

**OPENING STATEMENT DELIVERED BY HON. SIFUNI MCHOME,
PERMANENT SECRETARY-MINISTRY OF CONSTITUTIONAL AND
LEGAL AFFAIRS AT THE 25TH SESSION OF THE UNIVERSAL
PERIODIC REVIEW WORKING GROUP OF THE UNITED NATIONS
HUMAN RIGHTS COUNCIL AT GENEVA SWITZERLAND,**

9TH MAY 2016

Mr. President and the High Commissioner,

I would like to start addressing this important body by conveying to you sincere greetings from His Excellency Dr. JOHN POMBE MAGUFULI, the President of the United Republic of Tanzania who places the promotion and protection of the human rights of his people at the forefront of all his agenda. I also convey greetings from the Government and the People of the United Republic of Tanzania.

Mr. President,

The United Republic of Tanzania accords the Universal Periodic Review great significance as it provides a unique forum for member states to engage in a constructive dialogue and share best practices and experiences on the implementation of human rights obligations. My delegation and I are looking forward to engaging with this body as we discuss how the State translated the implementation of the Recommendations accepted by The United Republic into the reality for Tanzanians.

I would like to introduce the delegation of The United Republic of Tanzania composed of the Ms. Sarah Duncan Mwaipopo, the Acting Deputy Attorney General and Director of Constitutional Affairs and Human Rights at the Office of The Attorney General; Ambassador Modest J. Mero, Permanent Representative of the United Republic of Tanzania Mission to the United Nations in Geneva; Mr. Robert K.V Kahendaguza, Deputy Permanent Representative of the United Republic of Tanzania Mission to the United Nations in Geneva; Mr. Deusdedit B. Kaganda, Minister Plenipotentiary, Tanzania Mission to the United Nations in Geneva; Ms. Nkasori M. Sarakikya, Assistant Director for Human Rights at the Office of the Attorney General; and Mr. Richard John Kilanga, Senior State Attorney at the Office of the Attorney General .

Mr. President,

During the last review, Tanzania accepted to implement 107 Recommendations. Upon adoption, the Recommendations were disseminated to stakeholders with the objective of creating a national

roadmap for their implementation. During the implementation stage, the Recommendations were clustered into twenty-three (23) thematic areas and incorporated into the National Human Rights Action Plan.

Mr. President,

The Report I am presenting today is the result of collaborative efforts between the Government, the National Human Rights Institution and Civil Society highlighting key developments and achievements as well as implementation of the recommendations accepted during the previous review.

Mr. President,

On key developments in the human rights situation during the review period:-

1. Population and Housing Census

The Government conducted a Population and Housing Census in 2012. The data collected has enabled the Government to plan for the development of the Country including increasing administrative Regions and the promotion and protection of human rights in general.

2. Elections

The State held local government elections, National elections and elections in Zanzibar. The Zanzibar Electoral Commission (ZEC) which is an independent and autonomous institution identified irregularities and ordered a re-run of the elections which were held successfully on 20th March 2016 in compliance to the law.

3. Constitutional Review Process

The Constitutional Review Act, Cap 83 was enacted in April 2013 by the time of the adoption of the first National Report. The Act provides for transparency and inclusion of the people at all stages of the Review Process. The Constitutional Review Commission gave the people the opportunity to table their opinion to the Commission through various mechanisms such as public hearings, letters and by email. Further, The Constituent Assembly was composed of diverse groups reflecting and representing varied sections of the Tanzanian society such as; persons with disabilities, women and religious groups. The Proposed Constitution was subject to rigorous debate and a voting process in the spirit of transparency and accountability during the Constituent Assembly and the outcome was the Proposed Constitution. It is worth mentioning that the

Proposed Constitution is quite progressive as the Bill of Rights contains the human rights as we understand them today.

