

**UNIVERSAL PERIODIC REVIEW
IMPLEMENTATION REPORT
IMPLEMENTATION STATUS OF
THE 107 ACCEPTED TANZANIA
UPR RECOMMENDATIONS**

A JOINT CIVIL SOCIETY REPORT
September 2015.

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Abbreviations

| | |
|--------|---|
| ADD | Action on Disability and Development |
| ATC | Office of the Anti-Trafficking Committee |
| ATI | Access to Information |
| ATS | Anti-Trafficking Secretariat |
| CCBRT | Comprehensive Community Based Rehabilitation |
| CEDAW | Convention on the Elimination of Discrimination against Women |
| CHRAGG | Commission for Human Rights and Good Governance |
| CORI | Coalition on the Right to Information |
| CPD | Chief Parliamentary Draft |
| CRA | Constitutional Review Act |
| CSOs | Civil Society Organizations |
| DPOs | Disabled People Organizations |
| FGM | Female Genital Mutilation |
| GBV | Gender Based Violence |
| GoT | Government of Tanzania |
| HRDs | Human Rights Defenders |
| IAAD | International Albinism Awareness Day |
| ICT | Information and Communication Technology |
| LHRC | Legal and Human Rights Centre |
| LRC | Law Reform Commission |
| MCT | Media Council of Tanzania |
| MISA | Media Institute of Southern Africa - Tanzania Chapter |
| MOAT | Media Owners Association of Tanzania |
| MPs | Members of Parliament |

| | |
|----------|--|
| MSB | Media Services Bill |
| NACSAP | The National Anti-Corruption Strategy and Action Plan |
| NGOs | Non-Governmental Organizations |
| NHRI | National Human Rights Institution |
| NOLA | National Organization for Legal Assistance |
| OGP | Open Government Partnership |
| OHCHR | Office of the High Commissioner for Human Rights |
| PWC | Pastoralist Women Council |
| PWDs | People with Disabilities |
| RITA | Registration, Insolvency and Trusteeship Agency |
| TAMISEMI | The Ministry of Local Government Authority and Regional Administration |
| TAS | Tanzania Albino Society |
| TAWLA | Tanzania Women Lawyers Association |
| TCRA | Tanzania Communication Regulatory Authorities |
| THRDC | Tanzania Human Rights Defenders Coalition |
| TLS | Tanganyika Law Society |
| TMF | Tanzania Media Fund |
| TPFNET | Tanzania Women Police Network |
| TUCTA | Trade Union Congress of Tanzania |
| UN | United Nations |
| UNICEF | The United Nations Children's Fund |
| UPR | Universal Periodic Review |
| URT | United Republic of Tanzania |
| VAW | Violence against Women |
| VAWG | Violence against Women and Girls |
| WEI | World Education Institute |
| ZLSC | Zanzibar Legal Service Centre |

Preface

The UPR is a unique mechanism which was established by the United Nations General Assembly in 2006. This mechanism facilitates the review of each United Nations Member State's human rights obligations and commitments, with its full involvement, to improve the human rights situation on the ground. Reviewing States make recommendations to the State under Review (SuR) and the latter can accept or note these recommendations. During the 2011 UPR, Tanzania received 156 recommendations and accepted 107 of these in full required to implement alone or with the assistance of the UN, CSOs, its National Human Rights Institution - the Commission for Human Rights and Good Governance, and other relevant stakeholders.

CSOs in Tanzania have monitored the implementation of the accepted 107 recommendations and prepared this report. The report is divided into nine thematic areas: freedom of expression; child rights; women rights; social rights; civil society, freedom of association and HRDs; political rights and human rights in general; minorities and people with disabilities; indigenous people, pastoralists, hunters and gatherers; and economic rights. This report assesses both government and CSO interventions to examine the implementation of the 107 recommendations.

Acknowledgment

This report has been developed by CSOs in Tanzania under the coordination of Tanzania Human Rights Defenders Coalition (THRDC). In particular, we wish to extend our sincere acknowledgement to all who relentlessly provided their support during the entire process, especially MCT, MISATan, LHRC, THRDC, NOLA, TAWLA, SAHRINGON, JUKWAA LA KATIBA, SIKIKA, PINGO'S FORUM, TCRI Research and IP, Z LS C, Save the Children, Children Rights Forum, T N R F, Haki Ardhi and ZAFELA. A special mention goes to our supporters Article 19, Hivos and the Finnish Embassy, who made sure all UPR activities were efficiently and effectively carried out. This has empowered CSOs in the country to obtain awareness and knowledge on UPR issues and properly monitor the implementation of the accepted recommendations.

We would like to acknowledge the participation of Tanzania Human Rights Defenders Coalition in the compilation of this report. As a strategy of inclusive participation in the UPR process, THRDC formulated nine thematic groups consisting of various Tanzanian organizations to contribute to the drafting of this document.

Our special thanks also go to the Commission for Human Rights and Good Governance and the Attorney General's Office for their cooperation throughout the UPR monitoring process. Furthermore, we extend our gratitude to all those who devoted their time to provide information without which the success of this report would not have been possible.

Executive Summary

This report is based on the implementation status of the 107 accepted recommendations. The report is divided into nine thematic areas: freedom of expression; child rights; women rights, social rights; civil society, freedom of association and human rights defenders; political rights and human rights in general; minorities and people with disabilities; pastoralists and indigenous groups; and economic rights.

Each thematic group reviewed recommendations that were given to Tanzania by various Member States and reported on their implementation status among which *nine percent* have been *fully implemented*, *62 percent* have been *partially implemented* and *29 percent* were *not implemented*. The report outlines both government and CSOs interventions in portray a clear picture about efforts made to ensure the advancement of human rights in the country. Data sources from the government and CSOs are listed at the end of each thematic section.

During data collection and report writing, several challenges were encountered in the process of mobilizing CSOs to engage in UPR monitoring which included lack of knowledge about the UPR process, poor CSOs drive to monitor UPR implementation, and lack of cooperation from most government institutions. Recommendations have been made to improve future practice among CSOs and government institutions regarding UPR monitoring.

CHAPTER ONE

UPR IMPLEMENTATION IN TANZANIA

1.0 Tanzania's 2011 UPR

The UPR is a process that involves a review of the human rights record of all UN Member States. It is a State driven process under the auspices of the Human Rights Council. The process is tailored to evaluate the measures taken by the State parties to fulfill their human rights obligations.¹ The UPR mechanism is a three-stage process: the review of the human rights situation of the State under Review; implementation by the SuR of the recommendations received and the voluntary pledges made; and reporting at the next review on the implementation of those recommendations and pledges regarding the human rights situation in the country.

Tanzania was reviewed during the 12th UPR session in October 2011, whereby it received 153 UPR recommendations. Of these recommendations, Tanzania accepted 107 in full, rejected 44 and left two for consideration. The 107 accepted recommendations were the basis for this report. The country is currently at the end of the second UPR stage. CSOs are currently preparing reports for the next review to be carried out in Geneva in early 2016. Tanzania is scheduled for the 2nd cycle of its UPR review in May 2016, where a detailed report on the human rights situation in Tanzania will be released. The review will reflect on what has been done by Tanzania for the past four years since the first cycle review.

1.1 Monitoring and Data Collection Methodology

The THRDC brought together approximately 80 human rights NGOs from across the country and empowered them on how to monitor and document the implementation of 107 accepted UPR recommendations. During the workshop, CSOs were grouped based on thematic clusters in order to collectively and thematically follow up on the government's progress regarding the implementation of the accepted recommendations:

¹ <http://www.upr-info.org/database/>.

- **Theme 1:** Freedom of expression and the right to information
- **Theme 2:** Women rights
- **Theme 3:** Child rights
- **Theme 4:** Social rights
- **Theme 5:** Civil society, freedom of association and human rights defenders
- **Theme 6:** Political rights and human rights in general
- **Theme 7:** Minorities and people with disabilities
- **Theme 8:** Indigenous and pastoralists
- **Theme 9:** Economic rights (land, natural resources etc)

Monitoring tools used in data collection were: possible indicators/data to track progress of implementation; data sources/means of verification; feedback from responsible organs for implementation; and types of interventions by lead State institutions (budgetary, legislative, policy and administrative decisions, judicial pronouncement).

Each thematic group collected data using various data collection methods depending on the accessibility of the required information. Most groups used the triangulation method which included interviews, questionnaires and desktop research. Some thematic groups failed to collect data or felt a need for stakeholders' input and conducted focus group discussions and thematic groups meetings instead.

1.2 UPR Thematic Groups

THRDC conducted two workshops in September 2014 and April 2015 to ensure the proper monitoring of the implementation of the accepted UPR recommendations. The second workshop had 80 representatives from various CSOs who separated into nine thematic working groups according to their area of specialization to effectively discuss UPR implementation.

The thematic groups engaged in data collection through tracking the implementation of the accepted UPR recommendations. This final report is a compilation of thematic group reports and is the basis of our preparation for Tanzania's next review.

CHAPTER TWO

IMPLEMENTATION STATUS

2.0 IMPLEMENTATION STATUS OF 107 ACCEPTED RECOMMENDATIONS

Tanzania underwent the first circle of the UPR on 3 October 2011 and 153 recommendations were proposed to the Tanzanian Government. Of these recommendations, 107 were accepted. In general, Tanzania has implemented very few recommendations which casts doubt on the government's will and commitment to the UPR. For instance, out of 107 recommendations, only ten have been fully implemented, 66 were partially implemented and 31 were not implemented. The modality of assessing the implementation of the recommendations was done by assigning recommendations a status of partially or fully implemented or not implemented at all.

2.1 RECOMMENDATIONS ON FREEDOM OF EXPRESSION

Only 5 out of the 107 accepted recommendations are regarding freedom of information and expression, including the media. On 13 July, 2015, THRDC convened a validation meeting for the thematic group entitled freedom of expression. The session brought together media stakeholders in the country with the objective of taking a proactive role to follow up the implementation of the recommendations. All five recommendations under this thematic group have been partially implemented.

2.1.1 Implementation Status and Government Intervention

Recommendation 1

Guaranteeing the freedom of expression, association and assembly by allowing human rights defenders, political opponents and journalists to express freely their views in line with international human rights law.

Implementation Status: Partially implemented

The Access to Information and Media Services Bill 2015 was prepared and tabled in Parliament for the first time in 2015, but it was rejected by stakeholders due to non-adherence to international standards. Stakeholders were partially involved in the initial stages of drafting this Bill but were not involved in finalising the Bill as required by rules and regulations in law making.

Recommendation 2

Work with the media and other stakeholders to ensure that all organs of the State understand and appreciate the constitutional guarantees of freedom of press and assembly.

Implementation Status: Partially implemented

The proposed Constitution 2015 has two separate Articles (39 and 40) which clearly recognize freedom of the media and that of expression.

Recommendation 3

Adopt a new media law enshrining freedom of the press.

Implementation Status: Partially implemented

The government did not table the Media Services Bill for the second time as indicated in the 20th session of the Parliament. The government was ordered by Parliament to consult media stakeholders to improve the Bill's content before re-tabling it.

Recommendation 4

Adopt new legislation that guarantees the freedom of the media as well as the right to information.

Implementation Status: Partially implemented

The Media Services Bill and Access to Information Bill were tabled for the first time by the Government of Tanzania.

Recommendation 5

Respect the right to assembly throughout the process of reviewing the Constitution .

Implementation Status: Partially implemented

The right to assemble was respected throughout the reviewing process of the Constitution except for a few challenges. One of the challenges was the limited time used to collect views from the public.

2.1.2 Analysis of Findings and CSOs Interventions

Both government agencies and CSOs were consulted to analyze the implementation of these recommendations. However, not all institutions responded positively (which shall be discussed in the last chapter of this report).

