



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Forty-ninth session

#### Summary record of the 32nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 13 November 2012, at 3 p.m.

*Chairperson:* Mr. Pillay

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### Consideration of reports

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

*Combined initial and second and third periodic reports of the United Republic of Tanzania* (continued)

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports**

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Combined initial and second and third periodic reports of the United Republic of Tanzania* (continued) (E/C.12/TZA/1-3; core document (HRI/CORE/TZA/2012); list of issues (E/C.12/TZA/Q/1-3); written replies of the Tanzanian Government to the list of issues (E/C.12/TZA/Q/1-3/Add.1), English only)

1. *At the invitation of the Chairperson, the delegation of the United Republic of Tanzania took places at the Committee table.*

*Articles 6 to 9* (continued)

2. **Mr. Ibrahim** (United Republic of Tanzania) said that 5.5 per cent of the working population was covered by mandatory social security schemes, which had also been applicable to workers in the informal sector since April 2012. Community health funds existed at the district level. The National Health Insurance Fund, which was also open to informal workers, covered 2.5 million persons.

3. **Ms. Kairuki** (United Republic of Tanzania) said that the Commission for Human Rights and Good Governance was currently dealing with 7,165 complaints. In 2010, Tanzania had had 224 vocational training colleges, 193 of them State-run. The number of students in those institutions had increased by 19.9 per cent between 2009 and 2010, with the number of girls rising by 17.8 per cent.

4. The Occupational Safety and Health Agency, a body under the auspices of the Ministry of Employment, was responsible for raising awareness among workers and employers of the right to work, particularly legal provisions relating to employment and labour relations, carrying out labour inspections and penalizing non-compliant employers. The minimum wage in the public sector, which currently stood at 135,000 shillings, was reviewed regularly. In the private sector, the minimum wage level was set by sectoral boards.

5. **Mr. Malewa** (United Republic of Tanzania) said that there was no forced labour in prisons and detainees could only work or undergo vocational training following a psychological and physical medical examination and solely as part of a reintegration programme.

6. **Ms. Shin** asked what steps had been taken to increase the female employment rate and bridge the gender wage gap, especially in rural areas.

7. **Mr. Texier** requested further information on what was considered to be the minimum wage level to enable workers to live above the poverty line, the number of labour inspectors, and case law regarding anti-trade union policies prevalent in different sectors of the economy.

8. **Ms. Kairuki** (United Republic of Tanzania) said that there was no gender pay gap in the public sector, where the same salary scale applied to both sexes; no study on the issue had been carried out for the private sector. According to trade unions, the minimum wage needed to ensure an adequate standard of living, and should be US\$ 190 per month, a level that unfortunately not all workers had attained. Strict measures were taken against anti-trade union policies.

9. **Mr. Muzee** (United Republic of Tanzania) said that, should a worker be dismissed on account of trade union activities, the Commission for Mediation and Arbitration took the

necessary steps to ensure reinstatement, in accordance with section 37.3 of the Employment and Labour Relations Act.

10. **Ms. Mwaipopo** (United Republic of Tanzania) said that, under the general job creation measures adopted by the Government, a percentage of jobs was set aside for women.

*Articles 10 to 12*

11. **Ms. Cong** asked for more information on early female marriage, progress on the issue of raising the minimum age of marriage and steps taken to enforce the law on female genital mutilation and make the general public aware that it was a harmful practice.

12. **Mr. Ribeiro Leão**, referring to paragraph 101 of the periodic report, asked whether a programme was in place to ensure access to adequate housing for persons who were not members of the armed forces or police.

13. **Mr. Riedel** asked whether instruction on early marriage and pregnancy was provided in schools; what measures had been adopted to prioritize spending on health with a view to achieving the Millennium Development Goals (MDGs); and whether nevirapine was prescribed to prevent mother-to-child transmission of HIV. He asked the State party to include in its next periodic report annual disaggregated data on the grounds for discrimination. He enquired about steps taken to facilitate access to health care for the disadvantaged and ensure equal access for both urban and rural dwellers. With regard to child labour in precious stone mines, he asked what steps had been taken to increase non-State actor responsibility.

14. **Mr. Sadi** asked the delegation to provide more information on measures adopted to combat domestic violence and prostitution, particularly child prostitution, and on related case law. He wished to know whether the United Republic of Tanzania intended to ensure that marital rape was no longer deemed a criminal offence only when the spouses were separated. He asked how many practitioners of female genital mutilation had been prosecuted and how the State party reconciled polygamy with international human rights standards. He also asked in what circumstances abortion was authorized.

15. **Mr. Schrijver** asked the delegation to provide specific data on child labour and street children and on steps taken to address those problems.

16. **Mr. Martynov** asked what measures had been adopted to combat human trafficking in the State party. Referring to paragraph 29 of the periodic report, he enquired about the implementation of the recommendations of the Law Reform Commission on gender equality in property matters. He also requested more details about the key aspects of the bill on a single law on children; the reasons for the fall in living standards, given the context of economic growth; the measures envisaged by the Government to address obstacles preventing indigenous peoples from rearing livestock on traditional lands; and the results of the programme to formalize labour activities, including in the agricultural sector.

