

FREEDOM IN THE WORLD 2021

Tanzania

34

/100

PARTLY FREE

<u>Political Rights</u>	12 /40
<u>Civil Liberties</u>	22 /60

LAST YEAR'S SCORE & STATUS

40 /100 **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



TOP

Overview

Tanzania has held regular multiparty elections since its transition from a one-party state in the early 1990s, but the opposition remains relatively weak, and the ruling party, Chama Cha Mapinduzi (CCM), has retained power for over half a century. Since the election of President John Magufuli in 2015, the government has cracked down with growing severity on its critics in the political opposition, the press, and civil society.

Key Developments in 2020

- The October presidential election period was marred by reports of widespread fraud and vote-rigging, widespread arrests, threats and violence against the opposition, the forced dispersal of public gatherings by the authorities, the effective prohibition of independent election monitors, and numerous other serious problems. Official results showed a victory by Magufuli with 84.5 percent of the vote, and the opposition candidate fled the country in November.
- The regime mobilized the army to Zanzibar amid growing unrest ahead of the Zanzibari presidential polls, and both the army and police were implicated in a spate of violence against opposition activists and civilians. As many as nine people were killed in one instance on the island of Pemba, when security forces fired on demonstrators attempting to stop the transport of allegedly fraudulent ballots.
- Tanzania's initial response to the COVID-19 pandemic was in line with that of other countries: distancing, increased hygiene measures, and business and school closures. However, Magufuli declared the pandemic "defeated" in the spring, and authorities worked to suppress discussion of it by firing officials who challenged the president's narrative, and through the arrests of journalists and ordinary people on charges of spreading fake news.
- The country recorded a total of 509 COVID-19 cases and 21 deaths before officials stopped counting cases in late April. However, reports on social media and from other countries suggest the outbreak was far larger than the regime stated. Mass graves were widely reported on social media early in the pandemic, foreign embassies cited "exponential growth" in cases and organized repatriation flights for their citizens, and truck drivers entering neighboring countries routinely tested positive for COVID-19 at the border.

[TOP](#)

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

1/4

The president is elected by direct popular vote for up to two five-year terms. Magufuli won the October 2020 presidential election with 84.5 percent of the vote in a contest that was markedly less free and fair than the 2015 election, which he had won with 58 percent. The 2020 election was marred by widespread fraud and vote-rigging; threats of violence against opposition figures, including the opposition candidate for president, Tundu Lissu; the use of force by police against participants at opposition rallies; the suspension of media outlets and social media; the obstruction and dispersal of Lissu's rallies, and other irregularities. International and local observer missions were denied accreditation, as were many international media outlets. Turnout was just 50 percent, down from 67 percent in the previous poll.

Opposition parties rejected the election's result and called for protests. Soon after, many opposition figures involved in organizing planned demonstrations were arrested, and a widespread protest movement never emerged. Lissu fled to Belgium in November with assistance from several European governments and the United States.

The semiautonomous region of Zanzibar elects its own president, who serves no more than two five-year terms. The 2020 Zanzibar presidential poll, held concurrently with the October general elections, was also marred in controversy. The Zanzibar Electoral Commission (ZEC) announced that CCM candidate Hussein Mwinyi had beat Alliance for Change and Transparency (ACT-Wazalendo) candidate Seif Sharif Hamad, taking 76.3 percent to Hamad's 19.9 percent. The ACT rejected the results of the poll. Ahead of the start of voting in late October, the regime had mobilized the army to Zanzibar, and Hamad was detained by the police. The army and police were accused of firing into a crowd days before the election, killing several people; according to reports, members of the crowd were attempting to stop the delivery of ballots suspected to be fraudulent. Hamad was detained on his way to an early-voting location, and held during the election period. Hamad's close associates, including Nassor Mazrui and Ismail Jussa, were arrested after the election.

TOP

Reports of further detentions emerged in the election's aftermath, with killings and torture of detainees reported. Some opposition politicians and activists were detained indefinitely and others were released severely injured from torture. A month after the election, the ACT-Wazalendo agreed to form a unity government in Zanzibar, with Seif Sharif Hamad becoming vice president. The development prompted accusations of co-optation.

