



**SITUATIONAL ANALYSIS REPORT ON THE VIOLATION AND DISCRIMINATION OF  
TRANS, INTERSEX, AND GENDER DIVERSE PEOPLE'S HUMAN RIGHTS IN  
TANZANIA 2018-2019**

**Background History**

Since President John Magufuli's election in 2015, there have been unresolved security concerns for Tanzania's LGBTIQ+ community. Since his election, the government has engaged in a so-called moral crusade that has magnified discrimination against the LGBTIQ+ community. The regional commissioner, Paul Makonda, along with the ministry of health and the law's prohibition on having carnal knowledge of any person in violation of the order of nature has been used to discriminate against the community.

When it comes to the fight against homosexuality, trans people have been the most affected, primarily because it is related to their gender identity. As a result, when someone is perceived to be male and female, they are assumed to be gay and to have had carnal knowledge, and vice versa. As a result, trans people are arrested and discriminated against.

This report will concentrate on the security situation of trans people in Tanzania. Intersex and gender diverse people are almost nonexistent, as they do not interact as much with the trans community.

Paul Makonda, the regional commissioner of Dar es Salaam, one of Tanzania's most populous cities, officially launched a crackdown on the LGBTIQ+ community in October 2018. He urged the public to report anyone they suspected was a member of the LGBTIQ+ community. He even boasted on social media about receiving messages and names from people perceived to be members of the community. Although his focus was on gay people, trans people, especially transwomen, were the



most affected because of their visibility in terms of gender expression. Some were forced to seek refuge in neighbouring countries, such as Kenya.

### **Response from the international community**

In November 2018, the United Nations High Commissioner for Human Rights, Michael Bachellete, expressed concern about the two-year-long crackdown in Tanzania. According to Michael, the LGBTIQ+ community has already faced increasing violations, discrimination, and harassment of their rights. According to the commissioner, this could give the government and its citizens permission to commit acts of violence, intimidation, bullying, and harassment against the community.

### **M-Pact Statement**

M-Pact issued the following statement in solidarity with the LGBTIQ+ community in November 2018.

Tanzania's Ministry of Foreign Affairs stated over the weekend that Makonda's plans are his "personal opinion and not the position of the government." However, the statement did not specify what steps the government intends to take with the already gathered names and information, nor did it demand that the Regional Commissioner cease his actions. The failure of the Tanzanian government to take clear action against Paul Makonda fosters an environment of impunity for violence against LGBTIQ+ people. On the same day that the Ministry of Foreign Affairs issued the statement, ten men accused of homosexuality were apprehended at UROA (Pongwe Beach) in Unguia's south region. Similar arrests have increased in recent months, frequently without sufficient evidence or due process. As signatories to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, and the Universal Declaration of Human Rights, the governments of Tanzania and Zanzibar must meet their obligations to protect their citizens and fulfil their mandate when it comes to the human rights of all people.

We, the undersigned human rights defenders, working to advance societies throughout the world that affirm the diversity of all people, human rights, choice, and agency, hereby demand the following:

To the Governments of Tanzania and Zanzibar:

1. Immediately halt the actions of Paul Makonda and disband the task force, and ensure any information or data collected on suspected LGBTIQ persons is confidentially destroyed.



2. Immediately release all individuals who have been arrested because of the crackdown and ensure their rights are respected, including due process and access to legal representation.
3. Condemn the threat to publish names of suspected LGBTIQ people, all forms of hate speech, and all other efforts to incite violence.
4. Disavow the use of pseudo-scientific "anal examinations" as evidence for same-sex behaviour, and do not subject any person to this or similar humiliating treatment.

