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**National report submitted in accordance with paragraph 15  
(a) of the annex to Human Rights Council resolution 5/1\***

**United Republic of Tanzania**

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## **I. Methodology and consultation process**

1. The present National Report has been prepared in accordance with the provisions of paragraph 5 (e) of Resolution 60/251 adopted by the UN General Assembly on 15<sup>th</sup> March 2006<sup>1</sup> and in accordance with the General Guidelines set out in Resolution 5/1 adopted by the Human Rights Council on 18 June 2007. The Report covers the geographical area of the United Republic of Tanzania.

2. In drafting the Report, the Government<sup>2</sup> organized a Training Programme on Universal Periodic Review mechanism to familiarize the relevant stakeholders with the concept. A draft Action Plan for the preparation of the Report with matrix were prepared, circulated, discussed and validated by stakeholders and thematic areas were suggested for inclusion in the Report. The Government with the support of the United Nations under the one UN system, held several consultative workshops for purposes of gathering information on the situation of human rights for inclusion in the National Report. Participants were drawn from the Government Institutions, Civil Society organizations and the National Human Rights Commission. The final Draft of the Report was validated by a cross section of all the relevant stakeholders. The UPR process was publicized in order to raise awareness and ensure public participation in the country. Press releases were issued in both English and Swahili languages. UPR programmes were broadcast on the national Television stations in order to invite contributions and inform the public about the process.

## **II. Background of the country**

### **A. Geographical position and population**

3. Tanzania is a United Republic comprised of Tanzania Mainland and Zanzibar<sup>3</sup>. Its geographical location is in East Africa between longitude 29° and 41° East and Latitude 10° and 12° South. The population<sup>4</sup> of Tanzania was estimated at 41,915,799 in 2009, of which 50.8 percent were females, while 49.2 percent were males.

### **B. Political system**

4. The political and governance structure of the United Republic of Tanzania is composed of the Union Government and the Revolutionary Government of Zanzibar, which has autonomy over non union matters in Zanzibar.<sup>5</sup> Since re-introduction of multi-party democracy in 1992, Tanzania has had 4 competitive multiparty general elections, the last of which, were held in October 2010. The Government of the United Republic of Tanzania is constituted by the President who is the head of state and Government, Vice President, the Prime Minister and Ministers. Zanzibar has a President, two Vice Presidents and an independent Cabinet that looks into non union matters affecting the Isle<sup>6</sup>. There are also Members of Parliament<sup>7</sup> and House of Representatives<sup>8</sup> who are elected by direct popular vote or nominated to serve for a five year term.<sup>9</sup> Parliamentary elections are conducted simultaneously with presidential elections. Tanzania has a system of Local Government Administration.<sup>10</sup>

### **C. Economy**

5. Tanzania's economy is based primarily on agriculture<sup>11</sup>. The GDP grew by 6.0 percent in 2009 compared to 7.4 percent in 2008. The slowdown in growth for 2009 was

attributed to the impact of the Global Financial Crisis as well as the 2008/09 drought which affected agricultural production, hydro power generation as well as industrial production; all of which have a significant share in total GDP.

### **III. Normative (legal) and institutional framework for the promotion and protection of human rights in Tanzania**

#### **A. Normative framework**

##### **1. The Constitution of the United Republic of Tanzania, 1977**

6. This is the primary source of law for the United Republic of Tanzania. It is applicable to both parts of the union in as far as union matters are concerned. Significant amendments have been incorporated into the 1977 Constitution, reflecting the socio-political transformation of Tanzanian society among which were the inclusion of the Bill of Rights in 1984 and the introduction of multi-party system in 1992. The Bill of Rights incorporates the fundamental freedoms and human rights as provided for in Chapter one part three of the Constitution<sup>12</sup>. The Constitution also imposes duties and obligations on every individual to respect the rights of others and society. Article 30 provides for the enforcement of fundamental rights in courts. The Constitution contains directive principles of State policy that are intended to guide the Executive, Legislature and Judiciary in developing and implementing national policies; in making and enacting laws as far as progressive realization of economic, social and cultural rights are concerned. Recently, the Government has tabled a Bill in Parliament proposing for a Constitutional Review Commission for coordinating a review process.

##### **2. The Constitution of Zanzibar of 1984**

7. This is a primary source of law for non union matters in Zanzibar. Chapter three provides for the Bill of Rights which is in *pari materia* with the one provided in the Union Constitution. Section 80A of the Constitution provides that provisions contained in the Bill of Rights cannot be amended without referendum. Section 25 A of the same provides for a procedure for enforcement of the basic rights and duties in Zanzibar.

8. Apart from the legal framework provided under the two Constitutions, there are other laws specifically aimed at protecting human rights Annexure on National Law<sup>13</sup>. The national normative framework in which human rights are protected consists also of the ratified international human rights instruments by Tanzania. These include; the Covenant on Civil and Political Rights 1966, Covenant on Economic, Social and Cultural rights 1966, Convention on the Elimination of All Forms of Racial Discrimination 1965, Convention on the Elimination of All Forms of Discrimination against Women 1985, Convention on the Rights of the Child, 1990 and its two Optional Protocols and the Convention on the Rights of the People with Disabilities, 2007 and its Optional Protocol. Applicable international humanitarian law include; the Four Geneva Conventions of 1949<sup>14</sup>, the two 1977 Optional protocols<sup>15</sup> and the Optional protocol to the CRC on Involvement of children in armed conflict.

#### **B. Scope of international obligations identified in the basis of review in resolution 5/1 annex section 1A**

9. Tanzania follows a dualistic system in which provisions of international human rights treaties require a legislative process for purposes of domestication. Indeed these have

been incorporated through various pieces of legislation and policies as shown in paragraph 3.1. Similarly, Courts in Tanzania have in appropriate cases given judicial notice to international instruments which Tanzania has ratified or acceded to even though these have not been reduced into domestic legislation<sup>16</sup>.

## **C. Institutional framework for the protection of human rights**

### **1. The executive**

10. The Government through Ministries, Departments and Agencies, is responsible for implementing the national laws, policies, strategies and programmes for the protection and Promotion of human rights.

### **2. The legislature**

11. Legislative authority is exercised by parliament, which plays a cardinal role in guaranteeing Human rights in the country. It seeks to establish a legal framework conducive to human rights protection by enacting laws and supervising government actions. It also ratifies all the treaties signed by the government<sup>17</sup>. Similarly in Zanzibar, there is a House of Representatives that deliberate on Non Union matters.

### **3. The judiciary**

12. Article 107B of the Constitution provides for an independent judiciary<sup>18</sup> with an authority and responsibility to administer justice in the country.<sup>19</sup> Its primary function is to dispense justice without fear or favour. Under Article 30 (4), the High Court is empowered to adjudicate cases on enforcement of the fundamental rights and duties. Thus in protecting and promoting the rights, the Judiciary has adjudicated on a number of cases dealing with various rights such as the right to equality before the law, non discrimination.<sup>20</sup> For the case of Zanzibar, the Constitution of Zanzibar provides for the same provisions.

