



STRONGER VOICES FOR LGBT RIGHTS IN TANZANIA – A SUMMARY

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Acknowledgements

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Stronger Voices for LGBT Rights in Tanzania – A Summary (2014).

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Acronyms

AIDS	Acquired Immunodeficiency Syndrome
CSO	Civil Society Organisation
CHRP	Centre for Human Rights Promotion
FBO	Faith-Based Organisation
HIV	Human Immunodeficiency Virus
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
LBT	Lesbian, Bisexual, Transgender/-sexual
LGBT	Lesbian, Gay, Bisexual, Transgender/-sexual
LGBTI	Lesbian, Gay, Bisexual, Transgender/-sexual, Intersex
MSM	Men who have sex with men
NGO	Non-Governmental Organisation
PLHIV	People living with HIV
SRHR	Sexual and Reproductive Health and Rights
STI	Sexually Transmitted Infections
TARAFO	Tanzania Rainbow Forum
VCT	Voluntary Counselling and Testing

1. Introduction

In Tanzania sexual minorities, including lesbian, gay, bisexual and transgender/ transsexual (LGBT) persons live on the margin of society. If they are open about their sexuality, they are often stigmatised. ‘Coming out’ is not easy and therefore most LGBT people ‘stay in the closet’. They live in constant fear of being evicted, dismissed, verbally or physically abused, harmed or otherwise discriminated against. Their rights and freedoms are also restricted by Tanzanian law. There is also still a marked silence surrounding the inclusion of sexual rights for LGBT people in the broader discourses of human and sexual rights within the women’s movement and the broader human rights movement in Tanzania. This silence may be attributed to the taboos surrounding sexuality in general and peripheral sexuality in particular.

However, there is also light. In the past years, more voices in favour of LGBT rights and their inclusion have been raised and more organisations have put LGBT issues on their agenda. While popular belief suggests that this points to LGBT practices being on the increase, the fieldwork conducted for this report shows that LGBT people are simply more open about their sexual orientation and identity. They are also more likely to accept their sexuality than they were before. This in turn results in a greater demand for their rights, which ultimately highlights the need for formally structured LGBT organisations and alliances with LGBT-friendly human rights and women rights organisations, as well as counselling centres, where LGBT people can get help to overcome their internal struggles.

This report sheds light on the situation of LGBT people in Tanzania. It provides an overview of the findings compiled by Leila Sheik and the Tanzania Rainbow Forum (TARAFO) in the much bigger report, *Stronger Voices for LGBT Rights and Security in Tanzania* (2013), which was supported by LGBT Denmark. The aim of that report is on the one hand to assess the experiences of LGBT people with regards to the national laws and everyday challenges, while on the other hand to examine the potential means and methods to address these challenges. It includes information gathered during fieldwork conducted in five regions in mainland Tanzania (Dar es Salaam, Mwanza, Tanga, Mbeya and Arusha). It does not cover Zanzibar, which has its own distinct legislation on these issues.

The report provides an analysis of Tanzanian LGBT people’s sexual rights and the extent to which they are protected. Here the report gives a voice to the LGBT community while highlighting the legal framework and the general attitude towards homosexuality. Secondly, it aims at mapping the different LGBT organisation and their potential allies, which could be pertinent in forming a solid lobby and advocacy strategy. The report here scrutinises the attitudes of various stakeholders, such as human rights organisations, legal aid providers, feminist/ women’s rights organisations, law enforcement officers, media and political leaders with regard to their commitment to human rights and social justice for the LGBT community. The report then links these findings to potential intervention strategies to reduce the level of abuse, stigma and discrimination of LGBT people and, finally, puts forth recommendations that will ensure the respect, protection and fulfilment of sexual rights and freedom to all people, including LGBT people.

2. Summary and Recommendations

This document presents the results of a study conducted in Tanzania on the status of the rights of LGBT people. LGBT people are Lesbian, Gay, Bisexual and Transgender/Transsexual people. The present document is a summary of the findings of the full study report. The study was conducted as part of a two-year effort to promote networks among LGBT people. The findings of the study were compiled by Leila Sheik and the Tanzania Rainbow Forum (TARAFO), and the effort was supported financially by LGBT Denmark.

The aim of that report was, on the one hand, to assess the experiences of LGBT people with regards to the national laws and everyday challenges, while, on the other hand, to examine the potential means and methods to address these challenges. This study can be seen as a first important step towards a better understanding of the plight of LGBT people in the country.

Results of the study showed that sexual rights of LGBT people in Tanzania are frequently violated. Furthermore, the LGBT movement is still weak and fragmented. The lack of alliances with like-minded organisations further reduces the LGBT community's ability to make LGBT rights a part of the broader human rights agenda. For these reasons, this report puts forth the following recommendations:

1. Promote capacity building for LGBT activists and organisations.
 - Increase commitment and support to provide capacity building in advocacy, leadership, organizational skills, conflict resolution, legal literacy and human rights awareness.
 - Support initiatives on reporting of LGBT rights, violations of LGBT rights and life situations of LGBT people to enable reliable statistics.
 - Provision of legal aid services to LGBT organisations and its members.
 - Generate a state of alert, to be able to act in the event of a high level crisis facing activists or groups.
 - Establish a communication system to rapidly respond to and address human rights violations of LGBT people.
 - Creation of safe houses for temporary housing of victims, counselling and social and psychological support. A pilot drop-in centre in Dar es Salaam could test how they would function.
 - Encourage and support the inclusion of the needs of LGBT people with disabilities
 - Create support groups and provide safe spaces for LGBT people
2. Sensitize other stakeholders to LGBT rights and needs.
 - Stakeholders include, but are not limited to: human rights activists/ organisations, women movement, HIV/ AIDS organisations, health service providers, law enforcement officers, legal aid service providers, media employees, local government officials, religious and traditional leaders
 - Train all potential stakeholders on LGBT issues and their relation to human rights and sexual rights
 - Develop an action plan on how to include LGBT perspectives in new initiatives/ projects/ programmes

