

TANZANIA

Follow Up Report

TANGANYIKA LAW SOCIETY - TLS

January 16, 2013

[CCPR/C/TZA/CO/4](#)

July 2009 (adoption of the Concluding Observations)

July 2010 (Deadline for the follow-up Report)

Current status: Follow-up from the State Party has not yet been submitted

Recommendation 11	Grade	Overview
While welcoming the adoption of the Sexual Offences Special Provisions Act of 1998, which criminalizes female genital mutilation, and the National Plan of Action to combat FGM, the Committee is still concerned about the persistent practice of female genital mutilation and the fact that the law does not protect women above the age of 18.	C	The situation stands as it was in 2008 during the reporting period. The Criminal law has not been amended. The FGM is prevalent in central and northern Tanzania. The FGM practice is particularly rampant in Mara region. The practice of FGM has changed due to the fear of criminal prosecution and the perpetrators have now started to mutilate infants during the first month of their birth.
It also notes with concern the State party's admission that the law has not been effectively enforced and that impunity for perpetrators prevails. (arts. 3, 7 and 26)	C	The status is the same with very few prosecutions in 2010. A study conducted in Tarime district Mara region revealed that 5,000 young girls were prepared for mutilation that year since mutilation in this area takes place every two years. On the 6 th of December 2010, 770 girls were being processioned before mutilation but no one was arrested despite the fact that it was done in the open ¹ . In 2011 in Dar es Salaam, one man was arrested after he conspired to mutilate his one year old child. ² In 2012, year for mutilation in Tarime, there are no reports of any arres so far. The ceremonies are initiated and more than 4000 are to be mutilated.
Recommendation 16	Grade	Overview
While noting the pilot studies on best practice, which are carried out in conjunction with the United Nations Children's Fund in schools in which caning is not applied, the Committee reiterates its concern that corporal punishment is still available as part of judicial sentences and is permitted within the education system, and that it continues to be applied in practice. (arts. 7 and 24).	C	The status is the same -Despite of Government efforts, corporal punishment is still permitted and is still widely practiced in the school system. National legislation still permits the use of corporal punishment by law enforcement agents under the Prison Act of 1967 and the Corporal Punishment Act.
Recommendation 20	Grade	Overview
The Committee reiterates its concern at the State party's failure to amend the laws which permit imprisonment for failure to pay a debt. (art. 11)	C	Nothing has changed.

¹ LHRC & ZLSC (2011) Tanzania Human Rights report 2010 page 167 and 168.

² LHRC & ZLSC 2012, Annual Human Rights Report 2011 page 137.

Grade A: Implementation satisfactory:

A1: Response fully satisfactory

A2: Response largely satisfactory

Grade B: Implementation partially satisfactory:

B1: Implementation partially satisfactory: progress made, but need for additional information

B2: Implementation partially satisfactory: progress made, but additional action required

Grade C: Response not satisfactory

C: No action taken by the State Party to implement the recommendations

Paragraph 11

While welcoming the adoption of the Sexual Offences Special Provisions Act of 1998, which criminalizes female genital mutilation, and the National Plan of Action to combat FGM, the Committee is still concerned about the persistent practice of female genital mutilation and the fact that the law does not protect women above the age of 18. It also notes with concern the State party's admission that the law has not been effectively enforced and that impunity for perpetrators prevails. (arts. 3, 7 and 26)

The State party should adopt effective and concrete measures to combat female genital mutilation vigorously, in particular in those regions where the practice remains widespread, and ensure that the perpetrators are brought to justice. It should also amend its legislation with a view to criminalizing female genital mutilation regarding women above the age of 18.

Recommendation from the HR Committee	Grade	Action taken by the State	Additional measures needed	Other comments
The State party should adopt effective and concrete measures to combat female genital mutilation vigorously, in particular in those regions where the practice remains widespread, and ensure that the perpetrators are brought to justice.	C	There has been a few arrests and a task force was formed. Yet the practice is still rampant in some areas such as the Mara region. In some areas they have changed the age for mutilation, for example in Singida region they mutilate new born babies.³	In places like TARIME where the people carry out this practice openly more has to be done to combat it. Awareness raising sessions need to be carried out. Arrests of those who perform this openly. The ministry of health and social welfare should conduct a study at household level in areas mostly affected by the practice. NGOs found out that the source of FGM statistics has only been the Reproductive and Child Health Clinics. Village executive officers should be engaged in this study.	Court cases should be filed against the perpetrators. There should be a close working relationship between community development officers, policy and the judiciary on eliminating this issue.
It should also amend its legislation with a view to criminalizing female genital mutilation regarding women above the age of 18.	C	None.	The Constitutional review process should be used as an avenue for legal changes.	

³ LHRC & ZLSC - 2011, op.cit. pg 137

Paragraph 16

While noting the pilot studies on best practice, which are carried out in conjunction with the United Nations Children’s Fund in schools in which caning is not applied, the Committee reiterates its concern that corporal punishment is still available as part of judicial sentences and is permitted within the education system, and that it continues to be applied in practice. (arts. 7 and 24).

The State party should take measures towards the abolition of corporal punishment as a lawful sanction. It should also promote non-violent forms of discipline as alternatives to corporal punishment within the educational system and carry out public information campaigns about its harmful impact.

Recommendation from the HR Committee	Grade	Action taken by the State	Additional measures needed	Other comments
The State party should take measures towards the abolition of corporal punishment as a lawful sanction.	C	The public is not informed of any positive action which has been taken by the State. National legislation permits the use of corporal punishment by law enforcement agents under the Prison Act of 1967 and the Corporal Punishment Act.	To abolish this punishment through revision of laws or constitutional process. To implement a monitoring system of this practice.	
It should also promote non-violent forms of discipline as alternatives to corporal punishment within the educational system	B2	There are Political statements that the number of strokes administered to students has been reduced from 6 to 3.	In practice most teachers have canes and children are being disciplined by canes.	There needs to be a law forbidding corporal punishment.
and carry out public information campaigns about its harmful impact	C	This has not been done.		There has been contradicting views by different government officers on the matter. This indicates a lack of political will.

Paragraph 20

The Committee reiterates its concern at the State party's failure to amend the laws which permit imprisonment for failure to pay a debt. (art. 11)

The State party should comply with article 11 of the Covenant by amending its legislation providing for imprisonment for the failure to pay a debt.

Recommendation from the HR Committee	Grade	Action taken by the State	Additional measures needed	Other comments
The State party should comply with article 11 of the Covenant by amending its legislation providing for imprisonment for the failure to pay a debt.	C	None	To amend the legislation providing for imprisonment for failure to pay a debt.	No registered progress was made despite the comments issued in the Monitoring and Evaluation report conducted by NGOs under the facilitation of LSRP.