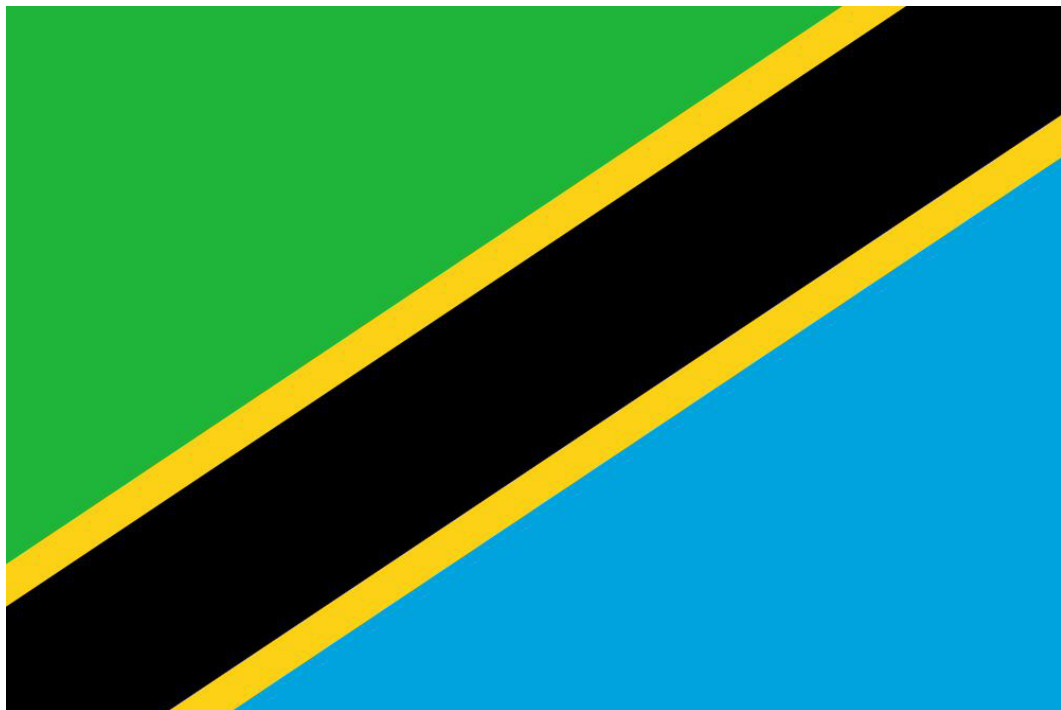




Electoral Institute for Sustainable Democracy in Africa

# **EISA PRE-ELECTION ASSESSMENT MISSION REPORT**



**UNITED REPUBLIC OF TANZANIA  
OCTOBER 2020**

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## List of Abbreviations

<b>ACT (Wazalendo)</b>	Alliance for Change and Transparency (Wazalendo)
<b>ADS</b>	Africa Democracy Strengthening
<b>AROs</b>	Assistant Returning Officers
<b>ASP</b>	Afro-Shirazi Party
<b>CBO</b>	Community Based Organisation
<b>CCM</b>	Chama Cha Mapinduzi
<b>CIP</b>	Center for International Policy
<b>CSOs</b>	Civil Society Organizations
<b>CUF</b>	Civic United Front
<b>EEA</b>	Election Expenses Act
<b>FPTP</b>	First-Past-The-Post
<b>LGAs</b>	Local Government Authorities
<b>LHRC</b>	Legal and Human Rights Centre
<b>MCT</b>	Media Council of Tanzania
<b>MISA-TAN</b>	Media Institute of Southern Africa –Tanzania Chapter
<b>MPLC</b>	Multi-Party Liaison Committee
<b>NEA</b>	National Elections Act
<b>NEC</b>	National Electoral Commission
<b>NGO</b>	Non-Governmental Organisation
<b>PAM Pre</b>	Election Assessment Mission
<b>PEMMO</b>	Principles for Election Management, Monitoring and Observation
<b>PNVR</b>	Permanent National Voters Register
<b>PPA</b>	Political Parties Act
<b>PVT</b>	Parallel Vote Tabulation
<b>RECs</b>	Regional Election Coordinators
<b>REDET</b>	Research and Education for Democracy in Tanzania
<b>ROs</b>	Returning Officers
<b>RPP</b>	Registrar of Political Parties
<b>TANU</b>	Tanganyika African National Union
<b>TBC</b>	Tanzania Broadcasting Commission
<b>TCC</b>	Tanzania Communications Commission (TCC)
<b>TCF</b>	Tanzania Constitution Forum
<b>TCRA</b>	Tanzania Communications Regulatory Authority
<b>TEMCO</b>	Tanzania Election Monitoring Committee
<b>THRDC</b>	Tanzania Human Rights Defenders Coalition
<b>TZS</b>	Tanzania Shillings
<b>UNDP</b>	United Nations Development Program
<b>USD</b>	United States Dollar
<b>URT</b>	United Republic of Tanzania
<b>ZEC</b>	Zanzibar Electoral Commission
<b>NLD</b>	National League for Democracy
<b>NCCR</b>	National Convention for Construction and Reform (Mageuzi)

