



# MASTER THESIS

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„Police Corruption In Tanzania And Its Impact On The  
Right To Life And Security Of Person (s) With Albinism“

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To the people with albinism in Tanzania, I wish some day they will live without fear.

## LIST OF ABBREVIATIONS, ACRONYMS AND SYMBOLS

|       |                                                                                        |
|-------|----------------------------------------------------------------------------------------|
| AI    | Amnesty International                                                                  |
| Art.  | Article                                                                                |
| ASK   | Albino Society of Kenya                                                                |
| AU    | African Union                                                                          |
| ACHPR | African Commission on Human and Peoples' Rights                                        |
| BBC   | British Broadcasting Corporation                                                       |
| CCM   | Chama Cha Mapinduzi ie Revolutionary Party (Ruling Part in TZ)                         |
| Chap. | Chapter                                                                                |
| CEDAW | The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) |
| CRC   | The United Nations Convention on the Rights of the Child (CRC)                         |
| DNA   | Deoxyribonucleic acid                                                                  |
| DPP   | Director for Public Prosecutions                                                       |
| Dr.   | Doctor                                                                                 |
| DW    | Deutsche Welle                                                                         |
| ECHR  | European Court of Human Rights                                                         |
| e.g.  | Example given                                                                          |
| EHRR  | The European Human Rights Reports                                                      |
| FCPA  | The Foreign Corrupt Practices Act of 1977                                              |
| GBV   | Gender Based Violence                                                                  |
| HRC   | Human Rights Council                                                                   |
| ICPR  | International Covenant on Civil and Political Rights of 1966                           |
| IFRC  | International Federation of Red Cross and Red Crescent Societies                       |
| LHRC  | The Legal and Human Rights Centre ( <i>LHRC</i> )                                      |
| H.E   | His Excellence                                                                         |
| Hon.  | Honourable                                                                             |
| MP    | Member of the Parliament                                                               |
| n/a   | Not Available                                                                          |
| No.   | Number                                                                                 |

|               |                                                                              |
|---------------|------------------------------------------------------------------------------|
| NGO/NGOs      | Non-Governmental Organisation (s)                                            |
| NHRAP         | The National Human Rights Action Plan                                        |
| OHCHR         | Office of the United Nations High Commissioner for Human Rights              |
| p. /pp.       | Page/Pages                                                                   |
| Para. /paras. | Paragraph/Paragraphs                                                         |
| PCCB          | Prevention and Combating of Corruption Bureau                                |
| Pers.         | Persons                                                                      |
| PF3           | Police File (a report with the police after a criminal offence has occurred) |
| PM            | Prime Minister                                                               |
| PT            | Police Tanzania                                                              |
| PWA           | Person (s) with Albinism                                                     |
| Res.          | Resolution                                                                   |
| Re.           | Revised                                                                      |
| S.            | Section                                                                      |
| SG            | Secretary General                                                            |
| STDs          | Sexual Transmitted Disease(s)                                                |
| TAS           | Tanzania Albino Society                                                      |
| TI            | Transparency International                                                   |
| TZ            | Tanzania                                                                     |
| UDHR          | Universal Declaration of Human Rights                                        |
| UK            | United Kingdom                                                               |
| UN            | United Nations                                                               |
| UNCAC         | United Nations Convention against Corruption                                 |
| UNESCO        | The United Nations Educational, Scientific and Cultural Organization         |
| UNICEF        | The United Nations Children's Emergency Fund                                 |
| UNODC         | United Nations Office On Drugs And Crime                                     |
| URT           | The United Republic of Tanzania                                              |
| UTSS          | Under the Same Sun Tanzania                                                  |
| VIPs          | Very Important Person (s)                                                    |
| WHO           | The World Health Organisation                                                |

## **Abstract**

According to Art. 6 (1) of the International Covenant on Civil and Political Rights (ICCPR) states are responsible for protecting the right to life of their populations. However, people with Albinism in Tanzania suffer from social exclusion, physical and emotional harm, rape and rape rituals, dismemberment and killings on a regular basis. This thesis investigates to what extent police corruption is one of the contribution factors to the violation of the right to life of PWA in Tanzania.

The introduction of this thesis outlines root causes for the sad situation of people with albinism in Tanzania putting emphasis on harmful myths and prejudices relating to this genetic condition. The second chapter introduces the research methodologies utilized in this thesis, comprising of a critical discussion of various secondary literature sources and a set of interviews with PWAs and the police. The third chapter discusses various aspects of police corruption and the right to life of PWAs in Tanzania and in the conclusion to find out about the impact of police corruption. To further corroborate and confirm the previous findings several case studies have been conducted based on reports of national authorities, national and international media and NGO reports.

The thesis concludes with an analysis of interviews conducted with members of the Tanzanian police and several people with albinism to get a more in-depth understanding and compare and contrast their perspective with the previous findings.

The conclusion summarizes the most important outcomes of this thesis and comprise of a few recommendations on how the situation of people with albinism in Tanzania can be improved.

**Keywords:** corruption, the right to life, Tanzania, Persons with Albinism, Police Force.

## **Abstract (auf Deutsch)**

Gemäß Art. 6 (1) des International Covenant on Civil and Political Rights (ICCPR) sind Staaten für den Schutz von Recht auf Leben ihrer Bevölkerung verantwortlich. Dennoch sind Menschen mit Albinismus in Tansania regelmäßig sozialer Ausgrenzung, physischer und psychischer Gewalt, Vergewaltigungen und Vergewaltigungsritualen, Verstümmelungen und Tötungen ausgesetzt. Diese Masterarbeit untersucht in welchem Ausmaß Polizeikorruption zur Verletzung des *Recht auf Leben* von Menschen mit Albinismus in Tansania beiträgt.

Die Einleitung der Masterarbeit beschäftigt sich - unter besonderer Berücksichtigung von schädigenden Mythen und Vorurteilen in Bezug auf die genetische bedingte Krankheit - mit den Grundursachen der Situation der Menschen mit Albinismus in Tansania. Das zweite Kapitel behandelt die wissenschaftlichen Methoden, die in dieser Masterarbeit verwendet werden; darunter die kritische Lektüre und Diskussion von Sekundärliteratur sowie eine Reihe von Interviews mit Menschen mit Albinismus und der Polizei. Das dritte Kapitel diskutiert verschiedene Aspekte von Polizeikorruption und das Recht auf Leben von Menschen mit Albinismus in Tansania, um Aufschluss über deren Zusammenhang zu gewinnen. Um die vorhergehenden Untersuchungsergebnisse zu bestätigen, werden anschließend mehrere Fallbeispiele aus Berichten von staatlichen Institutionen, sowie nationalen und internationalen Medien, und von Nichtregierungsorganisationen analysiert.

Diese These schließt ab mit einer Analyse von Interviews, die mit Mitgliedern der Polizei von Tansania und mehreren Menschen mit Albinismus geführt wurden, um ein besseres Verständnis über ihre Situation zu erlangen und ihre Aussagen mit den Ergebnissen der Masterarbeit zu vergleichen und gegenüberzustellen.

Die Schlussfolgerung fasst die wichtigsten Ergebnisse dieser Masterarbeit zusammen und umfasst einige Empfehlungen, wie die Situation der Menschen mit Albinismus in Tansania verbessert werden kann.

**Schlagwörter:** Korruption, Das Recht auf Leben, Tansania, Menschen mit Albinismus, Polizei

# Table Of Contents:

|                                                                                   |     |
|-----------------------------------------------------------------------------------|-----|
| ACKNOWLEDGEMENT.....                                                              | II  |
| LIST OF ABBREVIATIONS, ACRONYMS AND SYMBOLS.....                                  | III |
| ABSTRACT .....                                                                    | V   |
| CHAPTER I:INTRODUCTION .....                                                      | 1   |
| 1.1. OVERVIEW OF PWA IN TANZANIA .....                                            | 1   |
| 1.2. ALBINISM AS A GENETIC CONDITION .....                                        | 5   |
| 1.3. ALBINISM AND SOCIAL EXCLUSION .....                                          | 6   |
| 1.4. GENDER DIMENSIONS OF ALBINISM .....                                          | 9   |
| 1.5. MYTHS AND PREJUDICES AGAINST PWA .....                                       | 11  |
| CHAPTER II:METHODOLOGY .....                                                      | 13  |
| 2.1. RESEARCH QUESTION .....                                                      | 13  |
| 2.2. METHODOLOGICAL APPROACH.....                                                 | 14  |
| 2.3. LAYOUT .....                                                                 | 14  |
| CHAPTER III:POLICE CORRUPTION AND THE RIGHT TO LIFE OF PWA .....                  | 15  |
| 3.1. CONTEXTUALIZING POLICE CORRUPTION .....                                      | 15  |
| 3.1.1. <i>Definitions of Corruption.....</i>                                      | 15  |
| 3.1.2. <i>Perceptions of Corruption in Tanzania.....</i>                          | 17  |
| 3.1.3. <i>Perceptions of Police Corruption.....</i>                               | 19  |
| 3.1.4. <i>The current state of Corruption in Tanzania .....</i>                   | 22  |
| 3.1.5. <i>Anti-Corruption Mechanisms.....</i>                                     | 24  |
| 3.2.1. THE CONCEPT OF THE RIGHT TO LIFE.....                                      | 25  |
| 3.2.2. <i>Definition of the right to life.....</i>                                | 26  |
| 3.2.3. <i>Applicability of the right to life .....</i>                            | 27  |
| 3.2.4. <i>Limitations of the right to life .....</i>                              | 29  |
| 3.3.1. CONTEXTUALIZING THE RIGHT TO LIFE OF PWA .....                             | 30  |
| 3.3.3. <i>The Right To Life of PWA in The International Legal Framework. ....</i> | 43  |
| 3.3.4. <i>The Right To Life of PWA in The National Legal Framework.....</i>       | 48  |
| 3.3.5. <i>The impact of Police corruption on the Right To Life of PWA. ....</i>   | 50  |
| CHAPTER IV:CASE STUDIES.....                                                      | 59  |
| 4.1. NATIONAL MEDIA SOURCES.....                                                  | 59  |
| 4.2. INTERNATIONAL MEDIA SOURCES .....                                            | 61  |
| 4.3. NGO REPORTS .....                                                            | 63  |
| 4.4. NATIONAL INSTITUTIONS AND AUTHORITIES .....                                  | 65  |
| 4.5. INTERNATIONAL COMMUNITY .....                                                | 67  |
| CHAPTER V:INTERVIEWS ANALYSIS .....                                               | 70  |
| 5.1. INTERVIEWS WITH THE POLICE FORCE .....                                       | 70  |
| 5.2. INTERVIEWS WITH PWA .....                                                    | 71  |
| CHAPTER VI:CONCLUSION .....                                                       | 75  |
| RECOMMENDATIONS:.....                                                             | 76  |
| APPENDIX I: QUESTIONNAIRE .....                                                   | VI  |
| BIBLIOGRAPHY: .....                                                               | XIV |

# Chapter I

## Introduction

### 1.1. Overview of PWA in Tanzania

Atrocities against people with albinism are not solely a Tanzanian issue; it is an African issue. In 1998 there was the first documented case of an atrocity against PWA in Botswana. In Guinea, there was an atrocity against PWA that came to light in 1994 and the survivor is one of the staff working with the NGO Under The Same Sun in Canada.<sup>1</sup>

So, the problem did not start in Tanzania; it exists throughout the African continent. This thesis, however, will focus on the situation of people with albinism solely in Tanzania.

Tanzania hosts the highest number of people with albinism in the world. According to statistics, over 2% of the 40 million population: 200,000; people are living with albinism.<sup>2</sup>

This is due to the fact that there is little movement of people from the regions with a high density of albinism; hence, the transfer of genes within the community is enhanced and the recurrence of albinism in children continues.

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<sup>1</sup> Vicky Ntetema recorded by Ashura Kayupayupa during the conference on Action on Albinism in Africa, Dar es Salaam, (Personal Archive) June, 2016, (Audio is available if needed)

<sup>2</sup> Telegraph, 'Tanzania's macabre trade: albinos killed for body parts', <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/tanzania/3402526/Tanzanias-macabre-trade-albinos-killed-for-body-parts.html>, 08 Nov 2008, (Accessed 1 July 2016)



In the 2000s the world was hit by the killings of PWAs in Tanzania, particularly the young and women who were murdered. By May, 2010 Under the Same Sun, a Vancouver-based NGO, put the toll of PWAs murdered at 57 in Tanzania.<sup>3</sup>

In their annual report 2015/2016, Amnesty International gathered information regarding a child with albinism who was murdered for his body parts earlier in 2015.<sup>4</sup> However, there is little effort yet from the government to ensure that people with albinism live safely.<sup>5</sup>

In another case, Tanzanian columnist Vicky Ntetema brought Mariam's story to light on 2 October 2009. When she reported Mariam's fate, both of her hands had been cut off because of her albinism.<sup>6</sup> These are just two examples. In addition, there were many more cases of the same phenomena in the region.

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<sup>3</sup> Telegraph, 'Seven new albino killings in Tanzania and Burundi' (Weblog) <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/tanzania/7687951/Seven-new-albino-killings-in-Tanzania-and-Burundi.html>, 06 May 2010 (Accessed 1 July 2016)

<sup>4</sup> Amnesty International, 'Tanzania 2015/2016' <https://www.amnesty.org/en/countries/africa/tanzania/report-tanzania/>, 2015, (Accessed 28 June 2016)

<sup>5</sup> Ibid

<sup>6</sup> A. Mariam, 'Stop Albino Slaughter in Tanzania', [web blog], 2 October 2009, <http://sas.albinism.org/>, (Accessed 15 June 2016)

Map 1: Map of Tanzania



Source: [www.mapsoftheworld.com]

This June, the Minister of Finance and Planning, Dr. Philip Mpango, presented an economic status and the development plan of the country 2016/2017 in the parliament. He mentioned the poorest regions of Tanzania which are **Kigoma, Geita, Kagera, Mwanza and Singida**, and called for a special focus in these regions to alleviate them from abject poverty.<sup>7</sup>

All of the poor regions in bold are in the lake zone (Lake Victoria) and are notorious for attacks and killings of PWAs. It needs another discussion to find out the link between poverty and the killings of PWAs.

<sup>7</sup> H. Kibari, 'Mjadala wa mikoa masikini waligawa Bunge' <http://habarileo.co.tz/index.php/habari-za-kitaifa/11190-mjadala-wa-mikoa-masikini-waligawa-bunge>, 17 Juni 2016 (Accessed 25 July)

The chairman of TAS, Deus Kabode, in Mwanza region highlighted the situation facing PWAs on a daily basis as follows:

*"We suffer a lot as a result of the harsh sun rays, we are likely to get skin cancer, we can't see properly. We live in fear like refugees as if we are not in our home country. We do not know what could happen to us come morning; we could be killed any day. Can you believe the police take hair from our heads to take to courts as evidence? When the judgment comes; they say that it is the hairs from a doll. Where can we live?"<sup>8</sup>*

Instances of individuals with albinism being targeted, ambushed or being killed have been mentioned hundreds of times in national as well as international media.

The Daily Mail published an article on the 18 February 2016 titled, "The 'ghost people' of Tanzania: The PWA community who live in fear of being hunted down and hacked to pieces for their body parts which are treasured by witch doctors"<sup>9</sup>.

The article was a collection of black and white pictures taken of people with albinism in Tanzania. With all the dark imagery surrounding the idea of albinism, this article painted the human side of PWAs in Tanzania through pictures. Despite their sufferings there is no significant measure by the government yet to protect PWAs.<sup>10</sup>

This paper discusses police corruption in Tanzania and its impact on the violation of the right to life and security for PWAs as per Art. 14 of the constitution of the URT.

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<sup>8</sup> News Bulletin, Directed by Bulendu Dotto, Tanzania, StarTV, 2015, [videocassette].

<sup>9</sup> Daily Mail, *The 'ghost people' of Tanzania*, <http://www.dailymail.co.uk/news/article-3452630/The-ghost-people-Tanzania-albino-community-live-fear-hunted-hacked-pieces-body-parts-treasured-witch-doctors.html>, 2016, (Accessed 13 July)

<sup>10</sup> M. Roberts, 'Tanzania Albino Boy Found Dead With Limbs Cut Off' [web blog], 18 February 2015, <https://atwnetwork.com/2015/02/18/tanzania-albino-boy-found-dead-with-limbs-cut-off/> (Accessed 10 July 2016)

## 1.2. Albinism as a genetic condition

Albinism is caused by the condition known as '*oculocutaneous*' which affects the skin, eyes and hair's pigmentation.<sup>11</sup> Both parents need to have the albinism genes in their DNA to be able to pass albinism on to their children<sup>12</sup>

This is a rare condition affecting few people in the world. Therefore this is purely a medical condition that has nothing to do with beliefs of the parents or the society.

Due to the poor pigmentation of the skin, hair, and eyes, most of the PWAs have sensitive skin especially those living in the tropical climate, thus a higher risk of skin cancer<sup>13</sup>. These conditions place PWAs in a disadvantaged situation in addition to the social exclusion that comes from ignorance of their condition.

Exposure to the sun is critical, most children with albinism have first indications of skin cancer at an early age, and just 2% of the individuals with albinism live to their 40th birthday.<sup>14</sup> In some ways, an absence of understanding about albinism is even worse than the challenges accompanying the conditions of albinism.

Over 50% of PWAs in Tanzania have relatives with the same condition.<sup>15</sup> Due to poor knowledge of the condition, most of them believe that the condition is contagious when scientifically it is genetic.<sup>16</sup>

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<sup>11</sup> Poole-Monyemore, M.B.J., Mavundla, T.R. & Christianson, A.L., 2012, 'The experience of people with oculocutaneous albinism', *Health SA Gesondheid* 17(1), Art. #592, 8 pages. doi: <http://dx.doi.org/10.4102/hsag.v17i1.592>.

<sup>12</sup> Ibid

<sup>13</sup> Supra, note 9

<sup>14</sup> W. Westerhof, 'Life of Albinos in East Africa threatened: A most bizarre and dramatic consequence of having a skin color disease', [weblog], <https://colorfoundation.wordpress.com/2008/12/04/life-of-albinos-in-east-africa-threatened-a-most-bizarre-and-dramatic-consequence-of-having-a-skin-color-disease/>, 4 Dec 2008, (Accessed 1 July 2016)

<sup>15</sup> Simona, B.E. Albinos in black Africa. *Int J Dermatol.* 2004; 43: 618–621

<sup>16</sup> Ibid

PWAs have poorer sight as a result of the pigmentation, as “all forms of albinism are associated with some sort of vision impairment”<sup>17</sup>. They also tend to have rather sensitive skin but can live for a long time should enough care to be put into protecting their skins from the sun rays that often result in skin conditions such as cancer.

