



---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-ninth session**  
1–12 November 2021

## **Compilation on the United Republic of Tanzania**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. Noting that the United Republic of Tanzania was a party to six of the nine core international human rights treaties, the United Nations country team stated that it had a backlog in its reporting to the relevant treaty bodies. While United Nations support had been provided for the preparation of the reports on the implementation of the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, those reports had yet to be submitted.<sup>3</sup>

3. In 2017, the Independent Expert on the enjoyment of human rights by persons with albinism stated that the United Republic of Tanzania had yet to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>4</sup>

4. Recalling that in 2011, the United Republic of Tanzania had pledged to accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness and that it had reiterated that pledge in 2019, the Office of the United Nations High Commissioner for Refugees (UNHCR) noted that the State had yet to accede to those Conventions.<sup>5</sup>

5. The United Nations country team stated that the United Republic of Tanzania had yet to extend a standing invitation to the special procedure mandate holders of the Human Rights Council.<sup>6</sup>



### **III. National human rights framework<sup>7</sup>**

6. The Independent Expert on albinism stated that a review of the Witchcraft Act and the Traditional and Alternative Medicines Act would be included in the second National Human Rights Action Plan (2018–2022). She recommended that the United Republic of Tanzania use the ongoing review of those two Acts as an opportunity to reflect on witchcraft in the country, take steps to mitigate its root causes and prevent the harmful practices to which it led. She also recommended reviewing the legislative framework to ensure that it sufficiently addressed trafficking in body parts of persons with albinism.<sup>8</sup>

7. The United Nations country team noted that the Commission for Human Rights and Good Governance had been accredited with A status in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Nevertheless, the Commission had faced recent difficulties in fulfilling its responsibilities in an independent and impartial manner, inter alia, due to budget cuts. It had operated without commissioners for two years.<sup>9</sup>

8. The United Nations country team stated that, following the expiry of the National Human Rights Action Plan in 2017, the drafting of a new plan had commenced in 2018 with a view to including actions to implement the recommendations from the previous universal periodic review. However, as at March 2021, the plan was still awaiting review by the National Assembly before being submitted for final endorsement.<sup>10</sup>

### **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### **1. Equality and non-discrimination<sup>11</sup>**

9. The United Nations country team stated that the enforcement of gender discriminatory policies remained a major impediment to achieving gender equality.<sup>12</sup>

10. It also stated that the criminalization of same-sex relations had led to discrimination and increased the vulnerability and social marginalization of lesbian, gay, bisexual, transgender and intersex persons, negatively impacting their access to social services.<sup>13</sup>

11. In 2018, the United Nations High Commissioner for Human Rights expressed alarm at the statement made by the Regional Commissioner of Dar es Salaam that a committee would be established to track and arrest gay persons and to encourage people to report those suspected of being gay. The High Commissioner warned that that could turn into a witch-hunt and could be interpreted as a licence to carry out violence, intimidation, bullying, harassment and discrimination against those perceived to be lesbian, gay, bisexual or transgender. She stated that, in the United Republic of Tanzania, those people had already been subjected to growing violence, harassment and discrimination over the previous two years and that those defending their rights to health and to a life free from discrimination, violence and arbitrary arrest had themselves been increasingly targeted, even arrested. The plan announced by the United Republic of Tanzania also included attempts to “cure” gay people – a practice condemned as harmful, unethical and without scientific basis by the Committee against Torture and the World Health Organization. The High Commissioner warned that that practice could further stigmatize lesbian, gay, bisexual and transgender individuals.<sup>14</sup>

##### **2. Development, the environment, and business and human rights<sup>15</sup>**

12. The Independent Expert on albinism stated that, while political stability had provided a solid foundation for growth in the past decade, the social and economic dividends of that growth had not reached the majority of the population.<sup>16</sup>

13. The United Nations country team noted improvements in tackling corruption through initiatives that had included strengthening the presence and capacity of the Prevention and Combating of Corruption Bureau and the Zanzibar Anti-corruption and Economic Crimes Authority, the adoption of legislative and regulatory frameworks, such as the Public Leadership Code of Ethics Act (2016), the Public Leadership Code of Ethics (Control of Conflict of Interest) Regulations, 2020, and the Public Leadership Code of Ethics (Integrity Pledge) Regulations, 2020. Nevertheless, more needed to be done to tackle graft and bribery.<sup>17</sup>

14. The United Nations country team stated that the key obstacles to addressing environmental and climate change challenges were weak policy and institutional frameworks, inadequate financing, weak coordination among stakeholders and limited adoption of innovative technologies and practices. Noting achievements in curbing the illegal wildlife trade and illegal fishing, the country team stated that there had been negative trends in deforestation, land degradation and desertification, and waste management.<sup>18</sup>