Recommendation 1

There have been no law reforms regarding the existing draconian media laws, such as the Newspaper Act of 1976 and the National Security Act of 1970. Also, practices which suppress freedom of expression and the media have been observed throughout the period between 2011 and 2015 including the enactment of the Cyber Crime Act in 2015 and the proposed Media Service Bill. For instance, in September 2013 the Minister for Information Culture and Sports suspended *Mwananchi* and *Mtanzania* newspapers for 14 and 90 days, respectively in accordance with the current draconian laws. The newspapers were banned for allegedly publishing seditious stories, which the government alleged were likely to provoke incitement and hostility with the intention of influencing the public to lose confidence in State organs and create unrest.

Oppressive laws such as the Cybercrime Act 2015 and Statistic Act 2013 that contravene freedom of expression were passed under the certificate of urgency and have been assented by the President. However, stakeholders rejected the Media Services Bill and Access to Information Bill for two main reasons: non-compliance with international standards and that the laws were finalized without stakeholders' involvement. Despite this, on a positive note, parliament on 29th May 2015 enacted the Whistle Blowers Bill to protect whistle blowers in the country.

In March 2015, CSOs in Tanzania took the lead and intervened the tabling of the two bills, Access to Information Bill and Media Services Bill, under the certificate of urgency. Efforts made by the Coalition on the Right to Information (CORI) together with media owners halted the tabling of the bills. These bills were officially withdrawn on 26 June 2015. The Access to Information Bill was to be tabled before parliament on 27 June 2015. In 2011, The Media Council of Tanzania published the stakeholders' proposal regarding the Access to Information Bill and Media Services Bill. However, the recommendations were never incorporated in the bills drafted by the government.

A draft petition was prepared against the current media laws, however efforts were halted with the introduction of new media bills. Tanganyika Law Society filed a petition against media laws including the Newspaper Act of 1976. A petition by CSOs was submitted to the President requesting him not to sign the Cyber Crime Act 2015 and Statistics Act 2013.

Recommendation 2

The proposed Constitution incorporates Articles 39 and 40 to protect freedom of expression and the media, however the oppressive laws of the country still apply. Article 129 of the proposed Constitution reduces the protections provided in the Constitution as it gives parliament the mandate to remove any provision from the Constitution whenever they feel it is appropriate to do so.

CSOs held consultative meetings with members of the Constituent Assembly and engaged with the Attorney General's Chamber regarding this issue. Position papers were prepared and a guideline to guarantee the security of journalists in the country was developed.

Recommendation 3

The Media Services Bill was prepared and tabled, but was rejected by stakeholders as it did not adhere to international standards. The objective of the Media Services Bill was to regulate and administer the operations of mass media organizations and a specific group of professionals who work for mass media organizations. Thus, the law is confined to issues of licensing requirements for people conducting media businesses, establishment of binding codes of practice and ethics for media practitioners, establishment of the broadcasting frequency spectrum and protection of journalists' confidential sources of information. Only an order of the High Court can provide for modalities for the functioning of free and responsible media entities. The government should repeal identified negative laws such as the Newspapers' Act of 1976 and the Broadcasting Services Act, 1993. The Coalition on the Right to Information (CORI) with support from parliamentarians managed to block the Access to Information Bill from being tabled because it was not in line with international standards and stakeholders were not involved in its preparation.

Recommendation 4

The government enacted two additional laws, the Cyber Crime Act 2015 and the Statistics Act 2013, which were passed under the certificate of urgency. Although these laws were needed to regulate cyber communication, statistics, access to information and media operations, instead of bringing positive change, they suppressed freedom of expression, media freedom, access to information and academic freedom. It is worth noting that no adequate reforms were made to deal with the 30 draconian media laws which infringe freedom of expression. Further, government officials such as Regional and District Commissioners have been vested with too much power resulting in them infringing freedom of expression. The government only recently passed The Broadcasting Services (CONTENT) Political Party Elections Broadcasts Code, 2014. The code curtails the aim of this recommendation which encourages the adoption of media laws to promote freedom of expression and right to information.

Recommendation 5

Members of the press faced a number of limitations on reporting about the constitutional assembly; media outlets were sometimes shut out during coverage of constitutional debates as well as indirect threats against private broadcasters such as ITV for airing live Constitution-making dialogue. Some CSOs were restricted from providing civic education about the Constitution reform process which prevented the public from understanding the changes for which they would be voting.

| SOURCE OF DATA/INSTITUTIONS CONSULTED | |
|---|--|
| From Government Institutions | From CSOs |
| <ul style="list-style-type: none">○ Ministry of Constitution and Legal Affairs (MOCLA)○ Parliament (Hansard)○ Ministry of Information, Youth, Culture | <ul style="list-style-type: none">○ MCT○ MOAT○ MISA-Tan○ LHRC○ THRDC○ JAMII MEDIA○ FREE MEDIA LTD○ TMF○ NOLA |

2.2 RECOMMENDATIONS ON CHILD RIGHTS

Tanzania accepted several recommendations in respect of enhancing child rights. The government and its agencies have partially implementing these recommendations. In that regard, more progress is required to improve child rights in Tanzania.

2.2.1 Implementation Status and Government Intervention

In analyzing the implementation, members of the group categorized and listed 11 recommendations of which ten were partially implemented; there was insufficient data to examine the implementation of the final recommendation.

Recommendation 1

Fully implement the Child Act 2009.

Implementation status: Partially implemented

So far seven regulations have been gazetted and are in operation to implement the Act. These are: Child Employment Regulations, Apprenticeship Regulations, Adoption Regulations, Approval Schools Regulations, Juvenile Court Rules, Retention Homes and Foster Home Regulations.

Recommendation 2

Conduct assessment on policies of right of the child to identify where immediate action needs to be taken.

Implementation status: Partially implemented

Few policies which affect children have been reviewed including those regarding education, health and HIV and AIDS.

Recommendation 3

Address child labour as a matter of urgency in accordance to its international commitments, notably ILO Conventions No. 138 and 182.

Implementation status: Partially implemented

Various initiatives have been undertaken including Violence Against Children – UNICEF program, formation of the National Criminal Justice System and the launch of several campaigns including the Child Justice Strategy.

Recommendation 4

Fully implement the National Plan of Action on Child Labour.

Implementation status: Partially implemented

The Law of the Child Act and Employment and Labour Relation Act (Amendment) have addressed this issue. However, in practice, child labour is still rampant especially in mining sites, tea and tobacco plantations as well as domestic work.

Recommendation 5

Take the necessary steps to strengthen international cooperation through multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography, and child sex tourism.

Implementation status: No sufficient facts to show the implementation of the recommendation

Recommendation 6

Step up its legislative and policy measures, awareness campaigns and implementation of the 2025 Time Bound Programme on the elimination of child labour.

Implementation status: Partially implemented as addressed under recommendation 4.

Recommendation 7

Deploy more efforts to address the problem of street children, child work and devise training programs to improve qualifications of those working in the field in order to receive the necessary technical cooperation assistance from human rights mechanisms and other relevant organizations.

Implementation status: Partially implemented

Most of the efforts to address the problem of street children have been deployed by CSOs.

Recommendation 8

Put in place a comprehensive strategy to ensure that all children have equal access to education.

Implementation status: Partially implemented

The Education Policy 2014 addressed some of the issues regarding children's access to education. Secondary education is compulsory in every ward where there is a secondary school. Also, the Policy offers free education and the provision of food in schools.

Recommendation 9

Pursue efforts to enhance the juvenile justice system and ensure separation of juveniles from adults in detention.

Implementation status: Partially implemented

Although the government deployed some efforts (as shown in the next section), juvenile justice remains a challenge in most courts.

Recommendation 10

Ensure free birth registration and in this regard conduct relevant awareness-raising campaigns for the public and adopt efficient policies with a view to cover the country's remote and rural areas.

Implementation status: Partially implemented

Birth registration campaigns have been carried out in various rural remote areas, however there are still some challenges with registration. RITA, an agency vested with power to register births, has been established in every district and its procedures are now easier to comply with.

Recommendation 11

Prohibit all violence against children, including corporal punishment.

Implementation status: Partially implemented

The Education Policy 2014 prohibits corporal punishment in certain circumstances as well as circulars issued by the Ministry addressing issues of corporal punishment and campaigns of violence against children.

2.2.2 ANALYSIS OF FINDINGS AND CSOs INTERVENTIONS

In demonstrating the analysis of the recommendations' implementation, group members categorized recommendations according to the following issues: violence against children, children's right to education, and laws and policies which affect them.

(a) Violence against Children

The government has partially implemented the recommendations to address violence. Violence against children is a constant problem which continues to escalate in various regions of the country. Under the auspice of the government, the following initiatives have been implemented to address the problem. A curriculum has been introduced in primary and secondary schools including a subject to promote ending early child marriage. Also, campaigns are conducted in collaboration with CSOs and community rehabilitation programs in some regions (E.g. Temeke, Mbeya). Further, the government has paved the way for legal aid providers to support children in conflict with the law while at the same time opening up a one stop center at Amana Hospital in Dar es Salaam.

CSOs implemented the following interventions to address violence against children: advocacy, policy reforms, analysis, lobbying, capacity building and media campaigns to improve the rights of the child. Other interventions included the ending early child marriage campaign, commemorating the International Day of the Girl Child, commemorating the African Child Day as well as the worldwide Girls Summit.

(b) Improving the Education Rights of Children

The government has focused on urban areas regarding education and the situation in rural areas has not improved. Ward schools lack laboratory resources and only have a few teachers. On the other hand, CSOs in coalition or individually have conducted advocacy and lobbying, policy reform analysis, capacity building and media campaigns to improve the rights of the child and children support (e.g. fees, uniforms, food, books and stationeries).

(c) Laws, Policies and Practice Reforms affecting Children

Almost all recommendations have been partially implemented. Under the Law of the Child, seven regulations were gazetted and are in operation including: Child Employment Regulations, Apprenticeship Regulations, Adoption Regulations, Approval Schools Regulations, Juvenile Court Rules, Retention Homes and Foster Home Regulations. Few policies have been reviewed including those regarding children, education, health and HIV and AIDS. Further, to promote the implementation of such laws, judicial workers have been trained on juvenile justice and there social welfare officers have been assigned to some of the juvenile courts.

| SOURCE OF DATA/INSTITUTIONS CONSULTED | |
|---|---|
| From Government Institutions | From CSOs |
| <ul style="list-style-type: none">○ Parliament○ Ministry of Community Development Gender and Children○ Ministry of Health and Social Welfare.○ Law Reform Commission○ Attorney General Office○ Ministry of Home Affairs○ Ministry of labour○ Ministry of Education and Vocation Training○ Ministry of International Relations | <ul style="list-style-type: none">○ Haki elimu○ CAMFED○ Save the Children○ CHESO○ EKAMA○ TENMET○ UNICEF○ WEI○ KIWOHEDE○ CDF○ Sos○ Dogodogo Centre○ Utu Mwanamke (Women Dignity) |

2.3 RECOMMENDATIONS ON WOMEN RIGHTS

At least 25 out of the 107 UPR recommendations were regarding women rights. The women thematic group was formed by organizations who work on women issues. Out of the 25 recommendations on women rights, only two were fully implemented, 15 partially implemented and eight were not implemented at all.

2.3.1 Implementation Status and Government Intervention

As was the case in other thematic groups, Tanzania accepted several recommendations in respect of enhancing women rights. However, more work is required to promote human rights, in particular women rights.

Recommendation 1

Put in place a comprehensive strategy and effective, harmonized legislation to eliminate practices that discriminate women to ensure equality in inheritance and land rights.

Implementation status: Not implemented

This recommendation has not been implemented by the government as no legislation was enacted to ensure that practices of discrimination against women in relation to inheritance and land rights are properly addressed. There has been no substantive reforms of the existing laws. However, substantial progress has been made in Zanzibar to amend the law establishing Kadhi's court. In general, women's rights in relation to inheritance and land rights have not changed since 2011.

Recommendation: 2

Continue with efforts that enable women to participate in legislation processes.

Implementation Status: Partially implemented

No legislation was enacted to ensure women's participation in decision making since 2011. However, there are some initiatives through political parties to include women in higher political positions within and outside political parties. In general, practice indicates that there has been an increase in the number of female parliamentarians, judges, ministers and senior government officials between 2011 and 2015.

