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Tanzania

International Religious Freedom Report 2003

BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR

The Constitution provides for freedom of religion, and the Government generally respects this right in practice, subject to measures that it claims are necessary to ensure public order and safety; however, there were some limits on freedom of religion.

There was no change in the status of respect for religious freedom during the period covered by this report. Some urban Muslim groups are sensitive to perceived discrimination in government hiring and law enforcement practices. Muslims continued to perceive government discrimination in favor of Christians in schools, the workplace, and places of worship.

There are generally amicable relations among religions in society; however, there was an increase in tension between Muslims and Christians and between secular and fundamentalist Muslims.

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights.

Section I. Religious Demography

The country has a total area of 364,900 square miles, and its population is approximately 35 million, of which approximately 34 million live on the mainland and 1 million in the Zanzibar archipelago. Current statistics on religious demography are unavailable, as religious surveys were eliminated from all government census reports after 1967. However, religious leaders and sociologists generally believe that the country's population is 30 to 40 percent Christian, 30 to 40 percent Muslim, and the remainder consists of practitioners of other faiths, traditional indigenous religions, and atheists. Zanzibar, which accounts for 2.5 percent of the country's population, is estimated to be 98 percent Muslim. The Zanzibar archipelago is semi-autonomous; Zanzibar elects its own president and a parliament that can approve legislation pertaining to local affairs. Generally, the Muslim population is highest in the Zanzibar archipelago and in coastal areas of the mainland. There are also large Muslim minorities in inland urban areas. The Christian population is comprised of Roman Catholics, Protestants, Pentecostals, Seventh-day Adventists, members of the Church of Jesus Christ of Latter-day Saints (Mormons), and members of Jehovah's Witnesses. Between 80 and 90 percent of the Muslim population is Sunni; the remainder consists of several Shi'a groups.

Foreign missionaries operate in the country, including Catholic, Lutheran, Baptist, Seventh-day Adventist, Mormon, Anglican, and Muslim.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, and the Government generally respects this right in practice, subject to measures that it claims are necessary to ensure public order and safety; however, there were some limits on freedom of religion. The Constitution does not establish any official state religion.

In 2001, the Government of semi-autonomous Zanzibar passed a bill to establish an Islamic leader, or mufti, who is a public employee of the Zanzibar Government. Zanzibar Government officials claimed that they needed an Office of the Mufti to coordinate Islamic activities and improve religious understanding. On the mainland, mosques belonging to BAKWATA, the National Muslim Council of Tanzania, also elect a mufti. BAKWATA ceased being an official part of the Government in 1994, and thus the mainland mufti is not a public employee. Several Muslim organizations have criticized both Zanzibar's mufti law and the mainland's practice of selecting a mufti through the National Islamic Council, perceiving them as efforts by the union Government to institutionalize government oversight of Islamic organizations.

Tanzania's court upheld the controversial October 2002 elections of the mainland's mufti. An injunction on the elections was sought by Muslim clerics who asserted that the election was against the Constitution. The court overturned the injunction, largely on technical grounds. Some Islamic groups were highly critical of the court's decision and urged followers to boycott the Mufti election.

Muslim groups have also been vocal in their opposition to the Prevention of Terrorism Act, which was signed into law in December 2002. While this legislation does not mention any religious or ideological group, Muslim clerics and some local media have been highly critical of the power it gives to police to determine who is a terrorist, fearing the Muslim community will be the primary target.

The Government requires that religious organizations register with the Registrar of Societies at the Home Affairs Ministry. In order to register, religious organizations must have at least 10 followers and must provide a constitution, the resumes of their leaders, and a letter of recommendation from their district commissioner. Groups no longer are required to provide three letters of recommendation from the leaders of registered Christian churches or from registered mosques; however, some Muslim groups claim that they still are required to submit a letter of recommendation from BAKWATA. There were no reports that the Government refused the registration of any group. A new law concerning nongovernmental organizations (NGOs), approved in December 2002, requires all NGOs, including those that are religiously affiliated, to register with the Ministry of Home Affairs. The NGO law does not impose any new obligations on the parent organizations of religiously affiliated NGOs.

Prior to 2000, religious groups were exempt from paying taxes because they were presumed to be nonprofit organizations. The Government discovered in 1998 that some religious groups were importing goods duty-free and then selling them for a profit; consequently, the Government began requiring these groups to pay taxes. After successfully identifying these organizations, the Government allowed legitimate religious groups to import goods internationally without paying duty, provided that they receive an exemption certificate from the Tanzania Revenue Authority.

