



General Assembly

Distr.: General
21 March 2022

Original: English

Human Rights Council

Forty-ninth session

28 February–1 April 2022

Agenda item 6

Universal periodic review

Report of the Working Group on the Universal Periodic Review*

United Republic of Tanzania

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document is being issued without formal editing.



1. The United Republic of Tanzania is pleased to submit its addendum to the Working Group Report pursuant to its review in November, 2021. The United Republic of Tanzania received 252 recommendations from 92 delegations which made statements during the consideration of its National Report under the third cycle of the universal periodic review mechanism.
2. The State has carefully reviewed and received insight from State Actors, the National Human Rights Institution and Civil Society on all the recommendations.
3. As a result, the United Republic of Tanzania has accepted to implement 187 recommendations (20 with partial support) and has noted 65 recommendations.

I. Supported recommendations

4. The Recommendations supported by the United Republic of Tanzania are in compliance with the Constitution of the United Republic of Tanzania, 1977 and the Constitution of Zanzibar, 1984. They are also aligned with policies, laws and programs which call for the promotion and protection of civil, political, economic, social, cultural rights, emerging human rights issues and development priorities.

Scope of International obligations

147.4; 145.1; 145.2; 145.3; 145.4; 145.5; 145.6; 147.37; 147.20; 147.21; 147.24; 147.28.

National human rights framework

145.7; 145.8; 145.10; 145.11; 145.12; 147.42; 145.13; 145.14; 145.15; 145.16; 145.17; 145.18; 145.19; 146.2; 146.3.

Equality and Non-discrimination

146.4; 146.5; 146.7; 145.20; 145.21; 145.22; 145.23; 145.24; 147.44; 147.67; 147.68.

Development, the environment, business and human rights

145.25; 145.26; 145.27; 145.28; 145.29.

Right to life, liberty and security of persons

145.30; 145.31; 145.36; 145.37; 145.38; 145.39; 146.9; 145.40; 145.41; 145.42; 145.43; 145.44; 145.45; 145.46; 145.32; 145.33; 145.34; 145.35.

Administration of justice

145.47; 145.48; 145.49; 145.50; 145.51; 145.9; 147.76; 147.78; 147.69.

Prohibition of all forms of slavery

145.52; 145.53; 145.54; 145.55; 145.56; 145.57.

Privacy and family life

145.58; 147.109.

Right to adequate standard of living

145.59; 145.60; 145.61; 145.62; 145.63; 145.64; 145.65; 147.110.

Right to health

146.8; 145.66; 145.67; 145.68; 145.69; 145.70; 145.71; 145.72; 145.73; 145.74.

Right to education

145.75; 145.76; 145.77; 145.78; 145.79; 145.80; 145.81; 145.82; 145.83; 145.84; 147.111; 147.112; 147.113; 147.114; 147.115.

Women

145.85; 145.86; 145.87; 145.88; 145.89; 145.90; 145.91; 145.92; 145.93; 145.94; 145.95; 145.96; 145.97; 145.98; 145.99; 145.100; 147.116; 147.117; 147.119.

Children

145.101; 145.102; 145.103; 145.104; 145.105; 146.12; 147.122; 147.123; 147.124; 147.125; 147.126; 147.127; 147.128; 147.129; 147.130.

Persons with disabilities

145.106; 145.107; 145.108; 146.11.

Fundamental freedoms and rights to participate

147.82; 147.83; 147.84; 147.85; 147.86; 147.92; 147.94; 147.95; 147.89; 147.96; 147.97; 147.101; 147.102; 147.105; 147.106; 147.107; 147.103.

Refugees and asylum seekers

147.132.

II. Recommendations partially supported

5. Recommendations have also been partially supported and partially noted. These are recommendations with aspects in alignment with the Constitution of the United Republic of Tanzania 1977 and the Constitution of Zanzibar 1984, policies, laws and the development agenda. However, the recommendations also have aspects not in alignment with these qualifications.

Scope of international obligations

147.33. The State supports the part of the recommendation which reads to submit reports on the implementation of core human rights treaties that Tanzania is a party to. The State notes the part of the recommendation which reads to ratify the remaining ones. Consultations are still ongoing with regard to non-ratified treaties, the State is therefore unable to commit to their ratification at this juncture.

Equality and non-discrimination

147.43. The State supports the part of the recommendation which reads to protect the rights of vulnerable groups of women, children, disabled and the elderly. The State notes the part of the recommendation on ethnic minorities as there is no policy on ethnic minorities in the United Republic of Tanzania.

