Legal framework

Both the Tanzanian and Zanzibari constitutions stipulate equality regardless of religion and prohibit discrimination on the basis of religion, also detailing 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), and has ratified the African Charter on Human and Peoples' Rights (ACHPR).

Shari'a law applies to all Muslims in Tanzania, and courts can apply it to matters of succession in communities that generally follow shari'a law. Zanzibar is subject to the Tanzanian constitution but has a judicial system that may apply shari'a law in certain cases. Muslims in Zanzibar have the option of bringing cases before an Islamic court. All cases tried in Zanzibar's courts, apart from those involving shari'a law and constitutional matters, may be appealed at the Union Court of Appeals on the mainland. Zanzibar also has its own president, court system, legislature and penal code. Both penal codes effectively contain blasphemy provisions in all but name.

Article 125 of the Tanzanian Penal Code prohibits the intentional destruction, damage or defilement of any place or object of worship. Article 127 forbids the intentional wounding of religious sentiments or insulting of any person's religion, trespassing in any place of worship 'or in any place of sepulchre or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse.' It also prohibits causing a disturbance to people assembled for funerals. These crimes are also articulated in Zanzibar's Penal Decree Act of 2004, which stipulates a punishment of up to two years imprisonment and/or a fine (Articles 27 and 117-119).

Article 129 of the Tanzanian Penal Code punishes uttering words, writing words, making gestures or placing objects in front of others with the intention of wounding a person's religious sentiments with one year in prison. Zanzibar's code echoes both the stated crimes and the stipulated punishment.

On the mainland all religious organisations are required to register with the Office of the Registrar of Societies, while those in Zanzibar must register with the Office of the Registrar General. Registration must be renewed every five years, and any organisation judged to have violated registration procedures can be fined or even closed down.

For example, in July 2024 the Registrar of Societies de-registered the Christian Life Church in Dar es Salaam for allegedly charging members TZS 500,000 (around US$ 183.00) for spiritual services, and for sermons that were deemed contrary to the values, traditions, customs and culture of Tanzania. The church's Congolese leader left the country soon thereafter.

Terrorism-related violations

In 2013 a progressive rise in violations of the right to freedom of religion or belief (FoRB) 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 while undergoing military training in a remote area on the Tanzanian mainland.

On 15 October 2020 Islamic State (IS) affiliated insurgents based in Mozambique attacked Kitaya and Michenjele villages near the port of Mtwara, killing 25 people, looting, and destroying property. In a video released by IS, the attackers were heard speaking in Swahili, Makua - a dialect spoken in Mozambique and southern border areas of Tanzania - and in Mwani, a Swahili dialect spoken in the Cabo Delgado province of Mozambique.

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 a terrorist attack, adding that the assailant was influenced by online material about al Shabaab (a term which is now also used to refer to the Islamic State insurgency in Mozambique) and IS.

In September 2021 around 15 IS-Mozambique fighters attacked Mahurunga village in the Mtwara Region, where they looted and burned shops and homes.

In May 2022 Tanzanian authorities arrested 30 terrorists who were attempting to cross the border.

A September 2022 investigation by the Chanzo Initiative exposed clandestine efforts to radicalise young Zanzibari men, several of whom subsequently 'disappeared', leaving behind anxious families.[1] One left a letter for his mother stating he had become a jihadi. Others, who had not left, spoke of recruiters frequenting areas where youth gathered to pass the time, attempting to persuade them to join terrorist factions.

On 16 December 2022 six men accused of being members of a group linked to al Shabaab, were each sentenced to 50 years' imprisonment for terrorism. Three were from the same family.

Religion-related violations on the mainland

In the past 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

1 Chanzo Initiative, 'Youths Mysteriously Go Missing in Zanzibar. Families, Police Offer Contradictory Explanations', 2 September 2022 https://thechanzo.com/2022/09/02/youths-mysteriously-go-missing-in-zanzibar-families-police-offer-contradictory-explanations/

carried out by 15 individuals using improvised explosives, machetes, and axes.

