

Chapter 9

Advancing Civil Human Rights Culture in Tanzania

Clement Fumbo and Carl Sterkens

Abstract This contribution investigates the traditional difficulties faced in advancing human rights culture in Tanzania. It describes the sorts of problems, causes and deeper reasons that hinder the advancement and application of human rights in Tanzania. What is the nature of these problems? And what are the possible solutions? Despite the fact that in theory, Tanzania fully embraces human rights, the country falls short when it comes to applying them. We will argue that specific cultural traditions and customs are to blame for human rights abuses. Strict and conservative beliefs and practices in Tanzania do not align with human rights. More specifically, traditional family values and gender-role stereotypes; arranged (child) marriages; belief in witchcraft; and extrajudicial killings and unjust law enforcement are all implicated in causing harm to human rights culture.

Introduction

This study researches the nature and causes of human rights violations in Tanzania by describing some widespread cultural traditions. In Tanzania, ethnic groups consist mainly of communities formed by kinship (cf. Mbiti 1970, 3; Fumbo 2011, 8). Human rights in Tanzania are often interpreted from the perspective of the beliefs and traditions of strong collectivist communities, as well as of the particular interests these communities serve. In general, human rights reside under a community-based umbrella, which understandably is problematic for civil human rights which are the focus of this volume.

Despite the fact that human rights are embraced fully in theory, actual compliance is highly problematic in practice. Some specific cultural practices and traditions house direct violations of human rights. Conservative cultural patterns—specifically

C. Fumbo (✉)

Faculty of Social Sciences, The Open University, Dar es Salaam, Tanzania

e-mail: gumbo@yahoo.co.uk

C. Sterkens

Faculty of Philosophy, Theology and Religious Studies, Radboud University, Nijmegen, The Netherlands

related to religion, clan traditions, and views on family – contradict human rights culture. This study lists some of these traditions. Therefore, the goal of this contribution is to reveal the nature of human rights violations, and discover the deeper causes that hinder the process of advancing a human rights culture in Tanzania.

We will concentrate on ‘first-generation’ human rights, which express basic liberties: prohibition of inhumane treatment; protection from discrimination; and the right to privacy. We leave out political¹ and judicial rights such as “the right to defend and assert all one’s rights on terms of equality with others and by due process of law – not only to vertical relations between government and the citizen but also to horizontal relations between citizens” (Van der Ven et al. 2004, 100).

Before embarking on the questions raised, we will briefly introduce the political background of Tanzania from a historical perspective, and give definitions of civil rights and liberties, traditions and culture, and ethnicity.

Political Background of Tanzania

Tanzania is a constitutional, secular, united republic with a multi-party political system. During the last 20 years Tanzania has become more democratic.² Present-day Tanzania is the result of the unification of two countries, Tanganyika and Zanzibar, in April 1964. Before the union, Tanganyika (now mainland Tanzania) was consecutively a German colony (1880s–1918) and a Trusteeship Territory under Great Britain (1919–1961); while Zanzibar had long been a relatively independent Sultanate before becoming a British protectorate in 1890.

In terms of religious affiliation, during the colonial period Tanganyika had about 30% Christians, 35% Muslims and 35% indigenous believers. Zanzibar’s population was virtually entirely Muslim. Three years after unification, religious affiliation had changed somewhat. According to the 1967 National Census, 34% of the population was Christian, 31% Muslim, and 35% belonged to other religious traditions. Official census Statistics on religion have not been available since 1967. In the most recent census (2012), Tanzania mainland had a population of 43,625,354 people, and 1,303,569 people live in Zanzibar. According to PEW statistics (2014, 22), 61% of the population of Tanzania is Christian, 35% Muslim, and 4% belong to other religious traditions. Religious distribution in Zanzibar has remained almost unchanged since 1964, meaning that the population is almost completely Ibadi Muslim.

¹A definition of political rights would be the ability to participate in public affairs, voting rights and the right to equal access to public services. Those include freedom of association, freedom of assembly, freedom of speech, freedom of religion/worship, freedom to participate in political life, and the right to take part in governance (cf. Article 21, 25 of the International Covenant on Civil and Political Rights 1966).

²<https://freedomhouse.org/report/freedom-world/freedom-world-2015#.VYEywUaRD3Y>

The constitution guarantees freedom of religion, thus helping to limit religious conflicts (Article 19 and 20; cf. DIIS Report 2006). Every individual has the right to worship anything and is free to affiliate with any religious group, as long as one does not infringe the freedom of others. The leadership succession in Tanzania can be seen as an indicator that tensions between religious groups are limited. The first president, Julius Kambarage Nyerere (1961–1984), was Catholic; his successor, Ally Hassan Mwinyi (1985–1995), a Muslim from Zanzibar. President Benjamin William Mkapa (1995–2005) was Protestant; and Jakaya Mrisho Kikwete (2005–2015) a Muslim. Current president John Magufuli, who was sworn in on 5 November 2015 after winning the October 2015 presidential election, is Catholic.

