



# Tansania: Repression von Homosexualität

Auskunft der SFH-Länderanalyse

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# 1 Einleitung

Einer Anfrage an die SFH-Länderanalyse sind die folgenden Fragen entnommen:

1. Wie ist die Situation von homosexuellen Menschen in Tansania, einschliesslich Sansibar?

Die Schweizerische Flüchtlingshilfe (SFH) beobachtet die Entwicklungen in Tansania seit mehreren Jahren.<sup>1</sup> Aufgrund von Auskünften von Expert\*innen und eigenen Recherchen nimmt die SFH zu den Fragen wie folgt Stellung:

## 2 Hintergrund

**Die Situation für homosexuelle Menschen in Tansania hat sich in den letzten Jahren erheblich verschlechtert.** Der US-amerikanische Radiosender *National Public Radio* (NPR) berichtete am 2. November 2018, dass die Wahl des tansanischen Präsidenten John Magufuli im Jahr 2015 den Beginn einer starken Unterdrückung der LGBT-Gemeinschaft markiert habe (NPR, 2. November 2018). Laut der US-amerikanischen LGBT-Zeitung *Washington Blade* hat diese Unterdrückung seit 2018 noch zugenommen, mit der Folge, dass es in Tansania immer mehr Fälle von Diskriminierung und Gewalt gegen LGBTQ-Personen gebe, darunter Morde, Angriffe, Belästigungen und die Verweigerung von Rechten und grundlegenden Dienstleistungen (*Washington Blade*, 15. Mai 2023).

**Tansania wird in Bezug auf die Gleichstellung von LGBT-Personen als eines der repressivsten Länder weltweit eingestuft. LGBT-Personen sind sehr häufig mit gesellschaftlicher Ablehnung konfrontiert.** Laut der kollaborativen Datenbank *Equaldex*, die einen Index zur weltweiten LGBT-Gleichstellung (LGBT Equality Index) veröffentlicht, rangiert Tansania mit einem Gleichstellungswert von 10/100 auf Platz 178 von 196 Ländern (*Equaldex*, abgerufen am 8. Juli 2024). Laut einer zwischen 2021 und 2023 von Afrobarometer durchgeführten Umfrage lehnen 90,4 Prozent der befragten Tansanier\*innen homosexuelle Menschen in ihrer direkten Nachbarschaft strikte ab (*Afrobarometer*, 28. Juli 2023). *Amnesty International* stellt fest, dass sich Experten zunehmend Sorgen um die Menschenrechte von LGBT-Personen in Tansania machen, wo diese mit Marginalisierung, Belästigung und Gewalt konfrontiert sind (*Amnesty International*, 9. Januar 2024).

## 3 Gesetze zur Kriminalisierung von Homosexualität

**In Tansania droht homosexuellen oder als homosexuell wahrgenommenen Personen eine lebenslange Haftstrafe.** Im Strafgesetzbuch der *Vereinigten Republik Tansania* von 1945 werden gleichgeschlechtliche sexuelle Handlungen durch Artikel 154 als «widernatürliche Straftaten» bezeichnet und ergo verboten. Bestraft wird jede Person, die «widernatürliche geschlechtliche Bekanntschaft» (damit ist ein Penetrationsakt<sup>2</sup> mit einer Person oder einem

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<sup>1</sup> [www.fluechtlingshilfe.ch/publikationen/herkunftslaenderberichte](http://www.fluechtlingshilfe.ch/publikationen/herkunftslaenderberichte).

<sup>2</sup> Das Strafgesetz von Sansibar legt fest, «[...] dass es nicht notwendig ist, den tatsächlichen Samenerguss nachzuweisen, um eine geschlechtliche Bekanntschaft zu begründen, sondern dass die geschlechtliche

Tier gemeint) gemacht oder «einer männlichen Person die geschlechtliche Bekanntschaft mit ihm oder ihr ermöglicht», hat, mit einer Mindeststrafe von 30 Jahren bis hin zu lebenslanger Haft bestraft; der alleinige Versuch eines solchen Aktes wird nach Artikel 155 mit einer Mindeststrafe von 20 Jahren geahndet. Darüber hinaus stellt Artikel 157 zu «unanständigen Praktiken zwischen Männern» Handlungen und versuchte Handlungen «von grober Unanständigkeit» zwischen Männern, ob öffentlich oder privat, mit einer Freiheitsstrafe von fünf Jahren unter Strafe (*Vereinigte Republik Tansania*, Juni 2022).

**In Sansibar drohen homosexuellen oder als homosexuell wahrgenommenen Personen bis zu 30 Jahre Haft.** Artikel 133 des sansibarischen Strafgesetzes bestraft jede Person, die «unnatürliche geschlechtliche Bekanntschaft» mit einer Person oder einem Tier macht oder «einem Menschen erlaubt, geschlechtliche Bekanntschaft mit ihm oder ihr zu machen», mit bis zu 30 Jahren Haft. Artikel 134 ahndet ausserdem jeden Versuch eines «widernatürlichen Vergehens» mit einer Freiheitsstrafe von bis zu zehn Jahren. Darüber hinaus erwähnt Artikel 136 seinerseits ausdrücklich das Verbot «lesbischer Handlungen», die mit einer Freiheitsstrafe von fünf bis zehn Jahren geahndet werden. Handlungen und versuchte Handlungen «von grober Unanständigkeit» werden nach Artikel 137 mit einer Haftstrafe zwischen drei und fünf Jahren oder einer Geldstrafe zwischen drei Millionen und fünf Millionen Schilling (ca. 1014 bis 1690 CHF) bestraft (*Sansibar*, Februar 2018). Mit dem neuen Strafgesetz von 2018 wurden die Strafen für homosexuelle Handlungen damit deutlich erhöht, da das zuvor gültige Strafgesetz von 2004 «geschlechtliche Bekanntschaft» mit 14 Jahren Haft und einen entsprechenden Versuch mit sieben Jahren Haft und «lesbische Handlungen» mit maximal fünf Jahren Haft bestraft hatte (*Sansibar*, August 2004).