17. **Mr. Kedzia** asked whether the Tanzanian Government had implemented a plan to increase the number of institutional births and improve health service hygiene conditions to ensure that newborn babies and women giving birth no longer contracted hospital-acquired infections. Noting the high rate of deaths undoubtedly due to clandestine abortions, he also asked in what specific cases abortion was authorized in the State party.

18. **The Chairperson** asked the delegation to provide a specific answer to question 20 of the list of issues on the extreme poverty within some sectors of the population and their precarious housing situation. He asked whether it was true that no title deeds had been issued for 70 per cent of lands, which exposed the most vulnerable to the risk of being forcibly evicted from lands where they were traditionally established.

19. **Ms. Kairuki** (United Republic of Tanzania) said that the age of consent for marriage, set at 15 years in 1971, should be raised to 18 years when amendments to law of Marriage Act were made. The Penal Code criminalized female genital mutilation and punished the practice with prison sentences of between 5 and 15 years, possibly accompanied by a fine of up to 300,000 shillings and a requirement to pay compensation to the victim. The Tanzanian Government conducted awareness-raising and education campaigns with civil society to sensitize the general public, and particularly excision practitioners, to the harmful effects of such acts.

20. Tanzania had a national action plan to address violence against women and had created various multisectoral committees to deal with the issue and reception facilities for victims in police stations. Domestic violence was also a criminal offence and it had been decided that investigations into such cases should henceforth take no longer than three months and that, in the event of prosecution, judgement should also be delivered within three months. Marital rape was not a criminal offence and only a woman separated from her husband could initiate proceedings for rape against her former spouse. To combat the problem of teenage pregnancy, sexual and reproductive health education had been included in primary and secondary school curricula.

21. Given that Tanzania allocated 13 per cent of its national budget to health, it was close to achieving the objective set by the Maputo Protocol on the rights of women, under which States were required to allocate 15 per cent of their budget to the sector. The Ministry of Health and Social Welfare had drawn up many development plans on the subject, including a seven-year plan to reduce the maternal mortality rate. It had also made plans to provide antiretroviral drugs to HIV-positive pregnant women to prevent mother-to-child transmission of the virus. Abortion was only authorized in Tanzania if the health or life of the mother was endangered.

22. To promote access to health for all citizens, the authorities intended to set up a clinic in each village and a health centre in each district to ensure that no one would have to travel more than 5 kilometres on foot to access health services. To combat child labour in mines, inspectors visited mining companies, including those mining precious stones, and imposed penalties on any company in breach of the prohibition on employing children. Families were then invited to re-enrol their children in schools, with cash subsidies being provided.

23. Polygamy was a religious practice that had existed well before the advent of human rights. Nonetheless, no one was forced to practise it, all individuals being free to choose between a civil marriage or a Muslim marriage. In 2008 the Tanzanian Government had adopted an act prohibiting human trafficking, both nationally or internationally. At the national level, it was thought that victims were mainly persons from rural areas who had been promised employment in towns.

24. In 2011 the Government had conducted an investigation into the problem of street children in certain regions, whose preliminary findings were alarming. It would try to implement a suitable solution once all the conclusions of the investigation were known. The single law on children had been finalized and adopted in 2009. It defined the child as any person under 18 years of age and prohibited forced labour, night work, dangerous work and exploitation of children for sexual or commercial purposes. In addition, it contained provisions on non-discrimination and prevention of torture and degrading treatment and also provided for the creation of a children's court.

25. The Tanzanian Government was well aware of the need to provide affordable social housing for the most disadvantaged, but it lacked the resources to do so. Title deeds were not issued for many plots of lands, but "permits" were available offering holders the same guarantees. For instance, the permits were recognized in the courts and enabled holders to apply for a loan. Forced evictions were only carried out in the general interest – for

example, if the land was needed for urban development. In such cases, persons subject to eviction received compensation, or other land by way of reparation.

26. **Mr. Ibrahim** (United Republic of Tanzania) said that under the 2009 Wildlife Conservation Act it had been necessary to redefine natural conservation sites. To prevent the loss of some protected species and the deterioration and impoverishment of the soil from having an impact on neighbouring communities, access to certain areas had been prohibited to livestock farmers. Nonetheless, to avoid any conflict following the subdivision of the different areas, consultations had been held with all stakeholders, including livestock farmers. Under the 2004 Environmental Management Act, an environmental impact assessment was compulsory for all proposed mining activities. Companies exceeding the permitted levels of pollution were liable to penalties and fines.

27. **Ms. Maro** (United Republic of Tanzania) said that the number of persons living below the poverty line had declined over the years, albeit slowly. The population's standard of living was rising as a result of economic growth, with resultant improvements in public infrastructure, especially in urban development, health and education.

