

# Tanzania

## Mid-term Implementation Assessment



Promoting and strengthening  
the Universal Periodic Review  
<http://www.upr-info.org>



## Introduction

### 1. Purpose of the follow-up programme

*The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.*

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by *UPR Info* to collect data and to calculate the index is described at the end of this document.

Geneva, 8 July 2014



## Follow-up Outcomes

### 1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/tanzania>

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

18 stakeholders' reports were submitted for the UPR. 63 NGOs were contacted. 2 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

8 NGOs responded to our enquiry. 1 UN agency responded. The State under Review did not respond to our enquiry. The NHRI did not respond to our enquiry either.

The following stakeholders took part in the report:

1. **UN Agency:** United Nations Tanzania (UNTanzania)
2. **NGOs:** (1) Children Education Society (CHESO) (2) Global Initiative to End All Corporal Punishment of Children (GIEACPC) (3) Pastoralist Indigenous NGOs Forum (PINGOF) (4) Parakuyo Indigenous Community Development Organization (PAICODEO) (5) Reporters sans frontières (RSF) (6) Save the Children (STC) (7) Under The Same Sun (UTSS) (8) Zanzibar Association Support to Orphans (ZASO)

*IRI:* 40 recommendations are not implemented, 37 recommendations are partially implemented, and 30 recommendations are fully implemented. No answer was received for 61 out of 173 recommendations and voluntary pledges.

## 2. Index

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Hereby the issues that the MIA covers:

rec. n°	Rec. State	Issue	IRI	page
15	Algeria	National plan of action,Women's rights	partially impl.	page 49
28	Argentina	Rights of the Child,Technical assistance,Torture and other CID treatment,Women's rights	partially impl.	page 36
46	Australia	Detention conditions,Right to health	partially impl.	page 29
54	Australia	International instruments,Rights of the Child,Torture and other CID treatment,Women's rights	not impl.	page 38
107	Australia	International instruments,Torture and other CID treatment	not impl.	page 25
1	Belgium	International instruments,Justice	not impl.	page 23
6	Belgium	Rights of the Child	partially impl.	page 32
24	Belgium	Right to land,Women's rights	not impl.	page 34
43	Belgium	Human rights violations by state agents,Torture and other CID treatment	not impl.	page 28
104	Benin	International instruments,Torture and other CID treatment	not impl.	page 25
105	Benin	Detention conditions,International instruments,Torture and other CID treatment	not impl.	page 25
29	Brazil	Rights of the Child,Torture and other CID treatment,Women's rights	partially impl.	page 36
39	Brazil	Minorities	-	page 20
19	Burkina Faso	Human rights education and training	fully impl.	page 11
81	Burkina Faso	Right to health,Rights of the Child,Women's rights	-	page 42
25	Canada	Right to land,Rights of the Child,Women's rights	partially impl.	page 35
33	Canada	Human rights education and training,Labour,Minorities,Right to education	partially impl.	page 17
87	Canada	Right to education	-	page 14
148	Canada	Freedom of the press	not impl.	page 9
5	Cape Verde	Rights of the Child	fully impl.	page 31
30	Cape Verde	Rights of the Child,Torture and other CID treatment,Women's rights	partially impl.	page 36
2	Chad	International instruments,Technical assistance	partially impl.	page 46
12	China	National plan of action	fully impl.	page 48
103	Democratic Republic of Congo	International instruments,Torture and other CID treatment	not impl.	page 25
22	Denmark	Women's rights	partially impl.	page 34
44	Denmark	Human rights violations by state agents,Justice	not impl.	page 28
102	Denmark	International instruments,Torture and other CID treatment	not impl.	page 25
147	Denmark	Rights of the Child	not impl.	page 45
157	Denmark	Indigenous peoples	not impl.	page 21
158	Denmark	Indigenous peoples	not impl.	page 22
35	Djibouti	Minorities	partially impl.	page 18
69	Djibouti	Detention conditions,Justice,Rights of the Child	fully impl.	page 30



rec. n°	Rec. State	Issue	IRI	page
156	Djibouti	Right to education,Torture and other CID treatment	partially impl.	page 46
7	Egypt	Rights of the Child,Torture and other CID treatment,Women's rights	partially impl.	page 33
93	Finland	Disabilities,Rights of the Child	partially impl.	page 21
159	Finland	Indigenous peoples,Right to land	not impl.	page 22
161	Finland	Indigenous peoples	not impl.	page 23
52	France	International instruments,Rights of the Child,Women's rights	not impl.	page 38
55	France	Rights of the Child,Torture and other CID treatment,Women's rights	fully impl.	page 39
16	Ghana	National plan of action	fully impl.	page 48
23	Ghana	International instruments,Women's rights	fully impl.	page 34
89	Ghana	Right to education	fully impl.	page 13
40	Hungary	Disabilities,Human rights education and training	partially impl.	page 20
14	Indonesia	National plan of action	fully impl.	page 49
82	Japan	Right to health,Rights of the Child,Women's rights	fully impl.	page 42
114	Japan	International instruments,Torture and other CID treatment	not impl.	page 25
115	Japan	Enforced disappearances,International instruments	not impl.	page 26
4	Lesotho	International instruments	fully impl.	page 24
62	Malaysia	Human rights education and training,Rights of the Child,Trafficking,Women's rights	partially impl.	page 40
78	Malaysia	Right to health,Rights of the Child,Technical assistance,Women's rights	fully impl.	page 41
37	Mexico	Disabilities,Human rights education and training	partially impl.	page 19
63	Mexico	Rights of the Child,Trafficking,Women's rights	partially impl.	page 41
160	Mexico	Indigenous peoples,Right to land	not impl.	page 23
20	Morocco	Human rights education and training	partially impl.	page 12
34	Namibia	Minorities	partially impl.	page 17
96	Namibia	Technical assistance	fully impl.	page 49
10	Nepal	General	partially impl.	page 48
38	Nepal	Minorities	fully impl.	page 19
50	Netherlands	Rights of the Child,Torture and other CID treatment,Women's rights	fully impl.	page 37
72	Netherlands	Freedom of association and peaceful assembly,Freedom of opinion and expression,Freedom of the press,Human rights defenders,International instruments	not impl.	page 8
74	Netherlands	Labour,Rights of the Child	fully impl.	page 12
154	Netherlands	Right to land,Right to water	not impl.	page 15
155	Netherlands	Other	not impl.	page 16
3	Norway	Other	fully impl.	page 47
32	Norway	Right to land,Treaty bodies,Women's rights	partially impl.	page 37
42	Norway	Disabilities,Extrajudicial executions,Women's rights	not impl.	page 27
120	Norway	Other	fully impl.	page 30



rec. n°	Rec. State	Issue	IRI	page
141	Norway	Rights of the Child, Women's rights	fully impl.	page 43
142	Norway	Rights of the Child, Women's rights	partially impl.	page 43
149	Norway	Freedom of opinion and expression, Freedom of the press	not impl.	page 9
152	Norway	Freedom of association and peaceful assembly	fully impl.	page 10
153	Norway	Right to land, Right to water	not impl.	page 15
56	Poland	Rights of the Child, Torture and other CID treatment, Women's rights	partially impl.	page 39
84	Poland	Right to education, Rights of the Child	not impl.	page 14
95	Poland	Civil society, UPR process	fully impl.	page 24
106	Poland	International instruments, Torture and other CID treatment	not impl.	page 25
150	Poland	Freedom of opinion and expression, Freedom of the press	not impl.	page 10
17	Romania	Rights of the Child	partially impl.	page 34
8	Russian Federation	Other	fully impl.	page 47
36	Slovakia	Disabilities, Right to education, Right to health, Rights of the Child	partially impl.	page 18
51	Slovakia	National plan of action, Rights of the Child, Women's rights	fully impl.	page 38
57	Slovakia	Women's rights	partially impl.	page 39
71	Slovakia	Human rights education and training, Rights of the Child	partially impl.	page 12
98	Slovenia	CP rights - general, Death penalty, Detention conditions, ESC rights - general, International instruments, Torture and other CID treatment	not impl.	page 25
165	Slovenia	Sexual Orientation and Gender Identity	not impl.	page 31
9	South Africa	NHRI	fully impl.	page 47
27	South Africa	Rights of the Child, Women's rights	not impl.	page 35
47	Spain	Detention conditions	partially impl.	page 29
11	Sri Lanka	General	not impl.	page 48
80	Sri Lanka	Right to education	fully impl.	page 13
58	Sweden	Human rights education and training, Rights of the Child	partially impl.	page 40
145	Sweden	Rights of the Child, Torture and other CID treatment	partially impl.	page 44
146	Sweden	Torture and other CID treatment	partially impl.	page 49
151	Sweden	Freedom of opinion and expression, Freedom of the press, International instruments	not impl.	page 9
167	Tanzania	Treaty bodies	fully impl.	page 26
168	Tanzania	Development	partially impl.	page 16
169	Tanzania	Justice	fully impl.	page 31
171	Tanzania	International instruments	-	page 26
172	Tanzania	Civil society	partially impl.	page 10
173	Tanzania	Civil society, Treaty bodies, UPR process	fully impl.	page 27
88	Turkey	Right to education, Rights of the Child	fully impl.	page 14
41	Uganda	Human rights education and training, Minorities	partially impl.	page 17
79	Uganda	Right to health, Rights of the Child, Technical assistance, Women's rights	fully impl.	page 42
45	United Kingdom	Human rights violations by state agents, Justice	not impl.	page 28



rec. n°	Rec. State	Issue	IRI	page
21	United States	Human rights education and training	not impl.	page 12
73	United States	Freedom of association and peaceful assembly, Freedom of the press	not impl.	page 9
31	Uruguay	Rights of the Child, Torture and other CID treatment, Women's rights	partially impl.	page 36
116	Uruguay	International instruments, Torture and other CID treatment	not impl.	page 26
118	Uruguay	Enforced disappearances, International instruments	not impl.	page 26
143	Uruguay	International instruments, Rights of the Child, Torture and other CID treatment	not impl.	page 43
85	Zimbabwe	Right to education	partially impl.	page 14
92	Zimbabwe	Right to education, Technical assistance	-	page 13

### 3. Feedback on recommendations

## CP Rights

Recommendation n°72: *Guaranteeing the freedom of expression, association and assembly by allowing human rights defenders, political opponents and journalists to express freely their views in line with international human rights law* (Recommended by Netherlands)

IRI: *not implemented*

#### Reporters sans frontières (RSF) response:

Alors qu'elle figurait parmi l'un des pays africains les plus sûrs dans le domaine, la situation des journalistes en Tanzanie s'est détériorée. Entre 2012 et 2013, deux d'entre eux ont été assassinés, vraisemblablement en raison de leur activité professionnelle. Un autre a subi des harcèlements répétés de la part des services d'immigration tanzaniens. En septembre 2013, deux journaux indépendants ont été suspendus par le gouvernement, alors qu'un troisième titre demeure suspendu depuis juillet 2012 déjà. Les deux assassinats en question font l'objet d'enquêtes sérieuses de la part du gouvernement, ce qui constitue un point positif. Il est néanmoins regrettable que celui-ci n'ait pas mis un terme immédiat aux actions excessives menées par les services d'immigration. Il est encore plus regrettable que les autorités aient recourus à la censure à l'encontre de médias indépendants, et ce quels qu'en soient les motifs.

