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Freedom House

Freedom in the World 2019 - Tanzania

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Key Developments:

Key Developments in 2018:

- A campaign of repression against opposition parties continued during the year with harassment, arrests, and detentions of prominent political figures, including Freeman Mbowe, chairman of the opposition party Chama Cha Demokrasia na Maendeleo (Chadema). He remained in jail at year's end, awaiting trial for his alleged role in a February protest in which police shot and killed a university student with a stray bullet.
- In April, the government issued the Electronic and Postal Communications (Online Content) Regulations, which imposed prohibitive registration fees of \$900 for bloggers and other online content producers and included vaguely worded rules on content that could be used to silence government critics.
- A draft bill to amend the Political Parties Act that was introduced in the parliament in October would prohibit parties from engaging in "activism," a provision that opposition leaders claim could criminalize many legitimate party activities.
- In October, the regional commissioner of Dar es Salaam called on the public to report people suspected of being gay and established a committee to identify and arrest gay people who are active on social media.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 20 / 40 (-2)

A. ELECTORAL PROCESS: 7 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is elected by direct popular vote for up to two five-year terms. In the 2015 presidential election, CCM's John Magufuli won with 58 percent of the vote, while Edward Lowassa of Chadema took 40 percent. Observers generally deemed the election credible but noted 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 CCM had drawn on state resources, such as public stadiums, to support its campaign, while restricting access for opposition parties.

The semiautonomous region of Zanzibar elects its own president, who serves no more than two five-year terms. International observers deemed the 2015 presidential election to be credible, but the Zanzibar Electoral Commission (ZEC) annulled the vote before official results were announced, claiming that the poll was not free and fair. The opposition Civic United Front (CUF) accused the ZEC of annulling the results to save the CCM's incumbent president Ali Mohamed Shein from defeat. A rerun of the election was held in March 2016, but the opposition boycotted, allowing Shein to win reelection with ease. The preelection period featured an increased military presence and reports of attacks on political party offices and journalists. CCM legislators voted in 2017 to change Zanzibar's constitution, eliminating a CCM-CUF power-sharing arrangement that had enabled years of stability.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

Legislative authority lies with a unicameral, 393-seat National Assembly (the Bunge) whose members serve five-year terms. There are 264 seats filled through direct elections in single-member constituencies, 113 are reserved for women elected by political parties, 10 are filled by presidential appointment, and 5 members are elected by the Zanzibar legislature. The attorney general holds an ex officio seat. International observers generally viewed the 2015 parliamentary elections as credible, despite some minor irregularities. The CCM won a total of 253 seats, Chadema took 70, the CUF won 42, and the Alliance for Change and Transparency (ACT-Wazalendo) and the National Convention for Construction and Reform (NCCR-Mageuzi) each won one.

By-elections held during 2018 for both parliament seats and local government offices were racked by violence and other alleged irregularities. The US embassy publicly criticized the August polls, citing "credible accounts of election violence and irregularities." The National Electoral Commission (NEC) denied the claims and called on the embassy to "prove all the allegations it made."

Members of Zanzibar's 85-seat House of Representatives serve five-year terms and are seated through a mix of direct elections and appointments. The opposition boycott of the Zanzibari rerun elections in 2016 left the CCM with full control of the regional legislature.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The NEC is responsible for overseeing elections nationally, while the ZEC conducts elections for Zanzibar's governing institutions.

The structures of the NEC and ZEC contribute to doubts about their independence. The NEC is appointed by the Tanzanian president, and the ZEC is appointed by the Zanzibari president, though the opposition nominates two of the seven ZEC members. The national president retains the authority to appoint regional and district commissioners—administrative officials who are directly answerable to him and who can be influential during elections. In June 2018, President Shein appointed seven new members to the ZEC. While some observers approved of Shein's choices, others accused the new members of being CCM partisans whose impartiality could be compromised during the 2020 elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16 (–2)

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 free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4 (–1)

Tanzanians have the right to organize into political parties, but the ruling CCM enjoys considerable incumbency advantages. For example, the system of state funding for parties under the Political Parties Act of 2015 disproportionately benefits CCM.

