

UNIVERSAL PERIODIC REVIEW

TANZANIAN STAKEHOLDERS HUMAN RIGHTS ADVOCACY CHARTER

This charter is a guideline for states and other stakeholders who wish to engage the government of the United Republic of Tanzania on issues and concerns via the Universal Periodic Review (UPR). The charter makes recommendations which stakeholders hope the government will implement to improve the situation of human rights in the country. Achievements and efforts made by the government in promotion and protection of human rights so far are acknowledged. Stakeholders hope that the government in consultation with stakeholders will seriously work on recommendations suggested to address issues raised.

Stakeholders submission (Issue)	State Report	Treaty Body Recommendations	Stakeholders Recommendations	Suggested Questions	Expected Outcomes
ADMINISTRATION OF CRIMINAL JUSTICE AND ACCESS TO JUSTICE					
1. Administration of criminal justice (Treatment of suspects by police)					
CHRAGG submitted that Law enforcers in Tanzania still commit human rights violations during arrest and interrogation of criminal suspects. The common violations include: Framing – up of cases; torture in its various forms which sometimes lead to permanent incapacitation or deaths; corruption; delay in bringing the suspects to courts within statutory	-State report recognizes legal and policy aspects of torture but is silent on torture and other malpractices done by the police. -The report also does not mention anywhere on the status of ratifying the UN Convention Against Torture	-Human Rights Committee recommended that Tanzania should establish a special mechanism, completely independent from the police force and other Government bodies, for the investigation of complaints concerning actions of law enforcement officials ¹ . -Recommended further that the state party should	-The government should: (i) Ensure that perpetrators of torture within the Law enforcement agencies are held accountable. (i) Ensure law enforcers are sensitized on human rights. (iii) Review regulations	-What is the status of the process of establishing independent special complaint mechanism against actions/misconduct of law enforcers? -What is the government doing to review police service regulations to meet human rights standards	Improved administration of criminal justice i.e rights of persons in detention respected. Reviewed police force regulations.

¹ A/HRC/WG.6/12/TZA/2 para15

<p>time (24 hours); and delay in completing investigation.</p>		<p>ensure the effective implementation of the right of a suspect to be brought before a magistrate, in accordance with article 9 of the International Covenant on Civil and Political Rights. - The state party should also introduce a comprehensive criminal legal aid system for individuals who do not have sufficient means to pay for legal representation.</p>	<p>governing police service to meet human rights standards. (iv) Provide sufficient working tools and improve working conditions for the Police.</p>	<p>and improve working conditions for the police? -When will Tanzania ratify the UN Convention Against Torture?</p>	
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2. Access to justice

<p>Despite measures taken by the government such as increasing the number of judges and magistrates, improving infrastructure and staff welfare, there is an increase in complaints related to malpractices against the judicial system such as corruption and unjustifiable delay of cases. CHRAGG in one year received 216 complaints related to</p>	<p>The Government submitted that the Legal Sector Reform Program currently being undertaken has resulted in the enactment of the National Prosecution Services Act for civilianisation of Prosecution, established the Law School of Tanzania, increased the number</p>	<p>-CEDAW Committee 2008(114) recommended to Tanzania to guarantee that judges at all levels are adequately trained in Human Rights... and that women have access to courts on equal terms without impediments. - CERD recommended that the state party should take necessary measures to establish mechanisms</p>	<p>-The government should: (i) Allocate adequate resources to the judiciary to facilitate access to justice especially in rural areas. (ii) Fast-track the civilianization process of transferring the responsibility of criminal</p>	<p>-What is the government going to do: - to speed up civilianization of prosecution? - to ensure adequate resources to the Judiciary to enhance access to justice including improvement of court infrastructure</p>	<p>-Improved administration of justice while observing equality and equity.</p>
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<p>malpractices in the administration of justice.²</p>	<p>of judicial staff and state attorneys. Case Flow Management Committees and Alternative Dispute Resolution system have been established to expedite adjudication. Legal Aid Unit within the Ministry of Constitution and legal Affairs has been established to coordinate legal aid activities.</p>	<p>to improve the capacity and efficiency of the judicial system, to ensure access to justice to all without discrimination, and to establish mechanisms to provide legal aid to all members of vulnerable groups.</p>	<p>prosecution from the police to public prosecutors. (iii) Guarantee accountability and professionalism within the judiciary.</p>	<p>in rural areas? -What measures will the Government take to ensure accountability within the judiciary? - What plans are there to empower the Legal Aid Unit in the Ministry of Constitution and legal Affairs with human and financial resources as it is currently highly understaffed and under-resourced?</p>	
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RIGHTS OF PERSONS IN DETENTION
3. Conditions in prisons