#### United Nations Tanzania (UNTanzania) response:

A number of incidents that prohibited free expression in Tanzania in 2013 included the suspension of two newspapers for 14 days and 90 days respectively for provoking hostility among the public. There were also sanctions implemented by the TCRA against radios and attacks and harassment suffered by journalists.

Workers continued to exercise their right to freely associate by establishing and operationalizing trade unions to advance and protect their interests at the workplace. The government, however, has raised objections to civil servants joining trade unions and the matter has been filed by the Trade Union Congress of Tanzania (TUCTA) in High Court's labour division to challenge the government circular.



Recommendation n°73: *Work with the media and other stakeholders to ensure that all organs of the State understand and appreciate the constitutional guarantees of freedoms of press and assembly* (Recommended by *United States*)

IRI: *not implemented*

RSF response:

Des représentants des pouvoirs publics ont porté atteinte aux droits de professionnels de la presse à plusieurs reprises, et certains demeurent à ce jour impunis. Le 2 septembre 2012, le reporter Daudi Mwangosi a perdu la vie au cours d'une manifestation qu'il tentait de couvrir. Les informations recueillies par RSF révèlent que ce serait des membres des forces de police présents qui ont, volontairement ou involontairement, tué Daudi Mwangosi. Selon ces mêmes sources, celui-ci s'était approché d'eux afin de demander les raisons de l'arrestation d'un de ses confrères, Godfrey Mushi. Depuis le début 2013, le journaliste Erick Kabendera et sa famille sont quant à eux victimes de harcèlements répétés de la part des services de l'immigration de Tanzanie, vraisemblablement en raison du témoignage délivré par Erick Kabendera dans une affaire judiciaire traitée au Royaume Uni. Si l'enquête sérieuse ouverte sur le cas de Daudi Mwangosi est un signe positif de la part des autorités, il est à craindre qu'une certaine hostilité envers les professionnels des médias continue d'être cultivée au sein des forces de sécurité tanzaniennes. Par ailleurs, l'enquête dont fait l'objet Erick Kabendera demeure problématique dans la façon dont elle est menée par les services d'immigration tanzaniens. Ceux-ci doivent veiller à respecter les garanties offertes par la loi aux journalistes tout comme aux citoyens.

Recommendation n°148: *Adopt a new media law enshrining freedom of the press* (Recommended by *Canada*)

IRI: *not implemented*

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Recommendation n°149: *Adopt new legislation that guarantees the freedom of the media as well as the right to information* (Recommended by *Norway*)

IRI: *not implemented*

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Recommendation n°151: *Work to abolish laws that restricts freedom of expression, information and freedom of media, and establish laws that will guarantee these rights in line with international human rights standards* (Recommended by *Sweden*)

IRI: *not implemented*

RSF response:

La loi sur la presse de 1976 rentre en conflit avec certains droits garantis par l'ICCPR, et reste donc à modifier. Celle-ci permet, entre autres, aux



autorités de suspendre n'importe quelle publication de façon unilatérale. En septembre 2013, elle a servi de support législatif à la suspension ordonnée par le gouvernement de 2 journaux tanzaniens indépendants: le Mwananchi et le Mtanzania. Le journal Mwanahalisi est pour sa part suspendu depuis juillet 2012. La loi de 1976 est encore en vigueur et aucune réforme n'est annoncée pour le moment. Les autorités tanzaniennes devraient réformer cette loi si elles entendent se conformer aux obligations découlant de l'article 19 de l'ICCPR.

*Recommendation n°150: Put an end to direct and indirect restrictions on freedom of expression and adopt appropriate measures, including legislative measures, to prevent intimidation of journalists (Recommended by Poland)*

*IRI: not implemented*

RSF response:

Un professionnel de l'information a subi diverses tentatives d'intimidation de la part de représentant de l'Etat. Depuis le début 2013, le journaliste Erick Kabendera et sa famille sont victimes de harcèlements répétés de la part des services de l'immigration de Tanzanie, notamment des procédures mettant en question le droit de nationalité du journaliste, ainsi qu'un interrogatoire prolongé sans motif apparent visant les membres de sa famille. Ces traitements ont vraisemblablement pour raison le témoignage délivré par Erick Kabendera dans une affaire judiciaire traitée au Royaume Uni. Si les autorités tanzaniennes sont en droit de mener des enquêtes pour de justes motifs envers leurs citoyens, elles ont néanmoins l'obligation de s'assurer que les méthodes employées ne comprennent pas l'intimidation.

*Recommendation n°152: Respect the right to assembly throughout the process of reviewing the Constitution (Recommended by Norway)*

*IRI: fully implemented*

UNTanzania response:

A major principle of the Constitutional Review Act is public participation. By October 2012 500,000 Tanzanians had expressed their views on the draft constitution through telephone calls, emails, blogs, social media and public meetings. A second round of consultations were conducted through district level review councils. A number of public and private consultations were organised by NGOs

*Recommendation n°172: Enhance conducive environment for civil societies to work in the promotion and protection of human rights (Recommended by Tanzania)*

*IRI: partially implemented*

RSF response:

Alors qu'elle figurait parmi l'un des pays africains les plus sûrs dans le domaine, la situation des journalistes en Tanzanie s'est détériorée. Dans le classement de la liberté de la presse établi par RSF, la Tanzanie a perdu près de 30 places entre 2010 et 2013. La Loi sur la presse de 1976 actuellement en vigueur demeure le principal obstacle à un bon environnement de travail pour les journalistes. Une réforme de cette loi participerait à améliorer l'action de la société civile. Par ailleurs, le recours à cette loi pour suspendre plusieurs médias en 2012 et 2013 constitue également un obstacle au bon fonctionnement de la société civile tanzanienne.

Zanzibar Association Support to Orphans (ZASO) response:

In Tanzania civil societies given legal and leadership status so as to achieve the same goal of Tanzania government in development.

UNTanzania response:

Negative perceptions of CSOs can exist in the public sphere with certain perceived derogatory and defamatory remarks made in public and in the media in 2013. The biggest challenge has remained with the CSOs that are promoting LGTB rights.

## ESC Rights

Recommendation n°19: *Take measures to strengthen human rights education and sensitisation* (Recommended by *Burkina Faso*)

IRI: *fully implemented*

PINGOs Forum (PINGOF) response:

Not done

UNTanzania response:

The Medium term human rights education strategic plan (2012-2016) was developed and launched in October 2012. Its aim is to provide a comprehensive and multi-sectoral human rights education in all educational institutions and the community at large. Sensitisation of human rights was conducted during the launch of the National Human Rights Action Plan in December 2013, reaching 2000 people at the launch and several more thousands through radio, TV newspapers, public debate and the dissemination of 200 copies of NHRAP in English and 100 copies in Kiswahili.



Recommendation n°20: *Take adequate measures to integrate human rights education into school curricula and design human rights training programmes for civil servants and security officers* (Recommended by Morocco)

IRI: *partially implemented*

UNTanzania response:

A training of trainers on human rights education was held for 60 education personnel including teachers from secondary school, school inspectors and tutors from teacher training colleges and officials from the Ministry of Education. There was a measures increase of knowledge of human rights education and how to integrate it in the classroom by 17%

Recommendation n°21: *Provide human rights training for security forces* (Recommended by United States)

IRI: *not implemented*

PINGOF response:

Not done

Recommendation n°71: *Ensure free birth registration and in this regard conduct relevant awareness-raising campaigns for the public and adopt efficient policies with a view to cover country's remote and rural areas* (Recommended by Slovakia)

IRI: *partially implemented*

UNTanzania response:

A new system of birth registration was launched in Mbeya region in July 2013. Birth registration is provided free to all under-5s. Responsibility for birth registration has been devolved so that Ward Executive Officers and Health officers can register children and provide birth certificates. Public awareness campaigns were conducted during the launch. Approximately 131,500 under-5s have been registered as of April 2014. There are plans to scale up this system in stages, countrywide.

In Zanzibar, the Civil Registration and Vital Statistics (CRVS) system was piloted in Western District starting December 2013

Recommendation n°74: *Respecting the core labour standards and promoting corporate social responsibility throughout Tanzania, and in particular, develop and implement measures to eliminate child labour* (Recommended by Netherlands)

IRI: *fully implemented*



UNTanzania response:

Under UNDP CSR (human and labour rights) has been promoted under the auspices of the UN Global Compact amongst UN service providers and duty bearers. Amongst the labour and human rights promoted was/ is freedom from child labour, and how service providers in the private sector are to ensure that they contribute to reducing child labour through their operations. Duty bearers continue to be sensitized on how to utilise institutions already in place (inspection services, etc) to both ensure compliance as well as enforcement of the CSR and human rights principles embedded in the regulatory framework.

Recommendation n°80: *One of the main priorities of the Government remains a quick improvement of the quality of teaching* (Recommended by Sri Lanka)

IRI: *fully implemented*

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Recommendation n°89: *Continue strengthening the quality of education delivery at the basic, secondary and tertiary levels* (Recommended by Ghana)

IRI: *fully implemented*

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Recommendation n°92: *Continue working with the international donor community to work with Tanzania on capacity building measures to as to ensure education for all* (Recommended by Zimbabwe)

IRI: -

UNTanzania response:

To address the provision of quality education and the competency of a rapidly expanding teaching force, the government formulated the Teacher Development and Management Strategy (TDMS) 2008-2013, which aimed to establish a coordinated and holistic strategy for the development and management of teachers and education managers at all levels and across all types of education programmes. To improve the quality of practicing primary school teachers, a national In-service Education and Training (INSET) Strategy was developed in 2010 (addressing a strategic objective of the TDMS), piloted, evaluated and rolled out in 2013.