Score Change: The score declined from 3 to 1 because the 2020 presidential election period was marred by reports of widespread fraud and vote-rigging, arrests, threats and violence against the opposition, the forced dispersal of public gatherings by authorities, the effective prohibition of independent election monitors, and numerous other problems.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

1/4

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.

Unlike the 2015 poll, the 2020 legislative election was marred by extensive allegations of fraud and intimidation. Widespread interference in nomination processes, both bureaucratic and physical, led to around 30 opposition candidates being denied a spot on the ballot. Numerous legislative and local government candidates were detained during the campaign period, including high-profile Chadema lawmakers Godbless Lema and Halima Mdee. On election day, opposition politicians complained of election interference and fraud. The results showed that 97 percent of the directly elected seats went to the CCM, substantially increasing the party's majority. Following the elections, key opposition legislative candidates sought asylum, including Godbless Lema, who was granted refugee protection in Canada.

The opposition was granted a small number of women's special seats in line with their share of the vote. Initially, the main opposition party, Chadema, refused to take up these seats. However, a group of 19 women legislators from the party defected and were seated in the legislature;

they were then formally expelled by Chadema. Several of these women took their legislative seats upon being released from police custody, prompting speculation of coercion.

Members of Zanzibar’s 85-seat House of Representatives serve five-year terms and are installed through a mix of direct elections and appointments. The 2015 legislative elections were annulled along with the concurrent Zanzibari presidential vote, and an opposition boycott of the rerun polling in 2016 left the CCM with full control of the regional legislature. The 2020 legislative elections in Zanzibar were also marred by allegations of fraud.

In 2020, Tanzania also held local government elections. Results of these elections were not released in full. It is thought that CCM won control of each of Tanzania’s around 200 local government authorities. From 2015 to 2020, the opposition parties controlled a significant minority of local governments, including all but a handful of Tanzania’s urban councils.

Score Change: The score declined from 2 to 1 because the 2020 elections were marred by widespread allegations of fraud, the removal of opposition candidates from the ballot, and the detention of opposition candidates.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

1 / 4

The National Electoral Commission (NEC) is responsible for overseeing countrywide elections, 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. Magufuli’s appointment of Wilson Mahera Charles as the new NEC director in October 2019 was criticized by Chadema and ACT leaders; they argued that Charles, who had previously run for office as a CCM candidate, was a partisan figure. The NEC was criticized for poor administration of voter registration processes ahead of the 2020 elections, and in 2020, the body oversaw the rejection of dozens of legislative and local candidates on technicalities and in early October ordered the suspension of Lissu’s presidential campaign for a week, saying he had used incendiary language. Opposition parties accused NEC of being complicit in widespread ballot stuffing and use of “ghost voters” to increase CCM vote shares. The NEC did not release the full results of local government or legislative elections in 2020.

TOP

The ZEC is appointed by the Zanzibari president, though the opposition nominates two of the seven members. In 2018, then president Ali Mohamed Shein appointed seven new members to the commission. 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. ACT-Wazalendo presidential candidate Hamad accused the ZEC of failing to register over 100,000 young voters who reached voting age between 2015 and 2020.

B. Political Pluralism and Participation

B1 0-4 pts

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

Tanzanians have the right to organize into political parties, but the ruling CCM enjoys considerable incumbency advantages that stifle competition. The system of state funding for parties under the Political Parties Act of 2015 disproportionately benefits the CCM. Political parties are regulated by a presidentially appointed registrar whom the opposition criticizes for partisan bias.

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. In 2019, the CCM used its parliamentary supermajority to pass amendments to the Political Parties Act that further eroded the rights of opposition groups. The amendments included a provision empowering a government minister to regulate party coalition formation, a ban on political fundraising from international sources, a rule prohibiting political parties from engaging in "activism," and the introduction of a number of tools that the registrar can use to investigate and interfere with the internal operations of targeted parties. The amendments also gave the registrar legal immunity, ^{TOP} further reducing accountability for the office. Later in the year, both Chadema and ACT-Wazalendo were threatened with penalties for alleged violations of the Political Parties Act.

