carried out by WILDAF this year shows that 6,001 cases were reported in media as compared to 3,542 in 2011.<sup>228</sup>

Figure 8: Route of 16 days of activism



<sup>227</sup> See <http://girlsglobe.org/2013/04/08/icrw-report-gender-based-and-domestic-violence-widely-accepted-in-tanzania-as-a-normal-part-of-male-female-relationships/>

<sup>228</sup> <http://16daystanzania.org/>

## **VIOLENCE AGAINST CHILDREN**

For the first time, Tanzania now has very detailed data regarding violence against children, as published in The Violence Against Children Report (August 2011), compiled by the Ministry of Community Development, Gender, and Children with support from UNICEF.<sup>229</sup> This report represents an impressive contribution to the debate around violence against children and notes high levels of violence against children, including the use of violence as a form of punishment (by teachers, parents, and caregivers). Another concerning area is violence suffered by orphans and vulnerable children, particularly young people infected with HIV/AIDS. While the findings were summarized in the section above on data, it is important to note that this process has not ended in the publishing of the report; several significant policy and planning outcomes have been fueled by the report. Following the release of the Study in 2011, there was a supplementary document with Ministerial Responses that laid out significant and concrete proposals from all of the relevant Ministries to follow-up on the findings. In 2012, the government of Tanzania launched the From Commitment to Action document that laid out specific activities and budgets within the framework of the Ministerial commitments. Finally, in 2013, the National Costed Plan of Action was launched bringing together the different actors to commit to specific steps and timelines to support activities leading to a reduction in violence against children. While the policy and support has been exemplary in terms of both donor coordination but more importantly multi-ministerial coordination, the real issue to monitor is whether the commitments made lead to significant increases in budget or investment in the priority lines of action.

## **VIOLENCE AGAINST ELDERLY**

The elderly in Tanzania, particularly women, and more so in Mwanza, Shinyanga, and Rukwa regions, face the daunting prospect of being identified and attacked based on beliefs of their involvement in witchcraft. The LHRC report notes that between 2005 and 2011, about 3,000 people have been killed in this way. (See also section 3 TPF data) Community members may seek for a cause of a disaster or problem and (ironically) visit local soothsayers for an answer who in turn suggest that witchcraft is involved.<sup>230</sup> In many instances, the community identifies the alleged witch based on suspicious behavior (not uncommon for elderly who struggle with hearing/memory/vision loss) and/or having red eyes (again, not uncommon as a process of ageing, and a reaction to smoke from cooking fires). Of particular concern is also the suggestion by many that the attacks are not necessarily related to cultural beliefs (i.e. in witchcraft) but rather motivated either by greed (to obtain resources) or in some instances by the family inability to care for the elderly member. LHRC also note that elderly people are often the object of verbal abuse and inconsiderate behavior in hospitals, giving the example of an 83-year-old man who was asked to show his birth certificate before he could be seen.<sup>231</sup>

## **VIOLENCE AGAINST PERSONS WITH ALBINISM (PWA)**

Violent attacks against persons with albinism (PWA) are an ongoing concern in Tanzania with a cyclical nature. Tanzania is estimated to have about 270,000 PWA; one of the highest rates at a ratio of 1:2,000 as compared to USA that is at 1:20,000. PWA in Tanzania face a number of challenges, including problem

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<sup>229</sup> URT/UNICEF 2011

<sup>230</sup> See [http://www.standardmedia.co.ke/?articleID=2000073575&pageNo=2&story\\_title=Kenya-Tanzania-%E2%80%98loses%E2%80%99-500-witches-annually](http://www.standardmedia.co.ke/?articleID=2000073575&pageNo=2&story_title=Kenya-Tanzania-%E2%80%98loses%E2%80%99-500-witches-annually)

<sup>231</sup> LHRC 2103, p.175

with vision that are not completely correctable with eyeglasses, life threatening skin cancer, social stigmatization, educational challenges, and threat of being killed by their fellow citizens.

Between 2000 and 2009, 68 PWA killings were reported with the highest figures in 2008 (37) and 2009 (16). Most attacks occur in rural villages in the regions of Mwanza, Mara ,Kagera, Rukwa, Kigoma, Shinyanga, Mbeya, Morogoro and Singida. While there were no officially recorded or reported attacks in 2012, leading some to say that attacks had been eliminated, the first 2 months of 2013 saw multiple attacks including the killing of a 7 year-old boy, mutilation of a 10 year-old boy, and mutilation of a 39 year-old woman. Due to the ritualistic belief that body parts of PWA can be used to make charms for good luck, and the robust trade in body parts, hundreds of people have been killed and maimed. Preventing such attacks is quite difficult given the relatively high number of PWA and the very rural nature of the attacks. While the 2 noted organizations above (TAS and UTSS, noted in section 4) do provide some services to PWA they are largely unable to reach the root of the problem which takes place in secret, nor address the stigmatization that PWA suffer. Furthermore, both the police activity and the criminal justice sector have had a poor track record of arresting and convicting the perpetrators of these horrible crimes. The High Court of Tanzania has prosecuted a mere 9 cases.

## **HUMAN TRAFFICKING<sup>232</sup>**

According to the U.S. Trafficking in Persons 2012 Report, Tanzania is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. The incidence of internal trafficking is higher than that of transnational trafficking, and is usually facilitated by family members', acquaintances or intermediaries' offers of assistance with education or finding lucrative employment in urban areas. The exploitation of young girls in domestic servitude continues to be Tanzania's largest human trafficking problem and boys are subjected to forced labor, primarily on farms, but also in mines, in the informal sector, and possibly on small fishing boats. Cases of child trafficking for commercial sexual exploitation are increasing along the Kenya-Tanzania border.

Smaller numbers of Tanzanian children and adults are trafficked, often by other Tanzanians, into conditions of domestic servitude and sex trafficking in other countries, including South Africa, Oman, the UAE, Saudi Arabia, the United Kingdom, the United States, and France. Trafficking victims, typically children from Burundi and Kenya, as well as adults from Bangladesh, Nepal, Yemen, and India, are forced to work in Tanzania's agricultural, mining, and domestic service sectors and some are forced into prostitution.

The same report notes that the Government of Tanzania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, with the new legislation passed in 2001 and the establishment in 2011 of an Anti-Trafficking Committee (ATC) and Secretariat (ATS), that led to a 2012 National Action Plan.

## **REGIONAL ISSUES**

Many of the crime and violence dynamics noted in this section are not necessarily unique to Tanzania and are often regional in nature. For example, cattle rustling cuts across all borders and affects pastoralist and nomadic communities throughout the region notably in Kenya, Uganda, and Ethiopia.

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<sup>232</sup> Information for this section has been drawn from the U.S. Department of State Trafficking in Persons Report 2012, available online at <http://www.state.gov/j/tip/rls/tiprpt/2012/192368.htm>



The rise of the Mombasa Republican Council (MRC) in the Coastal regions of Kenya, which similarly blends a call for independence with religious overtones, is sometimes linked to the rise of the *Uamsho* movement and calls for Zanzibari independence. The East African governments have in many cases developed standard operating protocols and collaborated in cross-border initiatives in order to address such cases.

## 7. COMMUNITY SNAPSHOTS

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Tanzania is a diverse country and conditions from one part of the country to another vary greatly. As such, the assessment team has included three community snapshots to provide a window into some of the localized issues around crime and violence. The district of Temeke was chosen in order to more fully analyze urban crime in under-resourced areas. Zanzibar was selected as an important site in order to more fully understand the issues around the Union as well as the increasing inter-religious tensions. Finally, given its geography and natural resource allocation, the commercial city of Arusha is also included.

### ARUSHA – MULTI-SECTORAL RESPONSES

Arusha is located in Northern Tanzania, beneath the peaks of Mount Meru and Mount Kilimanjaro. Established by the German colonial administration, it is now the third largest city in Tanzania and the administrative town of the northern zone. It has a population estimated at 516,000 and a population growth of 4 percent.

Arusha hosts several income generating activities of sizeable scale, such as mining, agriculture, cattle rearing, light industries and tourism. The city is the second government revenue collector, with the highest gross national product (GNP) after Dar es Salaam. It hosts the headquarters of several international organizations, the former UN International Criminal Tribunal for Rwanda, the East African Cooperation, the African court, the Tripartite Commission for East African Co-operation, Central and Southern African Health Secretariat and Postal Union as well as several NGOs. Therefore Arusha is a major diplomatic centre in Tanzania and is home to around 100 different nationalities.

In terms of security, the Arusha administration has to deal with border security, human trafficking and armed cattle raids across Kenya borders. In 2013, a terror attack in which a Roman Catholic Church was bombed, left more than 60 people injured.<sup>233</sup> Mining, wildlife and agriculture sectors have all seen conflicts between communities or with investors. These are addressed elsewhere in this report. The growth of the international community has raised the cost of living for locals leading to increased crime rates.

Important initiatives by the government, police and civil society have been undertaken in the following areas:

- Violence against children;

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<sup>233</sup> See [http://sabahionline.com/en\\_GB/articles/hoa/articles/features/2013/05/07/feature-01](http://sabahionline.com/en_GB/articles/hoa/articles/features/2013/05/07/feature-01) and <http://www.thecitizen.co.tz/News/The-war-against-crime-goes-to-church/-/1840392/1854264/-/rhhylrz/-/index.html>

- Community policing (see also section on community policing)
- Police Gender and Children Desks (see section on promising practices)
- Juveniles in conflict with the law
- Legal Aid: for displacement of pastoralists, land evictions and land grabbing by investors

## **VIOLENCE AGAINST CHILDREN**

Sexual abuse against males and females was noted, and physical abuse of both sexes through whipping, burning and confinement. Emotional abuse was also noted in the form of name-calling, threats to abandon and other bullying. The perpetrators may be parents, close relatives, neighbors and teachers, with family instability being an important factor in abuse. Important barriers to change include silence and apathy, with much abuse being considered as normal. Implementation, follow-up and law enforcement at district and ward level is poor. With various needs competing for limited resources, the care and protection of children is not always the highest priority. Roles and mandates may not be clear, and coordination and accountability mechanisms weak, all of which undermines the effectiveness of interventions.

To combat this state of affairs, Arusha's Integrated Child Protection Strategy, created in November 2012 includes the City Council, Ministry of Community Development, Gender and Children (CDGC) Social Welfare Department (SWD), civil society, police, prisons, judiciary, public health and schools and is chaired by city director.<sup>234</sup> It commits to providing a One-Stop Centre and toll free numbers for reporting abuse, mobilization of citizens to join in protecting children and police and judiciary ensuring that children's best interests are protected by law. The City Council and Director state their commitment to cost the plan, mobilize resources, prioritize the plan in budgets and establish systems for accountability and evaluation. They also commit to work towards recruiting and training staff to meet the requirements of the plan. All agencies working have committed to establishing and adhering to a coordinated mechanism that supports all actors to protect children.

## **COMMUNITY POLICING AND THE TPF**

In 2010 crime was high in Arusha, with several road thefts in daylight, including armed robberies, often targeting tourists. Community policing (CP) introduced in that year was able to improve this situation.<sup>235</sup> CP members are able to arrest suspects and turn them over to the police, and it was noted that the police rely greatly on the information offered by the CP. There have been considerable efforts to link the community with the police in Arusha with each ward having been allocated a police officer to link with both the community and the divisional level. "We have representatives at the regional level who are also expected to go to the grassroots to teach."<sup>236</sup> The CP department noted several programs at the time of the study:

- Safer border: Identification of illegal immigrants and education of people on recognizing suspicious individuals
- Travel Safe: Reporting of dangerous drivers of public service vehicles.