As of January 2013 there was a recorded shortage of at least 57,177 teachers in primary and secondary schools. Nationally, there is an average of 47 children to one qualified teacher in primary schools, an improvement from 2011 (49:1) and 2010 (54:1).



Recommendation n°84: *Put in place a comprehensive strategy to ensure that all children have equal access to education* (Recommended by Poland)

IRI: *not implemented*

Children Education Society (CHESO) response:

Many Children aged 9-18 years who could not have an opportunity to attend school or dropped from school remain with no means to join into formal education system.

Recommendation n°85: *Continue to put more resources in education to reduce overcrowding in classrooms* (Recommended by Zimbabwe)

IRI: *partially implemented*

UNTanzania response:

While allocation to the education sector rose from 2,238 billion TNZ shilling in 2011/12 to 3,128 billion TNZ shilling in 2013/14, funds are not specifically targeted at reducing classroom sizes and investment is yet to have a discernible impact on classroom overcrowding

CHESO response:

Schools remain overcrowded.

Recommendation n°87: *Redouble its efforts to develop and maintain a qualified cadre of highly motivated primary and secondary school teachers capable of providing quality education to students* (Recommended by Canada)

IRI: -

CHESO response:

The government has stopped taking students who got Division Four to become teachers.

Recommendation n°88: *Give special attention to the attendance of children to secondary schools* (Recommended by Turkey)

IRI: *fully implemented*

ZASO response:

Tanzania has a schools plans to students attain secondary schools that ensure them fulfil the needs and achievable.

UNTanzania response:

Significant progress has been made in secondary school enrolment from 6.7% in 2003 to 36.9% (1,884,270) in 2012/2013, due to a reduction in tuition fees and construction of ward (community) based schools. However, this falls far behind the 2010 MKUKUTA (National Poverty Reduction Strategy) target of 50% and it is estimated that 2.5 million adolescents do not go onto secondary schooling, primarily because tuition fees (although



reduced) and associated costs. A continuing problem in accessing secondary school is the mandatory primary school leaving exam, of which 400,000 children failed in 2013.

*Recommendation n°153: Hold responsible alleged perpetrators of forced evictions and pollution of drinking water in the area around the big mines (Recommended by Norway)*

*IRI: not implemented*

PINGOF response:

Nobody have been made accountable for violation of pastoralists rights.

Parakuyo Indigenous Community Development Organization (PAICODEO) response:

The government did not remove the pollutant materials and did not stop polluting factories especially in mining areas of Tarime in Mara region. In Morogoro region one factory is polluting waters of Ngerengere Rivers and when asked to stop the factory from polluting the waters nothing has been done to stop or clean the affected rivers. People who have been affected by the pollutions are not treated and the ones who are advocating for their rights have been intimidated and some are now out of the country living in exile.

*Recommendation n°154: Align policies to ensure access to land and water for pastoralists with the African Union Framework on Pastoralism (Recommended by Netherlands)*

*IRI: not implemented*

PINGOF response:

Nothing is done to ensure access to land and water is made to pastoralists and they continue to suffer the same problems.

PAICODEO response:

The policy has not been implemented. The government has carried evictions of pastoralists in different regions. In Morogoro regions in 2012/13 the Ulanga and Kilombero district authorities with support of Prime minister's office and regional commissioner's office have carried massive eviction resulted in the killing of 10 pastoralists, 5,000 pastoralists evicted, and 500,000 livestock have been evicted and lost in the hands of corrupt government officials. Either the government imposed high fines to the pastoralists where in these districts pastoralists have been forced to pay a fine of 700 million Tanzanian shillings as fine allegedly for illegal trespassing into Ramsar site in Kilombero valley and in the districts.



Recommendation n°155: *Conclude regional agreements to facilitate cross-border pastoralism* (Recommended by Netherlands)

IRI: *not implemented*

PINGOF response:

No cross border agreement discussed or concluded.

PAICODEO response:

It is not implemented and the government planned to stop and eliminate pastoralism in the country in the name of an awkward mode of production. All of the evictions have shown that there is a systematic action of eliminating pastoralism in the country.

Recommendation n°168: *Implementation of the Millennium Development Goals and Government development Strategies* (Recommended by Tanzania)

IRI: *partially implemented*

ZASO response:

The government of Tanzania, CSOs, companies and other development agencies implement very widely the MDGs in their development strategies towards development of a state.

UNTanzania response:

Tanzania has made progress in the achievement of some MDGs especially in access to education through expanded enrolment with gender parity in Primary Education. The main gender disparities are drop out of girls mostly due to pregnancies and retention of girls at higher education and their performance. There have been discussions around issues of girls pregnancies and a Policy Draft to ensure girls who get pregnant while in school will continue with studies after giving birth but the Policy is not yet adopted. In addition, awareness raising sessions to the general public will be needed as this issue has raised public debate and the girls are seen as prostitutes and hence don't deserve to go back to school. In addition, there are challenges in achieving some of the MDGs particularly reducing poverty and hunger, and maternal mortality. The most outstanding inequality issue is that between rural and urban areas with regard to girls and women capacity and readiness to seize opportunities for education, access to physical assets including land, political and economic opportunities. Regarding leadership and participation, representation of women in leadership and decision-making structures still remains low. However, the constitution making process has provided a good opportunity for dialogue and women's movement has succeeded to push for 50/50 representation in the parliament in the draft constitution. The President also considered equality in the appointment of the additional members of the Constituent



Assembly and out of 201 members 100 were women and also the Deputy Chair of the Constituent Assembly is a woman. More efforts and commitments will be needed to ensure equal representation on women and men in other decision making bodies and public offices.

## Minorities

Recommendation n°33: *Launch a nationwide education and awareness campaign to prevent stigmatization of persons with albinism to ensure their security and facilitate their equal access to education and employment* (Recommended by Canada)

IRI: *partially implemented*

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Recommendation n°41: *Continuously conduct nation-wide human rights awareness campaigns with specific emphasis on the right to life of people with albinism* (Recommended by Uganda)

IRI: *partially implemented*

PINGOF response:

Done

UTSS response:

Not fully implemented. While some support may have been provided to one local albinism group, the government has not undertaken any education and awareness campaign to end stigmatization against persons with albinism. NGOs are still the main drivers behind any such campaign and this is not sustainable. Persons with albinism continue to suffer from deep stigmatization and discrimination at work, and at school.

Recommendation n°34: *Strengthen efforts to protect the rights of all peoples with Albinism* (Recommended by Namibia)

IRI: *partially implemented*

PINGOF response:

Done

UTSS response:

Not fully implemented. While records of attacks have reduced, attacks have not ended. Hundreds of children and families with persons with albinism remain displaced in over 30 schools & centres designated by government to shield them from attack. These centres are over-crowded and breed human rights abuses against an already vulnerable people group especially



children. These abuses were outlined in a study conducted by UNICEF/UTSS in 2011/2012. We have since conducted a summary follow-up to the UNICEF study selecting some sample centres from the UNICEF study and notice that there is little improvement.

CHESO response:

People with Albinism continued being killed in Tanzania.

Recommendation n<sup>o</sup>35: *Continue to ensure full and complete protection of persons with albinism* (Recommended by Djibouti)

IRI: *partially implemented*

PINGOF response:

Done

UTSS response:

Not implemented. Full protection for persons with albinism can only be realized with the end of impunity in cases of attack. To date, of the 139 attacks of persons with albinism recorded in Tanzania, only 5 have led to successful convictions. Another 5 resulted in a mixture of some acquittals and dismissal for lack of information. None of the remaining - over 100 cases - have been tried.

UNTanzania response:

In 2013, OHCHR's support has not been provided directly to the Government but to civil society organizations through the NGO Under the Same Sun (UTSS). As the result of recent attacks in 2013 against Albinos persons, OHCHR provided guidance for victims to benefit from the UN Fund against victim of Torture and facilitated the participation of UTSS to sessions of the UN Human Rights Council, the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child.

Recommendation n<sup>o</sup>36: *Improve the access for persons with disabilities to education and health care, with particular focus on children* (Recommended by Slovakia)

IRI: *partially implemented*

PINGOF response:

In small scale.

UTSS response:

Not fully implemented. A Guide (2013) for caring /providing reasonable accommodation for persons with albinism in Tanzania was adopted by the government. However, there is no mechanism to implement it and thus it



remains generally un-implemented, leaving students with albinism no better off than before the Guide was adopted.

ZASO response:

Tanzania is encouraging through laws and policies in ensuring that person with disabilities and children are getting and enjoy the education and health rights, on this sensitization and lobbying is on place to influence the investors and public to implement the ongoing strategies.

UNTanzania response:

While the Education Act of 1978 and the National Strategy on Inclusive Education (2009 – 2017) on the Mainland promotes enrolment of children with disabilities into mainstream education, primary school enrolment is very low - approximately, 38% of school age CWD attend school. This figure is declining - in 2012, only 0.31% (25,703 out of 8,247,172) of all children enrolled in primary school were CWD, compared with 36,585 pupils with disabilities (0.35%) in 2010.

*Recommendation n°37: Continue with awareness raising measures for the recognition and dissemination of the rights of persons with disabilities and to implement, as quickly as possible, the Law on persons with disabilities (Recommended by Mexico)*

*IRI: partially implemented*

UTSS response:

The Law on persons with disabilities obliges the state to encourage the independence and integration of persons with disabilities. Yet, since 2007, the state continues to support institutionalization of persons with albinism at several state-designated locations. While the argument is often made that this was a means to protect them from attack, the fact is that there is more abuse at these locations. The situation needs to be assessed by the state and a plan for human rights and safe exit for these displaced persons with albinism ought to be devised.

UNTanzania response:

The NHRAP [National Human Rights Action Plan] has a section dedicated to persons with disabilities with many activities highlighting the protection of PWA and promoting their rights.