- Point to the media’s key responsibility of documenting human rights violations of all people, including the LGBT community
3. Include LGBT rights in mainstream strategies.
 - Promote and support gender trainings and sexual and reproductive health and rights (SRHR) education that include LGBT rights
 - Push for the inclusion of LGBT issues in all supported gender, SRHR and human rights policies and initiatives
 - Address LGBT rights when conducting a dialogue on just and equitable distribution of resources and opportunities and the inclusion of a human rights perspective in all activities related to the development and implementation of government policies
 - Inclusion of LGBT issues in general human rights debates
 4. Encourage networking in the local environment.
 - Create a forum for human rights defenders and like-minded donors working to promote LGBT persons’ human rights to meet and share experiences and knowledge
 - Initiate dialogue with local organisations, e.g. gender-based organisations, human rights organisations or HIV/AIDS organisations, and encourage them to include sexual minorities and a LGBT perspective
 5. Encourage networking in sub-Saharan Africa.
 - Encourage regional networking, for example by financing the participation in transnational events (i.e. ILGA World Conference)
 6. Support HIV/ AIDS programmes in most at-risk groups.
 - Encourage the inclusion, and monitor the practical implementation, of men, who have sex with men (MSM) as a most at-risk population in HIV/Aids plans and programs
 - Identify and support initiatives, experts, institutions, and organizations working with MSM
 - Enhance HIV/ AIDS prevention programmes by including LGBT communities more actively
 7. Research
 - Encourage more research that can inform policy and legal reform committees
 - Encourage more local research on sexual orientation, gender identity and sexual rights

3. Methodology

For the study, the main methods to collect data were interviews, both informal and in-depth, and group discussions. The interviews were conducted with the help of open-ended interview guides, which were adjusted to the different respondents and contexts. In addition, awareness-raising activities and training were also conducted, especially in

geographical areas where LGBT persons were still not well organised. The findings and observations were recorded in the form of notes.

(1) Informal interviews

LGBT issues are sensitive and discussing them in public is not without risk. Same-sex sexual relations are a criminal offense in Tanzania which posed a challenge during the fieldwork, especially in terms of gaining trust and confidentiality of respondents within such a limited period of time. The informality of local LGBT organisations presents another challenge to the collection of data during the fieldwork.

Therefore, an informal interview approach is beneficial in that it makes people more at ease when elaborating on sensitive issues, such as their sexuality, sexual or gender identity and their experiences of discrimination, violence and fears. Some of the respondents have not openly announced their sexual orientation and felt more confident through the informality of the interviews that their anonymity will be protected.

The conclusions of each informal interview were recorded as notes.

(2) In-depth interviews

The in-depth interviews were largely clarifications of the data collected during the informal interviews. They also followed an open-ended approach in order not to lead the respondent. Their conclusions were also recorded as notes by the interviewer.

(3) Group discussions

Group discussions were largely used in order to get an understanding of the commitment to include LGBT rights in the discourse on sexual rights and freedoms.

The respondents for the interviews and for the group discussions were identified by the consultant, who had prior knowledge of the challenges faced by the LGBT community through her work with TARAFO and the Centre for Human Rights Promotion (CHRP). The respondents thus included members of the following groups:

- People identifying as lesbian, gay, bisexual and transsexual/-gender (LGBT)
- Sex workers who engage in same-sex sexual practices and do or do not identify as LGBT
- Women and men involved in occasional same-sex sexual practices who do not identify as LGBT
- Women and men who use the services of LGBT sex workers, but who do not identify themselves as LGBT
- Civil Society Organisations (CSO) which advocate for human rights and social justice, but have not yet included LGBT rights
- 'Rescue and rehabilitation' projects run by CSOs, Faith-Based Organisations (FBOs) and individuals (e.g. Rescue Missionaries)
- Local government leaders who were willing to discuss LGBT issues in the context of community welfare

- A member of Parliament
- Legal aid service providers
- Law enforcement officers
- Judiciary workers (court clerks)
- Networks of people living with HIV (PLHIV)
- Bar and guest house managers, brothel owners
- Media

The *Stronger Voices* report provides a comprehensive mapping of LGBT groups and organisation in Tanzania. Being the first of its kind to undertake such a daunting task, the report also has limitations. For instance, the report focuses on groups that are organised and relatively visible and subsequently sheds less light on groups or individuals who are less vocal either because they do not wish to be in the public eye or because they are not yet organised or structured. An important task for future mapping interventions could be to identify and analyse the challenges faced by lesbians, female-to-male trans-people, bisexual women and men and, in particular, intersex people.

Similarly, the *Stronger Voices* report only focuses on five regions in Tanzania. Future mapping interventions should include more regions and especially LGBT people from Zanzibar. While same-sex sexual relations between women are not mentioned specifically in the legislation of mainland Tanzania, the semi-autonomous region of Zanzibar does specifically outlaw lesbianism (Penal Decree Act No.6 (2004), Section 153). This distinct legislation certainly points to different challenges faced by the LGBT communities, which calls for further research.

