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## **Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1**

### **United Republic of Tanzania\***

The present report is a summary of 19 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Background and framework**

### **A. Scope of international obligations**

1. The Institute for Human Rights and Business (IHRB) noted that Tanzania was a party to most major international human rights instruments and had ratified all eight ILO core conventions, though it had not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.<sup>2</sup> The Commission for Human Rights and Good Governance (CHRAGG) recommended that Tanzania ratify the Second Optional Protocol of the International Covenant on Civil and Political Rights.<sup>3</sup> Omega Research Foundation (Omega) recommended that Tanzania ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment.<sup>4</sup>
2. Joint Submission 3 (JS3) recommended that Tanzania adopt the ILO Convention (C169) of 1989, and thus enact a law on minority/indigenous people.<sup>5</sup>

### **B. Constitutional and legislative framework**

3. The National Network of Organizations Working with Children (NNOC) indicated that the Constitutions of Tanzania and Zanzibar included a Bill of Rights but did not provide specifically for the protection of children rights.<sup>6</sup>
4. JS2 stated that Tanzania had enacted into law the Convention on the Rights of the Child through the 2009 Law of the Child Act.<sup>7</sup> However, JS2 stated that this Act had not been implemented due to lack of rules and regulations that allocated roles and responsibilities of each actor and the lack of monitoring framework.<sup>8</sup> The Global Initiative to End all Corporal Punishment of Children (GIEACPC) stated that, in Zanzibar, a Children's Bill was expected to be tabled in the Parliament in June 2011.<sup>9</sup>
5. NNOC also indicated that children issues were not Union matters; as a result there were different laws governing children issues in mainland Tanzania and Zanzibar.<sup>10</sup> IHRB recommended that Tanzania consider the recommendations of United Nations Treaty Bodies on adopting a unified law to protect the rights of children.<sup>11</sup>

### **C. Institutional and human rights infrastructure**

6. CHRAGG recommended that Tanzania empower the national human rights institution with adequate financial resources to enable it carry out its functions more effectively.<sup>12</sup>
7. NNOC recommended that CHRAGG take over the coordination of children issues in Tanzania.<sup>13</sup>

### **D. Policy measures**

8. HelpAge International (HelpAge) reported that the National Ageing Policy had for seven years not been regulated to make it legally binding and recommended that Tanzania legislate on this Policy.<sup>14</sup>

9. CHRAGG recommended that Tanzania ensure that human rights education is mainstreamed in teaching curricula as part of all subjects from pre-primary to tertiary level.<sup>15</sup>

## **II. Promotion and protection of human rights on the ground**

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

#### **1. Equality and non-discrimination**

10. While noting the efforts made by Tanzania in protecting the rights of persons with disabilities, JS3 referred to the denial of their right to access education, health and other social services and their social exclusion and stigmatisation.<sup>16</sup> JS3 recommended that Tanzania implement the Convention on the Rights of Persons with Disabilities and its Optional Protocol and the 2010 Persons with Disabilities Act and conduct advocacy campaigns/programmes to make the public aware of rights and special needs of persons with disabilities.<sup>17</sup>

11. Although Article 24 of the Constitution enshrined the right to property, JS3 indicated that women's right to inherit property was curtailed by the Local Customary Law (Declaration) Order in addition to competing legal systems as to administration of deceased's estate *i.e.* statutory law, customary law, Islamic law and Hindu law.<sup>18</sup> HelpAge stated that majority of women fell under the customary inheritance law 1963 and provided information on the severity of the problem.<sup>19</sup> JS3 recommended that Tanzania harmonize laws governing succession/inheritance in the country and accord special protection to women.<sup>20</sup>

#### **2. Right to life, liberty and security of the person**

12. CHRAGG indicated that death penalty was still part of Tanzania penal laws and provided figures on prisoners who were sentenced to death.<sup>21</sup>

13. JS3, CHRAGG, Society for Threatened People (STP) and the Women's Legal Aid Centre (WLAC) reported on killings of persons with albinism due to witchcraft related beliefs.<sup>22</sup> JS3 mentioned the sentencing of 11 people accused of involvement in the killings of persons with albinism, and CHRAGG and STP reported on measures undertaken by the Government to protect persons with albinism.<sup>23</sup> CHRAGG stated that incidences of killings had dropped over the last few years; however, stigmatization and differential treatment of persons with albinism continued.<sup>24</sup> JS3 recommended that Tanzania ensure maximum security for persons with albinism.<sup>25</sup>

14. CHRAGG and HelpAge referred to the killing of older women ascribed to witchcraft related beliefs and HelpAge provided detailed data on this issue.<sup>26</sup> HelpAge also listed the institutional and cultural barriers as well as the structural obstacles limiting the capacity and the mandate of the authorities to address the issue.<sup>27</sup> CHRAGG recommended that Tanzania increase efforts to protect vulnerable women and address the issue with dynamism in areas where these killings were rampant, while HelpAge recommended that Tanzania ensure that these killings be investigated, prosecuted and punished as murders.<sup>28</sup>

