



Freedom in the World 2017 - Tanzania

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Freedom Status: Partly Free

Aggregate Score: 58/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 3.5/7 (1 = Most Free, 7 = Least Free)

Political Rights: 3/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 4/7 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 54,200,000

Capital: Dodoma

GDP/capita: \$879

Press Freedom Status: Partly Free

OVERVIEW

Although Tanzania has held five consecutive multiparty elections since its transition from a one-party state in the early 1990s, the presence of formal opposition remains limited within the government, and the ruling party, Chama Cha Mapinduzi (CCM), has retained power for over half a century. Civil liberties concerns include government limitations on freedom of expression as well as recent legislation and official rhetoric that have had a chilling effect on civil society.

Key Developments in 2016:

- A number of moves by the authorities threatened the exercise of civil liberties, including an indefinite ban on public assemblies, implemented in June, and the halting of public broadcasts of parliamentary sessions, implemented in April.
- Zanzibar held elections in March, following an annulment of its 2015 polls; the opposition boycotted the vote, allowing the CCM to win the presidency and every legislative seat.
- Authorities used the controversial 2015 Cybercrimes Act to prosecute critics of the ruling party.
- The president signed another piece of restrictive legislation, the Media Services Bill, in November, raising concerns from watchdogs about expanded government powers to curb freedom of expression.

Executive Summary:

The aftermath of Tanzania's 2015 national elections, which were the country's most competitive to date but also featured controversy, drove political developments in early 2016. The elections in the semi-autonomous archipelago of Zanzibar had been annulled before the official announcement of the results, and a second vote was held in March 2016. The opposition formally boycotted the elections, as the Civic United Front (CUF) claimed that the 2015 elections had been voided because it appeared to be winning. The lead-up to the vote

was tense, with episodes of violence against opposition members and journalists as well as a heightened military presence. The CCM easily won every seat in the legislature and took the presidency, resulting in the dissolution of a power-sharing government that had been formed in 2010 and allocated executive positions to both major parties. Although Tanzania's opposition had successfully organized a coalition for the 2015 elections, it showed weakness and fragmentation in 2016. Following signs of infighting, the chairman of the CUF was expelled in September.

There was a significant crackdown on civil liberties during the year. The Cybercrimes Act, rushed through the legislature in 2015, was used against critics of the regime on a number of occasions. The law gives the government significant leeway to arrest anyone for publishing information deemed false, deceptive, misleading, or inaccurate and to levy heavy penalties against individuals involved in a host of criminalized cyberactivities. Under this law, one man was convicted in June of calling President Magufuli an "imbecile" on Facebook. The Media Services Bill, signed into law in November, raised alarm in the media community, with critics noting that it could constrain the types of stories published by journalists. In April, the Information Ministry announced that broadcasts of parliamentary sessions would cease, a move that significantly undermined the public's ability to access official information. Separately, in June, the government imposed a ban on all public demonstrations and rallies, curtailing individuals' right to exercise freedom of assembly.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights 25 / 40 (-2)

A. Electoral Process 7 / 12 (-1)

- A1. Is the head of government or other chief national authority elected through free and fair elections?
- A2. Are the national legislative representatives elected through free and fair elections?
- A3. Are the electoral laws and framework fair?

The president of Tanzania is elected by direct popular vote for up to two five-year terms. Legislative authority lies with a unicameral, 393-seat National Assembly (the Bunge) whose members serve five-year terms. Of these, 264 are directly elected in single-member constituencies, 113 are reserved for women elected by political parties, 10 are filled by presidential appointment, 5 are for members of the Zanzibar legislature, and 1 is held by the attorney general. Zanzibar elects its own president and 85-seat House of Representatives, whose members serve five-year terms and are seated through a mix of direct elections and appointments. Zanzibar maintains largely independent jurisdiction over its internal affairs.

The 2015 national elections saw a voter turnout of 65 percent, compared with 43 percent in 2010. In the presidential race, the CCM's John Magufuli won with 58 percent of the vote, while Edward Lowassa of Chama Cha Demokrasia na Maendeleo (CHADEMA) took 40 percent. In the National Assembly, the CCM won 189 of the directly elected seats. Opposition parties, many of which had coordinated candidates through a unified coalition, gained their largest representation yet. CHADEMA won 70 of the directly elected seats, the CUF took 42, and the Alliance for Change and Transparency (ACT) and the National Convention for Construction and Reform (NCCR) – Mageuzi each won one.

