

**UNIVERSAL PERIODIC REVIEW THEMATIC REPORT**

**SUBMISSION OF CSOs JOINT REPORT ON IMPLEMENTATION OF CIVIL RIGHTS BY THE GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA**

**UNIVERSAL PERIODIC REVIEW MECHANISM APRIL 2016**

**REVIEW OF THE UNITED REPUBLIC OF TANZANIA  
UPR 25<sup>TH</sup> APRIL 2015**

## BACKGROUND INFORMATION METHODOLOGY AND CONSULTATION

- i. This report is a result of a joint efforts done by the nine (8) reputable CSOs working in Tanzania on issues of civil rights notably; Tanzania Council for Social Development (TACOSODE), SIKIKA, HAKI ELIMU, Tanzania Education Network (TENMET), Legal and Human Rights Centre (LHRC), Benjamin Mkapa AIDS Foundation (BMAF), Children Education Society (CHESO,) and Stay Awake Network Activities (SANA)
- ii. The thematic groups where configured during the joint UPR meeting convened by the Tanzania Human Rights Defenders (THRDs) at the beginning of June this year at Blue Perl Hotel, Dar es Salaam where about eighty (80) CSOs participated.
- iii. During this very gathering ten (10) thematic groups where formulated basic on thematic areas. Among the group formed is this one that is submitting its report on basic social rights namely: water, health, education and social security.
- iv. The thematic group was again divided into sub-thematic groups depending on the area of expertise. There was a group for water, health, education and social security. Each sub-group was tasked to make a follow-up to the proper ministry, government institutions etc.
- v. Generally speaking most of the recommendations that the government of the united republic of Tanzania committed itself to implement are partially done. In most of the case the government has adopted strategies, national policy, guidelines, laws, circulars to indicate that something has been done. However, efforts should be harnessed to make sure that recommendations are completely done.

## RECOMMENDATIONS

### POVERTY REDUCTION

1. According to TACOSODE, Tanzania has made some notable efforts in combating rampant economic and socio poverty. Some of the notable efforts harnessed include<sup>1</sup>: adoption of National Poverty Eradication Strategy (NPES) aiming at poverty eradication through 2010, Vision 2025 striving at putting in place economic and socio development by 2025, Tanzania Assistance Strategy (TAS), a medium term national strategy of economic and social development, encompassing joint efforts of Government and the international commitments. Millennium Development Goals (MDGs), especially goal one, which strives at eradication of extreme poverty and hunger. These strategies resulted in tremendous economic growth from 7.0% in 2011 to 7.3 in 2014.
2. The government of the United Republic of Tanzania should make sure that it adopts some strategies that will make change of the economy that reflects the

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<sup>1</sup> <https://www.imf.org/external/NP/prsp/2000/tza/02/100100.pdf>  
accessed on September 19,2015

living standard of the common people. The Gross Domestic Product per capita in Tanzania was last recorded at 600.66 US dollars in 2014<sup>2</sup>

#### RIGHT TO EDUCATION

3. According to HAKI ELIMU, TENMET&CHESO -civil servants and security officers have been attending a number of trainings on human rights. Though these trainings are usually convened by CSOs. Primary and secondary schools curricula have civics subject which among other things it contains issues pertaining to socio-political rights.
4. We urge the government to incorporate human rights issues in the primary and secondary school curricula. There should be a specific subject on human rights rather than teaching human rights as a by the way subject. Also we urge the government to include a compulsory course on human rights in colleges and universities curricula.
5. **Quality of education-** Tanzania has recorded rapid expansion in both primary and secondary education in the past ten years. Tremendous expansion has been made on access to education at all levels. There is high students' enrolment in primary and secondary schools. However, the rapid expansion of education in terms of access has brought many challenges that adversely affect the quality of education. Some of these challenges include overcrowding in classroom, shortage of teaching and learning materials such as books, shortage of learning infrastructures and shortage of teachers. As a result, the quality of education in both primary and secondary education is deteriorating
6. **Recommendation-** The government should continue to prioritize education sector in the national budget by allocating more development funds to address education challenges, The government should establish an independent school inspectorate body with adequate budget for effective schools' inspection, the government should pay all teachers' areas and provide incentives to restore the teachers' dignity and enhance teaching morale.
7. **Education financing-** Following the abolition of school fees for primary schools in 2002, the government of Tanzania introduced the Primary Education Development Programme (PEDP) as an alternative source of income for schools and improves the quality of education by making real resources available at school level. Particularly, the capitation grants were meant to finance the purchase of textbooks and other learning materials, repairs, cover schools' administrative costs and examinations expenses. Under PEDP, each primary school pupil was to be provided with ten thousand Tanzanian shilling (Tshs 10,000/=).
8. The capitation grant has facilitated higher enrolment rates and helped reduce an acute shortage of teaching and learning materials in schools. Although capitation grants were meant to improve the quality of education in schools, actual capitation grants disbursements are less than the actual amount in the budget. There is dwindling of capitation grants in schools and even the little

