



*Submission from the United Nations Country Team
12th Universal Periodic Review Session
The United Republic of Tanzania*

I. INTRODUCTION

1. With a view to assist the Human Rights Council in the compilation of relevant UN information for the Universal Periodic Review of the United Republic of Tanzania in the 12th session 2011, the UN Country Team in has prepared this document, with active contributions from FAO, ILO, IOM, OHCHR, UNDP, UNESCO, UNFPA, UNICEF, UNIDO, UNWOMEN, WFP and WHO.
2. It should not be considered as an exhaustive review of achievements, issues and challenges in the country. Regarding recommended capacity-building activities, the entire range of planned UN development assistance activities, including those addressing human rights, is outlined in the annexed United Nations Development Assistance Plan ('UNDAP'), 2011-15.¹

II. BACKGROUND AND FRAMEWORK

a) Scope of international obligations

International human rights treaty regime

3. In a country generally characterized as peaceful and secure, attention to the State obligations and minimum standards laid down in the international human rights treaty regime are steadily increasing. Key instruments in this regard include the two International Covenants, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination on all Forms of Discrimination Against Women, the core ILO human rights treaties and the Convention on the Rights of Persons with Disabilities.
4. In addition, accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including its Optional Protocol, would signify an important expansion of human rights protection for suspects and detainees in Tanzania. The Government of the United Republic of Tanzania ('the Government') should also step

¹ The United Nations Development Assistance Plan ('UNDAP') 2011-15 was endorsed by the Joint Government – United Nations Steering Committee on 13 December 2011 and defines the entire range of UN development assistance activities in the same period. It is available at:
<http://www.untanzania.org/publications.asp?mainId=5&contID=13>

up existing efforts to abolish the death penalty through acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights. Finally, inefficient domestic remedies in the field of civil and political rights, and the non-justiciability of economic, social and cultural rights, highlight a need for ratifications of also the first Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

UN Charter based obligations

5. Specific note should be taken of the country's status as a pilot country under the Delivering as One initiative for System-Wide Coherence in UN reform. Through this initiative, the Government has made explicit the need for implementing human rights obligations and commitments as part of national development strategies. The Government actively acknowledges the United Nations' role as an instrument for assisting in the promotion and protection of human rights in the country, evinced, for instance, by the extensive collaboration with the UN Country Team during the development of the United Nations Development Assistance Plan 2011-15.

b) Constitutional and legal framework

Constitutional protection

6. According to Article 9 of the 1977 Constitution of the United Republic of Tanzania, the State and all its agencies are obliged to direct their policies towards ensuring human dignity, and that other human rights are respected, cherished, and upheld in accordance with the spirit of the Universal Declaration of Human Rights. Furthermore, in the Bill of Rights, the Constitution contains a far-reaching prohibition against discrimination and affirms the rights to life, liberty, security of person, privacy, participation in governance, work and fair remuneration as well as to freedoms pertaining to movement, expression, opinion, religion, assembly, association and the formation of trade unions.
7. However, there is no recognition of the general prohibition of torture, as set forth in the ratified International Covenant on Civil and Political Rights. Standards reflective of the Convention on the Rights of the Child and affirmative action in the Convention on the Elimination of All Forms of Discrimination against Women are also not adequately addressed in the Tanzanian Constitution. Economic, social and cultural rights, if mentioned at all, are defined in a programmatic rather than progressive language. Furthermore, they are not enshrined within the Bill of Rights. As a result, there is no firm protection of core essence standards enshrined in the International Covenant of Economic, Social and Cultural Rights, e.g. in relation to an adequate standard of living or highest attainable standard of health.
8. The Bill of Rights contains several restrictions that confine the scope of the substantive standards to less than what international obligations set forth. For instance, the Constitution provides that involuntary labor shall not be considered as forced labor if it forms part of compulsory national service or the national endeavor to mobilize human resources for the enhancement of the society and the national economy. This conflicts

with obligations assumed under the Abolition of Forced Labor Convention (C. 105).² In addition, a general savings clause in the Constitution stipulates that human rights may be subject to limitations by ordinary legislation, if, for instance, such legislation ‘... promotes or preserves the national interest in general’.

