



人权理事会
普遍定期审议工作组
第二十五届会议
2016年5月2日至13日

根据人权理事会第 16/21 号决议附件第 5 段提交的
国家报告*

坦桑尼亚联合共和国

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一. 导言，方法和广泛磋商进程

1. 这是坦桑尼亚联合共和国在普遍定期审议机制(UPRM)下的第二次国家报告，坦桑尼亚共和国由坦桑尼亚大陆和坦桑尼亚桑给巴尔岛组成。本报告根据第 60/251 号决议第 5(e)段的规定、第 5/1 号决议和第 17/119 号决议所规定的一般性准则编写。¹

2. 普遍定期审议机制下的国家报告的编写由总检察署负责。2014 年 12 月 16 日，与代表来自坦桑尼亚大陆和桑给巴尔岛的国家和非国家行为者的利益攸关方举行了初次磋商会议。会议的成果是：向利益攸关方宣传了普遍定期审议进程，确认了编写报告的路线图，要求利益攸关方提交资料，说明第一次国家报告通过以来各项建议的执行情况以及人权状况的发展。随后与利益攸关方进行了一系列通信，其中所提供的资料促成了一份报告草案，并于 2015 年 9 月得到了利益攸关方的认可。² 广泛磋商是编写第二次国家报告的指导原则，这项工作得到了政府的协助和“一个联合国系统”的支持。

二. 自上次审议以来取得的进展

A. 国家概况

人口普查

3. 2012 年人口和住房普查结果显示，坦桑尼亚人口为 44,928,923,其中坦桑尼亚大陆有 43,625,354,坦桑尼亚桑给巴尔有 1,303,569。在 44,928,923 的人口，23,058,933 为女性，相当于人口的 51.3%，21,869,990 为男性，相当于人口的 48.7%。³

行政区划

4. 坦桑尼亚大陆的区划从 21 个增加至 25 个，整个国家的区划总数达到 30 个。

大选

5. 国家于 2015 年 10 月 25 日举行了第 5 次多党制大选。选举被称赞为自由而公平。在坦桑尼亚桑给巴尔，桑给巴尔选举委员会称选举无效，并宣布将重新举行选举。

B. 规范和体制框架

《宪法》

6. 国家完成了根据《宪法审查法案》Cap 83 起草一部新宪法的进程。⁴ 该法案还设立了宪法审查委员会和制宪大会，委员会在全国范围内收集公众意见，并编写了一份宪法草案。制宪大会对宪法草案进行了审议，并通过了《拟议宪法》，目前正等待全民投票。

立法

7. 国家已颁布多项立法，以增进和保护人权和基本自由，其中包括：2015 年《网络犯罪法》；2015 年《统计法》；2015 年《灾害管理法》；2015 年《统计法》；2015 年《税收管理法》；2015 年《举报人和证人保护法》；2015 年《油气收入管理法》；2015 年《石油法》；2015 年《国家青年委员会法》；2015 年《电子交易法》；2015 年《非公民(就业条例)法》和 2015 年《坦桑尼亚采掘业(透明度和问责制)法》。

8. 国家还颁布了多项规则来实现增进和保护人权的立法，包括：《基本权利和义务执行(惯例和程序)规则》，2014 年第 304 号政府公告；2009 年《儿童法》的 17 项条例以及《法律改革(致命事故和杂项规定)(司法审查程序和费用)规则》；2014 年第 324 号政府公告。

9. 在坦桑尼亚桑给巴尔，颁布了以下法律：2011 年第 6 号《儿童法》；2011 年第 2 号《公共服务法》；2011 年第 10 号《设立首席政府化学品实验室法》；2011 年第 5 号《桑给巴尔粮食安全和营养法》；2011 年第 3 号《桑给巴尔高等教育贷款委员会法》；2012 年第 1 号《桑给巴尔反腐败和经济犯罪法》；2012 年第 5 号《公共服务(修正)法》；2012 年第 4 号《桑给巴尔选区发展基金法》；2012 年第 11 号《公众和环境健康法》；2012 年第 12 号《企业实体登记法》；2012 年第 13 号《桑给巴尔商业和产权注册机构法》和 2012 年第 15 号《公众和环境健康从业人员法》。

立法的翻译

10. 所有法律都正在从英文翻译成斯瓦希里语。2015 年颁布的所有立法和 2014 年颁布的部分立法都已经翻译完成，因此已经翻译了共 20 部立法。⁵

区域和国际文书

11. 本国已于 2012 年批准了 2006 年《非洲青年宪章》。

司法部门

12. 2011 年第 4 号《司法行政法》建立了于 2014 年开始运作的法庭行政长官办公室和首席书记官办公室，从而将司法部门的司法工作和行政工作分离。该法的

第 52(1)条设立了一个司法基金，为司法部门提供经费，并且政府继续增加司法部门预算。⁶

13. 为加强司法救助，用来定案的时间被确定每个案件两年。一名高级法院法官每年至少处理 220 宗案件；区裁判法院法官每年至少处理 250 宗案件，而初级法院法官每年至少处理 260 宗案件。⁷ 法官的人数有所增加；上诉法院的法官人数从 2005 年的 8 人增加至 2015 年的 16 人，而高等法院法官从 2005 年的 37 人增至 2015 年的 81 人。

14. 高等法院，包括劳工分院的书记官人数也有所增加。司法部门继续在全国各地建设高等法院、地区法院和初级法院。⁸ 在坦桑尼亚桑给巴尔，奔巴岛的法院大楼正在翻修，温古贾岛北区正在建造一所儿童法院。

国家人权机构

15. 国家人权机构(人权和善治委员会)保有由国家人权机构国际协调委员会认证的“A”级地位；在 2015 年新的委员得到任命。⁹ 通过一套受理申诉的电子系统，人权和善治委员会的能力得到加强。¹⁰ 此外，2005 年至 2015 年，委员会的财务资源和人力资源稳步增加。

C. 增进和保护人权：现状

工作权，享有社会保障和经济福利权

16. 在本报告所述期间，最低工资从 2005 年的 65,205 坦桑尼亚先令增加至 2015 年的 300,000 坦桑尼亚先令；根据 2008 年《工人赔偿法》设立的工人赔偿理事会于 2014 年开始运作，社会保障监管局于 2014 年通过了《规则》来统一社会保障福利的公式。¹¹

隐私权和人身安全权利；

17. 颁布了 2015 年《网络犯罪法》来为涉及计算机系统和信息通信技术的罪行定罪，并就调查、收集及使用电子证据和相关事项作了规定。该法还就隐私权作了规定，并把涉及色情制品的行为定为刑事犯罪，从而增强了儿童安全。

健康权

18. 国家已采取措施，通过增加用于购买药品和设备的预算和增加医疗机构数量提供获取医疗服务的途径。¹² 在审议所涉期间，国家加强了姆贝亚地区化验室检测埃博拉病毒的能力，并在姆贝亚设立了一家全国社区保健化验室，该实验室也被南部非洲发展共同体国家用作中央化验室。

艾滋病毒/艾滋病

19. 2015 年第 6 号《坦桑尼亚艾滋病委员会(修正)法》建立了艾滋病信托基金。该法还规定委员会具有下列任务：就新的收入来源向政府提供咨询意见，目的是确保基金获得充足和可持续的资金流入，并帮助预防新感染病例。在坦桑尼亚桑给巴尔，于 2013 年颁布了《桑给巴尔艾滋病毒和艾滋病预防法》，以保护和增进艾滋病毒/艾滋病患者或受艾滋病毒和艾滋病影响者的权利。此外，在坦桑尼亚大陆和坦桑尼亚桑给巴尔都制定了“预防艾滋病毒母婴传播国家方案”。¹³

疟疾

20. 该国制定了 2014-2020 年行动计划，通过执行各种减少疟疾发病率的举措来控制 and 预防疟疾。其中包括推广蚊帐的使用并免费向儿童分发蚊帐，此举已帮助拯救了每年可能因疟疾丧生的 60,000 名儿童的生命。疟疾患者人数已从 2009 年的每 1,000 人中有 326 人患病减少至 2014 年的每 1,000 人中有 161 人患病。

享有清洁和卫生环境的权利

21. 2015 年《石油法》包含了环境保护的条款，规定在任何项目开展之前必须进行一项环境评估。

参与公共事务的权利

22. 在大选之前对选民登记册进行了审查，并且在 2015 年大选期间首次生物特征选民登记系统以提高效率。

审查法律

23. 法律改革委员会编写了有关审查民事司法系统和审查坦桑尼亚解决土地争端的法律框架的报告，并分别于 2012 年和 2014 年将报告提交给宪法和法律事务部部长。¹⁴ 委员会正在审查该国已签署或批准的国际文书，以期查明影响其执行情况的问题。¹⁵ 委员会还在审查有关老年人社会保健的法律、坦桑尼亚的刑事司法系统¹⁶ 和坦桑尼亚的消费者保护法律框架。¹⁷

