

TANZANIA HUMAN RIGHTS DEFENDERS COALITION



PUBLIC UPDATE ON THE TANZANIA HUMAN RIGHTS DEFENDERS COALITION COORDINATION ON THE UNIVERSAL PERIODIC REVIEW (UPR) SEPTEMBER 2019

1.0 Introduction

The Universal Periodic Review (UPR) is a unique mechanism of the Human Rights Council (HRC) aimed at improving the human rights situation in each of the 193 United Nations (UN) Member States. Indeed, each State undergoes review once every 5 years. The genesis of the Universal Periodic Review may be traced to the institutional-building text of the Human Rights Council as set out in Resolution A/HRC/RES/5/1 of 18 June 2007.

The Universal Periodic Review (UPR) is a full-circle process comprised of 3 stages namely 1/ Review of the human rights situation of the State under Review; 2/ Implementation by the State Under Review of the recommendations received and the voluntary pledges made; and 3/ Reporting at the next review on the implementation of those recommendations and pledges and on the human rights situation in the country since the previous review.

At the beginning of any review, the State under Review must present a National Report on its human rights situation to the Human Rights Council (HRC) in Geneva. During the process, the State under Review is “encouraged” to hold a “broad consultation process at the national level with all relevant stakeholders” (Resolution A/HRC/RES/5/1). These consultations should take place at least a year before the review in different cities and parts of the country reviewed and include civil society organisations. The result of each review is reflected in what is known as an “Outcome Report” which lists the recommendations for improving human rights that the State under Review (SuR) (in this case, the State of the United Republic of Tanzania) should implement before the next review.

2.0 The Review of the United Republic of Tanzania

The Universal Periodic Review is an important factor for change. According to research by UPR Info, of the 165 mid-term reports evaluating so many countries, 48% of the recommendations issued triggered action by the governments concerned. This success is partly explained by the fact that the Universal Periodic Review is a peer review process where civil society participates in the implementation of recommendations received by States. The achievements of the Universal Periodic Review are numerous, affecting many countries as well as different human rights. If used properly, the UPR can lead to massive changes and improvements to all citizens in Tanzania.

The United republic of Tanzania underwent the first cycle of the UPR in October 2011. The state considered all 153 recommendations, accepted 107 in full, and 33 in part, and the remaining four were referred for further consideration or rejected.

The second review session for the URT was done on the 4th to 13th May 2016 upon which 227 recommendations were made, out of which 130 recommendations were accepted, 72 noted and 25 were left pending. After the URT’s responses to recommendations on the 22nd September 2016, 131 recommendations were accepted and 99 noted.

3.0 Tanzania CSOs Participation in the UPR under THRDC's Coordination

As a strategy for inclusive participation in the UPR process, Tanzania Human Rights Defenders Coalition formulated eight thematic groups consisting of various Tanzanian organizations to contribute to the reviewing of the previous recommendation and the drafting of the joint and thematic reports for the second review.



CSOs Representatives from UPR thematic groups during the joint CSOs UPR report validation session at Double View Hotel in 2015. Seated on the front line from the left are the UPR Info Africa Regional Coordinator Mr. Gilbert Onyango, Mr. Onesmo Olungurumwa (THRDC's National Coordinator), Ms Chitra Massey (Then UN Human Rights Advisor for Tanzania) and representative from CHRAGG.

Under the systematic and organized coordination of THRDC and the UPR Info, a non-profit International organisation dedicated exclusively to the Universal Periodic Review process, CSOs in Tanzania managed to effectively conduct six major UPR activities.

NB: THRDC is the UPR Info focal organization for UPR activities in Tanzania. The activities undertaken are as follows:

- i. Evaluation and assessment of the implementation of the first cycle 107 accepted recommendations ;
- ii. The development of joint and thematic UPR reports for the second review;
- iii. UPR pre-sessions both in the country and in Geneva aiming at advocating for the submitted CSOs recommendations;
- iv. Coordination of the advocacy strategy for the pending and noted recommendations before the official adoption;
- v. The session with editors and media practitioners on how to report the implementation of UPR recommendations and
- vi. The development of CSOs UPR recommendation follow up Action Plan.



The group photo of UPR stakeholders ie CSOs, Media, representatives from Embassies, development partners, the Commission for Human Rights and Good Governance(CHRAGG) during the UPR in-country pre-session organized by THRDC in March 2016.

Of all 227 recommendations submitted by about 81 UN members states to Tanzania, 65 recommendations reflected the joint CSOs report submitted to the Office of the High Commissioner for Human Rights (OHCHR). Of these 65 CSOs recommendations, the United Republic accepted more than Fifty percent (50%) of recommendations made by recommending states.