4. The Situation in Tanzania

Social Attitudes towards LGBT in Tanzania in General

In Tanzania, same-sex sexual practices are generally deemed to be immoral, against Nature and a threat to society. There are regional differences (see box 1), but in no areas can LGBT people live their lives free of fear. The most vocal response in opposition to homosexuality and LGBT people links homosexuality and paedophilia (*Stronger Voices*, pp11-2). By repeatedly characterising members of the LGBT community as immoral and unnatural child abusers, the anti-gay lobby encourages a proportional response from Tanzanians; namely, the refusal to acknowledge homosexuality as a sexual right and the rejection of the decriminalisation of homosexuality. There is no scientifically proven link between homosexuality and paedophilia or child molestation (Herek 1997-2012; APA, 2012), yet this belief has permeated social belief and is difficult to change.

Sexuality is still often understood and talked of in terms of interpersonal power. Even every day interactions are interpreted in these terms. For example, one person, typically the male, has the mandate to control his own body and sexuality, as well as the body and sexuality of the female. This conception is typified by the active male penetrating the passive female. This conception is so ingrained in many Tanzanians' understanding that even some of the respondents who identify as MSM or homosexual rushed to identify themselves as 'top',

that is, the penetrating partner, hence dismissing their role as the penetrated partner ('bottom') (*Stronger Voices*, pp9-10). Similarly, lesbian women are conceived as mockeries of the image of the traditional African family-structure, because they imitate the male. Subsequently, it is conceived that lesbian women need to be controlled in order to re-establish their subordinate role in the African family unit.

In short, sexuality is defined in a patriarchal framework, and heterosexuality is seen as the only norm, because it ensures the reproduction of families and reaffirms patriarchal values. Though nuclear families are far from the only way of life in Tanzania, LGBT families are still seen as a threat by many. For this reason, LGBT people face stigmatisation, discrimination and violence, and because homosexuality is a criminal offence, LGBT people often do not consult help. As a result, many LGBT persons engage in self-destructive behaviour, such as alcoholism, substance abuse and violence.

BOX 1: Regional Differences in Attitudes towards LGBT Persons

The fieldwork for this study showed that the experiences of LGBT persons vary from region to region. While Dar es Salaam as a cosmopolitan centre has more formally structured organisations that offer a sense of belonging and security to LGBT people, Mwanza and Tanga lack this opportunity. Nevertheless, respondents from all regions have had experiences that largely follow the same line: sexual rights of LGBT persons are not respected, protected or fulfilled, neither by the general public, nor by law enforcement officers, such as the police.

(1) Mwanza

Mwanza is Tanzania's second largest city and as such it also has a noteworthy LGBT community. Nevertheless, Mwanza Region is a rural and patriarchal area, where people face death sentences passed by clan tribunals. Discrimination against MSM in the health care system is widespread, mainly because their existence is not acknowledged. The mineral-rich areas of Geita and Bulyanhulu of Mwanza region result in many foreign clients for male and female sex workers. In Mwanza, women practice 'nyumba ntobhu', a traditional customary marriage, whereby a woman marries another woman. 'Nyumba ntobhu' equals customary marriage between men and women in that it also requires the same rituals, including bride price. It is understood to be a transactional marriage, where the 'female husband' takes a wife to bear children for her. However, studies have shown that sexual relations between the two women cannot be ruled out, even though materialism and practicality are of greater importance (Amadiume, 1998). While homosexual women can make use of 'nyumba ntobhu' to marry each other without censure or discrimination from society, homosexual men do not have such an option.

(2) Tanga

Tanga has had a long culture of gay men, who are included in community life as long as they do not overtly portray their sexual orientation (i.e. cross-dressing, openly show their attraction to men). Often they entertain at weddings. They closely associate with heterosexual female sex workers for companionship and as a support network. Very few

lesbians in Tanga have formally organised or publically disclosed their sexual orientation. Tanga, along with Pwani, Dar es Salaam and Zanzibar, has a tradition of using spirit possession to assist MSM to inform their families about their sexual orientation. When a spirit medium is used to provide this information, the communities tend to be less judgmental, which can be ascribed to the respect bestowed upon spirits and healers.

(3) Mbeya

Mbeya is a rural and patriarchal area. LGBT people living here may face death sentences passed by clan tribunals, which perceive LGBT people as aberrations. Many respondents therefore expressed their wish to re-locate to Dar es Salaam. The fieldwork further identified several organisations catering to the needs of MSM and male-to-female trans-people, but there is a lack of organisations providing support for homosexual women, which causes very few women to openly disclose their sexual identity. Subsequently, they are in need of support and capacity building to organise formal groups, which could give a form of protection.

(4) Arusha

Arusha is a tourism hot spot thanks to the various national parks in the area. Furthermore, it is a major international hub hosting the East African Community Headquarters. As a result, Arusha is a multicultural city and includes an expatriate LGBT community, which is wary of joining LGBT advocacy groups, possibly because of the criminalising element of homosexuality in Tanzania. Violence and discrimination is widespread, yet not as extensive as in Mwanza, Mbeya or Tanga.

(5) Dar es Salaam

Dar es Salaam is Tanzania's largest city and the administrative and economic centre. Most of the LGBT organisations identified during the mapping are situated in Dar es Salaam. They receive the majority of the funding directed at LGBT organisations in Tanzania. There are no official gay bars, but there are places where LGBT people meet, a service that does not exist to the same extent in the rural areas. Homophobia, discrimination and violence are widespread. As discussed above, Dar es Salaam has a tradition of using spirit possession for MSM to inform their families about their sexual orientation, which minimises the discriminating reactions from the community.