Recommendation 3

Complete the draft National Action Plan for violence against women.

Recommendation 4

Pursue efforts in human rights related areas in particular legal review process, female genital mutilation and corporal punishment.

Implementation Status: Partially implemented

The government has failed to take strong measures to either reform FGM related laws or enact new laws against the practice. Apparently Zanzibar does not have FGM practices, but the situation in Tanzania mainland indicates that it is still very much practiced especially around lake zones and Northern and Central Tanzania. Regarding corporal punishment, the government has made efforts to minimize its use in schools through policy measures. For example, the Ministry of Education in Zanzibar is actively involved in curbing corporal punishment in schools.

Recommendation 5

Implement a comprehensive legal and policy framework to end practices which are discriminatory and lead to violence against women and girls, including witchcraft killings, rape, domestic violence and practices related to customary ownership and inheritance of land.

Implementation Status: Partially implemented

Various reports from both CSOs and the government indicate that GBV and witchcraft killings in Tanzania are still rampant, however no new laws have been enacted to combat these issues. Despite this, the government developed several strategies and initiatives to manage such issues including the establishment of Police Gender Desks, Tanzania Women Police Network (TPFNET), National Health Management Guidelines – Ministry of Health, changing P3 forms to capture information for GBV victims and the introduction of One Stop Centers.

Recommendation 6

Put in place a comprehensive strategy, as advised by CEDAW to modify or eliminate cultural practices and stereotypes that discriminate women.

Implementation Status: Not implemented

No legal reforms or comprehensive strategy has been put in place by the government since 2011.

Recommendation 7

Consider strengthening the national gender machinery and put in place a comprehensive strategy, including legislation, to modify or eliminate traditional practices, such as female genital mutilation and stereotypes that discriminate women, paying special attention to the situation of elderly women.

Implementation Status: Not implemented

Neither a national gender machinery nor a comprehensive strategy has been put in place to address stereotypes and discrimination against women.

Recommendation 8

Pursue and strengthen efforts to combat social practices harmful to women, in particular female genital mutilation but also all other violence against them as well as discrimination in their access to rights in general.

Implementation status: Partially implemented

The Tanzanian Government introduced Police Gender Desks in every police station across the country. The established desks receive all complaints related to children and women violence. Some government institutions conduct national campaigns against GBV such as commemoration of the International Zero Tolerance Day (February 6) and 16 Days of Activism against GBV.

Recommendation 9

Take further steps to protect women and girls against violence and discrimination and put in place appropriate policy measures in that regard.

Implementation status: No implementation

The women thematic group report indicates that neither a new policy nor law has been introduced to address issues of violence against women. Also, no new efforts to the existing strategies have been implemented since 2011.

Recommendation 10

Adopt the necessary measures to eradicate female genital mutilation and develop programs to develop awareness programs.

Implementation status: Partially implemented

The government has established police special zones in areas where there is a prevalence of FGM such as Tarime. Subsequently, CSOs in collaboration with the government have been commemorating the International Zero Tolerance Day on February 6 every year. The Government of Tanzania has also developed and is now implementing the National Action Plan on violence against women and FGM along with the National Human Rights Action Plan.

Recommendation 11

Continue with policies aimed at multiplying and deepening, with inter alia the support of the international cooperation, actions to combat and bring an end to all forms of gender violence, female genital mutilation and all practices that are either discriminatory or violate women's human rights.

Implementation Status: Fully implemented

Tanzania has successfully worked with international stakeholders in this area. The international community supports several programs regarding human rights, including the National Human Rights Action Plan supported by the UNDP. Tanzania continued to adopt international instruments, however some are yet to be domesticated due to the dual legal system. In 2011, Zanzibar domesticated the Convention on the Rights of the Child and enacted the Children's Act of 2011. Tanzania continues to respect international obligations under various treaties on women rights. For instance, in 2015, the Tanzanian Government submitted its State party report to CEDAW.

Recommendation 12

Allocate adequate resources to ensure the effective implementation of the National Action Plans to combat Violence against Women, Violence against Children and Female Genital Mutilation.

Implementation status: Partially implemented

Most stakeholders are unaware of the National Action Plan to combat violence. Further, the allocated resources are reported to be insufficient.

Recommendation 13

Re-doubling efforts to protect women and children against all forms of violence, including the use of FGM.

Implementation status: Refer to recommendations 9 and 10**Recommendation: 14**

Continue enforcing appropriate measures, such as the National Plan of Action for the Prevention and Eradication of Violence against Women and Children or the awareness campaign "Say No to Violence", to eliminate effectively violence against women, in particular domestic violence.

Implementation status: Partially implemented

There has been no serious allocation of resources to support the plan and other national campaigns to prevent and eradicate GBV.

Recommendation 15

Intensify its efforts to protect women from harmful traditional practices, such as female genital mutilations.

Implementation status: Refer to recommendations 9, 10 and 13

Recommendation 16

Strengthen efforts to fulfill its obligations under the Convention on Elimination of Discrimination against Women, including adopting and implementing legislation prohibiting female genital mutilation.

Implementation Status: Not Implemented

The government is reluctant to domesticate CEDAW and no concrete efforts have been taken to implement this recommendation.

Recommendation 17

Enact a law specifically defining and criminalizing domestic violence and implement the international obligations in this regard, notably the Convention on the Elimination of All Forms of Discrimination against Women and children.

Implementation status: Refer to recommendation 16

Recommendation 18

Undertake more effective measures to address problems of trafficking, sexual abuse and exploitation of women and children, including through ensuring effective implementation of relevant legislations and undertaking intensive media and education programs aimed to increase awareness and sensitivities on the rights of women and children.

Implementation Status: Partially implemented

Tanzania is increasingly becoming a hub of human trafficking where women are the most affected group. Tanzania has an Anti-Trafficking in Persons Act which establishes an Anti-Trafficking Committee under the Ministry of Foreign Affairs. The challenge is that the law is unknown and thus poorly implemented. Tanzania has a National Anti-Trafficking in Persons Action Plan (2013-2017); however, this initiative is also unknown because the government has not made efforts to raise public awareness about human trafficking and the Anti-Trafficking in Persons Act. The law also establishes an Anti-Trafficking Fund but there is insufficient budget for this fund and the Anti-Trafficking Plan.

Recommendation 19

Pursue its efforts in the area of child and maternal mortality to reach a significant decrease of mother, new-born and children deaths.

Implementation Status: Fully implemented

The government has made efforts to reduce the child and maternal mortality rates. More programs have been put in place aiming to reduce child and maternal mortality such as the construction of more health facilities at the district and ward levels. Also, midwives have been enabled to facilitate improved service delivery in rural areas. These initiatives have reduced the rate of child and maternal mortality.

Recommendation 20

Seek international assistance to supplement national efforts to reduce maternal and child mortality.

Implementation status: Fully implemented

The Government of Tanzania greatly depends on international assistance to implement national programs regarding child and maternal mortality. The government's over-dependence on international support can also be a challenge.

Recommendation 21

Increase cooperation with relevant United Nations bodies and other international organizations in an effort to reduce incidences of maternal and infant mortality and increase women's access to health care facilities.

Implementation status: Refer to recommendation 20**Recommendation 22**

Adopt a national program against human trafficking, in particular of women and children, in order to prevent this crime, rehabilitate victims and prosecute perpetrators.

Implementation status: Refer to recommendation 18**Recommendation 23**

Take appropriate measures to eliminate all forms of discrimination against rural women with respect to ownership of land in line with the recommendations of CEDAW.

Implementation status: Refer to recommendations 9, 10 and 13

Recommendation 24

Take the necessary measures to increase women's access to health care facilities and medical assistance by trained personnel, in particular in rural areas, in order to reduce incidences of maternal and infant mortality to enhance the life expectancy of women.

Implementation status: Partially implemented

The government has taken measures to ensure that there are labour wards in every health centre and at least one health personnel in every health centre who is qualified in women delivery services. The government has also put in place women clinical centres in every ward. However, the effective implementation of these programs is challenging due to lack of electricity in rural areas.

Recommendation 25

Step up its efforts to protect women and girls from sexual violence.

Implementation status: Partial Implementation

The government has established Police Gender Desks and One Stop Centres. In Zanzibar, the government established One Stop Centres in every region.

2.3.2 Analysis of the Findings and CSOs Interventions

The 25 recommendations were grouped into the following five clusters: women land rights and rights to inheritance; female participation in decision-making; human trafficking; and maternal and child mortality. This section analyses key findings as well as demonstrating how CSOs have made efforts to intervene the implementation of UPR recommendations.

(a) Rights to Inheritance and Land Rights

Women rights in land ownership are still not secured, especially regarding inheritance issues despite the Constitution of the United Republic of Tanzania granting the right to own property and the protection of land ownership between men and women under the Land Act and Village Land Act of 1999. During the first UPR cycle, the government agreed to put in place a comprehensive strategy to eliminate practices that discriminate women to ensure equality in inheritance and land rights. However, the situation is still discriminatory against women when their husbands or parents die. Tanzania still retains legislation that governs inheritance issues such as native laws and Islamic laws. Some of these laws are in conflict with the Constitution and land laws of this country. However, in Zanzibar substantial progress has been made to amend a law regarding the Kadhi court.

CSOs have played an important role in supporting the government to implement these recommendations. They have been engaged in sensitization and awareness raising campaigns through media and publications and fought vigorously for the inclusion of women land rights in the new Constitution. CSOs have also implemented several programs to support GBV victims such as legal aid and rescue centers. In addition, women rights CSOs have written shadow reports such as CEFDAW. For example, TAWLA developed a GBV model law as an advocacy tool. Women and other human rights groups raised awareness about women rights by commemorating various international days about women rights such as International Women's Day, International Widow Day as well as 16 days of Activism against GBV.

(b) Female participation in decision-making

Women have been lagging behind in holding positions in decision-making bodies compared to men due to historical reasons. In the last reporting cycle, the government pledged to increase female participation in decision-making bodies. The Government of Tanzania has made some commendable efforts in the last four years to increase female participation in decision-making bodies. The number of women holding office in parliament, the judiciary and government has increased tremendously compared to the situation in 2011. Also, efforts to increase female participation in decision-making can be seen in political parties where women are now increasingly chosen or appointed to various senior political positions.

Again, CSOs played a significant role in raising public awareness during the Constitution making process for inclusion of 50/50 percent of members of the Parliament in the new Constitution. They conducted several workshops with MPs, decision makers, policy makers and politicians to advocate for female participation in decision-making.

(c) Human trafficking

In the last reporting cycle, two recommendations were made to the government regarding human trafficking. According to various reports, the government has made some efforts to address trafficking but is yet to fully comply with the minimum standards to ensure its elimination.² The government has failed to demonstrate an overall increase in efforts to combat human trafficking. Therefore, Tanzania has been placed on the Tier 2 Watch List. For a fifth year, the government has failed to allocate funding to the victims' assistance fund established by the 2008 Anti-Trafficking in Persons Act. Also, the Anti-Trafficking in Persons Act has been poorly implemented. Further, the government failed to prosecute any new cases or convict any trafficking offenders during the reporting period. Insufficient efforts to protect victims left resulted in a lack of incentives to pursue

² US State Department Trafficking in Person Report, 2014.

investigations, curtailing the government's ability to pursue successful law enforcement action against traffickers. Regarding CSOs interventions, there is room for improvement as there has been no serious NGOs intervention in this area for the past four years. There is however the active participation of the IOM, an intergovernmental organization based in Tanzania.

(d) Maternal and child mortality

In the last reporting cycle, the Government of Tanzania pledged to reduce maternal and child mortality rates by taking necessary measures toward increasing women's access to health care facilities and medical assistance by trained personnel, particularly in rural areas. Our findings indicate that the government has made efforts to reduce incidents of mother, new-born and child mortality through increasing the construction of health facilities all over the country to 6,878 in 2013 both from government and private sector developments (compared to 6,663 in 2012)³. Midwives have been trained to facilitate improved services delivery which ensures that there are labour wards in every health centre. Also, there is at least one health personnel who is qualified for women delivery services in every health center.