² CHRAGG UPR Submission March 2011, para 27

<p>Despite various programs being implemented to improve conditions in detention facilities, the prison department still faces challenges including inadequate funding, overcrowding, poor health and sanitation, disease outbreaks, torture, and dilapidated buildings. By the end of 2010, there were 38,477 inmates country-wide while the actual capacity was 29,552.</p>	<p>The government report recognizes overcrowding in prisons as still being a problem and makes a commitment to overcome it by building modern prisons and renovating the old ones, speeding up trial of cases, application of community services and frequent sitting of parole boards.</p>	<p>CCPR recommended that the state party should intensify its efforts to improve the conditions of inmates so as to bring them in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners. Further, overcrowding should be addressed as a priority issue in line with promoting alternatives to imprisonment.³</p>	<p>-The government should:</p> <ul style="list-style-type: none"> (i) Effectively use alternative sentencing mechanisms like community services. (ii) Make parole system more effective. (iii) Expedite criminal investigations. (iv) Increase the prison budget to match its needs. (v) Objectively implement rehabilitation programmes of prisoners in practical terms. 	<p>-What measures have been put in place to make alternative sentencing and parole system more effective?</p> <p>-What plans are in place to seriously implement prisoners' rehabilitation programs?</p> <p>-Can the government set timeframe to implement its commitment in improving the conditions in prisons as indicated in its key national priorities outlined in the UPR state report?</p>	<p>Effective application of alternative sentencing and parole system.</p> <p>Improved prison staff working conditions and prisoners living conditions.</p>
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4. Juveniles justice

³ CCPR/C/TZA/CO/4, paras 18-19

<p>CHRAGG submitted that the challenges facing juveniles include:- inadequate number of facilities for children as there is only one approved school in Tanzania Mainland and six retention homes for children (Zanzibar has none); mixing children with adult prisoners in police and prison cells; juveniles do not appear before courts on prescribed dates due to transportation problems; delay of cases, sentences which do not reform children; inadequate rehabilitation and reintegration programmes; lack of legal representation; absence of social welfare and probation officers; children who accompany their mothers in prison do not access adequate services.</p>	<p>The government reports about the on-going Legal Sector Reforms (juvenile justice included), enactment of Child Act in Tanzania Mainland and the Bill in Zanzibar but does not highlight the situation of juveniles in detention facilities.</p> <p>-It enlists the challenges as being inadequate correctional facilities as they are currently very few in the country.</p> <p>- Despite listing it as a challenge, the government does not make any specific commitment to improve the juvenile justice system.</p>	<p>The CRC Committee urged the State party to ensure the full implementation of juvenile justice standards⁴, as well as the Beijing Rules and the Riyadh Guidelines. In this regard the Committee recommended that the State party should:</p> <p>-extend to the rest of the country the experience of the juvenile justice court in Dar-es-Salaam;</p> <p>-Prohibit all forms of corporal punishment for persons under the age of 18 years in penal institutions;</p> <p>-ensure that persons under the age of 18 are only deprived of liberty as a last resort, and that children, if</p>	<p>-The government should:</p> <p>(i) Strengthen rehabilitation mechanisms for children in conflict with the law.</p> <p>(ii) Train and deploy more social welfare and probation officers.</p> <p>iii) Ensure that allegations of torture and inhuman treatment by the police are investigated and, where appropriate, officers disciplined and prosecuted.</p> <p>iv) Cooperate with legal aid providers, who offer legal assistance to children in conflict with the law.</p> <p>(v) Improve access to education programmes for children in Retention Homes.</p>	<p>-When will the government come up with the concrete plan of action to strengthen Juvenile Justice System?</p> <p>-What is the government doing to ensure that children in conflict with the law access legal aid?</p> <p>-What is the government doing to ensure adequate provision of required services to children accompanying their mothers in prison?</p>	<p>-Improved administration of juvenile justice and conditions of children in detention</p> <p>- Implementation of the Law of the Child Act</p>
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⁴ Articles 37, paragraph (b), 40 and 39 of the CRC