Tanzania has some distinctive characteristics in terms of peace and unity, by comparison with other related communities in Africa (cf. Kobia 2003, 35). Despite Tanzania being one of the poorest nations of Africa, and third-poorest country in the world, the government tries to stimulate dialogue between different cultures and religions, and also tries to adapt its policies to the plural context. This dialogue has resulted into peace, unity, tranquillity, and relatively few ethnic and religious conflicts – an achievement that is partially the result of the consistent use of *Swahili* as a unifying language for the country in the last fifty years (cf. LHRC & ZLSC 2012, 3).

The late Mwalimu (teacher), Julius Kambarage Nyerere, the founding father of the nation, made the Swahili language (*Kiswahili*) a unifying factor, not only to Tanzania but to Africa as a whole. As a leader on the eve of independence in Tanzania in the late 1950s and early 1960s, he noted that the country's diversity (about 126 ethnic groups and languages) could potentially jeopardise Tanzanian unity and the struggle for independence. Though there are so many languages, no one language is spoken natively by a majority or even a large proportion of the population. Nyerere introduced *Swahili* as the first language of the prospective new nation.

Swahili is now an official language, next to English, in all official communication. It has been compulsory at every public school and college for more than 50 years. It is the official language in business, for national and international political affairs, and for instruction in primary schools. The country has also influenced the spread of Swahili to other jurisdictions across East Africa and beyond. Swahili is taught in various universities across the world, and is seen as an important language; the African Union recognises Swahili as an official language. In March 2015, President Jakaya Kikwete's administration announced that all formal education at primary and secondary level would be in Swahili, rather than English.

About 80% of the total population of 44,928,923 people (census 2012) speak Swahili (Tanzania National Statistics, population 2013, VI). The use of one common language is vital for Tanzania's state policy, and also helps to maintain social cohesion, stability and peace, essential elements of meaningful political freedom and social and economic change, as well as for the realisation of human rights culture in Tanzania. However, several human rights are still under threat, due to specific and persistent ethnic traditions.

Civil Rights, Tradition and Ethnicity in Tanzania

Although protected by law, and despite the unifying effect of Swahili, several civil rights in Tanzania are threatened by specific cultural patterns and ethnic traditions. Before elaborating on these threats, we briefly describe the protection of civil rights and liberties in Tanzanian law, as well as what we mean by tradition, culture and ethnicity.

Civil Rights and Liberties in Tanzanian Law

Tanzania is one of many countries around the world that accepts instruments of international human rights, which address civil rights and liberties. On the domestic level, the Bill of Rights guarantees civil rights and liberties. The Bill of Rights became part of the 1977 text of the *Constitution of the United Republic of Tanzania* through the Fifth Constitutional Amendment Act, in 1984 (Act No. 15 of 1984), more specifically in articles 12–29. Black’s Law Dictionary defines civil liberties as ‘freedom from undue governmental interference or restraint’. It refers to freedom of speech, freedom of the press, freedom of religion, freedom of association, and other liberties associated with the Bill of Rights (Black’s Law Dictionary 2009, 280).

In Tanzania, civil rights refer to the individual rights of personal liberty, which are guaranteed by the *Constitution of the United Republic of Tanzania (originally 1977)*, more specifically in part III, known as the *Bill of Rights [of Tanzania] (LHRC and ZLSC 2013, 14)*. The *Basic Rights and Duties Enforcement Act (Act No. 33, 1994)* was enacted with the aim of providing procedures for the enforcement of the provisions provided under the Bill of Rights. In their essence, civil rights especially include the right to vote, the right to due process, and the right to equal protection under the law (Black’s Law Dictionary 2009, 281).

Both civil rights and civil liberties fall under the category of negative rights (cf. LHRC and ZLSC 2013, 14). Negative rights entitle a person to refrain from doing an act that might harm the person that is entitled to these rights (Black’s Law Dictionary 2009, 1437). The simple distinction between the two is that civil liberties are a protection against governmental actions and seek to restrict the government from abusing its powers, while civil rights refer to basic human rights to which every citizen should be entitled, as their birthright. Nevertheless, they also need support and protection from the government, which some stakeholders say they must still be granted.

Civil rights ensure a citizen’s ability to participate in the civil and political life of the country. While civil liberties are protective in nature, civil rights on the other hand are a broader concept. The founding documents, such as the constitution, grant both of these. They are both basic legal rights that each citizen possesses, and which any person should possess. However, this distinction between civil liberties and

civil rights may not be very clear, and can at times create confusion to stakeholders.