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<sup>234</sup> Interviews, Consolata Kinebo, Child Action, Arusha 16 April, 2013

<sup>235</sup> Ibid. This was also confirmed with the interviews with the security, 16 April, 2013

<sup>236</sup> FGD, community policing, Arusha, 16 April 2013



- Neighborhood watch: Teaching community members to watch houses when neighbors are away (often based around a group of 10 houses or *Nyumba 10*). Police often meet with representatives of the *Nyumba 10* groups.
- Safe Catch: The peaceful arrest of offenders if a crime is known.
- Sports and games: Police play matches together with community members. This was initiated for the purpose of reaching youths.

A number of challenges were noted to the provision of security by CP. Firstly a major challenge is resource, especially for transport (cars or fuel for cars). Members are not paid, unlike private security guards and Masai guards who are common in Arusha, and there are many small businesses linked to CP with varying success. In the absence of pay, members are motivated by the desire for a safe community and also the benefit of respect and status within the community. Secondly, bureaucracy and time delays are problematic; with the time for dissemination of programs from Dar es Salaam taking months. Thirdly, training is not regular, although members have received some training on the law and human rights. Fourthly, the CP department has worked hard to sensitize police officers about their presence and function, but there is still a problem of understanding and acceptance of the concept. Lastly, although local government laws of 1982 state that local government has a responsibility in maintaining law and order and provision of services to affect this there is not much implementation, nor coordination with the police, and there is no budget for this.<sup>237</sup>

## LEGAL AID AND COMMUNITY SUPPORT NGOS

The problem of land grabbing for conservation, tourism and investment (including mining and agriculture) is extremely high and is allowed by the country's legislations and policies. In Arusha alone several evictions have been noted, such as in Ngorongoro conservation areas where the Maasai and Barbaig's land is being taken and the nearly 2000 Maasai in Oldonyosambu, Moduli, who have been made landless and scattered.<sup>238</sup> Similarly, most small-scale miners, of whom there are around 400-600,000, lose their rights to extract minerals when foreign investors approach their land. The new Mining Act of 2010 lacks provisions for protecting small-scale miners and gemstone mining and omitted primary prospecting licenses, making it unlawful for locals to search and explore minerals.<sup>239</sup> This has been the outcry for many years now with vivid examples from Tanzanite small-miners in Mererani Arusha, North Mara Gold Mine in Tarime and Geita Gold Mine in Geita.<sup>240</sup> Again lack of knowledge and participation of locals during policy and law formulation allows this to happen.

In Loliondo, Ngorongoro District, Arusha region, about 1,500 sq. km has been designated a wildlife corridor and part of the Game Controlled Area, leading to the removal of pastoralist villages from that area. The plan would displace about 30,000 people and affect tens of thousands more who graze cattle there in the dry seasons. More than 90 percent of Loliondo's Maasai depend on rearing livestock on seasonal grasses.<sup>241</sup> If carried through, this will result in almost 75% of Ngorongoro territory having been allocated exclusively for wildlife tourism management leaving the pastoralists lacking in land, pasture and water for their livelihood. In April 2010, about 300 representatives from 12 villages of Loliondo carried out a demonstration, asking among other things, to be involved in the process to

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<sup>237</sup> Interviews, Mashaka Musa, Chairperson and Juma Hanje, Spokesperson, Arusha, 16 April 2013

<sup>238</sup> LRHC 2012, p.184

<sup>239</sup> Ibid, p.183

<sup>240</sup> LHRC 2012, p.184

<sup>241</sup> See <http://www.bbc.co.uk/news/world-africa-22155538> see also <http://www.dailynews.co.tz/index.php/features/popular-feat-loliondo-land-dispute-in-perspective-change-resentment-from-stakeholders>

prepare the Ngorongoro Land Use Plan. Planning the use of the village lands without involving villagers is contrary to Land Act No. 5 of 1999, Art. 18 of the Constitution of URT, 1977 and the National Land Use Plan No. 10 of 2007.<sup>242</sup>

The Pastoralists Indigenous Non Governmental Organization (PINGO) Forum and *HakiArdhi* focus on helping residents, especially local residents who are victims of land displacement (pastoralists and farmers), ruthless land evictions and land grabbing for mining, and game-controlled areas for tourism, taking cases on behalf of victims to the High Court. Constitutional and legislative enactments are detailed below (and also in section 6) suffice to say that by law, villagers must be involved in all matters that have a direct effect on their lives, but their interests are often ignored due to complex overriding laws and lack of coordination between ministries.

## ZANZIBAR - THE BLUR BETWEEN POLITICS AND RELIGION

### BACKGROUND

Zanzibar consists of 2 main islands, Unguja (the most developed) and Pemba. The economy is strong and growing. Roughly 97% of the Zanzibari population is Muslim, due to links with the Middle East and Arab world since the 10<sup>th</sup> century, although Christian settlements have been in Zanzibar since the 1800s. The overwhelmingly large Muslim majority contrasts with the overall religious breakdown of Tanzania. While the data is contradictory and unreliable as already noted with the last official statistics in 1967 showing Mainland Tanzania being 32% Christian, 30% Muslim, and 37% local beliefs, a recent report issued by the Pew Forum Research Center states that in 2010 61.4% of Tanzania's population was Christian, 35.2% Muslim, and a mere 1.8% were followers of indigenous religious beliefs.<sup>243</sup>

The Union between Tanganyika (mainland) and Zanzibar, signed in 1964 by Mwalimu Julius Nyerere and Sheikh Abeid Amani Karume has largely prospered, whereas others in Africa have failed. However, since its establishment, the Union has been a contentious issue, particularly for Zanzibaris who feel that they have not benefitted from the Union government nor received their proper share of resources. As a minority (there are an estimated 1 million Zanzibaris and 41 million mainlanders), Zanzibaris have long clamored for independence and greater autonomy from the mainland. While Zanzibar has its own President and Parliament, many matters are left to the Union with lines not clearly defined. This issue is particularly heightened and tense at the moment in light of the ongoing Constitutional Review Process (the revised United Republic of Tanzania Constitution is currently being drafted), with the issue of full secession and independence once again being hotly discussed and advocated by a large majority of Zanzibaris.

### MAJOR ISSUES - 2013

This assessment report looks at Zanzibar during May 2013 and is an attempt to shed some light on some of the specific dynamics of major concern in Zanzibar related to crime and violence. Given the scope of the Assessment, this case study is meant only to present, in summary form, some of the major issues as

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<sup>242</sup> LHRC 2012, pp.160-161

<sup>243</sup> The study of the United States Bureau of Democracy, Human Rights, and Labor for 2009 suggests that 62% of the population of Tanzania is Christian, 35% is Muslim, and 3% are members of other religious groups, while the CIA World Factbook states that 30% of the population is Christian, with Muslim being 35% and indigenous beliefs 35%. Pew Forum data is available at <http://features.pewforum.org/grl/population-percentage.php>

presented to the assessment team. Furthermore, it is candidly acknowledged that there are risks and severe limitations of such a summary presentation, noting that all of the issues listed below are incredibly complex and require adequate research, study, and analysis.

POLITICAL TENSIONS - Zanzibar is currently ruled by the Government of National Unity (GNU), an alliance between the dominant party (CCM) and the opposition (CUF) that has historically been adversaries. While some informants indicated this had led to decreased political tensions, others note the challenges that have arisen, as the opposition is no longer able to openly criticize government initiatives (i.e. Union matters), which is as a result seeding discontent. In terms of governance, since leaders of both parties lead different Ministries and posts, there is often conflict in terms of a unified government stance.

ATTACKS ON RELIGIOUS LEADERS AND INSTITUTIONS - There has been a marked rise on attacks on religious leaders and institutions. This recently prompted Abdallah Rashid MP (Tumbe CUF) to ask the government to end killings of people as result of motives amongst others, stemming from political and religious ideologies.<sup>244</sup> Since May 2012, it has been reported that approximately 10 churches have been burned, 2 Catholic priests were attacked (one killed)<sup>245</sup> and 2 Muslim leaders (one killed). A Sheha has also been attacked with acid.<sup>246</sup> While there is no conclusive evidence indicating motives for the attacks, multiple informants speculate that the issues are more related to politics and Union matters than to true religious tensions, noting that Zanzibar has a culture and history based on religious tolerance (see the Section 6, sub-section on Religious Tensions for a mapping of the key events that have led to the intensification of religious tension in Zanzibar/Tanzania since 2011).

RISE OF UAMSHO (“AWAKENING”)- The Association for Islamic Mobilization and Propagation known as *Jumiki* or *Jumuiya ya Uamsho na mihadhara ya kiislam* Uamsho (meaning “awakening”) in Swahili was officially registered by the Zanzibari government in 2001 as social organization whose aims were to propagate Islamic Education. It also has a long history of association with advocating for Zanzibari independence and freedom, and has evolved to become a strong critic of tourists’ perceived excesses on the archipelago, (paradoxically, given that in the unlikely event of independence, tourism would be the most vital industry).<sup>247</sup> According to multiple informants, since the establishment of the GNU, *Uamsho* has gained increasing popularity throughout Zanzibar and has morphed into a sociocultural-political movement with its foundational belief defined more by anti-Union sentiment than religious ideology. The membership of Uamsho is amorphous and members of both political parties have openly supported (and criticized) Uamsho, presumably for political gain.<sup>248</sup> The blurring of the lines between politics and religion is epitomized within the *Uamsho* movement. Some informants speculated that Uamsho could further transition into a full-fledged political party as Tanzania heads towards the 2015 elections. The threat of violence in Zanzibar has grown in the last three years with the rise of the movement. The placing of Uamsho flags and the persistent efforts by the Zanzibar government to remove them is of concern. In the Northern parts of Zanzibar many people are now supporters of Uamsho.

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<sup>244</sup> ‘Chadema remarks annoy CUF in Bunge’ Daily News. 31 May 2013; ‘Gay Link remark disrupts Bunge’ The Citizen 31 May 2013 p.1 and 3.

<sup>245</sup> Interviews at the church noted that Father Evarist Mushi was on his way to lead a service at the Betras Catholic Church in Mtoni, an area not far from Stone Town when assailants cornered and killed him.

<sup>246</sup> While in Tanzania mainland there are elected village governments below the district level and sub-district (sub-municipality and sub town council) the local administrative function in Zanzibar is exercised through the Sheha. The Sheha is appointed by the RC upon advice from the DC

<sup>247</sup> This was noted in several interviews from 13-17 May 2013

<sup>248</sup> Ibid.

UBAYA UBAYA (“EVIL FOR EVIL”)- There is much speculation about the *Ubaya Ubaya* group noted in early sections and little available information or data. It is generally agreed that the *Ubaya Ubaya* are a youth gang (with criminal involvement) that operate in urban and rural communities throughout Zanzibar. When discussing *Ubaya Ubaya*, most informants mentioned that this group was formed as a result of the last election by youth who had been mobilized (to vote twice) and promised employment by the CCM and were disenfranchised after the elections.<sup>249</sup> *Ubaya Ubaya* uses traditional weapons and at the moment operates mainly in Unguja. Multiple informants expressed the belief that *Ubaya Ubaya* was receiving protection from CCM and that the police were therefore unwilling or unable to confront/control the group. It was noted “the police cannot control them as they operate in groups of 10-20 people with weapons and are well organized.”<sup>250</sup> Recently the President of Zanzibar tried to restrict the movement of donkeys and goats within Stone-Town.<sup>251</sup> *Ubaya Ubaya* members who owned many of the donkeys<sup>252</sup> then re-emerged in large numbers because their livelihoods were under threat.

Very little media coverage or attention has been given to *Ubaya Ubaya*, although the Zanzibar Police Commissioner did note of the October 2012 riots (in which one policeman was killed and residents alleged police brutality) “Some of the suspects belong to criminal gangs like *Ubaya Ubaya*, *Umbwa Mwitu* and *Simba Mkali* and are terrorizing and robbing people of their property.”<sup>253</sup> The growth of gangs in Zanzibar is linked to lack of economic opportunity. Again as Tanzania heads towards the 2015 election lessons should be learned from the *Mungiki* in Kenya and their contribution to chaos and severe violence after the 2007/8 disputed election.