*Recommendation n°38: Continue to work towards protecting and promoting the rights of marginalized and vulnerable population (Recommended by Nepal)*

*IRI: fully implemented*

ZASO response:

Civil societies and district leaderships are now in Tanzania - Zanzibar facilitating and managing special established committees to strengthen the families with vulnerability.

UNTanzania response:

A number of positive action, such as planning campaigns for promoting tolerance toward key populations and other progressive measures or support to programs implemented by organizations that target key populations, have been put in place. The authorities need to ensure that association representing marginalized and vulnerable groups, including LGBT and sex workers, are able to register in accordance with the law.

*Recommendation n°39: Consider strengthening efforts to put a halt to incidents of killings of persons with albinism (Recommended by Brazil)*

IRI: -

UTSS response:

Not fully implemented. While records of attacks have reduced, attacks have not ended. Hundreds of children and families with persons with albinism remain displaced in over 30 schools & centres designated by government to shield them from attack. These centres are over-crowded and breed human rights abuses against an already vulnerable people group especially children. These abuses were outlined in a study conducted by UNICEF/UTSS in 2011/2012. We have since conducted a summary follow-up to the UNICEF study selecting some sample centres from the UNICEF study and notice that there is little improvement.

UNTanzania response:

Tanzania continues to have the highest prevalence of violence against PWA in the continent. There have been a reported 73 cases of murder of PWA since 2000. The most recently killing was in January 2013 of a 7 year old boy.

*Recommendation n°40: Continue its public awareness campaigns and fast tracking of investigation and prosecution of criminal cases in order to demonstrate to the population that the issue of killing albinos was to be taken seriously (Recommended by Hungary)*

IRI: *partially implemented*

PINGOF response:

Done

UTSS response:

Not implemented. Full protection for persons with albinism can only be realized with the end of impunity in cases of attack. To date, of the 139 attacks of persons with albinism recorded in Tanzania, only 5 have led to successful convictions. Another 5 resulted in a mixture of some acquittals and dismissal for lack of information. None of the remaining - over 100 cases - have been tried.

UNTanzania response:

Since 2000, 73 cases of murder of PWA have been reported and up until 2013, only 5 cases have been successfully prosecuted. Special task forces were set up in 2008 to investigate cases but no report of findings have been released.

Recommendation n°93: *Provide pupils with disabilities with adequate equipment and tools* (Recommended by Finland)

IRI: *partially implemented*

ZASO response:

Tanzania has set up the inclusive education plans to so as to ensure that all pupils with disabilities access education equal as other ones.

Recommendation n°157: *Recognise the notion of indigenous peoples with a view to effectively protecting their rights* (Recommended by Denmark)

IRI: *not implemented*

PINGOF response:

Right of indigenous peoples not recognised.

PAICODEO response:

The government of Tanzania does recognize us as indigenous but as a special group within the vulnerable group of people in the UPR. At the national level were being recognized as pastoralists or hunter gatherers or minority group as indicated in the ongoing constitution review in the country that states that Pastoralists, farmers and fishers being given a conducive environment for production. Pastoralists tried to be recognized as indigenous people but the government is responding as a contentious issue because all Tanzanians are indigenous to the land. However the issue of being indigenous is a self-identification. Therefore groups of Maasai, Barbaig, Taturu, Hadzabe, Akie and Sandawe recognize themselves as indigenous people in accordance with the African commission on human and people's rights resolution of 2001 about establishment of Working group on indigenous populations/communities and African charter. And also according to the United Nations declaration of the rights of indigenous peoples of 2007.



Recommendation n°158: *Adopt measures to protect and preserve the cultural heritage and traditional way of life of indigenous peoples and undertake effective consultations with indigenous peoples based on free, prior and informed consent (Recommended by Denmark)*

**IRI: not implemented**

PINGOF response:

Cultural rights continued to be neglected and indigenous culture continued to be neglected.

PAICODEO response:

In Yaeda chini, area in Mbulu district, Manyara region, Hadzabe were given customary ownership of land in October 2011, this is a good indicator of possibilities of engaging with government. But this needs a lot of pressure from civil societies and NGOs within and outside the country. In September 2013 pastoralists (Maasai) of Loliondo in Ngorongoro district, Arusha region were given their land back that was taken for investors. This followed international and local pressures put on government especially by Avaaz that collected 1.7m signatures around the world. In other regions land grabbing, extrajudicial killings and confiscation of livestock is very high. Therefore the government did not implement this area the way is supposed to.

Recommendation n°159: *Launch a credible investigation of forced evictions and land conflicts and use the results of this investigation to help draft new legislation, which fully takes the rights of indigenous peoples into account (Recommended by Finland)*

**IRI: not implemented**

PINGOF response:

No investigation has been conducted and nobody have been taken to task.

PAICODEO response:

This is not implemented. The Othman Chande commission 2007, Lembeli commission of 2013 that saw resignation of 4 ministers allegedly for killings of civilians in relation to the implementation of anti-poaching operation and other commissions that were tasked to investigate atrocities associated with the evictions there we nothing improved. Now the government has received significant contribution from the US and other international organizations to start ant poaching operation that normally target indigenous peoples and leave the poachers. All documents of the commissions are shelved and the same evictions continued throughout the country.



Recommendation n°160: *Promote a legal framework giving legal certitude in terms of property, in particular with regard to land ownership and protection against force evictions and recognition of the rights of indigenous people, pastoralists, hunters and gathering peoples (Recommended by Mexico)*

*IRI: not implemented*

PINGOF response:

Evictions continued to take place country wide and people are dispossesses of the land and their properties destroyed.

PAICODEO response:

This is not implemented as of now.

Recommendation n°161: *Set up an effective statutory consultation mechanism with organizations working on the rights of indigenous peoples to help avoid further conflicts (Recommended by Finland)*

*IRI: not implemented*

PINGOF response:

Violation of the rights of indigenous peoples continue to happen and the eviction from their land has continued.

PAICODEO response:

This is not implemented as of now.

## International Instruments

Recommendation n°1: *Ratify at the earliest the Agreement on the Privileges and Immunities of the International Criminal Court and take, if the need arises, requested measures to fully integrate the Rome Statute in domestic legislation (Recommended by Belgium)*

*IRI: not implemented*

PINGOF response:

This is not implemented.

CHESO response:

The Agreement on the Privileges and Immunities has not yet been ratified. The Tanzania International Criminal Court Bill has been prepared but has not yet been presented to the Parliament for approval.



Recommendation n°4: *Continue implementing its national laws in accordance with the universally agreed human rights norms and principles* (Recommended by Lesotho)

IRI: *fully implemented*

PINGOF response:

This is not done and many human right violation are taking place including eviction of pastoralists from their ancestral land. Last year a big operation to eliminate poaching of wildlife resulted into serious violation of human rights.

ZASO response:

Tanzania is highly successfully in implementing national laws and universal principles hence peace and harmony are actionable.

UNTanzania response:

The National Human Rights Action Plan was launched in 2013 with the aim of domesticating human rights law with efforts to align national laws with international human rights principles throughout different thematic sections.

With regard to ILO Core Conventions technical assistance continuously is being given to enhance the capacity of Judges and officials of quasi-judicial bodies to apply/ invoke interpretations and principles laid down by the supervisory bodies (such as the Committee of Experts on the Application of Conventions and Recommendations) in local judicial/ quasi judicial decisions and rulings related to those core human rights conventions that have been domesticated into national law and practice. Most recent judgements from the High Court's labour division have incorporated principles pertaining to gender equality and non-discrimination.

Recommendation n°95: *Engage the civil society in the process of implementation of the UPR recommendations* (Recommended by Poland)

IRI: *fully implemented*

ZASO response:

Because Tanzania implement the international relation principles with development partners thus we are now contacting with UPR officials.

UNTanzania response:

Many UPR recommendations have been incorporated into the National Human Rights Action Plan of Tanzania, of which a number of activities CSOs in conjunction with government entities are responsible for implementation. Furthermore, CSOs are represented on the National Coordinate Committee, which carried out the development process of the NHRAP.



Recommendation n°98: *Sign and ratify also remaining core international human rights instruments (OP-ICESCR, ICCPR-OP1 and OP2, OP-CAT) (Recommended by Slovenia)*

IRI: *not implemented*

CHESO response:

They have not been signed and ratified.

Recommendation n°102: *Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Recommended by Denmark)*

IRI: *not implemented*

+

Recommendation n°103: *Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Recommended by Democratic Republic of Congo)*

IRI: *not implemented*

+

Recommendation n°104: *Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Recommended by Benin)*

IRI: *not implemented*

+

Recommendation n°105: *Ratify the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Recommended by Benin)*

IRI: *not implemented*

+

Recommendation n°106: *Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and incorporate its provisions into domestic law (Recommended by Poland)*

IRI: *not implemented*

+

Recommendation n°107: *Accede to the Convention against Torture and Other Cruel, Inhuman or degrading Treatment of Punishment, and incorporate its provisions into domestic law (Recommended by Australia)*

IRI: *not implemented*

+

Recommendation n°114: *Accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as soon as possible (Recommended by Japan)*

IRI: *not implemented*

+



Recommendation n°115: *Accede to the International Convention for the Protection of All Persons from Enforced Disappearance as soon as possible* (Recommended by Japan)

IRI: *not implemented*

+

Recommendation n°116: *Ratify or sign, whichever is applicable, the convention against Torture* (Recommended by Uruguay)

IRI: *not implemented*

+

Recommendation n°118: *Ratify the Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by Uruguay)

IRI: *not implemented*

UNTanzania response:

No progress

Recommendation n°167: *Submission of periodic reports to various treaty bodies* (Recommended by Tanzania)

IRI: *fully implemented*

UNTanzania response:

The State Party submitted its consolidated 3rd, 4th and 5th report to the Committee on the Rights of the Child as per the submission schedule in January 2012.

Tanzania has been active in submitting period reports to various treaty bodies and making follow-up on the recommendations. Currently, after wider consultations the government is finalising its consolidated seventh and eighth CEDAW report to be presented in September 2014 as well as Beijing +20 Report to be submitted in May 2014.

Recommendation n°171: *Considering ratification of unratified human rights instruments subject to evaluations done by the government* (Recommended by Tanzania)

IRI: -

UNTanzania response:

Tanzania has not yet ratified the convention Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Nations Convention against Torture and death penalty is still provided for on the capital offences such as murder cases, treason and military-related offence. However, in practice for the past 18 years, since 1994 the penalty has never been executed although hundreds of people continue to receive death sentences for capital offences committed.



