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**Human Rights Committee****List of issues prior to submission of the fifth periodic report  
of the United Republic of Tanzania\*****A. General information on the national human rights situation, including  
new measures and developments relating to the implementation of the  
Covenant**

1. Please report on any significant developments in the legal and institutional framework within which human rights under the Covenant are promoted and protected that have taken place since the adoption of the previous concluding observations. Please also provide information on measures taken to implement the recommendations contained in the Committee's previous concluding observations (CCPR/C/TZA/CO/4).\*\*

**B. Specific information on the implementation of articles 1–27 of the  
Covenant****Constitutional and legal framework within which the Covenant is implemented  
(art. 2)**

2. With reference to the Committee's previous concluding observations (para. 7), please report on the measures taken to ensure that the provisions of the Covenant are fully incorporated in the domestic legal system and might be invoked before and applied by the national courts. Please provide examples of cases in which the Covenant has been invoked or applied by national courts and information on the measures taken to raise awareness of the Covenant among judges, prosecutors, lawyers and the public at large. Please also indicate whether the State party intends to ratify the first Optional Protocol to the Covenant.

3. With reference to the Committee's previous concluding observations (para. 8), please indicate measures taken to enable the Commission on Human Rights and Good Governance of Tanzania to discharge its functions fully in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by: (a) providing the Commission with sufficient human and financial resources; (b) amending laws that limit the independence and impartiality of the Commission; and (c) ensuring the prompt publication of their annual reports and the effective implementation of the Commission's recommendations.

**Anti-corruption measures (arts. 2 and 25)**

4. Please report on the measures taken to prevent and combat corruption effectively, including in the judiciary. Please include statistical information on the number of investigations and prosecutions of corruption cases for the reporting period and, in particular,

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\* Adopted by the Committee at the 131st session (1-26 March 2021).

\*\* Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's previous concluding observations.

information about cases involving high-level public officials. Please describe the mandates of the State party's anti-corruption bodies, including Prevention and Combating of Corruption Bureau, and report on the measures to ensure their independence and efficacy in fighting against corruption. Please respond to reports of suppression of journalists and media outlets that report on corruption allegations.

**Non-discrimination (arts. 2, 20 and 26)**

5. Please provide information on the steps taken to ensure that the State party's anti-discrimination legal framework provides: (a) full and effective protection against direct, indirect and multiple discrimination in all spheres, including in the private sphere, and on all the grounds prohibited under the Covenant; and (b) effective remedies in judicial and administrative proceedings for victims of discrimination. Please provide statistical data on complaints of discrimination brought to the courts during the last three years, along with an indication of the basis of discrimination, the nature of investigations conducted and their outcome, and any forms of redress provided to victims.

6. Please indicate all legislative and other measures taken to combat and prevent hate crimes, hate speech, including online hate speech, and other acts of discrimination, stigmatization and violence, particularly against persons with disabilities, HIV/AIDS, or albinism, and against persons on the basis of their real or perceived sexual orientation or gender identity, as well as the social stigmatization and social exclusion of these persons. Please indicate whether the State party intends to decriminalize sexual relations between consenting adults of the same sex.

**Gender equality (arts. 3 and 26)**

7. Recalling the Committee's previous recommendations (para. 9), please report on the measures taken to eradicate the patriarchal attitudes and stereotypes that perpetuate discrimination against women, and to achieve the equitable representation of women in public and political life, especially in decision-making positions. Please also provide information on measures taken to ensure substantive equality between women and men in matters related to marriage and family relations, including marital property; and to address the high gender pay gap in the State party.

**Violence against women, and domestic violence (arts. 2, 3, 6, 7 and 26)**

8. Please indicate all measures adopted to prevent and combat violence against women and girls, including domestic and sexual violence and traditional harmful practices, such as early and forced marriages and female genital mutilation. In particular, please report on the steps taken to: (a) explicitly criminalize domestic violence; (b) encourage reporting by victims of violence against women, especially rape victims; (c) address the low prosecution rate of violence against women, particularly domestic violence; and (d) address the increase in cases of violence against women during the coronavirus disease (COVID-19) pandemic. Please also respond to concerns about the high rates of adolescent pregnancy as a result of sexual violence committed against and early and forced marriages of girls.