### **4. The Commission for Human Rights and Good Governance**

13. The Commission for Human Rights and Good Governance<sup>21</sup> is an independent government department, established as the national focal point institution for the promotion and protection of human rights and duties as well as good governance in the United Republic of Tanzania.<sup>22</sup> Since its establishment, it has dealt with 27,434 complaints out of which, 25,975 are on maladministration issues. It has also dealt with a number of enquiries and provided advice to the Government and education to the public on diverse human rights issues. Through prisons visits it has contributed to the improvement of prisons conditions in Tanzania.<sup>23</sup>

### **5. Law Reform Commission of Tanzania**

14. The Law Reform Commission of Tanzania<sup>24</sup> is charged with several statutory responsibilities of keeping all the laws of the United Republic of Tanzania under review with a view to their systematic development and reform. It has researched, reviewed and prepared a number of Reports on Human rights related aspects.<sup>25</sup>

### **6. The National Electoral Commission**

15. The independent National Electoral Commission was established by Article 74 (1) of the Constitution. Its tasks and responsibilities are to organize and supervise elections, compile, manage and maintain the electoral register. It also promotes civic education for citizens in electoral matters. The Commission provides for the conducive environment for citizens to exercise their right to participate in public affairs including the right to vote. The

Commission has conducted four general elections since the reintroduction of multi party democracy, the most recent one conducted in October 2010. In Zanzibar, the Zanzibar Electoral Commission was established pursuant to article 119(1) of the Constitution of Zanzibar. It discharges the same functions as those done by the NEC.

#### **7. Non-State actors**

16. The Government has provided a conducive environment for non state actors to complement the work of the Government by promoting human rights through various activities. There are 4,566 registered NGOs<sup>26</sup> which conduct and disseminate public awareness programmes, monitor and publicise human rights violations, conduct strategic litigation and provide legal aid in various cases<sup>27</sup>.

### **IV. Implementation of international human rights obligations in Tanzania, promotion and protection of human rights on the ground**

#### **A. Right to life**

17. Right to life is provided under Article 14 and Section 13 of the Constitutions respectively. Tanzania still maintains death penalty in capital offences<sup>28</sup> which is applied in the most restrictive manner. Procedure for establishing the guilt of an accused is stringent and thorough enough to ensure due process is duly observed.<sup>29</sup> Once a death sentence is issued and confirmed by the Court of Appeal, the President directs the Advisory Committee on the Prerogative of Mercy<sup>30</sup> to advise on the propriety of carrying out the death sentence.<sup>31</sup> The Committee considers the views of relatives of both the victim and convict, including the convict's own submission to the committee. The President directs the sentencing Court to issue him a written report on the case. This mechanism, to a larger extent mitigates against the carrying out of the death sentence.<sup>32</sup> For the last 16 years Tanzania has been exercising a moratorium on executions. Research shows that public opinion is still divided on the appropriateness of the death penalty as majority of the people are retentionists. The Law Reform Commission of Tanzania finalised its last report on the death penalty. The Government is studying the report with a view to pronouncing its position on the matter.

#### **B. The right to equality and non discrimination**

18. Both Constitutions<sup>33</sup> guarantee equality of all people to the enjoyment of human rights and expressly prohibits discrimination on the basis of Gender, disability, nationality, tribe, place of origin, political opinion, colour, religion, sex, station in life or other status. The principle of non discrimination is reflected in various legislation, Policies and programmes.<sup>34</sup> Achievements in this area include; the increase of women judges in Tanzania Mainland and Zanzibar. Currently, there are 5 women judges out of 15 in the Court of Appeal, 26 women Judges out of 61 Judges of the High Court and 2 women Judges out of 7 in the High Court of Zanzibar. This trend features also in other decision making positions. For the first time, a female Speaker has been elected by the National Assembly. The Ministry of Community Development Gender and Children is carrying out a Gender Parity strategy which is aimed at increasing the number of women in public leadership positions.

### **C. Rights of persons with disabilities**

19. Tanzania ratified the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2009. Persons with disabilities constitute approximately 9% of the population.<sup>35</sup> The fundamental rights and freedoms contained in the Constitution are applicable to everyone in Tanzania including persons with disabilities. In 2004 a National Disability Policy with a focus on engagement of persons with disabilities in productive work was adopted. The Persons with Disabilities Act of 2010 makes provisions for the rights of persons with disabilities and other related matters.<sup>36</sup> The Act also provides for the provisions for the establishment of the National Disability Advisory Council.

20. The Government has continued to implement the National Action Plan on Care Services, Training and Protection for Vulnerable Children. In 2009, vulnerable children were identified in 85 Local Authority Councils compared to 81 in 2008. A total of 746,183 children were identified up to 2009, of which 388,015 were boys and 358,168 were girls. A total of 390 people with disabilities completed vocational and entrepreneurship training program in government colleges in 2009 compared to 305 people in 2008.<sup>37</sup> Similarly, in Zanzibar a Disability Policy was adopted in 2004, recognising disability as a human rights issue and in 2006 “The Persons with Disabilities (Rights and Privileges) Act no. 9 of 2006” was approved.<sup>38</sup> The Plan of Action for the African Decade of Persons with Disabilities 1999-2009, recently extended to 2019, has been signed by Tanzania. There is a National Disability Mainstreaming Strategy for the implementation of the African Decade that has been developed in 2011.

### **D. Rights of the child**

21. The Government has ratified the CRC and its two Optional Protocols. In 2009 the Parliament enacted the Law of the Child Act for purposes of domesticating the CRC. The Act consolidates all the laws relating to children, promotion and protection of the welfare of a child. Children’s rights are proclaimed in various Policies such as the Child Development Policy, Health Policy and the Employment Policy. Moreover, UNICEF is working with the Government to strengthen child protection systems in order to reduce violence against children in Tanzania. It has supported, training programmes for Police officers who manage the children gender desks. This has resulted into swift handling of cases as the police have become more sensitive towards children issues. NGOs also work closely in outreach programmes such as awareness raising and legal aid. The Government is also implementing the Legal Sector Reform Programme which addresses issues related to juvenile justice. In Zanzibar, the Bill on the Rights of the Child has already been passed by the House of Representatives and awaits Presidential assent.

### **E. The right to work and the right to social security and economic benefits**

22. Tanzania has ratified the core ILO Conventions. The Government has enacted the Employment and Labour Relations Act and the Labour Institutions Act of 2004 in order to provide for a conducive environment for workers to enjoy their labour and social rights. These two legislation have to a greater extent domesticated the ILO Conventions. Both labour Relations Acts for Tanzania Mainland and Zanzibar provide for mechanisms for dispute resolution related to labour issues. Moreover, both the National Employment policy in Tanzania Mainland and Zanzibar are aimed at improving labour conditions and respect for labour rights. Although unemployment<sup>39</sup> remains high the Government has continued its facilitative role of ensuring that people enjoy the right to work.<sup>40</sup>

### **Social Security and Economic benefits**

23. Social security is provided under the Constitution of the United Republic of Tanzania<sup>41</sup> and the National Social Security Policy of 2003<sup>42</sup> and there are a number of Social Security institutions.<sup>43</sup> Furthermore, the Social Security (Regulatory Authority) Act 2008<sup>44</sup> provides for rights of employees to benefit from their contributions during their employment.<sup>45</sup> With regard to economic benefits, the Government has approved the second generation National Strategy for Growth and Reduction of Poverty in Tanzania Mainland and Zanzibar 2010–2015. The right to economic benefits has been provided for by both Constitutions<sup>46</sup> Tanzania encourages self employment and the formation of development groups.

## **F. The right to health**

24. The Government has taken initiatives in providing health services. In 2008, the Mental Health Act was enacted for purposes of providing for the care, protection, treatment and management of the persons with mental disorders. It also enacted the Public Health Act of 2009 in order to promote, preserve and maintain public health. The Government in collaboration with various stakeholders has continued to implement Primary Health Care Service Development Programme. Efforts are directed towards reducing maternal and child mortality. Health facilities increased to 6,385 in 2009 compared to 5,901 facility centres in 2008, equivalent to an increase of 7.6 percent. Out of these, Government owned 292 hospitals, 431 health centres and 3,526 dispensaries while parastatals owned 15 hospitals, 41 health centres and 189 dispensaries. Private and charity organizations owned 163 hospitals, 265 health facilities and 1,477 dispensaries.