### **3. Human rights and counter-terrorism**

15. The United Nations country team stated that the development of the National Strategy and Action Plan for Prevention of Radicalization and Violent Extremism (2020/21–2024/25) had commenced in 2017, but had not been submitted for Cabinet approval until 2021. That had hindered the provision of support by the United Nations country team to prevent violent extremism.<sup>19</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>20</sup>**

16. The Independent Expert on albinism noted that there had been calls for the implementation of the death penalty for crimes against persons with albinism. On that matter, she stood with the Secretary-General of the United Nations in affirming that the death penalty had no place in the twenty-first century.<sup>21</sup>

17. In 2021, the Human Rights Committee requested the United Republic of Tanzania to respond to reports of arbitrary arrests and detention of political opponents, activists, protestors and dissenting journalists, and to provide information on the steps taken to ensure that all allegations of arbitrary arrest and detention were promptly and effectively investigated and that the perpetrators were brought to justice.<sup>22</sup>

18. The United Nations country team stated that, although female genital mutilation was criminalized, the practice remained widespread. While the United Republic of Tanzania had adopted a national anti-female genital mutilation strategy (2019–2022) and cross-border declaration, strengthened the health and law enforcement response, and engaged religious leaders, the media and other influencers, those initiatives were small-scale and underfunded.<sup>23</sup>

19. The Independent Expert on albinism stated that the combination of measures taken by the United Republic of Tanzania and civil society had led to a decrease in the number of reported attacks against persons with albinism in the country. However, that progress was highly tenuous, as the root causes of such attacks had not been fully addressed. Renewed political will and corresponding efforts were necessary to address the underlying causes of the attacks, including discrimination, myths, witchcraft and poverty.<sup>24</sup>

20. The Independent Expert on albinism stated that fear persisted in various regions of the country, driving persons with albinism and their families to continue to seek protection in shelters. In addition, persons with albinism living in shelters often feared returning to their villages, given the widespread belief in witchcraft, the persistence of myths and the disproportionate levels of poverty they faced. She recommended, inter alia, strengthening community policing and the role of security committees in each village.<sup>25</sup>

21. Noting the adoption of the National Strategy to Eradicate Elderly Killings in Tanzania (2019–2023), the United Nations country team stated that there had been a slight decrease in

reported attacks and violence against older women, relating to sexual violence and beliefs in witchcraft.<sup>26</sup>

## 2. Administration of justice, including impunity, and the rule of law<sup>27</sup>

22. The United Nations country team stated that concerns remained at continued interference with the independence and impartiality of the judicial system, the challenges faced with regard to the availability and accessibility of independent and impartial courts, the level of legal awareness and knowledge, the availability of sufficient and qualified lawyers and the possibility of a timely and fair trial, regardless of one's socioeconomic status.<sup>28</sup>

23. In July 2020, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stated that the recent amendments to the Basic Rights and Duties Enforcement Act, which required anyone seeking legal redress for human rights violations under the Constitution of the United Republic of Tanzania to prove that they had been personally affected, prevented organizations from filing cases on behalf of victims, in an environment where accountability mechanisms and access to justice for victims were already fragile.<sup>29</sup> In a communication addressed to the United Republic of Tanzania, dated 24 June 2020, the Special Rapporteur on freedom of peaceful assembly and of association stated that the adoption of those amendments contradicted the national jurisprudence on that matter. The Constitution provided for elements of access to justice under article 13 (6) and in articles 26 (2) and 30 (3), which gave individuals the right to take legal action to ensure the Constitutional order was protected and in case any of the rights provided in the Constitution were violated. In 1994, the High Court of Tanzania, in *Rev. Christopher Mtikila v. Attorney General*, had interpreted the provisions of articles 30 (3) and 26 (2) of the Constitution and had held that there was no requirement of an ingredient of personal interest in matters of interest to the public. In reaching that decision, the Court had considered some significant social circumstances facing Tanzanian society, such as legal literacy and limited resources to handle litigations, which were still valid.<sup>30</sup>

24. The United Nations country team stated that laws, policies and regulations had been adopted, providing for increased coordination and supervision of legal aid service providers, including paralegals, who operated in remote and difficult-to-reach areas.<sup>31</sup>

25. The United Nations country team stated that, although the legal system was largely based on common law, customary law was applied in personal and family matters. That could lead to the perpetuation or reinforcement of discriminatory social norms and it also blocked access to justice for women, children and vulnerable groups.<sup>32</sup>

