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### **Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1**

#### **United Republic of Tanzania**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

<i>Universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	27 Oct. 1972	None	Individual complaints (art. 14): No
ICESCR	11 June 1976	None	–
ICCPR	11 June 1976	None	Inter-State complaints (art. 41): No
CEDAW	20 Aug. 1985	None	–
OP-CEDAW	12 Jan. 2006	None	Inquiry procedure (arts. 8 and 9): Yes
CRC	10 June 1991	None	–
OP-CRC-AC	11 Nov. 2004	Binding declaration under art. 3:18 years	–
OP-CRC-SC	24 April 2003	None	–
CRPD	10 Nov. 2009	None	–
CRPD-OP	10 Nov. 2009	None	Inquiry procedure (arts. 6 and 7): Yes
<i>Treaties to which the United Republic of Tanzania is not a party: OP-ICESCR<sup>3</sup>, ICCPR-OP 1, ICCPR-OP 2, CAT, OP-CAT, ICRMW and CED (signature only, 2008).</i>			
<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>		
Convention on the Prevention and Punishment of the Crime of Genocide	Yes		
Rome Statute of the International Criminal Court	Yes		
Palermo Protocol <sup>4</sup>	Yes		
Refugees and stateless persons <sup>5</sup>	Yes, except 1954 and 1961 conventions		
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>	Yes, except Additional Protocol III (signature only)		
ILO fundamental conventions <sup>7</sup>	Yes		
UNESCO Convention against	Yes		

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## Discrimination in Education

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1. In its submission, UNCT stated that the Government of the United Republic of Tanzania should step up efforts to abolish the death penalty by acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP 2).<sup>8</sup> In 2009, the Human Rights Committee (HR Committee) recommended that Tanzania seriously consider becoming a party to ICCPR-OP 2.<sup>9</sup>
2. In 2008, the Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Tanzania to consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention on the Protection of the Rights of Migrants Workers and Member of Their Families (ICRMW), and the International Convention for the Protection of All Persons from Enforced Disappearance (CED), and to accept, as soon as possible, the amendment to article 20, paragraph 1, of CEDAW.<sup>10</sup> In 2006, the Committee on the Rights of the Child (CRC) recommended that Tanzania ratify CAT.<sup>11</sup>
3. In 2005, the Committee on the Elimination of Racial Discrimination (CERD) strongly recommended that Tanzania ratify the amendments to article 8, paragraph 6, of the Convention.<sup>12</sup>

## B. Constitutional and legislative framework

4. UNCT stated that in the Tanzanian Constitution there was no recognition of the general prohibition of torture, as set forth in the ICCPR. UNCT added that a general clause in the Constitution stipulated that human rights might be subject to limitations by ordinary legislation, if, for instance, such legislation “promotes or preserves the national interest in general”. As a result, retrogressive law has usurped some human rights, in particular with regard to property and access to land.<sup>13</sup> UNCT also stated that the Government should enact a comprehensive anti-discrimination law as a complement to the existing provisions in the Constitution.<sup>14</sup>
5. HR Committee recommended that Tanzania ensure that all rights protected under the Covenant are given full effect in domestic law.<sup>15</sup>
6. CRC and HR Committee recommended that Tanzania continue and complete the process of adopting a Children's Act.<sup>16</sup>
7. CEDAW called upon Tanzania to consider amending the existing definition of discrimination to encompass both direct and indirect discrimination in accordance with article 1 of the Convention.<sup>17</sup> CEDAW was concerned at the continuing discrimination against women under the Citizenship Act (1995) and urged Tanzania to accelerate the process to amend the Citizenship Act in order to bring it fully into compliance with the Convention.<sup>18</sup>
8. CRC recommended that Tanzania consider reviewing its legislation in order to ensure that no person under 18 years can be recruited in the armed forces and that the violation of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children and armed conflicts be explicitly criminalized in Tanzania's legislation.<sup>19</sup>
9. CRC recommended that Tanzania expedite its law review processes in order to effectively prohibit the offences against children under the Optional Protocol to the Convention on the Rights of the Child on the Sale of children, child prostitution and child pornography and to ensure that perpetrators of the offences are duly prosecuted.<sup>20</sup>

10. CERD was concerned about the absence of specific legislation on racial discrimination. It recommended that Tanzania adopt specific legislation on racial discrimination, including a legal definition of racial discrimination in line with the Convention. CERD also recommended that Tanzania envisage incorporating the Convention on the Elimination of All Forms of Racial Discrimination into its domestic legal order.<sup>21</sup>

### **C. Institutional and human rights infrastructure**

11. The Commission for Human Rights and Good Governance was accredited with A status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) in 2003. It was further reviewed in 2005 and in October 2006.<sup>22</sup> In 2010, OHCHR provided advice and assistance on strengthening national human rights institutions in Tanzania.<sup>23</sup>

12. UNCT stated that there had been cuts by the Government into the financial resources of the Commission for Human Rights and Good Governance and that full access to the Commission's services in rural areas is lacking.<sup>24</sup> HR Committee recommended strengthening the capacity of the Commission to fulfil its mandate effectively in accordance with the Paris Principles, in particular by endowing it with adequate resources.<sup>25</sup> CRC and CERD<sup>26</sup> shared similar concerns.