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<sup>2</sup> <http://www.tradingeconomics.com/tanzania/gdp-per-capita> accessed on 20th September 2015

money that is reaching schools is not timely disbursed. For example, up to the end of the third quarter of the 2014/2015 fiscal year, an average of Tsh. 865 only, which is 9 percent, had reached schools out of Tsh 10,000.

9. **Primary schools**-Although the government has committed to provide capitation grants to pre-primary pupils, the same has not been materialized. As a result, pre primary education is given in very poor learning environments. Some study under trees, others in poor structures with acute shortage of learning materials.
10. **Recommendations**-The government should review the amount of capitation grants to be disbursed to schools biennially in order to take into account the erosion of the value of the shilling and provide adequate funds to cover. In terms of practice, the government should disburse full amount as allocated in the budget in a timely manners for proper planning and implementations
11. **Quality of teaching**-The Tanzania Ministry of Education and Vocation Training has currently shifted the teacher training colleges, which used to be under National Examination Council to National Council for Technical Education where by Colleges will be granted autonomy of examining their teachers. The anticipated danger is on private colleges that will use that chance to pass as many teachers as possible to make their colleges popular.
12. From the adopted 2014 education policy the emphasis for grade one to two pupils among others is on Reading Writing and Arithmetic. Only public school teachers are receiving in -service trainings to suit to the changes.
13. **Recommendations**- The government should think on how the colleges will operate but under a very close supervision with NACTE. The government should offer training to all teachers or ask the private school owners to organize trainings for their teachers.
14. **Equality in education**- Equity is cited as one of the major challenges facing educational development. It is taken to refer the disadvantaged groups including the rural poor, street and working children as well as gender imbalance. Women in Africa have very limited access to educational opportunities. For the past decade, there has been tremendous expansion in enrolments in both primary and secondary schools. This expansion got underway in 2002 with the abolition of school fees in primary schools and the inception of the Primary Education Development Programme. Girls' access to education has improved and ultimately reduced the gender gap in both primary and secondary schools.
15. Despite improvement in gender balance in schools, Tanzania still has legislations that hinders the realization of girls education. The Law of Marriage Act, 1971 (CAP. 29 RE: 2002), provides inter alia that a girl child of 14 years can enter into marriage upon the approval of the court of law and 15 years upon parents or guardians approval. This law bars the right to education to girl children.

16. Children with disability- although the government is implementing the inclusive education strategy, children with disabilities still face challenges in their learning. Many learning infrastructures and facilities are not friendly to this group and there is also acute shortage of learning materials and teachers as well.
17. **Recommendations-** The government should amend the Law of Marriage Act, 1971 to strike out section 13 which allows early marriages. The government should promulgate and strengthen the implementation of the re-entry policy to reinstate girl students after giving birth. The government should make efforts to improve learning infrastructures for children with disabilities and provide adequate leaning materials.
18. **Students attendance-** In order to ensure quality education for all, schools must provide welcoming environment for boys and girls, which is free of the threat of violence. Article 18 of the Convention on the Rights of a Child (CRC) that Tanzania has ratified, recognizes the right of a child to education. Article 28 (2) states that “State parties shall take all appropriate measures to ensure that school discipline is administered in consistency with a child human dignity and in conformity with the present convention”. Section 13 of the Law of the Child Act, 2009 also provides for child’s protection against torture and degrading treatment.
19. Despite international and national instruments that provide child protection against inhuman and degrading treatment, corporal punishment is still lawful in schools in mainland Tanzania pursuant to section 60 of the National Education Act, 1978. The Law of the Child Act does not explicitly prohibit corporal punishment in schools.
20. We recommend that Tanzania abolish corporal punishment in all settings, including the home, schools and institutions.

