



United Republic of Tanzania

National Human Rights

Action Plan

2013-2017

MINISTRY OF CONSTITUTIONAL AND LEGAL AFFAIRS

December 2013

LIST OF ABBREVIATIONS

| | | |
|---------|---|---|
| ACHPR | - | African Charter on Human and Peoples' Rights |
| AGC | - | Attorney General's Chambers |
| ARVs | - | Antiretroviral Drugs |
| ASDP | - | Agricultural Sector Development Programme |
| ATE | - | Association of Tanzania Employers |
| CAG | - | Controller and Auditor General |
| CEDAW | - | Convention on the Elimination of Discriminations against Women |
| CERD | - | Convention on the Elimination of All Forms of Racial Discrimination |
| CHRAGG | - | Commission for Human Rights and Good Governance |
| CRC | - | Convention on the Rights of the Child |
| CRPD | - | Convention on the Rights of Persons with Disabilities |
| CSOs | - | Civil Society Organisations |
| DPs | - | Development Partners |
| DPOs | - | Disabled People Organizations |
| DPP | - | Director of Public Prosecution |
| EMA | - | Environmental Management Act |
| ES | - | Ethics Secretariat |
| FANTA | - | Food and Nutrition Technical Assistance |
| FGM | - | Female Genital Mutilation |
| FVPO | - | First Vice President's Office (Z) |
| FYDP | - | Five-Year Development Plan |
| GBV | - | Gender Based Violence |
| GEPF | - | Government Employees Provident Fund |
| GIPA | - | Greater Involvement of People Living with HIV |
| HoR | - | House of Representatives |
| HRBA | - | Human Rights Based Approach |
| ICCPR | - | International Covenant on Civil and Political Rights |
| ICESCR | - | International Covenant on Economic, Social and Cultural Rights |
| ICMW | - | International Convention on Migrant Workers |
| ICT | - | Information and Communication Technology |
| LAB | - | Labour Advisory Board (Z) |
| LAPF | - | Local Authorities Pensions Fund |
| LGAs | - | Local Government Authorities |
| LRC | - | Law Reform Commission |
| MANR | - | Ministry of Agriculture and Natural Resources (Z) |
| MCT | - | Media Council of Tanzania |
| MDAs | - | Ministries, Departments and Agencies |
| MDGs | - | Millennium Development Goals |
| MEVT | - | Ministry of Education and Vocational Training (Z) |
| MoFAIC | - | Ministry of Foreign Affairs and International Cooperation |
| MIC | - | Ministry of Infrastructure and Communication (Z) |
| MICTS - | - | Ministry of Information, Cultural, Tourism and Sports (Z) |
| MKUKUTA | - | Mkakati wa Kukuza Uchumi na Kupunguza Umaskini Tanzania |
| MKUZA | - | Mkakati wa Kukuza Uchumi na Kupunguza Umaskini Zanzibar |
| MLEC | - | Ministry of Labour, Economic Empowerment and Cooperatives (Z) |
| MLF | - | Ministry of Livestock and Fishing (Z) |
| MLHWE | - | Ministry of Land, Housing, Water and Energy (Z) |
| MoA | - | Ministry of Agriculture (Z) |
| MoAFSC | - | Ministry of Agriculture, Food Security and Cooperatives |

2.2.2. Right to Education

2.2.2.1. Background

The right to education is a fundamental human right and is essential for the exercise of all other human rights. It promotes individual freedom and empowerment and yields important development benefits. The right is explicitly recognized by UDHR, which provides that: “Everyone has the right to education. Education shall be free at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit (Art. 26).” This right is also guaranteed under Article 13 of ICESCR, Article 17 of ACHPR, and Article 28 of CRC.

The Constitution recognises the right to “self-education” (Article 11(2)) as a fundamental objective and directive principle of state policy. Although the right is not justifiable in state courts, the Government is charged with the duty of respecting and incorporating it into state policy.

2.2.2.2. Current Situation

MKUKUTA and MKUZA have provided significant guidance in improving the right to education in Tanzania. MKUKUTA I, Cluster II set an enrolment target of 99% at the primary level, at least 50% of boys and girls enrolled in ordinary level secondary schools by 2010 and at least 25% of boys and girls enrolled in advanced level secondary schools by 2010. MKUKUTA II, Cluster II established the targets for improving education standards, including equitable access to education for boys and girls, universal literacy, appropriate student to teacher ratios, a conducive learning environment, and deployment of quality teachers.

