

WE ARE FACING EXTINCTION

ESCALATING ANTI-LGBTI SENTIMENT, THE WEAPONIZATION OF LAW AND
THEIR HUMAN RIGHTS IMPLICATIONS IN SELECT AFRICAN COUNTRIES



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Our vision is for every person to enjoy all the rights

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“Those most impacted by oppression hold the deepest knowledge of the manifestations, impact, and solutions of that oppression.”¹

We extend our heartfelt gratitude to our partners and the LGBTI activists and organizations who contributed to these discussions. Their unwavering commitment to upholding the rights of LGBTI people has played a pivotal role in shaping the content of this publication. It is through their courage and willingness to provide vital insights that we are able to shed light on the challenges faced by LGBTI persons in the continent. The collaboration and contributions of our partners and rights holders serve as a testament to the power of collective action. With their support, we can continue to amplify the voices of those who are often silenced, challenge discrimination and hatred, and work towards a brighter and more inclusive future for all.

1. Astraea Lesbian Foundation for Justice. (September 2023). Global Resistance to Anti-gender Opposition: LGBTIQ+ Activism in Colombia, India, Kenya, Peru, and Serbia available at [astraefoundation.org](https://astraefoundation.org/global-resistance-to-anti-gender-opposition)

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INTRODUCTION

For many LGBTI (lesbian, gay, bisexual, transgender and intersex) persons in Africa, 2023 was nothing short of a dystopian nightmare. Last year witnessed a surge in fear and attacks among LGBTI persons, as well as increased oppression and growing hostility towards their identities. The struggle for the realisation of rights of LGBTI people has been marked by significant challenges and a systematic denial of their basic human rights.

Across Africa, LGBTI persons find themselves contending with a disturbing regression of progress, facing relentless [protests against their identities](#), and confronting formidable obstacles to their [legal](#) and [social](#) rights. In some of the legislation emerging across the continent and during national debates, it is deeply distressing to witness the promotion of propositions and practices like “anal testing,” “castration,” “genital verification,” and so-called “conversion therapy” as if they are acceptable practices in a just and rights-respecting society. Harmful practices such as non-consensual surgeries on intersex children and the absence of gender-affirming care for transgender persons continue to persist. Arbitrary arrests and detentions of LGBTI people have become all too common, with authorities treating the mere act of being oneself as a criminal offense. The shrinking civic space, poisoned by advocacy of hatred, threatens to suffocate the voices of those seeking justice and equality for LGBTI people. In some places, the [death penalty](#) looms as a terrifying spectre, a cruel punishment for simply being who they are.

These injustices stand in stark contradiction to the principles enshrined in international and regional human rights law and standards which unequivocally champion equality, non-discrimination, and the *inherent dignity of every human being*, regardless of their sexual orientation or gender identity. While international and regional law provide a crucial framework for protecting the

rights of every individual, the lived experiences of many LGBTI persons in Africa underscore a profound disconnect between these legal principles and the reality they face. The harsh reality is that in many African countries, deeply entrenched cultural, religious, and legal norms – often dating back to the colonial era – persist, marginalizing and excluding LGBTI persons from enjoyment of their rights as enshrined in domestic and international law.

The pursuit of recognition and justice remains ongoing as LGBTI persons endeavour to live their lives authentically in a world that frequently seeks to deny them their very existence.

While the struggle for LGBTI persons to have their rights recognised and realised is not new in Africa, recent times have seen a troubling surge in homophobic attitudes, behaviours, actions and sentiments. This uptick in anti-LGBTI rhetoric, fuelled by political, religious, and societal figures, signals escalating hostility that together with [existing punitive laws](#) foster a climate of both state-sanctioned and societal discrimination and violence. This shift in rhetoric positions LGBTI persons as antithetical to cultural and religious norms, thereby exacerbating their vulnerability and undermining their access to equal rights, protections, and services.

At the core of this review lies the recognition that the burgeoning anti-LGBTI sentiment is not an isolated occurrence, but rather a facet of a broader regional trend marked by heightened homophobia and prejudice. Additionally, it reflects a global assault on the rights of LGBTI persons propelled by increasingly influential anti-rights and anti-gender movements. This trend urgently necessitates coordinated regional and international intervention to counter these detrimental narratives and attitudes and uphold the human rights of all people, irrespective of their sexual orientation, gender identity and expression and sex characteristics.

This review explores cases from select African countries, namely Botswana, Burundi, Eswatini, Ghana, Kenya, Malawi, Mozambique, Namibia, Tanzania, Uganda, Zambia, Zimbabwe, casting light on the rights violations faced by LGBTI individuals in the African context.

METHODOLOGY

This content of this review draws upon monitoring conducted by Amnesty International and our partner organizations in the region, primarily throughout 2022 and 2023. To provide a comprehensive understanding, information from preceding years has been incorporated for context. To capture the firsthand experiences of rights holders (LGBTI activists and survivors), a total of 39 interviews were conducted with Amnesty International, utilizing various formats such as phone interviews, text correspondence, email exchanges, and online interviews.

The document also integrates [previous research](#) and [advocacy efforts](#), including information obtained from online regional meetings which took place in June and December 2022. Parts of it also reflects the insights gathered during an in person cross regional gathering held in Johannesburg in September 2023. This event, hosted jointly with the Southern Africa Litigation Centre, Transbantu Association Zambia, and Nyasa Rainbow Alliance, served as a platform for sharing knowledge, experiences, and strategies to counter growing anti-LGBTI narratives and policies in the region.

While its contents are not meant to be statistically representative and certainly do not cover all relevant countries and the full extent of LGBTI rights violations in Africa, the document sheds light on the often-underrepresented lived experiences of LGBTI persons in the region. It also highlights the incredible work carried out by advocates who persevere despite increasingly challenging circumstances and underscores the far-reaching implications of governments' use of the law as a tool of violence against marginalized persons.

~~HOMESEXUALITY IS A FELONY~~
HOMOSEXUALITY
MUST GET
DEATH

TANZANIA

Push to further criminalize homosexuality

In Tanzania, sexual acts between men are already criminalised 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 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.”**³²

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 criminalising homosexuality, human rights organizations

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 criminalising 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 Kiwira 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.**

An LGBTI activist said to Amnesty International in November 2023 **“I may say that in Tanzania and across the continent, the alarming surge in homophobic sentiment reflects not only a social challenge but a profound human rights crisis. The weaponization of laws against queer persons not only perpetuates discrimination but also threatens the fundamental principles of equality and dignity. As we navigate these troubled waters, it is imperative to amplify the voices of those affected, fostering understanding, empathy, and, ultimately, positive change. Addressing these issues head-on, we call upon the leadership, including President Samia Suluhu, to champion inclusivity and advocate for policies that protect the rights of all citizens, regardless of their sexual orientation. A commitment to diversity will not only enhance Tanzania’s global standing but also strengthen the fabric of our shared humanity.”**³³

International advocacy groups and diplomatic efforts have been essential in drawing attention to this issue and pressing the Tanzanian government to respect and protect the rights of all its citizens, regardless of their sexual orientation or gender identity. The ongoing struggle for the rights of LGBTI persons in Tanzania is a stark reminder of the challenges faced by marginalized communities in their fight for equality and non-discrimination.

32 Interview with Amnesty International on 6 September 2023

33 Email Correspondence with Amnesty International on 10 November 2023