## HEALTH RIGHTS

21. According to SIKIKA, SANA and BMAF- The government has made some notable efforts in reducing maternal and child mortality rate. The government in collaboration with other partners has improved services and hence reducing maternal mortality rate from 450/100,000(2010) to 432/100,000 and child mortality rate 81/1000 to 54/1000.
22. Strengthened health systems e.g. training of HRC on MNC service, budget analysis and transparency, research, policy advocacy, awareness creation and media advocacy campaigns.
23. Despite efforts by the government public health facilities have continued to experience a chronic shortage of shortage of essential medicines, medical

supplies and equipment<sup>3</sup>. This is mainly caused by failure of the government to allocate and disburse sufficient funds<sup>4</sup> to cover the needs. In the fiscal year 2011/12, the estimated financing need for essential medicines was TZS 188 billion; because domestic and foreign financing summed up to only TZS 79 billion, there was a financing gap of TZS 109 billion. By 2013/14, the financing need for essential medicines had grown to TZS 251 billion. In the meantime, foreign financing fell by TZS 44 billion, and domestic financing increased by only TZS 11 billion. This development caused the financing gap to increase to TZS 205 billion or 82%.

24. There is also huge shortage of health workers contributing to limited access to quality health services. Health workers also feel significantly overburdened and not valued which has led to grievances<sup>5</sup>. The Human Resource for Health Profile 2012 established that there are about 65,000 health workers in Tanzania; thus the health work density amounts to about 13.5 per 10,000 populations. This amount is 66% short of the International Labour Organization's estimated threshold of 41.1 health workers per 10,000 populations, which it considers necessary to provide universal health coverage.<sup>6</sup> According to the SARA 2012, about 6% of the (sampled) health workforce are medical doctors (counting part-time medical personnel as a 0.5-person-equivalent); 32% are categorized as non-physician clinical staff, 48% as nurses, and 14% as midwives. The large majority of health workers (69%) practices in urban areas, where only 30% of the population live. Only 6% of all generalist medical doctors practice in rural areas. As a consequence, rural citizens need to travel large distances if the available health workers – usually non-physician clinicians, nurses or midwives – are not sufficiently qualified to provide the required treatment.
25. **Recommendations-** Overall the government needs to set a funding target to the sector with a progressive plan on how to achieve the target. The government needs to ensure increased financial allocation as well as timely and full disbursement of allocated funds. On a more immediate basis the Government should adhere to the 2001 Abuja Declaration that was signed and ratified to allocate 15% of its budget to health sector (The government has been allocating only 10% of its annual budget).
26. The government needs to deliver on its plan of increasing healthcare workers, but it also needs to do more to ensure that the available healthcare workers (including new entrants) are equitably distributed to redress the current rural urban imbalance which is impacting on access to quality health service to the majority of poor citizens.
27. The government needs to ensure that essential commodities are fully funded and their budget ring fenced to ensure that they are not diverted to other areas.

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3 Ifakara Health Institute, (I.) and Ministry of Health and Social Welfare, (M.) (2013) Tanzania Service Availability and Readiness Assessment(sara) 2012. Project Report. Ifakara Health Institute.

4 <http://www.thecitizen.co.tz/News/Major-challenges-facing-the-Medical-Stores-Department--MSD-/-/1840392/1939502/-/gax1ayz/-/index.html>

5 Moral and Ethical Dilemma during Medical Doctors' Strike in Tanzania in 2012(SIKIKA policy brief)

6 International Labour Organization 2014, p. 6.

Note that the Ministry of Health and Social Welfare's own estimate of the human resource for health gap is about 64% using the (draft) 2013 staffing norm.

Compare Ministry of Health and Social Welfare 2013, p. 29.