15. While noting the increase in the crime rate,<sup>29</sup> JS3 reported on killings by the police and its use of excessive force, and added that the public had lost confidence in the police because of unethical practices. As a result there had been an increase in mob justice.<sup>30</sup> CHRAGG made also specific recommendations to address mob justice.<sup>31</sup>

16. Omega stated that torture and inhuman or degrading treatment or punishment were prohibited in the Constitution.<sup>32</sup> Omega considered the specific provisions of the 1967 Prisons Act on the use of force and on the application of solitary confinement and mechanical restraints to be too broad in their wording and their potential application, and recommended this Act be amended accordingly.<sup>33</sup> Furthermore, Omega was concerned that there appeared to be a lack of robust controls over the trade in certain equipment that had either no practical use other than to facilitate torture or cruel inhuman or degrading treatment or punishment, which may facilitate abuse.<sup>34</sup> Omega listed examples of such equipment and made recommendations in this regard.<sup>35</sup>

17. Joint Submission 5 (JS5) reported that police and prison officers were accused of torturing and threatening suspected criminals and using excessive force against inmates.<sup>36</sup> CHRAGG reported on the excessive use of force by the police during demonstrations and rallies in one region on the occasion of the 2010 national elections.<sup>37</sup>

18. Joint Submission 4 (JS4) stated that indigenous peoples and other groups had been subjected to arbitrary decisions and actions of law enforcement agencies, such as violence, forced disappearances, arbitrary arrests and detention.<sup>38</sup> Minority Rights Group (MRG) and STP provided similar information.<sup>39</sup>

19. JS3 recommended that Tanzania address unethical practices, corruption and abuse of power that were rampant in the Tanzania Police Force.<sup>40</sup> JS5 recommended that Tanzania conduct a prompt, independent and impartial investigation into all allegations of torture and ill-treatment.<sup>41</sup> CHRAGG also recommended that Tanzania ensure law enforcers are sensitized through human rights education; review regulations governing police service to meet human rights standards; provide sufficient working tools and improve working conditions for the Police.<sup>42</sup> Omega recommended that Tanzania incorporate the United Nations Standard Minimum Rules for the Treatment of Prisoners and the Bangkok Rules into training programs for prison officials and others charged with running places of detention.<sup>43</sup>

20. JS3 further recommended that Tanzania enact a law to govern the private security industry.<sup>44</sup>

21. JS5 stated that overcrowding in prisons was due to the large number of inmates in pre-trial detention.<sup>45</sup> CHRAGG stated that this situation resulted in prisoners having no access to adequate health services and to sanitation facilities, quality food, clean and safe water.<sup>46</sup> CHRAGG recommended that Tanzania effectively use alternative sentencing; make parole system more effective; expedite criminal investigations; increase the prison budget; and implement rehabilitation of prisoners in practical terms.<sup>47</sup>

22. JS3 noted that, in Tanzania, there were discriminatory laws which fuelled violence against women.<sup>48</sup> JS3 stated that, despite the National Plan of Action for the Prevention and Eradication of Violence against Women and Children of 2001-2015, there was little effort undertaken by the Government to address this problem.<sup>49</sup> NNOC reported on the high level of child abuse and notably recommended that Tanzania establish a reliable mechanism for collecting and maintaining official statistics on overall child abuse.<sup>50</sup>

23. Equality Now (EN) reported that female genital mutilation (FGM) was practiced by specific ethnic groups notably in the Tarime district.<sup>51</sup> EN added that FGM was prohibited under the Sexual Offences Special Provision Act 1998 but that Tanzania's response to prevent it had been inadequate. EN stated that only a handful of cases had ever reached the courts in recent years and the police were reluctant to arrest and prosecute the perpetrators.<sup>52</sup> EN provided an example from November 2010 where the police failed to protect girls from FGM.<sup>53</sup> EN made a series of recommendations on this issue from awareness-campaign to protection of girls fleeing FGM.<sup>54</sup>

24. JS3 recommended that Tanzania take measures to protect women against harmful practices, including shelters providing psychosocial services for survivors of gender based violence.<sup>55</sup>

25. While noting increasing incidents of child sex tourism, particularly along the Indian Ocean's beach hotels, NNOC recommended that Tanzania take serious measures aimed at curbing the involvement of children in the sex tourism industry.<sup>56</sup>

26. JS5 referred to human trafficking and to the 2008 Anti-trafficking in Persons Act, and notably recommended that Tanzania consider the adoption of a national action plan against human trafficking defining comprehensive policies and programmes for prevention, prosecution of the perpetrators and protection of victims.<sup>57</sup>

27. JS2 reported on the incidence of sexual abuse of children in Zanzibar, in both rural and urban areas and affecting both girls and boys. Child victims were stigmatized and adults usually preferred to solve the problem informally instead of officially reporting sexual abuses. JS2 reported on the number of cases dropped by police and the specific difficulties faced by children with disabilities in courts.<sup>58</sup> JS2 made a series of recommendations including the development a comprehensive child protection system by 2013 that ensures access to justice for child victims.<sup>59</sup>

28. IHRB recommended that Tanzania prioritise concerns raised by the United Nations Human Rights Treaty Bodies regarding the persistence of child labour.<sup>60</sup>