## 1. EXECUTIVE SUMMARY

Through the implementation of its Africa Democracy Strengthening (ADS) Programme and in line with its mission of promoting credible elections, citizen participation and strengthening political institutions for sustainable democracy in Africa, the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed a three-member Pre-Election Assessment Mission (PAM) to the United Republic of Tanzania from 21st to 25th September 2020.

The PAM was tasked with assessing the pre-election and political context in Tanzania, and to determine whether conditions exist for conducting democratic elections during the general elections that are scheduled to take place on 28th October 2020.

The mission also examined the state of preparedness for the elections by key stakeholders such as the National Electoral Commission (NEC), political parties, and civil society organisations.

The EISA PAM's assessment is based on international benchmarks for democratic elections provided in the African Charter for Democracy, Elections and Governance; the AU/OAU Declaration on the Principles Governing Democratic Elections in Africa; the Declaration of Principles for International Election Observation; the Principles for Election Management, Monitoring and Observation (PEMMO); and the Tanzanian legal framework for elections.

In fulfilment of its mandate, the mission held consultative meetings with electoral stakeholders in Dar es Salaam. EISA wishes to express its gratitude to the stakeholders who met with the assessment team and provided the necessary information for the realisation of the mission's objectives.

The mission noted that while the legal framework broadly provides sufficient basis for the conduct of

democratic elections, the recent amendments to some of the legislations and regulations could interfere with fundamental rights and freedoms ultimately undermining the process and threatening the credibility of the elections.

The mission further noted the increasingly shrinking civic and political space coupled with violations of human rights. It noted the restrictive environment within which civil societies and the media operate. This has implications on the quantity and quality of voter education and domestic observation as well as access to information, which are critical for democratic elections.

## 2. HISTORICAL BACKGROUND AND CONTEXT OF THE 2019 ELECTIONS

### 2.1. Historical background

The United Republic of Tanzania is the largest country in East Africa with a population of 58,005,463<sup>1</sup>. The country has 31 regions, 26 of which are in Mainland Tanzania and 5 in Tanzania Zanzibar. There are 264 constituencies in the country, 214 of which are in Mainland Tanzania and 50 in Zanzibar.

The country is made up of the former Republic of Tanganyika (the mainland) and the People's Republic of Zanzibar. They were both former colonies of Britain and gained independence on 9 December 1961 and 10th December 1963 respectively. Zanzibar, however, obtained majority rule from Sultanate rule on 12th January 1964 through a revolution.<sup>2</sup> The two territories united on 26th April 1964 to form the United Republic of Tanzania. Zanzibar maintains semi-autonomous and participates in national elections.

The newly united nation of Tanzania inherited the multi-party democracy system from the British political system. The independence constitution of 1961 thus provided for competitive multi-party politics. This system was in place from 1961 to 1965, with the dominant parties being

<sup>1</sup> The World Bank <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=TZ> accessed on 12th October 2020

<sup>2</sup> The sultanate was a minority Arab ruling elite.

the Tanganyika African National Congress (TANU) under Mwalimu Julius Nyerere and the African National Congress (ANC) under Zuberi Mtemvu. Zanzibar's dominant party was the Afro-Shirazi Party (ASP).