26. The Independent Expert on albinism stated that the Attorney General's Office had identified challenges in the investigation and prosecution of attacks against persons with albinism, including a lack of adequate and reliable information, deep-rooted beliefs in witchcraft and the remote and isolated locations where attacks had occurred. She noted that, while the judicious use of multiple pieces of legislation, including the Penal Code, the Anti-Trafficking in Persons Act (2008) and the Law of the Child Act (2009), was likely to strengthen the legislative framework in cases of attacks against persons with albinism, they had not been invoked. She recommended that the United Republic of Tanzania ensure, inter alia, the judicious use of legislation to fully address all types of attacks against persons with albinism, including those involving possession of body parts, and that all cases of alleged offences against persons with albinism were promptly and thoroughly investigated and documented.<sup>33</sup>

## 3. Fundamental freedoms and the right to participate in public and political life<sup>34</sup>

27. In a communication addressed to the United Republic of Tanzania, dated 9 July 2018, the Working Group on Arbitrary Detention and other special procedure mandate holders expressed concern at the growing restrictions placed on the exercise of the rights to freedom of expression and of association and the right of peaceful assembly, including through the adoption and subsequent implementation of a legislative arsenal severely impinging on the right to freedom of expression.<sup>35</sup>

28. In the same communication, the experts expressed concern about the Cybercrime Act (2015), the Statistics Act (2015), the Access to Information Act (2016), the Media Services Act (2016) and the Electronic and Postal Communication (Online Content) Regulations (2018). Those laws, which had been adopted without consultation with civil society, provided the executive branch with overly broad discretionary powers to restrict the right to freedom of expression. They represented a disproportionate and unnecessary restriction to the exercise of the right to freedom of expression and of information that would be incompatible with the criteria for permissible restrictions to freedom of expression under international human rights law. Most of those laws lacked due process guarantees and imposed heavy penalties on individuals accused of breaching them, such as heavy prison sentences and fines.<sup>36</sup> The United Nations country team stated that those laws provided the United Republic of Tanzania with overly broad powers to restrict citizens' exercise of fundamental freedoms.<sup>37</sup>

29. The United Nations country team stated that concerns remained about the Access to Information Act, which provided for public access to information held by public authorities, including with regard to the procedure for appealing decisions of information holders, which conveyed a conflict of interest, as in most cases, the final decision rested with the Minister responsible for legal affairs. In addition, the severity of the penalty for wrongly releasing information had no parallel accountability provision for withholding information.<sup>38</sup>

30. The United Nations country team stated that civic and democratic space had been limited by the guidelines for coordinating non-governmental organizations issued in 2020, complementing the Non-Governmental Organizations Act of 2002, as amended in 2005 and 2019, as they imposed requirements to be fulfilled by non-governmental organizations that were insurmountable.<sup>39</sup> The Human Rights Committee requested the United Republic of Tanzania to provide information on the compatibility with article 22 of the International Covenant on Civil and Political Rights of: (a) the amendments made to the Non-Governmental Organizations Act of 2002; (b) the Guidelines for Coordinating Non-Governmental Organizations, issued in 2020; and (c) the amendments made to the Basic Rights and Duties Enforcement Act of 1994. The Committee requested the State to comment on concerns that the excessive powers granted to the registrar of non-governmental organizations and the current financial reporting requirements for non-governmental organizations had undermined the autonomous and effective operations of those organizations.<sup>40</sup>

31. In October 2020, the spokesperson for the United Nations High Commissioner for Human Rights expressed concern about the shrinking of democratic space in the United Republic of Tanzania. The repression of dissenting voices had intensified in the lead-up to the elections on 28 October 2020, when the rights to freedom of expression and to political participation ought to have been upheld, not repressed.<sup>41</sup>

32. In November 2020, the United Nations High Commissioner for Human Rights said that she was disturbed by reports of continued intimidation and harassment against opposition leaders and members in the aftermath of the country's general elections. She urged the Tanzanian authorities to respect and facilitate exercise of the rights to freedom of expression and of peaceful assembly.<sup>42</sup>

33. The Human Rights Committee requested the United Republic of Tanzania to report on the progress made in ensuring that the laws governing the right to freedom of peaceful assembly, including the Political Parties Act (Amendment) of 2019, were fully in line with article 21 of the International Covenant on Civil and Political Rights.<sup>43</sup> The United Nations country team stated that the Act gave the Registrar of Political Parties powers, inter alia, to deregister political parties, demand information and suspend members of political parties. It had restricted political parties from carrying out activities such as holding rallies.<sup>44</sup> The Human Rights Committee requested the United Republic of Tanzania to comment on allegations of: (a) disproportionate presence of police officers at peaceful assemblies; (b) denial of assembly permits to political opponents and organizations critical of the Government; and (c) arrests of political opponents before planned protests. The Committee also requested the State to respond to allegations of excessive use of force to disperse peaceful assemblies.<sup>45</sup>