29. GIEACPC reported that corporal punishment of children was legal in their homes, schools, as a sentence for crime and as a disciplinary measure in penal institutions and in alternative care settings in mainland Tanzania, and in Zanzibar to a certain extent.<sup>61</sup> JS2 provided similar information.<sup>62</sup> JS2 recommended that Tanzania prohibit corporal punishment in all settings as a matter of priority by 2013, repeal relevant legislation, carry out public educational campaigns and promote positive, non-violent forms of discipline as an alternative to corporal punishment.<sup>63</sup>

### **3. Administration of justice, including impunity, and the rule of law**

30. CHRAGG stated that, despite measures taken by the Government such as increasing the number of judges and magistrates, improving infrastructure and staff welfare, there was an increase in complaints against the court system.<sup>64</sup> CHRAGG notably recommended that Tanzania allocate more resources to the judiciary and guarantee accountability.<sup>65</sup> MRG recommended that allegations of corruption in the justice system be investigated and addressed.<sup>66</sup>

31. JS4 recommended that Tanzania make public the reports of the probe committees and commissions including the Mbarali, Sukenya and Loliondo reports on forced evictions and take measures against all perpetrators of human rights and laws violations during these and other evictions.<sup>67</sup>

32. JS5 stated that, despite the fact that the law provided for a juvenile justice system, in reality young offenders were often dealt with in the normal court system. Of particular concern was the detention of children in common holding facilities with adults that further exposed them to sexual abuses.<sup>68</sup> CHRAGG recommended that Tanzania strengthen rehabilitation mechanisms for children in conflict with the law; train and deploy more social welfare and probation officers.<sup>69</sup>

### **4. Right to privacy, marriage and family life**

33. NNOC observed that the percentage of birth and death registered remained very low due to a lack of public awareness, the significant cost implications and the lack of capacity of the registrar general's office.<sup>70</sup> NNOC recommended that Tanzania allocate more

resources, conduct awareness raising campaigns and include waiver of registration fees for poor families.<sup>71</sup>

34. Joint Submission 7 (JS7) reported that the second draft national HIV and AIDS policy encouraged “shared confidentiality”, referring to the disclosure of an individual’s HIV status to colleagues, in hospital settings, work places, marriage or partner settings and other settings as “may be deemed appropriate.”<sup>72</sup> JS7 recommended that the draft policy should provide specific criteria for health professionals to be able to disclose patients’ HIV-positive status to others, in line with the International Guidelines on HIV/AIDS and Human Rights.<sup>73</sup>

35. JS3 stated that the Marriage Act 1971 permitted a girl child to be married at the age of 14 years under Court Order or 15 years under parents or guardians permission.<sup>74</sup> JS2 recommended that Tanzania amend the Marriage Act 1971 to prohibit marriage before the age of 18 by December 2012.<sup>75</sup> EN reported that the Marriage Act 1971, as amended by Act 23/73, Act 15/80 and Act 9/96, allowed polygamous marriage.<sup>76</sup> EN recommended that Tanzania reform the Marriage Act in order to provide equal protection under the law to both sexes; and to conform to regional and international human rights standards.<sup>77</sup>

36. JS1 referred to section 154 of the Penal Code, which notably criminalised “carnal knowledge of any person against the order of nature” and section 138(A) on gross indecency. JS1 recommended that the Human Rights Council urge Tanzania to repeal all provisions which may be applied to criminalise sexual activity between consenting adults.<sup>78</sup>

## **5. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life**

37. Article 19 stated that the Tanzanian Constitution guaranteed the right to freedom of expression but did not explicitly provide for freedom of the press.<sup>79</sup> Article 19 listed several restrictive laws that limit freedom of expression and the ability of the media to function effectively, including the 1976 Newspaper Act (notably as it related to the registration of newspapers), the 1970 National Security Act (as it gave the Government absolute scope to define what should be disclosed to or withheld from the public) and the 1945 Tanganyika Penal Code.<sup>80</sup> Article 19 provided examples of the use of these laws and indicated that the offence of sedition had often been employed against opposition politicians.<sup>81</sup> Joint Submission 6 (JS6) also mentioned the use of the National Labour Law and the National Immigration Law to restrict media freedom and freedom of expression.<sup>82</sup>

38. Article 19 recommended that Tanzania immediately abolish these laws, in particular the 1976 Newspaper Act and the 1970 National Security Act, and replace them with legislations in line with international human rights standards; and repeal other restrictive media regulations.<sup>83</sup> JS6 recommended that Tanzania decriminalize defamation.<sup>84</sup>

39. Article 19 reported that there were no constitutional or legal provisions for the protection of journalists’ sources at either the Union level or in Zanzibar.<sup>85</sup> Article 19 recommended that Tanzania adopt comprehensive legislation that would grant media the right to protection of sources.<sup>86</sup>

40. Article 19 also reported that freedom of media in Zanzibar was of a particular concern. Although the residents could receive private broadcasts from the mainland, the Government published the only daily paper and controlled the Television Zanzibar and the radio station *Sauti ya Tanzania-Zanzibar*. Article 19 stated that it had been documented that other small private radio stations and newspapers often had close connections to ruling party politicians.<sup>87</sup> JS6 added that there was no law protecting the editorial independence of government owned media and that public broadcaster is not accountable to the public.<sup>88</sup>