**Voluntary termination of pregnancy and sexual and reproductive rights (arts. 3, 6 and 7)**

9. Please describe the State party's legal framework concerning abortion, and indicate the steps taken to ensure access to safe abortion across the country. Please also provide information on all measures taken to: (a) improve access to sexual and reproductive healthcare, contraception, and information and education in this regard, particularly for women and girls living in remote areas; and (b) address the high rates of adolescent pregnancy. In this regard, please comment on reports of arrests and mandatory pregnancy testing of pregnant girls and of their expulsion from school.

**Coronavirus disease (COVID-19) pandemic (art. 6)**

10. Please respond to concerns about the failure of the authorities to take prompt and effective measures to prevent the spread of coronavirus disease (COVID-19) and indicate

what measures the State party intends to take in this regard. Please also respond to concerns about the lack of data collection on the number of COVID-19 cases.

**Right to life (art. 6)**

11. With reference to the Committee's previous concluding observations (para. 14), please report on the progress made towards commuting the sentences of prisoners currently on death row to prison sentences, abolishing the death penalty, particularly mandatory death penalty, and ratifying the Second Optional Protocol to the Covenant. Please describe the existing obstacles to the abolition and any awareness-raising efforts. Please indicate the crimes that are punishable by death and those for which a death sentence is mandatory.

12. Please provide information on all measures taken to: (a) prevent and combat cases of extrajudicial killings and enforced disappearances of political opponents, activists and journalists, including those committed by the State party's security forces and police officers; and (b) ensure the effective investigations into these cases, and the prosecution and punishment of perpetrators. In particular, please comment on reported killings of leaders and members of the opposition parties by the police officers and security forces before and after the national elections held in October 2020, and include updates on the status and outcomes of investigations conducted into these allegations.

13. Please report on the measures taken to prevent and mitigate the negative effects of climate change and environmental degradation, particularly in relation to the use of natural resources. Please report on the steps taken: (a) to develop mechanisms and systems to ensure the sustainable use of natural resources; (b) develop and fully implement environmental standards in respect of activities that may endanger human beings and the natural environment; and (d) to provide appropriate access to information on environmental hazards. In this regard, please respond to concerns about the negative local and global impacts of the construction of the East Africa Crude Oil Pipeline on the climate change as well as on the livelihood of the population residing in the affected areas.

**Prohibition of torture and of cruel, inhuman or degrading treatment (art. 7)**

14. Please report on all measures taken to combat torture and ill-treatment. Please include statistical information on the number of complaints received, including by the Commission for Human Rights and Good Governance, concerning torture and ill-treatment, and on the resulting investigations, prosecutions and redress provided to victims. Please provide updated information on steps taken to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as its Optional Protocol. Recalling the previous concluding observations (para. 18), please indicate whether any independent mechanisms have been established to receive complaints and investigate alleged misconduct by the law enforcement. Please also comment on continued allegations of: (a) torture and ill-treatment committed during interrogations and against prisoners, especially political opponents, activists, protestors and journalists; (b) violence against female prisoners by prison officials, including sexual harassment; and (c) lack of prompt and effective investigation of allegations of torture or ill-treatment, and the continued impunity for these alleged practices.

**Liberty and security of person (art. 9)**

15. Please indicate all measures in place to ensure the full respect of fundamental procedural safeguards for detained persons, including the rights to have prompt access to a lawyer, to have access to medical attention and to be brought before a judge within a prompt and prescribed time frame. Please provide information on the steps taken to: (a) reduce the use and duration of pretrial detention; and (b) increase the use of non-custodial alternative measures to pretrial detention, including statistics on their application in practice during the last eight years.