Tanzania CSOs representatives attending the 2016 UPR pre-session in Geneva under the coordination of THRDC

The following is the non-exhaustive list of issues in all eight human rights thematic groups, which were accepted during the UPR review for the URT:

THEMATIC GROUP	ISSUE
1. Freedom of Expression and the Right to Information	<ul style="list-style-type: none"> • Interference with freedom of expression
2. Women Rights	<ul style="list-style-type: none"> • Gender equality
3. Child Rights	<ul style="list-style-type: none"> • Harmful traditional practices
4. Social Rights	<ul style="list-style-type: none"> • Access to safe & clean water • Education
5. Economic Rights	<ul style="list-style-type: none"> • Land rights
6. Civil Society and Human Rights Defenders	<ul style="list-style-type: none"> • Strengthen National Commission on Human Rights • Implement the National Human Rights Action Plan (NHRAP) • Enabling environment for Civil society organizations (CSOs)
7. General Human Rights and Political Rights	<ul style="list-style-type: none"> • Constitution building process • Access to justice • Corruption • Consider ratifying various International treaties such as the Convention against Torture(CAT)
8. Minority Groups Rights	<ul style="list-style-type: none"> • Persons with disabilities • Persons with albinism • Refugees and Asylum seekers



The Guest of Honor during the UPR CSOs feedback session and development of implementation strategies Mr. Amon Mpanju (Deputy Permanent Secretary, Ministry of Constitutional and Legal Affairs(MoCLA) the second from the right, THRDC's National Coordinator Mr. Onesmo Olungurumwa, the Director of Legal Department of CHRAGG Mr. Nabor Assey and the then Chairperson of THRDC's Board of Directors Ms Martina Kabisama.

4.0 UPR Mid Term Reporting

In 2006, the United Nations General Assembly resolution 60/251 established the Human Rights Council (HRC), with the Universal Periodic Review (UPR) as a subsidiary mechanism tasked to review the human rights performance of each UN Member State. The resolution called on the HRC to evaluate its work five years after its inauguration. The evaluation process that ensued resulted in a strengthened focus on implementation of UPR recommendations and an appeal to States and other stakeholders, including civil society, to provide the Council with progress reports halfway between reviews.

In recognising the need for strengthened follow-up measures, the HRC institutionalised mid-term reporting as a critical, albeit voluntary, component of the UPR process. As of July 2019, 75 States had undertaken this exercise. In parallel, numerous civil society groups have contributed with mid-term reports complementing the State's assessment of implementation.

The importance of mid-term reporting is further compounded by the absence of an official UN process tasked to assess implementation of UPR recommendations. As a result, these documents constitute an important source of information on progress, or lack thereof, in relation to implementation of recommendations during the five years between reviews. The mid-term reporting stage also lends itself as an occasion to reinvigorate the national UPR momentum.

5.0 Mid-term Reporting for the United Republic of Tanzania

Since the first Review for the United Republic in 2011, the state has never undertaken nor submitted midterm reports. It should be noted that, on the 9th of May 2016 at the UN Human Rights Council in Geneva the URT was reviewed for the second time during the 25th session of the UPR. During the review, 131 recommendations were accepted and 96 noted.

From June 2016 to date, THRDC has been coordinating about 110 CSOs in eight human rights thematic groups and strategized on follow-up and monitoring the implementation of the accepted recommendations. The Coalition organized two successive meetings in which CSOs and the NHRI had an opportunity to agree on the priorities for the follow-up during the implementation phase. Two important documents, the Implementation Plan and Action Strategies were developed to guide them during the follow-up.

These two documents also served as a guidance to the preparation of state's implementation matrix developed by the Ministry for constitutional and legal affairs (MoCLA) in December 2018 and May 2019 which among stakeholders, THRDC also took part.

6.0 The Roles of CSOs in Preparations for the Mid-term Report

Considering the role of CSOs in the UPR and the value of mid-term reporting as an important source of information on UPR implementation progress, THRDC is currently coordinating CSOs to prepare the mid-term report.

On the 11th July 2019, THRDC convened the meeting of CSOs leading the eight thematic groups. The meeting was convened for the purpose of first, to do a quick recap on the universal periodic review and secondly was to discuss on the necessity of undertaking the mid – term review and strategizing on how to go about preparing the mid-term report and submit it to the Office of the High Commissioner for Human Rights(OHCHR) in Geneva.



The Group photo of UPR CSOs thematic conveners from eight thematic groups during the UPR Mid-term report strategic meeting, 11th July 2019 at THRDC's Office-Mikocheni

During the meeting, all thematic groups had a chance to present firmly on the status of the implementation of the accepted recommendations because of follow up so far undertaken by their group. At the end of the meeting, the first draft report on the implementation status was prepared.

The following are yet to undertaken for the successful completion and submission of the midterm report:

- (i) Convening the UPR stakeholders meeting to input on the first draft implementation status report. The stakeholders include;
 - ✓ Government departments
 - ✓ The National Human Rights Institution(CHRAGG)
 - ✓ Civil Society
 - ✓ Media

NB: THRDC has already started initiatives to get the audience of government departments through the Ministry for Constitutional and legal Affairs (MoCLA).

- (ii) Convening UPR stakeholders meeting to validate the mid-term report
- (iii) Launch and submission of the mid-term report

7.0 Our Call

We call all CSOs and donors to build up on what has been already done by many CSOs on UPR by supporting thematic groups' effort rather than re- inventing the will. Unnecessary duplication is wastage of time and resources and confusion to our government and other partners.

We call all THRDC members and other CSOs to communicate with the THRDC's secretariat before undertaking anything related to UPR to avoid unnecessary duplication and divided efforts as we are all building one nation.

Lastly, all UPR stakeholders are called upon to join and support the ongoing initiative under THRDC's coordination to submit the UPR midterm report in December 2019.