**Gesetze, welche Homosexualität kriminalisieren, werden rigoros durchgesetzt.** Nach Angaben des *US Department of State* (USDOS) werden alle diese Gesetze konsequent angewendet. Im Jahr 2023 wurden mindestens vier Personen zu Höchststrafen von 30 Jahren verurteilt (USDOS, 22. April 2024). *Amnesty International* berichtet, dass Gesetze, welche homosexuelle Handlungen kriminalisierten, deutlich strenger angewandt würden, seitdem ein Mann zu lebenslanger Haft verurteilt worden sei, nachdem das Bezirksgericht Kilwa ihn im April 2023 der Homosexualität beschuldigt habe (*Amnesty International*, 9. Januar 2024). Laut *Washington Blade* wurde der Mann wegen Verstosses gegen die Artikel 154 und 157 des Strafgesetzbuches schuldig gesprochen, weil er «sein Telefon benutzt hatte, um einen jungen Mann [...] dazu zu überreden, eine intime Beziehung mit ihm einzugehen» (*Washington Blade*, 15. Mai 2023). Nach Angaben des USDOS wurden mindestens 23 Personen, die der Homosexualität verdächtigt wurden, festgenommen und wieder freigelassen (USDOS, 22. April 2024).

**Mehrere politische Akteure fordern, Gesetze, welche Homosexualität kriminalisieren, noch weiter zu verschärfen.** *Amnesty International* weist darauf hin, dass verschiedene Akteure trotz der Tatsache, dass das Land über eine der weltweit repressivsten Gesetzesgrundlagen zur Bekämpfung von homosexuellen Handlungen verfüge, auch weiterhin Druck machten und eine weitere Verschärfung der vorgesehenen Strafen forderten, einschliesslich der Einführung der Todesstrafe und der Kastration von Homosexuellen (*Amnesty International*, 9. Januar 2024).

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Bekanntschaft allein aufgrund des Nachweises der Penetration als vollständig angesehen wird» (*Sansibar*, Februar 2018).

**Behörden kriminalisieren als homosexuell wahrgenommene Menschen durch die verzerrte Anwendung scheinbar neutraler Gesetze noch stärker.** USDOS berichtet, dass Gerichte scheinbar neutrale Gesetze unverhältnismässig häufig gegen mutmassliche LGBTQI+ Personen anwenden, indem sie sie unter anderem wegen Prostitution, Landstreicherei («*loitering*») oder illegaler Versammlungen anklagen. Im Zuge einer Razzia wurden am 20. Januar 2023 14 Personen während einer Versammlung von Angehörigen der LGBTQI+-Community in der Stadt Morogoro festgenommen. Ursprünglich wegen «Förderung der Homosexualität» - einem gesetzlich nicht vorgesehenen Tatbestand - festgenommen, wurden die Personen schliesslich wegen illegaler Versammlung und Landstreicherei für schuldig befunden und zu einer Geldstrafe von etwa 215.000 Tansania-Schilling (ca. CHF 72) beziehungsweise zu einer zweimonatigen Haftstrafe verurteilt (USDOS, 22. April 2024). *Amnesty International* weist darauf hin, dass sich LGBTQI+-Personen folglich nicht frei versammeln, sich in Vereinen organisieren oder öffentlich äussern können, da sie damit riskierten, identifiziert, festgenommen und von der Polizei oder ihren Familienangehörigen diskriminiert oder gar misshandelt zu werden (*Amnesty International*, 9. Januar 2024).

LGBT Rights in Tanzania 🇹🇼					
Homosexuality 			Gay Marriage 		
<b>✗ Illegal (up to life in prison as punishment)</b>			<b>✗ Banned</b>		
Censorship	<b>✗ State-enforced</b>	Changing Gender	<b>✗ Illegal</b>	Gender-Affirming Care	<b>✗ Restricted</b>
Non-Binary Gender Recognition	<b>✗ Not legally recognized</b>	Discrimination	<b>✗ No protections</b>	Employment Discrimination	<b>✗ No protections</b>
Housing Discrimination	<b>✗ No protections</b>	Adoption	<b>✗ Illegal</b>	Intersex Infant Surgery	Unknown
Military	<b>✗ Illegal</b>	Donating Blood	<b>✓ Legal</b>	Conversion Therapy	<b>✗ Not banned</b>
Age of Consent	N/A				

Quelle: Equaldex, aufgerufen am 8. Juli 2024

## 4 Gewalt und Diskriminierung

**Personen, die verdächtigt werden, homosexuell zu sein, werden Opfer von Übergriffen und manchmal auch von Mord.** *Amnesty International* berichtet, dass mehrere homophobe Demonstrationen und Angriffe beobachtet worden seien, insbesondere in den Städten Arusha und Sansibar, und dass die Sicherheit und die Integrität von LGBTI-Personen in Tansania zunehmend bedroht seien (*Amnesty International*, 9. Januar 2024). Die digitale Medienplattform *Minority Africa* berichtet, dass im April 2023 eine lesbische Frau bei einem mutmasslich homophoben Verbrechen brutal getötet und verstümmelt worden sei. Sie war 2017 verhaftet worden, weil sie ihrer Freundin einen Heiratsantrag gemacht hatte (*Minority Africa*, 3. August 2023).

