

# UNIVERSAL PERIODIC REVIEW (UPR)

[FOLLOW-UP OF IMPLEMENTATION REPORT OF REVIEW OUTCOMES OF MARCH 2016]

## TANZANIA CIVIL SOCIETY REPORT ON THE STATUS OF THE IMPLEMENTATION OF THE 133 UPR RECOMMENDATIONS OF MARCH 2016 WHICH WERE ACCEPTED BY THE UNITED REPUBLIC OF TANZANIA



CSOs' JOINT SUBMISSION TO THE 39 UPR WORKING GROUP REVIEW OF THE UNITED REPUBLIC  
OF TANZANIA, MARCH 2021

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## GENERAL INTRODUCTION

This report covers joint analysis and recommendations by the Tanzanian civil society organizations (CSOs) on the status of implementation of recommendations and concluding observations made by the Human Rights Council in March 2016 to the United Republic of Tanzania. The country, Tanzania, accepted for implementation 133 recommendations of which, this joint report primarily focuses on.

This joint effort was coordinated by the **Legal and Human Rights Center (LHRC)**; **Tanzania Human Rights Defenders Coalition (THRDC)**; and, **Save the Children (Tanzania)**. The names of other CSOs which make this joint submission are (in alphabetic order – but all with equal contributions):-

1. Act – Mara Diocese – Mugumu Safe House
2. Action Aid Tanzania
3. Action for Rural Women Empowerment (ARUWE)
4. Action towards Economic Development (WATED)
5. Actions for Democracy and Local Governance (ADLG)
6. Agape Aids Control Program
7. Agenda ya Vijana
8. Ahadi Forum Tanzania (AFTA)
9. Amani Girls Home
10. Arusha Non-Governmental Organization Network (ANGONET)
11. Association for Non-Governmental Organization Zanzibar (ANGOZA)
12. Association of Rare Blood Donor (ARBD)
13. Better Life
14. Biharamulo Community FM Radio (BCFM)
15. Biharamulo NGOs Network Forum
16. Biharamulo Originating Social Economic Development Association (BOSEDA)
17. Biharamulo Social Economic Development Association (BISEDEA)
18. Bright Jamii
19. Centre Against Gender Based Violence (CAGBV)
20. Centre Against Gender Based Violence (CAGBV)
21. Centre for Widows
22. Centre for Widows Children (CWCA)
23. Centre of Youth Dialogue (CYD)
24. CESOPE
25. Chama cha Viziwi Tanzania (CHAVITA)
26. Chifu Kimweli Football Club
27. Child Watch
28. Children Dignity Forum (CDF)
29. Children Education Society (CHESO)
30. Christian Council of Tanzania
31. Christian Education and Development Organization (CEDO)
32. Civic and Legal Aid Organization (CILAO)
33. Community Development Initiatives Support Organization (COSIDO)
34. Community for Educators and Legal Assistance
35. Community Harmony and Prosperity Organization
36. Community Research and Development Services (CORDS)

37. Community Support Initiatives –Tanzania (COSITA)
38. Crisis Resolving Centre
39. C-SEMA
40. Dignity Kwanza Community Solutions
41. Door of Hope to Women and Youth in Tanzania
42. Empower Society, Transform Lives (ESTL)
43. Equality for Growth (EFG)
44. Fadhil Teens Tanzania
45. Faidika Wote Pamoja (FAWOPA)
46. Ficofawe Women Foundation (FICOFAWE)
47. Geita Paralegal Organization
48. Gender Action Tanzania (GAT)
49. Girls Education Support Initiatives
50. Gospel Communication Network of Tanzania
51. Gospel Communication Network of Tanzania (GCNT)
52. Haki Ardhi
53. Haki Catalyst
54. Haki Elimu
55. Haki Kazi
56. Haki Madini
57. Haki Zetu Tanzania Organization
58. Haliso Paralegal
59. Happy Children Tanzania Organization
60. Human Rights National Association of Educators for World Peace
61. Humanity Aid for Development Organization
62. Huruma Organization
63. Ilala Paralegal
64. Ilkisonga Pastoralist Initiatives (IPI)
65. Imarisha Wanawake Tanzania (SHIWATA)
66. Initiative for Good Governance and Transparency In Tanzania (IGT)
67. Inter-Religious Council for Peace (IRCPT)
68. Invest In Women Organization (IWO)
69. Iringa Press Club
70. Jamii Forums
71. Jukwaa la Katiba Tanzania (JUKATA)
72. Jumuiya ya Maendeleo ya Elimu kwa Watoto Pemba (JUMAEWAPE)
73. Jumuiya ya Maendeleo ya Wavuvi Wa Kojani (KOFDO)
74. Jumuiya ya Owede
75. Jumuiya ya Tusishindwe Development Organization Pemba (TUDOPE)
76. Jumuiya ya Wasaidizi wa Sheria Pemba (JUWASPE)
77. Kagera Human Rights Defenders & Legal Aid Support Organization
78. Kigoma Paralegal Aid Centre (KIPACE)
79. Kigoma Women Development
80. Kikundi cha Sawabi
81. Kikundi cha Ushindi
82. Kilwa Paralegal
83. Kiota Womens Health and Development (KIWOHEDE)
84. Kiteto Paralegal

