

UNITED REPUBLIC OF TANZANIA

CERD A/31/18 + Corr. 1 (1976)

144. The information contained in the second periodic report of the United Republic of Tanzania, which was considered without the participation of a representative of the Government of the reporting State, was found to be comprehensive, covering all the relevant articles of the Convention; but it was often too general, was not organized in accordance with the guidelines laid down by the Committee at its first session, and did not include the texts of the legislative provisions to which reference was made.

145. It was noted that, whereas the interim Constitution of the United Republic of Tanzania was couched in rather vague terms, the constitution of the ruling parties in that country was far more specific and read more like a national constitution than did the interim Constitution itself. It was presumed, however, that the constitution of the ruling parties was binding only on members of those parties and not on all Tanzanians. Moreover, it was observed that, although the preamble of the interim Constitution referred to the general principles of non-discrimination and equality, the operative part of the Constitution did not seem to contain any provisions for the implementation of those principles. It was therefore hoped that the Tanzanian Government would provide further information on whether that country's legislation contained normative provisions guaranteeing non-discrimination and equality.

146. Noting the statement in the report that, in accordance with article 4 of the Convention, "any attempts to exhibit superiority complexes of races have usually resulted in legal proceedings and sometimes in deportation orders", several members of the Committee asked for the texts of the laws relating to the implementation of article 4 of the Convention, under which such action was taken by the authorities, and also for further particulars about the cases involved; some members described deportation as a severe punishment.

147. Regarding the rights enumerated in article 5 of the Convention, note was taken of the fact that education and public hospital services were provided free of charge in the United Republic of Tanzania. It was not clear whether the statement in the report that every person had a duty to be employed meant that employment was also guaranteed by the State. Further information on measures giving effect to the provisions of article 5 of the Convention was requested.

148. Members of the Committee hoped that the Government of the reporting State would include in its next report additional information on the measures it had taken to give effect to the provisions of article 6 of the Convention. Information on the remedies offered foreigners in the United Republic of Tanzania in case of injustice or discrimination was also requested.

149. The information in the report concerning the implementation of article 7 of the Convention was found to be useful but not very detailed, and additional information on that subject was requested.

150. Several members expressed the hope that the texts of all the legislative provisions mentioned

or referred to in the report would be included in the next report. Special mention in that regard was made of the Citizenship Act of 1961 and the Marriage Act of 1971.

CERD A/35/18 (1980)

310. The third and fourth periodic reports of the United Republic of Tanzania, submitted in one document (CERD/C/48/Add.8), were considered together with the introductory statement made by the representative of the reporting State.

311. Members of the Committee were of the view that the report lacked the kind of detailed information which the Committee required and expressed the hope that, in preparing its next report, the Government of the United Republic of Tanzania would follow the revised guidelines laid down by the Committee for the preparation of reports. In this connection, members of the Committee expressed the wish to be informed of the relevant provisions of the new Constitution which had been recently adopted in Zanzibar in order to know how it consolidated the union between Zanzibar and the mainland, and to what extent the new constitutional provisions were consistent with the obligations undertaken by the Government of Tanzania under the Convention. They wished to be informed also of the demographic composition of the population and of how the Government managed to ensure harmony among the various racial groups and nationalities, including many Indians who lived in the country. It was hoped, in addition, that the next periodic report would list administrative measures which had been adopted to give effect to the provisions of the Convention and which had partially been reported in the second periodic report.

312. With reference to article 1, paragraph 4, of the Convention, further information was requested on measures to secure the adequate advancement of individuals and groups who might be economically disadvantaged, such as the formation of co-operatives under the Ujamaa system and the introduction of a programme by which 50 per cent of the young people were sent to work in agriculture as soon as they reached a certain age.

313. Referring to article 3 of the Convention, members of the Committee were of the view that information should be provided in the next report on the important role played by the United Republic of Tanzania in combatting racism, racial discrimination and apartheid in southern Africa.

314. The Committee noted with appreciation the principles embodied in the Arusha Declaration concerning the social development of the United Republic of Tanzania; however, the Committee believed that it was necessary to know whether such principles had been translated into laws and whether specific measures including penal sanctions had been adopted to give effect to the provisions of article 4 of the Convention. It was recalled, in this connection, that the enactment of legislation for the implementation of article 4 is an obligation for each State party whether or not the phenomenon of racial discrimination existed in its country.