PEMBA GRIEVANCES - While Zanzibaris from both Pemba and Unguja are strongly in favor of greater autonomy and in many cases full independence, a distinct separatist battle has historically been waged between the inhabitants of Pemba, many of which advocate for self-rule, and those of Unguja. In 2008, a group of Pemban elders, many linked to the CUF, issued a letter to the UN Secretary General in this regard. There have been several brutal attacks against WaPemba (people from Pemba), notably in 2001 and many believe the island which is considerably less developed, has been deliberately marginalized compared to Unguja.

OIL RESERVES – Another simmering issue has been related to the reports of oil and gas reserves around Pemba – with disputes as to which entity is eligible to take charge of the exploration of the reserves (technically one of the Union matters) and how revenue could be distributed between the Union and Zanzibar and then further distributed between Unguja and Pemba. An advisor was commissioned to provide a formula for sharing the revenues, however, in its April 2009 session, the House of Representatives in Zanzibar rejected the proposal by the external advisor.

LAND CRISES - With the colonization of Zanzibar, natives were made landless and reduced to laborers for Arab landlords in clove plantations created by forceful alienation of land. In the present day, land continues to be in short supply for locals, with much now in the hands of investors and political elites.<sup>254</sup>

## CONCLUSIONS

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<sup>249</sup> Interview, journalist who has worked on *Ubaya Ubaya*, Zanzibar, 13 May 2013

<sup>250</sup> Ibid.

<sup>251</sup> The president was urging councils to enforce the existing by-laws

<sup>252</sup> Interview, employ of the ministry of state Presidents office Zanzibar, 28 Arusha, 2013.

<sup>253</sup> [http://sabahionline.com/en\\_GB/articles/hoa/articles/newsbriefs/2012/10/28/newsbrief-05](http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2012/10/28/newsbrief-05)

<sup>254</sup> Interview, senior government official, name withheld, Arusha, 28 May 2013

Zanzibar has a long history of multi-ethnicity and religious diversity and a strong economy. It has long been considered a tolerant and largely peaceful haven. However, the peace and stability that has characterized Zanzibar for decades is now under threat. Recent attacks on religious leaders (both Muslims and Christians) and religious institutions are alleged to be fueled by largely by politics related to Union issues; Catholic, Lutheran, Anglican, and Muslim leaders and all expressed the same concern.<sup>255</sup> However, while the current primary motivation might not be truly based on religious ideology, there is growing concern that relationships between Christians and Muslims could further deteriorate, and perhaps fuel further religious clashes on the mainland.

## TEMEKE – URBAN DAR ES SALAAM

The Dar es Salaam Region was established in 1973. It is divided into 3 districts or municipal councils: Illala, Kinondoni and Temeke (see figure X). The districts are then divided into 10 divisions, which are further divided into 93 wards, 448 *mitaa* and 8 constituencies.

*Table 5 - Municipalities in Dar es Salaam*

Municipality	Land area	% of city area
Illala	286	20
Kinondoni	531	36
Temeke	639	100

Several challenges face the city; most of the city's population lives in unplanned and un-serviced settlements, lacking access roads, pathways and streetlights. In these areas there is no drainage or solid waste collection system. Flooding of roads is frequent during the rainy season and traffic congestion is a major problem throughout the day. Most trash is not collected but is burned or finds its way into ditches and drains, leading to stagnation of water and high levels of malaria and other disease.<sup>256</sup> The city continues to experience rapid migration from rural areas and a large number of traders operate illegally along highways leading to conflict with authorities. However, the level of crime is not high rated to other major cities in the region. A diplomat noted, "You can walk and the situation is good except for incidences of bag snatching and ATM crimes. Armed house invasion occurs but is not a major trend. Organized crime is mainly related to drugs. There are also armed crimes in urban areas".<sup>257</sup> Temeke municipality was examined in more detail as a mini case study on a Dar es Salaam urban community.

In a survey on the streets of Mamboleo, Sandali, of 25 people surveyed, 10 had been a victim of crime in the past 3 years. Most were concerned about petty crime and violent robbery, though 5 noted religious tensions as their main cause of concern. Community Policing (CP) is active in Temeke. Awareness on CP was good in those surveyed, with most feeling that they were important or very important, and most knew that local government also plays role in responding to crime and solving conflict. Several sources concurred that petty crime (especially the cutting or breaking of windows to steal phones) and robbery are important concerns in the ward,<sup>258</sup> and that CP has assisted to reduce this.<sup>259</sup>

<sup>255</sup> Interviews, Mufti's office, Catholics and inter-faith, Zanzibar, 13-17 May, 2013

<sup>256</sup> Observation 2007 to 2013

<sup>257</sup> Interview, Diplomat, name withheld, Dar es Salaam, 15 April, 2013

<sup>258</sup> FGD, CP Sandali, Temeke, 17 April 2013: Interview Grayson A. Orcado, Municipal Solicitor, Temeke, 17 April, 2013

<sup>259</sup> Interview, Abel W. Tarimo, Counselor, Kata Sandali, 17 May 2011

Temeke has an equal number of Muslims and non-Muslims and faces the challenge of inter-religious tensions. Conflict recently erupted over an incident involving 2 boys, one of whom was Muslim, and was coming home from Madrasa (Islamic class). The other boy, a non-Muslim aged 14, was disputing with his friend as to the holiness of the book and decided to urinate on the Quran. The situation escalated and the incident was reported to the police. As the story spread there was rioting outside the police station where the boy was being held and protesters burned 3 churches, which were also looted.<sup>260</sup> This style of protest has been linked to the burning of churches in Zanzibar and may have been carried out by outsiders.<sup>261</sup> Since May 2013, the Temeke police are guarding mosques and churches. In an interview with the Regional Police Commander (RPC) he noted “We were recently requested to provide armed security for a fund-raising in a church. Now some people are praying, while others are guarding them with guns”.<sup>262</sup> Lastly, there were concerns raised that Madrasas may be sites for radicalization.<sup>263</sup> This is related to unemployment amongst other issues. Police training in managing religious conflict and radicalization is needed.

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<sup>260</sup> Interview, Security officers, name withheld, Dar es Salaam, January and May 2013

<sup>261</sup> Interview Security officer, name withheld, Tanzania, January, 2013 Tanzania's Daily News (2013). Rioters destroy 3 churches in Dar es Salaam after child desecrates Qur'an

[http://sabahionline.com/en\\_GB/articles/hoa/articles/newsbriefs/2012/10/14/newsbrief-01](http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2012/10/14/newsbrief-01)

<sup>262</sup> Interviews, RPC, Dar es Saalam, Temeke November 2012, and January and May 2013

<sup>263</sup> Interview, senior security officer, name withheld, November 2012 and May 2013

## 8. PROMISING PREVENTION INITIATIVES

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The purpose of this section of the assessment report is to highlight some promising models that the assessment team studied that could serve as a basis for replication, refinement, or scaling-up. Again, this list is not exhaustive, and inevitably the important works of many strong institutions have not been cited. The conclusions are in no particular order. It is also important to note that many of these initiatives are aid dependent.

### THE JOINT COMMITTEE OF RELIGIOUS LEADERS FOR PEACE AND TRANQUILITY IN ZANZIBAR

Given the rise in conflict between the Christian and Muslim communities, there have been important efforts targeting inter-faith dialogue and intercultural understanding. One such initiative is the Joint Committee in Zanzibar, established in 2005. The Committee has representatives from four Muslim institutions: the Mufti's Office (a government body), the Khadis Court (also formally part of the Zanzibari legal system), the Wakf and Trust Commission and the Muslim Academy.

Representation from the Christian institutions includes the Roman Catholic Church, the Anglican Church, and the Lutheran Church. A media representative is also part of the committee in order to propel the message of the committee to a broader audience. The Committee expanded its outreach, supporting the formation of 270 local grassroots peace committees. The main role of the Committee is to work for peace and tranquility in Zanzibar, and it notes the contribution to the relatively peaceful 2010 elections as one of its accomplishments.<sup>248</sup> The Committee is supported by the Inter-faith Centre (in turn financially supported by Norwegian Church Aid, DANIDA, Danmission and the Lutheran Church in Tanzania) with technical assistance and support provided by the Kenyan based Program for Christian-Muslim Relations in Africa PROCMURA).

### EXTRACTIVE SECTOR COMMUNITY OUTREACH

With the rise of violence related to the extractive sectors noted above, there are some positive attempts to support the companies in their work to liaise with communities. One such example is the work of Search For Common Ground with African Barrick Gold (that directly funds this initiative at over \$600,000/year). Not surprisingly, according to SFCG these companies have little to no grounded knowledge of the complexity of community development and communications. According to SFCG, "NGOs and people working in development are still trying to understand the dynamics, most often private sector entities have no clue."<sup>264</sup> SFCG is working to implement the Voluntary Principles on Human Rights and Security and improve communication, noting that the conflicts typically arise because of poor information, and that both the businesses and communities can act in falsehearted ways.

### ONE-STOP CENTERS - FOR SURVIVORS OF SEXUAL, PHYSICAL & EMOTIONAL ABUSE

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<sup>264</sup> Interview, Paul Glick, Country Director SFCG, 24 April 2013



Multiple informants praised the work of the One-Stop Centers in Zanzibar (initial funding for construction and rehabilitation of the clinic supported by Save the Children), 4 of which are currently supported by STC and at least 2 others of which are in progress. The Centers provide a multitude of health, legal, counseling, and policing response services to victims in a welcoming setting and thus eliminate the tedious and difficult process in which traumatized victims had to report to various institutions. The Center also engages in broader community awareness, self-help initiatives, and data collection activities. Key implementing partners include the Ministry of Health, the Police, the Directorate of Public Prosecution, Zanzibar Female Lawyer Association (ZAFELA), Zanzibar Legal Service Center (ZLSC), Save the Children, UNICEF, UNFPA and the Danish Development Agency DANIDA. The Centers are staffed 24/7 and receive in excess of 100 cases/month. There are significant challenges, particularly in regards to coordination, high turnover of staff (particularly the police), low human and financial resources, long waiting times, lack of support from some community leaders, equipment needs, and sustainability. However, there is almost universal praise from users of the Centers and a growing commitment by the Government with the Centers being integrated into a broader child protection framework.

## **MULTI-SECTORAL COORDINATION – PREVENTING VIOLENCE AGAINST CHILDREN**

Tanzania has developed promising models bringing together various stakeholders and officials to address complex challenges, the most relevant being the impressive work done around Violence Against Children and being coordinated by the Ministry of Health and Social Welfare with technical support provided by UNICEF (see also Section 6, sub-section on social victimization, and section 7, sub-section on Arusha). The work on VAC is groundbreaking in that it brings together a multitude of government and non-government actors to jointly plan, develop, and implement both policies and activities that address the many facets of violence against children. In particular, the work on VAC is a precedent by which multiple government Ministries have coordinated their inputs within a broader framework and made substantial commitments to move forward. As a result, Tanzania is developing a robust child protection system. Having just launched the National Costed Plan of Action on VAC, the question remains as to whether the government and the Ministries are able/willing to allocate the necessary resources.

## **PROMOTING ALTERNATIVE FORMS OF DISCIPLINE**

As noted in the report on Violence Against Children, corporal punishment is widespread in Tanzania and little has been done to curb the practice. Under a partnership between Save The Children and Ministry of Education and Vocational Training Zanzibar (MoEVTZ), a pilot program has been implemented focusing teacher behavior that creates an active, positive learning environment for students. It is a set of positive approaches including negotiation and system of rewards rather than punishment through verbal, physical or emotional abuse. The program targeted 10 primary schools with 11,074 students and 346 teachers. While school and broader community (parents, local government, religious leaders) initially were quite reluctant to get involved, after significant awareness raising the program was initiated. After one-year, it was recognized as an important contribution by all stakeholders, with over 95% of students supporting it being further developed and expanded to more schools.

