

2ND CYCLE UPR of TANZANIA

RECOMMENDATIONS TO THE GOVERNMENT OF TANZANIA

BACKGROUND INFORMATION

The Community Health Education Services & Advocacy (CHESA) is a registered youth voluntary, non-partisan, Non-governmental umbrella Organization (NGO) dedicated to the Key Populations¹, Gender² and Sexual minorities³ in response to public health base approach, health education, provision of health services and health system strengthen, promotion of Human Rights based approach and advocacy for policy and law reform through in depth partnership with communities in Tanzania. Established in 2008, and registered under the NGO Act No. 24 of 2002. CHESA is operating through Tanzania Mainland.

The United Republic of Tanzania has a strong human rights culture. Tanzania is party to many international human rights instruments⁴ and has ratified many of them. However, in implementing its state duties to protect, respect, fulfill and promote those rights, the government does not take into consideration issues affecting key populations, gender and sexual minorities (KGS). From a human rights perspective there are many areas where Tanzania not only fails to live up to best practices, but also breaches fundamental rights.

Tanzania underwent the first cycle of the UPR on 3rd October 2011. The state considered all 153 recommendations, accepted 107 in full, 13 in part and the remaining 33 were referred for further consideration. Three recommendations on the issues of LGBTI were rejected (no 150, 151, 152).⁵ In 2015 a total of 36 Tanzanian organizations working on the human rights of key populations, gender and sexual minorities (including CHESA – Community Health Education Services and Advocacy), filed a Joint Stakeholder Submission to the UPR process with **15 recommendations to the government of Tanzania, 7 of them are summarized here.**

The Right to access health services

Key population, gender and sexual minorities (KGS) are being encountered with human rights violations within the health sector which affect their right to access health services. These violations include denial of services, verbal harassment, abuse and violation of confidentiality. Despite the effort of the government to develop strategies and guidelines for health service providers, there are no effective implementations of those guidelines by the health service providers.

Recommendations

1. Ensure the effective implementation of the entire following program in all sectors:
 - a. Tanzania Third Multi-Sectoral Strategic Frame work for HIV and AIDS (2013-2018)
 - b. National Guideline for Comprehensive Package of HIV Intervention for Key Population (2014);
 - c. Third Health Sector HIV and AIDS Strategic Plan (HSHP III) (2013-2017);
 - d. Comprehensive National Multi-Sectoral HIV and AIDS Stigma and Reduction Strategy (2013/2017);
 - e. Tanzania National HIV & AIDS Advocacy and Communication Strategy (2013-2017), and;

¹ Describes populations disproportionately impacted by HIV when compared with the general population. While this may vary according to local epidemic dynamics, principally this describes men who have sex with men (MSM), people who use drugs (PWUD), sex workers (SW) and transgender community


² In this context we refer to transgender and intersex

³ These are gay men, lesbian and bisexual

⁴ International Convention on Civil and Political Rights, International Convention on Economic, Cultural and Social Rights, African Charter on Human and Peoples Rights etc

⁵ <http://www.upr-info.org/database/>



- 
- Zanzibar National HIV Strategic PlanII (2011-2016).
 - 2. Provide mandatory trainings on international standards of non-discrimination to government officials such as police, prison/detention staff and the judiciary with specific emphasis on KGS to address their vulnerability to HIV infections.

Police Harassment

Police officers are the primary perpetrators of human rights violations to KGS through arbitrary arrests with false accusations, rape, torture, and inhuman treatment. This is often combined with extortion for money or sex, and denial of access to justice, as well police officers refusal to accept complaints from KGS on the bases of their identities

Recommendations

3. Urge the government to take action against any police officer or civil servant who obstructs access to justice and health services by Key Populations based on sexual orientation, gender identity and expression.
4. The government should equip police officers with knowledge of sexual orientation, gender identity and expression through trainings, workshops and seminars.

Rights to Freedom of Assembly and Association

Most organizations working with key populations, gender and sexual minorities experience many challenges with the authorities when they register as an organization. For instance, they are denied the use of direct names, they may not incorporate specific words in their name, and they have to change their mission, their vision and their objectives. In April 2014, an NGO working on sexual minorities issues and health rights for key populations in Tanzania was officially de-registered by the Permanent Secretary of the Ministry of Community Development Gender and Children (MoCDGC). The organization known as Tanzania Sisi Kwa Sisi Foundation (TSSF) was de-registered due to alleged "promoting LGBTI activities".

Recommendation

5. Remove all restrictions on the registration of groups working with key populations and sexual and gender minorities, including groups dealing with HIV interventions, sexual and reproductive health, and human rights.

Right to life and security

The right to life of key populations, gender and sexual minorities has been violated several times in Tanzania⁶. Despite all these violations, the incidents do not appear to be investigated by police on the grounds of the victims' sexual orientation, gender identity and expression.

Recommendation

6. Eradicate impunity for crimes committed against members of key populations, and gender and sexual minorities.
7. Develop a national campaign to raise awareness to the community on the effect of violation towards key population, gender and sexual minorities.

⁶ Maurice Mjomba (a gay man) was murdered on 2012 by an unknown assailant. Mjomba was working with Center for Human Rights Promotion (CHRP), a group that educates MSM about sexual health, and the killing of an Australian who belongs to the sexual minority community living in Tanzania who was also killed "almost in the same manner as Morris Mjomba.