Despite these efforts, recent studies have revealed that shortages of essential medicines, medical supplies and equipment, shortage of health workers, inaccessibility of health services and grievances of health workers are major challenges posing threats to health rights in Tanzania⁴. Further, the shortage of essential medicine, medical supplies and equipment is mainly attributed to the lack of funds for the health sector. The budget allocation is usually insufficient and procurement procedures are long and complex⁵.

In Tanzania, there are only a few CSOs that advocate for health rights, however they have made significant progress. Human rights NGOs and health rights NGOs such as SIKIKA have conducted several campaigns and advocacy work against child and maternal mortality in Tanzania. They also conducted surveys and research to reveal the magnitude and prevalence of the problem. Other CSOs, especially international NGOs, provide substantial support to the government to improve child and maternal mortality rates.

SOURCE OF DATA/INSTITUTIONS CONSULTED

From Government Institutions

- Ministry of Community Development Gender and Children
- Parliament
- Law Reform Commission
- Attorney General Office
- Ministry of Land
- Tanzania Investment Center
- Commission for Human Rights and Good Governance
- Education Policy, 2014
- Ministry of Education - circulars
- Corporal Punishment Act
- Ministry of Home Affairs
- Ministry of Empowerment, Social Welfare, Youth, Women and Children in Zanzibar

From CSOs

- TAMWA
- WILDAF
- ZAFELA
- TAWLA
- LHRC
- HAKI ARDHI
- PINGO'S FORUM
- KIVULINI
- ZLSC
- PWC
- FAWE (ANITA)
- ULINGO
- TMF
- TGNP
- WA KACO
- KIWOHEDE
- IOM
- CHODAWU
- WOTE SAWA
- SIKIKA

2.4 RECOMMENDATIONS ON SOCIAL RIGHTS

The group monitored and documented progress regarding the accepted recommendations about the following basic social rights: health, water, education and social security. To achieve its mission, the group consulted ministries and CSOs. The group monitored 13 recommendations on social rights. The recommendations are categorized accordingly: reduction of mortality rate among maternal and infants (right to life); right to access quality education; and poverty reduction in general.

2.4.1 Implementation Status and Government Intervention

Recommendation 1

Intensify programs to combat poverty.

Implementation status: Partially implemented

Evidence of this recommendation being implemented includes President Kikwete's 2015 speech during the final parliamentary session and the Big Results Now reports.

Recommendation 2

Take adequate measures to integrate human rights education into school curricula and design human rights training programs for civil servants and security officer.

Implementation status: Fully implemented

Human rights has been incorporated in school curricula and there are frequent training programs for civil servants regarding human rights.

Recommendation 3

Continue to put more resources in education to reduce overcrowding in classrooms.

Implementation status: partially implemented

In the financial year 2015/2016, the budget for education has been increased for 17% - for 2015/16 from the 2014/2015 financial year. compared to 2014/15), More classes have been constructed and donor contributions and private sector contributions have increased the supply of desks.

Recommendation 4

One of the main priorities of the Government remains to be a quick improvement of the quality of teaching.

Implementation status: partially implemented

The government has introduced teachers' training programs (LANES and equip program), adopted a new Education policy and introduced ICT programs for teachers (TOT). Through the presidential initiative of constructing laboratories in each school, the government is trying to address the quality of teaching, especially in science subjects.

Recommendation 5

Introduce, in the interim, "hot seating" in schools as a stop gap measure to reduce overcrowding in classes.

Implementation status: partially implemented

Although some schools implement hot seating, the GoT has insisted on the construction of new classrooms and not promoted hot seating. There are still a number of schools where students sit on the floor or even outside (under trees) due to overcrowding.

Recommendation 6

Train all lecturers and teachers in inclusive education.

Implementation status: partially implemented

There are special schools which provide inclusive education. Also, the new Education Policy has been incorporated and new education legislation is being drafted to ensure inclusive education. Challenges in implementing this recommendation include limited resources and poor infrastructures/ aid to accommodate inclusive education. In addition, not all teachers are trained regarding inclusive education.

Recommendation 7

Continue strengthening the quality of education delivery at the basic, secondary and tertiary levels.

Implementation status: partially implemented

Education is a main priority of the government which is demonstrated by the budget increase of 17% compared to 2014. In addition, the renewal of the curriculum for standard I & II, strengthening of service teacher training programs, and formalisation of pre-primary education (e.g. primary school has a pre-school) demonstrated progress regarding this recommendation. Also, decentralisation of management of education has assisted in improving education in Tanzania.

Recommendation 8

Give special attention to the attendance of children to secondary schools.

Implementation status: partially implemented

Restrictions regarding corporal punishment, provision of lunch and breakfast, and the use of inspectorate management unit (MIS) demonstrate the partial implementation of this recommendation.

Recommendation 9

Re-double its efforts to develop and maintain a qualified cadre of highly motivated primary and secondary school teachers capable of providing quality education to students.

Implementation status: Partially implemented

Initiatives such as the Adoption of Teachers Service Commission Bills (2015), building multi-unit houses, reducing tax burden (PAYEE), paying teachers outstanding arrears, and refresher courses for primary teachers demonstrate the partial implementation of this recommendation.

Recommendation 10

Increase cooperation with relevant United Nations bodies and other international organizations in an effort to reduce incidence of maternal and infant mortality and increase women's access to health care facilities.

Implementation status: Partially implemented

The Tanzanian Government led by President Jakaya Mrisho Kikwete has been at the forefront of promoting cooperation with the UN and other international bodies.

Recommendation 11

Seek international assistance to supplement national efforts to reduce maternal and child mortality – Uganda.

Implementation status: Partially implemented

Recommendation 12

Pursue its efforts in the area of child and maternal mortality to reach a significant decrease of mother, new-born and children deaths – Burkina Faso.

Implementation status: Partially implemented

2.4 2 Analysis of Findings and CSOs Interventions

The overall analysis indicates that Tanzania has partially implemented the recommendations regarding social rights. Over the past four years, there have been a number of government initiatives to improve social rights. However, the situation, especially in rural areas, has worsened. Access to social rights in urban areas have been addressed to some extent, but more needs to be done regarding the quality and availability of services. The analysis below is divided into education rights and right to health.

(a) Education Rights

The government has selected the education sector to be in the Big Results Now initiative aimed at maximising the utilisation of the available resources to achieve specific results within a stipulated time line (3 years in the case of education). Further, the GoT has continued to implement the MESS program (a plan to construct secondary schools in each ward). The recommendations regarding education rights have either been partially implemented or not implemented at all. The following factors demonstrate the reasons behind this conclusion:

- ⦿ Congestion in classrooms is still a challenge and the implementation of the BRN initiative has been slow.
- ⦿ Decapitation grants do not reach the intended recipients on time and often the amounts are less than what is required and/or originally planned.
- ⦿ Although there is an increase in this year's budget, the analysis shows that there is high donor dependence especially in the development budget.
- ⦿ Poor teaching environments continue to exist including teachers' lack of motivation, inadequate supply teaching materials and poor physical infrastructure such as latrines.
- ⦿ Although pre-school has been formalised, government implementation of pre-school is poor due to very limited resources allocated to this level of education (E.g. there are no special trained teachers or special classrooms).
- ⦿ Schools have been providing meals to encourage attendance, but the government has not been able to fully fund this initiative and parents are forced to take up the responsibility to contribute.

- ⦿ The government policy states that primary education is free and secondary is heavily subsidised. However, the reality is that parents still contribute significant amounts through official sanctioned compulsory contributions.
- ⦿ There are very few government programs tailored at encouraging the attendance of female students who have shown to be more susceptible to challenges discouraging attendance.
- ⦿ Teachers' salaries are still low despite the reduction of the PAYEE (which was a very small reduction). Also, unfriendly teaching environments are a problem.
- ⦿ There are still persistent delays experienced by newly recruited teachers in receiving their remuneration.
- ⦿ A new bill has been introduced called Teachers Service Commission, however there are concerns that the consultation process did not involve all stakeholders.

A number of CSOs have been involved in different initiatives to improve the education sector by conducting research to improve the right to education, relevance of primary and secondary school curricula, teaching effectiveness in primary and secondary schools and student performance (e.g. quality of education). CSOs have conducted budget and policy analysis with specific recommendations, which are usually completed prior to the budget approval session. CSOs have also been able to conduct analysis of the Controller and Auditor General reports to examine how the government has implemented audit recommendations. Further, CSOs have conducted media advocacy on education policy, improvement of education infrastructure and availability of teaching aids. Activities conducted by CSOs include direct support services based on community libraries and the distribution of exercise books to students.

(b) Right to Health

The recommendations on the right to health focused on the reduction of mortality. Although there are challenges, the government with the assistance of development partners has been able to improve services and reduce the maternal mortality rate from 450/100,000 (2010) to 432/100,000 and the child mortality rate from 81/1,000 to 54/1,000. Despite this, access to MNCH services is still a problem in many parts the country, especially in rural areas. The continued cooperation with the UN and international organizations has recently been challenged because development partners have raised concerns regarding the level of governance in relation to government funds.

CSOs have been involved in a number of initiatives to support the government to implement the recommendations. These initiatives include strengthening the health system (e.g. training HRH on MNCH services, budget analysis, research, policy advocacy, awareness raising and media advocacy campaigns).

The government needs to ensure increased financial allocation to the health sector as well as timely and full disbursement of the allocated funds. In 2001, the Government of Tanzania and other African countries signed and ratified the Abuja Declaration which calls upon all signatory countries to allocate at least 15 percent of the total government budget to the health sector. Tanzania has been allocating about ten percent, which has caused CSOs to question its commitment to fulfill this obligation. The government in partnership with development partners and UN bodies has been able to significantly improve MNCH services leading to the observed reductions in maternal and child mortality rates. Nevertheless, access to these services, in particular in rural areas, is still poor. The government needs to invest more funds in the health sector, especially in poor rural areas.

| SOURCE OF DATA/INSTITUTIONS CONSULTED | |
|---|---|
| From Government Institutions | From CSOs |
| <ul style="list-style-type: none"> ○ President Kikwete’s 2015 speech during the final Parliamentary session. ○ Mkukuta reports ○ Big Results Now reports ○ Mkurabita ○ Government circulars ○ Ministry of Education and Vocation Training ○ www.brn.go.tz ○ http://www.pmoralg.go.tz/quick-menu/brn/education/index.php ○ Education Policy, 2014 ○ President’s Speech 2012 (London Summit) ○ Minister of Health, Parliamentary Speech 2015 (last session) ○ Budget documents ○ Minister of Health, Parliamentary Speech 2015/16 ○ National Examination Council of Tanzania | <ul style="list-style-type: none"> ○ HAKI ELIMU ○ TENMET ○ LHRC ○ POLICY FORUM ○ BMAF ○ SIKIKA ○ CHESO ○ TACOSODE |

2.5 CIVIL SOCIETY, FREEDOM OF ASSOCIATION & HUMAN RIGHTS DEFENDERS

This thematic group had ample time to monitor the government's commitments made in the last UPR in respect of freedom of association and HRDs. The group was able to assess efforts regarding whether the government promoted a friendly working environment for CSOs, including institutions such as CHRAGG, and identify ways in which the government ensured the constitutional reform process was inclusive, fair and conducted in an open and accountable manner.

2.5.1 Implementation Status and Government Intervention

Various sources of information were used to determine the recommendations' implementation. Ten recommendations were within the scope of this thematic group: five recommendations were fully implemented, two were not implemented, and three were partially implemented.

Recommendation 1

Enhance conducive environment for civil society work to promote human rights.

Implementation status: Partially implemented

Recommendation 2

Accelerate its work in forming a special commission to supervise the Constitutional reform which was announced by the President in 2010. Its membership should include various structure of the population.

Implementation status: Fully implemented

The Constitutional Review Commission was comprised of various interest groups from the population. It was formed accordingly and submitted its report on time.