4. Right to work, Social Security and Economic Benefits

Tanzania remains committed to promoting and protecting the right to work. Over the review period, significant strides were made with regard to the right to work, Social security and economic benefits. The minimum wage was increased in 2015, the Pay as You Earn (PAYE) deduction for low income earners was recently reduced by 2% in 2016, the Workers Compensation Board became active in 2014 and social security laws were amended to provide the right to join the scheme of the worker's choice.

5. Right to privacy and personal security

Progress was equally made with regard to the right to privacy and personal security in the digital sphere through enactment of the Cybercrimes Act of 2015. This legislation has far reaching effects as, among others benefits, it protects children from crimes such as child pornography as part of domestication and implementation of the Optional Protocol to The Convention on the Rights of the Child on The Sale of Children, Child Prostitution and Child Pornography. Similarly, the act prohibits acts and omissions leading to terrorism, genocide, and crimes against humanity. It also provides remedies to victims from abuse of the Act by law enforcement officers.

6. Right to Health

With regard to the right to health, Tanzania has taken the following initiatives;

i. Malaria

A National Action Plan to control and prevent malaria 2014-2020 was launched to eradicate malaria and in Tanzania Zanzibar malaria is on the verge of complete eradication. The Plan incorporates activities such as free distribution of nets and awareness campaigns on how to prevent malaria.

ii. HIV and AIDS

The State continued its fight against HIV/AIDS whereby an HIV/AIDS trust fund was established to ensure sustainable supply of funds. In Tanzania Zanzibar, the HIV and AIDS Prevention Act of 2013 was enacted to protect people living with HIV/AIDS. Programs were also operationalized on both sides of the Union to prevent mother to child transmissions.

Other developments in the health sector include establishing a DNA testing Laboratory, launching the Kikwete Heart Institute, constructing a

hospital in Dodoma specialising in heart and kidney disease, constructing a new and ultra modern teaching hospital in Dar-es-salaam that will go a long way in addressing the shortage of health professionals in the country.

7. Right to a clean and healthy environment

Progress was also made towards the realisation of the right to a clean and healthy environment as legislation is being enacted with environment protection clauses. For example, the Petroleum Act of 2015 calls for an environment assessment before a project is operationised.

8. International Human Rights Obligation

The State continues to implement its Regional and international human rights obligations as required by various instruments to which is a Party. During the period under review, the United Republic of Tanzania submitted three state party reports which were successfully considered by the relevant treaty bodies. These include the International Covenant on Economic Social and Cultural Rights in 2012, the Convention on the Rights of the Child in 2015 and the Convention on the Elimination of All Forms of Discrimination Against Women in 2016. We are currently implementing the recommendations arising therefrom. The State has continued to cooperate with human rights mechanisms and received Mission Visits from the African Commission on Human and Peoples' Rights Working Group on Indigenous Populations in 2013 and the African Union Committee of Experts on the Rights and Welfare of the Child in 2015.

Mr. President,

On the status of the implementation of the UPR Recommendations we wish to report the following:-

1. National Human Rights Action Plan

The National Human Rights Action Plan was launched on 10th December 2013. It is being implemented in Tanzania Mainland and Tanzania Zanzibar by Government actors, Civil Society and the private sector. It also has a monitoring and evaluation mechanism coordinated by the Commission for Human Rights and Good Governance which has held various training sessions on the National Human Rights Action Plan for Civil Society Organisations and State Actors.

The State would like to acknowledge the support of the One-UN system for supporting the preparation of the National Human Rights Action Plan and in also supporting the implementation of the Action Plan.

2. Anti-Corruption Measures

The State is in the process of preparing the third National Anti-Corruption Strategic Action Plan after the second Action Plan, which was being implemented over the review period, ended in 2014.

Legislation has been enacted such as the Whistle Blowers Act of 2015 and the Anti-Corruption and Economic Crimes Act of 2012 in Zanzibar which establishes the Zanzibar Anti-Corruption and Economic Crimes Authority.

The Prevention and Combating of Corruption Bureau now has fully functioning offices in all Regions and Districts. An Asset Recovery and Forfeiture Unit was also established within the Division of Public Prosecutions at the Office of The Attorney General to support the country's efforts, among other, in the fight against corruption.