315. The Committee also wished to know how the rights laid down in article 5 of the Convention were guaranteed by the legislation of the United Republic of Tanzania, with particular reference to measures designed to protect refugees and their status at national and international level. It was noted in this regard that the Government of the United Republic of Tanzania had adopted a liberal policy vis-à-vis refugees, especially those from southern Africa, and the wish was expressed that more information would be provided about any problems that arose as a result of that policy. One member wished to receive information on the guarantee of political rights in the country. Other

members asked what regulations or agreements existed governing the migration of Tanzanian workers to the Gulf States, or governing the working conditions of expatriates, and in which manner trade unions were organized in the country.

316. As regards article 6 of the Convention, it was noted that in the United Republic of Tanzania the Permanent Commission of Enquiry had a mandate to receive complaints concerning any official except the President and the Vice-President, and it was asked in this connection whether the Commission was empowered to consider complaints against persons who were not officials and, if not, where could such complaints be submitted and also what recourse was available to expatriates if they become victims of racial discrimination. Members of the Committee were of the view that it would be of interest to the Committee to receive more information concerning the Commission's functions, including information about its ability to impose sanctions, and to know how the Commission operated, especially in remote areas. For this purpose, it would also be helpful if the Committee could be provided with annual reports of the Commission.

317. Further information was also requested by the Committee on measures taken by the Tanzanian Government in compliance with article 7 of the Convention.

318. Replying to questions put by members of the Committee, the representative of the United Republic of Tanzania stated that although there were many tribes living in her country, no major differences in customs existed among them and that the Swahili language, in particular, was a unifying factor. She also gave some explanations concerning the employment of young people in agriculture and the electoral system of the country. As regards the functions of the Permanent Commission of Enquiry, the representative stated that the Commission carried out the functions of an ombudsman, and that it was competent to deal with complaints by nationals and aliens alike in any area of the country including remote rural areas. It tried to settle conflicts between individuals through mediation, referred complaints involving criminal offences to the police for further investigation or prosecution and submitted its findings to the President, whose decision was final. The representative finally assured the Committee that all its comments and questions would be transmitted to her Government.

CERD A/38/18 (1983)

327. The fifth periodic report of the United Republic of Tanzania (CERD/C/75/Add.10) was considered by the Committee after a brief introductory statement made by the representative of the reporting State.

328. Members of the Committee were of the view that the report of the United Republic of Tanzania reflected the desire of the Government to fulfill its basic obligations under the Convention and to pursue its dialogue with the Committee. However, the Committee expressed concern at the statement in the report that laws alone could not abolish racial discrimination or any other human injustice. The Committee recalled again that it was necessary under the Convention for States parties to take legal measures to prevent racial discrimination and that the lack of judicial measures could equally be due to the absence of any specific legislative or administrative measures which tended to the elimination of racial discrimination.

329. The hope was expressed that the next periodic report of the Government would include detailed information on the Arusha Declaration and the Constitution of the Republic, since those two documents would help to provide a better insight into the working of the one party system. Since the experience of other States parties to the Convention had shown that investigatory and advisory agencies could play an important role in minimizing acts of racial discrimination, members of the Committee wished to be informed of the Government's views on the creation of a regional system for the promotion and protection of human rights and on those measures of supervision and control which the United Republic of Tanzania would be prepared to accept.

330. As regards the implementation of article 2 of the Convention, some members of the Committee asked for further details concerning the rights of ethnic groups where no single group was dominant, in particular, on the Government policy relating to the traditions, customs and dialects of the various tribal communities, on positive measures to enable them to enjoy their own culture through affirmative administrative action or financial support, as well as information on how many persons of Asian origin had become citizens, how many still retained British nationality, whether there were any stateless persons of Asian origin in the United Republic of Tanzania and if the Government policy ultimately envisaged assimilation of those groups of the population. Furthermore, some information was requested on the status of refugees from Uganda, if any still remained, and on the prospects for their repatriation.

331. As far as article 3 of the Convention was concerned, it was noted that as a front-line State, the United Republic of Tanzania provided logistical support to nationals fighting the evils of apartheid and racial discrimination in South Africa. The Committee expressed the wish to obtain more information on any new plans for action against apartheid within the Southern African Development Co-ordination Conference and other subregional organizations.