		<p>detained remain separated from adults;</p> <p>-Implement alternative measures such as diversion, probation, counseling and community services;</p> <p>-Ensure that persons under 18 years of age in conflict with the law have access to legal aid as well as to independent and effective complaints mechanisms;</p> <p>-Improve child-sensitive court procedure in accordance with the United Nations Guidelines on Justice in Matters Involving Child victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 July 2005).</p>	<p>(iv) Implementation of the Law of the Child Act,2009 and speed up the process of making its regulations</p>		
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RIGHT TO LIFE

5. Killing of People with Albinism					
<p>Persons with albinism are being killed or mutilated due to witchcraft beliefs. By February 2011, a total of 57 Persons with albinism had been killed, and 7 were injured due to witchcraft beliefs that their body parts bring fortune. Government as well as stakeholders efforts have helped to reduce the number of incidences significantly of recent.</p>	<p>Noted the killing of persons with albinism as one of the challenges and measures taken to contain the situation as being to:- - Formation of Albino Task Force, suspension of practicing license of traditional healers, fast-tracking of investigation and prosecution of criminal cases and public awareness campaigns.</p>	<p>-The Human Rights Committee recommended that the state party should protect persons with albinism from ritual killings. -The state party should, as a matter of urgency, strengthen its efforts to stop incidents of mutilation and killings of persons with albinism, and to ensure the timely and efficient conduct of investigations and prosecution of the perpetrators. -It should also strengthen its public awareness-raising campaign with a view to preventing future attacks.</p>	<p>-The State Under the Review is called on to publish reports on the measures taken and progress achieved by the Albino Task Force, as a matter of national importance and public interest. - The State should maintain collaborative measures with CHRAGG and relevant non state actors to more effectively combat this issue through: a.) use of stakeholders community networks for research, public education and awareness campaigns b.) allocate resources and infrastructures support to CHRAGG and relevant non state actors c.) Hold joint periodic reviews of activities of both state and non state actors to determine the progress and effectiveness of on</p>	<p>-What are Government's plans to strengthen collaborative measures with stakeholders in addressing killing of persons with albinism?</p>	<p>-Respect of rights of all persons with disabilities. -Increased awareness among the population on misbeliefs and rights of persons with albinism.</p>

			going initiatives ld on going consultation with CHRAGG, no state actors and regional partners to discuss ways of preventing future attacks and seek a permanent solution to the problem.		
6. Deaths of persons with albinism due to skin cancer					
CHRAGG identified Skin cancer also as the major cause of deaths among persons with albinism. The main challenges include inadequate access to information about skin cancer, health services, medications and availability of special skin lotions to protect persons with albinism skin from sun burn effects. ⁵	Under the rights to health, the government reports about the laws, policies and programs in place to promote health services in Tanzania, and the increase of health facilities. ⁶ It is silent about the right to health specifically for persons with albinism – skin cancer in particular.	No specific Treaty Body recommendation on this matter.	The government is argued to ensure access to health services and education in the prevention of cancer among persons with albinism.	-What is being done by the government and other stakeholders to ensure access to health services to persons with albinism?	-Adequate provision of required health services to persons with albinism at all levels(from village levels) -Deliberate initiatives to make sure parents of children with albinism are economically empowered to afford health care products.

⁵ CHRAGG UPR Submission March 2011, para 9

⁶ A/HRC/WG.6/12/TZA/1, para 24

7. Mob violence					
<p>CSO coalition and CHRAGG submitted that the public have lost confidence with the police because of unethical practices in the police force and low level of awareness of the legal process among the general public.</p> <p>Official records show that within a year, over 300 suspects lose their lives as a result of mob violence.⁷</p>	<p>Mob violence is not addressed in the state report.</p>		<p>The government should:</p> <p>(i) Address unethical practices, corruption and abuse of power that is rampant in the Tanzania Police Force.</p> <p>(ii) Step- up public education and campaigns on the right to life and the respect for rule of law.</p> <p>(iii) Ensure law enforcers adhere to principles of accountability, professionalism while carrying out their duties.</p> <p>(iv) Ensure law enforcers are more vigilant in conducting investigations and prosecuting perpetrators.</p>	<p>-What steps is the government taking to ensure provision of more resources and Human Rights education to law enforcers?</p> <p>-What are the government's plans to promote and preserve the respect for the rule of law and make law enforcers more accountable?</p>	<p>-Realization of respect of rule of law and human rights standards.</p> <p>-Research on the underlying causes of mob violence.</p> <p>Due process of law taking places whenever cases of law breaking are detected.</p>