But these are “just” the biological sufferings that they endure. The social sufferings tend to be much significant.

### **1.3. Albinism and social exclusion**

PWAs face similar challenges all over the world. However, the sufferings that PWAs endure in Tanzania are critical from the hot weather, attacks and possibly a witchcraft death. Peter Ash, the founder of UTSS recalled being bullied and called names during his childhood due to albinism.<sup>18</sup>

He also pointed out the learning environment for PWAs may not be supportive: most of the PWAs are left behind as they cannot keep up with the pace of other students due to a physical impairment that encompasses the albinism condition such as poor sight<sup>19</sup>.

Somehow children with albinism are expected to compete at the same level as normal students, this leads to frustration and social exclusion for children with albinism.

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<sup>17</sup> Supra, note 14

<sup>18</sup> Albinism, ‘Founder and CEO of Under the Same Sun, an NGO working to promote the rights and wellbeing of marginalized persons with albinism worldwide’ <http://albinism.ohchr.org/story-peter-ash.html>, 2016 (Accessed 24 July 2016)

<sup>19</sup> Ibid

After Peter Ash learned about the atrocities facing PWAs in Tanzania, he created UTSS with the aim of helping fellow PWAs through education and advocacy.<sup>20</sup>

At a very young age children with albinism face rejection not only from society but also family members as well.<sup>21</sup> They are considered as outcasts, and at the same time they are called names and shamed.<sup>22</sup> Most Tanzanians do not know what causes albinism hence it is easier for them to believe in misconceptions and rumours which lead to discrimination on PWAs.

In Tanzania, the term *zeru zeru* (ghost like creature), is used to refer to PWAs, which is in itself derogatory, demoralizing and making persons with albinism feel they are less than human. In fact, albinism is seen as a deformity, just in the way that it is categorized, '*ulemavu wa ngozi*' which translates into *disability of the skin*.

A sociologist Virginia Small (1998), in her comments on names used to refer to PWAs, wrote, "Also, people, even medical professionals use the term "suffers from." This is also incorrect. I do not suffer from my albinism."<sup>23</sup>

Because of the stigma that comes with being a person with albinism, there are a lot of PWAs in Tanzania who are not well educated and often have not even been to school. Individuals with albinism in East Africa face significant social shame and isolation, because of the negative myths that surround their condition.

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<sup>20</sup> Supra note 17

<sup>21</sup> Lund, P.M. Oculocutaneous albinism in southern Africa. *Ann Hum Biol.* 2005; 32: 168–173

<sup>22</sup> Ibid

<sup>23</sup> Virginia L Small, *Sociological Studies of People of Color with Albinism*, <http://www.goldenalbinism.com/My%20report.htm>, 1998,( Accessed 1 July 2016)



Coupling and marriage also are not an easy road for them, because they are seen as a bad omen, both albino men and women struggle to find partners. One may be willing to couple up with a person with albinism, however, their immediate society may not approve: *“When you go to some people they will say I can marry an albino and I used to advise such people that you better be careful because the pressure may not be from you. You may just see him light in skin and you are in love but when you get home your parents will reject him. Your friends will reject him.”*<sup>24</sup>

**Picture 1: Children with Albinism in Mwanza, Tanzania**



**Photograph Credit: Ashura Kayupayupa**

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<sup>24</sup> Yekeen Nurudeen, All Nigerian tribes hold albinos in Derision, [www.compassnewspaper.com/.../index.php?](http://www.compassnewspaper.com/.../index.php?), 23 April 2010, (Accessed 1 July 2016)

Children with Albinism at Mitindo primary & boarding school in Misungwi village— in Mwanza, Tanzania. The school is about 50KM from Mwanza town; most children have been abandoned by their parents or guardians. The facility was built by the government, but there are many more children than a school can afford to support. And the school depends on the contributions of good Samaritans to support the needs of children

#### **1.4. Gender Dimensions of Albinism**

Gender-based sexual assaults on women with albinism are common in Tanzania due to the bizarre belief that having sexual intercourse with women with albinism could cure HIV/AIDS of the perpetrator.<sup>25</sup>

These misconceptions and malicious belief do not only contribute to women and young girls being raped, but furthermore make them more susceptible to HIV/AIDS infections, which – due to the poor medical conditions in Tanzania – infringes on their right to life and security.

On the other hand, there are regular reports of cases of women who were abandoned by their partners for bearing a child with albinism. One of the famous examples is from Kenya where Hon. Isaac Mwaura an MP in the Kenyan Parliament was denied by his father as soon as he was born due to albinism. His father abandoned both Mwaura and his mother<sup>26</sup>.

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<sup>25</sup> Color foundation, Life of Albinos in East Africa threatened: A most bizarre and dramatic consequence of having a skin color disease, <http://www.colorfoundation.org/>(Accessed 12 July 2011).

<sup>26</sup> W. Muraya, 'I was discriminated against right from birth, says nominated MP Isaac Mwaura' (Weblog), <http://www.standardmedia.co.ke/article/2000165495/i-was-discriminated-against-right-from-birth-says-nominated-mp-isaac-mwaura>, 13 June 2015, (Accessed 23 July 2016)



It is assumed that women are solely responsible when a child with albinism is born in the family. Hence they are punished and bear the consequence of giving birth to a child with albinism by abandoning them.

One of the first cases reported on the atrocities against a PWA was a woman named Mariam Stanford whose hands were chopped off because of her albinism.<sup>27</sup> Since then, most of the PWAs attacked or killed are women.

According to the recent statistics of the PWAs killings, it is recorded that over 70 PWAs have been killed.<sup>28</sup> Among those killed or attacked, most of them are infants from six months to seven years old, women and girls.<sup>29</sup>

Although, there are males with albinism, apparently it is women and girls who are being attacked or killed for their body parts. It is critical to find out why only women and children PWAs are being attacked or killed but not adult males.

It is estimated that Tanzania has 7450 female police personnel.<sup>30</sup> According to the 2012 census, Tanzania has about 45 million people where 51% of them are women.<sup>31</sup> The number of female police officers is not sufficient for the needs of Tanzanian women who need the police service from fellow women.

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<sup>27</sup>A.Mariam, 'Stop Albino Slaughter in Tanzania', [web blog], <http://sas.albinism.org/>, 2 October 2009 (Accessed 15 June 2016)

<sup>28</sup>Under The Same Sun, 'Reported Attacks of Persons with Albinism', [http://www.underthesamesun.com/sites/default/files/Attacks%20of%20PWA%20-%20extended%20version\\_0.pdf](http://www.underthesamesun.com/sites/default/files/Attacks%20of%20PWA%20-%20extended%20version_0.pdf), 2016, (Accessed 13 July 2016)

<sup>29</sup> Ibid

<sup>30</sup> Commonwealth Human Rights Initiative, '101 Things That You wanted To Know About The Police But Were Too Afraid To Ask', [http://www.humanrightsinitiative.org/publications/police/101%20Things%20That%20You%20Wanted%20to%20Know%20About%20the%20Police%20-%20Tanzania%20\(English\).pdf](http://www.humanrightsinitiative.org/publications/police/101%20Things%20That%20You%20Wanted%20to%20Know%20About%20the%20Police%20-%20Tanzania%20(English).pdf), 2013, (Accessed 1 July 2016)

<sup>31</sup> URT, 'Basic Demographic and Socio-Economic Profile 2014' [http://nbs.go.tz/nbs/takwimu/census2012/Basic\\_Demographic\\_and\\_Socio-Economic\\_Profile\\_PopularVersion-KeyFindings\\_2012\\_PHC\\_EnglishVersion.pdf](http://nbs.go.tz/nbs/takwimu/census2012/Basic_Demographic_and_Socio-Economic_Profile_PopularVersion-KeyFindings_2012_PHC_EnglishVersion.pdf), 2014, (Accessed 1 July 2016)

## 1.5. Myths and Prejudices against PWA

Ignorance about the albinism condition combined with the false beliefs is what accelerates stigma and discrimination.<sup>32</sup> This explains the abbreviation of 'ASK', the Kenyan Albinism Society. The founder of the association stated that they chose the name on purpose to encourage Kenyan people to ask about the condition of albinism.<sup>33</sup>

Some of the false beliefs include the notion that PWAs are ghost or considered to be devil's children. As a result normal pigmented skin children avoid to play with children with albinism because they fear them.<sup>34</sup>

The Hollywood culture somehow enhances the stigma and stereotype on PWAs, when movie directors portray PWAs possessing magic powers. Movies such as The Matrix Reloaded, The Da Vinci Code, and even Javier Bardem's role in Skyfall are good examples<sup>35</sup>.

Films can have a big impact on society and may induce people to believe what they see portrayed on the screen, such as PWAs have special capacity to fly.

During the first International Albinism Awareness Day in 2015 by the UN, the SG recognized the challenges facing PWAs.<sup>36</sup> He proclaimed that the

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<sup>32</sup> P. Were Masakhwe, 'Dispelling Africa's myths about albinism' (Weblog) <http://www.pambazuka.org/governance/dispelling-africas-myths-about-albinism>, 10 September 2009, (Accessed 24 July 2016)

<sup>33</sup> Ibid

<sup>34</sup> UNICEF, 'Perspective: Living with albinism, discrimination, and superstition', [http://www.unicef.org/sowc2013/perspective\\_hosea.html](http://www.unicef.org/sowc2013/perspective_hosea.html), 2013, (Accessed 24 July 2016)

<sup>35</sup> C. Stroud, 'Why albinos are misunderstood: three women speak out', (Weblog), <http://www.telegraph.co.uk/lifestyle/10475125/Why-albinos-are-misunderstood-three-women-speak-out.html>, 3 December 2013 (Accessed 25 July 2016)

<sup>36</sup> UN, Message by the UN Secretary-General: '2015 International Albinism Awareness Day', <http://www.un.org/en/events/albinismday/2015/message.shtml>, 2015, (Accessed 26 July 2016)

International Albinism Awareness Day was intentionally created to challenge the myths around PWAs which in most cases violate their human rights.<sup>37</sup>

All of the myths and misconceptions that revolve around albinism are based on fear and/or the lack of knowledge of the communities whereas PWAs reside. As a result comes this makes the lives of PWAs difficult growing up and living within communities where they are seen as different or less than human from their pigmented counterparts: *“They are a visible minority and are in many parts of Africa subjected to open discrimination.”*<sup>38</sup>

In communities where their white pigment stands out PWAs are treated in the same way as in other contexts people reach to the unknown or the things they fear. Myths about PWAs have been going around for as long as albinism has lasted. According to Muthee Thuku, 2011, *“children with albinism have been routinely killed immediately after birth by parents and midwives.”*<sup>39</sup>

There has been an undesirable perception regarding the condition of albinism, which adds to the segregation and abuse that lots of people with albinism experience. In the past, it was believed that people with albinism are “phantoms” who can see even in the dark. Some people believe that people with albinism do not die like normal people but rather disappear. African tribes such as the Maasai, used to kill any child that looked different, eg. infants with disabilities, albinism, twins, they considered to be a curse in the family.<sup>40</sup> The attacks and killings of PWA have increased in recent years as reports show.

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<sup>37</sup> Ibid

<sup>38</sup> K. Yesufu, ‘Nigeria: Our Ordeal as Albinos - Jake Epelle’[web blog], <http://allafrica.com/stories/200903190436.html>, 19 March 2009 (Accessed 10 July 2016)

<sup>39</sup> M. Thuku, ‘Myths, Discrimination, And The Call For Special Rights For Persons With Albinism In Sub Saharan Africa’ [http://www.underthesamesun.com/sites/default/files/MYTHS.Final\\_.pdf](http://www.underthesamesun.com/sites/default/files/MYTHS.Final_.pdf), 2011, (Accessed 1 July 2016)

<sup>40</sup> Under The Same Sun, ‘History of Attacks against Persons with Albinism (PWA)’, 15 July 2013,

## Chapter II

### Methodology

#### 2.1. Research Question

This paper seeks to find out the following:

- (i) What are the reasons for the killings of PWA?
- (ii) What is the response to the police force in Tanzania in protecting the right to life for PWAs?
- (iii) Does police corruption contribute to the killings of PWAs?

Regarding the violation of the right to life and security for persons with albinism as per article 14 of the URT constitution<sup>41</sup>: to what extent does police corruption in Tanzania contribute to the violation of the right to life of people with albinism?

In my thesis, I will conduct both open-ended questions and fixed-response interviews as an aspect of the qualitative research. The open-ended interviews will be useful in getting the life experience of PWAs on the violation of their right to life and the way they experience the response by the police.<sup>42</sup> Whilst the fixed response interviews aim at getting more specific answers on the response of the police force in combating the attacks and killings of PWAs with reference to the Human Rights and Practice for the police by the UN.<sup>43</sup>

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<http://www.underthesamesun.com/sites/default/files/History%20of%20Attacks%20against%20PWA.pdf>, (Accessed 8 July 2016)

<sup>41</sup> The Constitution of the United Republic of Tanzania of 1977 (as last amended by Act No. 1 of 2005) Art.14

<sup>42</sup> D.Valenzuela, 'Interview as a Method for Qualitative Research' <http://www.public.asu.edu/~kroel/www500/Interview%20Fri.pdf> , 2002, (Accessed 20, July 2016)

<sup>43</sup> The Office of the United Nations High Commissioner for Human Rights (OHCHR), Human Rights Standards and Practice for the Police: Expanded Pocket Book on

This process involves designing the questions based on the background of the interviewee such as age and tribe, his/her knowledge of the right to life for PWAs, corruption within the police, and their opinions on how the safety of PWAs could be improved. Further stages of my qualitative research will be interviewing the police in order to find out how they take the attacks against PWAs into consideration.

I will be transcribing the interviews into English since they will be conducted in Swahili. Thereafter I will analyze the data before summarizing the results.

Further sources will be NGO's, municipal data and international organizations like Transparency International and U4 will be used to back up my findings on the subject.

## **2.2. Methodological Approach**

Through the interviews, I will be focusing particularly on the situation of persons with albinism. Why does corruption in the police affect persons with albinism in particular? This will help in understanding the implications, root causes and challenges of corruption within the police and how it affects the right to life for persons with albinism. In the main content, I will assess to which extent right to life of persons with albinism is infringed and what could be done to improve their situation. While in the conclusion, there will be a summary of the findings.

## **2.3. Layout**

This dissertation will look at the literature review to establish the context regarding corruption, the right to life for persons with albinism. The next chapter will present the background problem through various sources. The dissertation will end with a review of the findings.

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Human Rights for the Police, UNITED NATIONS Publication, New York and Geneva, 2004, p.8-60

## Chapter III

### Police Corruption and the Right To Life of PWA

#### 3.1. Contextualizing Police Corruption

According to the TI Corruption Perceptions Index, 2015 Tanzania ranked 117 out of 168 countries in the world,<sup>44</sup> which establish Tanzania as a country with high level of corruption. However, for the purpose of this paper, the focus will be on corruption related to the police force

##### 3.1.1. Definitions of Corruption

Corruption exists since the creation of the world. The bible mentioned corruption to associate it with selfishness, that any human who thinks just of him/herself is corrupt and shall reap destruction of the spirit.<sup>45</sup>

Specialists proved that by then the Codex Hammurabi (around 1800 BC) also disciplined civil servants as a result of demonstrations of defilement.<sup>46</sup>

Transparency International defines corruption as “*the abuse of entrusted power for private gain*”<sup>47</sup>. There are different categories of corruption including “*grand*,

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<sup>44</sup> TI, ‘Corruption Perceptions Index 2015’, <http://www.transparency.org/cpi2015>, 2015, (Accessed 25 July 2016)

<sup>45</sup> Bible, Galatians 6:8

<sup>46</sup> Martin Kreutner in M. Nowak, All Human Rights for All: Vienna Manual on Human Rights, Vienna, Intersentia, 2012, p.548

<sup>47</sup> Transparency International, ‘What is Corruption’, <https://www.transparency.org/what-is-corruption/#define>, (Accessed 27 July 2016)

*petty and political*<sup>48</sup>, depending on the circumstances of where and how the public money is lost.

For the purpose of this thesis, petty corruption will be discussed as defined by the Transparency International it “*refers to everyday abuse of entrusted power by low- and mid-level public officials*”<sup>49</sup> while on their daily transactions with people who seek public services from the government departments including the police force.

Over the years, corruption hinders one's rights. “Human rights are indivisible and interdependent, and the consequences of corrupt governance are multiple and touch on all human rights — civil, political, economic, social and cultural, as well as the right to development.”<sup>50</sup>

The United Nations Convention against Corruption (**UNCAC**) chose not to specifically define corruption as it differs from country to country due to social and cultural norms; hence to avoid any misunderstanding. However, the convention criminalizes bribery among public and private officials.

Art. 15 of the Convention states that each state is obliged to take measures in criminalizing bribery among its officials when bribery is taken or given intentionally.<sup>51</sup> Further, a bribe can be considered as an offer or a request which is either expressly implied or requested by a public official for his/her interest; or the interest of other people who may hinder or prevent him/her from executing legal responsibilities.<sup>52</sup>

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<sup>48</sup> Ibid

<sup>49</sup> Supra, note 43

<sup>50</sup> The Office of the United Nations High Commissioner for Human Rights (OHCHR), ‘*The Negative Impact of Corruption on the Enjoyment of Human Rights*’, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/Corruption/OHC\\_HR.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/Corruption/OHC_HR.pdf), 2012, (Accessed 13 July 2016)

<sup>51</sup> UNODC, The United Nations Convention against Corruption (UNCAC), New York, 2004, Art. 15

<sup>52</sup> Ibid

Art 4 para 1 of the African Union Convention on Preventing and Combating Corruption provides a scope of application to the acts of corruption. In this context, corruption can be considered as an act of doing the contrary from an official duty by the public official for the purpose other than stipulated by the law.<sup>53</sup>

### 3.1.2. Perceptions of Corruption in Tanzania

Corruption in Tanzania is a popular subject as it occurs on a daily basis from the people at lower positions to the top administration. Over the years, steps have been taken towards reducing and monitoring of corruption in the country.