#### 4. Prohibition of all forms of slavery<sup>46</sup>

34. The United Nations country team stated that the United Republic of Tanzania was a source, transit and destination country for trafficked men, women and children who were exploited as domestic workers, in the sex industry and in the commercial agriculture, fishing and mining sectors. In 2018, some 336,000 people had been living in conditions of modern slavery; there had been no improvements in absolute numbers since 2013. The activities of the government-led thematic working group on counter-trafficking in persons, which was in charge of implementing counter-trafficking interventions and operationalizing the National Anti-Trafficking in Persons Plan Action (2018–2021), had ceased due to financial constraints.<sup>47</sup>

### C. Economic, social and cultural rights

#### 1. Right to work and to just and favourable conditions of work<sup>48</sup>

35. The United Nations country team stated that, despite the enactment of the Employment and Labour Relations Act (2019), the Labour Institutions Act (2019) and their accompanying regulations, favourable conditions of work had yet to be achieved. The minimum wage in the private sector had not yet been reviewed, despite the operationalization in 2013 of the Labour Institutions Wage Order.<sup>49</sup> The Labour, Economic and Social Council, which was tasked with ensuring employment and labour standards, was weak due to, inter alia, an inadequate budget.<sup>50</sup>

36. The United Nations country team stated that, although several trade unions had been registered, they had limited influence on policies due to their members' poor knowledge of labour laws and their inadequate negotiation skills. That had resulted in the right of trade unions to engage in collective bargaining not being fully exercised.<sup>51</sup>

37. The United Nations country team stated that, despite the development of the National Strategy on the Elimination of Child Labour (2018–2022), which contained strategies for, inter alia, the social integration of child labourers and their reinsertion into schools, child labour laws remained largely unenforced.<sup>52</sup>

#### 2. Right to social security<sup>53</sup>

38. The United Nations country team stated that the existing mandatory social security schemes covered less than 10 per cent of the population. Over 90 per cent of the population, including almost all informal sector workers, self-employed and unemployed persons, did not have social protection coverage.<sup>54</sup>

#### 3. Right to an adequate standard of living<sup>55</sup>

39. The United Nations country team stated that the implementation of the National Social Protection Policy, the Zanzibar Social Protection Policy and the second phase of the Productive Social Safety Net had benefited 13.5 million people living below the basic needs poverty line and had contributed to poverty reduction.<sup>56</sup>

40. The Independent Expert on albinism recommended that the United Republic of Tanzania ensure that persons with albinism were covered by the anti-poverty programmes, including through special measures.<sup>57</sup>

41. The United Nations country team stated that access to drinking water had increased steadily. However, improved sanitation facilities were accessible to less than half of the population and there had been a marginal increase in open defecation practices in the rural mainland.<sup>58</sup>

#### 4. Right to health<sup>59</sup>

42. The United Nations country team stated that the budgetary allocation for the health sector was well below international benchmarks and access to health services was limited by financial barriers. Most vulnerable people were likely to suffer catastrophic health expenditure due to high out-of-pocket payments.<sup>60</sup>

43. The United Nations country team stated that in 2019, nearly 80 per cent of births had taken place in health facilities. While there had been a reduction in the under-5 and neonatal mortality rates, the actual number remained constant due to a population increase.<sup>61</sup>

44. The United Nations country team noted the adoption in 2020 of the National Accelerated Action and Investment Agenda for Adolescent Health and Wellbeing to address the health challenges of adolescents. That was a positive development, considering the inadequate capacity of adolescent-friendly health services and funding for HIV interventions targeting adolescent girls and young women.<sup>62</sup>

45. The United Nations country team stated that about half of the women and girls aged between 15 and 49 years who were either married or in a union were unable to make decisions about their own health care and their use of contraception and were unable to refuse sexual intercourse. One in three pregnancies was unintended and nearly two thirds ended in abortion. Most abortions were unsafe, despite abortion being legal under specific circumstances, due to unclear abortion laws and a lack of awareness that abortions could be obtained legally under those circumstances.<sup>63</sup>

46. The United Nations country team stated that, despite the progress made in transforming the national HIV response to address the needs of the most vulnerable, discrimination against persons living with HIV had persisted. The review of legislation to decrease the age of consent for HIV testing to 15 years, approval of the HIV self-testing policy for persons aged 15 years and above and endorsement of other national HIV-related strategies, such as the gender assessment of the national HIV response, had provided a foundation for accelerating the response towards ending AIDS as a public health threat by 2030.<sup>64</sup>

47. The Independent Expert on albinism recommended that the United Republic of Tanzania ensure that sunscreen was available, including by providing strong support for its domestic production; provide training and information on albinism and related health issues to mothers of children with albinism and their families immediately after the births of their children; continue to facilitate access to skin cancer treatment, including chemotherapy and radiotherapy, by reducing indirect costs or, where necessary, by providing financial support to ensure prompt access to treatment; provide free clinical assessments, both dermatological and ophthalmological, to persons with albinism, along with glasses, adaptive devices and other visual aids; and consider rolling out a national skin cancer prevention strategy similar to those that had been rolled out for the 10 other types of cancer most commonly affecting Tanzanians.<sup>65</sup>

