



## UNIVERSAL PERIODIC REVIEW TANZANIA

### JOINT SUBMISSION

*presented by*

**Franciscans International (FI)**

*(NGO in General Consultative Status with UN ECOSOC)*

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**25<sup>th</sup> Session of the UPR Working Group  
Human Rights Council**

Geneva  
21 September 2015

## **I . Introduction**

1. The organizations listed below present this joint submission concerning the human rights situation in the United Republic of Tanzania for consideration by the UPR Working Group at its 25<sup>th</sup> session (April-May 2016).
2. Franciscans International (FI) was founded in 1989 and has a General Consultative Status with the ECOSOC since 1995. FI supports Franciscans and partners working at the local and national levels and assists in bringing their concerns and expertise to the UN to address structural causes of human rights violations.
3. Edmund Rice International (ERI) is an international non-governmental organization, founded in 2005 and with Special Consultative Status with ECOSOC since 2012. ERI is supported by two Catholic Religious Congregations, the Christian Brothers and the Presentation Brothers. It works with networks of like-minded organizations and in the countries where the two congregations are present. ERI has a special interest in the rights of the child, the right to education and in eco-justice.
4. Fondazione Marista per la Solidarietà Internazionale (FMSI) is an NGO in Special Consultative Status with ECOSOC, which has a special focus on promoting and protecting the rights of children. It was established in 2007 in Italy as a not-for-profit organisation with a social purpose (FMSI-ONLUS) and has a presence in nearly eighty countries.
5. Other local organizations that participated in the drafting of this submission include: Cornel A'ray Peace Foundation (CAPF); Widowers/Widows and Orphans Legal Assistance in Tanzania (WOLAT) under patronage of the Franciscan Capuchin Friars Minor Province of Tanzania, in collaboration with Franciscan family (UFRATA), Commission for Justice Peace and Integrity of Creation Franciscan Tanzania (JPIC-TZ), and Christian Professional Tanzania (CPT).
6. This report is based on the evaluation of the commitments made by the Government of Tanzania to implement recommendations accepted during its previous UPR in October 2011. The data and information obtained for this submission came from various sources, including first-hand information from the above-mentioned field organizations serving individuals and particular groups affected by human rights abuses in the United Republic of Tanzania.
7. The analysis will address: Right to Education, Right to Health, Harmful Practices, Child Labour and Sexual Abuse of Children.

## II. Right to Education

### A. First-Cycle UPR Recommendations

8. In the first cycle of the UPR, the Tanzanian Government received several recommendations relating to the right to education.<sup>1</sup> The recommendations largely encouraged Tanzania to provide increased access and greater quality education to all children. Tanzania was also urged to address “over-crowding” problems in classrooms and strengthen student attendance at secondary levels.

### B. Promotion and Protection of Human Rights on the Ground

9. Education in Tanzania is regulated by the Education Act 1969.<sup>2</sup> In 2002, the Tanzanian Government abolished all public primary school tuition fees thus beginning the Primary Education Development Program.<sup>3</sup> The main objectives of this program were to increase access to schools, improve the quality of education and increase school retention at the primary level.<sup>4</sup> Despite the achievements noted in the first cycle of the UPR with relation to the attainment of universal primary education, the quality of this education is still of continuing concern.
10. While we commend efforts made by the government to increase access to education by eliminating primary school tuition fees, many challenges relating to access to education still ensue. UNICEF data from 2008-2012 depicted the net attendance ratio (%) for primary school participation at 78.9% and 81.9% for males and females respectively.<sup>5</sup> Despite the increase in these figures over the years, the increase in attendance/enrolment of children in primary education has not been complemented by

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<sup>1</sup> A/HRC/19/4 8 December 2011, Recommendations 85.80 - 86.37.