In 1965 the Constitution formally established a one-party system. Elections under this regime were held in 1965, 1970, 1975, 1980, 1985, and 1990. The two 'sister' political parties, TANU and ASP were in power in Tanzania and Zanzibar until 1977 when they merged to form the revolutionary party, Chama Cha Mapinduzi (CCM). Following its formation, CCM was the only permitted political party in the country. At an interval of five years, CCM's national chairperson (Nyerere) was automatically elected to a five-year term as president. At the National Assembly, voters were presented with two CCM candidates to choose from.

The Union held its first democratic elections in 1995. This followed constitutional amendments in 1992, pursuant to Article 3(1) of the Union Constitution, 1977,

which made provisions for multi-party politics. The first president under this new regime was Julius Nyerere. He was deputised by Abeid Karume, who was the president of Zanzibar. Nyerere introduced socialism to Tanzania through the 1967 Arusha Declaration, which he called African socialism. The declaration assumed the necessity of fully abolishing dependence on foreign capital, developing the country's resources independently and building a democratic state of workers. This, with a view of achieving community development and self-reliance, raising the standard of living and establishing a non-exploitative society for Tanzania based on the tenets of African socialism.<sup>3</sup> The essential components of Ujamaa were freedom, unity, equality, respect for human dignity and human rights<sup>4</sup>. The policies, however, did not achieve the intended goal. They gradually led to a decline in the economy and reduced quality of life with a lack of basic needs. Although the country is in the post Ujamaa era, the spirit of socialism underpins Tanzania's social and political life.

**Table 1: Political trends in Tanzania**

Year	Name of President	Political party
1962 - 1985	Julius Nyerere	CCM
1985 - 1995	Ali Hassan Mwinyi	CCM
1995 - 2005	Benjamin Mkapa	CCM
2005 - 2015	Jakaya Kikwete	CCM
2015 - Present	John Magufuli	CCM

Source: NEC

In the 2015 elections, CCM maintained its firm lead in the presidency, to continue its fifth successive government since the advent of multi-party democracy in 1992. President Magufuli garnered 8,882,935 votes representing 58.46% of the total votes cast. Edward Lowassa of

Chadema, representing the UKAWA opposition coalition emerged second, garnering 6,072,848 votes representing 39.97% of the total votes cast<sup>5</sup>. While CCM retained its parliamentary majority, its share of seats reduced compared to 2010.

<sup>3</sup> Dr. Apuega R. Arikawei (2015), "African Socialism in Tanzania: Lessons of a Community Development Strategy for Rural Transformation in Developing Countries," *Mediterranean Journal of Social Sciences*: Vol 6 No 4 S2. MCSER Publishing, Rome-Italy Available at: <https://core.ac.uk/download/pdf/228532851.pdf>

<sup>4</sup> Sanga, Fr. Innocent Simon and Pagnucco, Ron (2020) "Julius Nyerere's Understanding of African Socialism, Human Rights and Equality," *The Journal of Social Encounters*: Vol. 4: Issue. 2, 15-33. Available at: [https://digitalcommons.csbsju.edu/cgi/viewcontent.cgi?article=1050&context=social\\_encounters](https://digitalcommons.csbsju.edu/cgi/viewcontent.cgi?article=1050&context=social_encounters)

<sup>5</sup> Mr. Lowassa left the CCM to join Chadema party after failing to win the CCM presidential primaries in July 2015. He vied under the umbrella of opposition UKAWA coalition

**Table 2: 2015 Presidential Results**

Candidate	Party	Votes	% Vote
John Magafuli	Chama Cha Mapinduzi (CCM)	8,882,935	58.46
Edward Lowassa	Chama cha Demokrasia na Maendeleo (Chadema)	6,072,848	39.97
Anna Elisha Mghwira	Alliance for Change and Transparency (ACT)	98,763	0.65
Lutalosa Yembe	Alliance for Democratic Change (ADC)	66,049	0.43
Hashim Rungwe Spunda	Chama cha Ukombozi wa Umma (CHAUMMA)	49,256	0.32
Machmillan Elifatio Lyimo	Tanzania Labour Party (TLP)	8,198	0.05
Janken Malik Kasambala	National Reconstruction Alliance (NRA)	8,028	0.05
Fahmi Nassoro Dovutwa	United People's Democratic Party (UPDP)	7,785	0.05
<b>Total</b>		<b>15,193,862</b>	<b>99.98</b>

