



Freedom in the World 2015 - Tanzania

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2015 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 3.0

Civil Liberties (1 = best, 7 = worst): 3

Political Rights (1 = best, 7 = worst): 3

OVERVIEW

Tanzania's constitutional reform process, ongoing since 2012, was delayed in April 2014 when the country's main political opposition parties boycotted the drafting process and rejected the Constituent Assembly's (CA) charter over complaints that the ruling Chama Cha Mapinduzi (CCM) party was controlling the process. Nevertheless, the CCM used its majority in the 640-member CA to pass a controversial draft constitution in October and announced that a nationwide referendum would take place as scheduled in April 2015. Political opposition, dominated by the Chama cha Demokrasia na Maendeleo (CHADEMA) party, initiated legal action to block the referendum and announced a campaign against the draft.

Tanzania's economic outlook dimmed after several international donors froze \$500 million in aid to the country in October, following reports that several high-level government officials diverted central bank funds for personal gain. Tanzania's parliamentary public accounts committee, which is responsible for investigating the allegations, has called for the dismissal of several senior government officials, the first of whom were removed in December.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 28 / 40 (-1)

A. Electoral Process: 9 / 12

The president is elected by direct popular vote for up to two five-year terms. Legislative authority lies with a unicameral, 357-seat National Assembly (the Bunge) whose members serve five-year terms. Of these members, 239 are directly elected in single-member constituencies, 102 seats are reserved for women elected by political parties, 10 are presidential appointees, 5 are members of the Zanzibar legislature, and the last seat is reserved for the attorney general. Zanzibar, the semiautonomous island region off the mainland,

elects its own president and 50-seat House of Representatives by direct vote. It maintains largely independent jurisdiction over its internal affairs.

Despite some irregularities, the 2010 elections were judged to be the most competitive and legitimate in Tanzania's history, despite a disappointing 43 percent voter turnout. While the ruling CCM party retained its dominant position, winning 186 seats, the opposition gained its largest representation in parliament yet. The Civic United Front (CUF) took 24 seats, and CHADEMA won 23. President Jakaya Kikwete of the CCM party was reelected for a second term with 61 percent of the vote, compared with 26 percent for the presidential runner-up, CHADEMA's Willibrod Slaa.

December 2014 local elections were marred by procedural irregularities, missing and misprinted ballots, rioting, and confusion. Following the vote, the Tanzanian government removed six district-level officials responsible for overseeing the flawed elections and began investigations into an additional 11 to determine why preparations were not adequately managed.

The electoral framework is facilitated by the National Electoral Commission and the Zanzibar Electoral Commission, both of which are appointed by the president. In addition, the executive maintains the ability to appoint regional and district commissioners, who are influential during elections.

The current constitution was passed in 1977, when the country was under single-party rule. In March 2014, the presidentially appointed Constitutional Review Commission submitted its second draft of a new constitution to the CA, a body of 640 Tanzanian and Zanzibari legislators and presidential appointees. The new constitution proposes a three-tiered federal state, fewer cabinet members, independent candidature, limits on executive appointment, and an explicit bill of rights. The CA passed a controversial draft in October, with the CCM keeping the process on schedule for a nationwide referendum in April 2015. Political opposition parties led by CHADEMA sought a judicial block to the new constitution, suggesting it was passed without meeting a quorum, and initiated a nationwide campaign to garner public support for their position.

B. Political Pluralism and Participation: 12 / 16

Tanzanians have the right to organize into political parties, and there is growing support for opposition parties. The constitution permits political parties to form "shadow governments" while in opposition. In October 2014, four opposition parties – the CUF, CHADEMA, National Convention for Construction and Reform-Mageuzi, and the National League for Democracy – signed a memorandum of understanding agreeing to support a single presidential candidate in the 2015 elections to oppose the CCM.

Although political diversity has grown in recent years, minority parties report regular harassment and intimidation by the ruling party and various state institutions, including the police. 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 religious, ethnic, or religious bases are prohibited.

C. Functioning of Government: 7 / 12 (-1)

Corruption persists within the government despite the presence of the Prevention and Combating Corruption Bureau. Corruption is pervasive in all aspects of political and commercial life, but especially in the lucrative energy and natural resources sectors. Tanzania was ranked 119 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

In 2014, several senior government and business officials were implicated in authorizations of payments for nonexistent energy contracts; the suspects are alleged to have funneled more than \$180 million to private offshore accounts. Attorney General Frederick Werema and Housing Minister Anna Tibaijuka were removed from their posts in December for alleged participation, and the parliament also called for the removal of Energy Minister Sospeter Muhongo and Prime Minister Mizengo Pinda. Twelve international donors subsequently withheld close to \$500 million in budgetary support for the government.

The government remains sporadically responsive to citizen input between elections, and citizens have access to public information. The parliament of Tanzania publishes legislation, committee reports, budgets, and Q&A sessions. To demonstrate its commitment to citizen input, the Tanzanian Constitutional Review Commission scheduled more than 1700 meetings with more than one million citizens and civil society representatives in 2012. Despite these efforts, the Tanzania Constitutional Forum's efforts to pressure President Kikwete to veto the Constitution Review Act was ultimately unsuccessful.