**LGBTQI+-Personen werden beim Zugang zu grundlegenden Rechten und Dienstleistungen diskriminiert.** Laut USDOS verbietet das Gesetz die Diskriminierung aufgrund der sexuellen Orientierung, Gender-Identität, von genderspezifischen Ausdrücken oder aufgrund von Geschlechtsmerkmalen nicht, und es erkennt LGBTQI+-Paare oder deren Familien nicht an. LGBTQI+-Personen werden beim Zugang zu medizinischer Versorgung (einschliesslich des Zugangs zu Informationen über HIV), Wohnraum, Bildung und Beschäftigung benachteiligt. Die Regierung hat keine Anstrengungen unternommen, um gegen diese Diskriminierung vorzugehen (USDOS, 22. April 2024). Laut *Human Rights Watch* ist Diskriminierung aufgrund von sexueller Orientierung und Gender-Identität in staatlichen Gesundheitszentren weit verbreitet, und die offene Feindseligkeit der Regierung gegenüber LGBTQI+-Personen hat das Recht von LGBTQI+ -Personen auf bestmögliche Gesundheitsversorgung, welches in von durch Tansania ratifizierten internationalen Verträgen eigentlich garantiert wird, empfindlich eingeschränkt. Selbst im Vergleich mit anderen Ländern, die gleichgeschlechtliche Beziehungen kriminalisieren, sei Tansania notorisch in ein seinen Bemühungen, Gesundheitsdienste für Angehörige der LGBTQI+-Gemeinschaft unzugänglich zu machen (*Human Rights Watch*, 3. Februar 2020).

**Die Regierung und religiöse Autoritätspersonen verfolgen eine gezielte Diskriminierungs- und Desinformationspolitik.** *Amnesty International* berichtet, dass religiöse Autoritäten im März 2023 einen öffentlichen Workshop zwecks Entwicklung einer Strategie zur Bekämpfung von Homosexualität organisiert hätten (*Amnesty International*, 9. Januar 2024). USDOS berichtet, dass die Meinungsfreiheit auch vom Staat eingeschränkt werde, der unter anderem 16 Bücher wegen «Gefährdung der Bildung von Kindern und Jugendlichen» aus Schulen verbannt habe (USDOS, 22. April 2024). Im Jahr 2022 berichtete *Africanews*, dass die tansanische Regierung vor der Verbreitung von Online-Botschaften und kurzen Videos, die «gleichgeschlechtliche Beziehungen fördern» gewarnt und angegeben habe, gegen Administrator\*innen von Pro-LGBT-Gruppen in sozialen Medien vorgehen zu wollen (*Africanews*, 12. September 2022).

**Behörden schikanieren LGBTQI+-Personen und wenden Gewalt gegen sie an; diese erstaten aus Angst vor den Konsequenzen keine Anzeige.** USDOS weist darauf hin, dass LGBTQI+-Personen von der Polizei verbal und teilweise physisch belästigt würden, manchmal allein aufgrund ihrer Kleidung oder ihres Verhaltens, und dass sie überdies gezwungen würden, Bestechungsgelder zu zahlen. Gewalt gegen LGBTQI+-Personen bleibt häufig ungemeldet, da die Betroffenen Angst vor Identifizierung, Haft oder Diskriminierung haben, und Gewalt von Seiten der Polizei, Familienmitgliedern oder Fremden befürchten. Die Regierung verfolge Berichte über Gewalt oder Diskriminierung gegen LGBTQI+-Personen nicht systematisch (USDOS, 22. April 2024). Im Jahr 2018 berichtete NPR, dass ein hoher Beamter eine Anti-Schwulen-Überwachungsbrigade bestehend aus Polizist\*innen, Psycholog\*innen und anderen Beamt\*innen gegründet habe. Laut derselben Quelle seien die Bewohner der Hauptstadt Dar es Salaam auch dazu angehalten, homosexuelle Personen über eine Hotline zu melden (NPR, 2. November 2018). *Human Rights Watch* berichtete später, dass die Regierung auf internationalen Druck hin eine Kehrtwende vollzogen habe (*Human Rights Watch*, 3. Februar 2020). Der *Human Dignity Trust* berichtet, dass der stellvertretende Innenminister 2019 die Polizei in Sansibar angewiesen habe, LGBT-Personen zu verhaften. Er beschuldigte, letztere, sie seien unethisch und gesetzeswidrig (*Human Dignity Trust*, abgerufen am 8. Juli 2024).

**Personen, die der Homosexualität verdächtigt werden, werden Opfer medizinischer Zwangspraktiken wie Analuntersuchungen und Konversionstherapien.** *Amnesty International* berichtet, dass die Behörden zunehmend systematisch Analuntersuchungen bei Personen anordnen, die der Homosexualität verdächtigt werden. Nach Angaben der NGO wird diese Praxis als schwere Menschenrechtsverletzung angesehen und kann in einigen Fällen mit Folter gleichgesetzt werden (*Amnesty International*, 9. Januar 2024). USDOS berichtet auch über Fälle von erzwungenen Konversionstherapien, die von medizinischem Fachpersonal oder von religiösen oder kommunalen Autoritäten durchgeführt würden. Weder die Regierung noch medizinische Vereinigungen hätten irgendwelche Anstrengungen unternommen, um diese Praktiken zu verurteilen (USDOS, 22. April 2024).