Religion-related violations in Zanzibar

In Zanzibar members of the Christian community are expected to follow Islamic practices and Christian schoolgirls are obliged to 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. In March 2024 the Zanzibar Tourism Commission fined the company Organisateur Francophone around US$ 500 for allowing tourists to eat in public during Ramadan.

Christians face restrictions when establishing places of worship, and in an extra-legal practice, the erection of a church building can be dependent on permission from the local community, which is rarely granted. Several churches, including some that have obtained all necessary permissions, faced court cases, with hearings repeatedly postponed. Consequently, meagre church resources were depleted through the continual retention of lawyers from the mainland, since local practitioners refused to take on such cases due to partisanship or fear.

In some instances, church buildings have been demolished without notice, as occurred 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. Churches have also been attacked by mobs, with at least 24 destroyed.

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 reportedly been warned by a local official to leave the area as quickly as possible because the Muslim community did not want a church there.

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 among several civil society organisations to be denied permits to observe the polls. 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.

Deteriorating human rights climate

President Samia Suluhu Hassan took office in March 2021 following the death of President John Magufuli, a vocal coronavirus sceptic, from suspected COVID-19. Almost immediately the new president adopted a more proactive 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 a 2015 Cybercrimes Law. These positive steps were welcomed by commentators, who saw reasons to hope that President Suluhu would reverse the authoritarian tendencies of her predecessor.

However, in July 2021 senior members of the main opposition Chama Cha Demokrasia Na Maendeleo (Chadema) party, including 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, when charges were dropped without explanation.

It later transpired that prior to Mr Mbowe's release President Suluhu had met with opposition politicians, including Chadema leader 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 the charges against the opposition politician and to reconcile the nation. Mr Mbowe and his co-accused were freed two days later.

In June 2022 83-year-old Baraka Mohamed Shamte, a veteran party cadre from the ruling Chama Cha Mapinduzi (CCM) party, was abducted and tortured by masked men referred to locally as 'zombies' or 'Janjaweed', days after criticising the president of Zanzibar and being charged with sedition by the police.

In 2023 the president lifted a ban on opposition party rallies imposed by her late predecessor in another positive move, but is also accused of stalling broader reforms, including a new constitution and amendments to the electoral law and media regulations.

In addition, in 2024 over 500 Chadema leaders and supporters were arrested and briefly detained ahead of a 12 August demonstration, inspired by events in neighbouring Kenya in June and July, calling for independent oversight of the country's December 2024 local government and January 2025 general elections. The event was subsequently banned by the police, who claimed it was intended to 'breach the peace.'

Since then, there have been increasing reports of enforced disappearances and arbitrary arrests and detentions of

journalists, opposition leaders, and their supporters. Several have been released with severe injuries. In one of the most concerning cases so far, Ally Kibao, 69, a member of the Chadema Party Secretariat, was seized from a bus travelling from Dar es Salaam to Tanga in the north-east by two armed men, and his body was found on the outskirts of Dar es Salaam a day later. Acid had been poured on his face to obscure his identity, and the rest of his body bore marks of a severe assault.

In September 2024 the European Union Heads of Mission, the British and Canadian High Commissions, and the Norwegian and Swiss embassies issued a joint statement expressing deep concern 'at reports of acts of violence, disappearances and deaths of political and human rights activists', and called for a thorough inquiry, and for the Tanzanian authorities to 'act as a guardian of fundamental rights of the people, including freedom of expression.'[2]

President Suluhu was also endorsed to represent the ruling party for the upcoming presidential elections slated for October 2025, and in January 2025 Tundu Lissu was voted in as chairperson of Chadema. On 9 April Mr Lissu was arrested after calling for electoral reform, was charged with incitement and treason - which carries a death sentence - and was held on remand. Mr Lissu's lawyers have argued that his arrest is politically motivated and that its timing ahead of presidential elections is a relevant factor. Days after his arrest, on 12 April, the Elections Director at the Independent National Elections Commission, Ramadhani Kailima announced that the Chadema Party was barred from participating in elections after failing to sign a code of conduct document. The party had refused to sign, calling for reform within the Commission and the removal of officials appointed by the current president.