In 2010, Tanzania received an award for attaining the United Nations MDGs on universal primary education before the 2015 deadline. The pace of improvement in secondary schools has been low, however, and there are large gender disparities in enrolment at secondary and tertiary levels. The number of students enrolled in universities and colleges increased to 118,951 in 2010 as compared to 40,993 students in 2005. In technical and vocational education training colleges, students enrolment increased from 50,173 in 2005 (20,493 male, 29,680 female) to 169,124 in 2010 (97,428 male, 71,696 female).

Tanzania also faces challenges in raising education standards, particularly in light of the high pupil to teacher ratios (52:1 in 2006 and 54:1 in 2009) and the decreasing percentage of pupils passing the primary school leaving examination (70.5% in 2006 and 53.5% in 2010) and ordinary and advanced levels, which dropped from 89.1% in 2006 to 53.37% in 2011 and 96.3% in 2006 to 89.6% in 2009, respectively.

The cost of quality education also presents a barrier to education to the majority of the population. The fees for most private English medium primary and secondary schools range from Tanzania Shillings (Tshs.) 900,000 to TShs. 3 million per academic year (equivalent to U.S. \$563 to \$1875). The high cost of this education, and its necessity for higher education in Tanzania, and for job placement, and social advancement, precludes many Tanzanians from accessing quality education.

The Ministry of Education and Vocational Training has a Medium Term Human Rights Education Strategic Plan (2011/12 - 2015/16) that aims to improve the knowledge on human right of students, teachers, and other civil servants in the education sector.

Considering that the use of the English language has been a challenge because of an inadequate number of teachers who command this language, the Government has established a team of experts in Education who would come up with plausible strategies to address this challenge.

2.2.2.3. Challenges

Tanzania still faces many challenges in realizing quality and affordable education, including:

- i. Education targets that focus on quantitative rather than qualitative indicators.
- ii. A less inclusive school environment for disadvantaged groups and children with special learning needs in many schools.
- iii. Poor physical infrastructure and limited resources.
- iv. Inadequate remuneration for teachers.
- v. Limited incentives for teachers to work in rural areas.
- vi. Significant qualitative differences between government and private schools due to higher resources of private schools.
- vii. Inadequate number of well-trained and competent teachers.
- viii. Full implementation of the national education policy.
- ix. Inadequate educational opportunities in technical fields.
- x. Discriminatory laws and practices that inhibit girls' access to education, including the minimum age of marriage established by the Law of Marriage Act, early pregnancy, and domestic labour.
- xi. Gender imbalance at the post-secondary school level, the effect of which is decreased access of women to many decision-making processes.
- xii. Provision of informal education to adult population has decreased from 1990s. This has resulted in the decrease level of literacy among elders.
- xiii. Poor command of English of both teachers and students. Students are taught in Kiswahili in primary education, with English as a compulsory subject. In secondary education, students are taught in English, with Kiswahili as a compulsory subject. In many instances, teachers have limited English proficiency, and, as a result, students start studying in English without proper preparation.
- xiv. Inadequate implementation and monitoring capabilities for educational programmes.
- xv. Limited awareness of the importance of education in rural communities.
- xvi. Lack of quality vocational education and training adapted to the needs of rural young women and men.
- xvii. Lack of curricula or school facilities sensitive to the needs of the disabled.
- xviii. Frequent curricula changes, straining teachers' abilities to accommodate changes.

2.2.2.4. Objectives of the National Action Plan

- i. Improve access to education for youth and adults, including access to informal and vocational education.
- ii. Enhance awareness of the benefits of education.
- iii. Enforce equal treatment and opportunity of education for girls and women at all levels (primary through tertiary).

2.4.1.4. Objectives

- i. Strengthen the operational and financial capacity and independence of CHRAGG, including providing CHRAGG an independent budget line item.
- ii. Review the CHRAGG Act and reporting system to ensure that CHRAGG reports are discussed in Parliament.
- iii. Strengthen CHRAGG's power as the advisor to the Government.
- iv. Review current appointment procedures of the Commissioners from the viewpoint of continuity, effectiveness and other standards reflected in the Paris Principles.
- v. Build the capacity of CHRAGG officers to effectively carry out their duties and fulfil CHRAGG's mandate in a sustainable manner.
- vi. Step up current awareness raising initiatives on the role of CHRAGG.

