

**INTERNATIONAL
COVENANT
ON CIVIL AND
POLITICAL RIGHTS**

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HUMAN RIGHTS COMMITTEE

Twelfth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 288th MEETING

Held at Headquarters, New York,
on Thursday, 9 April 1981, at 3 p.m.

Chairman: Mr. MAVROMMATIS

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* The summary record of the second part (closed) of the meeting appears as
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session.

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The meeting was called to order at 3.30 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

United Republic of Tanzania (continued) (CCPR/C/1/Add.48)

1. At the invitation of the Chairman, Mrs. Mwapila (United Republic of Tanzania) took a place at the Committee table.
2. Mrs. MBAPILA (United Republic of Tanzania), replying to the various comments made by members of the Committee, said that although her country had always valued constructive criticism and had learned a great deal from it, such criticism sometimes resulted from a distorted understanding of the situation in her country or from a mistaken evaluation of the issues because of misguided propaganda.
3. The Committee's interest in her country's efforts to promote and maintain human rights was a source of encouragement. She had also been pleased to note that the Committee was aware of the fact that its mandate did not include prescribing models of government which it considered to be best suited for the promotion of human rights.
4. The United Republic of Tanzania was a young country and, as such, its institutional arrangements were still in the making. However, its people were determined, as necessary, to adjust the system in line with contemporary conditions and to national requirements.
5. Some members had raised questions about Zanzibar in connexion with human rights. Zanzibar had a Government of its own, but had joined the Union of Tanzania in 1964, before a definitive Union Constitution had been drafted and approved. However, thanks to the serious attempts made to reconcile areas of contradiction, the 1977 Union Constitution had been adopted and was currently in force, with certain amendments. The Covenant was an area that came under the jurisdiction of the Union Government.
6. Referring to the questions asked as to how a one-party State allowed for the rights of the individual, she noted that that was not a substantive issue. She did not agree with those who considered that human rights could not be enjoyed under a one-man or one-party rule. Human rights were not a prerogative of any particular ideology, system of government or system of law but rather an attitude of a people and their leadership. Human rights depended on how a Government conducted itself. It was therefore irrelevant whether a country had a one-party system or a multi-party system, as far as the enjoyment of human rights was concerned. That was an academic question in which the Committee should not become unduly involved. However, anyone who wished to write a thesis on democracy in a one-party State was encouraged to do research in the United Republic of Tanzania.
7. Her country had a carefully worked out system of co-ordination between the party and the Government. The party's role was to lay down the broad policy

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(Mrs. Mbapila, Tanzania)

guidelines under which the Government operated; the guidelines included respect for the rights of the individual in accordance with the objectives of the Constitution. The party's role also included ensuring that the Government and individuals functioned within accepted principles and norms, and anyone who violated them was referred to the relevant branches of the Government for sanctions.

8. Tanzania had a very independent judiciary, which was still patterned on the British system. There were primary courts, district courts, resident magistrate courts, a high court and the court of appeals. Judges were appointed by the President and could only be removed for misconduct on the recommendation of the Commission specially established for that purpose.

9. One member of the Committee had referred to a certain Adam Magoti, who was said to have been killed by torture in prison. She had no information concerning an Adam Magoti, but a certain James Magoti had in fact been tortured while in detention; he had not died and was currently working in business. In Tanzania, as in other countries, there were misguided individuals at all levels of society. The case of James Magoti had been reported to the relevant authorities by Magoti himself; it had been investigated by the police, who had found that torture had in fact been used, and the individual offenders had been brought before a court of justice. After lengthy court proceedings, a police officer had been found guilty and sentenced to a long term of imprisonment. In her opinion that constituted justice.

10. Similar cases had occurred elsewhere in her country a few years before. The matter had been reported to the authorities and, as soon as the President of the Republic had been informed, he had immediately dismissed two Cabinet Ministers, one in charge of security matters and the other in charge of home affairs, under which the police worked. Ministers had moral obligations with regard to the conduct of those under them and, in that particular case, their dismissal had facilitated the investigation. The matter had been brought before the courts and the guilty had been sentenced to prison terms of up to 10 years. That example clearly demonstrated her country's sense of justice and respect for human rights.