To International Donors to Tanzania:

1. The U.S. President's Emergency Plan for AIDS Relief (PEPFAR), the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and the World Bank should continuously assess the human rights environments of all countries, including Tanzania, as part of their due diligence when determining the eligibility, feasibility, and risks of funding. Crisis and violence contingency plans should be developed and budgeted in close consultation with communities most affected by criminalization, stigma, discrimination, and violence at the country level.
2. Global funders should proactively invest in human rights interventions and protections for LGBTIQ people and other key populations in Tanzania and ensure that all funded services and programs in Tanzania are stigma-free. Future or supplementary funding should undergo due diligence checks that include ongoing assessments of the country's human rights conditions.
3. Member States, UN agencies, and other multilateral institutions should publicly condemn Paul Makonda's hate speech and actions and continue to raise awareness and increase pressure on the Government of Tanzania to act.
4. Embassies and consulates in Tanzania should open their doors to LGBTIQ community members who are facing severe threats to their safety and security.
5. Make available emergency funding for the creation of safe houses across the country and legal assistance for individuals facing arrest.
6. Coordinate responses among other donors and maintain regular and timely communication with communities.



## Stories from Transmen and Transwomen in Tanzania.

### A story from M, a transwoman arrested at a bar.

One day on a weekday, we were at a local bar with other transwomen and our regular clients when, at around 1 a.m., some police came to confirm why the bar was not closed according to the laws of Tanzania. They started questioning the clients, asking why they were still at the bar at that time instead of dealing with the owners directly. They decided to arrest the clients of the bar, and this is when they realized that transwomen were among the clients. They started questioning our expression, and this immediately changed to them harassing us. They would touch us on our private parts and chests, making fun of us. They took us into custody and put us with the men. After questioning us separately and realizing our differences, they needed us to bribe them to be released. They mentioned a large amount of money that we were not able to afford, and they asked us to have sex with them, which we had no option for as we were afraid that morning would come and still get us in the station, which would even be more dangerous being seen in the daylight as visibly trans. We were subjected to sexual violations, and later that night we were released.

Living in Tanzania as a trans woman is very difficult in day-to-day life. I cannot have a normal life like every other Tanzanian citizen; I must be in hiding most of the time, and this proves to be very difficult. I am limited socially, which leads to depression and suicidal thoughts as I feel like I am not warranted of life.

### A story by Rs (Transman): Undressed at the Airport

I have been travelling several times, but this time everything was just messed up. It still feels like a dream to me. When I got to the airport, the authorities went through my travel documents as per usual and noticed that my gender marker and my name did not match my physical appearance; in essence, the names in my passport were female and my appearance was male; this made them suspicious of me and led them to search me thoroughly. While they were doing this, they scrutinized my genitals and my chest area, and they concluded that I am a female who is not fully developed.

This was traumatizing and uncomfortable. I tried explaining to them that this is the way I was born, but still, they could not believe it. I was asked to leave my national identity card, my voter's card, and a photocopy of my passport, as they would want to have further discussions with me when I came back from wherever I was travelling to.



**A story by D, a transwoman; a carnal knowledge test**

I am a proud and openly visible transwoman when it comes to my physical presentation. I was working with an organization called THPS, which deals with HIV testing, counselling, and treatment for youth, sex workers, and LGBTIQ+ people in general, in my region with a friend who was also like me, and the governing body in my region knew about this. The village leader, a 50-year-old woman, had issues with me, particularly because she heard rumours that I was dating her young boyfriend, which is untrue. The rumours started when one day I was seen greeting the young man, and because of my expression, it was alleged that we had an affair.

One day from work, as I got home, a motorbike came to my house, and the guy said that I was summoned by the OCS of my region, and I innocently went as if I had done nothing wrong. On getting there, I met my friend Y, who had also been summoned; we were harassed, yelled at, and taken into custody. We stayed there for the whole weekend, and by Monday we were almost 17 people, including older men.

A lawyer came to question our arrest, and when reasons were given, I realized it was because of the alleged affair with the person I had greeted. They said we are gay; they even took us to a hospital where they tested us to see if we had carnal knowledge. This was a public hospital; we were with the police, and it was traumatizing and painful. Some of those arrested could not even sit down afterwards because they would use metallic objects while performing the tests.

We had to wait for the results there in the hospital while the public looked at us and laughed, taking photos of us. After that, they took us back into custody. Luckily, we got some help, and we were taken to the Canadian Embassy, but some of the people were scared and left for their homes. A few of us accepted we were questioned, and I was the only one who accepted and is now seeking asylum.