The newly proposed constitution draft of 2014 has preserved the provision for civil rights and liberties as well (Constitution Draft 2015, Part 4.1, Article 23–48). The constitutional referendum intended to take place in 2015 has been postponed several times. Tanzania has also signed the following treaties: *International Covenant on Civil and Political Rights* (1966); the *African Charter on Peoples' and Human Rights* (1981); and the *UN Convention on the Rights of Persons with Disabilities* (2006), to mention a few (cf. LHRC and ZLSC 2013, 14). However, Tanzania faces a number of challenges when it comes to the implementation of these civil rights and liberties. In the next section, we briefly define other keywords, such as 'tradition', 'culture' and 'ethnicity'.

Tradition and Culture

There is a close relationship between tradition and culture. Tradition can be described as a long-established action or pattern of behaviour in a community or group of people, handed down from generation to generation (Fumbo 2013, 94). In another interpretation, Vanhoozer (1993, 9) defines tradition as an ongoing cultural interpretation of certain foundational works of the past. These foundational works can take the form of written texts or oral traditions that contain certain values and norms; or they may refer to symbols or rituals that express ideas and convictions that are very much alive in a certain community.

Culture, then, is considered the world of human meaning, and the total sum of people's works that express their beliefs, values and hopes, in an objective form. Culture refers to the vision constructed in a community of what it is to be fully human. Furthermore, Vanhoozer considers culture a way of sharing what people consider valuable ways of thought and of living. There is a relationship between current culture and tradition, insofar as culture interacts with the traditions of the past. Culture interacts with traditions by means of assimilation and accommodation. Vanhoozer's main idea is that in order to minimise gaps between (interpretations of) the past and the present, and in order to avoid alienation from the past, one should not only interpret the foundational works of the past in reference to their original meaning; one should also relate them to current experiences (Vanhoozer 1993, 9).

Considering the many definitions of culture and the scope of this study, we opt for a working definition, which interprets culture as a system of beliefs, practices, institutions and relationships that a community of people uses to identify themselves and distinguish themselves from other communities. It is exactly the strong social embedding of beliefs and practices that makes them widely acceptable, and therefore more problematic for human rights issues. In what follows, we will point to some threats to human rights in Tanzania related to (ethnic) traditions. However, this is not to present a pessimistic view on the human rights culture in Tanzania.

Traditions can change, by being interpreted from the point of view of human rights culture, and by relating foundational works and the current situation.

Ethnicity

Ethnicity, in this discourse, is defined as ‘a sense of community’ that can be described as the feeling of ‘who and what we are’. This means that the commonalities between the individuals in a group are stressed, while the inter-individual differences are minimised (Schilder 1994, 3 and 9). Van der Ven et al. (2004, 340) define ethnicity by using a combination of primordialist and circumstantialist views, in which “[...] *the primordial rootedness in distinctive ethnic groups with myths, rites and customs from bygone times is reconstructed anew each time in accordance with changing circumstances, including the tension between individuality and collectivity and between collectivity and universality – both of which are likewise subject to constant change*”. Tajfel (1982, 2 and 21) defined a group on the basis of both internal and external criteria. Internal criteria refer to an individual’s identification with the group, while external criteria refer to the fact that others perceive individuals as members of a common group, on the basis of characteristics they do not possess themselves. Both internal and external criteria are necessary for group identification. More specifically, Tajfel’s social identity theory accounts for discourses of difference in social categorisation, patterns of (contra-)identification, and social comparison (cf. Sterkens 2007).

Social categorisation occurs when information about social groups is organised in such a way that similarities in categories and differences between categories are emphasized. In addition, similarities between individual out-group members are considered more important than in-group similarities; while inter-individual differences between out-group members are considered peripheral, and those of the in-group are emphasized. The out-group(s) are attributed uniformly shared conceptions, feelings and values, while the in-group is seen as more diversified (Tajfel 1982; Duckitt 1992). For what Hiebert (1992) calls ‘shared values and traits’, he shows that individuals within a group share certain distinctive cultural values and traits that symbolise their identity. In this kind of identity, several ethnic groups in a single society may share many traits; while in other cases, the cultural patterns of members of one ethnic group may differ greatly (Schilder 1994, 12). Another characteristic of ethnic groups, as described by Hiebert, is ‘*consciousness of kind*’, in which people may both identify with and differentiate themselves from ‘others’. He says that these variations comprise a map of the society that helps everyone to organise his or her interpersonal relationships (Hiebert 1992, 276ff).

Identification points to the fact that every individual derives his or her self-image from “knowledge of his[her] membership of a social group (or groups) together with the value and emotional significance attached to that membership” (Tajfel 1982, 255). Individuals strive for a positive self-image by attempting to join groups they evaluate positively, and reduce identification with negatively evaluated

group(s), even when they belong to such group(s). Positive stereotypes are applied to oneself, while contra-identification refers to the resistance against generalised negative characteristics of both the out-groups and in-group (Brown 1995).

