

TANZANIA 2017 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitutions of the union government and of the semiautonomous government in Zanzibar both prohibit religious discrimination and provide for freedom of religious choice. An opposition leader and former prime minister was detained in June and accused of making inflammatory statements after calling for action on a long-pending court case against a group of Islamic leaders who had been held for four years without trial. The prisoners themselves protested against their treatment in prison. In July a court ruled that the Pentecostal Assemblies of God in Zanzibar could not continue building on property it purchased in 2004 on which it had been trying to construct a church against opposition from the local Muslim community. The president and other senior government officials publicly supported freedom of worship and called on religious leaders to preach peace, religious tolerance, and harmony to their followers.

Vigilante killings of women accused of practicing witchcraft continued to occur, although incidents declined significantly from 2016. In May and June, unknown assailants attacked and vandalized churches in Mwanza and Pwani Regions. The police had not arrested any suspects by the end of the year. Civil society groups continued to promote peaceful interactions and religious tolerance.

Embassy officers continued to advocate for religious peace and tolerance in meetings with religious leaders in Zanzibar.

Section I. Religious Demography

The U.S. government estimates the total population at 54 million (July 2017 estimate). A 2010 Pew Forum survey estimates approximately 61 percent of the population is Christian, 35 percent Muslim, and 4 percent other religious groups. A separate 2010 Pew Forum Report estimates more than half of the population practices elements of African traditional religions in their daily lives. There are no domestic surveys covering religious affiliation.

On the mainland, large Muslim communities are concentrated in coastal areas, with some Muslim minorities located inland in urban areas. Christian groups include Roman Catholics, Protestants (including Pentecostal Christian groups), Seventh-day Adventists, The Church of Jesus Christ of Latter-day Saints (Mormons), and

Jehovah's Witnesses. Other groups include Buddhists, Hindus, Sikhs, Bahais, animists, and those who did not express a religious preference. Zanzibar's 1.3 million residents are 99 percent Muslim, according to a U.S. government estimate, of whom two-thirds are Sunni, according to a 2012 Pew Forum report. The remainder consists of several Shia groups, mostly of Asian descent.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitutions of the union government and Zanzibar both provide for equality regardless of religion, prohibit discrimination on the basis of religion, and stipulate freedom of conscience or faith and choice in matters of religion, including the freedom to change one's faith. The union government constitution allows these rights to be limited by law for purposes such as protecting the rights of others; promoting the national interest; and defense, safety, peace, morality, and health. The Zanzibar constitution allows the rights to be limited by law if such a limitation is "necessary and agreeable in the democratic system" and does not limit the "foundation" of the right or bring "more harm" to society.

The law prohibits religious groups from registering as political parties. In order to register as a political party, an entity may not use religion as a basis to approve membership, nor may the promotion of religion be a policy of that entity.

The law prohibits any person from taking any action or making statements with the intent of insulting the religious beliefs of another person. Anyone committing such an offense is liable to a year's imprisonment.

On the mainland, secular laws govern Christians and Muslims in both criminal and civil cases. In family-related cases involving inheritance, marriage, divorce, and the adoption of minors, the law also recognizes customary practices, which could include religious practices. In such cases, some Muslims choose to consult religious leaders in lieu of bringing a court case.

Zanzibar, while also subject to the union constitution, has its own president, court system, and legislature. Muslims in Zanzibar have the option of bringing cases to a civil or *qadi* (Islamic court or judge) court for matters of divorce, child custody, inheritance, and other issues covered by Islamic law. All cases tried in Zanzibar courts, except those involving Zanzibari constitutional matters and sharia, may be appealed to the Union Court of Appeals on the mainland. Decisions of Zanzibar's

qadi courts may be appealed to a special court consisting of the Zanzibar chief justice and five other sheikhs. The President of Zanzibar appoints the chief *qadi*, who oversees the *qadi* courts and is recognized as the senior Islamic scholar responsible for interpreting the Quran. There are no *qadi* courts on the mainland.

Religious groups must register with the registrar of societies at the Ministry of Home Affairs on the mainland and with the Office of the Registrar General on Zanzibar. Registration is required by law on both the mainland and in Zanzibar, but the penalties for failing to comply with this requirement are not stated in the law.

To register, religious groups must provide the names of at least 10 members, a written constitution, resumes of their leaders, and a letter of recommendation from the district commissioner. Such groups may then list individual congregations, which do not need separate registration. Muslim groups registering on the mainland must provide a letter of approval from the National Muslim Council of Tanzania (BAKWATA). Muslim groups registering in Zanzibar must provide a letter of approval from the mufti, the government's official liaison to the Muslim community. Christian groups in Zanzibar may register directly with the registrar general.

On the mainland, BAKWATA elects the mufti. On Zanzibar, the President of Zanzibar appoints the mufti, who serves as a leader of the Muslim community and as a public servant assisting with local governmental affairs. The Mufti of Zanzibar nominally approves all Islamic activities and supervises all mosques on Zanzibar. The mufti also approves religious lectures by visiting Islamic clergy and supervises the importation of Islamic literature from outside Zanzibar.

Public schools may teach religion, but it is not a part of the official national curriculum. School administration or parent and teacher associations must approve such classes, which are taught on an occasional basis by parents or volunteers. Public school registration forms must specify a child's religious affiliation so administrators can assign students to the appropriate religion class if one is offered. Students may also choose to opt out of religious studies. Private schools may teach religion, although it is not required, and these schools generally follow the national educational curriculum unless they receive a waiver from the Ministry of Education for a separate curriculum. In public schools, students are allowed to wear the hijab but not the *niqab*.

