



THE UNITED REPUBLIC OF TANZANIA

STATEMENT BY

**HON. ANGELLAH JASMINE KAIRUKI,
DEPUTY MINISTER FOR CONSTITUTIONAL AND
LEGAL AFFAIRS AT THE 49TH SESSION OF THE COMMITTEE
ON ECONOMIC SOCIAL AND CULTURAL RIGHTS AT**

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Check against Delivery

**Honourable Chairperson,
Distinguished Members of the Committee,
Dear Participants,**

I would like, at the outset, to express the deep appreciation of the Government and the people of the United Republic of Tanzania for the positive contribution that the Committee is making in promoting and protecting human rights in our respective countries and regions.

Your individual and collective engagement with my Government since the submission of our report in 2009 is laudable. We were especially delighted with the list of issues that you brought up in advance of this Session. The same will certainly enrich our constructive dialogue exchange today.

Indeed, much has happened within Tanzania since 2009 and therefore this occasion provides yet another opportunity for you to get a first-hand insight of some significant economic, social and cultural changes which have occurred aimed at improving the realisation of human rights for all Tanzanians.

Chairperson,

As you will certainly appreciate, my delegation is diverse and gender balanced. In the interest of time, may I introduce Mr. Deus Kaganda, Minister Counsellor who is representing the Acting Permanent Representative of Tanzania to the United Nations and skip the introduction of the other members of my delegation. It suffices to reassure you that the diversity of this delegation will engage with you in an open and constructive dialogue.

Chairperson, Distinguished members of the Committee,

The United Republic of Tanzania ratified the Covenant on Economic, Social and Cultural Rights in 1976 and has been taking the necessary measures in implementing it. In accordance with the provisions of articles 16 and 17 of the

Covenant, Tanzania's initial report was due for submission since 1990. Unfortunately, there has been an inordinate delay which I have to admit, did not arise out of neglect. Apart from lack of resources, there has been certain organisational shortcomings, including lack of a specific institution and mechanism for co-ordinating reporting obligations which have now been rectified and dealt with.

A fully fledged Division of Constitutional Affairs and Human Rights seated at the Attorney General's Chambers has been established with the mandate to co-ordinate human rights reporting obligations. As a result, we have been able to clear most of the backlog both at a regional and international level. We are grateful to the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP) for the financial and technical support. We count on their continuing support so as to be able to keep up the momentum.

Indeed, I would like to add that the presentation of this report follows a series of similar engagements that Tanzania has had with the International human rights machinery. The Government of Tanzania with the support of One-UN programme, prepared and submitted its first National Universal Periodic Review Report on the implementation of human rights in July 2011, the same was reviewed by the Human Rights Council in October 2011 and the final outcome was adopted in March 2012. We received various recommendations and are currently working in collaboration with other relevant stakeholders to improve the human rights situation in the Country. This has a successful experience for us.

Chairperson, Ladies and Gentlemen

The preparation of our report involved various stakeholders from the Government departments and agencies, civil societies as well as International Organisations. Wide consultations were held through workshops and meetings in order to draw the views and concerns of many. In addition, the preparation of replies to the issues that you raised benefited from the same level of participation. I believe that both the core document and the subsequent replies have provided you with adequate information

on the extent of implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in Tanzania.

Chairperson,

This implementation Report covers the geographical areas of the United Republic comprising the Tanzania Mainland and Tanzania Zanzibar.

According to the Population and Housing Census of 2002, the population of Tanzania has been estimated at 44.5 million in 2011, of which 50.7 percent were females, while 49.3 percent were males. Tanzania Mainland had an estimated population of 43.2 million while Tanzania Zanzibar had an estimated population of 1.3 million. The Population distribution estimates showed that, 74.3 percent of the total population live in rural areas, while the remaining 26.7 percent live in urban areas. The estimates were based on the population growth rate of 2.9 percent per annum calculated from the population of 34.5 million established during the 2002 Population and Housing Census.