Social comparison contributes to positive self-esteem by evaluating the characteristics of the in-group favourably vis-à-vis relevant out-groups, as ‘better’, or ‘of higher moral value’. Prejudice, therefore, is an attitude within the relative positioning of two or more groups, rather than related to specific characteristics of groups. This process of identification based on internal and external criteria explains why social groups also have ‘*ascribed status*’, as Hiebert (1992) calls it. Although people often become members of ethnic groups and are anchored in a core of the local culture primarily by birth, they receive incentives for ongoing identification with the group. Often they also share myths of a common ancestry, particularly regarding place of origin or residence, paternal or maternal descent, clan ancestors, and historical heritage. These myths lead to an experience of a shared wide range of understanding and lifestyles in the wider society (Hiebert 1992, 276–278). Nevertheless, it is sometimes possible to shift between different cultural spheres, e.g. under political pressure (Schilder 1994, 3ff).

Despite free interaction between members of one ethnic group and those of another, roles and relationships are mainly coloured by ethnicity (Hiebert 1992, 279). *Consciousness of kind* may result in *limited interaction between and among groups, exactly because of the differences, but also* because of conquests, migration, trade and assimilation by a dominant society (Hiebert 1992, 279; cf. Schilder 1994, 8). The possible trend is that ethnic consciousness either excludes outsiders from the group, or includes the group in society through ethnic assertion. This means that in order to claim autonomy from the wider society, while at the same time claiming incorporation into that wider society, it is necessary to employ the local culture (Schilder 1994, 12).

Threats to Human Rights in Present-day Tanzania

So far, we have shown that Tanzania does recognise international human rights as stipulated in the *Constitution of the United Republic of Tanzania* (1977), as well as in other founding documents. But if so, what is it that hinders human rights culture in Tanzania? We will answer this question by looking at different instances of human rights abuse, in which we will opt for ‘violence’ as an indicator. ‘Violence’ is a complex word, and its meaning is strongly dependent on local culture. For instance, in some parts of Tanzania, beating your partner would not be considered illegitimate violence, but a way of disciplining a spouse, or even an indirect sign of love (Kassimoto 2008, 13). Yet, violence in essence is any act or attitude that is likely to result in physical, sexual, cultural, or psychological harm or suffering, or even death.

Ballard (1979, 13) distinguishes between structural, revolutionary, institutional, ideological, pathological and criminal violence. All these (interrelated) forms can

be found in Tanzanian society to different degrees. In what follows, we focus on culture-related forms of violence that are highly problematic for human rights in Tanzania. More specifically, we focus on traditional family values and gender-role stereotypes; arranged (child) marriages; beliefs in witchcraft; extrajudicial killings and unjust law enforcement; and mob violence. These culture-related forms of violence are serious threats to civil human rights in Tanzania.

Traditional Family Values and Gender-Role Stereotypes

Many scholars have described similarities in African cultures with regard to family values, gender roles and marriage traditions. Most values in African culture arise from traditional religions, which have deep roots in people's lives. However, two issues are important threats to human rights: traditional family values, and gender-role stereotypes.

Mbiti (1991, 174–178) describes how traditional family values, and especially the expected role of women, have defined the hierarchical and patriarchal system in many African families. The hierarchy always follows duties and obligations on one hand, and rights and privileges on the other, and is dictated by the moral sense of the community. Essentially, the family's interests trump the interests of the individual; one's family is more important than one's own needs. Because individual family members are representatives of the family, inappropriate behaviour of an individual brings shame on the whole family; and indirectly, the wider clan.

Avoidance of family shame encourages group values and is a catalyst for family harmony. When family conflicts arise, help from outside the family is usually not considered necessary. Traditionally, families settle their quarrels internally or through the aid of informal communities related to the family. The fear of shame is also an important factor in parents forcing their daughters into marriage (see section “[Arranged \(child\) marriages](#)” below). The argument goes that having unmarried girls attending school increases the risk of extramarital pregnancies, which would bring shame on the family (Human Rights Watch 2014, 42).

In African culture, there is a tendency to minimise conflicts (Mbiti 1991, 178). Open displays of anger or conflict within the family are considered shameful. This is especially the case in a closed society in which people belong to related ethnic groups, such as that of the Ndali. These cultural values support the maintenance of family harmony, especially in the public sphere. In the privacy of one's home, physical violence towards children or one's spouse may be considered acceptable in order to maintain family harmony. In some instances, a man may even feel it is his right to ‘discipline’ his wife when he thinks she is not behaving or performing as he expects her to do. Human Rights Watch (2014, 35) reports that: “The 2010 Tanzania Demographic and Health Survey (TDHS) found that almost half (45%) of women aged 15–49 had experienced either physical or sexual violence. According to the study, 1 in 2 ever-married women aged 15–49 reported having experienced either

one or a combination of emotional, physical, and sexual violence at the hands of their current or former husbands. Four in ten men agreed that wife beating is justified”.