全国提高认识方案

24. 国家继续在下列活动期间提高公众对人权和弱势群体权利的认识：一年一度的人权日国家庆祝活动；16 日积极活动；非洲儿童日；非洲人权日，国际老年人日和 国家白化病日。

战略

25. 坦桑尼亚大陆制定了“国家儿童司法改革战略(2013-2017)”，坦桑尼亚桑给巴尔制定了“儿童司法改革战略(2013-2018)”。

人权报告

26. 本国继续与国际人权机制进行合作。根据《经济、社会及文化权利国际公约》提交的初次至第三次定期报告¹⁸ 以及根据《儿童权利公约》提交的第三次、第四次和第五次报告接受了联合国各委员会的审议。¹⁹ 本国根据《消除对妇女一切形式歧视公约》提交的第七次和第八次合并报告将于 2016 年 2 月接受审议。

特派团访问

27. 国家于 2013 年 1 月 21 日至 2 月 6 日接待了非洲人权和人民权利委员会土著居民/社区问题工作组。调研访问报告于 2015 年 11 月发布，国家正在审议所提出的建议。2015 年 6 月，国家接待了非洲联盟儿童权利和福利问题专家委员会。

三. 上次审议后续行动取得的进展

28. 本国在其第一次国家报告通过时共接受了 107 项建议。在 2011 年 12 月最初传播建议时，经利益攸关方同意，根据专题领域对这些建议做了分类。

批准文书并将其纳入国家立法

29. 本国仍在评估批准《国际刑事法院特权和豁免协定》的可行性，²⁰ 但尚未发现将《罗马规约》完全纳入国内立法的必要性，因为现有机制充分有效。国家研究了《保护所有移徙工人及其家庭成员公约》，并发现《公约》中的一些问题不符合我国法律。²¹ 正是由于这种与国家法律的分歧，在《公约》的批准方面没有取得进展。此外，现有的劳工法律框架足以处理这些问题。国家颁布了 2015 年《非公民(就业规范)法》，旨在规范和调整关于在坦桑尼亚大陆就业和从事其他职业的法律框架。

30. 《禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约》尚待批准，因为本国仍然保留着死刑。²² 关于批准《保护所有人免遭强迫失踪公约》，本国仍在研究批准《公约》的技术和财务影响。然而，现有法律框架为此类事件的受害者提供补救。²³

人权培训和教育

31. 制定了“人权教育中期战略计划”(2011/12-2015/16 年)，以提高学生、教师和教育部门其他公务员的人权知识。在坦桑尼亚桑给巴尔，与人权相关问题已纳入课程。

国家人权行动计划

32. “国家人权行动计划”于 2013 年 12 月 10 日启动。²⁴ 这是一项增进和保护人权的国家框架，也是覆盖 2013 至 2017 年的五年战略。政府行为方、民间社会

和私营部门正在坦桑尼亚大陆和坦桑尼亚桑给巴尔实施该计划。该计划具有一个由人权与善治委员会协调的监测和评价机制。普遍定期审议的建议已纳入“国家人权行动计划”，以便予以执行。²⁵ 人权与善治委员会为政府官员举办了关于执行、监测和评价“国家行动计划”的各种培训和研讨会，²⁶ 并分发了共 3,500 份“国家行动计划”。作为“国家行动计划”执行活动的一部分，共有 109 名区裁判法官接受了关于案件流量管理的培训，80 名来自政府和民间社会组织的官员接受了有关如何处理残疾人和少年司法问题的技能培训。

反腐败措施

33. “全国反腐败战略行动计划二”(反腐计划二)于 2014 年结束，国家正在编写“反腐计划三”。²⁷ 防止和打击腐败局得到了更多的资源，包括工作工具、财政资源、人力，并在所有省和县设立了办事处。2012 年，总检察署检察司内设立了资产追回和没收股，²⁸ 并颁布了 2015 年《举报人法》，以保护提供有关腐败信息的人员。防止和打击腐败局开展了宣传方案，以提高公众对打击腐败的支持。²⁹

34. 坦桑尼亚桑给巴尔于 2012 年颁布了《反腐败和经济犯罪法》，³⁰ 并据此设立了桑给巴尔反腐败和经济犯罪局。³¹ 已实施了有效执行该法的战略并已将反腐败课程纳入教育部下属学校的课程。

妇女权利

35. 《拟议宪法》考虑了妇女权利并在遗产、继承和土地问题方面赋予妇女与男子平等的权利。待《拟议宪法》获得通过，国家将着手修订法律，加强男子、妇女和儿童在继承、遗产和土地问题上的平等性。

36. 目前，1999 年第 4 号《土地法》、1999 年第 5 号《乡村土地法》赋予妇女拥有土地及与男子平等地参与土地决策机构的权利。在坦桑尼亚桑给巴尔，1992 年第 12 号《土地保有制度法》也有类似规定，而 1994 年第 7 号《土地法庭法》设立了土地法庭，执行《土地保有制度法》的规定，从而保证男子和妇女在土地所有权和使用方面的平等。还有一项规定任命土地登记官的 1990 年第 10 号《登记土地法》。同样值得一提的是，现任土地登记官是一名女性。

不歧视和平等措施

37. 坦桑尼亚大陆正在审查“国家性别政策”，以取代 2000 年“性别和妇女发展政策”，从而纳入当前新出现的问题。

38. 坦桑尼亚桑给巴尔正在审查 2001 年“妇女保护和发展政策”，以期制定“桑给巴尔性别政策”。为解放农村地区的妇女，已在乡一级建立了 14 个“妇女信息之窗”，向农村妇女提供有关保健、教育、法律问题、人权、创业技能、土地权利和创收项目的信息。此外，《拟议宪法》规定妇女在议会中的百分比为 50%。

暴力侵害妇女和儿童问题

39. 国家继续执行其“防止和消除暴力侵害妇女和儿童行为国家行动计划(2001-2015年)”，具体如下：设立了全国多部门预防和应对暴力侵害妇女和儿童行为委员会以及儿童保护小组，并且正在审议1963年《坦桑尼亚教师行为及职业道德守则》，以纳入增进儿童权利及对暴力侵害在校儿童的行为零容忍的具体措施。2013年6月14日启动了免费儿童帮助热线，³²并设立了受虐儿童一站式中心。³³国家还制定了“关于暴力侵害儿童行为和基于性别的暴力行为的提高认识路线图(2014-2016年)”。³⁴国家继续参与2012年启动的性暴力和基于性别的暴力行为大湖区宣传活动“立即宣布零容忍”。

40. 坦桑尼亚桑给巴尔已在村、乡、县和国家一级建立了基于性别的暴力问题委员会，制定了防止基于性别的暴力行为的准则，并设有一个基于性别的暴力行为国家登记局，记录暴力侵害妇女和儿童的案件。2015年设立了116电话求助热线，以举报暴力事件并接受援助，还建立了若干一站式中心。³⁵目前，因为提供了这些服务，暴力侵害儿童案件举报率很高，已指定一家收容所接收基于性别的暴力幸存者。此外，在全国各地的主要警察局已设立了417个性别和儿童事务组，并制定和统一了《标准作业程序》。³⁶为此，1196名警官已接受有关《标准作业程序》及其准则的培训。

41. 联合共和国的两个部分都为医疗管理人员开展了能力建设活动。³⁷在基于性别的暴力行为猖獗的湖区，为281名执法人员举办了有关打击和消除基于性别的暴力行为的培训。³⁸在坦桑尼亚桑给巴尔，总统于2014年12月6日启动了一项消除暴力侵害妇女行为的提高认识运动，并且执行针对妇女和儿童的宣传运动的行动计划已经到位。³⁹同样，政府官员在每月的25日身穿橙色T恤衫，以提高社区的认识。这些活动与社区广播宣传方案共同开展。⁴⁰

42. 《刑法》[Cap 16 R.E 2002]规定对家庭暴力分子进行刑事定罪，而桑给巴尔的2004年第6号《刑法》将严重人身伤害和殴打作为家庭暴力的关键要素进行定罪。此外，在获得医治之前取得警察报告的障碍已被消除。⁴¹在坦桑尼亚桑给巴尔，在基层一级(Shehia)成立了养育子女小组，而且正在加强这些小组以向父母和儿童提供照料。⁴²在坦桑尼亚大陆，《刑法》[Cap 16 RE 2002]第130条规定强奸为刑事犯罪，⁴³在坦桑尼亚桑给巴尔，2004年第6号《刑法》第125(1)条对强奸进行了刑事定罪。⁴⁴

