

**Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences**

REFERENCE: AL  
TZA 2/2014:

8 August 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on minority issues; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 25/17, 26/7, 23/8, 25/5, 25/32, 26/12, 25/13, and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding **on-going attacks against persons with albinism resulting in death or severe maiming, and allegations that they do not receive adequate protection from the State; and reports according to which persons with albinism who have been displaced due to the prevalence of such attacks, and particularly children, are subjected to abusive treatment and substandard living conditions in a number of State-run institutions in which they seek refuge.**

Similar concerns have been raised in a previous communication sent to your Excellency's Government on 18 March 2013 ((AL G/SO 214 (33-27) G/SO 214 (53-24) G/SO 214 (89-15) TZA 1/2013). We thank your Excellency's Government for the reply dated 26 March 2013.

According to the information we received:

Persons with the genetic condition of albinism are being targeted in brutal, ritualized attacks for the harvesting of their body parts throughout the territory of the State. It is reported that at least 139 attacks have taken place throughout the State between 2007 and 2014. It is further reported that in the most recent of such attacks, on 13 May 2014, a 40 year-old woman with albinism died after she was attacked and parts of her body, including her left leg and several fingers, harvested. Persons with albinism report living in constant fear of attacks, and they are reportedly often compelled to either hide or to leave their homes to escape attacks. It is further reported that persons with albinism, and particularly children, living in State-run institutions are routinely subject to serious abuses, violence, substandard living conditions, and lack of proper medical care.

#### *Background*

It is reported that persons with albinism are hunted due to the misbelief that the use of their body parts, when ground in witchcraft potions, will bring about wealth, good luck, and political success, particularly if harvested while the victim is alive; there is furthermore an alleged increase in attacks around the time of political elections and campaigns. Other dangerous myths that facilitate the perpetration of attacks are that persons with albinism are not human beings but ghosts, and that they do not die but disappear. It is reported that attacks directed at persons with albinism are usually carried out with machetes, which are used to cut off their body parts, and result in severe maiming or death.

It is further reported that the perpetrators of the attacks are typically private actors enlisted by members of wealthy political and economic elites, with the purpose of selling the body parts of victims, including organs, in an illegal cross-border trade, particularly into the neighboring countries of Burundi and Kenya. It is reported that costs can vary between several thousand to 75,000 US dollars for individual or sets of limbs and organs harvested in the attacks.

#### *Lack of investigations/prosecution/punishment and protective measures by the State*

In its reply from 27 March 2013, the Government informed that a multidisciplinary National Task force had been established and that investigations into the attacks against persons with albinism were under way, including before the courts. In this context, the Government informed that five perpetrators had been charged and convicted for murder as of March 2013.

According to the new information received, measures necessary to protect persons with albinism from attacks by private actors are not currently in place. It is reported that although the Government has allegedly taken some measures to prevent attacks and killings in the past, the response has been ad-hoc, severely limited, and lacking in meaningful follow-up measures.

Investigations, prosecutions, and sentencing in cases involving attacks against persons with albinism are extremely rare, with only five cases – four murders and one attempted abduction – out of the 139 in the past seven years, have resulted in convictions. It is alleged that investigations that are opened are frequently not followed through and are closed prematurely. Investigations are reportedly not independent or impartial, with authorities sometimes receiving bribes in exchange for not carrying out investigations fully. It is reported that in one case, four high- and middle-ranking police officers were arrested on suspicion of accepting bribes from witchdoctors wishing to escape prosecution.

It is further reported that when legal proceedings do occur, due process is typically not afforded to the victims, whose testimony is usually not considered, and who are not provided with legal assistance. Very little information on the legal status of the cases currently pending in courts is reportedly available. It is also reported that under the domestic legal systems, criminal prosecutions can only be initiated by the State, which leaves victims, as private citizens, with no other recourse to the justice system.

The information detailed below refers to three individual cases that have been brought to our attention, and to allegations concerning the conditions and mistreatment to which displaced persons with albinism are subjected in State-run institutions:

*Individual cases*

██████████

According to the information received, on 12 November 2007, ██████████, a seven year old boy with albinism, was brutally attacked by four people with machetes in the Biharamulo District, Kagera Region. It is reported that the perpetrators hunted ██████████ down and hacked off his left arm above the elbow; all of his fingers and half of his hand from his right arm; and four teeth. After the attack, ██████████ was relocated to a safer location. It is further reported that although ██████████'s case was brought to court, the case suffered from severe procedural irregularities. The trial was reportedly brought before a court five years after the attack, in May 2012. It is alleged that ██████████ was only permitted to testify on the last day of the trial and without the assistance of counsel or witness pretrial preparation. The case was reportedly dismissed on the grounds of weak evidence from the prosecution, the police, and ██████████ whose evidence was dismissed because persons with albinism typically suffer from vision problems.

