

Legal framework

Both Tanzania and Zanzibar's constitutions contain provisions for equality regardless of religion and prohibit discrimination on the basis of religion, also stipulating freedom of conscience and choice in matters of religion, including the freedom to change one's faith. The country is a signatory to the International Covenant on Civil and Political Rights (ICCPR).

Zanzibar is subject to the Tanzanian constitution, but also has its own constitution, president, court system, and legislature. Muslims in Zanzibar have the option of bringing cases to an Islamic court. All cases tried in Zanzibar courts, apart from those involving shari'a law and constitutional matters, may be appealed in the Union Court of Appeals on the mainland.

In 2013 a progressive rise in violations of the right to freedom of religion or belief and religion-related violence came into sharp focus when the beheading of a pastor in the north-west of the country was followed by the bombing of Arusha's Catholic cathedral. Later that year alleged al Qaeda sympathisers were arrested as they underwent military training in a remote area on the Tanzanian mainland.

Religion-related violence on the mainland

Tanzania has witnessed several instances of religion related violence targeting both Christians and Muslims. Churches have experienced arson attacks, and a Christian teacher was killed by unknown assailants at a prayer meeting in October 2014. On 19 May 2016 three people (including an imam), were killed in an attack on the Masjid Rahmani mosque in Mwanza. The attack was carried out by 15 individuals using improvised explosives, machetes, and axes.

On 20 August 2021 Hamza Mohamed, a 33-year-old Dar es Salaam resident, killed three police officers and a security guard in a shootout in which he was also killed. Tanzania's Director of Criminal Investigations later described the incident as terrorist attack, adding that the assailant was influenced by online material about al Shabaab and the Islamic State.

Religion-related violence on Zanzibar

The situation for Christians in Zanzibar remains concerning. Christians are expected to follow Islamic practices and Christian schoolgirls must wear the hijab. On 16 June 2017 three Christians were arrested for cooking food in a private home in the middle of the day during Ramadan.

Christians face restrictions when establishing places of worship, and in an extra-legal practice, the erection of a church building is dependent on permission from the local community, which is rarely granted. Many churches, including several that have obtained all necessary permissions, are embroiled in endless court cases, with hearings repeatedly postponed. As a consequence, meagre church resources are depleted through the continual retention of lawyers from the mainland, since local practitioners refuse to take on such cases due to partisanship or fear.

Sometimes church buildings are demolished without notice, as on 7 January 2018 when a bulldozer destroyed

a building belonging to the Zanzibar Pentecostal Church of Jesus in Zanzibar Town to make way for a state university to use the land. Attacks on churches also continue to occur sporadically, with at least 24 churches destroyed by mobs.

On 24 February 2020 the Calvary Mission Church in Mwamboni was attacked by extremists armed with machetes, hammers and petrol, who physically assaulted the wife of the pastor, Philemon Mafilili, before escaping when church members intervened. The assailants returned on 29 February armed with machetes, hammers, and knives, and attacked the pastor, injuring him so severely he required hospital treatment. Prior to the assaults, Pastor Mafilili had allegedly been warned by a local official to leave the area as quickly as possible because the Muslim community did not want a church in the area.

Restrictions on Church involvement in national affairs

During the General Elections in October 2020, and for the first time since the multi-party system was instituted in 1995, the Tanzania Episcopal Conference (TEC) was one of several civil society organisations to be denied permits to observe the elections. Other organisations that were denied accreditation included the Legal and Human Rights Centre (LHRC), Tanzania Constitution Forum (TCF), the Tanzania Human Rights Defenders Coalition (THRDC) and the Tanzania Election Monitoring Committee (Temco).

On 15 February 2021, Bishop Emmaus Mwamakula of the Moravian Renewal Church was arrested and held for seven days. The bishop, who was part of opposition politician Tundu Lissu's presidential campaign team in 2020, was detained the day before the commencement of demonstrations he had organised to call for an independent electoral commission and new constitution. He was interrogated over social media posts, his home was searched, and he was eventually released on police bond.

COVID-19 Pandemic

In June 2020 President John Magufuli, who later died of suspected COVID on 17 March 2021, declared the nation "coronavirus-free" thanks to divine intervention. He had earlier stated that his own son had been infected but had recovered after isolating and treating himself with natural remedies. The president, who had a PhD in Chemistry, had also scoffed at the wearing of masks and criticised regional neighbours for imposing lockdowns.

The government had not reported coronavirus data since May 2020, and despite a plea from the WHO, had refused the use of vaccines until it had time to verify them independently. As reports of pneumonia-related deaths increased, church leaders became the first to call openly for the disease to be taken seriously.