Source: EISA <https://www.eisa.org/wep/tan2015presidentialresults.htm> accessed October 5, 2020

**Table 3: 2015 Parliamentary Election Results**

Political Party	No. of Seats 2015	No. of seats 2010	+/-
Chama Cha Mapinduzi (CCM)	188	186	2
Chama cha Demokrasia na Maendeleo (Chadema)	34	23	11
Civic United Front	32	24	8
Alliance for Change and Transparency (ACT)	1	0	1
National Convention for Construction and Reform – Mageuzi (NCCR–Mageuzi)	1	4	-3
United Democratic Party (UDP)	0	1	-1
Tanzania Labour Party	0	1	-1
<b>Total</b>	<b>256</b>	<b>239</b>	

Source: NEC

## 2.2. Political environment:

The United Republic of Tanzania will hold general elections on October 28, 2020. The elections will be Tanzania's sixth general elections following the introduction of a multi-party democratic system in 1992<sup>6</sup>. Voters will elect a new president and cast ballots for members of the unicameral National Assembly (Bunge) and local council Zanzibar voters will cast ballots for a new president, House of Representatives and Local Councils.

The 2020 presidential contestation is expected to be a two-horse race pitting incumbent Dr. John Magafuli of CCM and Mr. Tundu Lissu of Chadema. In 2015, Magafuli defeated Lowassa who had been fronted by a coalition of opposition parties under the umbrella of Ukawa<sup>7</sup>. As per the law, the incumbent, Dr. Magafuli will be contesting his second and final five-year term.

Dr. Magafuli took office in 2015 under an anti-corruption and development platform. He won the hearts of many citizens by his stern stand against corruption. During his first term, he was able to steer the nation into making

<sup>6</sup> Since the introduction of multi-party politics, five elections have been held, in 1995, 2000, 2005, 2010 and 2015

<sup>7</sup> Ukawa (Umoja wa Katiba ya Wananchi) comprised Chadema (Party for Democracy and Development), the CUF, NCCR - National Convention for Construction and Reform (Mageuzi) and the National League for Democracy (NLD). The coalition was formed following the opposition's rejection of the constitution-making process in 2014.

notable economic gains. The country was declared a middle-income nation by the World Bank effective July 1, 2020, five years earlier than predicted<sup>8</sup>. This is indication of a step forward in the nation's development and poverty reduction.

Tanzania has been ruled by six presidents since independence, all of whom have come from the ruling party CCM (See Table 1 on the Political trend in Tanzania). Transfer of power from one president to another has been peaceful.

In Zanzibar, CCM has also been the ruling party since its formation in 1977. Unlike the Mainland, CCM has faced steep competition from the opposition parties, especially the Civic United Front (CUF). As a result, Zanzibar has had four contentious elections since 1995, the latest being the 2015 elections. In all these elections, CCM has claimed victory, despite claims of irregularities from international observers and some domestic observer groups. The 2015 elections were annulled following allegations of irregularities. New elections were held on 20th March 2016.

On the flip side however, Tanzania has experienced a decline in democratic space and an increase in human rights violations. These two issues threaten to weaken the gains made by the president and may play a key role in the 2020 elections. Several issues attest to the suppression of civil liberties and an increase in human rights violations witnessed under Magufuli's reign. For instance, political leaders have been intimidated, arrested, and attempts to their lives made<sup>9</sup>. The president also banned political rallies from 2016 until 2020. The ban was lifted when the election campaigns began in August 2020. It can be argued that this ban favoured the incumbent since the opposition was restricted from addressing any public gathering in the past five years, thus creating an uneven playing field.