85. Kitunda Paralegal
86. Konga Biharamulo
87. Laretok-Le-Sheria na Haki za Binadamu Ngorongoro (LASHEHABINGO)
88. Lawyers' Environmental Action Team (LEAT)
89. Legal and Human Rights Centre (LHRC)
90. Lind Women's Paralegal Aid Centre (LIWOPAC)
91. Lindi Regional Press Club (LRPC)
92. Lindi Women Paralegal Aid Centre (LIWOPAC)
93. Liwale Farmers Association (LIFA)
94. Maasai Pastoralist Development Organization (MPDO-LARETO)
95. Magata Primary Cooperative Society
96. Manyara Regional Civil Society Network (MACSNET)
97. Mbeya Paralegal Aid Centre (MBEPACE)
98. Mbeya Women Association
99. Mchomoro Aids Combat Group
100. Media Association or Indigenous and Pastoralist Communities
101. Media Council of Tanzania (MCT)
102. Media Owners Association of Tanzania (MOAT)
103. Micheweni Islamic Development Environmental Conservation and Aids Control (MIDECAC)
104. Mikono Yetu Centre for Creativity and Innovation (MIKONO YETU)
105. MISA Tanzania
106. Morogoro Paralegal Centre (MPLC)
107. Msichana Initiative
108. Mtwara NGOs Network (MTWANGONET)
109. Mtwara Paralegal Centre
110. Mtwara Youth Anti Aids Group
111. Mukemba Group Maendeleo
112. Muslim University of Morogoro Human Rights Club
113. Mwanza Press Club
114. National Council for Non-Governmental Organizations (NaCONGO)
115. National Information Centre for Youth (NICE)
116. National Union of Mine and Energy Workers of Tanzania (NUMET)
117. Nayumbu Paralegal
118. New Hope New Winners Foundation
119. Nguvumali Community Development of Environment
120. Nomadic Pastoralist Development Organization (NOPADEO)
121. Non-Government Network for Dodoma (DUNGONET)
122. Nyakitonto Youth for Development Tanzania (NYDT)
123. Open Mind Tanzania
124. Organisation for Rural Self-Help Initiatives (ORSHI)
125. Pamoja Daima (PADA)
126. Paralegal Primary Justice (PPJ)
127. Peace Relief Organization (PRO)
128. Pemba Association for Civil Society Organization (PASCO)
129. Pemba East Zone Environment Association (PEZEA)
130. Pemba Environment and Malaria Control (PEMCO)
131. Peoples Development Forum (PDF)
132. Peoples Health Movement Tanzania (PHM)

133. PINGOs Forum
134. Policy Forum
135. Poverty Alleviation in Tanga (POVATA)
136. Promotion and Women Development Association (POWDA)
137. Prosperous Health Life Initiatives (PHLI)
138. Resource Advocacy Initiative (RAI)
139. Ruangwa Organization for Poverty Alleviation (ROPA)
140. Rujewa Integrated Efforts to Fight Poverty (RIEFP)
141. Rural Woman Development Initiative (RUWODI)
142. Sadeline Health Care Trust
143. Safe Space for Children and Youth Women Tanzania (SSCYWT)
144. Sakale Development Foundation
145. Sauti ya Haki Tanzania (SHTZ)
146. Sauti ya Wanawake Ukerewe
147. Save the Children
148. Save the Mother and Children of Central Tanzania (SMCCT)
149. Service Health and Development for People
150. Shirika la Binadamu Nandangala
151. Shirika la Imarisha Wanawake Tanzania (SHIWATA)
152. Shirikisho la Vyama vya Watu Wenye Ulemavu (SHIVYAWATA)
153. SIKIKA
154. Southern Africa Human Rights NGOs Network (SAHARINGON)
155. Sports Development Aid Lindi
156. Tanga Paralegal Aid
157. Tanganyika Law Society (TLS)
158. Tangible Initiative for Local Development
159. Tanzania Agriculture Modernization Association (TAMA)
160. Tanzania Albinism Society
161. Tanzania Association of Non-Governmental Organizations (TANGO)
162. Tanzania Centre for Research and Information on Pastoralism (TCRIP)
163. Tanzania Child Rights Forum (TCRF)
164. Tanzania Gender Network Program (TGNP)
165. Tanzania Home Economic Association (TAHEA) Biharamulo
166. Tanzania Human Rights and Business
167. Tanzania Human Rights Defenders Coalition (THRDC)
168. Tanzania Land Alliance (TALA)
169. Tanzania Legal Knowledge Aid Centre (TACELA)
170. Tanzania Media Women's Association-Zanzibar
171. Tanzania Media Women's Association (TAMWA)
172. Tanzania Natural Resource Forum (TNRF)
173. Tanzania Network of Legal Aid Providers (TANLAP)
174. Tanzania Network of Women Living with HIV And AIDs (TNW+)
175. Tanzania Pastoralist Community Forum (TPCF)
176. Tanzania Peace Legal Aid and Justice Centre (PLAJC)
177. Tanzania Tobacco Control Forum
178. Tanzania Widows Association (TAWIA)
179. Tanzania Women Empowerment in Action (TAWEA)
180. Tanzania Women Human Rights Defenders

181. Tanzania Women Lawyers Association (TAWLA)
182. Tanzania Youth Coalition (TYC)
183. Tanzania Youth Interface Network (TYIN)
184. Tanzania Youth Potential Association
185. Temeke Paralegal
186. The African For Civil Society (TACS)
187. The African Institute for Comparative and International Law (AICIL)
188. The Foundation of Human Health and Social Development (HUHESO)
189. The Life Hood Children and Development Society (LICHIDE)
190. The Organization of Journalists Against Drug Abuse and Crimes In Tanzania (OJADACT)
191. The Voice of Disabled Women in Tanzania (VODIWOTA)
192. The Voice of Marginalized Community
193. Transformative and Integrative Buildout for All (TIBA)
194. Tree of Hope
195. Tunduru Paralegal Centre (TUPACE)
196. Tuwakomboe Paralegal Organization (TUPO)
197. Ubungo Paralegal
198. Umoja wa Vikundi Vya Uzalishaji Mali na Uelimishaji Rika Magu (UVUUMA)
199. Umoja wa Wawezeshaji Kioo
200. Under the Same Sun (UTSS)
201. Union of Tanzania Press Club (UTPC)
202. United Nations Association-Tanzania (UNA)
203. University of Dar es Salaam Human Rights Club (UDHRA)
204. Uvinza NGOs Network (UNON)
205. Vital Projection Limited
206. Volunteer for Youth in Health and Development (VOYOHEDDE)
207. Wadada Centre
208. Wadada Solutions on Gender Based Violence (WASOGEBAVO)
209. Chama cha Waandishi wa Habari Zanzibar (WAHAMAZA)
210. Wajibu Institute of Accountability
211. Walio Katika Mapambano na Aids Tanzania (WAMATA)
212. Wasaidizi wa Sheria na Haki za Binadamu Serengeti (WASHEHABISE)
213. Wasaidizi wa Sheria na Haki za Binadamu Wilaya ya Nyasa (WASHEHANYA)
214. Wasaidizi wa Sheria na Haki za Binadamu Masasi (WASHEHABIMA)
215. Widows and Orphaned Development Organization (WODEO)
216. Women Action Towards Development
217. Women Legal Aid Clinic (WLAC)
218. Women Work Up (WOWAP)
219. Women's Promotion Centre (WPC)
220. Wote Sawa Youth Domestic Workers
221. Youth Against Aids Poverty
222. Zanzibar Aids Association and Support for Orphans (ZASO)
223. Zanzibar Association for Children Advancement (ZACA)
224. Zanzibar Children Rights Forum
225. Zanzibar Female Lawyers Association (ZAFELA)
226. Zanzibar Fighting Against Youth Challenges Organization (ZAFAYCO)
227. Zanzibar Legal Services Centre (ZLSC)
228. Zanzibar Youth Forum