Recommendation 3

Guarantee the freedom of expression, association and assembly by allowing human rights defenders, political opponents and journalists to express freely their views in line with international human rights laws.

Implementation status: Not implemented

Recommendation 4

Continue to strengthen the capacity of the Commission for Human Rights and Good Governance (CHRAGG) including through the collaboration with Regional Organizations and United Nations Institutions.

Implementation status: Partially implemented

The government supported the National Human Rights Priorities in Tanzania 2013-2015 project to build the capacity of CHRAGG.

Recommendation 5

The Constitution review process is conducted in an open and accountable manner to include the general public, the national Parliament and the Zanzibar House of Representatives.

Implementation status: Partially implemented

The Constitution review was conducted in an open and accountable manner, which included the general public as well as national parliament and Zanzibar House of Representatives. However, during the discussion sessions, the coalition of the opposition political parties walked out of the Constituent Assembly (CA) due to dissatisfaction of how matters were being conducted in the CA.

Recommendation 6

Establish a clear modality of direct access for the public to give input in the process of reviewing the Constitution.

Implementation status: Fully implemented

Recommendation 7

Request for technical assistance, and capacity building from the Office of the High Commission for Human Rights (OHCHR) to improve the lives of Tanzanians.

Implementation status: Fully implemented

Tanzania has requested the High Commissioner for Human Rights to manage the empowerment of civil societies.

Recommendation 8

Engage the civil society in the process of implementation of the UPR recommendations.

Implementation status: Not implemented

Recommendation 9

Work with the media and other stakeholders to ensure that all organs of the State understand and appreciate the Constitution guarantees freedom of press and assembly.

Implementation status: Partially implemented

The government allowed media institutions to formulate *Baraza la Katiba la Wadau wa Habari* (The Constitution Council for Media Stakeholders) to enable media stakeholders to engage in the process.

Recommendation 10

Respect the right to assembly throughout the process of reviewing the Constitution.

Implementation status: Fully implemented

The government used public meetings to collect public views on the draft Constitution.

2.5.2 Analysis of Findings and CSOs Interventions

Under this thematic area, five out of ten recommendations have been fully implemented, three partially implemented, and two were not implemented. In analyzing the findings, the recommendations are divided according to their implementation status.

(a) Fully Implemented Recommendations

The Constitution Review Commission (CRC) was formed and its membership included various interest groups from the population as well as people from Zanzibar. After preparing the draft Constitution, the CRC consulted over one million people. The CRC met with coalitions and interest groups to obtain their input for the first draft which was reviewed by local forums comprised of nominated members of the community. Furthermore, coalitions and interest groups convened by CSOs and/or government could apply for permission to hold consultations and submit their feedback to the Commission. As of October 2012, about 500,000 Tanzanians had already given their opinion on the draft Constitution. The government allowed media institutions to formulate a *Baraza la Katiba la Wadau wa Habari* (Constitution Council for Media Stakeholders) to enable the media to provide their views on the draft Constitution.

CSOs in Tanzania drafted and shared a template CRA with CPD including a critical analysis of the CRA and Referendum Act. These organizations formed a coalition of CSOs, FBOs and technical working groups. Furthermore, they held public campaigns, meetings and workshops with law enforcers and members of the Constituent Assembly.

(b) Partially Implemented

Despite some government efforts to strengthen CHRAGG, there are still many challenges affecting its effectiveness. CHRAGG admits that its mandate and independence is not sufficient since they have no power to enforce their recommendations in court or for their reports to be discussed in parliament.

Another recommendation was regarding the Constitution-making process which was conducted in an open and accountable manner. Consultations included the general public as well as the national parliament and Zanzibar House of Representatives. However, it was clearly observed that the dominant ruling party was against the draft Constitution produced by the CRC. Therefore, omitting public views about the draft Constitution negatively affected the process.

There is also a difficult working environment for CSOs because they fully depend on donor funds and do not receive funding or subsidies from the government. There is no framework to support CSOs initiatives. Draconian laws are in place which do not specify what CSOs can and cannot do. In addition, these laws restrict their right to assembly and prevent them from forming flexible coalitions for a certain purpose and time. However, according to a 2013 CSO Sustainability Index for Sub-Saharan Africa, Tanzanian CSOs' sustainability is neither enhanced nor impeded, but rather is evolving.

(c) Recommendations not implemented

Certain recommendations have been marked as not implemented due to the fact that during the 19th URT parliamentary session, the government passed two bills, Statistics Act and Cyber Crimes Act, under a certificate of urgency. The bills were very controversial and have articles which infringe freedom of expression. The government does not want to enable the media to perform its duties freely and effectively and allow the public to enjoy freedom of expression and access to information. During the review period, the country has witnessed the murder of journalists and torture of active HRDs. For example, the death of Dr. Steven Ulimboka. Some HRDs were harassed; the most recent case being that of Suzan Nordlund, a Swedish blogger who writes about Loliondo human rights violations. The government has objected to civil servants joining trade unions and the matter has been filed by the Trade Union Congress of Tanzania (TUCTA) in the High Court's labour division to challenge the government circular. Several newspapers have been banned from being published or imported without proper justification (e.g. East African Newspaper).

CSOs such as MCT have made relentless efforts to advocate for media friendly laws. In 2011, the MCT published the Access to Information and Media Services Bill with stakeholders' recommendations and sent it to the government critically analyzing the Access to Information and Media Services

Bills both of 2015. However, none of the recommendations were taken into consideration. CORI has organized lobbying and advocacy campaigns to ensure media freedom and freedom of expression is guaranteed. The Tanzania Human Rights Defenders Coalition (THRDC) has been working to ensure HRDs in the country enjoy their rights which include the right to freedom of expression and the right to assembly.

| SOURCE OF DATA/INSTITUTIONS CONSULTED | |
|--|--|
| From Government Institutions | From CSOs |
| <ul style="list-style-type: none"> ○ Ministry of Community Development Gender and Children ○ Ministry of Constitution and Legal Affairs ○ Ministry of Information, Youth and Sports ○ Tanzania Mid-Term Implementation Assessment, Geneva, July 2014 | <ul style="list-style-type: none"> ○ MOAT ○ MCT ○ THRDC ○ JUKATA |

2.6 POLITICAL RIGHTS AND HUMAN RIGHTS IN GENERAL

This thematic group was assigned to monitor human rights issues which encompass political rights, good governance and democracy. The scope of human rights is very broad, including democracy, movements for social and economic justice, the advancement of sustainable communities and societies, civil society, as well as international law dealing with crimes against humanity and genocide.

2.6.1 Recommendations on Political and Human Rights in General

Recommendations of this thematic group broadly cover political rights, ratifications of international instruments and human rights in general. The thematic group explored the conceptualization and operationalization of human rights and welfare in the country through all recommendations made from 2011 to date.

2.6.2 Implementation Status and Government Intervention

A similar assessment mode was used in this group to assess the implementation status of the recommendations as was used in the other thematic groups. Twenty eight recommendations were assessed of which 14 were partially implemented, 13 were not implemented and one was fully implemented.

Recommendation: 1

That the process of reviewing the Constitution is conducted in an open and accountable manner, which includes the general public as well as the national Parliament and Zanzibar's House of Representatives.

Implementation status: Partially implemented

The constitutional review process started well, however the ruling party seemed to disregard the draft produced by the Constitutional Review Commission. Also, most citizens' views were not incorporated through the Constituent Assembly for the proposed Constitution.

Recommendation: 2

Implement a national action plan to combat corruption, including enhanced laws and enforcement, more resources dedicated to anti-corruption bodies, a review of law enforcement compensation, and a nation-wide educational campaign.

Implementation status: Partially implemented

The National Anti-Corruption Strategy and Action Plan (NACSAP) has been in place since 1999. However, its implementation has been marred by drawbacks. The NACSAP provides the framework within which MDAs, regions and LGAs are required to initiate concrete measures to address corruption in their areas of jurisdiction. Zanzibar managed to establish the Zanzibar Anti-Corruption and Economic Crimes Authority (ZAECA) in 2012.

Recommendation: 3

Improve conditions in prisons centers, including alternative mechanism to deprivation of liberty such as community services.

Implementation status: Not implemented

There has been no law and policy reform regarding the prison sector. However, the government has prepared a draft Prison Policy.

Recommendation: 4

Improve conditions in Tanzania's prisons, in relation to overcrowding and inadequate health care.

Implementation status: Partially implemented

Technically there are initiatives to reduce overcrowding, however conditions have not sufficiently improved.

Recommendation: 5

Ensure all security forces are subject to strict control of civilian authorities.

Implementation status: Not implemented

It is noted that matters concerning security forces are conducted secretly; there is no information available from security forces that is provided to civilians.

Recommendation: 6

Incorporate provisions from ratified instruments into domestic law and seek the international community to provide the necessary means to tackle difficulties that Tanzania face in the area of human rights.

Implementation status: Not implemented**Recommendation: 7**

Study the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Implementation status: Not implemented**Recommendation: 8**

Continue implementing its national laws in accordance with the universally agreed human rights norms and principles.

Implementation status: Partially implemented**Recommendation: 9**

Ensure that police officers having committed acts of torture or ill-treatment be prosecuted and punished appropriately.

Implementation status: Not implemented**Recommendation: 10**

Continue policies aimed at multiplying and deepening, with inter alia the support of the international cooperation, actions to combat and bring an end to all forms of gender violence, female genital mutilation and all practices that result either discriminatory or violating women's human rights.

Implementation status: Partially implemented

Tanzanian law and policy prohibits female genital mutilation and corporal punishment. However, female genital mutilation is still practiced by some tribes in Tanzania and currently the prevalence rate is 15 percent.

Recommendation: 11

Provide human rights training for security forces.

Implementation status: Fully implemented**Recommendation: 12**

Complete as earlier as possible the preparation of the National Human Rights Action Plan and implement the plan at earliest.

Implementation status: Partially implemented

The National Human Rights Action Plan launch took place in December 2013, reaching 2,000 people at the launch and several more thousands through radio, TV, newspapers, public debate and the dissemination of 200 copies of the NHRAP in English and 100 copies in Kiswahili.

Recommendation: 13

Continue with its commendable efforts to promote and protect human rights and freedoms.

Implementation status: Partially implemented

There are still laws and policies in place that infringe human rights and freedoms and human rights violations in Tanzania are still rampant.

Recommendation: 14

Continue institutionalizing the achievements in human rights and work to strengthen national human rights mechanisms and democratic institutions.

Implementation status: Partially implemented

Tanzania lacks an independent State owned human rights institution. CHRAGG receives its budget from the government and has a persuasive/ advisory role to play. Practically there is a challenge in institutionalizing achievements in human rights. Also, there have been no serious human rights interventions on key issues about human rights violations.

Recommendation: 15

Take adequate measures to protect its population from violence committed by the security forces and establish an independent mechanism for the investigation of complaints regarding abuses carried out by law enforcement officials to new group/ both.

Implementation status: Not implemented

Recommendation: 16

Sign and ratify all remaining core international human rights instruments (CAT).

Implementation status: Not implemented

Recommendation: 17

Assign resources to the Judicial Power that facilitates access to justice, particularly in rural areas.

Implementation status: Partially implemented

The government has allocated very limited resources to the judiciary in rural areas. This has resulted in poor court premises and inadequate judicial personnels.

Recommendation: 18

Improve the efficiency of the justice system by streamlining and simplifying judicial procedures including introducing a case management system that tracks individual cases from filing to disposition and limit the amount of time each case can take at each stage.

Implementation status: Partially implemented

The Judicial Administration Act has been put in place. Through the BRN, the recommendation has been partially implemented. There is also an initiative under the Tanzania Towards People Centric Justice Service Delivery and Judicial Modernization to improve the justice system.

Recommendation: 19

Establish an independent body for investigating complaints about actions of law enforcement officials.

Implementation status: Not implemented

Recommendation: 20

Sign and ratify all remaining core international human rights instruments (OP-ICESCR, ICCPR-OP1 and OP2, OP-CAT).

Implementation status: Not implemented

The agreements have not been ratified. Tanzania has prepared the International Criminal Court Bill, but is yet to table it in parliament for approval and domestication.