The government continued a campaign of repression in 2020, arresting numerous opposition politicians. Zitto Kabwe was once again arrested in June during an internal party meeting for holding an unlawful assembly, with authorities invoking the punitive changes to the Political Parties Act made in 2019. Earlier, in March, several Chadema leaders were convicted of unlawful assembly, rioting, and sedition, among other charges, in connection with a 2018 rally, and ordered to pay fines or face jail. The Office of the UN High Commissioner for Human Rights (OHCHR) called the arrests “troubling evidence of the crackdown on dissent and the stifling of public freedoms in the country.” Before and after the election, opposition politicians from all parties were arrested regularly and repeatedly both on the mainland and in Zanzibar.

Opposition figures continued to face threats and physical attacks in 2020. In June, Chadema chairman Freeman Mbowe was attacked in his apartment in Dodoma by unknown assailants. There were also attacks on local Chadema operations including an arson attack of the Arusha regional headquarters. Just ahead of the election, a CCM youth leader threatened to poison Tundu if he attempted to challenge results showing a victory by Magufuli.

The CCM has achieved growing success in its efforts to co-opt opposition politicians, which critics have attributed to bribery, coercion, and other inducements. High-profile defections from opposition to CCM in 2020 included former Chadema secretary general Vincent Mashinji. A group of women from Chadema defected from the party to take up special seats in Parliament after the 2020 election. Several of these women were released from jail, where they faced politicized charges, in order to be sworn in.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

1/4

The CCM has governed without interruption for more than 50 years. The electoral prospects of the opposition are limited due to interference; harassment; co-optation; instances of deadly violence against activists, and the risk of such violence; and criminal prosecutions by the government and its allies. Opposition candidates performed better in the 2015 elections ^{LIAN} ever before, but still won only 29 percent of the National Assembly seats. The political space ^{TOP} for opposition parties narrowed further in 2020, with severe repression leaving little opportunity to win support and even less to gain power.

Chadema lawmaker Tundu Lissu, who traveled abroad to recover after a 2017 attempted assassination in which he was shot 16 times, returned to Tanzania to stand as Chadema's presidential candidate. Despite the intimidation of opposition parties between 2015 and 2020, opposition rallies, particularly those attended by Lissu, drew large crowds; at one point, the NEC suspended his campaign for a week, saying his messaging at a rally was incendiary. After the 2020 election, Lissu and some opposition legislative candidates fled the country. In Zanzibar, the ZEC in October suspended the campaign of Hamad, the ACT-Wazalendo presidential candidate, for five days, similarly on charges of violating electoral ethics.

CCM efforts to convince or coerce opposition politicians to defect to government benches escalated significantly in 2020. Firebrand opposition politicians including Ester Bulaya and Halima Mdee agreed to cooperate with the government as independent politicians in parliament, breaking with Chadema. High-profile government critic and ACT-Wazalendo leader Zitto Kabwe agreed that his party would form a unity government in Zanzibar.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

1 / 4

Tanzanian voters and politicians are subject to significant undue influence from unaccountable entities using antidemocratic tactics. Magufuli has increasingly exerted pressure through local administrative authorities, particularly the country's presidentially appointed regional and district commissioners. These officials are technically nonpartisan, but most are CCM loyalists or former security personnel. They have significant power within their jurisdictions, and have been especially repressive when overseeing opposition-oriented areas. Civil servants in opposition-controlled councils have been under significant pressure to follow directives from CCM officials, rather than elected opposition politicians. At times they have sought to remove elected municipal leaders, arbitrarily barred the movements and activities of critical nongovernmental organizations (NGOs) and human rights advocates, and reportedly threatened associated individuals. The 2019 local elections, which the opposition boycot due to widespread candidate disqualifications, were notably managed by the government ministry that also supervises regional and district commissioners. **TOP**

In 2020, the regime mobilized the army to Zanzibar amid growing unrest ahead of the Zanzibari presidential polls, and both the army and police were implicated in a spate of violence against

opposition activists and civilians.

