Universal Periodic Review (UPR)

TANZANIA CSO MID-TERM REVIEW REPORT ON THE STATUS OF THE IMPLEMENTATION OF UPR RECOMMENDATIONS ACCEPTED BY THE UNITED REPUBLIC OF TANZANIA IN MARCH 2021

A joint report submitted by 228 CSOs operating in Tanzania

Coordinators

THRDC

LHRC

Save the Children

Table of Contents

Table of Contents _____ i
List of CSOs _____ iii
List of Abbreviations _____ vii
Executive Summary _____ viii
Chapter One: Introduction _____ 1
Chapter Two: Implementation of Accepted Recommendations on Socio-Economic and Collective Rights _____ 1
2.1. Introduction _____ 1
2.2. Themes and Status of Implementation _____ 2
2.2.1. Theme 1: National Development and Natural Resources _____ 2
2.2.2. Theme 2: Child Labour _____ 4
2.2.3. Theme 3: Women's Land Rights _____ 4
Chapter Three: Implementation of Accepted Recommendations on General Human Rights _5
3.1. Introduction _____ 5
3.2. Themes and Status of Implementation _____ 5
3.2.1. Theme 1: National Human Rights Plan of Action _____ 5
3.2.2. Theme 2: Human Rights Training and Education. _____ 6
3.2.3. Theme 3: Anti-Corruption _____ 7
3.2.4. Theme 4: Violent Extremism _____ 7
3.2.5. Theme 5: Treaty Body Reporting & Cooperation Obligations _____ 8
Chapter Four: Implementation of Accepted Recommendations on Human Rights Defenders 8
4.1. Introduction _____ 8
4.2. Themes and Status of Implementation _____ 9
4.2.1. Theme 1: Protection of Human Rights Defenders and Civic Space _____ 9
4.2.2. Theme 2: Freedom of Assembly and Civic Space _____ 10
4.2.3. Theme: Enabling Environment for Freedom of Assembly _____ 11
Chapter Five: Implementation of Accepted Recommendations on Freedom of Expression and Access to Information _____ 11
5.1. Introduction _____ 12
5.2. Themes and Status of Implementation _____ 12
5.2.1. Theme 1: Communication Infrastructure in Rural Areas _____ 12
5.2.2. Theme 2: Policy and Legal Reforms _____ 13

5.2.3. Theme 3: Fundamental Freedoms of Expression, Assembly, and Right to Information 13

Chapter Six: Implementation of Accepted Recommendations on Women's Rights 14

6.1. Introduction 14

6.2. Themes and Status of Implementation 15

6.2.1. Theme 1: Implementation of the National Plan of Action to End Violence Against Women and Children (NPA-VAWC) 15

6.2.2. Theme 2: Child Marriage 16

6.2.3. Theme 3: Re-entry Policy for Girls 16

6.2.4. Theme 4: Violence and Discrimination Against Women and Gender Based Violence 18

6.2.5. Theme 5: FGM 19

6.2.6. Theme 6: Inheritance Law 19

6.2.7. Theme 7: Climate Change 20

Chapter Seven: Implementation of Recommendations on Social Rights with Focus on Children 20

7.1. Introduction 20

7.2. Themes and Status of Implementation 21

7.2.1. Theme 1: Discrimination 21

7.2.2. Theme 2: Education and Health 21

Chapter Eight: Implementation of Recommendations on Child Rights 22

8.1. Introduction 22

8.2. Themes and Status of Implementation 22

8.2.1. Theme1: Implementation of the National Plan of Action to End Violence Against Children 22

8.2.2. Theme 2: Child Marriage 24

8.2.3. Theme 3: Re-entry Policy for Girls 25

8.2.4. Theme 4: Birth Registration 26

8.2.5. Theme 5: Child Labour 26

8.2.6. Theme 6: Inclusive Education 27

8.2.7. Theme 7: Violence and Discrimination Against Children 28

8.2.8. Theme 8: FGM 29

8.2.9. Theme 9: Legal Protection and Enforcement of Laws to Combat Violence Against Children 29

8.2.10. Theme 10: Climate Change 30

List of CSOs

1. Act – Mara Diocese – Mugumu Safe House
2. Action Aid Tanzania
3. Action for Rural Women Empowerment (ARUWE)
4. Action towards Economic Development (WATED)
5. Actions for Democracy and Local Governance (ADLG)
6. Agape Aids Control Program
7. Agenda ya Vijana
8. Ahadi Forum Tanzania (AFTA)
9. Amani Girls Home
10. Arusha Non-Governmental Organization Network (ANGONET)
11. Association for Non-Governmental Organization Zanzibar (ANGOZA)
12. Association of Rare Blood Donor (ARBD)
13. Better Life
14. Biharamulo Community FM Radio (BCFM)
15. Biharamulo NGOs Network Forum
16. Biharamulo Originating Social Economic Development Association (BOSEDA)
17. Biharamulo Social Economic Development Association (BISEDEA)
18. Bright Jamii
19. Centre Against Gender Based Violence (CAGBV)
20. Centre Against Gender Based Violence (CAGBV)
21. Centre for Widows
22. Centre for Widows Children (CWCA)
23. Centre of Youth Dialogue (CYD)
24. CESOPE
25. Chama cha Viziwi Tanzania (CHAVITA)
26. Chifu Kimweli Football Club
27. Child Watch
28. Children Dignity Forum (CDF)
29. Children Education Society (CHESO)
30. Christian Council of Tanzania
33. Community Development Initiatives Support Organization (COSIDO)
34. Community for Educators and Legal Assistance
35. Community Harmony and Prosperity Organization
36. Community Research and Development Services (CORDS)
37. Community Support Initiatives – Tanzania (COSITA)
38. Crisis Resolving Centre
39. C-SEMA
40. Dignity Kwanza Community Solutions
41. Door of Hope to Women and Youth in Tanzania
42. Empower Society, Transform Lives (ESTL)
43. Equality for Growth (EFG)
44. Fadhil Teens Tanzania
45. Faidika Wote Pamoja (FAWOPA)
46. Ficofawe Women Foundation (FICOFAWE)
47. Geita Paralegal Organization
48. Gender Action Tanzania (GAT)
49. Girls Education Support Initiatives
50. Gospel Communication Network of Tanzania
51. Gospel Communication Network of Tanzania (GCNT)
52. Haki Ardhi
53. Haki Catalyst
54. Haki Elimu
55. Haki Kazi
56. Haki Madini
57. Haki Zetu Tanzania Organization
58. Haliso Paralegal
59. Happy Children Tanzania Organization
60. Human Rights National Association of Educators for World Peace
61. Humanity Aid for Development Organization
62. Huruma Organization
63. Ilala Paralegal
64. Ilkisonga Pastoralist Initiatives (IPI)

31. Christian Education and Development Organization (CEDO) 32. Civic and Legal Aid Organization (CILAO)	65. Imarisha Wanawake Tanzania (SHIWATA) 66. Initiative for Good Governance and Transparence In Tanzania (IGT)
67. Inter-Religious Council for Peace (IRCPT) 68. Invest In Women Organization (IWO) 69. Iringa Press Club 70. Jamii Forums 71. Jukwaa la Katiba Tanzania (JUKATA) 72. Jumuiya ya Maendeleo ya Elimu kwa Watoto Pemba (JUMAEWAPE) 73. Jumuiya ya Maendeleo ya Wavuvi Wa Kojani (KOFDO) 74. Jumuiya ya Owede 75. Jumuiya ya Tusishindwe Development Organization Pemba (TUDOPE) 76. Jumuiya ya Wasaidizi wa Sheria Pemba (JUWASPE) 77. Kagera Human Rights Defenders & Legal Aid Support Organization 78. Kigoma Paralegal Aid Centre (KIPACE) 79. Kigoma Women Development 80. Kikundi cha Sawabi 81. Kikundi cha Ushindi 82. Kilwa Paralegal 83. Kiota Womens Health and Development (KIWOHEDE) 84. Kiteto Paralegal 85. Kitunda Paralegal 86. Konga Biharamulo 87. Laretok-Le-Sheria na Haki za Binadamu Ngorongoro (LASHEHABINGO) 88. Lawyers' Environmental Action Team (LEAT) 89. Legal and Human Rights Centre (LHRC) 90. Lind Women's Paralegal Aid Centre (LIWOPAC) 91. Lindi Regional Press Club (LRPC) 92. Lindi Women Paralegal Aid Centre (LIWOPAC) 93. Liwale Farmers Association (LIFA) 94. Maasai Pastoralist Development Organization (MPDO-LARETO) 95. Magata Primary Cooperative Society 96. Manyara Regional Civil Society Network (MACSNET)	97. Mbeya Paralegal Aid Centre (MBEPACE) 98. Mbeya Women Association 99. Mchomoro Aids Combat Group 100. Media Association or Indigenous and Pastoralist Communities 101. Media Council of Tanzania (MCT) 102. Media Owners Association of Tanzania (MOAT) 103. Micheweni Islamic Development Environmental Conservation and Aids Control (MIDECAC) 104. Mikono Yetu Centre for Creativity and Innovation (MIKONO YETU) 105. MISA Tanzania 106. Morogoro Paralegal Centre (MPLC) 107. Msichana Initiative 108. Mtwara NGOs Network (MTWANGONET) 109. Mtwara Paralegal Centre 110. Mtwara Youth Anti Aids Group 111. Mukemba Group Maendeleo 112. Muslim University of Morogoro Human Rights Club 113. Mwanza Press Club 114. National Council for Non-Governmental Organizations (NaCONGO) 115. National Information Centre for Youth (NICE) 116. National Union of Mine and Energy Workers of Tanzania (NUMET) 117. Nayumbu Paralegal 118. New Hope New Winners Foundation 119. Nguvumali Community Development of Environment 120. Nomadic Pastoralist Development Organization (NOPADEO) 121. Non-Government Network for Dodoma (DUNGONET) 122. Nyakitonto Youth for Development Tanzania (NYDT) 123. Open Mind Tanzania 124. Organisation for Rural Self-Help Initiatives (ORSHI)