41. JS6 added that there was a limited circulation of newspapers, internet catered for only 1.5 percent of the population and that television was accessed only by 5 percent of the population.<sup>89</sup>

42. Article 19 was concerned about a number of cases, in which journalists and media workers were attacked, including by policemen, for conducting their journalistic activities.<sup>90</sup> Article 19 and JS6 provided examples in this respect.<sup>91</sup> Article 19 recommended that Tanzania thoroughly, promptly and effectively investigate all unresolved cases of violence against journalists and bring those responsible to justice.<sup>92</sup>

43. JS4 also reported that human rights defenders had been intimidated, unlawfully arrested and maliciously prosecuted and that the Government had been suppressing efforts of NGOs, journalists, Maasai traditional leaders and villagers to investigate and protect the rights of the pastoralists and hunter-gatherers.<sup>93</sup> WLAC recommended that laws that allowed for intimidation of political opponents be repealed.<sup>94</sup>

44. Article 19 stated that article 18 of the Union Constitution guaranteed every person the right to freedom of expression, but also the right to seek, receive and impart information, unlike the Zanzibar Constitution, which explicitly protected only the right to receive information. However, there was no legislation in Tanzania at either the union-level or in Zanzibar through which the right to information could be realised in practice.<sup>95</sup> JS6 added that, in 2007, stakeholders submitted the draft Right to Information Bill for consideration, but that the Government had remained silent on the issue.<sup>96</sup> WLAC stated that a lot was yet to be done in Tanzania to ensure access to information and freedom of expression and reported on the impact it had on the protection of victims of human rights violations.<sup>97</sup>

45. JS6 stated that freedom of assembly was a constitutional right but that it was controlled by the police as no one was allowed to demonstrate or call any public rally without permission from the police. The failure to abide by this requirement could lead to intimidation and sometimes brutal attack by the police.<sup>98</sup>

46. JS5 reported that the lack of political representation in the Parliament exacerbated the current socio-economic and political marginalization and exclusion of indigenous peoples.<sup>99</sup>

## **6. Right to social security and to an adequate standard of living**

47. JS3 reported that despite strategies of reduction of poverty, the majority of Tanzanians still lived under extreme poverty, whilst the rate of unemployment was increasing.<sup>100</sup>

48. JS2 reported that Tanzania had a number of social security schemes (both formal and informal) with a limited coverage and made a recommendation in this respect.<sup>101</sup>

49. CHRAGG recommended that Tanzania avoid arbitrary evictions of citizens and if any for justifiable reasons, they should be accompanied by prompt and fair compensation; apply good governance principles and pay special attention in seeking solutions to the problems in the land sector.<sup>102</sup> JS3 also made recommendations in this regard.<sup>103</sup>

50. JS2 reported on the weakness of the health system notably in terms of limited access to quality health services, the lack of human and financial resources and shortage of skilled health providers. JS2 added that non medical factors such as socio-cultural beliefs and practices, gender inequality in family decision making processes and inadequate community involvement also contributed to this situation.<sup>104</sup> JS2 noted however, that, in recent years, there had been some increase in the health care budget.<sup>105</sup>

51. JS2 mentioned that, while Tanzania had substantially reduced child mortality over the past 10 years, it had failed to significantly reduce neonatal deaths and reported on the lack of political will to tackle this issue.<sup>106</sup> JS2 also noted that chronic malnutrition remained endemic contributing to about 50 percent of all children's deaths. The drafting of the National Nutrition Strategy started in 2006, but had not yet been endorsed while nutrition and nutritional issues remained diluted across ministries.<sup>107</sup> JS2 made recommendations in this respect.<sup>108</sup> NNOC referred to malaria and made a recommendation regarding the provision of mosquito nets to poor families.<sup>109</sup>

52. JS2 notably recommended that Tanzania increase the health budget from 12 to 14 per cent by 2012 and launch a nation-wide child survival and health awareness campaign by 2012, focusing on rural communities.<sup>110</sup> JS4 referred to health related needs of pastoralists and indigenous populations.<sup>111</sup>

53. Joint Submission 7 (JS7) indicated that Section 47 of the 2008 HIV and AIDS (Prevention and Control) Act criminalized intentional transmission of HIV/AIDS and recommended that Tanzania facilitate discussions with a view to clarifying and limiting what will be captured by the law.<sup>112</sup>

54. NNOC reported on the prevalence of HIV/AIDS among young women in the child bearing years and notably recommended that Tanzania minimize mother to child transmission, increase the provision of Anti-Retro-Viral treatment; and promote the use of condoms while reproductive health education and HIV/AIDS information should likewise widely be disseminated.<sup>113</sup>

55. JS7 expressed concern at the prevalence of HIV in prisons and made recommendations relating to prevention and treatment.<sup>114</sup> In the same vein, JS7 noted the prevalence of HIV among people who inject drugs and notably recommended Tanzania to scale up existing harm reduction initiatives.<sup>115</sup>