With regard to conducting nation-wide campaign on anti-corruption measures, the Prevention and Combating of Corruption Bureau has been holding public awareness sessions while in Tanzania Zanzibar an anti-corruption curriculum has been incorporated in schools.

The State is at the final stages of establishing a corruption and economic crimes Court to adjudicate on corruption and economic related offences.

3. Ratification and Domestication of Instruments

The State is still assessing the possibility of:

- Ratifying the Agreement on the Privileges and Immunities of the ICC.
- Fully integrating the Rome Statute in domestic legislation if the need arises.
- Ratifying the Convention on the Protection of the Rights of All Migrant Workers
- Ratifying the Convention for the Protection of All Persons from Enforced Disappearance
- Ratifying the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

With regard to later, we wish to point out that the Constitution prohibits torture in all its forms and remedies are provided for victims of such acts. We also wish to point out that death penalty is among the lawful sanctions that can be passed by courts of law on capital offences.

4. Strengthen National Human Rights Mechanisms

The State has continued to strengthen its National Human Rights Institution to the extent of its available resources. The electronic system of receiving complaints has been enhanced. Over the period 2010 to 2016, the Commission received and investigated a total of 13,709 complaints out of those 6,169 were finalised and 7,540 are still under investigation. Further, The National Human Rights Institution still retains its "A" Status accreditation by the International Credential Council. The Government has continued to provide support to the institution and its operations.

5. Human Rights Training and Education

The State has continued to institutionalise human rights in the education curriculum as well as to specifically train civil servants and security officers on human rights.

The Government values the promotion and protection of human rights and to this end it is committed to building a society which places human rights at the forefront. Human Rights have been mainstreamed into the education curriculum through the Medium Term Human Rights Education strategic Plan in Tanzania Mainland. In Tanzania Zanzibar the education curriculum has incorporated human rights related issues.

6. Women's Rights

The State has continued to strengthen the rights of women as follows:

i. Non-Discrimination and Equality Measures

Women constitute more than 50% of the population, and since the previous review, the Government has continued to implement measures towards the promotion and protection of the rights of women.

The issue of non-discrimination and equality of women has been addressed in the Proposed Constitution which contains provisions on the right of women to own property, inheritance, succession and safe reproductive health. Further, the Proposed Constitution provides for the percent of women in Parliament to be at 50.

ii. Violence against Women and Children

The State continues to implement its National Action Plan for Prevention and Eradication of Violence against Women and Children. This was done through formation of a National Multi-Sectoral Committee to Prevent and Respond to Violence against Women and Children as well as establishment of Child protection teams down to the Ward level.

A child free help line was launched on 14th June, 2013 with number 116 to report and receive assistance from incidences of violence and Violence

Against Children cases are now being reported due to availability of such services. A shelter house has been designated to accommodate survivors of Gender Based Violence. In the same vein, 47 one Stop Centers for child abuse victims have been established to date. Similar efforts are on-going in Zanzibar.

The State also is working on Recommendations to eradicate Female Genital Mutilation and raise awareness on FGM and continues to implement the National Plan of Action for Prevention and Eradication of FGM. The National Plan of Action to Accelerate the Eradication of FGM and Other Harmful Traditional Practices and the National Human Rights Action Plan are also operational in this regard. Further, the National Policy on Childhood Care and Development which addresses FGM is at the validation and approval stages.

iii. Witchcraft Killings of Elderly Women

The State has embarked upon the review the Witchcraft Act Cap, 18 and the Traditional and Alternative Medicines Act of 2012 with a view to supporting the efforts towards combating witchcraft and witchcraft killings. The State also continues to register traditional healers and regulates their activities. Further, the National Human Rights Action Plan promotes rights of the elderly by addressing issues of witchcraft associated killings. The National Aging policy of 2003 is being reviewed, and a Bill is being prepared to protect the elderly. Further, 17 safe homes for elderly persons have been established which also support elderly women who are survivors of witchcraft killings.