In August this year, the Government conducted the 5th Population and Housing Census, the official outcome of which is yet to be published. Indeed, the trajectories estimate the population to reach 45.8 million this year. The data collected shall assist in promoting among other things, the economic, social and cultural rights of our people through an even distribution of resources. With the numbers being known, it is possible to evaluate the objectives of the National Strategy for Growth and Reduction of Poverty as well as the Millennium Development Goals.

Chairperson, Distinguished Members of the Committee,

Tanzania is among the least developed countries whose **economy** is mostly dependent on agriculture. According to the Tanzania's State of the National Economy Report of 2012/13, the real GDP grew by 6.4 percent in 2011 compared to 7.0 percent in 2010. The slowdown in growth was largely attributed to drought conditions which largely affected agricultural production and electricity outage which

contributed to low performance in manufacturing and other economic activities. The annual average inflation rate rose from 10.5 percent in 2010 to 12.7 percent in 2011. The rise in inflation rate was driven by continued increase in the average price of oil in the world market and food prices. The National Development Plan for 2012/13 has been set to attain the real GDP growth of 6.8 percent in 2012 and also to ensure its growth to 8.5 percent by 2016.

Chairperson,

As we all know, the enjoyment of economic, social and cultural rights is highly dependent on the **eradication of poverty**. Through a participatory approach, the Government developed the National Development Vision 2025 for Mainland Tanzania and Vision 2020 for Zanzibar. In implementing these visions, we have put in place the National Strategy for Economic Growth and Reduction of poverty (NSGRP) commonly known as MKUKUTA in Tanzania Mainland and MKUZA in Tanzania Zanzibar, aimed at significantly alleviating poverty. These were set to be implemented for the period of five years effective from 2005 and 2007 respectively. Through these Strategies, national resources have been budgeted for and allocated to various actors within the public institutions. The strategies accord priority towards economic growth and income poverty reduction, quality of life and social well being as well as good governance and accountability. We also have in place a monitoring system to assess its implementation through a participatory approach.

The first phase of the implementation of the Strategies ended in 2010. Achievements recorded during the implementation period included improved economic growth, increased per capita income, increased food self sufficiency rate from 102 percent in 2010 to 112 percent in 2011, enhanced transparency and accountability in the use of public resources, strengthened fight against corruption and improved performance in the education, health and water sectors. Other notable achievements included the sustenance of the real GDP growth, which averaged 6.9 percent between 2005 and 2010, in line with MKUKUTA target of 6-8 percent by 2010 and the decrease in the

percentage of Tanzanians who would otherwise not meet basic needs from 35.6percent in **2000/01** to 33.4percent in 2007.

Chairperson,

The United Republic of Tanzania celebrated 50 years of independence last year and this year marks 35 years since the adoption of our Constitution in 1977. Owing to the changing times and environment, the need to cater for the fulfilment of the human rights of the people of Tanzania has necessitated not only the amendment of the Constitution over the time, but also to a major **Constitutional Review** via the Constitutional Review Act, 2011. The Act established the Constitutional Review Commission which has been given 18 months to deliver a draft new Constitution which will adapt to the changing times and needs of the people.

Chairperson,

Tanzania has a dynamic and **independent judiciary** which plays an important role in ensuring the protection of human rights and fundamental freedoms. It also plays an important role as a remedial mechanism whenever violation of human rights occasions through the application of the Basic Rights and Duties Enforcement Act, 1994. In addition, protection of human rights in Tanzania is also guaranteed through an independent Commission for Human Rights and Good Governance which was established in 2001. Having performed well in the promotion and protection of human rights in Tanzania, the Commission has now been accredited status 'A' by the International Co-ordinating Committee of National Human Rights Institutions.

Chairperson, Distinguished Members of the Committee,

With regard to **non-discrimination**, the Government continues to implement a number of policies, legislative and administrative measures with a view to affording enjoyment of human rights to all Tanzanians. Both Constitutions of Tanzania Mainland and Tanzania Zanzibar guarantee equality of all people to the enjoyment of human rights and expressly prohibit discrimination on the basis of race, colour,

sex, language, religion, political, national or social origin, birth, gender or station of life.