In 1995, after President William Mkapa came into power he appointed a Presidential Commission against Corruption whose job was to “assess the state of corruption in the country”<sup>54</sup>

In 2007 the Prevention and Combating of Corruption Act were enacted and soon after the Prevention and Combating of Corruption Bureau (PCCB) was established under it. PCCB is, *“committed to being at the forefront of fighting corruption in Tanzania”* by *“working together with all stakeholders to fight corruption by making it a high risk with low returns through education, prevention, detection and prosecution.”*<sup>55</sup>

In a study done by a local NGO Twaweza in 2015, citizens believed that corruption in Tanzania is widespread throughout all the sectors in the country.

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<sup>53</sup> AU, African Union Convention on Preventing and Combating Corruption, 2003, Art. 4 s.1 (d)

<sup>54</sup> S. von Wogau, ‘Transitions to Good Governance: The Case of Tanzania’, <http://www.againstcorruption.eu/wp-content/uploads/2012/09/WP-19-TGG-Tanzania-new.pdf>, <http://john.curtin.edu.au/jolley/index.html>, 2010, (Accessed 1 July 2016).

<sup>55</sup> PCCB, *Prevention and Combating of Corruption Bureau*, <http://www.pccb.go.tz/index.php/about-pccb/mandate>, 2016, (Accessed 13 July 2016)



89% of citizens believed corruption amongst police officials is very common making it the most corrupt sector in the country<sup>56</sup>.

Citizens also reported to having been asked for bribes and actually paying for the bribes, “60% of Tanzanians have been asked for a bribe by a police officer, and 43% have once paid.”<sup>57</sup>

As per another brief report by the local NGO Twaweza of April 2015 on ‘*Our safety? Citizens’ views on security and justice*’ Most people do not trust the police. About 30% of the respondents’ believed that police are the most corrupt public officials in the country, to the extent that they would not report to the police should a crime happened before them. Half of the percentage above has an impression that the police are careless or incompetent.<sup>58</sup>

Despite the creation of organisations such as PCCB, a good number of Tanzanians believe that corruption has in fact increased and not decreased over the number of years. In another Twaweza’ 2015 study of corruption, they found that 69% of citizens believed that corruption had increased over the years of 2011 to 2013.<sup>59</sup>

By 2015, more than half of Tanzanians were pessimistic about the future of the country with regards to corruption, “*a little more than half of Tanzanians (51%) do not believe that corruption can be reduced at all, and 34% think it can be reduced but only to a certain degree*” (Twaweza, 2015).<sup>60</sup>

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<sup>56</sup> Twaweza, *People’s Perception of Corruption in Tanzania*, <http://twaweza.org/uploads/files/Corruption-PressRelease-EN-04082014-FINAL.pdf>, 2015, (Accessed 1 July 2016)

<sup>57</sup> Ibid

<sup>58</sup> Twaweza, *Our safety? Citizens’ views on security and justice*, <http://www.twaweza.org/uploads/files/SzW%20brief%20security%20R2%202015-EN-FINAL.pdf>, 2015, (Accessed 1 July 2016)

<sup>59</sup> Ibid

<sup>60</sup> Supra, note 56

### 3.1.3. Perceptions of Police Corruption

According to the Warioba Report of 1996, the report described two types of corruption in Tanzania.<sup>61</sup> There is corruption that involves top politicians and the second one is current among all sectors in Tanzania due to the fact that people's income doesn't reflect the cost of living.<sup>62</sup>

One of the sectors a high level of corruption is the police force which is bribed to clear criminals. At the same time on forged cases apprehend guiltless people as a way of inviting bribes.<sup>63</sup>

One of the Senior Research Coordinators for Transparency International, Marie Chêne, when discussing an '*Overview of Corruption in Tanzania*' stated various sectors that are highly exposed to corruption including the police sector. By 2006 over 72% of Tanzanians believed that junior to senior police officers is corrupt due to various reasons including low wages.<sup>64</sup>

The fact that police officers are often underpaid, makes them potentially exposed to corruption. In a 2015 article by The Citizen, "The government has been increasing minimum salary from Sh 65,000 in 2005 to Sh 265,000 in 2014/2015"<sup>65</sup>.

With salary rates as low as 265,00/ which does not reflect the reality of the life expenses the police force will certainly resort to bribery as they too have families to take care and children to send them to school.

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<sup>61</sup> Joseph Warioba, *Corruption and the State*, The Warioba Report (1996), p. 198

<sup>62</sup> Ibid

<sup>63</sup> Joseph Warioba, *Corruption and the State*, The Warioba Report (1996), p. 199

<sup>64</sup> M. Chêne, 'Overview of Corruption in Tanzania', <http://www.u4.no/publications/overview-of-corruption-in-tanzania/>, 2009, (accessed 1 July 2016).

<sup>65</sup> The Citizen, *Minimum Salary Raised to Tsh 310,000*, [Weblog], <http://www.thecitizen.co.tz/News/national/-Minimum-salary-raised-to-Sh310-000/-/1840392/2722072/-/2v3xar/-/index.html> 2015, (Accessed 13 July 2016)

It is possible that cases of attacks on Albino killings have not been followed up with as much vigor as they should have. In fact, it would not be surprising if there have been instances where they were paid to turn the other way and ignore the albinism attacks.

Per a Tanzanian research based NGO REPOA's study on measuring the level of corruption in Tanzania about 64% of respondents believed that corruption, in general, is a threat to progress in the country. Further, 80% of interviewees considered that the police officials are most corrupt personnel in the country.<sup>66</sup>

In one of the African research institutes Afrobarometer surveys in 2015, it was found out that out of ten people who have experienced theft or attack only four of them would report the incidence to the police. This is due to the fact that the higher number of Tanzanian believes that the police force is the most corrupt institution in the country.<sup>67</sup>

The survey went on to find out that unavailability of police support minimize the chance of crime reporting should a person is need of a legal service from law enforcers. It was also noted that corruption is one of the reasons demotivating people from reporting an occurrence of criminal acts.<sup>68</sup>

The survey also provided an interesting insight into the attitude of citizens towards the police force. If abled people with resources do not report crimes to the police. It would much more difficult for PWAs to report cases. Because most of the PWAs are poor and live in rural areas where police stations are kilometers away.

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<sup>66</sup> Odd-Helge Fjeldstad, E. Ngalewa and L. Katera 'Citizens Demand Tougher Action on Corruption in Tanzania', [http://www.repoa.or.tz/documents\\_storage/publications/Repoa%20Brief%2011%20April%202008.pdf,2008](http://www.repoa.or.tz/documents_storage/publications/Repoa%20Brief%2011%20April%202008.pdf,2008), (Accessed 1 July 2016)

<sup>67</sup> R. Aiko, 'Effect of police integrity, government performance in fighting crime and accessibility of police stations on reporting of crime in Tanzania', [http://afrobarometer.org/sites/default/files/publications/Policy%20papers/ab\\_r6\\_policypaper20.pdf](http://afrobarometer.org/sites/default/files/publications/Policy%20papers/ab_r6_policypaper20.pdf), 2015, (Accessed 1 July 2016)

<sup>68</sup> Ibid

All of these findings suggest a poor response from the police in tackling the attacks against PWAs. PWAs have continued to live in fear despite the presence of a police force who are supposed to protect citizens and their property.<sup>69</sup>

Out of 75 reported deaths of PWAs, only 17 killers have been sentenced to death, though the sentence has not been executed. However, there are more suspected criminals who were involved in the killings or attacks against PWA and are still not prosecuted.<sup>70</sup> It is unclear what delays the prosecution.

It is estimated that there are 194 police centers in Tanzania.<sup>71</sup> The country that has more than 130 districts, a fair distribution of police posts would be 1.4 police post per district. As per the UN, it should a ratio of one police per 1:450 when in reality Tanzania has 1:3000.<sup>72</sup>

This is an inadequate number of police officers in relation to the population hence not enough to protect over 40 million population as per the UN standards.

There is a small number of police officers yet a big number of them is concentrated in protecting a few top public officials in the government.<sup>73</sup> This minimizes the number of police of officers who actually could be protecting PWAs when their right to life is under threat and therefore need more attention.

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<sup>69</sup> D.Wesangula, 'Albinism in Tanzania: slow progress in combatting violence and discrimination', <https://www.theguardian.com/global-development-professionals-network/2015/may/13/albinism-in-tanzania-slow-progress-in-combatting-violence-and-discrimination>, 2015 (Accessed 1 July 2016)

<sup>70</sup> Ibid

<sup>71</sup> Commonwealth Human Rights Initiative, '101 Things That You wanted To Know About The Police But Were Too Afraid To Ask', [http://www.humanrightsinitiative.org/publications/police/101%20Things%20That%20You%20Wanted%20to%20Know%20About%20the%20Police%20-%20Tanzania%20\(English\).pdf](http://www.humanrightsinitiative.org/publications/police/101%20Things%20That%20You%20Wanted%20to%20Know%20About%20the%20Police%20-%20Tanzania%20(English).pdf), 2013, (Accessed 1 July 2016)

<sup>72</sup> Ibid

<sup>73</sup> Supra, note 71

Disappointingly, PWAs have continued to be killed and live in fear for the past decade,<sup>74</sup> not knowing how they could be protected.

#### **3.1.4. The current state of Corruption in Tanzania**

Towards the end of 2015, there was a change of Presidency from the previous President Jakaya Kikwete to President John Pombe Magufuli whose campaign slogan “*Hapa Kazi Tu*” a metaphor-- means "strictly business, no play" hit the public, nobody predicted what it meant.

What citizens did not expect was that he would stick to his slogan and made some efforts fighting corruption as soon as he set foot into the white house. With his rise to power came a lot of unexpected changes and corruption scandals unveiled as well as the exposure of corrupt leaders.<sup>75</sup>

Just days after becoming President, he banned unnecessary overseas travels for civil servants that were being paid for by the government. According to an article by the Daily News on 8 November 2015, he said, “in the case of emergency officials would be allowed to travel abroad after securing express permission from him (the president) or the Chief Secretary.”<sup>76</sup>

In the same meeting, he challenged civil servants to “*work hard, diligently, professionally and honestly to enable the nation to realize its goals and the government to deliver on its election pledges*”

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<sup>74</sup>G. Obulutsa, ‘Albinos live in fear after body part murders’, <https://www.theguardian.com/world/2008/nov/04/tanzania-albinos-murder-witchcraft>, 2008, (Accessed 1 July 2016)

<sup>75</sup>DW, Tanzania's Magufuli leads fight against corruption, <http://www.dw.com/en/tanzanias-magufuli-leads-fight-against-corruption/a-19252614>, 2016, (Accessed 1 July 2016)

<sup>76</sup>Daily News, *Magufuli Curbs Foreign Travel by Govt Officials*, [Website], 2016, <http://www.dailynews.co.tz/index.php/home-news/44005-magufuli-curbs-foreign-travel-by-govt-officials> (Accessed 13 July 2016)

For the first time since independence, 2015 was the year that Tanzania went without Independence Day celebrations. President Magufuli canceled the celebration of independence and turned it into a day of cleaning up. This came as a result of the cholera outbreak during that time and he said, “It would be shameful to spend huge sums of money on the celebrations when our people are dying of cholera”<sup>77</sup>

The budget of the inaugural party was initially set to \$100,000 and he cut this budget to a low of \$7,000. He followed this up by making surprise visits to government institutions and firing poor performing leaders on the spot, “he made surprise visits to ministries and hospitals, firing the board of the country’s biggest hospital after finding patients sleeping on the floor.”<sup>78</sup>

In March 2016, President Magufuli ordered a nationwide anti-corruption operation as one of his methods to track down corruption. After a nationwide audit of the public sector payroll it was discovered that over \$2 million a month was going towards paying civil servants that do not exist, ghost workers, “We will identify those behind this payroll fraud and take them to court” said Prime Minister Kassim Majaliwa, “purging the ghost workers from government payrolls would save more than 4.5 billion shillings a month”<sup>79</sup>.

According to a poll run by a Tanzania daily local newspaper, The Citizen newspaper, “An overwhelming majority of Tanzanians have given thumbs up to President John Magufuli’s governance with an approval rating of 90.4%”. The Citizen newspaper stated, “

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<sup>77</sup> BBC News, *Tanzania’s Magufuli Scraps Independence Day Celebration*, <http://www.bbc.com/news/world-africa-34909111>, 2015, (Accessed 13 July 2016)

<sup>78</sup> Daily Maverick, *Hundred Days Later, What has Magufuli Done?*, <http://www.dailymaverick.co.za/article/2016-02-14-tanzania-hundred-days-later-what-has-magufuli-done/#.V4y6EtJ97IV>, 2015, (Accessed 13 July 2016)

<sup>79</sup> Ibid

Dr. Magufuli has so far shown a no-nonsense approach in taming corruption, laziness and the business as usual syndrome among the public servants.”<sup>80</sup>

Daily News said, “President Magufuli is a man of his word and has walked the talk without mincing words”, with his tight budgeting schedule already beginning to show results.

It is worth commending his efforts to fight corruption within the country from the top of the pyramid to the bottom as opposed from the bottom to the top. Corruption at the bottom of the society only happens because officials at the top let it happen.

### **3.1.5. Anti-Corruption Mechanisms**

Since the independence of Tanzania, different measures have been taken towards combating corruption. Under the leadership, Tanzania’s first president, Mwalimu Nyerere, an Anti-Corruption Squad was developed in 1975 by the Ministry of Home Affairs. In 1991, Mwalimu, “described Tanzania as stinking of corruption from Statehouse to the lower levels of government.”<sup>81</sup>

President Mwinyi carried on with Mwalimu Nyerere’s work, in 1991 the Anti-Corruption Squad became the Prevention of Crime Bureau and its role was to, “investigate, apprehend and take to court individuals who are alleged to have corruption practices.”<sup>82</sup>

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<sup>80</sup> Supra, note 72

<sup>81</sup> M. Njunwa, ‘Governance Initiatives To Fight Corruption’, Thesis, Mzumbe University, 2011, p. 5

<sup>82</sup> M. Njunwa, ‘Governance Initiatives To Fight Corruption’, Thesis, Mzumbe University, 2011, p. 8

Towards the end of 1995, President Mwinyi created the Presidential Commission of Inquiry and its job was to assess the areas in which corruption was great, causes of corruption and individuals who took part in corrupt practices.

In 2004, the Public Procurement Act was created which, “laid down the procedures for the public purchase of services, goods, and material. It emphasized the need for competitiveness and transparency in the processes of tendering”<sup>83</sup>

### **3.2.1. The Concept Of The Right To Life**

The ‘Universal Declaration of human rights’ article 3 states that: *“Everyone has the right to life, liberty and security of person”*.<sup>84</sup>

One of the Human Rights pioneers in the world John Locke (1632–1704) believed that the right to life is a natural right given to every human and that it is a responsibility of the government to protect that right.<sup>85</sup> According to Locke human rights surpass of the state.<sup>86</sup>

In 1949 during a UNESCO conference addressed the right to life agenda. It was claimed that the right to life includes minimum standards of access to health

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<sup>83</sup> M. Njunwa, ‘Governance Initiatives To Fight Corruption’, Thesis, Mzumbe University, 2011, p. 6

<sup>84</sup> The UDHR, 1948, Art. 3

<sup>85</sup> S. Forde, ‘John Locke *And The Natural Law And Natural Rights Tradition*’, <http://www.nlnrac.org/earlymodern/locke>, 2016 (Accessed 30 July 2016)

<sup>86</sup> Ibid



care, medical treatment, the right to protection from the government by the law and citizenship among other rights.<sup>87</sup>

The French League of Rights of Man before WWII stipulated clearly what is the right to life. The league stated that the right to life includes but not exclusive children's right to basic needs that would support its growth morally and physically.<sup>88</sup>

Furthermore, the right to life included the rights and needs of marginalized people, the right to means of protection by the law as well as the right to social and legal care for the ones who are disabled.<sup>89</sup> This helps to establish that the right to life is inclusive of other rights.

### **3.2.2. Definition of the right to life**

The constitution of the United Republic of Tanzania of 1977, article 14 recognizes that every human being has a "*right to life and the protection of his/her life in accordance to the law*".<sup>90</sup> This article indicates that the right to life includes the responsibility to protect such right by the law.

Article 6 of the **ICCPR**, includes the right to life for every human being by stating: "*Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life*".<sup>91</sup> In addition

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<sup>87</sup> Levi Carneiro, "On the Draft Convention and 'Universal Declaration of the Rights of Man'," in U.N.E.S.C.O., ed., Human Rights (1949), p. 180.

<sup>88</sup> Quoted in Georges Gurvitch, The Bill of Social Rights (1946), pp. 17-18.

<sup>89</sup> Ibid

<sup>90</sup> The Constitution of the United Republic of Tanzania of 1977, Art.14

<sup>91</sup> The *International Covenant on Civil and Political Rights (ICCPR)*, 1966, Art. 6.

article 6 of the **Convention on the Rights of the Child** stipulates that “*States Parties recognize that every child has the inherent right to life*”.<sup>92</sup>

Furthermore, article 10 of the **Convention on the Rights of Persons with Disabilities**, insists that member states “*reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others*”.

The **African Charter on Human and Peoples' Rights** also recognizes the fundamental and universal right to life. Article 4 of the charter states that: “*Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right*”.

Article 2 the **European Convention on Human Rights** gave the right to life top priority.<sup>93</sup> In the case *of Streletz, Kessler and Krenz v. Germany*, the European Court of Human Rights considered the right to life as a “*supreme value in the hierarchy of human rights*”<sup>94</sup> In another case, the same court stated that states are obliged to protect the right to life and cannot arbitrarily take it away from its people.<sup>95</sup>

### 3.2.3. Applicability of the right to life

Everyone is born possessing the right to life that no one shall take away except in accordance to the laws. The right to life should be adhered at all times. The exceptions to the general right to life must be provided by the law.