<sup>2</sup> Education Act 1969 (The United Republic of Tanzania)

<sup>3</sup> Dennis C & Stahley K 2012, ‘Universal Primary Education in Tanzania: The Role of School Expenses and Opportunity Costs’, *Evans School Review*, vol. 2, no. 1, pp. 47-65. Available from <<https://depts.washington.edu/esreview/wordpress/wp-content/uploads/2012/12/ESR-2012-Universal-Primary-Education-in-Tanzania-The-Role-of-School-Expenses-and-Opportunity-Costs.pdf>>.

<sup>4</sup> *Enrollment and Grade Achievement After the Introduction of Free primary Education in Tanzania*, 2011. Available from <<http://www.csae.ox.ac.uk/conferences/2011-edia/papers/462-Hoogeveen.pdf>>.

<sup>5</sup> UNICEF 2013, *United Republic of Tanzania Statistics*. Available from <[http://www.unicef.org/infobycountry/tanzania\\_statistics.html#117](http://www.unicef.org/infobycountry/tanzania_statistics.html#117)>; “Net Primary School Attendance” defined by “Percentage of children in the age group that officially corresponds to primary schooling who attend primary school. These data come from national household surveys”.

a proportional increase in qualified teachers or classroom resources.<sup>6</sup> Our sources have noted that school infrastructure is also in a very critical condition. ‘Overcrowding’ remains an issue with up to 140-150 children in a classroom. Children often sit on the ground in classrooms because of a lack of teachers and an insufficiency of chairs and desks. In 2013, the Ministry of Education and Vocational Training noted the teacher-student ratio was 1:43.<sup>7</sup>

11. In spite of the elimination of public primary school tuition fees or subsidized secondary education, parents still experience financial pressures from additional fees for school electricity, stationery, exercise books and uniforms.<sup>8</sup> Such expenses cause a significant restriction to access to education, especially for those living in abject poverty.
12. The interaction between the Tanzania Education Act 1969 and the Tanzania Law of Marriage Act 1971 has also created limitations of access to education for children, in particularly teenagers and young adults. Sources have noted that despite laws in place to safeguard children’s rights, parents themselves are limiting their children’s rights to education either indirectly, based on an ignorance of the importance of education, or directly, by placing a higher value on marriage than education.
13. Children with disabilities are still seriously discriminated with some families even reacting to the presence of a person with a physical or mental disability by hiding him or her at home. Despite national disability legislation introducing an inclusive approach to education, this methodology is yet to be implemented, thus many children with disabilities are not able to participate in common classes.
14. From our experiences, poor quality education in many schools in Tanzania can also be attributed to the low morale of teachers due to their extremely hard working conditions and low salaries. Staff offices are seldom and in most schools teachers are generally required to share a single, loud and crowded room with few tables and chairs to prepare lessons, and mark student exercises. The average working day consists of eight hours, with teachers earning an average of 370,000 Tsh per year. Health insurance, teachers union fees and other ‘pay-as you earn’ taxes are then deducted

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<sup>6</sup> Educational, Scientific and Cultural Organisation 2010/2011, *World Data on Education*, United Nations. Available from: <[http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/United\\_Republic\\_of\\_Tanzania.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/United_Republic_of_Tanzania.pdf)>.

<sup>7</sup> Ministry of Education and Vocational Training 2014, *Education For All (EFA) Report for Tanzania Mainland*, The United Republic of Tanzania. Available from: <<http://unesdoc.unesco.org/images/0023/002314/231484e.pdf>>.

<sup>8</sup> Dennis C & Stahley K 2012, ‘Universal Primary Education in Tanzania: The Role of School Expenses and Opportunity Costs’, *Evans School Review*, vol. 2, no. 1, pp. 47-65. Available from <<https://depts.washington.edu/esreview/wordpress/wp-content/uploads/2012/12/ESR-2012-Universal-Primary-Education-in-Tanzania-The-Role-of-School-Expenses-and-Opportunity-Costs.pdf>>.

leaving around 270,000Tsh - barely enough to cover an individual's basic needs. This has led to the development of 'mandatory' private lessons/tutoring where children are forced to participate.