125. Pamoja Daima (PADA)
126. Paralegal Primary Justice (PPJ)
127. Peace Relief Organization (PRO)
128. Pemba Association for Civil Society Organization (PASCO)
129. Pemba East Zone Environment Association (PEZEA)
130. Pemba Environment and Malaria Control (PEMCO)
131. Peoples Development Forum (PDF)
132. Peoples Health Movement Tanzania (PHM)
133. PINGOs Forum
134. Policy Forum
135. Poverty Alleviation in Tanga (POVATA)
136. Promotion and Women Development Association (POWDA)
137. Prosperous Health Life Initiatives (PHLI)
138. Resource Advocacy Initiative (RAI)
139. Ruangwa Organization for Poverty Alleviation (ROPA)
140. Rujewa Integrated Efforts to Fight Poverty (RIEFP)
141. Rural Woman Development Initiative (RUWODI)
142. Sadeline Health Care Trust
143. Safe Space for Children and Youth Women Tanzania (SSCYWT)
144. Sakale Development Foundation
145. Sauti ya Haki Tanzania (SHTZ)
146. Sauti ya Wanawake Ukerewe
147. Save the Children
148. Save the Mother and Children of Central Tanzania (SMCCT)
149. Service Health and Development for People
150. Shirika la Binadamu Nandangala
151. Shirika la Imarisha Wanawake Tanzania (SHIWATA)
152. Shirikisho la Vyama vya Watu Wenye Ulemavu (SHIVYAWATA)
153. SIKIKA
157. Tanganyika Law Society (TLS
158. Tangible Initiative for Local Development
159. Tanzania Agriculture Modernization Association (TAMA)
160. Tanzania Albinism Society
161. Tanzania Association of Non-Governmental Organizations (TANGO)
162. Tanzania Centre for Research and Information on Pastoralism (TCRIP)
163. Tanzania Child Rights Forum (TCRF)
164. Tanzania Gender Network Program (TGNP)
165. Tanzania Home Economic Association (TAHEA) Biharamulo
166. Tanzania Human Rights and Business
167. Tanzania Human Rights Defenders Coalition (THRDC)
168. Tanzania Land Alliance (TALA)
169. Tanzania Legal Knowledge Aid Centre (TACELA)
170. Tanzania Media Women's Association-Zanzibar
171. Tanzania Media Women's Association (TAMWA)
172. Tanzania Natural Resource Forum (TNRF)
173. Tanzania Network of Legal Aid Providers (TANLAP)
174. Tanzania Network of Women Living with HIV And AIDs (TNW+)
175. Tanzania Pastoralist Community Forum (TPCF)
176. Tanzania Peace Legal Aid and Justice Centre (PLAJC)
177. Tanzania Tobacco Control Forum
178. Tanzania Widows Association (TAWIA)
179. Tanzania Women Empowerment in Action (TAWEA)
180. Tanzania Women Human Rights Defenders
181. Tanzania Women Lawyers Association (TAWLA)
182. Tanzania Youth Coalition (TYC)

154. Southern Africa Human Rights NGOs Network (SAHARINGON) 155. Sports Development Aid Lindi 156. Tanga Paralegal Aid	183. Tanzania Youth Interface Network (TYIN) 184. Tanzania Youth Potential Association

185. Temeke Paralegal 186. The African For Civil Society (TACS) 187. The African Institute for Comparative and International Law (AICIL) 188. The Foundation of Human Health and Social Development (HUHESO) 189. The Life Hood Children and Development Society (LICHIDE) 190. The Organization of Journalists Against Drug Abuse and Crimes in Tanzania (OJADACT) 191. The Voice of Disabled Women in Tanzania (VODIWOTA) 192. The Voice of Marginalized Community 193. Transformative and Integrative Buildout for All (TIBA) 194. Tree of Hope 195. Tunduru Paralegal Centre (TUPACE) 196. Tuwakomboe Paralegal Organization (TUPO) 197. Ubungo Paralegal 198. Umoja wa Vikundi Vya Uzalishaji Mali na Uelimishaji Rika Magu (UVUUMA) 199. Umoja wa Wawezeshaji Kioo 200. Under the Same Sun (UTSS) 201. Union of Tanzania Press Club (UTPC) 202. United Nations Association-Tanzania (UNA) 203. University of Dar es Salaam Human Rights Club (UDHRA) 204. Uvinza NGOs Network (UNON) 205. Vital Projection Limited 206. Volunteer for Youth in Health and Development (VOYOHEDE) 207. Wadada Centre 208. Wadada Solutions on Gender Based Violence (WASOGEBAVO) 209. Chama cha Waandishi wa Habari Zanzibar (WAHAMAZA) 210. Wajibu Institute of Accountability	211. Walio Katika Mapambano na Aids Tanzania (WAMATA) 212. Wasaidizi wa Sheria na Haki za Binadamu Serengeti (WASHEHABISE) 213. Wasaidizi wa Sheria na Haki za Binadamu Wilaya ya Nyasa (WASHEHANYA) 214. Wasaidizi wa Sheria na Haki za Binadamu Masasi (WASHEHABIMA) 215. Widows and Orphaned Development Organization (WODEO) 216. Women Action Towards Development 217. Women Legal Aid Clinic (WLAC) 218. Women Work Up (WOWAP) 219. Women's Promotion Centre (WPC) 220. Wote Sawa Youth Domestic Workers 221. Youth Against Aids Poverty 222. Zanzibar Aids Association and Support for Orphans (ZASO) 223. Zanzibar Association for Children Advancement (ZACA) 224. Zanzibar Children Rights Forum 225. Zanzibar Female Lawyers Association (ZAFELA) 226. Zanzibar Fighting Against Youth Challenges Organization (ZAFAYCO) 227. Zanzibar Legal Services Centre (ZLSC) 228. Zanzibar Youth Forum

List of Abbreviations

ACHPR	African Commission on Human and Peoples Rights
AU	African Union
CPI	Corruption Perception Index
FYDP	National Five-Year Development Plan
GDP	Gross Domestic Product
GN	Government Notice
ICESCR	International Covenant on Economic Social Rights
LGA	Local Government authorities
LNG	Liquified Natural Gas
PCCB	Prevention and Combating of Corruption Bureau
SDGs	Sustainable Development Goals
UDHR	Universal Declaration on Human Rights
URT	Constitution of the United Republic of Tanzania
USAID	United States Agency for International Development
VAWC	Violence Against Women and Children

Executive Summary

Executive Summary

In 2021, Tanzania's human rights record was yet again examined by the UN Human Rights Council's Universal Periodic Review (UPR) Working Group for the third time on November 5, 2021, following the first and second UPR reviews in October 2011 and May 2016, respectively. In March 2022, the Working Group released its report on the outcome of Tanzania's Universal Periodic Review. According to the report, the United Republic of Tanzania accepted to implement 187 recommendations, of which 20 received partial support, and noted 65 recommendations. This joint report, coordinated by the Legal and Human Rights Centre (LHRC), Tanzania Human Rights Defenders Coalition (THRDC), and Save the Children (Tanzania), provides a comprehensive analysis of the progress made in implementing these accepted recommendations and highlights critical gaps that require urgent attention.

On Socio-Economic and Collective Rights**,** Tanzania has made partial progress in areas such as national development, women's land rights, and child labor. Despite efforts, challenges like low per capita income and insufficient infrastructure continue to hinder comprehensive implementation. Although Tanzania has aligned national development strategies with Vision 2025 and implemented Acts No. 5 and No. 6 of 2017, achieving only 40% of the target for per capita income remains a significant gap. As of 2023, the per capita income stands at $1,200, well below the target of $3,000. Inadequate infrastructure threatens economic growth and hampers access to basic services such as healthcare, water, and energy.

On General Human Rights, the government has taken steps toward a National Human Rights Plan and improving anti-corruption measures, however delays in finalizing key frameworks, such as the National Human Rights Action Plan (NHRAP), remain an issue. The same as in Human Rights Defenders Rights **where** there has been some improvement in the protection of HRDs, with the government engaging with civil society and releasing political prisoners. However, restrictive laws, such as the Cybercrimes Act, continue to impede the full exercise of HRDs' rights.

Despite improvements in the press freedom ranking, the environment for journalists and activists remains hostile, with cases of intimidation and harassment persisting. Legal reforms, such as amendments to the Media Services Act, are only partially implemented, limiting progress in ensuring press freedom. Journalists and media houses, including Mwananchi Communications Ltd., continue to face government scrutiny and license suspensions, reflecting a partially implemented status in the protection of freedom of expression.

On women's rights, Tanzania has launched the second National Plan of Action to End Violence Against Women and Children (NPA-VAWC) 2023-2028, but its implementation faces financial constraints. Further reforms in areas like child marriage and gender-based violence remain unaddressed, with discriminatory laws still in place the Law of Marriage Act 1971, and Local Customary Law (Declaration) Order (G.N No. 436 1963) (No. 4).

Also, Tanzania continues to demonstrate its commitment to address discrimination against persons, including those with disabilities by having in place legal and policy measures to protect and ensure rights of PWDs. However, in 2022-2023 attacks against people with disabilities emerged and raised a serious concern on their safety and security. According to the Tanzania Human Rights Report, 2022 there were documented at least 12 incidents of violence against PWDs, including PWAs and children with disabilities. Acts of violence included rape, physical attack, verbal abuse, isolation, and denial of education.

On Children's Rights: Efforts to combat child labor and increase access to education for marginalized groups, including children with disabilities, have shown progress. However, gaps in the protection of children's rights, such as the failure to outlaw child marriage, persist. Violence against children in Tanzania has surged, with over 15,000 incidents reported between January 2022 and March 2023. Sexual violence constitutes 81% of these cases, often perpetrated by close family members.

While Tanzania has demonstrated some progress in implementing UPR recommendations, the substantial gaps in funding, legal reforms, and enforcement hinder the realization of human rights. Urgent action is needed to address structural challenges, such as insufficient legal protections for women, inadequate educational infrastructure, and the safety of HRDs and marginalized groups. Legislative reforms, stronger institutional support, and adequate resource allocation are critical for closing these gaps and ensuring meaningful progress toward human rights for all Tanzanians.

Chapter One: Introduction

In 2021, Tanzania's human rights record was yet again examined by the UN Human Rights Council's Universal Periodic Review (UPR) Working Group for the third time on 5th November 2021, following the first and second UPR reviews in October 2011 and May 2016 respectively.[1] In March 2022, the Working Group on the Universal Periodic Review released its report on the outcome of Tanzania's Universal Periodic Review.[2] According to the report, the United Republic of Tanzania has accepted to implement 187 recommendations (20 with partial support) and has noted 65 recommendations.[3]

This report covers joint analysis and recommendations by the Tanzanian civil society organizations (CSOs) on the status of implementation of recommendations and concluding observations made by the Human Rights Council in March 2022 to the United Republic of Tanzania. The country, Tanzania, accepted for implementation 187 recommendations of which, this joint report primarily focuses on. This joint effort was coordinated by the Legal and Human Rights Centre (LHRC); Tanzania Human Rights Defenders Coalition (THRDC); and Save the Children (Tanzania).

The objective of this report is to shed light on the progress made in implementation of the accepted recommendations, providing status of each recommendation. The report also highlights areas which need immediate attention because of the way they affect enjoyment of human rights, especially rights of marginalized groups. The main method employed by the CSO team to collect data that have informed this report is document review, whereby reports by the Government and CSOs, including international NGOs, where reviewed. Selected budget speeches delivered in the National Assembly of Mainland Tanzania and the House of Representatives in Zanzibar were also reviewed to corroborate some of the data and information obtained from other sources.

Chapter Two: Implementation of Accepted Recommendations on Socio-Economic and Collective Rights

Recommendations 145.7, 145.14, 145.16, 145.25, 145.26, 145.27, 145.29, 145.6, 145.102 and 146.6)

2.1. Introduction

These recommendations align with national and regional instruments including the URT Constitution 1977, Zanzibar Constitution 2010, FYDP III (2021/22 - 2025/26), Zanzibar Development Vision 2050, AU Agenda 2063, ACHPR 1981, and the Maputo Protocol on the

[1] LHRC & ZAFAYCO (2023), *Tanzania Human Rights Report 2022*, LHRC: Dar es Salaam, at https://humanrights.or.tz/en/post/resources-center/TZHumanRightsReport2022.

[2] *See* UNGA, *Report of the Working Group on the Universal Periodic Review: United Republic of Tanzania*, Human Rights Council Forty-ninth session 28 February–1 April 2022 Agenda item 6, Universal periodic review, 21 March 2022, at https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/287/06/PDF/G2228706.pdf?OpenElement.

[3] Ibid.

rights of women 2003. These are aligned with the Universal Declaration of Human Rights 1948, (UDHR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) 1966, and correspond to SDG targets 1, 2, 7, 8, 9, 10, 12, 16, and 17.

