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ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION



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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Seventh periodic report of States parties due in 1985

Addendum

UNITED REPUBLIC OF TANZANIA 1/

[17 July 1986]

1/ This report contains the sixth and seventh periodic reports of the United Republic of Tanzania, due on 16 November 1983 and 26 November 1985 respectively, combined in a single document, pursuant to the request made by the Committee at its thirty-second session (see the report of the Committee to the General Assembly, Official Records of the General Assembly, Fortieth Session, Supplement No. 18 (A/40/18, para. 45 (r))).

For the previous reports submitted by the Government of the United Republic of Tanzania and the summary records of the Committee at which the reports were considered, see:

Initial report - CERD/C/R.50/Add.15 (CERD/C/SR.287);
Second periodic report - CERD/C/R.77/Add.9 (CERD/C/SR.287);
Third periodic report - CERD/C/48/Add.8 (CERD/C/SR.481-SR.482);
Fourth periodic report - CERD/C/48/Add.8 (CERD/C/SR.481-SR.482);
Fifth periodic report - CERD/C/75/Add.10 (CERD/C/SR.628).

CONTENTS

	<u>Paragraphs</u>
PART I - GENERAL	1 - 6
PART II - INFORMATION IN RELATION TO ARTICLES 2 TO 7	7 - 58
Article 2	7 - 13
Article 3	14 - 17
Article 4	18 - 21
Article 5	22 - 45
Article 6	46 - 48
Article 7	49 - 58

PART I - GENERAL

1. In accordance with article 9 of the Convention, Tanzania submitted a first report one year after the entry into force of the Convention for Tanzania, and every two years thereafter. However, we note and acknowledge with regret the non-transmission of the sixth and seventh periodic reports due on 26 November 1983 and 26 November 1985 respectively. The present report is sent in one consolidated document for the sixth and seventh periodic reports in accordance with the Secretary-General's note G/50 237/2 (2) dated 30 April 1986 on the lines suggested by the Committee in its general guidelines contained in the document, CERD/C/70/Rev.1.

Contents of the report

2. Previous reports accounted for measures adopted in Tanzania that give effect to the provisions of the Convention. As this information does not need to be repeated and as the administrative situation remained substantially unchanged, it is felt that this report should concentrate on illustrating some typical changes introduced in 1984 in the 1977 Constitution of the United Republic of Tanzania which has been amended.

Remarks on the Tanzanian constitutional system

3. The most significant development in the Constitution of the United Republic of Tanzania is the incorporation of the Bill of Rights as part of the Constitution. The recently replaced provision of the Constitution had a preamble which spelt out in general terms the need to realize human rights but it had no legal effect since it was not part of the Constitution. The adoption of the Bill of Rights in the Constitutional amendment which came into force in 1984 is an important step towards realizing human rights. By this development any person suffering a violation of his human rights may invoke the provisions of the Bill of Rights to seek redress from courts of law.

4. The Bill of Rights in the Constitution sets forth general principles relating to the inherent dignity of the human person and portrays the ideals of a free man. It further reminds the individual, in no uncertain terms, of his responsibility to strive for the observance of human rights. In this connection, therefore, although the Constitution in its Bill of Rights does not specifically condemn racial discrimination, its abhorrence is implied. And more so since Tanzania has no specific legislation against racial discrimination, attention is always given to the provisions of the Constitution. Apart from the Bill of Rights, racial discrimination and its concomitant evils are abhorred in other provisions of the Constitution as will be shown in the present report.

Demographic composition of the Tanzanian population

5. By its General Recommendation IV adopted on 16 August 1973, the Committee on the Elimination of Racial Discrimination invited States parties to the Convention to include in their reports relevant information on the demographic composition of the population. There are no available statistics to this end since the policy of Government has consistently been to encourage and treat the entire population of Tanzania as a single community without conferment of special rights to various tribal communities on the basis of ethnicity, traditions, customs and/or beliefs and dialects.

6. This policy has succeeded in welding the nation together. There are no tribal or ethnic differences and the national language, Kiswahili, has been a major driving force towards achieving this goal. Planning for development in Tanzania is a nation-wide approach which does not aim at developing or protecting certain regions, tribal or ethnic groups.