13. UNCT also stated that a three-justice panel within the High Court considers individual complaints regarding violations of human rights. UNCT advised that better awareness about the right to resort to this mechanism among at-risk groups and the population at large was necessary.<sup>27</sup>

14. CEDAW recommended that Tanzania strengthen its national gender machinery, in particular the Ministry of Community Development, Gender and Children for the Tanzanian mainland and the Ministry for Labour, Youth, Employment, Women and Children Development for Zanzibar.<sup>28</sup>

15. Regarding ill-treatment in detention, HR Committee recommended that Tanzania establish a special mechanism, completely independent from the police force and other Government bodies, for the investigation of complaints concerning actions of law enforcement officials.<sup>29</sup>

### **D. Policy measures**

16. UNCT indicated that the 2008 revised Child Development Policy identified a series of key challenges concerning children, especially orphans, children with disabilities, children living in the streets and those engaged in harmful labour. The 2007 revised National Health Policy emphasized equity and human rights perspectives, especially among women, children, elderly and people with chronic diseases.<sup>30</sup>

17. In 2009, OHCHR assisted the Government and the national human rights institution with the preparation of a road map for developing a plan of action on human rights.<sup>31</sup>

## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>32</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2004	August 2005	Overdue since 2006	Combined seventeenth and eighteenth reports overdue since 2007.
CESCR			–	Overdue initial, second, third and fourth reports submitted in 2009.
HR Committee	2007	July 2009	Overdue since 2010	Fifth report due in 2013.
CEDAW	2007	July 2008	Overdue since 2010	Combined seventh and eighth reports due in 2014.
CRC	2004	June 2006	–	Combined third, fourth and fifth reports due in 2012.
OP-CRC-AC	2007	October 2008	–	Combined third, fourth and fifth reports under the CRC due in 2012.
OP-CRC-SC	2007	October 2008		Combined third, fourth and fifth reports under the CRC due in 2012.
CRPD			–	Initial report due in 2011.

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
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<i>Latest visits or mission reports</i>	Special Rapporteur on toxic waste (21-30 January 2008).
<i>Visits agreed upon in principle</i>	
<i>Visits requested and not yet agreed upon</i>	Independent expert on foreign debt (2006, 2007, 2008); Special Rapporteur on extrajudicial, summary or arbitrary executions (2008); Independent expert on the question of human rights and extreme poverty.
<i>Facilitation/cooperation during missions</i>	
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 6 communications were sent. The Government replied to 2 communications.
<i>Responses to questionnaires on thematic issues</i>	Tanzania has not responded to any of the 23 questionnaires sent by special procedures mandate holders. <sup>33</sup>

## **B. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Equality and non-discrimination**

18. UNCT indicated that patterns of discrimination against specific groups resulted primarily from intolerance, ignorance or negligence in conjunction with the lack of legal protection and effective remedies.<sup>34</sup>

19. HR Committee recommended bringing laws governing the family and personal status in line with the Covenant, and stepping up efforts to change customary attitudes detrimental to women's rights. Tanzania should further promote women's participation in public affairs and ensure their access to education and employment.<sup>35</sup>

20. CEDAW was concerned about the persistence of adverse cultural norms, practices and traditions that perpetuate discrimination against women, including female genital mutilation, polygamy and the bride price. CEDAW urged Tanzania to put in place a comprehensive strategy, including legislation, to modify or eliminate cultural practices and stereotypes that discriminate against women.<sup>36</sup>

21. CEDAW was also concerned that traditional female stereotypes are most prevalent in the rural areas. It urged Tanzania to take appropriate measures to eliminate all forms of discrimination against rural women with respect to ownership of land, and to enact legislation to eliminate discriminatory inheritance practices.<sup>37</sup>

22. CEDAW was deeply concerned about the social situation of older women, including their poverty, as well as reports of intimidation, isolation, abuse and killings, resulting, inter alia, from allegations of witchcraft. CEDAW recommended that Tanzania pay special attention to the precarious situation of older women. CEDAW also urged Tanzania to challenge traditional views regarding older women.<sup>38</sup>

23. UNCT stated that particular attention should be drawn to the widespread marginalization of girl children in different spheres of life, including education, and the total exclusion caused for many by early and forced marriage.<sup>39</sup>

24. CRC expressed concern at the fact that discrimination against certain groups of children still exists in legislation as well as in practice, particularly with regard to teenage pregnant girls, children with disabilities, children of asylum-seekers, children infected with and/or affected by HIV/AIDS, and street children. CRC encouraged Tanzania to integrate children with disabilities into the regular educational system and into society.<sup>40</sup>

25. UNCT noted that stereotyping in HIV/AIDS infection had continued fuelling stigma and discrimination, particularly against women due to gender norms that labelled women as “vectors” of transmission for HIV. Commercial sex workers were another group at risk of social exclusion and UNCT encouraged Tanzania to study the effects of the arrests of these workers, the majority of whom were women.<sup>41</sup>