The Legal Framework and Human Rights

Tanzania has generally made a great effort to conform to the spirit of international human rights charters, resolutions, agreements and protocols by incorporating them into the national legislation and judicial procedures. However, politically, sexuality is still a controversial issue in the country. Sexuality is considered to be a private affair and thus confined to the bedroom. This has led to national legislation and policies that perpetuate stigmatisation, discrimination and violation of the sexual rights of many citizens, including LGBT people. Homosexuality remains a criminal offence (Tanzania Penal Code, Section 154). Same-sex sexual relationships are punished by imprisonment of 10 years or more (Tanzania Penal Code, Section 154; see also www.lgbtnet.dk). In reality, the law is rarely enforced.

However, the law is being used to put pressure on LGBT persons, for instance by extracting bribes from them to avoid charges, and it leads to lives lived in fear.

The LGBT community in Tanzania has largely been ignored with regards to health, security, human rights and social welfare programmes. However, in 2010 the 'National Policy on HIV/AIDS' was amended to include men, who have sex with men (MSM) among the key populations, that is, population groups which are most likely to be exposed to or to transmit HIV, and which should be targeted by HIV/AIDS programmes. This can be seen as an important step because the government of Tanzania thereby acknowledges the existence of an LGBT community. However, other groups, such as lesbians, bisexual women, transgender or transsexual people and intersex people are still ignored in national programmes.

Tanzanian LGBT groups have started to advocate for the human rights which are accorded to them as Tanzanian citizens. The Constitution of the Republic of Tanzania protects these rights irrespective of 'nationality, tribe, place of origin, political opinion, colour, religion, sex or station in life such that certain categories of people are regarded as weak or inferior and are subjected to restrictions' (Tanzania Constitution, Ch.1, Part III, Section 13(5)). The Constitution thereby indicates its intention to respect, protect and fulfil the human rights and freedoms, including sexual rights and freedoms, of all. These rights include the right to personal security, the right to equality before the law and the right to enjoy all civic rights within the framework of non-discrimination.

However, the same section of the Constitution states that 'the word "discrimination" shall not be construed in a manner that will prohibit the Government from taking purposeful steps aimed at rectifying disabilities in the society' (ibid.). Without specifying what is meant by 'disabilities' in need of rectification, the Constitution is rather broad, vague and may thus refer to a variety of practices perceived to be contrary to social 'norm'. As a consequence, the rights of LGBT people and groups may be subject to discrimination and violations. In the new constitution it is important to adopt an approach that embodies the principles of universality, inalienability, interdependence and indivisibility of all human rights, including sexual rights.

5. Voices from the Tanzanian LGBT Community

During the interviews, respondents reported various cases of human rights violations, discriminations and stigmatisations based on their sexual orientation, sexual identity and/ or gender identity. These challenges, however, are not uniquely directed at members of the LGBT community. Also heterosexual allies and activists advocating for the acknowledgement of human rights of all people face challenges in the form of threats and slandering. The struggle for improved LGBT rights and livelihoods should therefore be seen as part of a wider struggle to strengthen the human right situation in Tanzania and should be addressed by human rights and social justice defenders in dialogue with Members of Parliament, Police Commissioners and opinion leaders. The following section outlines some of the experiences of LGBT people and gives a voice to otherwise voiceless persons. Due to the threat of further persecutions, the names of all respondents have been changed.

Abusive discourse

An important component of discrimination has to do with discourse. LGBT people often get verbally abused. Derogatory language can be painful and lead to low self-esteem. Respondents have highlighted that gay men are repeatedly referred to as ‘mwanamke’ (women). This has to be understood in the context of patriarchy discussed above, where the homosexual man is equalled with the submissive partner, that is a woman. Similarly, lesbian women are frequently referred to as ‘dume’ (male), thus suggesting that they imitate men and thereby do not conform to their role in the African family unit. A trans-person is referred to as ‘jike-dume’, which translates as female-male. Besides these derogatory terms, LGBT people also get likened to child molesters, as discussed above, regarded to be immoral and unnatural and therefore aberrations. Language matters, because discursive practices reproduce knowledge about sexualities and, in extension, sexual rights and subsequently regulate the social conduct of others.

Ostracism by Families and Communities; Loss of Jobs and Homes

Respondents reported being ostracised by their family and community. Moreover, they have been evicted or denied tenancy and were also fired from their jobs. For instance, Irene (Young Positive Women Foundation) has had her home vandalised while she was threatened with a knife after neighbours had reported her to local gangs for living with another woman. She could not get police support, nor were the perpetrators arrested. She felt that she was in continuous danger and thus moved to her mother’s house. Sabina (Tanzania Women of Action) repeatedly has to move to different locations, because her landlords withdraw her tenancy when they learn of her sexual orientation. Emmanuel had to stop teaching at a vocational training centre in Dar es Salaam when parents demanded his expulsion because of his sexual orientation. They feared that ‘he would corrupt their children’ (*Stronger Voices*, p14). Emmanuel now works in Arusha with the Arusha movement attempting to organise the LGBT groups more formally in order to stand stronger in their advocacy for LGBT rights.