11. Replying to questions concerning the Permanent Commission of Enquiry (PCE), she explained that members were appointed by the President and must resign from any other posts held before appointment. The Commission investigated cases, as it saw fit. Everyone in her country had access to the Commission; complaints could refer to the actions of a private individual, the party, government leaders or any State organ, either as private individuals or in the performance of their duties. Only the President and the Vice-President were exempt from the Commission's investigations. When complaints were received, the Commission initiated an investigation into their nature and extent. In the course of its duties, the Commission travelled to villages to make its existence known to the villagers and to hear their complaints. Complaints could be submitted either verbally or in writing. After an investigation had been completed, the Commission tried to reconcile those concerned. However, when an investigation revealed complaints of a criminal nature, the Commission brought the parties before the police for prosecution in court. Complaints of an administrative nature were referred to the

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relevant administrative organs for immediate redress. Reports of all investigations were submitted to the President periodically and were made public. In cases of proven serious misconduct by public servants, the President had on a number of occasions dismissed the offenders. All Commission hearings were conducted in camera so as to enable the complainants to speak freely, without fear or embarrassment.

12. Referring to racial harmony in her country, she pointed out that, before independence, the British had organized the population into racial groupings, and schools, hospitals and social clubs had been organized on a racial basis by law. That system had been abolished as soon as the United Republic of Tanzania had become independent, and an effort was being made to establish a classless society. Education and medical services were free at all levels. Although the majority of the population was black, Tanzanians regardless of colour participated in all sectors of national life, and whites and Asians standing against black Tanzanians, had been elected to Parliament by constituencies that were predominantly black. Moreover, two Cabinet Ministers were Asian and one of them had been nominated to Parliament by the President. In the United Republic of Tanzania, individuals were accepted as individuals, and their position in the country depended on their contribution to national development. As visitors could attest, her country enjoyed excellent racial and tribal harmony.

13. Tanzania was trying to create a socialist society in which no one would be allowed to exploit others. By an accident of history, Asians had held privileged positions in Tanganyika before independence and had had a greater opportunity to exploit others. Since the new policy of socialism and self-reliance was incompatible with exploitation, it was not surprising that the misguided complaints of those with the propensity to exploit had reached some members of the Committee.

14. In conclusion, she explained that politically women were just as active as men at the national, regional and local levels and within the Party. The Ministers of Justice and Education were women. The special organization for women's rights, UWT, a Party affiliate recognized in the Constitution, had branches in villages, in working places and at the national level and was open to all Tanzanian women.

15. All girls had equal access to education, which was free for everyone, and, while boys were required to work for several years after their pre-university training, girls were exempted from that requirement so as to encourage them to pursue their higher education. In the same spirit, a guaranteed number of places in secondary schools were set aside for girls. Career openings were the same for men and women, as were salaries and working conditions. There were women in every profession.

16. In marriage, women had equal inheritance rights; working mothers, whether or not they were married, had the same maternity leave entitlements; children born out of wedlock had the same inheritance rights to their mother's property as her other children and to their father's property, provided he acknowledged paternity. In the case of divorce, under the Marriage Act of 1970, all children below the age of 7 were placed in their mother's custody, unless she was unable to care for them. The

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father was ordered by the court to pay for thier upkeep, if he was working. Property acquired during the marriage was divided between the two spouses, or compensation was given to the wife. A Tanzanian woman was free to marry anyone, and citizenship could be granted to foreigners married to Tanzanian women on the basis of the necessary requirements.

17. One member had asked whether there were any restrictions on the number of children a Tanzanian woman could have; in that connexion, she stressed that a Tanzanian woman could have as many children as she wanted, although the question's relevance to the enjoyment of human rights in her country was not clear.

18. The United Republic of Tanzania had seriously followed the Committee's deliberations, and she promised that all relevant issues would be referred to her Government for study and appropriate action, as necessary.

19. Mr. TARNOPOLSKY stressed that, although he personally had expressed the view that the Covenant did not contain any requirements concerning either a one-party or a multi-party system, he did not think that the questions raised in that connexion were irrelevant or academic. The question of a one-party State's position vis-à-vis the requirements set forth in articles 19, 22 and 25 of the Covenant was of legitimate interest to the Committee, and he expressed the hope that members would have another opportunity to discuss that issue with a representative of the United Republic of Tanzania.