Authorities have stepped up efforts to constrain opposition parties in recent years. In 2016, the government banned all political rallies and demonstrations outside election periods, sharply curtailing parties' ability to mobilize public support. Opposition parties have promised to defy the ban in 2019. If passed, a draft bill to amend the Political Parties Act that was introduced in October 2018 could further erode the opposition's rights. The bill would criminalize politicians holding rallies outside of their constituencies, except in election years. It would also allow the registrar of political parties to suspend public financing of parties for up to six months and would forbid parties from engaging in "activism," a broad rule that opposition leaders claim could be used to crack down on legitimate political activity.

The government arrested several high-profile opposition figures in 2018, continuing its campaign of repression. In October, ACT-Wazalendo party leader Zitto Kabwe was arrested for incitement after claiming that more than 100 people died in fighting between herders and the police in his home district, a figure that the government disputed. In February, Chadema lawmaker Joseph Mbilinyi (a popular musician also known as Sugu) was sentenced to five months in prison for criticizing the president at a public meeting.

As of August 2018, CCM had successfully coopted as many as 100 local and national opposition politicians since 2015, which opposition parties said was the result of bribery. Former CUF leader Julius Mtatiro defected to CCM in August after being held and interrogated by the police for criticizing the president on social media.

Score Change: The score declined from 2 to 1 due to increased government repression of opposition parties, including through arrests, harassment, and violence, as well as the cooptation of opposition politicians, all of which has hindered these parties' ability to function.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4 (-1)

The CCM has governed without interruption for more than 50 years. Tanzania's opposition, which performed better in the 2015 elections than it ever had before, still only won 29 percent of the National Assembly seats. The opposition faces significant interference, harassment, violence, and criminal prosecutions by the government and its allies. Political parties are regulated by a registrar whom the opposition criticizes for partisan bias. The draft amendments to the Political Parties Act introduced in October 2018 would shield the registrar from legal complaints, further reducing accountability for the office.

Opposition parties faced intensifying violence and intimidation throughout the year. In early 2018, two Chadema party officials were murdered with machetes. Chadema leaders allege that both murders were assassinations planned by CCM. In Zanzibar, the police raided the headquarters of CUF in February and arrested the head of the party's Zanzibar wing in September.

Opposition campaign activities for by-elections were also met with violence. In February, a student was killed by a stray bullet when police dispersed a Chadema campaign event in Dar es Salaam. Authorities blamed the death on Chadema's "illegal demonstration." On the by-election day in August, Chadema lawmaker Godbless Lema and a local candidate were attacked and seriously injured in Arusha. In July, Chadema requested that the NEC suspend by-elections in seven wards after the disqualification of 17 of its candidates. In September, Chadema announced that it was boycotting subsequent by-elections due to police intimidation and violence during the August elections.

Opposition leaders faced arrest for their legitimate campaign activities throughout the year. Chadema chairman Freeman Mbowe and member of parliament Esther Matiko were charged with holding an illegal protest and incitement for the February campaign event that led to a student's death, and both were arrested in November for failing to appear in court. Mbowe and Matiko remained in jail awaiting trial at the end of the year.

Score Change: The score declined from 2 to 1 because the targeted arrests, violence, and intimidation faced by prominent opposition leaders inhibited the competitiveness of their parties in by-elections.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

Tanzanian voters and politicians are mostly free of undue influence from groups that are not democratically accountable. However, party militias were responsible for some violence and intimidation ahead of the 2015 polls. The ruling party has also allegedly used vote buying and other material incentives to influence voters.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Members of cultural, ethnic, religious, and other minority groups ostensibly have full political rights, but parties formed explicitly on the basis of ethnicity or religion are prohibited. The government threatens religious organizations that comment on political issues. In response to Easter messages issued by the Evangelical Lutheran Church of Tanzania (ELCT) and the Tanzania Episcopal Conference in March 2018, which were critical of the government, authorities wrote a letter to both churches demanding that they withdraw their criticisms or face potential legal action.

The constitution requires that women make up 30 percent of representatives in the parliament. As of 2018, 37 percent of the seats were held by women. However, despite numerically strong female political representation, many of CCM's policies under President Magufuli have actively undermined women's rights, including the expulsion of pregnant girls from school.

