

Mandates of the Special Rapporteur on violence against women and girls, its causes and consequences; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the independence of judges and lawyers and the Working Group on discrimination against women and girls

Ref.: UA TZA 5/2025
(Please use this reference in your reply)

15 July 2025

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on violence against women and girls, its causes and consequences; Special Rapporteur on the rights of persons with disabilities; Special Rapporteur on the independence of judges and lawyers and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 50/7, 53/14, 53/12 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the trial of Ms. Lemi Limbu, a survivor of gender-based and domestic violence, incarcerated in Tanzania and sentenced to death. She has psychosocial and intellectual disabilities and has reportedly not received appropriate physical and mental health care and support while in detention.**

According to the information received:

Ms. Lemi Limbu is a woman with intellectual disability, currently detained on death row in Tanzania. A survivor of gender-based and domestic violence, she was convicted of the murder of her child and sentenced to death, despite serious concerns regarding due process and the circumstances of her arrest and detention. She has now been incarcerated for thirteen years, including several years under threat of execution.

Ms. Limbu has not received appropriate medical or psychological support during her detention. Her mental and physical condition has reportedly deteriorated significantly: she now requires assistance to walk, suffers from persistent abdominal swelling and bloating, and lacks access to adequate nutrition. Despite these concerns, prison authorities have allegedly refused offers by her legal team to provide medication or food supplements. She has not been referred for medical evaluation, and her health continues to decline in the absence of essential care.

Background of Ms. Lemi Limbu's case

Ms. Limbu grew up working on her parents' farm in the Shinyanga region. She received limited formal education and dropped out of school in her fifth year of schooling. Ms. Limbu cannot name the days of the week, remember the full names of her family members, estimate how old she is, tell the time, nor can she count cash.

Her father beat her mother, who eventually fled her marriage with her children in tow. As a girl, men in Ms. Limbu's village would drag her out of her family home to rape her, taking advantage of her intellectual disability. She was also beaten by multiple family members. Ms. Limbu was shunned by other villagers because of her disability.

Ms. Limbu first became pregnant through rape, and she was just fifteen when she gave birth to her first child, Thereza. Having not received any education on sexual and reproductive health at any point in her life, Ms. Limbu did not understand that sexual activity and rape could lead to pregnancy. She therefore did not seek medical assistance following the rape. Furthermore, she did not understand that she herself was pregnant until her mother explained it to her and explained the implications.

When Ms. Limbu was approximately eighteen years old, she married an older man named Maimazi. Ms. Limbu subsequently gave birth to two children, Kuchuma and Tabu, as a result of this marriage. Maimazi frequently beat Ms. Limbu, and the memory of Maimazi's violence has stayed with her. Ms. Limbu's father eventually helped her flee Maimazi. Ms. Limbu took her approximately one-year-old daughter, Tabu, with her when she fled.

Allegations of a lack of due process and inadequate consideration of Ms. Limbu's impairments, her experiences of abuse and gender discrimination

Ms. Limbu eventually moved to a different village to live with her uncle, where she was approached by a man named Kijiji Nyamagu. Kijiji was known to be an alcoholic and was avoided by other villagers because of his bad reputation. Kijiji told Ms. Limbu he would marry her, but he said he would never accept Tabu because Tabu was fathered by a different man. Shortly afterwards, Tabu was killed by strangulation. Kijiji had already run away by the time Ms. Limbu brought the authorities to her daughter's body.

On 26 August 2011, Ms. Limbu was arrested. The police purported to record a caution statement that day, but Ms. Limbu did not sign anything. She was then charged and tried for reportedly killing her child. At trial, she testified that she did not know what her caution or extrajudicial statements contained. Ms. Limbu's intellectual impairment became apparent over the course of her trial. She could not remember basic facts about her own life. Ms. Limbu was not sure how to spell her own name. She did not know how old she was, nor could she remember her grandmother's name or the village in which she lived.

On 28 August 2015, four years after her initial arrest, the High Court convicted Ms. Limbu of the murder of her child and sentenced her to death. Ms. Limbu was sentenced despite the inability of the prosecution to adduce any evidence that it was Ms. Limbu herself who had strangled her child to death. In its decision, the High Court failed to consider Ms. Limbu's intellectual disability, instead holding Ms. Limbu to account for not acting as the Court would have expected a reasonable individual in her position to have acted. With the assistance of counsel, Ms. Limbu appealed the High Court's decision.