## 5 Quellen

Africanews, 12. September 2022 :

**«Le gouvernement tanzanien a mis en garde contre la diffusion de messages en ligne et de courtes vidéos faisant la promotion des relations homosexuelles.**

**Il a également prévenu qu'il prendrait des mesures contre les administrateurs de groupes de médias sociaux dont les membres partagent des messages pro-LGBT.**

*Le ministre de l'information, Nape Nnauye, a fait ces remarques lors d'une conférence de presse dimanche au siège de la Tanzania Communications Authority (TCRA) à Dar es Salaam.*

*Le ministre a par ailleurs déclaré que certaines personnes utilisaient des contenus liés aux dessins animés appréciés des enfants pour promouvoir les relations homosexuelle, ajoutant que le gouvernement ne tolérerait pas que quiconque popularise des actes qui vont à l'encontre des traditions établies en Tanzanie. « Avant de commencer à enquêter et à arrêter les auteurs qui envoient, produisent et distribuent ce contenu, il est préférable maintenant que les Tanzaniens s'en abstiennent », a-t-il précisé.*

*En 2018, un haut fonctionnaire tanzanien, Paul Makonda – qui était un allié du défunt président John Magufuli – a été à l'origine d'une force de surveillance anti-gay.*

*Les actes homosexuels sont illégaux en Tanzanie et de nombreux gays, lesbiennes et transgenres sont donc contraints de cacher leur sexualité.» Quelle: Africanews, La Tanzanie met en garde contre le partage de contenus pro-LGBTQI, 12. September 2022: <https://de.africanews.com/2022/09/12/tanzania-warnt-vor-dem-teilen-von-lgbtqi/-Inhalten>.*

Afrobarometer, 28. Juli 2023:



**Q87C. For each of the following types of people, please tell me whether you would like having people from this group as neighbours, dislike it, or not care: Homosexuals?**

	Urban	Rural	Men	Women	Total
Strongly dislike	92.1	89.5	91.5	89.4	90.4
Somewhat dislike	0.6	1.5	0.9	1.4	1.2
Would not care	2.4	2.1	2.1	2.3	2.2
Somewhat like	2.0	3.1	2.4	3.0	2.7
Strongly like	2.7	3.1	2.8	3.1	2.9
Refused		0.4	0.1	0.3	0.2
Don't know	0.2	0.4	0.2	0.5	0.3

Quelle: Afrobarometer, Summary of results - Afrobarometer Round 9 survey in Tanzania, 2022, 28. Juli 2023: <https://www.afrobarometer.org/wp-content/uploads/2023/07/Summary-of-results-Tanzania-Afrobarometer-R9-28july23.pdf>.

Amnesty International, 9. Januar 2024:

«[...] In Tanzania, sexual acts between men are already criminalized under The Penal Code of 1945 (as revised by the Sexual Offences Special Provisions Act, 1998) and they carry a maximum penalty of thirty years in prison. **Despite this being one of the harshest prison sentences for homosexuality in the world according to Human Rights Watch, there is still a growing wave of pressure from various groups, including religious organizations and political leaders, for harsher punishment for homosexuality, including the death penalty.**

**This escalating campaign has raised significant concerns about the rights and safety of LGBTI persons in the country.** LGBTI advocacy groups have been at the forefront of raising awareness about the deteriorating situation in Tanzania. **They have reported instances of anti-homosexuality demonstrations and attacks in cities like Arusha, and in Zanzibar, where LGBTI persons face increasing threats to their safety and well-being.** The government's stance on LGBTI issues has become evident through its actions. In February 2023, a children's book titled "The Diary of a Wimpy Kid" was banned by the government, citing alleged violations of cultural norms. Additionally, the Ministry of Education also banned a comprehensive sex education book titled "Sex Education: A Guide to Life," which included information about LGBTI terms. These bans represent a concerted effort to suppress discussions about sexual orientation and gender identity within the country.

**In March 2023, religious leaders organized a public workshop aimed at strategizing against homosexuality in Tanzania.** This event underscores the role of religious groups in fuelling the push for anti-LGBTI measures in the country. **In the same month calls were made by the head of the women's wing of Tanzania's ruling party to castrate male homosexuals; she was reported as saying "We ask the government to make stiff penalties to offences related to same-sex activities. Such people should be castrated."**

**During the budget debate on 12 April 2023, MP Abubakar Assenga proposed further criminalization of same-sex conduct and advocated for the death penalty as a punishment in certain instances when individuals are found guilty.** This extreme proposition highlights the seriousness of the threat faced by the LGBTI persons in Tanzania.

**In September 2023, a rights advocate in Tanzania confirmed the reports regarding the forced anal testing of people assumed to be gay in Tanzania. This deeply humiliating and invasive practice is not only occurring but is reportedly becoming increasingly common. The rights holder stated, "it happens all the time, these days we get a case almost every week."**

**Forced anal testing is a grave violation of human rights**, as it lacks scientific validity and subjects people who undergo it to **severe physical and psychological consequences, leading to trauma, anxiety, and long-lasting emotional distress**. This practice perpetuates discrimination against LGBTI persons, as it is based on harmful stereotypes and assumptions about sexual orientation. **General Comment No 4 of the ACHPR defines forced anal testing as a form of sexual and gender-based violence that could amount to torture and ill-treatment in violation of Article 5 of the African Charter**. This characterization underscores the seriousness of this practice and highlights its incompatibility with international human rights standards.



