



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Pre-sessional working group

5-9 December 2011

Implementation of the International Covenant on Economic, Social and Cultural Rights

List of issues to be taken up in connection with the consideration of the combined initial to third periodic reports of the United Republic of Tanzania concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/TZA/1-3)

I. General information

1. Please clarify whether civil society was involved in the preparatory process for the periodic report, and if so, in what way. Please also provide information whether the State party is in the process of producing its common core document.
2. Please indicate what steps are taken by the State party to ensure that traditional Islamic law and customary law do not negatively impact on the enjoyment of economic, social and cultural rights enshrined in the Covenant.
3. Please provide information on large-scale mining activities which particularly result in a large number of people being forcibly evicted from their ancestral lands without compensation, and on the measures taken to monitor the operation of such activities, especially with regard to health and safety standards and the level of compliance with environmental and other relevant legislation. Please also provide information on the steps taken to ensure that the revenues gained from mining are used to promote the realization of economic, social, and cultural rights, including for the local communities in which extraction takes place.

Article 2, paragraph 1

4. Please provide information on the impact of measures taken to combat corruption, including theft and fraud, fake purchasing transactions, and “ghost workers”.

Article 2, paragraph 2 - Non-discrimination

5. Please provide information on steps taken to combat and prevent societal stigma and discrimination against persons living with or affected by HIV/AIDS, as well as persons with disabilities, and to ensure their enjoyment of the rights enshrined in the Covenant, in particular access to employment, social services, health care, and education.

6. Please inform the Committee whether the Penal Code will be amended to decriminalize homosexuality. Please also provide information on measures taken to combat societal discrimination against LGBT persons and to ensure access by these persons to employment, health care and housing.

Article 3 - Equal rights of men and women

7. Please indicate which steps have been taken to ensure that women in rural areas, and in particular those who are heads of household, participate in decision-making processes, have improved access to health, education, clean water and sanitation services, fertile land and income-generating projects, and are protected from exploitation.

II. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 - The right to work

8. Please provide information on the impact of the measures taken to increase the access of women to employment in the formal sector, in particular aimed at rural women.

9. Please provide information on the dispute resolution system for employment matters through the Labour Court, and clarify whether steps have been taken to reduce the two-year period for hearing and determining a dispute between employees and employers.

Article 7 - The right to just and favourable conditions of work

10. Please provide information on measures taken to ensure safe and healthy conditions of work and their enforcement in practice, especially in the informal sector.

Article 8 - Trade union rights

11. Please clarify whether public servants who do not exercise authority in the name of the State or in essential services have the right to strike. Please also clarify which categories of employees are excluded from the right to bargain collectively.

Article 9 - The right to social security

12. Please clarify whether the State party has taken steps to ensure universal access to old age income security through a social pension, especially for those caring for children in the context of HIV/AIDS and labour migration. Please also clarify whether plans exist to ensure that social security measures provide all older women and men, in both formal and informal sectors, with an adequate standard of living, including adequate food, essential health care, basic shelter and housing.

Article 10 - Protection of the family, mothers and children

13. Please clarify whether domestic violence, including marital rape, is defined as a crime in the Penal Code. Please provide information on the number of registered cases of domestic violence, including marital rape and sexual abuse of women and children, since 2005, and the sanctions imposed on perpetrators. Please also provide information on the extent of female genital mutilation in the State party and on measures undertaken, legislative or otherwise, to eradicate this harmful practice and punish those responsible.

14. Please indicate what measures have been taken to address the very low level of birth registration, in particular in remote and rural areas.

15. Please indicate what measures have been taken to prohibit and prevent corporal punishment of children, in particular as a sentence of the courts, as well as in schools, alternative-care institutions and in the home

16. Please clarify which steps are taken to ensure effective enforcement of legislative provisions prohibiting child labour, including the 2004 Employment and Labour Relations Act. Please also elaborate on the impact of measures taken to eliminate child labour, including the Child Labor Monitoring System.

17. Please indicate which steps have been taken to address the high number of street children, in particular in Dar es Salaam, Mwanza and Arusha, address the root causes of the phenomenon, and ensure that the street children have access to health and education services.

18. Please provide information on the extent of trafficking in women and girls, especially within the State party. Please describe the steps taken since 2005 to combat this phenomenon, and ensure the effective implementation of the Anti-Trafficking in Persons Act 2008.

Article 11 - The right to an adequate standard of living

19. Please provide information, on a yearly basis since 2005, on the prevalence of poverty in the State party. Please elaborate upon steps taken to address extreme poverty and food insecurity, especially in rural areas, including the National Development Policy – Vision 2025 and the National Strategy for Growth and Reduction of Poverty (MKUKUTA), and provide information on the results achieved.

20. Please clarify whether the State party has introduced a public housing scheme, targeting all disadvantaged and marginalized individuals and groups and whether it has taken priority measures to cater for persons living in sub-standard housing in shanty towns, who are vulnerable to forced evictions, and for homeless persons.

Article 12 - The right to physical and mental health

21. Please clarify which health services are provided by faith-based organizations, as mentioned in paragraph 110 of the State party's report, whether these services are linked to the system of State-provided services, and whether access to those services is universal.

22. Please provide information on infant and under-five mortality rates over the past five years, measures taken to reduce those rates, as well as steps taken to address chronic malnutrition and the critical nutritional needs of children.

23. Please provide information on measures taken to address the high rate of teenage pregnancies. Please indicate which family planning information and services are in place,

and describe the steps taken to increase access to contraceptives. Please also describe which steps have been taken to promote sexual and reproductive health as part of the education curriculum targeted at adolescent girls and boys.

24. Please provide information on measures taken to increase the number of qualified health-care professionals as well as medical supplies, in particular in small rural clinics. Please also clarify which steps have been taken to increase the number of births that are attended by skilled personnel.

25. Please indicate which steps have been taken by the State party to ensure that all persons, especially women and children, are not exposed to highly toxic substances such as mercury and other dangerous chemicals while engaging in artisanal and small-scale mining activities.

Articles 13 and 14 - The right to education

26. Please provide information on measures taken to provide for free secondary education, and to decrease the dropout rate in secondary education, in particular due to pregnancy and early marriage. Please indicate which steps have been taken, as well as progress achieved, to improve the overall quality of education, to increase the number of teachers, to improve the availability of books and other educational materials, as well as to improve the physical environment of schools, including appropriate water and sanitation facilities.

27. Please provide information on legislative and other steps taken to guarantee an inclusive education for children and youth with disabilities.

Article 15 - Cultural rights

28. Please provide information on legislative and other measures taken to protect, preserve and promote the cultural heritage and traditional way of life of indigenous peoples in the State party. Please also indicate whether the establishment of game reserves, the granting of licences for hunting, or other projects on ancestral lands is preceded by prior and informed consent by indigenous communities.