## **TANZANIA POLICE FORCE GENDER AND CHILDREN DESKS**



The Ministry of Community Development, Gender and Children MCDGC (2013) publication on GBV indicated that many forms of this violence are happening in Tanzania, and some types (including some instances of intimate partner violence and rape) are seen as normal and are met with acceptance by both men and women. Women and girls are frequently blamed for causing or provoking GBV and rarely report to authorities or seek treatment or support due to blame and shame. Moreover, legal protection from GBV in Tanzania is still very limited (see Section 6, sub-section on social victimization).

Wishing to improve service delivery in this area, to rebuild trust and cooperation with the community and to facilitate cooperation with other sectors, the Inspector General of Police (IGP), in 2009, introduced a 'gender and children desk' into police stations to respond to GBV and cases of violence against children (VAC) including rape, sodomy and assault. These desks are afforded privacy and are operated by trained police officers. The program has been described as a success and one of TPF's promising initiatives. Some successes noted include:

- 417 gender and children desks were established in Tanzania and Zanzibar at the district level.
- Standard Operating Procedures (SOPs) for the management of the desk were prepared and distributed in all regions and were available in the Kiswahili language.
- Guidelines for the establishment of the GBV and VAC for the desk were prepared and were also available in Kiswahili
- Training was provided for 960 police officers on prevention of and response to GBV and VAC in 13 regions.
- A training manual on GBV and VAC was prepared and distributed to all regions.
- Sensitization seminars on GBV through media have been done in all regions and community awareness on GBV has improved significantly. This has resulted in an increased level of reporting to police stations.
- Three police stations in Mwanza, Kilimanjaro and Dar es Salaam region were renovated to the standard required for the desks.
- A child protection training package and training of trainers (TOT) package have been developed.

Budget constraints have limited the countrywide coverage of gender and children desks. The TPF have 370 police stations and 502 police posts, but only 417 desks, which are mainly in urban areas<sup>265</sup>. This is important because 80% of Tanzanians live in rural areas and therefore the desks need to be networked better to rural peoples. Similarly, attempts to end GBV through legislation and enforcement of the law are hampered by the fact that the justice machinery is settled in urban and peri-urban areas. Out of 41,560 police officers only 960 are trained on GBV and VAC awareness, and other important agents such as paramilitary groups, private security companies and prisons are not institutionally linked.<sup>266</sup>

Gender and children desks struggle with some certain challenges. In most areas visited, desks are lacking in basic facilities such as space, furniture and even stationery. Staff in Dar es Salaam commented that they would have liked more resources to offer refreshments to victims, for whom they often provide out of their own pockets. Importantly there was limited provision of safe havens for victims who could not return home and some (female) staff were taking (female or child) victims back to their own homes as an emergency measure.<sup>267</sup> There is no budget to fuel police vehicles to respond to calls. As a result of this, morale is often low. Guidelines are lacking for working relationships between gender and children

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<sup>265</sup> Interview, female police officer, Arusha, 16 April, 2013

<sup>266</sup> FGD, TPF, Police Headquarters, November, 2012

<sup>267</sup> Interview, female police officer, Arusha, 16 April 2013; URT/UN-Women 2012

desks and other partners, leading to overlapping or escaping of responsibilities and poor referral processes. Donor support has been good but not reliable over time. Staffing of gender desks and of partners to the desks was unstable due to frequent re-shuffling of personnel leading to potential failure of the desks.<sup>268</sup> Lastly gender and children desks are not equipped to influence the cultural beliefs that may encourage acts of GBV and VAC. These include female genital mutilation/cutting (FGC), early child marriage and wife beating. In conclusion, gender and children desks are a large step in the right direction and have raised awareness and improved reporting of GBV. They need to penetrate rural areas although further research is needed as to the most efficient and effective way to do this, and to be better resourced with a specific budget for training and facilities.

## FROM *SUNGU SUNGU* TO COMMUNITY POLICING (CP)

CP has been part of community reform strategies from around 1980s onward.<sup>269</sup> It is an ambiguous concept with its origins in an article, “The Broken Windows”<sup>270</sup> which was largely popularized by the US and UK but which has changed practice in many countries to varying degrees, differing in interpretation from one context to another. It is built on the idea of co-ordination and consultation between the police and policed, on the security needs and on the implementation of ways of preventing and curbing crimes and enhancing safety.<sup>271</sup> In practice, community members may help to identify suspects, detain offenders, report problems to the police or otherwise target the social problems that give rise to a crime in the first place. Heald (2006:58) notes that when CP is led by the policed it represents “the righteousness of the ordinary citizen, a response to the criminals within, and a guard against the corruption without in the form of state officialdom.”<sup>272</sup>

CP as a formal and widespread movement in Tanzania may be traced back to volunteer community groups formed in the late 1970s and early 1980s in Tabora, Shinyanga, Mwanza, Kagera, Mara, and Singida regions to fight rising insecurity in part related to economic crisis, in the form of cattle rustling violence, banditry, and to combat concerns arising about witchcraft.<sup>273</sup> A variety of terms have been used over time: *Sungu Sungu*,<sup>274</sup> *Wasalama* (community watch) or *Police Jamii* (community policing) or *Ulinzi Shirikishi* (protection together). Groups patrolled villages, arrested and interrogated those suspected of involvement in criminal activities and meted out punishment, which occasionally included death.<sup>275</sup> Initially, the TPF were not supporters of the groups considering them bandits and criminals, and arrested the leaders.<sup>276</sup> However, CCM supported them and by 1989, the movement had spread to 12 regions and almost all urban areas.

The ruling party (one party state) CCM had in 1971 made provision for such groups in its 1971 party guidelines, which later became part of the national defense security policy. The guidelines noted that,

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<sup>268</sup> Interviews Arusha, Dar es Saalam, Zanzibar, November 2012- May 2013

<sup>269</sup> Ruteere and Pommerolle, 2003

<sup>270</sup> Wilson and Kelling 1982

<sup>271</sup> For more on community policing and its ambiguity in terms of definitions and the African see situation Ruterere and Pommerolle, 2003

<sup>272</sup> Heald, 2006

<sup>273</sup> Mkutu, 2010

<sup>274</sup> Abrahams, 1987; Bukurura, 1993; Fleisher, 2000; Paciotti 2002; Paciotti and Mulder, 2004

<sup>275</sup> Fleisher, 2000; Interview, RPC Temeke, 17 May 2013

<sup>276</sup> FGD, with CP, Arusha, 16 April 2013

*The basis of defense and security in Tanzania is the Tanzanians themselves, and in particular every patriotic Tanzanian. The country has no ability to employ a big paid force to manage its defense and security affairs.*<sup>277</sup>

A law to set up village tribunals to deal with crime was established<sup>278</sup> and the responsibility to enforce law and ensure public safety was also noted as a responsibility of the local Government in article 146 (2) (b).<sup>279</sup> This necessarily translates into community initiatives as the formal police force is too small to penetrate most areas. A legal provision was made for these groups under the People's Militia Act of 1989,<sup>280</sup> which defines those whose major objective is to protect people and their property, granting them powers of arrest without warrant of arrest, arrest on reasonable suspicion for having committed or about to commit a crime, and powers of search and seizure of any property found in possession which form material evidence of crime committed. This becomes the legal basis for CP.

**COMMUNITY POLICING IN TEMEKE** – In Temeke, Dar es Salaam, households pay between Tsh 500-1000 (less than a dollar) per month with more for businesses, for protection by CP overnight patrols.<sup>281</sup> The CP are responsible for arrests and handing people over to the police, leading to an improvement in crime.<sup>282</sup> Petty crime and break-ins are the main issues and are fairly easily handled, however armed crime is on the increase. In collaboration with the police, CP has also been involved in combating school-based violence, absenteeism, and drug abuse. The CP is established and there is a commander at the police station that is paid.<sup>283</sup> Challenges noted include the lack of equipment such as torches, reflectors, whistles and shoes, and difficulties by households to contribute to the CP.<sup>284</sup> Members would like to supply water but have no funds to drill a borehole, and the potential for trash collection is there since large lorries are unable to access the unplanned streets. This would require some funding and coordination with the municipal council. Recently some companies have donated 8 motorbikes and 4 bicycles to the CP, and the initiative has attracted funding from outside donors.<sup>285</sup>

**COMMUNITY POLICING IN ARUSHA** - In Arusha CP was formalized in 2010, as a response to high levels of crime and violence and few police personnel.<sup>286</sup> Volunteers (one from each family)<sup>287</sup> patrolled day and night and were able to arrest criminals and take them to the police, leading to a detectable improvement in crime rates after only 6 months. Efforts have been made to ensure a police representative is present in each locality to coordinate with the CP,<sup>288</sup> the CP members themselves confirmed that the work well with the police and communication is very good.<sup>289</sup> However, lack of legitimacy and control remain important concerns. Suspects may be subject to severe beatings and some killings (mob-justice) when

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<sup>277</sup> Interview, former Resident District Secretary in Tanzania, name withheld, Dar es Saalam, November 2012

<sup>278</sup> Tanzania Daily News, 6 May, 1983

<sup>279</sup> See Local Government Act 1982 (section 51 (1) and 54 (2) (b) entrenched in the Tanzania constitution of the URT, 1877; (article 146 (1) (2)

<sup>280</sup> URT 1989 Peoples Militia Act (Miscellaneous amendment) Act 1989 (No 9 of 1989). *Sungu Sungu* was office in the ministry of home affairs which was empowered to develop regulations for effectual and smooth operations of *Sungu Sungu* in Tanzania; Bukurura 1993

<sup>281</sup> FGD with CP, Mamboleo, 18 April 2013

<sup>282</sup> Interview, Counsellor Abel Tarimo for Sandali, Temeke, 17 May 2013

<sup>283</sup> Ibid.

<sup>284</sup> FGD with CP, Mamboleo, 18 April 2013

<sup>285</sup> Interview, Ward Executive Officer, Sandali, 18 April 2013

<sup>286</sup> Interview Masaka Musa, Chairman and Juma Hanje, Spokesman, Al Matajea-Njarenaro CP, Arusha, 22 March 2013

<sup>287</sup> Interview, Municipal Solicitor, Dar es Salaam, 17 April 2013

<sup>288</sup> FGD with CP department, Arusha, April 2013

<sup>289</sup> Ibid.

police release them without charge. The police decided to educate groups on the law with a seminar on human rights, but the training was minimal. It was noted that CP members are unpaid and like elsewhere, lack equipment.<sup>290</sup> Although the municipal council supports CP there is no budget for their activities. When the CP members mobilized themselves in a small business to collect trash, they attempted to get assistance to buy a truck but were unfortunately unsuccessful.<sup>291</sup>

**COMMUNITY POLICING IN ZANZIBAR** - In Zanzibar CP has been a prominent strategy since 2008. Malindi (Stone Town) and Mkele (outside) CP groups were visited by the assessment team. As in other regions, they started operating under the term *Sungu Sungu* in response to high crime. Gangs such as the politicized *Ubaya Ubaya* were responsible for much violence and crime, complicated by drugs.<sup>292</sup> Members noted “I am an army man but the community was not safe, you could not leave your door open due to the crime in the community”.<sup>293</sup> and “You are sleeping and your house is broken”. They patrol and have organized themselves (with the assistance of phones) to address petty crime, break-ins,<sup>294</sup> use of guns, a kidnap case and drugs, identifying 13 homes from which drugs were being sold and turning them over to the police. They noted that they record all incidents that allows repeat offenders to be identified. CP members stated that CP has now allowed people to walk freely in the town.<sup>295</sup> CP are also being invited to address sexual abuse.<sup>296</sup> When the *Skagit* ferry capsized in heavy seas off the coast of Zanzibar, 145 out of 281 passengers were rescued in a combined effort that included the CP of whom some are fishermen.<sup>297</sup>

The CP groups are supported by and work in collaboration with the police and the Ward Executive Officer known in Zanzibar as the *Sheha*.<sup>298</sup> They are now registered as non-profit organizations with a constitution and are easily recognized by their yellow shirts (donated by a local business). They have been assisted by the IGP to buy a motorbike to pursue criminals and have been given some training by the police in self-defense. For future sustainability, they have been given a building in Stonetown although this is in need of repair.