43. 《刑法》[Cap 16 RE 2002]第169A条规定在坦桑尼亚大陆对18岁以下女童进行女性外阴残割为刑事犯罪。此外，将于2016年对“2001-2015年防止和消除女性外阴残割现象国家行动计划”进行审查，同时“加快消除女性外阴残割和其他有害传统习俗国家行动计划”及“2013-2017年国家人权行动计划”正在实施运作。⁴⁵此外，处理女性外阴残割问题的“国家儿童保育和发展政策”正处于确认和批准阶段。⁴⁶

44. 在提高认识和能力建设活动的作用下，刑事司法系统得以成功起诉女性外阴残割案件。⁴⁷ 已为靠实施女性外阴残割谋生者设计了其他收入来源方案，而且国家与民间社会组织合作，继续执行“制止女性外阴残割”运动，这场运动正在改变人们对待女性外阴残割问题的态度。

巫术杀害老年妇女现象

45. 根据《刑法》[Cap 16 Re 2002]第 196 条，所有杀人行为都被定罪为谋杀。国家正在审查《巫术法》Cap 18 和 2012 年第 23 号《传统和替代医疗法》，以期利用立法打击巫术和巫术杀害。国家还继续登记传统疗法术士及其活动范围。此外，“国家人权行动计划”通过处理与巫术相关的杀害问题增进老年人权利。正在审查 2003 年的“国家老龄政策”，而且正在编写一项保护老年人的法案。另外，已建立 17 个老年人安全之家，为巫术杀害的幸存者提供支助。

妇女担任决策职位

46. 统计数字显示，担任决策职位的妇女人数有增加的趋势。⁴⁸ 2005 年，有 62 名女议员，而 2015 年有 127 名女议员。2015 年，有 10 位女部长、5 位女性副部长、32 名女性高等法院法官、5 名女性上诉法院法官、53 名女性县专员和 7 名女性省专员。在高等教育机构中，女学生人数从 2005 年的 10,039 人增至 2014 年的 78,800 人。⁴⁹ 此外，2015 年，国家首次产生了一位女性副总统及一名女性副总检察长。而且，在 2015 年大选期间，有女性总统候选人参加竞选。

残疾人

47. 国家继续实施有关残疾人权利的国家法律，并通过 2012 年“全国人口和住房普查”确定了残疾人的年龄、性别、住所。国家审查了“国家免费医疗准则”，以纳入老年人和身患残疾的人，还设立了 43 所康复中心。在坦桑尼亚桑给巴尔，设有残疾基金、残疾人国家理事会及第一副总统办公室—国务部的残疾人事务部。每个部委还设有残疾人事务协调员，并专门为残疾儿童实施免疫方案。

48. 国家已采取一些措施，确保残疾儿童能获得教育，包括 2014 年通过了新的“教育和培训政策”⁵⁰ 及“2012-2017 年包容性教育战略”。⁵¹ 国家还在达累斯萨拉姆设立了一个教育支助和资源中心，并已有五个县议会确定了建造教育支助和资源中心的场地，目的是发现和识别有特殊需要的儿童。于 2013 年制定了“关于对有特殊需要儿童的早期识别和干预措施”。⁵² 坦桑尼亚桑给巴尔继续执行 2006 年第 9 号《残疾人(权利和特权)法》，同时开发了一项包容性教育系统，使每个县至少有一种符合各种确保残疾儿童接受教育的政策的包容性教育方案。⁵³

49. “国家养老金计划”处理了工作场所的残疾问题，并且国家已经制定准则，指导雇主如何利用技术装置支持他们的残疾雇员。立法框架和政策使得 168

个县任命了负责特殊需要问题的工作人员。国家继续通过残疾人日、白手杖日和世界盲文日等全国性提高认识论坛来提高对残疾人权利的认识。

白化病患者

50. 已在部级(如内政部内)设立待命委员会,负责研究对白化病患者的保护问题。同样,还设立了部级常设儿童保护委员会,以在家庭一级提供保护。⁵⁴此外,“国家人权行动计划”述及白化病患者的权利问题,并且本国对关于每年举行白化病患者日以宣传不歧视和保护白化病患者的决议投了赞成票。⁵⁵国家还在三个省为患有白化病的儿童设立了临时保护中心。⁵⁶

51. 国家继续优先调查、起诉和审判伤害白化病患者的案件。已专门设立常设行动工作队来应对攻击和杀害白化病患者的行为。这些工作已使得杀害白化病患者行为有所减少,特别是在 2015 选举年。警察继续对此类事件高发地区的公民进行教育。⁵⁷此外,国家采取了整体方针评估该问题,警察、公共检察官和非政府组织“同沐阳光”于 2015 年访问了攻击和杀害白化病患者最高发的几个省。

人口贩运

52. 执行《打击人口贩运法》(2008 年)的条例正在制定中,该法目前处在公告的最后阶段,而且国家启动一项新的“国家打击人口贩运行动计划(2015-2017 年)”。⁵⁸2013 年,坦桑尼亚警察部队设立了社区警务股,任务包括关于打击贩运相关问题的社区宣传活动等。

53. 国家与国际移民组织(移民组织)合作,为警察提供了关于如何识别和发现人口贩运犯罪者及受害者的专门培训。⁵⁹通过这项合作,还于 2012 年和 2013 年为检察官、裁判法官和社会工作者举行了关于人口贩运问题的培训。2014 年,向记者提供了关于就合乎道德地报导人口贩运案件的培训,并制定了“媒体准则”,指导如何报导人口贩运案件而不让受害者再度受害。⁶⁰

对执法官员进行问责

54. 执法机构内设有纪律措施,《刑法》也规定了惩罚措施,追究执法官员的责任。⁶¹此外,内政部警务司的投诉股监督对其警官的投诉。2014/2015 年,对 300 名警官执行了纪律措施,其中 118 人被当即开除,19 人在普通民事法庭受到指控。⁶²2014/15 年,警察部队提高了对警察部队招募人员的审查要求,因此只有具有高度诚信的人员得到聘用。

边缘化和弱势群体

55. 通过坦桑尼亚社会行动基金,已经在坦桑尼亚大陆和坦桑尼亚桑给巴尔采取了干预措施,如有条件现金转移支付和公共工程方案,雇用贫困家庭成员参与劳动力密集型活动以提供临时就业,同时提供收入支助,并协助创造社区资产。

还有改善生计方案，旨在通过使生计得到加强和多样化，增强家庭自给自足的能力，以帮助为逐步脱贫建立基础。⁶³

56. 在坦桑尼亚桑给巴尔，已通过了“2014 年社会保护政策”，解决社区，包括弱势群体和失业青年面临的挑战。老年人之家为每一位住在那里的老人提供 40,000 坦桑尼亚先令的津贴。老年人的确定工作已经结束，从 2016 年 4 月起，每一位老年人每月将获得 20,000 坦桑尼亚先令的津贴。还通过了一项政策来援助一次分娩两个以上婴儿的妇女，向她们提供每月 40,000 坦桑尼亚先令的津贴。

监狱条件

57. 国家继续执行《社区服务法》Cap.291,以减轻监狱过度拥挤的状况，⁶⁴ 并已编写修订《国家假释委员会法》[Cap. 400 RE. 2002]的概念说明，使得更多的囚犯可通过社区服务服刑。⁶⁵ 此外，根据总统大赦，2011 至 2015 年 4 月之间赦免了 24,772 名囚犯。⁶⁶ 还设立了全国刑事司法论坛以改进司法服务并缓解监狱的拥挤现象。⁶⁷ 此外，为推进“国家监狱政策”，已于 2014 年制定了执行战略，其中要求国家遵守监狱的国际人权标准。⁶⁸ 另外，2008 年 5 月至 2014 年 6 月，“法律部门改革方案”购买了 14 辆监狱巴士，同时国家在全国各地购进了 17 辆巴士。这些举措减少了囚犯不出庭的状况并加强案件处理工作。

58. 监狱中的卧室、厕所和下水道系统得到修缮。⁶⁹ 此外，国家与利益攸关方，如“进入农场”组织合作，在中央监狱建造了 12 个健康中心。⁷⁰ 另外，国家健康保险基金制定了一项方案，来改善监狱的卫生服务。坦桑尼亚桑给巴尔正在 Hanyegwa Mchana 建造一座监狱，以缓解拥挤问题，同时正在努力改善囚犯的生活条件。