██████████

According to the information received, ██████████, a 28 year old mother with albinism, who was pregnant with her second child at the time, survived an attack on 17 October 2008, in Ntobeye Village, Ngara District, Kagera Region. Although both of ██████████ arms were reportedly hacked off with a machete

during the attack, the attackers only managed to carry away one of her arms, leaving the other behind. It is reported that the hand from the remaining arm had to be amputated at the hospital, leaving [REDACTED] with no hands. It is further reported that [REDACTED] lost her unborn child because of the attack. It is also reported that although the matter was eventually brought to court, the proceedings were marred with due process irregularities, including the fact that the victim was only allowed to testify on the last day of the trial without any preparation or access to counsel. The accused was dismissed on the grounds that [REDACTED] poor vision made it impossible for her to recognize the attacker, despite her claims that she knew her attacker well and could identify him. It is further reported that when [REDACTED] case was brought to court, the court admitted the testimony of a witness who was visibly under the influence of alcohol, and that a Government official who temporarily housed the victim after the attack was approached to give a bribe to the police in exchange for having the case decided in [REDACTED] favor, which she declined.

[REDACTED]

According to the information we received, [REDACTED], a 12 year old boy with albinism, survived a brutal attack with a machete on 14 October 2011 in Nyaruguguna Village, Nyanhalwe District in Geita Region. It is reported that the attackers severed and stole three fingers from [REDACTED]'s right hand and caused severe injuries to his left arm and shoulder, leaving him unable to use his arms. It is alleged that [REDACTED] reported the fact that his father, stepmother, older brother, and another male relative were involved in the attack, and that his testimony was corroborated by neighbors. Although alleged perpetrators were reportedly arrested on 15 October 2011, in June 2012 the Director of Public Prosecution, allegedly dropped the charges against all four suspects, citing a lack of evidence.

#### *Conditions/treatment of displaced persons with albinism in state institutions*

Hundreds of persons with albinism, including children as young as two years of age, have been forced to leave their homes because of discrimination and persecution. Once displaced it is reported that many are housed in institutions or boarding schools located in the Lake Zone region of north-western Tanzania, which are a mixture of government-owned and faith based organizations. It is further reported that these institutions, which were initially designated by the government for children with various disabilities or conditions warranting some level of special care, were not designed to absorb the influx of hundreds of persons with albinism seeking to escape attacks, and that the current situation is untenable. The living conditions in these institutions are uninhabitable. According to the information we have received, these institutions are overcrowded, with some being designed to house only a quarter of the current number of residents, and lack necessary infrastructure and amenities. It is further reported that overcrowding, a lack of amenities, resources, primary healthcare and staff training, all contribute to the spread and prevalence of diseases, and especially skin diseases, to which children with albinism are particularly vulnerable.

### *Sexual, physical, and psychological abuses*

According to the information received, individuals living in such institutions are subjected to appalling conditions and treatment. Children in particular are allegedly subjected to severe mistreatment in the form of physical abuse and sexual violence, including staff-on-student and student-on-student abuses. Children with albinism are reportedly faced with unwanted touching, forced sexual fondling and indecent exposure of genitals, and forced sodomy, on a regular basis. It is reported that according to the findings of recent investigations, in at least nine institutions – Mugeza Mseto; Furaha; Buhangija; Kabanga; Pongwe; Mitindo; Kitengule; Bukumbi; and Missionaries of Charity – sexual abuses are prevalent. It is reported that institutions are unable to provide for the security and protection of children from sexual abuses due to a number of unaddressed factors and living conditions in the institutions, including: sharing of beds by two – four residents; dormitories are of mixed ages and genders; children and residents are afraid to report frequent sexually suggestive statements and advancements by teachers and security guards, for fear of repercussions and reprisals.

It is further reported that other forms of physical abuses occur at these institutions and that corporal punishment of children by flogging is the norm. Punishment also reportedly takes the form of keeping children in the sun, which is life-threatening for all persons with albinism. Almost all children allegedly report verbal abuse and threats, including threats that they will be returned to their villages in order to be subjected to attacks because of their conditions. Many of the children residing in the institutions reportedly display visible signs of trauma and psychological disturbances, such as compulsive rocking, inability to walk or speak, and depression.

### *High incidence of skin cancer and lack of proper medical and preventive care*

Persons with albinism in the institutions are not afforded basic primary healthcare to prevent deadly skin cancer, and most children display physical signs of skin cancer in various stages and pre-cancerous lesions. At the Buhangija institution in Shinyanga region, children as young as three reportedly display visible signs of extensive sun damage that leads to skin cancer, while others have developed skin diseases due to unhygienic conditions and absent or improper care. It is further reported that all the institutions are understaffed, and existing staff members are not properly trained or resourced, and therefore unable to provide proper care. In this context, it is alleged that less than 10% all persons with albinism within the State live to the age of 30, and only 2% live past the age of 40.