Challenges of resource, equipment and training have led groups to look for ways of sustaining themselves through trash collection (collecting money from each home of which half is paid as salaries). Various businesses such as provision stores, brick making and poultry are also planned. The high level of unemployment has leading to a large number of youths joining the CP.<sup>299</sup> The municipal council has allowed the CP to collect the parking, ports, fisheries and markets fees and retain 40% of funds raised. Important in crime prevention is that they are also given the job of changing non-functioning light bulbs. Lastly, they are now being requested to act as security guards. Although helpful in terms of

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<sup>290</sup> FGD with CP, Temeke, Arusha, Zanzibar, November 2012- May 2013. They all noted this problem.

<sup>291</sup> FGD with CP Arusha, 22 March 2013

<sup>292</sup> FGD with CP, Malindi, Stonetown, 14 May 2013 and FGD with CP, Mikele, Zanzibar, 15 May 2013; Interview, Mutuma Saidande, Zanzibar, 13 May, 2013

<sup>293</sup> Interview, army officer, Mikele CP, Zanzibar, 2013

<sup>294</sup> FGD with CP, Malindi, Stonetown, 14 May 2013 and FGD with CP, Mikele, Zanzibar, 15 May 2013

<sup>295</sup> Interview, Hassan Juma, Secretary General ANGOZA, Zanzibar, 12 May 2013

<sup>296</sup> Interviews, Mubarak Maman, Director and programme officer for Save the Children, Zanzibar, 14 May 2013

<sup>297</sup> FGD with CP Malindi, Stone Town, Zanzibar, 14 May, 2013

<sup>298</sup> In Zanzibar the local administrate is exercised through the Sheha. The Sheha is appointed by the RC upon advice from the DC

<sup>299</sup> FGD with CP, Mikele, Zanzibar, 15 May, 2013

sustainability, this could potentially create conflicts of interest and move them from community security to private security.<sup>300</sup>

Figure 9 – Community Policing building in Stonetown, Zanzibar



In summary, CP has a long history in TZ, has seen considerable success and is supported by the law, although a detailed policy is urgently needed.<sup>301</sup> The issue is also a political one with opposition parties challenging CP ideology because it originated as *Sungu Sungu* under CCM. Although there is no legal provision for the police and local government to work together in security<sup>302</sup> it is commendable that from ward up to national level there are personnel appointed to represent CP. It was noted that there is significant delay in directives being communicated to the ward level and this should be done directly rather than passing through the regional, district and ward tiers as at present.<sup>303</sup> The need for resources and training for the police to work with the community was noted, for example, even for something as small as creating posters resources are lacking.<sup>304</sup>

Human rights issues remain a concern, and there are documented cases of *Sungu Sungu* or CP groups going beyond their mandates and engaging in vigilante justice. Training of CP members is urgently required as is an effective system for careful oversight of CP groups. The term *Sungu Sungu* and its negative as well as positive associations continue to dominate in discussions about CP.<sup>305</sup> The welfare of members and the sustainability of CP initiatives is a concern. Related to this is the risk of privatization that may compromise their community security role as has been seen in *Sungu Sungu* movements in Kuria, Kenya.<sup>306</sup> Policy and implementation regarding this issue is required. CP members also need to be sensitized on their rights, being unaware of the law that empowers them to be compensated and get help in cause of injury during working hours.

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<sup>300</sup> Wandera and Mktutu 2013

<sup>301</sup> 'Minister defends community policing' The Citizen, 31 May 2013, p.5

<sup>302</sup> Interview, Municipal Solicitor, Dar es Salaam, 17 April 2013

<sup>303</sup> FGD with CP, Arusha and Dar es Saalam. 2013

<sup>304</sup> FGD with CP, Arusha and Dar es Saalam. 2013

<sup>305</sup> FGD with CP department, Arusha, April 2013

<sup>306</sup> FGD with CP, Malindi, Stonetown, 14 May 2013

## 9. CONCLUSIONS

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The previous sections of the assessment report have laid out the main findings of the team in regards to crime and violence prevention in Tanzania. The main conclusions are based on the data collected and reflect the consensus of the team.

### **TANZANIAN POLITICS STRONGLY AND NEGATIVELY, IMPACT CRIME AND VIOLENCE**

One of the underlying findings of this report is related to the largely negative impact that politics have had on various types of crime and violence. This cuts across all types of crime and violence, particularly the higher profile issues (inter-religious tensions, union issues, violence around resource allocation, etc.) as well as the day-to-day victimization of Tanzanians at the local, community and family level. Tanzania, ruled by the dominant CCM party, is no stranger to electoral related crimes and violence. However, with the gradual opening of the political spectrum, there are increased levels of crime that most informants agree are linked to politics, both between parties and within the parties themselves. The resulting tensions between those Tanzanians that are seeking the further opening of political space and the ruling party that wants to maintain the status quo stimulates conflict and violence.

In addition to politics fueling crime and violence, it is also clearly noted that the political system has not taken the necessary leadership to reduce conflict and violence, nor has it established appropriate mechanisms to prevent, mitigate, manage and resolve conflicts that often have violent outcomes. Perhaps the clearest instance of this lack of intervention is in regards to conflicts over resources that frequently result in death and destruction of property. The Tanzanian government, and its multitude of Ministries overseeing the various elements, has been lax in terms of eliminating overlapping legislative and policy mandates and is viewed by many as favoring investors to the detriment of its citizens.

### **RELIGIOUS TENSIONS ARE ON THE RISE AND IF NOT MANAGED CAN LEAD TO FURTHER VIOLENCE**

A looming threat for Tanzania is the tension between Muslim and Christian populations, particularly with a global rise in religious extremism. As religious hardening continues to take place in Tanzania, and moderate voices are displaced, the lack of leadership on all sides has resulted in little action to reduce tensions. In fact, several informants cite instances of high-level government officials adding fuel to the flames. While many people interviewed note that historically Christians and Muslims have lived side by side without conflict, there seems to be growing mistrust between the communities. This is further exacerbated by polarization of ideologies on a global scale, which so far has not seriously impacted Tanzania, but given its geography could become a grave issue moving forward as groups like Al-Shabaab look for new recruiting grounds.

### **LIMITED RESOURCES (AND CONTESTED DISTRIBUTION) AND OPPORTUNITIES DRIVE CRIME AND VIOLENCE**

The assessment report highlights 2 primary areas of concern regarding resources. The first is that corruption has a devastatingly negative impact on Tanzania's growth and stability. With oil, gas, and mineral resources, Tanzania is vulnerable to corruption and/or the unequal distribution of wealth. This

is clearly the case in high-resource areas that have received little benefit from the resources, and that are often located on traditional or communal land, and have little understanding of the laws that guide and inform the extractive. The combination of high expectations from community members, corporate greed, and government laxity and/or corruption is a dangerous mix that has and will continue to lead to violent conflicts. Given the diversity within the country, there is a strong perception that certain groups (i.e. pastoralists, Zanzibaris, WaPemba, minority tribes, etc.) are intentionally marginalized.

The second issue is related to urban-crime, crime and violence is driven by a combination of poverty, exclusion, and lack of economic opportunities, particularly for youth. As the Tanzanian youth population continues to grow as a percentage of the overall population, young Tanzanians are desperately in need of income generating activities to sustain their lives. With little educational or economic opportunities, many disenfranchised urban youth turn to crime, often driven by economics rather than criminal intent. The rise of organized youth groups that engage in crime is a direct result of this scenario and a dangerous trend that needs to be managed before it gets out of hand.

## **SOCIAL COHESION IS SEEMINGLY ON THE DECLINE IN TANZANIA**

Many informants noted a weakening of social cohesion or unity. This is particularly a concern at the moment with growing Muslim-Christian conflicts. Whereas beforehand, Tanzanians were perhaps not keenly aware of the religion of their leaders, now this is a keen point of observation in terms of political parties favoring one religion over the other. Tanzania, which has always been heralded as a country of peace and tolerance, is drifting toward pockets of isolated interest groups. The shared culture that has bound Tanzania since its inception, is seemingly on the decline as is tolerance. With increasing income inequality and high levels of corruption, certain government officials have reaped benefits from the divide, which is perhaps part of the reason that the government has taken little action to promote reconciliation.

## **LACK OF MITIGATION AND GRIEVANCE MECHANISMS**

With conflicts and violence on the rise, there is a notable lack of mitigation and grievance mechanisms, supported by either state or non-state actors. For example, unlike its neighbors, Tanzania has no peace and conflict transformation infrastructure in place in order to deal with the simmering tensions, that if erupt, could result in devastating impacts. There are few mechanisms in place to promote social cohesion, and external donors typically fund those that do exist. In interviews with the donor agencies, they argued that Tanzania is peaceful and it has not requested support in conflict areas.<sup>307</sup> Similarly, civil society has not played its role in promoting messages of tolerance and harmony. For example, while both Muslim and Christian leaders have made public statements decrying the violence, there is no unified inter-faith platform that is actively seeking resolution and harmony. The media has also not contributed significantly to the promotion of peace.

## **SOCIAL VIOLENCE NEGATIVELY AFFECTS ALL TANZANIANS**

While there has been little grounded research in this area, the results of the Violence Against Children study indicate the social violence is more prevalent than originally thought and affects almost all children (Section 6, sub-section on social victimization). The same is true for gender-based violence and

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<sup>307</sup> Interviews, various donors, Dar es Salaam, April and May, 2013

other attacks on vulnerable populations (i.e. persons with albinism, elderly, etc.). Communities are left to their own devices in terms of reducing risks and promoting community resilience and with little to no guidance on what measures they can implement to better protect themselves and advocate for improvements in their communities.