In February 2018, after she had spent nearly three years on death row, the Court of Appeal nullified Ms. Limbu's conviction because the High Court failed to keep a written record of the "summing up" it gave to Ms. Limbu's assessors as required by section 298(1) of the Criminal Procedure Act. She was moved from death row as a result, but she remained incarcerated without a conviction for another four and a half years while awaiting the scheduling of a second trial.

In September 2022, the High Court conducted a new trial on murder charges. Counsel for Ms. Limbu secured an affidavit by a clinical psychologist who previously evaluated Ms. Limbu and concluded she had an intellectual disability and the developmental age of a ten-year-old child or younger. However, the Court again did not allow any evidence of Ms. Limbu's intellectual disability to be introduced without giving any reasons.

On 23 September 2022, Ms. Limbu was convicted of murder and sentenced to death for a second time. The Court dismissed Ms. Limbu's evidence that her caution statement was obtained in circumstances where she was beaten, threatened with a gun and detained for two days at the police station.

With the assistance of counsel, Ms. Limbu is now appealing the High Court's decision, but no date has been set for the appeal. As of this writing, Ms. Limbu has been incarcerated for thirteen years, a significant portion of which has been while being subject to or threatened with the death penalty.

Inadequate detention conditions and adverse effects on Ms. Limbu's health condition

Recent reports indicate that, while in detention, Ms. Limbu has not received physical or mental health care or support. While incarcerated, Ms. Limbu's already impairment has deteriorated significantly. Ms. Limbu's impairment will only continue to worsen in prison, where she is unable to access appropriate psychological support.

Moreover, Ms. Limbu's physical condition has deteriorated significantly, and she now requires assistance to walk. Her stomach consistently swells and bloats, and she lacks adequate nutrition. The prison has denied Ms. Limbu's legal team's offers to secure medication or supplemental food for Ms. Limbu. Despite Ms. Limbu's dire state, the prison has made no efforts to have her evaluated by a medical professional or to give her targeted support and assistance.

While we do not wish to prejudge the accuracy of these allegations, we express serious concern that the death penalty may have been imposed on Ms. Limbu following judicial procedures that do not appear to consider her disability, health conditions, and her history as of victims of multiple and intersectional discrimination and as a survivor of domestic and gender-based violence as mitigating factors. As such, the judicial procedure may not fulfil the required guarantees of fair trial and due process required under international human rights law, when capital punishment is imposed.

While taking into consideration that your Excellency's Government has put in place a de facto moratorium since 1994, we wish to take urgent comprehensive

measures to protect Ms. Limbu's life, dignity and basic rights. We are particularly concerned that the conviction does not seem to be based on any material evidence or eyewitness; and the alleged coerced confession during her interrogation proceedings; that she had reportedly no history of violence against her child; that her lifetime of experiences of poverty and abuse, discrimination, including domestic and gender-based violence, was not taken in due account; that no prompt and effective forensic investigation was carried out into the circumstances of her daughter's death.

Furthermore, we are alarmed at the poor conditions of detention in which Ms. Limbu has been kept throughout her life and that fail to take into consideration her specific needs, both as a woman and as a person with disability and with severe trauma, including trauma caused by the death of her child. Throughout the years, Ms. Limbu has not had any access to food, nor physical and mental health care and support.

Considering the ongoing development of an emerging customary law standard prohibiting the death penalty as a form of cruel, inhuman, or degrading punishment, we respectfully call on your Excellency's Government to **end any danger of the death penalty against Ms. Limbu, conduct a fair retrial urgently and release her on bail pending her retrial.** The State should also ensure that Ms. Limbu has access to psychological support and assistance.

We also would wish to draw your attention to an emerging international customary norm prohibiting the death penalty as a form of cruel, inhuman, or degrading punishment. The cruelty of the death penalty goes beyond the execution itself. The concept of the "death row phenomenon" explains that prisoners on death row may experience severe mental trauma and physical deterioration, which may cross into the territory of degrading, cruel or inhuman treatment or punishment, or even torture. The Inter-American Court of Human Rights stated in *Hilaire, Constantine and Benjamin et al. v. Trinidad and Tobago* (2002) that being on the death row for a prolonged period, awaiting execution could cause severe mental and physical anguish that constituted a violation of the prohibition of torture and cruel, inhuman or degrading treatment. In the 1993 case of *Pratt and Morgan v. Jamaica*, the Judicial Committee of the Privy Council of the British House of Lords held that spending more than five years on death row was enough to consider the existence of the death row phenomenon on its merits.