## **2 Right to life, liberty and security of the person**

26. HR Committee noted the de facto moratorium on the death penalty, which has not been applied since 1994, and recommended that Tanzania consider abolishing the death penalty, ensure that conditions of detention on death row do not amount to treatment contrary to the Covenant, and consider the early commutation of death sentences of all persons sentenced to death.<sup>42</sup> In 2010, Tanzania abstained from voting on General Assembly resolution 65/206, Moratorium on the use of the death penalty.<sup>43</sup>

27. UNCT stated that persons with albinism not only faced stigma and discrimination, but also the threat of violence and death. From 2006 to 2010, at least 58 persons with albinism were killed, the majority of whom were children. In addition, there were nine cases of attempted murder and reports of the desecration of graves.<sup>44</sup> HR recommended strengthening efforts to put a halt to incidents of mutilation and killings of persons with albinism, and to ensure the efficient conduct of investigations and prosecution of the perpetrators.<sup>45</sup> CEDAW shared similar concerns.<sup>46</sup>

28. HR Committee recommended taking measures to eradicate all forms of ill-treatment in detention. HR Committee called on Tanzania to intensify its efforts to improve the conditions of persons deprived of liberty, in particular overcrowding, and to promote alternatives to imprisonment.<sup>47</sup>

29. HR Committee recommended taking all necessary measures to effectively combat violence against women, and in particular, define and criminalize domestic violence, including marital rape; sensitize society as a whole in this regard; ensure that the perpetrators of such acts are prosecuted; and provide assistance and protection to victims.<sup>48</sup>

30. CEDAW called on Tanzania to ensure that violence against women and girls, including domestic violence, marital rape and all forms of sexual abuse, constitute a criminal offence; that perpetrators are prosecuted, punished and rehabilitated; and that victims of violence have access to redress and protection. CEDAW recommended that legal aid be made available to all victims of violence, including in rural or remote areas.<sup>49</sup>

31. HR Committee recommended that Tanzania adopt effective measures to combat female genital mutilation, in particular where the practice remains widespread, and ensure that the perpetrators are brought to justice. Concerned about the fact that the Sexual Offences Special Provisions Act of 1998 does not protect women above the age of 18 from genital mutilation, the Committee recommended that it be amending.<sup>50</sup> Similar concerns were raised by CEDAW, CRC and CERD.<sup>51</sup>

32. UNCT stated that Tanzania was a source, transit, and destination country for men, women, and children subjected to trafficking. The incidence of internal trafficking was

higher than that of transnational trafficking, largely from rural to urban areas, affecting primarily children for their exploitation in domestic servitude, petty trade and prostitution. The use of young girls for forced domestic labour continued to be the country's largest human trafficking problem. Governmental agencies were unable to implement the 2008 Anti-Trafficking in Persons Act, as the Ministry of Home Affairs has not yet established an Anti-Trafficking Committee tasked to set up the regulations of the Act.<sup>52</sup>

33. HR Committee recommended taking all necessary measures to combat trafficking in human beings and sexual exploitation of women and children, ensure the effective implementation of its anti-trafficking legislation, and adopt a national action plan on trafficking.<sup>53</sup> CEDAW urged Tanzania to implement the Anti-Trafficking in Persons Act and to adopt an action plan to address trafficking and to ensure the allocation of sufficient resources for its effective implementation.<sup>54</sup>

34. CRC recommended that Tanzania strengthen preventive measures aimed at addressing the root causes that contribute to the vulnerability of children to sale, prostitution, pornography and sex tourism. CRC also urged Tanzania to undertake investigations into the sale of children for ritual purposes and bring the perpetrators to justice.<sup>55</sup>

35. In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations expressed concern at the institutionalized and systematic coercion to work established in the Constitution, Acts of Parliament and District by-laws of Tanzania, in contradiction to both the ILO Forced Labour Convention (No. 29) and the Abolition of Forced Labour Convention (No. 105), ratified by Tanzania. A number of laws also permit the imposition of forced or compulsory labour as a punishment for a range of offences, including the expression of political views and the failure to engage in socially useful work.<sup>56</sup>

36. CRC recommended that Tanzania assess the situation of children entering Tanzania who may have been recruited or used in hostilities abroad, and provide them with assistance for their physical and psychological recovery and their social reintegration.<sup>57</sup>

37. In 2010, the ILO Committee of Experts expressed hope that Tanzania would take measures to prohibit the use, procuring or offering of a child for illicit activities, in particular the production and trafficking of drugs.<sup>58</sup> HR Committee recommended that Tanzania intensify its efforts to eliminate child labour, and in particular ensure the effective implementation of its programme to eliminate the worst forms of child labour by 2010.<sup>59</sup> CRC expressed similar concerns.<sup>60</sup>

38. UNCT indicated that corporal punishment was not prohibited in any environment, including in schools, and its use was widespread.<sup>61</sup> HR Committee recommended that Tanzania take measures towards the abolition of corporal punishment as a lawful sanction, promote non-violent forms of discipline within the educational system and carry out public information campaigns about its harmful impact.<sup>62</sup> CRC shared similar concerns.<sup>63</sup>