### **1. Malaria**

25. According to the President's Malaria Initiative, there are an estimated 60,000 annual malaria deaths in Tanzania, with 80 percent of those being children under 5. Moreover, 14 to 18 million clinical malaria cases are reported to public health authorities in Tanzania each year. The Government is committed to eliminating malaria by 2015. It has undertaken to distribute over 49 million mosquito nets to malaria prone regions of Tanzania including the most densely populated urban areas. The government will also begin using DDT insecticide to spray mosquito breeding grounds to help eliminate the disease. The Government in collaboration with USAID is revising national guidelines for malaria treatment during pregnancy and strengthening health services for pregnant women. The under five catch-up campaign aimed at distributing 7.2 million mosquito nets country wide, had helped to accelerate the decline in infant deaths from malaria.<sup>47</sup>

### **2. HIV/AIDS**

26. The current national prevalence for HIV AIDS is 5.7.<sup>48</sup> A total of 7.3 million people attended HIV testing and counseling, a total of 5000 VCT counselors were trained for the year 2010/11 and a total of 41 billion Tanzanian Shillings was allocated for ARVs and other related treatments. The Clinton Health Access Initiative has also been instrumental in collaborating with the government to strengthen health systems and expand access to HIV/AIDS care and treatment services.

## **G. The right to adequate standard of living**

27. The Government is committed to ensure that people in the country realize their right to adequate standard of living:

**1. The right to housing**

28. The Government visions high quality livelihood by 2025. The National Human Settlement Policy of 2000 has an objective of ensuring that land is available for shelter and human settlement development to the community. Both the National Housing Cooperation and the National Housing Building Research Agency<sup>49</sup> construct houses and sells them to individuals at affordable prices.<sup>50</sup> UN-HABITAT in Tanzania is involved in “Financing Affordable Housing for low income women groups as a pilot program.”<sup>51</sup>

**2. Food and food security**

29. Tanzania is a party to various International Conventions and Treaties on environmental protection which have a direct link to Food Security<sup>52</sup>. The Government has enacted the Food Security Act of 1991 which has established a Food Security Department for purposes of overseeing the strategic grain reserve<sup>53</sup>. In Zanzibar, the Food Security legislation awaits Presidential assent. The Government has resorted to accelerate agricultural transformation through KILIMO KWANZA (Green Revolution) initiative which was launched on the 3<sup>rd</sup> of August 2009. It comprises a holistic set of policy instruments and strategic interventions towards addressing the various sectoral challenges and taking advantage of the numerous opportunities to modernize and commercialize agriculture in Tanzania.<sup>54</sup> Zanzibar has a similar programme called Agricultural Transformation of 2010–2020.<sup>55</sup> Furthermore, the Zanzibar National Export Strategy 2009–2015 intends to increase exports in the area of agriculture, manufacturing and Tourism.

**3. Clean and Safe drinking water**

30. Tanzania has a National Water Policy of 2002<sup>56</sup> which aims at ensuring that the beneficiaries are consulted and participate fully in the planning, construction, operation, maintenance and management of community based domestic water supply schemes. There are further strategies to ensure access to clean and safe drinking water by 2025<sup>57</sup>. The Government has also put in place laws to ensure effective and sustainable management of water resources.<sup>58</sup> In Zanzibar, the Zanzibar Water Authority<sup>59</sup> has been established by the Zanzibar Water Authority Act, 2006 for purposes of ensuring availability of safe water to all.

**H. The right to a clean and healthy environment**

31. The Government of Tanzania realised the danger facing natural resources<sup>60</sup> by taking appropriate measures ranging from policy, legal framework and institutional arrangements conforming to socio-political and economic system.<sup>61</sup> This right has been guaranteed under various legislation.<sup>62</sup> The Environmental Management Act 2004 and the Zanzibar Environmental Management for Sustainable Development Act No. 02 of 1996 provide for a right to clean and healthy environment and establishes the National Environmental Council and National Protected Areas Board respectively whose primary role is to protect the environment. In 2004 a survey<sup>63</sup> was conducted to determine water sources in nine basins in Tanzania. 12,357 water sources were identified. Out of those 8,480 related to wells, 2771 related to rivers, 776 to springs, and 301 to dams. 688 areas of the potential ground water sources in all nine basins were examined to drill boreholes. 3,569 water samples were laboratory tested and 94% of the samples proved of good quality for human consumption. Samples of industrial clearing plants and sewerage systems were also collected and laboratory tested and 95% of the samples were proven to be good and environmentally friendly. Further to that, 573,513 villagers were trained and sensitized on the importance of maintaining a clean and healthy environment and the building of 599 pit latrines.



## **I. The right to culture**

32. Tanzania is a multi-cultural state with over 120 ethnic groups. The Ministry of Information and Culture has a specific department dealing with cultural issues. It has adopted a Cultural Policy of 1997 which forms the basis for cultural development in the Country.<sup>64</sup> Other efforts include the adoption of the Culture Development Master Plan,<sup>65</sup> Tanzania Development Vision 2025 and the Poverty Alleviation Strategy which aim at discouraging customs and traditions that are unfriendly to gender equality and women empowerment, improving arts and language services and applying cultural advancement in alleviation of poverty.<sup>66</sup>

## **J. Freedom from torture, cruel, in-human or degrading treatment and punishment**

33. This right is guaranteed in both Constitutions.<sup>67</sup> Furthermore, the Criminal Procedure Acts<sup>68</sup> provide for a procedure for investigation and any confession extracted by threats, torture or promises will not be credible before a court of law. It has also been made mandatory for all law enforcement officers during training and during promotion to take a module in Human Rights which they are required to pass before graduation.<sup>69</sup> The Prison Services Department has taken drastic steps including setting a policy of humane detention and treatment of those in its custody. Several NGOs work closely with law enforcement agencies to protect this right.

## **K. Freedom of expression and the right to participate in public affairs**

### **1. Freedom of opinion and expression**

34. This right is protected under Article and Section 18 of the respective Constitutions. The Broadcasting Services Act, 1993 was enacted to regulate the media. The Media Council of Tanzania safeguards Media practitioner's rights.

### **2. The right to participate in public affairs**

35. This right is provided under both Constitutions and elaborated further through the National Elections Act,<sup>70</sup> the Local Government (Elections) Act,<sup>71</sup> the Zanzibar Election Act of 1984 supplemented by Zanzibar Municipal Council Act<sup>72</sup> and the District and Town Councils Act.<sup>73</sup> The Constitutional amendments<sup>74</sup> have increased the threshold of special seats for women from 20% to not less than 30% in the National Assembly and increased the percentage of women members of the House of Representatives from 30% to 40%.<sup>75</sup> Currently there is a total number of 350 members of parliament, out of which 126 (36%) are women.

### **3. National elections**

36. Tanzania held the fourth multiparty General Elections on 31<sup>st</sup> October 2010. General elections are held every five years to elect both the Presidents of the United Republic and the President of Zanzibar, Members of Parliament, Members of the House of Representatives and Councilors.<sup>76</sup> According to national and international observers' reports, the general elections were free and fair.