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<sup>92</sup> The CRC 1989, Art. 6

<sup>93</sup> ECtHR, 22 March 2001, *Streletz, Kessler and Krenz v. Germany*, Reports 2001-II

<sup>94</sup> Ibid

<sup>95</sup> ECmHR, 10 Oct. 1986, *Naddaf v. the Federal Republic of Germany*, DR 50/259

As it was in the case of ***Pretty v the United Kingdom [2002]*** where a dying woman decided how she would like to end her life in dignity with the help of her husband. However, the European Court of Human Rights decided that a person has no right to death over life and that not even a state is allowed to assist in the death of a person.<sup>96</sup>

In another case of ***Al-Skeini v. United Kingdom of 7 July 2011***, the ECHR stated that the UK government violated the right to life per article 2 of the European Convention on the Protection of Human Rights and Fundamental Freedoms.<sup>97</sup>

In this case, six family members of the applicant Al-Skeini were killed during the war in Iraq. The fact that Iraq was under the UK government jurisdiction meant it was therefore responsible for protecting the right to life of all persons under its administration even in extra territorially.<sup>98</sup>

The right to life for persons who are under arrest or find themselves in the hands of police officers becomes the responsibility of the police who must ensure that the right to life of a person is adhered to, even if it is against a person's will.<sup>99</sup>

In the case of ***Tanribilir v. Turkey***, No. 21422/93, (not published) a person under arrest in custody committed suicide. The court found the police liable of letting the person violate his right to life when he was in their hands.<sup>100</sup>

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<sup>96</sup> *Pretty v. United Kingdom* (2346/02) was a case decided by European Court of Human Rights, Strasbourg in 2002.

<sup>97</sup> *Al-Skeini v. United Kingdom*, App. No. 55721/07 (Eur. Ct. H.R. July 7, 2011), 50 ILM 995 (2011), <http://www.echr.coe.int/>.

<sup>98</sup> Ibid

<sup>99</sup> *Tanribilir v. Turkey*, No. 21422/93, ECtHR, 16 Nov. 2000 (not published)

<sup>100</sup> Ibid

### 3.2.4. Limitations of the right to life

The right to life has neither geographical nor socio-economic boundaries. For every living thing on earth is entitled the right to life, whether poor or rich, young or adult, and regardless of their gender.

Whether the right to life is absolute or not, it is still controversial. This is a classical question of the limitations of the right to life from a willing termination of one's life such as suicide and ending the life of others through abortion.<sup>101</sup> Most of the countries in the world have exceptions to when and how an abortion can be 'legal'.<sup>102</sup>

The right to life is silent as to when it starts. Is it when a person is born or even when it is a foetus? Article 2 of the ECHR doesn't cover unborn babies' right to life. Therefore its reach in this context is limited.<sup>103</sup> Article 15 of the ECHR set forth some limitation of the right to life in times of 'emergency'.<sup>104</sup> As well in times of a 'lawful acts of war' then article 2 of the convention can be waived.<sup>105</sup>

Article 2 of the European Convention on Human Rights protects the right to life for all persons. However, through a '**Necessity Principle**' the same article provides exceptions when it is "**absolutely necessary**", to violate the right to life of a person.

This was decided by the grand court of the ECHR in the case of **Mc Cann and Others v. the UK**, 27 September 1995. Three members of the Irish Republican Army (IRA) were suspected of carrying a detonating device with them. If a

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<sup>101</sup> H. Bedau, 'The Right to Life, Vol. 52, No. 4, Human Rights (OCTOBER, 1968), pp. 550-572, Available <http://www.jstor.org/stable/27902102> (Accessed 1 August 2016)

<sup>102</sup> United Nations Population Division, World Abortion Policies 2013 (providing a table of abortion policies in every country of the world).

<sup>103</sup> The European Convention on Human Rights, Article 2

<sup>104</sup> The European Convention on Human Rights, Article 15

<sup>105</sup> Ibid

preventive measure had not been taken it could have caused more harm than if three of them were killed.<sup>106</sup>

The Special Air Service soldiers in Gibraltar shot and killed the suspects to prevent a bomb attack. The court found the UK government responsible for violating the right to life of the suspects as per article 2 of the convention.<sup>107</sup>

As per Art. 30 of the UDHR all rights are equal, without a priority. Article 30 of the convention states that *“Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.”*

Although, ICCPR provides an exception in times of emergency, other rights can be waived but not the right to life.<sup>108</sup> Article 4 allows member states to the covenant to derogate some rights so long as it is not based on “discrimination” and after informing the Secretary General of the UN.<sup>109</sup>

### **3.3.1. Contextualizing The Right To Life of PWA**

The right to life established by international laws is not always interpreted equally to minority groups especially PWAs in Tanzania.

All human rights are important. Every person deserves full enjoyment of their human rights according to the law. The government of Tanzania is primarily responsible for protecting the right to life and security of PWAs as article 14 of

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<sup>106</sup> Mc Cann and Others v. the UK as it was judged on 27 September 1995.

<sup>107</sup> Ibid

<sup>108</sup> The ICCPR, 1966, Art.4

<sup>109</sup> Ibid

the constitution stated. However this obligation is carried out in a context of historic prejudice.

There are no other rights without the right to life. However, the right to life is limited in Tanzania by the existence of death penalty. According to the Penal Code, Cap 16, 1945 of Tanzania, the death penalty applies to offenses such as murder and treason.<sup>110</sup> Article 31 of the constitution of the URT provides for an exception of the derogation of the right to life for offenses that threaten the country's security.<sup>111</sup>

The UN Code of Conduct for Law Enforcement Officials as Adopted by the GA in 1979, states some principles for police officers within the UN member states. It requires that the police officers of the member states are aware of the basic human rights as provided by the UDHR among other international human rights treaties.<sup>112</sup>

Article 1 of the Code of Conduct states: “*Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession*”. While Art. 2 of the same state that: “*In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons*”<sup>113</sup>

These are the human rights standards on policing set by the UN which are binding on member states overriding national legislation on policing. The tendency of Tanzanian police officers to ignore these standards does not only

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<sup>110</sup> Penal Code, Cap 16, 1945 of Tanzania.

<sup>111</sup> The Constitution of the URT, 1977, Article 31,

<sup>112</sup> The UN Code of Conduct for Law Enforcement Officials as Adopted by the GA in 1979,

<sup>113</sup> The UN Code of Conduct for Law Enforcement Officials as Adopted by the GA in 1979, Art.1,2

violate the UN code of conducts on policing but eventually denies the right to life and justice for PWAs.

For the police to uphold the human rights standards, they need to be trained on how to employ human rights based-approach in their daily dealings within society. The police force represents the government, it is crucial that they abide by the principles of human rights.<sup>114</sup> The belief and commitment of the government towards human rights can be shown by the conduct of the police officers.<sup>115</sup>

*'The Committee Of Experts For The Promotion Of Education And Information In The Field Of Human Rights'* by the Council Of Europe promoted the human rights trainings to the member states' police to achieve the implementation of the human rights objectives.

This was followed by the working dialogue titled *'The Police At The Service Of Human Rights'* 19 December 1980 and it was initiated and funded by the 'European Federation Of Employees In The Public Services And The Directorate Of Human Rights Of The Council Of Europe' which produced the *'Declaration On The Police'* to ensure that police officers are aware of human rights and their work is influenced by it.<sup>116</sup>

There was a case of witchcraft killing of an old woman who reported her suspicion to the police but as a result of failure of the police to act, an old woman was killed. The witchcraft belief that is engraved in the Tanzanian society,<sup>117</sup> and although difficult scenario hard to understand it seems, some of

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<sup>114</sup> J. Anderson, 8 Police Stud.: Int'l Rev. Police Dev. 67 (1985), Human Rights and the Police, p.67

<sup>115</sup> Ibid

<sup>116</sup> Supra, note 91

<sup>117</sup> LHRC, Human Rights Report of Tanzania 2007, Pg. 22

the police officers tend to see the witchcraft killings against old women and PWA as a mere social issue than a crime.<sup>118</sup>

The government can achieve its human rights output through the police officers who interact with citizens on a daily basis. They can easily spread the attitude and practice of the human rights principles. If the Tanzanian police officers were trained on a human rights base-approach, they would take the right to life of PWAs as seriously that of as normal pigmented skinned people.

Early in 2015 the government announced a ban on all witchcraft related activities and arrested some witchdoctors as an effort to curb the killings of PWAs which are mostly influenced by witchcraft.<sup>119</sup>

According to the records there were few killings of PWAs in 2015 rather a lot of PWAs attacked, for their body parts thus causing permanent injuries.<sup>120</sup>

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<sup>118</sup> *ibid*

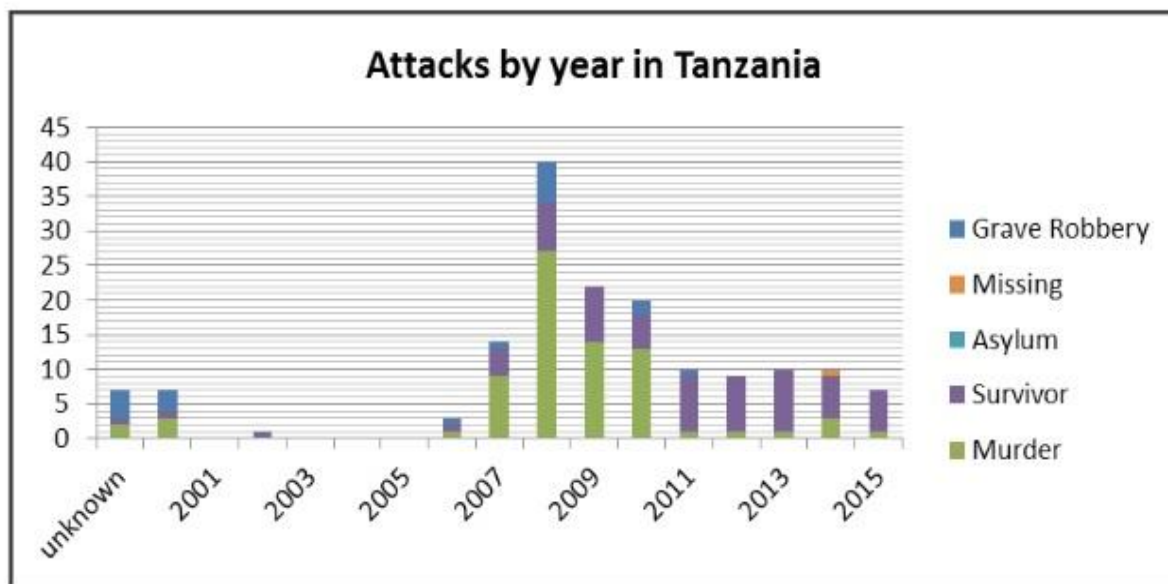
<sup>119</sup> [D. Smith](https://www.theguardian.com/world/2015/jan/14/tanzania-bans-witchdoctors-attempt-end-albino-killings), 'Tanzania bans witchdoctors in attempt to end albino killings', <https://www.theguardian.com/world/2015/jan/14/tanzania-bans-witchdoctors-attempt-end-albino-killings>, 14 January 2015, (Accessed 30 July 2016)

<sup>120</sup> LHRC (2015), Tanzania Human Rights Report 2015, p.39



Here is the graph showing the trend of the attacks, killings of PWAs for the last 8 years.<sup>121</sup>

**Trend of Witchcraft-Related Attacks and Killings of PWAs 2000-2015**



There have been few attacks in the recent years, however the attacks and killings still continue even though at a reduced level as the graph shows.

It has been shown often that the attacks and killings against PWAs are caused by the witchcraft practise.<sup>122</sup> And there is the Witchcraft Act of 1928 (RE. 2002) specifically banning the practise of witchcraft yet the practice is ongoing causing a lot of sufferings and deaths to PWAs.

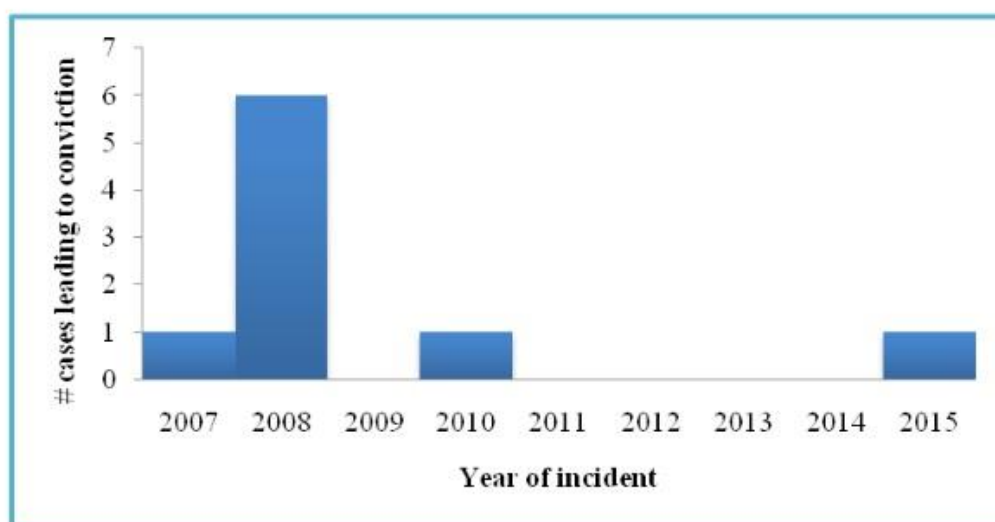
Given the number of attacks recorded, the number of criminals who have been brought to justice is remarkably low.

<sup>121</sup> Ibid

<sup>122</sup> Methusela Mishael Masanja, "Albino's Plight: Will Legal Methods be Powerful Enough to Eradicate Albino's Scourge" (2015), 231 International Journal of Education and Research, Vol. 3, No 5, at 244

Here is a glimpse of the delayed prosecution by the police in bringing those attacking and killing PWAs to justice.<sup>123</sup>

**Trend of conviction of perpetrators of PWA attacks and killings:  
2007-2015**



As the graph indicates above, there were no prosecutions between 2001 and 2014 even when there were reported attacks and killings of PWAs. With 76 recorded killings against PWA, just 9 people were convicted and six out of nine were sentenced to life imprisonment and three of them to death.<sup>124</sup>

The then, Home Affairs Minister of Tanzania Hon. Mathias Chikawe in showing the government's commitment in fighting the attacks and killings against PWA he stated: *"We are against those who cheat people that they will be rich by possessing charms, as well as fortune tellers and those distributing talismans,"*<sup>125</sup>

<sup>123</sup> LHRC (2015), Tanzania Human Rights Report 2015, p.44

<sup>124</sup> LHRC (2015), Tanzania Human Rights Report 2015, p.45

<sup>125</sup> AFP and Network Writers , 'Witchdoctors banned in Tanzania for albino killings', <http://www.news.com.au/world/africa/witchdoctors-banned-in-tanzania-for-albino-killings/news-story/78707cbdb091b8ca91d9aecc9db85bec>, 15 January 2015, (Accessed 29 July 2016)

Mr Chikawe continued saying that the government and TAS are intending in forming a task force for 'special operations' against the atrocities facing PWAs. He pledged that the task force will cover the entire country to fight attacks and killings of PWAs. The minister went further, saying that the 'task force' will conduct investigations on attacks and killings involving PWAs and would also 'review court cases' involving PWA atrocities.<sup>126</sup>

However, his statements raises questions. The minister is a trained lawyer, but his statements include a key contradiction because he ignores the constitution. As per Art. 107A (1) of the constitution of URT states that Judiciary is an independent organ of the state and only responsible in exercising justice in the country.<sup>127</sup> Furthermore the constitution provides jurisdiction to the court in doing its work according to the constitution itself and the laws of the country.<sup>128</sup>

So what the minister proposed is not allowable by the law. The Tanzania Albino (TAS) would not get the right to review court cases as Mr. Chikawe suggested. However, TAS could challenge the delayed response of the government in prosecuting the perpetrators through legal means.

The former Home Affairs Minister knew that it is the responsibility of the police force to arrest suspects and investigate cases. And, this cannot be done by a mere civil society organisation such as TAS which has no locus standi.

The former MP with albinism Ms. Kwegyir is disappointed that the PWAs are continuously discriminated against their skin colour among other problems they are facing. The law against discrimination on PWAs is not implemented.<sup>129</sup>

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<sup>126</sup> Ibid

<sup>127</sup> The Constitution of the URT, Art. 107A (1).

<sup>128</sup> The Constitution of the URT, Art. 107B

<sup>129</sup> Dan Gilgoff, 'As Tanzania's Albino Killings Continue, Unanswered Questions Raise Fears', (Weblog), <http://news.nationalgeographic.com/news/2013/10/131011-albino-killings-witch-doctors-tanzania-superstition/>, 10 October 2013, (Accessed 29 July 2016)

In the last ten years, there have been over 75 recorded killings of PWA while hundreds left disabled due to mutilations.<sup>130</sup> It's common in Tanzania that PWAs are killed for witchcraft reasons.<sup>131</sup> People are searching for the explanation of their bad living conditions or why things are working in their favor. So, they harm or kill any person whom they assume to be a source of their situations.<sup>132</sup>

Witchcraft killings take hundreds lives especially of women and PWAs in Tanzania annually.<sup>133</sup> Despite the fact, the Witchcraft Act of 1928 criminalize witchcraft killings yet these are on the rise.

The Human Rights Report of Tanzania 2007, stated that over 20 PWAs were killed for their body parts due to witchcraft reasons in Mara, Shinyanga, Mwanza and Kagera regions.<sup>134</sup>

When the police officers were asked for their response to combat the witchcraft killings against PWAs they responded that witchcraft killings 'are more of a social issue than criminal offense'.<sup>135</sup>

Year by year the killings of PWAs for witchcraft reasons are increasing, yet the police force has produced no concrete measure to protect PWAs in Tanzania.

The government needs to take specific measures to address the problem and ensure that the right to life for PWAs are protected. A government that upholds its citizen's rights, minorities and disabled included is more likely to be a country with happy and content citizens as well as one with less corruption.

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<sup>130</sup> P. Saramba Ongiri, '19 face death penalty over albino killings in Tanzania' AA News, 7 February 2016, <http://aa.com.tr/en/world/19-face-death-penalty-over-albino-killings-in-tanzania/517433>, (Accessed 30 July 2016)

<sup>131</sup> P. Saramba Ongiri, '19 face death penalty over albino killings in Tanzania' AA News, 7 February 2016, <http://aa.com.tr/en/world/19-face-death-penalty-over-albino-killings-in-tanzania/517433>, (Accessed 30 July 2016)

<sup>132</sup> Example by Edward Miguel "Poverty and Witchcraft Killing", Review of Economic Studies 72 (2005): 1154

<sup>133</sup> LHRC, Human Rights Report of Tanzania 2006, Pg. 27

<sup>134</sup> LHRC, Human Rights Report of Tanzania 2007, Pg. 22

<sup>135</sup> Ibid

The Legal and Human Rights Centre (LHRC) in Tanzania which has been conducting research each year to assess the status of the human rights in Tanzania in their 2008 report stated that 80 PWAs were killed for witchcraft beliefs between 2006 and 2008.<sup>136</sup>

The former president of the URT Hon. Jakaya Kikwete urged the police force to provide security for PWAs.<sup>137</sup> Since then not much has been done to locate and protect PWAs from witchcraft killings<sup>138</sup>, hence the blame goes to the government.