Domestic and international observers generally deemed the 2015 elections to be credible, but noted a number of areas of concern. An observer mission from the European Union (EU) described "highly competitive, generally well organized elections, but with insufficient efforts at transparency from the election administrations." The EU mission noted that the CCM had drawn on state resources, such as public stadiums, to support its campaign.

In addition, the simultaneous elections in Zanzibar featured irregularities. Prior to the announcement of official results, Zanzibar Electoral Commission (ZEC) Chair Jecha Salim Jecha declared the elections for the president and legislature null and void, claiming the process had not been conducted in accordance with the law. In a joint statement, observer missions from the Commonwealth, the Southern African Development Community, the African Union, and the EU expressed "great concern" at the ZEC's move and noted that they had assessed the voting to be conducted according to the law. The CUF claimed that authorities annulled the vote because the CCM appeared to be losing. The annulment of Zanzibar's presidential election and

simultaneous acceptance of the Zanzibari vote for the mainland presidential election undermined the fairness of the electoral framework. The framework is facilitated by the National Election Commission (NEC) and the ZEC, both of which are appointed by the Tanzanian president and whose independence has been questioned. The president maintains the ability to appoint regional and district commissioners, who are influential during elections.

A second Zanzibari election, held in March 2016, was boycotted by the opposition, and the CCM won the presidency and the entire legislature. Ahead of the elections, the military increased its presence on Zanzibar, and there were reports of political party offices being torched and journalists and opposition members harassed and even, in some cases, abducted. Without an opposition, CCM legislators voted in September to change Zanzibar's constitution, eliminating a 2010 amendment establishing the Government of National Unity, a CCM-CUF power-sharing arrangement that had been considered a milestone for stability.

Tanzania's constitution was passed in 1977, when the country was under single-party rule. In 2014, the presidentially appointed Constitutional Review Commission submitted its second draft of a new constitution to the Constituent Assembly (CA), a body of 640 Tanzanian and Zanzibari legislators and presidential appointees, for approval. The draft proposed a three-tiered federal state, fewer cabinet members, independent candidature, limits on executive appointment, and an explicit bill of rights. Shortly afterward, Tanzania's three primary opposition parties quit the CA, claiming that their input was being ignored. Nevertheless, the CA passed a controversial draft that year. Opposition parties sought a judicial block to the document, suggesting it was passed without a quorum, and initiated a nationwide campaign to garner public support for their position. Though the government scheduled a nationwide referendum on the proposed constitution in 2015, the NEC announced an indefinite delay, citing an inability to implement a new biometric voter registration system in time for voting. No referendum on the matter was held in 2016.

B. Political Pluralism and Participation 11 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

Tanzanians have the right to organize into political parties, and there is growing support for the opposition. The constitution permits political parties to form "shadow governments" while in opposition. Four opposition parties – the CUF, CHADEMA, NCCR-Mageuzi, and the National League for Democracy (NLD) – supported a single presidential candidate and coordinated parliamentary candidates for the 2015 elections. Past attempts to form opposition alliances had failed. This coalition, known as the Coalition for a People's Constitution, Ukawa, formed during the CA process and posed the most significant threat to CCM's rule in the country's history.

In June 2016, authorities announced an indefinite ban on all demonstrations and rallies, curtailing the ability of political parties to hold assemblies in public. The government clarified the following month that the opposition could hold small constituency meetings, but the effects of the ban were nevertheless overwhelmingly negative. CHADEMA canceled plans for a nationwide rally in September following warnings from the police.

Opposition parties report regular harassment and intimidation by the ruling party and various state institutions, including the police. In December, police interrogated Tundu Lissu, the chief legal advisor of CHADEMA, for six hours about his claim regarding the government's alleged use of torture chambers, among other things. In November, CHADEMA parliamentarian Godbless Lema was arrested and charged with inciting mutiny and insulting the president. He remained in detention at the end of 2016.

Both CHADEMA and the CUF have struggled with internal crises over the last two years. In 2015, CHADEMA leader Wilbroad Slaa resigned after Ukawa selected Edward Lowassa as its presidential candidate, citing Lowassa's involvement in a corruption scandal. A power struggle within the CUF led to the expulsion of its former leader, Ibrahim Lipumba, in September 2016.

People's choices are influenced by threats from military forces and the use of material incentives by the ruling party.