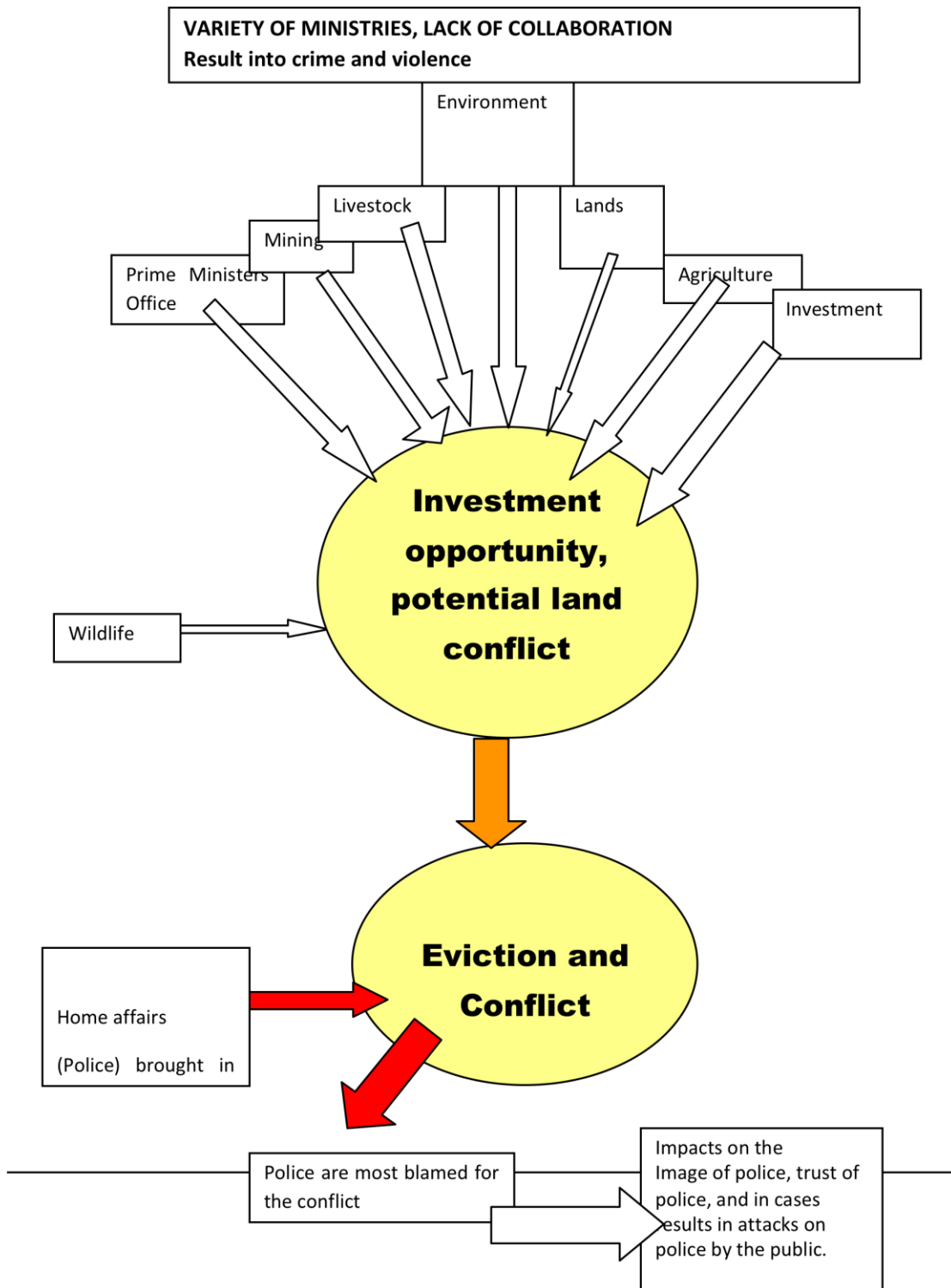
## **GOOD LAWS AND POLICIES HAVE A LIMITED IMPACT IF NOT IMPLEMENTED**

Tanzania has a strong legislative and policy framework in many areas related to crime and violence prevention, however, in many cases the implementation is greatly lagging. This is the case in a variety of thematic areas be it GBV, VAC, community policing, or roles of the local government security committee. For example, the team notes that while the community policing policy is well written, according to the police it is not fully implemented in most areas, largely due to budget restrictions. The lauded commitments of each government agency in terms of VAC and child protection will only have an impact if implemented and budgeted. The lack of full implementation also is threatened by a lack of community oversight or accountability regarding these issues.

Related to laws and policies, the assessment team notes that there is no unified safety, security or crime and violence prevention strategy that brings together the various actors. Sectoral policies exist (i.e.. the recent work in violence against children) but certain target groups (noteworthy to mention is the lack of emphasis on youth) are clearly left out. Finally, there are several overlapping mandates within the laws that need to be corrected. This is largely the case is regards to resource-based conflicts in which up to 8 different Ministries could be involved, all of which then call on the police to implement different, and sometimes conflicting, resolutions. The below graphic illustrates this confusion:

*Figure 11 – Lack of Coordination leading to conflict*





## **POLICE LEADERSHIP HAS A POSITIVE VISION BUT NEEDS SUPPORT**

As noted by the assessment team, and confirmed by a multitude of informants, the current Tanzanian Police Force leadership has a very positive vision that emphasizes community engagement, cooperation with civil society (although it is important to note there are no significant civilian oversight mechanisms of the TPF), and an interest in innovation. This is evidenced by the police commitment to the Women and Children's Desks and other reform measures like community policing as well as the positive leadership of the Tanzania Police Female Network (TPF-Net) for which both the IGP and the Commissioner for Zanzibar were acknowledged for their contributions. The top leadership of the TPF is well recognized for its positive community-oriented vision.

Notwithstanding the above, there is clearly work to be done in terms of transforming the entire police force, many of whom were trained with, and continue to hold a very different vision that does not focus on community engagement and civil rights. While there are efforts to mainstream some of the innovations in police trainings, nonetheless, the rank and file police force will require significant support to both understand and implement this new vision. With little to no external support provided to the police, internal resources are inadequate.

## **TANZANIANS ARE NOT ADEQUATELY PREPARING FOR 2014 AND 2015**

As noted at the very beginning of this assessment, Tanzania is moving toward a potentially contentious few years during which it will both debate and hopefully pass a new Constitution (scheduled for 2014) during which time issues related to the Union will be under scrutiny, as well as a highly polarized 2015 electoral period. However, the assessment team noted little to no advance planning in order to ensure that these clear trigger points do not lead to violent disturbances. While many informants noted an increased sense of tension and vulnerability, few were able to point to concrete actions being taken by state, donor or non-state actors to mitigate the potential for conflict. While Tanzanians are keenly aware of the 2007-2008 post-election violence in Kenya (fueled by the confluence of politics and tribal affiliations) as well as the significant efforts in the 5-year build-up to the 2013 elections to reduce violence, there is little voice advocating for a similar approach in Tanzania. With some of the same chronic conditions of its neighbor (high cohort of out-of-school youth, vulnerable to political manipulation) as well as growing inter-religious tensions, and gangs in Zanzibar, there is little time to implement a prevention approach.

## **MINIMAL CIVIL SOCIETY VOICE (AND DONOR COOPERATION) AROUND SECURITY, CONFLICT AND VIOLENCE PREVENTION**

One of findings of the team was very little engagement by almost all stakeholders around the issues of conflict, security, and violence prevention. There are no high profile civil society groups that emphasize these issues as a core part of their work. The donor community likewise is not fully engaged, believing Tanzania to be a safe country without recognizing the potential for conflict in the future. While there has of late been growing support for treatment of victims of violence, the prevention discourse remains extremely limited.

## **10. RECOMMENDATIONS**

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As per the assessment team's terms of reference, the following are a set of recommendations that are primarily focused on potential intervention areas for Open Society to consider for its future funding and implementation. This section is intentionally focused on areas in which Open Society's mandate might allow it to work (for example, Open Society is not able to provide direct support to the Government of Tanzania), and is not an exhaustive list of overall recommendations for Tanzania in order to prevent and reduce crime and violence.

### **ENGAGE POLITICAL LEADERSHIP TO PROMOTE PEACE AND TOLERANCE**

The report has clearly highlighted the challenges linked to Tanzanian politics both at present and anticipated in the future. Civil society must find ways to engage with the political leadership, and hold leaders both accountable and responsible, for the promotion of open, fair, and transparent political processes and a commitment to non-violence. The media can play an important role by highlighting politicians that promote peace and ensure that political leaders public commit to a peaceful electoral process. In addition to working with political leaders, orientation could be provided to the youth wings of the various political parties regarding positive politics.

### **HELP ESTABLISH GRIEVANCE MECHANISMS**

An important conclusion is the lack of grievance mechanisms in a variety of areas. Without proper grievance mechanisms (that include registering grievances and looking for consensus on solutions), Tanzania will continue to be plagued by conflicts that could turn more violent. Examples of such mechanisms could be victim registers, support for dialogue and improved communication, and mediation and arbitration initiatives. Such mechanisms could consider grievances between individuals, communities, investors and communities, and individuals/communities and the State. While this might take many formats, one possibility for consideration would be the establishment of Conflict Mediation Team(s) of well-respected leaders with both the training and mandate to help search for consensus solutions. Efforts in this area should be localized, focusing on community conflicts and community-led resolutions.

### **SUPPORT THE DESIGN OF AN INTEGRATED SAFETY/SECURITY POLICY EMPHASIZING PREVENTION**

Tanzania does not benefit from an integrated safety/security policy. While it does have a tradition of collaboration between distinct government and non-government actors, a consultative process by which Tanzania could elaborate a comprehensive safety/security policy would be of tremendous help to ensure the balance between prevention, law enforcement, and rehabilitation. Given the IGP's leadership, it would be a natural role for the TPF to assume in serving as the coordinating body.

### **ENCOURAGE TANZANIAN NGOS TO WORK ON SAFETY AND SECURITY ISSUES**

Apart from small organizations like ICNIC-T<sup>308</sup> researching on crime, violence, policing and crime prevention/reduction,<sup>309</sup> with the few mentioned working on human rights and governance issues, there are no sized and well resourced organizations or NGOs that focus on safety and security issues. With little information, research, debate, and oversight undertaken by civil society, the work around safety and security remains almost exclusively the domain of the police. It is important to demystify the belief that safety and security is synonymous with policing. Open Society should consider supporting NGOs to more explicitly focus on safety, security, and policing issues and help build capacity in this regard. In addition, it would be important to stimulate a debate regarding the appropriate role of civilian engagement with and oversight of law enforcement agencies following best practices worldwide. The government has been involving NGOs and CSOs in policy formulation and legal drafting in various laws. Normally on public hearing of various legislations civil societies are invited despite tensions that might exist on approaches between the government and civil societies.<sup>310</sup> However, these organizations require training on crime and violence prevention as well as incentives to begin working in this area. Support could also be provided to bring together state and non-state actors to learn together, as well as promote joint plans, to help improve community safety.

## **PROMOTE (NEW) MEDIA AND PUBLIC AWARENESS INITIATIVES AROUND PREVENTION**

It is almost universally accepted that Tanzania has a restricted media that is dominated by political interests and largely linked to corruption. Notwithstanding the above, there are windows of opportunities to support journalism and information sharing to bring important information to light as well as to provide balanced and non-inflammatory coverage of events. The formal media sector requires a program by which it understands, and commits, to balanced journalistic coverage that helps to reduce conflict and tension, not create further conflict and tensions. As learned in the case of Kenya and Rwanda, the media can be a very damaging institution that fuels violence (i.e. Kenyan post-electoral violence of 2007-2008) as well as prevent violence (i.e. Kenya 2013 elections). In addition to targeting traditional news outlets, it would be important to support new media (i.e. blogs, social media, etc.) that provide unfiltered information and conceivably is a space by which open debate and information sharing can take place without fear of reprisals. Support to deepen the existing new media outlets, as well as support newly evolving ones, would be an important step moving forward. Specific areas of support could be the provision of grants to investigative journalists to cover relevant security issues, introduction of Tanzanian journalists to examples in other countries that focus on positive media engagement, providing training programs to journalists as well as editors, and engaging with media owners to illicit their support.

## **FACILITATE GREATER INTER AND INTRA-FAITH DIALOGUE AROUND PEACE AND TOLERANCE**

As this report has highlighted, inter-faith tensions have been steadily increasing with attacks on religious leaders and institutions as well as faith-related attacks. A recent bitter dispute around slaughtering rights brought issues to a critical level in February 2013 culminating in the beheading of a Christian pastor by Muslim youths in the town of Buseresere. The conflict arose because of a newly

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<sup>309</sup> ICNIC-T Strategic Plan, 2012-2015.

<sup>310</sup> LHRC 2013, p.64

opened butchery operated by Christians, which Muslims perceived as a threat to "long-standing tradition" and Islamic law. Conflict spread and in April 2013 further riots took place on the Tanzania/Zambia border, leading to a temporary closure by authorities. A crowd gathered to oppose the assertion that Muslims alone should be permitted to slaughter.<sup>311</sup> Given that Tanzania is a secular state, there is no law that exists to give any party a monopoly over the slaughtering industry, but the government is bringing leaders together to attempt to resolve the dispute.<sup>312</sup>

Tanzania is extremely vulnerable in this regard; as it has not traditionally suffered religious based conflicts, but with rising tensions there is always the possibility that more extremist forms of religious beliefs are propagated, either by internal or external leaders. While moderate religious leaders publicly support peace, they often don't speak on behalf of more fundamental or extreme religious groups. It is critically important that there is direct engagement of the more extremist groups and strategies be implemented to reach young people who might be vulnerable to manipulation. This could take many forms but include peace and dialogue sessions in churches and mosques, inter-faith activities, or more broadly targeted media campaigns. A tiered strategy must be considered to reach religious leaders as well as their followers in multiple forms.