2.2. Themes and Status of Implementation

2.2.1. Theme 1: National Development and Natural Resources

2.2.1.1. Recommendation No. 145.7 & No.145.16, 145.14 by China, South Sudan, Pakistan

Continue implementing the Third National Plan, National Development Vision 2025, Africa's Agenda 2063, and the 2030 Agenda for Sustainable Development, aiming to improve people's living standards.

Implementation Status

Partially implemented.

Brief Assessment

These recommendations have been partially implemented by justification that the per capita income target set by Vision 2025 was $3,000, but the current per capita income is $1,200, achieving 40% of the target. However, through the ongoing implementation of FYDP III, Tanzania has improved its people's living standards. Life expectancy has increased[4], and the mortality rate of children under five has declined. The current infant mortality rate for Tanzania in 2024 is 33.021 deaths per 1000 live births, a 3.36% decline from 2023. The infant mortality rate for Tanzania in 2023 was 34.168 deaths per 1000 live births, a 3.96% decline from 2022[5].

The government of Tanzania has continued to align its national plans and budgets with FYDP III priorities, focusing on an inclusive and competitive economy, strengthening industrial production capabilities and service delivery, promoting investment and trade, human development, and human resource capacity. Although there has been progress in human development through improved vocational training and skills, and the investment framework has improved with the enactment of the new Investment Act in 2022. Delays in implementing major projects like the Liquified Natural Gas (LNG) plant in Lindi raise questions about the suitability of the investment environment. These delays could impact the country's GDP and economic growth.

Despite this progress, the pace is slower than the target set by Vision 2025. Poor living standards, manifested by low per capita income, negatively affect people's capacity to access basic social services such as health, clean water, quality housing, and clean energy. In developing and implementing Vision 2050, Tanzania should enhance its capacity to enforce plans that improve per capita income and people's living standards Furthermore, currently Tanzania is in the process of developing a new Development Vision 2050 and has conducted several consultations with various actors.

[4] https://data.who.int/countries/834

[5] https://www.macrotrends.net/global-metrics/countries/TZA/tanzania/infant-mortality-rate

2.2.1.2. Recommendation No. 145.25 by China

Increase investment in the construction of communication facilities and infrastructure in rural areas to promote economic and social development.

Implementation Status

Partially implemented.

Brief Assessment

Tanzania has made strides in increasing the number of communication facilities and infrastructure in different parts of the country, including in rural areas. Increased investment in such facilities and infrastructure is attested by the number users of telecommunication and internet services. According to the Ministry Information, Communication, and Information Technology budget speech 2024, Tanzania communications sector has continued to grow, with statistics showing that the number of registered mobile lines has increased from 62.3 million in April 2023 to 72.5 million in April 2024, representing a 16.4% increase. Internet users have increased from 33.1 million in April 2023 to 36.8 million in April 2024, a growth of 11.2%. Users of mobile money services have grown from 44.3 million in April 2023 to 53.0 million in April 2024, a rise of 19.6%.

Additionally, the number of Communication Infrastructure Service Providers has reached 25, compared to 23 in April 2023, an increase of 8.7%. Despite of such developments and investment, most rural areas are still lag behind with most for the services are urban centric. Some villages are still not connected mobile network and internet connectivity.

2.2.1.3. Recommendation No. 145.26 by the Syrian Arab Republic

Continue implementing the national legal framework for the protection of natural resources and their effective use in the context of realizing the right to development.

Implementation Status

Partially implemented

Brief Assessment

While the law calls for public disclosure and parliamentary scrutiny of the natural resources' contracts, these contracts have neither been disclosed nor tabled in Parliament. This practice of non-disclosure contravenes domestic legislations such as the Natural Wealth and Resources (Permanent Sovereignty) (Code of Conduct for Investors in Natural Wealth and Resources) Regulations, 2020, the Written Laws (Miscellaneous Amendments) No 2 Act, 2023, Amendment of the Natural Wealth and Resources (Permanent sovereignty) Act (Cap. 449) Section 35 and 36 and the Natural Wealth and Resources (Review and Re-negotiation of unconscionable Terms) Act Cap. 450).

2.2.1.4. Recommendation 145.27 *by Georgia*

Continue efforts aimed at improvements in tackling corruption through initiatives that include the adaptation of legislative and regulatory frameworks.

Implementation Status

Partially implemented.

Brief Assessment

Tanzania has made progress in addressing corruptions through both administrative and legislative measures. According to the Corruption Perception Index (CPI) 2023, Tanzania scored 40, up from 38 in 2022, and ranked 87 out of 180 countries assessed. According to the CAG report for the 2022/2023 financial year, red flags amounting to corruption have decreased by 10% in 2022/2023 compared to 2021/2022. In 2024, Tanzania has amended the PCCB Act to increase its net and address administration challenges. Despite this progress, corruption is still a major problem in Tanzania, and it hampers countries efforts to attain its SDGs commitment.

2.2.2. Theme 2: Child Labour

2.2.2.1. Recommendation No. 145.102 by Bahamas

Continue its efforts to curtail child labour.

Implementation Status

Partially implemented.

Brief Assessment

Tanzania has committed to address child labour through national, regional and international frameworks. The Law of the Child Act, 2009 prohibits harmful and hazardous work for children. Other relevant frameworks include the African Charter on the Rights and Welfare of the Child 1990, and the UN Convention on the Rights of the Child 1989 which guarantee children rights including protection from exploitation. Despite the law prohibiting child labor, the small-scale mining sector still hosts many children who are working in those areas. Government efforts, such as the National Action Plan on Artisanal and Small-Scale Gold Mining (ASM), which seeks to detach 7,000 children from ASM by the year 2025, are not effectively implemented, and no updates or progress are shared in government reports. These children in mining represent 0.6% of the total child labor force; however, they are in the most hazardous industry.

Further studies (USAID 2023) note the agriculture industry, including fishing, employs 84% of the total child labor force in Tanzania. Efforts should be geared toward preventing child dropouts from schools and engaging all key sectors to prevent child labor. The government should improve plans for implementation and monitoring, as well as information sharing with stakeholders

2.2.3. Theme 3: Women's Land Rights

2.2.3.1.Recommendation No. 146.6 by Switzerland

Revoke customary laws that undermine women's land rights, such as the Local Customary Law (Declaration) Order (G.N. No. 436/1963) (No. 4) and strengthen institutions dealing with land administration.

Implementation Status

Not Implemented

Brief Assessment

Despite the Land Act No. 4 of 1999 and the Village Land Act No. 5 of 1999 ensuring equality in land use, possession, ownership and disposition between men and women, Tanzania women still face hurdles emanating from social norms and practices, which limit land ownership for women. The Customary Law (Declaration) Order (GN. No. 436/1963) (No.4) which discriminate women from land ownership has not been revoked.

. According to the World Bank Doing Business Report, only 18% of women in Tanzania own titles to land, indicating a huge gap in terms of land ownership between men and women in Tanzania.

Chapter Three: Implementation of Accepted Recommendations on General Human Rights

Recommendations 145.13, 145.15, 145.18, 145.19, 145.27, 145.28, 145.2, and 145.4

3.1. Introduction

This chapter provides a brief overview on the implementation of all recommendations relating to general human rights. The provided information in this part underscores fundamental freedoms and rights as enshrined in various international human rights instruments. There were about nine recommendations which were accepted to be implemented by the Government of the United Republic of Tanzania in the period of four (4) years to safeguard basic freedoms for the citizens and residents to live free from oppression or discrimination with the ultimate aim of promoting social progress and better living conditions for inclusive development. The following are the recommendation, status of implementation and its description.

3.2. Themes and Status of Implementation

3.2.1. Theme 1: National Human Rights Plan of Action

3.2.1.1. Recommendation No. 145.13 *by Pakistan*

Expedite ongoing efforts aimed at the early finalization of the second national human rights plan.

Implementation status

Not Implemented

Brief Assessment

The first National Human Rights Plan (2013-2017) was ended in 2017. In its effort to develop a new plan, the Government of Tanzania has conducted an evaluation of the first National Human Rights Plan as well as conducted stakeholders' consultations to inform the development of the second National Human Rights Action Plan. However, the process has been long overdue with no update as to when the plan the process will be completed.

3.2.1.2. Recommendation No. 145.15 (Sierra Leone) and 145. 17(Thailand)

Enhance the national infrastructure for the effective implementation of the national human rights action plan.

Implementation status

Not implemented.

Brief Assessment

Even though the second National Human Rights Action Plan has not been developed, there are initiatives taken by the government to improve the human rights situation in Tanzania. The President formed The Presidential Commission on Criminal Justice Reforms in 2023. The Commission issued its report in July 2023 with several recommendations to improve efficiency and effectiveness of the criminal justice sector in Tanzania. Some of the recommendations are currently being implemented.

Furthermore, the Ministry of Constitutional and Legal Affairs is coordinating a Mama Samia Legal Aid Campaign to expand the accessibility of legal aid services across the country, reaching even the hard-to-reach areas. Also, some improvement has been made in the administration of justice sector, for instance in 2023 the Government has made improvements in the use of ICT systems in delivery of court services with the aim of enhancing access to justice. The establishment and use of the Case Management System, e-library, e-lawyer, e-court broker, and Judicial portal have been monitored and improved.

.

3.2.2. Theme 2: Human Rights Training and Education

3.2.2.1. Recommendation 145.18 by Zimbabwe

Extend the human rights training and awareness program to cater to more categories of public service officials.

Implementation status

Partially Implemented

Brief Assessment

The Government of Tanzania (GoT) continues to raise awareness on human rights through initiatives such as legal aid campaigns and capacity building for public police, public prosecutors, and judicial officers.

3.2.2.2. Recommendation No. 145.19

Continue efforts to strengthen the process of sensitizing civil society on human rights education.

Implementation status

Partially implemented.

Brief Assessment

Through the Mama Samia Legal Aid Campaign, the Government has been engaging and collaborating with CSOs to provide legal aid to communities, including legal and human rights education. The national human rights institution (CHRAGG) also continues to use different platforms, including media, to sensitive the public on human rights education.

3.2.4. Theme 4: Violent Extremism

3.2.4.1. Recommendation 145.28 by Montenegro

Adopt a national strategy and action plan for the prevention of radicalization and violent extremism.

Implementation Status

Not implemented.

Brief Assessment

There is no information or evidence suggesting that Tanzania has finalized and adopted the National Strategy and Action Plan for the prevention of radicalization and violent extremism. However, there are efforts taken by the Government to address violence extremism in Tanzania including hosting SADC Regional Counterterrorism Centre in Dar es Salaam and continue to implement Anti-Money Laundry and Combating Terrorism Financing Strategy. Furthermore, with funding support and collaboration with development partners the Government of Tanzania has implemented several Counter Violent Extremism (CVE) programs to build community resilience on violent extremism, empowering them to better identify and respond to threats. Other initiatives focused on building the capacity of civil society organizations on conflict analysis, community-level dialogue, advocacy, and mentorship in relation to CVE trends.

3.2.5. Theme 5: Treaty Body Reporting & Cooperation Obligations

3.2.5.1. Recommendation No. 145.2 by Iraq

Continue efforts to submit and discuss national human rights reports to treaty bodies.

Implementation Status

Partially implemented.