Serious concern is expressed at the pattern of attacks and killings of persons with albinism. Further concern is expressed that investigations, prosecutions, and sentencing in cases involving attacks against persons with albinism are extremely rare. In the few cases in which investigations are carried out, judicial procedures fall short of international

standards of fair trial and due process. We also express grave concern about the reported lack of protective measures in place to guarantee the life and security of persons with albinism. Serious concern is also expressed at the poor living conditions as well as allegations of sexual abuse and lack of medical care in State institutions.

In connection with above alleged facts and concerns, please refer to the **Reference to international law Annex** where the applicable international human rights instruments and standards that we would like to recall are outlined.

It is our responsibility under the mandate provided to us by the Human Rights Council to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide the full details of the laws, policies or programmes put in place to address discrimination against and persecution of those with albinism and their results.
3. Please provide the full details of any protective measures put in place to ensure the physical and psychological security and integrity of persons with albinism.
4. Please provide the full details of any prosecutions which have been undertaken and explain how these are in line with international human rights standards; besides the five cases where perpetrators have been convicted for murder, have any other penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to these cases.
6. Please provide an update of the work carried out by the multi-disciplinary National Task Force for purposes of brainstorming, researching and suggesting ways to eliminate the problem of killings and attacks of persons with albinism.
7. Have the results of the national census to ascertain the number of persons with albinism contributed to improve the provision of adequate protection?
8. Please indicate any remedial action taken vis-à-vis the victims, including redress and full rehabilitation.
9. Please provide any additional information you may have on the conditions and allegations of sexual abuses in state institutions. Please provide the full details of any investigations and protective measures that have been taken.

We would appreciate a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

We are intending to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue in question.

Please accept, Excellency, the assurances of our highest consideration.

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**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we should like to appeal to your Excellency to seek clarification of the circumstances with a view to ensuring that the rights of this group of alleged victims are protected in accordance with the fundamental principles as set forth in the UN International Covenant on Civil and Political Rights and the International Convention on the Elimination of all forms of Racial Discrimination to which your country is a party, as well as the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The Declaration stipulates in Article 4 (1) that: "States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law."

We wish to draw your Excellency's Government's attention to Articles 3 of the Universal Declaration of Human Rights and 6 (1) of the International Covenant on Civil and Political Rights, ratified by your Government on 11 June 1976, which guarantee the right of every individual to life and security and not to be arbitrarily deprived of his life.

Additionally in its General Comment No. 31, the Human Rights Committee has observed that there is a positive obligation on States Parties to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities. States Parties permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by private persons or entities could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, recall the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. This principle was reiterated by the Human Rights Council in Resolution 17/5 on the "Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions" (OP 4). The Council added that this includes the obligation "to identify and bring to justice those responsible ... to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and prevent the recurrence of such executions."

In this context, we would like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

We would also like to draw your Excellency's Government's attention to paragraph 7b of Human Rights Council Resolution 16/23, which urges States "(t)o take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment investigated promptly, effectively and impartially by an independent, competent domestic authority, as well as whenever there is reasonable ground to believe that such an act has been committed; to hold persons who encourage, order, tolerate or perpetrate such acts responsible, to have them brought to justice and punished in a manner commensurate with the gravity of the offence.

In this regard, we would also like to remind you that paragraph 7e of Human Rights Council Resolution 16/23, which urges States "(t)o ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment obtain redress, are awarded fair and adequate compensation and receive appropriate social, psychological, medical and other relevant specialized rehabilitation, and urges States to establish, maintain, facilitate or support rehabilitation centres or facilities where victims of torture can receive such treatment and where effective measures for ensuring the safety of their staff and patients are taken."

In connection with the above concerns, we also would like to recall the obligations the International Covenant on Economic, Social to which Tanzania is a party since 11 June 1976 and specifically article 11.1 recognizing the right of everyone to an adequate standard of living for himself and his family, including food and housing, and to the continuous improvement of living conditions; and article 12 on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. These articles must be read in conjunction with Article 2.2 of the Covenant which provides for the exercise of any right under the Covenant without discrimination of any kind.

In addition, we would like to bring to your Government's attention article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of states to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, states should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms.

Furthermore, we would like to refer to article 4 (g) of the United Nations Declaration on the Elimination of Violence against Women which notes the responsibility of states to work to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support

structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation.

We would also like to draw the attention of the Government to Article 19 of the International Convention on the Rights of the Child to which the United Republic of Tanzania is party since 10 June 1991, which provides that States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Moreover, Article 34 provides that States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.

Finally, regarding the allegations according to which trials dealing with cases of violence against persons with albinism lack fairness and due process, we would like to refer your Excellency's Government to Article 2(3) of the ICCPR, according to which victims of violations shall have access to an effective remedy; Article 14 of the ICCPR, which enshrines the equality of all persons before the courts and tribunals; and Article 26 of the ICCPR, which consecrates the equality of all persons before the law. Moreover, we would like to refer your Excellency's Government to the Basic Principles on the Independence of the Judiciary, the Bangalore Principles of Judicial Conduct, and the Guidelines on the Role of Prosecutors.