## **PROMOTE ECONOMIC EMPOWERMENT AND ENGAGEMENT FOR YOUTH**

Given the growing youth segment of the population, and high numbers of out-of-school youth, programs must be designed around economic empowerment, focusing on small-scale income-generating opportunities. Such programs should be targeted strongly in areas in which youth are most vulnerable, most likely urban settlements. Work in itself is a very positive contribution to self-esteem and confidence, and of course provides the opportunity for an income. In addition, this type of engagement will result in out of school youth being positively engaged. Many idle youth fall into a life of crime and violence because they are bored or desperately need resources. Both of these constraints must be addressed. While there are several programs targeting youth economic empowerment, the scope is quite limited and there is little emphasis on out-of-school youth, which should be the priority focus.

## **FACILITATE COMMUNITY POLICING (CP) GROUPS TO LINK WITH INCOME GENERATING OPPORTUNITIES**

This report has shown many examples of the positive work of CP groups and the value placed on these groups by their communities. While of course there are many more groups that are either dysfunctional or semi-functional, it is critically important to help sustain the groups that are providing a valued service to the community. Typically, the CP groups suffer from a lack of basic equipment (i.e. whistles, uniforms, etc) and only rarely are remunerated in some way for their time and efforts. Support could be given to help groups further organize themselves and have access to existing initiatives and opportunities. By making the link between CP groups that are already a unified community structure, and existing structures (i.e. VICOBAS) the groups could engage in income-generating activities to permit them to support for their families while providing this important community service.

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<sup>311</sup> See <http://www.tzaffairs.org/category/religion/>

<sup>312</sup> See 'Tanzania forms interfaith committee to review slaughtering rules.' [http://sabahionline.com/en\\_GB/articles/hoa/articles/features/2013/02/19/feature-02](http://sabahionline.com/en_GB/articles/hoa/articles/features/2013/02/19/feature-02)

## **STRENGTHEN LOCAL GOVERNMENT THROUGH ENGAGEMENT ON SAFETY ISSUES**

As is the case in many parts of the world, the local government, while having a specific mandate to work on safety issues, often ignores this mandate and instead relies on the police. Tanzania is unique in that it does have local government by-laws in many areas that stipulate a role for local government authorities (and community policing) but this mandate is not fully carried out. Support could be provided to work with local governments to help them review their mandates, enact any necessary municipal regulations or by-laws, and most importantly implement the safety activities that fall under the local government domain. Local government authorities require an introduction to fully understand their potential roles in crime and violence prevention, as well as exposure to local-government led models in Tanzania and abroad.

## **PUT COMMUNITIES AT THE HEART OF PREVENTION**

While local government actors might coordinate prevention initiatives in their locales, the heart of any prevention initiative must be the community itself. The community and its leaders must receive support to identify their safety challenges and propose solutions, learning to advocate with the relevant government actors for implementation. Communities must understand the power and control that they can have over their own safety, rather than waiting for external support or solutions. One such approach that has worked well in the African context is the process of conducting community safety audits (reviewing the safety challenges and assets in a community) that are then used as a basis for a community safety plan.

## **STIMULATE PARTICIPATORY RESEARCH AROUND SAFETY ISSUES**

There are gaping holes in terms of knowledge and data around safety and crime issues. With no government body (other than the police) conducting data and research, and very limited engagement by academia, it is important that a research agenda be developed, implemented, and shared. Specific areas of focus might include an analysis of gang dynamics, (investigation in *Ubaya Ubaya* and *Uamsho* in Zanzibar, and emergence of gangs in Musoma and other mainland areas), research into resource-based conflicts, and an analysis of the cross-border dynamics. It is further recommended that rather than academic research, the approach should be participatory whereby different stakeholders (state and non-state alike) come together around different issues and engage in participatory action research.

## **SUPPORT A VISIONING EXERCISE**

Given the fact that Tanzania has seemingly done little in terms of analyzing the factors that could lead to violence in 2014 and 2015, and putting strong management and mitigation systems in place, it could be important to engage Tanzanians in a visioning exercise whereby they are able to articulate different future paths and understand the steps necessary to reach the desired outcome. Also known as scenario building, this could be an important undertaking for state and non-state actors alike.

# 11. ANNEXES

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## ANNEX 2 – INTERVIEW LIST

### **Government**

Dunford D. Makala	Ministry of Health and Welfare
Grayson A. Orcado	Temeke Municipal Council
Philbert N. Kawemama	Ministry of Health and Social Welfare
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Martha J. Mukupasi	Dar es Saalam City Council
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Judy Daniel Kazenge	Ministry of Community Development, Gender and Children
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Anna Mtani	Ministry of Local Government

### **Police**

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Mussa Ally Mussa	Commissioner of Police - Zanzibar
John Minja	Commissioner General of Prisons, Tanzania Prisons Service
Simon Sirro	Tanzania Police Force
Ahmed Sambuil	Tanzania Police Force
Rwelamuri Innocent	Tanzania Police Force
Barnabas Mwakalukwa	Tanzania Police Force
Nzumbi Kitebo	Tanzania Police Force
Mwanbinga Ernest	Tanzania Police Force
Frank Lott	Tanzania Police Force
Beatus Silla	Tanzania Police Force
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Benedict A Ishabakaki	Tanzania Human Rights Defenders Coalition
Elias Mhegera	Tanzania Human Rights Defenders Coalition
Mtumwa Said Sandal	Zanzibar Legal Service Centre
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Konrad Teichert	Hans Seidel Foundation
Jayne Lyons	Pathfinder International, Tanzania
Mr. Hassan Kh. Juma	Association of NGO's Zanzibar
Yefred Myenzi	Hakiardhi
Saada Issa	ZAFELA
Father Chali	Zanzibar Catholic Diocese
Mashaka Musa	Community Policing, Arusha Almatageja
Anna Kulaya	WILDAF
Sheikh Suleiman Said Loila	BAKWATA
Daniel Smart	Help Age International
Consolata Kinobo	Independent Arusha
Ntenje Katota	Restless Development
Karen Fulstrup	FEMINA
Paul Glick	Search for Common Ground
Jose Igembe	Under the Same Sun
Almas Ali	Zanzibar Youth Forum
Donald Kayumba	TARWOC
Trine Hveem	Norwegian Church Aid

## ***Private Sector and Media***

Abel W. Tarimo	Tam Construction Co. Ltd
Valerie Msoka	Tanzania Media Women's Association (TAMWA)
Issa Yussuf	Daily News, Tanzania
Saed Kubena	ManHali Halisi Publishers Ltd
Alloyce Komba	Haki Kwanza Advocates

## ***Other Unnamed Sources***

Community Policing Groups in Temeke, Dar Es Salaam, Arusha, and Zanzibar  
Journalists – Zanzibar and Arusha  
CUF Leader – Zanzibar

*The authors have listed principal interviewees who made substantial contributions to the report*

## **ANNEX 3– LIST OF KEY LEGISLATION**

The Anti-Trafficking in Persons Act, No.6 of 2008

The Broadcasting Services Act, Cap 306 [R.E 2002]

The Community Service Act, Cap 291 [R.E 2002]

The Commission of Human Rights Act, No.7 of 2001

The Constitution of the United Republic of Tanzania of 1977 Cap 2 [R.E 2002]

The Court (Land Dispute Settlements) Act, No.2 of 2002

The Criminal Procedure Act, 1985 Cap 20 [R.E 2002]

The Drugs and Prevention of Illicit Traffic in Drugs Act 1995

The Investment Act, No.26 of 1997

The Judicature and Application of Laws Act, 2002 Cap 358 [R.E 2002]

The Land Acquisition Act, 1967 Cap 118 [R.E. 2002]

The Land Act, No.4 of 1999

The Law of the Child Act, No.21 of 2009

The Law of Marriage Act, 1971 Cap 19 [R.E 2002]

The Local Government (District Authorities) Act, Cap 287 [R.E 2002]

The Local Government (Urban Authorities) Act, Cap 288 [R.E 2002]

The Local Government Laws (Miscellaneous Amendments) Act, No.6 of 1999

The Magistrates Court Act, Cap 11 [R.E 2002]

The Mining Act, No.14 of 2010

The National Defense Act, Cap 192 [R.E 2010]

The National Security Act, 1970, Cap 47 [R.E 2002]

The Non-Governmental Organization Act, No.24 of 2002

The Parole Board Act, 1994, Cap 400 [R.E 2002]

The Penal Code, Cap 16 [R.E 2002]

The People's Militia Act, No. 9 of 1989

The Police Force and Auxiliary Service Act, Cap 232 [R.E 2002]

The Police Force and Prisons Services Commissions Act, Cap 341 [R.E 2002]

The Probation Offenders Act, Cap 247 [R.E 2002]

The Prevention and Combating of Corruption Act, No.11 of 2007

The Prisons Act, Cap 58 [R.E 2002]

The Public Private Partnership Act, No.8 of 2010

The Road Traffic Act, 1973 Cap 168 [R.E 2002]

The Sexual Offences Special Provisions Act, 1998 Cap 1010 [R.E 2002]

The Tanzania Human Rights and Good Governance Act, 2001, Cap 391 [R.E 2002]

The Village Land Act, No. 5 of 1999

The Wildlife Conservation Act, No. 5 of 2009

The Witchcraft Act, Cap 18 [R.E 2002]

The National HIV/AIDS Policy 2000

The National Land Policy 1995

The National Youth Development Policy 2007

The National Employment Policy 2001

## ANNEX 4 – DETAILED ANALYSIS REGARDING POLICY AND LEGISLATIVE ISSUES

POLICY	DESCRIPTION AND OBJECTIVES	COMMENTS (IF ANY)
<p><b>National HIV/AIDS Policy (2000)</b></p>	<p>(i) The Policy aims at planning and implementing HIV/Aids interventions at community level, given the devastating social, economic and environmental impacts of the epidemic in the country.</p> <p>(ii) Crime and victimization are considered as factors leading to the spread of HIV infections. Included are widespread poverty, growing income disparities, gender-based violence, the impact of HIV/Aids with the attendant growing number of orphans, street children and beggars, homelessness and overcrowding</p>	
<p><b>The National Land Policy (1995)</b></p>	<p>The Policy aims to:</p> <p>(i) Correct shortfalls on land tenure, land management and administration;</p> <p>(ii) Improve access to land by all sections of the society;</p> <p>(iii) Ensure that the existing rights in land especially customary rights of small holders (i.e. peasants and herdsmen) are recognized, clarified, and ensured in law; promotion of equity in land holding;</p> <p>(iv) Ensure increased efficiency in land administration in the country;</p> <p>(v) Streamline the institutional arrangements in land administration;</p> <p>(vi) Ensure land disputes adjudication are more transparent; and</p> <p>(vii) Protect land resources from degradation and are used for sustainable development</p>	
<p><b>National Youth Development Policy (2007)</b></p>	<p>(i) The Policy advocates for youth development frameworks which are supportive for youth empowerment. Discrimination still exists in values and attitudes of adults as against young people especially young women, girls and youth.</p> <p>(ii)The Policy recognizes young men and women as the greatest asset for the present and future development of the country. Young men and women represent the driving force behind social, economic and political reforms taking place in the country and the world over.</p> <p>(iii)The Policy calls for effective and sustainable measures aimed at preparing young women and men as leaders, decision-makers, entrepreneurs, parents and guardians. The Policy also aims at promoting young people’s participation in policy making, youth networks and governance</p>	