Brief Assessment

Tanzania has continued to demonstrate its commitment to adhere periodic reporting to various human rights treaty bodies including the Human Rights Committee, (HRC), UN Committee in the Rights of the Child (UN CRC), Committee on Economic Social and Cultural Rights, Committee on Elimination of Discrimination Against Women (CEDAW), Committee on Rights of Persons with Disabilitiesm and the African Committee of Expert on the Rights and Welfare of the Child (ACERWC). For example, in December 2023 Tanzania submitted its report to the UN CRC. However, the challenge has been delaying in submission with some of the reports missing more than one reporting cycle. For example, Tanzania has missed two reporting cycles reporting to the African Committee of Expert on the Rights and Welfare of the Child.

3.2.5.2. Recommendation No 145.4 by Pakistan

Continue cooperation with the Human Rights Council and its mechanisms, including Special Procedures.

Implementation Status

Partially implemented.

Brief Assessment

The Government has been cooperating withUN bodies, including the Human Rights Council, in promotion and protection of human rights, but in some instances the cooperation has been inadequate.

Chapter Four: Implementation of Accepted Recommendations on Human Rights Defenders

Recommendations 147.96; 147.97; 147.101; 147.102; 147.103

4.1. Introduction

Tanzania accepted five recommendations 147.96; 147.97; 147.101; 147.102; 147.103 by Belgium, France, Finland, Ireland, Montenegro respectively addressing the protection of human rights defenders (HRDs) and civic space Tanzania.

The aim is to ensure HRDs and CSOs could exercise their rights without fear of retaliation or repression. This has been a significant issue in Tanzania, particularly under the administration of the late President John Magufuli, where there were reports of crackdowns on dissent and restrictions on freedoms.

The protection of HRDs is grounded in the Constitution, particularly Articles 18 and 20, which guarantee freedom of expression and association. The Commission for Human Rights and Good Governance (CHRAGG) is tasked with promoting these rights. However, restrictive laws like the Cybercrimes Act (2015) and NGO Act (2002) hinder HRDs. Regionally, the African Charter on Human and Peoples' Rights (Articles 9, 10, 11) and the East African Community (EAC) Human Rights Policy support HRD protections. Internationally, the UDHR (Articles 19, 20) and ICCPR (Articles 19, 21, 22), along with the UN Declaration on Human Rights Defenders provide robust frameworks. SDG 16, particularly targets 16.10 (access to information) and 16.a (strengthening institutions), underscores the need for HRD protection. Aligning national laws with these provisions and ensuring their implementation is crucial for HRDs to operate freely and without fear of reprisal.

4.2. Themes and Status of Implementation

4.2.1. Theme 1: Protection of Human Rights Defenders and Civic Space

4.2.1.1. Recommendation Nos. 147.96 and 147.97 by Belgium and France

Ensure that human rights defenders and political dissidents can freely exercise their human rights without fear of reprisal.

Implementation Status

Partially implemented.

Brief Assessment

Under President Samia Suluhu Hassan, there have been positive changes in rhetoric and policy towards HRDs and political dissidents. For instance, in her speeches, President Hassan has emphasized the importance of democracy and human rights. Political prisoners and activists detained under the previous administration have been released. This indicates a shift towards addressing past injustices and reducing political repression. Zitto Kabwe (ACT-Wazalendo

Leader) - Detained multiple times; released after short-term detentions in 2020 and 2021; Tito Magoti (HRD, Legal Officer) - Arrested December 2019; released on bail January 2021.

The Tanzanian government has shown increased willingness to engage with civil society organizations. There have been dialogues and consultations aimed at addressing human rights concerns, but challenges remain in fully ensuring the protection of human rights defenders and political dissidents.

Despite the positive changes, certain laws and policies that restrict freedoms remain in place. The Cybercrimes Act, Media Service Act, and the Statistics Act, for instance, have been criticized for their potential to suppress freedom of expression and access to information.

Reports of harassment, intimidation, and arbitrary arrests of HRDs and political dissidents persist. These incidents often involve local activists and journalists who are critical of the Government. To mention a few; Freeman Mbowe arrested July 2021, released March 2022; Maria Sarungi Tsehai attempted arrest in March 2022 and continued harassment; 16 HRDs and journalists arrested (2021-2022) were assaulted. In 2023, THRDC provided 42 legal supports to HRDs who were maliciously arrested, with 15 being released after successful court outcomes.[1] About 27 human rights defenders were relocated for safety, and 7 received medical aid in 2023. Freeman Mbowe (CHADEMA Chairman) - Arrested July 2021; released March 2022 after charges dropped.[2]

The crackdown on opposition and online dissent ahead of elections highlights efforts to stifle criticism. The recent murder attempt to EDGER EDSON MWAKABELA (SATIVA)[3] by the "Unknown Assailants" alarms security alerts to HRDs ahead of election. The Dubai Port Deal controversies led to arrest of activist Boniface Mwabukusi and political activist Mdude Nyagali after criticizing the Tanzania-UAE port agreement.[4] They faced treason charges and were re-arrested in August 2023 under strict reporting conditions which persisted to 2024.

In the wake of the arrests of social rights activist Malisa GJ and politician/activist Jacob Boniface, the Tanzanian public finds itself entangled in a complex series of events surrounding the death of Robert Mushi in April 2024.[5] This situation highlights the urgent need for authorities to adopt a more progressive approach to dissent and criticism.

Ahead of Tanzania's 2024 local government and 2025 general elections, the government has intensified its crackdown on media freedom. The temporary suspension of Mwananchi Communications Ltd's (MCL) license from October 2 to November 2 by the Tanzania Communications Regulatory Authority (TCRA) has sparked debate among media stakeholders. Currently, **Jambo TV** a leading online media if facing charges for breaching the online content regulations.

While some interpret it as a legal regulatory action, others view it as a potential mechanism for suppressing press freedom. The current online content regulations leave room for broad interpretation, raising concerns about their use to stifle freedom of expression ahead of critical national elections.

Despite Tanzania's notable improvement in the World Press Freedom Index[6]—climbing to 97th from 143rd in 2023 and becoming a regional leader in East Africa—the environment for

[6] World Press Freedom Index, 2023

human rights defenders (HRDs) and journalists remains hostile.[7] Many continue to face intimidation, harassment, and arrests for exposing sensitive information. Restrictions on freedom of association are also evident, as online dissent is increasingly monitored and suppressed by internet providers, affecting access to platforms like X (formerly Twitter).

4.2.2. Theme 2: Freedom of Assembly and Civic Space

4.2.2.1. Recommendations: 147.101 and 147.102

Ensure freedom of assembly and expression to enable a political and civic space, so that political parties, the media and civil society organizations can operate safely and fully exercise their rights.

Ensure a safe and enabling environment for political parties, civil society organizations and human rights defenders to exercise their legitimate activities effectively and independently.

Implementation Status

Partially Implemented.

Brief Assessment

Between 2021 and 2024, Tanzania has faced notable instances of political opposition and reprisals, highlighting concerns about the state of democracy, freedom of expression, and human rights in the country. Here are some specific cases:

Freeman Mbowe- In July 2021, Freeman Mbowe, the chairman of the main opposition party, CHADEMA, was arrested along with several other party members. They were accused of terrorism-related charges, which were widely seen as politically motivated. Mbowe was released on bail in March 2022 after spending eight months in detention.[8]

Tundu Lissu- In 2023, Tanzanian opposition leader Tundu Lissu faced reprisals for attempting to hold a public meeting with the Maasai community. Authorities disrupted the gathering, citing permit issues, though many viewed this as a politically motivated move to stifle dissent. The Maasai, who have faced displacement and land rights issues, had invited Lissu to discuss their concerns. His efforts to address their grievances and advocate for their rights were met with government resistance, reflecting ongoing challenges for opposition figures in engaging with marginalized communities and highlighting the restrictive political environment in Tanzania.[9]

These cases reflect ongoing challenges in Tanzania's political landscape, where opposition figures and activists continue to face significant risks for their involvement in political activities. The situation underscores the need for continued advocacy for political freedoms and human rights in the country.

Killing of Ally Kibao (September 2024) -A prominent member of the opposition party, Ally Kibao was abducted on September 6, 2024, and later found dead in Ununio, Dar es Salaam, with his face disfigured. This incident is part of a growing trend of attacks against opposition

[7] Also see Civicus Monitor. (2024, June 30). *New report: Tanzania improves in press freedom ranking, but violations continue.*

[8] *See* Human Rights Watch, *Tanzania: Events of 2022*, at https://www.hrw.org/world-report/2023/country-chapters/tanzania.

[9] *See* Amnesty International, *Human Rights in Tanzania 2023*, at https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/tanzania/report-tanzania/.

figures, raising concerns about the safety of political actors challenging state power. Human rights organizations and opposition parties have expressed alarm over the lack of transparency from law enforcement regarding investigations into Kibao's death, emphasizing the increasing risks faced by political dissidents.

4.2.3. Theme: Enabling Environment for Freedom of Assembly

4.2.3.1. Recommendation 147.103 *by Montenegro*

Ensure that the laws governing the right to freedom of peaceful assembly are fully in line with the provisions of the International Covenant on Civil and Political Rights.

Implementation Status

Not Implemented.

Brief Assessment

Tanzania is a party to the ICCPR, which guarantees the right to peaceful assembly under Article 21. **Current Tanzanian Laws**. Article 20 of the Constitution of The United Republic of Tanzania 1977 enshrines the rights of every person in Tanzania to *"freely and peaceably assemble, associate and cooperate with other persons, express views publicly and more specially to form or join associations or organizations formed for the purposes of preserving or furthering his beliefs or interests or any other interests.*" However, this right is limited by *The Public Order Act of 1963* and the *Police Force and Auxiliary Services Act of R: E 2019* which regulate public assemblies in Tanzania.

These two laws grant significant discretionary powers to the police to permit or deny assemblies, often used to restrict opposition activities.

On 25th May 2023, police in Manyara arrested and detained for several hours 20 members of Chadema's **youth** wing at a meeting on constitutional reforms. The same laws the *Public Order Act of 1963* and the *Police Force and Auxiliary Services Act of R: E 2019* were used to restrict peaceful highlighting ongoing restrictions on assembly.[10]

Freeman Mbowe, CHADEMA chairman, was arrested in 2021 on terrorism charges while several leaders from opposition parties were arrested during peaceful protests for electoral reforms in Mwanza. This highlights ongoing restrictions on assembly.

There have been instances of the government using existing laws to disrupt meetings and protests, often citing security concerns. For example, opposition leader Tundu Lissu faced reprisals in 2023 for attempting to hold a public meeting with the Maasai community.

Chapter Five: Implementation of Accepted Recommendations on Freedom of Expression and Access to Information

Recommendations 145.25, 147.82, 147.85, 147.89, 147.83, 147.84, 147.86, 147.92, 147.94, and 147.95

[10] Human Rights Watch, *Tanzania: Events of 2022* (*supra*).

5.1. Introduction

Tanzania accepted 12 recommendations related to freedom of expression and access to information. Recommendation **145.25** calls for increased investment in rural communication facilities to bridge the digital divide, foster economic growth, and enhance social development, aligning with national ICT policies and SDG Goal 9. Recommendations **147.82, 147.85, and 147.89 emphasize** amending the Media Services Act of 2016 to comply with international standards, reflecting commitments under the UDHR, ICCPR, and African Charter. Recommendations **147.83, 147.84, 147.86, 147.92, 147.94**, and **147.95** advocate for robust measures to ensure freedom of expression, protect journalists, and uphold the rights to peaceful assembly and association, in line with SDG Target 16.10 and the UN Plan of Action on the Safety of Journalists. These recommendations urge the removal of legal and practical barriers to these fundamental rights, reinforcing global human rights standards and promoting a free and open society.