The Legal and Human Rights Centre provided some recommendations on what steps the government should take to protect PWAs from the killings. LHRC regards the current government efforts as insufficient.<sup>139</sup>

And, suggested that the government set new standards for witchdoctors to eliminate fake traditional healers who use witchcraft to harm other people. The government was also advised to raise awareness of the condition causing albinism. This will help destroy the myths and misconception that usually surround PWAs.<sup>140</sup>

In 2009 there were 10 reported killings of PWAs.<sup>141</sup> The Legal and Human Rights Centre filled a case against the Attorney General seeking reparation for government failure to protect PWAs from the killings and the prosecution of those involved.<sup>142</sup>

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<sup>136</sup> LHRC, Human Rights Report of Tanzania 2008, Pg. 19

<sup>137</sup> LHRC, Human Rights Report of Tanzania 2008, Pg. 20

<sup>138</sup> Ibid

<sup>139</sup> LHRC, Human Rights Report of Tanzania 2008, Pg. 21

<sup>140</sup> Ibid

<sup>141</sup> LHRC, Human Rights Report of Tanzania 2009, Pg. 23

<sup>142</sup> LHRC, Human Rights Report of Tanzania 2009, Pg. 27

As a result of the case opened by the LHRC, challenging the poor response to the issue of the killings, the first two cases were brought. Two criminals were found guilty of killing PWAs and sentenced to death.<sup>143</sup>

However, Tanzania has continued to witness the killings of PWAs despite the judgment of death sentence to those who were found guilty in the earlier cases.

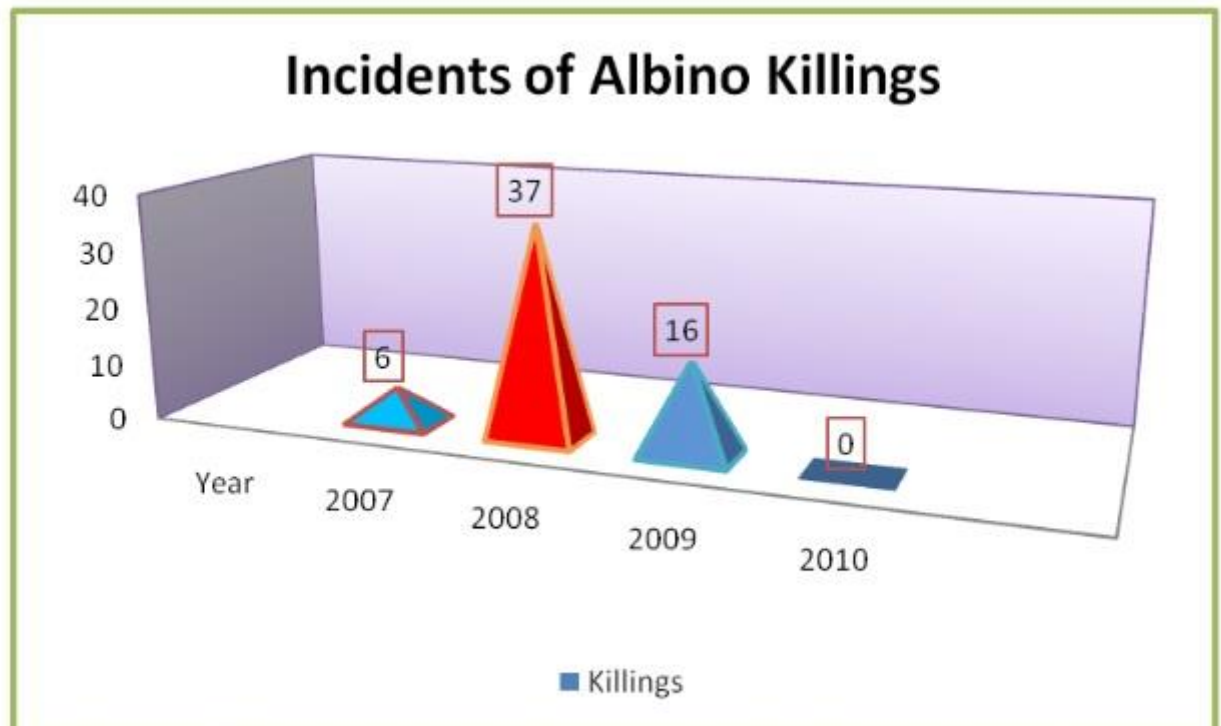
In 2010 there were no reported killings of PWA. This evidence would require a separate assessment as to how there was a quick drop in killings from 16 reported killings in 2009 to nil in 2010.<sup>144</sup> There is a possibility that there was no case of an attack or killing of a PWA in 2010. However the recurrence of killings in subsequent years means that no new trend was established.

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<sup>143</sup> Ibid

<sup>144</sup> LHRC, Human Rights Report of Tanzania 2010, Pg. 58

Here is the graph by the LHRC showing the incidence of PWA killings.<sup>145</sup>



*Source: LHRC Reports and Surveys of 2007, 2008, 2009 and 2010.*

2010 was a silent year as there was no reported case of the PWA killings. The record stayed the same in 2011 as well.<sup>146</sup> However, in 2012 there was a number of PWA attacked for their body parts.<sup>147</sup> So, the danger is still prevalent against PWA right to life and security.

Despite few cases of reported killings and attacks to PWAs between 2010 and 2012, the situation of PWA has not got any better. As in 2013, there were cases of attacks on PWA in the lake zone region.<sup>148</sup>

<sup>145</sup> LHRC, Human Rights Report of Tanzania 2010, Pg. 59

<sup>146</sup> LHRC, Human Rights Report of Tanzania 2011, Pg. 37

<sup>147</sup> LHRC, Human Rights Report of Tanzania 2012, Pg. 35

<sup>148</sup> LHRC, Human Rights Report of Tanzania 2013, Pg. 41-42

Where there are few refuge centers such as Bungaghija School, they usually are overwhelmed with the higher number of needy children than a facility can accommodate.<sup>149</sup>

The school was built to accommodate 100 pupils but it has about three times of the intended number.<sup>150</sup> At the same time, some parents are abandoning their children with Albinism, making the situation worse not only for their children but also the school.

Again in 2014, there were few cases of attacks and eventually killings of PWAs.<sup>151</sup> The attacks of PWAs are taking place around the Lake Victoria. This area is famous for fishing and mining activities that brings lots of human force who make their end meets.

When low season hit which means no fish in the lake or a mining in the area, and then fishermen and miners cannot sustain their living.<sup>152</sup> Traditional opportunists calling themselves witchdoctors may deceive people into blaming PWAs for their lack of food and work.<sup>153</sup> As a result PWAs are attacked and killed as a solution to economic needs.

According to the Tanzania National Human Rights Action Plan 2013-2017, some of the challenges in realizing the right to life for all persons are witchcraft killings including PWAs among others.<sup>154</sup>

However in its Human Rights action plan 2013-2017 the Ministry Of Constitutional And Legal Affairs set out the ways to address the challenges including human rights training for law enforcers as well awareness raising of

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<sup>149</sup> LHRC, Human Rights Report of Tanzania 2013, Pg. 42

<sup>150</sup> Ibid

<sup>151</sup> LHRC, Human Rights Report of Tanzania 2014, Pg. 44

<sup>152</sup> LHRC, Human Rights Report of Tanzania 2014, Pg. 46

<sup>153</sup> Ibid

<sup>154</sup> Ministry Of Constitutional And Legal Affairs, 'National Human Rights Action Plan 2013-2017' [http://www.chragg.go.tz/docs/nhrap/NHRAP\\_Final\\_December\\_2013.pdf](http://www.chragg.go.tz/docs/nhrap/NHRAP_Final_December_2013.pdf), December 2013 (Accessed 30 July 2016)



human rights issues in the community.<sup>155</sup> It is only a few months away before it is 2017 and none of the wishes to improve the standards of human rights in the country have been met, nor even the process started.

It is a responsibility of the state to ensure safety and security of its people. But, Tanzania has a low number of police officers in relation to its population. However, the main issue remains the poor distribution of the police personnel where the majority of them are concentrated on working with a few VIPs.

The failure of the police force to meet the people's security needs. Has led increasingly to private security initiatives such as 'Sungusungu'<sup>156</sup> and 'Ulinzi Shirikishi'<sup>157</sup>. However, the establishment of these security groups has been challenged before the courts as they seem to be contrary to the law of the country.<sup>158</sup>

Private hired security companies or groups jeopardize the law of the country as stated by the judge: *...that activities such as Sungusungu were illegal and unconstitutional; and that continuation and justification for various reasons poses a serious danger to rule of law in the country.*<sup>159</sup> They lack knowledge of the laws, human rights and most importantly how to deal with suspects. The security concern is present, especially for PWAs due to the stereotypes and stigma around their condition.

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<sup>155</sup> Supra, note 115

<sup>156</sup> An organized community that provides security for their lives and properties on their own, and in turn.

<sup>157</sup> It is a voluntary security initiative, where everyone literally becomes a police watching over enemies against their community.

<sup>158</sup> Justice Mwalusanya in different cases, [in Ngwegwe s/o Sangija and 3 others v. Republic (High Court of Tanzania at Mwanza, Criminal Appeal No. 72 of 1987, Unreported) and in Mis-peresi K. Maingu v. Hamisi Mtongori and 9 Others (High Court of Tanzania at Mwanza, Civil Case No. 16 of 1988, Unreported)] ruled *in alia* that activities such as Sungusungu were illegal and unconstitutional; and that continuation and justification for various reasons poses a serious danger to rule of law in the country

<sup>159</sup> Ibid

Article 16 of the Constitution of the URT, 1977 provides for the right to respect and security of an individual, the family, and their habitat.<sup>160</sup> The ongoing attacks and killings of PWAs do not violate Art. 14 only but Art.16 as well of the constitution.

### **3.3.3. The Right To Life of PWA in The International Legal Framework.**

#### **ICPR**

Tanzania has ratified ICPR among other international human rights documents. Article 6 (1) of the ICPR requires state parties to recognize that all people have “*inherent right to life*” and protect their right to life by laws.<sup>161</sup> PWAs are also covered by the law but the government continues to register witchcraft killings against PWA without taking a serious measure yet.

However, 1<sup>st</sup> Optional Protocol of the ICPR provides a self-complaint procedure should people’s human rights have been violated. Through the 1st protocol individuals can address international tribunals with regard to the articles of the ICPR.<sup>162</sup> People can only utilize the protocol if the country ratified to the protocol.

Tanzania opted out of the first protocol to the ICPR. Despite the witchcraft killings on PWAs and the failure of the internal judicial system. Neither NGOs nor PWAs can file cases against the implementation of the ICPR with regard to the violations of the right to life for PWA.

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<sup>160</sup> The Constitution of the URT, 1977, Article 16

<sup>161</sup> UN, General Assembly, International Covenant on Civil and Political Rights, Res. 2200A (XXI) of 16 December 1966. Art. 6(1)

<sup>162</sup> UN, General Assembly, International Covenant on Civil and Political Rights, 1966. 1st Optional Protocol on the Right to Life.

## CRC

In order to collectively protect all children in the world from different forms of injustices. The UN General Assembly came up with the Convention on the Rights of the Child in 1989 to support the best interest of all children through governance.<sup>163</sup>

Tanzania endorsed CRC back in 1991.<sup>164</sup> And, the parliament incorporated the sections of the CRC into the *Law of the Child Act* in 2009. This was critical because the CRC was then localized into the Tanzanian context for the same aim of protecting children's rights.<sup>165</sup>

The ongoing killings and attacks of children with albinism in the country<sup>166</sup> violate Art. 6 (1-2) of the CRC. Article 6 (1-2) of the convention requires state parties to understand that every child has an "*inherent right to life*" and make sure there is a mechanism for children to grow safely to realize their potential.<sup>167</sup>

Tanzania as a signatory to CRC is obliged to protect the right to life of all children and ensure that children are raised in a safe environment,<sup>168</sup> including children with albinism.

In addition, Art. 2 of the CRC forbids any form of discriminations against children based on their origin, location, language or social-economic background of their parents.<sup>169</sup> All children are equal before the international

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<sup>163</sup> The United Nations Convention on the Rights of the Child, [http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC\\_PRESS200910web.pdf](http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf), (Accessed 25 July 2016)

<sup>164</sup> S. Cameron, 'Tanzania passes landmark Law of the Child', [http://www.unicef.org/infobycountry/tanzania\\_51662.html](http://www.unicef.org/infobycountry/tanzania_51662.html) (Weblog), 2009, (Accessed 25 July 2016)

<sup>165</sup> Ibid

<sup>166</sup> IFRC, Through albino eyes: The plight of albino people in Africa's Great Lakes region and a Red Cross response, Advocacy report, 2009, p. 5-6

<sup>167</sup> The United Nations Convention on the Rights of the Child, Art. 6 (1-2)

<sup>168</sup> Ibid

<sup>169</sup> The United Nations Convention on the Rights of the Child, 1989, Art.2

law and should be treated fairly.<sup>170</sup> The evidence in tanzania is children with albinism are not treated fairly and equally.

Because their condition is seen as a disability, it is often assumed that a child with albinism does not have the mental capacity to deal with education hence excluding them from society.

Most schools either ignore or do not know that students with albinism need a visual aid in order to read the blackboards which are usually at the distance within the classrooms. Students with albinism are tested with the same standards of normal eyed students during examinations hence leading to their poor performance.

Students with albinism cannot finish exams in time due to poor sight, this leads to their school dropouts as they find themselves not fitting into a normal school setting<sup>171</sup>.

Since Tanzania has ratified the convention is therefore obliged to provide a friendly learning environment for children with albinism considering their needs for their eyes and skin conditions.

Moreover, CRC obliges all member states to provide a mechanism that will ensure the rights of children are protected. Article 4 of CRC urge states to take all necessary efforts to protect the right of children regardless of their physical or mental conditions.<sup>172</sup>

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<sup>170</sup> Ibid

<sup>171</sup> Mumbi Ngugi, *They call us 'Albinos' – The Right to Mock and Kill Fellow Humans*, <http://allafrica.com/stories/201008210123.html>, 2010 (Accessed 1 July 2016)

<sup>172</sup> The United Nations Convention on the Rights of the Child, 1989, Art.4

This involves monitoring children's well-being through funding of social welfare departments which would be responsible for the implementation of children's rights.<sup>173</sup>

Since the government is not doing enough to protect children with albinism from the attacks and witchcraft killings. It is, therefore, violating the convention that it has signed for the protection of children's right in Tanzania.

## **CEDAW**

In Tanzania, women are too often denied their basic rights due to cultural, political, religious or social barriers. In general, women face similar challenges all over the world. But in Tanzania, particularly women are oppressed through poor government structures such as the Village Land Act of 1999, which recognizes woman as a third category as far as land inheritance is concerned.<sup>174</sup> This means inheritance of land goes to fathers, husbands, and sons unless there is no man in a family. Only then can a woman inherit a family land.

There is the Children and Young People's Act which recognizes a child as anybody under the age of 18 who is supposed to be educated and protected. However, the Marriage Act of 1971 allows a girl of 15 years to be married by the consent of her parents.<sup>175</sup> This is an example of how a Tanzania woman is discriminated and treated inhumanely.

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<sup>173</sup> Ibid

<sup>174</sup> Village Land Act of 1999

<sup>175</sup> The Marriage Law of 1971, S. 13

Examples such as these underly the UN General Assembly approved the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1979. In order for countries in the world to enhance and protect the rights of women from all backgrounds, the treaty started functioning in 1981.<sup>176</sup>

Tanzania has not lived to CEDAW's standards because the laws that are discriminatory such as the Village Land Act of 1999 and the Marriage Act of 1971 are still in place. In the last ten years, there has been a gross violation of the right to life and security specifically for elderly and women with albinism<sup>177</sup>.

Earlier this year the CEDAW UN Committee examined Tanzania's performance on the protection of women's rights and it was not satisfied with its record of the protection of women's rights. Some of the issues that UN Committee is concerned with are witchcraft killings of elderly women and the attacks and killings of female PWAs.<sup>178</sup>

The ongoing killings and attacks against PWAs especially women are a gross violation of their basic right to life and safety. The Office of the United Nations High Commissioner for Human Rights (OHCHR), CEDAW Committee noticed that the killings on PWAs specifically target women and children in Tanzania. The government is responsible for taking specific measure to protect the right to life of female PWAs as obliged by CEDAW.

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<sup>176</sup> UN, The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979.

<sup>177</sup> K.Makoye, 'Elderly women in Tanzania fear spate of murderous witch hunts' (Weblog), <http://www.reuters.com/article/us-tanzania-women-witches-idUSKBN0MQ00T20150330>, 2015, (Accessed 23 July 2016)

<sup>178</sup> The Office of the United Nations High Commissioner for Human Rights (OHCHR), 'Tanzania's record on women's rights to face scrutiny by UN Committee', <http://www.ohchr.org/EN/NewsEvents/Page3s/DisplayNews.aspx?NewsID=17079&LanguageID=E#sthash.Y0aHuIL7.dpuf>, 2016 (Accessed 25 July 2016)

### 3.3.4. The Right To Life of PWA in The National Legal Framework

Article 14 of the constitution of the URT recognizes that everyone is entitled to the right to life and the security.<sup>179</sup> It is the responsibility of the state and the whole society to protect one's life according to the law.

However, this is not the case for people with albinism in Tanzania who constantly fear for their lives. Some people with albinism have to sleep in the forest every night because their homes are not safe.<sup>180</sup>

URT has ratified the bill of right from the UDRH over two decades ago, part III of the constitution of the URT are human rights incorporated from the UDHR. Article 3 of the UDHR 1948 stipulates that every human has the right to life, freedom and the protection of his/her life.

The UDHR is a widely accepted human rights protection tool that aims at advancing human rights in the world.<sup>181</sup> This means that if someone's life is in danger or he/she wants to end his/her own life, then it is the responsibility of the state to protect the life of such persons.

Therefore it is the responsibility of the Tanzanian government through its police force to protect the life of PWAs from witchcraft killings.