Acts of domestic violence are likely to be hidden, in order to protect the family’s honour and prevent loss of face. Traditionally, children are expected to show respect to parents and elders by obeying them without question. This obligation refers to the concept of filial piety (Mbiti 1991, 174–178). It helps to establish a clear hierarchy in the family, where elders receive the greatest respect, wives respect their husbands, and children show respect to all those older than them.

The hierarchical structure of African families can reinforce the secrecy of domestic abuses. When marital conflicts arise, it is common for older relatives to work as mediators to resolve issues. Sometimes, it is considered a battered woman’s obligation to endure abuse for the sake of the family. If she tries to leave her husband, she may even encounter abuse from other family members, or be denied the support of the wider family. Human Rights Watch reported that all the girls they had spoken to in this regard were told by their families to return to their husbands and tolerate the abuse. When girls do decide to leave, they become more vulnerable to both sexual and commercial exploitation (HRW 2014, 10.40).

A lot of field studies point to the fact that apart from bearing children and caring for them, women also take care of their families through different activities, both at home and at other places. In some cases in which polygamy is customary, the arrangement is that many wives are working tools of their husbands, on farms and at home. Women can also be inherited when the husband dies. Often, marital rape is not an offence in customary law (HRW 2014, 69). That these customary rules can have judicial consequences is clear from Human Rights Watch’s report: “The Judicature and Application of Laws Act and the Local Customary Law (Declaration) (No. 4), Order of 1963 allow for the application of customary and Islamic laws in matters of marriage, divorce, guardianship, inheritance, and similar matters in Tanzania. The Marriage Act also allows courts to give regard to the customs of the community to which the parties belong when deciding matters of division of matrimonial property” (HRW 2014, 70).

A variety of activities not shared on an equal basis tend to create a gap between men and women, often resulting in the wife becoming (almost) entirely dependent on her husband. Eventually, this is where abuses arise. As mentioned, African families tend to be patriarchal in structure. This is abundantly clear in the initiation (*unyago*) teachings, in which we find three forms of obedience for a women: before marriage she obeys her father, after marriage she obeys her husband, and as a widow she obeys her oldest son (Mbiti 1973). The expectation is that women are the nurturers – those who care for their children, husbands and parents. Therefore, women are always appropriated at the mercy of men, to achieve men’s goals. So when a man considers only his own self-interest important, this undoubtedly affects the well-being of his wife.

Men are given greater educational and occupational privileges in most African communities, as well as more freedom. Women, on the other hand, remain in a disadvantaged position. If a family lacks the financial means to send all their children

to school, girls are likely to be the first to be withdrawn by their parents. Often the community will consider education and motherhood to be incompatible (HRW 2014, 46–50).

One of many consequences of a lack of education is the fantasies surrounding contraception that are told to girls by their boyfriends, or even by those in their environment as a whole, resulting in numerous early pregnancies (HRW 2014, 42–43). But by routinely conducting pregnancy tests, many schools violate girls' right to equality, privacy and autonomy. When a girl appears to be pregnant, there is a good chance that she will be expelled from school (HRW 2014, 3 and 46). The Ministry of Education and Vocational Tool Kit of 2013 even recommend these tests, in order to decrease the number of pregnant girls in schools. In 2012, 2433 girls left primary school due to pregnancy, and 4705 girls dropped out of secondary school (HRW 2014, 49).

Men, on the other hand, are expected to be providers for and protectors of their families. They are also obliged to keep the family honour and pass on the family name. This preference for men is inevitable in a place where custom-related law gives the male child the right to the family inheritance after his father's death. As Sengo puts it, the logic used in this kind of arrangement is that the son is always the next father to all his sisters, on the father's behalf (Fumbo 2013). In practice, this may result in a women or girl ending up penniless when she is abandoned by the men who ought to be responsible for her wellbeing.

In the end, the shame of divorce and the potential loss of one's family support are often barriers to leaving an abusive husband. Women also fall victim when they fail to produce sons. Unfortunately, infertility is a common problem, and as should be clear by now, this is an enormous threat to women (cf. Mbiti 1973).

Traditional views on gender roles and the family tend to increase the stigma associated with divorce and domestic abuse, and therefore make it harder for victims to seek help or even to admit there is a problem. It should be clear by now that these forms of traditional and cultural compliances are severe violations of human rights. They may be considered responsible for the acceptance of some kinds of abusive behaviour, and are the cause of double standards in Tanzanian society.

Arranged (Child) Marriages

Arranged marriages are another form of human rights violation. Article 16(2) of the UDHR is very clear in this respect: "Marriage shall be entered into only with the free and full consent of the intending spouses". Sadly, social and financial pressure are the order of the day. Katapa (1994, 76-95) reports that in the *Wakurya* tradition, the bride's 'worth' in arranged marriages ranges from 15 to 25 cows, which are paid to the parents of these teenage girls by the groom (or his family). In the *Wasukuma* tradition, the number of cows paid varies according to the colour of the girl; the lighter her colour, the higher her worth. A girl's worth may also be dependent on

whether or not she underwent genital mutilation. The dowry is paid to the bride's family in the form of money, cattle or other livestock, or a combination of both.