**A story by Ob-Transman; rejected by family.**

My family has always had issues with me because of my gender expression, and at one point they even took me to a traditional priest to pray the maleness out of me. Despite all this, they still tolerated me, and I would still stay at home. When Makonda announced the crackdown, I was forced to get out of the home. My family said that they could no longer live with me unless I changed my ways, dressed femininely, and used my birth name.



They said they did not want to associate with me, so they disowned me. I could not go to my relatives, as this was the same for them. I had to sleep in the streets for a couple of weeks before I got a friend who agreed to accommodate me for a while as I found my way. I still have challenges, as I cannot get close to my family for fear of persecution. I did not even attend my grandfather's burial. It hurts me every day because I love my family.

**A story by H. Transman: Forced Marriage**

My family had a sitting one evening, and I was summoned, and to my surprise, they had arranged a marriage for me. This is according to the Islamic law called Sharia, where a woman can be forced to marry when she gets to a certain age. My parents were the ones who had the responsibility of choosing a husband for me.

My parents told me that I was a disgrace to the family and that the locals were not respecting my family simply because I was not engaged to or married to any man. They told me they had met this man, who was suitable and had money, and this would make the family respected.

I had to run away from home and come up with excuses for going to Dar es Salaam. I said I still had courses to do, so I needed time. It was hard for a couple of weeks because I had to finance my stay in a hotel for my hiding. I am still worried that soon, this is going to be problematic. I have heard that there are men put in place to rape me whenever I am seen near my home.

**A story by—Transwoman; Hardship in Activism**

Imagine coming out as a transwoman and working as an activist in a country where homosexuality is criminalized with a maximum sentence of life imprisonment and having no permanent home, no office, no computer, and no phones. I have been working as an activist for the last three years, but I find it difficult to do what I should because of limited resources.

My parents forcibly took me to a testing centre, and when they realized I was HIV positive, they chased me away from home. I was infected because I was raped while doing my usual sex work. The client I had called other men, who came in and raped me, and this is how I got infected.

I had to find a means of living and started doing activism work, but it is proving so hard here in my country, as I am on the verge of fear all the time. I can be arrested at any time for my work, and having fewer resources makes it even worse.



**Other comments from trans people in Tanzania include:**

We, the trans people in Tanzania, have asked our government to review the penal code and other laws and remove sections that criminalize homosexuality because such criminalization of a class of citizens is conditional.

**Section 3 of Chapter 12 of our Constitution** states that all persons have the right to equality, humanity, identity, and respect. **Section 3 of Chapter 13** states that all persons are entitled to equal protection under the law and prohibits any law that will discriminate because of their status. **Section 3 of Chapter 29** states that every person in Tanzania has the right to enjoy fundamental human rights and the rest of those rights.

We, as trans people in Tanzania, claim protection under the constitution.

- We believe that fundamental human rights include the right to freedom of expression and the right to be heard.
- The right to equality under the law
- The right to walk down the street without being subjected to violence.
- The right to be recognized and accepted for who we are.
- The rights to equal access to education, employment, and health care

**A comment from a transwoman**

I would like to bring you some updates from Tanzania at this moment when the government continues to violate human rights and create an atmosphere of violence, intimidation, and discrimination against and harassment of trans people in Tanzania. The state of human rights and the rule of law in Tanzania is deteriorating and inhibiting peace and security. This makes trans people fear being arrested and being subjected to humiliation by undergoing a pseudo-scientific examination for evidence of carnal knowledge.

I have learned to avoid confrontation and maintain a low profile, which helps especially in a country where there is no rule of law. I also work to show the message through my social media to make sure the word gets out and let the world know how dangerous it is for trans people in Tanzania.



Our main demand is that the government act decisively to safeguard all people by the constitution. The trans community in Tanzania still needs support in legal issues, training, counselling, referral for HIV testing and treatment, and relocation for those who were forced to flee.

The political environment is still hostile, but we are trying to overcome it. But please continue standing with trans people in Tanzania and the LGBTIQ+ community in this and help us build a strong movement that will ensure the general well-being of trans people in Tanzania.

