



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
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**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH
THE CONSIDERATION OF THE FOURTH PERIODIC REPORT OF
THE UNITED REPUBLIC OF TANZANIA
(CCPR/C/TZA/4)**

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please clarify how all the Covenant provisions have been integrated in the domestic legal system, including whether it is proposed to incorporate the Covenant itself into the legal system and the precedence which it may be given over conflicting domestic legislation. Please also indicate whether the Covenant provisions can be and have been invoked before the courts. If so, please provide information, including examples and statistical data if available, of such cases (State party report, CCPR/C/TZA/4, paras. 24-27, and previous concluding observations of the Human Rights Committee, CCPR/C/79/Add.97, para. 10).
2. Please provide examples of, and statistics on, the complaints under consideration by the Commission for Human Rights and Good Governance, in particular regarding complaints submitted by persons in detention (State report, paras. 28, and previous concluding observations, para. 26). If a human rights violation is found by the Commission, is it automatically referred to the judicial system? Please comment on reports that the recommendations of the Commission have not been implemented, such as in the *Nyamuma village* case. Please describe the steps taken to ensure that the Commission is accessible to all individuals concerned throughout the territory of the State party.
3. Please provide information regarding the non-implementation of some of the outstanding recommendations of the Nyalali Commission, which had been noted in paragraph 9 of the Committee's previous concluding observations, and the reasons therefor. (State report, paras. 42-44, 59-62 and 74-75).

Non-discrimination, freedom from interference with privacy, protection of the family, and equality of men and women (arts. 2 (1), 3, 17, 23, 26)

4. Please indicate whether the laws on marriage, citizenship, succession and inheritance that discriminate against women have been reviewed, in particular those regarding the minimum age of girls for marriage (State report, paras. 41 and 149, and previous concluding observations, paras. 12-13). Please also indicate whether the legislation applying in Zanzibar continues to permit the imprisonment of both mother and father in the event of an unmarried woman falling pregnant (State report, paras. 157-158, previous concluding observations, para. 15).
5. Please explain in greater detail the positive action taken with regard to women's access to education, including the steps taken to overcome customary attitudes preventing women from fully pursuing their right to education (State report, para. 17, 35 previous concluding observations, para. 12). Please also provide detailed information on the measures in place to promote an equitable representation of women in decision-making positions, both in public affairs and the private sector (State report, para. 34).

Violence against women (arts. 3, 7)

6. Please provide more detailed information on the measures taken to ensure the effective investigation, prosecution, and sanctioning of acts of violence against women, including domestic violence. Do victims have access to effective legal remedies? Please clarify whether domestic violence and marital rape are recognized as specific criminal offences in the domestic criminal law. What steps are being taken to overcome patriarchal attitudes and stereotypes which continue to inhibit women from complaining about such violence (previous concluding observations, paras. 11, 24)?
7. Please comment on reports according to which female genital mutilation continues to be practised illegally and is rarely prosecuted. Please indicate whether the criminalization of this practice protects all women irrespective of their age (previous concluding observations, para. 11). In addition to criminalization, what practical steps have been taken to prevent female genital mutilation?

Public emergencies (art. 4), and counter-terrorism measures and respect of Covenant guarantees

8. Please provide information on existing or proposed counter-terrorism related laws, such as the 2002 Prevention of Terrorism Act, and their compatibility with the Covenant, including the definition of terrorism contained therein (State report, para. 98).

9. Please comment on reports according to which the amended Emergency Powers Act of 1986, inter alia granting the President exceptional powers to suspend laws and overrule court decisions, is still not fully consistent, in particular, with article 4 of the Covenant in respect of the rights from which no derogations are permissible. Please also indicate whether any emergency powers have been exercised since the last periodic report and under what conditions (State report, paras. 42-44, and previous concluding observations, para. 9).