# STATUS OF AN IMPLEMENTATION OF THE 2016 UPR RECOMMENDATIONS ACCEPTED BY THE UNITED REPUBLIC OF TANZANIA

## A: UPR'S RECOMMENDATIONS ON FREEDOM OF EXPRESSION AND INFORMATION

- 1. UPR Recommendations** (Nos. 134.95; 134.96; 136.4; 136.5; 136.6; 136.7; 136.8; 136.24; and 136.67): Investigate promptly on all attacks against journalists; ensure adequate redress for the victims; and, addressing concern related to claims of interference with freedom of expression.

**1.1 Status of implementation:** Partially implemented.

### 1.2 CSOs' observation and analysis of the status of implementation

Tanzania has taken some legislative measures through enactment of media related laws including the Media Services Act of 2016; the Access to Information Act of 2016; and, the Electronic and Postal Communications (Online Content) Regulations of 2020. The Statistics Act of 2015 was also amended 2018. Such changes are aimed at, among other things, promoting professionalism in media industry.

Despite the good intention, the applicability of the laws raises issues of concern including banning on some the media outlets; prosecution of social media users; and penalization of media houses. Protection of private data is also not guaranteed. There were also reported attacks to journalists including threats, arrests, assaults, confiscation of equipment and kidnapping.<sup>i</sup> Mr. Azory Gwanda, the Mwananchi newspaper journalist has gone missing for over three (3) years, amid complaints that the government has not done enough to investigate on this incident.<sup>ii</sup>

### 1.3 CSOs' specific recommendations on freedom of expression and information

- 1.3.1** The provisions (clauses) of the laws which limit or curtail freedoms of expression and information should be amended.
- 1.3.2** The law enforcement machineries should thoroughly investigate on a case of Mr. Azory Gwanda; unban newspapers;<sup>iii</sup> implement the courts' decisions;<sup>iv</sup> and, ensure sufficient freedom of press to all media houses.
- 1.3.3** The Access to Information Act of 2016 should be given priority over other legislation in situations where laws conflict.<sup>v</sup> It should also be amended to allow further appeal against the decision of the Minister responsible for legal affairs. Moreover, a provision on data privacy should be considered.

## B: UPR'S RECOMMENDATIONS ON CIVIL SOCIETY ORGANIZATIONS, HUMAN RIGHTS DEFENDERS AND FREEDOM OF ASSEMBLY

- 2. UPR Recommendation** (No. 134.98): Create and maintain a safe and enabling environment where civil society organizations (CSOs) can exercise their rights, including to freedom of assembly in a manner which allows legitimate and peaceful dissent.



**2.1 Status of implementation:** Partially implemented.

## **2.2 CSOs' observation and analysis of the status of implementation**

Several amendments of the regulations and laws governing CSOs were made especially between 2018 and 2020. The major ones being through the Non-Governmental Organizations Act (Amendments) Regulations of 2018 (G.N No. 609); the Written Laws (Miscellaneous Amendments) Act of 2018 (No. 2); the Written Laws (Miscellaneous Amendments) of 2019 (No. 8); and, ongoing process to enact of the NGOs law in Zanzibar. Such amendments were intended to, among other things, strengthen coordination of CSOs' sector and increase an accountability of the same.

Despite the said good intention of the reforms, such laws have been adversely affecting the operation of CSOs, particularly non-governmental organizations (NGOs) and individual human rights defenders (HRDs).<sup>vi</sup> Already a number of CSOs have been victims. Some have their operational bank accounts frozen since mid-2020 by the law enforcement agencies. Zanzibar's CSOs too face challenging operating environments especially in relation to the complexity of requirements and arbitrary orders from the regulators.<sup>vii</sup>

## **2.3 CSOs' specific recommendations on enabling environments for CSOs and freedom of assembly**

**2.3.1** The government should collaborate with CSOs platforms to address all provisions of the laws and regulations which limit or curtail the work and survival of CSOs.

**2.3.2** The government should stop criminalizing the work of CSOs and instead, form the CSOs-government forum. Moreover, the government should unfreeze the bank account of the CSOs as it is long overdue since when such accounts are frozen.

## **C: UPR'S RECOMMENDATIONS ON HUMAN RIGHTS ACTION PLAN, NATIONAL HUMAN RIGHTS INSTITUTION AND IMPLEMENTATION OF UPR RECOMMENDATIONS**

**3. UPR Recommendations** (Nos. 134.22, 134.23, 134.24, 134.25, 134.26, 134.27, 134.28 and 134): Further progress in implementing the National Human Rights Action Plan (NHRAP) with the full engagement of multi stakeholders, including civil societies.