⁷ Legal and Human Rights Centre annual report, 2007

8. Death Penalty					
<p>CHRAGG learned that by December 2010, there were 295 males and 11 females condemned prisoners. Death penalty is still part of Tanzania penal laws.</p>	<p>State report has it that public opinion is still divided on the appropriateness of the death penalty as majority of the people still support it.</p> <p>The government is studying the report on death penalty prepared by Law Reform Commission with a view of pronouncing its position on the matter.</p>	<p>CCPR Committee recommended that the state party should seriously consider abolishing the death penalty and becoming a party to the Second Optional Protocol. It should also ensure that conditions of detention on the death row do not amount to treatment contrary to articles 7 and 10 of the International Covenant on Civil and Political Rights, and consider the early commutation of the death sentences of all persons currently sentenced to death.</p>	<p>-The government should:</p> <p>(i) Ratify the 2nd Optional Protocol of the International Covenant on Civil and Political Rights (ICCPR) that calls for the abolition the death penalty.</p>	<p>-What is the government doing to ensure there is comprehensive human rights education on the right to life?</p> <p>-What is the status of the process to ratify Second Optional Protocol of the International Covenant on Civil and Political Rights?</p>	<p>-Abolition of death penalty.</p> <p>-Greater public awareness.</p> <p>-Crime prevention mechanisms.</p>
RIGHTS OF PERSONS WITH DISABILITIES IN TANZANIA					
9. Rights of persons with disabilities					
<p>The CSOs submitted that more than 3 million Tanzanians (approximately 7.8%) have disabilities; the government is yet to</p>	<p>State report outlined legal and policy framework on the promotion and protection of rights of persons with</p>		<p>The government should:</p> <p>-Provide support to enable to stakeholders to raise awareness on disability rights.</p>	<p>When will the Government fully implement the law on PWD?</p>	<p>-Respect of rights of all persons with disabilities.</p> <p>-Allocate the</p>

implement the ratified human right international instruments, domestic laws and policies. For instance, inaccessible of infrastructural systems e.g. roads and buildings; hence denial of their rights to access education ⁸ , health and other social services ⁹ .	disabilities and provided figures for those completed vocational and entrepreneurship training. ¹⁰		-Implement Persons with Disabilities Act (Act No. 9 of 2010) in Tanzania Mainland.		Budget for user friendly infrastructures in all Public Buildings and put a policy/law to private ones. -Implement the law on PWD
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RIGHT TO LAND, PROPERTY AND DEVELOPMENT

10. Unlawful evictions and destruction of property

Stakeholders jointly observed that the Government has failed to adhere to its own laws and international accords on land evictions and property rights. Forceful evictions have been carried out in different parts of the country allegedly to give way for other national development programs, investments, and economic activities such as mining, tourism,	The state report is silent about eviction matters.		The government should: - Avoid arbitrary evictions of citizens and if any for justifiable reasons they should be accompanied by prompt and fair compensations or alternative settlement be given to the victims. -Criminalize unlawful evictions through legislation. - Ensure the constitution, laws and	-What plans does the Government have to avoid arbitrary evictions and ensure prompt and fair compensations where eviction is justifiable? -What is the government doing to protect investors who legally acquired land when it comes to misunderstanding	-Observance of domestic laws and international rules set under Basic Principles and Guidelines on Development-based Evictions and Displacement by the government. -A law on the minority/indig
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⁸The government survey on PWDs 2008 shows that literacy rate is 47.6% compared to 25.5% of people without

⁹As provided for under *Article 9* of UNCRPD, as well as *Section 34* and *35* of the Persons with Disabilities Act (Act No. 9 of 2010)