Recommendation n°173: *Continue to conduct broad based consultations in the process of preparing human rights reports (Recommended by Tanzania)*

IRI: *fully implemented*

UNTanzania response:

The 2012 State Party submission to the Committee on the Rights of the Child was drafted with the involvement of all key governmental bodies, as well as representatives from NGOs.

Tanzania is signatory to a number of human rights instruments including those on gender equality such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol; the Beijing Platform for Action, The Millennium Declaration with a goal on Gender Equality and Women's Empowerment (Goal 3); the African Charter on Human and Peoples' Rights, Protocol to the African Charter on Human and Peoples' Rights (ACPHR) on the Rights of Women in Africa and the SADC Declaration on Gender and Development. Reports on implementation are prepared by government ministries, departments and agencies (MDA's) in collaboration with CSOs and other relevant stakeholders including Development Partners including UN Agencies. Currently Tanzania is finalising its consolidated seventh and eighth CEDAW report to be presented to the Commission in September 2014. Tanzania being part to BPfA is also in the final stages to prepare Being +20 report after wider consultations with all key sectors including MDAs, CSOs, Academic and Research Institutions and DPs.

## Justice

Recommendation n°42: *Do more to provide updated and precise statistics on crimes such as assaults on albinos and extra-judicial killings of elderly women, and that murder of elderly women based on accusations of witchcraft is defined as a specific category in police reports (Recommended by Norway)*

IRI: *not implemented*

UTSS response:

Not implemented. Precise statistics on attacks from state arms such as the police are no longer forthcoming. The records of attacks against persons with albinism in the last 2 years have mainly come from NGOs, non-state actors and families of victims. While records of attacks of persons with albinism used to be a collaborative effort between NGOs and state police &



agents, this is no longer the case. (This end in collaboration to maintain records informs the cautionary approach that we must take when any report about the re-education in number of attacks is made. Lack of collaboration means accurate data on attacks is much harder to get).

Recommendation n°43: *Ensure that police officers having committed acts of torture of illtreatment be prosecuted and punished appropriately* (Recommended by *Belgium*)

IRI: *not implemented*

+

Recommendation n°45: *Establish an independent body for investigating complaints about the actions of law enforcement officials* (Recommended by *United Kingdom*)

IRI: *not implemented*

PINGOF response:

Not done

Recommendation n°44: *Take adequate measures to protect its population from violence committed by the security forces and establish an independent mechanism for the investigation of complaints regarding abuses carried out by law enforcement officials* (Recommended by *Denmark*)

IRI: *not implemented*

RSF response:

Des représentants des pouvoirs publics ont porté atteinte aux droits de professionnels de la presse à plusieurs reprises, et certains demeurent à ce jour impunis. Le 2 septembre 2012, le reporter Daudi Mwangosi a perdu la vie au cours d'une manifestation qu'il tentait de couvrir. Les informations recueillies par RSF révèlent que ce serait des membres des forces de police présents qui ont, volontairement ou involontairement, tué Daudi Mwangosi. Selon ces mêmes sources, celui-ci s'était approché d'eux afin de demander les raisons de l'arrestation d'un de ses confrères, Godfrey Mushi. Depuis le début 2013, le journaliste Erick Kabendera et sa famille sont quant à eux victimes de harcèlements répétés de la part des services de l'immigration de Tanzanie, vraisemblablement en raison du témoignage délivré par Erick Kabendera dans une affaire judiciaire traitée au Royaume Uni. Si l'enquête sérieuse ouverte sur le cas de Daudi Mwangosi est un signe positif de la part des autorités, il est à craindre qu'une certaine hostilité envers les professionnels des médias continue d'être cultivée au sein des forces de sécurité tanzaniennes. Par ailleurs, l'enquête dont fait l'objet Erick Kabendera demeure problématique dans la façon dont elle est menée par les services d'immigration tanzaniens. Ceux-ci doivent veiller à



respecter les garanties offertes par la loi aux journalistes tout comme aux citoyens.

UNTanzania response:

Because of the recognized link between violence and HIV as both a cause and consequence of HIV, and because human rights violations not only reinforce stigma and contribute to an environment in which vulnerable populations become increasingly marginalized but that this lack of trust undermines as a consequence public health initiatives, authorities are encouraged to increase cooperation and partnership between the government and vulnerable populations, for example by providing legal counsel and financial aid to people who have experienced discrimination and/or violence as well as establishing an independent civilian authority mandated to receive and refer complaints regarding police misconduct. We have not seen the expansion of the current legal aid system currently in place to address the discrimination issues, which should include not only access to justice but also broader public education on their rights. We have not been informed of any inspections of police, prison and health facilities to ensure that members of marginalized groups are not denied services or discriminated against.

*Recommendation n°46: Improve conditions in Tanzania's prisons, including in relation to overcrowding and inadequate health care (Recommended by Australia)*

*IRI: partially implemented*

UNTanzania response:

In April 2014 IOM, in coordination with the Tanzanian Ministry of Home Affairs, and the Ethiopian Ministry of Foreign Affairs, conducted a verification mission at 6 Tanzanian prisons to verify Ethiopian migrants being detained for unlawful entry into Tanzania. Because the government lacks proper detention and holding facilities, these migrants are held with criminals and other offenders, in very poor conditions. With the Government of the United States' Bureau of Population, Refugees and Migration (PRM) and Japanese funding, IOM is assisting the voluntary return of Ethiopian migrants detained in prison, aiming to have returned 500 Ethiopian migrants by the end of 2014. This initiative provides a short-term solution to overcrowding in prisons.

*Recommendation n°47: Improve conditions in prisons centers, including alternative mechanism to deprivation of liberty such as community services (Recommended by Spain)*

*IRI: partially implemented*

PINGOF response:

Not done

UNTanzania response:

The Government launched the first community based diversion and alternative to custody programme in 2012 in one district of Dar Es Salaam for children aged 10-17 years, to which children can be referred from the Police, Prosecutors, Courts and Social Welfare. Due to the success of the pilot model, the Government is in the process of rolling out the model in another region of the Mainland and in Zanzibar.

*Recommendation n°69: Pursue efforts to enhance the juvenile justice system and ensure separation of juveniles from adults in detention (Recommended by Djibouti)*

*IRI: fully implemented*

UNTanzania response:

The Vice President launched the Five Year Strategy for Progressive Child Justice Reform 2013-2017 on 10th December 2013. A similar strategy is being considered for adoption in Zanzibar. These strategies set out clear steps for the strengthening of the juvenile justice system. A pilot community rehabilitation scheme was launched in Dar Es Salaam in 2012. There are positive indications that this will be replicated in other regions and a similar model will be launched in Zanzibar in 2014. Additional efforts need to be made to ensure that children are not sentenced to prison (as per the Law of the Child Act 2010 which prohibits imprisonment of children on the Mainland) and separated while in adult detention. Investment is needed in juvenile detention centres, as well as in community programmes, to reduce the number of children held with adults.

*Recommendation n°120: Establish a clear modality of direct access of the public to give input in the process of reviewing the Constitution (Recommended by Norway)*

*IRI: fully implemented*

UNTanzania response:

The Constitutional Review Commission undertook a wide consultation with the general public prior to producing the first draft (over 1 million people were reported to have been consulted). Commission members also met with coalitions and interest groups. The first draft was reviewed by local forums, comprised of nominated members of the community. Coalition/interest groups convened by CSOs and/or government could apply for permission to hold consultations and submit their feedback to the Commission.



Recommendation n°169: *Promotion of Democracy, Good Governance and Rule of Law* (Recommended by *Tanzania*)

IRI: *fully implemented*

ZASO response:

Yes, they are promoted through constitution and other laws in Tanzania. It is also can general seen in Tanzania daily practices and successes.

## SOGI

Recommendation n°165: *Repeal criminal provisions against persons based on their sexual orientation* (Recommended by *Slovenia*)

IRI: *not implemented*

UNTanzania response:

Efforts are still needed for ensuring that equal treatment are offered to all citizens. Stigma and discrimination based on sexual orientation or gender identity still drive new HIV infections and are an obstacle to prevention and treatment efforts; therefore, in order to realize an HIV free generation, government services (particularly Health, but also Police) should ensure that all people have access to services regardless of their gender or sexual orientation.

## Women & Children

Recommendation n°5: *Seek the means to render as effective as possible the respect of the provisions of the Law on the Rights of the Child, of 2009* (Recommended by *Cape Verde*)

IRI: *fully implemented*

UTSS response:

Not fully implemented as hundreds of children with albinism remain displaced/held in schools away from home for years.

ZASO response:

On this Tanzania give the rooms to civil societies and other government partners to make sure that are working with spirit of making child live harmony and friendly in their own land.

CHESO response:

The government in partnership with her development partners have established Paralegals in each district in Tanzania who are assisting people including children to protect their rights and interests through court and out of court processes.

Recommendation n<sup>o</sup>6: *Fully apply the Law of the Child Act (Recommended by Belgium)*

IRI: *partially implemented*

PINGOF response:

Not yet done

Save the Children (STC) response:

In 2012, the Government of Tanzania drafted eleven regulations related to child rights and protection and submitted them to the Attorney General for endorsement. 7 of them have been endorsed, including Approved Schools, Retention Homes, Children's Homes, Foster Care and Replacement, Adoption and Child Labour. The endorsement of the regulations marked the beginning of a new era of enforcing the implementation of the Law of the Child Act 2009. The regulations guide duty bearers in delivering children's rights and provide for entitlements that increase children's access to services. Four regulations related to child protection namely Day Care Centres, Crèches, Child Protection and Street Children are still under review by the Attorney General's Office. Zanzibar in 2012 drafted six regulations which similarly are meant to accord children their rights. These include issues of parentage, custody, guardianship, and maintenance. These were submitted for endorsement by the Attorney General of Zanzibar, they are yet to be finalised and made public. The Government of Tanzania and Revolutionary Government of Zanzibar should ensure that these regulations are reviewed, finalised and adopted urgently. MCDGC has disseminated initial fact sheets with information related to the Law of the Child 2009 at the national level only, information related to the Law of the Child Act needs to be disseminated to all levels of Government authorities, with public awareness raising urgently.