儿童权利

59. 《拟议宪法》中有关于儿童权利的一项具体规定(第 53 条)，以保障儿童权利。国家还继续执行和遵守《儿童法》，制订了数套条例，涵盖该法规定的儿童保护的各个领域。⁷¹ 其他工作包括执行 5 岁以下和 6-18 岁的儿童出生登记举措，在试点地区免费提供出生证明。⁷²

60. 国家制定了关于性别和儿童事务组如何处理儿童案件的“指导方针”和“标准操作程序”，并在警察局和法院中编制了关于涉及儿童案件的培训手册。⁷³ 此外，162 名国家检察官接受了有关儿童法律及如何起诉儿童案件的培训。在坦桑尼亚大陆和坦桑尼亚桑给巴尔，都已通过了规范少年司法等问题的规则。⁷⁴ “桑给巴尔儿童法院规则”正处于通过前的最后阶段。

61. 2012 年《儿童法(雇佣童工)条例》GN 196 禁止雇用 14 岁以下的儿童，而且国家继续实施“消除童工现象国家行动计划(2009-2015 年)”。⁷⁵ 提高认识活动已普及至 35 个县，其中每个县平均有 25 名参与者出席，并了解了童工问题及

各自在“国家行动计划”中的作用。此外，“国家人权行动计划”的一项目标是实施处罚措施，以处理童工问题。⁷⁶

62. 在“消除童工现象国家行动计划(2009-2015年)”的背景下，国家为县级社会福利工作人员、警察、县社区发展工作人员、县劳工问题工作人员、县医疗人员、司法官员和各民间社会组织代表举办了有关消除最有害的童工形式的培训。⁷⁷ 国家与劳工组织和巴西政府合作，已培训了 35 名民间社会组织的工作人员和 190 名负责童工问题的地方当局工作人员。

63. 国家设立了“童工监测系统”，通过劳工组织的“向童工劳动亮红牌”活动，促使儿童脱离童工劳动。“童工监测系统”由国家、县和村一级的消除童工委委员会组成。⁷⁸ 国家还通过 PROSPER、⁷⁹ 计划国际组织和 WEKEZA⁸⁰ 支助的项目，开展工作确保采掘业杜绝童工。国家已与小规模采矿者协会合作以提高对童工问题影响及法律禁令的认识。该运动促使盖塔省的一些村庄通过了数项法规，禁止雇用儿童从事采矿和农业活动。

64. 坦桑尼亚桑给巴尔还继续有效执行“消除童工现象国家行动计划(2009-2015年)”。已设立一个多部门童工问题技术工作组和童工问题指导委员会，并加强了对童工问题的支助。桑给巴尔也制订并实施了具有同样目标的“准则”并通过“打击童工现象项目”使得 5,067 名儿童重返学校和宗教学校。⁸¹

65. 此外，劳工部以及贸易、旅游和市场部之间的部级合作一直在对工商企业进行规范，其中包括桑给巴尔投资和促进局颁布的条例，确保投资者遵守投资条例，并且每日进行劳动检查以评估儿童权利是否遭到侵犯。同样，旨在使 5,000 名儿童脱离童工劳动的“2012-2014 年童工方案”实现了超过 3,620 名的儿童脱离童工劳动。

国际/跨国侵害儿童罪行

66. 《第 21/2009 号儿童法》的第 83 条和第 14 号《网络犯罪法》(2015 年)的第 13 条禁止获取儿童色情制品。《刑事事项互助法》Cap 254 规定坦桑尼亚与外国在刑事事项上相互协助；为此类援助的提供和获得提供便利；并规定了相关事项。《引渡法》Cap 368 规定了罪犯引渡程序和相关事项。

67. 打击贩运人口问题工作队就防止贩运儿童问题对当地政府主管机构进行了培训，随后各主管机构在各自的村庄制订法规，防止贩运儿童。工作队还制作了关于防止贩运儿童和人口问题的提高认识材料。⁸² 在审查期间，在执行儿童保护制度强化方案的过程中，466 名从事儿童工作的专业人员⁸³ 接受了关于儿童保护的培训。

街头儿童

68. 国家制定的“2013-2017 最弱势儿童国家沿海行动计划二”于 2013 年 2 月启动。⁸⁴ “行动计划二”将生活和工作在街头的儿童归入坦桑尼亚最弱势儿童

的类别，并作为“行动计划二”的目标群体。设立了“儿童保护制度准则”，以推进“行动计划二”，已将儿童保护制度推广到坦桑尼亚大陆的 17 个县议会。

69. 国家制定了“2013 年立足社区的战略计划”以解决在街头生活和工作的儿童问题。通过该计划，国家已为街头儿童和其他弱势儿童建立了一个紧急情况短期和长期照料及保护联合机制。一项成果是国家和三个非政府组织 (KIWOHEDE、Dogodogo 和 MAKINI) 间的联合项目，以应对达累斯萨拉姆街头儿童状况的迫切需要。⁸⁵ 此外，于 2012 年发布了一份以达累斯萨拉姆地区为试点区域的《街头儿童快速评估调查报告》。⁸⁶

教育

70. 教育仍是政府的优先事项。《坦桑尼亚教育署法》Cap 412 得到修订，使得教育基金能够增加其收入来源，并成为可持续的基金。⁸⁷ 2014 年制定了新的“教育和培训政策”，而《教师教育委员会法案》和《中小学教育课程和管理局法案》正处于编制的不同阶段。此外，坦桑尼亚联合共和国总统指示，从 2016 年 1 月起，小学和中学教育将免费。

71. 2015/2016 年度，教育占国家预算的 24%，⁸⁸ 并且是各种发展议程中所体现的一个优先事项，如得到“立见成效”举措大力加强的“2025 年发展愿景”、“国家增长和减贫战略二”和“桑给巴尔增长和减贫战略二”等。⁸⁹ “立见成效”本身就是将教育作为关键优先事项的发展展望。该倡议开始于 2013/2014 财政年度，并已取得以下成果：在倡议的第一阶段，计划建造的 264 所学校中已建成 56 所。总体而言，入学率继续提高，国家继续加强教师的能力。⁹⁰

72. 在坦桑尼亚桑给巴尔，“2006 桑给巴尔教育政策”已被翻译为斯瓦希里语，并向私立和公立学校总计提供了 500 份政策文本。此外，小学课程已得到审查，以纳入新出现的全球性问题。作为减少教室过度拥挤状况和实现“桑给巴尔教育发展计划”所规定目标的一项努力，已修复和建造教室和学校，以降低学生/教室比例。⁹¹

73. 基础教育阶段受过培训的教师人数稳步增加，从 2001 年的 4,395 人增至 2013 年的 9,503 人，而未经培训的教师数量在逐渐减少，从 2001 年的 1,279 人降至 2013 年的 391 名。^{92 93} 小学入学人数继续上升，从 2013/2014 年度的 252,938 人增加至 2014/15 年度的 262,212 人。

卫生

74. 国家继续执行 2009 年第 1 号《公共卫生法》第 19 条，其中要求每位孕妇接种破伤风和其他传染病疫苗。该法还要求每位父母或监护人确保其出生在坦桑尼亚大陆的子女获得免疫。⁹⁴

75. 国家继续实施“2008-2015 年加快减少产妇和婴幼儿死亡行动计划”。其结果是，5 岁以下婴幼儿死亡率从 1999 年每千名活产儿中 147 人死亡降至 2013 年的 54 人死亡。2014 年 5 月 15 日，坦桑尼亚联合共和国总统启动了“2014/2020

年孕产妇战略计划”，旨在减少孕产妇死亡率。国家开展的其他工作包括在各乡共建设 9,997 处卫生设施，并在坦桑尼亚大陆的 16 个省和坦桑尼亚桑给巴尔的 2 个省开办了 64 个宫颈癌诊断中心。为这些中心购置了设备并对 213 名医务人员进行了设备使用培训。还举办了提高认识运动，鼓励妇女在医院分娩，因此在医院分娩的妇女比例已从 2013 年的 56.6% 升至 2014 年的 68.3%。

76. 坦桑尼亚桑给巴尔于 2013 年编写了“产后护理准则”，并于 2014 年编写了“促进性健康和生殖健康准则”。此外，已建立袋鼠式母婴护理单位，以护理早产婴儿，并扩展了 5 岁以下儿童的免疫方案。

言论/结社和集会自由

77. 2015 年《媒体业务法案》和 2015 年《获取信息法案》都已通过了一读，正在等待利益攸关方的意见。国家正在修订 2003 年“新闻和广播政策”，以使其符合信息部门的技术变化。国内有 16 份日报(其中 2 家为政府所有)、62 份周报、115 家广播电台和 29 家电视台。同样，截至 2014 年 3 月 17 日，登记在册的非政府组织共有 6,427 家。

