

opinion and expression, the right to information; the prohibition on propaganda for war and incitement to hatred, provisions in the Penal Code; the freedoms of peaceful assembly and association, trade unions, the Permanent Labour Tribunal; protection of children, the definition of the child, minimum age levels; and the right to vote and be elected.

The Committee's concluding observations and comments (CCPR/C/79/Add.97) welcomed: the restoration of political pluralism; the demonstrated willingness of the courts to examine the actions of government and its agencies for compliance with the Constitution, as exemplified in the interim injunction suspending the deregistration of Baraza la Wanawake wa Tanzania (BAWATA); the easing of limitations on freedom of expression on the mainland for the press, radio and television; the large reduction in the employment of children in the gemstone industry; and the proposal to establish a Constitutional Court to oversee, among other things, full respect for human rights.

The subjects of concern identified by the Committee included the fact that the recommendations of the Nyalali Commission for repeal or amendment have not been acted upon. As a consequence, numerous acts and ordinances remain in force — for example, the Emergency Powers Act 1986, certain aspects of the Human Resources Deployment Act 1983, the Preventive Detention Act 1962, and the Witchcraft Ordinance 1928.

With regard to the situation of women and girls, the Committee expressed concern over: traditional customs that inhibit complaints about rape between separated spouses and the practice of female genital mutilation; the failure to recognize marital rape as a criminal offence; the application of personal laws which discriminate against women with respect to, for example, marriage, divorce, land and inheritance; the fact that customary attitudes discourage women from pursuing their full educational rights and that, as a result, they tend to lack the qualifications needed to reach higher levels of achievement in all aspects of activity, such as the senior judiciary, and are under-represented in political spheres; provisions in the Law of Marriage Act that discriminate against women with regard to the minimum age for marriage; and stipulations in section 138 (6) of the Penal Code that allow any person of African or Asiatic descent to marry, or permit the marriage of, a girl under the age of 12, provided that there is no intention to consummate the marriage until she attains that age.

Concern was also raised over: the law in force in Zanzibar which allows for the imprisonment of both mother and father in the event of an unmarried woman becoming pregnant; the absence of training for the police in human rights and in the proper use of riot equipment, such as "rubber bullets"; the fact that actions by the police have resulted in homicide; the fact that investigation of complaints against the police is carried out by the police themselves; reports of armed groups ("sungu-sungu") which act as vigilantes and may commit abuses of human rights; the deterioration in prison conditions and over-

crowding, rape and other sexual abuse of female prisoners.

The Committee noted its concerns related to: the large number of election petitions before the High Court and the backlog this has caused, leading to delays of other proceedings including trials for homicide; the fact that, approximately two and a half years after an election, adjudication on the right of a person to sit in Parliament is still awaited; the fact that case conferences convened by the courts have failed to expedite proceedings and have offered no solution to the backlog of cases; the high level of domestic violence; and the employment of children in industrial and agricultural activities.

The Committee recommended that the government, *inter alia*:

- ♦ give priority to the implementation of reforms proposed by the Nyalali Commission and give formal recognition to, and applicability of, the Covenant in domestic law;
- ♦ disseminate information about legal remedies in such cases as those involving rape between separated spouses, female genital mutilation and marital rape, and support women who are entitled to take advantage of legal remedies;
- ♦ put an end to discriminatory laws and practices against women; take action to increase the number of girls' schools; exert persuasion on society to insist on girls' attendance at school; give support to young women who wish to pursue higher education; eliminate from law discriminatory features related to marriage and the age of marriage for women and girls;
- ♦ publish details on death penalty sentences, on the mainland and in Zanzibar; abolish the death penalty;
- ♦ abolish the law in Zanzibar which allows for the imprisonment of both mother and father in the event of an unmarried woman becoming pregnant;
- ♦ conduct a national review on abortions, noting that illegal abortion is a major cause of maternal mortality;
- ♦ abolish corporal punishment as a judicial sentence, preclude such a penalty for offences against prison regulations and prohibit corporal punishment of children in schools;
- ♦ ensure that no refugees are returned to another state unless it is certain that, once there, they will not be executed or subjected to torture or other forms of inhuman treatment;
- ♦ provide thorough training for the police and establish an independent mechanism for investigating complaints against the police;
- ♦ prohibit the operations of militias without specific legislative approval and, in any event, ensure that any such militia is properly trained and its activities subject to full supervision by the courts;