Domestic law and customary norms

9. As a result, some human rights have been usurped by retrogressive law, in particular with regard to property and access to land. Yet, legal protection of other rights is threatened by the existence of contravening customary rules. A case in point is female genital mutilation (FGM). Although officially a penal offence regarding girls under 18, women still experience severe forms of FGM and the practice tends to go unnoticed by the law enforcement machinery. Other areas where customary norms or dispute resolution mechanisms discriminate against women include a woman’s right to privacy, as well as rights within marriage and family life.
10. Notwithstanding these issues, other Acts of law have complemented gaps in the Constitution. The Law of the Child Act 2009 is the single most important piece of legislation for the protection of the rights of the child. Likewise, after signing the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, the Government introduced the 2008 Anti-Trafficking in Persons Act, domestic legislation which criminalizes trafficking in persons and sets out the roles of various government departments.

Constitutional review

11. The Government intends to engage in countrywide consultations with various interest groups and the population at large on the need for constitutional review. To the extent that this results in constitutional reform, one objective should be to harmonize the Constitution’s bill of rights with the country’s international human rights obligations and to place standards beyond the reach of laws, the ‘government of the day’ and customary legal traditions.

c) Institutional and human rights infrastructure

Domestic complaints system

12. A three-justice panel within the High Court considers individual complaints regarding violations of human rights, provided that a single High Court Justice has granted admissibility. Judgments from these panels as well as from the Court of Appeals demonstrate that international standards, in particular those pertaining to discrimination as well as civil and political rights, may be applied directly or as a means to interpret constitutional or legal standards.

² Committee of Experts Observation (2009) on Convention 29
<http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>

13. More efforts aimed at better awareness about the right to resort to this mechanism among at-risk groups and the population at large is necessary. The Government would also be advised to alleviate cumbersome procedural rules and to clarify relationships between this mechanism and special or rights-specific remedial avenues.

National human rights institutions

14. By virtue of the Constitution and applicable law, the Commission for Human Rights and Good Governance is a full-fledged National Human Rights Institution. Its functions include inquiring into human rights infringements, the conduct of any person or institution with regard to abuse of authority and if necessary, instituting proceedings in court in order to prevent human rights violations.
15. Lately, however, there have been drastic cuts by the Government into the financial resources of the Commission, which has constrained its ability to serve as an independent advisor to both the Executive and the Legislator on human rights. Although it operates three branch offices, full access to the Commission's counseling services in rural areas is lacking.

Civil society

16. The pro bono legal aid and counseling services carried out by a number of civil society initiatives have become an indispensable feature of the domestic human rights protection infrastructure. The role of Academia in raising awareness on human rights and providing support to the shaping of national human rights policies is equally important.

d) Policy measures

Human rights mainstreaming in poverty reduction strategies

17. The promotion and protection of human rights, especially those of vulnerable groups, have become an integral goal of the key national policy documents for development interventions for 2011-15. MKUKUTA II (for the mainland) and MKUZA II (for Zanzibar), the second-generation national poverty reduction strategies adopted through the course of 2010, demonstrate an increased awareness of the situation of human rights holders and recognition of corresponding State obligations. In particular, they highlight inequalities between men and women at different levels and outline means to address them. The strategies also promote human rights considerations in the revision of several sector policies.

Development of a National Human Rights Action Plan

18. Under the leadership of the Attorney General's Chamber, a committee with representatives from the Government, the Commission for Human Rights and Good Governance, NGOs, Academia and the UN Country Team, are currently developing a

National Human Rights Action Plan. Aspirations are that the plan will address all categories of human rights and establish a rigorous implementation arrangement where monitoring and evaluation reports will be reviewed periodically by Parliament. This initiative would be recognized as a matter of continued priority and relevance for all concerned ministries, departments and agencies responsible for improvement of human rights in Tanzania.

Human rights in sector specific policies

19. The 2008 revised Child Development Policy is another notable human rights policy initiative. It identifies a series of key challenges to the full enjoyment of the rights of the child with particular attention to orphans, children with disabilities, children living in the streets and those engaged in harmful labor. The revised National Health Policy of 2007³, also emphasizes equity and human rights perspectives, especially among women, children, elderly and people with chronic diseases. The Gender and Development Policy of 2000 (currently under review) is another key instrument for ensuring women's rights and equal access to development processes.

III. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

a) Cooperation with human rights mechanisms

20. Except for the Convention on the Elimination on All Forms of Discrimination Against Women and the Convention on the Rights of the Child, which fall under the mandate of the Ministry of Community Development, Gender and Children, State reporting on human rights treaties, as well as the UPR, is headed by the Directorate of Human Rights and Constitutional Affairs within the Attorney General's Chamber in collaboration with concerned line ministries. Representatives from the National Human Rights Institution, the Commission for Human Rights and Good Governance, and civil society are consulted during the course of preparations of such reports as well in the follow-up stages.
21. To enhance adherence to reporting and other obligations concerning international human rights compliance review mechanisms, the Government should consider additional steps that would consolidate the current structure, for instance through one permanent body of core members, under the continued leadership of the Attorney General's Chamber. This would also increase the sustainability of related skills-development investments.

b) Implementation of international human rights obligations

i. Equality and non discrimination

Social cohesion

³ National Health Policy, 2007

22. Social cohesion among the country's ethnic groups has been a key characteristic of national policies pertaining to equality and non-discrimination. Reports on violence based on ethnic or religious affiliation are rare. The July 2010 referendum in Zanzibar further entrenched the policy of pluralism as an ideal of governance. It resulted in a change to Zanzibar's Constitution with the effect that, henceforth, the leading opposition party is granted one of Zanzibar's two vice presidential seats.

Indigenous peoples

23. The rights of indigenous peoples to access ancestral lands have been denied or limited for economic exploitation, in particular in game reserves. Although steps have been taken to include pastoralists in development interventions, the Government would be urged to reconsider its policy by which the notion of indigenous peoples is unrecognized and to take steps to ensure their right to practice their own culture in parity with the majority population. The Government should also consider developing human rights based standard operating procedures for evictions, clearly setting it out as a matter of last resort to resolve disputes over land use between public interests, private investors and pastoralists.

Gender equality

24. National reviews and assessments of equality between men and women, including the gender assessment of the first generation of national poverty reduction strategies, have identified a range of challenges for the Government to address, which continue to prevail. These include the persistent and increasing burden of poverty on women; inequalities in arrangements for productive activities and in access to resources; inequalities in the sharing of power and decision-making; lack of respect for and inadequate promotion and protection of the human rights of women; and inequalities in managing natural resources and safeguarding the environment. The Government has yet to provide information on the steps being taken to promote women's equality in the private and the public labor sectors.

25. Particular attention should be drawn to the widespread marginalization of the girl child in different spheres of life, including education, and the total exclusion caused for many by early and forced marriage. Some of these discriminatory policies are codified. The Law of Marriage Act of 1971 sets the minimum marrying age at 15 years for girls and 18 years for boys (although the age for both boys and girls can be dropped to 14 years in individual cases by a court order).

26. Gender-based violence is prevalent. According to a 2005 World Health Organization survey, 41 percent of ever-partnered women in Dar es Salaam have experienced physical or sexual violence at the hands of a partner. The Government has taken several steps in recent years to prevent and respond to gender based violence and they deserve recognition. Both the Union Government as well as the Revolutionary Government of Zanzibar have developed policies and enhanced coordination between the sectors of prevention and response. Expectations are that such efforts will soon translate into real

improvements in affected survivors' experiences with public services, including in shelters.

Same sex relations

27. Homosexuality is considered contrary to cultural norms; same sex sexual relations are criminalized. Group arrests in connection to peaceful assemblies, non-attendance to HIV patients, as well as forcible evictions of persons due to their sexual orientation by local and religious communities have been reported. Moreover, representatives of the groups and other human rights defenders may not be willing to make public statements in favor of tolerance and decriminalization for fear of reprisals. The Government is urged to take a proactive stance, consider applying the Yogyakarta Principles as a guide to State policy-making and repeal any criminal provision against persons based on their sexual orientation.

Discrimination at the workplace

28. More needs to be done to combat discrimination in the workplace. Although the Convention on Equal Remuneration (C. 100) and the Convention on Discrimination in Employment and Occupation (C. 111) have been ratified and domestic laws to their effect have been introduced, the Government has yet to elaborate measures to address wage discrimination and disparities between job values in the private and public sectors. Equally so, despite the Government having put in place the HIV/AIDS (Prevention and Control) Act 2008 and the Employment and Labour Relations (Code of Good Practice) Rules 2007, HIV/AIDS related discrimination remains institutionalized in the workplace in both the public and private spheres.