Score Change: The score declined from 2 to 1 because the ruling party has increasingly pressured civil servants to carry out CCM directives, and because the deployment of police and military forces in Zanzibar ahead of elections contributed to an atmosphere of intimidation.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?

2/4

Members of ethnic, religious, and other minority groups ostensibly have full political rights, but the participation of some groups is limited in practice.

While the constitution requires that women make up 30 percent of representatives in the parliament, many policies under Magufuli have actively undermined women's rights and obstructed attempts at political advocacy. Since Magufuli came to power, there has been a stark increase in misogynistic language in mainstream politics. In 2017, the President threatened to beat up the paternal aunts (*shangazi*) of rebelling backbenchers. During the 2020 campaign, Chadema candidate Catherine Ruge was arrested, stripped naked, and beaten by police as she stood for election in the heavily male-dominated Serengeti constituency.

LGBT+ people, who face the risk of arrest and harsh discrimination, are unable to openly advance their political interests.

C. Functioning of Government

C1 0-4 pts

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

1/4

TOP

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 has threatened those who are frequently absent.

The 2020 election was marred by intimidation, electoral manipulation, fraud, and other problems. The resulting CCM victories have allowed Magufuli to further consolidate control over the legislature and local governments, and locked the opposition out of policymaking.

Score Change: The score declined from 2 to 1 because the CCM government engaged in widespread fraud and coercion to win the year's presidential and legislative elections, undermining the democratic legitimacy of its policy decisions.

C2 0-4 pts

Are safeguards against official corruption strong and effective?	2/4
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Corruption remains a problem in the country, and reform efforts have yielded mixed results. 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.

In 2020 several scandals emerged in which the apparent perpetrators faced consequences, but which nevertheless reflected negatively on government agencies' ability to enforce their mandates. In July, nine senior PCCB staff were suspended for corruption relating to construction of the agency's buildings. In December, 22 senior officials at the Tanzanian Revenue Authority (TRA) were suspended pending a major corruption investigation.

An audit in 2018 revealed \$640 million in missing revenue from the 2016–17 fiscal year. Additional scrutiny in 2019 uncovered more than \$1 billion in missing or misappropriated funds. Opposition calls to publish the full report from the auditor general and enforce accountability were rejected. The chair of the parliament's Public Accounts Committee denied any loss or theft.

C3 0-4 pts

Does the government operate with openness and transparency?	TOP 1/4
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An access to information act was adopted in 2016, but 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 imposes prison terms on officials who improperly release information, but assigns no clear penalties for those who improperly withhold information. Local and regional government offices are uneven in their level of responsiveness to requests for information. The Statistics Act was amended in June 2019 to remove criminal liability for publishing information that conflicts with the National Bureau of Statistics, but the government generally continued to resist transparency efforts and punish journalists and civil society groups that attempted to expose official wrongdoing. Live broadcasts of parliament sessions have been suspended since 2016.

The government is suspected of manipulating public statistics on economic performance. In April 2019, Tanzania was accused of blocking the publication of an International Monetary Fund (IMF) report that criticized the country's "unpredictable" economic policies, a claim that was denied by a government spokesman. The World Health Organization (WHO) rebuked Tanzania in September 2019 for not sharing information regarding a death from Ebola-like symptoms in Dar es Salaam. The government insisted that there was no Ebola in the country, described reports about the suspected case as false, and summoned the country's local WHO representative in protest over the announcement. The Tanzanian government's response to the COVID-19 pandemic reflected further declines in government transparency. Magufuli declared the pandemic "defeated" in Tanzania by late spring. The president fired several top officials over their objections to this strategy, including the head of the only COVID-19 testing facility and the deputy health minister. Authorities stopped publishing data from COVID-19 testing in April, and those who tried to report on the extent of the outbreak were subject to legal penalties.