In addition article 4 of the African Charter on Human and Peoples' Rights states that the right to life is an inalienable right and no one has a right to act contrary to this right.<sup>182</sup> Furthermore, the African Commission on Human and Peoples' Rights (the Commission) created General Comment No. 3 on article 4 of the

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<sup>179</sup> The Constitution of the United Republic of Tanzania of 1977 (as last amended by Act No. 1 of 2005)

<sup>180</sup> G. Obulutsa, 'Albinos live in fear after body part murders', <https://www.theguardian.com/world/2008/nov/04/tanzania-albinos-murder-witchcraft>, 2008, (1 July 2016)

<sup>181</sup> UDHR: United Nations General Assembly in Paris on 10 December 1948

<sup>182</sup> Article 4 of the Banjul Charter, 1987

Banjul Charter that the states are obliged to protect the right to life of all persons as well as of all other rights.<sup>183</sup>

The Witchcraft Act, Cap. 18 of Tanzania, defines “Witchcraft” as magic, charm, and bewitchment, possessing and exercising supernatural powers.<sup>184</sup> The law implicates everyone who deliberately wants to cause harm, calamities or even death to another person or a society. The law provides a punishment of seven years in prison for anyone who proved to be using witchcraft.<sup>185</sup>

The existence of the Witchcraft Act of 1928 (RE 2002) would have been crucial in saving the lives of PWAs should it be implemented. The law was enacted by the colonialist administration in order to control witchcraft and its related offenses in the society.<sup>186</sup>

The law defines witchdoctor as any person who claim to have magic power and that they can bewitch people, cause harm or make other people cause harm to others.<sup>187</sup> Although the act is operative, it has never been implemented, and the police officers are not arresting witchdoctors when the law allows them.

The witchcraft killings of elderly women<sup>188</sup> and PWAs have increasingly continued without an enforcement of the Witchcraft Act. There is a fact that most killings of PWAs are based on Witchcraft belief.<sup>189</sup>

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<sup>183</sup> General Comment No. 3 on the African Charter on Human and Peoples’ Rights on the right to life (Article 4), Adopted during the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights held from 4 to 18 November 2015 in Banjul, The Gambia. P. 8.

<sup>184</sup> Section 2 of the Witchcraft Act, Cap. 18 of the R.E.

<sup>185</sup> Section 5 (1) of the Act.

<sup>186</sup> The *Witchcraft Act* of 1928 (RE 2002)

<sup>187</sup> Ibid

<sup>188</sup> K.Makoye, ‘Elderly women in Tanzania fear spate of murderous witch hunts’ (Weblog), <http://www.reuters.com/article/us-tanzania-women-witches-idUSKBN0MQ00T20150330>, 2015, (Accessed 23 July 2016)

<sup>189</sup> NGOs Report On The Implementation Of The ICCPR, [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/TZA/INT\\_CCPR\\_NGO\\_TZA\\_95\\_10211\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/TZA/INT_CCPR_NGO_TZA_95_10211_E.pdf), 2009, p.16 (Accessed 26 July 2016)



However, the witchcraft Act has not been implemented to prosecute any witch doctor since the reported killings of PWA started over ten years ago. This shows that the law is outdated or the lives of PWAs are not valued.

LHRC is of the opinion that the Witchcraft Act is irrelevant in tackling the challenges that the belief and acts of witchcraft bring in the society.<sup>190</sup> Hence there is a need for new laws to address the issue.

### **3.3.5. The impact of Police corruption on the Right To Life of PWA.**

#### **Parallels of Corruption and its violations to HR**

The correlation between corruption and the violation of human rights is yet to be clear. The question whether corruption leads to the violation of human rights seems to be uncertain.<sup>191</sup>

Lack of a clear definition of corruption across all fields makes it difficult to understand it; hence its consequences in relation to the violation of a human rights. It becomes also cumbersome to identify the corrupt and corrupted. And, this makes it difficult to find appropriate measures to deal with the phenomena.<sup>192</sup>

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<sup>190</sup> LHRC (2015), Tanzania Human Rights Report, p. 35

<sup>191</sup> Kolawole Olaniyan, Corruption and Human Rights Law in Africa, USA, Oxford and Portland, Oregon, 2014. P.25

<sup>192</sup> Ibid

Most countries in the world recognize that corruption exists and they take some measures to deal with it whether it is properly defined or not. In the US the FCPA was established as a result of the Watergate scandal.<sup>193</sup>

In Tanzania, the PCCB emerged in the early 2000's after politicians were openly bribing and/or receiving bribes in the name of the 'hospitality'. It was the ruling party CCM that introduced 'Takrima' in Swahili it means a word of thanks or appreciation. For example, politicians would buy some things for their supporters during elections in order to thank them.<sup>194</sup> In reality, politicians were bribing citizens to vote for them.<sup>195</sup> This practice was banned by PCCB in 2010.

### **The Response of the Police Force Against the Killings of PWA.**

In Tanzania, the police started recording the atrocities against people with albinism in 2006, local NGOs like Under The Same Sun started recording already in 2000.<sup>196</sup> This shows that the response by the police in protecting PWAs is rather slow and not a high priority.

The research note on the Economic and Political Explanations of Human Rights Violations, by Mitchell and McCormick points out that the police force is established by the government in order "*to protect its citizen*".<sup>197</sup>

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<sup>193</sup> Kolawole Olaniyan, Corruption and Human Rights Law in Africa, USA, Oxford and Portland, Oregon, 2014.p.30

<sup>194</sup> S. Lindner, Tanzania: Overview of corruption and anti-corruption, [http://www.transparency.org/files/content/corruptionqas/Country\\_profile\\_Tanzania\\_2014.pdf](http://www.transparency.org/files/content/corruptionqas/Country_profile_Tanzania_2014.pdf), 2014, (Accessed 1 July 2016)

<sup>195</sup> Ibid

<sup>196</sup> Supra, not 18, Under The Same Sun, 'History of Attacks against Persons with Albinism (PWA)'

<sup>197</sup> N. J. Mitchell and J. M. McCormick, World Politics : Economic and Political Explanations of Human Rights Violations, Trustees of Princeton University, 1988, p. 476.

However there are some governments in the world which violate human rights against their own citizens by using the police officials to torture people such as prisoners in the Middle East among others.<sup>198</sup>

And, the UN (1986) United Nations International Police task Force on the role of the police in protecting human rights, it stated: “... *the police force of a democratic society is concerned strictly with the preservation of safe communities and the application of criminal law equally to all people, without fear or favour.*” - United Nations International Police Task Force.<sup>199</sup>

Tanzania is party to the UN, thus the government is bound to its international human rights instruments such as UDHR to protect the right to life of its citizens. It is a sole responsibility of the Tanzanian government to ensure that the police are trained on the applicability of human rights standards without discrimination against some members of society. This includes thorough investigation on the attacks and killings against PWAs.

In 2008 a BBC journalist exposed the involvement of witchdoctors who are fuelling the killings of PWAs. She went undercover disguised as a businesswoman seeking for wealth.<sup>200</sup>

One of the witchdoctors she encountered, was proud that even some of his customers are the police officers. It is believed that it was a police officer who spoiled Ntetema's mission in exposing witchcraft's business.<sup>201</sup>

This is why since Ntetema's program was aired in 2008, not a single police officer investigated the matter further. Despite the program showing how PWAs are being targeted and killed by witchdoctors.

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<sup>198</sup> Ibid

<sup>199</sup> UN (1986) United Nations International Police Task Force,

<sup>200</sup> V. Ntetema, 'In hiding for exposing Tanzania witch doctors'

<http://news.bbc.co.uk/1/hi/world/africa/7523796.stm>, 2008, (Accessed 1 July 2016)

<sup>201</sup> Ibid

The United Nations Entity for Gender Equality and the Empowerment of Women states the roles and responsibilities of police including to, *“protect victims and potential victims and promote offender accountability by consistently enforcing laws and procedures so that all crimes and killings are investigated and addressed by the criminal justice system”*<sup>202</sup>.

The police force is an extension of the government, meant to help the government to ensure that all citizens' rights are maintained and all violators of these rights are punished for their crimes.

In a 2013 study by the East African Bribery Index (EABI) it was found that Tanzania has the most corrupt police force on the African continent; *“Tanzania’s law enforcement agencies scored 72.9 per cent in bribery aggregation.”*<sup>203</sup>

With bribery rates as high as this, it is not surprising that the needs of the minorities are not adhered to. Because the minorities often come from poor societies, they find themselves unable to pay the bribes when they need cases to be followed up.

Responsible citizens such as Deus Kabode, the chairman of the Tanzania Albino Society in Mwanza, who is willing to support the police in finding bandits who search for PWAs body parts should be rewarded for their courage in seeking justice for PWAs.

On the contrary, the police are not doing enough to ensure that justice is done for both victims and offenders.

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<sup>202</sup> UN Women, Roles and Responsibilities of Police, <http://www.endvawnow.org/en/articles/743-roles-and-responsibilities-of-police.html>, 2016, (Accessed 13 July)

<sup>203</sup> Africa Review, Tanzanian Police The Most Corrupt in East Africa, <http://www.africareview.com/news/Report-says-Tanzanian-police-the-most-corrupt-in-East-Africa/-/979180/2051704/-/i7psz/-/index.html>, 2013, (Accessed 13 July)

Mr. Kabode volunteered with the police in Mwanza to set up a trap for a buyer of a PWA hair (body parts), so that they could bring the buyer (suspected criminal) to justice.<sup>204</sup> He provided a sample of his own hair and then claimed to have caught the buyer (suspected criminal).

When the case was brought before the court; the judge decided that the hair should be sent to the public chemist for further investigations. Surprisingly, the chemist concluded that it was not a human hair but rather it was a hair from a doll; therefore the suspected criminal was acquitted.<sup>205</sup>

Kabode believed that there was corruption involved since he knew it was his own hair. He believed that it is either the police who destroyed the evidence or the judge was bribed to release the suspected criminal whom he believed he was protected.<sup>206</sup>

On the 23 of May 2016, two sisters with albinism escaped abduction and possible death by mutilation. Their names are Kulwa Jawilu, (5) and Tausi Jawilu, (8). The attackers raided their home at night whilst the family was sleeping and grabbed the first child they saw who turned out to be Kulwa's twin sister Doto and, who does not have albinism. Once they realized their mistake they threatened to kill Doto if her parents did not produce the other child. Kulwa hid and eventually they gave up and went away.

The incidence was reported to the police of Nzega District as well as the Social Welfare Department. Sadly this was not the first attempt on the girl's lives, similar attacks have happened previously in 2013 and 2014. According to the girl's father, Jawilu, he had reported the attacks and nothing had been done to

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<sup>204</sup> News Bulletin, Directed by Bulendu Dotto, Tanzania, StarTV, 2015, [videocassette].

<sup>205</sup> Ibid

<sup>206</sup> Deus Kabode, interviewed by Ashura Kayupayupa, 2016, Personal Archive, Dar es Salaam, (Transcription available if needed)

help his children. The family has now been relocated to another village by the welfare department.<sup>207</sup>

Even when the family has made several attempts to alert the police to their security concern, the police did nothing to prevent further attacks. In one way or the other, incidences like this discourage others from seeking justice even when they have the right to do so.

One might assume that the role of government was to encourage the police to carry out its role of protecting all citizens. However, on 22 January 2009 the former PM Peter Pinda, told the parliament that whoever was caught killing PWAs should also be killed on the spot.

In this way, the PM was calling for mob justice rather than the due process of the law regarding criminal cases and according to the Penal Code of the country. The PM's statement calls into question not only good governance but demonstrates the poor rule of law where people must take matters into their own hands. "If you see a person mutilate a PWA's neck, kill that person instantly because as leaders we are fed up... no more, I can't tolerate any more",<sup>208</sup> the Prime Minister said which left the crowd astonished.

It is not surprising that in the past ten years mob violence has tremendously increased. In 2015 alone almost 1000 died from mob justice.<sup>209</sup> This might be a result of PM's statement asking people to take justice into their hands. There is no limit to how much people can break the law once they have been encouraged to do so.

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<sup>207</sup> Under The Same Sun, 'Reported Attacks of Persons with Albinism', [http://www.underthesamesun.com/sites/default/files/Attacks%20of%20PWA%20-%20extended%20version\\_0.pdf](http://www.underthesamesun.com/sites/default/files/Attacks%20of%20PWA%20-%20extended%20version_0.pdf) 2016,(Accessed 13 July 2016)

<sup>208</sup> E. Chahali, 'The PM response on the killings of PWA' [web blog], 23 January 2009, <http://www.chahali.com/2009/01/pinda-ataka-jino-kwa-jino-dhidi-ya.html>, (Accessed 28 June 2016)

<sup>209</sup> LHRC (2015), Tanzania Human Rights Report, p. 50

It is estimated that over 155 cases of atrocities against PWAs have been filed to the police from 2009 to present date. However, there have been very few prosecutions. Examples include a person who was already convicted and sentenced to life by the courts for killing a PWA in 2008. Yet, he was involved in the killing of another young PWA in 2016 when he should have been in jail serving his life imprisonment.<sup>210</sup>

A woman in her 60s was killed in 2009 in Mwanza region for witchcraft reasons.<sup>211</sup> A few months earlier she had reported to the police the suspicion that she was about to be killed. However, the police did not take her report seriously and nine months later she was killed by knives for witchcraft beliefs.

It was not only the witchcraft that cost the life of Ngema Dotto, but also an inability of the police to prevent her killing after she informed them.<sup>212</sup>

Unfortunately, such attitudes among some of the police officers is what fuels the killings not only of old women but also PWAs. The offenders assume that the police take the killings lightly, the incidences continue.

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<sup>210</sup> UTSS, Reported Attacks of Persons with Albinism –Most Recent Attacks Include, Canada & Tanzania, 2016, p.3

<sup>211</sup> LHRC, Human Rights Report of Tanzania 2009, Pg. 22

<sup>212</sup> Ibid

## **The Right to Life free from Corruption.**

According to United Nations, Human Rights are, *“rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status.”*<sup>213</sup> Human rights allow individuals to live and have their right to live as human beings without being harmed in any way.

People from disadvantaged groups have suffered the most in their access to their right to life, *“they are often more reliant on public services and public goods and have limited or no means to look for alternative private services.”*<sup>214</sup>

Countries with high corruption levels weaken both their legal system and its law enforcement *“corruption in the rule of law system weakens the very accountability structures which are responsible for protecting human rights and contributes to a culture of impunity.”*<sup>215</sup>

A 17-year-old woman with albinism, Masalu Masanja was raped by a group of men in February of 2014. As a result of rape, she contracted STDS and pregnancy. Masalu and her three brothers who also have albinism were moved by the local government to Buhangija Center for displaced PWAs. Masalu suffers from psychological trauma among other things as a result of rape.<sup>216</sup> The girl was not only deprived her right to safe life but also denied access to justice.

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<sup>213</sup> United Nations, *Practical Anti-Corruption Measures for Prosecutors and Investigators*, <https://www.unodc.org/pdf/crime/corruption/Handbook.pdf>, 2004, (Accessed 13 July 2016)

<sup>214</sup> The Office of the United Nations High Commissioner for Human Rights (OHCHR), *‘The Negative Impact of Corruption on the Enjoyment of Human Rights’*, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/Corruption/OHC\\_HR.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/Corruption/OHC_HR.pdf), 2012, (Accessed 13 July 2016)

<sup>215</sup> Ibid

<sup>216</sup> Under The Same Sun, Dar es Salaam Office, *Reported Attacks of Persons with Albinism –Most Recent Attacks Include*, Canada & Tanzania, 2016, p.18



Corruption tends to mostly affect disadvantaged groups, because they have fewer opportunities to be a part of the decision-making policies or reforms in the country. The poorer the disadvantaged group, the more likely that they will have to pay bribes or extortion fees in order to be given a particular service.

In 2015, Ikponswa Ero was appointed by the Office of the United Nations High Commissioner for Human Rights (Human Rights Council) as the first Independent Expert on the enjoyment of human rights by persons with albinism.<sup>217</sup>

She was given the mandate to re-enforce the rights of people with albinism as their human rights have gone unnoticed for as long as they have existed within the communities.

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<sup>217</sup> The Office of the United Nations High Commissioner for Human Rights (OHCHR), 'Independent Expert On The Enjoyment Of Human Rights By Persons With Albinism', <http://www2.ohchr.org/english/issues/> , 2015, (Accessed 13 July 2016)

## Chapter IV

### Case Studies

In this section, there will be further cases of killings and or attacks against PWAs in order to provide information and insight. Together with examples of initiatives designed to prevent the killings and raising awareness.

The sources presented include media information, print and online, as well as research done by organizations such as UTSS, Repoa and Twaweza.

#### 4.1. National Media Sources

This section refers to the media within the country. Though the sources will not be put in the order of dates, they will illustrate cases and incidents involving people with albinism as well as steps made to ensure that their lives are safe and their rights as humans are respected.

A 4-year-old girl with albinism by the name of Pendo Emmanuel was abducted in Ndamhi Village on December 27, 2014, Mwanza Region, Tanzania. Fifteen suspects including some family members were arrested by the police in connection with the kidnapping of the girl. Her paternal grandfather, maternal grandmother and her own mother were among the culprits.<sup>218</sup> The Daily News newspaper reported on the 12<sup>th</sup> of July 2016 that 30 people have been convicted for the killing of PWA on the same incidence.

The Minister of Justice and Constitutional Affairs, Dr. Harrison Mwakyembe said, "The government is doing everything in its power to investigate and arrest all culprits and that no stone will be left unturned".

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<sup>218</sup> Under The Same Sun, Reported Attacks of Persons with Albinism, [http://www.underthesamesun.com/sites/default/files/Attacks%20of%20PWA%20-%20extended%20version\\_0.pdf](http://www.underthesamesun.com/sites/default/files/Attacks%20of%20PWA%20-%20extended%20version_0.pdf) 2016,(Accessed 13 July 2016)

According to the Minister, “So far the government has managed to stop the killings and that all culprits will be arrested and charged according to the law.”<sup>219</sup>

On the 24<sup>th</sup> of June, the same paper, Daily News, published an article titled, “Govt Injects 16bn/- for disabled education countrywide”. According to this article, “Money will be given to 286 schools for mentally retarded, 137 for the deaf, 26 for people with albinism, 92 for the blind persons, 18 with a physical disability and 9 for autism.”<sup>220</sup>

In 2013, The Citizen published an article, “Albino Killings Still Haunt Tanzania” that spoke of the history and incidents of PWA killings in regions within Tanzania, “the diabolic practice spearheaded by ‘dollarization’<sup>221</sup>. Because of the large amounts of money that albino body parts fetch in the market, it has resulted in the killings of people with albinism.

