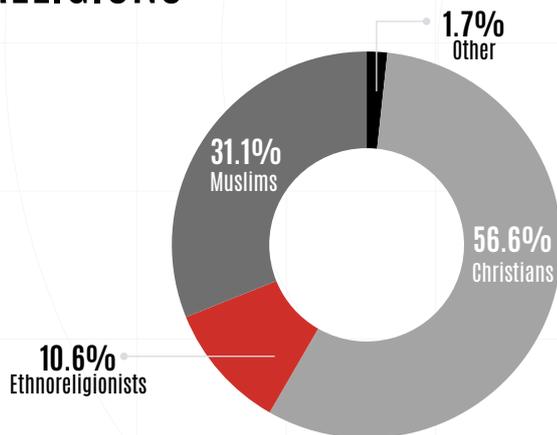




TANZANIA

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Constitution of the United Republic of Tanzania dates from 1977. It has been amended several times, and in 2014 a nationwide consultation process started in order to explore its reform. As of 2020, this process is still on hold and therefore the 1977 document is still in force.

Article 19 of the constitution states that “Every person has the right to the freedom to have conscience, or faith (sic), and choice in matters of religion, including the freedom to change his religion or faith.”¹ The document also upholds the principles of equality and non-discrimination with respect to religion (Article 13, 5), and prohibits political parties that aim “at promoting or furthering the interests of [. . .] any religious faith or group” (Article 20, 2, a, i).

The new draft constitution contains details about the extent and limits of the right to freedom of religion. In particular, Article 40 contains detailed provisions protecting the right to freedom of conscience and faith, the right to celebrate and propagate freely one’s religion so long as it does not violate the law, and the right to organise religious communities independent of government. At the same

time, freedom of worship is regulated by law, and cannot be used to disrupt peace, spread hatred or stir social confusion. Religion cannot also be used to foster hostility or division among citizens.² Article 209 (2, d, iii) also says that elections must be free from “pronouncements which indicate tribalism, provincialism, religious bias,”³ among other things.⁴

The Constitution of Zanzibar⁵ - a self-governing archipelago that has been a part of the United Republic of Tanzania since 1964 with its own president and parliament - contains the same guarantees to religious freedom as the Constitution of Tanzania.

All religious organisations are required to register with the Home Affairs Ministry on mainland Tanzania and with the General Register Office on Zanzibar.⁶ For registration, the names of at least 10 members are required, together with written statutes, CVs of the leaders and a letter of recommendation from the district commissioner. In addition, on mainland Tanzania, Muslim organisations must be approved by the National Muslim Council of Tanzania (BAKWATA); on Zanzibar, the application must be approved by the local mufti.

On Zanzibar the government appoints the mufti, a professional jurist who interprets Shari’a (Islamic law) and

oversees Muslim organisations. Some Muslims have argued that this practice represents excessive government interference. On the mainland, the BAKWATA chooses the mufti.⁷

On 27th June 2019, the Tanzanian National Assembly adopted the so-called Written Laws Bill, consisting of a series of amendments to existing laws concerning non-governmental organisations, companies and societies (among others).⁸ These amendments were criticised for introducing, “sweeping restrictions on the country’s already precarious human rights”.⁹ According to Amnesty International, the bill “would restrict the rights to freedom of expression and peaceful assembly and association, including placing impermissible restrictions on civil society organisations and entrenching censorship”.¹⁰

The new legislation would give the government broad powers to evaluate, investigate and suspend civil society organisations. According to Jebra Kambole, a Tanzanian legal expert cited by Deutsche Welle, “the registrar can refuse to register some institutions like churches, mosques, or companies without giving any valid reason.” The Government stated that these new laws were merely filling a gap in existing legislation to monitor businesses and civil society organisations and that surrounding countries had similar regulations.¹¹

A year later, in June 2020, Tanzanian lawmakers approved the Written Laws (Miscellaneous Amendments Act) No. 3 of 2020, which critics view as a threat to the autonomy of civil society groups.¹² Among other things, they say it abolishes public interest litigation and grants immunity to top officials in the executive, legislative and judicial branches of government.¹³

Concerning religious education, teaching religion in state schools is permitted, but only as an extracurricular subject. Lessons must be approved by the school management or teachers’ associations and by the parents, and are offered free of charge by parents or other volunteers.¹⁴ Religious schools and universities are legal, and there are many of them, whether Christian (both Catholic and Protestant) or Islamic. Christian organisations are required to present the Interior Ministry with a letter of accreditation from senior Church officials.