Without making any judgment as to the accuracy of the information made available to us, the above allegations appear to be in contravention of the right of every individual to life, to be free from torture or cruel, inhuman or degrading treatment or punishment, to liberty and security and to fair trial guarantees as set out in article 6, 7, 9 and 14 of the International Covenant on Civil and Political Rights, which the United Republic of Tanzania ratified in 1976 and articles 2 and 16 of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Violence against women and girls

Article 1 of the United Nations Declaration on the Elimination of Violence against Women adopted by the General Assembly resolution 48/104 of 20 December 1993 provides that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation

of liberty, whether occurring in public or in private life. Article 4 of the United Nations Declaration further stipulates that States should implement policies that eliminate violence against women by all appropriate means and without delay.

We also stress that according to a well-established international case law, sexual abuse and violence, including rape, can be forms of torture prosecutable under domestic and international law when they satisfy the definition in article 1 of the CAT. They are also war crimes when “used for such purposes of intimidation, degradation, humiliation, discrimination, punishment, control, or destruction of a person; and “[when they are] inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity”.

We would also like to refer to the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which the Tanzania ratified in July 1985, which calls on States to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions act in conformity with this obligation. Article 2 of the Convention also calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.

General recommendation No. 19 of the CEDAW Committee (1992) on violence against women defines gender-based violence as “violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.” We would also like to recall the CEDAW Committee’s general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, which calls on States parties to protect women’s human rights at all times, advance substantive gender equality before, during and after conflict as well as to provide access to justice for victims of sexual violence (CEDAW/C/GC/30). Furthermore, in general recommendation No. 35 (2017) on gender-based violence against women, updating the general recommendation No. 19 (1992), the CEDAW Committee clarifies that the due diligence obligation underpins the Convention as a whole and that States parties will be held responsible should they fail to take all appropriate measures to prevent, as well as to investigate, prosecute, punish and provide reparations for, acts or omissions by non-State actors that result in gender-based violence against women (CEDAW/C/GC/35).

In the report on the criminalisation and prosecution of rape (A/HRC/47/26), the Special Rapporteur on violence against women stressed that rape is a violation of a range of human rights, including the right to bodily integrity, the rights to autonomy and to sexual autonomy, the right to privacy, the right to the highest attainable standard of physical and mental health, the right to equality before the law and the rights to be free from violence, discrimination, torture and other cruel or inhuman treatment. The Special Rapporteur recommended that there should be no statute of limitation for initiating legal proceedings on rape, whether committed during conflict or in peacetime and that legislation on the criminalisation and prosecution of rape should be reviewed in order to allow for accountability of the perpetrators, in line with international human rights standards. Furthermore, the report emphasizes the need for a victim-centered approach to rape legislation and prosecution, highlighting barriers such as stigma, lack of access to justice, and inadequate legal frameworks.

We also would like to recall that the CESC Committee urged your Excellency's Government "to take steps to prohibit and criminalize domestic violence and spousal rape and ensure that all perpetrators of such crimes are prosecuted", that "the victims of domestic violence have access to justice, by encouraging the reporting of crimes, and that perpetrators are prosecuted and punished" and to "ensure that victims have access to adequate services for recovery, counselling and other forms of rehabilitation, and take steps to raise public awareness of domestic violence and spousal rape" (E/C.12/TZA/CO/1-3, para. 13). Furthermore, the CEDAW Committee recommended to your Excellency's Government to "to ensure that all cases of violence against women are thoroughly and effectively investigated" and "to strengthen services for women who are victims of violence, including by establishing shelters throughout the territory of the State party and ensuring the availability of psychosocial rehabilitation and reintegration programmes" (CEDAW/C/TZA/CO/7-8, para. 22).