## **L. Human trafficking, slavery, servitude and forced labour**

### **1. Human trafficking**

37. The Government has undertaken several initiatives to combat this problem. These include the enactment of the Anti-Trafficking in Persons Act,<sup>77</sup> the Tanzania Passport and Travelling Documents Act,<sup>78</sup> and the Penal Acts which have criminalized Human Trafficking. Other measures include awareness campaigns, formation of a national task force which involves stakeholders from the Government and Civil Society to combat the problem and the establishment of the Anti-trafficking Unit within the Ministry of Home Affairs to curb the problem in the Country.<sup>79</sup>

### **2. Slavery, servitude and forced labour**

38. In Tanzania, slavery, servitude and forced labour are prohibited and highly penalized under the Penal Code and Zanzibar Penal Act.<sup>80</sup>

### **3. Forced labour**

39. Under the Penal Code and the Penal Act any person who compels another to forced labour is guilty of a misdemeanor. The Employment and Labour Relations Act and the Zanzibar Employment Act prohibit forced labour. Several administrative measures have been put in place to combat forced labour. They include inspections conducted by labour officers.

## **M. Access to justice**

40. The Government is currently undertaking Legal Reforms in the entire Legal Sector through the Legal Sector Reform Program and access to justice is one of the components<sup>81</sup>. This Program stimulated the enactment of the National Prosecution Services Act as well as the establishment of the Law School of Tanzania. Recently there has been increased number of Courts, Judges, Magistrates and State Attorneys. There are also Case Flow Management Committees to speed up adjudication of criminal cases, Civilianisation of Prosecution and introduction of Alternative Dispute Resolution system to expedite civil cases. The Government has established a Legal Aid Unit within the Ministry of Justice and Constitutional Affairs to coordinate legal aid activities. Legal representation is available in all capital offence cases.<sup>82</sup> The Non Governmental Organization Act, No. 24 of 2002 has enabled Non Governmental Organizations to complement the role of the Government to promote access to justice with focus on providing legal services for the poor and vulnerable groups.

## **N. Rule of law and administration of justice**

41. The Constitutions provide for the independence of the Judiciary. They state that the Judiciary shall be independent and dispense justice without fear or favor.<sup>83</sup> This is further ensured by guaranteeing security of tenure of Judges. Furthermore, the Penal Code and Penal Act provide for offences relating to the maladministration of Justice<sup>84</sup>.

## **O. The right to education**

42. A fundamental objective and principle of State policy is the recognition of the right to education.<sup>85</sup> The National Education Act of 1978 and the Zanzibar Education Act, 1982 provide for compulsory primary education for every child who has reached seven years.<sup>86</sup>

The Education Sector Development Program 2000-2015 aims at providing compulsory primary and secondary education to everyone by 2015. Tanzania has succeeded by more than 95 per cent in attaining this goal through the Millennium Development Goals Program.<sup>87</sup>

## **P. The right to liberty**

43. Article 15(1) and (2) of the Constitution of the United Republic of Tanzania and Section 14 of Zanzibar Constitution provides that every person has the right to freedom and to live as a free person and that no person shall be arrested, imprisoned, confined, detained, deported or otherwise deprived of his freedom.<sup>88</sup> The Immigration Act, 1995 provides for circumstances where the Right to Liberty may be deprived lawfully<sup>89</sup> and the Penal Code and Penal Act penalize instances where a person's liberty is or has the potential to be jeopardized such as kidnapping, unlawful detention and unlawful confinement.

## **Q. Minorities and indigenous people's rights**

44. The position of the Government is that there are special groups, which need special protection within the country and the Government has taken various measures to provide political, social and cultural amenities to such groups. The question of the promotion and protection of minorities and indigenous peoples rights was raised during the consideration of Tanzania's 4th Periodic Report on the International Convention on Civil and Political Rights whereby the Government was urged to carry out a study.<sup>90</sup> Currently, the Government is working on the Recommendation.

## **R. Anti-terrorism measures**

45. In its efforts to address terrorism the Government has taken legislative measures and enacted the Prevention of Terrorism Act, No. 21 of 2002, the Anti Money Laundering Act No. 12 of 2006, and Proceeds of Crimes Acts<sup>91</sup> which criminalize terrorism and financing of terrorism activities. The Government is in the process of building institutional capacity to combat terrorism as the Anti Money Laundering Act created the recently established Financial Intelligence Unit which among other things receives, analyses and disseminates reports on financing of terrorist activities.

## **S. Freedom of movement**

### **Refugees and asylum seekers**

46. Tanzania continues to provide sanctuary to refugees<sup>92</sup> with the majority coming from Burundi, the Democratic Republic of Congo, Somalia and other nationalities such as Ethiopia, Madagascar, Kenya, Uganda, Zimbabwe, Comoro, Rwanda and Eritrea. Due to her proximity to the conflict zone of the Great Lakes Region, Tanzania has been susceptible to major refugees' influxes for more than four (4) decades now. Tanzania has ratified both Regional and International instruments<sup>93</sup> governing refugees and asylum seekers and has incorporated them in the Refugees Act.<sup>94</sup>

47. In promoting and protecting their rights, the Government ensures provision of basic relief services in collaboration with UNHCR, other UN agencies and International humanitarian organizations. The Government also recognizes the right to documentation, protection against deportation and forcible return as obliged by the 1951 Geneva Convention<sup>95</sup> and the country's Refugees Act.<sup>96</sup> From 2002 to December 2010 the

Government successfully repatriated 417,171 Burundians and 66,640 Congolese refugees home in safety and dignity. About 84,518 refugees repatriated spontaneously on their own to their countries of origin in the same period.

## **T. Freedom of thought, religion and belief**

48. Every person in Tanzania has a right to exercise his or her faith including the freedom to change his religion.<sup>97</sup> The legal framework in the country does not penalize or discriminate against any individual on the basis of religious belief or practices. The Government does not interfere with the peaceful gathering of religious groups. It respects this right in practice, subject to administrative measures that are necessary to ensure public order, safety and tranquility. There are 852 registered religious societies.<sup>98</sup> The dominant religions are Christianity and Islam. There are smaller religious groups and sects such as Hinduism, Buddhism, Bahai and Atheists.

## **U. Freedom of assembly and association**

49. This right is provided under Article and Section 20 of both Constitutions. Individuals are free to associate, assemble and form voluntary organizations and Trade Unions. Currently, there are 21 registered trade unions in Tanzania Mainland and 14 in Zanzibar.<sup>99</sup> Freedom of assembly is further provided for under the Political Parties Act Cap 258 [R.E 2002]. Currently, there are 18 Political Parties in Tanzania with permanent registration and 6266 Registered Societies.

## **V. Voluntary commitments made by Tanzania in the promotion and protection of human rights**

50. There are number of commitments made by the Government. These include:

- (a) Submission of periodic reports to various treaty bodies.<sup>100</sup>
- (b) Implementation of the Millennium Development Goals and Government development Strategies.<sup>101</sup>
- (c) Promotion of Democracy, Good Governance and Rule of Law.
- (d) Maintenance of peace, order, tranquility and stability in the country.
- (e) Considering ratification of unratified human rights instruments subject to evaluations done by the government.
- (f) Enhance conducive environment for civil societies to work in the promotion and protection of human rights.
- (g) Continue to conduct broad based consultations in the process of preparing human rights reports.

## **VI. Cooperation with human rights mechanisms**

51. Tanzania prioritizes the promotion and protection of Human Rights as enshrined in the United Nations Charter.

- (a) Tanzania has signed and ratified the core international and regional Human Rights instruments.

(b) Tanzania has been submitting periodic Human Rights reports to various treaty bodies and shall continue to do so in a timely manner.

(c) Tanzania welcomes and cooperates with the special procedures of the UN Human Rights system and in 2008 invited the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous wastes on the enjoyment of Human Rights. Tanzania welcomed the visit of Madame Pillay, High Commissioner for the Human Rights in March, 2011 who had discussion with his Excellency the President.