Civil Liberties

D. Freedom of Expression and Belief

TOP

D1 0-4 pts

Are there free and independent media?	1/4
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Independent journalists and media outlets are subject to harsh repression in Tanzania. The 2016 Media Services Act grants the government broad authority over media content and the licensing of outlets and journalists. It also prescribes severe penalties, including prison terms, for publication of defamatory, seditious, or other illegal content.

Sustained legal and regulatory pressure on journalists and the expression of other public figures during 2020 contributed to further self-censorship and other suppression of news coverage. The Tanzania Communications Regulatory Authority (TCRA) penalized numerous media outlets over coverage of the COVID-19 pandemic and the 2020 elections, with research by the Committee to Protect Journalists (CPJ) showing that at least one online television station, a news site, and at least four other broadcasters were ordered to temporarily suspend programming, and that at least 10 additional outlets were fined. Prominent regime critic Khalifa Said was forced out of a commentator position at one newspaper, while comedian Idris Sultan was arrested once again for social media content which was said to be mocking the president. Maxence Melo, founder of online discussion platform Jamii Forums, was convicted of obstructing investigations after refusing to hand over his user data, and given fine and a year in prison, which he is contesting. Prominent investigative journalist Erick Kabendera, who was detained from July 2019 first over citizenship questions, then alleged cybercrimes, and later for money laundering and other financial charges, which do not allow for release on bail, was released in February 2020 but only after accepting a plea deal. Beginning in August 2020, local media must receive explicit permission from the media regulatory body to broadcast content produced outside of Tanzania, limiting citizens' access to information from international broadcasters like BBC World Service and Deutsche Welle.

The 2018 Electronic and Postal Communications (Online Content) Regulations require bloggers and owners of online discussion platforms and streaming services to pay more than \$900 in annual registration fees. Many bloggers shut down their outlets as a result.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

1

TOP

Freedom of religion is generally respected, and interfaith relations are largely peaceful, though periodic sectarian violence has occurred. Muslims are believed to be 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 treated unfairly by authorities. Religious services were not restricted in Tanzania during the COVID-19 pandemic.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

2/4

Academic freedom in Tanzania was harmed by the passage of the 2015 Statistics Act, which requires data released publicly to be first approved by the National Bureau of Statistics. In 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 law was amended in June 2019 to remove criminal liability for publishing independent data, but given the government's ongoing and general hostility to dissenting views, it was unclear whether the legal change would strengthen academic freedom in practice.

In April 2020, a student from the University of Dar Es Salaam was arrested for spreading false information in connection with publishing remarks about the number of COVID-19 cases in the country.

D4 0-4 pts

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

1/4

The government historically monitored the population through a neighborhood-level CCM cell structure, and has increasingly policed personal expression on social media in recent years. Under laws including the 2015 Cybercrimes Act and the 2018 Electronic and Postal Communications (Online Content) Regulations, social media users have been prosecuted for offenses such as insulting the president. Government officials have threatened to prosecute users for supposedly spreading homosexuality through online platforms. Vague prohibitions on communication that “causes annoyance” or “leads to public disorder” have confused users as to what constitutes a violation, and empowered authorities to suppress unfavorable speech at their discretion. The 2018 regulations also require internet cafés to install surveillance cameras.

TOP

The Electronic and Postal Communications (Online Content) Regulations 2020 took effect in July and prohibits “spreading rumors” or insulting the nation online. In 2020, ordinary citizens were arrested for spreading false information in connection with comments about COVID-19.

Since Magufuli took office, the Tanzanian government has consulted with Hacking Team—a firm that provides electronic surveillance capacity—and signed cybersecurity collaboration agreements with the South Korean and Israeli governments. In 2019, recordings of CCM leaders criticizing Magufuli were publicly leaked in an apparent attempt to demonstrate pervasive surveillance and encourage self-censorship. Magufuli admitted in January 2019 to monitoring the digital communications of some ministers. In the same year, opposition leader Zitto Kabwe’s verified Twitter account was hacked and used to promote Magufuli, raising suspicions that the government and its allies, armed with new capabilities, were responsible. In 2020, the Tanzanian authorities reportedly used Twitter copyright rules to force regime critics off the website, which serves as one of the last remaining uncensored spaces for domestic discussion of Tanzanian politics.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	1/4
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The constitution guarantees freedom of assembly, but the government limits this right through legal mechanisms, restrictions on social media platforms used to organize, and outright violence. Organizers must notify the police 48 hours in advance of any demonstration, and police have broad discretion to prohibit gatherings that could threaten public safety or public order, among other criteria. A ban on political rallies has been in place since mid-2016. The January 2019 amendments to the Political Parties Act further restricted public assembly, in part by broadening the scope of activities that are deemed “political.”