The laws on Employment and Labour Relations, HIV and AIDS and Land respectively provide for non discrimination and equality between men and women. We also have in place a number of equality and anti-discrimination policies related to education, HIV/AIDS, Ageing, Children, Persons with Disabilities, Women and gender development.

Affirmative action programmes have been introduced in order to bring equality of people in various areas to comply with both regional and international instruments. In 2003, the Government achieved notable progress in combating gender based discrimination in political and decision making positions, by introducing the 14th Constitutional amendments which increased the number of seats for women in Parliament. As I speak to you today, we have achieved a 36.6 percent of women parliamentarians. It is also worth mentioning that the current Speaker of the National Assembly is a woman. The increase of women representation is also observed in other Government decision making positions.

Chairperson, Distinguished Members of the Committee,

With regard to the **right to health**, we have undertaken a number of measures aimed at the realisation of the right to health to all Tanzanians. In full collaboration with various stakeholders we have improved health services and ensured that they are offered at the required standards. A good number of health facilities were constructed and rehabilitated throughout the country. The 2010 statistics revealed that health facilities increased to 6,321 as compared to 6,221 facilities in 2009 which is an equivalent of 1.6 percent increase.

Other initiatives such as the Primary Health Care Service Development Programme (PHCSDP) as well as the Reproductive and Child Health Strategic Plan of 2008-2015 continued to be implemented as planned. Reproductive and child health services

continued to be of priority in order to reduce maternal and child mortality rate. The 2010 Tanzania Demographic and Health Survey indicate a continuing rapid decline in childhood mortality. According to the statistics, infant mortality rate has declined from 96 deaths per 1,000 live births in the year between 1996-2000 to 51 deaths per 1,000 live births in 2010. With this decline, it is anticipated that Tanzania will reach the goal set for the infant mortality rate of 38 deaths per 1,000 live births in 2015. Similarly, during the period of 2005 -2010, the under- five mortality rate declined from 112 deaths per 1,000 live births to 81 and maternal mortality rate declined from 578 deaths per 1,000 births to 454.

As a result of all these successful initiatives, in 2011, the 'United Nations Foundation' awarded Tanzania the "2011 Social Good Award" for promoting social media and application of ICT (modern technology) in addressing development challenges including maternal health care services.

Chairperson, Distinguished Members of the Committee,

With regard to **HIV/AIDS**, the Government has continued with the implementation of the National Aids Control Programme by providing treatment services and care to people living with HIV and Aids, as well as counseling and HIV voluntary testing. As a result, HIV prevalence among 15-24 years old declined from 7.4 percent in 2005 to 5 percent in 2010. In 2011, a total of 14.9 million people received counseling and HIV voluntary testing services compared to 8.9 million people who received such services in 2010.

As regards to the fight against malaria, the National Malaria Medium Term Strategic Plan 2008-2012 has also been successful since the percentage of households owning at least one bed net has increased from 56.3 percent in 2007/08 to 74.7 percent in 2009/10. In 2011 the Government distributed a total of 17.6 million treated mosquito nets to households in all mainland Tanzania regions free of charge. The Government continued with the construction of a plant to control mosquito breeding sites in Kibaha, Coastal Region. All these measures, coupled with the provision of

subsidies for Artemether-Lumefantrine (ALU) to treat malaria have largely strengthened our efforts in the fight against malaria.

In recognition of these efforts, H.E Dr. Jakaya Mrisho Kikwete, the President of the United Republic of Tanzania, was awarded in January this year for leadership excellence in the campaign aimed at eradicating malaria in Tanzania by the African Leaders Malaria Alliance (ALMA).

Chairperson, Distinguished Members of the Committee,

We would like to inform this august body that there has been considerable improvement in attaining the **right to education**. We have adopted policies as well as enacted legislation to govern compulsory education enrolment, secondary education, access to education for those who missed the opportunity to formal education, as well as affirmative education programme for girls.

