

## UNITED REPUBLIC OF TANZANIA

A REPORT SUBMITTED TO THE HUMAN RIGHTS COUNCIL ON THE PERIODIC REVIEW FOR TANZANIA. SUBMITTED BY RUTTA ERNEUS, LEGAL OFFICER, WLAC IN DAR ES SALAAM, TANZANIA. P.O.B0X79212. TEL: +255222183769, Mob:+255784436737/713436737 E-mail: ruttae@yahoo.com

### **1: EXECUTIVE SUMMARY**

WOMEN'S LEGAL AID CENTRE (WLAC) IN DAR ES SALAAM, TANZANIA is a Non-Government Organization (NGO) established to promote access to justice and advocate for gender responsive policies for women and children. It envisages a just society that respects women and children rights. It has experience gained over the years since 1994 when the Organization was founded. The new direction of the Organization is strengthening the foundation for better legal framework for observance and protection of women and children rights. The Organization also puts more priorities in Advocacy for policy and practice changes with attention to recognition of minorities. WLAC has played a great deal in placing in some friendly Legislation such as Sexual Offence and Special Provision Act of 1998, The HIV and AIDS (Prevention and Control) Act of 2008, and The Child Act of 2009. These and other pieces of legislation have contributed to creating improved environment for observance, protection, access to information, and freedom of expression to women and children.

### **2:0 OUR VISION AND MISSION**

**Vision:** A just society that respects women and children rights.

**Mission:** To promote access to justice through wide dissemination of legal information and advocate for gender responsive policies for women and children.

With this submission, WLAC seeks to assess Tanzania's compliance with its international human rights obligations in respect of expression, in particular:

- Lack of access to Information and limits on free expression
- Freedom of assembly, association and intimidation of political opponents;

## **Extermination of Albinos**

We perceive albino killings as historical issue which is connected with lack of Access to Information and Freedom of Expression. For decades, albinos have been killed in Tanzania but no killing was publicized until recently when the trend of killing took a different perspective. It was previously known that albinos were commonly killed by family members to avoid bad luck among the clan members.

Despite Access To Information (ATI) and Freedom of Expression is well chartered internationally and domestically, both are impeded by the presence of contradictory laws and policies at the national level. The above problems are results of violation of these rights. If there was friendly legislation of prohibit the albino killing, FGM practice, and child marriages together with maximum guaranteed protection to those who raise their voices against these inhuman acts, the society would have changed its character and perception towards these practice.

A lot is yet to be done in Tanzania to ensure access to information and freedom of expression is enjoyed as it is guaranteed by The Constitution of United Republic of Tanzania, 1977(as amended from time to time).

Our government has contributed a lot in making sure that the public is denied these rights. In most cases we have experienced officials of the government releasing false reports in contradiction to what other sources of information say in regard to the same matter. We have seen this done deliberately during the Arusha killing, Mbagala bomb blast, and the recent tragedy of Gongo la Mboto bomb blast which has left hundreds of victims in desperation.

Mariam suffers from albinism. Very unfortunate she is a mentally disabled girl. Her late father decided to chain her legs and placed a considerable big padlock in the middle of the legs to lock

the chain. It is until very recently when a good samaritan journalist visited the place and broke the news. It is when her mother got courage to open her mouth and disparately reveal how she could not intervene for a year since her daughter was chained by her late husband.

In her aired testimony, she revealed that her late husband chained Mariam to control her movements. Poor Mariam limped for about a year and it is only yesterday on 08<sup>th</sup> March, 2011 when the police officers from Muheza District in Tanga Region in Tanzania (where Mariam comes from) unchained the girl. Despite the death of the father, Mariam's mother could neither unchain her nor report this inhuman practice. Her tongue was tied up either under the reason that she did not know how to exercise her freedom of expression or she had to keep the covenant. While interrogating on the matter, the reporter was told by neighbors that chaining Mariam was associated with witchcraft beliefs as her late father wanted to excel in his business. Neither the family members nor the communities around dared to exercise their freedom of expression in order to rescue the victim of dehumanization. From the above, awareness is highly required to assist the marginalized groups to enjoy the guaranteed rights of access to information and freedom of expression. Some people are abused because they can not air their voices. Who will speak so that the voiceless can be heard?

Poverty has been one of the key factors which hinder access to information. Due to poverty, most of our societies have no access to adequate and quality information that can enable them makes informed decisions about life. Until recently, most of us have considered the albinos as normal human beings and that was achieved through the good work of fellow human rights activists.

Being marginalized, albinos are voiceless. It is a small group which has not been adequately represented almost in every administrative body. For ages, they have died and their life has been

abused but nobody was there to speak for them. Albino killing in Tanzania has been a tragedy. It is associated with superstition that albino organs are used by people involved in mining and fishing activities to acquire richness.

It is believed that albino organs such as genitals, flings, breasts, limbs, to mention a few, possess mystical powers that can make the user to become extraordinary rich within a very short time. Although there have been participatory efforts to end the killings in Tanzania, albinos will remain vulnerable due to the fear of being hunted by those who have taken them to be commodities.

### **Freedom of Assembly and Intimidation of political opponents**

According to Tanzania Constitution “Every person is entitled to freedom, to freely and peaceably assemble, associate and cooperate with other persons, express views publicly and more specially to form or join associations or organizations formed for the purposes of preserving or furthering his beliefs or interests or any other interests”.

Looking at the political wind in the country and the statements given by the government against Chadema’s political rallies reveal that the state is a hindrance to the enjoyment of freedom of expression. The registrar of political parties recently threatened to de register Chadema on flimsy grounds.

As seen in the recent killings during peaceful demonstrations in January, 2011, the right to assembly and freely express oneself is not guaranteed in Tanzania. In the events around the arrests of the opposition supporters, the police arrested CHADEMA chairman Freeman Mbowe and other senior leaders of the party for allegedly taking part in an unlawful demonstration.

## **Female Genital Mutilation**

In Tanzania another problem which is resulted from lack of access to information and freedom of expression is Female Genital Mutilation (FGM) practices. Some studies have shown that cultural values and taboos seem to cover away a lot of information from public domain about violation of women and children rights. FGM is another crucial problem which requires our voices against it. The victims of this practice are young girls who have very limited sources of information and have no chance to exercise their freedom of expression. Being a cultural practice, at times, the event to practice FGM is honored by officials of high rank in the Central Government. In some tribes in Tanzania it is believed that a man would never marry uncircumcised girl hence circumcision has become a pride of women.

Different testimonies show that the practice is very painful as the tools used are locally made and tragically sharp. Such forbidden practice is administered without a tranquillizer. FGM is one among many brutal practices done by our societies. In most cases FGM goes side by side with child marriages. In most of the tribes where FGM is practiced, girls are married before they attain majority age.

## **Recommendations**

The Government should as a matter of urgency review the Constitution of the country and ensure that laws that allow for intimidation of political opponents are repealed.

The Government should urgently pass an access to information Law that should include clear provisions on whistle blower protection for people reporting on cases of FGMs and Albino killings

Establish a legislative framework that ensures that protection of Albinos including affirmative action to enable them catch with the rest of the community.

Put stringent measures to end FGM and related harmful traditional practices