



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the United Republic of Tanzania and welcome the constructive engagement of your Government during the 39th session of the UPR Working Group in November 2021.

As the final outcome report on the review of United Republic of Tanzania was recently adopted by the Human Rights Council at its 49th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of the United Republic of Tanzania – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 92 delegations and the presentation made and responses provided by the delegation of the United Republic of Tanzania. I have also considered the actions taken by the Government of the United Republic of Tanzania to implement the 131 recommendations fully supported as well as those that were partially supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

Due note is taken of the information provided by the delegation of the United Republic of Tanzania that supported recommendations from the second cycle relating to the constitutional review process, including the holding of a referendum, had yet to be implemented and that this process would be revisited at an opportune time. The United Republic of Tanzania is encouraged to resume the constitutional review process and ensure the completion of this process as soon as possible.

It is also noted that supported recommendations from the second cycle relating to the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention for the Protection of All Persons from Enforced Disappearance had yet to be implemented. While welcoming the information provided by the delegation of the United Republic of Tanzania that ratification of these Conventions remained under consideration and would be guided by further research and consultations, the United Republic of Tanzania is encouraged to ratify the Conventions as soon as possible.

I am pleased to note that some of the goals and related targets of the 2030 Agenda for Sustainable Development had been integrated into the medium-term development plan and national policies, and welcome the fact that the United Republic of Tanzania voluntarily participated in a review of its progress towards achieving the sustainable development goals that was conducted by the General Assembly in 2019.

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H.E. Honourable Ambassador Liberata MULAMULA
Minister for Foreign Affairs and East African Cooperation
United Republic of Tanzania



In the third cycle review, recommendations relating to the adoption and implementation of the second national human rights action plan enjoyed the support of the United Republic of Tanzania. I would encourage integrating the areas identified in the annex to this letter in this plan and to adopt and implement the plan as soon as possible in order to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I encourage the United Republic of Tanzania to strengthen its national mechanism for comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage the Government of the United Republic of Tanzania to consider submitting a mid-term report on follow-up to the third cycle of the review by 2024.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist the United Republic of Tanzania in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Honourable Prof. Palamagamba J.A.M. KAMBUDI
Advisor to the President
United Republic of Tanzania

Mr. Zlatan MILISIC
United Nations Resident Coordinator
United Republic of Tanzania



Mr. Marcel Clement AKPOVO
Regional Representative for East Africa of the United Nations High Commissioner for
Human Rights
OHCHR Regional Office for East Africa
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Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Requesting technical assistance in order to submit overdue reports to treaty bodies, including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of Persons with Disabilities.

National human rights framework

- Expediting the ongoing efforts to finalize the second national human rights action plan and once finalized, implementing the plan, inter alia, by mainstreaming human rights in policies and programmes.
- Extending human rights training to a wider range of public service officials.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Eradicating all forms of discrimination against women and strengthening gender mainstreaming in development plans, ensuring the participation of women in this process.
- Tackling stigma and discrimination against persons affected by leprosy and their families.
- Preventing and prohibiting discrimination against persons living with HIV and against persons based on their sexual orientation and gender identity.

Development, the environment, and business and human rights

- Increasing investment in the construction of communication facilities and infrastructure in rural areas.
- Combatting corruption through initiatives that include the adoption and application of the relevant legislative and regulatory frameworks.
- Developing and implementing climate change and disaster risk frameworks with the meaningful participation of women, children, persons with disabilities and local communities.

B. Civil and political rights

Right to life, liberty and security of person

- Establishing an immediate moratorium on the execution of the death penalty and abolishing the death penalty.
- Adopting a national strategy and action plan for the prevention of radicalization and violent extremism.
- Enhancing the enforcement of legislation prohibiting female genital mutilation and domestic violence against persons believed to be practicing witchcraft.

- Strengthening efforts to protect persons with albinism from violence and discrimination.

Administration of justice, including impunity, and the rule of law

- Implementing reforms to strengthen the independence of the judiciary.
- Improving the functioning of the judiciary and the penitentiary system.
- Continuing to promote access to justice, including by enhancing access to legal aid.
- Conducting full and impartial investigations into threats, attacks and killings of journalists, civil society actors and human rights defenders, and holding perpetrators to account.

Fundamental freedoms and the right to participate in public and political life

- Addressing the concerns of the Working Group on Arbitrary Detention and other special procedure mandate holders in relation to restrictions placed on the rights to freedoms of expression, association and peaceful assembly.
- Addressing the concerns highlighted by the United Nations High Commissioner for Human Rights in November 2020 about reports intimidation and harassment of opposition leaders and members in the aftermath of the country's general elections and the concerns raised in October 2020 about the shrinking of democratic space in the country.

Prohibition of all forms of slavery

- Combating human trafficking and people smuggling, including through the strengthening and implementation of legislation and the use of awareness-raising programmes.
- Reviewing the legislative framework to ensure that it sufficiently addresses trafficking in body parts of persons with albinism.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Reducing poverty through strengthened efforts including through: (a) enhancing access to quality education and skills development; (b) improving conditions for farming, small businesses and investors; and (c) increasing the implementation of social protection policies.
- Taking all necessary measures to improve access to safe drinking water and sanitation services.
- Improving access to adequate housing.

Right to health

- Expanding the health infrastructure and the scope of health services and ensuring equal access to quality health services to all persons without discrimination in both urban and rural areas.
- Improving access to training for midwives in emergency obstetric care and allocating sufficient resources to maternal health, and strengthening access to prenatal and postnatal care for women.
- Providing training and information on albinism and related health issues to mothers of children with albinism and their families immediately after the births of their children.

Right to education

- Introducing 12 years of free primary and secondary education, with 9 years of which being compulsory, and a minimum of one year of free and compulsory pre-primary education.
- Increasing investment in infrastructure, management, certification and learning aids for alternative learning opportunities for boys and girls who are not attending school and for children with disabilities.
- Strengthening the National Inclusive Education Strategy to ensure that children with disabilities have access to quality education, assistive devices and learning materials.

D. Rights of specific persons or groups

Women

- Strengthening measures to combat violence against women and girls, including domestic and sexual violence, and ensuring adequate resources for the implementation of the national plan of action to end violence against women and girls.

Children

- Addressing the weak marriage registration system that made it difficult to identify and legally prevent child marriage.
- Strengthening efforts, including existing programmes, to eliminate child labour.

Persons with disabilities

- Enforcing the quota established by the Persons with Disabilities Act (2010), pursuant to which persons with disabilities were expected to account for 3 per cent of the payroll of companies employing more than 20 people.
- Improving the accessibility of persons with disabilities to public places, including public buildings and public transport services.

Minorities

- Addressing the concerns expressed in October 2019 by four special procedure mandate holders about alleged violence, forced evictions and harassment affecting Maasai communities and the alleged failure to protect the rights of the Maasai to their traditional lands, territories and resources, as well as their rights to health, food and water, amongst others.

Refugees and asylum seekers

- Eliminating the inconsistencies between the Refugees Act (1998) and the 2003 Refugees Policy, with the latter, which was the most widely applied, containing restrictive measures, including limits on self-reliance opportunities for refugees, an enforced encampment policy and the requirement for refugee education in the curriculum of the country of origin.
- Addressing reported cases of *refoulement* and the lack of fairness and transparency in the national asylum system.



Stateless persons

- Extending birth registration to all refugees born in the country and requesting the necessary support from UNHCR in this regard.
- Ensuring the birth registration of all children and descendants of historical migrants of Comorian, Mozambican or Arab descent born in the Zanzibar islands.