UTSS response:

Not fully implemented as hundreds of children with albinism remain displaced /held in schools & centres away from home for years.

ZASO response:

Tanzania is implementing a child Act accordingly in cooperation with NGOs and other partners national and international levels.

UNTanzania response:

Six sets of regulations have been gazetted in order to operationalise the Law, with another six sets awaiting approval by the Attorney General's Chambers.

*Recommendation n°7: Pursue efforts in human rights related areas, in particular legal review process, female genital mutilation and corporal punishment (Recommended by Egypt)*

IRI: *partially implemented*

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

The Convention on the Rights of the Child requires that all forms of corporal punishment be prohibited and eliminated. In mainland Tanzania, this has not been achieved in any setting - the Law on the Child Act 2009 provides for "justifiable" correction of children (art. 13) and a number of laws expressly authorise caning of children, including the Corporal Punishment Regulations under the Education Act 1978, the Corporal Punishment Ordinance 1930 and the Penal Code 1981. In Zanzibar, corporal punishment is prohibited in the penal system and in residential institutions in the Children's Act 2011 but it is lawful in the home, alternative care settings, day care and schools.

PINGOF response:

No much done

UTSS response:

Not fully implemented as hundreds of children with albinism remain displaced /held in schools & centres away from home for years where they are they are exposed to and receive corporal punishment

ZASO response:

Tanzania is highly prohibiting in laws and policies the female genital mutilation and corporal punishment. On this COSs educate, lobby and sensitize the public to use alternative methods of punishment

CHESO response:

Female genital mutilation remain being done in some tribes in Tanzania ie. The Kulya tribu. Corporal punishments are still being inflicted to pupils in schools.



Recommendation n°17: *Conduct an assessment of the national policies on the rights of children and to identify the areas where immediate action may be taken* (Recommended by Romania)

IRI: *partially implemented*

ZASO response:

Tanzania permits civil societies and other funding organisations to assess the policies on the rights of children and also to take action to overcome the gaps identified, this is strongly engaged to ensure the rights of child is fully protected.

Recommendation n°22: *Put in place a comprehensive strategy and effective legislation to eliminate practices that discriminate against women* (Recommended by Denmark)

IRI: *partially implemented*

PINGOF response:

Not done

UNTanzania response:

The Sexual Offences Special Provisions Act of 1998 (now incorporated in the Penal Code imposes harsh penalties for perpetrators of sexual violence. CSOs for women's rights continue working with the government to sensitize the public about the law. More cases are reported to children and gender desks for investigation and prosecution in courts of law.

Recommendation n°23: *Put in place a comprehensive strategy, as advised by CEDAW to modify or eliminate cultural practices and stereotypes that discriminate against women* (Recommended by Ghana)

IRI: *fully implemented*

UNTanzania response:

The Government has multi-sectoral policies to address VAWG such as the Gender Based Violence Policy and Gender Based Violence Management Guidelines and the Plan of Action on the Eradication of Female Genital Mutilation and a National Plan of Action on VAW for the prevention and response to VAW.

Recommendation n°24: *Harmonize the legislation to eliminate all forms of discrimination against women, notably to ensure equality relating to inheritance and land rights* (Recommended by Belgium)

IRI: *not implemented*

PINGOF response:

Not done



UNTanzania response:

Dialogue and high level consultations to enact Domestic Law Act were initiated but the process has been delayed because of the ongoing constitution making process. The process is expected to continue immediately after the constitution making process is over.

*Recommendation n°25: Implement a comprehensive legal and policy framework to end practices which are discriminatory and lead to violence against women and girls, including witchcraft killings, rape, domestic violence and practices related to customary ownership and inheritance of land (Recommended by Canada)*

*IRI: partially implemented*

PINGOF response:

Not done

ZASO response:

In Tanzania the laws against a child protection towards cultural and other unwanted social behaviour are reviewed and enhanced, example the raping case is now judged 30 years imprisonment from 5 years.

UNTanzania response:

The police are currently implementing a 3-year strategy which includes as priority areas the enforcement of the laws on rape, female genital mutilation and other forms of gender based violence. The strategy includes training of police officers on the laws, the handling of the cases in a rights-based manner, but also includes equipping and staffing the Gender and Children's Desks in the country to be better able to assist women and children seeking assistance. Simultaneously the Ministry of Health and Social Welfare are rolling out their policy guidelines on gender based violence and violence against children which are particularly expected to improve the timely access to medical management of rape in a rights-based manner. Both initiatives are supported by numerous development partners.

*Recommendation n°27: Take further steps to protect women and girls against violence and discrimination and put in place appropriate policy measures in that regard (Recommended by South Africa)*

*IRI: not implemented*

UNTanzania response:

The National Plan of Action for Prevention and Eradication of Violence Against Women and Children 2001-2015 is the most comprehensive plan that directs the nation's efforts towards the reduction, prevention and ultimately eradication of VAW/SGBV.



Recommendation n°28: *Continue policies aimed at multiplying and deepening, with inter alia the support of the international cooperation, actions to combat and bring an end to of all forms of gender violence, female genital mutilation and all practices that result either discriminatory or violating women's human rights (Recommended by Argentina)*

IRI: *partially implemented*

UNTanzania response:

There has been increasing attention on ending FGM in the country, with results include prosecutions in line with the law criminalising FGM; increasing media coverage calling for the ending of the practice; increasing funding of interventions by civil society and government aimed at ending the practice.

Recommendation n°29: *Consider strengthening the national gender machinery and put in place a comprehensive strategy, including legislation, to modify or eliminate traditional practices, such as female genital mutilation and stereotypes that discriminate against women, paying special attention to the situation of older women (Recommended by Brazil)*

IRI: *partially implemented*

UNTanzania response:

The enforcement of the 1998 legislation criminalising FGM has been strengthened through training of police and members of judiciary using standardised material which includes modules on FGM. Community/traditional leaders and rights-holders have been trained in the most affected regions including Mara. Manyara and Kilimanjaro and others.

Recommendation n°30: *Pursue and strengthen efforts to combat social practices harmful to women, in particular female genital mutilation but also all other violence against them as well as discrimination in their access to rights in general (Recommended by Cape Verde)*

IRI: *partially implemented*

UNTanzania response:

In Mara region over 1300 girls have been supported to undergo alternative rites of passage instead of FGM, the programme has received support from the government in the form of police protection, as well as high level presence at openings of closings of the programme. In the same region public awareness campaigns and school-based trainings have been up-scaled (120 schools to date).

Recommendation n°31: *Adopt the necessary measures to eradicate Female Genital Mutilation and to develop programs of awareness and education on its harmful effects (Recommended by Uruguay)*

IRI: *partially implemented*

PINGOF response:

Laws are in place but not fully implemented.

Recommendation n°32: *Take appropriate measures to eliminate all forms of discrimination against rural women with respect to ownership of land in line with the recommendations of CEDAW (Recommended by Norway)*

IRI: *partially implemented*

PINGOF response:

Some laws exist

UNTanzania response:

The Land Act and Village Land Act provide for women's right to own and dispose of land. Awareness raising sessions on these laws and other women rights instruments that promote women's access to land has been provided to key stakeholders including Members of the Ward and Village land tribunals to ensure fair dispensation of justice on issues of land. The awareness raising sessions have led to inclusion of women in the land tribunals as required by law.

However, Tanzania legal system continues to use customary laws which are discriminatory to women and girls and sometimes prevent women and girls from inhering land. This issue of discriminatory laws including application of customary laws has been raised in the ongoing constitution making process and if successful it will bring a major change to women and girls in Tanzania.

Recommendation n°50: *Redoubling efforts to protect women and children against all forms of violence, including the use of FGM (Recommended by Netherlands)*

IRI: *fully implemented*

UNTanzania response:

The Government is in the process of establishing a comprehensive child protection system which is able to prevent and respond to all forms of violence against children. This includes the introduction of a regulatory framework on child protection, the strengthening of institutions to respond to violence against children, including the development of a cadre of social welfare officers, collaboration with NGOs to establish support services for children and the development of a communication campaign on violence against children (due to be launched later this year). To effectively scale up the system, increased investment is required from the Government, which has set a target of 30 districts with functioning child protection systems by 2016.



Recommendation n<sup>o</sup>51: *Continue enforcing appropriate measures, such as the National Plan of Action for the Prevention and Eradication of Violence against Women and Children or the awareness campaign "Say No to Violence", to eliminate effectively violence against women, in particular domestic violence (Recommended by Slovakia)*

IRI: *fully implemented*

UNTanzania response:

The Government has been coordinating actions and various campaigns including the “Say no to Violence” and the zero tolerance campaigns on violence against women to break the silence and take action. As a result, the number of reported cases on violence against women and children has been increasing. Organizations have launched efforts to sensitize and train the police, judges and other law enforcement personnel to improve knowledge, attitudes, and practices related to violence and women and SGBV. In the area of police training, several promising initiatives have recently been implemented resulting to establishing and institutionalization of Children and Gender Desks in police stations to handle cases of violence. Involvement of men in campaigns on VAWG has been increasing with the formation of Male Networks drawing in the involvement of men as key stakeholders with the potential to bring about change and prevent and eliminate VAWG.

Recommendation n<sup>o</sup>52: *Enact a law specifically defining and criminalising domestic violence and implement the international obligations in this regard, notably the Convention on the Elimination of All Forms of Discrimination Against Women (Recommended by France)*

IRI: *not implemented*

UNTanzania response:

No progress

Recommendation n<sup>o</sup>54: *Strengthen efforts to fulfil its obligations under the Convention on Elimination of Discrimination against Women, including by adopting and implementing legislation prohibiting female genital mutilation (Recommended by Australia)*

IRI: *not implemented*

UNTanzania response:

FGM was criminalised in 1998 under the Sexual Offences Special Provision Act for females under the age of 18. Prosecutions have taken place, police and judiciary have received training on the legislation, and public awareness campaigns by government, civil society and faith based organisations have taken place. However, between 2004/5 and 2010 there was no decrease in prevalence, currently at 15%. Of concern also is the



increase in under 1-year olds being subjected to the practice since criminalisation.