**3.1 Status of implementation:** Partially implemented.

## **3.2 CSOs' observation and analysis of the status of implementation**

The 2013-2017 NHRAP's phase completed without being adequately implemented due to lack of sufficient resources to support planned interventions. There was also a limited awareness of NHRAP amongst majority of Tanzanians. In 2018, the government initiated the formulation of the new plan for 2018-2022's phase. Multi-stakeholders were consulted for their views and validation of the initial draft plan between 2018 and 2019. The final NHRAP is yet to be implemented as of March 2021.

## **3.3 CSOs' specific recommendations on an implementation of NHRAP**

- 3.3.1 The government should update the new NHRAP and ensure that it is adequately financed.
- 3.3.2 The government should ensure that the NHRAP is systematically monitored and results being evaluated by multi-stakeholders.

**4. UPR Recommendation** (No. 134.37): Coordinate closely with CSOs, the CHRAGG and other key stakeholders to have a shared view and a systematic monitoring of the implementation of UPR recommendations.

**4.1 Status of implementation:** Partially implemented.

#### **4.2 CSOs' observation and analysis of the status of implementation**

Some steps taken by the government to implement the UPR recommendations including designating a specific human rights directorate within the Ministry of Constitutional and Legal Affairs (MoCLA), which is responsible for, among other responsibilities, coordinating implementation of the UPR recommendations. Moreover, CHRAGG and other stakeholders have been involved in an analysis and preparation of UPR country report.

However, there were insufficient UPR monitoring mechanisms put in place. It is not certain to most of the CSOs on how the mechanisms work and their roles on the same.

#### **4.3 CSOs' specific recommendations on monitoring of the UPR recommendations**

- 4.3.1 The government should collaborate with CHRAGG and other stakeholders to devise effective UPR monitoring and evaluation mechanisms.
- 4.3.2 The government and other stakeholders should popularize in Kiswahili language and widely disseminate UPR recommendations to encourage holistic implementation of the same.

### **D: UPR'S RECOMMENDATIONS ON RATIFICATION OF TREATIES, CONSTITUTIONAL MAKING PROCESS AND ACCESS TO JUSTICE CORRUPTION**

**5. UPR Recommendations** (Nos. 134.1, 134.2, 134.3, 134.4, 134.6, 134.7, 134.8, 134.9, 134.10, 134.11, 134.91 and 134.98): Ratification CAT and ICPPED; completion of constitutional making process; enabling environments for political parties to exercise their rights; and, an improvement and protection of human rights generally.

**5.1 Status of implementation:** Not implemented.

#### **5.2 CSOs' observation and analysis of the status of implementation**

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 (CAT); and the International Convention for the Protection of All Persons from Enforced Disappearance of 2006 (ICPPED) have not been ratified.<sup>viii</sup> The new constitutional making process remained stalled since April 2015. The current regime declared that, this process is not on the list of its priorities as it is currently focusing on economic development. The Police Force and Auxiliary Services Act, Cap. 322 is not yet amended to seal the loopholes which, allow arbitrary denial to freedoms of association and assembly.<sup>ix</sup> Between

2016 and early 2020, political rallies were generally forbidden (allowed only during the two months of elections).

### **5.3 CSOs' specific recommendations on ratification, constitutional making, political parties and human rights generally**

- 5.3.1** The government should resume the constitutional making process from where it had ended by considering public opinion on the same.
- 5.3.2** Tanzania should ratification CAT, ICPED and all other remaining human rights conventions and protocols.
- 5.3.3** The police and political parties' laws and others on human rights should be amended to conform principles of democratic rights.

**6. UPR Recommendations** (Nos. 134.92, 134.93 and 134.94): Improving access to justice in rural areas; and, access to justice generally including juvenile justice.

**6.1 Status of implementation:** Partially implemented.

### **6.2 CSOs' observation and analysis of the status of implementation**

One of recent development on access to justice is an enactment of the Legal Aid Act of 2017 and formulation of its regulations a year after. The law formalizes and regulate paralegals that are currently found in all regions and districts. However, there is no public funding on legal aid services apart from capital offences (murder and treasons). Other recent developments included an enactment of Arbitrations Act of 2020, which expands the scope of access to justice in various means like negotiation, reconciliation and mediation; and formulation of the Judicature and Application of Laws (Practice and Procedure of Cases Involving Vulnerable Groups) Rules of 2019 which requires the courts to finalize cases involving vulnerable group within 6 months.<sup>x</sup>

There are, however, a number of concerns on access to justice generally including amendment of the Basic Right and Enforcement of Duties Act, Cap. 4 (BRADEA) in 2020<sup>xi</sup> which now allows only victim of human rights violation to lodge a constitutional case. Public interest litigations by any bona fide individual or organization as it used to be in the past are no longer allowed. Moreover, despite the legal reforms efforts, some cases especially criminal in nature are unduly prolonged due to delayed investigation.<sup>xii</sup> Number of judicial officers is inadequate.<sup>xiii</sup> There are also an increase of non-bailable offences introduced under the anti-money laundering and economic crimes laws. The prolonged detentions are occasioned at the police cells and in remand prisons.

### **6.3 CSOs' specific recommendations on access to justice**

- 6.3.1** The government should allocate some funds to support legal aid service providers especially working in the hard-to-reach areas.
- 6.3.2** The government should make necessary legal reforms to make all offences bailable.
- 6.3.3** The government should formulate new Child Justice Reform Strategy after the previous one's term ended in 2017.

## **E: UPR'S RECOMMENDATIONS ON CHILD RIGHTS**

**7. UPR Recommendations** (Nos.134.43, 134.45, 134.50, 134.54, 134.55, 134.57, 134.58, 134.59, 134.60 and 134.106)): Regarding child protection against sexual exploitation, trafficking, child labour and protection generally.