48. The United Nations country team stated that during the coronavirus disease (COVID-19) pandemic in 2020, the United Republic of Tanzania had not imposed a lockdown. It had initially shared public information about the spread of the virus, but had stopped doing so in May 2020, after which statements had been issued in June 2020 indicating that COVID-19 had been eliminated in the country.<sup>66</sup>

49. In 2021, the Human Rights Committee requested the United Republic of Tanzania to respond to concerns about the failure of the authorities to take prompt and effective measures to prevent the spread of COVID-19 and to indicate what measures the State intended to take in that regard.<sup>67</sup>

## 5. Right to education<sup>68</sup>

50. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that the United Republic of Tanzania should be encouraged to enshrine the right to education as a human right in the Constitution, and to consider amending the Education Act of 1978 in order to introduce 12 years of free primary and secondary education, of which 9 years were compulsory, and at least one year of free and compulsory pre-primary education.<sup>69</sup>

51. The United Nations country team stated that progress had been made in attaining universal primary education through the introduction of a fee-free education policy in 2016, which had increased enrolment to 95.7 per cent in 2020, with no significant gender disparities. Net enrolment in secondary education and access to higher education had also increased. Reading with comprehension had improved from 8.1 per cent in 2013 to 38.7 per

cent in 2019. However, a stronger focus on learning outcomes at all levels of education was still required to ensure that children and young people acquired the skills and competencies critical for employment.<sup>70</sup>

52. In a communication addressed to the United Republic of Tanzania, dated 18 August 2017, the Special Rapporteur on the right to education, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Working Group on the issue of discrimination against women in law and in practice expressed concern about an alleged ban on pregnant girls and young women from attending school or taking exams, which was based on discriminatory and stigmatizing attitudes, beliefs and stereotypes.<sup>71</sup> Another communication raising the issue was sent on 22 February 2018.<sup>72</sup>

53. The United Nations country team stated that the National Inclusive Education Strategy (2018–2021) provided guidance on education for vulnerable groups. Children with disabilities and out-of-school adolescent boys and girls were now accessing alternative learning opportunities. However, the quality of education, access to infrastructure, assistive devices and learning materials and lack of certification for learners remained serious challenges.<sup>73</sup>

54. The Independent Expert on albinism recommended that the United Republic of Tanzania ensure the provision of reasonable accommodation to students with disabilities by making low vision aids, adaptive devices and large-print materials available in all schools; ensure the systematic training of teachers on the special needs of children with albinism; and facilitate access to vocational training opportunities.<sup>74</sup>

55. The United Nations country team stated that schools had been closed for three months due to the COVID-19 pandemic. During that period, 2.5 million children, including refugee children, had continued their learning at home, facilitated by educational programmes on the television and the radio. In the wake of the back-to-school campaigns, 97 per cent of children had returned to school. A new strategy for education in emergency preparedness and response, including digital or technology-based solutions, was being developed to ensure that all children had access to quality education.<sup>75</sup>

## **D. Rights of specific persons or groups**

### **1. Women<sup>76</sup>**

56. Noting the existing regulatory framework to increase women's access to productive resources, the United Nations country team stated that women continued to have low access to resources and were disproportionately represented in the informal sector. Under customary law, a woman had no right to her husband's land on his death. A woman might require her husband's consent to reap economic benefits from land acquired in his name.<sup>77</sup>

57. The United Nations country team stated that, although all sexual offences against women and girls were criminalized under the Penal Code, there was no specific provision for marital rape and domestic violence. While the Law of Marriage Act (1971) prohibited the use of corporal punishment against a spouse, the Penal Code did not contain any corresponding provision for punishing perpetrators of domestic violence. A local customary law order of 1963 allowed for customary practices that were harmful to women and girls, including marital rape.<sup>78</sup>

58. The United Nations country team stated that the adoption of national plans of action to end violence against women and children for the period 2017–2022 was commendable. Since 2018/19, the national planning and budgeting guidelines had included instructions for ministries and local governments to include interventions and budgets to implement the plans. However, implementation of the plans was still heavily dependent on donor funding and lacked strategies for sustainable investment. The country team stated that the planning, budgeting and institutional mechanisms at the regional and national levels should be strengthened to ensure effective implementation of the plans.<sup>79</sup>

59. The United Nations country team stated that, in response to the increased number of reports on sexual harassment and "sextortion", the Prevention and Combating of Corruption