Another article titled, “Grand Plan Set to End Albino Killings” by The Citizen published on the 21<sup>st</sup> of June 2016. According to the article, the action plan has been backed by the UN and the African Union (AU) that was created during a three-day forum in Dar es Salaam. The Human rights experts want to, “move away from idealistic recommendations and instead, develop specific, simple and effective measures that can be executed by all stakeholders.”<sup>222</sup>

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<sup>219</sup> Daily News, *30 Convicted to Death For Killing Albinos and Elderly*, [Website], 2016, <http://dailynews.co.tz/index.php/home-news/51592-30-convicted-to-death-for-killing-albinos-elderly> (Accessed 13 July)

<sup>220</sup> Daily News, *Govt Injects 16bn/- For Disabled Education Countrywide*, <http://dailynews.co.tz/index.php/home-news/50991-govt-injects-16bn-for-disabled-education-countrywide>, 2016, (Accessed 13 July)

<sup>221</sup> The Citizen, *Albino Killings Still Haunt Tanzania*, <http://www.thecitizen.co.tz/News/-Albino-killings-still-haunt-Tanzania/-/1840340/1855910/-/eqg00u/-/index.html>, 2013, (Accessed 13 July)

<sup>222</sup> The Citizen, *Grand Plan Set to End Albino Killings*, <http://www.thecitizen.co.tz/News/Grand-plan-set-to-end-albino-killings/-/1840340/3259268/-/14kju2z/-/index.html>, 2016, (Accessed 13 July)

## 4.2. International Media Sources

This section refers to foreign media that picked on the injustices were affecting people with albinism in Tanzania. The media that spoke of the killings and attacks in Tanzania ranged from print, online articles and even documentaries on the lives of PWAs. For the purpose of this paper, articles written on the subject by foreign media will be reviewed with no regard to any particular order.

In 2013, National Geographic published an online article entitled, “As Tanzania’s Albino Killings Continue, Unanswered Questions Raise Fears”. The article goes on to speak of the attacks on PWAs in Tanzania describing in detail the attacks and what parts of the bodies were taken for rituals, “the victims were beheaded; genitals, ears, and bits of skin were removed”.

Despite recognizing the efforts made to create shelters for PWAs in Tanzania, criticism was thrown to the government that has failed to conduct proper prosecutions to the people responsible for the killings, “*only five of the six dozen albino murders in Tanzania cited by the UN report have led to successful prosecutions*”<sup>223</sup>.

On efforts made by the government, it says, “The Tanzanian government has launched a campaign to raise funds to help persuade communities to abandon old beliefs and stop targeting PWAs. However, the campaign focuses on urban areas, not in rural areas where PWAs face the biggest threat”<sup>224</sup>.

The Guardian article on the 14<sup>th</sup> of January 2015 wrote: “Tanzania Bans Witchdoctors in Attempt to end albino killings”<sup>225</sup>. It reported on the joint task

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<sup>223</sup> National Geographic, *As Tanzania’s Albino Killings Continue, Unanswered Questions Raise Fears*, <http://news.nationalgeographic.com/news/2013/10/131011-albino-killings-witch-doctors-tanzania-superstition/>, 2013, (Accessed 13 July)

<sup>224</sup> BBC News, *Tanzania’s Albino Community: Killed Like Animals*, <http://www.bbc.com/news/world-africa-30394260>, 2014 (Accessed 13 July)

<sup>225</sup> The Guardian, *Tanzania Bans Witchdoctors in Attempt to end Albino Killings*, <https://www.theguardian.com/world/2015/jan/14/tanzania-bans-witchdoctors-attempt-end-albino-killings>, 2015 (Accessed 13 July)

force by the government and the Tanzanian Albinism Society to, “*conduct special operations against the kidnaps, abductions, and murders*”, through the banning of witchcraft.

The task force understands that this step will not necessarily eliminate PWAs killings but it will be a start. Steps have also been taken by the government run education campaigns to raise awareness.

Another website reported in February 2016 that 19 people had been found guilty over PWAs killings in Tanzania. The 19 that has been sentenced to death are part of a list of 133 people that have been arrested and charged with the killings of PWAs between the years of 2006 to 2015, “*the government formed a tripartite committee involving government officials, people with albinism, witchdoctors who are believed to have a hand in PWAs killings and other stakeholders, as a strategy to combat attacks and killings of people with albinism.*”<sup>226</sup>

The killings and attacks on PWAs involve family connections. It is difficult to fight from the surface. BBC covered a story of a man who tried to sell his own wife who has albinism to a businessman for just a few thousand dollars.<sup>227</sup> He was arrested before he could sell his wife<sup>228</sup> who had no idea that she would be sold by her own husband.

There have been similar cases where fathers, mothers, aunts, and grandparents have been involved in selling or killing their relatives or children with albinism.

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<sup>226</sup> Aa.com, 19 Face Death Over Albino Killings, <http://aa.com.tr/en/world/19-face-death-penalty-over-albino-killings-in-tanzania/517433>, 2016, (Accessed 13 July)

<sup>227</sup> BBC, ‘Man ‘tried to sell’ albino wife’ (Weblog) <http://news.bbc.co.uk/1/hi/world/africa/7726743.stm>, 2008, (Accessed 21 July 2016)

<sup>228</sup> Ibid

The Economist wrote about corruption as one of the reasons for the failure to carry out proper investigations into the killings of PWAs in Malawi. As a result criminals go unprosecuted.<sup>229</sup> For example, there was a case of a potential criminal who was found with human bones, but the police made the suspect pay a fee equivalent to 29\$.<sup>230</sup> Because the police chose to assume that he might not have killed anybody but somehow found the bones somewhere.

This could be similar to what would happen in Tanzania. As already mentioned earlier on, about the case of a criminal who was convicted and sentenced to life. But, he was involved in the killing of another PWA a few years later. It is too early to conclude that corruption fuels the killings of PWAs. Definitely, it might be a factor that the attacks continue while the police are present.

#### **4.3. NGO Reports**

NGO reports from organizations such as Twaweza and UTSS (Under the Same Sun) have illustrated the state of corruption and neglect for minorities and people with disabilities. In last year's report on Twaweza, (findings previously shared), it is clear that by early 2015, Tanzanians were not optimistic about the state of corruption in the country. The police force is considered the most corrupt institution, although it is meant to ensure that the civilian's rights are protected.

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<sup>229</sup> The Economist, 'The killing of albinos: Murder for profit', (Weblog), <http://www.economist.com/news/middle-east-and-africa/21700294-horrific-trade-body-parts-murder-profit>, 2016 (24 July 2016)

<sup>230</sup> Ibid

On the 24 of May 2016, the remains of Magufuli Begumisa, a 7-month-old baby boy with albinism were stolen from a grave where he had been buried in January. After it was confirmed that his remains had been stolen, the local police launched an investigation. Baby Magufuli is survived by his 3-year-old brother and 6-year-old sister who also have albinism. The authorities have advised the family not to return home and arrangements have been made for his sister at Kitengule Centre for persons with albinism.<sup>231</sup>

Evode Mapunda's story by the IFRC. Evode is one of the very few PWAs who managed to beat all constraints and get an education to become a primary teacher.<sup>232</sup> There are very few PWA who get to do proper jobs like teaching<sup>233</sup>.

However, Mapunda lost his battle to cancer which he is likely to have contracted as a result of having albinism in an equatorial country.<sup>234</sup> Evode is not from the lake zone region, where for every economic activity such as fishing and mining are determined by superstition.<sup>235</sup>

PWAs need resources to protect themselves from the sun. They need long clothes, hats, and sunscreens all of which cost money. Most PWAs would find these things a luxury because most live in poverty, due to the stereotypes that exclude them from the society.

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<sup>231</sup> Under The Same Sun, *Reported Attacks of Persons with Albinism*, [Website], 2016, [http://www.underthesamesun.com/sites/default/files/Attacks%20of%20PWA%20-%20extended%20version\\_0.pdf](http://www.underthesamesun.com/sites/default/files/Attacks%20of%20PWA%20-%20extended%20version_0.pdf) (Accessed 13 July 2016)

<sup>232</sup> IFRC, *Through albino eyes: The plight of albino people in Africa's Great Lakes region and a Red Cross response*, Advocacy report, 23009, p.7

<sup>233</sup> IFRC, *Through albino eyes: The plight of albino people in Africa's Great Lakes region and a Red Cross response*, Advocacy report, 2009, p.9

<sup>234</sup> Ibid

<sup>235</sup> D. Wesangula, 'Albinos in Tanzania fear death as polls near' (Weblog), <http://mg.co.za/article/2015-05-14-albinos-in-tanzania-fear-death-as-polls-near>, 2015, (Accessed 22 July 2016)

#### 4.4. National institutions and authorities

Over the past few years, we have seen unsuccessful attempts be made to stop the PWA killings. The reason that these attempts may not have been as successful might be a result of corruption. The people that are buying the body parts are people that have money and thus can afford to pay the judicial system to look away.

In an attempt to fight this, witchcraft was banned in the country with the hopes that those who will be caught for acts of witchcraft will be made to mention the names of the big people that they are selling the parts to.<sup>236</sup>

Hon. Abdalla Posi is among fortunate PWAs in Tanzania. He is a first PWA to graduate a Ph.D. in human rights abroad. And, as a PWA he became the first appointed deputy Minister of State responsible for the youth and disabled affairs among other responsibilities<sup>237</sup>.

Hon. Posi does not come from a modest family like many PWAs, his father is retired Executive Director of the Tanzania Railway Authority while his mother is a lecturer at the University of Dar es Salaam. This illustrates the fact that when children with albinism are given access to an opportunity such as education they can excel like anybody else.

In 2010, the first MP with albinism was elected by a constituency in southern Tanzania.<sup>238</sup> This was a milestone for PWAs and the whole society. It somehow showed that ordinary citizens trust politicians on their agenda rather than their

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<sup>236</sup> K. Makoye, 'Elderly women in Tanzania fear spate of murderous witch hunts', <http://www.reuters.com/article/us-tanzania-women-witches-idUSKBN0MQ00T20150330>, 2015, (Accessed 1 July 2016)

<sup>237</sup> DW, 'Tanzania appoints first albino deputy minister' (Weblog), <http://www.dw.com/en/tanzania-appoints-first-albino-deputy-minister/a-18916274>, 2015, (Accessed 23 July 2016)

<sup>238</sup> Telegraph, 'Tanzania's first elected albino MP fears for his life' (Weblog), <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/tanzania/8134841/Tanzanias-first-elected-albino-MP-fears-for-his-life.html>, (2010)



skin color. Unlike Hon. Abdallah Posi who was appointed by the president, Hon. Salum Khalfan Barwany was elected by the people to represent them in the parliament.<sup>239</sup>

To show that the problem facing PWAs is on a large scale the MP himself was not sure of his safety as they were people stalking him because of his albinism.<sup>240</sup> Although, there have been few MPs with albinism whether elected or appointed, now there is a deputy Minister with albinism, yet the attacks and atrocities remain constant.

Last year, few people have been sentenced to death after they were found guilty of killing a PWA in 2008.<sup>241</sup> Some other suspects are awaiting trials due to pending investigations. This is a step forward, since the beginning of the killings no clear punishments have been delivered.

Despite the challenges that the police force is facing, prior to March 2015, they managed to arrest about 200 unregistered witchdoctors.<sup>242</sup> Since the killings of PWAs started in the 2000s the main reason behind is being said to be witchdoctors who make people believe that a body part of a PWA would bring anyone luck.<sup>243</sup> However, the prosecution of the majority of arrested witchdoctors has not been ensued.

In another attempt to ensure PWAs get support instantly from the police, the police force distributed 350 handsets for free to PWAs and their relatives as a

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<sup>239</sup> Ibid

<sup>240</sup> Supra, note 198

<sup>241</sup> BCC, 'Tanzania albino killers sentenced to death' <http://www.bbc.co.uk/news/world-africa-31748400>, 2015, (Accessed 1 July 2016)

<sup>242</sup> [N. Gordon](http://www.theatlantic.com/international/archive/2015/03/Tanzanian-Police-Arrested-200-Witchdoctors-Linked-Albino-Murders-Kidnappings/387616/), Arresting the Albino Hunters, (Weblog), <http://www.theatlantic.com/international/archive/2015/03/Tanzanian-Police-Arrested-200-Witchdoctors-Linked-Albino-Murders-Kidnappings/387616/>, 2015, (Accessed 20 July 2016)

<sup>243</sup> Ibid

rapid response mechanism. The handsets were intended for PWAs to make calls to the police when they feel under threat or attacked by human hunters<sup>244</sup>.

There is a will from the police to support and protect PWAs. Shortage of resources hinder their ability, had two businessmen not volunteered to give 350 handsets for PWAs,<sup>245</sup> it would have been difficult for the police force to get information on the safety of PWAs and protect them from possible attacks.

#### **4.5. International Community**

The UN and some intergovernmental NGOs have recognized the challenges faced by PWAs including gross violations of human rights which are done to them, and the effect on PWAs of police corruption.

The UN as a role model of all human rights for everyone has extended its mandate to finally work with PWAs in its system. It was a year ago when the Office of the United Nations High Commissioner for Human Rights (Human Rights Council) appointed Ikponwosa Ero as a pioneer *“expert on the enjoyment of human rights by persons with albinism”*.<sup>246</sup>

Ms. Ikponwosa Ero has the mandate to coordinate meetings and discussions with relevant stakeholders including the UN members states and UN agencies among other institutions, to learn about the human rights situation of PWAs. Her mandate is to facilitate an awareness program on the human rights of PWAs

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<sup>244</sup> CellularNews, ‘Phones Donated to Tanzanian Albino Community’ (Weblog), <http://www.cellular-news.com/story/35446.php>, 2009, (Accessed 28 July 2016)

<sup>245</sup> Ibid

<sup>246</sup> The Office of the United Nations High Commissioner for Human Rights, ‘Independent Expert on the enjoyment of human rights by persons with albinism’ Human Rights Council, Res. A/HRC/RES/28/6

and promote inclusiveness of PWAs in the society as well as including gender participation.<sup>247</sup>

In June 2016 during a three-day forum in Dare Salaam, an action plan was made to combat the sufferings facing PWAs including witchcraft killings. This plan was backed up by the AU and the United Nations, both organizations that stand for peace and unity for all people and their right to live as humans<sup>248</sup>.

At an international level, the UN Human Rights Council and the African Commission on Human and Peoples' Rights respectively approved four resolutions between 2013 and 2014 to recognize the human rights of PWAs.<sup>249</sup> specifically addressing the right to life and security of PWAs, and provide a framework for implementation with objectives to reduce further attacks and segregation.<sup>250</sup>

For the second consecutive year now, there has been an 'International Albinism Awareness Day' to honour albinism and learn more about the condition.<sup>251</sup> This is also a UN initiative.

In recognition of physical and social challenges facing PWAs, the EU developed a bill of rights for PWAs to ensure their protection by the law. In article 10 this bill specifies that PWAs are equally entitled to access all the human basic needs such as education and medical care. And demands their protection under the law.<sup>252</sup>

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<sup>247</sup> The Office of the United Nations High Commissioner for Human Rights, 'Mandate of the Independent Expert'

<http://www.ohchr.org/EN/Issues/Albinism/Pages/Mandate.aspx>, 2015, (Accessed 20 July 2016)

<sup>248</sup> Ibid

<sup>249</sup> The United Nations Human Rights Council, HRC resolutions 23/13, 24/33 and 26/10, 2013

<sup>250</sup> African Commission on Human and Peoples' Rights, ACHPR resolution 263, 2014

<sup>251</sup> The UN General Assembly resolution 69/170, 2014

<sup>252</sup> LHRC, Human Rights Report of Tanzania 2012, Pg. 36

In September 2013 the UN General Assembly dedicated one of its 24 sessions to a discussion on attacks and discrimination against PWAs. The Office of the United Nations High Commissioner for Human Rights (OHCHR) passed the resolution 23/13 which urge states to take measures *“to protect and preserve the rights to life and security of persons with albinism, as well as their right not to be subject to torture and ill-treatment, and ensure their access to adequate health care, employment, education and justice”*.<sup>253</sup>

Mag. Martin KREUTNER in his speech during the Inaugural Conference 02 September 2010 at IACA asserted that corruption is an interlinked phenomenon. It requires efforts from all stakeholders in society to fight collectively.<sup>254</sup>

At the same event, the UN Secretary General acknowledged that corruption is no longer business as usual, thus endorsing IACA’s role in meeting the need to fight corruption through the transfer of knowledge and experience.<sup>255</sup>

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<sup>253</sup> The Office of the United Nations High Commissioner for Human Rights (OHCHR), Re. 23/13, 2013

<sup>254</sup> Kreutner Martin, address (Chair IACA International Steering Committee) at the Inaugural Conference 02 September 2010 of IACA.

<sup>255</sup> UN SG remarks to inaugural conference of the IACA, Vienna, 2 September 2010, UN, [www.un.org/sg/statements/?nid=4749](http://www.un.org/sg/statements/?nid=4749) (accessed 27 July 2016)

## Chapter V

### Interviews Analysis

For the purpose of this paper, a thematic analysis will be conducted from the transcribed interviews and use passages to support the qualitative data of the report. This result section examines the PWAs experience of safety and the response of the police in protecting them from harm.

The Interviews were conducted with four PWAs and four Police officers. A different set of question was developed for each group. Participants were randomly chosen to participate in the interview. Their names are withheld to protect their confidentiality. The two main themes are ‘the right to life and security for PWA’ and ‘the response by the police’

#### 5.1. Interviews with the police force

This part will capture the response by the police regarding the violation of the right to life for PWAs. Although the police believed that they do all they can to protect all citizens with their properties. Participant 1 said:

*“It is our responsibility and we are directed on the places to go in order to protect the whole society. We do not only protect PWAs but the whole society. If the police force, protect only PWAs that would lead to discrimination and exclusion”.*

Participant 1 continued:

*“. . .it is a responsibility of the society to speak out against PWAs stereotyping or slurs in the community, change the mindset on how they view PWAs and collectively protect them”.*

Participant 2, also stated that most cases involving PWAs that require investigations are not effectively dealt with by the police:

*“We are dependent on other organs such as chemists and forensic experts in order to conduct thorough investigations. However, the majority of people are usually not satisfied with court rulings if it is not in their favor. But, the police is doing its job as required.”*

Participant 3 shared the same thoughts. Being an ordinary police can be challenging due to shortage of resources:

*“We are few in numbers, we cannot be everywhere in Tanzania. The society needs to play their part in protecting fellow members of the community rather waiting or blame the police when PWAs are being attacked. Everyone can be the police.”*

## **5.2. Interviews with PWA**

This aspect captures the participants' experience of having albinism and how that affects their right to life and security. This will encompass feelings, reality, vulnerability and frustration, and hopes.