78. 已修订了《政党法》，登记的政治党派数量继续增加，从 2005 年的 18 个增至 2015 年的 24 个。在宪法审查进程中的制宪大会由多个政党组成，《拟议宪法》规定设立政党登记处宪法办公室。此外，政府公共网站已投入使用，自 2007 年以来，共收到 117,243 份信函，政府已处理了其中 78,258 份与其具体相关的信函。⁹⁵

国际社会的援助

79. 本国在下列方案和举措中得到了国际社会财政和技术援助：“国家人权行动计划”；⁹⁶ 降低母婴死亡率项目；⁹⁷ 增加受教育机会方案；⁹⁸ 向人权机制报告和普遍定期审议报告。⁹⁹

80. 国际社会援助的其他现行发展方案包括：“农业部门发展方案”、“东非农业生产率方案”、“日本政策与人力资源发展方案”和“坦桑尼亚南部农业增长走廊方案”。

发展努力

81. 为继续努力实现“2015 年坦桑尼亚发展愿景”制定的各项发展目标，国家一直在利用社会经济战略和计划消除贫困，每年优先考虑具体的发展项目并提供预算来资助这些项目，反过来这些项目也提高了坦桑尼亚人的生活水平。¹⁰⁰ 国家继续执行“国家增长和减贫战略二”和“桑给巴尔增长和减贫战略二”发展议程中的活动，并致力于实现最近推出的“联合国可持续发展目标”。

82. 为加速发展，国家在 2013 年开始实施“立见成效”举措，该举措的宗旨是在具体时限内采用新的工作方法，从而实现所需的逐步改变。该举措侧重以下六个关键领域：能源和天然气、农业、水、教育、交通和资源调动。

粮食权

83. 为进一步发展农业，国家通过了新的“2013 年国家农业政策”，该政策承认、保护并促进粮食安全和营养。其中包含一些政策声明，倡导：国家粮食安全，通过生产、提供和利用足量优质粮食加强安全和营养。

84. 国家继续执行“2010 年国家灌溉政策”，该政策承认灌溉通过应对多变气候和食品不安全情况对提高生产率和产量至关重要。因此政策提倡以可持续的方式进行农业灌溉，以确保粮食安全和减贫。

获得适足、安全和清洁的饮用水

85. 国家继续执行得到“国家增长和减贫战略二”和“桑给巴尔增长和减贫战略二”加强的 2002 年“水政策”¹⁰¹，其目标是通过改善城市和农村地区获得安全饮用水及在家庭和公共场所获得卫生设施的情况，增加获得清洁和安全饮用水、实现环境卫生和个人卫生的机会。实现这一目标包括建造和恢复城市和农村地区的供水基础设施。¹⁰²

86. 坦桑尼亚桑给巴尔开展了城市和农村供水和卫生项目；一个旨在向温古贾岛和奔巴岛的农村地区提供安全和清洁饮用水，¹⁰³ 而另一个旨在建设基础设施，向石头城提供清洁和安全饮用水。¹⁰⁴ 此外，作为淡化和水处理项目的一部分，在 Michamvi 村建立了 RO 海水淡化厂，并在 Kijitoupele 地区建成了一个水处理厂(紫外线系统)。

与民间社会的合作

87. 国家继续与民间社会开展合作。民间社会是增进和保护人权报告中的重要利益攸关方，它们还参与了报告、结论意见和建议的编写、确认和传播。在传播普遍定期审议建议期间，民间社会参与了相关工作。

88. 普遍定期审议期间所提建议已纳入“国家人权行动计划”，该计划在执行过程中汇集所有人权利益相关方的努力。此外，“国家人权行动计划”的编写是一个有民间社会参与的协商进程，其中国家和民间社会都指定了执行和报告领域，民间社会还参与了监测和评价进程。此外，2011 年颁布的《公私伙伴关系法(2010 年)条例》使得国家能够在各种人权项目中与私营部门合作。

企业的社会责任

89. 坦桑尼亚致力于推广“企业社会责任”理念。2015 年的“天然气政策”、2015 年《石油法》及 2015 年《坦桑尼亚采掘业、透明度和问责法》规定，企业公司应开展企业社会责任活动。

90. 国家批准了劳工组织的一些公约，并通过其就业和劳动立法予以执行。¹⁰⁵ “国家人权行动计划”还力求处理人权与工商业相关的问题。¹⁰⁶

四. 成就

A. 联合共和国建立五十周年

91. 2014 年，国家庆祝坦桑尼亚大陆和坦桑尼亚桑给巴尔的联盟成立五十周年。

B. 和平选举

92. 2015 年 10 月 25 日国家和平进行了第 5 次多党制选举。

C. 担任领导和决策职位的妇女增多

93. 正如上文第 46 段所反映的那样，担任领导和决策职位的妇女人数显著增加。

D. 通过拟议宪法

94. 坦桑尼亚成功地完成了《宪法》审查进程，目前有一部《拟议宪法》有待全民投票通过。

E. 通过国家人权行动计划

95. 2013 年 12 月 10 日启动的“2013-2017 年国家人权行动计划”提供了在本国增进和保护人权的国家框架。

F. 2011 年第 4 号《司法机构行政法》的执行情况

96. 该法的执行实现了司法部门的司法工作和行政工作分离，从而提高了服务质量。

G. 2014 年“社会保障计划(养老金福利统一)规则”的生效

97. 2014 年“社会保障计划(养老金福利统一)规则”赋予了工人和雇员加入自己所选择的社会保障养老金计划的权利。

五. 挑战和限制

A. 腐败

98. 腐败是一项持续的挑战，影响到社会的所有领域，并妨碍着个人和国家的发展。本国致力于打击腐败，目前正在考虑设立一个高级法院书记官处/法院来处理重大腐败案件。

B. 土地纠纷

99. 农民和牧民之间的纠纷是一个全国性问题。国家已开始分别为农民和牧民确定和指定特别地区。

C. 洁净和安全的饮用水

100. 洁净和安全饮用水的获取是另一项挑战。作为解决方案之一，本国正在挖掘深水井。

D. 医疗护理的获取

101. 医疗部门面临各种挑战，国家下定决心要处理这个局面，方法包括增加医院数量并进行现代化，培训医务人员，并确保医院和药房库存充裕且价格低廉。

E. 增进和保护人权的经济限制

102. 预算限制对于提高认识活动，实施“国家人权行动计划”以及按时编写提交条约机构的国家人权报告构成了障碍。

六. 国家重要优先事项和承诺

1. 实施“2025 年国家发展愿景”和“国家增长和减贫战略”（“国家增长和减贫战略二”和“桑给巴尔增长和减贫战略二”）。
2. 巩固联合共和国。
3. 免费普及从幼儿园到中学的基础教育。政府已在所有政府学校取消学费，并正在规范私立学校的学费。
4. 作为善治国家议程的一部分，政府将反腐败措施视为优先事项。

5. 打击逃税并强化税收制度，以为发展项目供资并改善服务质量。与此同时减少政府开支。
6. 完成宪法审查进程的全民投票阶段。
7. 执行“国家人权行动计划”。
8. 建立一个提供法律援助和协调相关问题的框架。
9. 及时编写和提交缔约国报告。

七. 国家在能力建设方面的期望和对技术援助与支助的请求(如有)

103. 坦桑尼亚联合共和国政府请求在以下领域的技术支助和资金支持：

- (a) 人权问题培训和提高认识方案
- (b) 根据《公民权利和政治权利国际公约》、《残疾人权利公约》、《消除一切形式种族歧视国际公约》和《非洲人权和人民权利宪章》编写和提交人权报告；
- (c) 执行“国家人权行动计划”。

注

¹ The Resolution was adopted by the UN General Assembly on 15th March 2006 in accordance with the General Guidelines set out in Resolution 5/1 adopted by the Human Rights Council on 18 June 2007 and its follow up Resolution No. 17/119 adopted by the Human Rights Council at its 35th meeting, on 17 June 2011.

² A three day workshop was held from 1-3 September, 2015 to validate the Draft Report followed by a Five day Working Retreat for Officials from both Tanzania Mainland and Tanzania Zanzibar from 26-30th November, 2015 to finalise writing the Report.

³ In Tanzania Mainland male are 21,239,313 and 22,386,041 are female. While in Tanzania Zanzibar, male are 630,677 and female are 672,892. The results of the census have assisted the Government to effectively plan for the realization of economic, social, civil and political rights of the people.