On 24 April Mr Lissu refused to participate in a plea hearing that he was to appear via video link rather than in person, and representatives of Chadema stated that holding hearings virtually instead of in person is a violation of 'transparency and a right to a fair trial'.

Violations of indigenous rights

On 6 June 2022, and without consultation, the government announced it was designating 1,500 sq. km of land in Liliondo, Ngorongoro District as a game reserve. The authorities subsequently set about preventing the primarily pastoral Maasai residents from living on, grazing cattle on, or seeking water in the demarcated area by comprehensively violating their rights, employing tactics that included sexual and physical assaults, killings, forcible eviction, and even cattle theft.

Over the next three years the government also suspended all social services in Ngorongoro, including healthcare and education, to pressure the Maasai to leave their land. As local and general elections loomed, the authorities effectively disenfranchised the community by removing the Maasai area from the list of polling centres used in voter registration updates.

On the morning of 18 August 2024 over 40,000 Maasai began a peaceful protest, blocking the road to the Ngorongoro Conservation Area to increase awareness about their forced evictions and loss of fundamental rights. The government eventually conceded following five days of protest, restoring their water, education, healthcare services, freedom of movement and the ability to vote in upcoming elections.

Recommendations

To the government of Tanzania:

- Review and revise vague and broadly worded legislation that could infringe unduly on the right to freedom of expression, including Articles 127 and 129 of the Penal Code, ensuring laws, policies and practices conform with international standards.
- Respect the fundamental rights and freedoms of journalists, political opponents, and religious leaders, including freedom of expression and the right to peaceful assembly, release all who have been detained arbitrarily or forcibly disappeared, uphold the right to a fair trial, and ensure free and fair elections that meet international human rights standards.
- Expedite investigations of any incidents of religion-related violence, ensuring perpetrators are brought to justice.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and address all cases of abduction, holding perpetrators accountable.
- In collaboration with UN entities and other stakeholders, formulate programs and projects targeting youth to promote peaceful coexistence and interreligious dialogue, while addressing social, economic, and political grievances that render them vulnerable to radicalisation.
- Respect the property rights of the indigenous Ngorongoro Maasai community, and ensure members are compensated and receive justice for violations suffered during the campaign of forced evictions
- Issue a standing invitation to UN Special Procedures, allowing unhindered access to all areas of the country.

To the government of Zanzibar:

- Align laws, policies and practices with constitutional and international obligations regarding freedom of religion or belief, and prohibit the enforcement of shari'a stipulations on non-Muslims.
- Ensure the full enjoyment of the right to FoRB for religious minorities, and end informal practices whereby church construction is dependent on permission from local communities.

2 X, Belgium in Tanzania @BelgiumTanzania, 10 September 2024 https://x.com/BelgiumTanzania/status/1833394415991198091

- Investigate without bias any cases of religion-related violence, ensuring perpetrators are prosecuted regardless of creed.
- In collaboration with UN entities and other stakeholders, formulate programs and projects targeting youth to promote peaceful coexistence and interreligious dialogue, while addressing social, economic, and political grievances that render them vulnerable to radicalisation.
- Guarantee due process 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.
- Call on the Special Rapporteur on the rights of indigenous people to request an invitation to visit Tanzania to assess the situation of the Ngorongoro Maasai.
- Encourage member states to engage the government of Tanzania on the situations of religious minorities, indigenous peoples, and political opponents, including through public statements and private channels, and during high-level visits, and other bilateral exchanges.
- Encourage the government of Tanzania to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and to address all cases of abduction, holding perpetrators accountable.
- Utilise the Universal Periodic Review process, Human Rights Council sessions and other key international human rights instruments to hold the government of Tanzania accountable for freedom of religion or belief violations and to offer recommendations to advance freedom of religion or belief.
- Call on the government of Tanzania to ensure impartial and timely investigations of any alleged violation targeting religious or belief communities, ensuring that perpetrators are held to account.
- Urge the government of Tanzania, at every appropriate opportunity, to implement the recommendations highlighted above ‘To the government of Tanzania’.

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