

Human Rights Council - 49th Session Outcome of the Universal Periodic Review – Tanzania

Thank you Mr President.

Action Canada makes this statement on behalf of The Southern Africa Litigation Centre, an anonymous human rights defender from Tanzania and the Sexual Rights Initiative.

We regret that Tanzania did not receive any recommendations on the rights of sex workers, and note with concern Tanzania's inconsistent approach to recommendations on VAW/ GBV and domestic violence - seemingly noting those recommendations that explicitly implicate marginalised groups such as LGBT people, marital rape, or advocate additional scrutiny of violence in the family.

Tanzania criminalises most aspects of sex work, completely denying sex workers' agency and the rights to bodily autonomy and to work. It enforces colonial era "morality clauses," designed to regulate black peoples' bodies, and vagrancy laws which, per the African Court, "effectively punish the poor and underprivileged, including but not limited to the homeless, the disabled, the gender-nonconforming, sex workers, hawkers, street vendors, and individuals who otherwise use public spaces to earn a living."

The consequences of this criminalisation are far reaching, and sex workers in Tanzania face significant risks to their safety, health, liberty, and human rights - including arbitrary arrest, extortion of money, property and/or sex, physical and sexual violence, denial of access to necessary healthcare whilst in police custody, including antiretrovirals, and barriers to accessing SRHR services.

Sex workers in Tanzania experience significant stigma and discrimination, including negative stereotyping as vectors of disease, and scapegoating for various social ills. This hampers sex workers' ability to secure housing as landlords refuse to accept their rent as proceeds of sex work and they struggle to access social and public services, lines of credit, and municipal funds.

We urge the government to urgently:

- Fully decriminalize sex work by repealing the Penal Code provisions criminalizing acts associated with sex work.
- Place a moratorium on the arrest and harassment of sex workers under vagrancy laws
- Revise and harmonise national legislation in line with regional and international human rights instruments, including the African Charter on Human and Peoples' Rights and the Maputo Protocol.
- Meaningfully consulting with sex workers to ensure all health services, including sexual and reproductive health services are available in a confidential, respectful, and non-judgmental manner.

Thank you