In addition, live broadcasts of parliamentary sessions were suspended by the government in 2017 citing financial constraints. This ban contravenes the right to information as guaranteed under the Tanzanian constitution. It is also not in line with international standards which give an obligation to the state to ensure transparency and access to information. The media has also been muzzled with at least three newspapers being banned by the government for alleged criticism of the president.<sup>10</sup>

With no coalition of opposition parties similar to the run up to the 2015 elections, Mr. Lissu will be contesting under the Chadema Party<sup>11</sup>. While a legal coalition is barred<sup>12</sup>, the two leading opposition parties, Chadema and Act-Wazalendo have announced a collaboration which would see the individual parties endorse a common candidate in each of the regions. For instance, the national chairman of the Alliance for Change and Transparency -Wazalendo (ACT - Wazalendo) announced the party's intention to support Chadema's Tundu Lissu in the mainland. The chair of Chadema reciprocated by announcing that the party would withdraw its presidential candidate in Zanzibar and back Act-Wazalendo's candidate, Sharif Hamad. This has, however, solicited a warning from the Registrar of Political Parties, citing contravention of Section 11A of the Political Parties Act (PPA), 1992<sup>13</sup>.

### 2.3 Covid-19 pandemic in Tanzania:

The 2020 elections in Tanzania will be held against the backdrop of the Covid-19 pandemic around the world. While some countries have opted to either postpone or delay elections at various levels (presidential, legislative or local),<sup>14</sup> Tanzania resolved to proceed as scheduled. The country was declared Covid-19 free<sup>15</sup> with the last public report of cases being April 29, 2020. According to the Africa Center for Disease Control, the country had 509 cases, 21 deaths and 183 recoveries as at June 2020.<sup>16</sup>

<sup>8</sup> The status elevation from a low to a middle-income country implies that Tanzania can access international credit markets.

<sup>9</sup> There was an assassination attempt on Tundu Lissu, the vice-chair of the Chadema party, in September 2007. He was shot 16 times and seriously wounded by armed gunmen outside his residence in Dodoma. He had been arrested at least six times during the year, accused of among others, insulting the president and disturbing public order.

<sup>10</sup> Human Rights Watch <https://www.hrw.org/africa/tanzania-and-zanzibar> accessed on 12th October 2020

<sup>11</sup> During the 2015 elections, since the law did not provide for coalitions, four opposition parties formed the Coalition for the People's Constitution and supported a single candidate, who ran under the CHADEMA banner. The law has since being amended to provide for pre-election and post-election coalitions.

<sup>12</sup> According to Section 11A (3) of the Political Parties Act Cap 258, a coalition agreement entered into before a general election shall be submitted to the Registrar at least three months before that election.

<sup>13</sup> This was indicated in a letter dated September 18, 2020 signed by deputy registrar of political parties Sisty Nyahoza which was addressed to political party's secretary generals.

<sup>14</sup> Ethiopia, Kenya, South Africa, Nigeria, Tunisia, Uganda, Zambia, Zimbabwe, and South Africa.

<sup>15</sup> The President announced on July 20, 2020 that there was no COVID 19 Virus in the country.

<sup>16</sup> Africa Center for Disease Control Figures as at 2nd June 2020 <https://africacdc.org/covid-19/> accessed on 3rd June 2020

Unlike other countries around the world, there was no lockdown or curfews imposed in the country. Rather, the president asked the citizens to pray and made social distancing and wearing of masks mandatory.

### 3. THE CONSTITUTIONAL, LEGAL AND INSTITUTIONAL FRAMEWORK GOVERNING THE 2020 ELECTIONS

#### 3.1. Legal framework

The 1977 Constitution of the United Republic of Tanzania is the cornerstone of the legal framework for both the electoral process and the institutions set up to administer the process. In addition to the constitution, other legislation also make provision for elections in Tanzania. These include the National Elections Act (NEA), 1985, as amended; the Political Parties Act (PPA), 1992, as amended; The Local Authorities (Elections) Act, 2015 and the Elections Expenses Act (EEA), Act 2010. Other relevant laws include the Evidence Act, Cap 6; Civil Procedure Code, Cap 33; and the Criminal Procedure Act, Cap 20. For Zanzibar, the key instruments are: The Constitution of Zanzibar 1984; Elections Act 1984; Zanzibar Municipal Council Act 1995 and District and Town Councils Act 1995. There are also a number of regulations and guidelines issued by the NEC and Registrar of Political Parties (RPP) including codes of conduct or ethics to regulate political parties and election observers in the electoral process. Some of the regulations include the National Elections (Presidential and Parliamentary Elections) Regulations, 2020, and Local Authorities (Councilors Elections) Regulations 2020.

