



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Centre for Human Rights
Faculty of Law

PRESS STATEMENT

THE CENTRE FOR HUMAN RIGHTS CONDEMNS THE ARRESTS OF GAY RIGHTS ACTIVISTS IN TANZANIA AND CALLS UPON THE GOVERNMENT OF TANZANIA TO DESIST FROM INTIMIDATING LGBTI HUMAN RIGHTS DEFENDERS

10 February 2017

The Centre for Human Rights, University of Pretoria, notes with regret that the Tanzanian government has ordered the arrest of three men accused of 'promoting' homosexuality through social media. This action by the Assistant Minister of Health Hamisi Kigwangalla is a violation of human principles contained in the constitution of Tanzania international human rights treaties which Tanzania is party to.

Article 12 of the Constitution of Tanzania guarantees the right to equality for all persons and respect of their dignity. Article 13 further guarantees the right to personal freedom which abhors arrest and detention of people without proper procedure of the laws in Tanzania. The actions of Mr. Kigwangalla are a violation of the Tanzanian Constitution which he swore to uphold. Furthermore, the laws of Tanzania do not provide for the offence of 'promoting' homosexuality. The Centre for Human Rights is therefore particularly concerned that the Deputy Minister ordered the arrest of individuals for an offence that is not provided by the penal code of Tanzania.

As a member of the African Union (AU), The United Republic of Tanzania is obligated to give effect to rights contained in the Africa Charter on Human and Peoples Rights. As a state part to the African Charter the United Republic Tanzania is obligated to ensure that it protects and promotes human and people's rights of all people within their borders including members of minority groups who have a long history of being discriminated against.

Centre for Human Rights
Faculty of Law,
University of Pretoria,
Pretoria, 0002, South Africa

Tel +27 (0)12 420 3810
Fax +27 (0)12 362 1525
Email chr@up.ac.za
Web www.chr.up.ac.za



Furthermore, the actions of Deputy Minister could be a catalyst to violence against LGBTI persons contrary to Resolution 275 of the African Commission on Human & Peoples Rights, which calls upon state parties to take steps to prohibit violence against sexual minorities. The Universal Declaration of Human Rights guarantees rights of all people irrespective of their status or who they love. The ICCPR which the Tanzania is party to also guarantees protection and promotion of minority rights.

This current arrest is further entrenched as documented acts of intimidation by the government of Tanzania against advocates for the right of sexual minorities. In 2016 the government refused to register groups that 'support' LGBTI community as a way of intimidating human rights defenders. The government went further to ban the importation of lubricants, ostensibly to protect 'culture of Tanzanians' but in fact endangering their health and well-being.

The sudden crackdown against LGBTI community in Tanzania is a worry for the Centre for Human Rights, considering that until recently Tanzania has been one of the safest place for the LGBTI community to work. Ever since the crackdown began, many LGBTI persons have been arbitrary arrested in contravention of international human rights principles.

Reports have also shown that these actions by the government of Tanzania have led to numerous homophobic attacks against LGBTI persons. This climate of fear created by the government of Tanzania violates the right to work, dignity and health as well as fair trial and freedom from arbitrary arrest which all persons should enjoy without distinction based on real or perceived sexual orientation.

The Centre therefore calls upon the government of the United Republic of Tanzania to stop all direct discrimination and indirect intimidation tactics against the LGBTI community in Tanzania. The Centre also calls upon the government of Tanzania to uphold all the human rights principles applicable to sexual minorities under the Constitution of Tanzania, the ACHPR, the ICCPR, the UDHR and other international human rights treaties. Finally, the Centre calls upon the government of Tanzania to ensure all LGBTI human rights defenders have a safe working environment.

For more information, please contact:

Mr William Aseka
Project Officer
SOGIE Unit, Centre for Human Rights
University of Pretoria
Tel: (012) 420 5449
Email: william.aseka@up.ac.za
www.chr.up.ac.za