Bureau and women's rights organizations had launched a campaign about the dangers of sexual corruption. However, negative social norms and the lack of rigorous data revealing the extent of sextortion were hindering progress.<sup>80</sup>

## 2. Children<sup>81</sup>

60. Noting the 2016 ruling of the High Court that marriage under the age of 18 years was unconstitutional, as upheld by the Court of Appeal in 2019, the United Nations country team stated that the revision of the Law of Marriage Act was still at an early stage. In Zanzibar, the qadi court rules had been amended in 2019 to incorporate children's issues, and, *inter alia*, align the definition of a child to all persons below the age of 18 years and eliminate a rule which had allowed child marriage. However, weak marriage registration systems made it difficult to identify and legally prevent child marriages.<sup>82</sup>

61. The United Nations country team stated that corporal punishment of children at home and in schools remained prevalent and was a major disincentive to learning and a cause of school dropout. Although the use of canes by teachers in the lower grades of primary schools was restricted under the Education (Corporal Punishment) Regulations of the Ministry of Education (2002), corporal punishment was widely supported as a disciplinary measure. The country team observed that the United Republic of Tanzania had noted the recommendation to prohibit all forms of corporal punishment that had been made at the previous review, in 2016.<sup>83</sup>

## 3. Persons with disabilities<sup>84</sup>

62. The United Nations country team stated that, despite the progress made, persons with disabilities continued to face challenges, stigmatization and discrimination in, *inter alia*, access to health, education and participation in public life.<sup>85</sup>

63. The United Nations country team stated that a draft national action plan for persons with albinism had been awaiting approval from the Prime Minister's Office since early 2020.<sup>86</sup>

64. The Independent Expert on albinism recommended that the United Republic of Tanzania, *inter alia*, enforce the quota established by the Persons with Disabilities Act (2010), under which persons with disabilities were expected to account for 3 per cent of the payroll of companies employing more than 20 people.<sup>87</sup>

## 4. Minorities and indigenous peoples<sup>88</sup>

65. In a communication addressed to the United Republic of Tanzania, dated 11 October 2019, four special procedure mandate holders expressed concern about alleged violence, forced evictions and harassment affecting Maasai communities and the alleged failure to protect the rights of the Maasai to their traditional lands, territories and resources, as well as their rights to health, food and water, among others. They were also concerned that decades of successive forced evictions and displacements, the shrinking of Maasai peoples' vital space, and the lack of protection against commercial and private interests on their remaining land had had a highly detrimental impact on the preservation of Maasai pastoralist culture. Those phenomena were currently threatening the very existence of those people, who were struggling with diseases, malnutrition and the preventable deaths of children as a result of a lack of access to grasslands and water points and the prohibition on resorting to subsistence agriculture.<sup>89</sup>

## 5. Migrants, refugees, asylum seekers and internally displaced persons<sup>90</sup>

66. UNHCR stated that there were significant inconsistencies between the Refugees Act (1998) and the 2003 Refugee Policy. The latter, which was the most widely applied, contained restrictive measures including limits on self-reliance opportunities for refugees, an enforced encampment policy and the requirement for refugee education in the curriculum of the country of origin.<sup>91</sup>

67. UNHCR stated that cases of refoulement were regularly reported. Since 2018, all key border entry and reception points had remained extremely restricted for asylum seekers and

UNHCR had been unable to undertake routine border monitoring. The national asylum system lacked fairness and transparency and the rejection rates were extremely high for applicants who had fled countries whose nationals were being widely recognized as refugees globally.<sup>92</sup>

68. The United Nations country team stated that, despite requests from the Secretary-General of the United Nations and from UNHCR to suspend the voluntary repatriation of Burundian refugees during the COVID-19 pandemic, the process had continued.<sup>93</sup>

## 6. Stateless persons<sup>94</sup>

69. UNHCR encouraged the United Republic of Tanzania to extend birth registration to all refugees born in the country irrespective of their age in order to prevent statelessness. Referring to the relevant supported recommendations from the previous review, and noting the continuation of the birth registration and certification programme for children under the age of 5 years born in the country, UNHCR stated that it was ready to provide the necessary support to ensure that the birth registration programme was extended to all child and adult refugees born in country, including refugees living in any of the three old settlements or in the Kigoma villages, which hosted approximately 70,000 refugees of Burundian origin who had arrived in 1972. It also encouraged the United Republic of Tanzania to ensure the birth registration of children and descendants of historical migrants of Comorian, Mozambican or Arab descent born in the Zanzibar islands, but whose birth had still not been registered because their nationality remained undetermined. That was the result of challenges with regard to establishing citizenship due to ties with another country and the pre-independence migration of their ancestors. UNHCR further encouraged the United Republic of Tanzania to ensure the birth registration of children born out of wedlock in the Zanzibar archipelago.<sup>95</sup>