iv. Women Participation in Decision Making Positions

The State has continued to increase women in decision making and leadership roles. For example, in 2005 there were 62 women Members of Parliament while in 2015 there were 127. In 2015, there were 10 women Ministers, 5 Deputy Ministers, 32 Judges in the High Court, 5 in the Court of Appeal, 53 District Commissioners and 7 women Regional Commissioners. In higher learning institutions the number of female students increased from 10, 039 in 2005 to 78,800 in 2014. Further, the State gained a female Vice President for the first time in 2015 and a female Deputy Attorney General. Also, during the 2015 General Elections, there were female presidential candidates among the aspirants.

7. Persons with Disabilities

Mr. President,

The State continues to implement national legislation on the rights of persons with disabilities. Identification of people with disabilities by age,

gender and location was done through the National Population and Housing Census of 2012. The State has reviewed the National Health Exemption Guidelines to include elderly people and people living with disabilities whereby 43 rehabilitation centers have been established.

Among other measures, the State has undertaken to ensure access to education for children with disabilities, including the adoption of the New Education and Training Policy of 2014 and an Inclusive Education Strategy from 2012-2017. The State has also established an Educational Support and Resource Centre in Dar es Salaam and five Districts Councils have identified spaces to establish such centres for the purpose of detection and identification of children with special needs. Guidelines on Early Identification and Interventions for Children with Special Needs were developed in 2013.

In Tanzania Zanzibar, the Persons with Disabilities (Rights and Privileges) Act of 2006 continues to be implemented as an inclusive education system has been developed whereby every District has at least one inclusive education program in line with various policy to ensure children with disabilities access education.

The National Pension Schemes have addressed disability concerns at the work place and the State has developed a guideline for employers on how to support their employees with disabilities with technical devices. The legislative framework and policies have enabled the presence of special needs officers in 168 Districts. The State continues to raise awareness on the rights of persons with disabilities through national awareness forums such as Disability Day, White Cane Day and World Braille Day.

8. Persons with Albinism

The State continues to prioritise investigation, prosecution and trial of cases where People with Albinism are victims. Standing operation task forces have been established specifically to respond to the attacks and killings of persons with albinism. These efforts have drastically led to the decline in attacks and killings. The aim is, generally, to eradicate such killings and related attacks all together.

9. Human Trafficking

The State launched a new National Anti-Trafficking in Persons Action Plan (2015-2017) and regulations are being created for the implementation of the Anti-trafficking in Persons Act of 2008, which are now at the final stages of gazetting. In 2013, the Tanzania Police Force established the Community Police Unit which, among other things, deals with raising awareness to the community on the issues relating to human anti-trafficking.

The State, in collaboration with the International Organization for Migration (IOM), conducted special training for Police Officers, public prosecutors, magistrates, social workers and journalists on how to identify and detect perpetrators and victims of human trafficking.

10. Accountability of Law Enforcements Officers

The State continues to strengthen its systems to ensure accountability of law enforcement officers. In this regard, a complaints unit within the Police Department at the Ministry of Home Affairs oversees complaints against its Officers and takes measures as appropriate. In the year 2014/2015 disciplinary measures were taken against 300 police officers whereby 118 were summarily dismissed and 19 were charged in the civilian Courts. In the year 2014/15, the Police Force raised the vetting requirements of police recruits joining the force so that only those of high integrity are employed. Continued education, including on-job training, continues to be provided to officers in order to enhance their professionalism.

11. Marginalised and Vulnerable Population

The National Human Rights Action Plan categorises the marginalised and vulnerable as persons with special needs, women, children, the elderly, and children in conflict with the law.

The country has designed and is implementing the Tanzania Social Action Fund (TASAF) in an attempt to implement various social protection interventions to the marginalised groups both in the urban and rural areas.