The majority of respondents who are PWAs and their relatives admitted that the right to life and security for PWAs has increasingly been under threat in recent years. The fact that the media is openly reporting incidents, has contributed to community members involvement in finding out news regarding the safety of PWAs.

In general, PWAs feel marginalized and targeted for their body parts, so they need to be specifically protected and guaranteed life and safety. One of the respondents said

*“.....I am not sure of my safety, especially at night. It is becoming difficult to trust people. I am vigilant of who can be my friends. Every time I hear a PWA has been attacked or killed then I am reminded of how not safe I am. I have reported to the police twice about my safety being under threat. And a recent one, it happened only two months ago when a lady asked to share the ride with me. I refused to let her in my car, but I noticed that they were in another vehicle and started to follow me. So, I reported to the police and the police were so helpful that they escorted me home. I think the police force is more alerted these days than before.” (Participant 4, Moshi)*

Another respondent went on saying:

*“I cannot say that I am completely safe, I am sometimes nervous about my life as I am one of the targets. In the past, the targeting, ambush, and killing of PWAs was only happening in rural areas but these days even in towns PWAs may fear for their lives. I am also not safe because I am an advocate speaking on behalf of PWAs. It should be seen as something positive but it may not be. I remember a few years ago when we were marking UTSS day I organized a press conference to speak about the situation facing PWAs. I gave them statistics: 72 deaths of PWAs and 33 PWAs seriously injured and about 18 graves were molested. The next Monday, the armed police force was at the office wanting to interrogate me for the data I provided regarding the statistics I provided...”*

Participant 5 believes that the judiciary system is discouraging PWAs and dilutes efforts made to combat atrocities against PWAs in Tanzania.

*“I fear for my life on a daily basis and it started about ten years ago. I reported the threat to the police in 2008 when a person asked to purchase my hair, so I asked the police to set up a trap so that they can catch him. However, the way cases are investigated is disappointing for PWAs, as they do not go to the roots of the atrocities.”*

This made the respondent, consider that the element of corruption within the judiciary system:

*“In my experience, the judicial system doesn’t respect all people according to the HR standards; usually, they are the ones asking for bribes and delaying people’s cases? In most cases, people with money win cases in courts unlike poor people, even when a poor person has the right. Most of the court officials own cars, where do they get the money considering that their monthly salary cannot buy even a motorbike?”*

However, Participant 6 had a different opinion from his colleagues. He has never experienced any threat to his life and he believes that the police do their job properly in protecting all people:

*“The police force does their job, the problem is with the society itself. Some people are afraid of giving evidence even when they may have witnessed an attack against a PWA. They fear revenge for themselves or their families. The police cannot do their job alone, and this provides loopholes for the aggressors.”*

The crucial point is that PWAs have difficulties – for example, living in fear – because they don’t know when they can be attacked. And, there is no appropriate structure to help them. Several PWAs assume that the police should protect and support them, including this respondent who said:



*“The police treat people differently especially the way they treat prominent people is different from how they treat ordinary people. The police do not bother to take special measure in protecting PWAs, nor does the local government. I know there are some limitations within the police, for example, there are few staff to reach the whole population of Tanzania. But, the problem is not that PWAs need special protection, but the police force needs to be proactive to protect all PWAs and those who are under threat.”*

Another PWA continued to explain his disappointment about poor response from the police:

*“The police do not take special measure in protecting PWAs, in most case they do not even know how many PWAs reside in a particular area. It is not possible to protect a person when you don’t know them. In general, I have been received well at the police stations because I have contacts but it is not the same when you don’t know anyone at the police station. One time, a colleague PWA was at the police station and no police seemed to care about him until I called a police officer that I know, then he was able to get assistance”.*

Some of the respondents pointed out that most PWAs suffers the atrocities in the society because they are poor and uneducated.– this requires more and deeper exploration to understand the paradigm.

## **Chapter VI**

### **Conclusion**

This thesis was set out to inquire the contribution of police corruption to the continuing killings of PWA in Tanzania. Furthermore, the paper discussed to what extend the right to life and security for PWAs is respected and protected in Tanzania.

Throughout the literature review, it was established that false belief and witchcraft are the number one cause of the killings of PWAs in Tanzania.

The response of the police force in protecting the right to life and security of PWAs was contradictory to the response of PWAs. The police officials believed that they do protect citizens and their property as required by the law without distinctions. When PWAs were interviewed for this paper, most of them had the opinion that the police officials are not doing enough to stop the killings. Some of the police officials, when interviewed for this paper, claimed to be understaffed and to be lacking resources, which is hindering their ability to protect the population including PWAs.

Circumstantial evidence shows that police corruption constitutes one of the factors contributing to the violation of the right to life of PWAs. The fact that the police officers are underpaid and some suspects of the PWAs killings are influential people such as politicians and big businessmen, indicates the unsatisfactory response of the police regarding this issue because politicians and businessmen can buy their way out.

The evidence established in this paper shows that PWAs have not benefited enough from the existence of the 'Witchcraft Act of 1928', despite the fact that it should protect the life of PWAs from witchcraft killings: PWA continuously suffer from the negative practice of witchcraft and the Witchcraft Act is not having the anticipated impact.

The justice for PWAs cannot be shown by only making policies and laws without putting adequate infrastructure to support the needs of PWAs and protect their right to life.

### **Recommendations:**

This chapter will look at some recommendations to improve the safety of PWAs in Tanzania and increase police effectiveness in dealing with attacks and or killings of PWAs. The police force needs to come up with a specific program to protect PWAs and involve the citizens through a community policing. Most of the respondents acknowledged that there are opportunities to foster security of PWAs.

The stereotypes hostile to PWAs are held within both society and the police force. Awareness education is needed for both the society and the police force. It is important that the police do not discriminate against PWAs based on their skin color.

Furthermore, there is a need for more police stations with the working resources including staffing, patrol cars and trainings. Lack of resources is hindering the competence of the police in fulfilling their duties. It becomes difficult for the police to combat the crimes against PWAs.

There is a need for empowering the police through training to conduct a thorough investigation regarding PWA cases. It was mentioned earlier by the Economist that in Malawi the police officers let a potential criminal go away just by paying 29\$ after he was found with human bones. Any competent, police officer would have investigated further.

Perhaps the police force not only in Malawi but also Tanzania is lacking this important aspect of investigation which is an important step towards justice.

Despite the rise of witchcraft in Tanzania, not a single witch doctor has been taken to court. Yet there has been a statute in force since 1928. Therefore, it is important to enact new laws that will address the issue of attacks and discrimination against PWAs.

This will empower not only PWAs but also the police who will be able to arrest witchcraft users under this new law.

It has been noted that the society is not cooperating with the police or investigating teams when attacks on PWAs occur. The citizens fear what would happen to them later. They are not sure of their protection as witnesses. The criminals may be powerful and able to threaten citizens trying to support community policing.

To address this issue, there is a need for a **Witness Protection Act**. So, that witness can be assured of their safety when giving evidence in cases of attacks or killings of PWAs.

The attackers or human hunters live within the society, people know them but they fear the outcome if they agree to give evidence.

The concept of human rights if not translated into a simple language belongs just to the elites. PWAs who are mainly not well educated need to be enabled to assert their human rights. For instance, there is a story of a boy with albinism who complained of the harshness of the sun, but he was told he will get used to it.<sup>256</sup>

Perhaps the society is not aware of the consequences of the heat for PWAs, and the risk of skin cancer. That is why it is important for awareness education on the issues surrounding PWAs to the whole society.

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<sup>256</sup> IFRC, Through albino eyes: The plight of albino people in Africa's Great Lakes region and a Red Cross response, Advocacy report, 2009, p.9

In times of emergency, people need to know who they can call for a help. In other countries such as the USA, there is 911 where people can call in case of emergency to get a proper support according to the issue at hand. In Tanzania, there is 112 number which is supposed to be an emergency number but it is never working at any point in time.

There is a need for the establishment of a hotline that PWAs can call at any time for assistance should there be a potential attack or a threat of physical harm. This could be a significant shift of emphasis from reaction to prevention.

One of the police officers interviewed for this thesis, stated that they are interdependent on other functions such as eg. chemists, DPP, and forensic department.

It is important that the forensic department for DNA and human body parts is established in the police system so that they can investigate criminal cases and PWA attacks in a timely and thorough way.

There is a **gender desk** at most police stations in Tanzania to deal with issues of GBV and violations of children's rights. However, there is no desk to deal with the discrimination that PWAs are facing in society. There is a need either for a new desk or for the incorporation of PWA issues within the gender desk. So that they feel acknowledged at the police station.

Terror engenders fear and survivors experience distress and trauma. One way of acknowledging and dealing with this could be the establishment of counseling services.

In Tanzania the saying is that if you are educated you are working in the office. If not you are working in the sun. This is a reality to most of the PWAs who are

uneducated and despite the threat to their health they are obliged to work in the sun.<sup>257</sup>

The government needs to establish training centers for PWAs based on their skills and interest. So that they don't have to work in the sun exposing them to the risk of skin cancer.

To sum up, the accountability measure on discrimination of PWAs has to be collective. Not just the government or the police force that needs to be accountable for the attacks or killings of PWA but the whole society at large.

The media is an important player in minimizing or escalating the attacks and killings of PWAs depending on how they report. In most cases, when a PWA has been attacked or killed most of the coverage in national and international media increases stigma and discrimination against PWAs. For example, when they report the cost of a set of PWA body parts.<sup>258</sup>

Putting a price on the human body is derogatory and discriminatory. This might also tempt other potential criminals to do the same. Ideally the media could establish the code of conduct for dealing with these cases.

The government needs to be informed of the needs and challenges facing PWAs. It is important that local NGOs and international NGOs such as UTSS research and expose issues surrounding PWAs. PWAs can live in a better Tanzania when everyone would protect each other.

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<sup>257</sup> IFRC, Through albino eyes: The plight of albino people in Africa's Great Lakes region and a Red Cross response, Advocacy report, 2009, p. 14

<sup>258</sup> F. Drury, 'Hunted down like animals and sold by their own families for £50,000: Tanzania's albinos hacked apart by witchdoctors who believe their body parts 'bring luck' in sick trade 'fuelled by the country's elite' (Weblog), <http://www.dailymail.co.uk/news/article-2922243/Hunted-like-animals-sold-families-75-000-Tanzania-s-albinos-hacked-apart-witchdoctors-believe-body-parts-bring-luck-sick-trade-fuelled-country-s-elite.html#ixzz4Fh9wdgUQ> , 2015, (Accessed 24 July 2016)

The statement of the Foreign Minister Hon. Augustine Mahiga during a closing ceremony of a three days forum on Albinism in Africa, June 2016.

*“The government acknowledges its ignorance about the needs of the PWA in Tanzania. But the gov is committed to working together with all stakeholders to ensure that PWAs live safely”*

**The message of the President of the URT, H.E. Dr. John Pombe Magufuli (2015-2020), regarding the killings of PWAs:**



The President argued Tanzanians:

“The police force and various stakeholders, let's join hands. Together we can end the killings of PWAs.”

## **Appendix I: Questionnaire**

### **Questionnaire (For PWA and the Police)**

**ASSESSMENT ON THE IMPLICATIONS OF CORRUPTION WITHIN THE POLICE IN  
TANZANIA: TO WHAT EXTENT DOES THIS INFRINGE ON THE RIGHT TO LIFE  
AND SECURITY FOR PERSONS WITH ALBINISM AS PER ARTICLE 14 OF THE  
CONSTITUTION OF THE URT.**

General information

Age:

- ☐ < 18 Years
- ☐ 18-29 Years
- ☐ 30-39 Years
- ☐ 40-49 Years
- ☐ 50-59 Years
- ☐ > 60 Years

Tribe:

Current security status for a PWA (if applicable):

1. How often do you feel under threat for being a PWA?

- ☐ Daily basis
- ☐ 1-3 times a week
- ☐ -1-3 times a month
- ☐ Rarely/ Never



2. When did you start fearing of your safety or report to the police for being under threat?

- ☐ 0-1 years ago
- ☐ 1-2 years ago
- ☐ 3-5 years ago
- ☐ More than 5 years ago
- ☐ More than 10 years ago
- ☐ Never:\_\_\_\_\_

3. How would you describe the response from the police?

.....  
...

(i) Are the police accessible at the working station?

Without giving/requesting informal payments or gifts to the police

Very bad -1 2 3 4 5 – Very good

I don't know/ Not applicable

When offering informal payment or gifts to the police

.....

Very bad -1 2 3 4 5 – Very good

I don't know/ Not applicable

When a police is requesting informal payments or gifts

Very bad - 1 2 3 4 5 - Very good

I don't know/ Not applicable

(ii). The professionalism of police

Without giving/requesting informal payments or gifts to the police

Very bad - 1 2 3 4 5 - Very good

I don't know/ Not applicable

When offering informal payments or gifts to the police

Very bad - 1 2 3 4 5 - Very good

I don't know/ Not applicable

When a police is requesting informal payments or gifts

Very bad - 1 2 3 4 5 - Very good

I don't know/ Not applicable

(iii) The availability of support/ security from the police

Without giving/requesting informal payments or gifts to the police

Very bad - 1 2 3 4 5 - Very good

I don't know/ Not applicable

When offering informal payments or gifts to the police

Very bad - 1 2 3 4 5 - Very good

I don't know/ Not applicable

When a police is requesting informal payments or gifts

Very bad - 1 2 3 4 5 - Very good

I don't know/ Not applicable

4. Tick if you are familiar with any of the below hypothetical situations:

- Do the police serve the community and protect all persons against unlawful acts? **Yes/No**

- Are the police unlawfully discriminate on the basis of skin color, gender, religion, language, political opinion, national origin, property, birth or another status when serving the community? **Yes/No**

- Do the police enforce certain special measures designed to address the special status and needs of people with albinism in accordance with human rights standards? **Yes/No**

5. How would you describe the competencies and services offered by the police?

- ☐ Highly competent, true professionals
- ☐ Competent with a willing to improve the general security
- ☐ Incompetent, unwilling to improve the general security
- ☐ Unprofessional, solving issues through corrupt practices
- ☐ Other: \_\_\_\_\_

6. I give small attentions (gift, small amount of money) to the police to obtain (better) services:

- ☐ Never
- ☐ Very rarely
- ☐ Sometimes
- ☐ At the end of my consultation/treatment

☐ Every time I have the chance

7. Tick if you think that the giving and taking of informal payments or gifts is widespread among the following situations:

☐ For police reporting

☐ For security assistance and support

☐ For having a special protection

8. Police can help you access special protection or security if you provide small attentions such as gifts, informal payments, bribes or other?

☐ Yes, always

☐ Yes, sometimes

☐ No, never

☐ I am not aware

9. On a scale from 1 to 5, which of the following services you think the police should improve?

(i) Police reporting (PF3)

No need for improvement - 1 2 3 4 5 -Improvement very much needed

(ii) Availability of special protection to persons with albinism

No need for improvement - 1 2 3 4 5 -Improvement very much needed

(iii) In case you encounter corruption is there a system to report the matter?

No need for improvement - 1 2 3 4 5 -Improvement very much needed

(iv) It is safe to report (police) corruption?

No need for improvement - 1 2 3 4 5 -Improvement very much needed

(v) Reports on (police) corruption are properly followed up by the relevant authorities?

No need for improvement - 1 2 3 4 5 -Improvement very much needed

(vi) The police taking responsibility to protect people with albinism.

No need for improvement - 1 2 3 4 5 -Improvement very much needed

10. Tick if you experienced at another police station in Tanzania any of the following:

- ☐ Poor customer care by the police
- ☐ Police officer that requested informal payments or gifts
- ☐ Police officer that accepted, if offered, any informal payments or gifts
- ☐ The availability of security and or follow up only after informal payments or gifts to the police.
- ☐ Not applicable

11. Are you satisfied with the general security services provided by the police:

- ☐ Yes
- ☐ No
- ☐ No comment

12. Is it the first time you complete a form regarding the general services of a police?

- ☐ No, I completed other questionnaire(s) in this regard before
- ☐ I answered some questions for the monitoring experts or national observation mechanisms evaluating the police

☐ Yes, it is my first questionnaire in this regard

☐ Other: \_\_\_\_\_

13. Please add any additional comments you may wish to add:

.....  
...

14. If you would like to receive an outcome please provide one of the following ways of communication where we can reach you! (It is optional):

E-mail:

Address:

Telephone number:

Thank you very much for your time!

### **For the police**

•Are you familiar with the community you serve?

No - 1 2 3 4 5 - Yes, Very much indeed

• Do you meet with leaders and representatives of albino communities?

No - 1 2 3 4 5 - Yes, Very much indeed

• Do you participate in foot patrols and community service activities in albino diverse neighborhood?

No - 1 2 3 4 5 - Yes, Very much indeed

• Do you speak out against albino stereotyping or slurs in the community, and in the police station? Or did you hear a fellow colleague speaking about the issues above?

No - 1 2 3 4 5 - Yes, Very much indeed

- Do you participate in albino/race-relations training programmes offered by your service?

No - 1 2 3 4 5 - Yes, Very much indeed

- Do you speak to minority group members in the communities you serve, to learn their needs, complaints and suggestions?

No - 1 2 3 4 5 - Yes, Very much indeed

- How do you ensure that the investigation on cases of PWA being killed or attacked is competent, thorough, prompt and impartial?

No - 1 2 3 4 5 - Yes, Very much indeed

- How does the investigation on cases of PWA being killed or attacked serve to identify victims; recover evidence; discover witnesses; discover cause, manner, location and time of crime; and identify and apprehend perpetrators

No - 1 2 3 4 5 - Yes, Very much indeed

- Do victims receive all necessary legal, material, medical, psychological and social assistance? Yes/No

No - 1 2 3 4 5 - Yes, Very much indeed

- Please add any additional comments you may wish to add:  
.....

**(Source:** Office of the United Nations High Commissioner for Human Rights (OHCHR), Professional Training Series No. 5/Add.3: Human Rights Standards and Practice for the Police, UN, 2004, pg. 11, 53, 58, 59.)

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