



Tanzania

International Religious Freedom Report 2004

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The Constitution provides for freedom of religion; 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 continued to be increased tension between Muslims and Christians and between secular and fundamentalist Muslims. In addition, on Zanzibar, some Muslims remain concerned that the 2001 Mufti Law, which allowed the Zanzibari government to appoint a mufti to oversee Muslim organizations, authorizes undue government control of religious affairs.

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has a total area of 364,900 square miles, and its population is approximately 36 million, of which approximately 35 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 and 30 to 40 percent Muslim, with the remainder consisting of practitioners of other faiths, traditional indigenous religions, and atheists. Zanzibar, which accounts for 2.7 percent of the country's population, is estimated to be 99 percent Muslim. A semi-autonomous archipelago, Zanzibar elects its own president to serve as the head of government for matters internal to Zanzibar and a parliament that can approve legislation pertaining to local affairs. The Muslim population is most heavily concentrated on the Zanzibar archipelago and in the coastal areas of the mainland. There are also large Muslim minorities in inland urban areas. Between 80 and 90 percent of the country's Muslim population is Sunni; the remainder consists of several Shi'a groups, mostly of Asian descent. The Christian population is composed 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.

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; however, there were some limits on freedom of religion. The Constitution does not establish any official state religion.

The 2001 Mufti Law authorizes the President of Zanzibar to appoint an Islamic leader, or mufti. The mufti serves as a public employee of the Zanzibar Government. The mufti possesses the authority to settle all religious disputes involving Muslims, to approve any Islamic activities or gatherings on Zanzibar, supervise all Zanzibari mosques, and to approve religious lectures by foreign clergy or the importation of Islamic literature from outside Zanzibar.

On the mainland, mosques belonging to the National Muslim Council of Tanzania (BAKWATA) elect a mufti of their own. BAKWATA serves as a nongovernmental organization (NGO), and the mainland mufti is not a public employee. However, when it was first established in 1968, BAKWATA was widely considered to be an unofficial arm of the ruling party Chama Cha Mapinduzi (CCM); to date, public opinion still associates BAKWATA with the ruling CCM party. At the end of the period covered by this report, several Muslim organizations continued to criticize both Zanzibar's Mufti law and the mainland's practice of selecting a mufti through BAKWATA, perceiving them as efforts by the union Government to institutionalize government oversight of Islamic organizations. Many Muslim leaders, noting that there are no parallel structures for Christians, criticize the Government for disparate treatment of the country's different religious communities.

Muslim groups have also been vocal in their opposition to the Prevention of Terrorism Act, which was signed into law in December 2002. This legislation does not mention any religious or ideological group; however, Muslim clerics, some local media, and the Legal and Human Rights Center, a local human rights NGO, have been highly critical of the broadly defined powers it gives police to conduct searches, arrests, and detentions and to determine who is a terrorist. Some of the law's critics expressed fears that the legislation would be used to silence or intimidate the Muslim community. As of the end of the reporting period, there were no reports that authorities had arrested suspects, seized property, or applied any other sanctions under the Prevention of Terrorism Act.

The Government requires that religious organizations provide information to the Registrar of Societies at the Home Affairs Ministry. 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. 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 law approved in 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. On Zanzibar, the mufti has the authority to approve or deny the registration of Islamic societies under the 2001 Mufti Law.

Legitimate religious groups may import goods internationally without paying duty, provided that they had received an exemption certificate from the Revenue Authority.

Customary and statutory law governs Christians in both criminal and civil cases. Muslims are also governed by customary and statutory law in criminal cases; however, in certain civil cases -- those involving family matters such as marriage, divorce, child-custody and inheritance -- Islamic law is applied if both parties are 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, and all cases tried in Zanzibari courts, except those involving constitutional issues and Islamic law, can be appealed to the Court of Appeals of the union. In addition, whereas the majority of judges on Zanzibar are Muslim, there are very few Muslim judges, if any, on the mainland; consequently, some Muslim groups have complained that it is inappropriate for Christian judges on the mainland to continue administering Islamic law for Muslims in civil cases involving 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 religious holidays; this includes 2 days for Christmas, 2 days for Easter, 2 days for the Muslim holiday of Eid-el-Fitr, 1 day for the Muslim holiday of Eid-el-Haj, and 1 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 and teacher association.

On May 22, at a Dar es Salaam fundraising ceremony for the establishment of a Muslim university in Morogoro, President Benjamin Mkapa transferred government-owned office buildings to the Muslim Development Foundation (MDF), a private group of investors planning to convert the buildings into the country's first Muslim University of Tanzania. As of the end of the reporting period, the university had not yet begun to operate.