2.4.2. Human Rights and Business

2.4.2.1. Background

The impact of business on human rights is an emerging human rights issue, and reflects the increasingly important role of non-state actors such as transnational corporations and businesses internationally and at the national and local levels. Over the past decade, UN human rights bodies have been considering the scope of business' human rights responsibilities and exploring ways for corporate actors to be held accountable for the impact of their activities on human rights. One of the first steps in this direction was the strategic policy initiative called the UN Global Compact, launched in 2000. It comprises ten universally recognized principles of human rights, labour, environment and anti-corruption and has more than 8,700 corporate participants and other stakeholders from over 130 countries.

Subsequently, the UN Secretary-General appointed a Special Representative with the mandate to prepare a framework for human rights and business. On 18 June 2008 the Human Rights Council welcomed the "Protect, Respect and Remedy" Framework, prepared by the Special Representative. This Policy Framework comprises three core principles: (1) the State's duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation, and adjudication; (2) the corporate responsibility to respect human rights, which means to act with due diligence to avoid infringing on the rights of others; and (3) the need for greater access by victims to effective remedies, judicial and non-judicial.

On 16 June 2011, the UN Human Rights Council endorsed the Guiding Principles on Business and Human Rights for Implementing the UN "Protect, Respect and Remedy Framework", which provides a global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity. The new set of recommendations outlines how states and businesses should better manage business and human rights challenges. These principles are likely to influence National Law and Policy in jurisdictions around the world.

2.4.2.2. Current Situation

Tanzania's wealth of natural resources has attracted significant foreign industry and investment. While the presence of foreign and transnational corporations has been positive for the economy, it has also affected the human rights of local communities. There have been complaints that land belonging to local or pastoral communities has been taken for use by foreign investors, and the environmental impact assessments of mining and industrial sites on surrounding communities are often inadequately monitored and not fully complied with.

As a result, Tanzania faces several challenges. This includes the goal of increasing the current number of nine signatories to the Global Compact, and more so to operationalise the Framework of 'Protect, Respect and Remedy', including its Guiding Principles on Business and Human Rights.

2.4.2.3. Challenges

- i. Human rights and business is an emerging thematic area with a fragile underlying legal framework.
- ii. Most stakeholders, including government actors, the business community, civil society, the public and the media are not fully aware of the global initiative and the Framework.
- iii. There are no adequate enforcement mechanisms to ensure that trade and businesses respect human rights.

2.4.2.4. Objectives

- i. Establish a coordination team on trade, business, and human rights and a position desk within CHRAGG to provide leadership for advocacy.
- ii. Implement research activities to establish issues in human rights and business in the Tanzanian context and use results for human rights education.
- iii. Conduct training on human rights, trade, and business for various stakeholders.
- iv. Establish a Plan of Action that promotes meaningful participation and consensus of all stakeholders.
- v. Develop formal mechanisms to ensure compliance with human rights obligations, provide information to companies about their obligations, ensure companies make public statements about their human rights plans, and undertake periodic reviews to promote accountability.
- vi. Ensure policies are formulated on human rights and business in Tanzania.
- vii. Encourage more corporate organizations in Tanzania to sign the Global Compact.

2.4.3 Implementation and Monitoring of the International Human Rights Treaties

2.4.3.1 Background

Implementation of international and regional human rights instruments that a State Party has ratified requires the State to establish a focal point, or points, within Government which will be responsible for monitoring implementation for purpose of reporting to the relevant international or regional treaty bodies. States Parties, in accordance with their system of organization, are advised to designate one or more focal points and give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels. For purpose of this function this NHRAP vests responsibility of monitoring implementation of human rights instruments in the following offices:

- The Ministry of Foreign Affairs and International Co-operation (MoFAIC).
- The Attorney General's Chambers (AGC).
- The National Assembly and its various Standing Committees.
- The Commission for Human Rights and Good Governance (CHRAGG).
- The United Nations Treaty Reporting Entities.