There are also key principles based on international human rights laws that guide the conduct of democratic elections. Tanzania has ratified and signed major international, continental and regional treaties that relate to human rights and the conduct of democratic elections.<sup>17</sup>

The constitution proclaims that the Republic shall be

based on the principles of freedom, democracy, and Justice. It guarantees political rights and fundamental freedoms that are critical in a democratic dispensation. These include the freedoms of movement, assembly, association, and expression; and the right to protection from discrimination.

The Constitution also provides for entrenchment of democracy through provisions for a multi-party-political system; the separation of powers within a presidential system; a First-Past-The-Post (FPTP) electoral system; conduct of regular elections managed by independent institutions; and term limits for elective offices. Specifically, the constitution provides for the conduct of regular elections managed by the NEC and the ZEC. The constitution also provides for the establishment of the Registrar of Political Parties, who is responsible for regulating the registration and operation of political parties.

The constitution vests the courts with the power to hear and determine election petitions. There are however no provisions for dispute resolution following the announcement of the presidential election. Article 41(7) declares that when a candidate is declared by the Electoral Commission to have been duly elected in accordance with this Article, then no court of law shall have any jurisdiction to inquire into the election of that candidate.

The National Elections Act, 1985, as amended, regulates presidential and parliamentary elections in Tanzania Mainland. It provides for the composition, responsibilities, and powers of the National Electoral Commission. In regulating elections, the Act provides that all candidates in the political contestation must be nominated by a political party. The Political Parties Act, 1992, as amended, provides for the terms, conditions, and procedure for the registration of political parties in Tanzania.

The Local Authorities (Elections) Act, Cap. 292 (R.E. 2015) governs elections at the Local Government Authorities (LGAs). It provides for the rights and procedures for

<sup>17</sup> These include: International Covenant on Civil and Political Rights; Convention on the Elimination of All Forms of Discrimination against Women; International Convention on the Elimination of all forms of Racial Discrimination; African Charter on Human and People's Rights; African Union Declaration on the Principles Governing Democratic Elections in Africa; East African Community (EAC) Principles for Election Observation, Monitoring and Evaluation of Elections; and Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections;



registration of voters; making changes on the voters' register; the right to inspect the register at any time; procedures for making objections in respect of registration, qualifications for voting, as well as qualifications of candidates and their nomination and management of election campaigns; election day and voting and counting procedures.

The Elections Expenses Act, 2010, as amended, makes provisions for the funding of nomination process, election campaigns and elections with a view to controlling the use of funds and prohibited practices in the nomination process, election campaigns and elections; to make provisions for allocation, management and accountability of funds and to provide for consequential and related matters.

While the legal framework broadly provides sufficient basis for the conduct of democratic elections, it could further be strengthened by provisions aimed at providing mechanisms for redress of disputes arising from the presidential election, and providing for independent candidates.

### 3.2. The Electoral system

The United Republic of Tanzania is a union of Mainland Tanzania and Zanzibar. Tanzania is described as a democratic, secular and socialist state which adheres to multi-party democracy<sup>18</sup>. Sovereign power is exercised and controlled by a duality of centres. The constitution vests the Government of the United Republic and the Revolutionary Government of Zanzibar with executive powers. Similarly, two organs, the Judiciary of the United Republic and the Judiciary of the Revolutionary Government of Zanzibar, are vested with judicial powers while the parliament of the United Republic and the House of Representatives are vested with legislative and supervisory powers over public affairs<sup>19</sup>.

The president is elected under a FPTP system, after nomination by a political party. Due to the nature of the Union arrangement, if a presidential candidate comes from the Mainland Tanzania, then his/her running mate, the vice-presidential candidate, must come from Zanzibar, and vice versa. The president is the head of state, head of government and chief of the armed forces in Tanzania, and the president's approval is required for any bill to pass into legislation from the National Assembly. Zanzibar elects a separate president who operates in an identical manner with regard to all matters relating to the Zanzibar House of Representatives and non-Union controlled Zanzibari issues. The president of the Union is the President of Tanzania. Both the Union and Zanzibar presidents are elected for a tenure of five years that is limited to two terms of office.