PART II - INFORMATION IN RELATION TO ARTICLES 2 TO 7

Article 2

A. Legislative, judicial and administrative measures which give effect to provisions of article 2, paragraph 1

7. The policy of Tanzania since independence has always been to discourage and condemn policies of racial discrimination since we believe, as spelt out in the Constitution of the United Republic of Tanzania, that all human beings are born free and are equal and that every person is entitled to recognition and respect for his dignity. On this basis there are no laws based on racial segregation and all people - Asians, Arabs, whites and blacks are accorded equal treatment.

8. On the question of guaranteeing rights without discrimination, the judicial system in Tanzania which is supposed to be the interpreter of the laws is empowered by the Constitution not to discriminate people. Moreover, the legislature with the supreme role of making laws of the land cannot enact laws aimed at segregating or according special rights and privileges to some categories of people.

9. Article 13 of the Constitution of the United Republic of Tanzania, provides, without qualification that:

- "13 (1) All persons are equal before the law and entitled without any discrimination to equal protection of the law.
- (2) No law shall be enacted by the legislative authority in the United Republic which shall accord any special privilege either expressly or apparently to some categories of people in the practical application of any law in force in the United Republic.
- (3) The civil rights, obligations, and interests of every person shall be protected and determined by competent courts of law, State agencies and other bodies in accordance with established law."

10. On the measures taken to encourage integrationist multi-racial organizations and movements, the Government has discouraged discrimination in social services such as education and health. Since independence in 1961, Tanzania has made significant changes in the education and health systems inherited from the British colonial administrators which were until then segregationist.

11. The 1961-1966 period saw the integration of schools, introduction of uniform curricula and development of education for manpower requirements without discrimination. Health care is now a right to everyone and all

hospitals and health centres cater for all people without discrimination. Some schools and hospitals which at independence were a preserve of whites and/or Asians only, are now abolished.

B. Information on the special and concrete measures taken to guarantee human rights to certain groups in accordance with article 2, paragraph 2, of the Convention

12. Tanzania has no special measures undertaken to ensure adequate development and protection of certain racial groups or individuals belonging to them because as stated above such groups are non-existent and the whole system is outdated. The Government's relationship with registered Asians, Arabs and other people who were in Tanzania before and after independence is based on the concept of one Tanzanian society rather than treating these communities as separate or assimilated groups.

13. Many Asian communities differ markedly from the rest of Tanzanian society in so far as economic potential and social conditions are concerned, but this state of affairs does not seem to cause any alarm to the rest of the society because Asians enjoy no preferential treatment, opportunities in all fields are open to all members of the society.

Article 3

14. Tanzania does not support the racial segregation and the apartheid system of South Africa. It has consistently condemned apartheid and the violation of fundamental human rights which the practice of apartheid entails. Tanzania has never had diplomatic, political or economic ties with South Africa and being one of the Front-line States in the struggle against minority racial domination, it supports the freedom movements of black people who are fighting to eradicate the evils of apartheid.

15. The African National Congress (ANC) and the Pan Africanist Congress of Azania (PAC) have the sympathy and support of Tanzania. Through their offices in Dar es Salaam, Tanzania assists them in the furtherance of their struggle by offering black South Africans training and other facilities.

16. By its General Recommendation III of 18 August 1972 and decision 2 (XI) of 7 April 1975 the Committee requested States to furnish information on the status of diplomatic, economic and other relations with the racist régime of South Africa.

17. As stated above Tanzania has never had nor does it intend to have any relations with South Africa. Tanzanian citizens are prohibited from travelling to South Africa until the apartheid system is abolished in that country.

Article 4

18. The provision of article 13 of the Constitution already referred to in this report declares as illegal any law which accords rights, respect or status to a person on grounds of family background, tradition or affiliation. This provision forbids the Parliament to enact any law that is likely to present some categories of persons as superior or inferior and thereby create hatred or contempt because of their family background, tradition or affiliation.

19. In its news and public affairs programmes the Government owned Radio Tanzania and Government and Party daily newspapers promote discussion and debate on issues of public concern such as racial discrimination, especially in South Africa. In this connection, by free and unfettered reporting of manifestations of racial discrimination and by comprehensive coverage of the activities and decisions of the Front-line States, the Organization of African Unity, the United Nations and other groups combating prejudice and opposing racial discrimination, contributes to a heightened awareness of the problem and thus helps to make it possible for corrective action to be taken at many levels.

20. By General Recommendation I, of 24 February 1972 the Committee recommended that the States parties whose legislation was deficient in respect of the implementation of article 4 should consider the question of supplementing their legislation with provisions conforming to the requirements of article 4 (a) and (b) of the Convention. Tanzania has made no supplementary legislation to this effect but the provisions of the Constitution which is the supreme law, as indicated earlier in this report, takes care of this deficiency.