The recognised national religious holidays include the Christian feasts of Good Friday, Easter Monday and Christmas Day, and the Muslim feasts of Mawlid, Eid al-Fitr, and Eid al-Adha.¹⁵

INCIDENTS AND INCIDENTS

Tanzania has a long tradition of peaceful coexistence between different religious denominations, particularly between Christians and Muslims, and freedom of religion is generally respected. Religion is generally not seen as a factor of disunity, and conflicts and social tensions over the period under review are typically understood as being caused by disputes among political parties, not religions.¹⁶ However, a few incidents have affected the Christian community in Zanzibar, a Muslim-dominated region.

In May 2018, Bishop Daniel Kwileba Kwiyea of the Pentecostal Evangelistic Fellowship of Africa (PEFA) and his daughter were arrested as he was preaching. They were released the next day, but the incident was followed by an order to close his church. This resulted from complaints by local Muslim clerics that Christian services were too loud.¹⁷

Later that year, the Pentecostal Assemblies of God (PAG), found itself at odds with local Muslims over its desire to build a church. Since 2004, PAG had been attempting to secure its own place of worship but the last attempt was thwarted by a court in 2017.¹⁸ In an interview in September 2018, Rev. Amos Kanula (PAG leader in Zanzibar) said: “Our freedom of worship has been violated by Muslims who have an upper hand in the judicial system of Zanzibar”.¹⁹ The clergyman also reported threats against his community from some Muslims for having appealed the court’s decision.

On 4th November 2018, President John Magufuli, Church leaders and dignitaries gathered with thousands of Christians to celebrate the 150th anniversary of the Catholic faith in Tanzania.²⁰

In February 2019, police arrested Pius Luhende, Itigi town council executive director, and two game rangers, on charges of shooting and killing a Seventh-day Adventist church member. Allegedly, the three men had gone to the Seventh-day Adventist church in Singida to collect taxes when, according to congregation members, after the service the three accused fought with some church adherents outside the building before killing the victim.²¹

Apart from these cases, no other major incident has been reported regarding religious freedom over the period in review. In fact, in contrast to previous years, no serious attacks by radical Islamists against Christian targets were reported. However, Christians in Tanzania - and, to a less-

er extent, Muslims - have been increasingly concerned about rising Islamist violence at home and in the East African region.

Confirmation of these fears was brought home in late 2020, when Tanzanian authorities stated on October 23, 2020, that approximately 300 Mozambique-based Islamists affiliated with the Islamic State group attacked Kitaya, a border village in the Mtwara region inside Tanzania.²² To meet the threat, Tanzania has joined its southern neighbour, Mozambique, to jointly patrol their shared border. An Islamist insurgency has been raging in the former Portuguese colony since 2017.²³

Despite the coronavirus pandemic, churches remained open but had to limit their services and reduce their capacity in order to comply with social distancing measures. Most missionary work, however, stopped.²⁴ In order to respect social distancing measures, the Catechetical Office of the Tanzanian Episcopal Conference launched a catechism program for children on the radio.²⁵ In April 2020, Tanzanian President Magufuli, who is Catholic, called for a three-day prayer following the outbreak of the pandemic.²⁶

PROSPECTS FOR RELIGIOUS FREEDOM

Generally, the long-standing tradition of respect for religious freedom in Tanzania continues. Concerns remain, however, regarding the respect for democratic principles and the eventual impact on human rights. Local and international observers state that the October 2020 re-election of President John Magufuli was flawed and fraudulent.²⁷

In July 2020, United Nations experts criticised a crackdown against the opposition and dissent, urging the government to “immediately drop legislative and other measures that further curb civic space”.²⁸ Back in February 2018,²⁹ the Catholic Church of Tanzania had already called for respect for the rule of law and denounced “violations of the Constitution and national laws”.

There are some concerns about restrictions to religious freedom for the Christian community on the island of Zanzibar, but it remains to be seen if the situation gets worse.

Regarding radical Islamist violence, the situation had improved until the recent spill over from Mozambique’s Cabo Delgado Province (which borders Tanzania), where an Islamist insurgency that began in 2017 intensified in 2020. The prospects for religious freedom remain stable.

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