C. FUNCTIONING OF GOVERNMENT: 6 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Magufuli has consolidated political power in the presidency since taking office, sidelining the legislature—in part by suppressing dissent within the ruling party—and exerting greater control over cabinet ministers through dismissals and reshuffles. The CCM government has also reasserted its role in managing the activities of legislators and threatening those who are frequently absent.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Magufuli's anticorruption drive has had mixed results. In 2018, the government continued to crack down on foreign firms in extractive industries for alleged tax evasion and money laundering, as well as on complicit government officials. In October, at least two government officials were charged with corruption for their alleged involvement in a tax evasion scheme at Acacia Mining, the largest gold-mining company in Tanzania.

Overall, corruption remains a problem in the country, despite some progress in recent years. The Prevention and Combating of Corruption Bureau (PCCB) has been accused of focusing on low-level corruption and doing little to address graft committed by senior officials.

C3. Does the government operate with openness and transparency? 2 / 4

An access to information act was adopted in 2016, but critics noted that it gives precedence to any other law governing the handling of government information, and appeals of decisions on information requests are handled by a government minister rather than an independent body. The law also imposes prison terms on officials who improperly release information, but no clear penalties for those who improperly withhold information.

According to research published by the Media Institute of Southern Africa's Tanzania branch in March 2018, local and regional government offices are uneven in their level of responsiveness to requests for information. Live broadcasts of parliament sessions have been suspended since 2016. In 2017, Tanzania withdrew from the Open Government Partnership, a multilateral platform designed to improve transparency and openness among its member states.

CIVIL LIBERTIES: 25 / 60 (-5)

D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16

D1. Are there free and independent media? 1 / 4

The crackdown on media in Tanzania expanded in 2018, affecting traditional news sources as well as social and online media.

The 2016 Media Services Act grants the government broad authority over media content and the licensing of outlets and journalists. It also prescribes harsh penalties, including prison terms, for publication of defamatory, seditious, or other illegal content. In some cases news outlets have sought to preempt formal punishments with self-imposed sanctions. In January 2018, *Nipashe Jumapili*, a Sunday newspaper, suspended itself for three months over an article perceived as insulting to Rwandan president Paul Kagame. The government's three-year ban on the newspaper *Mseto*, initially handed down for its reporting on alleged corruption in Magufuli's 2015 campaign, was struck down by the East African Court of Justice in June, but by the end of the year, the government had refused to grant a license to the publication. In December, the High Court of Tanzania reversed a two-year ban imposed on *Mawio* in 2017, though it was unclear whether the government would respect the court's decision and issue the outlet a license.

The government intensified its crackdown on online content and social media in 2018. In April, authorities issued the Electronic and Postal Communications (Online Content) Regulations, which require bloggers and owners of online discussion platforms and streaming services to pay over \$900 per year in registration fees. In response, many bloggers who were unable to pay the fees shut down their outlets.

Attacks on journalists contributed to an atmosphere of fear and repression for independent media. Freelance journalist Azory Gwanda, who was investigating extrajudicial killings, has been missing since November 2017. In April, reporter Finnigan wa Simbeye of the *Guardian* was beaten unconscious and found in a ditch.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Freedom of religion is generally respected, and interfaith relations are largely peaceful, though periodic sectarian violence has occurred. Muslims are a minority in Tanzania as a whole, but 99 percent of Zanzibar's population practices Islam. Political tensions between mainland Tanzania and Zanzibar often play out along religious lines. The government occasionally raises the specter of interreligious conflict as an excuse to detain political rivals, contributing to a general sense that Muslims are sometimes unfairly treated by authorities.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Tanzania's reputation as a bastion of academic freedom was tarnished by the passage of 2015 Statistics Act, which requires data released publicly to be first approved by the National Bureau of Statistics, making the body the de facto arbiter of the validity of any data produced by academics. In September 2018, the parliament passed amendments to the Statistics Act that prescribed fines, a minimum of three years in prison, or both for anyone who disputes official government figures. The amendments effectively criminalized any academic data that contradict official government statistics.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

CCM traditionally monitors the population through a neighborhood-level party cell structure, but it has turned its attention to social media in recent years, and constraints on individuals' freedom to discuss political topics online have grown. The fees imposed by the Electronic and Postal Communications (Online Content) Regulations led to the brief closure of *Jamii Forums*, a popular news site and social media platform, in June 2018. Social media users are liable for content that "causes annoyance" or "leads to public disorder," among other vague standards that are prone to misapplication by authorities who wish to quash online discourse. The regulations also require internet cafés to install surveillance cameras. Violations of the regulations can be punished with fines and jail terms. The ambiguous language of the new rules has led to confusion among users about which acts could constitute a violation.

