



THE OFFENCE OF GANG RAPE IN TANZANIA

INTRODUCTION

Gang rape, also known as group or collective rape, is a serious and heinous crime in Tanzania, as well as in many other countries. The following is a general overview of the offense of gang rape in Tanzania;

Definition: Gang rape is defined as the act of multiple individuals participating in the sexual assault of a single individual. The act of rape involves non-consensual sexual penetration, and the use of force or threat of force may be used to coerce the victim.

REPORTING

If an individual has been the victim of gang rape, it is important to report the crime to the police as soon as possible. Reporting the crime will not only provide the victim with protection and support, but will also assist in the prosecution of the individuals responsible.

EVIDENCE

To prosecute an individual for gang rape, the prosecution must prove beyond a reasonable doubt that the sexual assault was committed by more than one individual and that the act was non-consensual. This may require the introduction of physical and eyewitness evidence, as well as medical and psychological evidence to show the effects of the assault on the victim.

ELEMENTS OF GANG RAPE

In Tanzania, the elements of gang rape are defined by the Penal Code of Tanzania. To be considered gang rape, the following elements must be present:

- **Sexual Penetration:** The act of sexual penetration must be committed without the consent of the victim, and may involve penetration of the vagina, anus, or mouth by a penis or other object.
- **Multiple Participants:** Gang rape involves more than one individual participating in the act of sexual assault. The number of individuals involved does not necessarily determine the severity of the crime, but the more individuals involved, the more severe the crime is likely to be considered.
- **Use of Force or Threat of Force:** Gang rape may involve the use of force or threat of force to coerce the victim into submitting to the sexual act. This may include physical force, psychological coercion, or any other means used to overpower the victim.



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- **Non-Consensual:** The act of sexual penetration must be non-consensual, meaning that the victim did not voluntarily agree to the act. This may include situations where the victim is unable to consent due to physical or mental incapacity, or where the victim is under duress or coercion.

PUNISHMENT FOR GANG RAPE

The penalties for this offense are severe. The maximum punishment for gang rape is **life imprisonment**, as stipulated under section 131 of the Penal Code although the exact sentence will depend on the circumstances of the case and the evidence presented.

Gang rape as a criminal offense is provided under section 131 A of the Penal Code of Tanzania, CAP 16 which stipulates as follows;

“(1) Where the offence of rape is committed by one or more persons in a group of persons, each person in the group committing or abetting the commission of the offence is deemed to have committed gang rape.

(2) Subject to provision of subsection (3), every person who is convicted to gang rape shall be sentenced to imprisonment for life, regardless of the actual role he played in the rape.

(3) Where the commission or abetting the commission of a gang rape involves a person of or under the age of eighteen years the court shall, in lieu of sentence of imprisonment, impose a sentence of corporal punishment based on the actual role he played in the rape.”

CONCLUSION

It is important for individuals who have been the victims of gang rape to report the crime to the police as soon as possible, as this will assist in the prosecution of the individuals responsible and provide the victim with protection and support. Society as a whole must work to prevent and address the issue of gang rape, including by educating individuals about the importance of consent and the devastating effects of sexual assault, and by providing support and resources to victims.