As the pressure mounts to stiffen punishment for, and the enforcement of laws 10riminalized10 homosexuality, human rights organizations 32 Interview with Amnesty International on 6 September 2023 and activists both within and outside Tanzania **have expressed deep concern over the erosion of the human rights of LGBTI persons in the country. The situation is characterized by a hostile environment where LGBTI persons are increasingly marginalized, harassed, and subjected to violence.**

For many years, the laws 10riminalized10 homosexuality were not enforced, as noted in a 2009 Federal Court of Canada judgement in *Mamoon v Canada*, which stated that criminal laws prohibiting homosexuality are rarely applied in Tanzania. Similarly, in 2013, Human Rights Watch reported that in the preceding several years there was a lack of prosecutions for same-sex conduct in Tanzania. Despite the limited number of convictions and prosecutions, these laws still served as a basis for arbitrary targeting and arrests of LGBTI persons on occasion. **However, the year 2023 witnessed a significant shift, with at least one widely reported instance of the active enforcement of laws criminalizing homosexuality. In April of 2023, the Kilwa District Court convicted Muharami Hassan Nayonga of violating the provisions of the Penal Code which that criminalize “unnatural offenses” and “indecent practices between males” and convicted him to 30 years in prison. [...]**»

Quelle: Amnesty International, Africa: We are facing extinction: Escalating anti-LGBTI sentiment, the weaponization of law and their human rights implications in select African countries, 9. Januar 2024: [https://www.amnesty.ch/de/laender/afrika/afrika/dok/2024/diskriminierende-gesetze-schueren-hass-gegen-lgbti/lgbti\\_africa\\_report.pdf](https://www.amnesty.ch/de/laender/afrika/afrika/dok/2024/diskriminierende-gesetze-schueren-hass-gegen-lgbti/lgbti_africa_report.pdf).

Equaldex, aufgerufen am 8. Juli 2024:

## LGBT Rights in Tanzania 🇹🇿

Homosexuality		Gay Marriage			
 X Illegal (up to life in prison as punishment)		 X Banned			
Censorship	X State-enforced	Changing Gender	X Illegal	Gender-Affirming Care	X Restricted
Non-Binary Gender Recognition	X Not legally recognized	Discrimination	X No protections	Employment Discrimination	X No protections
Housing Discrimination	X No protections	Adoption	X Illegal	Intersex Infant Surgery	Unknown
Military	X Illegal	Donating Blood	✓ Legal	Conversion Therapy	X Not banned
Age of Consent	N/A				

Quelle: Equaldex, LGBT rights in Tanzania, aufgerufen am 8. Juli 2024: <https://www.equaldex.com/region/tanzania>.

Human Dignity Trust, aufgerufen am 8. Juli 2024:

**«Same-sex sexual activity is prohibited under the Penal Code 1945, which criminalises acts of ‘carnal knowledge against the order of nature’ and ‘gross indecency’. This law carries a maximum penalty of life imprisonment. Both men and women are criminalized under this law.**

*The law was inherited from the British during the colonial period, in which the English criminal law was imposed upon Tanzania. Tanzania retained the provision upon independence and continues to criminalise same-sex sexual activity today. **The law was amended in recent decades to expand the criminalization of same-sex sexual activity to women.***

***There is substantial evidence of the law being enforced in recent years, with LGBT people being frequently subject to arrest. Since 2018, a crackdown against the LGBT community has been underway, with reports of raids, mass arrests, arbitrary detention, and forced anal ‘examinations’ being commonplace. There have been consistent reports of discrimination and violence being committed against LGBT people in recent years, including murder, assault, harassment, and the denial of basic rights and services.***

***[...] In a parliamentary debate in April, several Members of Parliament called for tougher laws against LGBT people, including the introduction of death penalty for same-sex sexual activity and the expansion of the law to cover a wider range of activities.***

***In June, MP Jacqueline Ngonyani said she plans to introduce a private motion in Parliament later in the year to further criminalise LGBT people and “control the ongoing moral***

**decay**". She did not specify what punishment she had in mind, saying she would seek legal advice first. In reaction, the Minister of Constitutional and Legal Affairs told Reuters that there was little room to change the current Penal Code, as it already provides for life imprisonment.

[...] 2023

**According to local NGO LGBT VOICE Tanzania, an individual named Muharami Hassan Nayonga was sentenced to 30 years in prison by the Kilwa District Court for violating Sections 154 and 157 of the country's Penal Code that criminalise so-called unnatural offences and "indecent practices between males."**

[...] 2020

[...] In March, seven men were arrested for same-sex sexual activity and subjected to forced anal 'examinations'.

2019

[...]

In January, 17 people were arrested on the grounds of allegedly engaging in same-sex sexual activity, and were subjected to forced anal 'exams'. There were similar reports of arrests, detention, and anal 'examinations' of LGBT people and activists during the year.

**In September, the deputy Minister of Home Affairs instructed police in Zanzibar to arrest LGBT people, accusing them of being "unethical, unaccepted, and against the law."**

2018

**In late 2018, reports began to appear of a coordinated government attack on the LGBT community in Tanzania. In October, Paul Makonda, Governor of Dar es Salaam, announced the creation of an anti-LGBT surveillance squad, which would begin rounding up suspected gay people. Reports suggested that hundreds of LGBT activists subsequently went into hiding after house raids began.**

**In November ten men were arrested for allegedly conducting a same-sex marriage ceremony on the island of Zanzibar.**

[...]

2017

**In September, 20 people were arrested in Zanzibar for "alleged homosexuality". They were picked up in a hotel where they were receiving training about HIV/AIDS education programmes.**

Also in September, at least 12 men were arrested at a hotel in Dar es Salaam at a gathering authorities claimed was to promote same-sex relationships.