Arbitrary detention

We would like to refer your Excellency's Government to article 9 of the ICCPR provides that no one shall be subjected to arbitrary arrest or detention, and that no one shall be deprived of liberty without due process of law. In particular, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) expressed concern that "women continue to face multiple barriers in obtaining access to justice, including the unavailability of courts, legal fees and a lack of legal literacy, especially in rural areas" and, by recalling its general recommendation No. 33 on women's access to justice, it recommended to your Excellency's Government to "ensure that women have effective access to justice throughout the State party by establishing courts, including mobile courts, enhancing women's legal literacy, raising awareness of their rights, providing legal aid and ensuring that fees are reduced for women with low incomes and waived for women living in poverty" (CEDAW/C/TZA/CO/7-8, paras. 12-13).

Further, according to article 9(3), anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. Article 9(3) also provides that it must not be the general rule that persons awaiting trial be detained. As reiterated in the jurisprudence of the Working Group on Arbitrary Detention as well as general comment No. 35, pretrial detention is an exceptional measure and must be assessed on an individualized basis. In addition, we wish to remind your Excellency's Government that article 9(4) of the ICCPR guarantees the right of everyone deprived of their liberty to take proceedings before a court, in order that that court may decide without delay on the lawfulness of their detention and order their release if the detention is not lawful.

Fair trial and due process guarantees, and non-discrimination

We note with concern that Ms. Limbu's appeal is still pending. In this regard, we underline that the death penalty must not be imposed in a discriminatory manner, and the element of non-discrimination applies both procedurally and substantively. We would like to highlight that article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty, provides that capital punishment may only be

carried out pursuant to legal procedures which give all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the ICCPR. Only full respect for the most stringent due process guarantees distinguishes capital punishment as possibly permitted under international law from an arbitrary execution. Furthermore, article 6(4) of the ICCPR and articles 7 and 8 of the above-mentioned safeguards establish that anyone sentenced to death shall have the right to seek pardon or commutation of the sentence and that amnesty, pardon or commutation of the sentence of death may be granted. Moreover, capital punishment shall not be carried out pending any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence.

As previously communicated to your Excellency's Government (UA TZA 2/2022, AL TZA 4/2022), we note that there are meaningful similarities among women subject to the mandatory death penalty for murder in Tanzania, including histories of long-term abuse and absence of effective legal and psychological assistance. In this regard, we recall that the Special Rapporteur on extrajudicial, summary or arbitrary executions called on states in 2017 to review laws, criminal procedures and judicial practices to ensure that they take full account of women's backgrounds, including histories of prior abuse, noting that such considerations are particularly crucial in cases involving capital punishment (A/HRC/35/23). We emphasise that mandatory death sentences are inherently over-inclusive and unavoidably violate human rights law.

In its general recommendation 33 on women's access to justice, the CEDAW Committee stresses that stereotyping and gender bias in the justice system have far-reaching consequences for women's full enjoyment of their human rights. They impede women's access to justice in all areas of law. Stereotyping distorts perceptions and results in decisions based on preconceived beliefs and myths rather than relevant facts. Often, judges adopt rigid standards about what they consider to be appropriate behaviour for women and penalize those who do not conform to those stereotypes. Stereotyping also affects the credibility given to women's voices, arguments and testimony. Such stereotyping can cause judges to misinterpret or misapply laws. In all areas of law, stereotyping compromises the impartiality and integrity of the justice system, which can, in turn, lead to miscarriages of justice.

The Committee also emphasizes that States parties have an obligation to expose and remove the underlying social and cultural barriers, including gender stereotypes, that prevent women from exercising and claiming their rights and impede their access to effective remedies. Discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men. Women who are unaware of their human rights are unable to make claims for the fulfilment of those rights. The Committee has observed, especially during its consideration of periodic reports submitted by States parties, that they often fail to guarantee that women have equal access to education, information and legal literacy programmes.

In this connection, the Working Group on discrimination against women and girls has recommended that States take steps to address women's deprivation of liberty and all of its root causes, including intersectional forms of discrimination, such as

women with disabilities and/or other marginalized women, by making available effective gender-specific interventions that aim primarily to divert women away from the criminal justice system, by integrating into the national system the standards provided in the Bangkok Rules, and by addressing the underlying factors leading to women coming into contact with the criminal justice system (A/HRC/41/33).

Death penalty as a cruel, inhuman or degrading punishment

Article 6 of the ICCPR enshrines the right of every individual to life, which constitutes a jus cogens and international customary law rule. In this regard, we recall that all measures of abolition of the death penalty should be considered as progress in the enjoyment of the right to life (see Human Rights Committee, general comment No. 36). This means that, conversely, a resumption of executions leads to less protection of the right to life (see Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/69/265), as guaranteed by article 6 of the ICCPR. We stress that when executions have been suspended for an extended period of time, it is unlikely that their resumption may be justified by objective reasons and that there exists no evidence that the death penalty has a deterrent effect against crime.