Commercial sex workers

29. Commercial sex workers are another group at risk of social exclusion and harsh treatment by law enforcement. Considered as an offence under applicable criminal law, commercial sex continues to fuel harassment and abuse. The Government is encouraged to study the effects of the arrests of these workers, the majority of whom are women.

Comprehensive law on the prohibition of discrimination

30. In sum, patterns of discrimination against specific groups are primarily the cause of intolerance, ignorance or negligence in conjunction with the lack of legal protection and effective remedies. In response, the Government should enact a comprehensive anti discrimination law as a complement to the existing provisions in the Constitution. Such a law would set out bold provisions against all horizontal forms of discrimination, including indirect discrimination, and enshrine contemporary standards regarding burden of proof in legal proceedings.

ii. Right to life

Albinism

31. Persons with albinism not only face stigma and discrimination, but also the threat of violence and death. From 2006 to 2010, at least 58 persons with albinism were killed, the majority of whom were children. In addition, there were nine cases of attempted murder and reports of the desecration of graves. These attacks are motivated by a combination of superstition, deep-rooted discrimination and a trade in body parts by believers in witchcraft.
32. Efforts have been made to prosecute the murderers. Tackling the national and international trade in body parts is also essential to ending the killings. In terms of protection, the Government has established special shelter centers for children with albinism. However, in the long-term, this measure results in the children's isolation from society and separation from family. Therefore, the Government should explore alternative ways of protecting people with albinism, including options that promote social inclusion and tolerance.

Maternal mortality

33. Maternal health outcomes have shown slow improvement over the past two decades. While the maternal mortality ratio (MMR) rose from an estimated 529 deaths per 100,000 live births in TDHS 1996 to 578 in TDHS 2004/05, it started to decline in the current TDHS 2009/2010, estimated at 454 deaths per 100,000 live births. This is equivalent to 8,000 maternal deaths per year, or roughly one every hour and poses a major threat to the right of life for pregnant women in the country. As elaborated in the National Roadmap to accelerate the reduction of maternal, newborn and child mortality⁴, an important recommendation is that the Government increase access to and availability of basic emergency obstetric care services, skilled health workers – currently attending less than 50 percent of live births – as well as supplies.
34. Access to family planning could reduce maternal deaths by a third and child death by as much as 20 percent. While there has been progress in increasing access to contraception, a broader range of family planning commodities should be made available. Also needed is a consideration of the current restrictiveness of safe abortion services, which, under the Penal Code, is considered as illegal. Reports suggest that this restrictiveness costs the lives of many women and girls seeking to conduct the act secretly, without professional guidance and under unhygienic conditions. The Government should be guided by the Maputo Plan of Action which calls for States to enact policies and legal frameworks to reduce the incidence of unsafe abortions.

Under five-child mortality

35. After more than a decade of stagnation during the 1980s and 1990s, major gains in child survival have been reported since mid-2000. The current TDHS of 2009/10 confirmed

⁴ The national Road map Strategic plan To Accelerate the Reduction of Maternal, newborn and Child Deaths in Tanzania, 2008-2015

that this trend continues and estimates under five mortality to be at 81 deaths per 1000 live births. Tanzania is now on course to achieve the MKUKUTA under-five mortality target of 85 deaths per 1000 in 2010 and may even reach the global MDG target of 50 by 2015. This progress is equivalent to saving nearly 100,000 children every year⁵. The component of under-five mortality that has registered the greatest improvement is post-neonatal mortality (between 1 and 11 months of age). Nonetheless, the toll of under-five deaths still amounts to roughly 155,000 deaths per year – more than 400 deaths in Tanzania every day.

iii. Forced labor and trafficking in persons

Forced labor

36. The Local Government (District Authorities) Act (1982) allows the Government to compel individuals and groups to forcibly work for purposes of economic development. A number of laws also permit the imposition of forced or compulsory labor as a punishment for a range of offenses, including the expression of political views and the failure to engage in socially useful work. Such laws include the Penal Code, the Newspaper Act, the Resettlement of Offenders Act, 1969, the Ward Development Commits Act, 1969 and the Local Government Finances Act, 1982. These provisions are incompatible with relevant ILO conventions and the Government should revise these provisions as a matter of priority.⁶

Trafficking in persons

37. Tanzania is a source, transit, and destination country for men, women, and children subjected to trafficking, specifically under conditions of forced labor and forced prostitution. The incidence of internal trafficking is higher than that of transnational trafficking, largely from rural to urban areas, affecting primarily children for their exploitation in domestic servitude, petty trade and prostitution. Family members and friends who offer assistance with education or lucrative employment in urban areas usually facilitate trafficking. The use of young girls for forced domestic labor continues to be the country's largest human trafficking problem.