(d) Tanzania hosts the African Court on Human and Peoples' Rights and the International Criminal Tribunal for Rwanda.

(e) Tanzania cooperates with United Nations Agencies within the framework of One United Nations.

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

### **A. Achievements**

52. Tanzania received a United Nations award for meeting the millennium development goal on universal primary education five years ahead of the 2015 deadline.

53. From 2005 to 2010, the Government of Tanzania has facilitated the resettlement of more than 13,743 refugees of various nationalities who were relocated to third countries of asylum.

54. Tanzania hosts the United Nations International Tribunal for Rwanda and the African Court on Human and Peoples Rights.

55. Abrogation of corporal punishment in Zanzibar.

56. The establishment of the Government of National Unity of Zanzibar has greatly reduced political tension and maintained peace and security.

57. Tanzania has domesticated the CRC by enacting the Right of the Child Act.

58. The number of women seats in the House of Representatives has increased from 20 % to not less than 30% in Parliament of the United Republic of Tanzania and from 30% to 40% in Zanzibar

### **B. Best practices**

59. The Government of Tanzania has granted citizenship to 162,156 refugees from Burundi in June 2010 and 1,423 refugees from Somalia.

60. The creation of the national strategy for Anti-money laundering and combating of terrorist financing from July 2010–June 2013

61. President Kikwete and former President Karume have established Economic Empowerment Funds to boost availability of credits to the poor who remain alienated from the formal banking services.<sup>102</sup>

62. The Government initiated the Property and Business Formalisation Program. It is tailored to the disadvantaged and will assist the poor majority who own property to get property rights to be used within the formal sector as security for loans and other capital formation schemes.<sup>103</sup>

63. The Government respects the democratic process and holds National Elections every Five years in accordance with the law and each election has resulted in the smooth transition of leadership.

### **C. Challenges**

64. Since 2007 until January 2011, fifty four (54) incidents of killings of persons with Albinism have been reported in Tanzania. The Government has taken rigorous measures to stop such killings such as the formation of Albino Task Force, the suspension by the Government of all licenses of traditional healers in 2008, public awareness campaigns and fast tracking of investigation and prosecution of criminal cases.<sup>104</sup> These measures have contributed to minimizing the killings of persons with albinism.

65. Elderly women with red eyes are being killed on belief of having engaged in witchcraft notably in the North-western Regions. The Government is undertaking sensitization and awareness campaigns to communities where such incidences occur and the public at large.

66. Despite measures taken by the Government, Gender Based Violence and Violence against Children persists. Currently there is the Sexual Offences Act, which addresses sexual forms of violence and the Penal Code which provides for the offences of assault and battery in relation to domestic violence. Another contributing factor is the customary practice of FGM.<sup>105</sup> The Government is implementing a National Plan of Action on Violence against women which include FGM. Other measures include: awareness campaigns such as the “Say No to Violence” campaign launched by the President of the United Republic of Tanzania, establishment of Gender desks at the police stations,<sup>106</sup> formation of a National Multi Sectoral Committee on Violence against Women and establishment of the National Gender Based Violence Committee in Zanzibar.

67. Tanzania has made little progress in the area of maternal and child mortality. Reports indicates that maternal mortality has significantly decreased from 578 deaths per 100,000 live births<sup>107</sup> and child mortality has decreased from a rate of 137 deaths per 1000 live births to 81 deaths per 1000 live births for children under five and from 88 to 51 deaths per 1000 live births for infants.

68. Street Children is a growing prevalence in Tanzania due to poverty, deficient education, insecurity and lack of basic needs, psychological and parental care.

69. Despite achievements recorded in the education sector, overcrowding in classrooms, inadequate facilities, insufficient number of skilled teachers in both Tanzania Mainland and Zanzibar and school dropouts in the early years continue to add to the already existing problem of illiteracy.

70. Child Labour is one of the most serious challenges facing children in Tanzania. This is most prevalent in domestic services as well as agricultural and mining sectors. The Government has taken initiatives in order to combat this problem. These include; legislative and policy measures, awareness campaigns and implementation of the 2025 Time Bound Programme on the elimination of child labour which established the Labour Committees at both District and Regional levels. Factors hindering the implementation of these initiatives include poverty, lack of education and awareness on employment laws.

71. Lack of sufficient public awareness on human rights especially in rural areas.

72. The Government has instilled various legislative, policy and institutional measures for preventing and combating corruption. These include the enactment of the Prevention and Combating of Corruption Act of 2007,<sup>108</sup> the establishment of the Prevention and Combating of Corruption Bureau, adoption of National Anti Corruption strategies 2006–

2020 and the strengthening of the Controller and Auditor General Office. Despite these achievements, corruption continues to be a major challenge for the realization of human rights in Tanzania.

73. The frequent influx of refugees and asylum seekers has made Tanzania susceptible to various external and internal security problems.<sup>109</sup> These include criminal activities like murder, armed robbery, illegal possessions of arms and ammunitions as well as environmental degradation which pose a costly responsibility to the country.<sup>110</sup>

74. There are Inadequate Correctional Facilities for Children with only one Juvenile Court which is in the Capital City (Dar es Salaam) with 5 Remand Homes all over the country that are incapable of accommodating all the children who are in conflict with the law. Detention facilities for children are in a few selected regions and have small capacities

75. Climate change, environmental degradation and problems such as desertification, deforestation, over fishing, inefficient use of water and industrial emissions cause climate change and depletion of the ozone layer. These have had a negative impact on the environment, food security and agriculture.

76. Inadequate funds to finance programmes, projects for the promotion and protection of human rights.

## **VIII. Key national priorities, initiatives and commitments for improving human rights situation on the ground**

77. The Government is finalizing a draft of the National Human Rights Plan of Action for the promotion and protection of Human Rights.

78. The Government has tabled a Bill in Parliament proposing for the establishment of a Constitutional Review Commission for coordinating the review process for making a new Constitution.

79. In spearheading agriculture to guarantee food and food security as one of the poverty reduction strategies, the Government has initiated Green Revolution and Agriculture Transformation.

80. Domestication of the International Treaty on the Plant Genetic Resource for Food and Agriculture

81. Reducing the problem of overcrowding and congestion of inmates in prisons through rehabilitation of prisoners, renovation of old Prison facilities, building of modern prisons, application of community services sentence, frequent sitting of the parole Boards and speeding up trial of cases.

82. Increasing the number of students in higher learning institutions, the number of teachers for primary, secondary and advanced level of schools, constructing more laboratories for schools to enhance the teaching of science subjects.

83. Enhance teaching of human rights as a subject in schools, colleges and higher learning institutions and in collaboration with the Commission of Human Rights and Good Governance and other non state actors propagate Human Rights awareness to the public through media, seminars and workshops.

## IX. Expectations of Tanzania in terms of capacity building and request for technical assistance

84. The Government is in need of capacity building in the following areas; Human rights experts for enhancing human rights education, Gender based violence, Accommodation for victims of human-trafficking especially at the Country entry points, dissemination of human rights instruments and UPR recommendations and translation of the same into simplified user friendly versions, strengthening of the Financial Intelligence Unit, and the war against trafficking of illicit drugs.