The performance in the implementation of the Primary Education Development Plan [PEDP] and the Secondary Education Development Plan (SEDP] of 2004-2009 has been quite impressive. Enrolment in pre – primary schools increased from 896,146 pupils in 2009, to 925,465 pupils in 2010 equivalent to an increase of 3.3 percent. The net primary school enrolment increased from 96.1 percent in 2005 to 99 percent in 2010. The primary pupil/teacher ratio for 2005 was 56:1 compared to 45:1 in 2010.

As a result of this impressive performance, Tanzania received in 2010 a United Nations Award for meeting the Millennium Development Goal on attaining Universal Primary Education five years ahead of the 2015 deadline.

Equally important, the number of students in secondary schools (form I – VI) increased from 1,466,402 in 2009 to 1,638,699 students in 2010, which is equivalent to 11.7 percent increase. It is heartening to note that out of those students, girls were 728,528 , equivalent to 44.6 percent and boys were 910,171, equivalent to 55.5 percent, compared to 653,457 girls (44.6 percent) and 812,945 boys (55.4 percent) in

2009. The increase in the number of students in secondary schools in 2010 was a result of deliberate efforts by the Government to ensure that all students who pass primary school final examinations are enrolled in secondary schools.

Chairperson, Distinguished Members of the Committee,

In recognition of **education** as a basic human right for all, the Government has taken into consideration the special needs and requirements of persons with **disabilities** and continues to implement the Inclusive Education Strategic Plan of 2010. The Plan provides for specific responsibilities and roles for different stakeholders who play a part in implementing inclusive education both in and out of schools. As a result of the interplay of the various actors, the percentage of pupils with disabilities enrolled in schools rose from 24% in 2006 to 34 % in 2011. Assistive devices were bought by the Government and distributed in schools.

With regard to the traditionally marginalized sections of society such as pastoralist and hunter-gatherer communities, the Government has constructed 15 boarding primary schools in 7 pastoralist communities. School feeding programs have also been introduced with support from the World Food Program (WFP).

Chairperson, Distinguished Members of the Committee,

Teenage pregnancies is one of the challenges faced in the realization of the right to education for girls and young women and the Government has adopted a re-entry policy to address this problem. Other measures include the introduction of Sexual and Reproductive Health education in the primary and secondary school education curriculum, the provision of life skills manuals to all girls including those with disabilities in age-appropriate formats and Braille print, the construction of hostels for girls, the introduction of the Adult and Non-formal Education system which provides an alternative mechanism for school dropouts and those who have never been admitted to schools before as well as the criminalization of interruption of a child's education. The Government is in the final process of reviewing its Education and Training Policy of 1995 in order to accommodate the emerging challenges in this area.

Chairperson, Honourable Members of the Committee,

During the period under review, the Government has continued to take a number of measures to promote and protect the **right to work**. It is worth noting that Tanzania is a state party to the core ILO Conventions and has a good track record on reporting obligations. Most of the ILO Conventions have been domesticated through the Employment and Labour Relations Act and the Labour Institutions Act of 2004. These two pieces of legislation provide for a framework for conducive environment for workers to enjoy their social rights, including forming and joining trade unions.

The enactment of the Occupational Safety and Health Authority (OSHA) since 2001 has ensured that workers in formal and informal sectors are protected at workplaces in terms of their health and safety.

Similarly, during this period, the Government continued with its facilitative role of ensuring that people enjoy the right to work. During the period of 2005-2010 the unemployment rate declined from 12 percent in 2005 to 11 percent in 2010. Active labour force was estimated at 20.6 million in 2009 this is in accordance with the Integrated Labour Force Survey (ILFS) of 2005/06. The Survey further reveals that 18.3 million people were employed, out of which, 9.0 million were males and 9.3 million were females. The informal sector generated more employment opportunities compared to the formal sector in the same period. This was due to rural -urban migration, which has compelled many people to indulge in informal activities due to simplicity in setting them up.