38. Due to the lack of establishment of an Anti-Trafficking Committee⁷, the governmental agencies tasked with prevention and protection are unable to implement the 2008 Anti-Trafficking in Persons Act as there are no regulations for them to follow. Thus, most government officials remain unfamiliar with the Act's provisions and no budgetary resources allocated to combating the crime and assisting the victims have been secured, as foreseen in the Anti-Trafficking Fund.

⁵ Assuming annual births of approximately 1.7 million, under-five mortality of 147 per 1,000 implies 250,000 under-five deaths per year; 91 per 1,000 implies 155,000 deaths per year.

⁶ Committee of Experts Observation (2009) on Convention 29
<http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>

⁷ To be established by the Ministry of Home Affairs under s.30 of the Anti-Trafficking in Persons Act, 2008. Preparations are currently underway within the Ministry of Home Affairs for the establishment of the Committee, which is tasked under the Act to set up the Regulations of the Act, in line with the law.

39. Law enforcement officials often fail to see human trafficking as a crime but rather a moral issue that can be remedied by financial compensation. Among the cases that have appeared before the Court, several were thrown out due to lack of sufficient evidence or other technicalities. From the enactment of the law to the end of January 2011, three cases were successfully prosecuted and some of them resulted in convictions.

iv. Administration of justice and the rule of law

Access to justice

40. While the Government is attempting to address the shortcomings of the justice system (e.g. through the Legal Sector Reform Programme - a basket fund led by the Ministry of Constitutional Affairs and Justice), the system remains weighed down by the increasing number of cases reported and lodged.

41. There is an acute shortage of courts, as well as judges and magistrates to preside over cases, severely affecting access to competent tribunals. Pointedly, the number of cases pending in the primary and district courts stood at 62.4 percent at the end of 2008; 33.6 percent of them have been pending for 2 years or more. Likewise, the number of cases pending in the High Court (for murder, serious offences and appeals) is rising due to fewer court sittings. In addition, justice is further delayed by prolonged investigations by the police, the courts' adjourning of cases on the basis of flimsy technical grounds and the non appearance of witnesses.

42. There is also a dearth of lawyers who are qualified to provide representation in court, the great majority of whom are based in Dar es Salaam. The paralegal service exists but is limited in reach and has yet to be formally recognized in law. While the law allows for legal aid in criminal cases, those accused of murder and treason are provided with free representation in practice only.⁸

43. Detention facilities struggle to cater for the basic needs of the ever-growing number of inmates, most of whom are remandees. Convicted and unconvicted are mixed together, often under inhumane conditions. Some prisons are housing more than twice their capacity, as is the case with the Ruanda Central Prison, which has a capacity of 400 prisoners and holds 838.

Juvenile justice

44. Children are routinely held pre- and post-trial in adult detention centers even in regions in which juvenile detention centers exist. The prisons are not staffed or equipped to provide specialist services, and although generally under-18s or under-21s are separated at night, they mix with adults during the day. There are only two post detention centers and five retention homes (with two more opening in the near future) for under-18s in the country.

⁸ Tanzania Human Rights Report 2009 (Legal and Human Rights Centre: 2010) at p 36. Section 3 of the Legal Aid (Criminal Proceeding) Act Cap 21 of the R.E. 2002 Law of Tanzania.

45. There is no separate criminal system for under-18s and, apart from one juvenile court in Dar Es Salaam, juvenile cases are heard in regular courts. Under-18s without the means to pay for a lawyer are often left without legal assistance. There is no system of diversion and no community rehabilitation schemes provided for by law, or implemented in practice. Non-custodial sentencing is limited. Boys may receive corporal punishment or stroking. Other punishments relate to fines, compensation or costs and probation with supervision. Zanzibar equally lacks a separate system for children and, with no separate detention centers, under-18s are mixed with adults in the prison.