Arranged marriages do not necessarily require the agreement of the (teenage) girls themselves; rather, they are informed by their parents, or by their future husband. Therefore, the arrangements are usually made between the girl's parents and her husband-to-be. In fact, the dowry payment creates the impression that a wife is owned by her husband, which strongly increases the likelihood of domestic violence.

Most of these girls simply cannot leave, because they lack the financial means to repay the dowry. However, for some women such a marriage is an escape from an abusive workplace. Others enter a relationship because they are pregnant, or in need of food. According to the Human Rights Watch (2014, 34): "In Tanzania, 4 out of 10 girls are married before their 18th birthday. A study by the United Nations Population Fund (UNFPA) estimated that 37% of Tanzanian women aged 20–24 years were first married or in union before the age of 18, between 2000 and 2011." The Human Rights Watch have even documented cases in which girls as young as seven were married off.

These facts become all the more serious when one takes into account that some of these women even face female genital mutilation at the age of 10 to 15, as a rite before marriage. This happens even though the Sexual Offences Special Provisions Act (SOSPA) of 1998 prohibits female genital mutilation for girls under 18 (Human Rights Watch 2014, 36). UNICEF (2014, 2–3) estimates the number of girls and women in Tanzania who have undergone female genital mutilation to be 7.9 million. The report adds that 92% of Tanzanian women want these practices to end.

The young age at which these girls marry makes them probable victims of child labour, which is sometimes even considered a proper preparation for married life. Furthermore, married women are often denied education, giving them very low wage prospects. These factors contribute to their vulnerability in Tanzanian society. In their relationships, women face violence, and even marital rape. If they leave, they receive very little support, if any. In addition, many of them are too young to be pregnant; in general, these women are forced into adulthood before they are mentally and physically ready. As a consequence, some girls even contemplate suicide. It is clear that by allowing these practices, the national government violates international law, which recognises human rights (Human Rights Watch 2014, 62; Nour 2008, 12).

Belief in Witchcraft in Relation to Civil Rights Violations

Witchcraft is widely practiced in African societies, and precedes colonial times, although it varies in different countries (Mesaki 2010, 132–138). The belief in and practice of witchcraft is usually a source of justification for why bad things happen to certain people, leading to accusations against individuals. These accusations usually lead to abuse, and a violation of human rights – more particularly, the right to

life, liberty and security; the right to property; and the prohibition against torture – and has led to social and economic marginalization. The members of society most affected are women, elderly people, children, and the poor.

In recent years there has been an increase in violations of the right to life, due to witchcraft-related murders and tortures, including people being buried alive, as a result of unfounded allegations (LHRC and ZLSC 2012, 34). The persecution of people who are suspected to perform witchcraft is brutal and degrading. People accused of such practices are usually punished by mob ‘justice’. According to LHRC statistics, a survey from the Police Force indicates that in 2012, 630 people were killed due to witchcraft beliefs, whereas in 2013, witchcraft-related killings claimed the lives of 765 people, of whom 505 were women (LHRC and ZLSC 2013, 36). These killings have increasingly targeted older women (Human Rights Watch 2014, 35f; UNFPA 2012, 95 and 111).

There are also reports of the killing of people with albinism, or the removal of some of their limbs to be sold. Since 2000, 72 killings of persons with albinism have been reported (LHRC and ZSLC 2013, 46). Amputated limbs are held to possess magical powers, making the non-albino rich. A mother who gives birth to an albino child is believed to be cursed, through sorcery, having had an affair, or touching another albino (Southern Africa’s Children, African Witchcraft). This despite the fact that Tanzania has legislation that is meant to prevent these kinds of abuses and violations of rights resulting from witchcraft. The *Witchcraft Act (1928)* (Cap. 18 [R.E. 2002]) is an example. However, the Witchcraft Act has not been able to solve the challenges posed by the practice of witchcraft. In 1992, the Nyalali Commission even went as far as to recommend abandoning the Witchcraft Act, and argued that “...the law dates back to colonial rule and it has remained to date. The law is useless; it should be repealed” (Nyalali Report, 1994; Cimpric 2010).

This study shows that in Tanzania, witchcraft is a social phenomenon that has led to a violation of human rights, thereby causing the death of a large number of people. The legal system has itself failed to halt the lethal consequences of witchcraft. Moreover, the *Witchcraft Act (1928)* seems to be too out of date to cope with the current situation, and even appears to promote the existence of witchcraft (LHRC and ZLSC 2013, 36). Therefore, a need for new efforts is inevitable, if there is to be any hope of remedying the current situation – including proper education on the unacceptability of some forms of witchcraft, and the bringing to justice of people who are suspected of these practices.