Right to life, liberty and security of persons

147.60. The State supports the part of the recommendation which reads to strengthen awareness raising campaigns on the death penalty and holding public debates on the death penalty including in Parliament as these have been taking place. The State notes the part of the recommendation which reads with a definitive abolition of the death penalty and ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights which calls for elimination of the death penalty. The State is unable to commit definitively to the abolition of the death penalty at this juncture.

Administration of justice

147.74; 147.75. The State supports the part of the recommendation which reads to strengthen policies and programmes aimed at improving access to justice for persons with albinism. The State notes the part of the recommendation which reads redress for violations of the rights of people in vulnerable situations as there is no policy to financially compensate victims of crime in the state.

Fundamental freedoms and right to participate

147.39. The State supports the part of the recommendation which reads to amend laws that are not in conformity with articles 19 and 21 of the International Covenant on Civil and Political Rights. Indeed the Media Services Act, 2016 is being amended to enhance the promotion and protection of freedom of expression. Also, regulations are being prepared to regulate political party rallies as part of efforts to promote the right to peaceful assembly. The State notes the part of the recommendation which reads to repeal or amend all laws not in conformity with articles 19 and 21 of the ICCPR. A law review is required to first ascertain which laws are not in compliance with articles 19 and 21 of the ICCPR prior to coming to the definitive decision to repeal or amend them. Discussions and consultations will continue.

147.80. The State supports the part of the recommendation which reads to amend the Media Services Act of 2016 which is currently being reviewed with a view to amend aspects of the act which restrict freedom of expression. The State notes the part of the recommendation which reads to repeal or amend the Statistics Act and the Cybercrimes Act. These two pieces of legislation will need further appraisal as they have been tried in the Courts of law with no orders for their amendment or repeal. Discussions and consultations will continue.

147.81. The State supports the part of the recommendation which reads amend the domestic legal framework to ensure for the rights to freedom of expression, freedom of peaceful assembly and association and trial without undue delay. The State has begun to amend the Media Services Act of 2016 and Regulations are being developed to regulate political party rallies as part of efforts to promote and protect the right to peaceful assembly. The States notes the part of the recommendation which reads amend the domestic legal framework to ensure trial without undue delay. There has been no conclusion on further amending the acts governing criminal and civil procedure. Discussions and consultations will continue.

147.87. The State supports the part of the recommendation which reads amend the Media Services Act of 2016 to ensure freedom of assembly. The State notes the part of the recommendation which reads amend the Political Parties Act and related legislation. There has been no conclusion on amending the Political Parties Act at this juncture. Discussions and consultations will continue.

147.88. The State supports the part of the recommendation which reads review legislation to ensure that freedom of the press as well as freedom of expression and opinion is protected, which is an ongoing part of law reform and legal development. The State notes the part of the recommendation which reads including the Cybercrimes Act. There has been no conclusion on reviewing the Cybercrimes Act at this juncture. Discussions and consultations will continue.

147.90. The State supports the part of the recommendation which reads ensure the right to freedom of expression is duly respected. The State notes the part of the recommendation which reads and intensity the efforts to protect the rights of persons belonging to religious minorities. There is no need for special measures to protect religious minorities as this is not a challenge in the United Republic of Tanzania.

147.91. The State supports the part of the recommendation which reads to amend the Media Services Act to promote freedom of expression. The State notes the part of the recommendation which reads amend or repeal the Political Parties Act and the Electronic and Postal Communications Act. There has been no conclusion to amend or repeal these two acts at this juncture. Discussions and consultations will continue.

147.93. The State supports the part of the recommendation which reads ensure through dialogue that the different laws and regulations governing the media sector for example the Media Services Act, 2016 and the Access to Information Act, 2016 are in full compliance with human rights including freedom of expression. The State notes the part of the recommendation which reads for example the Cyber Crimes Act, 2015 and the Electronic and Postal Communications (Online Content) Regulations 2020. There has been no conclusion on reviewing these two acts at this juncture. Discussions and consultations will continue.

147.98. The State supports the part of the recommendation which reads repeal or amend national legislation that restricts civil society like journalists from exercising their rights and fundamental freedoms without fear for scrutiny and reprisals so that it complies with international standards. The State notes the parts of the recommendation which reads repeal or amend national legislation that restrict human rights defenders including the three relevant acts. The concept of human rights defenders is broad and features a number of different actors, this will require more consultations to ascertain who is to be protected under the umbrella of a human rights defender. The recommendation also mentions three relevant acts without specifying the acts making it difficult to respond to.

