



Eliminating Transphobia In East Africa Through Advocacy & Awareness Raising

TRM Drive, Roysambu
238 – 00300 Nairobi, Kenya
Email: info@eathan.org
Website: www.eathan.org
Tel: +254.711.897317

REPORT ON THE CURRENT SECURITY SITUATION OF ITGNC PEOPLE IN TANZANIA, ON THE VIOLATION AND DISCRIMINATION OF THEIR HUMAN RIGHTS 2018 - 2019

Background History;

Since President John Magufuli got elected in 2015, there has been unsettled issues of security when it comes to LGBTIQ people in Tanzania. In Tanzania, it is said that President Magufuli came to clean up homosexuality. Since then him and his government embarked on a so-called morality crusade that reinforces discrimination against the LGBTIQ community. President Magufuli and the Regional commissioner Paul Makonda, together with the ministry of health push for discrimination of LGBTIQ people in Tanzania, with support of the law against having carnal knowledge of any person against the order of nature that can lead one to be imprisoned for over 30 years.

Transgender people have been the most affected when it comes to this fight against homosexuality. This is mainly because, for Trans people it is mostly related to their gender expression. Hence when someone perceived to be male and presents female or acts female then they are assumed to be gay and this assumption also carries the assumption of the having had carnal knowledge and also someone perceived to be female and acts or presents as male are assumed to be lesbians. This leads to the arrests and discrimination of Trans people.

In this report, we are going to focus on the security situation of the Trans people in Tanzania. As for the Intersex and Gender Non-conforming people, their numbers are almost non-existent, as they do not engage so much with the Trans community.

In October 2018, the regional commissioner of Dar es Salaam, one of the most popular city in Tanzania Paul Makonda, officially initiated a crackdown of the LGBTIQ people. Makonda urged the public to report any person they thought were part of the LGBTIQ community. Although his focus was on the gay people, Trans people ended up being the most affected because of their visibility when it comes to expression of their gender. The most affected were the Trans women as some of them had to seek refuge in the neighbouring countries like Kenya. Makonda even boasted on the media of having received messages and names of people perceived to be from the LGBTIQ community.

Response from the International Community;

In November 2018, the UN High Commissioner for Human Rights Michael Bachellete expressed alarm over the crackdown situation that was on going in Tanzania. Already this had been on going for the past 2 years. Michael said, that LGBTIQ community had already



been subjected to growing violation, discrimination and harassment of their rights. The commissioner also said that this could give the government and its citizens the licence to carry out violence, intimidation, bullying and harassment of the LGBTIQ community.

In November 2018, M-Pact released a statement of solidarity as seen below;

Over the weekend, the Government of Tanzania Ministry of Foreign Affairs stated that Makonda’s plans are his “personal opinion and not the position of the Government.” However, the statement did not indicate what steps the government plans to take with the already collected names and information, nor has the Government of Tanzania demanded an end to the actions of the Regional Commissioner.

The failure of the Government of Tanzania to indicate clear actions against Paul Makonda creates a culture of impunity for violence against LGBTIQ people. In Zanzibar, on the same day that the Ministry of Foreign Affairs released the above-mentioned statement, 10 men accused of homosexuality were arrested at UROA (Pongwe Beach) in the south region of Unguia Zanzibar. Similar arrests of LGBTIQ people have soared in recent months, often without substantial evidence or due process.

As a signatory to the International Covenant on Civil and Political Rights, 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 fulfill 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 as a result 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 behavior, and 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), Global Fund to Fight AIDS, Tuberculosis, and Malaria, and the World Bank should continuously assess the



human rights environment of all countries, including Tanzania, as part of their due diligence when determining the eligibility, feasibility, and risks for 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 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 assessment 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 take action.
4. Embassies and Consulates in Tanzania should open their doors to LGBTIQ community members who are facing severe threats to safety and security.
5. Make available emergency funding for the creation of safe houses across the country and legal assistance individuals facing arrest.
6. Coordinate responses among other donors and maintain regular and timely communication with communities.