*Recommendation n°55: Intensify its efforts to protect women from harmful traditional practices, such as female genital mutilations (Recommended by France)*

*IRI: fully implemented*

UNTanzania response:

Since the UPR process, Mara region which experienced an increase in FGM prevalence between 2004 and 2010, has since intensified its efforts in ending FGM: 47 Police officers have been trained in responding to FGM; magistrates in the region have received training on FGM; special court sessions are planned for 2014 for the handling of all SGBV cases in the region (as per Tanzania's commitment to International Conference on the Great Lakes Region); Police Gender and Children's Desks in the region have been equipped with computers for data collection; 1367 girls (since 2008) have been supported to undergo alternative rites of passage; 120 schools have been trained on ending FGM; 20 journalists from the region have been trained on reporting on FGM. Similar programmes are planned for other regions with high prevalence of the practice.

*Recommendation n°56: Put in place a comprehensive strategy, including legislative measures to eliminate practices and stereotypes that discriminate women, such as female genital mutilation (Recommended by Poland)*

*IRI: partially implemented*

UNTanzania response:

The Government has in place a National Plan of Action to combat FGM (2001 to 2015) to provide guidance on eliminating Female Genital Mutilation. One of the activities that has been implemented is the "Stop Female Genital Mutilation" campaign which has resulted in changing people's attitudes towards FGM. Some mutilators have laid down their tools and have joined the campaign of educating the communities to stop the harmful practice. Parents and elders in some areas, who are practising FGM, have come out in public to denounce the practice and have initiated alternative passage rites. The Sexual Offences Special Provisions Act provides for protection of girl child against FGM.

*Recommendation n°57: Provide all victims of violence against women an unhindered access to justice and ensure that all perpetrators are brought to justice in accordance with international standards (Recommended by Slovakia)*

*IRI: partially implemented*

UNTanzania response:

The continued establishment of Police Gender and Children's Desks (dedicated units staffed by trained officers) in all Police Stations in the country is contributing to increased access of women to justice and increased reporting. To date, 1000 officers have been trained in handling these cases. The judiciary is in the process of establishing Special Sessions on Sexual and Gender Based Violence in order to expedite cases and improve treatment of survivors.

Support to women and girls to access justice has continued to be a priority in Tanzania. Legal Aid Providers including Paralegals have continued to play a major role and the government acknowledges it. A Bill towards enactment of a law to govern provision of legal aid has been developed and the government and other law professions are positive about it. Until now Paralegals Units have been created in 110 districts and plans are underway to ensure the remaining 40 districts will have Paralegal Units by the end of this year. Each Paralegal Unit has 25 people and awareness raising on national legislations, human rights including rights of women have been conducted to ensure effective provision of legal aid. Different tools to guide their work including on handling GBV cases have been developed and are in use. The system of Paralegals is very essential in Tanzania considering low number of legal practitioners and high costs to engage them.

*Recommendation n°58: Continue this important work related to violence against children by undertaking civic education at all levels of society, especially throughout the educational system and justice system, on the negative effects of violence against children (Recommended by Sweden)*

IRI: *partially implemented*

UNTanzania response:

The Ministry of Community Development, Gender and Children will launch a mass campaign this year targeted at 7-13 year olds in school on raising awareness of violence against children and reporting mechanisms.

*Recommendation n°62: Undertake more effective measures to address the problems of trafficking, sexual abuse and exploitation of women and children, including through ensuring effective implementation of the relevant legislations and undertaking intensive media and education programmes aimed to increasereness and sensitivities on the rights of women and children (Recommended by Malaysia)*

IRI: *partially implemented*

UNTanzania response:

There has been limited progress on the implementation and enforcement of the Anti-Trafficking in Persons Act (2008). While regulations have been



drafted for the operationalization of the law, they are yet to be gazetted and insufficient resources have been allocated for the implementation of the National Anti-Trafficking in Persons Action Plan 2013-2017. Not a single case was brought under the law in 2013 and there remains very limited government and NGO services in place to support victims of exploitation and trafficking. However, steps have been taken recently to strengthen border management to allow for identification of organised criminal gangs and human traffickers, including through the establishment of a border management information systems at several key border crossing points, the development of standard operating procedures which include child specific procedures, and through training of immigration and law enforcement officers.

Tanzania Media Women's Association has trained 190 journalists and editors on reporting of gender based violence with a focus on rape, FGM and child marriage. Simultaneously newsletters, TV and radio spots and numerous articles have been prepared on the same in collaboration with Tanzania Police Force and the Ministry of Health and Social Welfare.

*Recommendation n°63: Adopt a national program against human trafficking, in particular of women and children, in order to prevent this crime, rehabilitate victims and prosecute perpetrators (Recommended by Mexico)*

*IRI: partially implemented*

UNTanzania response:

There has been limited progress on the implementation and enforcement of the Anti-Trafficking in Persons Act (2008). While regulations have been drafted for the operationalization of the law, they are yet to be gazetted and insufficient resources have been allocated for the implementation of the National Anti-Trafficking in Persons Action Plan 2013-2017. Not a single case was brought under the law in 2013 and there remains very limited government or NGO services in place to support victims of exploitation and trafficking.

*Recommendation n°78: Increase cooperation with the relevant United Nations bodies and other international organizations in the efforts to reduce the incidence of maternal and infant mortality and increase women's access to health care facilities (Recommended by Malaysia)*

*IRI: fully implemented*

UNTanzania response:

There has been an increase in UN supported campaigns in the country: Secretary General's Strategy on Women and Children Health is being implemented in two parts, namely the UN Commission on Life Saving



Commodities which has long term commitment and \$4 million currently being implemented for access to life saving commodities. The second part is the Secretary General's Commission on Information and Accountability which includes upscaled efforts in vital registration by numerous partners. Tanzania has also domesticated the AU's CARMMA campaign.

Recommendation n°79: *Seek international assistance to supplement the national efforts to reduce maternal and child mortality* (Recommended by Uganda)

IRI: *fully implemented*

UNTanzania response:

As above, but also Tanzania took a visible role in the Family Planning 2020 global initiative and committed to increased resources for family planning. Currently the unmet need for FP is 25%, but national stock-outs are no longer foreseen, and logistic management information systems are being strengthened to prevent stock-outs at sub-national level, which continue to remain as a challenge. Increased IEC and BCC efforts are being undertaken as part of the Sharpened One Plan for MNCH.

Recommendation n°81: *Pursue its efforts in the area of child and maternal mortality to reach a significant decrease of mother, new-born and children deaths* (Recommended by Burkina Faso)

IRI: -

UNTanzania response:

The reduction of maternal death has taken place from 548 (2004/2005) to 454 (2010) per 100,000, however this pace of decrease is not on track to meet the MDG 5 target.

Recommendation n°82: *Take the necessary measures to increase women's access to health care facilities and medical assistance by trained personnel, in particular in rural areas, in order to reduce the incidence of maternal and infant mortality and to enhance the life expectancy of women* (Recommended by Japan)

IRI: *fully implemented*

UNTanzania response:

Training of midwives and other health care providers such as fistula surgeons in underserved areas, as well as task-shifting is taking place continuously. The ratio of health care provider - patient ratio increased from 47 in 2007 to 64 (2012-2013) and the highest increases were among medical doctors and nurses/midwives: Currently 2,6 doctors for 100,000 and 32,2 nurses and midwives per 100,000 (As per Accelerated Plan for Re-education of Maternal, Newborn and Child Death). Assessment of the midwifery capacities has been undertaken and costed.



Recommendation n<sup>o</sup>141: *Step up its efforts to protect women and girls from sexual violence* (Recommended by Norway)

IRI: *fully implemented*

ZASO response:

Tanzania there are community meetings, sessions, discussions, TV/Radios shows, debates, workshops as enshrined in policies for protection women and girls from sexual violence

UNTanzania response:

Since 2011 much progress has been made in the management of cases of rape by particularly the police and health care providers. The policy requiring police reporting prior to medical management of rape has been revised, and now rape survivors can better access PEP and emergency contraceptives in a timely manner. Media campaigns informing the public of the same have been supported. Advocacy groups are calling for an increase in access to DNA testing.

Recommendation n<sup>o</sup>142: *Step up its efforts to protect women and girls from sexual violence in marriage* (Recommended by Norway)

IRI: *partially implemented*

ZASO response:

Tanzania set up legal instruments to protect women and girls from sexual violence in marriage, example establishment of gender desks in police posts, women lawyers associations and legal services centres with paralegals so as to support women where there are in claims.

UNTanzania response:

No progress, marital rape is not recognised a crime. Although marital rape is not a punishable offence, there are discussions and debate about introducing criminal liability through a Domestic Violence law.

Recommendation n<sup>o</sup>143: *Strengthen measures aiming to make effective the rights of the Child from an integral perspective and based on the Convention on the Rights of the Child, particularly on issue of corporal punishment* (Recommended by Uruguay)

IRI: *not implemented*

GIEACPC response:

The Convention on the Rights of the Child requires that all forms of corporal punishment be prohibited and eliminated. In mainland Tanzania, this has not been achieved in any setting - the Law on the Child Act 2009 provides for "justifiable" correction of children (art. 13) and a number of laws expressly authorise caning of children, including the Corporal Punishment



Regulations under the Education Act 1978, the Corporal Punishment Ordinance 1930 and the Penal Code 1981. In Zanzibar, corporal punishment is prohibited in the penal system and in residential institutions in the Children's Act 2011 but it is lawful in the home, alternative care settings, day care and schools.

ZASO response:

Tanzania through civil societies engaged to child protection are supported by giving partial support (not enough) to implement the convention on the right of a child on issue of corporal punishment, thus civil societies sensitize and lobby the communities

Recommendation n<sup>o</sup>145: *Prohibit all violence against children, including corporal punishment* (Recommended by Sweden)

IRI: *partially implemented*

GIEACPC response:

The Convention on the Rights of the Child requires that all forms of corporal punishment be prohibited and eliminated. In mainland Tanzania, this has not been achieved in any setting - the Law on the Child Act 2009 provides for "justifiable" correction of children (art. 13) and a number of laws expressly authorise caning of children, including the Corporal Punishment Regulations under the Education Act 1978, the Corporal Punishment Ordinance 1930 and the Penal Code 1981. In Zanzibar, corporal punishment is prohibited in the penal system and in residential institutions in the Children's Act 2011 but it is lawful in the home, alternative care settings, day care and schools.

ZASO response:

In Tanzania civil societies in collaboration with government instruments highly are forbidden and stop violence against children, example corporal punishment in schools and within families.