In relation to the death penalty, it has long been regarded as an extreme exception to the fundamental right to life. We would like to highlight that article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty (Safeguards), approved by the Economic and Social Council on 25 May 1984 (resolution 1984/50), provides that capital punishment may only be carried out pursuant to legal procedures which give all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of ICCPR. Only full respect for the most stringent due process guarantees distinguishes capital punishment as possibly permitted under international law from an arbitrary execution. We remind the authorities that under universal standards of due process and fair trial, the imposition of the death penalty is always arbitrary and unlawful when the court ignores or discounts essential facts that may have significantly influenced a capital defendant's motivations, situation and conduct, including their exposure to domestic violence and other abuse.

Along these lines, the Human Rights Committee has pointed out that "mandatory death sentences that leave domestic courts with no discretion on whether or not to designate the offence as a crime entailing the death penalty, and on whether or not to issue the death sentence in the particular circumstances of the offender, are arbitrary in nature. The availability of a right to seek pardon or commutation on the basis of the special circumstances of the case or the accused is not an adequate substitute for the need for judicial discretion in the application of the death penalty" (CCPR/C/GC/36, para. 37). The categorical distinctions that may be drawn between offences in the criminal law are not sufficient to reflect the full range of factors relevant to determining whether a death sentence would be permissible in a capital case. In such cases, individualized sentencing by the judiciary is required in order to prevent cruel, inhuman or degrading punishment and the arbitrary deprivation of life. We also refer to article 3 of the aforementioned Safeguards emphasizing that the death sentence may not be carried out on persons with mental disability. States are to "refrain from executing persons that have diminished ability to understand the reasons for their sentence (CCPR/C/GC/36, para. 49).

Furthermore, we encourage you to prevent the circumstances surrounding the imposition or execution of the death penalty which can also constitute cruel, inhuman or degrading treatment or punishment or even torture. Physical or mental torture or other cruel, inhuman or degrading treatment or punishment, particularly the so-called death row syndrome, may inflict pain and suffering on convicts and their relatives which may well amount to torture or other cruel, inhuman or degrading treatment or punishment (see Report of the Special Rapporteur on Torture, A/67/279, para. 75).

We also wish to refer to the African Court on Human and Peoples' Rights' decision made on 28 November 2019, which found that the mandatory death penalty in Tanzania is inconsistent with the African Charter on Human and Peoples' Rights (Banjul Charter). It is worth considering that Tanzania's mandatory death penalty, imposed also on Ms. Limbu has been found on 28 November 2019 by the African Court on Human and Peoples' Rights to be inconsistent with the African Charter on Human and Peoples' Rights (Banjul Charter). The Court noted that the automatic and mechanical imposition of the death sentence does not permit the consideration of mitigating factors" thus taking away the discretion inherent in the exercise of the judicial function; disregarding the consideration of proportionality between the facts and the penalty and failing to uphold fairness and due process" constituting "an arbitrary deprivation of the right to life.

Furthermore, article 6(4) of the ICCPR and article 7 and 8 of the above-mentioned safeguards establish that anyone sentenced to death shall have the right to seek pardon or commutation of the sentence and that amnesty, pardon or commutation of the sentence of death may be granted.

We express serious concern at the overall imposition of death penalty on a mandatory basis for charges such as murder, while a de facto moratorium on capital punishment has been in place in Tanzania since 1994. We recall that all measures of abolition of the death penalty should be considered as progress in the enjoyment of the right to life (see Human Rights Committee, general comment No. 36). This means that, conversely, a resumption of executions leads to less protection of the right to life (see Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/69/265), as guaranteed by article 6 of the ICCPR. We stress that when executions have been suspended for an extended period of time, it is unlikely that their resumption may be justified by objective reasons and that there exists no evidence that the death penalty has a deterrent effect against crime.