Customary and statutory law in both civil and criminal matters governs Christians on the mainland and the Zanzibar archipelago. Muslims in Zanzibar and on the mainland may apply statutory, customary or Islamic law in family matters such as marriage, divorce, child-custody and inheritance. Islamic law is applied only to adjudicate cases involving Muslims. BAKWATA occasionally appeals to the secular civil authorities for assistance in resolving quasi-religious disputes such as the ownership of mosques. Zanzibar's court system generally parallels the mainland's legal system.

However, whereas the majority of judges on Zanzibar were Muslim, there were very few Muslim judges, if any, on the mainland; consequently, some Muslim groups complain that it was inappropriate for Christian judges on the mainland to continue administering Islamic law for Muslims in family matters. There was occasional debate about the establishment of Shari'a law in Zanzibar, but the number of advocates remained small.

Missionaries are permitted to enter the country freely, particularly if proselytizing is ancillary to other religious activities. Citizens are permitted to leave the country for pilgrimages and other religious practices.

The Government officially recognizes eight days for religious holidays, equally divided between Christian and Muslim celebrations: two days for Christmas, two days for Easter, two days for the Muslim holiday of Eid-el-Fitr, one day for the Muslim holiday of Eid-el-Haj, and one day for the Muslim holiday of Maulid).

Religion may be taught in public schools in the form of a class on religion, but it is not part of the national curriculum. Such classes are generally taught on an ad hoc basis by parents or other volunteers, but must be approved by the school's administration and/or parent-teacher association.

Restrictions on Religious Freedom

The law prohibits preaching or distribution of materials that are considered inflammatory and represent a threat to the public order. In 2000 the Government banned the publication and distribution of a book by a Muslim academic on the grounds that it was inflammatory. The book, titled "The Mwembechai Killings," described Muslim grievances against the Government and provided the author's version of events surrounding the killings of three Muslim protesters by police in 1998 in the Mwembechai area of Dar es Salaam. Unlike in the period covered by the previous report, urban Muslims did not distribute videotapes of the Mwembechai riots to document perceived human rights abuses; the Government previously had outlawed these videotapes for being incendiary.

The Government has banned religious organizations from involvement in politics, and politicians are banned from using language intended to incite one religious group against another or to encourage religious groups to vote for certain political parties. The law imposes fines and jail time on political parties that campaign in houses of worship or educational facilities.

The Government does not designate religion on passports or records of vital statistics; however, it requires an individual's religion to be stated on police reports, school registration forms, and applications for medical care.

Government policy forbids discrimination against individuals on the basis of religious beliefs or practices; however, individual government and business officials are alleged to favor persons who share the same religion in the conduct of business. The Muslim community claims to be disadvantaged in terms of its representation in the civil service, government, and parastatal institutions, in part because both colonial and early post-independence administrations refused to recognize the credentials of traditional Muslim schools. As a result, there is broad Muslim resentment of certain advantages that Christians are perceived to enjoy in employment and educational opportunities. Muslim leaders have complained that the number of Muslim students invited to enroll in government-run schools still was not equal to the number of Christians. In turn, Christians criticize what they perceive as lingering effects of undue favoritism accorded to Muslims in appointments, jobs, and scholarships by former President Ali Hassan Mwinyi, a Muslim. Christian leaders agree that the Muslim student population in institutions of higher learning is disproportionately low; however, they blame this condition on historical circumstances and low school attendance rates by Muslims rather than discrimination.

The Government did little to respond to growing tensions between the Muslim and Christian communities (see Section III). The Government recognized that a problem exists, but it responded in an ad hoc manner. In 2001 the Government

cancelled several meetings with Muslim and Christian leaders aimed at improving relations between the two communities. While the president, a Christian, regularly participates in Muslim celebrations such as Iftar dinners during Ramadan, the Government held no formal interdenominational meetings during the period of this report, although many interdenominational initiatives exist at national and community levels without formal Government participation. Even senior Muslim officials in the Government appear unwilling to address the problem, apart from general criticism of those who would foment religious conflict.