Cultural, ethnic, religious, and other minority groups have full political rights, but parties formed on explicitly ethnic or religious bases are prohibited.

C. Functioning of Government 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

Magufuli, a technocrat, has taken a number of cost-cutting measures, including replacing an annual independence day celebration with a national street cleaning day, shrinking the cabinet from 30 to 19 members, and reducing the salaries of senior officials, the latter of which he announced in March 2016.

Despite the presence of the Prevention and Combating Corruption Bureau (PCCB), corruption is pervasive in all aspects of political and commercial life in Tanzania. The PCCB has been accused of focusing on low-level corruption and doing little to address graft committed by senior government officials. In 2015, Magufuli dismissed the director general of the PCCB for negligence. In January 2016, Dickson Maimu, head of the National Identification Authority (NIDA), was suspended to allow authorities to investigate his possible involvement in a corrupt identification card project. Maimu and five other NIDA officials were charged with abuse of power, among other offenses, in August.

The government remains sporadically responsive to citizen input between elections, and people generally have access to public information. However, in April 2016, live broadcasts of parliamentary sessions were suspended. Justified as a cost-cutting measure by the government, the move was widely criticized by local and domestic rights groups. The parliament inconsistently publishes legislation, committee reports, budgets, and other documents.

Civil Liberties 33 / 40

D. Freedom of Expression and Belief 9 / 16

D1. Are there free and independent media and other forms of cultural expression?

D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?

D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?

D4. Is there open and free private discussion?

Although the constitution provides for freedom of speech, it does not specifically guarantee freedom of the press. Current laws give authorities broad discretion to restrict media on the basis of national security or public interest, and difficult registration processes hinder print and electronic media. The government increased its crackdown on the media in 2016.

The 2015 Cybercrimes Act gives the government significant leeway to arrest anyone perceived of publishing information deemed false, deceptive, misleading, or inaccurate and to levy heavy penalties against individuals involved in a host of criminalized cyberactivities. In December 2016, the High Court struck down a section of the law that allowed suspects who voluntarily confess to receive penalties before trial. The rest of the law was deemed constitutional. In June, a court sentenced a private citizen to three years in jail and a 7 million shilling (\$3,100) fine for insulting Magufuli on Facebook. His sentence was subsequently

reduced to only the fine. In September, five individuals were charged under the Electronic and Postal Communications Act No. 3 of 2010 over commentary about Magufuli on WhatsApp. In December, police raided the office of the popular online discussion website, JamiiForums, and interrogated employees. The raid came a day after police arrested the site's cofounder, Maxence Melo. He was detained for seven days and charged with obstructing a police investigation and using an unregistered domain. Melo later claimed that police had asked for the identities of whistleblowers who used the site. In December, the chief legal advisor of CHADEMA claimed that 142 people were arrested under the Cybercrimes Act from May to November 2016.

In November, Magufuli signed the Media Service Bill into law. The act seemingly aims to professionalize the journalism sector, and requires employers to provide insurance and social security. However, media stakeholders have objected to the constraints it places on journalists and news outlets, including the ambiguous prohibition of stories that would cause "grievance" to citizens. The act also includes a provision to create a government-controlled accreditation board empowered to suspend journalists. Reporters operating without a press card could be subject to three or more years in prison and at least a five million shilling (\$2,200) fine under the law. In addition, the law empowers the information minister to set licensing requirements for newspapers.

In July, the television program "Take One" was forced to publicly apologize for LGBT advocacy, and in October, the telecommunications regulator suspended the program due to sexual content.

In July, a court convicted a police officer of manslaughter in the 2012 death of journalist Daudi Mwangosi, and sentenced him to 15 years in prison.

Press freedom in Zanzibar is more constrained than on the mainland. The Zanzibari government owns the only daily newspaper, and private media other than radio are nearly nonexistent. Journalist Salma Said was abducted and held for two days by unidentified men during the March 2016 electoral period.

Freedom of religion is generally respected. Relations between the various faiths are largely peaceful, though there have been periodic instances of violence. Politicians have used the specter of Islamic radicalism in Zanzibar to advance political goals.

Historically, there have been few government restrictions on academic freedom. The 2015 Statistics Act – which requires data released publicly to be first approved by the National Bureau of Statistics – has not yet, as feared by the law's critics, disproportionately affected researchers and academics.

People actively engage in private discussions, but the CCM uses a system of party-affiliated cells in urban and rural areas for public monitoring.