The Tanzania Employment Services Agency (TaESA) has also expanded its offices in order to extend public employment services closer to the people by linking job seekers to employers locally and internationally. The Agency has also provided training on interview techniques and labour market information.

Chairperson, Distinguished Members,

With regard to the **right to social security**, the Social Security Regulatory Authority (SSRA) was established in 2008 to regulate social security schemes and to ensure they provide better services to their beneficiaries. To a large extent, most of the Social Security schemes have ensured that retired employees get their pension as soon as possible after retiring from the service and that they live a reasonable and decent life after retirement. Retirees access monthly pension which are paid in advance on a quarterly basis through the banking system, contributors of over 15 years who are aged between 55-60 years are also allowed to access housing loans and schemes are subjected to penalties for delays or non-submission of pension payments within a stipulated time.

With regard to Universal access to social pension, the Government is currently working on a social protection scheme which will lead to enactment of a law for universal pension for elderly citizens.

Chairperson, Distinguished Members of the Committee,

As regards to the **rights of women**, the Government has taken a number of measures to ensure that their rights are well promoted and protected. Tanzania continued with implementation of its treaty obligations by ratifying the Protocol to the Charter on the Rights of Women in Africa in 2007. The Protocol, calls for the protection and promotion of women rights by condemning all forms of discrimination against women, eradication of harmful traditional practices, access to justice, equal protection before the law, reproductive health rights, property rights and special protection for women with disability.

As a State Party to the Convention on the Rights of the **Child** and its two optional Protocols, we have continued to oblige to their reporting obligations. Similarly, in 2009 we domesticated the Convention by enacting the Law of the Child Act. The Act provides for the reform and consolidation of the laws relating to children, promotion

and protection of the welfare of a child. In Zanzibar, the Law on the Rights of the Child was enacted by the House of Representatives in May this year.

In addressing the problem of violence against children, Tanzania was the first Country in Africa to have conducted a National Survey on Violence against Children in 2009. The outcome of the said Survey was consolidated into a Report on Violence against Children which was eventually launched in 2011.

This report has enhanced the Government's understanding of the magnitude of the problem and indeed the same has inspired the Government's resolve to break the silence on violence against children for which stronger foundation on both prevention and response within a child protection system in line with the Law of the Child Act, 2009 have been instituted.

Furthermore, the Government in collaboration with UNICEF and other stakeholders is working on Child Justice Reform with a view to creating a Child Justice Strategy following completion of the two studies on the "Access to Justice System for Under-18s in Tanzania"; and an "Analysis of the Situation for Children in Conflicts".

Chairperson, Distinguished members of the Committee

In compliance to the Vienna Declaration and Program of Action adopted in 1993, a draft **National Human Rights Action Plan** has been prepared and is currently being discussed by stakeholders. The Action Plan will provide the necessary framework for the implementation of human rights in the Country. A National Technical Committee Team comprising of the members from the Government, the Commission for Human Rights and Good Governance and the civil society is spearheading these efforts. It is also worth to note that the UNDP under One-UN framework is supporting this initiative. The Action Plan is expected to be finalized within this financial year

Chairperson,

In the fulfilment of the **right to adequate standard of living** in 2011, the Government continued with the implementation of the National Economic Empowerment Policy by extending soft loans-terms through empowerment funds. These funds included the Mwananchi Empowerment Fund which extended loans of Tanzanian shillings 7.1 billion compared to Tanzanian shillings 4.6 billion extended in 2010, the Presidential Trust Fund which extended total loans of Tanzanian shillings 6.8 billion to 167,372 beneficiaries and the Agriculture Inputs Trust Fund that offered a total credit of Tanzanian shillings 49.45 billion to farmers and distributors of farm implements. In addition, the Government through the Economic Empowerment and Employment Creation Programme disbursed total credits of Tanzanian shillings 49.23 billion to 72,912 entrepreneurs compared to Tanzanian shillings 47.14 billion offered to 72,179 entrepreneurs in 2010.