Social media users in 2018 continued to face the risk of prosecution under the 2015 Cybercrimes Act and other laws for offenses such as insulting the president, and government officials threatened to prosecute users for supposedly spreading homosexuality through social media.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 5 / 12 (-1)**E1. Is there freedom of assembly? 2 / 4**

The constitution guarantees freedom of assembly, but the government can limit this right. All assemblies require police approval, and political demonstrations are at times actively discouraged. A ban on political rallies has been in place since mid-2016.

Authorities, including the president, sometimes threaten protesters with violence. In April 2018, police threatened to beat demonstrators planning to participate in US-based activist Mange Kimambi's antigovernment protests "like stray dogs." The protests failed to draw substantial crowds amid government threats and a heavy police presence. President Magufuli also threatened protesters in March, saying, "Let them demonstrate and they will see who I am."

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4 (-1)

Tanzania has a diverse and active civil society sector, but current laws give the government broad authority to deregister nongovernmental organizations (NGOs), and officials repeatedly threatened to use that power against critical groups in 2018. Government pressure on civil society intensified throughout the year in the form of threats, investigations, detentions, and restrictive regulations.

In August, the passport of Aidan Eyakuze, the executive director of Twaweza, a prominent NGO that has criticized the government, was seized amid an investigation into his citizenship status. The government has also stated that NGOs should focus on service delivery and avoid advocacy work that could be viewed as political. In July, the deputy registrar of NGOs warned civil society groups against violating the law.

The government is overhauling NGO legislation, ostensibly to bring all NGOs under one law, to ensure that their services reach all parts of Tanzania, and to facilitate coordination. A new registration policy introduced in September as part of the overhaul required NGOs to reregister with the government and provide detailed financial records within 30 days, or risk suspension. Civil society leaders expressed concerns that the objective of the pending legislation and new registration requirements was to exert greater political control over the NGO sector.

NGO leaders continued to risk arrest for carrying out their activities in 2018. In November, authorities detained and interrogated two visiting international staff members of the Committee to Protect Journalists, allegedly for holding meetings with local journalists.

Score Change: The score declined from 2 to 1 due to increased threats against and investigations of NGOs, in addition to government directives related to NGO registration and finance that civil society leaders claim will impose greater constraints on their ability to function.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Trade unions are nominally 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. The government has significant discretion to deny union registration, and many private employers engage in antiunion activities. Essential public-sector 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: 6 / 16 (-2)

F1. Is there an independent judiciary? 2 / 4

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. In January 2018, newly confirmed chief justice Ibrahim Hamis Juma issued a stern rebuke for those who wish to politicize the judiciary, but it remained to be seen whether judicial independence would be more respected during his tenure.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Due process does not always prevail in civil and criminal matters. Policies and rules regarding arrest and pretrial detention are often ignored, and pretrial detention commonly lasts for years due to case backlogs and inadequate funding for prosecutors. Arbitrary arrests of opposition politicians, journalists, and civil society leaders occurred throughout 2018.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4 (-1)

The police were increasingly accused of extrajudicial killings in 2018. Ongoing clashes in the Kigoma region between the government and pastoralists has led to an unknown number of deaths. In October, opposition leader Zitto Kabwe estimated that 100 people were killed in the violence, a claim that led to his arrest.

Abuse and torture of suspects while in custody is common. In March, a young man in Mbeya died shortly after being released from police custody, where he was allegedly beaten; in April, the brother of a Chadema lawmaker was stabbed to death while detained.