### Notes

- <sup>1</sup> Concerning the establishment of the Human Rights Council.
- <sup>2</sup> Through the Offices of the Attorneys General in Tanzania Mainland and Zanzibar.
- <sup>3</sup> Tanzania Mainland and Zanzibar have areas of 945,200 and 2,332 square kilometers.
- <sup>4</sup> According to the Economic Survey of 2009, Tanzania Mainland and Zanzibar had population estimates of 40,683,294 and 1,232,505 respectively. Population distribution of 2009 showed that 74.3 percent of the total population live in rural areas, while 10,772,360 people live in urban areas.
- <sup>5</sup> According to Article 4 of the Constitution of the United Republic of Tanzania, the political structure of Tanzania is divided into the Executive, the legislature and the Judiciary. Zanzibar has also a separate Executive, House of Representatives and Judiciary which operate harmoniously in the Union structure, established under the 1977 Union Constitution of Tanzania and the 1984 Zanzibar Constitution.
- <sup>6</sup> The First Vice President is from the Opposition and Cabinet Ministers include members from the opposition Party.
- <sup>7</sup> For the Union Parliament.
- <sup>8</sup> For the case of Zanzibar.
- <sup>9</sup> The President nominates 10 individuals as non elected members to be part of the Parliament and House of Representatives. Currently there are 350 Members of Parliament and 81 members of the House of Representatives. There are also special parliamentary seats for women as provided for in the Constitution.
- <sup>10</sup> Currently there are 30 Regions in Tanzania and 105 Districts.
- <sup>11</sup> Other sectors include mining and tourism.
- <sup>12</sup> They include the right to equality and non discrimination, right to life, right to personal freedom, right to privacy and personal security, right to freedom of movement, freedom of expression, freedom of conscience, right to freedom of religion, right to freedom of association and assembly, right to just remuneration and right own property.
- <sup>13</sup> Relevant legislation in this regard is as follows:
  - a) **The Basic Rights and Duties Enforcement Act Cap 4**, which provides for the procedure for enforcing the basic Rights and duties contained in the constitution.
  - b) **The Commission for Human Rights and Good Governance Act**, which provides for the procedure for filing complaints on human rights violations before the Commission for human rights and Good Governance.
  - c) **The Law of the child Act no 21** provides for the protection of the Rights of the child.
  - d) **The Anti Trafficking in Persons Act no 6 of 2008** – provides for protection of personal liberty for victims of trafficking.
  - e) **The NGOs Act no 24** and the **Society Act no 6 of Zanzibar** provide for the freedom of association and regulatory framework for the registration and operation of NGOs in both Tanzania Mainland and Zanzibar.
  - f) **The Employment and Labour Relations Act no 6 Cap 366** Domesticates the ILO Conventions. Others are Zanzibar Employment Act no 11 of 2005, the Occupational safety and Health Act no 8 of 2005 and the Labour Institutions Act no 6 of 2004 for Mainland.
  - g) **The Criminal Procedure Code** provides for procedures for access to criminal justice.
  - h) **The Refugees Act** provides for the rights and duties of refugees.



- i) Persons with Disabilities Acts for Tanzania Mainland and Zanzibar.
- <sup>14</sup> which were acceded to in 1962, the First Geneva Convention for the Amelioration of the condition of the wounded and sick in armed forces in the field, 1949, the Second Geneva Convention for the amelioration of the condition of the wounded, sick and shipwrecked members of armed forces at sea, 1949, the Third Geneva Convention relative to the treatment of Prisoners of war, 1949 and the Fourth Geneva Convention relative to the protection of civilian persons in Time of war, 1949. These have been domesticated through the following legislation; The Constitution of Tanzania, The National Defence Act, The Tanganyika Red Cross Society Act, 1962, The Antiquities Act, 1964, Armaments Control Act, 1991, Arms and Ammunitions Act 2001, Criminal Procedure Act, 1985 and Penal Code Cap 16.
- <sup>15</sup> These were acceded to in 1983 and they include Protocol I (1977) relating to the protection of victims of International armed conflicts and Protocol II relating to the protection of victims of Non International Armed Conflicts.
- <sup>16</sup> In the case of **Transport Equipment and Another Vs DP Vambhia Civil Application no 19/1993 CAT**, the Court of Appeal of Tanzania relied on the provisions of the ICCPR to interpret the obligations of Tanzania under Article 15 of the Constitution which provides for the right to personal freedom the court held that:  
**“the fact that an International Convention to which Tanzania is a party is not incorporated into Tanzanian law does not absolve the government of its duty to adhere to its undertakings in the agreement.”**
- <sup>17</sup> See Article 63 of the Constitution.
- <sup>18</sup> The Judiciary in Tanzania has four tiers: The Court of Appeal of the United Republic of Tanzania, the High Courts for Mainland and Zanzibar, Magistrates Courts, which are at two levels, i.e. the Resident Magistrate Courts and the District Court, both of which have concurrent jurisdiction. Primary Courts are the lowest in the judicial hierarchy.
- <sup>19</sup> Article 107A (1) and 107B.
- <sup>20</sup> Civil Cause No 77 of 2006, The Legal and Human Rights Centre & Others vs. The Attorney General, HC.  
 Civil Appeal No 64 of 2002, Julius Ishengoma Francis Ndyababo vs The Attorney General, CAT.
- <sup>21</sup> It became operational on the 1st July 2001 after the coming into force of the Commission for Human Rights and Good Governance Act No 7 of 2001 and Government Notice No. 311 of 8th June 2001.
- <sup>22</sup> See Article 129(1) of the Constitution of the United Republic of Tanzania of 1977.
- <sup>23</sup> See section 6(1) of the CHRAGG Act.
- <sup>24</sup> This was established vide the Law Reform Commission Act of 1980.
- <sup>25</sup> These include; Report on the Law relating to children in Tanzania, Report on criminal law as a vehicle for the protection of the right to personal integrity, dignity and liberty of women, Report relating to Persons with disability of 2009, Report on Laws relating to corporal Punishment, Long sentences and death Penalty, Report on Law Relating to sexual Offences Special Provisions Act of 2009, Report on Laws Relating to Succession and Inheritances of 1995 and The report on the Law of Marriage Act. 1995.
- <sup>26</sup> Data from the Registrar of NGOs as of May, 2011.
- <sup>27</sup> The media is the vehicle for the promotion of freedom of opinion and expression through its various programmes. Trade unions, focus on defending the social rights of workers. The political parties, of which there are 18 engage in political activities, and promote the exercise of the right to associate, to vote and participate in public affairs.
- <sup>28</sup> These are murder, treason and entering Zanzibar with intent to organize a counter revolution.
- <sup>29</sup> The applicable rules of evidence and principles established by courts in this area, the procedure which includes trial by assessors, coupled with the fact that these offences are triable in the High Court presided by a judge, are sufficient safeguards against a wrong verdict. In addition the Court of Appeal which is the supreme court of the land is well placed to correct any mistake that could have been committed by the High Court.
- <sup>30</sup> Formed under the Presidential Affairs Act Cap 9.
- <sup>31</sup> Legal provisions regarding appeals or reviews governing death sentences and their application in practice are provided for under the Appellate Jurisdiction Act Cap 141 and the Court of Appeal Rules, 1979.
- <sup>32</sup> In such cases which attract capital punishment, the Government provides free services of legal

counsel to those people who cannot afford them.