In this connection, we would like to call your attention to an emerging international customary norm prohibiting the death penalty as a form of cruel, inhuman, or degrading punishment and trending towards its eventual abolition worldwide (see Report of the Secretary-General, Question of the death penalty, A/HRC/27/23). The cruelty of the death penalty goes beyond the execution itself. The concept of the "death row phenomenon" explains that prisoners on death row may experience severe mental trauma and physical deterioration, which may cross into the territory of degrading, cruel or inhuman treatment or punishment, or even torture. The Human Rights Committee clarified that the right to security of persons protects individuals from intentional infliction of bodily or mental harm (general comment No. 35, CCPR/C/GC/35). The Committee added that the right to security of persons may overlap with the right to life guaranteed by article 6 of the ICCPR.

Conditions of detention

In addition, we would like to stress that the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health indicated that “deprivation of liberty has adverse effects on mental health, which may amount to violations of the right to health”.

In relation to Ms. Limbu’s conditions of detention, in particular the allegations of lack of access to physical and mental health care and support, we would like to remind your Excellency’s Government article 12, coupled with article 2.2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which your Excellency’s Government acceded on 11 June 1976, which enshrines the right of everyone, including people prisoners and detainees, to the enjoyment of the highest attainable standard of physical and mental health. Accordingly, States have the obligation to refrain from denying or limiting equal access for all persons, including prisoners or detainees, to health preventive, curative and palliative services (Committee on Economic, Social and Cultural Rights (CESCR Committee), general comment No. 14, para. 34). The CESCR Committee recommended to your Excellency’s Government to “take steps to ensure that women in rural areas, and in particular those who are heads of household [...] have improved access to health, education, clean water and sanitation services, income-generating projects” (E/C.12/TZA/CO/1-3, para. 8).

Furthermore, the UN Standard Minimum Rules for the Treatment of Prisoners (“Mandela Rules”) adopted unanimously by the UN General Assembly (A/RES/70/175) establish States’ responsibility to provide health care for prisoners (rules 24 to 35). In particular, prisoners are entitled to the same standards of health care that are available in the community, free of charge and without discrimination (rule 24.1); Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil

We also wish to refer to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (resolution 65/229, annex), including rules on personal hygiene and gender-specific health care, among others (rules 5 ff). The Bangkok rules acknowledge that women prisoners are particularly vulnerable and that the health screening of women prisoners shall include comprehensive screening to determine primary health-care needs (rule 6 a).

Effective measures shall be taken to ensure that women prisoners’ dignity and respect are protected during personal searches, which shall only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures. Moreover, women prisoners who report abuse shall be provided immediate protection, support and counselling, and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality. Protection measures shall take into account specifically the risks of retaliation. Women prisoners who have been subjected to sexual abuse shall receive appropriate medical advice and counselling and shall be provided with the requisite physical and mental health care, support and legal aid (rule 25). Women prisoners’ contact with their families and legal representatives “shall be encouraged and

facilitated by all reasonable means” (rule 26).

In this connection, the Working Group on discrimination against women and girls has called to end the incarceration of women with intellectual disabilities and mental health concerns (A/HRC/41/33) and for governments to integrate into their national systems the standards provided in the Bangkok Rules. Bangkok rule 6 indicates that “the health screening of women prisoners shall include comprehensive screening to determine primary healthcare needs and also shall determine [...] mental health-care needs [...]” among others.

In her report (A/68/340), the Special Rapporteur on violence against women and girls highlighted that women with disabilities in prison face heightened vulnerability to violence, including sexual violence, and discrimination due to their disability. They experience compounded marginalization, often leading to incarceration through systemic failures such as poverty or lack of support. Prison facilities frequently lack accessibility and specialized healthcare, exacerbating poor conditions. Additionally, women with disabilities encounter barriers to justice and inadequate rehabilitation programs, hindering their reintegration post-incarceration.

In relation to allegations regarding Ms. Limbu’s physical and mental health conditions, we would like to refer your Excellency's Government to principle 8 of the United Nations Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, which indicates that “Every patient shall have the right to receive such health and social care as is appropriate to his or her health needs, and is entitled to care and treatment in accordance with the same standards as other ill persons.” According to the afore-mentioned Convention, States parties to take measures to guarantee that their human rights are fully and equally respected and to ensure their full development, advancement and empowerment. They must implement effective legislation and policies to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Women with disabilities’ access to justice and conditions of detentions

The Convention on the Rights of Persons with Disabilities recognizes that some persons with disabilities are subjected to multiple and aggravated forms of discrimination based on sex. Furthermore, women and girls with disabilities are often at greater risk of violence, injury, or abuse, or negligent treatment, maltreatment or exploitation. The Committee on the Rights of Persons with Disabilities recognizes that persons with disabilities are not a homogenous group and that women and girls with disabilities face unique forms of discrimination that arise from the interplay between gender and disability. Similarly, the Committee on the Elimination of Discrimination against Women highlights how systemic discrimination against women is intensified for those who also experience other forms of exclusion, such as that based on disability.