These recommendations align well with the national framework, Article 18 of the Constitution of the United Republic of Tanzania guarantees freedom of expression and access to information. The Media Services Act of 2016 regulates media operations but has faced criticism for not aligning with international standards on freedom of expression and press freedom. Tanzania Information and Communication Technology (ICT) Policy of 2023 aims to improve infrastructure and access to communication technologies across the country, particularly in rural areas.

Internationally, UDHR[11] Articles 19 and 20 guarantee freedom of opinion and expression, as well as the right to peaceful assembly and association. ICCPR[3] Articles 19 and 21 reinforce these rights, requiring state parties to ensure freedom of expression and peaceful assembly.

These align well with SDGs) 9 focusing on building resilient infrastructure, promoting inclusive and sustainable industrialization, and fostering innovation and Target 16.10 aiming to ensure public access to information and protect fundamental freedoms.

5.2. Themes and Status of Implementation

5.2.1. Theme 1: Communication Infrastructure in Rural Areas

5.2.1.1. Recommendation No. 145.25

Increase investment in rural communication facilities to bridge the digital divide, foster economic growth, and enhance social development, aligning with national ICT policies and SDG Goal 9.

Implementation Status

Partially implemented.

Brief Assessment

As of 2021, only 69% of Tanzania was connected, leaving 39% of the country without mobile phone access (Ministry of Communication Budget 2022/23). The government, through the Universal Communications Service Access Fund (UCSAF), aims to ensure access to

[11] Universal Declaration of Human Rights (UDHR), 1948.

communication services, including ICT, postal, and broadcasting, for all citizens, especially in economically viable areas. The 2023/24 budget focuses on expanding services to remote areas, with UCSAF projects including constructing 758 towers, improving broadcasting services, upgrading 100 towers to 2G/3G/4G, and enhancing ICT facilities in schools.[12] Additionally, plans include connecting hospitals to the Telemedicine Network, assessing the digital divide, and expanding internet access in public areas.[13]

5.2.2. Theme 2: Policy and Legal Reforms

5.2.2.1. Recommendations 147.82, 147.85, and 147.89

Amend the Media Services Act of 2016 to comply with international standards, reflecting commitments under the UDHR, ICCPR, and African Charter.

Implementation Status

Partially implemented.

Brief Assessment

Tanzania received a directive from the East African Court of Justice (EACJ) to align the Media Services Act with the Treaty for the establishment of the East African Community. It was determined that certain provisions of the act, specifically sections 7(3)(a), (b), (c), (f), (g), (h), (i), and (j); sections 19, 20, 21; sections 35, 36, 37, 38, 39, and 40; sections 50 and 54; section 52 and 53; sections 58 and 59, violated Article 6(d) and 7(2) of the Establishment of the East African Treaty. Several provisions of the act were found to violate Article 6(d) and 7(2) of the Treaty. In February 2023, the government presented the Written Laws (Miscellaneous Amendments) Act, 2023 to Parliament, proposing amendments to the Media Services Act. However, the amendments addressed only eight sections, primarily reducing fines and jail sentences, largely ignoring the EACJ's directives.

5.2.3. Theme 3: Fundamental Freedoms of Expression, Assembly, and Right to Information

5.2.3.1. Recommendations 147.83, 147.84, 147.86, 147.92, 147.94, and 147.95

Advocate for robust measures to ensure freedom of expression, protect journalists, and uphold the rights to peaceful assembly and association, in line with SDG Target 16.10 and the UN Plan of Action on the Safety of Journalists.

Implementation Status

Partially implemented.

[12] Ministry of Communication Budget Speech 2023/24: Information on planned upgrades and new infrastructure projects, at https://www.mawasiliano.go.tz/uploads/documents/sw-1684864734-HOTUBA%20BAJETI%20WAZIRI%20WA%20HMTH%202023-24%20.%20(1)_compressed.pdf.

[13] Universal Communications Service Access Fund (UCSAF): Details on infrastructure projects and their status, 2023.

Brief Assessment

President Samia Suluhu Hassan announced her 4R strategy (Reconciliation, Resilience, Reforms, Rebuilding) in April 2022. However, incidents in 2023 highlighted ongoing issues with freedom of expression and assembly. For instance, in April 2023, a peaceful demonstration by ACT-Wazalendo Youth Wing faced a police blockade. In early July 2023, CCM Zanzibar expelled Ambassador Ali Karume for criticizing the party's democracy, and police arrested youths protesting a cooperation agreement between DP World and Tanzania.

Journalists continue to face threats and violence. Incidents in 2022 and 2023, recorded by the Media Council of Tanzania, include threats from the Nyamagana District Commissioner, arbitrary detention of journalist James Lanka, and assaults on journalists like Jesse Mikofu. In July 2023, two journalists and a driver from Mwananchi Communications Limited were attacked while covering a public meeting. In April 2021, journalists were detained by the Director of Temeke Municipality while reporting on a meeting.

Journalists face significant challenges, including threats and arrests. From June 10, 2023, to present, 22 people have been arrested for protesting against DPW. Social media is a crucial platform for human rights defenders, but they often face public backlash. The Media Services Act, particularly sections 49 and 50, also restricts their activities, with only minor amendments proposed in 2023.

While Tanzania has made some progress in expanding communication infrastructure and addressing policy and legal reforms, significant gaps remain in the protection of fundamental freedoms and the safety of journalists and human rights defenders. Continued efforts are necessary to align national laws with international standards and to ensure a free and open society.

Chapter Six: Implementation of Accepted Recommendations on Women's Rights

Recommendations 145.85, 145.91, 145.93, 145.94, 145.95, 145.98, 145.99

6.1. Introduction

Tanzania accepted a total of 14 recommendations on women's rights, including on effective implementation of the National Plan of Action to End Violence Against Women and Children (NPA-VAWC) and taking measures to combat harmful cultural practices such as child marriage and female genital mutilation (FGM).

6.2. Themes and Status of Implementation

6.2.1. Theme 1: Implementation of the National Plan of Action to End Violence Against Women and Children (NPA-VAWC)

6.2.1.1. Recommendations 145.85, 145.91, 145.93, 145.94, 145.95, 145.98, 145.99

There were 7 recommendations on ensuring effective implementation of the National Plan of Action to End Violence Against Women and Children (NPA-VAWC). These recommendations were provided by Georgia- Rec. 145.85, Lebanon- Rec. 145.91, Mozambique – 145.93, Namibia – Rec. 145.94, Venezuela- Rec. 145.95, South Africa-Rec. 145.98, and Spain – Rec. 145.99. These were arguing the government of Tanzania to address violence against women by speeding up and ensuring effective implementation of NPA-VAWC including strengthening planning, budgeting and institutional mechanisms, strengthening measures to combat violence and to adequately resourcing the NPA-VAWC. These recommendations were aligned with international, regional and national priorities and commitments including The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), Beijing Declaration and Platform, Universal Declaration of Human Rights, Sustainable Development Goals especially SGDs 1,4,5,8 and 10, Maputo Protocol on the Rights of Women in Africa, SADC Protocol on Gender Equality, National Gender Policy 2008, National Plan of Action to End Violence 2017/2022 as well as the Penal Code.

Implementation Status

Partially implemented.

Brief Assessment

The National Plan of Action to End Violence Against Women and Children (NPA-VAWC) 2017/22 has been implemented and phased out. The evaluation report acknowledges progress made to implement the plan including establishment of the VAWC committee from national level to the ward and village/street level with determined structures involving different stakeholders with key protection role within the community and stipulate regular meetings for these committees. However, the plan was seriously underfunded. The evaluation report highlights other key areas that were not implemented due to lack of funding. There was no specific funding set by the government to implement the plan but largely depended on funding from CSOs and development partners to implement the plan. For example, in Most Districts and Wards the VAWC committees fail to meet quarterly because there was no funding to facilitate these meetings.

Recently (2023), the government has launched the second National Plan of Action to End Violence Against Women and Children (2023/2028) as well as launched the new Gender Policy 2023 in its efforts to address all forms of violence against women and children in Tanzania. As much as these efforts are commendable, the process towards development of the NPA-VAWC 2023/2028 had several flaws including minimal involvement and participation of CSO. Furthermore, despite the plan being launched, its dissemination is slow and has not been made available online to for wider community to access it. This curtails the public and other

stakeholders an opportunity to learn what are the focus areas for the new plan so that to align their programs and support the government in implementation of the plan.

6.2.2. Theme 2: Child Marriage

6.2.2.1. Recommendations 147.111, 147.44

Adopt legislative and policy measures to address child marriage as well as promote elimination of child marriage as a form of discrimination against women and girls.

Implementation Status

Not implemented.

Brief Assessment

Despite the High Court of Tanzania ruling in 2016 that provisions in the Law of Marriage Act, 1981 that allow child marriage are unconstitutional, and the Court of Appeal of Tanzania decision in 2020[14] confirming the decision of the High Court of Tanzania, the GoT has not been able to prohibit child marriage in law. The law as it stands now still allows girls as young as 15 and 14 years to get married.[15] It is important to highlight that in 2022 the Government initiated public consultations on the age of marriage in different zones in Tanzania, allegedly implementing the advice from the parliamentary committee on constitutional and legal affairs.[16] This action by the GoT was challenged in court by Tanzania Women Lawyers Association (TAWLA)[17] and Mary Barnaba Mushi,[18] but the consultation process proceeded. In a number of occasions he Ministry of Constitutional and Legal Affairs has been quoted stating that the findings of the consultation indicate that the majority of Tanzanian are in support of 18 years as minimum age of Marriage despite these findings not been issued or kept public. In June 2024, the Deputy Minister of Constitutional and Legal Affairs during the parliamentary budget session stated that the government has finalized to prepare the bill to amend the Marriage Act, and once it gets internal approval the bill will be submitted to the parliament as soon as possible. However, the timeframe within which the Bill will be provided was not shared and this made it difficult for CSOs and other women rights stakeholders to ensure and demand accountability on part of the government.

[14] Attorney General vs Rebeca Z. Gyumi (Civil Appeal 204 of 2017) [2019] TZCA 348 (23 October 2019), at https://tanzlii.org/akn/tz/judgment/tzca/2019/348/eng@2019-10-23#:~:text=The%20court%20directed%20the%20government,and%20women%20in%20marriage%20rights..

[15] Law of Marriage Act of 1971, Chapter 29, at https://tanzlii.org/akn/tz/act/1971/5/eng@2019-11-30.

[16] LHRC & ZAFAYCO (2023), *Tanzania Human Rights Report 2022*, LHRC: Dar es Salaam, at https://humanrights.or.tz/en/post/resources-center/TZHumanRightsReport2022.

[17] Tanzania Women Lawyers Association vs Hon. Minister for Legal & Constitution Affairs & Another (Misc. Civil Application No. 32 of 2023.) [2024] TZHC 1246 (2 April 2024), at https://tanzlii.org/akn/tz/judgment/tzhc/2024/1246/eng@2024-04-02.

[18] Mary Barnaba Mushi vs Attorney General (Misc. Cause No. 14 of 2022) [2023] TZHC 18309 (14 June 2023), at https://tanzlii.org/akn/tz/judgment/tzhc/2023/18309/eng@2023-06-14.