<b>The National Employment Policy (2001)</b>	The Policy seeks to attain fully sustainable, and productive and gender balanced employment leading to self generating and self sustaining economic growth and consequently eradicate poverty by 2025. It aims at setting up an enabling environment, legislative and regulatory framework within which the labor market can function efficiently	
<b>LEGISLATION</b>	<b>PURPOSE(S)</b>	<b>COMMENTS</b>
<b>The Road Traffic Act, (1973)<sup>313</sup></b>	<p>(i) The Road Traffic Act aims to regulate and prevent road accidents through road safety institutions that include the Central Transportation Licensing Authority, (CTLA), Ministry of Communication and Transport, Ministry of Home Affairs, TPF - Traffic Police, and the Surface and Marine Transport Authority (SUMATRA).</p> <p>(ii) The Road Traffic Act requires drivers to possess valid driving licenses obtained after traffic police tests. It further prohibits taking alcohol before or while driving and driving motor under the influence of liquor or drugs.</p> <p>(iii) The provisions of law also govern the speeding, side of driving, traffic road signs, crossings, parking of vehicles and all other road matters. Reckless (negligent) driving which causes bodily injury or death makes the driver guilty of an offence attracting a fine of around USD 20</p>	A study by LHRC on the subject (2011) showed that road accidents occur most frequently in major cities of Dar es Salaam, Mbeya, Arusha Mwanza and Kilimanjaro. Concentration is also in major up-country highways of Morogoro and the Pwani Region at Kibaha
<b>Prevention and Combating of Corruption Act. (2007)</b>	<p>i) The Act establishes the enforcement mechanism, (Prevention and Combating of Corruption Bureau – PCCB)</p> <p>(ii) The Act provides PCCB with mandate to investigate and prosecute cases as provided for by the Act and other legislations e.g Anti-Money Laundering Act, 2006; Public Procurement Act, 2004; Economic and Organized Crime Control Act , 1984; and The Public Finance Act</p>	
<b>The Drugs and Prevention of Illicit Traffic in Drugs Act, (1995)</b>	<p>i) The Act establishes an Inter-Ministerial Commission - Drug Control Commission (DCC), mechanism for dealing with the problem in the country.</p> <p>(ii) The function of the Commission is to define, promote and co-ordinate government policy on drug abuse and trafficking through supply and demand reduction. Supply reduction focuses on TPF regular operations in cooperation with the public and other law enforcing agencies to reduce the cultivation of illicit drug cultivation (<i>khat-mirungi</i>) in Mara, Arusha and Morogoro regions. Demand reduction focuses on preventive interventions through educational and social programs which seek to enhance attributes of drug users, youth in particular.</p>	

<sup>313</sup> Cap 168 [R.E 2002]



<p><b>LAND LEGISLATIONS</b></p>	<p>Relevant Acts include:</p> <ul style="list-style-type: none"> <li>• The Land Act No. 4 of 1999</li> <li>• The Village land Act No.5 of 1999</li> <li>• The Court, (Land Disputes Settlements) Act, 2002</li> <li>• The Land Planning Act, 2007</li> <li>• The Land Acquisition Act, 1967</li> <li>• The Wildlife Conservation Act, 2009; and</li> <li>• The Mining Act, 2010</li> </ul> <p>(i) The primary legislation governing land ownership is the Land Act No. 4 of 1999 and the Village Land Act, No. 5 of 1999</p> <p>(ii) Under the Land Act No.4/1999, categories of land include:</p> <ul style="list-style-type: none"> <li>• Agricultural</li> <li>• Grazing land</li> <li>• Game Controlled/reserved</li> <li>• Forest area</li> </ul> <p>(iii) <i>The Land Planning Act</i> focuses on planning and land use in public spaces like beaches, market places, recreational centers; etc in town and cities.</p> <p>(iv) <i>The Land Acquisition Act</i> provides for compulsory acquisition of land for public purposes in connection with housing schemes; etc.</p> <p>(v) <i>The Wildlife Act of 2009</i> provides for game controlled areas to be excluded from village land</p>	
<p><b>The Law of Marriage Act, 1971 (LMA)</b></p>	<p>(i) The <i>Law of Marriage Act, 1971 (LMA)</i> provides for spouses to maintain each other. The law further provides for a husband to <i>maintain</i> his wife or wives by providing them with <i>accommodation, clothing and food</i>.</p> <p>(ii) LMA also provides for <i>custodian</i> of children: mothers under 7 years, father 7 years and above.</p> <p>(iii) LMA provides that a woman shall have the same rights as a man to acquire, hold and dispose of property whether movable or immovable.</p> <p>(iv) LMA further provides for the right to retain and control their own property whether they acquire it before or during their marriage. Where there is any property acquired in the name of husband or the wife, during the subsistence of the marriage there shall be a <i>rebuttable presumption that the property belongs absolutely</i> to that person to the exclusion of the other spouse.</p> <p>(v) LMA provide that the spouse living in the matrimonial home owned by the other by stopping the owner spouse from alienating the home without the consent of the other partner while the marriage subsists.</p> <p>(vi) Inheritance in Tanzania is governed by a pluralistic system of laws mentioned. The Indian Succession Act is applicable to Christians and those of European origin;</p>	

	<p>Islamic-Mohammedan Laws applicable to Muslims and the Customary Law of Inheritance is applicable to indigenous <i>patrilineal societies</i> who make 80% of the Tanzanian communities</p> <p>(vii) The customary law does not recognize a widow as heir to her deceased husband's property even if the widow contributed more to its acquisition during the subsistence of marriage</p> <p>(viii) Unmarried daughters do not have equal rights of inheritance over the land or personal property like male counterparts.</p> <p>(iv) The customary law provides for the concept of wife inheritance under which a widow is required to marry a male relative of her husband</p>	
<p><b>The Commission of Human Rights Act No.7 of (2001)</b></p>	<p>Tanzania Commission of Human Rights and Good Governance (CHRAGG) was established under Art. 129 (1) of the Constitution of the URT 1977. CHRAGG was operational in the mainland 2001 (Act 7/2001); and extended its mandate to Zanzibar (Unguja and Pemba) through Good Governance Extension Act, No 12 of 2003</p> <p>The statutory functions of CHRAGG include:</p> <p>(i) To promote within Tanzania the protection and preservation of all human rights and the duties to the society in accordance with the constitution;</p> <p>(ii) To receive all allegations and complaints in the violation of human rights;</p> <p>(iii) To conduct inquiries in matters involving the violation of human rights and the contravention of the principles of administrative justice;</p> <p>(iv) To visit prisons and places of detention</p>	
<p><b>The Anti-Trafficking in Persons Act, 2008</b></p>	<p>(i) Trafficking in persons is referred to as non-slavery, but rather the recruitment, harboring, transportation, provision or obtaining of a person for labor or services through the use of force, fraud or coercion for purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.</p> <p>(ii) The most common forms of human trafficking include forced labor, sex trafficking and bondage labor.</p> <p>(iii) Trafficking in persons is both internal and external trafficking. Victims of Trafficking in persons in the country are more often used as domestic workers, such as house girls and boys, barmaids, while some are engaged in forced prostitution.</p>	<p>(i) UN Protocol to Prevent, Suppress and Punish trafficking in Persons, ILO Convention 187, ILO Convention 29 forced labor, ILO Convention 105, Abolition of forced labor</p>

<p><b>Tanzania Witchcraft Act,</b><sup>314</sup></p>	<p>(i) The Act defines witchcraft to be of sorcery, enchantment, bewitching, the use of instrument to witchcraft, the exercise of any occult power and purported possession of any occult knowledge OR (ii) Traditional belief-based power of witchdoctors and traditional healers who promote themselves as people who possess the spiritual power to bewitch and cast evil spells on others (iii) Acts of witchcraft are punishable under the provisions of the Act (Section 133) mentioned above, and Section 196 of the Penal Code if murder is committed</p>	<p>(i) The Constitution and laws of Tanzania prohibit killings and criminalize witchcraft acts, e.g the Penal Code Cap 16 of the R.E. 2002  (ii) Witchcraft killings are also contrary to both the <i>Convention to Elimination all Discrimination Against Women</i> (CEDAW) of 1979 and the Convention against Torture and other Inhuman, or Degrading Treatment or Punishment of 1984 yet to be ratified by the Tanzania Government.</p>
<p><b>MEDIA</b> <b>(i) The Newspapers Act Cap 47 [R. E 2002]</b> <b>and</b> <b>(ii) Broadcasting Services Act Cap 306 [R.E 2002]</b></p>	<p>(i) The Act allows the government to order a newspaper to cease publication if it is against “public interest or in the interest of peace and good order to do so”  (ii) The law also allows the Minister charged with information affairs to prohibit publication when he/she is of the opinion that it is in the public interest or in the interest of peace and good order.  (iii) The Broadcasting Services Act allows the government to regulate the electronic media</p>	

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<sup>314</sup> Cap 18 R.E 2002

## ANNEX 5 – KEY REGIONAL AND INTERNATIONAL INSTRUMENTS<sup>315</sup>

### Select international instruments:

- (i) The United Nations Charter, 1945;
- (ii) The Universal Declaration of Human Rights, 1948;
- (iii) The International Covenant on Civil and Political Rights 1966;
- (iv) The International Covenant on Economic, Social and Cultural Rights International, (ICESCR) 1966;
- (v) The International Convention on the Elimination of All Forms of Discrimination Against Women, (CEDAW), 1979;
- (vi) The International Convention on the Rights of a Child (ICRC), 1989;
- (vii) The International Convention on the Rights of Persons with Disabilities, 2006;
- (viii) The International Convention on the elimination of all forms of Racio Discrimination;
- (ix) The Internatioal Convention on the Protection of Rights of All Migrant Workers and Members of their families, 1990;
- (x) United Nations Convention on Corruption, 2005;
- (xi) United Nations (1988) Body of Principles for the Protection of All Persons Under Any Form of Detention of Imprisonment
- (xii) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
- (xiii) United Nations Convention on the Status of Refugees, 1951;
- (xiv) United Nations (1993) Principles Relating to Status and Functioning of National Institutions for Protection and Promotion of Human Rights

Tanzania signed and ratified most of the abovementioned international laws, but on the other hand has not signed some of the susquent optional protocols made to supplement the law. For instance, The International Covenant on Civil and Political Rights, 1966, the government has signed it, but so far has not signed the second optional protocol part of this instrument that requires member states to abolish death penalty.<sup>316</sup>

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<sup>315</sup> LHRC (Report), 2012., International Human Right Law , 10.2 Adoption of International Human Rights Instruments, p. 250

<sup>316</sup> Ibid, p. 250

**Select Regional Instruments:** <sup>317</sup>

- (i) Charter of the Organization of African Union, 1963;
- (ii) African Charter on Human and Peoples Rights, (ACHPR), “Banjul Charter”, 1981;
- (iii) African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Court
- (iv) African Union Convention on Preventing and Combating Corruption, 2003;
- (v) The Protocol to the African Charter on Human and Peoples’ Rights and optional protocol on the Rights of Women in Africa, 2003;
- (vi) African Charter on the Rights and Welfare of the Child, (ACRWC), 1990;

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<sup>317</sup> Ibid p. 251

## ANNEX 6 – LIST OF UNION MATTERS

1. The Constitution of the Tanzania and the Government of the United Republic;
2. Foreign affairs;
3. Defense and security;
4. Police;
5. Emergency powers;
6. Citizenship;
7. Immigration;
8. External borrowing and trade;
9. Service in the Government of the United Republic;
10. Income tax payable by individuals and by corporations, customs duty and excise duty on goods manufactured in Tanzania collected by the customs department;
11. Harbors, matters relating to air transport, posts and telecommunications;
12. All matters concerning coinage, currency for the purpose of legal tender (including notes), banks (including savings banks) and all banking business; foreign exchange and exchange control;
13. Industrial licensing and statistics;
14. Higher education;
15. Mineral oil resources, including crude oil and natural gas;
16. The National Examinations council of Tanzania and all matters connected with the functions of that council;
17. Civil aviation;
18. Research;
19. Meteorology;
20. Statistics;
21. The Court of Appeal of the United Republic; and
22. Registration of political parties and other matters related to political parties.