21. There is no specific internal penal legislation designed to implement the provisions of article 4 (a) and (b), but the courts of law by acting under powers conferred by the Constitution may resolve any dispute which may arise.

Article 5

A. The right to equal treatment before the tribunals and other organs administering justice

22. The Government of Tanzania recognizes the right of everyone to equal treatment before tribunals and all other organs administering justice. This right is stipulated under article 13 of the Constitution and provides, inter alia, that:

"All persons are equal before the law and are entitled without any discrimination to equal protection of the law."

23. The Constitution, under the same article adds further that:

"No law shall be enacted by the legislative authority in the United Republic which shall accord any special privilege either expressly or apparently to some categories of people in the practical application of any law in force in the United Republic."

24. As far as the Tanzania judicial system is concerned there is no special or separate treatment of people in the courts of law. Even the accused after being found guilty get no special treatment while serving their prison sentences.

B. The right of every person to the security and protection by the State without discrimination

25. The right of every person without discrimination to the security and protection by the State against bodily harm is guaranteed under article 15 of the Constitution which provides that:

- (1) "Man's freedom is inviolable and every person is entitled to his personal liberty.
- (2) No person shall be subjected to arrest, restriction, detention, exile or be deprived of his liberty in any other manner except in the following cases:
 - (a) in respect of certain circumstances in accordance with a procedure prescribed by law; or
 - (b) in execution of the sentence or order of a court in respect of a criminal offence of which he has been convicted or upon reasonable suspicion of his having committed a criminal offence."

26. From the foregoing it can be safely stated that the guarantee of freedom and liberty of people in Tanzania is not based on race, colour, nation or ethnic origin because our laws provide no exceptions to that effect.

C. Guarantee of political rights especially the right to vote and stand for election

27. Political rights in Tanzania are exercised without discrimination. The right to vote is guaranteed under article 5 of the Constitution which provides, inter alia, that:

- (1) "Every citizen of Tanzania who has attained the age of eighteen years is entitled to vote in any popular election held in Tanzania. The right to vote shall be exercised in accordance with the provisions of subsection 1 together with the other provisions of this Constitution and those of any other law for the time being in force in Tanzania in that behalf."

28. However, the article provides further for the limitation to this right as provided under sub-article 2 of article 5 thus:

- (2) "An Act of Parliament may provide for the disqualification of any person from exercising the right to vote on the ground of:
 - (a) his allegiance to another State
 - (b) his suffering from mental infirmity
 - (c) his conviction of any criminal offences
 - (d) the absence or failure to produce evidence of age, citizenship or registration as a voter.

Nothing other than any of those grounds may operate to disqualify a person from exercising the right to vote."

29. This article is in pari materia with sections 10 and 11 of the Elections Act 1985 which regulate the election of the President and the elections to the National Assembly. It is applied throughout the United Republic of Tanzania and its provisions are read as one with the Constitution.

30. According to the Elections Act, any person dissatisfied with the election results may petition to the High Court to have the results nullified. For example, after the 1985 General Election results, 23 petitions were presented to the High Court of Tanzania to have the results nullified because of

irregularities in the election procedures. Some of these petitions have already succeeded and a good number of them are still pending in court. This is unquestionable proof that the right to vote is guaranteed by our laws.

31. Tanzania recognizes and guarantees the right to freedom of participation in the running of government affairs. This is because the Government is there to serve the interests of the people who must in turn have the opportunity to decide on matters relating to their welfare. This right is guaranteed under article 21 of the Constitution which provides expressly that:

- (1) "Every citizen of the United Republic is entitled to take part in the government of the country, either directly or through freely chosen representatives, in consistency with the laws of the country.
- (2) Every citizen has the right to participate in full in making decisions on matters which affect him, his livelihood or the nation."

D. Other civil rights

32. The civil rights enumerated under article 5 (d) of the Convention are all guaranteed without discrimination. They are provided for in the Constitution and there is no dispute as far as its observance is concerned. At least, there is no judicial record showing cases which have come up concerning the curtailment or violation of these rights. The relevant provisions are quoted verbatim from the Constitution.

The right to freedom of movement and residence

33. The right to freedom of movement and residence within the border of the State is guaranteed under article 17 of the Constitution which provides inter alia, that:

"Every citizen of the United Republic is entitled to freedom of movement and residence, that is to say, the right to move freely within the United Republic and to reside in any part of it, to leave and to enter it and immunity from expulsion from the United Republic."