15. Corporal punishment is often used in many schools in Tanzania. Children who do not participate in the aforementioned 'mandatory' private lessons (generally for financial reasons) are beaten or risk expulsion. Furthermore, we have received much evidence of teachers adopting controversial approaches to education and behaviour management including the use of offensive language, verbal abuse and neglect.
16. Compassion and the ability to work with children, however, are not the only characteristics that many Tanzanian teachers lack. Many teachers are also lacking in academic or formal qualifications. In the public school system, teachers have been recruited with very few qualifications, some only having completed basic education.<sup>9</sup> Lacking in pedagogical preparation and training, teachers often ridicule children with learning difficulties rather than offering them support or encouragement. Subsequently, sanctioning for this kind of behaviour is rarely practiced with teachers generally being moved from one school to another.
17. Teacher's training process should include the study of psychology, pedagogy and counselling, in order to enable them to manage the numerous children coming from hard family situations, and suffering from a bad climate both at home and school.

### *C. Recommendations*

18. Our organizations recommend to the Government of the United Republic of Tanzania to:
  - a) Improve the administration and delivery of quality education, while ensuring its accessibility, affordability and availability to all children in Tanzania, including those with physical and mental disabilities. This may include the development of public subsidies to alleviate financial pressures on families due to any additional education costs.
  - b) Provide financial support for the development and renovation of school infrastructure as well as providing the facilities and educational supports needed, for both teachers and students, in order to make the right to quality education effective for all children in Tanzania.

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<sup>9</sup> UNESCO 2011, *Education Facts and Figures*. Available from: <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/education-for-all/advocacy/global-action-week/gaw-2013/facts-and-figures/>>>.

- c) Develop a nation-wide awareness-raising campaign to promote the importance of education, particularly targeting families in rural areas.
- d) Amend the minimum age of marriage and provide protection to young girls who may otherwise be forced into marriage at the expense of their education.
- e) Develop more strict selection criteria for teachers in order to ensure that teachers are fully qualified and have the right skills and strategies to effectively educate and support students. Accompany this with an adequate formal appraisal system and nationally accepted teaching standards to eliminate corporal punishment and to ensure that all teachers are responsible for their own actions and professional growth.

### **III. Right to Health**

#### **Maternal and infant mortality**

##### *A. First-cycle UPR Recommendations*

19. In the first-cycle of the UPR, the Government of the United Republic of Tanzania received several recommendations in relation to its rates of maternal and infant mortality. The recommendations proposed that Tanzania should increase women's access to health care facilities and trained personnel along with seeking assistance from relevant international bodies in order to reduce the rate of maternal and infant mortality<sup>10</sup>.

##### *B. Promotion and protection of human rights on the ground*

20. Since the first-cycle of the UPR there has been developments of the legal and institutional framework governing maternal and infant mortality. The implementation of national schemes along with the allocation of financing demonstrates that the United Republic of Tanzania has treated the rate of infant and maternal mortality as a priority.
21. As part of the Millennium Development Goals, Tanzania has implemented the Health Sector Strategic Plan III (HSSP) (July 2009 to June 2015). Additional schemes recently adopted that are aimed at reducing the rate of maternal and infant mortality are the National Road Map Strategic Plan to Accelerate Reduction of Maternal, Newborn and Child Deaths in Tanzania (2008-2015) and the Reproductive and Child Health Strategy (2005-2010). Through these initiatives, there has been an increase in community based facilities, training of specialized health care workers and investment in providing equipment, services and vaccinations in order to reduce mortality rates.

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<sup>10</sup> A/HRC/19/4 8, December 2011, Recommendations 85.78-85.82.