### **3. Administration of justice, including impunity and the rule of law**

39. UNCT stated that the Government was attempting to address the shortcomings of the justice system, which remained weighed down by the increasing number of cases reported and lodged. There was an acute shortage of courts, as well as judges and magistrates to preside over cases, severely affecting access to competent tribunals. Some prisons were housing more than twice their capacity, as was the case with the Ruanda Central Prison. Convicted and non-convict inmates were mixed together, often under inhumane conditions.<sup>64</sup>



40. CERD recommended taking the necessary measures to establish mechanisms to improve the capacity and efficiency of the judicial system, to ensure access to justice to all without discrimination, and to establish mechanisms to provide legal aid to all members of vulnerable groups.<sup>65</sup>

41. HR Committee recommended that Tanzania ensure the effective implementation of the right of a suspect to be brought promptly before a magistrate, and introduce a comprehensive criminal legal aid system for individuals who do not have sufficient means to pay for legal representation.<sup>66</sup>

42. UNCT stated that there was no separate criminal system for under-18s and, apart from one juvenile court in Dar Es Salaam, juvenile cases were heard in regular courts. Under-18s without the means to pay for a lawyer were often left without legal assistance. There was no system of diversion, no community rehabilitation schemes and non-custodial sentencing was limited. Children were routinely held in adult detention centres, even in regions where juvenile detention centres existed. The prisons were not staffed or equipped to provide specialist services, and juveniles were mixed with adults during the day. There were only two post-detention centres and five retention homes for under-18s in the country.<sup>67</sup>

43. CRC urged Tanzania to ensure the full implementation of juvenile justice standards, clearly establish the age of criminal responsibility at 12 years, or at an older age that is an internationally accepted standard, and ensure that children between the ages of 16 and 18 are not considered as adults.<sup>68</sup>

44. UNCT indicated that survivors of sexual abuse and violence struggled to secure justice and social support. The vast majority of police, prosecutors and magistrates were not trained to meet the needs of survivors. Stigma and community pressure often dissuaded families from lodging cases, with the community handling the case outside the justice system. This often leads to impunity for perpetrators.<sup>69</sup>

#### **4. Right to privacy, marriage and family life**

45. UNCT indicated that same-sex sexual relations were criminalized and urged Tanzania to consider applying the Yogyakarta Principles as a guide to State policy-making, and to repeal any criminal provision against persons based on their sexual orientation.<sup>70</sup> HR Committee made a similar recommendation.<sup>71</sup>

46. CEDAW was concerned about the multiple marriage regimes and urged Tanzania to harmonize civil, religious and customary law with the Convention and to complete its law reform in the area of marriage and family relations. CEDAW also called on Tanzania to implement measures aimed at eliminating polygamy, and to ensure that its law establishes the legal minimum age for marriage at 18 years for both girls and boys.<sup>72</sup> CRC and UNCT shared similar concerns regarding the minimum age for marriage<sup>73</sup>.

47. CRC recommended ensuring free birth registration and introducing mobile birth registration units in order to reach remote and rural areas throughout the country.<sup>74</sup>

#### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

48. UNESCO stated that the situation of freedom of expression was favourable in Tanzania and has improved significantly in recent years.<sup>75</sup> HR Committee recommended that Tanzania put an end to direct and indirect restrictions on freedom of expression, ensure that its legislation and practice give full effect to the Covenant, and adopt appropriate measures to prevent any intimidation of journalists.<sup>76</sup>

49. The Special Rapporteur on the right to freedom of opinion and expression sent an allegation letter on 10 January 2008 concerning an attack against two journalists who were severely beaten.<sup>77</sup>

50. UNCT stated that notwithstanding an increase in trained journalists, a lot remained to be done in improving quality and adherence to ethics. By December 2009, there were over 300 libel suits pending in the courts against the media.<sup>78</sup>

51. HR Committee called on Tanzania to take all necessary measures to guarantee the exercise of the right to peaceful association, and ensure that any restrictions imposed on the operation of associations and the peaceful pursuit of their activities are compatible with the Covenant.<sup>79</sup>

52. CEDAW recommended that Tanzania pursue sustained policies aimed at the promotion of women's full and equal participation in decision-making in all areas of public and professional life.<sup>80</sup>

## **6. Right to work and to just and favourable conditions of work**

53. UNCT stated that although the ILO Equal Remuneration Convention (No. 100) and Discrimination (Employment and Occupation) Convention (No. 111) had been ratified and domestic laws to their effect had been introduced, the Government had yet to elaborate measures to address wage discrimination and disparities between job values in the private and public sectors. UNCT also noted that HIV/AIDS-related discrimination remained institutionalized in the workplace in both the public and private spheres.<sup>81</sup>

54. The ILO Committee of Experts recalled that the right to strike may be restricted or prohibited in the public service only for public servants exercising authority in the name of the State or in essential services, and requested Tanzania to take the necessary measures to amend relevant sections of the Labour Relations Act of 2005.<sup>82</sup> UNCT expressed similar views.<sup>83</sup>