28. **Ms. Mwaipopo** (United Republic of Tanzania) said that a plan to combat human trafficking was currently under development in collaboration with the International Organization for Migration (IOM). Government efforts on child labour had led to 22,000 children in 9 of the country's 25 regions being released from work and reintegrated into schools.

29. **Mr. Abashidze** (Country Rapporteur) asked whether the Tanzanian Government intended to ban corporal punishment in schools. He requested further information on social protection for the vulnerable, including persons who were HIV-positive and migrant workers. He also enquired about the monitoring of the health and nutritional status of children in rural areas. He asked whether steps were being taken to ensure that girls, who were subject to mandatory pregnancy tests from the age of 11, were not forced to leave school if they were pregnant. He also asked what steps had been taken to remedy deficiencies in the health system.

30. **Ms. Kairuki** (United Republic of Tanzania) said that the Government provided food assistance to needy individuals in rural areas. Tanzania had increased budget allocations for improvements to medical services under its strategic health plan, which included the construction of health centres and the recruitment of health staff.

31. **Mr. Ibrahim** (United Republic of Tanzania) said that vulnerable groups, particularly persons living with HIV/AIDS, had access to social welfare and received free medication. The Government was drawing up a programme to ensure that vulnerable people also received a pension.

#### *Articles 13 to 15*

32. **Ms. Shin** asked how many of the 66,000 students who dropped out of school every year were boys and how many were girls. She wondered what reasons other than pregnancy led to girls dropping out of school and wished to know in particular how many girls had to leave school because of early marriage. She asked whether girls who were reintegrated into the school system after pregnancy returned to their former school.

33. Given that expelling from school girls who tested positive for pregnancy was a violation of human rights, the Government should look into the matter. It should be determined whether the girls concerned were victims of sexual violence and whether the lack of boarding for girls was a contributory factor. Awareness of the issue should be raised among girls, boys and men and an adequate family planning policy put in place.

34. **Mr. Marchán Romero** asked how Tanzania reconciled the lack of recognition of indigenous peoples with the social and ethnic make-up of its population. According to the report, the country had 126 tribes, which should be able to express their identity in accordance with article 15 of the Convention. He requested the State party to include information in its next report on the demographic and ethnic composition of the country disaggregated by gender, tribe and geographical location. He asked whether Tanzania recognized the existence of ancestral knowledge.

35. **Mr. Kedzia** asked whether the Government had adopted a policy to make the Internet accessible to the various population groups and particularly to marginalized and disadvantaged persons and people living in remote areas.

36. **Mr. Abdel-Moneim** said that the funds allocated to education had more than halved between 2006–2007 and 2010–2011, although the figure had remained the same in percentage terms. He sought clarification on the matter.

37. **Mr. Abashidze** (Country Rapporteur), citing information provided by Tanzania under the universal periodic review, said that the Government allowed the use of corporal punishment in schools. Noting that the State party did not recognize indigenous peoples and provided no figures on those communities, he expressed doubt as to Tanzania's capacity to implement the provisions of article 15 of the Convention and those of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Referring to the difficulties faced by tribes wishing to remain on their ancestral land once it had become a nature reserve, he noted that recommendations had emerged from the universal periodic review aimed at preventing such tribes from being evicted and protecting their way of life and called upon Tanzania to review its policy in that regard.

38. **Ms. Kairuki** (United Republic of Tanzania) said that school dropout had many root causes, such as a nomadic lifestyle or the fact that parents did not understand the importance of education, and that efforts should be made to raise awareness in order to solve the problem. Girls who had left school due to pregnancy could be re-enrolled after giving birth, but in another school. Her Government would endeavour to carry out the study recommended by one of the Committee members on the causes of teenage pregnancy. Thirty boarding schools for girls were due to be built in the near future.

39. With regard to the country's ethnic composition, there were no data available disaggregated by tribe, for fear that they might give rise to claims by the largest population groups. Tanzania recognized and protected traditional knowledge under international intellectual property law. As for access to the Internet, a low-cost fibre-optic system had been installed throughout the country under the current information and communication technology policy. All inhabitants should have access to it, including in remote rural areas.

40. **Ms. Mwaipopo** (United Republic of Tanzania) noted that her Government's position was to consider all Tanzanians as indigenous and to give priority to the promotion and protection of all groups to ensure they lived in harmony with one another. Steps had been taken to ensure that marginalized groups were integrated into society. She also said that caning was an acceptable form of punishment, the use of which was very strictly monitored, and was not considered as degrading treatment.

41. **Mr. Dasgupta** sought clarification on the rights granted to pastoralist communities in some areas.

42. **Ms. Shin**, noting that Tanzania had ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol and had adopted legislation on persons with disabilities, asked whether a long-term education policy was in place for persons with disabilities, given that their illiteracy rate was almost double that of the general population.

43. **Ms. Kairuki** (United Republic of Tanzania) said that the State party had a strategic plan for the inclusion of children with disabilities in mainstream education. Students with severe disabilities were referred to special schools. Measures had also been taken to adapt school buildings to the needs of persons with disabilities.

*The meeting rose at 5.50 p.m.*