Recommendation: 21

Consider the possibility to ratify the: Convention against Torture, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, International Convention for the Protection of All Persons from Enforced Disappearance.

Implementation status: Not implemented

The National Human Rights Action Plan was launched in 2013. Its goal was to domesticate human rights law and align national laws with international human rights principles.

Recommendation: 22

Establish a clear modality of direct access of the public to give input in the process of reviewing the Constitution.

Implementation status: Partially implemented**Recommendation: 23**

Sign the Convention for the Protection of All Persons from Enforced Disappearance Rights.

Implementation status: Not implemented**Recommendation: 24**

Vigorously prosecute security force personnel who violate the law.

Implementation status: Partially implemented

Recommendation: 25

Ensure all security forces are subject to strict control of civilian authorities.

Implementation status: Partially implemented

Recommendation: 26

Provide all victims of violence against women an unhindered access to justice and ensure that all perpetrators are brought to justice in accordance with international standards.

Implementation status: Partially implemented

Recommendation: 27

Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Implementation status: Not implemented

Recommendation: 28

Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and incorporate its provisions into domestic law.

Implementation status: Not implemented

2.6.3 Analysis of the Findings and CSOs Interventions

The analysis below divides the recommendations into the following categories: ratification and domestication of international instruments; constitutional review process; security force accountability; national human rights institutions; and prison conditions.

(a) Ratification and Domestication of International Instruments

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

CSOs have developed model laws based on the Maputo Protocol and CEDAW. Also, CSOs have conducted various campaigns for the ratification of the African Charter on Democracy, Elections and Governance, capacity building and sensitization regarding various international instruments, and ongoing advocacy for the government to ratify the CAT.

(b) Constitutional Review Process

The Constitutional Review Commission undertook a wide consultation with the general public prior to producing the first draft (over 1 million people were reported to have been consulted). Commission members also met with coalitions and interest groups. The first draft was reviewed by local forums, comprised of nominated members of the community. Coalitions/interest groups convened by CSOs and/or the government could apply for permission to hold consultations and submit their feedback to the Commission. As outlined above, the recommendation about the Constitution review was partially implemented. Further, CSOs drafted and shared a template CRA with CPD, and conducted a critical analysis of the CRA and Referendum Act no. 11 of 2013. Public campaign meetings were also held as well as training sessions with members of the CA regarding publication, dissemination and seeking judicial interpretation of the CRA.

(c) Security forces Accountability

Police officers of lower ranks who are involved in human rights violations have been made accountable to some extent. However, there has never been an independent body to investigate and hold police officers who violate human rights accountable. CSOs have provided input regarding law reforms relating to the conduct of police personnel (E.g. election, PF3 etc) and entered MOUs with police to provide training and workshops to top law enforcers.

(d) National Human Rights Institutions

CHRAGG has been operating for several years. However, its independence is highly questionable. Its top officials are presidential appointees and its operations depend on the budget from the government. There have never been any interventions for law reform concerning the independence of CHRAGG by the government. However, CSOs have advocated for budget increases and further independence and the expansion of CHRAGG's mandate.

(e) Prison Conditions

In April 2014, IOM in coordination with the Tanzanian Ministry of Home Affairs and the Ethiopian Ministry of Foreign Affairs, conducted a verification mission in six Tanzanian prisons to verify Ethiopian migrants being detained for unlawful entry into Tanzania. The government lacks proper detention and holding facilities; thus, these migrants are held with criminals and other offenders in very poor conditions. IOM in collaboration with the Government of the United States' Bureau of Population, Refugees and Migration (PRM) and Japanese funding, is assisting the voluntary return of Ethiopian migrants detained in prison. This program was meant to ensure that 500 Ethiopian migrants would be returned by the end of 2014. This initiative provides a short-term solution to overcrowding in prisons. Recently, the 2015 prison officers' curriculum included human rights and principles of natural justice. CSOs have conducted advocacy for the Prisons Act [1967] reform and inclusion of inmates in the Constitution-making process during its prison visits.

SOURCE OF DATA/INSTITUTIONS CONSULTED

From Government Institutions

- Ministry of Justice and Constitutional Affairs
- Attorney General Office
- Resources from defunct Constitutional Review (Commission (CRC) and the Constituent Assembly
- Prevention And Combating Of Corruption Bureau
- Controller and Auditor General
- Director of Public Prosecution Office
- Ethics Secretariat
- Ministry of Foreign Affairs and International Cooperation
- Ministry Of Justice and Legal Affairs

From CSOs

- LHRC
- JUKATA
- THRDC
- TLS
- TAWLA
- TANLAP
- ZLSC
- SAHRiNGON
- ANGOZA
- TANLAP
- WLAC
- LAC

2.7 RECOMMENDATIONS ON MINORITIES AND PEOPLE WITH DISABILITIES (PWDs)

2.7.1 Implementation Status and Government Intervention

Institutions including SHIVYAWATA, Under the Same Sun and Tanzania Albino Society are the major actors under this thematic group who monitor the implementation of recommendations related to PWDs. Out of the 107 accepted UPR recommendations, 12 were related to PWDs issues, particularly their protection, education and health.

Recommendation 1

Strengthen efforts to protect the rights of all people with Albinism.

Recommendation 2

Continue to ensure full and complete protection of persons with albinism.

Recommendation 3

Continue with awareness raising measures for the recognition and dissemination of the rights of persons with disabilities and to implement, as quickly as possible, the Law on Persons with Disabilities.

Recommendation 4

Continuously conduct a nation-wide human rights awareness campaign with specific emphasis on the right to life for people with albinism.

Recommendation 5

Consider strengthening efforts to put a halt to incidents of killings of persons with albinism.

Recommendation 6

Continue to work towards protecting and promoting the rights of marginalized and vulnerable population.

Implementation status: All above six recommendations have been categorized in one theme and are all partially implemented.

The Ministry of Home Affairs has partly implemented the recommendation on Protection of Persons with Albinism. The Minister said that the task force led to the arrest of 286 suspects of which 30 were found guilty, 35 files are under police prosecution and 193 prosecutions are in progress.

The marginalized and vulnerable population in Tanzania includes refugees and asylum seekers. The government has facilitated durable solutions for refugees by naturalizing approximately 162,000 former Burundian refugees and 3,000 Somali Bantus in 2014. The government's generosity has also been demonstrated by hosting the recent influx of approximately 95,000 Burundian refugees. In addition, the GoT published the National

Human Rights Action Plan 2013-2017 in December 2013, which set an objective to reform existing refugee law and policy to provide more effective protection for asylum seekers and refugees. However, despite these achievements, breaches of asylum seekers' and refugees' rights have occurred since 2011. The government requires asylum seekers and refugees to live in refugee camps, which violates their right to freedom of movement. The government also continues to restrict asylum seekers' and refugees' access to their right to work. In addition, due process violations in refugee status determination create a risk of refoulement in breach of refugees' rights under international law.

Recommendation 7

Improve access to education and health care, for persons with disabilities with particular focus on children.

Implementation Status: Partially implemented

The Ministry of Education and Vocational Training in collaboration with UNICEF and Under the Same Sun has developed a quick guide for teachers; the Ministry has already launched this document. Also, the Ministry of Health and Social Welfare has made efforts to ensure that all vocational training and rehabilitation centers for PWDs are disability friendly in terms of their physical environment and teaching facilities.

Recommendation 8

Launch a nationwide education and awareness campaign to prevent stigmatization of persons with albinism to ensure their security and facilitate their equal access to education and employment.

Implementation status: Partially implemented

Recommendation 9

Improve schools and other educational facilities and environment to meet the needs of persons with disabilities.

Implementation status: Partially implemented

The government through the MoHSW has made interventions for recommendations 8 and 9. Disabled children under five years receive free medical services as per cost sharing guidelines.

Recommendation 10

Do more to provide updated and precise statistics on crimes such as assaults on albinos and extra-judicial killings of elderly women, and ensure that murder of elderly women based on accusations of witchcraft is defined as a specific category in police reports.

Implementation status: Partially implemented

Recommendation 11

Provide pupils with disabilities with adequate equipment and tools.

Implementation status: Not implemented

The government has made no efforts regarding this recommendation.

Recommendation 12

Continue its public awareness campaigns and fast tracking of investigation and prosecution of criminal cases in order to demonstrate to the population that the issue of killing albinos was to be taken seriously.

Implementation status: Partially implemented**2.7.2. Analysis of Findings and CSOs Intervention**

The number of killings of PWAs is escalating and it is believed that this trend is due to the election season. The Minister of Home Affairs recently spoke about the three killings of PWAs in Simiyu, Geita and Singida, and stated that 17 suspects were arrested, seven were left released due to lack of evidence, seven were taken to court and three were still under police prosecution. Investigations were deployed to identify, arrest and prosecute the perpetrators before a court of law. However, there are some challenges which reduce the effectiveness of government efforts including lack of strong evidence to prosecute suspects resulting in delays and lack of cooperation from witnesses who are close relatives of the perpetrators, parents and family members. Also, some people are scared of cooperating because of beliefs that they will be cursed by a spell.

The Ministry of Local Government Authority and Regional Administration (TAMISEMI) has partly implemented the recommendations by establishing the Designated Centre to House PWAs for their security in particular regions including Buhangija-Shinyanga, Mitindo-Misungwi, Pongwe-Tanga and Kabanga-Kigoma. The Ministry of Health and Social Welfare has started commemorating International Albinism Awareness Day (IAAD) starting from 2015. In 2014, the UN passed a resolution which declares 13 June of each year to be International Albinism Awareness Day.

Regarding people with disabilities, the government undertook various initiatives including the commemoration of national and international days for people with disabilities, appointment of national advisory council members, launching a council as part of the implementation of the Persons with Disabilities Act, and conducting advocacy campaigns about their rights. CHRAGG has established a disability desk and included issues of disability in their 2013-2015 National Human Rights Action Plan.

NGOs, mainly Under the same Sun, SHIVYAWATA, TAS and CCBRT, have made significant efforts to encourage the government to fulfill its obligations under the recommendations as well as raising awareness about the vulnerability of people with disabilities. Specifically, CSOs made the following interventions regarding these recommendations:

- ◉ Built and improved/renovated school buildings in centers (e.g. dormitories, dining halls and supply of beds and mattresses).
- ◉ In collaboration with the Ministry of Education, developed a quick guide for teachers on how to teach students with low vision, inclusive education. They also advocated for greater accessibility to school premises and the establishment of Educational Support Research and Assessment Centers to act as role models for learning facilities.
- ◉ Organized nationwide awareness raising campaigns on how to solve education challenges facing children with albinism with teachers.
- ◉ Organizations such as Under the Same Sun sponsored over 300 PWAs in various educational institutions from kindergarten to universities. Seventy students completed their education and some have been employed. They also supplied visual aids to their grantees.
- ◉ Organized awareness campaigns to curb murder and violence against PWAs and provided educational DVDs, publicity materials, seminars and training workshops to educate the public about PWAs.
- ◉ Supported dermatology departments in hospitals such as KCMC to produce sunscreen lotions for PWAs by purchasing production machinery and constructing laboratories. CSOs also distributed protective clothes, wide brimmed hats and sunscreen lotion as well as sunglasses from within and outside the country.
- ◉ Worked with the Ministry of Local Government and Regional Administration to ensure students with albinism wore protective uniforms (i.e. long sleeved clothes and wide brimmed hats). They also campaigned for large print books and examinations as well as extra time for PWDs students and supplied solar panel for lights and security in the centre. In addition, CSOs provided a washing machine and 253 mattresses.
- ◉ Ran a campaign for hidden children with albinism and children with visual impairment to attend school.
- ◉ Professional disability hospitals such as CCBRT offer free treatment to children less than five years of age and provide treatment to prevent impairments including eye care, fistula issues, orthopedics etc.
- ◉ Advocated for the rights, needs and protection of PWAs through mass media.