- <sup>33</sup> See Article 12 and section 13 for Tanzania Mainland and Zanzibar.
- <sup>34</sup> See the Labour Relations Act no 6 Of 2004 and Employment Act of 2005 of Zanzibar, The Prevention of HIV and AIDS Act of 2008 ,The Land Act Cap 113, the Village Land Act cap 114 and the Land Tenure Act no 12 of 1992 of Zanzibar. Policies include, the Education policy, the National HIV and AIDS Policy and the Women and Gender Development Policy etc. A number of affirmative action programmes have been introduced in order to bring equality of people in various areas. For instance the 14<sup>th</sup> Constitutional amendments increased the number of women seats in Parliament.
- <sup>35</sup> According to the National Bureau of Statistics Report of 2009, more than three million women, men and children in Tanzania have a disability.
- <sup>36</sup> These include health care, social support, accessibility , rehabilitation , education and vocational training , communication , employment or work protection and promotion of basic rights for the persons with disabilities and other related matters.
- <sup>37</sup> See the Economic Survey of 2009.
- <sup>38</sup> The Act establishes a National Advisory Council whose role is to advise on employment matters covered by the Act.
- <sup>39</sup> The Integrated Labour Force Survey of 2005/06 reveals that 1.3 million females and 1.0 million males were unemployed, or 11.0 percent of the total labour force. In Dar es Salaam City, 31.4 percent of active labour force was unemployed compared to unemployment of 46.0 percent in 2000/01. Unemployment in other urban areas was 16.1 percent compared to 26.0 percent in 2000/01, while in rural areas unemployment was 7.1 percent compared to 8.0 percent in 2000/01.
- <sup>40</sup> Up to 2009, active labour force was estimated at 20.6 million; this is in accordance with the Integrated Labour Force Survey (ILFS) of 2005/06. The Survey further reveals that 18.3 million people were employed, out of which, 9.0 million were male and 9.3 million were female. The informal sector generated more employment opportunities compared to the formal sector in the same period. This was due to rural –urban migration, which has compelled many people to indulge in informal activities due to simplicity in setting them up. The Tanzania Employment Services Agency (TAESA) has also expanded its offices in order to extend public employment services closer to the people that include linking job seekers to employers locally and internationally.
- <sup>41</sup> See Article 11(1) of the Constitution.
- <sup>42</sup> Policy Statement 3.3 states that *“efforts shall be made to enhance awareness and sensitization of the society regarding the importance and provision of social security services as a right”*.
- <sup>43</sup> These institutions are the National Social Security Fund, Public Service Pension Fund, Local Authorities Pension Fund, Government Employees Pension Fund, and National Health Insurance Fund. In Zanzibar the ZSSF is established by Act No. 2 of 2005.
- <sup>44</sup> Section 35 states that member to the scheme is entitled benefits from the scheme as a right. S.51 (d) requires the regulator to protect the interest of the members to the scheme.
- <sup>45</sup> Out of the nine contingencies and benefits set out by the International Labour Organization through the Social Security (Minimum Standards) Convention No 52 of 1952, all the Funds, with the exception of the National Health Insurance Fund provide four core benefits that include old age, invalidity, survivorship and death. The National Social Security Fund has managed to offer seven out of the nine ILO recommended benefits. The Social Security Regulator has been entrusted with the duty to create a conducive environment for the promotion and development of the social security sector to cover non covered areas that include the informal sector(Section 5(1)(e) and (k) of Act No. 8 of 2008).
- <sup>46</sup> See Article 22 and 23 of the Constitution of the United Republic of Tanzania and Section 21 of the Zanzibar.
- <sup>47</sup> See National Strategy for Poverty Reduction in Tanzania Annual Implementation Report 2008/2009.
- <sup>48</sup> The Tanzania HIV AIDS and Malaria indicator survey of 2007.
- <sup>49</sup> Also conducts research on affordable building materials and helps individuals to construct low cost houses.
- <sup>50</sup> Furthermore, the NSSF, PPF, PSPF, ZSSF and the GEPF construct houses and sell or rent them at affordable prices.
- <sup>51</sup> This is a Women’s Land Access Trust which essentially is part of Slum Upgrading Facility Within this framework, pilot Women Land Access Trust has been established also in Tanzania.
- <sup>52</sup> These include the Convention on biodiversity and the FAO-International Treaty on the Plant Genetic

- Resource for Food and Agriculture ratified by Tanzania in 2004.
- <sup>53</sup> Furthermore, the Ministry has several institutional mechanisms for addressing food security. The National Food Reserve Agency was established for purposes of maintaining a national optimum level of food reserve and ensuring food security. The National Food Security Division was established for the purposes of ensuring that food security for all Citizens is maintained at all levels and at all times.
- <sup>54</sup> In realizing the KILIMO KWANZA initiative and its implementation, the Government developed strategies comprising of ten actionable pillars including political will to push agricultural transformation.
- <sup>55</sup> Also known as CHAKULA KWANZA in Swahili.
- <sup>56</sup> The main objective of the Policy is to set a framework to ensure that the country's water resources are used in a sustainable participatory approach for water resources planning, development and management.
- <sup>57</sup> These include the National Water Sector Development Strategy 2006-2015 and the Water Sector Development 2006–2025.
- <sup>58</sup> These are the Energy and Water Utilization Regulatory Authority Act, the water Resources Management Act 2009 and the Environmental Management Act 2004.
- <sup>59</sup> ZAWA of 2006 has given a right to individuals to drill wells subject to their approval.
- <sup>60</sup> These include; clean air, fossil fuels, whales, hardwoods and endangered species.
- <sup>61</sup> Other measures include; awareness campaigns, more than 159 CBO and NGOs have been formed. Furthermore, the government and other collaborating institutions and agencies such as CBOs / NGOs are implementing various programmes both in rural and urban areas. The government adopted sector policies related to forest; mineral, wildlife; fisheries; agriculture, livestock and land which put priority on conservation and management of resources and environment. Current interventions are directed in implementing the National Action Programme to Combat Desertification, Biodiversity Conservation, environmental friendly production practices, abatement of pollution and strengthening both human resources and institution.
- <sup>62</sup> The Environmental Management Act 2004, the Environmental Management and Sustainable Development Act 1997 and the Mining Act of 1998.
- <sup>63</sup> The Economic survey 2009 conducted by the Ministry of Finance and Economic Affairs dated June 2010 at Pg. 204–205.
- <sup>64</sup> The policy further sets out the aims of Culture in our Country as well as the role of Kiswahili, ethnic and foreign languages such as English.
- <sup>65</sup> This has an objective of conducting an environmental scan directed at improving efficiency and effectiveness of systems and structure for the provision of economic, social and cultural services.
- <sup>66</sup> There has been a sense of tolerance between the citizens, with each person respecting the other person's culture and custom. There are also several institutions for promoting cultural rights in various areas such as language, music and arts. Both Tanzania Mainland and Zanzibar have legislation on protection of artistic works.
- <sup>67</sup> See Article 13(6) for Tanzania Mainland and section 13(3) for Zanzibar.
- <sup>68</sup> Act No 9 of 1985 for Tanzania Mainland and Act no 7 of 2004 for Zanzibar.
- <sup>69</sup> Other legislative measures in protecting this right include; the Penal Code Cap 16, the Zanzibar Penal Act, the Police Force and Auxiliary Police Act, the Parole Board Act, the Prisons Act and the Police General Orders.
- <sup>70</sup> Cap 343 R.E. 2002.
- <sup>71</sup> Cap 292 R.E.2002.
- <sup>72</sup> Act no 3 of 1995.
- <sup>73</sup> Act no 4 of 1995.
- <sup>74</sup> The 14<sup>th</sup> Constitutional amendment of 2005 of the URT and the 10th Constitutional amendments in Zanzibar of 2010.
- <sup>75</sup> Article 67 of the Zanzibar Constitution, 1984.
- <sup>76</sup> These elections are governed by the Tanzania NEC and the ZEC.
- <sup>77</sup> No 6 of 2008. This Act prohibits trafficking in persons and prescribes situations which are considered trafficking, acts that promote or facilitate trafficking and calls for the rescue, care, rehabilitation of trafficked persons as well as assistance and protection to witnesses including child witnesses.
- <sup>78</sup> No 20 of 2002. Section 2 of The Act recognizes the issue of illegal trafficking of human beings as it defines "Migrant Trafficking" as the illegal trafficking of human beings across borders for purposes

