

Legal framework

Both the Tanzanian and Zanzibari constitutions stipulate 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).

Shari'a law applies to all Muslims in Tanzania, and courts can apply it to matters of succession in communities that generally follow Sharia law. Zanzibar is subject to the Tanzanian constitution, but has a judicial system that may apply Sharia 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 organization judged to have violated registration procedures can be fined, or even closed.

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

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/>

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 is 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.

On some occasions 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 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.

Deteriorating human rights climate

President Samia Suluhu Hassan took office in March 2021 following the death of President John Magufuli, a prominent 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. In 2023 she also lifted the ban on opposition party rallies imposed by the late president.

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 after charges were dropped without explanation.

Prior to Mr Mbowe's release President Suluhu had met with opposition politicians, including Chadema leader Tendu 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 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 the ban on opposition party rallies imposed by her late predecessor in another positive move, but is also accused of stalling broader reforms, including regarding 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 the most concerning case 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.

On 10 September 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

Violations of indigenous peoples' 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 four 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:

- Respect the fundamental rights and freedoms of journalists, political opponents, and religious leaders.

- Expedite investigations of any incidents of religion-related violence, ensuring perpetrators are brought to justice.
- 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
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and address all cases of abduction, holding perpetrators accountable.
- Issue a standing invitation to UN Special Procedures, allowing unhindered access to all areas of the country.

To the government of Zanzibar:

- Align with constitutional and international obligations regarding freedom of religion or belief by prohibiting the enforcement of Shari'a stipulations on non-Muslims.
- Ensure full enjoyment of the right to FoRB for religious minorities, and end informal practices whereby church construction is dependent on permission from local communities.
- Investigate without bias any cases of religion-related violence, ensuring perpetrators are prosecuted regardless of creed.
- Ensure due process in legal cases involving churches and their adherents.

To the government of the United Kingdom:

- Urge Tanzania to respect constitutional and international obligations regarding freedom of religion or belief, ensuring non-discrimination against religious minorities.
- Support Tanzania in counter-terrorism efforts that respect human rights, with a focus on preventing youth radicalization, especially in border areas.
- Push for investigations into religion-related violence and ensure the protection of religious minorities in Zanzibar.
- Advocate for the protection of the Maasai community from forced evictions and ensure their rights to land and essential services.
- Press for the protection of journalists, political opponents, and religious leaders from harassment and arbitrary detention.

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

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