55. CEDAW was concerned that the public service is male dominated and that the majority of women working in the public sector are in lower or middle cadre positions. CEDAW was also concerned about the precarious situation of the high number of women in the informal sector, mainly in the agricultural sector, as well as in other activities such as small business, food processing and handicrafts, where they have limited access to land and lack job security and access to social security benefits. CEDAW called on Tanzania to ensure that employment legislation applies to, and is enforced in, the public and private sectors, and to provide a regulatory framework for the informal sector, with a view to providing women with access to social protection and benefits.<sup>84</sup>

## **7. Right to social security and to an adequate standard of living**

56. CRC remained concerned about widespread poverty and the increasingly high number of children who do not enjoy the right to an adequate standard of living.<sup>85</sup> UNCT stated that some 43 per cent of the population were children, 6 million of whom were living below the basic-needs poverty line and 3 million below the food poverty line.<sup>86</sup> UNDP noted that Tanzania has the potential to reduce food poverty by 2015, if the current efforts to revive and accelerate agriculture production can be sustained.<sup>87</sup>

57. CEDAW recommended that Tanzania strengthen its efforts to reduce the incidence of maternal and infant mortality, and to increase the life expectancy age for women. It urged Tanzania to make every effort to increase women's access to health-care facilities and medical assistance by trained personnel, especially in rural areas.<sup>88</sup> CRC raised similar concerns.<sup>89</sup> UNCT made a similar recommendation.<sup>90</sup>

58. UNDP noted that although progress has been made, the spread of HIV/AIDS was the single most impoverishing force facing people and households in Tanzania.<sup>91</sup> CEDAW recommended continued efforts to address the impact of HIV/AIDS on women and girls, as well as its social and family consequences. It urged Tanzania to enhance its focus on women's empowerment and to include clearly and visibly a gender perspective in its policies and programmes on HIV/AIDS.<sup>92</sup> CRC expressed similar views.<sup>93</sup>

59. In August 2008, the Special Rapporteur on toxic waste called on the Government, inter alia, to treat the issue of children being exposed to highly toxic substances as a matter of urgency and to try and find a way to reduce the number of children engaged in mining activities. He also called on the Government to monitor more closely the operations of large-scale mining companies, particularly on issues of occupational health and safety standards and the level of compliance of corporations with environmental and other legislation.<sup>94</sup> Furthermore, he urged the Government, inter alia, to carry out social impact assessments to better protect and promote the human rights of the local population, and to develop a database of mining-related illnesses.<sup>95</sup>

60. On 20 February 2006, the Special Rapporteur on the right to food stated that 3.7 million people in Tanzania were at risk of food shortage due to the failure of rain. Recalling that under the ICESCR, State parties have the obligation to respond quickly and in an appropriate manner to emergency food situations on the territory of a member State of the United Nations, the Special Rapporteur requested that member States ensure the realization of the right to food of the suffering populations.<sup>96</sup>

## 8. Right to education

61. UNCT stated that the quality of education remained a concern. More Government attention was needed on a series of issues, particularly children with disabilities. While the Government had developed an Inclusive Education Strategy, immediate efforts should be taken to ensure its implementation and hence increase the inclusion of orphans and other vulnerable children.<sup>97</sup>

62. UNCT stated that a 2002 regulation allowed for the expulsion of pregnant girls from school. Existing protection and special programmes for girls were inadequate and resulted in many girls being unable to complete the compulsory education programme.<sup>98</sup>

63. CEDAW recommended implementing measures to ensure equal access of girls and women to all levels of education, retain girls in school and strengthen the implementation of re-entry policies so that girls can return to school after giving birth. It also encouraged Tanzania to take steps to overcome traditional attitudes that in some areas constitute obstacles to the education of girls and women.<sup>99</sup> CRC shared similar concerns.<sup>100</sup>

## 9. Minorities and indigenous peoples

64. UNCT stated that the rights of indigenous peoples to access ancestral lands had been denied or limited for economic exploitation, in particular in game reserves. UNCT urged the Government to reconsider its policy under which the notion of indigenous peoples was unrecognized, and to take steps to ensure their right to practice their own culture in parity with the majority population.<sup>101</sup>

65. HR Committee recommended that Tanzania adopt specific legislation and special measures to protect, preserve and promote the cultural heritage and traditional way of life of its indigenous peoples, and consult indigenous communities before establishing game reserves, granting licences for hunting, or other projects on "ancestral" or disputed lands.<sup>102</sup> Similar concerns were raised by CERD<sup>103</sup> and by the Special Rapporteur on toxic waste.<sup>104</sup>

66. On 28 August 2007, the Special Rapporteur on the right to food, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Special Rapporteur on the situation of human rights defenders sent an allegation letter to the Government regarding alleged threats to the Hadzabe indigenous community arising from the granting of a hunting license to a private company on Hadzabe traditional lands, and about the detention of a Hadzabe spokesperson and member of the Hunter-Gatherer Forum of East Africa.<sup>105</sup>

#### **10. Migrants, refugees and asylum-seekers**

67. In 2011, a UNHCR report indicated that Tanzania continued to experience large-scale unlawful entry of irregular migrants. By early 2008, some 550 prisoners had been convicted of unlawful entry into Tanzania and some 1,300 illegal immigrants, mainly from the Horn of Africa, were detained pending deportations to their home countries.<sup>106</sup> CERD urged Tanzania to ensure that no refugees are forcibly returned to a country where there are substantial grounds for believing that they may suffer serious human rights violations.<sup>107</sup>