PART 4

National Human Rights Action Plan Matrix

Chapter 1: Civil and Political Rights

4.1.1. Right to Life

Monitoring and Evaluation Agency: CHRAGG and CSOs

| S/N | Broad Objectives | Action/activity | Linkage to Development Plans | Lead Ministry | Cooperating Actors | Output(s) | Time Frame | Resources (TZS Million) | |
|-----|---|--|--|--------------------------------------|---|---|------------|-------------------------|-----|
| | | | | | | | | Main Land | ZNZ |
| 1. | To sensitize the public on the practical requirements of the Right to Life. | 1. Introduce and strengthen human rights education, training, and advocacy campaigns generally, and include the right to life.(ONGOING) | MKUZA II, Cluster 3, Goal 3.2.4. | MoCLA MoHA MoJCA POPSGG | CHRAGG MoEVT TPF TPDF DPP/Z MEVT CSOs/Z LGAs/Z POMSRC | Human rights incorporated into curricula at all educational levels. Human rights incorporated into training programs for public employees in all sectors. Distinct human rights advocacy campaigns conducted. | 1-5 | 1,110 | 160 |
| | | 2. Conduct awareness programmes that highlight road safety and preservation of life.(ONGOING) | MKUKUTA II, Cluster 1, Goal 1.2.11.1. | MoHA MoDNS MoT MoW MICTS | CHRAGG TPF CSOs | Road safety awareness programmes conducted. | 1-5 | 4,000 | 240 |
| | | 3. Conduct training to all law enforcement officers and paramilitary groups to respect the right to life when effecting arrest and investigation.(ONGOING) | MKUKUTA II, Cluster 3, Goal 3.1.1. MKUZA II, Cluster 3, Goal 3.2.4. | MoHA MoCLA MoJCA | CHRAGG TPF CSOs TPDF | Human rights incorporated into training curricula for all law enforcement and paramilitary groups. Trainings conducted for law enforcement and paramilitary groups involved in making arrests. | 1-5 | 950 | 250 |

| | | | | | | | | | |
|---|---|--|-------------------------------------|------------------------------|---|---|-----|-----|-----|
| | | 8. Establish a system of affirmative action to ensure equal access of groups with special needs, including women and youth, in acquiring land (NEW) . | UPR 85.23 UPR 85.24 UPR 85.25 | PMO-RALG. MoLHSD MLHWE | VPO MoCLA PMO-RALG CHRAGG CSOs POMSRC MANR | Access of women and other groups with special needs to land increased. | 1-5 | 150 | 120 |
| 3 | To enhance transparent in land allocation and acquisition and enforce sanctions against abuse | 1. Investigate and take appropriate measures against land administrators who violate legal procedures for land acquisition or administration (ONGOING) . | | MoLHSD MLHWE | MoCLA PMO-RALG CHRAGG MOJCA | Number of cases investigated, prosecuted, and actions taken increased. | 1-5 | 90 | 72 |
| | | 2 Enforce a Code of Ethics among Land Surveyors and recourse to effective monitoring bodies to decrease corruption in land surveying and land allocation. (ONGOING) | | MoLHSD MLHWE | MoCLA PMO-RALG CHRAGG MOJCA Professional body CSOs | Code of Ethics for Land Surveyors published. Monitoring bodies established and operationalised | 1-5 | 80 | 72 |

4.2.2. Right to Education

Monitoring and Evaluation Agency: CHRAGG and CSOs

| S/ N | Broad Objectives | Action/Activity | Linkage to Development Plans | Lead Ministry | Cooperating Actors | Output(s) | Time Frame | Resources | |
|---------|---|--|------------------------------|----------------|------------------------------|---|------------|-----------|-----|
| | | | | | | | | Main land | ZNZ |
| 1. | To formulate and implement policies and strategies to improve education | 1. Improve the quality of Teachers through training to promote their ability to adapt to changes in curriculum. (ONGOING) . | | MoEVT MoEVT | PMO-RALG LGAs/Z POFEDP | Regular training of teachers conducted. | 1-5 | 151 | 120 |
| | | 2. Create conducive working | MKUKUTA II, | MoEVT | PMO-RALG | Strategies and benefits | 1-5 | 78 | 25 |