Restrictions on Religious Freedom

The law prohibits preaching or distribution of materials that are considered inflammatory and represent a threat to the public order.

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.

On May 28, Zanzibari police arrested Islamic activist Sheikh Kurwa Shauri; no charges were reportedly filed, but following the arrest, the Government of Zanzibar forced him to return to Dar es Salaam. The Government of Zanzibar reportedly deported the controversial Muslim cleric because of a 1993 government order by then President Salmin Amour, which banned Shauri from the island after he was accused of disrupting the peace and fomenting inter-religious conflict.

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. The Government reportedly requires individuals to indicate their religion in police reports in case the individuals are later asked to give sworn testimony, for which the individuals would need to swear in court according to their religion. The Government requires children to indicate their religion on school registration forms because some schools offer religious classes that children attend according to their faith.

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 made some efforts to resolve the growing tensions between Muslim and Christian communities. In May, President Mkapa, a Catholic, attended the consecration of a Lutheran bishop,

and called on all citizens to respect each other's faith. The same month, Foreign Minister Jakaya Kikwete, a Muslim, attended a choir service at a Pentecostal Church. While the President regularly participates in Muslim celebrations such as Iftar dinners during Ramadan, the Government held no formal interdenominational meetings during the period of this report. In August 2003, however, former President Ali Hassan Mwinyi and former OAU Secretary General Salim Ahmed Salim participated in the "International Forum for Peace and Good Governance," which was sponsored by the World Muslim Congress and attended by Catholic and Lutheran leaders.

In the Zanzibari government, the Office of the Mufti has denounced hard-line Muslim groups, but has not engaged them in dialogue. Many interdenominational initiatives exist at national and community levels without formal Government participation. A decade ago, the Catholic National Bishops Conference, Lutheran Bishops, and BAKWATA leadership established an ecumenical dialogue that remains active. In April, the mainland mufti, who is not a civil servant, said that the true meaning of jihad was to promote development in society and not to fight against non-Muslims. These remarks, and his earlier statements encouraging religious tolerance, were widely reported, particularly in the Government and CCM-owned press.

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. In 2004, a government task force created in early 2003 continued to examine possible reforms concerning women's inheritance rights. The task force gathered input from widows and conducted a media campaign to raise public awareness of inheritance as it relates to poverty and human rights.

Under a Zanzibari law popularly known as the "spinster act," unmarried Muslim women under the age of 21 who become pregnant are subject to 2 years' imprisonment, and a man found guilty of making a woman who is not his wife pregnant can be imprisoned for 5 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 March, Zanzibari police used tear gas to disperse a demonstration by Uamsho (also known as Islamic Revival or Center for Islamic Propagation), an umbrella organization for fundamentalist Muslim organizations. The group does not recognize Zanzibar's Mufti Law and therefore had refused to seek a permit from the mufti's office as required. The Office of the Mufti and the police had publicly warned Uamsho in advance that its demonstration would be illegal. Reportedly, the demonstrators included some minors and were armed with stones and machetes. Seven demonstrators suffered minor injuries when the police broke up the demonstration. Thirty-two demonstrators were arrested. Two Uamsho leaders faced charges in connection with the demonstration, and by the end of the reporting period they had been released on bail, and their case was pending.

Also during March, there was a series of small explosions and firebombings in and near Stonetown on Zanzibar; the targets included a vehicle belonging to a church and the mufti's house, which was damaged slightly. The police arrested 45 persons, including some Uamsho members, in connection with the bombings; the Uamsho members have alleged that they were beaten while they were in custody. At the end of the reporting period, Zanzibari police confirmed that they had released without charge some of the individuals arrested in connection with the bombings; others were

charged and released on bail. All of these cases were still pending at the end of the period covered by this report. The police did not confirm if any of the people charged in the bombings were affiliated with Uamsho or any other religious organization; Uamsho representatives said that none of its members faced charges in the bombings.

In September 2003, the paramilitary Field Force Unit (FFU) used tear gas and batons to forcibly disperse a meeting of 62 Muslims who had gathered for a religious event in Mwanza. Both the Muslim group and a Pentecostal Christian group had obtained permits for the same dates and the same venue. A confrontation between the two groups followed when the Muslim group began "comparative preaching," or claiming that Muslim religious texts proved superior to Christian texts. Police arrested six Muslims for civil unrest, inciting a disturbance, and hindering the police from performing its duties. By March, the Government had dropped all charges, and all were released.

Under Zanzibar's 2001 Mufti Act, the mufti has the authority to determine the date of major religious observances; Answar Sunni had been involved in a long-running dispute with the Zanzibar government over which Muslim leaders had the authority to set annual religious observances.