56. JS3 reported on health hazard and environmental pollution resulting from mining industries and JS4 echoed this concern.<sup>116</sup> JS4 recommended that Tanzania conduct an environmental audit; held accountable perpetrators; compensate victims of the environmental pollution and ensure that such a situation does not recur in future.<sup>117</sup> IHRB made also recommendations in this regard, notably regarding follow-up to the recommendations of the United Nations Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.<sup>118</sup> While MRG described incidents preventing Maasai from accessing water, JS4 also recommended that all investments or programmes undertaken in indigenous peoples' lands must protect the rights of indigenous peoples to access and use of water and pastures.<sup>119</sup>

57. As skin cancer was another major cause of death among persons with albinism, CHRAGG recommended that Tanzania ensure provision of adequate health services and education in the prevention of cancer among persons with albinism.<sup>120</sup> STP mentioned that Tanzania ordered the building of three new cancer treatment centres and an increased distribution of pharmaceuticals that help people with Albinism.<sup>121</sup>

## **7. Right to education and to participate in the cultural life of the community**

58. JS2 reported that the right to education was enshrined in the Education Act as well as in numerous other acts with no reference to quality.<sup>122</sup> JS5 indicated that primary education was compulsory and free, while secondary education was not free.<sup>123</sup> Although net enrolment had increased, JS2 reported on the lack of teaching and learning materials; overcrowded classes; inadequate facilities; the prevalence of violence mainly perpetrated by teachers. JS2 also noted the need to better train teachers and to raise their status, and made recommendations in this regard.<sup>124</sup>



59. JS3 mentioned truancy due to child labour, which contributed to poor performance at schools and early school dropout.<sup>125</sup> JS3 reported that children with disabilities did have inadequate facilities to access education despite the provisions in the 2009 Child Act and the 2010 Persons with Disabilities Act.<sup>126</sup>

60. JS4 also recommended that Tanzania adopt education programmes which meet the specific needs of pastoralists and indigenous populations' way of life, for instance boarding schools.<sup>127</sup>

## 8. Minorities and indigenous peoples

61. JS5 stated that Tanzania had not formally accepted or acknowledged the legal existence of Indigenous Peoples in its territory.<sup>128</sup> JS3 and JS5 stated that there was no national policy and law on indigenous people.<sup>129</sup>

62. JS4 stated that, in conformity with the criteria set out by the African Commission on Human and Peoples Rights' as well as the United Nations, the indigenous peoples of Tanzania included the Maasai, the Barbaig, Akie, Taturu and Hadzabe. The former two groups were predominantly pastoralists whereas the latter comprised of forest-dwelling hunter-gatherers. The Sukuma, Nyaturu, and others belonged to tribal groups, also recognized under international human rights law. The groups mentioned above collectively practiced pastoralism and hunting-gathering.<sup>130</sup>

63. JS4 reported that Tanzania had been engineering forceful evictions on allegations of environmental degradation with little regard to traditional land ownership and customary practices.<sup>131</sup> JS4 provided examples of forced evictions of pastoralists, which had been taking place in different parts of the country since 2007 and of evictions of indigenous peoples, pastoralists, hunters and gatherers to give way to other economic activities such as tourism, hunting, farming, and mining without provision of adequate compensation or alternative settlements.<sup>132</sup> MRG, STP and Unrepresented Nations and Peoples Organization (UNPO) also provided examples, notably in the Ngorongoro district.<sup>133</sup> JS5 recalled that the National Land Policy explicitly mentioned that "shifting cultivation and nomadism will be prohibited".<sup>134</sup>

64. JS4 stated that the Government had not intervened to safeguard the interests of these people while many evicted families were now landless, homeless and subjected to conflicts with other land users.<sup>135</sup>

65. JS4 recommended that Tanzania ensure that all victims of evictions be resettled and compensated and that any future eviction be criminalized through legislation; it urged that the Constitution, laws and policies address the identity of indigenous peoples and their land ownership in conformity with international human rights instruments and standards.<sup>136</sup> JS4 further recommended that Tanzania set up official, effective, permanent and statutory consultation machinery with organizations working on the rights of indigenous peoples to avoid further violations.<sup>137</sup>

66. UNPO recommended that Tanzania ensure that projects led by the national Government, and national and international corporations are not to the detriment of indigenous Maasai communities; that they are involved in all stages of planning and implementation and that they benefit economically from the schemes.<sup>138</sup> JS4 reported that Tanzanian investment policies and laws including the 2007 Tanzania Investment Act allowed creation of land banks and reserves anywhere without regard to religious and cultural sites such as holy (sacred) sites and tombs of ancestors.<sup>139</sup>

## 9. Migrants, refugees and asylum-seekers

67. NNOC was concerned at the lack of information on how refugee children (including unaccompanied ones) were dealt with when Tanzania closed down all refugee camps in Ngara and Kibondo Districts in 2007/2008 and repatriated them to a neighbouring country.<sup>140</sup>

## 10. Right to development

68. JS3 stated that the right to development was not enshrined in the Constitution and enumerated a number of problems relating to foreign direct investment, such as the signing of dubious mining contracts between the Government and foreign investors.<sup>141</sup> IHRB noted that Tanzania passed new mining legislation (The Mining Act 2010, replacing the Mining Act of 1998). The new law aimed, among other things, at addressing concerns that mining did not sufficiently benefit the country.<sup>142</sup>