68. A UNHCR report stated that Tanzania continued to enforce an encampment policy which required all refugees to live in “designated areas.” This left the refugees few opportunities to supplement their income and diet, and they remained dependent on humanitarian assistance.<sup>108</sup>

69. CERD recommended that Tanzania take appropriate measures to eradicate all forms of ill-treatment of refugees, in particular women; ensure prompt and impartial investigations into all allegations of ill-treatment of refugees; prosecute the persons responsible for ill-treatment; and grant compensation to victims.<sup>109</sup> CEDAW urged Tanzania to take steps to investigate and punish all perpetrators of violence against refugees.<sup>110</sup>

#### **11. Human rights and counter-terrorism**

70. HR Committee recommended that Tanzania ensure that its counter-terrorism measures are in full conformity with the Covenant, including the right to presumption of innocence.<sup>111</sup>

### **III. Achievements, best practices, challenges and constraints**

71. UNCT recognized that, while gender-based violence was prevalent, the Government had taken several steps to prevent and respond to this phenomenon.<sup>112</sup>

72. CERD noted that Tanzania is a multi-ethnic State, with more than 120 ethnic and minority groups, and acknowledged its efforts to build a State where all groups live in harmony.<sup>113</sup>

73. CRC noted that the high incidence of the HIV/AIDS epidemic in rural areas, together with certain traditional practices and customs in use there, continue to hamper progress in the implementation of the Convention.<sup>114</sup>

74. CERD acknowledged with appreciation that, despite a decline in the number of refugees, Tanzania continued to host more than 600,000 refugees, the largest number in Africa.<sup>115</sup> CRC noted with appreciation Tanzania's long-standing generous approach to receiving refugees from neighbouring countries.<sup>116</sup>

75. A UNHCR report indicated that, in April 2010, Tanzania took the decision to naturalize more than 162,200 refugees living in the north-west of the country since 1972.<sup>117</sup>

Their local integration, including their relocation to some 60 districts in 18 regions across Tanzania, could pose considerable challenges.<sup>118</sup>

76. HR Committee welcomed the enactment of the Spinsters and Single Parent Child Protection Act of 2005 in Zanzibar, abolishing the imprisonment of unmarried women who have become pregnant.<sup>119</sup>

## IV. Key national priorities, initiatives and commitments

### Specific recommendations for follow-up

77. In 2009, HR Committee requested Tanzania to provide, within one year, relevant information on its implementation of recommendations related to female genital mutilation, corporal punishment, and imprisonment for failure to pay a debt.<sup>120</sup>

78. In light of information alleging discrimination against Maasai pastoralists in a district of Western Arusha, CERD requested Tanzania, in a letter dated 6 March 2009, to provide information on follow-up measures.<sup>121</sup>

79. In 2008, CEDAW requested Tanzania to provide, within two years, written information on the steps taken to implement the recommendations related to law review process and female genital mutilation.<sup>122</sup>

80. In 2005, CERD requested Tanzania to inform it, within one year, of its implementation of the recommendations regarding female genital mutilation, refugees forcibly returned to countries where they may suffer human rights violations and ill-treatment of refugees.<sup>123</sup>

## V. Capacity-building and technical assistance

81. CRC recommended that Tanzania take all necessary steps to strengthen international cooperation through multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.<sup>124</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>8</sup> UNCT submission to the UPR on Tanzania, para. 4.

<sup>9</sup> CCPR/C/TZA/CO/4, para. 14.

<sup>10</sup> CEDAW/C/TZA/CO/6, para. 150 and 156.

<sup>11</sup> CRC/C/TZA/CO/2, para. 52.

<sup>12</sup> CERD/C/TZA/CO/16, para. 25.

<sup>13</sup> UNCT submission to the UPR on Tanzania, paras. 7, 8, 9.

<sup>14</sup> Ibid., para 30.

<sup>15</sup> CCPR/C/TZA/CO/4, para. 7.

<sup>16</sup> CRC/C/OPAC/TZA/CO/1, para. 7; CRC/C/OPSC/TZA/CO/1, para. 9; CRC/C/TZA/CO/2, para. 9; CCPR/C/TZA/CO/4, para. 25.

<sup>17</sup> CEDAW/C/TZA/CO/6, para. 110.

<sup>18</sup> Ibid., paras. 127-128.

<sup>19</sup> CRC/C/OPAC/TZA/CO/1, paras. 17 and 21.

<sup>20</sup> CRC/C/OPSC/TZA/CO/1, para. 29.