70. The United Nations country team stated that the United Republic of Tanzania had halted the issuance of birth certificates to refugee children on public health grounds due to the COVID-19 pandemic. In addition, the Government had yet to process the legal documentation for over 6,200 children born to naturalized Tanzanian citizens, who had missed out on birth registration and their naturalization process for various reasons.<sup>96</sup>

71. Noting the high number of stateless persons and persons at risk of becoming stateless in the State, the Human Rights Committee requested the United Republic of Tanzania to report on legislative and other measures taken: (a) to provide adequate safeguards for the reduction and prevention of statelessness, including the loss of citizenship, including by establishing a dedicated and effective statelessness determination procedure; and (b) to ensure that every child had a nationality, in accordance with article 24 (3) of the International Covenant on Civil and Political Rights, including by granting citizenship to children born to stateless parents irrespective of the parents' legal status.<sup>97</sup>

## Notes

<sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for the United Republic of Tanzania will be available at [www.ohchr.org/EN/HRBodies/UPR/Pages/TZIndex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/TZIndex.aspx).

<sup>2</sup> For relevant recommendations, see A/HRC/33/12, paras. 134.1–134.15, 134.37, 134.39–134.41, 135.1, 137.1–137.31, 137.47–137.53 and 137.60–37.61.

<sup>3</sup> United Nations country team submission for the universal periodic review of the United Republic of Tanzania, para. 1.

<sup>4</sup> A/HRC/37/57/Add.1, para. 20.

<sup>5</sup> UNHCR submission for the universal periodic review of the United Republic of Tanzania, p. 1.

<sup>6</sup> United Nations country team submission, para. 2.

<sup>7</sup> For relevant recommendations, see A/HRC/33/12, paras. 134.16, 134.18–134.33, 134.35, 134.56, 134.123, 134.126–134.129 and 137.44–137.45.

<sup>8</sup> A/HRC/37/57/Add.1, paras. 25–26, 29 and 102 (b) and (d).

<sup>9</sup> United Nations country team submission, para. 4.

<sup>10</sup> *Ibid.*, para. 5.

<sup>11</sup> For relevant recommendations, see A/HRC/33/12, paras. 134.47, 137.33 and 137.42–137.43.

<sup>12</sup> United Nations country team submission, para. 6.

- <sup>13</sup> Ibid., para. 11.
- <sup>14</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23817&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23817&LangID=E) (accessed on 18 May 2021).
- <sup>15</sup> For relevant recommendations, see A/HRC/33/12, paras. 134.25, 134.101, 134.121 and 134.125.
- <sup>16</sup> A/HRC/37/57/Add.1, para. 9.
- <sup>17</sup> United Nations country team submission, para. 19.
- <sup>18</sup> Ibid., para. 13.
- <sup>19</sup> Ibid., para. 14.
- <sup>20</sup> For relevant recommendations, see A/HRC/33/12, paras. 134.43, 134.57–134.58, 134.89–134.90, 134.94, 137.32, 137.54–137.59 and 137.62.
- <sup>21</sup> A/HRC/37/57/Add.1, para. 61.
- <sup>22</sup> CCPR/C/TZA/QPR/5, para. 16.
- <sup>23</sup> United Nations country team submission, para. 9.
- <sup>24</sup> A/HRC/37/57/Add.1, paras. 96–97.
- <sup>25</sup> Ibid., paras. 69 and 103 (a)–(b).
- <sup>26</sup> United Nations country team submission, para. 54.
- <sup>27</sup> For relevant recommendations, see A/HRC/33/12, paras. 134.91–134.93 and 137.66.
- <sup>28</sup> United Nations country team submission, para. 20.
- <sup>29</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26117&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26117&LangID=E) (accessed on 18 May 2021). See also United Nations country team submission, para. 21.
- <sup>30</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25391> (accessed on 18 May 2021).
- <sup>31</sup> United Nations country team submission, para. 20.
- <sup>32</sup> Ibid., para. 22.
- <sup>33</sup> A/HRC/37/57/Add.1, paras. 58, 62–63 and 105.
- <sup>34</sup> For relevant recommendations, see A/HRC/33/12, paras. 134.17, 134.94–134.95, 134.97–134.100, 136.1–136.2, 136.4–136.8, 136.24–136.25 and 137.67–137.68.
- <sup>35</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23933>, p. 5.
- <sup>36</sup> Ibid., pp. 2–3. See also United Nations country team submission, para. 25.
- <sup>37</sup> United Nations country team submission, para. 25.
- <sup>38</sup> Ibid., para. 24.
- <sup>39</sup> Ibid., para. 26.
- <sup>40</sup> CCPR/C/TZA/QPR/5, para. 26.
- <sup>41</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26429&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26429&LangID=E) (accessed on 18 May 2021).
- <sup>42</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26489&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26489&LangID=E) (accessed on 18 May 2021).
- <sup>43</sup> CCPR/C/TZA/QPR/5, para. 25.
- <sup>44</sup> United Nations country team submission, para. 26.
- <sup>45</sup> CCPR/C/TZA/QPR/5, para. 25.
- <sup>46</sup> For relevant recommendations, see A/HRC/33/2, paras. 134.57–134.58.
- <sup>47</sup> United Nations country team submission, para. 28.
- <sup>48</sup> For the relevant recommendation, see A/HRC/33/12, para. 134.65.
- <sup>49</sup> United Nations country team submission, para. 32.
- <sup>50</sup> Ibid., para. 33.
- <sup>51</sup> Ibid.
- <sup>52</sup> Ibid., para. 49.
- <sup>53</sup> For the relevant recommendation, see A/HRC/33/12, para. 137.46.
- <sup>54</sup> United Nations country team submission, para. 34.
- <sup>55</sup> For relevant recommendations, see A/HRC/33/12, paras. 134.102–134.105, 134.124 and 137.69–137.70.
- <sup>56</sup> United Nations country team submission, para. 34.
- <sup>57</sup> A/HRC/37/57/Add.1, para. 110 (a).
- <sup>58</sup> United Nations country team submission, para. 41.
- <sup>59</sup> For relevant recommendations, see A/HRC/33/12, paras. 134.107–134.108, 134.118 and 136.3.
- <sup>60</sup> United Nations country team submission, para. 35.
- <sup>61</sup> Ibid., para. 36.
- <sup>62</sup> Ibid., para. 37.
- <sup>63</sup> Ibid., para. 38.