Regarding refugees and asylum seekers, the government facilitated durable solutions through naturalization. Also, the Non-Citizens (Employment Regulation) Act 2014 waives certain work permit fees for refugees, which has improved refugees' access to their right to work. However, the government's mandatory encampment of refugees and asylum seekers violates their right to freedom of movement. Refugees and asylum seekers who cannot obtain permission to leave the camp, often live outside the camp in hiding at risk of detention and deportation.⁶ Also, as this population does not automatically have the right to work, many of them work illegally in the informal sector, live in constant hiding from government authorities and are exploited by their employers and landlords.⁷ In addition, due process violations in refugee status determination, such as not providing written reasons for negative decisions and a right of appeal, created a risk of refoulement. Asylum Access Tanzania (AATZ) provided legal advice to refugees and asylum seekers to assist them to access their rights and conducted empowerment programs to enable them to be self-reliant. AATZ also conducted advocacy and awareness raising programs about refugee rights with various stakeholders including the government.

| SOURCE OF DATA/INSTITUTIONS CONSULTED | |
|--|--|
| From Government Institutions | From CSOs |
| <ul style="list-style-type: none"> ○ Ministry of Justice and Constitutional Affairs ○ Attorney General Office ○ The Ministry of Local Government Authority and Regional Administration (TAMISEMI) ○ Director of Public Prosecution Office ○ Ministry Of Home Affairs ○ Ministry of Justice and Legal Affairs | <ul style="list-style-type: none"> ○ SHIVYAWATA ○ CCBRT ○ TAS ○ UTSS ○ CHRAGG ○ Asylum Access Tanzania |

2.8 RECOMMENDATIONS ON PASTORALISTS AND HUNTERS & GATHERERS

This is the second time that the indigenous people of Tanzania are engaging in the Universal Periodic Review after the first review conducted in 2011. In summary, this implementation status report will briefly review the practical situation of the community guided by the recommendations that are most relevant to indigenous peoples who are mainly pastoralists and hunter-gatherers.

2.8.1 Implementation Status of Recommendations and Government Intervention

Indigenous people in Tanzania include pastoralists and hunter-gatherers who are some of the most marginalized and poorest people in the country. Their marginalization and poverty are a result of a number of causes. They inhabit dry regions subject to periodic drought causing cycles of distress and resort to various coping strategies. They are located in large open areas usually far from the sites of authority and resource concentration.

Recommendation 1

Incorporate provisions from ratified instruments into domestic law and seek the international community to provide the necessary means to tackle difficulties that Tanzania is facing in the area of human rights (Chad).

Implementation status: Not implemented

However, the proposed Constitution that has been put on hold has included the rights of minorities; if this version of the Constitution is implemented, these rights will apply to hunter-gatherers.

Recommendation 2

Continue implementing its national laws in accordance with the universally agreed human rights norms and principles (Lesotho).

Implementation status: Partially implemented

Recommendation 3

Continue to work towards protecting and promoting the rights of marginalized and vulnerable population (Nepal).

Implementation status: Not implemented

However, as discussed in relation to recommendation one, the proposed Constitution includes minority rights.

Recommendations 4

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

Implementation status: Partially implemented

In some situations, independent mechanisms have been established to investigate incidences of grave violations of human rights by the police. For example, the Presidential Judicial Commission of Inquiry into the controversial Operation Tokomeza (anti-poaching operation) revealed violations of pastoralists' rights. However, the Presidential Judicial Commission's report on Operation Tokomeza Ujangili has not been made public and justice has not been achieved.

Recommendation 5

Hold responsible alleged perpetrators of forced evictions and pollution of drinking water in the area around the big mines (Norway).

Implementation status: Partially implemented

The government stopped investors responsible for spillages of toxic materials in River Tighite in Bunda and Lake Bassotu in Hanang; however, perpetrators have not been prosecuted and victims have not been compensated.

Recommendation 6

Align policies to ensure access to land and water for pastoralists with the African Union Framework on Pastoralism and to conclude regional agreements to facilitate cross-border pastoralism (Netherlands).

Implementation status: Not implemented

The government did not review the Livestock policy of 2006 to reflect the African Union Framework on Pastoralism. There is no cross-border agreement or dialogue to allow pastoralists to graze across borders. There have been serious human rights violations to pastoralists' rights in Tanzania's border areas with Kenya, Rwanda, Uganda and Burundi.

Recommendation 7

Recognize the notion of indigenous people with a view to effectively protect their rights (Denmark).

Implementation Status: Not implemented**Recommendation 8**

Adopt measures to protect and preserve the cultural heritage and traditional way of life of indigenous people and undertake effective consultations with indigenous people based on free, prior and informed consent (Denmark).

Implementation status: Not implemented**Recommendation 9**

Launch a credible investigation of forced evictions and land conflicts and use the results of this investigation to help draft new legislation, which fully takes the rights of indigenous people into account (Finland).

Implementation status: Partially implemented

There have been several investigation commissions regarding land conflicts and forced evictions. However, investigation results have neither been made public nor used to formulate any laws that protect pastoralists and hunter-gatherers from further evictions.

Recommendation 10

Promote a legal framework giving legal certitude in terms of property, in particular with regard to land ownership and protection against forced evictions and recognition of the rights of indigenous people, pastoralists, hunters and gathering peoples (Mexico).

Implementation status: Not implemented

Since 2012, there have been several evictions of indigenous peoples in different parts of the country, particularly in Kilosa, Mvomero, Rufiji, Kiteto, Meatu, Igunga, Bunda, Loliondo, West Kilimanjaro, Siha, and Hai. No legislation has been formulated that prohibits forceful evictions and recognizes the rights of indigenous people, pastoralists and hunters-gatherers.

Recommendation 11

Set up an effective statutory consultation mechanism with organizations working on the rights of indigenous peoples.

Implementation status: Partially implemented

The Ministry of Constitutional Affairs is not supportive of the concept of indigenous people. However, the Commission for Human Rights and Good Governance has been conducting meetings to increase awareness of decision-makers about the rights of indigenous people.

2.8.2 Analysis of Findings and CSOs Intervention

The recommendations are grouped into three categories: enabling marginalized and vulnerable populations, violations of the human rights of pastoralists and hunter-gatherers, and ensuring ownership of land and access to water for pastoralists.

(a) Enabling Marginalized and Vulnerable Populations

The community has influenced policy and decision-making processes as well as conducting research on marginalized and vulnerable populations. They also participated in the constitutional-making process and organized seminars and workshops to raise public awareness of human rights. CSOs working with marginalized and vulnerable populations have written shadow reports on human rights monitoring of various international instruments.

(b) Violations of Human Rights to Pastoralists and Hunter-gatherers

The government has launched reports revealing violations of the human rights of pastoralists and hunter-gatherers. These reports are meant to monitor action taken by the government against the perpetrators of different operations that have violated the rights of pastoralists in Operation Tokomeza, the pastoralists who were tortured in Mgongola Valley, West Kilimanjaro, Mabwegere, Meatu, Loliondo, Rufiji, Morogoro, Kilosa and other places. To date, perpetrators have not been prosecuted. CSOs have also monitored the work and outcome of the Presidential Judicial Commissions and Parliamentary Selected Committee to follow up on violations of pastoralists' rights.

(c) Ensuring ownership of land and access to water for pastoralists

As mentioned above, the government has partially implemented the recommendations requiring pastoralists' access to land and clean water. Various mining sites have been spilling chemical liquid water which makes the implementation of these recommendations impossible. For example, PINGO's Forum monitored, conducted research and issued publications and reports about the accessibility of land and water for pastoralists. CSOs have also been effectively engaged in the World Conference on Indigenous People.

Pastoralists and hunters and gathering peoples have been unsuccessful regarding the promotion of a legal framework giving legal certitude in terms of property, in particular with regard to land ownership and protection against forced evictions and recognition of the rights of indigenous people. This is demonstrated by recurring land conflicts between pastoralists and peasants. Organizations including TNRF, PINGO's Forum, Tanzania Land Alliance, PAICOEDO and HakiArdhi have been engaged in providing legal advice to indigenous community members regarding land ownership and protective measures against evictions. Moreover, they have been providing support to pastoralists regarding the acquisition of Certificates of Customary Right of Occupancy, land use planning processes and public interest litigation on land matters.

SOURCE OF DATA/INSTITUTIONS CONSULTED

From Government Institutions

- Attorney General office chamber
- Ministry of Land, Housing and Urban Development
- Ministry of Livestock Development and fisheries
- Ministry of Justice and Constitutional Affairs
- TAMISEMI
- Ministry of Education and Vocational Training
- Ministry of Community Development, Gender and Children
- Planning Commission
- Commission for Human Rights and Good Governance
- Ministry of Agriculture, Food Security and Cooperatives
- Law Reform Commission
- Ministry of Water

From CSOs

- PINGOs Forum
- TAPHGO
- IWGIA
- TCRIP
- UCRT
- PWC
- ALAPA
- LCDO
- TNRF
- TPCF
- NGONET
- PAICODEO
- KINAPPA
- HIMWA

2.9. RECOMMENDATIONS ON ECONOMIC RIGHTS

This theme deals with land and natural resources rights. Out of the 107 accepted recommendations, only nine recommendations fall under this theme. The main task of this thematic group was to follow-up with responsible government institutions on the status of implementations of the nine recommendations in this thematic group.

2.9.1 Implementation Status and Government Intervention

The findings indicate that the nine recommendations have been partially implemented. However, as these recommendations were only partially implemented, there has been no significant improvement of human rights in this thematic group.

Recommendation 1

Harmonize the legislation to eliminate all forms of discrimination against women, notably to ensure equality relating to inheritance and land rights.

Implementation status: Partially implemented

According to Tanzanian jurisprudence, land is regarded as a property protected by the Constitution. Some progress was made through the Land and Village Acts of 1999 that forbids gender discrimination, promotes equality and specifically stipulates that women can own property; however, the implementation of this Act is still a challenge. In addition, there have been no serious reforms or amendments since 2011. This means that despite the hard-won legislation that guarantees women's right to own land and prevents their husbands from selling their house without obtaining their consent, women continue to be discriminated against as a result of customary laws.

Recommendation 2.

Respecting the core labor standards and promoting corporate social responsibility throughout Tanzania, and in particular, develop and implement measures to eliminate child labor.

Implementation status: Partially implemented

Recommendation 3

Align policies to ensure access to land and water for pastoralists with the African Union Framework on Pastoralism.

Implementation status: This issue is already covered under the pastoralists thematic group

Recommendation 4

Intensify programs to combat poverty.

Implementation status: Partially implemented

Various programs, policies and initiatives have been put in place to curb poverty in Tanzania. However, there has been no harmonization of the existing models and strategies which makes it difficult to obtain data regarding the implementation of initiatives to reduce poverty. Data-based approaches only exist in relation to a given area/part of the country, rather than regarding the entire country.

Recommendation 5

Continue applying the social economic strategies and development plans of the country in order to achieve the Millennium Development Goals between now and 2015.

Implementation status: Partially implemented

Recommendation 6

Implement a national action plan to combat corruption, including enhanced laws and enforcement, more resources dedicated to anti-corruption bodies, a review of law enforcement compensation, and a nation-wide educational campaign.

Implementation status: Partially implemented

Some steps towards good governance and anti-corruption have been taken through the National Anti-Corruption Strategy and Action Plan. However, implementing laws and policies in practice has been an issue. The unjustified restrictions on freedom of the press and association by the government, limit the role that stakeholders such as CSOs and media can play in fighting against corruption. However, on a positive note, PCCB has commenced establishing clubs in secondary schools from the district level.

Recommendation 7

Take appropriate measures to eliminate all forms of discrimination against rural women, enhancing access to land and inheritance in line with the recommendations of CEDAW.

Implementation status: Partially implemented

The government has multi-sectoral policies to address VAWG such as the Gender Based Violence Policy, Gender Based Violence Management Guidelines, Plan of Action on the Eradication of Female Genital Mutilation and a National Plan of Action on VAW for the prevention and response to VAW. However, the patriarchal practices in the Tanzanian community hinder the policies from being effective.