69. JS3 recommended that Tanzania increase transparency in contracts with investors, while CHRAGG recommended that Tanzania promote human rights in business and identify the roles of companies, the government agencies and other stakeholders.<sup>143</sup> IHRB notably recommended that Tanzania consider joining the Extractive Industries Transparency Initiative (EITI) to work towards ensuring better transparency and accountability in relation to minerals extraction.<sup>144</sup> IHRB further recommended that future negotiations concerning concession contracts should prioritise economic development, poverty reduction and human rights-based approaches.<sup>145</sup>

## III. Achievements, best practices, challenges and constraints

N/A

## IV. Key national priorities, initiatives and commitments

N/A

## V. Capacity-building and technical assistance

N/A

### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council. Two asterisks denote a national human rights institution with "A" status)

#### *Civil society*

Article 19	Article 19, London, United Kingdom of Great Britain and Northern Ireland ;*
EN	Equality Now Africa Regional office, Nairobi, Kenya;
GIEACPC	Global Initiative to End all Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland;
HelpAge	HelpAge international, London, United Kingdom of Great Britain and Northern Ireland *;
IHRB	Institute for Human Rights and Business, London, United Kingdom of Great Britain and Northern Ireland;

- JS1 Joint Submission 1 presented by: ARC International, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), ILGA Europe\*, Brussels, Belgium;
- JS2 Joint Submission 2 presented by: Save the Children, Lindi Non-Governmental Organisation Network (Lingonet), Kilwa Non Governmental Organisation Network (Kingtonet), Patronage in Environmental Management and Health Care Warriors (PEMWA), The Institute of Cultural Affairs in Tanzania (ICA), Ruangwa Organisation for Poverty Alleviation (ROPA), Evangelical Lutheran Church in Tanzania (ELCT) Same, Zanzibar Legal Services Centre (ZLSC), Zanzibar Press Club (ZPC), Walio katika mapambano ya Ukimwi Tanzania (WAMATA), Zanzibar Association Support to Orphans (ZASO), Zanzibar Muslim Women Aids Support Organization (ZAMWASO), Zanzibar Female Lawyers Association (ZAFELA), Integral assistance to Vulnerable Children Limited (IAVC), SOS Children's Village Zanzibar, Zanzibar Association for Children Advancement (ZACA); Tanzania;
- JS3 Joint Submission 3 presented by: Legal and Human Rights Centre (LHRC); Southern Africa Human Rights NGO Network (SAHRINGON) Tanzania Chapter; National Organization for Legal Assistance (nola); Women's Legal Aid Centre (WLAC); Peace Education and Conflict Management Organization Trust (PECMOT); Widow/Widowers and Orphans Legal Assistance in Tanzania Limited (WOLAT); NEFAP – Human Rights Training Consultancy Services; Tanzania Women Lawyers' Association (TAWLA); Tanzania Gender Network Programme (TGNP); CA-GBV; Network of Disabled People Living with HIV/AIDS (NEDIPHA); Tanzania Women and Children Welfare Centre (TWCWC); KIVULINI Women's Rights Organization; Women in Law and Development in Africa (WILDAF)\*; School of Law - University of Dar es Salaam (SoL-UDSM); Shinyanga Foundation; The Leadership Forum Tanzania; Youth Partnership Countrywide (YPC); The Forum for African Women Educationalists-Tanzania (FAWE-TZ); Shinyanga Foundation Fund (SFF); Centre for Human Rights Promotion (CHRP); Under The Same Sun (UTSS); Children's Education Society (CHESO); Tanzania Media Women Association (TAMWA); Tanzania Human Rights Fountain (TAHURIFO); Zanzibar Legal Service Centre (ZLSC); The Tanzania Federation of Disabled People's Organizations (SHIVYAWATA); PACSO; Tanzania;
- JS4 Joint Submission 4 presented by: Pastoralist Indigenous NGOs Forum (PINGOs Forum); Tanzania Pastoralists, Hunter-Gatherers Organization (TAPHGO); International Working Group on Indigenous Affairs (IWGIA)\*; Catholic Organization for Relief and Development Aid (CORDAID)\*; Ujamaa Community Resource Team (UCRT); Pastoral Women Council (PWC); Association for Law and Advocacy for Pastoralists (ALAPA); Longido Community Development Organization (LCDO); Tanzania Natural Resources Forum (TNRF); Ngorongoro NGOs Network (NGONET); Parakuyo Indigenous Community Development Organization (Paicodeo); Huduma ya Injili na Maendeleo ya Wafugaji (HIMWA); Monduli Pastoralists Development Organization (MPDO); Simamnjiro Development Organization (SDC TRUST); Community Research and Development Organization (CORDS); Enyoito Development Organization (MANYOITO); Free Ministry for Mission to Unreached (FMUCO); Hadzabe Survival Council of Tanzania (HSCT); Loliondo Development Organization (LADO); Umoja wa Wafugaji Kanda ya Mashariki (UWAKAMA); Umoja wa Wafugaji Mpanda; and Southern Highland Development Organization (SHILDA); Tanzania;
- JS5 Joint submission 5 presented by: Franciscans international\*, New York, United States of America; and Foundation for Marist Solidarity International, Roma, Italy;
- JS6 Joint Submission 6 presented by Article 19\*, London, United Kingdom; and Media Institute of Southern Africa - Tanzania(MISA-TAN), Tanzania;