A circular dated 26 January 2021, signed by the Evangelical Lutheran Church of Tanzania's (ELCT's) Head Bishop, Dr Fredrick Shoo, and addressed to bishops and members of the denomination, instructed ELCT leaders to provide congregations with accurate information on COVID-19: "It is our responsibility to take pre-caution. It doesn't contravene our faith, neither is it a sin nor a criminal offense."

The Tanzania Episcopal Conference (TEC) president, Bishop Gervas Nyaisonga, released a similar statement on the same day, instructing church leaders to put measures in place to control the spread of the virus. President Magufuli responded on 27 January 2021 by acknowledging the presence of COVID-19 in the country.

In February, following a series of high-profile deaths - including of the First Vice President of Zanzibar, the Chief Secretary of State, and a former governor of the Bank of Tanzania - the Christian Council of Tanzania (CCT) called on the public to take measures to protect themselves against the disease.

On 12 February 2021 the ELCT asked its congregations to hold special prayer services regarding the pandemic, while insisting on the need to take all necessary care to avoid contracting the virus. Other church leaders also continued to urge people to take precautions against COVID-19, and a legislator belonging to the ruling party lamented the fact that his constituents were dying in unprecedented numbers.

On 3 March 2021 the Catholic Church revealed that 60 nuns and 25 priests had died between mid-December 2020 and February 2021 after showing symptoms of COVID-19. In response, while acknowledging the existence of COVID-19 cases, a government spokesperson warned against the “arbitrary” releasing of statistics.

Political transition

President Samia Suluhu Hassan took office in March 2021 following the death of President Magufuli. Almost immediately the new president adopted a different policy on COVID-19, calling for the government to follow scientific guidance to address the pandemic, and for a restoration of licenses to media houses and newspapers that were restricted from operating due to the 2015 Cybercrimes Law. These positive steps were welcomed by commentators, who saw reasons to hope that President Suluhu may reverse the authoritarian tendencies of her predecessor. However, opposition politician Tundu Lissu, who lives in exile in Belgium, called for more meaningful political and constitutional reform as a sign of change. The leader of the Chama Cha Demokrasia Na Maendeleo (Chadema) party had been forced into exile after threats to his life in the post-election period in 2020.

In July 2021 senior members of the Chadema party, including the party chairperson Freeman Mbowe, were arrested in night raids ahead of a public rally calling for constitutional reforms. The leaders were remanded in custody on terrorism charges. Mr Mbowe and three co-defendants were detained until March 2022 after charges were dropped without explanation.

Prior to Mr Mbowe's release President Suluhu met with opposition politicians, including Tundu Lissu, during an

official visit to Brussels. Religious leaders representing different faiths and sects had also called on the president to direct the competent authorities to drop charges against the opposition politician and bring reconciliation to the nation. Mr Mbowe and his co-accused were freed two days later.

Refolement of asylum seekers

In May 2021 the Office of the UN High Commissioner for Refugees reiterated an earlier appeal for Tanzania to end the forcible return of Mozambican asylum seekers fleeing violence by a terrorist insurgency in Cabo Delgado province that is now affiliated with the Islamic State. The refugee agency also called “on all parties to allow free movement of civilians fleeing violence and conflict, in search of international protection, safety and assistance, including to respect and fully uphold the right to cross international borders to seek asylum.”

Recommendations

To the government of Tanzania:

- Expedite investigations of incidents of religion-related violence and bring perpetrators to justice.
- Respect the fundamental rights and freedoms of journalists, political opponents, and religious leaders.
- Issue a standing invitation to UN Special Procedures with unhindered access to all areas of the country.

To the government of Zanzibar:

- Investigate all cases of religion-related violence, ensuring perpetrators are prosecuted regardless of creed.
- Align with constitutional and international commitments to freedom of religion or belief by prohibiting the enforcement of the Ramadan fast on non-Muslims.
- End informal practices whereby church construction is dependent on permission from local communities.
- Ensure due process is followed in legal cases involving churches and their adherents.

To the United Nations and Member States:

- Urge all relevant UN mechanisms, including the Special Procedures and Treaty Bodies, to include the right to FoRB in their monitoring and reporting on Tanzania.
- Ensure that the concerns highlighted in this briefing are consistently raised in public and in private with Tanzania, including during high-level visits and other bilateral exchanges.
- Call on Tanzania to conduct impartial and timely investigations into allegations of violations targeting religious or belief minorities, ensuring that perpetrators are held to account.

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