TOP

Freedom of assembly came under attack in 2020 through a combination of increased violence against demonstrators and limits on communications. During the final week of election campaigns, the main telecommunications providers banned bulk short-message service (SMS)

messages, a key tool opposition parties use to organize events and promote turnout. They also blocked any text messages that contained key words associated with the opposition, including the name of presidential candidate, Tundu Lissu. The day before polling opened on the mainland, Twitter and WhatsApp were blocked, further undermining opposition supporters' ability to organize gatherings and coordinate preelection campaigning. At year's end, Twitter was still blocked in Tanzania, and the government has been working to block common virtual private networks (VPNs) used to access it.

Gatherings of opposition supporters at rallies or other election meetings were frequently broken up by force including use of tear gas and live ammunition, with deaths reported in both Zanzibar and on the mainland. In November 2020, the opposition called for national protests after the 2020 election, which they rejected as fraudulent. The organizers of these protests, Freeman Mbowe and Godbless Lema, were arrested and the protests were called off.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

1/4

Tanzania has a diverse and active civil society sector, but laws that already gave the government broad authority to deregister NGOs were strengthened in 2020. Since then, human rights organizations and activists in particular have been subject to increased restrictions, deregistration, legal harassment, and unlawful arrests. Amendments enacted in June expanded the NGO registrar's discretionary powers to investigate and deregister organizations. Among other changes, the amendments also allow private businesses to be punished if they support the activities of disfavored NGOs, and impose onerous new financial reporting requirements on even small grassroots organizations. Also in June, legal changes made it illegal for NGOs to file public-interest litigation, a process critical to human rights protection in Tanzania.

As a result of these legal changes several organizations, including one of the country's largest human and civil rights organizations, the Tanzania Human Rights Defenders Coalition (THRDC) had their bank accounts suspended, and both THRDC and the Legal and Human Rights Centre (LHRC) were threatened with deregistration in 2020. Both organizations were banned from ^{TOP} election observation, voter education, and training lawyers to handle election petitions, all activities they had overseen in previous elections. Human rights lawyer and LHRC employee Tito Magoti and information technology specialist Theodory Giyani were arrested in late

December 2019 and arraigned on spurious money laundering and cybercrimes charges. At year's end, they were still being held without charge.

E3 0-4 pts

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

F1 0-4 pts

Is there an independent judiciary?	1/4
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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. The results of such pressure are particularly evident in cases involving opposition figures and other critics of the government, as well as the recent flurry of legal changes to suppress free and fair competition and protect the regime from prosecution. Politicized courts have enforced new laws that attack human rights and are selectively invoked to keep the government in power. In August 2020, Tanzania's highest court, the Court of Appeal, ruled that it was legal for the government to hold suspects without bail for several offences including money laundering—a charge commonly levied against the government's political opponents, including Erick Kabendera and Tito Magoti. These suspects are then held in jail indefinitely as the courts delay their cases, or until they agree to plead guilty. The Court of Appeals' verdict overruled the High Court's ruling against the government's position.

TOP

Lower-level courts were routinely involved in levying politicized charges against opposition activists and remanding them without trial before and after the 2020 election. Eight opposition activists in Singida Region, including Chadema youth leader Nusrat Hanje, were detained without bail in July and charged by the courts with insulting the national anthem. The High Court ruled that they should be released on bail in August but they remained in jail in Dodoma. Hanje was released in December 2020 by the director of public prosecutions and shortly after agreed to take up a parliamentary special seat alongside other women defectors from Chadema.