*In October, police arrested 12 people who were allegedly preparing a case to challenge the government's decision to ban HIV drop-in centres for key populations. [...]» Quelle: Human Dignity Trust, Tanzania, aufgerufen am 8. Juli 2024: <https://www.humandignity-trust.org/country-profile/tanzania/>.*

Human Rights Watch, 3. Februar 2020:

**«Tanzania made international headlines in October 2018 when a regional official, Paul Makonda, claimed to have established a task force to round up all men suspected of being gay in the coastal city of Dar es Salaam, "test" them for homosexual conduct, and jail them for life. He called upon Tanzanians to send him text messages reporting anyone they suspected of being gay, and claimed to have received hundreds of such messages.**

**International pressure led the Tanzanian government to disavow the official's comments. [...]**

**[...] One of the most significant casualties of the government's overt hostility to LGBT people is the right to the highest attainable standard of health, guaranteed under international treaties that Tanzania has ratified. Even in comparison to other countries that criminalize same-sex relations, Tanzania has become an outlier in its efforts to render LGBT-friendly health services inaccessible.**

**[...] The Health Ministry asserts that public health centers in Tanzania provide discrimination-free services to LGBT people and key populations and that there is no need for specialized services run by civil society organizations. Human Rights Watch research has found, however, that discrimination on the basis of sexual orientation and gender identity in government health centers is common.**

**[...] Police continue to conduct arbitrary arrests based on sexual orientation or gender identity. In some cases, police enlist health care providers to carry out forced anal examinations in attempts to find proof of homosexual conduct. This practice is a medical travesty and a grave violation of human rights that can amount to torture. Arrests and mistreatment of LGBT people not only violate rights to privacy, non-discrimination, and the right to be free from torture, they also drive vulnerable communities underground and away from health services, further undermining the right to health. [...]» Quelle: Human Rights Watch, "If We Don't Get Services, We Will Die": Tanzania's Anti-LGBT Crackdown and the Right to Health, 3. Februar 2020: <https://www.hrw.org/report/2020/02/03/if-we-dont-get-services-we-will-die/tanzanias-anti-lgbt-crackdown-and-right>.**

Minority Africa, 3. August 2023:

**«On April 22, 2023, Milembe Suleiman, a 43-year-old Tanzanian lesbian, was brutally killed and mutilated in a suspected homophobic attack. Suleiman's death has its roots in a long history of discrimination, which for her started with getting arrested in December 2017 for proposing to her girlfriend.**

[...] Her death also closely follows the widely publicised homophobic investigation by Catherine Kahabi. An investigation that received the endorsement of Dr Harrison Mwakyembe, a former minister and representative at the East African Legislative Assembly.

As a result of her investigation, Kahabi submitted a list of those involved in corrupting the nation's youth: the names and contacts of people advocating for LGBTQ+ rights in Tanzania. One of the names on the list was an American, who Kahabi asserted used toothpaste and perfumes with pride colours to induce homosexuality by increasing feminine hormones in men.

Only two days before Suleiman's death, a Tanzanian court ordered the invasive examination of the anuses of Noel Ndale Mushi, Kelvini Maliki Ngao, and David Brayan Johnson to determine if they engaged in homosexual acts. The court order is one of the extreme measures Tanzania has been taking against LGBTQ+ people.

It is part of the state's sanctioned marginalization and oppression against LGBTQ+ Tanzanians that traces back to 2016 when Paul Makonda, Dar es Salaam's Regional Commissioner, launched an anti-gay surveillance force amidst other human rights abuses that saw him get banned from the US.

**In April, Muharami Hassan Nayonga was sentenced to 30 years in prison after a court convicted him of violating the country's sodomy law and a month earlier, the women's wing of the ruling party called for the castration of homosexuals.**

Due to the increased dangers of being queer in Tanzania, Soma, who is in his late 20s, has been forcing himself to become straight.

[...] In May, Wilbroad Mutafungwa, the Mwanza Regional Police Commander, reported the arrest of various individuals engaged in same-sex relations across the region. One of these women was Salome Rashidi, who was arrested after reports from her neighbours.

**Two others, Ismer Abdalah and Jeremiah Elkana were also arrested for wearing female clothing.**

"I fear trying to find a partner because it may turn out to be a misfortune," Soma says.

The misfortune Soma talks about could range from being arrested by law enforcers pretending to be queer or heterosexual men who blackmail gay men, a practice that is widespread in other parts of the continent such as Nigeria and Egypt.

Badibadi, a bisexual man, shares the same fear as he knows someone who was recently blackmailed and had to pay \$3,026.75.

[...] A recent government crackdown on websites and social media accounts that promote LGBTQ+ rights, has further isolated the community from the online groups that were used by the community to meet and mingle, forcing them into public spaces.

[...] "It is risky. We are just aware of the famous people who are getting arrested. There may be some other people arrested or killed without us knowing," Bone says. "I have to show only masculine traits to be safe, so I start by having stories about LGBTQ before mentioning I am looking for a relationship."» Quelle: Minority Africa, Tanzania's crackdown on LGBTQ+ rights:



“The government is making [us] hide”, 3. August 2023: <https://minorityafrica.org/tanzanias-crackdown-on-lgbtq-rights-the-government-is-making-us-hide/>.