¹⁰ A/HRC/WG.6/12/TZA/1, para 20

<p>farming, and commercial hunting and for environmental conservation affecting right to development of communities and individuals. In many cases, there are either inadequate or delayed compensations or sometimes no compensation. It is submitted that the most effected communities are the indigenous people – Hadzabe, Akie and Taturu who are forest dwellers and hunter-gatherers; pastoralists – Maasai and Barbaig. Such evictions have sometimes caused destruction of property, rendering people landless (without property) and homeless subjecting them into conflict with other land users such as farmers. Homelessness has lead to lack of access to fundamental social services and rights such as education and health facilities among the</p>			<p>policies address adequately the identity of the indigenous people and their land ownership right.</p> <p>-Implement the recommendations made in the Report of Special Rapporteurs James Anaya on the Situation of Human Rights and fundamental freedoms of indigenous people.</p> <p>-Remind and raise awareness to the government on rules set under Basic Principles and Guidelines on Development-based Evictions and Displacement, CESCR General Comment Nos.4 (1991) &7 (1997), and UN Declaration on the Rights of Indigenous People, 2007.</p> <p>Urge the government to adopt the ILO Convention (C169) of 1989, and thus enact a law on the</p>	<p>with the local communities?</p> <p>What Is the government doing to find the harmonious lasting solution to conflicts between investors and agro-pastoralists?</p>	<p>enous people enacted.</p> <p>- Recommendations of Special Rapporteurs on Rights of indigenous people implemented.</p> <p>-Conflicts between investors and agro-pastoralists, pastoralists v/s farmers</p>
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affected communities.			minority/indigenous people.		
11. Malpractice in Land registration / acquisition					
It was CHRAGG submission that the procedures in relation to acquisition of land are mismanaged and coupled with mal-administration and allow misuse of office at various levels which result into double allocations and numerous land disputes among citizens.	The state report highlighted policy framework on land under the right to housing but is silent about malpractices in land acquisition by land authorities at various levels.		The government is urged to apply good governance principles in land registration and acquisition and pay special attention in seeking permanent solutions to the problems in the land sector.	What is the government doing to hold accountable unethical officers charged with malpractice in the land sector at all government levels?	No more land disputes among the citizens.
12. Rights to property ownership by women					
Women's right to inherit/own property is curtailed by The Local Customary Law (Declaration) Order and competing legal systems i.e. statutory law, customary law, Islamic law and Hindu law as well as patriarchal system.	The state report does not address the right to own property as related to inheritance.	CEDAW Committee argued Tanzania to take appropriate measures to eliminate all forms of discrimination against rural women with respect to ownership of land, and to enact legislation to eliminate discriminatory inheritance practices.	The government is urged to: -Harmonize laws governing succession/inheritance in the country and accord special protection to women. Amend section 8 of the Mortgage Financing (Special Provision) Act to allow spousal consent before mortgaging of matrimonial property.	Can the government make commitment as to when it will repeal discriminative laws against women?(Probate laws, land laws and customary laws)	Harmonized Laws

			Raise awareness on women's rights.		
13. Right to Development					
The right to development is not enshrined in the Constitution. However, there are national policies and strategies formulated for the purpose of realizing right to development as far as poverty reduction is concerned but majority of Tanzanians still live below poverty line while 11.7 millions of Tanzanians who have ability to work are unemployed.	The state report recognizes the problem of unemployment and that the government has continued its facilitative role of ensuring that people enjoy the right to work.		<p>The government is urged to:</p> <ul style="list-style-type: none"> -Implement vigorously its national policies and strategies on poverty reduction and development. -Implement international and regional obligation on the right to development. -Address the widening gap between the poor and rich (poverty) and address the problem of unemployment. 	What initiatives Government is taking to create conducive and enabling environment for self employment?	
14: Challenges of Foreign Direct Investments (FDI)					
Although Tanzania has legislations which govern investment issues, there are a number of problems relating to FDIs, for instance; signing of	This problem is not addressed as a human rights challenge in the state report.		<p>The government is urged;</p> <ul style="list-style-type: none"> -To increase transparency in contracts with investors including to 	How is the government going to improve and ensure transparency and accountability	-The direct investment contracts are discussed in parliament for openness.