Police Brutality

In addition to forced expulsion from one’s home and job, LGBT people also experience police brutality in the form of verbal and physical abuse. Following arrests, police officers demand high amounts of cash to pay the fines. Some respondents also reported that they have been forced to have sexual relations with police officers in order to be released from prison. This leaves them vulnerable to sexually transmitted infections (STIs) and HIV/ AIDS infection, because given their situation they are unable to refuse this form of forced sex, nor negotiate safe sex at the least. Furthermore, police brutality often also includes foreign objects, such as batons, to be inserted into the vaginas or anal cavities of the LGBT people. This often results in bruises and/ or infections, which are repeatedly treated through self-administered medication. These forms of police brutality amount to rape and/or sexual assault. However, the Penal Code states that it is ‘an offence for a male person to rape a girl or a woman’ (Penal Code, Section 135(1)), thereby suggesting that only men can rape and they can only rape women. Demanding sexual favours from male LGBT people thus does not legally amount to rape. While the provision on sexual assault (Penal Code, Section 135) is

gender neutral and thus could be applied by male victims of forced sex by male police officers, the punishments vary greatly. Then, rape of men is perceived to be less grave, which is not in accordance with the idea of non-discrimination.

Lack of Access to Health Services

The right to health care services are a universal right and should not depend on heterosexuality. However, following attacks or forced sexual encounters, LGBT people often do not consult the formal health sector out of fear that they may get arrested or denied treatment. Joseph (Wake Up and Step Forward Coalition) reported his attack as a case of burglary instead of sexuality-related violence to ensure that he receives the right treatment.

Media Attacks

The role of the media ought not be underestimated either. Adrian (Shining Light Organisation) has had to hide out of fear of getting attacked after media reported on the testimony he gave at the Tanzania Gender Networking Programme's Gender Festival.

Legal Illiteracy

Several of the respondents pointed to their legal illiteracy and lack of human rights awareness. This results in many violations going unpunished. Ruga (TWIGA) said, 'Even if we knew the law, few of us would seek legal redress because of the fear that we may get arrested or raped or verbally abused by the law enforcement agents.' Then the call for legal literacy and human rights awareness among the LGBT people needs to be accompanied by a sensitisation of police officers.

BOX 2: The Plight of LGBT People in Tanzania

- LGBT sexual practice is a criminal offence. The government has ignored the need for formal structures for safety regulations for LGBT people.
- There is a lack of political will in the fights against LGBT related abuse and violence.
- Efforts to recognise LGBT rights are fragmented and lack more formal coordination.
- The information on basic human rights and on strategies for demanding those rights for LGBT people has been inadequate
- Law enforcement officers confront LGBT people with brutality.
- Debates about economic livelihood, human rights, security and social welfare do not include LGBT issues.
- Low literacy levels among LGBT activists denies them skills to lobby for the recognition of their rights.
- Faith-based communities have not been included as potential stakeholders.
- The media have not been sensitized to be a potential ally.
- The public lack knowledge on human rights and LGBT issues.
- There is a need to sensitise the general public to decrease judgmental behaviour towards LGBT groups.
- Family violence based on ignorance has resulted in LGBT children being ostracized,

often leading to delinquent behaviour.

- There are no drop-in centres for dispossessed people, including LGBT people.
- There are no vocational training programmes for LGBT people.
- There is a need to sensitise the general public to decrease judgmental behaviour towards LGBT groups
- The issue of decriminalisation of homosexuality has not been given priority by Parliamentarians.

6. LGBT Organisations in Tanzania

Tanzania has a number of organisations that are led by LGBT people and committed to give a voice to LGBT concerns in regards to critical issues, such as human rights violations, sexual rights, health care, discrimination and stigmatisation, equality before the law and social justice. Many of these are listed below in Box 3. To a great extent, these organisations lack a formal structure, a solid constituency and a clearly formulated vision. Some of these organisations started out by applying a health-based approach, especially with regards to HIV/ AIDS and STIs, but they now increasingly move towards a more rights-based approach. As a result, they may be formally registered as organisations working with HIV/ AIDS interventions, yet focus on human and sexual rights, social justice and security of LGBT people. Moreover, many organisations are very new, and some were even established as a result of the fieldwork conducted for this study, mainly because several LGBT people especially from rural areas understood the need of a consolidated LGBT community and expressed the wish to organise. In other words, the LGBT community is getting better organised, albeit slowly.

Some organisations aim to participate in the public debate, which is difficult bearing in mind that homosexuality is criminalised. For the same reason LGBT organisations are often not officially registered and must work informally. This proves to be problematic, especially with regards to partnering with allies, because they have to work outside the legal framework.

Even though LGBT groups have recently started to structure their activities more formally, they have not yet gained the skills or the confidence to publically lobby and advocate for their rights. In fact, they are not yet equipped to adequately articulate their rights beyond mere survival and the fight against the grossest violations of their rights. They furthermore lack knowledge of organisational management, information and communication skills. Funding for LGBT interventions is limited and hence does not match the actual needs. As such, donors need to be persuaded to include capacity building of LGBT groups. Likewise, alliances with organisations advocating for similar causes are essential for LGBT organisations.