UNTanzania response:

Legislation, including the Law of the Child Act and Children's Act (Zanzibar) prohibit violence against children but allow for justifiable correction and discipline which does not injure the child's physical or mental well-being (respectively). Significant steps have been taken in Zanzibar to eliminate the use of corporal punishment in schools. However, corporal punishment is still permitted under the Education (Corporal Punishment) Regulations 1979 and the Education Act 1978. Positively, the Children's Act (s47(2)) prohibits the use of corporal punishment as a judicial sanction in Zanzibar. However, the Law of the Child Act did not introduce this prohibition for the Mainland and the Corporal Punishment Ordinance 1930, Minimum Sentences Act



1963, Sexual Offences (Special Provisions Act) 1998, and the Penal Code 1985, which provide for corporal punishment as a judicial sanction, continue to apply.

STC response:

The two Ministries of Education and Vocational Training (Tanzania and Zanzibar) have taken steps in finalizing action plans for multi-sectoral response to Violence against Children that stipulate clearly Government's commitment in ending corporal/physical/humiliating punishment in the institutional settings, e.g. schools. As part of the process towards ending corporal punishment the Commissioner for Education issued permission to the National Counseling Unit under the MoEVT to conduct assessment that will generate evidence to support the need for change. Furthermore, in 2013 the MoEVT has initiated the process of reviewing existing Teacher's Code of Conduct of 1962 and development of a Guideline for Establishment of Child Protection in Schools that will take into account positive forms of discipline. The Government should ensure that corporal and other forms of humiliating and degrading punishment of children are explicitly prohibited by law including in the home, school and at child care facilities. Existing legislation, rules and regulations that condone the punishment of a child should be amended and harmonised with a clear strategy for ending corporal punishment in all settings.

Recommendation n°147: *Amend marriage law in order that the minimum age for marriage for both girls and boys is set at 18 (Recommended by Denmark)*

*IRI: not implemented*

ZASO response:

In because of multireligious spirits in nature does not set up the minimum age for marriage for boys and girls, this is because the land is situated by Muslims, Christians and other believers who have different thoughts of their own religion which states different age of marriage.

UNTanzania response:

No progress. Dialogue and high level consultations on the amendment of discriminatory laws including the Law of Marriage Act, 1971 that condones marriages of young girls were initiated but the process has been delayed because of the ongoing constitution making process. Public statements have however been made by government officials calling for the new Constitution to include 18 as a minimum age of marriage. The current draft does not contain this but the review process is ongoing and advocacy groups continue to engage in it, sessions on child marriage have been organised for parliamentarians on child marriage for example.



Recommendation n°156: *Continue to promote the right to education, while prohibiting corporal punishment* (Recommended by Djibouti)

IRI: *partially implemented*

GIEACPC response:

The Convention on the Rights of the Child requires that all forms of corporal punishment be prohibited and eliminated. In mainland Tanzania, this has not been achieved in any setting - the Law on the Child Act 2009 provides for "justifiable" correction of children (art. 13) and a number of laws expressly authorise caning of children, including the Corporal Punishment Regulations under the Education Act 1978, the Corporal Punishment Ordinance 1930 and the Penal Code 1981. In Zanzibar, corporal punishment is prohibited in the penal system and in residential institutions in the Children's Act 2011 but it is lawful in the home, alternative care settings, day care and schools.

ZASO response:

Tanzania is strongly prohibiting corporal punishment in schools and families as legally enforceable by laws of the land so as to maintain the child welfare.

UNTanzania response:

[See response to recommendation n°145]

## Other

Recommendation n°2: *Incorporate provisions from ratified instruments into domestic law and seek the international community to provide the necessary means to tackle difficulties that Tanzania is facing in the area of human rights* (Recommended by Chad)

IRI: *partially implemented*

PINGOF response:

This have not been implementation although it is something in discussion in the current constitutional review process.

ZASO response:

Tanzania cooperating with national and international instruments to ensure there is protection of human rights as enshrined in national and international laws.



Recommendation n°3: *That the process of reviewing the constitution is conducted in an open and accountable manner, which includes the general public as well as the national parliament and Zanzibar's House of Representatives (Recommended by Norway)*

IRI: *fully implemented*

PINGOF response:

The constitutional review process is going on but the ruling party seems to disregard the draft produced by the constitutional review commission.

ZASO response:

Tanzania is currently in on going legal forums and national assembly in making changes the national constitution as it in place includes citizens and their representatives through legal frame work.

CHESO response:

The process of the review of the Constitution process has been conducted in an open and accountable manner. It included consultation processes from the general public (Citizens, Academicians, political leaders and the Constitution Assembly).

Recommendation n°8: *Accelerate its work in forming a special commission to supervise the Constitutional reform which was announced by the President in 2010, its membership should include various structure of the population (Recommended by Russian Federation)*

IRI: *fully implemented*

PINGOF response:

This is done and the constituent assembly is in progress though with resistance to accept the commission proposals.

CHESO response:

The Constitutional review Commission was timely formed by the government and did its work timely.

Recommendation n°9: *Continue to strengthen the capacity of the Commission of Human Rights and Good Governance, including through the collaboration with Regional organizations and United Nations institutions (Recommended by South Africa)*

IRI: *fully implemented*

UNTanzania response:

Building the capacity of CHRAGG is underway with the support of UNDP through a project entitled 'Support to National Human Rights Priorities in Tanzania 2013-2015.' This aims to build the capacity of CHRAGG to



effectively monitor and evaluate the implementation of the NHRAP. CHRAGG is limited by lack of resources.

*Recommendation n°10: Continue institutionalizing the achievements in human rights and work to strengthen national human rights mechanisms and democratic institutions (Recommended by Nepal)*

*IRI: partially implemented*

PINGOF response:

Not implemented

UNTanzania response:

In 2012 and 2013, OHCHR invited CHRAGG to participate to a regional training on strengthening the capacity of NHRIs in East Africa with regard to their protection mandate and the monitoring of economic, social and cultural rights. In 2013, OHCHR provided support to CHRAGG for the organization of two trainings for judges and magistrates on the use of international and regional human rights mechanisms as part of the national legislative framework.

*Recommendation n°11: Continue with its commendable efforts to promote and protect human rights and freedoms (Recommended by Sri Lanka)*

*IRI: not implemented*

PINGOF response:

No improvement

*Recommendation n°12: Complete as earliest possible the preparation of the National Human Rights Action Plan and implement the plan at earliest (Recommended by China)*

*IRI: fully implemented*

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*Recommendation n°16: Ensure effective implementation of the proposed National Plan of Action for the promotion and protection of human rights (Recommended by Ghana)*

*IRI: fully implemented*

UNTanzania response:

The National Human Rights Action Plan 2013-2017 has been completed, as well as an accompanying M&E framework, and has been officially endorsed and launched by the Vice President of Tanzania on 10th December 2013. Implementation is underway in certain areas of the human rights action plan including human rights education and child rights as well as other activities continuing from before.



Recommendation n°14: *Give attention, once the draft of the Human Rights Plan of Action for the promotion and protection of human rights is enacted, not only to the implementation of its articles but also the monitoring of it (Recommended by Indonesia)*

IRI: *fully implemented*

UNTanzania response:

Progress has been made by the Commission for Human Rights and Good Governance on monitoring the implementation of the NHRAP. CHRAGG continue to build the capacity of their offices, those of responsible monitoring partners such as MoCLA and AGC, link officer in different implementing ministers and CSOs. It has developed and M&E data system to collect reports. It continues to disseminate the NHRAP widely and raise awareness on the action plan.

Recommendation n°15: *Complete the draft national action plan for the promotion and protection of human rights and the draft national action plan on violence against women (Recommended by Algeria)*

IRI: *partially implemented*

PINGOF response:

Not done

ZASO response:

Tanzania engaging plans, law and policies ensuring girl child is participated and protected.

Recommendation n°96: *Request for technical assistance and capacity building from the Office of the High Commissioner for Human Rights in order to continue to improve the lives of the Tanzanians (Recommended by Namibia)*

IRI: *fully implemented*

ZASO response:

Tanzania is asking for capacity building from the office of High commissioner for Human rights in particular to managing the capacities of civil societies.

Recommendation n°146: *Prohibit corporal punishment (Recommended by Sweden)*

IRI: *partially implemented*

GIEACPC response:

The Convention on the Rights of the Child requires that all forms of corporal punishment be prohibited and eliminated. In mainland Tanzania, this has not been achieved in any setting - the Law on the Child Act 2009 provides for "justifiable" correction of children (art. 13) and a number of laws



expressly authorise caning of children, including the Corporal Punishment Regulations under the Education Act 1978, the Corporal Punishment Ordinance 1930 and the Penal Code 1981. In Zanzibar, corporal punishment is prohibited in the penal system and in residential institutions in the Children's Act 2011 but it is lawful in the home, alternative care settings, day care and schools.

ZASO response:

Tanzania is strongly prohibiting corporal punishment both to children so as to protect them against cruelty and injuries.

UNTanzania response:

Corporal punishment remains permissible in as a judicial sanction, in schools and in the home in the Mainland. However, the Children's Act (s47(2) in Zanzibar prohibits corporal punishment as a judicial sanction. Steps have also been taken in Zanzibar to eliminate the use of corporal punishment in schools. In addition, in the Mainland, the Children's Homes Regulations and Foster Care Regulations under the Law of the Child Act prohibit the use of physical punishment in alternative care settings.

## Methodology

### A. First contact

Although the methodology has to consider the specificities of each country, we apply the same procedure for data collection about all States:

1. We contact the Permanent Mission to the UN either in Geneva or New York;
2. We contact all NGOs that took part in the process. Whenever NGOs were part of coalitions, each NGO is contacted individually;
3. The National Institution for Human Rights is contacted, whenever one exists.
4. UN Agencies, which sent information for the UPR, are also contacted.

We post our requests to the States and send e-mails to NHRIs, NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation are not contacted and those stakeholders' submissions are not taken into account.

However, since the UPR is meant to be a process that aims to share best practices among States and stakeholders, we take into account positive feedbacks from the latter.

### B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet, which we provide, that includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or “not implemented”, *UPR Info* usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

*UPR Info* retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

### C. Implementation Recommendation Index (IRI)

*UPR Info* developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation is given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

### **Disclaimer**

*The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.*

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