Extrajudicial Killings and Unjust Law Enforcement

In recent years, there has allegedly been an increase in the number of extrajudicial killings by law enforcement bodies of the country, in disregard of the legal processes. The country’s political leadership has been accused of doing very little to combat these unlawful acts (LHRC and ZLSC 2013, 20–21). By extrajudicial killings, we mean murders that are supported or committed by the staff of state

departments, such as the police, the army, prison warders and paramilitary forces. Police, Sungusungu – a justice organization established by the Sukuma and Nyamwezi ethnic groups that regularly uses excessive violence - and the Tanzania Peoples Defence Force (TPDF) killed 23 people in the first half of 2013 alone (LHRC and ZLCS 2013, 23). Sadly, some traditional community councils from several parts of the country – mostly the *Sukumaland*, in the Shinyanga, Mwanza, Geita and Bariadi districts – are responsible for unjust and sometimes brutal law enforcement, without any form of proper trial. In *Sukumaland*, the ruling council is known as the *Dagashida*, and is composed of only male members of the community. The *Dagashida* has been operating in the *Sukumaland* for many years. Originally, the *Dagashida* council handled only issues to do with pasture and agriculture (Suleyman 2013). Its task is to set customary rules, including sanctions. Some see it as an important and respected assembly.

Since the *Dagashida* is responsible for natural resources, it deals with violations to do with these issues. It is no secret that punishments can be severe (Nkonya 2008, 11,134–138). The local police report that the *Dagashida* has been responsible for several deaths, resulting from disputes over inheritances and land, belief in witchcraft, and mob violence. On the other hand, some NGOs oppose the *Dagashida* on issues such as access to natural resources, sanctions on the blocking of cattle tracks, and tree tenure. Mlenge (1994) notes further that some NGOs have succeeded in having women included in the *Dagashida*, and they therefore praise the *Dagashida* institution for the emancipation of women and local ethnic groups.

In some cases, politicians are accused of condoning the actions of the *Dagashida* councils for political gain. However, the report states that the Regional Police Commander (RPC) of Simiyu, ACP (name withheld), denies these allegations and accuses the *Dagashida* councils of being criminals who exploit the traditions of the Wasukuma in the region for personal gain, whether political or economic (LHRC and ZLSC 2013). Nevertheless, this does not change the facts. Furthermore, statistics reveal that 117 people lost their lives in this way in the Simiyu Region from June 2012 to June 2013 (Matandiko 2013).

Mob Violence

In 2013, a severe inter-religious conflict occurred in the Geita region. The conflict arose from differences between Christians and Muslims, with each group claiming the right to slaughter animals such as cows and goats for public consumption. Tanzania has witnessed an increase in incidences of mob violence over the past decade. In 2013 alone, 1669 people were killed through mob violence in Tanzania (LHRC and ZLSC 2013, 28–29). Different explanations are given for the rise of mob violence: a poor criminal justice system, a lack of proper evidence, the non-appearance of witnesses in courts of law, ignorance of the law by the public, lack of trust towards the police, and insufficient funding to conduct the investigation properly. The most important reason is believed to be the failure and collapse of the

country's criminal justice system, which in turn has resulted in mistrust of this institution (cf. LHRC and ZLSC 2013, 23).

Conclusion

From what has been said, it is clear that Tanzania is far from the full realisation of the civil human rights it otherwise fully (legally) recognises. The founding documents of the republic have been under discussion and revision ever since Tanzania's independence, contributing to confusion about though little awareness of human rights. A genuine commitment from local leaders and political will in the national government, as well as from civil society, could make a difference in Tanzania on the delicate issue of human rights. It is encouraging that Tanzanian society remains open for dialogue, with both local groups and international bodies, for a better understanding of civil human rights.

But the bumpy road to more human rights awareness is explained by more than just economic deprivation and political hitches. Culture-related forms of violence are a real threat to human rights as well. More specifically, we referred to traditional family values and gender-role stereotypes; arranged (child) marriages; belief in witchcraft; extrajudicial killings and unjust law enforcement; and mob violence, as important cultural phenomena that threaten human rights in Tanzania. Those who suffer most from human rights abuse (i.e. women, children, the disabled and the poor) often lack a voice to protest against it.

It is often suggested that the unifying language of Swahili could contribute to democracy, and could make a difference to human rights awareness. Such a unifying language could help to overcome intergroup differences and shed new light on locally embedded traditions and customs that are harmful to human rights. A shared language could overcome cultural diversities and result in more legitimacy for human rights in Tanzania. Through Swahili, an open dialogue between different groups, as well as with surrounding countries, is more possible. Recently, the government has made much effort to stimulate the spread of Swahili throughout the country, as well as in East Africa and beyond (though often at the cost of English). Whether this will contribute significantly to human rights remains to be seen.