Right to life, prohibition of torture and cruel, inhuman or degrading treatment, and liberty and security of the person (arts. 6, 7 and 9)

10. Please provide updated statistics regarding the number and type of offences for which the death penalty has been imposed, including the number of executions carried out and the number of prisoners still on death row. (State report, paras. 49 and 63, and previous concluding observations, para. 14). What is the status of the moratorium on the execution of death sentences? Please also provide detailed information on the legal provisions regarding appeals or reviews governing death sentences and their application in practice.
11. Please indicate when the State party intends to review its legislation which permits corporal punishment as part of judicial sentences and in the education system (State report, para. 63, and previous concluding observations, para. 16) and what measures are envisaged to ensure its compatibility with the Covenant.
12. Please provide more detailed information on the mechanisms in place to investigate and prosecute complaints of torture and ill-treatment in police custody, detention facilities and prisons during all stages of deprivation of liberty (State report, paras. 67-68), including information on their independence (previous concluding observations, para. 18).
13. According to reports before the Committee, persons with albinism are increasingly becoming victims of violent attacks and killings, often because of witchcraft or superstitious beliefs. What urgent and effective measures have been taken to eradicate this practice? Please provide information on the number of these cases which have been prosecuted and indicate their outcomes. Please also provide information on the planned awareness-raising campaign organized in this regard by the Ministry of Community Development, Gender and Children.

Elimination of slavery and servitude (art. 8)

14. Please comment on reports according to which trafficking and sexual exploitation of women and children persist in the State party. Has the State party adopted a National Action Plan on trafficking in human beings (State report, para. 96)?

Expulsion of aliens (art. 13)

15. Please comment on reports alleging that, since 2007, the State party has forcibly returned large numbers of refugees to Rwanda, Burundi and the Democratic Republic of Congo (State report, paras. 91-98, and previous concluding observations, para. 17), and that security forces committed physical abuses against these individuals, as well as looting their property.

Treatment of prisoners and imprisonment for debt (arts. 10, 11)

16. Please provide information on the progress made with regard to the national prison policy document (State report, para. 69). What measures have been taken by the State party to improve conditions of detention and to prevent overcrowding (State report, paras. 70-72)? Do non-governmental organizations have access to detention facilities and under what conditions?
17. Please provide information on measures undertaken by the State party to ensure the implementation of article 11 and prohibit imprisonment for inability to pay debt (State report, paras. 79-84, previous concluding observations, para. 21).

Right to a fair trial and equality before the law (arts. 14 and 26)

18. Please comment on reports according to which the police often fail to bring a person arrested for a criminal offence before a magistrate within the legally prescribed 24 hours. Please also provide information on legal assistance in criminal as well as civil proceedings (State report, para. 176)?

Freedom of speech and freedom of association (arts. 19, 21 and 22)

19. Please provide detailed information on the 2002 law on NGOs, in particular whether it includes criminal sanctions for non-registration of NGOs, on the investigative powers of the NGO Board, as well as the possibility to form national coalitions.
20. Please provide information on the legislative framework for media services and comment on reports according to which the Government has restricted the work of journalists and publishers, particularly in Zanzibar.

Rights of the child (art. 24)

21. Please provide information on the effectiveness of the steps taken to enforce the legal provisions aimed at eradicating child labour (State report, para. 154, and previous concluding observations, para. 25), in particular with regard to mining activities. In addition, please provide more detailed information on the unified law on child matters (State report, para. 154).

Right to take part in the conduct of public affairs (art. 25)

22. Please describe the measures taken to prevent electoral irregularities and political violence during elections in Zanzibar, in particular in the light of the events of the 2000 and 2005 elections in the archipelago (State report, paras. 159-171). Please also provide information on the report of the Independent Commission of Inquiry into the events of 27 January 2001 (State report, paras. 164), as well as on the decision in the case *Rev. Christopher Mtikila v. Attorney General HCT Misc. Civil Cause No. 10/2005* (State report, para. 162).

Rights of persons belonging to minorities (art. 27)

23. Please indicate whether the State party has carried out any studies regarding minorities (State report, para. 178). In addition, please provide information on the situation of the Hadzabe indigenous community, particularly the extent to which their right to their traditional way of life and their culture has been adversely affected by the granting of hunting licences.

Dissemination of information relating to the Covenant (art. 2)

24. Please indicate what steps the State party has taken to disseminate information about the Covenant, the submission of its fourth periodic report, its examination by the Committee and the Committee's previous concluding observations on the second periodic report. Please also provide information on the involvement of civil society and national human rights institutions in the preparation of the report.