22. Despite some advancements, the high rate of maternal and infant mortality still poses a persistent and serious problem in Tanzania. A major contributor to this is the lack of access to healthcare services for the majority of the population and the poor quality of health facilities. The health care centers often only offer basic treatment, are understaffed and either lack equipment, medicines, vaccinations and other essential treatments or patients are required to pay extra to gain access to them. According to our research on the ground, there have been many instances of people who have visited health facilities seeking care and have even paid and waited for a consultation but have never received it. Patients are requested to pay 15.000Tsh (around EUR 7,5) to be admitted to the hospital and have access to a bed. However, because of the shortage of beds, two or three patients are forced to share the same one, despite the risks and problems that may arise from this. Moreover, patients are supposed to pay for food, medicines, patches, bandages, disinfectants, etc.
23. There is also a large discrepancy between the quality of care and services available in urban and rural areas where facilities in rural areas are either so rudimental or non-existent that patients are required to travel long distances to urban areas in order to receive care. Another contributing factor is the lack of properly trained and competent health care professionals especially in the area of obstetrics so the quality and options of care and procedures are limited. Furthermore, the high level of corruption makes the national health system even poorer. Funds and drugs supplies are rarely used for the proper scope. It often happens that the medical staffs itself sells drugs and medical devices donated to the hospital by associations and government.

### *C. Recommendations*

24. Our organizations recommend to the Government of the United Republic of Tanzania to:
- a) Strengthen its efforts in reducing the rate of infant and maternal mortality through effectively implementing legislation, policies and schemes put in place and seeking assistance from the international community.
  - b) Increase financial investment in the health sector, including the development of health care facilities and training more specialized health care professionals, especially in rural areas.

## **IV. Harmful practices**

### *A. First-cycle UPR Recommendations*



25. During the first review of the United Republic of Tanzania, issues related to protection of people with albinism and other at risk groups from harmful practices were raised. The recommendations largely encouraged the government of Tanzania to adopt a comprehensive legal and policy framework to end these negative cultural practices and protect those affected<sup>11</sup>.

*B . Promotion and protection of human rights on the ground*

26. Although the Tanzanian Government has implemented a series of measures to put an end to this violence, including a 2009 ban of witchcraft, an increase in arrests and the establishment of a special police task force and support centres for victims, there remain serious gaps in the governments approach. Although we applaud these steps in the right direction to address the prejudice and violence incited by witchdoctors, we feel the need to underline that the root causes of these harmful practices have been insufficiently addressed. In particular, we reiterate our concern raised by the continued reports of ritualistic killings. The number of annual cases highlight that much remains to be done, both in regards to protection of victims and persecution of perpetrators.

27. Despite the fact that the government is at least taking a stand against violence, legal prosecution is slow and expensive, and victims are often discriminated against throughout whole judicial process. It is a state's obligation to criminalise, investigate and prosecute perpetrators of witchcraft-related crimes but most cases in Tanzania remain unsolved and an estimated even higher number are not even reported.

28. The plight of persons with albinism remains particularly desperate as local beliefs have cemented a perception that they are unnatural or even "cursed" individuals, which has created almost unshakeable stigma and discrimination against this minority of the population. Individuals affected are sometimes rejected by their families, avoided by their peers and stigmatised throughout life, from the schoolyard to the courtroom. It is also this aforementioned link with the supernatural that often leads to the most barbaric of outcomes to this already dire social situation, as there have been numerous and continued reports of extreme violence against individuals with albinism. Criminals, in the guise of traditional healers, encourage the notorious mutilations of people with albinism due to their supposed "magical properties." Women and children are particularly affected, the latter due to their inherent vulnerability and perceived innocence (heightened magical powers), while women suffer from widespread sexual abuse (aggravated by the belief that the blood of an albino girl can cure AIDS).