**7.1 Status of implementation:** Partially implemented.

### **7.2 CSOs' observation and analysis of the status of implementation**

One of the remarkable initiatives on child protection adopted by the government is the formulation of the National Plan of Action to end Violence against Women and Children of 2017/18- 2021/22 (NPA-VAWC).<sup>xiv</sup> Moreover, the government adopted the National Anti-Trafficking in Persons Action Plan of 2018 – 2021<sup>xv</sup> To guide enforcement of the Anti-Trafficking in Persons Act of 2008. The National Strategy on Elimination of Child Labor of 2018-2022 and legislative developments were made including formulation of the Employment and Labor Relations (General) Regulations of 2017 (G.N No. 47).<sup>xvi</sup>

Despite such efforts, there are a number concerns including increase of VAC incidents. For instance, according to police's statistics, there were 10,551 cases in 2016, 13,457 cases in 2017, 14,419 in 2018 and 4,397 cases of rape and sodomy in the period of six (6) months of 2019, which made a total of more than 42,820 cases from the year 2016 to 2019.<sup>xvii</sup> Furthermore, corporal punishment is still practiced in public schools.

### **7.3 CSOs' specific recommendations on child protection generally**

- 7.3.1** The government of Tanzania should allocate specific budget for NPA-VAWC's committees to operate and effectively engage with non-state actors.
- 7.3.2** Tanzania should abolish (in law and practice) corporal punishment in schools; and amend the child's laws of Mainland Tanzania and Zanzibar on the aspect of positive parenting.
- 7.3.3** The government of Tanzania should provide adequate resources for the shelter and rehabilitation of child victims of VAC including of trafficking.
- 7.3.4** Tanzania should implement the decision of the court in a case of *Attorney General vs. Rebeca Z. Gyumi (Civil Appeal No.204, 2017)* by amending the Law of Marriage Act of 1971 on the age of marriage for girl child.

**8. UPR Recommendations** (Nos. 134.109, 134.110, 134.112, 134.113, 134.114, 134.116, 134.118 and 134.120): Put in place policies and mechanisms to ensure equitable access to quality education including to education for children with disabilities.

**8.1 Status of implementation:** Partially implemented.

### **8.2 CSOs' observation and analysis of the status of implementation**

One of the main steps taken by Tanzania to ensure equitable access to education is an implementation of the Education and Training Policy of 2014's component on free-free education, focusing on basic education levels (primary and ordinary secondary schools). The free education policy directive was put into implementation through the Education Circulars (numbers 5 and 6 of 2015 and 6 of 2016).<sup>xviii</sup> The government also adopted the National Strategy

for Inclusive Education of 2017-2021 to ensure equitable access to education for children with disabilities. Moreover, the Zanzibar Development Vision 2050 mainstreams disability aspects, notably on an improvement of learning environments to ensure inclusiveness.

The positive results came with more challenges for the government to address further including inability of the current resources (teachers, text books, desks, classrooms, latrines, etc) to accommodate the increase. There is a possibility that all these could compromise quality of education. Moreover, despite all these efforts, there is still a large number of children with disabilities who are out of school. It is also a concern that, despite the fact that girls with children are now allowed to resume their studies through ordinary and formal educational systems (Complimentary Basic Education (MEMKWA) and Open Schools under the Institute of Adult Education (IAE)), this arrangement is not covered by the free-free policy mentioned earlier on. Access to education for children with disability is also an area needing further improvements.<sup>xix</sup>

### **8.3 CSOs' specific recommendations on equitable access to quality education**

- 8.3.1** The government of Tanzania should increase budget allocation for education sector to at least 20% in order to address challenges pertaining inadequacy of teachers, classrooms, textbooks, latrines, desks, etc.
- 8.3.2** The free-free education policy should be extended to cover also MEMKWA and Open School education systems.
- 8.3.3** The government of Tanzania should take affirmative measures to ensure access to quality education for children with disabilities.

## **F: UPR'S RECOMMENDATIONS ON PERSONS WITH DISABILITIES**

- 9. UPR Recommendations** (No. 134.39 and 134.119): Tanzania to submit overdue reports to the human rights committee and committee on Convention on the Rights of Persons with Disability of 2006 (CRPD); and, follow-up legislative measures adopted in favor of the rights of PWDs.

**9.1 Status of implementation:** Not yet implemented.

### **9.2 CSOs' observation and analysis of the status of implementation**

The government, through MoCLA, has finalized the CRPD report but it still waits for approval of the same before submission to CRPD committee. Moreover, Tanzania has yet ratified the Protocol to the African Charter on Human and Peoples' Rights of PWDs in Africa of 2018 which have provisions that protects PWDs from harmful tradition practices ordinarily practiced in some parts of Tanzania.

### **9.3 CSOs' specific recommendations on submission of reports to CRPD committee**

- 9.3.1** The government should submit the CRPD reports to the relevant committee as proposed.
- 9.3.2** Tanzania should effectively implement all recommendations from CRPD committee.
- 9.3.3** Disability law and policy of Tanzania should be reviewed in line with current context and international disability rights standards.
- 9.3.4** Tanzania should ratify and domesticate the Protocol to the African Charter on Human and Peoples' Rights of PWDs in Africa of 2018.

**10. UPR Recommendations** (Nos. 134.75, 134.77, 134.79, 134:87, 134.80, 134.81, 134.82, 134.83, 134.84, 134.85, 134.86, 134.87 and 136.2): On persons with albinism (PWAs) generally including ensuring effectiveness of temporary protection centers for children with albinism; strengthening measures to expediting the investigation and prosecution of all cases and effectively fighting impunity; and, putting an end to the belief that witchcraft is connected to albinism, with a view to end the killing or maiming of children born with this condition.

**10.1 Status of implementation:** Partially implemented.

**10.2 CSOs' observation and analysis of the status of implementation**

The government, in collaboration with other stakeholders, managed to reduce incidents of human rights violations against persons with albinism (PWAs). For instance, incidents of human rights violations against PWDs decreased from 20 in 2015 to 8 in 2019. However, separate sources of information from NGOs indicate occurrence of 24 incidents against PWAs between 2016 and 2020.<sup>xx</sup> Some of steps taken by the government in response to UPR recommendations were:-

- a) The re-unification of most of PWAs who were housed in the temporary shelters. However, there are complaints from the people who were returned home about economic hardship; access to basic needs especially food and unwillingness of some of their relatives to receive them back.
- b) Launching mass awareness campaigns on the rights of PWAs, expedition of investigation and prosecution of cases (no official statistics) involving PWAs.
- c) Formulation of the Zanzibar Policy for People with Disabilities in 2018, which serves as a tool to promote social inclusion of PWDs.