147.99. The State supports the part of the recommendation which reads respect fully and protect the rights to freedom of assembly and freedom of expression and enshrine in the law the right to a safe and enabling environment for journalists and media workers. The State notes the part of the recommendation which reads and enshrine in the law the right to a safe and enabling environment for human rights defenders. The concept of human rights defenders is broad and features a number of different actors, this will require more consultations to ascertain who is to be protected under the umbrella of a human rights defender.

147.104. The State supports the part of the recommendation which reads guarantee freedom of assembly, association, expression and press freedom for members of all political parties, media and civil society organisations in inter alia reforming the Media Act. The State notes the part of the recommendation which reads reforming the Cyber Crimes Act. This legislation has been tried in Court with no orders for its repeal. Discussions and consultations will continue.

Women

147.118. The State supports the part of the recommendation which reads to take all necessary measures to combat discrimination and violence against women including domestic violence. The State notes the part of the recommendation on family violence as this concept is yet to be defined in the State's policies. The concept can continue to be discussed.

147.120. The State supports the part of the recommendation which reads to take on further measures to prevent domestic violence and ensuring that victims receive necessary assistance as this is among the objective of the National Action Plan to Eliminate Violence against Women and Children of 2016/17 to 2021/22. The State notes the part of the recommendation which reads marital rape as this is yet to be defined in the State's policies. The concept can continue to be discussed.

Minorities

147.131. The State supports the part of the recommendation which reads clarify land rights and safeguard traditional livelihood and culture and adopt positive measures to protect them. The State notes the part of the recommendation which reads especially for indigenous peoples. All Tanzanians of African descent are indigenous in the United Republic of Tanzania although there are communities with specific needs and ways of life and the State endeavors to support them.

Right to education

146.10. The State supports the part of the recommendation which reads free primary and secondary education. The State notes the parts of the recommendation which reads introduce amendments to the law with a view to guaranteeing the right to education and at least one year of free and compulsory pre-primary education. The noted aspects will continue to be considered.

III. Noted recommendations

6. The recommendations which have been noted are those that are contrary to the Constitution of the United Republic of Tanzania, 1977 and the Constitution of Zanzibar, 1984 as well as our laws, policies, programs and development agenda. There are also recommendations which require further consultations before a definitive position can be provided.

Scope of international obligations

146.1; 147.1; 147.2; 147.3; 147.5; 147.6; 147.7; 147.8; 147.9; 147.10; 147.11; 147.12; 147.13; 147.14; 147.15; 147.16; 147.17; 147.18; 147.19; 147.22; 147.23; 147.25; 147.26; 147.27; 147.29; 147.30; 147.31; 147.32; 147.34; 147.35; 147.36; 147.38. As consultations are still on-going, the State is unable commit to ratification of the treaties at this juncture.

National human rights framework

147.40. There is no stand-alone Gender Based (GBV) law as the various offences in the penal statutes capture the ingredients that constitute GBV. The matter can continue to be considered.

147.41. There is no policy on sexual minorities in the United Republic of Tanzania.

Equality and non-discrimination

146.6. Revoking the law means to annul the Act in its totality.

147.45; 147.46; 147.47; 147.48; 147.49; 147.50; 147.51; 147.52; 147.53; 147.54; 147.55; 147.108. The recommendations contain matters pertaining to same sex relations which is against our laws, traditions and beliefs.

Right to life, liberty and security of persons

147.56; 147.57; 147.58; 147.59; 147.61; 147.62;147.63; 147.64; 147.65; 147.66. The death penalty remains a punishment in our penal statutes. The Government is open to receiving views on the matter.

147.70. The criminal justice frame-work has been used to successfully prosecute and curtail the numbers of attacks and killings of persons with albinism.

147.71. Corporal punishment remains a form of punishment in our penal statutes.

147.72. Tanzania already has a Witchcraft Act, Cap 18 which combats harmful practices linked to witchcraft or accusations of witchcraft.

Administration of justice

147.73. LGBTI matters are contrary to our laws, customs, traditions and beliefs.

147.77; 147.79. The Government does not condone selective application of non-bailable offences. Any person, regardless of their profession can be charged with an un-bailable offence if the crime committed falls within that ambit. The Government is open to discussions and views on non-bailable offences.

Fundamental freedoms and right to participate

147.100. The objective of the Non-Government Act (Amendment) Regulation 2018 is not to violate the right of freedom of association and peaceful assembly. Rather, it provides for financial transparency and accountability of NGOs in utilization of funds obtained from donors. The Government is open to discussions and views on the Regulations.

Children

147.121. Caning is administered as form of corporal punishment in the school system. However, this is subject to rigid guidelines and teachers who do not adhere to the standards have disciplinary action taken against them and/or subject to the criminal justice system.