References

- Ballard, P. H. (1979). *A Christian perspective on violence*. London: British Council of Churches.
- Brown, R. (1995). *Prejudice. Its social psychology*. Oxford: Blackwell.
- Cimpric, A. (2010). *Children accused of witchcraft. An anthropological study of contemporary practices in Africa*. Dakar: Unicef.
- Constitution of the United Republic of Tanzania*. (1977).
- DIIS Report. (2006).
- Duckitt, J. (1992). *The social psychology of prejudice* New York/London.

- Fumbo, C. D. (2011). The interface between human rights and the African concept of community, with special reference to the Ndali people of Tanzania. *Teofilo Kisanji University Journal*, 2(1), 1–15.
- Fumbo, C. D. (2013). The Moravian church response to domestic abuses among couples in Tanzania: A case study of Mbeya municipality, with special reference to (Wa-)Ndali and (Wa-)Nyakyusa traditions (comparison and contrast), PhD dissertation, The Open University, Tanzania.
- Garner, B. A. (Ed.). (2009). In *Black's law Dictionary* (9th ed). West: Thomson Reuters.
- Hiebert, P. G. (1992). *Cultural anthropology* (2nd ed.). Grand Rapids: Baker Book House.
- Human Rights Watch. (2014). No way out. Child marriage and human rights abuses in Tanzania. New York [etc.]: HRW.
- Kassimoto, T. (2008). *A Handbook on Gender Studies in Education: Gender equality, Development and Peace* (n.p.)
- Katapa, R. S. (1994). Arranged marriage. In Z. Tumbo-Masabo & R. Liljestrom (Eds.), *Chelewa, Chelewa the dilemma of teenage girls* (pp. 76–95). Stockholm: The Scandinavian Institute of African Studies.
- Kobia, S. (2003). The courage to hope. World Council of Churches: The roots for a new vision and the calling of the Church in Africa.
- Legal and Human Rights Center [LHRC], & Zanzibar Legal Services Center [ZLSC]. (2012). Tanzania human Rights report 2012. Dar es Salaam/Zanzibar: LHRC& ZISC.
- Legal and Human Rights Center [LHRC] & Zanzibar Legal Services Center [ZLSC]. (2013). Tanzania Human Rights Report 2013. Dar es Salaam/Zanzibar: LHRC& ZISC.
- Matandiko, K. (2013). *Mauaji ya kutisha mkoani Simiyu* Mwananchi Newspaper 10 Sept 2013.
- Mbiti, J. S. (1970). *Concepts of God in Africa*. London: S.P.C.K.
- Mbiti, J. S. (1973). *Love and marriage*. London: Longman.
- Mbiti, J. S. (1991). *African religion and philosophy* (2 nd Ed ed.). Oxford: Heinemann.
- Mesaki, S. (2010). Review of witchcraft and the law in Tanzania. *International Journal of Sociology and Anthropology*, 1(8), 132–138.
- Mlengi, W. (1994). Revival of Customary Landcare. *Ileia Newsletter*, 10(2), 9.
- Nkonya, L. K. (2008). *Rural water Management in Africa, the impact of customary institutions in Tanzania*. New York: Cambria Press.
- Nour, N. (2008). An Introduction to Maternal Mortality. *Journal of Obstetrics and Gynecology*, 1(2), 12.
- Pew Research Center [PEW]. (2014). *Global religious diversity*. Washington, DC: Pew.
- Schilder, K. (1994). Quest for self-esteem. State, Islam, and Mundang ethnicity in northern Cameroon: African studies centre research series.
- Sterkens, C. (2007). Reflection on the limits of 'religious' explanations of violence. A social psychological perspective. In: Timmerman, C. & Hutsebaut, D. et. al. (eds.). Faith-based radicalism. Christianity, Islam and Judaism between constructive activism and destructive fanaticism (Gods, Humans and Religions 10) (pp. 181–190). Brussels/Oxford [etc.]: Peter Lang.
- Suleyman, M. (2013). Are they the law unto themselves? The Citizen newspaper, 8th Feb 2013.
- Tajfel, H. (1982). *Human groups and social categories*. Cambridge: Cambridge University Press.
- UNFPA [United Nations Population Fund]. (2012). *Ageing in the twenty-first century*. London/ New York: UNFPA: A celebration and a challenge.
- United Republic of Tanzania, Population Distribution by Age and Sex. (2013).
- Van der Ven, J. A., Dreyer, J. S., & Pieterse, H. J. C. (2004). Is there a god of human rights? The complex relationship between human rights and religion. In *A south African case*. Leiden: Brill.
- Vanhoozer, K. J. (1993). The world well staged? Theology, culture, and hermeneutics. In D. A. Carson & J. D. Woodbridge (Eds.), *God and culture* (pp. 1–30). Grand Rapids: William B. Eerdmans Publishing Company.