<p>questionable contracts (i.e. Buzwagi, Richmond and Dowans, IPTL and etc) between the government and foreign investors, health hazards; e.g. North Mara Gold Mines' incident in June 2009 where people and animals were seriously affected by toxic chemicals, environmental pollution; e.g. failure to make land levelling and re-vegetation after mining.</p>			<p>make contracts with investors open for public scrutiny.</p> <p>-To ensure investors adhere to environmental conservation standards, perpetrators held accountable and victims of environmental hazards are promptly compensated.</p> <p>-Government should ensure that future negotiations concerning concession contracts should prioritise economic development, poverty reduction and human rights-based approaches.</p>	<p>in signing contracts?</p>	<p>-Ensured adherence to environmental conservation standards by the investors.</p> <p>-Effectively compensated victims of environmental hazards caused by investors.</p> <p>-Environment is conserved as per the legal requirement.</p>
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CHILD RIGHTS

15. Right to Health in Tanzania: neonatal (infant) and maternal mortality rate					
<p>Although child mortality rate is going down in Tanzania, neonatal mortality remains high, now accounting for 30% of the under-five deaths equivalent of 135 babies dying every day.</p> <p>Half of the neonatal deaths occur during the first day of life, mainly due to asphyxia or low birth weight.</p>	<p>The government stated that efforts are directed towards reducing maternal and child mortality but noted it as a challenge that little progress has been made in this area.¹¹</p>	<p>The state party should allocate sufficient resources to the health sector which will facilitate availability of sufficient and qualified human resource, infrastructures, medicines and equipments.</p>	<p>The government should:- allocate sufficient resources along with increasing the specialists in child's health like obstetricians, paediatricians, gynaecologists.</p>	<p>What has the Government done to match the health budget and increased population?</p> <p>What is the government doing to ensure that the ratio of doctor to patient attains international standards?</p>	<p>Proportional increase of budget.</p> <p>- Increased number of obstetricians, pediatricians and gynecologists.</p> <p>-Decreased neonatal deaths</p>
16. Education for Children: Shortage of teachers, classrooms, teaching and learning materials and truancy					
<p>It is submitted that there is consistent poor and under performance in national examinations, for two years consecutively. A total of 379,416 (44%) failed out of 809,266 students who sat for form</p>	<p>The state report highlighted that Tanzania received a UN award for meeting the Millennium Development Goal on Universal Primary</p>	<p>The state party should increase education budget with the increase of students.</p> <p>The quality of education in Tanzania</p>	<p>The government should increase the budget on education to align with increase of students and guaranteed availability of skilled teachers.</p>	<p>What is the government doing to ensure quality education?</p>	<p>Increased budget on education sector to align it with increasing number of students.</p>

¹¹ A/HRC/WG.6/12/TZA/1, paras. 24 and 67

four national examination in 2009 and 2010. ¹²	Education five years ahead of the 2015 deadline. However it noted a number of challenges in the education sector in both Tanzania mainland and Zanzibar contribute to the existing problem of illiteracy. ¹³	has remained a concern. ¹⁴ More government attention is needed on a series of issues.			-Improved quality of education.
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17. Child labour

TUCTA submitted that despite Government's effort in formulating policies, laws and strategies in relation to child rights, there are still children employed in places such as in mines, factories, ships and agriculture.	The government recognizes that child labour is a serious challenge facing children and that initiatives have been taken to combat it such as legislative and policy measures, awareness campaigns and implementation of the 2025 Time-Bound Program on the Elimination of Child Labour.	The state party should intensify its efforts to eliminate child labour, and in particular ensure the effective implementation of its program to eliminate the worst form of child labour. ¹⁵	The Government is urged to: -Practically enforce laws that prohibit Child Labour. -Allocate more financial and human resources to the education sector to improve the learning environment for both teachers and pupils/student in order	Despite factors that hinder elimination of child labour, what arrangements are in place to step up efforts to combat child labour?	Worst form of child labour abolished in practice.
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¹² A/HRC/WG.6/12/TZA/3, para 58

¹³ A/HRC/WG.6/12/TZA/1, para 69

¹⁴ A/HRC/WG.6/12/TZA/2, para 61

¹⁵ CCPR/C/TZA/CO/4, Para. 25

			to avoid dropout and involvement in hazardous works. -Intensify public awareness campaign on employment related laws.		
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HUMAN RIGHTS AND BUSINESS