Additionally, article 13 of the Convention on the Rights of Persons with Disabilities enshrines an explicit right to access to justice on an equal basis with others. In particular, all persons with disabilities shall be informed about, and provided access to, promptly and as required, appropriate support and accommodation to facilitate their effective participation, as well as individualized procedural accommodations to ensure

fair trial and due process. This is similarly detailed in principles 2, 3 and 5 of the 2020 International principles and guidelines on access to justice for persons with disabilities, which aim to support States in revising, designing and implementing justice systems that provide equal access to justice for persons with disabilities, in line with international human rights standards.¹

Furthermore, article 10 of the Convention explicitly recognizes and protects the right to life, including protection against State conduct that threatens this right. The Human Rights Committee has explicitly stated that persons with disabilities, including psychosocial and intellectual disabilities, are entitled to specific measures of protection to ensure their effective enjoyment of the right to life on equal basis with others. Such measures of protection shall include the provision of reasonable accommodation in all stages of the process, access to essential facilities and services, and other specific measures (CCPR/C/GC/36 para. 24).

Moreover, States must refrain from imposing the death penalty on individuals who face special barriers in defending themselves on an equal basis with others, such as persons whose serious psychosocial and intellectual disabilities impeded their effective defence (CCPR/C/GC/36 para. 49). The Human Rights Committee has further observed that failure to provide accessible documents and procedural accommodation for persons with disabilities constitutes a violation of article 14 of the Covenant and that violation of fair trial guarantees in proceedings resulting in the imposition of the death penalty would render the sentence arbitrary in nature, and in violation of article 6.

Lastly, we would like to stress articles 5 (equal treatment including an obligation to provide ‘reasonable accommodation’), 14 (right to liberty and security of persons), 16 (freedom from exploitation, violence and abuse), 17 (protection of the integrity of the person) and 25 (health) of the Convention on the Rights of Persons with Disabilities. These provisions provide, respectively, that any person with a disability deprived of his/her liberty should be provided with reasonable accommodation in places of detention and that persons with disabilities have the right to respect for their physical and mental integrity on an equal basis with others, including in places of detention. Moreover, article 25 of the CRPD requires States, inter alia, to provide those health services needed by persons with disabilities specifically because of their disabilities

Access to sexual and reproductive health education

Ms. Limbu’s limited access to sexual and reproductive health education further exacerbated her indigent circumstances, along with her mental and physical health. The CEDAW Committee recommended to Tanzania to “increase the budget allocated to education for the construction of additional schools, especially in rural areas”, as well as to “introduce without delay, an age-appropriate curriculum at both the primary and secondary levels on sexual and reproductive health and rights and responsible sexual behaviour” (CEDAW/C/TZA/CO/7-8, para. 31). In this regard, the Working Group on discrimination against women and girls recommended that States ensure educational curricula throughout all levels and types of schooling include training on women’s human rights norms as the basis for gender-sensitive education (A/HRC/41/33).

¹ See International Principles and Guidelines on access to justice for persons with disabilities, available at <https://www.ohchr.org/EN/Issues/Disability/SRDisabilities/Pages/GoodPracticesEffectiveAccessJusticePersonsDisabilities.aspx>

More generally, we also would like to refer your Excellency's Government to general comment No. 14 adopted by the CESCR Committee, which interprets the right to health, as defined in article 12.1, as an inclusive right extending not only to timely and appropriate health care but also to the access to health-related education and information, including on sexual and reproductive health (general comment No. 14, para. 11). In its general comment No. 22, the CESCR Committee reiterates that “the right to the highest attainable standard of health not only included the absence of disease and infirmity and the right to the provision of preventive, curative and palliative health care, but also extended to the underlying determinants of health”. The Committee indicates that “it extends beyond sexual and reproductive health care to the underlying determinants of sexual and reproductive health, including access to safe and potable water, adequate sanitation, adequate food and nutrition, adequate housing, safe and healthy working conditions and environment, health-related education and information and effective protection from all forms of violence, torture and discrimination and other human rights violations that have a negative impact on the right to sexual and reproductive health” (para. 7).