| | | | | | | | | | |
|----|--|---|-----------------------------------|------------------------------------|--|---|-----|-----|-----|
| | quality. | environment to improve retention of qualified, competent, and motivated teachers (ONGOING) . | Cluster 2, Goal 1.2.1.8.A.16. | MEVT | LGAs POFEDP POPSGG | packages developed to promote retention. | | | |
| | | 3. Employ/HIRE adequate number of qualified teachers in schools. (ONGOING) | | MoEVT MEVT | PMO-RALG LGAs POPSGG | Number of teachers increased. Decreased ratio of students to teachers. | 1-5 | 850 | 250 |
| | | 4.Enhance the use of English and Kiswahili in schools (ONGOING) | | MoEVT PMO-RALG MEVT | MoCST Private Sector CSOs CWT | Minimum standards of English and Kiswahili proficiency for teachers established. English and Kiswahili proficiency measures for students reviewed and improved. | 1-5 | 530 | 200 |
| | | 5. Promote inclusive and gender sensitive education. (ONGOING) | UPR | MoEVT PMO-RALG MoCST MEVT | LGAs CHRAGG Private Sector CSOs FVPO | Number of schools applying inclusive education tools in teaching and learning increased. Number of children with disabilities attending school increased. | 1-5 | 590 | 200 |
| | | 6. Revise the curricula of formal and vocational education, to reflect the dynamism of the rural economy. (ONGOING) | | MoEVT MoCST MoCDGC MEVT | PMO-RALG MoIYCS MANR MLF | Practical skills courses integrated into educational curricula. | 1-3 | 760 | 432 |
| 2. | To enhance school enrolment and retention for both boys and girls. | Promote public awareness of the needs and benefits of sending all children, including girls and children with disabilities, to school. (ONGOING) | MKUZA II, Cluster 2, Goal 2.1.3.2 | MoEVT PMO-RALG MEVT | MoCDGC LGAs CHRAGG CSOs POMSRC MSWYWCD FVPO MICTS DPOs NCPWDs | Nationwide public education campaign promoting school enrolment conducted. Enrolment of children at all levels of education increased. Retention rate of students, particularly girls, increased. | 1-5 | 730 | 240 |

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|----|--|--|--|------------------------------------|---|--|-----|-----|-----|
| | | 2. Strengthen school-based counselling services for pupils and parents on the effect of school dropouts. (ONGOING) | MKUZA II, Cluster 2, Goal 2.1.5.1 | MoEVT PMO-RALG MEVT | LGAs CHRAGG CSOs POMSRC MSWYWCD | Counselling programs implemented and improved. Rate of student drop out decreased. | 1-5 | 460 | 180 |
| | | 3. Implement school feeding programmes in schools. (ONGOING) | MKUKUTA II, Cluster 2, Goal 1.2-3.A.6. MKUZA II, Cluster 2, Goal 2.1.2.2. | MoEVT PMO-RALG MEVT | MoF PMO-RALG Private Sector CSOs MoA POFEDP | Dedicated budget line item for school feeding programmes introduced. Number of schools with school feeding programmes increased. | 1-5 | 189 | 48 |
| 3. | To reform the existing policy and laws on education to promote equal access to education and to prevent physical abuse and mistreatment. | 1. Review and implement policies and laws impacting girls' access to education, including the Education Act, its regulations, and the Law of Marriage Act, and implement reforms to bring them into conformity with human rights standards. (ONGOING) | | MoEVT PMO-RALG MoCLA MEVT | LRC AGC CHRAGG MoCDGC CSOs MSWYWCD | Laws reformed to promote girls' access to education. Number of girls attending school increased. | 1-5 | 43 | 23 |
| | | 2. Promote non-violent forms of discipline in schools and resort to canning only as a measure of last resort. (ONGOING) | | MoEVT PMO-RALG MEVT | PMO-RALG LGAs CHRAGG Private sector CSOs MSWYWCD | Use of other alternative and acceptable methods to canning increased. | 1-5 | 320 | 180 |
| | | 3. Integrate the teaching of human rights into the school curriculum based on the Human Rights Education Strategic Plan. (ONGOING) | | MoEVT PMO-RALG MEVT | PMO-RALG CHRAGG POPSGG MSWYWCD | Human rights integrated into school curriculum. | 2-3 | 177 | 82 |