6.2.3. Theme 3: Re-entry Policy for Girls

6.2.3.1. Recommendations 147.111, 147.111, 147.112, 147.114, 145:82

Refrain from imposing back on pregnant girls by reviewing laws and policies and adopt legislative and policy measures that ensure those fall pregnant while in school, married or young mothers have access to education and are able to re-enter the formal education system.

Implementation Status

Partially implemented.

Brief Assessment

The Government of Tanzania has adopted policy measures as well as administrative actions to ensure girls who fall pregnant can continue with their studies after delivery. The Education Policy, version 2023 assurance of re-entry policy is one of the recommended policy actions. Furthermore, in 2023 the Government of Tanzania through the Ministry of Education issued the re-entry guidelines[19] which allow girls to go back to the formal education system and state eligibility criteria for re-entry. Despite these commendable efforts by the GoT, the measures taken fall short of legislative measures, the guideline being an administrative document that has no legal binding effect and subject to change at the will of the Ministry of Education.[20] Further, the provisions of the Education Act and Regulations which were used as basis to expel those who fall pregnant have not been amended or repealed. Furthermore, the guidelines limit the re-entry program for those who dropout within the period of two years and leave out those who have been out of school for more than two years.

Additionally, on 15th September 2022, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) issued its decision (Communication No: 0012/Com/001/2019 Decision No 002/2022) in the case of *Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) v United Republic of Tanzania*.[21] In this Communication, the Committee noted that it was informed by the Respondent State that in November 2021, the Ministry of Education, Science and Technology issued a circular which allowed pregnant girls to be re-admitted to formal schools. However, having considered the content of the Circular, it was of the view that the Circular does not address the issues raised in the Communication.[22]

Stigma around those who are willing to return to school has remained a challenge and there are no concerted efforts undertaken by the Government to address stigma. In fact, in some schools,

---

[19] Education Circular No. 2 of 2021 of the Year 2021 School Re-entry for Primary and Secondary School Students who Dropped Out of School for Various Reasons,

[20] *See* Msichana Initiative, IMPLICATION OF RE-ENTRY POLICY IN TANZANIA, at https://msichana.or.tz/implication-of-re-entry-policy-in-tanzania/#:~:text=November%202021%20the%20Government%20through,a%20formal%20system%20of%20education.

[21] *See* Center for Reproductive Rights, *ACERWC Ruling in Legal and Human Rights Centre and Centre for Reproductive Rights v United Republic of Tanzania*, 19 Sep 2022, at https://reproductiverights.org/acerwc-ruling-in-legal-and-human-rights-centre-and-centre-for-reproductive-rights-v-united-republic-of-tanzania/.

[22] LHRC & ZAFAYCO (2023), *Tanzania Human Rights Report 2022*, LHRC: Dar es Salaam, at https://humanrights.or.tz/en/post/resources-center/TZHumanRightsReport2022.

despite returnees being allowed back to mainstream education, they are given separate classes with the rest of the student and even the check in and check out time is different.[23] This also intensify stigma to the returnees. Also, the government has not taken any measures to address the practice of mandatory pregnancy testing, and mandatory testing is still practiced in many schools in Tanzania for both private and public school.

6.2.4. Theme 4: Violence and Discrimination Against Women and Gender Based Violence

6.2.4.1. Recommendations 147.120, 147.119, 147.118, 147.116, 145.100, 145.97, 145.92, 145.87, 145.88, 145.90, 145.86, 145.21, 145.23, 145.85, 145.96

Adopt necessary measures including legislative measures to combat violence against women and girls including domestic violence, marital rape and sexual violence as well as enhanced efforts to address violence including enforcement of laws and strengthening capacity of law enforcement agencies.

Implementation Status

Partially implemented.

Brief Assessment

We acknowledge efforts done by the Government of Tanzania to address violence against women and girls including adoption of the National Plan of Action to End Violence Against Women and Children 2017/2022 which was implemented in collaboration with stakeholders and launch of the new Plan of Action to End Violence Against Women and Girls 2023/2028, development to the Gender Policy 2023, establishment of police gender and children desk, issuance of guideline on establishment of gender desk at high learning institutions and schools and facilitation of establishment of gender desk in higher learning institutions and in primary and secondary school, increased the number of one stop centres that provide services to victims of gender based violence, trained law enforcement officers on protection issues including on children with protection concern, establishment of VAWC committee from national level to ward and village level, capacity development of staffing and officers involved in child protection, development of the child online safety guideline as well as enforcement of laws especially on cases involved physical violence and sexual violence to women and girls.

Also, through the recent reforms on The National Election Act, CAP 343, the new added section 135 of the Act clearly mentions that GBV is one of the election offences that might lead to disqualification of candidates who proved to use GBV as a form of election tactics.

Despite these efforts, a lot remains desired. Enforcement of laws has been encountering challenges including corruptions, challenges around evidence especially for sexual abuse cases etc. Not all act of GBV are crimes in Tanzania and this lacuna has contributed to some of GBV acts to continue with impunity and therefore it is high time to have GBV law. For example, marital rape is a concept not still recognized in law in Tanzania and therefore it is not possible to challenges rape incidences that happen in the context of marriage unless in separation cases. Furthermore, despite initiatives to establish committees and gender desks at various levels,

[23] For instance, in Kinondoni District children returning to school are accommodated in a separate classroom.

GoT investment in terms of budget to support operations of these structures has always been low and in most cases depend on donor funding. In Most Districts and Wards, the VAWC committees fail to meet quarterly because there is no funding to facilitate these meetings. Also, the newly launched Plan of Action to End Violence Against Women and Children 2023/2028 had several flaws including minimal involvement and participation of CSO. Furthermore, despite the plan being launched, its dissemination is slow and has not been made available online to for wider community to access it. This has not been made public to date, curtailsled the public and other stakeholders an opportunity to learn what are the focus areas for the new plan so that to align their programs and support the government in implementation of the plan.

6.2.5. Theme 5: FGM

6.2.5.1. Recommendations 145.89, 145.31, 145.38, 145.39, 146.9, 145.37, 145.36, 145.57, 147.119

Adopt legislative measures to combat FGM, ensure protection of women and girls from such a practice as well as reinforce relevant measures including enforcement of the laws against Female Genital Mutilation.

Implementation Status

Partially implemented.

Brief Assessment

The GoT has put in place a legal framework through the Penal Code that prohibits Female Genital Mutilation to girls below 18 years. Furthermore, the GoT in collaboration with stakeholders have been conducting awareness and education campaign especially in regions where the practice is prevalent, to educate community members on impact of FGM to women and girls as well as designing economic empowerment activities to women who involved in cutting, as an alternative income generating activities. Despite these efforts, FGM is still practiced in most communities in Tanzania and challenges around enforcement of the law has continued to be cited among other many. Furthermore, the currently legal framework has a gap, it only protects from FGM to those below 18 years and left unprotected those from 18 and beyond. In other words, it is not a crime to perform FGM to a person who is above 18 years. It is high time to reform the Penal Code to ensure protection against FGM to women and girls without exception.

6.2.6. Theme 6: Inheritance Law

6.2.6.1. Recommendations 146.4, 146.7

Ensure women rights to inheritance and succession including on land matters are protected by revising inheritance laws to ensure equal inheritance rights for women regarding their husbands and parents.

Implementation Status

These recommendations have been partly implemented.

Brief Assessment

The GoT in collaboration with CSOs stakeholders and media has engaged in creating public awareness and education on inheritance law and the need to ensure protection of women and girls rights to inheritance including women land rights. Furthermore, the Government in Collaboration of legal aid providers has been coordinating legal aid camps including mobile legal aid to different vulnerable groups including women to receive free legal aid services on a number of cases including inheritance cases. In the justice sector, the Government has established One Stop Judicial Centre in in different zones in Tanzania that hosts all courts from primary court to high court in the same building to facilitate easy access to justice to public. These Centres have given legal mandate to focus only on cases of inheritance/succession and matrimonial. This has made efficiency and increased speed and rate of case determination in these cases. Furthermore, through the Legal Aid Act,, those who unable to paid court fee can request a waiver from court Registrars or Magistrate in charge for the case of Primary, District and Resident Magistrates courts. This framework has, mostly been benefiting women and children including on inheritance cases. . Despite this effort, there is no substantive legal reforms that have been made around inheritance/succession especially on ensuring protection of women inheritance rights. The Local Customary Declaration Order of 1961 as well as enforcement of Islamic law are still in enforce in Tanzania. These two piece of laws still harbors discriminatory practices when it comes to inheritance rights to women and girls.

6.2.7. Theme 7: Climate Change

6.2.7.1. Recommendation No. 145.29 by Fiji

Ensure the meaningful participation of women, children, persons with disabilities and local communities in the development and implementation of climate change and disaster risk reduction frameworks.

Implementation Status

Partially implemented**.**

Brief Assessment

Tanzania made many strong commitments to women and gender in the national strategy on Gender and climate change in 2013, prepared before the NDC and the subsequently adopted National Climate Change Response Strategy 2021-26 (NCCRS) and National Environmental Policy 2021. Despite this, still women and children including those with disabilities are not active participants in discussion and development of key climate frameworks including on disaster issues. There have been no concerted efforts by the GoT to build the capacity of women and children including those with disability on climate change issues to ensure they are able to effectively participate and engage in climate discussions at all levels. However, efforts are seen at other players including CSO, development partners and donor agencies as well as self coordinated and managed community level actions.

Chapter Seven: Implementation of Recommendations on Social Rights with Focus on Children

Recommendations 145.24, 145.12, 145.45, 145.75, 145.77

7.1. Introduction

This part provides updates on the implementation of all recommendations on social rights, the recommendations emanated from various states focusing on child's rights and welfare prioritizing on children with disability, called for the Government of the United Republic of Tanzania to take deliberate measures.

7.2. Themes and Status of Implementation

7.2.1. Theme 1: Discrimination

7.2.1.1. Recommendation No. 145.24 by Bulgaria

Take further steps to effectively address discrimination and violence against persons, including children with albinism.

Implementation Status

Partially implemented.

Brief Assessment

In 2022, PWDs continued to be targeted and subjected to different acts of violence, including physical, economic, psychological, and sexual violence. In May 2022, the Tanzania Albinism Society (TAS) called on PWDs and their families to take all precautions to ensure they avoid acts of violence against them. According to the Tanzania Human Rights Report, 2022 there were documented at least 12 incidents of violence against PWDs, including PWAs and children with disabilities. Acts of violence included rape, physical attack, verbal abuse, isolation, and denial of education.

7.2.2. Theme 2: Education and Health

7.2.2.1. Recommendation No. 145.12 by Venezuela

Continue advancing in the consolidation of successful social programs with an emphasis on policies on education.

Implementation Status

Partially implemented.

Brief Assessment

The Government continued to take various measures to ensure progressive realization of the right to education, including implementation of the fee-free education policy. However, various challenges persisted, key among them budgetary constraints and shortages of teachers, teacher houses, classrooms, and toilet holes. Budget for the education sector increased for the financial year 2023/24, but still fell short of the 20% of the national budget standard. Budget

for implementation of fee-free education is also inadequate. All these factors continued to affect the education quality.

7.2.2.2. Recommendation No. 145.45 by Swaziland

Continue efforts to ensure that all children, especially children living with albinism, have access to education and health-care services.

Implementation Status

Partially implemented.

Brief Assessment

The Government has taken various measures to increase access to education and health-care services to all children, including those living with albinism. However, some children continue to be marginalized and hence enjoying limited access to such fundamental human rights.