- <sup>21</sup> CERD/C/TZA/CO/16, paras. 10–11.
- <sup>22</sup> For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/16/77, annex.
- <sup>23</sup> A/HRC/16/76, para. 9.
- <sup>24</sup> UNCT submission to the UPR on Tanzania, para. 15.
- <sup>25</sup> CCPR/C/TZA/CO/4, para. 8.
- <sup>26</sup> CRC/C/OPAC/TZA/CO/1, para. 15; CRC/C/TZA/CO/2, para. 15; CERD/C/TZA/CO/16, para. 21.
- <sup>27</sup> UNCT submission to the UPR on Tanzania, paras. 12–13.
- <sup>28</sup> CEDAW/C/TZA/CO/6, para. 116.
- <sup>29</sup> CCPR/C/TZA/CO/4, para. 18.
- <sup>30</sup> UNCT submission to the UPR on Tanzania, para. 19.
- <sup>31</sup> OHCHR 2009 Annual Report, Activities and Results, pp. 58 and 84.
- <sup>32</sup> The following abbreviations have been used for this document:
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|--------------|---|
| CERD         | Committee on the Elimination of Racial Discrimination                               |
| CESCR        | Committee on Economic, Social and Cultural Rights                                   |
| HR Committee | Human Rights Committee  |
| CEDAW        | Committee on the Elimination of Discrimination against Women                        |
| CAT          | Committee against Torture   |
| CRC          | Committee on the Rights of the Child  |
| CMW          | Committee on the Protection of the Rights of All Migrant Workers and Their Families |
| CRPD         | Committee on the Rights of Persons with Disabilities.                               |
- <sup>33</sup> The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2007 and 1 January 2011. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) A/HRC/6/15, para. 7; (b) A/HRC/7/6, annex; (c) A/HRC/7/8, para. 35; (d) A/HRC/8/10, para. 120, footnote 48; (e) A/62/301, paras. 27, 32, 38, 44 and 51; (f) A/HRC/10/16 and Corr.1, footnote 29; (g) A/HRC/11/6, annex; (h) A/HRC/11/8, para. 56; (i) A/HRC/11/9, para. 8, footnote 1; (j) A/HRC/12/21, para. 2, footnote 1; (k) A/HRC/12/23, para. 12; (l) A/HRC/12/31, para. 1, footnote 2; (m) A/HRC/13/22/Add.4; (n) A/HRC/13/30, para. 49; (o) A/HRC/13/42, annex I; (p) A/HRC/14/25, para. 6, footnote 1; (q) A/HRC/14/31, para. 5, footnote 2; (r) A/HRC/14/46/Add.1; (s) A/HRC/15/31/Add.1, para. 6 – for list of responding States, see <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/ContributionsPSP.aspx>; (t) A/HRC/15/32, para. 5; (u) A/HRC/16/48/Add.3, para. 5, endnote 2; (v) A/HRC/16/51/ Add.4; (w) A/HRC/17/38, annex 1.
- <sup>34</sup> UNCT submission to the UPR on Tanzania, para. 30.
- <sup>35</sup> CCPR/C/TZA/CO/4, para. 9.
- <sup>36</sup> CEDAW/C/TZA/CO/6, paras. 117–118.
- <sup>37</sup> *Ibid.*, paras. 140–141.
- <sup>38</sup> *Ibid.*, paras. 142–143.
- <sup>39</sup> UNCT submission to the UPR on Tanzania, para. 25.
- <sup>40</sup> CRC/C/TZA/CO/2, paras. 26 and 43.
- <sup>41</sup> UNCT submission to the UPR on Tanzania, paras. 61 and 29.
- <sup>42</sup> CCPR/C/TZA/CO/4, paras. 4 and 14.
- <sup>43</sup> A/65/PV.71, pp. 18–19.
- <sup>44</sup> UNCT submission to the UPR on Tanzania, para. 31.
- <sup>45</sup> CCPR/C/TZA/CO/4, para. 15.
- <sup>46</sup> CEDAW/C/TZA/CO/6, para. 142.
- <sup>47</sup> CCPR/C/TZA/CO/4, paras. 18–19.
- <sup>48</sup> *Ibid.*, para. 10.
- <sup>49</sup> CEDAW/C/TZA/CO/6, para. 120.
- <sup>50</sup> CCPR/C/TZA/CO/4, para. 11.
- <sup>51</sup> CEDAW/C/TZA/CO/6, paras. 121–122; CRC/C/TZA/CO/2, paras. 50–51; CERD/C/TZA/CO/16, para. 13.
- <sup>52</sup> UNCT submission to the UPR on Tanzania, paras. 37–38.