- of prostitution employment, business or any other illegal transaction. Section 17(1) (d) of the same Act provides for the powers of the Director to revoke the passport and travel documents if the owner engages in illicit trafficking, money laundering, migrant trafficking, terrorist act or any other illegal transaction.
- <sup>79</sup> Furthermore, the Government cooperates with The IOM through a programme called “BE THEIR VOICE” and the UN Office on Drugs and Crime Prevention.
- <sup>80</sup> See Sections 250, 254,256 of the Penal Code [Cap 16 R.E. 2002] and section 263 to 264 of Zanzibar Penal Act No 6/2004 which clearly prohibit the importation, exportation, removing, buying or selling or dealing in slavery. A person found guilty is liable to imprisonment.
- <sup>81</sup> The programme entails provision of legal aid and paralegal services to the poor and disadvantaged within the communities, construction and rehabilitation of Courts especially Primary Courts which are used by the majority, provision of physical facilities, expansion of remand homes and legal literacy programs.
- <sup>82</sup> See the Legal Aid (Criminal Proceedings Act), 1969 for Mainland and the Criminal Procedure Act, 2004 for Zanzibar.
- <sup>83</sup> See Article 107B of the Constitution of Tanzania and Section 5 and 5A of the Zanzibar Constitution.
- <sup>84</sup> These are Perjury and subornation of perjury, false statements by interpreters, fabricating evidence, false swearing, deceiving witness, destroying evidence, conspiracy to defeat justice and interference with witnesses, unlawful compounding of offences and compounding penal sanctions.
- <sup>85</sup> See Article 11 (2) of the Constitution of Tanzania which states that; “Every person has the right to self education, and every citizen shall be free to pursue education in a field of his choice up to the highest level according to his merits and ability” and Article 11(3) states “The Government shall endeavor to ensure that there are equal and adequate opportunities to all persons to enable them to acquire education and vocational training at all levels of schools and other institutions of learning.
- <sup>86</sup> Any deliberate failure of parents to take their children to school or anyone who causes a pupil not to complete his or her compulsory education is punished by law.
- <sup>87</sup> The Government has continued to implement two programs relating to education being the second phase of the Primary Education Development Program and the Secondary Education Development Program.
- <sup>88</sup> Except under circumstances and in accordance with procedures prescribed by law; or in the execution of a judgment, order or a sentence given or passed by the Court following a decision in a legal proceeding or a conviction for a criminal offence.
- <sup>89</sup> These are; where a person has or is about to contravene any of the laws as prescribed in the Immigration Act, 1995 or an order has been issued that he should be arrested in accordance with the procedure.
- <sup>90</sup> Recommendation No 26 states that the State party should adopt specific legislation and special measures to protect, preserve and promote their cultural heritage and traditional way of life. It should also consult indigenous communities before establishing game reserves, granting licences for hunting, on “ancestral lands”.
- <sup>91</sup> No 10 of 2009 in Zanzibar and Act No 25 of 1991 in Tanzania Mainland.
- <sup>92</sup> Currently there are 104,297 refugees as per the 1<sup>st</sup> December, 2010 statistics from the Refugee Services Department, Ministry of Home Affairs.
- <sup>93</sup> These include; the Geneva Convention relating to the Status of Refugees of 1951 and its Protocol of 1967 and Organization of African Union the African Union Convention governing specific aspects of refugees in Africa of 1969.
- <sup>94</sup> No 9 of 1998.
- <sup>95</sup> See Article 5(b) of the 1951 Convention.
- <sup>96</sup> Act No 9 of 1998. Section 28(4) of the Act, prohibits an order of deportation in respect of asylum seekers or a refugee if there is an opinion that such a person will be tried or punished for an offence of a political character after arrival in the territory from which he came from or is likely to be the subject of physical attack in such territory.
- <sup>97</sup> See Article 19(1) of the Constitution.
- <sup>98</sup> The Government requires religious organizations to register with the Registrar of Societies at the Ministry of Home Affairs. Moreover, the Government allows faith based organizations to be exempted from paying taxes provided that they comply with the relevant Tanzanian laws.
- <sup>99</sup> Members of Trade Unions or Political Parties are free to assemble and discuss issues relating to their

- interests. Unlawful assembly is criminalized under the Penal Code and the Zanzibar Penal Act.
- <sup>100</sup> The current submitted reports include ICCPR, 2007, ICESCR, 2009 CEDAW 2007, CRC, 2004, CRC OPAC, 2007, CRC OPSC 2007, CERD, 2004.
- <sup>101</sup> See Strategies for Economic Growth and Poverty Reduction, the Tanzania Development Vision 2025, Zanzibar Vision 2020 and the Zanzibar Strategy for Growth and Reduction of Poverty. In Kiswahili acronymed as MKUKUTA II for Mainland and MKUZA II for Zanzibar.
- <sup>102</sup> In the 2006/2007 financial year, the Government entrusted 21 billion Tshs. to establish the Fund which seeks to promote, support and empower small and medium entrepreneurs' productive activities through access to loans.
- <sup>103</sup> The program is a mechanism for delivering targeted outcomes of the National Development Strategies and it is linked with the MDG target of reducing abject poverty. The program is at the implementation phase which began in 2008 and involves amending or enacting new legislation or regulations that will facilitate the business formalization system, establishment of national database record keeping organisation, reviewing some of the selected policies, institutional strengthening through training of required personnel and establishment of national entities necessary for mainstreaming property and business formalization into Government structures at central and local levels.
- <sup>104</sup> From 2008 to 2009, four (4) cases were tried by the High Court of Tanzania, the accused persons were found guilty and convicted accordingly. The accused persons in all the four cases appealed to the Court of Appeal of Tanzania and only 1 out of the 4 appeals was dismissed by the Court of Appeal. 1 Appeal case awaits the judgment of the court and the remaining 2 are yet to be heard. Until now, 14 suspects have been apprehended in connection with the killings and charged with the offence of murder. The hearing of 2 murder cases whose investigation is complete has begun in the High Court of Shinyanga and Tabora respectively. There are also 5 cases waiting for the assignment of hearing dates. The remaining 47 cases are still pending in the Lower Courts for further investigation. Moreover, there was 1 conviction regarding the offence of human trafficking and abduction which involved the trafficking and abduction of a person with albinism from Kenya to Tanzania.
- <sup>105</sup> This is practiced in 9 out of 30 Regions of Tanzania. Sources indicate that, generally the practice has decreased with mutilators laying down their tools and resorting to other income generating activities. Training programmes to mutilators, law enforcement officers and other relevant stakeholders are provided by the Government in collaboration with the NGOs. Reports also indicate that last year, one mutilator was sentenced to 10 years imprisonment for performing FGM and ruining the lives of 86 girls in December 2010 alone.
- <sup>106</sup> In which female victims are handled by female police Officers on matters of sexual violence and domestic abuse.
- <sup>107</sup> See the Tanzania Demographic and health survey Report (THDS) of 2010.
- <sup>108</sup> Others include Public Leaders Code of Ethics Act Cap 298, Penal Code Cap 16, Anti Money laundering Act 2006 and the Public procurement Act 2004 and the Economic and Organized Crime Control Act 2004.
- <sup>109</sup> Internal security has been relatively affected by the presence of refugees in the Regions bordering the war torn Countries.
- <sup>110</sup> Environmental degradation is caused by the collection of wood for fuel and activities of illegal poaching.
-