332. In connection with article 4 of the Convention, it was noted that the two provisions of the Penal Code of the United Republic of Tanzania, referred to in the report, endeavoured to meet some of the requirements of that article but did not cover all of those mentioned in article 4 (a). However, the Government had perhaps misinterpreted the provisions of article 4 (b) of the Convention, which was

directed not as organizations bringing together a racial minority group but which was specifically directed at organizations or groups promoting and inciting racial discrimination such as certain exclusive clubs. Turning to the implementation of article 4 (c) of the Convention, further information was requested on what kinds of cases had been handled by the anti-corruption squad in the President's Office, especially if they had concerned officials accused of corruption which might also have involved racial discrimination.

333. With respect to the implementation of article 5 of the Convention, clarification was sought on the criteria governing participation in the political decision-making process of the country and the requirements for membership of the Chama cha Mapinduzi party (CCM), on the powers and functions of the government post of regional commissioner, and at the same time regional party secretary, as well as on the proposed amendments to the 1980 constitution of the CCM party. With regard to the electoral system, it was noted from the report that only members of the ruling party were entitled to stand for election. In that connection, while some members expressed the opinion that the system in the United Republic of Tanzania seemed to be based on privilege rather than egalitarianism, other members were of the view that the one-party system in that country could not really be called into question, as it had worked for many years. It was also asked under what conditions the right to leave the country and to return could be exercised and whether the resettlement policy pursued by the Government respected the wishes of the people concerned. Referring to the statement that trade union matters were organized under the National Union of the Tanzanian Workers (JUWATA), one of the five mass organizations of the CCM party, it was asked whether that meant that there was only one trade union and that workers could not form other unions and what would be the situation of the Zanzibar legislature adopted laws that were not in compliance with those of the Union Government.

334. With regard to article 6 of the Convention, information was requested concerning recourse procedures, namely, on the work of the Permanent Commission of Enquiry, the types of complaints it generally received and the procedures it followed in compiling its reports, as well as on the Republic's experience in enabling citizens to seek redress through the courts. Further information was also requested on the jurisdiction of the Tanzanian Appeal Court and on the kinds of cases that came before it.

335. With reference to information relating to the implementation of article 7 of the Convention, members of the Committee wished to receive further clarification on the role of the National Education Commission and the means employed by the Government to ensure that private schools did not cater exclusively for children of a given race. Furthermore, some details were also requested on governmental organizations working in the cultural field, on the work of the National History Museum in Arusha, on the subregional groupings with which the Republic was associated and on steps taken to encourage cultural co-operation and cultural agreements. Information on how the press, radio and television were used to disseminate information on the purposes and principles of the Convention and to publicize human rights was also requested.

336. The representative of the United Republic of Tanzania assured the Committee that the questions raised by the Committee members would be referred to his Government for a comprehensive reply in its next periodic report.

CERD A/43/18 (1988)

75. The seventh periodic report of the United Republic of Tanzania (CERD/C/131/Add.11) was considered by the Committee at its 817th meeting, held on 2 August 1988 without the participation of a representative of the reporting State (CERD/C/SR.817), a fact regretted by the Committee.

76. Members of the Committee, having welcomed the submission of the seventh periodic report of the United Republic of Tanzania as evidence of a desire to maintain a dialogue with the Committee, expressed their regret that no representative of the Government was present to answer questions, especially in view of the important role which that country played in Africa.

77. Members wished to know whether the reforms announced by the President of the United Republic of Tanzania after disturbances in Zanzibar had in fact been carried out and whether the problems in Zanzibar were communal in origin. They also wished to receive more information on the Bill of Rights recently incorporated in the Constitution, on the situation of the Pembans, and on social services such as education and health. With reference to paragraphs 5 and 6 of the report, which stated that the Government had consistently encouraged and created the entire population of the United Republic of Tanzania as a single community, without conferring special rights on various tribal communities, and that its policy had succeeded in welding the nation together, members of the Committee pointed out that it was difficult to consider the seventh periodic report of the United Republic of Tanzania because of lack of demographic data giving a clear sociological picture of the different tribal groups within the population. It was stated that paragraph 6 of the report should be read as reflecting an aspiration rather than an achievement. The Committee would commend the policies followed by the Tanzanian Government, but it was hard to accept its claim to success in the absence of any independent evidence.

