



16 September 2009

His Excellency  
Jakaya Mrisho Kikwete Morisho  
President of the United Republic of Tanzania

Your Excellency:

**RE: CONGRATULATORY MESSAGE TO THE UNITED REPUBLIC OF TANZANIA**

We would like to congratulate the United Republic of Tanzania on your submission of the fourth periodic report to the United Nations (UN) Human Rights Committee which was considered at the committee's 2628<sup>th</sup> and 2629<sup>th</sup> meetings, held on July 13 and 14 2009, in Geneva, Switzerland. We commend your willingness to submit the report and appear before the UN Human Rights Committee for its consideration and we commend your forthrightness in the report. This openness encouraged various parts of civil society, working on civil and political rights, to add to the review process by writing shadow reports to compliment the government periodic review. Going far to ensure that all groups within the Republic of Tanzania—especially those seeking to ensure the protection of fundamental rights—were able to monitor and support the government process, this participation is an indication that these groups have the confidence and the protections to associate and advocate their rights.

We commend the positive developments that the United Republic of Tanzania has made in ensuring the protection of human rights as enshrined under the International Covenant on Civil and Political Rights (ICCPR) and other international treaties to which Tanzania is a State Party, particularly the following developments:

1. Abolition of imprisonment of unmarried women who become pregnant;
2. Moratorium on the death penalty; and
3. Inclusion of women in decision making by appointments to public bodies.

These developments are all positive results of Tanzania's diligence in meeting its State obligations in ensuring that all those within the borders of Tanzania are able to enjoy their rights without discrimination. We note, however, that the Republic of Tanzania still severely criminalises same sex sexual relations of consenting adults and continues to fail to take measures to prevent discrimination against people who engage in consensual same sex sexual relations. The Penal Code of 1945 was amended in 1998 by the Sexual Offences Special Provisions Act. Sections 154 and 155 of the Code now make any "unnatural offences" punishable for thirty years imprisonment or more and makes any *attempted* "unnatural offence" punishable by at least twenty years imprisonment. The Human Rights Committee, in *Toonen v. Australia* (1994), confirmed that laws criminalizing consensual same sex relations, as this one does, violate both the right to privacy and the right to equality before the law without any discrimination, contrary to articles 2 and 26 of the ICCPR.

We also particularly note the case of **Abdallah Aluu** (also known as Aunty Victoria or Vicky, -now deceased) who suffered indignity at the hands of public officials and ultimately died in undignified circumstances due to her sexual orientation and gender identity at the **Muhimbili National Hospital**. The hospital failed to follow ethics in treating her and ensuring her dignity, allowing public viewings and photographs of her body, which were then published in various media houses. The Committee on Economic, Social and Cultural Rights (General Comment No. 20) has affirmed that states parties, including Tanzania, may not discriminate on the basis of gender identity or sexual orientation. The actions of Muhimbili National Hospital during these events were therefore contrary to Tanzania's obligations to preserve all persons' dignity without discrimination.

IGLHRC therefore calls on the Republic of Tanzania to:

- a) Decriminalise same sex sexual relations of consenting adults;
- b) Take all necessary measures to protect consenting adults, engaged in same sex relations, from discrimination and harassment;
- c) Ensure that all individuals within its territory and subject to its jurisdiction enjoy the rights recognized under ICCPR and other human rights treaties, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including sexual orientation and gender identity;
- d) Ensure that no one is subjected to arbitrary or unlawful interference with his privacy, family, or correspondence, nor to unlawful attacks on their honour and reputation, and where this occurs that they have the right to the protection of the law against such interference or attacks; and
- e) Ensure that everybody is equal before the law and are entitled, without any discrimination, to the equal protection of the law.

These issues will be monitored by IGLHRC together with local, regional and international human rights organizations seeking to ensure that the concluding observations made by the Human Rights Committee relating to the Republic of Tanzania are implemented, particularly regarding the protection of sexual minorities. We hope the Republic of Tanzania will continue to increase its respect for human rights of all people by implementing these measures.

Yours sincerely,



Cary Alan Johnson  
Executive Director

Cc:  
Hon. Benard Mende,  
Ministry of Foreign Affairs and International Co-operation  
United Republic of Tanzania

Hon. Mathias M. Chikawe  
Ministry of Justice and Constitutional Affairs  
United Republic of Tanzania