Several high-profile abductions and disappearances occurred in 2018, including that of business magnate Mohammed Dewji, who was kidnapped in October and returned safely one week after his abduction; the crime remained unsolved at year's end. Kabwe estimated that, as of May, nearly 350 people had gone missing from the Coast region as part of a government crackdown against Islamist extremists.

Score Change: The score declined from 2 to 1 due to an increase in alleged extrajudicial killings by police, as well as an uptick in kidnappings.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4 (-1)

Women's rights are constitutionally guaranteed but not uniformly protected. Women face de facto discrimination in employment, including sexual harassment, which is rarely addressed through formal legal channels. Women's socioeconomic disadvantages are more pronounced in rural areas and in the informal economy.

Same-sex sexual relations are punishable by lengthy prison terms, and LGBT (lesbian, gay, bisexual, and transgender) people face discrimination and police abuse in practice, leading most to hide their identities. In October 2018, Paul Makonda, Dar es Salaam's regional commissioner, called on the public to report people suspected of being gay and established a committee to identify and arrest gay people who are active on social media, which led to an international outcry. The national government later issued a statement distancing itself from the plan. However, in November, 10 men were arrested at a gay wedding in Zanzibar for suspected same-sex sexual activity and were forced to undergo anal examinations.

As of July 2018, more than 340,000 refugees and asylum seekers, primarily from Burundi and the Democratic Republic of Congo, were in Tanzania, with most living in overcrowded, unhygienic, and unsafe camps. The Tanzanian government has pressured refugees to return to their countries, restricting economic activity in the camps in order to push occupants out. The Office of the UN High Commissioner for Refugees (UNHCR) has strongly advised against promoting the repatriation of refugees.

Score Change: The score declined from 2 to 1 due to a crackdown on LGBT people, including the formation of an antigay task force by the regional commissioner of Dar es Salaam that encouraged people to turn in those suspected of being gay for arrest and prosecution.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16 (-2)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4 (-1)

Residents enjoy some basic freedoms pertaining to travel and choice of residence, employment, and education, though corruption remains an obstacle. The government has wide discretion in enforcing laws that can limit movement, particularly in Zanzibar, where the approval of local government appointees is often required for changes in employment, personal banking, and residency. Separately, the authorities in recent years have arbitrarily arrested and deported a number of Kenyans, many of whom had been granted Tanzanian citizenship.

The government at times imposes travel restrictions on prominent individuals. In December 2018, officials prohibited hip-hop star Diamond Platnumz from performing outside Tanzania due to his public performance of a song that had been banned for its sexually explicit lyrics.

Score Change: The score declined from 3 to 2 because of undue government restrictions on

movement, including arbitrary arrests and deportations of Kenyan nationals.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Tanzanians have the right to establish private businesses but are often required to pay bribes to license and operate them. The state owns all land and leases it to individuals and private entities, leading to clashes over land rights between citizens and companies engaged in extractive industries.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4 (-1)

Rape, domestic violence, and female genital mutilation (FGM) are common but rarely prosecuted. Laws and practices regarding marriage, divorce, and other personal status issues favor men over women, particularly in Zanzibar. The government has stalled implementation and pursued appeals of a 2016 High Court ruling that called for the minimum age of marriage to be raised to 18 for girls as well as boys. Tanzania's adolescent fertility rate is more than twice the global average.

The government restricts access to family planning services. In September 2018, a government directive suspended advertisements by family planning organizations. In October, the government closed down 10 clinics run by the NGO Marie Stopes that offered such services. At the same time, girls can be expelled from school for becoming pregnant, and in 2017 the government prohibited those who had given birth from returning to school. In 2018, local authorities arrested some pregnant students.

Score Change: The score declined from 2 to 1 due to government efforts to curb access to birth control, including the suspension of advertisements by family planning organizations and the closure of health facilities that offered family planning services.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Sexual and labor exploitation remain problems, especially for children living in poor rural areas who are drawn into domestic service, agricultural labor, mining, and other activities. Child labor in gold mines, where working conditions are often dangerous, is common.

Most Tanzanians do not benefit from the country's extensive natural-resource wealth. Tanzania has one of the highest levels of income inequality in the world, and the poverty rate remains high.

ecoi.net summary:

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