NPR, 2. November 2018:

**«The Regional Commissioner of Tanzania's largest city announced the creation of an anti-gay surveillance squad that is expected to begin a roundup as early as Monday.**

**In an interview with Dizzim TV on Monday, Paul Makonda ordered residents throughout Dar es Salaam to report gay people to a phone hotline in advance of the widespread sweeps.**

**"Report them to me," Makonda urged, as translated from Swahili by NPR, adding that "from next Monday we start arresting them."**

*Homosexual acts are illegal in Tanzania and punishable by up to 30 years in prison. As a result, gay, lesbian and transgender Tanzanians are forced to hide their sexuality.*

**The task force will consist of police, psychologists and officials from Tanzania Communication Regulatory Authority, according to the Tanzanian news outlet, The Citizen. The committee is also expected to target gay residents through social media and other online forums, NBC News reported.**

**In a tweet on Wednesday, Makonda said more than 100 gay men had been reported by citizens.**

**It is not the first crackdown on the city's gay community by Makonda, an avid supporter of President John Magufuli, who has stoked anti-gay rhetoric since he was elected in 2015. As Vox reported in 2017, "Tanzania is rapidly becoming one of the worst countries in the world for LGBTQ individuals" under Magufuli's campaign against "immoral behaviors."**

*[...] Makonda clearly expects international backlash to his latest attack against the marginalized community. At a Monday news conference, he said while other nations may tolerate gay citizens, the laws of his country and its constitutions do not allow for it.*

*"As we take this stand, do not tell us about human rights," he said. "There is no right to go against creation written on any religious books. Keep your laws. Being gay is not allowed here in Dar es Salaam," he said.» Quelle: National Public Radio (NPR), Tanzanian Leader Launches Anti-Gay Crackdown, Expects to Round Up Hundreds, 2. November 2018: <https://www.npr.org/2018/11/02/663692128/tanzanian-leader-launches-anti-gay-crackdown-expects-to-round-up-hundreds>.*

Vereinigte Republik Tansania, Juni 2022:

*«[...] Unnatural offences Ord. No. 47 of 1954 s. 3; Acts Nos. 4 of 1998 s. 16; 21 of 2009 s. 185*

**154. (1) Any person who- (a) has carnal knowledge of any person against the order of nature; (b) has carnal knowledge of an animal; or (c) permits a male person to have**

***carnal knowledge of him or her against the order of nature, commits an offence, and is liable to imprisonment for life and in any case to imprisonment for a term of not less than thirty years. (2) Where the offence under subsection (1) is committed to a child under the age of eighteen years the offender shall be sentenced to life imprisonment.***

***Attempt to commit unnatural offences Ord. No. 47 of 1954 s. 3; Act No. 4 of 1998 s. 17 155. Any person who attempts to commit any of the offences specified under section 154 commits an offence and shall, on conviction, be sentenced to imprisonment for a term of not less than twenty years.***

*Indecent practices between males Ord. No. 47 of 1954 s. 3*

***157. Any male person who, whether in public or private, commits any act of gross indecency with another male person or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person, with himself or with another male person, whether in public or private, is guilty of an offence and is liable to imprisonment for five years. [...]».*** Quelle: Vereinigte Republik Tansania, Strafgesetzbuch - überarbeitete Ausgabe von 2022, Juni 2022: <https://www.parliament.go.tz/polis/uploads/bills/acts/1662102362-CHAPTER%2016-THE%20PENAL%20CODE.pdf>.

USDOS, 22. April 2024:

**«[...] ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS**

*Criminalization: Consensual same-sex sexual conduct was criminalized. The law on both the mainland and Zanzibar punished “gross indecency” by up to five years in prison or a fine. The law punished any person convicted of having “carnal knowledge of another against the order of nature or permits a man to have carnal knowledge of him against the order of nature” with a prison sentence on the mainland of 30 years to life and in Zanzibar of imprisonment up to 14 years. In Zanzibar, the law provided for imprisonment up to five years or a fine for “acts of lesbianism.” These laws were enforced, including at least four individuals who received the maximum 30-year sentence.*

***Courts disproportionately enforced facially neutral laws against LGBTQI+ persons, such as charging individuals suspected of same-sex sexual conduct with loitering or prostitution. On January 20, a group of 14 LGBTQI+ persons were found guilty of illegal assembly and loitering; they were each ordered to pay a fine of approximately 215,000 Tanzanian shillings (\$90) or serve a two-month jail sentence. The group was arrested during a raid of an LGBTQI+ community meeting in Morogoro and were originally charged with “promoting homosexuality,” which was a false charge, as the law prohibited homosexual acts but not the promotion of homosexuality.***

***Authorities arrested and later released at least 23 individuals under suspicion of same-sex sexual conduct. Three individuals, including one U.S. citizen, were arrested in April and threatened with invasive procedures. The three individuals were later released without undergoing examination, and charges were dropped.***



**LGBTQI+ persons were afraid to report violence and other crimes, including those committed by state agents, due to fear of arrest for same-sex sexual conduct. LGBTQI+ persons reported continued harassment from police and solicitation of bribes.**

**Violence and Harassment: Incidents of violence against LGBTQI+ persons occurred, but reporting was limited because individuals feared identification, arrest, or discrimination or violence from police, family members, or strangers. The government did not systematically track reports of violence or discrimination against LGBTQI+ persons.**

On April 26, four persons were arrested in connection with the death of Kemilembe Seleman, whose body was found mutilated. Although the investigation was not finished, social media comments linked Seleman's death to a 2017 video clip on the internet of her kissing another woman.

During the year, prominent activists were silent amid a surge in arrests of individuals suspected of same-sex sexual conduct due to fear of government and community reprisal.