In this regard, the Working Group on discrimination against women and girls has stressed that States have the duty to continue to meet their core obligations when crisis strikes, which include the obligations to provide access to family planning services, including emergency contraception, maternal health services, safe abortion services and post-abortion care and counselling for those in need, to prevent and treat HIV/AIDS and other sexually transmitted infections, to ensure access to comprehensive education and information on sexual and reproductive health and to ensure that survivors of gender-based violence have access to comprehensive medical treatment, mental health care and psychosocial support, among other services (A/HRC/47/38).

We would also like to recall that article 14 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratified by Tanzania on 3 March 2007, guarantees the rights to health and reproductive rights, including the right to have family planning education, and mandates that States Parties shall take appropriate measures to provide adequate, affordable and accessible health services, including information, education and communication programmes to women.

Poverty, discrimination and gender-based violence

With regards to the situation of Ms. Limbu, prior to her detention, in particular the fact that she reportedly grew up in extreme poverty in a rural area and was affected by discrimination, gender-based and domestic violence, we wish to recall that the CEDAW Committee stressed the marginalization of young women from formal labour markets and recommended to your Excellency's Government to “adopt effective measures, including skills training, incentives for and encouragement of women to work in non-traditional fields and temporary special measures, to achieve de facto equal opportunities for women and men in the labour market [...]” ([CEDAW/C/TZA/CO/7-8](#), paras. 32-33). In the same vein, previously, the CESCR Committee recommended to Tanzania that “the State party takes measures to increase access of women to employment in the formal sector, in particular those living in rural areas ([E/C.12/TZA/CO/1-3](#), para. 9). In addition, the CESCR Committee recommended to your Excellency's Government to “take steps to address chronic food insecurity,

chronic malnutrition and the critical nutritional needs of children [...]” ([E/C.12/TZA/CO/1-3](#), para. 21).

We would like to also refer to the CEDAW Committee’s general recommendation No. 35, which recommended to States to take specific measures to prevent, protect, prosecute and punish the perpetrator, as well and provide redress to the victim (para. 28). The Committee further recommended to States to [a]dopt and implement effective legislative and appropriate preventive measures to address the underlying caused of gender-based violence against women, including patriarchal attitudes and stereotypes, inequality in the family and the neglect of denial of women’s civil, political, economic, social and cultural rights, as well as to promote women’s empowerment, agency and voice” (para. 34).

In view of the above, we call upon your Excellency’s Government as a matter of urgency to halt the execution of Ms. Limbu. On the allegations made available to us, her execution may constitute a violation of applicable international human rights standards and thus an arbitrary execution. We further urge your Excellency’s Government to commute the death sentence and to ensure that she is re-tried in compliance with international standards relating to due process and fair trial.

We are issuing this appeal in order to safeguard the rights of Ms. Limbu from irreparable harm and without prejudicing any eventual legal determination.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response as soon as possible on the initial steps taken by your Excellency’s Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would also 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 detailed information and, to the extent available, the results of any judicial or other investigation conducted in connection with the allegations of gender-based and domestic violence faced by Ms. Limbu.
3. Please explain how Ms. Limbu’s history of gender-based violence, intellectual and psychosocial abilities, and limited access to education, including education on sexual and reproductive health, were taken into account in the trial proceedings and her sentencing, and whether necessary accommodations were made to ensure her meaningful participation and full understanding of the proceedings and her rights?

4. Please provide detailed information on the state of health of Ms. Limbu and the steps taken to ensure that she has appropriate access to medical health care and support, including psychological support and maternal health care, while in detention.
5. Please provide detailed information about the whereabouts of Ms. Limbu's other children and the steps taken to ensure their protection and guarantee of their rights, including their right to education.
6. Please provide detailed information on the criminal charges issued against Ms. Limbu and the steps taken to ensure her right to a fair trial.
7. Please provide details on the possibility of releasing Ms. Limbu from prison on bail pending the final ruling on her case.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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.

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

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Heba Hagrass

Special Rapporteur on the rights of persons with disabilities

Margaret Satterthwaite

Special Rapporteur on the independence of judges and lawyers

Laura Nyirinkindi

Chair-Rapporteur of the Working Group on discrimination against women and girls