⁴ The Constitutional Review Act, Cap 83 was enacted in April 2013 by the time of the adoption of the first National Report. The Constitutional Review Act provides for transparency and inclusion of the people at all stages of the Review Process. The Constitutional Review Commission and the people were given the opportunity to table their opinion to the Commission through various mechanisms such as public hearings, letters and by email. Further, The Constituent Assembly was composed of diverse groups reflecting and representing varied sections of the Tanzanian society such as persons with disabilities, women and religious groups. The Proposed Constitution was subject to rigorous debate and a voting process in the spirit of transparency and accountability during the Constituent Assembly and the outcome was the Proposed Constitution. The Proposed Constitution is quite progressive as the Bill of Rights contains the three generation of human rights.

⁵ Laws are currently enacted in both languages and those enacted previously in the English language are being translated from English to Swahili.

- ⁶ The budget of the Judiciary was increased from 36.6 billion shillings in the year 2006/7 to 87.6 billion in the year 2015/16.
- ⁷ The time frame and number of cases assigned commences from receiving the matter to its determination.
- ⁸ 2 Regional High Courts in Shinyanga and Kagera Regions, 2 District Courts and 12 Primary Courts were constructed by 2015. There is also ongoing construction of 9 Regional High Courts, 9 District Courts and 25 Primary Courts.
- ⁹ The National Human Rights Institution (NHRI) is the Commission for Human Rights and Good Governance (CHRAGG). It is an active member of the International Ombudsman Institute (IOI) and a member of the International Coordination Committee (ICC) of National Human Rights Institutions. It is as NHRI which complies with Paris Principles.
- ¹⁰ The number of complaints received by the Commission increased from 9,455 complaints in 2006 to 25,921 complaints in 2014. The electronic system of receiving complaints increased its capacity to deal with complaints as it handled 3,021 complaints in 2005 and 18,501 complaints in 2014.
- ¹¹ The harmonisation of social schemes provides workers with the right to join any social security pension scheme they wish.
- ¹² The Budget for purchase of medication and equipment increased from Tsh. 40.6 billion in 2005 to Tsh. 147 billion 2014. Health care, healthcare facilities have increased from 6,260 in 2010 to 7,014 in 2015 which is an increase of 754 facilities. The National Hospital has been capacitated by purchasing medical equipment including an MRI, CT-Scan, X-ray and Ultra-sound machines.
- ¹³ It addresses provision of treatment, care and support to women infected with HIV and their infants.
- ¹⁴ The review is aimed at enhancing access to justice before the Courts of law by expediting cases and reducing costs.
- ¹⁵ The objective of the Review is to come up with recommendations which will enable Tanzania to implement all International Instruments duly signed and ratified.
- ¹⁶ The purpose of the review is to identify all impediments that underlie access to justice and come up with plausible solutions to remove the impediments and enhance access to criminal justice.
- ¹⁷ The review among other things, aims to enhance human rights protection to the elderly and to consumers respectively in Tanzania.
- ¹⁸ The Report was considered in 2012.
- ¹⁹ The Report was considered in January 2015.
- ²⁰ The International Criminal Court.
- ²¹ For example Article 49(2) of the Convention provides that migrant workers should not be regarded as being in an irregular situation nor shall they lose their authorization of residence by mere fact of the termination of their remunerated activity prior to the expiration of their work permits or similar authorization. However section 20(2) of the Immigration Act [Cap 20 RE 2002] provides that a person who has been offered a specific employment in Tanzania and is granted a Class "B" Resident Permit, is permitted to enter and remain in Tanzania subject to the conditions prescribed by the Immigration Act. Also, Section 20(3) (a) and (b) provides that the presence of that person will be unlawful if he/she fails or ceases to be engaged in the employment specified in the permit or is engages on any terms in any employment other than the one specified in the permit. Further, Article 8(2) of the Convention provides for the right at any time to enter and remain in their State of Origin and Article 8(2) freedom to leave any State, including their State of Origin. This is in conflict with our laws as Section 15 of Cap 54 states that the conditions of entry and residence to foreigners shall be subject to the law. Also, Article 29 of the Convention provides the right to a child of a migrant to a Nationality. However, according to the Tanzania Citizenship Act [Cap 357 RE 2002] the citizenship rights of a child flows from the parents. If one parent is Tanzanian then he/she will be a Tanzanian.
- ²² Currently the Constitution of the United Republic of Tanzania, 1977 prohibits torture and remedies for victims of torture are available through the Basic Rights and Duties Enforcement Act, Cap 3 and the Commission for Human Rights and Good Governance.

- ²³ Victims can seek remedies of *habeus corpus* through the Criminal Procedure Act [Cap 20 RE 2002].
- ²⁴ The Action Plan was launched by Dr. Mohammed Gharib Bilal, then the Vice President of the United Republic of Tanzania as part of Human Rights Day celebrations.
- ²⁵ It incorporates civil, political, economic, social and cultural rights; groups with special needs; collective rights and issues of human rights and business; corporal social responsibility as well as strengthening institutional capacity.
- ²⁶ Training was held for 427 executive Directors and Heads of Departments from Municipal and District Councils in 21 Regions. 272 Link Officers from implementing Ministries and actors were trained on monitoring and evaluation of the Action Plan. Training sessions were held in 30 Regions.
- ²⁷ This is being coordinated by the President's Office-Good Governance Unit.
- ²⁸ Public servants involved in corrupt practices in Tanzania Mainland who had disciplinary measures against them from 2005-2015 are 61; the number of corruption cases filed before the Court of law are 887; convicted culprits 271; reported grand corruption cases 93 and money rescued is Tsh. 6,778,619,377.
- ²⁹ The objective of the awareness campaigns is to on the rights, responsibilities and obligations of individuals before the law especially in places which offer public services. Over the period 2011-2014, the PCCB carried out several community awareness activities that promote human rights. These involved employees in both private and public sectors, students and the general public. The activities include radio and television programs, seminars, public meetings, media programs, forming anti-corruption clubs and during exhibitions.
- ³⁰ The legislation was enacted in adherence to the Good Governance Policy adopted in 2011.
- ³¹ The authority is an independent an autonomous agency mandated to oversee education on Anti-corruption and prevention of corruption and economic crimes.
- ³² The purpose of this hotline is to give room to children who face violence to report. The service is free of charge. The number of calls made from July 2013–December 2013 total 7000; from January 2014–December 2014 total 13,802 and from January 2015 to July 2015 total 8,593. Therefore a Total Sum of 29,395 calls were made.
- ³³ In 2 municipal of the Mainland namely being Ilala District in Dar es Salaam (at Amana Hospital), and at the Hai District Hospital in Kilimanjaro Region.
- ³⁴ It outlines the list of activities to be carried out during the lifespan of the roadmap some of these activities include development of TV soaps and radio dramas as reported in our Convention on the Rights of the Child report.
- ³⁵ 5 Regions having 1 center and with 1 Region having 2 centers.
- ³⁶ Guidelines and Standard Operating Procedures (SOP's) in order to operationalise the Police Gender and Children's Desks have been developed. A three-year Action Plan (2013–2016) for six pilot regions has been established.
- ³⁷ A total of 335 health care staff in Tanzania Mainland Districts and 10 health staff in Tanzania Zanzibar were trained.
- ³⁸ 60 magistrates, 110 police officers and 111 prison officers.
- ³⁹ The Plan is for the period of 2016-2020.
- ⁴⁰ It was established in August, 2014 and 60 awareness programs on the eradication of violence against women have been conducted to date.
- ⁴¹ As per the requirements of the National Policy Guidelines for the Health Sector Prevention and Response to Gender Based Violence 2011 it is paramount to save lives first. In acute conditions like bleeding and rape survivors who need to obtain post exposure prophylaxis within 72 hours, they are provided with emergency services and contraceptive to prevent unexpected pregnancy within 120 hours from the assault.
- ⁴² The aim of establishing these groups is to make parents take their role and responsibility of parenting by imparting them with parenting skills.