18. Human Rights compliance in the business sector

CHRAGG submitted that the general awareness about human rights and business in Tanzania is low. Concerns have been raised about unfair land acquisition by companies and payment of inadequate compensations, business malpractices and unethical business contracts, poor observance of labour rights and rights of neighbouring communities in general.	Human rights and business phenomenon is not mentioned in the state report.	The Special Rapporteur on Toxic Waste called on the Government to monitor more closely the operations of large scale mining companies particularly on issues of occupational health and safety standards and the level of compliance of corporations with environmental and other legislation. Further, the Government is argued to carry out social impact assessments to better	The government should: -Promote Human Rights in business and identify the roles of companies, the government agencies and other stakeholders. - Ensure Companies observe Corporate Social Responsibility.	What has the government done to ensure that human rights and business is promoted and that investment policies and laws provide for companies to be more responsible to development of neighbouring communities? What is Government doing to ensure implementation of Corporate Social Responsibility and	-Improved promotion of human rights compliance in the business sector. -Labour rights observed.
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		protect and promote the human rights of the local population and to develop a database of mining related illnesses.		protection of environment?	
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19. Labour inspection

TUCTA reported that the number of labour inspectors as per standards in the Employment and Labour Relations Act is not enough to cover all districts in the country.	The Government reports on the ratification and domestication of the core ILO Conventions which provide for conducive environment for workers to enjoy their labour and social rights.	UNCT stated that although the ILO Conventions (No.100) (No. 111) had been ratified and domesticated, the Government is yet to elaborate measures to address wage discrimination and disparities between job values in the private and public sectors.	- The government should closely supervise and monitor implementation of labour rights including employing more labour inspectors to correspond with the number of work places in the country.	Given the fact that Tanzania has ratified all core ILO conventions, and given the increase of violations of labour rights, how is the government going to ensure that national and international labour standards are adhered to?	International and National labour standards implemented.
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20. The Social Security Schemes: care and benefits to retirees

CSOs jointly submitted that Tanzania has ratified and domesticated the core Conventions on fundamental employment rights which are incorporated in various laws and policy. However, there are a lot of challenges in this area due to inadequate efforts to	The government has reported on the legal and policy framework relating to social security which provide for rights of employees to benefit from their contribution during their employment.	CEDAW called on Tanzania to ensure that employment legislation applies to, and is enforced in the public and private sectors, and to provide a regulatory framework for the informal sector, with	The government is urged to review and harmonize the existing social security schemes to ensure that contributors benefit according to their merits.	When will Tanzania harmonize the existing social security schemes to allow members to realize their benefits without unnecessary differences?	Harmonized social security schemes to cover workers both in formal and informal sectors.
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<p>implement these laws.</p> <p>The current social security schemes do not favour workers who contribute to them. There is no clear mechanism to harmonize such schemes for contributors to benefit as per their merits.</p>		<p>a view to providing women with access to social protection and benefits.</p>			
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FREEDOM OF EXPRESSION, ASSEMBLY AND ACCESS TO INFORMATION

