

## Tanzania

**Country:**

Tanzania

**Year:**

2016

**Freedom Status:**

Partly Free

**Political Rights:**

3

**Civil Liberties:**

4

**Aggregate Score:**

60

**Freedom Rating:**

3.5

**Overview:**

In October, Tanzania held its most competitive elections since its transition to multiparty rule in the early 1990s. John Magufuli, the candidate of the ruling Chama Cha Mapinduzi (CCM) party, won the presidential election with 58 percent of the vote. The runner-up, Chama Cha Demokrasia na Maendeleo (CHADEMA) candidate Edward Lowassa—a former prime minister who had been considered a front-runner for the CCM nomination and who had defected to the opposition after losing the ruling party’s primary nomination—claimed electoral malfeasance and rejected the results. International observers generally assessed the conduct of the elections on Tanzania’s mainland positively. Magufuli was inaugurated in November, succeeding President Jakaya Kikwete of the CCM; Magufuli’s running mate, Samia Suluhu Hassan, became the country’s first-ever female vice president. Meanwhile, the CCM lost some seats in the parliamentary polls, as opposition parties, many of which had coordinated parliamentary and presidential candidates through a unified coalition, gained their largest representation in parliament yet. Later in November, parliament approved Majaliwa Kassim Majaliwa, a former junior minister and relative unknown, as the country’s new prime minister.

However, simultaneous elections on the semi-autonomous archipelago of Zanzibar sparked controversy. Polls conducted ahead of the vote had predicted a contentious election for Zanzibar’s president and a potential victory for Maalim Seif Sharif Hamad of the opposition Civic United Front (CUF). The elections were praised for their smooth conduct in their immediate aftermath. However, prior to the announcement of official results, Zanzibar Electoral Commission (ZEC) Chair Jecha Salim Jecha declared the elections for Zanzibar’s president and legislature “null and void,” saying the process “was not fair and had breaches of the law.” In a joint statement, election missions from the Commonwealth, the Southern African Development Community (SADC), the African Union, and the European Union (EU) expressed “great concern” at the ZEC’s move and noted that they had assessed the voting as “conducted in a generally peaceful and organised manner, according to the

procedures outlined in the laws of the United Republic of Tanzania and the laws of Zanzibar.” Hamad refused to accept the annulment, and the CCM and CUF remained in ongoing negotiations at the year’s end.

In the run-up to the elections, the Tanzanian government enacted the Statistics Act and the Cybercrimes Act, two laws that had the potential to significantly limit freedom of expression, civil society activities, and access to information.

## **Political Rights and Civil Liberties:**

### **Political Rights: 27 / 40 (-1) [Key]**

#### **A. Electoral Process: 8 / 12 (-1)**

The president of Tanzania 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 1 is held by the attorney general. Zanzibar elects its own president and 81-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, Magufuli won with 58 percent of the vote, and Lowassa took 40 percent. In the National Assembly, the CCM won 152 seats, down from 186 in the previous parliament. Opposition parties, many of which had coordinated candidates through a unified coalition, gained their largest representation in parliament yet. CHADEMA won 34 seats, CUF took 32 seats, and the Alliance for Change and Transparency (ACT) and the National Convention for Construction and Reform (NCCR)–Mageuzi each won one legislative seat.

Despite some irregularities, the 2015 national elections were generally deemed credible by domestic and international observers. An observer mission from the EU described “highly competitive, generally well organized elections, but with insufficient efforts at transparency from the election administrations.” However, there were some areas that observers documented with concern; the EU mission noted that the CCM had drawn on state resources, such as public stadiums, to support its campaign.

However, the unilateral annulment of Zanzibar’s presidential election, while accepting the results of the Zanzibari vote for the mainland presidential election, undermined the fairness of the electoral framework, which 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. 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 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. In April 2014, Tanzania’s three primary opposition parties quit the CA, saying their input was not being considered. Nevertheless, the CA passed a controversial draft later in 2014. Opposition parties led by CHADEMA sought a judicial block to the new constitution, suggesting it was passed without a quorum, and initiated a nationwide campaign to garner public

support for their position. Though the government was scheduled to conduct a nationwide referendum on the proposed constitution in April 2015, the NEC that month announced an indefinite delay of the poll, citing an inability to register citizens using a new biometric system in time for the vote.

## **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. Four opposition parties—the CUF, CHADEMA, NCCR-Mageuzi, and the National League for Democracy (NLD)—decided to support a single presidential candidate and to field parliamentary candidates cooperatively in the 2015 elections. This coalition, known as the Coalition for a People’s Constitution, Ukawa, posed the most significant threat to CCM’s rule in the country’s history.

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**

Magufuli was known as an antigraft figure and campaigned accordingly, promising to establish an anticorruption court. Almost immediately after his inauguration, he undertook reforms aimed at cutting spending and enhancing service provision. In November 2015, he barred government officials from taking foreign trips without special authorization from his office. Magufuli also shrank the cabinet to 19 ministers, down from 30, and canceled a ministerial retreat to cut costs. The savings, he announced, would be put toward social service spending.

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 December, Magufuli removed the director general of the PCCB, Edward Hoseah, for negligence. The president also suspended four senior PCCB officials for taking unauthorized trips abroad following the ban on government travel. Tanzania was ranked 117 out of 168 countries and territories surveyed in Transparency International’s 2015 Corruption Perceptions Index.