In February 2002, Sheikh Issa Ponda was rearrested and charged with murder as one of the nine Muslim leaders held responsible for the Mwembechai mosque riots in 1999. Ponda was denied bail and remained in prison until charges against him and eight other suspects were dropped in August 2003.

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.

Abuses by Terrorist Organizations

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

Section III. Societal Attitudes

While Muslim-Christian relations remained generally stable in rural areas, tensions rose in urban centers due to some Muslim groups' claims of discrimination in government hiring and law enforcement practices. There also were other signs of increased religious tensions between Christians and Muslims. For example, there were reports during the reporting period that at certain Muslim religious rallies in urban centers, some participants publicly criticized Christianity, offending some Christians and, on occasion, resulting in fighting.

There were signs of increasing tension between secular Muslims and Muslim fundamentalists, 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 charged that Muslims in power were interested only in safeguarding their positions. In November 2003, drivers of Zanzibar's "dala dala" minibuses went on strike over new safety regulations that they considered onerous. A fundamentalist Muslim leader was arrested after he publicly encouraged the strike, claiming that the new regulations oppressed Muslims. Fundamentalist Muslims, including those associated with the Zanzibari group Uamsho, continued to criticize secular Muslims who drank alcohol or married Christians. On Zanzibar, during Ramadan late in 2003, a group calling itself the "Lions of God" harassed women whom they considered to be dressed immodestly. Fundamentalist groups also have exhorted their followers to vote only for Muslim candidates, or to oppose the Prevention of Terrorism Law and Zanzibar's Mufti Law. Since independence, the Presidency has alternated between Christian mainlanders and Zanzibari Muslims. In widely reported remarks in 2003, President Mkapa, a Christian, reminded citizens that this was an informal

arrangement, and not required by law, thereby signaling that the ruling CCM party might select a candidate who is not a Zanzibari Muslim.

During the period covered by this report, Muslim fundamentalist organizations engaged in increasingly confrontational proselytizing in Zanzibar, Morogoro, Mwanza, 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. On the mainland, Christian evangelical organizations also reportedly engaged in confrontational proselytizing, including the distribution of leaflets branding Muslims as "unbelievers" or "servants of Satan." In addition, Christian newspapers increasingly criticized Islamic practices and reprinted articles that were perceived to be anti-Muslim in spirit.

Religion has not served as a primary fault-line for sustained political violence and conflict; however, during the reporting period, societal violence based on religion occurred on occasion. In May, unknown perpetrators used human waste to desecrate a church on Zanzibar's Pemba Island. At the end of the period covered by this report, the perpetrators of these attacks were unknown, although many observers suspect that religious conflicts motivated the attacks. In April 2004, practitioners of traditional religion burned portions of a tourist hotel on Zanzibar because the proprietor refused to allow them to practice rituals that would purportedly rid the hotel of witches. In March, there was a series of bombings on Zanzibar's main island of Unguja, including one that targeted a vehicle belonging to a Christian parochial school, and one targeting the home of Zanzibar's mufti. A grenade was thrown into a crowded tourist restaurant; the grenade failed to explode and there were no injuries in this or in any of the other attacks. In October 2003, a Catholic church and church-owned vehicle were bombed on Zanzibar's Pemba island.

An interdenominational religious council continued to meet periodically to discuss issues of mutual concern. The council is composed of Catholic, Protestant, and Muslim representatives. The Muslim representative belongs to the BAKWATA; several urban Muslim leaders and many urban Muslims believe that the BAKWATA is a government-imposed watchdog organization. Christian and Muslim groups meet on an ad hoc basis, 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 as part of its overall policy to promote 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. During the period covered by this report, U.S. Embassy officials encouraged dialogue among religious groups on Zanzibar and called on all parties to avoid politicizing hostilities following incidents of violence, which were apparently religiously motivated.

In 2004, the newly appointed Secretary General of BAKWATA participated in an International Visitors Program on Civic Education; four other Muslim religious and political leaders participated in a variety of International Visitors Programs during the year. In June, the Embassy sponsored a speakers' program focusing on U.S. Middle East policy; a local Muslim advocacy group with an avid interest in the issue was invited to participate.

U.S. Embassy personnel have made a concerted effort to extend their contacts and encourage dialogue among a wide range of religious leaders. Outreach to the Muslim community has also been enhanced by annual Iftar dinners during Ramadan, hosted by the Ambassador in Dar es Salaam and Zanzibar. In 2003, the Embassy hosted its first-ever Eid-el-Fitr dinner to bring Christian and Muslim leaders together to celebrate the country's diversity and U.S. respect for Islam.

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