Justice for survivors of gender based violence

46. Survivors of sexual abuse and violence, struggle to secure justice and social support. The vast majority of police, prosecutors and magistrates are not trained to meet the needs of survivors. Many officers recommend out of court settlements. Stigma and community pressure often dissuades families from lodging cases, with the community preferring that the case is handled outside the justice system. This often leads to impunity for perpetrators.
47. Since 2008, a system is emerging to improve the reception of survivors and responses to their needs. 94 specialist gender desks have been established by the police to allow cases to be handled in designated, private rooms. In addition, the health sector has developed guidelines on the clinical management of gender based violence including sexual abuse which will enable health care providers to identify victims and treat them appropriately. However, continued training and skills-development, in conjunction with awareness raising initiatives, is necessary to sustain these steps and translate them into significant improvements in services. For instance, as of today, only 320 officers of the 35,000-strong police force have received training. To avoid delays in treatment, it is also necessary to enhance the multisectorality of the response mechanism, for instance by stopping the practice whereby the police insist that public hospitals, rather than the closest health facility, fill-in the so-called Police Form 3. This form sets in motion the referral system and importantly allows survivors to seek justice.

v. Freedom of association, opinion and expression

48. Tanzania has ratified the Convention on Freedom of Association and Protection of the Right to Organise (C. 87), and has in general incorporated its provisions into the relevant labor laws. The Convention permits the exclusion of only (i) the armed forces and (ii) the police from the right to organize. However, in addition to those two groups, the mainland's Employment and Labour Relations Act (2004) also excludes prison guards from that right, while Zanzibar's Labour Relations Act (2005) excludes judges and all judiciary officers, members of special departments and employees of the House of Representatives. The mainland and Zanzibar governments are urged to revise these provisions.⁹

⁹ Committee of Experts Observation (2010) on Convention 87
<http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>

49. By December 2009, there were 669 registered publications in the country. These include 33 daily newspapers and 187 weeklies. Further, as per the Tanzania Communications Regulatory Authority's indications, there were 128 registered radio stations and 54 television stations (though the latter only reach some 19 percent of the population). A rising number of mobile phone subscribers is also recorded, standing at around 20 million, as well as the rolling out of three fiber optic cables, which bring new opportunities for bridging the digital divide in the country.
50. By virtue of commitments made in MKUKUTA II, more efforts to increase access to independent information are underway. Therein, an expansion from the current twelve community medias to at least one community media in each district is forecast. To deliver on that commitment, it will be necessary to alleviate the lengthy and bureaucratic procedures in licensing such radio stations, which may take between one to three years. The Government should further be concerned about reports from the independent 2010 general election monitors, which point to instances of intimidation against these radio stations as a means to hinder broadcasting voters' education programmes.
51. Another important recommendation for the Government would be the fast-tracking of freedom of information legislation; code of ethics for advertisements; and the introduction of public broadcasting in Zanzibar. Namely, a concentration of the media into "politically oriented" blocks and the buyouts of media outlets by a few powerful individuals is a growing concern in this sector. More so, notwithstanding an increase in trained journalists, estimated to number 4,000 individuals¹⁰, a lot remains to be done in improving quality and adherence to ethics. By December 2009, there were over 300 libel suits against media pending in the courts. There is also a lack of standard journalism curricula at both diploma and University degrees levels.
52. Regarding gender equality, a 2008 report by the Eastern Africa Journalists Association (EAJA) informs that men dominate the senior positions in the media and that there are incidents of sexual violence against women journalists.¹¹ The same report moreover reveals that although media covers gender issues, such stories do not make front-page stories.
53. Regarding measures to curb cyber crime, note is taken of the Government's convergence licenses. However, reports of leaking subscriber's communication, such as for SMSs, raises concern on users' right to privacy.

vi. Right to education and to participate in the cultural life of the community

Enrolment rates and other basic statistics

54. Tanzania has made important strides in ensuring universal and free access to basic education. This has mainly been realized by an increase in enrollment, which stood at an

¹⁰ Source: State of the Media Report 2009: pg.22

¹¹ Source: Enhancing Gender Equality in the Media in Eastern Africa, EAJA: pg.36

impressive 95.4 percent in 2010, compared to only 59 percent in 2000. The Net Enrolment Ratios for Secondary Education has increased from 13.6 percent in 2006 to 29.9 percent in 2010, primarily as a result of a Government initiative of constructing at least one secondary school for each Ward in the country. Enrolment in universities and colleges increased from 40,993 in 2005/06 to 18,951 in 2009/10, with female students constituting 35.5 percent at this level.