78. With regard to the implementation of article 2, paragraph 2, of the Convention, members wished to have additional information on the matters referred to in paragraphs 12 and 13 of the report concerning the Asian communities living in the United Republic of Tanzania, and it was asked whether the Asian community believed that there was no discrimination against its members.

79. With respect to the implementation of article 4 of the Convention and referring to paragraph 21 of the report, members emphasized that the United Republic of Tanzania had an obligation to enact legislation imposing specific penalties for all acts of a discriminatory nature, as provided in article 4 (a) and (b) of the Convention. Until it had done so, it could not be said to have effectively implemented the Convention.

CERD A/50/18 (1995)

573. At its 1113th meeting, on 9 August 1995 (CERD/C/SR.1112), the Committee examined the implementation of the Convention by the United Republic of Tanzania on the basis of the previous report of the State party (CERD/C/131/Add.11), its consideration by the Committee (CERD/C/SR.817) and the oral information provided by the representative of the State party.

574. The members of the Committee welcomed the important changes that have taken place in the last several years, such as the entry into force of the amended Constitution, providing for a multiparty system, and the scheduling of the first multiparty elections for October this year. They also noted that some political and economic reforms were introduced in the country, in particular in the agricultural sector with the aim of stimulating the overall economic growth.

575. It was noted that, though the Government asked in 1994 for the postponement of the submission of its eighth to eleventh periodic reports until the information on the recent substantive changes that occurred in the country were incorporated, no report had yet been received by the Committee. This meant that the United Republic of Tanzania had not fulfilled its obligation under article 9, paragraph 1, of the Convention. However, the presence of a representative of the State party to participate in the discussion with the Committee and the oral information he gave and the comprehensive answers provided to the questions raised by Committee members was a welcome sign that the United Republic of Tanzania wished to continue its dialogue with the Committee.

576. It was observed that numerous ethnic communities lived in Tanzania, together with a large minority of Asians, though the latter seems to decrease in number. Questions were asked about the treatment of people having originally come from Zanzibar to the mainland. The official position of the Government was also noted that the Tanzanian nation has been "welded together", as stated in the State party's seventh periodic report (CERD/C/131/Add.11, para. 6). It was also noticed that the important number of refugees coming from neighbouring countries, Rwanda and Burundi, this number amounting to 1.4 million according to the representative of Tanzania, created difficulties for the authorities, especially as regards their accommodation in Tanzania and their repatriation to their countries.

577. It was noted that there seemed to be some problems, mainly involving Christians and Muslims coming from different ethnic communities, relating to allegations that favoritism is being shown by the authorities towards one community, in the civil service, government posts and positions, State-owned businesses and scholarships.

578. The discussion underlined the concern about the availability of free access to Courts and legal remedies in cases of alleged racial discrimination. It was stressed that the State party had not implemented the provisions of articles 4 and 6 of the Convention, which call for the adoption of positive measures to combat racial discrimination.

Concluding observations

579. At its 1124th meeting, held on 16 August 1995, the Committee adopted the following

concluding observations.

(a) Principal subjects of concern

580. Concern was expressed at information about the cases of the expropriation of the lands of members of the Massaï and the Barabaïg communities, within the framework of the agricultural reforms undertaken by the Government.

581. Concern was expressed at the absence of provisions in the domestic legislation designed to implement the provisions of article 4 (a) and (b) of the Convention, and also about how the Convention as a whole was being implemented by the State party in its national legal system.

582. It was noted with concern that there were reports alleging that the Asians in Tanzania suffer racial discrimination, and that there were statements of discrimination between the Christian and the Muslim communities giving rise to certain concern inasmuch as it was based on ethnic differences.

(b) Suggestions and recommendations

583. The Committee recommends that the State party in its report provide information as to which measures it has taken to effectively implement the Convention in its national legal system.

584. The Committee recommends that the State party includes in its next periodic report information on the changes that occurred in the recent period of time within Tanzanian political and legal order and the society at large, possibly on the demographic composition of the population in Tanzania, on the introduction of legislation to combat racial discrimination in accordance with article 4, and on the means available to victims of human rights violations to obtain justice and reparation in accordance with article 6 of the Convention.

585. The Committee suggests that the Government of the United Republic of Tanzania avail itself of the technical assistance which the Committee can offer under the advisory services and technical assistance programme of the Centre for Human Rights.

586. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted by the 14th meeting of States parties.