- ⁴³ Section 131 of the Act provides for a sentence of not less than thirty years and corporal punishment. Section 131(3) provides that a person convicted for the offence of rape of a girl under the age of ten years shall be sentenced to life imprisonment.
- ⁴⁴ Section 126(1) of the Act provides a sentence of life imprisonment or a sentence of not more than thirty years.
- ⁴⁵ The State Party has, undertaken sensitization of rights holders and duty bearer through the media and community meetings, including training journalists and teacher and at school events; meeting with traditional leaders; capacity building for key duty beareres including Police Gender and Children's Desk training with specific modules on FGM; making elimination of FGM a priority and providing safe places for girls to stay during FGM performance periods. This service has been provided by Sisters of Charity Masanga Centre in Tarime, Mara Region in December 2013. Enhancement of the law enforcement strategy includes enhancement of skills in evidence collection and introduction of child friendly interview skills to law enforcers.
- ⁴⁶ Amongst the objective of the policy is to address the issues of violence against children including FGM strategies to curbing the practice.
- ⁴⁷ Over the review period, 120 school teachers were trained in Tarime District and 1,190 journalists from across the country have also been trained on reporting GBV including FGM as reported in the State Parties consolidated 3rd, 4th and 5th CRC Report.
- ⁴⁸ Article 66(1)(b) of the Constitution of the United Republic of Tanzania requires that women representation in the National Assembly should be not less than 30%. Article 67(1) of the Constitution of Zanzibar also requires that women representation in the House of Representatives should be 40%.
- ⁴⁹ Speech by His Excellency, Jakaya Mrisho Kikwete, the then President of the UTR, when he was dissolving the 10th Parliament of the United Republic of Tanzania, in July 2015.
- ⁵⁰ This Policy has a specific statement indicating the State's commitment to increase access to education, facilities and infrastructure for children with disabilities and those with "special needs", including children with albinism.
- ⁵¹ The overall goal of the Inclusive Education strategy 2012-2017 is to ensure that all children, youths and adults in Tanzania have equal access to quality education in inclusive settings. Moreover, the IE Strategy strives to achieve education policies and programmes that are informed by inclusive values and practices; teaching and learning respond to the diverse needs of learners; ensure educational support is available to all learners; professional capabilities for inclusive education are widened and strengthened; and community ownership of and participation in inclusive education is enhanced.
- ⁵² Its objectives include early intervention; Capacity building of teachers of pupils with special needs and Material support to enable these students to learn smoothly.
- ⁵³ These include the Child Survival and Development Policy of 2001 and the Zanzibar Education Policy of 2006. The latter provides that inclusive education shall be promoted to ensure that children with special needs (which include children with disabilities) get equal opportunities; barriers to learn are addressed and diverse range of learning needs are accommodated. Slow learners and highly gifted children shall be identified and given opportunities to learn at their own pace. Children with disabilities and others with special needs shall, to the greatest extent possible, be able to attend a local where they will receive quality education alongside their peer without disabilities/special needs.
- ⁵⁴ These have been established at various Government institutions and at Government Ministerial level in Tanzania Mainland and Tanzania Zanzibar. For instance, the Most Vulnerable children Committee within the Ministry of Health and Social welfare.
- ⁵⁵ It is celebrated on the 13 of June, each year.
- ⁵⁶ These are situated at Shinyanga- Buhangija, Kigoma- Kabanga and Misungwi.
- ⁵⁷ Mara, Shinyanga, Mwanza and Tabora.

- ⁵⁸ The establishment of a national advisory committee on anti-trafficking in the context of the Anti-Trafficking in Persons Act (2008) brings together relevant actors from Zanzibar and the Mainland. This enabled the implementation of objective No. 6 which related to child trafficking. In the wards there are committees responsible for monitoring issues of children including VAC and child trafficking. These committees are trained by IOM and the police to understand issues of trafficking and the steps need to be taken by different stakeholder including the families on how to eliminate the problem on one hand while being to capacitate families economically on the other.
- ⁵⁹ 40 Police Officers were trained between 2013 and 2014.
- ⁶⁰ The journalists trained were from Arusha, Dar es Salaam, Dodoma, Kigoma, Mwanza and Zanzibar.
- ⁶¹ For example, the Police Force and Auxiliary Service Act, CAP 322, The Police Force Service Regulations 1995 and Police General Orders provide. Part IV of the Regulations provides for disciplinary offences which include among others the ill treatment of suspects, discharging fire arms without orders and provides for the procedure of the disciplinary proceedings.
- ⁶² Also, 13 Officers, 2 inspectors and 54 Officers of different ranks had severe warnings issues against them.
- ⁶³ From January 2014 up to July 2015, total cumulative transfers to household beneficiaries were 984,121 families which amounted to Tsh. 87,580,246,745.
- ⁶⁴ Section 3(1)(a) provides that a person convicted of an offence punishable by imprisonment for a term not exceeding three years, with or without the option of a fine or (1)(b) imprisonment for a term exceeding three years but for which the Court determines a term of imprisonment for three years or less, with or without the option of a fine, to be appropriate, the Court may, subject to this Act, make a community service order requiring the offender to perform community service. Community service shall comprise unpaid public work within a community, for the benefit of that community, for a period to be fixed by the Court but not exceeding the term of imprisonment for which the court would have sentenced the offender.
- ⁶⁵ The amendments pertain to Section 4 and 6(3)(d) of the National Parole Board Act, [Cap. 400 RE. 2002].
- ⁶⁶ Presidential Amnesty is provided under Article 45 of the Constitution of the United Republic of Tanzania, 1977.
- ⁶⁷ The National Prosecution Services Act No. 27 of 2008 has established the Forum and Section 16 (4) of the Act calls for regular inspection visits of Prison, Police Cells and Remand Prisons with all actors involved in the administration of criminal justice.
- ⁶⁸ The implementation strategy of 2014 list objectives which require the Government to: ratify International Conventions on matters related to corrections; improve system for observance of Human Rights Standards in prisons; enhance professional correctional worker skills on fundamental Human Rights issues; ensure offenders live in safe, decent and under healthful custody; ensure adequate rehabilitation programmes and services to prisoners; strengthen use of non-custodial measures to reduce over congestion; improve provision of essential health care to staff and inmates; strengthen gender equity in the provision of opportunities in service; improve living and working conditions of prisons staff; improve working relationship between prison service and other stakeholders; improve legal framework for prison service for prison service; enhance good governance and dynamism in prison service; and reduce transmission of HIV in working place.
- ⁶⁹ At Kilwa, Mbarari, Kasungamil, Bukoba, Igunga, Musoma, Maswa, Segerea, Lindi, Sumbawanga and Korogwe Wazo-DSM, Iringa, Bukoba, Musoma, Babati, Ubena, Songea, Shinyanga, Singida, Kitai and MtegorwaSimba-Morogoro.
- ⁷⁰ Isanga, Ukonga, Arusha, Maweni-Tanga, Uyui, Keko, Segerea, Ruanda-Mbeya, Butimba-Mwanza, Lilungu-Mtwara, Lindi and Karanga-Kilimanjaro.

- ⁷¹ These include draft Regulations on Child Protection, draft Regulations on Children's Residential Homes, draft Regulations on Adoption, draft Regulations on Day Care Centers and draft Regulations for effective function of Children's Court that was established in 2013 in Tanzania Zanzibar. In Tanzania Mainland the Retention Homes Regulations (2012), Foster Care Placement Regulations (2012), Apprenticeship Regulations (2012), Child Employment Regulations (2012), Adoption of Children Regulations (2012), Approved School Regulations (2012), the Day Care Centers and Crèches Regulations (2014), Juvenile Court Rules (2014) and the Child Protection Regulations (2015) were enacted.
- ⁷² For example Temeke and Mbeya in 2013/2014 where a total number of 202,738 children were registered and in Mwanza in 2015 a total number of 82,734 children were registered up to September 2015. RITA has established the program of 6-18 birth registration initiatives whereas a total number of 17,996 children were registered from 2012 to September 2015. This registration was free. Also, awareness rising campaigns have been carried out in Mbeya and Mwanza Regions and more campaigns are planned to be expanded to cover other regions of Mara and Simiyu. RITA continues to educate Local leaders from the Village, Ward and District levels. The State has improved birth registration coverage, including allocation of implementation funds for the Under 5 birth registration and the 6-18 birth registration. Access to birth and registration is implemented through the under 5 National Birth Registration Strategy which is pioneered to increase, expand, and achieve national coverage in regions. In particular, a Memorandum of Understanding (MoU) between Local Government Authorities, Ministry of Health and Ministry of Constitutional and Legal Affairs has been signed to work together to enhance the registration process is in place.
- ⁷³ Notably, the training for professionals is an on-going process. A team of 24 TOT's from the Judiciary and 64 officers from the Police and NGOs working with the Police have been trained to replicate the training to Police and Court professionals. Training was also held for 7 Judges, 82 Magistrates, 41 Advocates, 80 Social Welfare Officers and 3 Instructors from the Institute of Judicial Administration. In addition, the Police and NGO trainers have trained 1,267 Police Officers working at the Gender and Children Desks.
- ⁷⁴ There is 1 of Juvenile Court with three Magistrates. 654 children in conflict with the law have been provided with legal assistance where as successive bail were 366 were granted bail. 288 children were acquitted and 144 children who are in conflict with the law were diverted from the formal justice system. There is also an approved school in Mbeya region. In Tanzania Zanzibar there is a Child Justice Reform Strategy 2013- 2018 which is aimed at among others things implementing the Children Act No. 6 of 2011. The Government has also development the children legal aid scheme whereas every child who cannot afford legal representation if afforded an advocate. Tanzania Zanzibar is also in the final stage of establishing the community rehabilitation program and specific officers who include social workers, police, and Magistrates are provided with specialized training.
- ⁷⁵ The State has adopted the National Action Plan for the Elimination of Child Labour (2009-2015). This plan strives to scale up the prevention of, and it provides responses to, the worst forms of child labour in the country. In this context, the worst forms of child labour constitute exploitation and gross violation of human rights for boys and girls, with detrimental physical, emotional and mental consequences to the child. The overall objective of the plan is to reduce the prevalence and incidents of child labour and worst forms of child labour at the household and community levels and in all sectors of the national economy both in rural and urban areas in the short run; and putting in place the requisite economic, social, policy and institutional foundations for elimination of all forms of child labour in longer term.
- ⁷⁶ The National Human Rights Action Plan also calls to extend micro-credit schemes and training to the rural and urban poor population to promote income-generating activities and discourage child labour.
- ⁷⁷ A total of 875 officers (25 in each districts in the Mainland) officers from 35 Districts out of 128 districts in the Mainland were covered in the training.