- <sup>64</sup> Ibid., para. 39.
- <sup>65</sup> A/HRC/37/57/Add.1, para. 108.
- <sup>66</sup> United Nations country team submission, para. 40.
- <sup>67</sup> CCPR/C/TZA/QPR/5, para. 10.
- <sup>68</sup> For relevant recommendations, see A/HRC/33/12, paras. 134.38 and 134.109–134.117.
- <sup>69</sup> UNESCO submission for the universal periodic review of the United Republic of Tanzania, para. 15.
- <sup>70</sup> United Nations country team submission, para. 42.
- <sup>71</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23260>.
- <sup>72</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23657>.
- <sup>73</sup> United Nations country team submission, para. 43.
- <sup>74</sup> A/HRC/37/57/Add.1, para. 109 (b)–(c) and (e).
- <sup>75</sup> United Nations country team submission, para. 44.
- <sup>76</sup> For relevant recommendations, see A/HRC/33/12, paras. 134.36, 134.45, 134.48–134.53, 134.61–134.64, 134.70–134.71, 134.122, 136.10–136.13, 136.16–136.20, 137.34, 137.36–137.41 and 137.63–137.64.
- <sup>77</sup> United Nations country team submission, paras. 52–53.
- <sup>78</sup> Ibid., para. 30.
- <sup>79</sup> Ibid., paras. 7 and 10.
- <sup>80</sup> Ibid. para. 10.
- <sup>81</sup> For relevant recommendations, see A/HRC/33/12, paras. 134.55, 134.59, 134.66–134.68, 134.106 and 136.21.
- <sup>82</sup> United Nations country team submission, para. 29.
- <sup>83</sup> Ibid., para. 47.
- <sup>84</sup> For relevant recommendations, see A/HRC/33/12, paras. 134.118–134.120 and 137.33.
- <sup>85</sup> United Nations country team submission, paras. 55–56.
- <sup>86</sup> Ibid., para. 57.
- <sup>87</sup> A/HRC/37/57/Add.1, para. 110 (b).
- <sup>88</sup> For relevant recommendations, see A/HRC/33/12, paras. 134.72–134.88, 136.9, 136.22–136.23, 137.65 and 137.71.
- <sup>89</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24872>.
- <sup>90</sup> For the relevant recommendation, see A/HRC/33/12, para. 137.72.
- <sup>91</sup> UNHCR submission, p. 2. See also United Nations country team submission, para. 60.
- <sup>92</sup> UNHCR submission, p. 3.
- <sup>93</sup> United Nations country team submission, para. 58.
- <sup>94</sup> For relevant recommendations, see A/HRC/33/12, paras. 136.14–136.15.
- <sup>95</sup> UNHCR submission, pp. 2–3, referring to A/HRC/33/12, paras. 136.14 (Poland) and 136.15 (Turkey). See also A/HRC/33/12/Add.1, p. 5.
- <sup>96</sup> United Nations country team submission, para. 59.
- <sup>97</sup> CCPR/C/TZA/QPR/5, para. 22.
-