In 2014, twelve international donors withheld close to \$500 million in budgetary support for the government following a corruption scandal in which senior government and business officials were accused of funneling more than \$180 million in payments for nonexistent energy contracts to private offshore bank accounts. In March 2015, the donors agreed to release \$44 million of the frozen funds “in recognition of actions taken” in response to the scandal. The government has complained that it has had to suspend some development projects due to lack of donor funds.

In September, the United States warned the Tanzanian government that it must demonstrate a greater commitment to fighting corruption if it wants to retain its scheduled \$473 million in development assistance in 2016. The warning came after the Tanzanian government faced new allegations of public wrongdoing in 2015. In February, the government suspended the head of the

Tanzania Ports Authority after concerns about alleged procurement infractions. In July, two former government ministers were sentenced to jail for three years after being found guilty of abuse of office in connection with a gold-auditing contract, accounting for a loss of some \$5.2 million in government funds.

The government remains sporadically responsive to citizen input between elections, and citizens generally have access to public information, though observers have expressed concern that the Statistics Act and Cybercrimes Act will inhibit access to public information. The parliament of Tanzania inconsistently publishes legislation, committee reports, budgets, and other documents.

## **Civil Liberties: 33 / 40 (-2)**

### **D. Freedom of Expression and Belief: 9 / 16 (-1)**

Although the constitution provides for freedom of speech, it does not specifically guarantee freedom of the press. Independent media on mainland Tanzania came under increasing pressure in the run-up to the 2015 elections. 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. In January, the government banned the circulation in Tanzania of the regional weekly the *East African*, citing registration issues. The ban remained in place at year's end. In the spring, Kikwete signed the Statistics Act, passed by parliament in March, and the Cybercrimes Act, passed in April. The Statistics Act severely restricts citizen access to information by requiring data released publicly to be first approved by the National Bureau of Statistics (NBS). Those publishing information not approved could face a minimum sentence of a year in jail or a fine of over \$2,000. Following public outcry, the NBS released a statement clarifying that the act governs only official government statistics, but went on to say that, while the law does not prohibit a person or agency "from producing and publishing their own statistics...if such agencies want to produce official statistics intended to be used by the government for planning and policy making, they have to adhere to set standards and principles of official statistics."

The 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. Following the October elections, Tanzanian police raided an office being used by the Tanzania Civil Society Consortium on Election Observation (Taceo) and, under the auspices of the Cybercrimes Act, seized 28 computers and 26 mobile phones, claiming that the group was attempting to compile and publish election results. Thirty-six data clerks were arrested and taken in for questioning before being released on bail.

Two other controversial bills—the Media Services Bill, and the Access to Information Bill — were withdrawn from consideration in June after being criticized as overly restrictive. The Media Services bill would create a media services council to oversee a mandatory licensure process for journalists and media houses. The Access to Information Act provides a series of vague exemptions under which the government would withhold information from the public. It also allows fees to be demanded for the provision of information. The Minister of State for the President's Office said greater input from media stakeholders would be invited before the Access to Information Bill would be reintroduced.

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. 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. In March 2015, President Kikwete warned of increasingly tense relations between Tanzania's Christian and Muslim communities and asked religious leaders to refrain from involvement in political matters. Kikwete attributed some recent tensions to Christian opposition to the government's decision to allow Tanzanian courts to recognize Islamic court rulings in family law cases.

Historically, there have been few government restrictions on academic freedom. However, researchers and academics are likely to be disproportionately affected by the Statistics Act. 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: 6 / 12 (-1)**

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. In March 2015, police banned a protest they had initially approved that would have criticized the government for failing to protect albino Tanzanians from violence. Police cited the possibility of violence in banning the demonstration.

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 NGOs, such as Research and Education for Democracy in Tanzania and the Legal and Human Rights Centre (LHRC), publish reports that are critical of the government. However, the Statistics Act and the Cybercrimes Act were expected to interfere with the work of NGOs, predictions that appeared to be borne out by the police raid of Tacceo, which occurred in LHRC offices.

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 January, Tanzania-Zambia Railway Authority (TAZARA) workers went on a three-day strike to protest five months of unpaid salaries, amounting to some \$1.4 million. Following similar strikes last year, TAZARA fired 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 increasing violence in 2015. In March, attackers chopped off the hand of a six-year-old boy in western Tanzania, the third such incident in 2015. Albino body parts are believed to bring good luck, leading to the trafficking, death, and dismemberment of many albinos. In March, Tanzanian police arrested more than 200 so-called witch doctors for violence against albinos.

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 sexual orientation.

More than 250,000 refugees from conflicts in neighboring countries reside in Tanzania. More than 80,000 Burundian refugees flooded into the country in 2015 following an outbreak of civil unrest after the Burundian president's decision to stand for a third term. 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**

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 bribes to set up and operate them. The state remains the owner of all land and leases to individuals and private entities. Land-rights disputes over government leases of customary Maasai grazing lands to hunting and tourism corporations have garnered international attention. In February 2015, indigenous rights activists criticized the government for the forcible eviction of Maasai villages related to the establishment of a hunting park by a United Arab Emirates-based company. In October, a Tanzanian court ruled that a U.S. safari company's acquisition of some 10,000 acres of land was legal, turning down a Maasai group's claim to the land.

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, a 2014 Human Rights Watch report cited the occurrence of marriages to girls as young as seven. Eight cabinet posts are held by women.

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**

### **Full Methodology**

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