29. On the other hand, we are concerned about the situation of many old women in Tanzania who are often subjected to similar stigma, ostracism and violence as people

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<sup>11</sup> A/HRC/19/4 8, December 2011, Recommendations No. 85.40/85.42.

with albinism, despite the fact that this situation has gained less international attention and specific governmental support. This is partially due to the fact that it is even harder to define and quantify the people who are being affected by this issue specifically. To further compound the matter the same issues that complicate research into albinism-related murders, particularly the secretiveness that surrounds these tribal beliefs in witchcraft and marginalisation of those affected, make it difficult to present a clear case about this problem. However it is estimated that as many as a thousand older women are still targeted and killed every year, usually in response to a misfortune that has affected a certain community.<sup>12</sup>

### *C. Recommendations*

30. Our organizations recommend to the Government of the United Republic of Tanzania to:

- a) Intensify education and awareness raising campaigns to prevent future stigmatization and discrimination of people with albinism and ensure their safety.
- b) Strengthen the capacity of the law enforcement agencies to conduct effective investigations into the allegations of witchcraft related violence, including albino killings, and ensure that all perpetrators are brought to justice.
- c) Increase shelters and the quality of services to victims of harmful practices, including persons with albinism, in order to ensure their protection.

## **V. Child labour**

### *A . First-cycle UPR Recommendations*

31. During its first review under the UPR, the Government of Tanzania received several recommendations to take action against child labour.<sup>13</sup>

### *B . Promotion and protection of human rights on the ground*

32. The United Republic of Tanzania has taken several measures to address child labour, including the adoption of the National Action Plan on Elimination of Child Labour (2009) and the National Costed Plan of Action for Most Vulnerable Children (2013-2017). Nevertheless, the implementation of the solutions presented has not been entirely satisfactory.

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<sup>12</sup> *HelpAge International* nd. Available from:

<<http://www.helpage.org/what-we-do/rights/womens-rights-in-tanzania/womens-rights-in-tanzania/>>.

<sup>13</sup> A/HRC/19/4 8, December 2011, Recommendations No. 85.60, 85.61, 85.74, 86.37.

33. We are particularly concerned that the phenomenon of ‘house girls’ is strongly increasing in the country. Always more frequently poor families from rural areas make their daughters work as housekeepers for wealthy families. These girls, often beaten and enslaved, live in poverty and dangerous situation. In most cases they are minors who have completed the seventh grade or who were not even allowed to finish primary school.

### *C. Recommendations*

34. Our organizations recommend to the Government of the United Republic of Tanzania to:

- a) Ensure the effective implementation of national action plans addressing child labour and take appropriate measures to tackle the root causes of child labour in line with the concluding observations of the Committee on the Right of the Child<sup>14</sup>.

## **VI. Sexual abuse of children**

### *A. First-cycle UPR Recommendations*

35. Throughout the first review under the UPR, the United Republic of Tanzania received several recommendations to step up efforts to protect children from sexual abuse<sup>15</sup>.

### *B. Promotion and protection of human rights on the ground*

36. Despite the government’s efforts to protect children from different types of violence, child sexual abuse represents a growing phenomenon in the country. According to our field partners, child sexual harassment in families are most of the time performed by members of the family. Parents’ second marriage represents another dangerous situation, since children from the first marriage are abused or enslaved. These abuses tend to be hidden and not reported.

37. In other contexts, cases of child sexual abuse have been reported by ‘house girls’ who mention that their bosses inflict sexual violence. In the school context, girl students have been exposed to sexual violence by their teachers due to the fear of being punished or given low marks.

38. It also has been reported that children are exposed to sexual violence for commercial purposes. The main affected group by this situation are the street boys and house girls, who have lost their job or did not meet the person who ordered their coming into the

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<sup>14</sup> CRC/C/TZA/CO/3-5, 3 March 2015, para. 67, p. 16.

<sup>15</sup> A/HRC/19/4 8, December 2011, Recommendations No. 85.62, 86.37.

cities. The girls are mostly taken into sexual houses commonly known as “Danguro”; while, boys are taken into ghettos where they are forced into homosexual practice.

39. Social services, often without means and resources, are totally absent and do not intervene to protecting children from difficult and dangerous situations.

*C. Recommendations*

40. Our organizations recommend to the Government of the United Republic of Tanzania to:
- a) Ensure proper investigation of cases of child sexual abuse and that the perpetrators of such acts are brought to justice.
  - b) Intensify efforts to prevent cases of sexual abuse of children and provide adequate protection and assistance to the victims.