Approaches among LGBT Activists Working with LGBT Rights in Tanzania

Within the LGBT community opinions differ on how best to improve and strengthen LGBT rights. Overall, two approaches can be identified:

- A conservative approach prefers working through existing windows of opportunity. Many current interventions are directed mainly at the promotion and protection of the rights of LGBT people to health care in the form of HIV/AIDS intervention. This approach is regarded by more conservative activists as being a soft entry point to the demand for recognition of LGBT rights as a part of human and sexual rights (*Stronger Voices*, p8). Several organisations working with LGBT issues have been established under the pretext of working with HIV/AIDS.
- The second approach is more radical. Activists belonging to this faction believe that addressing the issue of sexual orientation in the context of HIV and AIDS intervention associates LGBT people with the disease, which they oppose (*Stronger Voices*, p15). They aim at taking a more militant approach by demanding the 'right to sexual choice' (*Stronger Voices*, p8). The conservative approach fears that this may provoke hostile reactions from society and has 'led to violence against LGBT' (ibid.).

The different approaches show that there are different ways to work towards strengthening LGBT rights and livelihoods; but they may also weaken a movement that is so young and unstructured. Whether the activists decide to apply a rights-based approach or a health-based approach, or a variety of those two, it is crucial that they reach some degree of consensus. Further fragmentation may prove counter-productive.

In short, the results of the fieldwork point to an LGBT community that is slowly growing stronger, but which is still scattered and characterised by small constituencies. Furthermore, there is very little coordination among the various LGBT NGOs. With limited funding, the LGBT organisations face great challenges. The organisational development of the LGBT community is the prerequisite for any consolidated work towards the acceptance of the human rights of LGBT people. But before the organisations' effectiveness and efficiency can be developed properly, there is a need to create support groups for LGBT people to come to terms with their internal struggles relating to their sexual and gender identity. These support groups then will also establish a sense of community amongst the various LGBT individuals and organisations and potential partner NGOs in the broader human rights and women's rights movement.

BOX 3: LGBT Organisations in Tanzania

The various LGBT organisations do not have clearly defined visions and thus often target various groups with different needs. Here, the organisations are grouped according to their main target groups.

1. LGBT organisations that do not differentiate in their target group:

Name	Focus area	Geographical location
AMKA Empowerment (AE)	Income-generating activities	Dar es Salaam
Arusha Stars	Advocacy	Arusha
Helping Hand (H2)	Psycho-social support to families of LGBT persons	Dar es Salaam
Tanzania LGBT Drug rehab Group (TDAR)	Psycho-social support	Dar es Salaam; Zanzibar
Tanzanian Trans Initiative (TTI)	n/a	Zanzibar; Coast Region; Lindi; Kilimanjaro; Morogoro; Kigome

2. Lesbian, Bisexual Women and Female-to-Male Trans-People:

Name	Focus area	Geographical location
Blue Girls (BG)	Social forum	Dar es Salaam; Tanga; Arusha; Zanzibar
Lesbian Empowerment Foundation (LEF)	Psycho-social support	Dar es Salaam; Zanzibar
Lotus	Social forum	Dar es Salaam
Sonel Women's Group	LBT rights; security	Dar es Salaam; Coast Region
Tanzania Lesbian Association (TALESA)	Social forum	Dar es Salaam; Zanzibar; Kilimanjaro; Morogoro; Coast Region
Tanzanian Women of Action (TAWA)	Psycho-social support; LBT rights; security	Dar es Salaam
Toto's Sister Group (TSG)	Security	Dar es Salaam
Young Solidarity Women (YSW)	Human rights violations; HIV/ AIDS	Dar es Salaam

3. Men who have Sex with Men (MSM) and Male-to-Female Trans-People:

Name	Focus area	Geographical location
Baikoko Hoyee (HB)	Dance and theatre performance group	Tanga
Community and Environment for Youth Rights Association (CEYORA)	Psycho-social support; encompasses traditional healers	Dar es Salaam; Coast Region
Community Peer Service Support (CPSS)	HIV/ AIDS support; security; psycho-social support; networking	Dar es Salaam; Tanga; Arusha; Lindi; Mtwara; Coast Region
Fresh Gays Group (FGG)	Social forum	Tanga
Madreed Trans	Networking; security	Tanga

Men's Rights Community Center (MERICC)	Human rights	Dar es Salaam; Coast Region
Mji Mkuu Kids (MMK)	Social forum	Mbeya
Night Rovers (NIRO)	n/a	Mbeya
Stay Awake Network Activities (SANA)	VCT; drop-in center for young MSM	Dar es Salaam
Tanzania Sisi Kwa Sisi Foundation (TSSF)	HIV/ AIDS intervention; human rights	Dar es Salaam
Tukuyu Guys (TG Mbeya)	n/a	Mbeya
Twiga - T	n/a	n/a
Youth For Development (YFD)	HIV/ AIDS intervention – but currently not operating	Dar es Salaam

4. Sex Workers – heterosexual and homosexual:

Name	Focus area	Geographical location
KBH Sisters	HIV/ AIDS intervention; social justice	Dar es Salaam
Nyamagana Social Club	Social forum; VCT	Mwanza
Positive Changes Foundation (PCF)	Psycho-social support	n/a
Sangara Kids (SK)	n/a	Mwanza
Shining Light (SL)	HIV/ AIDS intervention	Dar es Salaam
Stay Alive Foundation (SAF)	HIV/ AIDS intervention	Dar es Salaam
Swahiba and Shosti Network (SSN)	Security of sex workers	
Tunaweza Youth Group (TYG)	HIV/ AIDS intervention	Dar es Salaam
Waremba Forum (WF)	Human rights	Dar es Salaam
Watu Kazi (WAKA)	Income-generating activities; support during illness and arrests	Tanga
Young Women Initiative Group (YWIG)	n/a	Dar es Salaam; Zanzibar