Stories from Trans men and Trans women in Tanzania;

A story from M – Transwoman; Arrested at a bar

One day on weekday, we were at a local bar with other Tans women together with our regular clients, at around 1 am, some police came to confirm why the bar was not closed according to the laws of Tanzania. They started questioning the clients asking as to 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 Trans women were amongst the clients. They started questioning our presentation and this immediately changed to them harassing us. They would touch us in our private parts and chest making fun of us. They took us in custody and put us together with the men. After questioning us separately and realizing our difference, they needed us to bribe them so as to be able to be released. They mentioned a large amount of money that we were not able to afford they asked us to have sex with them of which we had no option 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 violation and later that night we were released.

Living in Tanzania as a trans woman is very difficult on the day to day life. I cannot have a normal life like every other Tanzanian citizen, I have to be in hiding most of the time and



this proves to be very difficult. I am limited socially, this leads to depression, and suicidal thoughts as I feel like am not warranted of life.

A story by Rs – Transman; Undressed at the airport

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

This was really 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 and my voters 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 – Transwoman; Carnal knowledge test

I am a proud and openly visible transwoman when it comes to my physical presentation. I was working with an organization THPS that 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 woman aged 50 years had issues particularly with me because she had rumors that I was dating with his young boyfriend, which is untrue. The rumors started as 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 home and the guy said that I was summoned by the OCS of my region and I innocently went as I had done nothing wrong. On getting there I met my friend Y who had also been summoned, we were harassed and shouted at and taken into custody. We stayed there for the whole weekend and by Monday we were almost 17 people, including older men of 50 years.

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 really 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 were looking at us laughing and taking photos of us. After that, they took us back to custody.



My parents forcibly took me to a testing centre and when they realised I was HIV positive they chased me away from home. I was infected because I was raped while in 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 means of living and started doing activism work, but this is proving so hard here in my country as I am in the verge of fear all the time. I can be arrested any time for my work and having fewer resources makes it even worse.

Other Comments from Trans people in Tanzania;

We as the trans people in Tanzania have asked our government to review the penal code and other laws and remove, sections which criminalize homosexuality because such criminalization of class of citizen is conditional. **Section 3 chapter 12** of our constitution states that all persons have the right to enjoy equality, humanity, identity and respect. **Section 3 chapter 13** states that all persons are entitled to equal protection under the law and prohibits any law which will discriminate because of his or her status. **Section 3 chapter 29** states that every person in Tanzania has the rights to enjoy the fundamental human rights and the rest of those rights.

We as the Trans Tanzania claim protection under the constitution;

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

A comment from a Transwoman;

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

I have learned to avoid confrontation and maintain a low profile, which helps especially in a country where there is not rule of law, I also work to show the message through my social media, to make sure the spread the word and let the world know how the dangerous it is for trans people in Tanzania.

Our main demand is that the government should act decisively to safe guard and all people in accordance with the constitution. The trans community in Tanzania still need support in legal issues, training, counselling and guidance referral for HIV testing and treatment and relocation to those who were forced to flee.



The political environment is still hostile but we are trying to overcome, 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 attempt to attack Trans organization and individual activist who are spearheading the fight for equality in Tanzania is just one reminder that the fight for trans rights is at risk and trans people are not safe in this country. *I would like to remind and warn all organization and institutions that campaign and pretend to protects homosexuality interest we are going to arrest whoever is involved and charge them in the court of law* The Interior Minister said.

- The criminalize of homosexuality and discrimination against trans person is illegal under article 12,13,15 and 16 of the Tanzania constitution and restrictions of memberships of LGBTIQ organizations violence article 20
- The penalization against LGBTIQ people also violate article 2and 3 of African charter on human rights and people rights which Tanzania has signed and pledged to uphold

The final report is Tanzania is a country where Trans rights are not respected and Trans youth are continued to be rejected by their family and the community at large, making it more difficult for them to enjoy fundamental human rights. As a result, they lose their families; do not access structural education, health care services and other basic needs. A lot of youth struggle to access services but surrounded by homophobic law enforcers they find themselves in police custody (cells).

Justice minister announced new plans to suspend registration of any charity or non-governmental organizations that supports or advocates for LGBTIQ people but most trans people activist have not been trained on organizational, informational and personal security and they are not highly educated. They mostly work on voluntary basis with the little knowledge they have. There is an urgent need for training Trans activists and also facilitating them to have offices where they can run their activities effectively.

On Research and Reporting;

We are able to documents many stories of harassment including forcibly detaining individuals without charge, black mailing trans individual for release and dismissing or disregarding complaints brought by trans people about harassment from others.

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