Score Change: The score declined from 2 to 1 due to the continued subservience of the judicial branch to the CCM government, including through involvement in politicized cases against its political opponents ahead of the 2020 elections.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	1/4
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Due process guarantees are not well upheld in civil and criminal matters. Policies and rules governing 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 2020 as in previous years.

Legal activists have suffered repercussions for their attempts to seek justice through the courts in recent years. The High Court suspended Zanzibari attorney and former head of the Tanganyika Law Society Fatma Karume in September 2019 for filing an “inappropriate” legal challenge on behalf of the opposition that sought to block the appointment of Adelardus Kilangi as attorney general. In 2020, Karume was fired from the firm where she was a senior partner and disbarred for “political activism” after significant government pressure.

In December 2019, Tito Magoti—a rights activist and attorney for Tanzania’s Legal and Human Rights Centre—was arrested in a manner that appeared to be an abduction by unidentified men. The regional police commissioner at first denied he was being detained, but Magoti was eventually charged with unbailable economic crimes. At the end of 2020, he was still in jail awaiting trial.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

1/4

Reports of abuse and torture of suspects in police custody are common, and police have been accused of extrajudicial killings and other violence over the past four years. There was an increase in violence, abductions, and detentions around the 2020 election, some at the hands of state forces and some by plain clothed assailants.

F4 0-4 pts

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

1/4

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+ people face discrimination and police abuse in practice, leading most to hide aspects of their identities. Men who are suspected of same-sex sexual activity have been arrested and forced to undergo anal examinations.

The repatriation of some 200,000 Burundian refugees slowed in 2020, and at the end of November, 150,000 Burundian refugees remained in Tanzania. In 2020, there was growing fear among refugees in Tanzania that they would be forced to return to Burundi—where many say they would not feel safe in the aftermath of deadly political turmoil in 2015—after the presidents of both countries repeatedly called for them to “go home.” In November, Human Rights Watch (HRW) reported that the Burundian and Tanzanian authorities were collaborating to identify Burundian authorities' political opponents and those discouraging repatriation. One group found that refugees were being tortured and then forcibly returned to Burundi in **TOP** violation of international law.

Pastoralist ethnic groups do not enjoy equal treatment before the law, particularly when it comes to land disputes. These groups often live near Tanzania's lucrative national parks and the

government has engaged in heavy-handed treatment of those who refuse to comply with government directives to move. In 2018, opposition leader Zitto Kabwe reported that around a hundred people had died in clashes between local officials and pastoralists in Kigoma Region. In 2020, the government took initial steps toward find a lasting resolution to these disputes.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

2/4

Residents enjoy some basic freedoms pertaining to travel and changes of residence, employment, and education. 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 civic activists, human rights researchers, opposition figures facing criminal charges, and other prominent individuals. Opposition politicians who were under threat of violence struggled to leave the country in the aftermath of the election.

G2 0-4 pts

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 **TOP** extractive industries. These laws have been used to expropriate the resources and lands of wealthy opposition politicians, including Freeman Mbowe's holdings in Hai and Dar es Salaam.

G3 0-4 pts

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

Rape, domestic violence, and female genital mutilation (FGM) are common but rarely prosecuted. An escalating pattern of rapes in which the attackers break into women's homes has been reported in recent years in western Tanzania. Laws and practices regarding marriage, divorce, and other personal status issues favor men over women, particularly in Zanzibar. Tanzania's adolescent fertility rate is more than twice the global average.

The government restricts access to family planning services. In July 2019, Magufuli encouraged women to help increase the country's birth rate and spur the economy. 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 November 2020, a women's rights organization filed a case against the Tanzanian government in the African Court of Human and People's Rights seeking to overturn the ban on pregnant girls from school.

In October 2019, in response to a widely publicized video of a government official caning students who had been accused of setting fire to dormitories, Magufuli applauded the corporal punishment and called for children to be caned both at school and at home so as to create a "disciplined nation."

G4 0-4 pts

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.

TOP





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Country Facts

Global Freedom Score

34/100 Partly Free

Other Years

2020

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