JS7	Joint Submission 7 presented by Canadian HIV/AIDS Legal Network*; Toronto; Canada; and The Women's Legal Aid Centre, Dar es Salaam, Tanzania;
MRG	Minority Rights Group International, London, United Kingdom of Great Britain and Northern Ireland *;
NNOC	National Network of Organizations Working with Children; Dar es Salaam, Tanzania, Joint Submission;
Omega	Omega Research Foundation, Manchester, United Kingdom of Great Britain and Northern Ireland;
STP	Society for Threatened People, Göttingen, Germany*;
UNPO	Unrepresented Nations and Peoples Organization, the Hague, The Netherlands;
WLAC	Women's Legal Aid Centre; Dar es Salaam.

*National human rights institution:*

CHRAGG Commission for Human Rights and Good Governance, Tanzania\*\*.

- <sup>2</sup> IHRB, pp. 1–2; see also JS2, pp. 1–2; NNOC, paras. 1.1.–1.2.
- <sup>3</sup> CHRAGG, para. 16.
- <sup>4</sup> Omega, p. 5.
- <sup>5</sup> JS3, para. 42; see also JS4, para. 2; UNPO, para. 5 and p. 5.
- <sup>6</sup> NNOC, para. 1.5.
- <sup>7</sup> JS2, p. 1.
- <sup>8</sup> JS2, p. 9.
- <sup>9</sup> GIEACPC, p. 2; see also JS2, p. 1.
- <sup>10</sup> NNOC, para. 2.3.
- <sup>11</sup> IHRB, p. 5.
- <sup>12</sup> CHRAGG, para. 30.
- <sup>13</sup> NNOC, para. 2.4.
- <sup>14</sup> HelpAge, paras. 11–12.
- <sup>15</sup> CHRAGG, para. 30.
- <sup>16</sup> JS3, paras. 28–29.
- <sup>17</sup> JS3, paras. 30 and 32.
- <sup>18</sup> JS3, para. 18; see also JS7, para. 2.
- <sup>19</sup> HelpAge, paras. 18–19 and 22.
- <sup>20</sup> JS3, para. 26; see also HelpAge, para. 24; JS7, para. 4.
- <sup>21</sup> CHRAGG, para. 15.
- <sup>22</sup> JS3, para. 28; CHRAGG, para. 6; STP, p. 1; WLAC, pp. 2–4.
- <sup>23</sup> JS3, para. 28; CHRAGG, para. 7; STP, p. 1.
- <sup>24</sup> CHRAGG, para. 7.
- <sup>25</sup> JS3, para. 33; see also CHRAGG, para. 8; WLAC, p. 5.
- <sup>26</sup> CHRAGG, para. 11; HelpAge, paras. 3–6.
- <sup>27</sup> HelpAge, paras. 7–11.
- <sup>28</sup> CHRAGG, para. 12; HelpAge, para. 13; see also JS3, para. 17.
- <sup>29</sup> JS3, para. 61.
- <sup>30</sup> JS3, paras. 60 and 62.
- <sup>31</sup> CHRAGG, para. 14.
- <sup>32</sup> Omega, p. 2.
- <sup>33</sup> Omega, pp. 2 and 5.
- <sup>34</sup> Omega, p. 2.
- <sup>35</sup> Omega, pp. 3–5.
- <sup>36</sup> JS5, para. 4.
- <sup>37</sup> CHRAGG, para. 1.
- <sup>38</sup> JS4, para. 10; see also MRG, paras. 16–17.
- <sup>39</sup> MRG, paras. 16–17; STP, p. 1.
- <sup>40</sup> JS3, para. 67; see also JS4, para. 11; JS5, para. 9.
- <sup>41</sup> JS5, para. 10.
- <sup>42</sup> CHRAGG, para. 27.