Despite the positive trends, PWDs generally still face a number of challenges including accessibility e.g., of information, buildings and appropriate health care services.

**10.3 CSOs' specific recommendations on protection of specific rights of PWAs**

**10.3.1** The government should provide financial and structural supports to CSOs and other stakeholders to conduct awareness-raising campaigns against the discrimination of PWDs.

**10.3.2** The government should remove all restrictions of implementing human rights projects including on disability rights.<sup>xxi</sup>

**10.3.3** The Zanzibar's National Guidelines for Infrastructure Accessibility Standards of 2018 should effectively be implemented to guide construction and usability of buildings for PWDs. The same should be adopted on part of Tanzania Mainland.

**G: UPR'S RECOMMENDATIONS ON WOMEN'S RIGHTS**

**11. Recommendation:** Adopt legislative and policy measures to combat all forms of discrimination and violence against women, including female genital mutilation (FGM).

**11.1 Status of implementation:** Partially implemented.

**11.2 CSOs' observation and analysis of the status of implementation**

Tanzania is yet to develop a specific policy and law on GBV or violence against women (VAW). However, the government had developed the NPA-VAWC of 2016/2017-2021/2022. The GBV and VAW incidents are currently criminalized under pieces of legislation, particularly, the Penal Code Act, Cap. 16 which criminalized almost all forms of GBV including FGM.<sup>xxii</sup> The prevalence of FGM in Tanzania among women aged 15 to 49 years has decreased over the past decade from 18% in 1996 to 10% in 2016 (no more recent data available). But there are significant regional variations with some regions maintaining high prevalence rates including, for instance, Manyara (57.7%) and Dodoma (46.7%).<sup>xxiii</sup> On the other hand, the judiciary of Tanzania showed positive gesture in reforming the Law of Marriage Act of 1971 by ordering amendment of provisions allowed marriage of girls less than 18 years.<sup>xxiv</sup> However, it is now about 2 years and the court's decision has not been implemented. It is also a concern that, the Local Customary Law (Declaration) Order of 1963 (G.N. No. 436), which limits women to inherit from their parents' or husbands' estates is still in force despite repeatedly call to amend or repeal it.

### **11.3 CSOs' specific recommendations on measures to combat all forms of GBV against women including FGM**

**11.3.1** The Tanzania should enact specific and comprehensive law and policy on GBV and related offences facing women.

**11.3.2** Section 169A of the Penal Code, Cap. 16 which criminalizes FGM should be amended to protect all women not only those who are below 18 years.

**11.3.3** The Local Customary Law (Declaration) Order of 1963 (G.N. No. 436) should be amended or repealed.

## **H: UPR'S RECOMMENDATIONS ON ELDERLY**

**12. UPR Recommendations** (Nos. 134.15 and 134.36): Finalize the law on protection of the elderly, including women accused of witchcraft and ensure its strict application.

**12.1 Status of implementation:** Not yet implemented.

### **12.2 CSOs' observation and analysis of the status of implementation**

No specific law on protection of elderly has been enacted by Tanzania. However, there are some administrative and policy efforts including reviewing of the National Ageing Policy of 2003 to make it more appropriate with current context before it is legislated. The country has also developed the National Strategy for the Provision of Quality Health Services to Older People of 2018; the Social Protection Policy in 2017 which considered universal pension for aged people as a pillar to social protection; and, the National Strategy to Eradicate Elderly Killings in Tanzania and 2019-2023. Zanzibar has, for long time, been offering universal pensions.

Despite such efforts, vulnerable older people in Tanzania still lack appropriate medicine and diagnostic services for early detection and management of geriatric conditions and chronic diseases.

### **12.3 CSOs' specific recommendations on protection of elderly**

**12.3.1** The Tanzania should finalize review of the National Ageing Policy of 2003 (and related ones) and enact a law to enforce the policy.

**12.3.2** The government should collaborate with other stakeholders to popularize and implement the National Strategy to Eradicate Elderly Killings in Tanzania of 2019-2023.

## **I: UPR'S RECOMMENDATIONS ON LAND, PASTORALISTS, HUNTERS AND GATHERERS**

**13. UPR Recommendations** (Nos. 134.102, 134.103, 134.9 and 134.47): Take steps to clarify land rights and the land use situation, taking into consideration all stakeholders that are affected by the decision-making related to land ownership and use; and also, adopt positive measures in favor of vulnerable groups, in order to protect them from discrimination based on belief and cultural stereotypes.

**13.1 Status of implementation:** Partially implemented.

### **13.2 CSOs' observation and analysis of the status of implementation**

A number of positive changes have been taking place from 2016 including commencement of a review of National Land Policy of 1995 and issuance of certificate of customary right of occupancy in rural areas. Early 2020, the President of Tanzania directed that pastoralists living near the wildlife protected areas should not be harassed. The Land Tenure Support Programme (LTSP) was implemented in three pilot districts of Morogoro region. Obtainment of land title deeds in urban areas has been simplified and expenses associated to it reduced.

Despite these efforts pastoralists and other villagers are still facing various forms violations of their rights including unlawful evictions from their native lands. For instance, the residents of Ololosokwani and other villages in Loliondo ward, Ngorongoro district, Arusha, had to seek judicial remedy after being unlawfully evicted from their lands in 2000s and 2010s.<sup>xxv</sup>

### **13.3 CSOs' specific recommendations on land rights and the land use situation**

**13.3.1** The Tanzania should finalize review of the national land use policy and proceed on making necessary legal reforms to safeguard the traditional livelihoods models of villagers including the pastoralists, hunters and gatherers.