In 2010 alone the Tanzania Investment Bank had disbursed a total of Tanzanian shillings 11 billion loans to farmers through its agriculture window financing. The Tanzania Agriculture Bank has been established to cater for loans to farmers to which the Government has already issued the starting capital. The Bank will enable Tanzanian farmers to acquire farming equipment, farm inputs and consultative support to boost their outputs as well as increase their market outlets.

The Tanzania Social Action Fund which was established by the Government continued to contribute largely in the improvement of the livelihood of Tanzanian communities through its funding to development projects.

Chairperson,

As for the right to **food and food security**, the Government has put in place both the institutional, policy and legislative mechanisms to administer this important aspect of all human rights. This includes the establishment of the National Food Reserve Agency (NFRA) in 1996. A milestone was the enactment of the Food Security legislation that established the Food Security Department for purposes of overseeing

the strategic grain reserve. It is also worth mentioning here that from 2005 to 2010 we recorded the Self Sufficient Ratio (SSR) of 112 percent on food above the minimum; which implies that the Country is self-sufficient in terms of food.

We have also embarked on an initiative that would accelerate agricultural transformation in Tanzania. The initiative, known by its Swahili slogan, *KILIMO KWANZA* (Green Revolution) was officially launched in 2009. It comprises of a holistic set of policy instruments and strategic interventions towards addressing the various sectoral challenges and taking advantage of the numerous opportunities to modernize and commercialize agriculture. Zanzibar has a similar programme called Agricultural Transformation of 2010-2020. Market prices of seeds and fertilizers have also been subsidized in order to increase food production.

Chairperson, Distinguished Members of the Committee,

As far as the **right to culture** is concerned, I am duty-bound to reveal to you that Tanzania is a multi-cultural State with a record of over 120 ethnic groups, all unified with one national language, namely *Kiswahili!* This has helped the culture of unity and harmony to prevail in Tanzania for decades. Our periodic Report has captured and enumerated on various legislative, policy and administrative measures the Government has implemented towards the promotion, protection and enjoyment of this right.

Chairperson, Distinguished Members of the Committee,

It would be quite a remiss on my part if I had ended my statement without touching on the fight against **corruption** in Tanzania. As a State Party to the UN Convention against Corruption we have resolved to align our national legal framework and institutions so as to streamline the efforts in the fight against corruption. We finalized the implementation of the National Anti- Corruption Strategy and Action Plan Phase II in 2011 and an evaluation reveals it has had a positive impact in the change of mindset of the public towards corruption.

Other measures include the establishment of the Cyber-Crimes Section and the Asset Recovery Unit within the Office of the Attorney General and civilianization of prosecutions which have greatly helped to restore faith and public confidence in the fight against the culprits. Similarly, on the 20th September 2011, Tanzania committed itself to join the Open Government Partnership (OGP) initiative which aims at making Government business more open to its citizens by improving public service delivery and combating corruption.

Chairperson, Distinguished Members of the Committee,

In closing, I would like to invite all Committee Members to contribute actively and frankly to the deliberations of our report. I can assure you that you will be heard by my dedicated team and that you will receive the information that you might need in the course of these deliberations. For those issues that will not receive responses immediately, I assure you that you will receive the same in the course of the coming weeks.

Let me reaffirm our commitment to the promotion and protection of human rights in Tanzania. We believe that in spite of all these efforts, there still remains work to be done for the full realization of the rights enshrined in the Covenant. We also do believe that the primary duty to guarantee fundamental freedoms and human rights lies with us - the Government, in the first instance.

However, we do recognize the very significant role being played by the Development Partners, the Commission for Human Rights and Good Governance and the NGOs as important partners and do appreciate their immense and valuable contribution in the field of human rights. We therefore look forward to fruitful exchange during this session, as well as future collaboration in furtherance of concerted efforts in the promotion and protection of human rights in Tanzania.

I Thank You for Your Kind Attention.