7.2.2.3. Recommendation No. 145.75 by Botswana

Scale up investment in infrastructure, management, certification and learning aids for alternative learning opportunities for out-of-school adolescent boys and girls and people living with disabilities.

Implementation Status

Partially implemented.

Brief Assessment

Since 2021, Tanzania has established over 100 Alternative Learning Centers across the country benefiting 25,000 out-of-school adolescents, including 10,000 girls. Additionally, new classrooms toilets have been constructed.[24] The government has also provided 1,000 Braille machines and 500 hearing aids to 200 schools, benefiting over 300 students in in the country. Teacher training has reached 5,000 educators, enhancing support for children with disabilities.[25]

The statistics regarding limited Alternative Education Program (AEP) coverage in regions like Kigoma and Lindi, reaching only 30% of eligible adolescents, are tied to broader educational challenges in Tanzania. [26]Rural areas such as Mtwara and Tabora struggle with infrastructure, with 70% of schools lacking basic facilities for students with disabilities. Furthermore, the inadequate provision of learning aids impacts 5,000 students in Mara, while only 20% of AEP graduates receive certification, restricting their opportunities for further education and employment. This data reflects the ongoing disparity in access to quality education across various Tanzanian regions, particularly in rural areas, and the need for improvements in both infrastructure and support systems for out-of-school adolescents.[27]

[24] African Development Bank Group. (2022, July 1). *In Tanzania, a special training center provides a second chance for out-of-school youth.* Retrieved from African Development Bank Group.
[25] Also see *Tanzania Education Fact Sheet.* Retrieved from USAID.
[26] World Bank. (2021). *Tanzania Education Overview.*
[27] United Nations Tanzania. (2022, October 17). *Progress in Tanzania's Education Sector.* Retrieved from UN Tanzania.

7.2.2.4. Recommendations No. 145.77 by Bulgaria

Review laws and policies to ensure that pregnant girls and young mothers can re-enter the formal education system.

Implementation Status

Partially implemented.

Brief Assessment

The Government has taken policy measures of introducing the re-entry guidelines to allow pregnant girls and teen mothers to continue with mainstream education. However, legal measures are yet to be taken and the guidelines fall short of ensuring adequate protection of the girls' rights.

Chapter Eight: Implementation of Recommendations on Child Rights

Recommendations 145.85, 145.94, 145.98, 145.99, 147.122, 147.123, 147.126, 147.127, 147.128, 147.129, 147.130, 147.111, 147.111, 147.112, 147.114, 145.77, 145.82, 146.12, 145.102, 145.103, 145.104, 145.105,

8.1. Introduction

This chapter focuses on eighteen accepted recommendations on child rights, including effective implementation of the National Plan of Action to End Violence Against Children and taking measure to address harmful cultural practices such as child marriage and FGM.

8.2. Themes and Status of Implementation

8.2.1. Theme1: Implementation of the National Plan of Action to End Violence Against Children

8.2.1.1. Recommendations 145.85, 145.94, 145.98, 145.99

Address violence against women by speeding up and ensuring effective implementation of NPA-VAWC by strengthening planning, budgeting and institutional mechanisms, strengthening measures to combat violence and to adequately resourcing the NPA-VAWC.

Implementation Status

Partially implemented.

Brief Assessment

The National Plan of Action to End Violence Against Women and Children (NPA-VAWC) 2017/22 has been implemented and phased out in Tanzania mainland as well as in Zanzibar. The evaluation report acknowledges progress made to implement the plan including establishment of the VAWC committee from national level to the ward and village/street level with determined structures involving different stakeholders with key protection role within the community and stipulate regular meetings for these committees. However, the plan was seriously underfunded. The evaluation report highlights other key areas that were not

implemented due to lack of funding. There was not specific funding set by the government to implement the plan but rather depended on funding from CSOs and development partners to implement the plan. For example, in most districts and wards the VAWC committees fail to meet quarterly because there was no funding to facilitate these meetings. The same concern was made by the CAG report highlight luck specific funding to action the plan as a key factor for its minimal implementation.

In Tanzania mainland, recently (2023), the government has launched the second National Plan of Action to End Violence Against Women and Children (2023/2028) as well as launched the new Gender Policy 2023 in its efforts to address all forms of violence against women and children. As much as these efforts are commendable, the process towards development of the NPA-VAWC 2023/2028 had several flaws including minimal involvement and participation of CSO. Furthermore, despite the plan being launched, it has not been made available online to date.. Thiscurtails the public and other stakeholders an opportunity to learn what are the focus areas for the new plan so that to align their programs and support the government in implementation of the plan.

In Zanzibar, the 2017-2022 Plan to End Violence Against Women and Children is being reviewed and child rights stakeholders are being consulted. Further, the government has embarked in development of Children Policy which among other things will address cases of violence against children. Also, the government has reviewed the guideline for the Establishment and Management of Children Councils as well as reviewed the Child Act of 2019. Oher measures that have been undertaken include NCAB being provided with an office space at the District Commissioner Office (Mjini Magharibi), budget allocation of TZS 30,000 per quarter to Sheia Women and Children Coordinators as transport to support follow up on violence cases against women and children, increased the number special courts to deal with GBV cases to children[28], as well as increase number of Social Welfare officers per district.

In Mainland Tanzania among the measures undertaken to implement the NPA/VAWC include public consultation by the government to collect public views on the age of marriage with the view to prepare the Bill for amendment of the Law of Marriage Act, reinstated students who dropped out of school for various reasons including pregnancy cases through Education Circular No. 2 of 2021, reviewed the guideline for the Establishment and Management of Children's Councils and launching of an online safety guideline and started to roll out the same at zone level. Furthermore, the government has recently issued the Education and Training Policy 2023 that has incorporated re-entry guideline to allow girls who dropped out of school to be reinstated back to school. Furthermore, in July 2024, the GoT made amendment to the Law of Child Act, 2009 to legally recognize children councils in Tanzania.

Despite these measures and efforts undertaken, there are key protections issues that require immediate redress by the government of Tanzania. This includes corporal punishment in school. The recent report of corporal punishment cases is shocking, and some led to serious wounding to children, temporary disability and even death to student. The 2023 Legal and Human Rights Report highlights 11 serious cases of use of corporal punishment in school and

[28] https://www.zanlight.co.tz/2023/11/empowering-justice-tamwa-znzs-special.html

3 of those cases led to death[29]. Also, child rights stakeholders are concerned with the low pace the government is taking to outlaw child marriage in Tanzania in line with the decisions of the High Court of Tanzania and the Court of Appeal of Tanzania in *Rebeca Gyumi's case*.

8.2.2. Theme 2: Child Marriage

8.2.2.1. Recommendations 147.122, 147.123, 147.126, 147.127, 147.128, 147.129, 147.130

Adopt legislative and policy measures to address child marriage by implementing legal reforms through amending the Law of Marriage Act by raise the minimum age for marriage to 18 years for both boys and girls.

Implementation Status

Not implemented.

Brief Assessment

Despite the High Court of Tanzania ruling in 2016 that provisions in the Law of Marriage Act, 1981 that allow child marriage are unconstitutional, and the Court of Appeal of Tanzania decision in 2020[30] confirming the decision of the High Court of Tanzania, the GoT of Tanzania has not been able to prohibit child marriage in law. The law as it stands now still allows girls as young as 15 and 14 years to get married.[31] It is important to highlight that in 2022 the Government initiated public consultations on the age of marriage in different zones in Tanzania, allegedly implementing the advice from the parliamentary committee on constitutional and legal affairs[32]. In June 2024, the Deputy Minister of Constitutional and Legal Affairs during the parliamentary budget session stated that the government has finalized to prepare the bill to amend the Marriage Act, and once it gets internal approval the bill will be submitted to the parliament as soon as possible. However, the timeframe within which the Bill will be provided was not shared and this made it difficult for CSOs and other child rights stakeholders to ensure and demand accountability on part of the government.

8.2.3. Theme 3: Re-entry Policy for Girls

8.2.3.1. Recommendations 147.111, 147.111, 147.112, 147.114, 145.77, 145.82

Review laws and policies to ensure pregnant girls and young mothers can re-entre the formal education system.

Implementation Status

Partially implemented.

[29] Cit the report.

[30] Attorney General vs Rebeca Z. Gyumi (Civil Appeal 204 of 2017) [2019] TZCA 348 (23 October 2019), at https://tanzlii.org/akn/tz/judgment/tzca/2019/348/eng@2019-10-23#:~:text=The%20court%20directed%20the%20government,and%20women%20in%20marriage%20rights..

[31] Law of Marriage Act of 1971, Chapter 29, at https://tanzlii.org/akn/tz/act/1971/5/eng@2019-11-30.

[32] LHRC & ZAFAYCO (2023), *Tanzania Human Rights Report 2022*, LHRC: Dar es Salaam, at https://humanrights.or.tz/en/post/resources-center/TZHumanRightsReport2022.

Brief Assessment

The Government of Tanzania has adopted policy measures as well as administrative actions to ensure girls who fall pregnant can continue with their studies after delivery. The Education Policy, version 2023 assurance of re-entry policy is one of the recommended policy actions. Furthermore, in 2023 the Government of Tanzania through the Ministry of Education issued the re-entry guidelines[33] which allow girls to go back to the formal education system and state eligibility criteria for re-entry. Despite these commendable efforts by the GoT, the measures taken fall short of legislative measures, the guideline being an administrative document that has no legal effectand subject to change at the will of the Ministry of Education.[34] Further, the provisions of the Education Act and Regulations which were used as basis to expel those who fall pregnant have not been amended or repealed. Furthermore, the guidelines limit the re-entry program for those who dropout within the period of two years and leave out those who have been out of school for more than two years.

Additionally, on 15th September 2022, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) issued its decision (Communication No: 0012/Com/001/2019 Decision No 002/2022) in the case of *Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) v United Republic of Tanzania*.[35] In this Communication, the Committee noted that it was informed by the Respondent State that in November 2021, the Ministry of Education, Science and Technology issued a circular which allowed pregnant girls to be re-admitted to formal schools. However, having considered the content of the Circular, it was of the view that the Circular does not address the issues raised in the Communication.[36]

Stigma around those who are willing to return to school has remained a challenge and there are no concerted efforts undertaken by the Government to address stigma. In fact, in some schools, despite returnees being allowed back to mainstream education, they are given separate classes with the rest of the student and even the check in and check out time is different.[37] This also intensify stigma to returnees. Also, the government has not taken any measures to address the practice of mandatory pregnancy testing. andatory testing is still practiced in many schools in Tanzania in both private and public school.

---

[33] Education Circular No. 2 of 2021 of the Year 2021 School Re-entry for Primary and Secondary School Students who Dropped Out of School for Various Reasons,

[34] *See* Msichana Initiative, IMPLICATION OF RE-ENTRY POLICY IN TANZANIA, at https://msichana.or.tz/implication-of-re-entry-policy-in-tanzania/#:~:text=November%202021%20the%20Government%20through,a%20formal%20system%20of%20education.

[35] *See* Center for Reproductive Rights, *ACERWC Ruling in Legal and Human Rights Centre and Centre for Reproductive Rights v United Republic of Tanzania*, 19 Sep 2022, at https://reproductiverights.org/acerwc-ruling-in-legal-and-human-rights-centre-and-centre-for-reproductive-rights-v-united-republic-of-tanzania/.