Recommendation 8

Strengthen policy that would protect and promote food security as well as increase the access to adequate, clean and safe drinking water especially for the population who live below the poverty line.

Implementation status: Partially implemented

There are several government commitments, policies and strategies which the Ministry of Water has implemented. For example, strategies and commitments to safe water for all which adequately give priority to poor people and a policy on rural water supply as enshrined in its program phase from 2011 to 2014.

2.9.2 Analysis of Findings and CSOs Intervention

This thematic group focused on nine recommendations, particularly discrimination against women and equality between men and women in relation to inheritance and land rights. Its focus was also on improving labor standards and promoting corporate social responsibility, ensuring access to land and water for pastoralists, as well as developing and strengthening policies and strategies for poverty eradication. Lastly it dealt with the application of socio-economic strategies and development plans to achieve the Millennium Development Goals, policies to combat corruption and policies that would protect and promote food security.

In general, some progress has been made through the Land and Village Acts of 1999 that forbids gender discrimination, promotes equality and stipulates that women can own property; however, its implementation is still a challenge and no recent reforms have been made. The dual legal system involving statutory and customary laws is contradictory which causes tremendous confusion among policy makers, the justice sector and Tanzanian citizens. There is a growing movement to insert a constitutional provision explicitly stipulating a woman's right to own and inherit property and land.

| SOURCE OF DATA/INSTITUTIONS CONSULTED | |
|--|---|
| From Government Institutions | From CSOs |
| <ul style="list-style-type: none">○ Ministry of Lands, Housing and Human Settlement○ Attorney General Office○ The Ministry of Local Government Authority and Regional Administration (TAMISEMI)○ Ministry Of Home Affairs○ Ministry Of Justice and Legal Affairs | <ul style="list-style-type: none">○ HAKIARDHI○ HAKIMADINI○ CESOPE○ HAKIKAZI○ ENVIROCARE |

CHAPTER THREE

CHALLENGES IN THE PROCESS OF REPORT WRITING

3.0 Challenges and Recommendations

This chapter describes major challenges encountered during the process of developing this report and includes recommendations to improve the next review. Six major challenges were noted, including poor cooperation among CSOs and government agencies, lack of knowledge among CSOs and government workers, lack of resources for convening meetings and workshops, and insufficient time in writing the report. There are five recommendations based on these challenges: the government should create strategies to engage with CSOs; establish initiatives to run UPR-related programs, trainings and workshops among CSOs and government entities; and call for development partners to support CSOs in UPR-related issues.

3.1 Challenges

i. Poor cooperation among CSOs and government agencies.

Most CSOs were reluctant to participate in the monitoring process and some government agencies did not cooperate and provide the required information. Also, some agencies responded very late due to excessive bureaucracy in their respective ministries. One of the major challenges was a failure to access the UPR implementation plan from the responsible government agency in a timely manner, without which the monitoring process could not be accomplished.

ii. Lack of knowledge among CSOs and government workers

It was found that there was not only a lack of knowledge, but also a lack of UPR mechanism awareness during the monitoring process. The Coalition trained CSOs on UPR issues before the monitoring process, however in almost each UPR monitoring meeting there were participants who knew nothing at all about the UPR mechanism. A similar situation was observed in government offices and those consulted to provide information, lacked knowledge about the UPR. This challenge played a major role in slowing down the monitoring process pace.

iii. Lack of resources for convening meetings and workshops.

Most UPR meetings were to be carried out thematically in order to evaluate the quality of information collected and to validate thematic group reports. However, only the following groups held such meetings and these meetings were held for a limited time due to lack of resources: Theme 1: freedom of expression, press and right to information; Theme 2: women rights; Theme 3: rights to children; Theme 4: social rights; Theme 6: political rights and human rights in general; and Theme 8: indigenous and pastoralist groups.

iv. Insufficient time in the process of writing the report

The above explained challenges resulted in time constraints to write this report.

3.2 Recommendations

1. Government agencies should create strategies on how to engage with CSOs to ensure that CSOs are provided with information in a timely manner, not only for UPR monitoring but also for other activities that require cooperation from government entities. For proper practice, the country needs an Access to Information law which does not violate freedom of expression and the right to information.
2. CSOs and the government should have initiatives to run UPR-related programs, trainings and workshops to increase knowledge and awareness about the UPR mechanism.
3. More development partners should support CSOs in UPR-related issues which will empower CSOs to conduct more trainings and have sufficient funds and resources to carry out UPR-related activities.
4. CSOs and other stakeholders should develop a UPR follow up implementation action plan immediately after the UPR review in Geneva.
5. Tanzania should introduce an in-country UPR session a few months before the Geneva sessions.

ATTACHMENT A

TANZANIAN CIVIL SOCIETY ORGANIZATIONS WHICH PARTICIPATED IN THE PREPARATION OF THE UPR IMPLEMENTATION STATUS REPORT

1. ACTION AID
2. ACTION FOR DEMOCRACY AND LOCAL GOVERNANCE
3. ARUSHA NGO NETWORK (ANGONET)
4. ASSOCIATION OF NGO'S IN ZANZIBAR (ANGOZA)
5. ASYLUM ACCESS TANZANIA (AATZ)
6. BARAZA LA KATIBA ZANZIBAR
7. BETHANIA EMPOWERMENT AND SUPPORT (BEST)
8. BETTER LIFE
9. BLOGGERS ASSOCIATION OF TANZANIA
10. CHANGE TANZANIA
11. CHILDREN EDUCATION SOCIETY (CHESO)
12. CIVIL EDUCATION IS THE SOLUTION FOR POVERTY AND ENVIRONMENTAL MANAGEMENT (CESOPE)
13. COMMUNITY DEVELOPMENT FUND
14. COMMUNITY HEALTH EDUCATION SERVICES AND ADVOCACY (CHESA)
15. COMMUNITY PARTICIPATION DEVELOPMENT ASSOCIATION
16. DUNGONET
17. ENVIROCARE

18. GOSPEL COMMUNICATION NETWORK OF TANZANIA (GCNT)
19. HAKI ARDHI
20. HAKI ELIMU
21. HAKI MADINI
22. HAKI ZA BINADAMU
23. HAKIKAZI CATALYST
24. HELP STREET CHILDREN AND TRUST OF TANZANIA
25. HOME AND CARE FOR AGED AND ORPHANS
26. HUMANITY ASSISTANCE CENTER
27. JAMII MEDIA
28. JUKWAA LA KATIBA TANZANIA (JUKATA)
29. KASULU LEGAL AID
30. KIOTA WOMEN'S HEALTH AND DEVELOPMENT (KIWOHEDE)
31. KIVULINI WOMENS RIGHTS ORGANIZATION
32. LAWYERS' ENVIRONMENTAL ACTION TEAM (LEAT)
33. LEGAL AID COMMITTEE OF THE UNIVERSITY OF DAR ES SALAAM (LAC)
34. LEGAL AID SECRETARIAT (LAS)
35. LEGAL AND HUMAN RIGHTS CENTRE (LHRC)
36. LESHEHABINGO
37. LINDI WOMEN PARALEGAL AID CENTRE (LIWOPAC)
38. MAASAI WOMEN DEVELOPMENT ORGANIZATION
39. MBEYA HUMAN RIGHTS ORGANIZATION
40. MBEYA HUMAN RIGHTS ORGANIZATION
41. MBEYA PARALEGAL CENTRE (MBEPACE)

42. MBEYA WOMEN ORGANIZATION
43. MEDIA COUNCIL OF TANZANIA (MCT)
44. MEDIA INSTITUTE OF SOUTHERN AFRICA – TANZANIA (MISA-TAN)
45. MIKONO YETU
46. MTANDAO WA JAMII WA USIMAMIZI WA MISITU TANZANIA (MJUMITA)
47. MTWARA ORGANIZATION FOR LEGAL ASISTANCE (MOLA)
48. MTWARA PARALEGAL
49. MUSOMA SOCIAL DEVELOPMENT ORGANIZATION (MUSODEO)
50. NATIONAL ORGANIZATION FOR LEGAL ASSISTANCE (NOLA)
51. JOURNALIST ENVIRONMENTAL ASSOCIATION OF TANZANIA (JET)
52. PARAKUIYO PASTORALISTS INDIGENOUS. COMMUNITY DEVELOPMENT ORGANIZATION (PAICODEO)
53. PASTORAL WOMEN’S COUNCIL OF TANZANIA (PWC)
54. PASTORALISTS INDIGENOUS NON-GOVERNMENTAL ORGANIZATION (PINGOS FORUM)
55. PASTORALISTS TANZANIA CENTER FOR RESEARCH AND INFORMATION ON PASTORALISM (TCRIP)
56. POLICY FORUM
57. RESTLESS DEVELOPMENT
58. RURAL WOMEN DEVELOPMENT INITIATIVE (RUWODI)
59. SAVE THE CHILDREN
60. SAVE THE CHILDREN RESOURCE CENTRE
61. SHAMSIA WOMEN GROUP (CBO)
62. SIKIKA
63. SOCIETY FOR RURAL DEVELOPMENT INITIATIVE
64. SOCIETY FOR WOMEN AND AIDS
65. SOUTHERN AFRICA HUMAN RIGHTS NGO-NETWORK (SAHRINGON)
66. STAY AWAKE NETWORK ACTIVITIES (SANA)

67. TANGANYIKA LAW SOCIETY (TLS)
68. TANZANIA ALBINO SOCIETY (TAS)
69. TANZANIA CHILD'S RIGHT FORUM
70. TANZANIA COUNCIL FOR SOCIAL DEVELOPMENT (TACOSEDO)
71. TANZANIA EARLY CHILDHOOD DEVELOPMENT NETWORK (TECDEN)
72. TANZANIA FEDERATION OF DISABLED PEOPLE'S ORGANIZATIONS (SHIVYAWATA)
73. TANZANIA GENDER NETWORK PROGRAMME (TGNP MTANDAO)
74. TANZANIA HUMAN RIGHTS DEFENDERS COALITION (THRDC)
75. TANZANIA MEDIA FUND (TMF)
76. TANZANIA NATURAL RESOURCE FORUM (TNRF)
77. TANZANIA NETWORK OF LEGAL AID PROVIDERS (TANLAP)
78. TANZANIA PASTORALIST AND HUNTER-GATHERER ORGANIZATION (TAPHGO)
79. TANZANIA PASTORALIST COMMUNITY FORUM (TPCF)
80. TANZANIA PARTNERSHIP DEVELOPMENT ORGANIZATION
81. TANZANIA WIDOWS ASSOCIATION (TAWIA)
82. TANZANIA WOMEN LAND ACCESS TRUST (TAWLAT)
83. TANZANIA WOMEN LAWYERS ASSOCIATION (TAWLA)
84. TANZANIA YOUTH ALLIANCE (TAYOA)
85. TANZANIA YOUTH POTENTIAL ASSOCIATION
86. TANZANIA YOUTH VISION ASSOCIATION (TYVA)
87. THE OIL, NATURAL GAS AND ENVIRONMENTAL ALLIANCE (ONGEA)
88. TREE OF HOPE TANZANIA
89. TUF AE
90. UJAMAA COMMUNITY RESOURCE TEAM (UCRT)
91. UNDER THE SAME SUN (UTSS)

92. UNION OF TANZANIA PRESS CLUB
93. WADADA CENTRE
94. WOMEN AND CHILDREN FIRST
95. WOMEN IN LAW AND DEVELOPMENT IN AFRICA (WILDAF)
96. WOMEN WAKEUP (WOWAP)
97. WOMEN'S LEGAL AID CENTRE (WLAC)
98. WOTE SAWA
99. YOUTH TO YOUTH
100. ZANZIBAR AIDS ASSOCIATION AND SUPPORT FOR ORPHANS (ZASO)
101. ZANZIBAR ASSOCIATION FOR CHILDREN ADVANCEMENT (ZACA)
102. ZANZIBAR FEMALE LAWYERS ASSOCIATION (ZAFELA)
103. ZANZIBAR LEGAL SERVICE CENTRE (ZLSC)



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