21. Freedom of assembly, expression and information

<p>MISA-TAN and ARTICLE 19 submitted that in Tanzania, the right to assembly is controlled by Police Force as no one is allowed to demonstrate or call any public rally without permission from police. A vivid example is the January 5, 2011 brutal crash of the main opposition party - CHADEMA demonstrators in Arusha which killed two people, injured many and arresting leaders of the opposition party for allegedly taking part in an unlawful demonstration.</p>	<p>The state report mentioned that freedom of expression is protected by both United Republic of Tanzania and Zanzibar Constitutions.</p>	<p>UNESCO viewed the situation of freedom of expression in Tanzania as favorable and that it has improved significantly in recent years.</p> <p>HR Committee recommended that Tanzania put an end to direct and indirect restrictions on freedom of expression, ensure that its legislation and practice give full effect to the Covenant and adopt</p>	<p>-Parliament should enact a progressive access to information law to ensure all persons have a right to access information held by public bodies.</p> <p>-Government should immediately repeal the Newspaper Act of 1976, Film Stage and Plays Act, National Security as well as other legislations which contradict the Constitution and the International Standards.</p> <p>-Government should decriminalize freedom of speech and</p>	<p>-How long will the Government take to enact a media service law?</p> <p>-Article 18 of the Tanzanian Constitution protects the freedom of assembly, expression and information, can the Government give a timeframe of when it will enact an access to information law, review current laws that hinder</p>	<p>Comprehensive and human rights oriented law on the freedom of assembly, expression and information.</p>
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<p>Police also used tear gases and rubber bullets to disperse University students while on peaceful demonstrations in Dar es Salaam.</p> <p>On freedom of expression and information, police raided the offices of Mwanahalisi newspaper and assaulted the Chief Executive and Managing Editor, Mr. Saed Kubenea and the Consultant, Mr. Ndimara Tegambwage.</p> <p>On February 18, 2008 two popular online editors who host the popular Jambo Forums, Maxence Mello and Mike Mushi, aged 21 and 18 respectively were arrested without charge. Police confiscated three computers used to host their Website, shutting down the site for five days while the equipment remained under police custody.</p> <p>The country is yet to pass the access to information law though Article 18 of the Constitution states that</p>		<p>appropriate measures to prevent any intimidation of journalists.</p>	<p>defamation to conform to international standards and best practice.</p> <p>-Government should quickly investigate and make public the attacks on journalists, peaceful protestors and other human rights defenders and prosecute the perpetrators under relevant laws.</p> <p>-Government should review the system of media regulation and repeal all provisions that interfere with media freedom, creates external regulation and move to create and maintain an environment in which the media can operate freely and independent from interference from any quarter.</p> <p>-The Government should work on initiatives to increase internet coverage in the country and come up with policies to</p>	<p>media freedom and freedom of expression and prosecute attacks of persons exercising these rights such as media practitioners and human rights defenders?</p>	
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<p>“every person has the right to freedom of opinion and expression, and to seek, receive and impart or disseminate information and ideas through any media regardless of national frontiers, and also has the right of freedom from interference with his communications”.</p>			<p>facilitate widespread use of the new media. -Government should work towards transforming TBC into a serious public broadcaster instead of the current status where TBC is a state broadcaster. -The Government should enact a media service law which will safeguard freedom of media and wellbeing of journalists.</p>		
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22. The Right to Security of Person and Property

<p>The right to security of person and property is grounded under the UN charter and other human rights instruments as well as the Tanzanian Constitution. There has been an increase of crime rate in Tanzania. In 2009 incidences of crimes were 506,030 and in 2010 increased to 567,288 which make 12.1% of increase¹⁶,</p>	<p>This was not addressed by the State Report.</p>		<p>-The government is urged: To put in place the national policy on safety and security which will explain the mission, and vision of public safety and security. -To consolidate laws which govern issues of public safety and security.</p>	<p>When will the Government put in place a national policy on safety and security which will explain the mission, and vision of public safety and security.</p>	<p>A national policy on safety and security which will explain the mission, and vision of public safety and security.</p>
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¹⁶Budget speech by Hon. **Lawrence Kego Masha (MB.)**, Minister for Home Affairs presenting to the parliament for the year 2010/2011 <http://www.moha.go.tz/index.php?option=com_content&view=article&id=113&Itemid=193> accessed on 14th February 2011.

<p>increase of road traffic accidents from 17,451 in 2008 to 22,019 in 2009 equivalent to 26.2%¹⁷, understaffed public safety and security services. The ratio of police to population in Tanzania is 1:1300 as opposed to recommendable ratio of 1:400-600¹⁸. Fire department as well proved failure on incidences of fire due to lack of supportive infrastructure. This situation has caused loss of life and properties. Road accidents (which results into injuries and deaths) have increased from 3,223 in 2009 to 3,582 in 2010¹⁹.</p>			<ul style="list-style-type: none"> -To address unethical practices corruption and abuse of power that is rampant in the Tanzania Police Force. -To enact a law to govern the Tanzania Private Security Industry. -To increase resources both human and finance on public safety and security. 		
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¹⁷The Tanzania Police Annual Report of 2009, p. 23.

¹⁸Budget speech by Hon. **Lawrence Kego Masha (MB.)**, *loc.cit.*

¹⁹*Ibid.*,