5. Non-LGBT organisations including LGBT issues in their work:

Name	Focus Area	Geographical location
Center for Human Rights Promotion (CHRP)	Human rights	Dar es Salaam
Corridor of Peace (COP)	Counselling of PLHIV	Dar es Salaam
Health in Men (HIM)	HIV/ AIDS intervention	Dar es Salaam; Coast region
Human Rights Defenders (HRD)	Human rights	Dar es Salaam; Zanzibar
Network of Disabled People Living With HIV/ AIDS (NEDIPHA)	Psycho-social support; counselling of PLHIV	Dar es Salaam
Tanzania Human Rights Organisation (THRAO)	Human rights	Dar es Salaam; Kilimanjaro; Shinyanga; Coast Region
Tanzania Women Lawyer Association (TAWLA)	Legal aid	Members from various regions

7. LGBT-Friendly Organisations in Tanzania

LGBT groups need the support of other human rights and social justice defenders, both morally and in order to become better organised. Indeed, there are a number of organisations that are LGBT-friendly. However, they often tread carefully in order not to offend the public. There are certain risks that organisations working with human rights and security of LGBT people face because of the widespread hostile attitudes towards homosexuality in the Tanzanian society.

For instance, CHRP experienced neighbours to their office in Dar es Salaam complain about ‘feminine looking gay men hanging out in large groups in [their] community’. CHRP asked their LGBT members to be more careful and also attempted to sensitise their neighbours (*Stronger Voices*, p30). The consultant, who conducted the fieldwork and analysis upon which this report is based, recently lost her office because of her work. Violence against employees is also not unheard of.

Another reason for being careful when working with LGBT groups is the fear of being accused of promoting homosexuality. While there is no actual law outlawing the promotion of homosexuality, in practice it is frowned upon. As a result of LGBT-related work, organisations could face stigmatisation and discrimination, which could hamper their other work. The informal organisation of many LGBT groups also poses a challenge to LGBT-friendly CSOs’ traditional organisational structures. However, CHRP and TGNP do work together with unregistered organisations, including groups of sex workers and LGBT people, and thus provide administrative and technical assistance.

Overall, there is a need to have a consolidated national strategy in which CSOs actively address LGBT issues at the same time as they advocate the recognition of human rights and the elimination of discrimination, stigmatisation and violence. The Legal Human Rights Centre (LHCR) and Tanzania Women Lawyers’ Association (TAWLA) have pledged legal support to LGBT people in the case of arrests. This can be seen as an important entry point for activists to challenge human rights violations, ultimately leading to broader recognition of LGBT rights. The feminist movement appears to be divided over the subject of including LGBT rights. Only a minority perceive sexual orientation as an important inclusion to the agenda of sexual rights and justice (*Stronger Voices*, p37). It thus is essential to engage members of the feminist movement in a dialogue on bodily integrity, sexual orientation and sexuality in order to ensure a greater inclusiveness of all women and sexual minorities.

CHRP has established the LGBTI Support Program in 2010, an initiative that trains LGBT activists in advocacy, capacity building and human rights. This initiative is a major achievement as it is a strategically organised attempt at uniting the various LGBT groups in Tanzania. However, this initiative is not sufficiently funded to be able to reach out to the wider LGBT community, which may result in LGBT people in some areas of the country being unable to benefit from the initiative and its networking opportunities. CHRP has also begun to use strategic interventions that include: psychological and social welfare support to LGBT people; training and sensitizing of the media and the police force on sexuality and human rights; legal counselling and strategic litigation; developing innovative strategies to use communication tools, such as phones and hotlines, in order to increase security of LGBT people.

Some civil society responses to the needs of LGBT people have included a ‘rescue and rehabilitation’ approach. This is opposed by the Tanzanian LGBT community, because they feel that it ‘[demeans] their sexual orientation’ (*Stronger Voices*, 15). The LGBT community emphasizes that sexuality is a central and natural aspect of being human and thereby a fundamental part of our humanity. People must feel confident and safe in expressing their own sexuality, including their sexual and gender identity, and they must be empowered to exercise choice in their sexual and reproductive lives and demand their sexual and reproductive rights. The ‘rescue and rehabilitation’ strategy denies this and thereby denies people the chance of achieving their humanity in full. ‘Rescue and rehabilitation’ interventions are discriminatory, non-inclusive and opposed to basic human rights.

8. Addressing LGBT challenges in Tanzania

The following section outlines how to strengthen the LGBT movement in Tanzania and strengthen sexual rights, in particular the sexual rights of LGBT people. It is based on potential intervention strategies that respondents pointed to during the fieldwork and workshops of this project. These strategies range from capacity-building of LGBT organisations over movement building to the establishment of alliances with LGBT-friendly organisations. They also include the provision of a number of social services, which are currently difficult to access for LGBT persons.

Human Rights-Based Approaches

Human rights and LGBT empowerment responses are understood to be a holistic approach, which most respondents wish to adopt (*Stronger Voices*, p15). The rights-based approach calls on key actors to adhere to national and international human rights charters and protocols to which Tanzania is a signatory. However, this can only be achieved when the Government creates an open and democratic environment in which various stakeholders, including members of the LGBT community, can engage in an open and honest dialogue.

More importantly, legal aid service providers need to be encouraged to help build the legal knowledge of LGBT persons. Throughout the fieldwork, respondents have pointed to their legal illiteracy and the consequences thereof (*Stronger Voices*, pp13;14;16;33;35;55;65;72). Demanding one’s rights presupposes knowledge of these rights.