The right to freedom of opinion and expression

34. Under article 18 of the Constitution it is provided that:

- (1) "Without the contravention of any law in the United Republic, every person is entitled to freedom of opinion and expression, that is to say, the right to freely hold and express opinions and to seek, receive and impart information and ideas through any media and regardless of frontiers, and freedom from interference with his correspondence.
- (2) Every citizen has the right to be kept informed of developments in the country and in the world which are of concern to the life of people and their activities and of questions of concern to the community."

Freedom of thought, conscience and religion

35. The freedom of thought, conscience and religion is a right to every person and this is guaranteed under article 19 of the Constitution. It provides that:

- (1) "Every person is entitled to freedom of thought, conscience and option in religion.
- (2) Without the contravention of the respective laws of the United Republic, the profession, practice and propagation of religion shall be free and shall be the private affair of the individual, and the conduct and management of religious community shall be outside the affairs of the State."

The right to own property

36. Property ownership is a right of every person, and where the State deems it proper to acquire the property of a person upon public demand fair compensation is paid. This guarantee is contained in article 24 of the Constitution which provides that:

- (1) "Subject to the laws of the respective country, every person has the right to own or hold any property lawfully acquired.
- (2) Subject to the provisions of sub-article (1) a person shall not be arbitrarily deprived of his property for the purpose of acquisition or any other purpose without the authority of the law which shall set conditions for fair and adequate compensation."

The right to inherit

37. The inheritance system in Tanzania is such that under customary laws, family members have the right to inherit properties belonging to the family either individually or collectively. Properties owned by families are exclusively the right of those family members and when a family member dies his property rights pass to his survivors as laid down in the rules or system in force in any given locality. In any dispute arising out of any inheritance procedures, redress is sought from the courts of law where reference is made to relevant codified customary laws.

Freedom of thought, conscience and religion

38. Tanzania guarantees freedom of thought, conscience and religion as already mentioned in the present report, provided that this right is not abused and is exercised within the confines of law.

Freedom of opinion and expression

39. Freedom of opinion and expression is the right of every Tanzanian subject to the provisions of the law. This guarantee is provided under article 18 (1) of the Constitution already quoted above.

D. Economic, social and cultural rights

The right to work

40. Article 11 (1) of the Constitution guarantees the right to work for every person that:

"The State shall within the limits of its economic capacity and development, make adequate provisions for securing the right to work, to education and to public assistance in cases of old age, sickness and disablement and in other cases of undeserved want."

41. The Government places no restriction to choice of employment although allocation of jobs in the Civil Service is a prerogative of the State. The latter is responsible for filling vacant posts and exercises discretion in doing so depending on the qualifications of individual candidates and the vacant posts available. However, no person is compelled to take up a post against his/her will.

42. There is adequate protection against unfair treatment and dismissal for those employed.

43. Every person is given equal pay for equal work. In order to improve the conditions of work, however, the Government has appointed a Salary Review Commission to review appropriate steps to be taken to ensure that just and favourable remuneration is paid to all. The Commission's report is to be submitted to the Government in December.

The right to form and join trade unions

44. Tanzania has only one trade union, JUWATA, which is an affiliate of the ruling party, CHAMA CHA MAPINDUZI (CCM). This trade union deals with the welfare of Workers and liaise with the Government in ensuring that workers are not subjected to undue harassment or maltreatment at their places of work. Apart from the regulations governing the duties of JUWATA, the Constitution of Tanzania enhances its functions by providing under article 25 that:

(1) "Labour alone creates the material wealth of human society, is the source of the well-being of the people and the measure of human dignity and accordingly, every person is obliged:

(a) to voluntarily and honestly participate in lawful and productive work; and

(b) to observe labour discipline and strive to achieve the individual and communal production targets required or prescribed by law.

(2) Notwithstanding the provisions of subarticle (1) there shall be no forced labour in the United Republic."

45. There has been criticism from some circles inside and outside Tanzania that the law enacted in 1983 to make provision for the establishment of a machinery designed to regulate and facilitate the engagement of all able-bodied persons in productive work amounted to forced labour. But the truth is that the spirit of that legislation was to make Tanzanians take the

responsibility to work seriously and to so combine hard work and skill as to maximize productivity. In order to carry out this directive, which had the support of the ruling party in pursuance of socialist principles, it was necessary that legislation be made to this effect. It has nothing to do with forced labour and the background to this legislation is laid down in the preamble to the law.