The government does not designate religious affiliation on passports or records of vital statistics. Police reports must state religious affiliation if an individual will be required to provide sworn testimony. Applications for medical care must specify religious affiliation so that any specific religious customs may be observed. The law requires the government to record the religious affiliation of every prisoner and provide facilities for worship for prisoners.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

In June police detained former Prime Minister and opposition leader Edward Lowassa and questioned him regarding remarks he made at an iftar calling for the government to proceed with the case involving the leaders of the Association of Islamic Mobilization and Propagation, known as Uamsho (meaning “Awakening” in Swahili). The Uamsho leaders had been in custody since 2013 awaiting trial on terrorism charges. After questioning, Lowassa was released on bond.

In July Sheikh Khalifa Khamis, chairman of the Imam Bhukhary Islamic Organization, was arrested and interrogated after speaking in support of Lowassa’s call for the release of the Uamsho sheikhs. During a November 13 parliamentary session, the presiding officer ignored the request of Civic United Front parliamentarian Khatib Said Haji for an update on the Uamsho case.

In May members of the Uamsho prisoners group refused to exit their bus when brought to court in Dar es Salaam for pretrial hearings and complained to reporters about poor treatment in prison. According to local media reports in March, dozens of Muslim prisoners said that they would boycott their pretrial hearings on terrorism charges to protest the four years they had spent in custody without trial and with their families barred from visiting. The prisoners said they did not want to appear in court until the authorities had finished the investigation.

Morningstar News reported that in October a judge failed to appear at a hearing for a Christian pastor in Zanzibar who was accused of abusing a Muslim girl in 2014. The case was closed in 2015, with charges against the pastor twice dropped for lack of evidence. Church leaders stated that the case was reopened as a pretext for jailing the Christian pastor and that Christians found it difficult to obtain a fair court hearing in Zanzibar. In November a court date was set for December 13, but the judge again failed to appear. A new court date was set for January 2018.

In June Christian advocacy organizations reported that a district commissioner and police officers in Zanzibar arrested three Christians for cooking during the daytime in their home during Ramadan. According to Christian media, the police reportedly told the Christians, “Today you will learn how to fast.” The Christians were released after three days in custody.

In July a court ruled that the Pentecostal Assemblies of God in Zanzibar could not continue building on property the group purchased in 2004 on which it was trying to construct a church against opposition from the local Muslim community. After opponents to the construction demolished several temporary church structures between 2004 and 2007, the group had completed approximately half the construction of a stone building in 2009 when local Muslims filed suit. A lower court ruling in 2011 in favor of the church had allowed the construction to move forward. In the most recent ruling, the court decided that the party who sold the property to the church was not the rightful owner. According to Christian media, church leaders stated the court ruled due to religious bias and threatened the survival of the congregation on the island. They stated they planned to appeal to the High Court of Zanzibar.

In April President John Magufuli attended Easter services at the African Inland Church and St. Peter’s Church. In remarks he thanked Christians and members of other religious denominations for their prayers for him and urged all Tanzanians to preach and demonstrate peace, unity, hard work, and harmony in the country.

Also addressing an Easter event, held at a stadium and attended by thousands, Minister of Home Affairs Mwigulu Nchemba reaffirmed the government’s commitment to protect the freedom of worship and individual rights. He further said the constitution provides freedom of worship as long as one does not infringe on the rights of others, and stated that Tanzania would always be a nation of different religions, commending religious leaders for their role in protecting the country’s peace.

Speaking to Islamic worshippers celebrating Eid al-Adha, Prime Minister Kassim Majaliwa called on religious leaders to sensitize worshippers on the importance of maintaining peace and to preach against “evil acts.”

Section III. Status of Societal Respect for Religious Freedom

In July the Legal and Human Rights Center reported 115 incidents of witchcraft-related killings from January through June, representing a 63 percent decline in

such killings from the same period in 2016, when 303 incidents were reported. Incidents were most prevalent in Tabora, Kigoma, and Kagera Regions, with 23, 18, and 11 incidents, respectively.

On May 22, attackers broke into and ransacked a Catholic church in Pwani Region, where unknown gunmen carried out a series of killings targeting local leaders, businesspersons, and police since 2015. The perpetrators burned vestments and other items, although their attempt to burn down the church itself was unsuccessful.

On June 11, unidentified persons broke into and demolished the Evangelist Assemblies of God church in Mwanza.

In August an arsonist attempted to burn down the Dar es Salaam home of Sheikh Khalifa Khamis, chair of the Imam Bukhary Institute, two days after Khamis had made a public call for Muslims to stand up for each other as a community.

As of year's end, investigations into the church attacks and the arson attempt continued, but no suspects had been arrested.

In September leaders from a wide range of Muslim and Christian religious groups in Zanzibar held an interfaith forum to discuss ways to preserve and enhance peaceful and tolerant relations between the two communities in the islands.

Section IV. U.S. Government Policy and Engagement

In June the Charge d'Affaires hosted an iftar and engaged a group of Islamic leaders in a discussion on religious tolerance in the country.

Embassy officials promoted interfaith dialogue and cooperation between Christian and Muslim communities to reduce social tensions in the islands in meetings with both Muslim and Christian religious leaders in Zanzibar.