The overall situation for women is less favorable in Zanzibar, which has a majority Muslim population, than on the mainland. Although women generally are not discouraged from seeking employment outside the home, women on Zanzibar and many parts of the mainland face discriminatory restrictions on inheritance and ownership of property because of concessions by the Government and courts to customary and Islamic law. While provisions of the Marriage Act provide for certain inheritance and property rights for women residing on the mainland, the Marriage Act is not applicable in Zanzibar. Furthermore, the applicability of customary, Islamic, and statutory law on the mainland and Zanzibar depends on whether the deceased was part of a community where the customary law is widely accepted and applied, and on the stated intentions of the male head of household. However, determining the intentions of the male head of household is often difficult because the majority of the country's male population does not draw last wills and testaments, perceiving wills as invitations for bad fortune. Courts on the mainland and Zanzibar have upheld discriminatory inheritance claims, primarily in rural areas.

Under a Zanzibari law popularly known as the "spinster act", unmarried Muslim women under the age of 21 who become pregnant are subject to two years' imprisonment, and a man found guilty of making a woman who is not his wife pregnant can be imprisoned for five years. In the past, Zanzibari women have successfully had these convictions dropped or overturned in the Zanzibari courts. No men have been tried under this law.

Abuses of Religious Freedom

In 2001 a local magistrate in Morogoro sentenced Kahmis Rajab Dibagula to an 18-month jail term for blasphemy against Christianity for publicly stating "Yesu si Mungu" (Jesus is not God). In 2001, on the grounds of public safety, police banned Muslim protests scheduled to take place in Dar es Salaam. Despite the Inspector General's refusal to grant a permit for the rally, in 2001, Muslim youths marched to the Attorney General's office while High Court Justice Chipeta heard the Dibagula case. While Chipeta agreed to overturn the sentence and ordered the release of Dibagula, the High Court widely was criticized in the Muslim community for only overturning the conviction rather than stating that the blasphemy charge was unconstitutional and discriminatory towards Muslims. More than 170 Muslims were arrested for demonstrating without a permit, and cases remained pending against 41 Muslims, with no trial date set by the end of the period covered by this report. No action was taken against the police who used excessive force to disperse the Muslim demonstrations. In March three appellate justices issued an opinion that Dibagula's speech was about his religious beliefs and therefore was protected by the Constitution.

In 2001 police on Zanzibar arrested more than 20 leaders of the Muslim Answar Sunna group for conducting Eid-el-Fitr prayers on a day other than the one designated by the Government of Zanzibar. Again on February 11, police used tear gas and rubber bullets to disperse Answar Sunni sect members who had gathered to observe Eid-el-Fitr one day before the Zanzibar mufti declared the holiday. No arrests were made, but three people were injured in the disturbance.

In February 2002, violence began after police intervened and fired tear gas at a Muslim prayer meeting to commemorate the 1998 Mwembechai mosque riots; two persons, including a police officer, were killed. The organizers of the banned prayer meeting claimed the protest event had been peaceful until the police intervened; the police claimed that they used tear gas in order to disperse demonstrations and prevent a clash between rival Muslim groups. The Government

subsequently convinced Muslim groups to cancel a series of demonstrations planned to protest the events. Following the violence, the police arrested nine Muslim leaders, who remained in prison and were denied bail until charges against them were dropped in August. Other Muslim leaders went into hiding until charges against them were dropped in August 2002.

In 1999 police arrested Sheikh Issa Ponda, a popular Muslim leader, for inciting his followers against other religions. A week later, the police canceled a planned Muslim demonstration to protest his arrest. The Sheikh later was charged with seditious intent and released on bail; however, in February 2002, he was rearrested and charged with murder as one of the nine Muslim leaders held responsible for the Mwembechai mosque riots. Ponda was denied bail and remained in prison until charges against him and eight other suspects were dropped in August.

Prior to the 2000 elections, government officials called on political candidates to avoid using religion as a campaign issue and urged the public to reject religiously oriented campaigns. In 2001 a political demonstration on the island of Pemba, which is 98 percent Muslim, turned violent and led to the deaths of at least 31 protestors and sparked an outburst of religious enmity toward the police, who used excessive force to contain the demonstration. In November 2002, a report by a commission of inquiry acknowledged that security forces were responsible for the 31 deaths and the 294 injured. The report made no recommendation for the prosecution of any police officers for the abuses, and no action was likely to be taken. There were reports that police officers and soldiers made anti-Muslim slurs against persons during house-to-house searches, although police and soldiers on the island are also Muslim. In 2001, in Wete, police turned away persons who were going to mosques to pray; police reportedly beat those who resisted the order. Following the demonstration, there were reports of isolated cases of harassment of individuals who were perceived as supporters of radical Islam, including the alleged forcible shaving of beards of certain Muslims who had been detained.

