

SUMMARY AND KEY RECOMMENDATIONS

UNIVERSAL PERIODIC REVIEW OF THE UNITED REPUBLIC OF TANZANIA (Fourth Cycle)

SUMMARY

MECHANISM

Universal Periodic Review ("UPR")

COUNTRY UNDER REVIEW

United Republic of Tanzania

SESSION

53rd Session of the UPR Working Group

DATE OF REVIEW

November 2026

KEY ISSUES

Death penalty; Prohibition against torture and cruel, inhuman or degrading treatment; Conditions of detention; Due process and the right to a fair trial.

Although Tanzania has made some progress towards the abolition of the death penalty, including adopting a *de facto* moratorium on executions in 1994 and recognising the right to life, domestic law continues to provide for a mandatory death penalty.

In addition, despite multiple recommendations during the third-cycle UPR in 2021, Tanzania has rejected recommendations to establish a *de jure* moratorium, commute existing death sentences, or ratify the Second Optional Protocol ("OP2") to the International Convention on Civil and Political Rights ("ICCPR") and the Convention against Torture ("CAT").

While Tanzania supported certain recommendations relating to fair trial rights and detention conditions, implementation has been partial and uneven. Prison conditions remain an issue, particularly for women and vulnerable individuals, who face profound and systemic barriers to access to justice exacerbated by patterns of misconduct by law enforcement.

Tanzania's introduction of reforms to arbitrary detention policies and the administration of justice is a positive step. Despite this progress, comprehensive legislative reform is urgently needed to bring Tanzania's legal framework fully in line with its regional and international human rights obligations.

KEY RECOMMENDATIONS

1. Abolish the death penalty:

- Abolish the death penalty – in the interim adopt a formal moratorium on executions and commute all existing death sentences to fair and proportionate custodial sentences;
- Ensure the resentencing of those previously subject to the mandatory death penalty with free legal representation and the opportunity to present mitigating evidence; and facilitate appeals for all individuals sentenced to death;

2. Access to fair trial:

- Amend the Evidence Act and strengthen judicial safeguards to prohibit the use of confessions obtained through torture or coercion;
- Expand protections for vulnerable groups through access to independent medical examination, comprehensive procedural safeguards, a government-funded legal aid system, regular training for law enforcement and judicial officers, and creating an independent oversight mechanism to investigate allegations of torture, ill-treatment, and misconduct.

3. Acceptance of international norms:

- Ratify the OP2 and the CAT; reinstate access to the African Court on Human and Peoples' Rights ("African Court") for individuals and NGOs; and guarantee fair trial rights and effective remedies (particularly under Article 14 of the ICCPR).

4. General legislative reforms:

- Repeal laws criminalising consensual same-sex relations between adults;
- Establish a transparent presidential pardon process with clear criteria and fair review;
- Amend the Penal Code to recognise intellectual and psychosocial disabilities as a defence and prohibit the death penalty or life imprisonment for affected individuals; and

- Require courts to consider gender-based violence and histories of abuse as mitigating factors.

5. **Prison conditions:**

- Improve living conditions in prisons and detention centres in line with international rules, including measures to reduce overcrowding; and prohibit solitary confinement.

TANZANIA HAS FAILED TO ABOLISH THE MANDATORY DEATH PENALTY

Tanzania's Penal Code provides for a mandatory death penalty for various crimes, including murder and treason, and may be carried out by hanging, which is considered by the African Commission, the African Court, and the CAT to amount to torture or cruel, inhuman degrading treatment or punishment. The death penalty stands in conflict with Tanzania's obligations to protect the right to life under the Constitution and the African Charter on Human and Peoples' Rights. It is also inconsistent with Tanzania's international obligations and the jurisprudence of the African Court, which has ordered Tanzania to repeal the mandatory death penalty and ensure fair resentencing. Tanzania has failed to implement these judgments, and domestic courts have upheld the constitutionality of the mandatory death penalty, evidencing a persistent divergence between national and regional jurisprudence. Indeed, despite recommendations from the Criminal Justice Commission, formed by the President in 2023 to review Tanzania's criminal justice system, that the Penal Code be amended so that the death penalty is not the sole punishment for murder, there is no indication that this position will change.

Although death sentences are often commuted to life imprisonment through presidential pardons, these clemency processes lack transparency and consistency. The Criminal Justice Commission also recommended that death penalty sentences should be automatically commuted to life imprisonment in cases where the President had not approved execution within three years. This recommendation also has yet to be implemented, despite initial political and judicial enthusiasm for the Commission's work.

Tanzania's legal framework offers only limited procedural safeguards for vulnerable groups in the criminal justice system, falling short of international obligations such as those under Article 14 of the ICCPR. While the Penal Code prohibits the death penalty for minors and pregnant women, these protections are narrow and lack effective mechanisms to verify age at the time of the offence, risking wrongful death sentences for children and those with intellectual disabilities. Additionally, the definition of "vulnerable groups" in Tanzanian law does not extend to those facing the death penalty or provide additional safeguards for capital defendants. As a result, vulnerable individuals are at heightened risk of coerced confessions and wrongful convictions.

TANZANIA LACKS ADEQUATE PROCEDURAL SAFEGUARDS AND PROTECTIVE LEGISLATION

LGBTQIA+ individuals are increasingly at risk, with Members of the Tanzanian Parliament calling for harsher penalties for consensual same-sex sexual activities, including the death penalty, as recently as April 2023.

Although Tanzania has enacted a Legal Aid Act, access to effective legal assistance remains highly limited in practice. Many indigent defendants, especially those facing capital and other serious charges, lack adequate legal assistance. These shortcomings undermine the right to a fair trial, increase their risk of a death sentence, and contribute to systemic inequality in the justice system.

TANZANIA HAS FAILED TO IMPROVE DEGRADING DETENTION CONDITIONS OF DETAINEES

Despite Tanzania's stated efforts to reduce prison overcrowding and improve conditions, prisons and detention centres remain overcrowded, unsanitary, and lack essential resources – all of which exacerbate the risk of infection, in violation of international standards. Those sentenced to death are typically held in prolonged or indefinite solitary confinement, which has been recognised as a form of inhuman or degrading treatment and is prohibited under Rule 43 of the UN Standard Minimum Rules for the Treatment of Prisoners.

Women in detention face additional risks, including sexual exploitation and abuse.

TANZANIA ADMITS EVIDENCE EXTRACTED BY TORTURE AND DEGRADING TREATMENT

Section 29 of the Evidence Act permits courts to admit confessions obtained through coercion or torture if the confession is considered reasonable, even if it was involuntary. This loophole places a heavy burden on defendants to prove coercion, often without access to independent medical evidence or procedural safeguards, and increases the risk of wrongful convictions based on unreliable evidence.

The continued admission of coerced confessions undermines fair trial rights and the integrity of the justice system, entrenching a system that inadvertently incentivises human rights violations as a means of extracting evidence.