Article 6

46. As stated earlier in this report Tanzania is a homogeneous society in which people of all races enjoy equal rights without discrimination or favour to any particular groups of people based on either race, colour, descent, nation or ethnic origin. This is largely based on the notion of equality of man as enunciated in article 12 of the Constitution already cited above.

47. On the basis of this equality of people, redress may be sought from courts of law against any form of discrimination.

48. So far there has not been any reported practice of racial discrimination and there are no decisions available from courts of law relating to racial discrimination as defined under article 1 of the Convention.

Article 7

A. Education and teaching

49. Education in Tanzania is the right of every citizen without discrimination and is offered at all levels depending on one's ability. The Constitution of the United Republic of Tanzania under article 11 (2) and (3) provides that:

- (2) "Every citizen has the right to education, and every citizen shall be free to pursue the field of education of his choice up to the utmost standard subject only to his merit and ability.
- (3) The Government shall endeavour to ensure that there are equal and adequate opportunities to all persons to enable them to acquire knowledge and vocational training at all levels of education, and in all kinds of schools and other institutions of learning."

50. Since independence in 1961 Tanzania has made significant changes in the education system inherited from the British colonial administrators. To shape education in Tanzania major policies have been introduced. For example the period 1961-1966 saw the integration of schools, introduction of uniform curricula and development of education for manpower requirements. This was a significant step in the education system since racial prejudices hitherto existing in education were removed and equal opportunities were offered according to ability and opportunities available. Since then the general aims of education in Tanzania have been:

- (a) To equip learners with knowledge, skills and attitudes for tackling societal problems;

(b) To enable learners to know, appreciate and develop a Tanzanian culture that perpetuates the national heritage, individual freedom, responsibility, tolerance and pays respect to people irrespective of colour, ethnic background free of bias and prejudices.

51. In the efforts to ensure that these objectives are carried out successfully, teachers must understand the national values and skills which will enable them to educate the children committed to their care by the nation and inspire in them the spirit of good citizenship and of sacrifice for the good of the nation.

52. The Ministry of Education is generally responsible for the country's education. Since in Tanzania education is controlled by the State even private schools have to be established and managed according to directives issued by the Ministry of Education. From the foregoing it appears clear that the Tanzania education system leaves no room for racial discrimination.

53. The schools' curricula include subjects which help to promote human rights. For example, Political Education is taught as a compulsory subject at all levels of education - in primary, secondary and colleges. At the university level, the compulsory "Development Studies" subject for undergraduate students has some elements of human rights issues which lead to a better understanding of various nations and racial groups.

54. The purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination are included in education and teaching. In addition, the Constitution of the United Republic of Tanzania and the Constitution of the sole political party, CHAMA CHA MAPINDUZI, both in some of their provisions recognize the rights declared in the International Convention and Charter and therefore they are well known to the people.

B. Culture

Role of the institutions or associations working to develop national culture

55. The role of institutions and associations working to develop national culture is to make all Tanzanians learn and appreciate the culture that perpetuates the national heritage. There are many sports and cultural associations which promote intra-national and intra-cultural understanding, tolerance and friendship among nations. These associations organize sports and cultural concerts in and outside Tanzania to promote better understanding among different nations and remove cultural barriers. Tanzania has solidarity committees with the people of Namibia, South Africa, Palestine and Sahrawi Arab Democratic Republic, all fighting against racism, zionism and foreign domination. These Committees organize rallies and seminars in which the effects and consequences of racial discrimination are discussed and condemned. Such forums also create an atmosphere of inspiration, courage and hope among the victims of racial discrimination.

C. Information

56. The State media i.e. the press and radio contribute very much in discouraging racial prejudices alongside party and government efforts. They publish and broadcast feature reports on the effects of racial discrimination especially in apartheid South Africa to enlighten the masses on evils of apartheid and all other forms of racial discrimination.

57. Tanzania being one of the host countries to the black victims of South Africa's apartheid is well placed to receive first hand information of the malpractices of racial discrimination and therefore denounce them.

58. Equally, since these black victims of apartheid South Africa live among the Tanzanian community, our people have been placed in a position whereby by discussing problems of racial discrimination with the very people who have been subjected to, and suffered under, this system they know more about this evil practice and avow not to condone it or shun away from giving support to its opponents.