There were no reports of religious prisoners or detainees.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Section III. Societal Attitudes

While Muslim-Christian relations remained generally stable, tensions rose due to urban Muslim groups' claims of discrimination in government hiring and law enforcement practices (see Section II). Rural Muslim groups do not appear to share urban Muslims' concerns to the same extent. There also were other signs of increased religious tensions between Christians and Muslims.

There were signs of increasing tension between secular and fundamentalist Muslims, as the latter believed that the former had joined with the Government for monetary and other benefits. The fundamentalist Muslims accused the Government of being a Christian institution, and Muslims in power of being interested only in safeguarding their positions. In 2002 there were tensions within the Muslim community between moderates and fundamentalists seeking ideological control of mosques in Dar es Salaam and other cities. Fundamentalist Muslims severely criticized secular Muslims who drank alcohol or married Christians. Muslim fundamentalists attempted, unsuccessfully, to introduce Muslim traditional dress into the national school system. Fundamentalist groups also have exhorted their followers to vote only for Muslim candidates.

During the period covered by this report, Muslim fundamentalist organizations engaged in increasingly confrontational proselytizing in Zanzibar, Morogoro, and Dar es Salaam. Anti-Christian slogans became more prevalent in newspapers and pamphlets, and on clothing. Muslims threatened tourist establishments in Zanzibar, warning proprietors who catered

to Western customers that they risked retribution for serving alcohol or engaging in other perceived vices. In Zanzibar there were gasoline bomb attacks against bars and hotels in January 2002 and in 2001. On the mainland, Christian fundamentalist organizations also reportedly engaged in confrontational proselytizing, including the distribution of leaflets branding Muslims as "unbelievers" or "servants of Satan."

In 2000 a University of Dar es Salaam organization conducted a study of the possible role of religion in impeding the country's future development as a multiparty democracy. The organization, Research, Education and Democracy in Tanzania (REDET), which consists of a number of academics -- Muslim and Christian -- surveyed the public's views of religion as a potential societal faultline. The results of the study, which were not published by the end of the period covered by this report, were discussed publicly at a symposium held by REDET in 2001. The study concluded that Muslims as a group were underrepresented in educational, governmental, and private sector institutions. The study was inconclusive on the cause of such underrepresentation; some scholars blamed outright discrimination by the Government and school administrators, while others blamed postcolonial historical circumstances, such as the legacy of Christian missionary control of private schools.

An interdenominational religious council met periodically until 2001 to discuss issues of mutual concern, such as the violence in Zanzibar in 2001. The council was comprised of Catholic, Protestant, and Muslim representatives. The Muslim representative belongs to the BAKWATA; several urban Muslim leaders and a majority of urban Muslims believe that the BAKWATA is a government-imposed watchdog organization. Christian and Muslim meetings have been called on an ad hoc basis since 2001, but efforts to establish a formal interdenominational council failed because of lack of agreement on by-laws for the body.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights. The U.S. Government encourages continued economic reform as a means to alleviate poverty, which has been identified as a contributing factor in the growth of religious intolerance. All agencies at the Embassy, including the Department of State, the U.S. Agency for International Development, the Peace Corps, the Centers for Disease Control and Prevention, and the Department of Defense, have assistance projects in largely Muslim areas such as Zanzibar and the coastal regions of the mainland. The U.S. Government and the U.S. Embassy also encouraged democratic reform in the country, particularly in Zanzibar. This effort yielded quantifiable results with the implementation of highly contested yet peaceful and credible by-elections in Pemba in May.

In 2002 the Embassy sponsored a series of lectures and town hall meetings in Zanzibar that encouraged discussion of tolerance and the role of religion in a democratic society. In January the Embassy also sent two Muslim journalists, a Zanzibari and a mainlander, on an International Visitor Program on "Human Rights in U.S. Foreign Policy." The U.S. Government also supported the country's initiative to implement the 2001 reconciliation agreement between the CCM, the country's ruling party, and the CUF, the main opposition party on Zanzibar, to reduce the conflict between the parties that frequently erupted into violence with religious overtones. Outreach to the Muslim community has also been enhanced by Iftar dinners, the traditional meal to break the fast during Ramadan, hosted by the Ambassador in Dar es Salaam and Zanzibar.

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