**Discrimination: The law did not prohibit discrimination based on sexual orientation, gender identity or expression, or sex characteristics, and it did not recognize LGBTQI+ couples or their families. Police verbally and sometimes physically harassed or intimidated persons perceived to be LGBTQI+ based on their clothing or behavior. LGBTQI+ persons faced discrimination in accessing health care (including access to information regarding HIV), housing, education, and employment. There were no known government efforts to combat such discrimination.**

**Availability of Legal Gender Recognition: There was no legal means for individuals to change gender identity markers on government identification documents. The inability to obtain legal identity documents that aligned with their gender expression created significant problems for transgender and nonbinary persons in employment, education, housing, and virtually all aspects of life.**

**Involuntary or Coercive Medical or Psychological Practices: There were reports of the use of involuntary or coercive practices in an effort to change a person's sexual orientation or gender identity or expression, primarily through nonphysical means such as coercive talk "therapy" by medical or mental health practitioners or religious or community leaders. There were no efforts by government or medical associations to condemn such practices.**

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly: LGBTQI+ individuals could not freely assemble, associate, or express themselves publicly due to fear of identification, arrest, and discrimination or violence by police or family members.**

NGOs reported difficulty registering organizations with explicitly LGBTQI+-focused names, often needing to use aliases or vague language. While NGOs feared their ability to operate freely and openly could be curtailed, they reported less targeting or deregistration by authorities under President Samia.

**Freedom of expression was restricted by state agents. In February Minister of Education, Science, and Technology Adolf Mkenda banned 16 books from schools for**

**“endangering the upbringing of children and young people in the country.” The banned books included some related to LGBTQI+ identity and sex education, as well as several from the *Diary of a Wimpy Kid* series. [...]» Quelle: US-Aussenministerium (USDOS), 2023 Country Reports on Human Rights Practices - Tanzania, 22. April 2024: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/tanzania/>.**

Washington Blade, 15. Mai 2023

**«A Tanzanian man was last month sentenced to 30 years in prison after a court convicted him of violating the country’s sodomy law.**

**According to LGBT VOICE Tanzania, an LGBTQ and intersex rights organization, the Kilwa District Court sentenced Muharami Hassan Nayonga to 30 years in prison after it convicted him of violating Sections 154 and 157 of the country’s Penal Code that criminalize so-called unnatural offenses and “indecent practices between males.”**

LGBT VOICE Tanzania said Nayonga was a security guard who lived in Masoko Ward. He was arrested on April 13 **“after he used his phone to persuade a young man known as Zalafi Selemani to be intimate with him.”**

**“After the arrest, Muharami was examined by health professionals who found that he had engaged and engages in unnatural sex,” said LGBT VOICE Tanzania. “He was then brought to court and confessed his crimes where he was sentenced to 30 years in prison by the Resident Magistrate of the Court, Carolina Mtui, under case number 27 of 2023.”**

[...] The ministry also banned the distribution of lubricant.

**A crackdown against LGBTQ and intersex Tanzanians has been underway since 2018; with reports of raids, mass arrests, arbitrary detention and forced anal examinations.[...]» Quelle: Washington Blade, Tanzanian man convicted of violating country's sodomy law, sentenced to 30 years in prison, 15. Mai 2023: <https://www.washingtonblade.com/2023/05/15/tanzanian-man-convicted-of-violating-countrys-sodomy-law-sentenced-to-30-years-in-prison/>.**

Sansibar, Februar 2018:

**«[...] 107. Wherever upon the trial for an offense punishable under this part it may be necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon the proof of penetration only.**

**[...] 133. A person who- (a) has carnal knowledge of a person against the order of nature; (b) has carnal knowledge of an animal or has carnal knowledge by an animal; or (c) permits a male person to have carnal knowledge of him or her against the order of nature, is guilty of an offence, and is liable to imprisonment for a term of thirty years.**

**134. A person who attempts to commit unnatural offences is guilty of an offence, and is liable to imprisonment for a term of not exceeding ten years.**

**[...] 136. A woman or a girl who commits an act of lesbianism with another woman or girl, whether taking an active or passive role, is guilty of an offence and is liable on conviction to imprisonment for a term of not less than five years but not exceeding ten years.**

**137. (1) A person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by a person of, any act of gross indecency with another person, is guilty of an offence and is liable to imprisonment for a term of not less than three years but not exceeding five years or to a fine of not less than Three Million Shillings but not exceeding Five Million Shillings [...].** Quelle: Zanzibar, Zanzibar Penal Act NO. 6 of 2018, Februar 2018: [https://zaeca.go.tz/pdf/Penal\\_Act\\_2018\\_6\\_en.pdf](https://zaeca.go.tz/pdf/Penal_Act_2018_6_en.pdf).

Sansibar, August 2004:

**«150. Any person who : (a) has carnal knowledge of any person against the order of nature; (b) has carnal knowledge of an animal; or (c) permits a male person to have carnal knowledge of him or her against the order of nature; is guilty of a felony, and is liable to imprisonment for a term **not exceeding fourteen years.****

**151. Any person who attempts to commit any of the offences specified in sections 150 is guilty of a felony, and is liable to imprisonment for a term **not exceeding seven years.****

**[...] 153. Any woman who commits an act of lesbianism with another woman whether taking an active or passive role shall be guilty of an offence and liable on conviction to imprisonment for a **term not exceeding five years or to a fine not exceeding five hundred thousand shillings.****

**154. Any person who, in public or private commits, or is a party to the commission of, or procures or attempts to procure the commission by any person of, any act of gross indecency with another person, is guilty of an offence and liable on conviction to imprisonment for a term **not exceeding five years or to a fine not exceeding two hundred thousand shillings;** [...]** Quelle: Zanzibar, Penal Decree Act No. 6 of 2004, August 2004: [https://sherloc.unodc.org/cld/uploads/res/document/criminal-procedure-act--2004-zanzibar\\_html/Penal\\_Decree\\_Act.pdf](https://sherloc.unodc.org/cld/uploads/res/document/criminal-procedure-act--2004-zanzibar_html/Penal_Decree_Act.pdf).

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