55. However, the quality of education remains a concern. Current pupil to teacher ratios stand at an average of 1:52; in some regions this goes up to 1:72. The pupil to textbook ratio stands at 1:5 and the classroom pupil ratio at 1:72. Moreover, the percentage of pupils passing the Primary School Leaving Examination has shown a declining trend for three consecutive years from 54.2 percent in 2007 to 49.4 percent in 2009. A recent examination of secondary education also indicates a degenerating trend. Form four pass rates in 2010 illustrate a 20 percent decline compared to 2009.
56. The Net Completion Rate in primary education stood at 53 percent, while the Survival Rate for 2010 was estimated at 81.4%. In 2010 alone, a total of 68,538 children, or 2,6 percent, dropped out of primary school for reasons of truancy, death, inability to meet basic needs, illness and taking care of ill people.

Treatment of pupils

57. A series of issues regarding the treatment of pupils needs more Government attention. It is particularly prevalent for children with disabilities. In 2008, only 0.4 percent of children with disabilities were enrolled and the trend is decreasing. In most cases these children attend special needs schools rather than enjoying inclusive education. While the Government has developed an Inclusive Education Strategy, immediate efforts should be taken to ensure its implementation and hence increase the inclusion of orphans and other vulnerable children, many of whom are likely to be among the 5 percent of primary age children missing in schools.
58. A 2002 regulation¹² allows for the expulsion of pregnant girls from school. Existing protection and special programs for girls are inadequate and result in many girls being unable to fulfill the compulsory education program in place in the country. Corporal punishment is not prohibited in any environment, including in schools, and its use is widespread. Preliminary results from a forthcoming study on violence against children records high levels of physical violence in school. Over 50 percent of children have been subjected to physical violence – being punched, kicked, slapped, whipped or threatened with a weapon – by their teachers before the age of 18.

vii. Social and economic rights

59. Despite healthy economic growth, income poverty declined only marginally from 35.7 percent in 2000/1 to 33.6 percent in 2007. Likewise, performance of the agriculture sector has not been impressive, with an average around 5 percent for the past 10 years. The

¹² GN295 of 2002 Cap. 66

level of food poverty amongst the population stands at 17 percent. Pastoralist communities, and within them women, are particularly affected by droughts. Some 43 percent of the population are children, 6 million of whom are living below the basic needs poverty line and 3 million below the food poverty line.

60. Women in Tanzania have fewer opportunities in the formal employment sector than men. According to the 2003 Report on the African Gender Development Index (AGDI) Tanzania, women in the informal sector in 2000/2001 received about 50 per cent of the income of men. This was the same for women engaged in the small scale agriculture and it has not changed since 2001.
61. Large segments of the population are out of reach from interventions to improve their health. There are high rates of communicable diseases and non-communicable diseases are still on the rise. Stereotyping in HIV/AIDS infection has continued fueling stigma and discrimination, particularly against women due to gender norms that label women as “vectors” of transmission for HIV. Women are 5 times more likely to be infected with HIV than men and they are tested first in cases when they attend ante natal clinics. As a result, women tend to be viewed as responsible for bringing HIV to their spouse.
62. Another contributor to the stigmatization of HIV or AIDs affected individuals is the criminalization of “intentional” transmission of HIV/AIDS, with punishment of up to ten years. As it is difficult to find out who, among adults, has knowingly infected another person, the added value of this approach is questioned. In addition, with mother to child transmission it raises an additional concern for women.
63. The Government should recall its international legal obligations to ensure the right to food, including fostering an enabling environment, providing the necessary infrastructure and building national and local capacities. There is a general need to raise awareness of rights and social assistance schemes for social and economic rights, in the short run while empowering the poor to venture into alternative income generating opportunities as a basis for sustained better livelihoods. Human resources for health is critical to ensure that quality services are provided and available at all times and at all levels of service delivery.