

## **Status of Human Rights in Tanzania for the 39<sup>th</sup> Session of the Universal Periodic Review**

### **Introduction**

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding the status of human rights in the United Republic of Tanzania (Tanzania) for the 39<sup>th</sup> Session of the Universal Periodic Review (UPR).

### **Background**

2. Tanzania is a country located in eastern Africa with an estimated population of 62 million people<sup>1</sup>. It is a majority Christian nation with approximately 61.4% of the population identifying as Christian, 35.2% as Muslim, 1.8% identifying with folk religion and 1.4% as unaffiliated<sup>2</sup>.

3. Tanzania's previous review was held on 9 May 2016. As a result of the review, 8 Member States made a total of 8 recommendations, out of which 6 were supported by Tanzania<sup>3</sup>. In particular, Costa Rica recommended that Tanzania "[t]ake steps with regard to children, particularly with regard to sexual exploitation and all forms of discrimination, including children with albinism"<sup>4</sup>.

### **Legal Framework**

4. Article 12 of Tanzania's constitution enshrines the fundamental principles that "[a]ll human beings are born free, and are all equal" and "[e]very person is entitled to recognition and respect of his dignity"<sup>5</sup>. Furthermore, under Article 14 of the constitution "[e]very person has the right to live and to the protection of his life by the society in accordance with the law"<sup>6</sup>.

5. Additionally, Tanzania is a party to the International Covenant on Civil and Political Rights (ICCPR) which states in Article 8 that "[n]o one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited"<sup>7</sup>. Furthermore, under Article 6 of the ICCPR, "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life"<sup>8</sup>.

6. Tanzania is also party to the Convention on the Rights of the Child (CRC), Article 6 of which states:

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure, to the maximum extent possible, the survival and development of the child<sup>9</sup>.

## **Exploitation of Children with Albinism**

7. In Tanzania, witch doctors promote the idea that the body parts of albinos bring about mystical powers and that the possession of these body parts will bring about success and can even be used by politicians to win elections<sup>10</sup>. The executive director for Under the Same Sun, an NGO dedicated to helping those with albinism in Africa, further underscores this point stating, “[t]he witch doctors are like gods . . . They tell their clients that bones and other organs of persons with albinism if mixed with a magic potion . . . will make them successful, will make them win elections, will make their businesses boom, will help even in their love affairs<sup>11</sup>.”

8. As a result of these misguided beliefs, body parts of albinos can be worth thousands of dollars, further motivating dangerous individuals to acquire these body parts<sup>12</sup>. Mwigulu, an albino child who was attacked for his body parts at the young age of 10, told his horrifying account of the attack.

One day we were coming from school . . . We saw two people who were walking ahead of us. . . One covered my face. And the other one starting cutting me. He cut the first time and he missed . . . He cut the second time and this time succeeded. Then he took my arm and ran away with it<sup>13</sup>.

9. Those with albinism do not only face the threat of violence but are also highly stigmatized by their own communities<sup>14</sup>. There is a belief that that albinos are called *zeru zeru* which means “ghosts”,<sup>15</sup> and are “ghostly curses that bring bad luck”<sup>16</sup>. Vicky Ntetema further stated that “[t]hey think that persons with albinism are not human . . . If there’s any disaster, there is drought, there are floods, hurricanes . . . they are blamed for that”<sup>17</sup>. Similarly, Ikponwosa Era, who was given the title “Independent Expert on the enjoyment of human rights by persons with albinism”, stated in an interview that “[i]solation and stigma came from peers and adults, including name-calling and mockery, and exclusion from certain community activities”<sup>18</sup>.

10. In order to help protect these vulnerable children from those that seek to harm them, the government has established shelters for albinos across the country and it is estimated that approximately 1,000 children have been placed in these shelters<sup>19</sup>. However, while these shelters are a positive thing in that they provide safety for those most vulnerable, they have the unintended adverse effect of increasing discrimination against those with albinism<sup>20</sup>. For example, one boy was forced to leave his school when a nearby shelter opened up. This severely impacted his ability to live a normal life, and in effect removes albinos from everyday society. While it is critical, that the government provide protection of these children it must also implement efforts to reduce the stigmatization of children with albinism as well as educate the population in order to put an end to the superstitious beliefs associated with them.

11. The United Nations has recognised the grave threat posed to albinos living in Tanzania and the region and in 2015 the UN created the position of UN Independent Expert on the enjoyment of human rights by persons with albinism. Ms. Ikponwosa Ero, an albino herself, was appointed to this position<sup>21</sup>. In a statement she highlighted the plight of albinos in Africa and referred to albinos in the region as “an endangered people” who face “the risk of extinction if nothing is done”<sup>22</sup>.

## **Conclusion**

12. While Tanzania has taken some steps to protect albinos from continuing to be stigmatized, targeted, and violently attacked, there is much more work to be done. One way this can be accomplished is through awareness campaigns that dispel many of the myths surrounding them. Furthermore, we ask that Tanzania implement strong protections within the legal system to protect those with albinism and punish those who seek to do them harm.

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<sup>1</sup> Tanzania, THE WORLD FACTBOOK, available at <https://www.cia.gov/the-world-factbook/countries/tanzania/#people-and-society>.

<sup>2</sup> *Id.*

<sup>3</sup> UPR of Tanzania – Second Cycle – Thematic List of Recommendations, A/HRC/33/12 - Para. 134.

<sup>4</sup> *Id.*

<sup>5</sup> The Constitution of the Republic of Tanzania art. 12, available at <https://rsf.org/sites/default/files/constitution.pdf>.

<sup>6</sup> *Id.* at art. 14.

<sup>7</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 8.

<sup>8</sup> *Id.* at art. 6.

<sup>9</sup> Convention on the Rights of the Child art. 6, available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

<sup>10</sup> *Tanzanian Children with Albinism, Hunted for Their Parts, Receive Prosthetic Limbs and a New Lease on Life*, ABC NEWS (28 Dec. 2017), available at <https://abcnews.go.com/International/tanzanian-children-albinism-hunted-body-parts-receive-prosthetic/story?id=49496498>.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Ending Albino Persecution in Africa*, AFRICA RENEWAL (March 2018), available at <https://www.un.org/africarenewal/magazine/december-2017-march-2018/ending-albino-persecution-africa>.

<sup>16</sup> *Long Persecuted, Tanzanian Albinos Find Acceptance Growing Slowly*, REUTERS (1 Feb. 2019), available at <https://www.reuters.com/article/us-usa-tanzania-albinism/long-persecuted-tanzanian-albinos-find-acceptance-growing-slowlyidUSKCN1PQ5KJ>.

<sup>17</sup> *Tanzanian Children with Albinism Hunted for Their Parts, Receive Prosthetic Limbs and a New Lease on Life*, *supra* note 10.

<sup>18</sup> *Ending Albino Persecution in Africa*, *supra* note 16.

<sup>19</sup> *“It Felt Like a Punishment”: Growing Up with Albinism in Tanzania*, HRW (9 Feb. 2019), available at <https://www.hrw.org/news/2019/02/09/it-felt-punishment-growing-albinism-tanzania>.

<sup>20</sup> *Id.*

<sup>21</sup> *Ms. Ikponwosa Ero, UN Independent Expert on the Enjoyment of Human Rights by Persons with Albinism*, OHCHR, available at <https://www.ohchr.org/EN/Issues/Albinism/Pages/IkponwosaEro.aspx>.

<sup>22</sup> *Ending Albino Persecution in Africa*, *supra* note 15.