Advocacy Activities and Law Reform

There is a need to create a legal framework that addresses the legal and ethical issues related to LGBT rights and security. Consultative meetings ought to be held with Parliamentary Committees on health, human rights and social welfare in order to raise awareness among Members of Parliament and consequently equip them to address the needs of LGBT groups. Here it might be helpful to speak of ‘decriminalisation’ instead of ‘legalisation’, as it may be less intimidating (*Stronger Voices*, p31). To legalise something suggests that one fully accepts it and this may be too big a step to take from the beginning.

By talking of ‘decriminalisation’ instead, you do not ask for full acceptance, but rather for tolerance.

Moreover, the government needs to ensure legislative coherence. It is counter-productive to have policies, such as the ‘National Policy on HIV/ AIDS’ that acknowledge the existence of MSM, while at the same time upholding legislation that makes the implementation of these policies impossible. Such incoherence will result in the failure of these policies and ultimately the increase of HIV/ AIDS prevalence, discrimination of and violence towards LGBT people.

Documentation of Abuse and Strategic Litigation

Human rights violations of LGBT people need to be brought to the attention of the Commission of Human Rights and Good Governance and other instances, which underscores the need to support capacity-building in documentation of human rights violations. Documentation will provide profound information needed for prosecution of human rights violations, but also for a law reform. Moreover, documentation of human rights violations will further increase knowledge of human rights both amongst LGBT people and amongst the general public.

Donors need to support strategic litigation in the area of LGBT rights to test the application of the constitutional rights accorded to all Tanzanians on the one hand and to challenge the discriminatory Penal Code laws on the other hand. This would shed light on the commitment of those institutions established to protect the human rights of all Tanzanian citizens.

Building Alliances

Human rights CSOs need to be encouraged to advocate for the establishment of a human rights culture in Tanzanian society that acknowledges LGBT rights as a natural part of human rights. Today, LGBT rights are seen as special rights; this then portrays LGBT people demanding special rights instead of just asking for the same rights that are endowed to them in the Constitution and that heterosexual citizens already enjoy to a large extent.

Sensitisation of the Police

Furthermore, it is important to sensitise law enforcement officers in human rights to ensure that their relation to LGBT people is not biased on the basis of their beliefs towards sexual orientation. Similarly, legal aid service providers need to be trained in regards to LGBT rights and further encouraged to accept cases of LGBT issues.

Capacity-Building of LGBT Organisations

LGBT organisations are very fragmented, so is its support from potential allies. They are informally structured and lack a lot of knowledge in regards to advocacy, empowerment, legal literacy and basic human rights awareness raising. There is a need to support the growth of the LGBT movement in Tanzania through the provision of financial and

organisational support, such as capacity-building, training in leadership, advocacy and human rights. The effect would be that LGBT organisations would be able to target a broad spectrum of LGBT persons and address their various challenges and needs on a personal level, as well as in policy and decision making.

Working with the Media

Initiatives calling for an open dialogue about sexual orientation and bodily integrity have started to emerge. Ultimately, these efforts aim at creating a deeper understanding and acknowledgement of sexual rights and justice. It is essential for LGBT organisations to raise their voices in this dialogue. Here the media may be of importance. The role of the media should not be underestimated. Media coverage has proven to be a precondition for the debate around LGBT issues. It therefore seems essential to promote a strategic media engagement that aims at advocating for the acceptance of LGBT rights and security to the greater public. Media employees (print, visual and audio media, as well as online platforms) need to be sensitised on human rights, sexuality, sexual orientation and sexual and gender identity with the goal to adjust their attitude towards LGBT issues. Similarly, LGBT persons and organisations need to be trained in their interaction with the media.

Improved Access to Health Services

The right to health care is an important human right and LGBT activists acknowledge the importance of addressing this. However, the focus needs to be shifted to health care in general and not only to HIV/ AIDS intervention. Respondents thus point to the pressing need to increase as well as improve the health care services available to LGBT people. Health care personnel ought to be trained in services that are sensitive and responsive to the needs of LGBT people, including, but not limited to, STI and HIV/AIDS testing and treatment (*Stronger Voices*, pp33).

9. Conclusion

This report shows that LGBT persons in Tanzania are often marginalised and stigmatised. Lives are lived in fear of abuse and extortion as long as homosexual acts remain illegal. People risk being ostracised by their families and communities and lose their jobs and homes if their sexual identity is known. However, the report also shows that in recent years LGBT people are better organised and that the alliances with LGBT-friendly human rights organisations are getting stronger, albeit slowly. There is light at the end of the tunnel. The report proposes a wide range of possible interventions that may help strengthen the rights and social welfare of LGBT persons in the country.

The obligations to respect, protect and fulfil human rights, including sexual rights, are as inalienable, indivisible and universal as the human rights themselves. As such, Tanzanian LGBT organisations and activists must persevere in their efforts to fight stigmatisation, improve access to services and increase recognition of sexuality and sexual orientation as a positive aspect of human life. Their allies in the human rights organisations also need to

raise their voice in support. And the Tanzanian government must acknowledge its responsibility to protect the rights of all its citizens, also the people who are LGBT.

Talking about sexual rights causes eyebrows to be raised and noses to be crinkled, because it is often believed that these debates demand the recognition of special rights for minority groups. However, sexuality is a central and natural aspect of being human throughout life and thereby a fundamental part of our humanity. Sexual and gender identity is equally important to all people. This is protected through sexual rights, which are simply human rights related to sexuality. LGBT people also have these rights. They should be respected as is underpinned by its inalienability and universality.

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