**13.3.2** The government should extend an implementation of the Land Tenure Support Programme (LTSP) to all districts.

## **J: UPR'S RECOMMENDATIONS ON DEVELOPMENT VISIONS AND GOALS**

**14. UPR Recommendation (No. 134.35):** Continue reviewing policies for the effective implementation of the Sustainable Development Goals (SDGs).

Tanzania has adopted the Agenda 2030 the SDGs through the Five Years Development Plan II 2016/17-2020/21 (FYDP II) and a range of other public policies including the National Development Vision of 2025; the Zanzibar Development Vision 2050; the social security policies e.g. the TASAF III.<sup>xxvi</sup> In 2019, the government adopted the Voluntary National Review Report (VNR),<sup>xxvii</sup> which is aimed at tracking progress and assess the results on the ground as reflected in the FYDP II and other public policies including the Zanzibar's anti-poverty strategy (MKUZA III). According to the said VNR of 2019, the key achievements on the implementation



of SDGs include sustaining a high growth rate of Gross Domestic Product (GDP) at around 7% per annum and improved macroeconomic stability, such as reducing the nation's food inflation rate from 7.6% in 2016 to 3.7% in 2018. As a result, the country's macro-economic development level attained a middle income semi- industrialized economy in 2020.<sup>xxviii</sup>

Despite those positive trends realization of SDGs' indicators faces financial and technological challenges towards supporting related targets. Moreover, individual people in Tanzania do face economic hardship and insufficiency or unaffordability of key social services in urban and rural areas. Thirdly, it is also a concern that, the economic development has not been inclusive and holistic enough. For instance, there are insufficient measures to ensure that, refugees and asylum seekers contribute to the host economy.<sup>xxix</sup>

#### **14.1 CSOs' specific recommendations on SDGs' implementation in Tanzania**

**14.1.1** The government should popularize SDGs and adopt relevant measures to ensure more inclusive and participatory approach of an implementation, monitoring and assessment of SDGs' progresses.

**14.1.2** Tanzania should ensure that, the National Development Vision 2025 is implemented in such a way that it ensures a strong link between economic development, social cohesion, national unity, political stability, peace and security.

### **K: UPR'S RECOMMENDATIONS ON CLIMATE CHANGE**

**15. Recommendation** (No. 134.125): Promote strategies for climate changes mitigation and adaptation to their effects and disseminate them through school programmes.

**15.1 Status of implementation:** Partially implemented.

#### **15.2 CSOs' observation and analysis of the status of implementation**

Some of initiatives taken by Tanzania to address climate change are signing of the Paris Agreement on 22<sup>nd</sup> April 2016 and accept the same on 18<sup>th</sup> May 2018; and formulation of a number of policies and laws.<sup>xxx</sup>

Despite all those positive gesture, the effects of climate change in the country are vivid and posing some threats to small scale producers like farmers and pastoralists. Moreover, the country has not yet domesticated into national legal framework the UN Framework Convention on Climate Change of 1994 (UNFCCC). Therefore, there is still no law which specifically and expansively addresses issues of climate change in line with above listed policy documents.

#### **15.3 CSOs' specific recommendations on climate change**

**15.3.1** Tanzania should enact specific and wide-ranging law on climate change as a way of domesticating UNFCCC as well as enforcing numerous national policies on the same.

**15.3.2** The government of Tanzania and other stakeholders should map out best practices from indigenous adaptation norms and make use of the same by way of aligning them with modern approaches.

# ANNEXUTRES

## I: REFERENCE - END NOTES

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<sup>i</sup> According to the Media Council of Tanzania (MCT)'s Press Freedom Violation Register, a total of 159 incidents of violations targeted journalists happened between 2018 and 2019.

<sup>ii</sup> Apparently, due to such incidents and trends, Tanzania is ranked 118<sup>th</sup> out of 180 countries and territories in the Reporters without Borders (RSF)'s 2020 World Press Freedom Index. Tanzania has dropped a total of 53 places since 2016, more than any other country in the same period.

<sup>iii</sup> The government of Tanzania should implement court decisions order un-banned of the *Mawio* and *Mwanahalisi* newspapers.

<sup>iv</sup> For instance, the decision of in the case of *Media Council of Tanzania, Legal and Human Rights Centre and Tanzania Human Rights Defenders Coalition vs The Attorney General of the United Republic of Tanzania*, Application No. 2 of 2017 to the East African Court of Justice (EACJ). The court ordered that, Sections 7(3)(a), (b), (e), (t), (g), (h), (i), and (j); Sections 19, 20 and 21; Sections; 35, 36, 37, 38, 39 and 40; Sections 50 and 54; Sections 52 and 53; and Sections 58 and 59 of the Media Services Act of 2016, violate Articles, 6(d) and 7(2) of the Treaty for the Establishment of the East African Community, Cap. 411. Tanzania was directed to bring the Media Services Act of 2016 into compliance with the said Treaty.

<sup>v</sup> The Act currently allows a broad exemption in cases where another law governs the handling or release of information.

<sup>vi</sup> One of the major concerns in this regard is a perceived over-regulation of this sector including criminalization of the work of CSOs. For instance, formation of loose coalitions is now prohibited. Due to this new trend, the civic space is steadily shrinking.

<sup>vii</sup> For instance, the newly introduced online registration system is perceived to be complicated as only 37 out of 3,500 CSOs are currently enrolled in the system.

<sup>viii</sup> Note that, apart from a provision in the Constitution of Tanzania which prohibits torture, the country does not have a comprehensive legal framework in line with CAT. It is the same shortfall on part of ICPPED.

<sup>ix</sup> The police force's law is not clear on what constitute 'assembly' and 'precession.' That law states that an assembly of three or more people, who do not obey orders to disperse when requested, would be classified as an 'unlawful assembly.' Such loopholes have made some politicians victims of the circumstances.