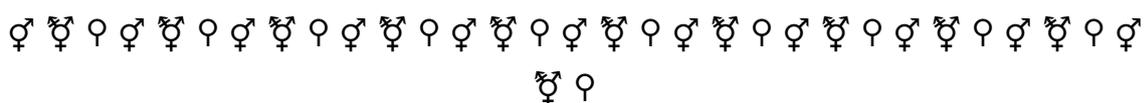
**We are not safe, but we refuse to be invisible.**

The country's attempt to target trans organizations and individual activists who are leading the fight for equality in Tanzania is just one example of how the fight for trans rights is under threat and trans people are not safe in this country. The interior minister's threat to arrest and charge anyone associated with organizations and institutions that advocate for the interests of homosexuals.

The criminalization of homosexuality and discrimination against trans people is illegal under articles 12, 13, 15, and 16 of the Tanzanian constitution, and restrictions on membership in LGBTIQ organizations are prohibited under article 20. The penalization of LGBTIQ people also violates articles 2 and 3 of the African Charter on Human and People's Rights, which Tanzania has signed and pledged to uphold.

Tanzania is a country where trans rights are not respected, and trans youth continue to be rejected by their families and the community at large, making it more difficult for them to enjoy fundamental human rights. As a result, they lose their families and do not access structural education, health care services, or other basic needs.

The Justice Minister announced new plans to suspend the registration of any charity or nongovernmental organization that supports or advocates for LGBTIQ+ people. Most trans people activists have not been trained in organizational, informational, and personal security, and they are not highly educated. They mostly work voluntarily with little knowledge they have. There is an urgent need for training trans activists and facilitating their having offices where they can run their activities effectively.



## **Research and reporting.**

We document many stories of harassment, including forcibly detaining individuals without charge, blackmailing trans individuals for release, and dismissing or disregarding complaints brought by trans people about harassment from others.

Defending and protecting trans rights in Tanzania has become the most dangerous job as all activists are threatened by authorities. Those who want to campaign for LGBTIQ rights should find another country that allows that, according to a statement made by the minister of home affairs.

We are forced to work underground and in hiding due to the current political situation in the country. Trans individuals are regarded as criminals and are hunted by authorities. They are arrested, tortured, and forced to undergo tests. Some healthcare providers are afraid to provide service to trans people out of fear that the government may shut down their businesses, which puts the trans community at high risk.

A transgender man was arrested in his own home and then required to pay some amount of money to be released after extensive physical torture over the course of three days, all the while telling himself that he needed to live like a woman. A transman in Dar es Salaam reported that he was arrested, and the police requested a bribe of 600,000 Tshs for his release.

## **Conclusion.**

Due to the current situation in the country, transgender people continue to decline to seek health care due to a fear of disclosing their identities to healthcare providers. Similarly, healthcare providers cite the criminalization of same-sex sexual conduct as a basis for denying services to trans people. Moreover, criminalization perpetuates stigma, and stigma prevents lawmakers from addressing trans-specific health needs.

The media is also used to damage the reputation of trans organizations and activists by publishing negative and misleading information about homosexuality in Tanzania to lower the reputation of people who spearhead the good work in the opinion of the right-thinking member of our society.

This is the main reason why we need to collect evidence of the transphobic violence and harassment that take place every day in Tanzania and Zanzibar. These types of violence occur throughout the country, but they go unreported due to fear of further harassment and a lack of communication



channels. The survivors are always afraid because they are sometimes threatened. This has occurred in schools, health facilities, homes, businesses, and even property owners have been targeted.

Evidence gathered and well-documented will be the only tool that can be used to advocate for trans rights in Tanzania before policymakers and law enforcers.

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- <https://www.amnesty.org/en/latest/news/2018/11/tanzania-10-men-arrested-inzanzibar-for-being-gay/>
- <https://mpactglobal.org/statement-of-solidarity-with-lgbtqi-people-intanzania/tatements>

### **Other Statements**

- Community, Rights and Gender Advisory Group for the Global Fund:
- UN High Commissioner for Human Rights: Tanzania must protect – not further endanger – LGBT people
- Pan Africa ILGA statement

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