



Organization: Lawyers for Lawyers

Item: Item 6 – UPR Outcome United Republic of Tanzania

Date: 23/24 March 2022

Speaker: Ms. Julia Smakman

**Oral Statement to the 49th Session of the UN Human Rights Council from Lawyers for Lawyers and the Law Society of England and Wales, organisations in special consultative status**

Mr President,

We welcome the decision of the United Republic of Tanzania to accept some of the recommendations related to the protection of human rights defenders, including lawyers. We call on Tanzania to effectively implement these recommendations<sup>i</sup> without delay.

Lawyers play a vital role in the protection of human rights and fundamental freedoms. To fulfil their professional duties, lawyers should be able to practice law freely and independently, without harassment or improper interference.

In Tanzania, lawyers are threatened with - and subjected to - disbarment and other disciplinary proceedings on improper grounds; for criticising the Government and lack of judicial independence. Some lawyers have been held in prolonged pre-trial detention charged with non-bailable offences. Under the Advocates Act and Advocates' (Disciplinary and Other Proceedings) Rules Act, lawyers can be disciplined by the Tanganyika Law Society, a judge or the Advocates' Committee. The latter is not an independent body; it includes state representatives. This raises concerns about interference with the independence of the legal profession and impartiality of proceedings.

Many lawyers are unable to communicate with their clients confidentially. Prison guards are within hearing distance during meetings between lawyers and detained clients. This violates the UN Basic Principles on the Role of Lawyers, which states that lawyers should be able to communicate with their clients without interference.

We urge the United Republic of Tanzania to:

- Guarantee the independence of lawyers so they can carry out their profession without undue interference;
- Ensure that the principle of lawyer-client confidentiality is respected ; and
- Guarantee the independence of bar associations in Tanzania and abstain from executive interference in disciplinary proceedings.

Thank you.

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<sup>i</sup> Report of the Working Group on the Universal Periodic Review of Tanzania, 21 December 2021, A/HRC/49/13.

Supported recommendations:

145.51 Conduct full and impartial investigations of all threats and attacks against and killings of journalists, civil society actors and human rights defenders, and hold perpetrators accountable (Latvia).