

Tanzania

Persecuting



Rachel Dolan

QUICK FACTS

Political System | Presidential Democracy **Population** | 58,552,845 (July 2020)
Head of State | President John Magufuli (2015-present) **GDP Per capita** | NA

EXECUTIVE SUMMARY

Tanzania has received an F on the F&M GBGR and GBTR every year from 2011–2018. Homosexuality is criminalized and acceptance of homosexuality among the population is low. According to the latest Afrobarometer from 2015, 21% of people in Tanzania answered that they would strongly like, somewhat like, or not care if they lived next to homosexuals.¹ This widespread societal rejection has resulted in discrimination against LGBTI minorities in healthcare, employment, and housing, lack of privacy, and lack of protection under the law.

Background

A former British colony, Tanzania gained independence in the 1960s. Tanganyika and Zanzibar merged in 1964, forming the United Republic of Tanzania. It is a presidential republic with John Magufuli, who has been in office since 2015, as its president. 2010 estimates had 61.4% of Tanzanians as Christian, and 35.2% as Muslim, and 1.4% as not religiously affiliated (the rest were “folk religion” or “other”). Almost all of Zanzibar’s population is Muslim. While Zanzibar is a part of the republic, it is semi autonomous but still participates in national elections.²

The United States Department of State (USDOS) names violence and threats of violence against LGBTI individuals a “significant human rights issue” in Tanzania.³ Life

for LGBTI minorities in Tanzania is extremely difficult, and it was made worse in 2018 when Dar es Salaam’s Regional Commissioner Paul Makonda announced an anti-gay crackdown, which consisted of rounding up and imprisoning LGBTI minorities through social media, raids, and citizen reports.⁴

KEY FINDINGS

Legal Landscape

“Unnatural offenses” and “gross indecency” (same-sex sexual acts) are criminalized in Tanzania under Penal Code, Chapter XV: Offenses Against Morality, Sections 154, 155, 157, and 138A. The punishments range from fines of at least 300,000 shillings and at least five years of imprisonment to lifetime imprisonment depending on the offense. They are also criminalized in Zanzibar under Penal Decree (Amendment) Act, Section 145.⁵

According to the the USDOS Country Report on Human Rights Practices in Tanzania, persons believed to be LGBTI are often harassed by the police based on their dress or mannerisms because LGBTI minorities are not protected from discrimination under the law.⁶ Often, when the police arrest men for suspicion of homosexual activity, they subject them to forced anal examinations.⁷ In 2019, the government also rejected a proposal that would improve safeguards for LGBTI persons because they were “contrary to the law of the land and the

cultural norms of society.”⁸

Legal recognition of gender identity is not possible in Tanzania.

Political Landscape

President John Magufuli does not support the legalization of homosexuality. In 2017, he declared that “Those who teach such things [advocating LGBTI equality] do not like us, brothers. They brought us drugs and homosexual practices that even cows disapprove of.”⁹ Magufuli’s sentiments are echoed in the Tanzanian law that criminalizes homosexuality, entitled “Offenses Against Morality.”

Since Dar es Salaam’s Regional Commissioner Paul Makonda instituted the anti-gay crackdown, many LGBTI activists in Tanzania have gone into hiding. Part of the crackdown consisted of raiding houses where LGBTI individuals were suspected to live, so many activists were forced into hiding because the government said they were “promoting homosexuality.”¹⁰ The policies of the crackdown drew an international response and, in some cases, backlash. Canada voiced a general concern with regard to their foreign aid to Tanzania, Denmark withdrew their aid and redirected it to human rights organizations, and the World Bank withdrew a \$300 million loan.^{11,12}

Socio-Economic Landscape

Social acceptance of LGBTI people in Tanzania has declined since 2000, according to the Williams Institute’s Global Acceptance Index. This supports the Williams Institute’s finding that social acceptance has become polarized over the last decade, such that the most accepting countries have become more accepting, and the least accepting countries have become less accepting.¹³

Societal-Level Discrimination

Tanzania’s constitution provides for freedom of association, but amendments to the NGO act in 2019 limited that freedom, especially for the LGBTI community. The amendments gave the registrar of NGOs the power to suspend and deregister NGOs. As a result, several NGOs were deregistered for “supposedly promoting acts in society which violate ethics and culture because they supported LGBTI protection and rights.” One of the few remaining NGOs that advocated for gay and transgender rights in Tanzania is LGBT Voice.¹⁴

One of the spheres in which the LGBTI community in Tanzania faces the most disparity is healthcare. Societal discrimination restricts access to healthcare, which is compounded by the fear that, if an LGBTI individual seeks treatment and/or medication, they will be arrested, punished, or harmed for their sexual orientation and/or gender identity. Additionally, the government has banned the provision of condoms and lubricants to LGBTI health clinics for fear that those measures will “encourage” same sex sexual activity.¹⁵ Furthermore, lack of access to information HIV/AIDS and discrimination in treatment has had a disproportionate impact on the LGBTI community.¹⁶



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GAY RIGHTS



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RIGHTS

ANALYSIS

Tanzania's F&M GBGR or GBTR score is not likely to change in the next year as it has been and F (persecuting) in all years from 2011-2018. Its score is on par with those of other countries in Sub-Saharan Africa. The underlying rhetoric around the situation of LGBTI rights and discrimination in Tanzania often invokes morality. In addition to the fact that the law criminalizing sexuality is entitled "Offences Against Morality," politicians and leaders have blamed the LGBTI community for drug problems in the country and officials in Zanzibar have said that LGBTI minorities bring a "bad image to the island."¹⁷ Because of Tanzania's consistent score of "persecuting" on the F&M GBGR and GBTR as well as the dehumanizing rhetoric and practices against LGBTI minorities in the country, it is unlikely that Tanzania's score will improve any time soon.

CITATIONS

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