- 43 Omega, p. 5.  
 44 JS3, para. 68.  
 45 JS5, para. 4.  
 46 CHRAGG, para. 22.  
 47 CHRAGG, para. 23.  
 48 JS3, para. 17.  
 49 JS3, para. 16.  
 50 NNOC, paras. 4.2; 4.4 and 4.8.  
 51 EN, para. 1; see also JS3, para. 17; NNOC, para. 4.2.  
 52 EN, para. 2.  
 53 EN, paras. 3–4.  
 54 EN, pp. 4–5; see also WLAC, p. 5.  
 55 JS3, para. 24.  
 56 NNOC, paras. 6.3–6.6.  
 57 JS5, paras. 15–21.  
 58 JS2, pp. 6–7.  
 59 JS2, p. 7.  
 60 IHRB, p. 5.  
 61 GIEACPC, pp. 2–3.  
 62 JS2, pp. 5–6; see also JS5, para. 44; NNOC, paras. 4.3. and 4.6.  
 63 JS2, p. 6; see also GIEACPC, p. 1; JS5, para. 50; NNOC, para. 4.9.  
 64 CHRAGG, para. 20.  
 65 CHRAGG, para. 21.  
 66 MRG, p. 6.  
 67 JS4, paras. 13–14.  
 68 JS5, para. 6.  
 69 CHRAGG, para. 25; see also JS5, paras. 8 and 12–13.  
 70 NNOC, paras. 3.1–3.5.  
 71 NNOC, paras. 3.6–3.7.  
 72 JS7, para. 5.  
 73 JS7, para. 7.  
 74 JS3, para. 9; see also EN, para. 7.  
 75 JS2, p. 9–10; see also JS3, para. 12; see also JS7, paras. 2 and 4.  
 76 EN, para. 7.  
 77 EN, p. 5.  
 78 JS1, pp. 1–3; see also JS7, paras. 10–11.  
 79 Article 19, para. 4.  
 80 Article 19, para. 4; see also JS6, paras. 2.2.1–2.2.5.  
 81 Article 19, para. 6.  
 82 JS6, paras. 2.2.6–2.2.7.  
 83 Article 19, para. 9; see also JS6, p. 9.  
 84 JS6, p. 9; see also Article 19, para. 9.  
 85 Article 19, para. 4.  
 86 Article 19, para. 9.  
 87 Article 19, para. 6.  
 88 JS6, para. 3.4.  
 89 JS6, para. 3.1.  
 90 Article 19, para. 7.  
 91 Article 19, para. 7; JS6, para. 4.1.  
 92 Article 19, para. 9; see also JS6, p. 9.  
 93 JS4, para. 15.  
 94 WLAC, p. 5.  
 95 Article 19, para. 8.  
 96 JS6, para. 2.1.  
 97 WLAC, pp. 2–4 and 5.  
 98 JS6, para. 5; see also WLAC, p. 4.

- <sup>99</sup> JS5, paras. 31–32 and 37.  
<sup>100</sup> JS3, para. 45.  
<sup>101</sup> JS2, pp. 4–5; see also JS3, paras. 55–58.  
<sup>102</sup> CHRAGG, para. 19.  
<sup>103</sup> JS3, paras. 40–41 and 43.  
<sup>104</sup> JS2, pp. 2–3.  
<sup>105</sup> JS2, p. 3.  
<sup>106</sup> JS2, p. 2; see also JS3, para. 4.  
<sup>107</sup> JS2, pp. 3–4.  
<sup>108</sup> JS2, pp. 4–5.  
<sup>109</sup> NNOC, paras. 5.1–5.6.  
<sup>110</sup> JS2, p. 3.  
<sup>111</sup> JS4, paras. 19–20; see also UNPO, p. 5.  
<sup>112</sup> JS7, paras. 9 and 11.  
<sup>113</sup> NNOC, paras. 5.7–5.13.  
<sup>114</sup> JS7, paras. 13–14.  
<sup>115</sup> JS7, paras. 13–14.  
<sup>116</sup> JS3, paras. 47–48, JS4, paras. 8 and 21; see also IHRB, p. 3.  
<sup>117</sup> JS4, para. 9.  
<sup>118</sup> IHRB, p. 5.  
<sup>119</sup> MRG, paras. 14–15; JS4, para. 22; see also JS5, para. 27; UNPO, para. 7.  
<sup>120</sup> CHRAGG, paras. 9–10.  
<sup>121</sup> STP, p. 1.  
<sup>122</sup> JS2, p. 8.  
<sup>123</sup> JS5, paras. 38–39.  
<sup>124</sup> JS2, pp. 8–9; see also JS3, paras. 7–8 and 14–15; JS5, paras. 42–44 and 47–48.  
<sup>125</sup> JS3, para. 10.  
<sup>126</sup> JS3, para. 11.  
<sup>127</sup> JS4, para. 20; see also UNPO, para. 12.  
<sup>128</sup> JS5, para. 22; see also UNPO, para. 7.  
<sup>129</sup> JS3, para. 37; JS5, para. 22.  
<sup>130</sup> JS4, para. 1; see also UNPO, paras. 1–2.  
<sup>131</sup> JS4, para. 3; see also UNPO, para. 6.  
<sup>132</sup> JS4, paras. 3–4; see also JS3, paras. 37–38; JS5, paras. 28–30.  
<sup>133</sup> MRG, paras. 4–11; STP, p. 2; UNPO, para. 8.  
<sup>134</sup> JS5, para. 26.  
<sup>135</sup> JS4, paras. 6–7; see also JS5, para. 27; MRG, para. 12; UNPO, paras. 9–10.  
<sup>136</sup> JS4, pp. 4–5; see also JS3, para. 43; JS5, paras. 33–36; MRG, p. 6; UNPO, p. 5.  
<sup>137</sup> JS4, p. 5.  
<sup>138</sup> UNPO, p. 4.  
<sup>139</sup> JS4, para. 17; see also IHRB, p. 2.  
<sup>140</sup> NNOC, paras. 6.1–6.2.  
<sup>141</sup> JS3, paras. 44–46; see also CHRAGG, para. 17.  
<sup>142</sup> IHRB, p. 4.  
<sup>143</sup> JS3, para. 49; CHRAGG, para. 29; see also IHRB, p. 5.  
<sup>144</sup> IHRB, p. 5.  
<sup>145</sup> IHRB, p. 5.
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