16. Please respond to reports of arbitrary arrests and detention of political opponents, activists, protestors, and dissenting journalists. Please provide information on the steps taken to ensure that all allegations of arbitrary arrests and detention are promptly and effectively

investigated and that perpetrators are brought to justice. Please include statistical data in this respect for the reporting period.

**Treatment of persons deprived of their liberty (art. 10)**

17. Please report on progress made in: (a) addressing overcrowding and poor material conditions in places of detention, including for remand detainees; and (b) ensuring adequate access to water, food, clothing, and health care, including psychiatric care. Please describe all measures taken to prevent the spread of coronavirus disease (COVID-19) in places of detention. Please indicate whether remand detainees are kept separate from convicted persons, and juvenile offenders from adult offenders. Please clarify whether civil society organizations and other international bodies are permitted to conduct independent monitoring visits to places of deprivation of liberty, and report on the measures in place to implement their recommendations.

**Elimination of slavery, servitude, and trafficking in persons (arts. 2, 7, 8, 24 and 26)**

18. With reference to the Committee's previous concluding observations (para. 17), please report on all measures taken to prevent and combat trafficking in persons and forced labour, including child labour, and the impact of these measures. In particular, please include information on: (a) the status of the proposed amendment to the 2008 anti-trafficking law; (b) the implementation and impact of the National Anti-Trafficking Action Plan 2018-2021; (c) measures taken to address reported child labour, particularly in the mining and agriculture sectors; and (d) progress made in providing protection, rehabilitation, reparation and reintegration services to victims. Please include statistics for the last eight years on the number of complaints of trafficking in persons and forced labour, including child labour, that were received, the investigations conducted and their outcome, including the sentences handed down to the perpetrators.

**Access to justice, independence of judiciary, and fair trial (art. 14)**

19. Please report on the measures adopted to: (a) ensure access to justice across the State party, especially in rural areas; (b) effectively address the significant backlog in courts, including due to the insufficient number of judges and inadequate funding in this regard; and (c) strengthen the free legal aid system, including information on the number and type of cases in which free legal aid has been sought, granted and denied.

20. Please describe all measures taken to guarantee, in law and in practice, the full independence, impartiality, competence and tenure of judges, including measures to address concerns about the influence by the executive branch on the judiciary. Please describe the compatibility with the Covenant and the Basic Principles on the Independence of the Judiciary of the State party's current procedures and criteria for the selection, appointment, suspension and removal of judges.

**Treatment of aliens, including migrants, refugees and asylum seekers (arts. 7, 9, 12, 13 and 24)**

21. Please provide information on the measures taken to ensure that all persons applying for international protection have access to fair and efficient asylum procedures, protection against refoulement and an appeal mechanism with suspensive effect against negative decisions on asylum. Please describe the State party's current policy concerning detention and encampment of refugees and asylum seekers, and on the conditions of detention and encampment. Please comment on allegations of: (a) enforced disappearances, torture, incommunicado detention and forced return of Burundian refugees and asylum seekers; and (b) violence against female refugees and asylum seekers, including sexual violence. Please include information on any investigations conducted into these allegations and their outcomes.

22. In light of the high number of stateless persons or those at the risk of becoming stateless within the State party, please report on legislative and other measures taken to: (a) provide adequate safeguards for the reduction and prevention of statelessness, including the loss of citizenship, including by establishing a dedicated and effective statelessness

determination procedure; and (b) ensure that every child has a nationality, in accordance with article 24 (3) of the Covenant, including by granting citizenship to children born to stateless parents irrespective of their legal status.

#### **Right to privacy (art. 17)**

23. Please provide information on the legislative and other measures taken to ensure adequate safeguards against arbitrary interference with the privacy of individuals, including with regard to the protection of personal data. In this respect, please describe the safeguards applied to the State party's surveillance regime and respond to reports of targeted surveillance of political opponents and government critics.