12. Prison Conditions

The Community Service Act, Cap. 291 continues to be implemented to reduce overcrowding in prisons and a concept note to amend the National Parole Board Act, [Cap. 400 RE. 2002] to allow more prisoners to serve community service sentences has been prepared. Under the Presidential Amnesty 24,772 prisoners were pardoned between 2011 to April 2015 and the President continues to exercise this right in accordance with the Constitution and law of the land.

Further, in on independence day, 9 December 2015 and union day 26 April 2016 ; a total of 697 prisoners were granted presidential pardon. While 2,971 prisoners had their sentences reduced on 9 December 2015 and 2,219 prisoners had their sentenced reduced on 26 April 2016; a total of 5,190 Prisoners had their sentences reduced by 1/6th .

The National Criminal Justice Forum has been established to improve justice delivery and decongestion in prisons. Further, to facilitate The National Prison Policy, an implementation strategy was created in 2014 which requires the State to adhere to international human rights prison

standards. Improvement of facilities is also taking place including logistics of transportation.

13. Children Rights

The Government recognises the promotion and protection of the rights of the child as a fundamental obligation. In this regard, the State has continued to implement and respect the Law of the Child Act by developing several sets of Regulations, which cover various areas of child protection provided for in the Act. There is also a specific provision on the rights of the children in the Proposed Constitution.

Regarding the issue of Juvenile Justice concerted efforts have been undertaken in both Tanzania Mainland and Tanzania Zanzibar. Rules have been adopted to, inter alia, regulate the administration of juvenile justice. The National Child Justice Reform Strategy (2013-2017) was established in Tanzania Mainland and Tanzania Zanzibar.

14. Child Labour

The Law of the Child (Child Employment) Regulations GN 196 of 2012 prohibits employment of a child under the age of fourteen years and the State has continued to implement the National Action Plan for the Elimination of Child Labour (2009-2015).

The State established the Child Labor Monitoring System (CLMS) which has contributed to withdrawing children from child labor through the ILO Red Card Anti-child labour campaign.

The State is also undertaking measures to ensure that extractive industries end child labour. In this regard, the State has collaborated with Small –Scale Miners Associations and raised awareness on effects of child labour. This campaign led some villages in the Geita Region to adopt By-Laws, which prohibit child employment in mines and agricultural activities.

Similar efforts in Zanzibar have enabled Zanzibar to return a total of 5,067 children to school. Regulations issued by the Zanzibar Investment and Promotion Authority (ZIPA) require investors to abide by investment regulations and ensure labour inspections are conducted and to assess whether children rights are being observed in the areas of work.

15. International/Transnational Crimes against Children

The State continues to strengthen international cooperation through multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible

for acts involving the sale of children, child prostitution, child pornography and child sex tourism.

International cooperation in these areas is facilitated by the Law of the Child Act of 2009 , the Cyber Crimes Act of 2015, The Mutual Assistance in Criminal Matters Act, Cap 254, the Anti-Money Laundering Act, the Proceeds of Crimes Act and the Extradition Act, Cap 368 which all provide for extradition procedure of criminals and related matters.in order to enforce the prohibition.

16. Street Children

The State has developed and continues to implement: the Second National Coasted Plan of Action for Most Vulnerable Children 2013 – 2017 (NCPA II) which was launched in February, 2013 and the Community Based Strategic Plan of 2013 to address children living and working in the streets. The two documents define children living and working in the streets as among the most vulnerable children category in Tanzania. They also provide capacity building for actors working in this area. Child Protection System Guidelines have been created to facilitate the two processes.

17. Education

The State continues to prioritise education in all its aspects including improving quality teaching, providing high cadre of teachers, strengthening the quality of education, guaranteeing education for all, putting in place a strategy to ensure equal access to education, ensuring attendance at primary and secondary school level, reducing overcrowding in classroom and other measures to enhance quality education in Tanzania. All these measures have been captured in the Education and Training Policy launched in 2015. The Government has taken education as one of its priorities and will continue to invest its resources in these areas.