- 53 CCPR/C/TZA/CO/4, para. 17.
- 54 CEDAW/C/TZA/CO/6, para. 124.
- 55 CRC/C/OPSC/TZA/CO/1, para. 21, CRC/C/TZA/CO/2, para. 66.
- 56 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Forced Labour Convention, 1930 (No. 29), 2010, Geneva, doc. No. (ILOLEX) 062010TZA029, 1st-5th paras.
- 57 CRC/C/OPAC/TZA/CO/1, para. 23.
- 58 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No.182), 2010, Geneva, doc. No. (ILOLEX) 062010TZA182, 5th para.
- 59 CCPR/C/TZA/CO/4, para. 25.
- 60 CRC/C/TZA/CO/2, para. 63–64.
- 61 UNCT submission to the UPR on Tanzania, para. 58.
- 62 CCPR/C/TZA/CO/4, para. 16.
- 63 CRC/C/TZA/CO/2, paras. 33–34, 70 (c).
- 64 UNCT submission to the UPR on Tanzania, paras. 40, 41 and 43.
- 65 CERD/C/TZA/CO/16, para. 19.
- 66 CCPR/C/TZA/CO/4, para. 21.
- 67 UNCT submission to the UPR on Tanzania, paras. 44 and 45.
- 68 CRC/C/TZA/CO/2, para. 70.
- 69 UNCT submission to the UPR on Tanzania, para. 46.
- 70 *Ibid.*, para. 27.
- 71 CCPR/C/TZA/CO/4, para. 22.
- 72 CEDAW/C/TZA/CO/6, paras. 146–147.
- 73 CRC/C/TZA/CO/2, paras. 24–25; UNCT submission to the UPR on Tanzania, para. 25.
- 74 CRC/C/OPAC/TZA/CO/1, para. 19; CRC/C/OPSC/TZA/CO/1, para. 25; CRC/C/TZA/CO/2, para. 32.
- 75 UNESCO, Submission to the UPR of Tanzania, para. 18.
- 76 CCPR/C/TZA/CO/4, para. 24.
- 77 Reply of the Government: 22 February 2008.
- 78 UNCT submission to the UPR on Tanzania, para. 51.
- 79 CCPR/C/TZA/CO/4, para. 23.
- 80 CEDAW/C/TZA/CO/6, para. 126.
- 81 UNCT submission to the UPR on Tanzania, para. 28.
- 82 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2009, Geneva, doc. No. (ILOLEX) 092009TZA087, 11th para.
- 83 UNCT submission to the UPR on Tanzania, para. 48.
- 84 CEDAW/C/TZA/CO/6, paras. 131 and 133.
- 85 CRC/C/TZA/CO/2, para. 53.
- 86 UNCT submission to the UPR on Tanzania, para. 59.
- 87 UNDP, Tanzania, Achieving the MDGs: Challenges and prospects, available at [http://www.tz.undp.org/mdgs\\_progress.html](http://www.tz.undp.org/mdgs_progress.html).
- 88 CEDAW/C/TZA/CO/6, para. 137.
- 89 CRC/C/TZA/CO/2, para. 44–45.
- 90 UNCT submission to the UPR on Tanzania, para. 33.
- 91 UNDP, Tanzania, Achieving the MDGs: Challenges and prospects, available at [http://www.tz.undp.org/mdgs\\_progress.html](http://www.tz.undp.org/mdgs_progress.html).
- 92 CEDAW/C/TZA/CO/6, para. 139.
- 93 CRC/C/TZA/CO/2, para. 48–49.
- 94 A/HRC/9/22/Add.2, paras. 97 and 101.
- 95 *Ibid.*, paras. 98 and 103.
- 96 OHCHR Press release, Special Rapporteur on right to food deeply concerned about risk of famine in the Horn of Africa, 20 February 2006.
- 97 UNCT submission to the UPR on Tanzania, paras. 55 and 57.
- 98 *Ibid.*, para. 58.
- 99 CEDAW/C/TZA/CO/6, para. 130.



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- <sup>100</sup> CRC/C/TZA/CO/2, paras. 55-56.  
<sup>101</sup> UNCT submission to the UPR on Tanzania, para. 23.  
<sup>102</sup> CCPR/C/TZA/CO/4, para. 26.  
<sup>103</sup> CERD/C/TZA/CO/16, paras. 14 and 16.  
<sup>104</sup> A/HRC/9/22/Add.2, p. 2.  
<sup>105</sup> Reply of the Government: 13 December 2007.  
<sup>106</sup> UNHCR Global Appeal 2011 update - chapter on United Republic of Tanzania, p. 42, available at <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e45c736>.  
<sup>107</sup> CERD/C/TZA/CO/16, para. 17.  
<sup>108</sup> UNHCR Global Appeal 2011 update – chapter on United Republic of Tanzania, pp. 40-41, available at <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e45c736>.  
<sup>109</sup> CERD/C/TZA/CO/16, para. 18.  
<sup>110</sup> CEDAW/C/TZA/CO/6, para. 145.  
<sup>111</sup> CCPR/C/TZA/CO/4, para. 12.  
<sup>112</sup> UNCT submission to the UPR on Tanzania, para. 26.  
<sup>113</sup> CERD/C/TZA/CO/16, para. 6.  
<sup>114</sup> CRC/C/TZA/CO/2, para. 5.  
<sup>115</sup> CERD/C/TZA/CO/16, para. 5.  
<sup>116</sup> CRC/C/TZA/CO/2, para. 59.  
<sup>117</sup> UNHCR Global Appeal 2011 update – chapter on United Republic of Tanzania, pp. 40-41, available at <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e45c736>.  
<sup>118</sup> *Ibid.*, p. 43.  
<sup>119</sup> CCPR/C/TZA/CO/4, para. 3.  
<sup>120</sup> *Ibid.*, para. 28.  
<sup>121</sup> CERD A/64/18 (2009), para. 27.  
<sup>122</sup> CEDAW/C/TZA/CO/6, para. 157.  
<sup>123</sup> CERD/C/TZA/CO/16, para. 26.  
<sup>124</sup> CRC/C/OPSC/TZA/CO/1, para. 41.
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