E. Associational and Organizational Rights 6 / 12

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

The constitution guarantees freedom of assembly, but the government can limit this right. All assemblies require police approval, and critical political demonstrations are at times actively discouraged. In July 2016, authorities banned all public gatherings until further notice. CHADEMA's proposed "Day of Defiance" rally, scheduled for September and subsequently canceled, faced threats from the regional commissioner of Dar es Salaam, who instructed police to assault demonstrators.

There is generally freedom for nongovernmental organizations (NGOs), and more than 4,000 are registered. While current laws give the government the right to deregister NGOs, there has been little interference in NGO activity. Many groups, such as Research and Education for Democracy in Tanzania and the Legal and Human Rights Centre, publish reports that are critical of the government. However, in September, two civil society leaders in Zanzibar criticized the government for politicizing civil society and failing to address issues raised by NGO stakeholders.

Trade unions are ostensibly independent of the government and are coordinated by the Trade Union Congress of Tanzania and the Zanzibar Trade Union Congress. The Tanzania Federation of Cooperatives represents most of Tanzania's agricultural sector. Essential public service workers are barred from striking, and other workers are restricted by complex notification and mediation requirements. Strikes are infrequent on both the mainland and Zanzibar.

F. Rule of Law 9 / 16

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

Tanzania's judiciary suffers from underfunding and corruption. Judges are political appointees, and the judiciary does not have an independent budget, which makes it vulnerable to political pressure. Rule of law does not always prevail in civil and criminal matters.

Despite recent improvements, policies and rules regarding arrest and pretrial detention are often ignored. Prisoners suffer from harsh conditions, including overcrowding and poor medical care. Security forces reportedly abuse, threaten, and mistreat civilians routinely and with limited accountability. Vigilante justice and mob violence are common, and security forces are often unable or unwilling to enforce the rule of law.

Tanzania's albino population has faced increasing violence over recent years. Albino body parts are believed to bring good luck, leading to the trafficking, death, and dismemberment of many albinos. In September 2016, unknown attackers attempted to chop off the legs and hands of the leader of an albino society. The Tanzania Albinism Society, an umbrella organization, aims to protect albinos, and the government has established sanctuaries for those who flee their communities.

Same-sex sexual relations are illegal and punishable by lengthy prison terms, and members of the LGBT (lesbian, gay, bisexual, and transgender) community face discrimination and police abuse. Most hide their sexual orientation. In September, the deputy health minister threatened to ban NGOs that support LGBT causes and blamed LGBT people for spreading HIV. In July, the regional commissioner of Dar es Salaam claimed that he would monitor social media posts to find and arrest gay people.

More than 250,000 refugees from conflicts in neighboring countries reside in Tanzania.

As of April, Tanzania was home to over 130,000 Burundian refugees, many of whom entered the country in 2015 following an outbreak of civil unrest. Refugee camps are overburdened.

Human rights advocates have criticized the 2002 Prevention of Terrorism Act for giving police and immigration officials sweeping powers to arrest suspected illegal immigrants.

G. Personal Autonomy and Individual Rights 9 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

Citizens generally enjoy basic freedoms in travel, residence, employment, and education. However, the prevalence of petty corruption can inhibit these freedoms.

Tanzanians have the right to establish private businesses but are often required to pay bribes to set up and operate them. The state remains the owner of all land and leases to individuals and private entities, leading to clashes between citizens and private companies. A 2016 report by a special commission appointed by the Mines Ministry estimated that over the last decade, police were responsible for 65 deaths and 270 injuries during clashes with villagers at a Canadian-owned mine in northern Tanzania. Land-use conflicts exist in ancestral lands and near nature reserves and national parks, where the government has restricted grazing.

Women's rights are constitutionally guaranteed but not uniformly protected. Rape, female genital mutilation, and domestic violence are reportedly common but rarely prosecuted. Around 37 percent of underage girls are married. To help combat this problem, the Constitutional Court established in July 2016 that the minimum marriage age is 18. Women have high descriptive representation, due to gender quotas in Tanzania's legislatures. In 2015, Samia Suluhu Hassan became the country's first woman vice president. Four female ministers and five female deputy ministers serve in the cabinet.

In September 2016, the government announced that it would bolster its border security to target human trafficking.

Equality of economic opportunity is limited, and there is continued economic exploitation. Poverty, especially in rural areas, affects approximately 33 percent of the population.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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