<sup>x</sup> Other reforms on access to justice include an amendment of the Law of the Child Act of 2009 through the Written Laws Miscellaneous Amendments Act of 2020 (Act No. 1) to confer jurisdiction to all District Courts and Courts of Resident Magistrates to handle juvenile cases. Furthermore, the adoption of the Law of the Child (Juvenile Court Procedure) Rules of 2016 establishes a uniform practice and procedures for the Juvenile Courts of the Mainland Tanzania to ensure the child rights are protected. However, the National Prison Policy is not implemented, and the Child Justice Reform Strategy which ended in 2017 was not yet reviewed.

<sup>xi</sup> Under the Written Laws Miscellaneous Amendments No.3 of 2020.

<sup>xii</sup> For instance, out of a total of 37,471 cases available (18,284 registered, 19,187 from 2017 to 2019), only 17,046 were concluded by the end of the year, while 20,425 continued into 2019.

<sup>xiii</sup> There is still a shortage of 4,404 personnel equivalent to 43% of all judicial personnel (Reference: Speech by the Chief Justice of United Republic of Tanzania during Commemoration of the Law Day 06<sup>th</sup> February 2020, page 100).

<sup>xiv</sup> The NPA-VAWC, among other things, puts in place prevention and controlling (response) measures on various forms of violence against children (VAC). The said national plan establishes GBV and VAC response committees from national to the grassroots levels. The committees are comprised of governmental and non-state actors including community members.

<sup>xv</sup> Other related efforts in this regards include an initiation of the guideline of victim's support namely the Safe Reunification and Safe Rehabilitation of 2018. Moreover, the Anti-trafficking Secretariat was established in 2018 pursuant to the anti-trafficking law of 2008. However, the Secretariat is yet to be funded since its establishment. This could, logically, poses operational challenges of the said organ. On the other hand, the government issued an order in August 2020 directing that, children under 18 years shall not be allowed to travel across the regions without written permission from their parents and local government authorities. However, applicability of this order is something that the government and other stakeholders have to work on.

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<sup>xvi</sup> This reform clarifies further prohibition of hazardous tasks for children especially in fishery industry. The minimum wage for work is 14 years.

<sup>xvii</sup> Reference: LHRC, Tanzania Human Rights Report.

<sup>xviii</sup> The circulars made clear that the Government is financing textbooks, lab chemicals and equipment, furniture, sports gear, repair of machines, construction and repair of school infrastructures, provision of meals in boarding schools and subsidies to each student. Parents are obliged to bear costs of school uniforms, sports gear, exercise books, pay medical, and meals expenses of day students, pay travel charges, buy mattresses and bed covers as well as personal hygiene properties for residential students of government schools.

<sup>xix</sup> Despite those and other efforts, children with disabilities still face challenges in accessing education including, inaccessible facilities, inadequate sign language interpreters and teachers trained in special needs, stigma from caregivers and teachers, scarcity of assistive devices including; braille printers, hearing aid, wheel chairs, sunscreen lotions and magnifying lenses. These challenges were more aggravated during the emergency COVID-19 pandemic.

<sup>xx</sup> Such incidents include exhumation of graves, cutting of hair and nails, attempted kidnap, attempted rape, and one mutilation of arm at elbow.

<sup>xxi</sup> Currently, an organization planning to implement an activity in the community is required to secure a permit first from the government.

<sup>xxii</sup> Other laws and regulations on GBV and VAW include the Juvenile Courts Rules of Proceedings of 2018 (which includes rules on protection of children including victims of sexual and GBV); the Education Act of 1978 as amended in 2016 (which criminalizes marrying or impregnation of primary or secondary school student); the Zanzibar Evidence Act of 2016 (No. 9), which allows children to adduce evidence before the court of law based on *voir dire* (an oath to speak the truth).

<sup>xxiii</sup> United Republic of Tanzania, *Tanzania Demographic and Health Surveys 1996 and 2015/16*. Updated statistics on FGM are generally not available.

<sup>xxiv</sup> Through the court's decision in the case of *Attorney General vs. Rebeca Z. Gyumi* (Civil Appeal No.204, 2017).

<sup>xxv</sup> The villagers pursued this through a case of *Ololosokwan Village Council & 3 Others vs. the Attorney General of the United Republic of Tanzania, Application No. 15 of 2017*, which was still pending in court at the time of this reporting.

<sup>xxvi</sup> Means Tanzania Social Action Fund. TASAF is now at phase III which focuses on enabling poor households to increase incomes and opportunities while improving consumptions. TASAF III targets people living under the basic needs poverty line (currently 33.6 of the entire population. Phase III has three main components namely, productive social safety net (PSSN); enhancement of livelihood and increasing income; targeted infrastructure development; and, capacity building. More information about TASAF III can be accessed from: <https://www.tasaf.go.tz/index.php/about-us/organization/pssn-project-description>

<sup>xxvii</sup> Submitted to the High Level Political Forum (HLPF), United Nations in 2019.

<sup>xxviii</sup> Moreover, on micro-economic development, according to February 2021's individual income status report by the Bank of Tanzania (BOT), the per capita income of each Tanzanian has increased to USD 1,080 in 2019 compared to USD 980 in 2015. Moreover, a number of poor people have decreased to 26.4% in 2017/18 compared with 28.2% in 2011/12.

<sup>xxix</sup> The refugee concern have taken semi-permanent nature whereby people who stay in a host country for more than twenty years and the global level countries are emphasizing humanitarian and development nexus to ensure host country and refugees both benefit.

<sup>xxx</sup> Including the the National Guidelines for Climate Smart Agriculture of 2017; enactment of the Disaster Management Act of 2015; implementation of the Tanzania Agriculture Climate Resilience Plan of 2014–2019; implementation of the National Climate Change Communication Strategy of 2012-2017; implementation of the Guidelines for Integrating Climate Change into National Sector Policies Plans of 2012; adoption of the Tanzania National Strategy for Reduced Emission from Deforestation and Forest Degradation of 2012 (REDD+).