#### **Right to freedom of expression (arts. 19 and 20)**

24. Recalling the Committee's previous recommendations (para. 24), please indicate the steps taken to ensure the protection of journalists, human rights defenders, and political opponents against attacks, intimidation, arbitrary arrests and detention, and to effectively investigate all allegations of violence against these individuals. Please comment on reports of: (a) suspension and banning of media outlets that are critical of the Government; (b) fake news charges brought against and fines imposed on journalists covering sensitive issues, including the State response to the coronavirus disease (COVID-19) pandemic; and (c) charges of sedition and leading organised crime brought against human rights defenders. Please also indicate the steps taken to address the reported chilling effects on the right to freedom of expression of the State party's laws concerning the right to freedom of expression, such as the Cybercrime Act of 2015, Statistics Act of 2015, Media Services Act of 2016, Access to Information Act of 2016, and Electronic and Postal Communications (online content) Regulations of 2020.

#### **Right to freedom of peaceful assembly (art. 21)**

25. Please report on the progress made in ensuring that the State party's laws governing the right to freedom of peaceful assembly, including the Political Parties Act (Amendment) of 2019, are fully in line with article 21 of the Covenant. Please comment on allegations of: (a) disproportionate presence of police officers at peaceful assemblies; (b) denial of assembly permits to political opponents and organizations critical of the Government; and (c) arrest of political opponents before planned protests. Please also respond to allegations of excessive use of force to disperse peaceful assemblies. In this respect, please report on the State party's legal framework on the use of force and firearms, and its compatibility with the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Please include information on the number of complaints received during the last eight years concerning excessive use of force in the context of demonstrations, and on their outcomes.

#### **Freedom of association (art. 22)**

26. Bearing in mind the Committee's previous concluding observations (para. 23), please provide information on the compatibility with article 22 of the Covenant of: (a) the amendments made to the Non-Governmental Organizations (NGO) Act of 2002; (b) the Guidelines for coordinating Non-Governmental Organisations issued in 2020; and (c) the amendments made to the Basic Rights and Duties Enforcement Act of 1994. In this respect, please comment on concerns that the excessive powers granted to the registrar of non-governmental organizations as well as the current financial reporting requirements for non-governmental organizations have undermined the autonomous and effective operations of these organizations.

#### **Rights of the child (arts. 7, 9, 10, 14, 23, 24 and 26)**

27. Please provide information on the measures taken to prevent and combat: (a) child abuse, including economic and sexual exploitation and abuse; (b) traditional harmful practices, such as witchcraft-related killings, especially of children with albinism; and (c) corporal punishment in all settings. Please also report on steps taken to increase the rate of birth registration.

**Participation in public affairs (arts. 25-26)**

28. Please provide information on all measures taken to ensure the holding of free, reliable and transparent elections, including information on the role of the National Electoral Commission and the Zanzibar Electoral Commission in this respect. Please include information on the measures in place to ensure the independence and impartiality of these Commissions. With regard to the past elections in the State party, particularly the general election held on 28 October 2020, please respond to allegations of: (a) arbitrary disqualification of candidates from the opposition party; (b) misuse of state resources by the ruling party; (c) excessive police and military presence before and during elections, and violence committed by the police and security forces against political opponents, journalists and activists; (d) media bias toward the ruling party; and (e) lack of adequate voter education across the country. In addition, please indicate the measures in place to ensure the effective exercise of voting rights for all, including for persons with disabilities and those living in remote rural areas.

**Rights of indigenous peoples (arts. 6 and 27)**

29. With reference to the Committee's previous concluding observations (para. 26), please report on the legislative and other measures taken to ensure the promotion and protection of the rights of indigenous peoples and to obtain their effective and informed participation in decisions that affect them, particularly in relation to land and natural resources. Please provide information on any efforts made to: (a) address the reported eviction of and confiscation of lands and livestock from the indigenous communities, such as the Maasai and Barabaig peoples, resulting in their loss of traditional livelihoods; (b) conduct meaningful consultations to secure the prior, free and informed consent of the indigenous communities in this regard; and (c) provide redress to the affected communities.

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