20. Sir Vincent EVANS said that he had been impressed by the number of questions Mrs. Mbapila had felt she could answer personally, without referring them to her Government. He would look forward to the additional information submitted by her Government in writing.

21. The CHAIRMAN pointed out that the Committee's approach might seem distorted owing to the lack of comprehensive information. The current discussion was the beginning of dialogue in which members expressed their individual opinions in order better to understand the views of the country concerned. That entire undertaking was directed towards the greater enjoyment of human rights and fundamental freedoms in the United Republic of Tanzania and in the world.

22. He thanked Mrs. Mbapila and announced that the Committee had concluded its consideration of the report submitted by Tanzania.

23. Mrs. Mbapila withdrew.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

24. Mr. ANABTAWI (Secretary of the Committee) said that, since the Committee's last session, the Secretariat had received the reports of Rwanda, due in 1977, Guyana, due in 1978, and Japan, Morocco, the Netherlands and Iceland, all due in 1980. Those reports were being processed. No initial reports had yet been received from the Dominican Republic or Austria, due in 1979, or from Trinidad and Tobago, New Zealand, Gambia and India, due in 1980. However, the Secretariat had been informed

(Mr. Anabtawi)

that the reports of Austria and New Zealand would be submitted shortly. The Libyan Arab Jamahiriya, the Federal Republic of Germany, Jordan, Madagascar and Yugoslavia had not yet submitted the additional information that had been requested when the Committee had considered their initial reports. The Secretariat had been informed in writing by the Government of Mauritius that no additional information was available. The reports of Norway, Guinea, Jamaica, Portugal, Japan, Rwanda, Morocco, the Netherlands, Guyana and Iceland were thus pending consideration.

25. Replying to a question from Mr. PRADO VALLEJO, the CHAIRMAN said that the date for the consideration of the report to be submitted by Peru would depend on when it was actually received, allowing time for processing and translation. If it could not be considered at the Committee's next session, it could perhaps be considered in October.

26. He suggested that four reports, including that of Norway, should be placed on the agenda of the Committee's next session, despite the fact that the annual report must be adopted and several communications should be considered at that time, because the consideration of some reports might have to be postponed. He also suggested that a decision on ways of dealing with the reports requested but not received should be postponed until the Committee's next session.

27. It was so decided.

ORGANIZATIONAL AND OTHER MATTERS

28. Mr. OPSAHL drew attention to the fact that, in accordance with a resolution of the General Assembly, certain material concerning torture had been forwarded to the Committee. It was important for the Committee to decide how to deal with it.

29. Mr. BOUZIRI pointed out that, at its previous session at Geneva, the Committee's summary records had been available during the session. The facilities at Headquarters left a great deal to be desired: thus far almost none of the records of the current session were yet available in French, and the records of the 1979 session held at Headquarters had not been available until one and a half years after the session.

30. Sir Vincent EVANS said that he had not yet been able to obtain copies in English of the corrigenda to the summary records of the Committee's sixth session held in New York in April 1979. Prior to the current meeting, in other words 18 months later, he had obtained copies in French but had been told that the English copies were still not available. The relevant services were not efficient enough, and he wished to register his concern at the delay in producing documentation in English as well as in other languages.

31. Mr. ANABTAWI (Secretary of the Committee) said that he had followed up the matter consistently with the services concerned and had always been told that the documents concerned would be forthcoming.

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32. Mr. LALLAH, referring to the comments of Sir Vincent, pointed out that the situation reflected the fact that the Committee was not given the priority it deserved in terms of facilities.

33. The CHAIRMAN asked the Secretary of the Committee to pursue the matter and ensure that the summary records of the current session were made available as soon as possible and at the latest before the Committee's next session.

34. Mr. PRADO VALLEJO said that the Committee had recently been dealing most effectively with very difficult, complicated cases, but that its work had not had any impact on public opinion. Unless that situation was remedied, the Committee would become just one more United Nations body about which people knew nothing and which thus did not enjoy any international political support. Accordingly, the public relations services of the Secretariat should ensure that international public opinion was kept abreast of its decisions, debates and activities.

The public meeting rose at 4.15 p.m.