18. Health

The State continues to implement Section 19 of the Public Health Act of 2009 which obligates every pregnant woman to immunize against tetanus and any other infectious diseases. The Act also imposes an obligation on parents and guardians to ensure that every child born in Tanzania is immunized. The State continued to implement measures aimed at accelerating reduction of infant death and reduce maternal mortality.

19. Freedom of Expression/Association and Assembly

The Constitution of the United Republic of Tanzania guarantees the right to freedom of expression and assembly to everyone including human

rights defenders, political opponents and journalists. The State is also taking measures legislation in these areas.

20. Support from the International Community

The State continues to collaborate with international development partners on capacity building measures and to supplement national initiatives in a number of areas aimed at improving the human rights situation in the Country.

21. Development Efforts

The State continues to intensify programs to combat poverty and has subscribed to the Sustainable Development Goals (SDG) and Post 2030 Agenda. The Country launched the 15 years National Development Plan which will be implemented through a series of five year development plans. The State is currently implementing the second 5 year development plan which focuses on improving the industrial and agricultural sector among others.

22. Right to Food

The State adopted a new National Agriculture Policy of 2013 which recognizes, protects and promotes food security and nutrition. The State also continued to implement the National Irrigation Policy of 2010 which recognizes irrigation as essential for increased productivity and production in mitigating vagaries of weather and food insecurity. The two policy document reinforce the States commitment to food sufficiency and sustainability for the Tanzanian population in the current environment of climate change.

23. Access to Adequate, Safe and Clean Drinking Water

The State continued to increase access to adequate, clean and safe drinking water especially for the population living below the poverty line by constructing and rehabilitation of water infrastructure in urban and rural areas both in Tanzania Mainland and Tanzania Zanzibar. Major projects in Tanzania Mainland and Tanzania Zanzibar have increased access to adequate safe and clean water.

24. Collaboration with Civil Society

The State continues to engage with civil society in various areas related to human right in Tanzania. Civil Society plays a pivotal role in promoting and protecting human rights in the Country including preparation of the National Human Rights Action Plan and the National Report on the UPR. We take this opportunity to commend them for their commendable job and

urge them to continue with the State and complement the Governments efforts in the promotion and protection of human rights.

25. Corporate Social Responsibility

The State has taken legislative action in this regard and the Natural Gas Policy of 2015; the Petroleum Act of 2015 and the Tanzania extractive Industries, Transparency and Accountability Act of 2015 all contain clauses for corporate bodies to implement corporate social responsibility activities including adherence to human rights issues. Developments include the establishment of the Petroleum Upstream Regulatory Authority which ensures there is adherence to Corporate Social Responsibility in the Country.

Mr. President,

Implementing and promoting human rights over the review period was not without **challenges and constraints**. These challenges and constraints will continue to be addressed so that we achieve our commitments to human rights for all. It is in this regard that we have committed ourselves towards attainment of the Sustainable Development Goals (SDG's). This is a sign of our commitment towards attainment of good governance and human rights.

The State is fully committed and we promise you that we shall not waver in our commitments towards human rights as enshrined in our own Constitution and human rights instruments ratified by the State.

We call upon the International Community to support us in these areas efforts as Tanzania has shown it is a country committed towards the promotion and protection of human rights. Like any other Country, attaining these rights is a process and we remain dedicated towards ensuring the realisation of human rights.

Mr. President,

The State is certainly cognizant of its role as the main duty bearer in the promotion and protection of human rights. However, what continues to emerge as a resounding theme during the implementation of the recommendations and generally in the promotion and protection of human rights is the role of partnerships and the principle of participation, of which we fully support.

On behalf of the delegation of the United Republic of Tanzania, I would like to extend my sincere appreciation to the UPR Working Group, the esteemed Troika and to the UPR Secretariat.

On this note, I wish to conclude my presentation of the National Report of the United Republic of Tanzania under the Second Cycle of the Universal Periodic Review and we are looking forward to fruitful discussions.

I THANK YOU.