- ⁷⁸ At the National level it is under the Ministry responsible for Labour matters; at the District level there are Child Labour Elimination Committees under the leadership of the District Executive Office and Child Labour Sub-Committees at the village level are under the Village leadership. Other Government child labor monitoring systems include the National Bureau of Statistics, the Department of Social Welfare through the most vulnerable children data management system and TASAF.
- ⁷⁹ It has created a large impact at field level in 20 villages at Sikonge and Urambo Districts by reducing the adverse effects of child labor by providing school supplies, desks, tables and stationeries to 1800 children, 26 shallow wells in schools, and support interschool sports and games whereby a total of 3300 school children have been enrolled and participate in this competition. Through conditional loans catalyzed by PROSPER, mothers have been able to do business and meet education requirements of their children and other house hold requirements. In 2014, 1,530 women from vulnerable households were trained in business entrepreneurship out of which 984 received loans and 784 youth have been trained in good agricultural practice.
- ⁸⁰ The State's collaboration with Plan International and WEKEZA succeeded to prevent 3,016 children between the age of 5-13 from child labour and about 2,232 children were rescued from the child labour, provided with school facilities and were taken back in schools and technical school.
- ⁸¹ Among them 2079 were girls and 2988 were boys.
- ⁸² This included distribution of wall posters, flyers, banners, newsletters and sharing them with different stakeholders, service providers and public schools.
- ⁸³ These include Social Welfare Officers, Police Officers, Immigration Officers, Community Development Officers, Planning Officers, Teachers, Magistrates, Community Services Workers, and Child Care Workers.
- ⁸⁴ The goal of this plan is to establish an MVC response which is Government led and community-driven, that constitutes a multi-sectoral response and commitment which facilitates MVC access adequate care, support and protection and access to basic social services through increasingly mainstreamed and sustainable Government lead systems. The plan has four strategic objectives which are to: strengthen the capacity of household and communities to protect care and support MVC, increase access to effective gender responsive child protection services within a well-resourced child protection system that has the best interest of the child at its core, improve access and utilization of primary health care and education including early childhood care and development services and strengthen the coordination and leadership, policy and service delivery environment.
- ⁸⁵ The project targets the following categories of children: a child who is alone and at risk, lives, sleeps, works and eats on the streets without adult supervision and care; a child who is part- or fulltime on the street but goes "home" in the evenings; a child who is begging with their parents/other care on the streets; a child who has just arrived on the streets; a child who lives in poverty or is a victim of family breakdown and thus is at risk of migrating to the street; children living in the slums; and a child engaged in domestic work, brothels and other types of child labour.
- ⁸⁶ Other initiatives include: adoption of the regulations on foster care, children homes, adoption, retention homes, apprentices and child employment in 2014 and development of the guideline for Psychosocial Care and Support Services for Most Vulnerable Children and Youth in Tanzania in 2014. Further, in February 2014 SOS Children's Villages Tanzania launched the national "Care for Me" Campaign embedded with "quality care to every child". This campaign is a collaboration with the Division of Social Welfare at the Ministry of Health.
- ⁸⁷ The Legislation was amended through the Written Laws (Miscellaneous Amendments) Act, No. 3/2013.
- ⁸⁸ Sourced from the Minister of Education Budget Speech 2015/2016.
- ⁸⁹ Cluster II of MKUKUTA-II and MKUKUZA II) establish the target for improving education standards.
- ⁹⁰ A total of 12,476 teachers out of which 8,400 are science and mathematics teachers, this contributed to 9.4 percent increase in performance in science subjects. 4,074 teachers who teach the compulsory general subjects (mathematics, biology, English and Kiswahili) had capacity building training and as a result the performance of ordinary level students had from 23.4 percent from 2012 to 2013.

- ⁹¹ In the year 2014/2015 construction of about 125 classes was completed and rehabilitation of 59 classes was also completed.
- ⁹² The number of female trained and untrained teachers outnumbers male teachers. Also the capacity of 350 teachers from Unguja and Pemba in 2014/2015 was increased.
- ⁹³ Sourced from the Zanaibar Minister of Education and Vocational Training Budget Speech 2015/2016. In respect of Zanzibar, the State Party has established three Gender and Children Desks in three regions: at the Madema Police Station in the Urban West Region (Unguja); at the Mwera Police Station in the South Region (Unguja); and at Chakechake Police Station in Pemba. Currently, the State Party is working to establish another Gender and Children Desk at the Mahonda Police Station in the North Region (Unguja).
- ⁹⁴ Immunisation is against polio, tuberculosis, diphtheria, pertussis, tetanus, measles, hepatitis ‘‘B’’ and any other immunizable diseases.
- ⁹⁵ www.mwananchi.go.tz
- ⁹⁶ The UN System in Tanzania.
- ⁹⁷ The Ministry of Health and Social Welfare in implementing its support to Maternal Mortality Reduction Project by seeking assistance from the African Development Bank (ADB) for projects in Mtwara, Mara and Tabora.
- ⁹⁸ Increasing cooperation between MOEVT and development partners in education sector, where promotion of primary education has been supported by grants and loans from the following international donors, these include: SIDA, UNICEF, UNESCO, GPE, OPEQ Fund, CDC, WHO, CARE International, JICA, MDM, Imperial College of Science and Technology from UK, Milele Zanzibar Foundation, BADEA, ADB and USAID.
- ⁹⁹ The One-UN System through the Office of the Regional Coordinator funded the second consultative workshop on the preparation of the National UPR Report as well as the final workshop made of a small team to finalise the Report and ensure it is in compliance with the guidelines. ICESCR.
- ¹⁰⁰ This is through the President’s Office-Planning Commission.
- ¹⁰¹ This provides for sustainable management and adequate operation and transparency regulation of water supply and sanitation services, and provides for the establishment of water supply, sanitation authorities and community owned water supply organizations, as well as for the appointment of service providers.
- ¹⁰² Water supply is being improved in Dar-es-salaam and water projects have been completed in 8 Regions, 6 Districts and 2 townships. There are ongoing projects in 13 Regions and 27 Districts and small towns. Implementation of these projects has increased the availability of water in both rural and urban areas; from 73% in 2005 to 86% in 2014 in urban areas and an increase from 53% in 2005 to 67.6% in 2014 in rural areas. The State continues to improve water services through rehabilitation of infrastructure and covering electricity charges for the operation of national water projects in 7 Regions. Further, on 15th May, 2015 a water laboratory in Mwanza was awarded certificate of accreditation by the Southern African Development Community Accreditation Services (SADCSS).
- ¹⁰³ It also aims at constructing toilets and provides safe and clean water to schools.
- ¹⁰⁴ This initiative aims to drill 10 boreholes, and renovate 30 boreholes as well as to construct toilets and provide clean water for washing hands and provide a clean environment in schools. There is also a project to build 50 boreholes by Ras-al Khaymah and to date 44 boreholes have been constructed.
- ¹⁰⁵ The Employment and Labour Relations Act No. 6 of 2004 and the Labour Institutions Act No. 7 of 2004 in Tanzania Mainland and the Labour Relations Act No. 1 of 2005 and the Employment Act No. 11 of 2005 in Tanzania Zanzibar.
- ¹⁰⁶ Human Rights and Business as an emerging human rights issue is considered in Chapter 4-2.4.2 of the National Human Rights Action Plan.