Civil Liberties: 35 / 40

D. Freedom of Expression and Belief: 10 / 16

Although the constitution provides for freedom of speech, it does not specifically guarantee freedom of the press. Independent media on mainland Tanzania have come under increasing pressure as the 2015 elections approach. 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. A February 2014 publication by the Committee to Protect Journalists highlighted the CCM's tactic, exercised prior to the 2010 elections, of buying full-page advertisements to limit space for coverage of the opposition. In April 2014, authorities demanded that the weekly newspaper *Mawio* print corrections to an article about the union between Zanzibar and mainland Tanzania, alluding to legal action or closure as possible repercussions; the article had disputed the authenticity of a government document related to the union.

Press freedom in Zanzibar is more constrained. The Zanzibari government owns the only daily newspaper, and private media other than radio are nearly nonexistent. Internet access, while limited to urban areas, is growing, but authorities monitor websites that are critical of the government.

Freedom of religion is generally respected. Relations between the various faiths are largely peaceful, though there have been periodic instances of violence. Tensions between Muslims and Christians led to a fatal attack in Bukoba in October 2014 – Muslim assailants wielding machetes attacked a Bible study group, leaving one man dead and another seriously injured.

Tensions between Muslims and Christians on Zanzibar also continued in 2014. The Zanzibar government appoints a *mufti*, a professional jurist who interprets Sharia (Islamic law), to oversee Muslim organizations. Some Muslims have argued that this practice represents excessive government interference. In September, attackers assaulted Pastor Prince Simon and his wife in their home, declaring that they did not want Christians in Zanzibar and calling upon them to return to the mainland.

There are few government restrictions on academic freedom. People actively engage in private discussions, but the CCM uses a system of party-affiliated cells in urban and rural areas for public monitoring. Each cell is reportedly responsible for 10 households.

E. Associational and Organizational Rights: 7 / 12

The constitution guarantees freedom of assembly, but the government can limit this right since all assemblies require police approval and critical political demonstrations are at times actively discouraged. A joint

opposition rally led by CHADEMA was banned in September 2014. Protests nevertheless continued to be held that month, and police arrested several pro-opposition demonstrators.

There is freedom for nongovernmental organizations (NGOs), and more than 4,000 are registered. While current laws give the government the right to deregister NGOs, there is little interference in NGO activity. Many NGOs, such as Research and Education for Democracy in Tanzania and the Legal and Human Rights Centre, publish reports that are critical of the government.

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, but in July 2014, more than 3,000 Tanzania-Zambia Railway Authority (TAZARA) workers went on strike over unpaid salaries. In August, TANZARA responded by firing more than 1,000 employees for "unlawful" strike actions, even while admitting it owed employees back pay.

F. Rule of Law: 9 / 16

Tanzania's judiciary suffers from underfunding and corruption. Judges are political appointees, and the judiciary does not have an independent budget, making it vulnerable to political pressure and influencing what cases the judiciary considers.

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 faced continuing discrimination and violence in 2014. Two "witch doctors" were arrested in May after hacking an albino to death. Consensual 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 gender identity.

More than 250,000 refugees from conflicts in neighboring countries reside in Tanzania. Human rights advocates have criticized the 2002 Prevention of Terrorism Act for giving police and immigration officials sweeping powers to arrest suspected illegal immigrants. In October 2014, the government announced a plan to provide citizenship to 200,000 refugees, some of whom have been in exile in Tanzania since the 1970s; among the 200,000 are 162,000 Burundians. This followed a major crackdown on illegal immigration and the deportation of nearly 4,000 people in 2013.

G. Personal Autonomy and Individual Rights: 9 / 16

Citizens generally enjoy basic freedoms, including 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 petty bribes to set up and operate them. The state remains the owner of all land and leases to individuals and private entities. Land rights issues garnered attention in 2013 through the plight of nearly 70,000 Maasai living in the Loliondo region, who were threatened with eviction after the government licensed a new hunting ground to the United Arab Emirates-owned OBC Corporation. After strong public reaction, the plan was tabled. However, threats of eviction resurfaced in November 2014, and the government reportedly offered \$500,000 to relocate

communities.

Women's rights are constitutionally guaranteed but not uniformly protected. Rape, female genital mutilation, and domestic violence are reportedly common but rarely prosecuted. Although the minimum female age for marriage is 15, an October 2014 Human Rights Watch report cited the occurrence of marriages among girls as young as seven. Trafficking of women and children from rural areas is a growing concern.

Equality of economic opportunity is limited, and there is continued economic exploitation. Poverty, especially in rural areas, affects approximately 33 percent of the population. A 2013 Human Rights Watch report exposed the use of children as young as eight working shifts as long as 24 hours in hazardous gold mines in Tanzania. The government formed a committee in 2013 to investigate Human Rights Watch's allegations. The committee submitted a report to the government in April 2014 on how to combat child labor; its recommendations have not been made public.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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