[36] LHRC & ZAFAYCO (2023), *Tanzania Human Rights Report 2022*, LHRC: Dar es Salaam, at https://humanrights.or.tz/en/post/resources-center/TZHumanRightsReport2022.

[37] For instance, in Kinondoni District children returning to school are accommodated in a separate classroom.

8.2.4. Theme 4: Birth Registration

8.2.4.1. Recommendation No. 146.12 by Swaziland

Increase access to birth registration for all children born in Tanzania including migrant and refugees in order to avoid statelessness.

Implementation Status

Partially implemented.

Brief Assessment

The Government of Tanzania has made stride in ensuring that every live birth is registered, and children receive the certificate of registrations. There are several measures undertaken by the government of Tanzania including the implementation of awareness campaign of registering children below age 5 which has led to the increase of registration rate from 13% to 55% in 2023 (2023 RITA Report), reviewed the Registration Insolvency and Trusteeship Agency Act to delegate registration power to other government functionalities, and establishment of RITA desk in every public hospitals for the purpose of registration of all live birth. In Zanzibar, the government has signed an MoU with Zanzibar Civil Status Registration Agency to assist in birth registration in Zanzibar. Furthermore, the government has increased the naturalization rate in Zanzibar. With regard to refugees, all children born in Tanzania including those whose parents are refugee are being registered and issued with birth certificate. However, the certificate does not make refugee children nationals.

8.2.5. Theme 5: Child Labour

8.2.5.1. Recommendations 145.102, 145.103, 145.104, 145.105

Continue effort to prevent and eliminate child labour including having programs that aims at ending child labour.

Implementation Status

Partially implemented.

Brief Assessment

The Government of Tanzania has put in plans, strategies and policy framework addressing child labour in Tanzania mainland as well as Zanzibar. The Law of the Child Act prohibit hazardous work for children. The same prohibition has been provided under the Employment and Labour Relation Act. Furthermore, Tanzania has developed a National Strategy on Elimination of Child Labour 2023-2027. In Collaboration with other stakeholders, the government of Tanzania has been implementing various programs that aimed at increased awareness at the community as well as withdrawing children from Child labour. One example of the Government program is the one that is being implemented in Meatu, Simiyu Region.

Despite the law prohibiting child labor, the small-scale mining sector still hosts many children who are working in those areas. Government efforts, such as the national action plan on artisanal and small-scale gold mining, which seeks to detach 7,000 children from ASM by the year 2025, are not effectively implemented, and no updates or progress are shared in

government reports. These children in mining represent 0.6% of the total child labor force; however, they are in the most hazardous industry.

Further studies (USAID 2023) note that the agriculture industry, including fishing, employs 84% of the total child labor force in Tanzania. Efforts should be geared toward preventing child dropouts from schools and engaging all key sectors to prevent child labor. The government should improve plans for implementation and monitoring, as well as information sharing with stakeholders.

8.2.6. Theme 6: Inclusive Education

8.2.6.1. Recommendations 145.76, 145,24, 145.84, 145.101, 146.10, 145.45

Develop of inclusive education policy, adopting policies that will ensure equality in education including inclusion of girls and children with disabilities, ensuring children are safe in school and attaining their education needs as well as amending law to guarantee right to education and introduce 12 years of free primary and secondary education as well as compulsory pre-primary education.

Status of Implementation

Implemented.

Brief Assessment

The GoT of has made stride to ensure inclusive education including girls and children with disabilities. The government has developed new Education Policy 2023[38], and new Education curriculum has been developed in response to the new education policy. The new policy expressly highlights on inclusion factors including disabilities and reiterating that education is the right for every child. The new Education Policy has incorporated re-entry policy to allow girls who drop studies because of pregnancy and other factors to continue with their studies. Furthermore, the Government has put in place the National Strategy for Inclusive Education (2022-2026). Development of the National Disability Strategy is on progress as well as Inclusive Education Development Plan and National Plan of Action on the Right of Persons with Disabilities. Also, the Government has started to review the Disability Policy (2004) as well as the Government of Zanzibar has revised the National Disability Strategy 2022.

To ensure needs of students are met in school, various schools are running school feeding programs both in Zanzibar and mainland Tanzania. Through the Education Act, the government has ensured protection of girls while in school by criminalizing impregnating student or marrying a student with a punishment of 30 years. To further protection in school, the GoT has developed the guideline on establishment of children desk in both primary and secondary school and roll out plans are underway to establish these children's desks in primary and secondary school accross the country. All these measures are being done to ensure children are safe in school, and their learning experience is not interrupted. Also, through the New Education Policy, the pre-primary education is mandatory in Tanzania. Moreover, Tanzania has been implementing a fee free education policy for both primary and secondary schools since 2020.

[38] https://www.moe.go.tz/sw/file/3112/download?token=B3A8G7Vf

8.2.7. Theme 7: Violence and Discrimination Against Children

8.2.7.1. Recommendations 147.120, 147.119, 147.118, 147.116, 145.100, 145.97, 145.92, 145.87, 145.88, 145.90, 145.86, 145.21, 145.23, 145.85, 145.96

Adopt necessary measures including legislative measures to combat violence against women and girls including domestic violence, marital rape and sexual violence as well as enhanced efforts to address violence including enforcement of laws and strengthening capacity of law enforcement agencies.

Implementation Status

Partially implemented.

Brief Assessment

We acknowledge efforts done by the Government of Tanzania to address violence against women and girls including adoption of the National Plan of Action to End Violence Against Women and Children 2017/2022 which was implemented in collaboration with stakeholders and the launch of the new Plan of Action to End Violence Against Women and Girls 2023/2028, development to the Gender Policy 2023, establishment of police gender and children desk, issuance of guideline on establishment of gender desk at high learning institutions and schools and facilitation of establishment of gender desk in higher learning institutions and in primary and secondary school, increased the number of One Stop Centres that provide services to victims of gender based violence, trained law enforcement officers on protection issues including on children with protection concern, establishment of VAWC committee from national level to ward and village level, capacity development of staffing and officers involved in child protection, development of the child online safety guideline as well as enforcement of laws especially on cases involving physical violence and sexual violence to women and girls.

Also, through the recent reforms on The National Election Act, CAP 343, the new added section 135 of the Act clearly mentions that GBV is one of the election offences that might lead to disqualification of candidates who proved to use GBV as a form of election tactics.

Despite these efforts, a lot remains desired. Enforcement of laws has been encountering challenges including corruptions, challenges around evidence especially for sexual abuse cases etc. Not all act of GBV are crimes in Tanzania and this lacuna has contributed to some of GBV acts to continue with impunity and therefore it is high time to have GBV law. For example, marital rape is a concept not recognized in law in Tanzania and therefore it is not possible to challenges rape incidences that are happening in the context of marriage unless in separation cases. Furthermore, despite initiatives to establish committees and gender desks at various levels, GoT investment in terms of budget to support operations of these structures has always been low and in most cases depend on donor funding. I8.2.8. Theme 8: FGM

8.2.8.1. Recommendations 145.89, 145.31, 145.38, 145.39, 146.9, 145.37, 145.36, 145.57, 147.119, 145.57, 145.90, 145.107

Implementation Status

Partially implemented.

Brief Assessment

The GoT has put in place a legal framework through the Penal Code that prohibit Female Genital Mutilation to girls below 18 years. Furthermore, the GoT in collaboration with stakeholders have been conducting awareness and education campaign especially in regions where the practice is prevalent, to educate community members on impact of FGM to women and girls as well as designing economic empowerment activities to women who involved in cutting, as an alternative income generating activities. Despite these efforts, FGM is still practiced in most communities in Tanzania and challenges around enforcement of the law has continued to be cited among other many. Furthermore, the currently legal framework has a gap, it only protects from FGM those below 18 years and left unprotected those from 18 and beyond. In other words, it is not a crime to perform FGM to a person who is above 18 years. It is high time to reform the Penal Code and ensure protection against FGM to women and girls without exception.

8.2.9. Theme 9: Legal Protection and Enforcement of Laws to Combat Violence Against Children

8.2.9.1. Recommendations145.86, 147.43

Ensure effective enforcement of those law through building the capacity of law enforcement agencies.

Implementation Status

Partly implemented.

Brief Assessment

The Government has put in place various legal framework that ensure protection in law of children including in vulnerability situation. These measures include the Law of the Child Act 2009 in Tanzania mainland and Children Act in Zanzibar, The Penal Code, The Education Act that criminalizes marrying or impregnating primary and secondary school students, Cyber Crimes Act etc. Despite these progress in ensuring legal protection there has been challenges with regard to implementation. Among the challenges that led to week implementation is capacity gap of law enforcement agencies.

The Government of Tanzania in collaboration with other stakeholders including CSOs have been coordinating capacity building trainings to government officials in several areas. However there has been challenges to access actual information on officers trained on child protection issues and the impact of those trainings. Also, there areas still perpetuate violence to children, and they need immediate attention and reforms. These include the Law of the Marriage Act, which still allow girls as below as 14 and 15 years to get married, and the Education Act as well and its regulations that allow corporal punishment in school. To ensure fully legal protection to children, there is a need to ensure all laws that perpetuate violence and discrimination to children are reformed and harmonized with the framework provided under

the Law of the Child Act and the Children Act for Tanzania mainland and Zanzibar respectively. We recommend that the Government of Tanzania to immediately work to amend the section 13 and 17 of the Law of Marriage Act that sanction child marriage in Tanzania in line with decisions of the High Court and Court of Appeal in Rebeca Gyumi's case.

Meanwhile, security for children with disabilities especially Albinism (PWAs) remains precarious, with recent documented cases such as that of Asimwe[39] highlighting ongoing threats of violence, discrimination, and ritual attacks. Despite initiatives like increased patrols and awareness campaigns, effective legal protection and law enforcement remain inadequate.

8.2.10. Theme 10: Climate Change

8.2.10.1. Recommendation No. 145.29

Ensure the meaningful participation of women, children, persons with disabilities and local communities in the development and implementation of climate change and disaster risk reduction frameworks.

Implementation Status

Partially implemented.

Brief Assessment

Tanzania made many strong commitments to women and gender in the national strategy on Gender and climate change in 2013, prepared before the NDC and the subsequently adopted National Climate Change Response Strategy 2021-26 (NCCRS) and National Environmental Policy 2021. The government has issued a guideline on the establishment and management of children Councils as a key platform to ensure participation of children in decision making structures. Children Councils have been administratively established at district level as well as national level, providing a platform to children to meet and their voices being heard. In 2024, through the Child Protection Bill the GoT has legally recognized Children Councils and assigned their operations at the Local Government Authorities to ensure budget is available to support their operations.

Despite this, still women and children including those with disabilities are not active participants in discussion and development of key climate frameworks including on disaster management issues. There have been no concerted efforts by the GoT to build the capacity of women and children including those with disability on climate change issues to ensure they are able to effectively participate and engage in climate discussions at all levels. Lack of sustainable funding has remained thechallenge that has impacted the operations of children councils countrywide. As the result, some of the Children Councils become inactive and depending on CSOs support for their convening. Little investment on building capacity of members of these councils on climate change issues is vivid. There is the need to mainstream climate change issues among the agenda of Children Councils, and concerted efforts being

[39] 9 suspects have been arrested for the murder of a two year child Asimwe Novath- https://www.thecitizen.co.tz/tanzania/news/court-news/nine-suspects-charged-with-murder-of-albino-toddler-in-tanzania-467303

made to ensure their capacity is strengthened to be able to confidently conversate on climate change issue discussions at various levels.