Legislative power in relation to all Union matters and also in power relation to all other matters concerning Mainland Tanzania is vested in the Union National Assembly, while legislative power in Zanzibar over all matter which are not Union Matters is vested in the House of Representatives.<sup>20</sup> Members of both Houses are elected through the FPTP system, after nomination by political parties, for five-year terms. The National Assembly consists of 264 members directly elected from single-member constituencies of which 214 are on the mainland and 50 are in Zanzibar. The total number of members of the National Assembly is 393.<sup>21</sup>

The election of Members of Parliament for Women Special Seats uses the proportional representation system. The Union Constitution provides that not less than 30% of the members of the National Assembly shall be women, which are filled from lists submitted by the political parties in proportion to the share of the votes each party obtains at the general election<sup>22</sup>. There are 50 single-member constituencies in the Zanzibar House of Representatives. The Zanzibar Constitution provides for reserved seats for women, allocated to political parties on a proportional

<sup>18</sup> Article 3 (1) of the Constitution, 1977.

<sup>19</sup> Article 4(1)(2) of the Constitution, 1977.

<sup>20</sup> Article 64(1)(2) of the Constitution, 1977

<sup>21</sup> In addition to the directly elected members, there are 118 indirectly elected members. These include 113 special seats women elected by political parties in proportion to their share of the electoral vote; and five members elected by Zanzibar House of Representatives. Others members are 10 appointed by the President (the President can appoint up to 10 members), and the Attorney General. The Speaker may be designated from outside Parliament and becomes a member of parliament by virtue of holding the office of Speaker.

<sup>22</sup> Articles 66(1)(b) and 78(1) of the Constitution, 1977

basis to ensure that 30% of the total membership of the House of Representatives are women<sup>23</sup>.

Article 35B of the NEA, 1985 empowers the Commission to appoint a presidential election day for the holding of a ballot in every constituency for the election of the president. The law further provides for the appointment of an election day for parliamentary elections. The date set for the 2020 general elections is 28th October 2020. On the mainland, voting will take place for the President of the Union, National Assembly and Local Councils. In Zanzibar, five polls will be held: President of Zanzibar; House of Representatives; President of the Union; National Assembly; and Local Councils.

The fact that the constitution does not provide for independent candidates impinges on the principle of equal opportunity to vote and to be voted for. It also violates the freedom of association (which includes the right not to associate) and also limits the voter's choice of available candidates.

### 3.3. Election Management

Election management in the United Republic of Tanzania is conducted by the NEC and the ZEC. The NEC of Tanzania is established under Article 74(1) of the Constitution of the United Republic of Tanzania, 1977. It is comprised of seven Commissioners, the Chairperson, the Vice-Chairperson and five other commissioners, who are appointed by the President of the United Republic of Tanzania. The Chairperson and the Vice-Chair have to be judges of the High Court or the Court of Appeal of Tanzania. Article 74(2) provides for the appointment of the Vice-Chairman of the Electoral Commission on the basis of the principle that where the Chairman hails from one part of the Union, the Vice-Chairman shall be a person who hails from the other part of the Union. At present, Retired Judge (Mst) Semistocles Kaijage - Chairperson of the NEC hails from the Mainland and the Vice Chairperson, Rtd. Judge (Mst) Mbarouk Salim Mbarouk hails from Zanzibar. One member should be a representative from the Tanganyika Law Society while the other four should be persons who have

experience in the conduct or supervision of parliamentary elections, or who have other qualifications considered necessary by the president for the effective performance of the Commission's functions<sup>24</sup>.

The appointees hold office for a five (5) year's renewable period as provided under Article 74(4)(a) of the Constitution. Commissioners enjoy security of tenure of office and their appointment may only be revoked by the president for inability to discharge their functions arising from infirmity or misconduct or for losing qualifications for being a member of the civil service.

In the implementation of its functions and duties, the Commission is supported by a Secretariat. It is headed by the Director of Elections, who is also the Chief Executive and the Secretary of the Commission. He/she is appointed by the president, from among civil servants, on the recommendation of the Commission. For its regional administrative and operational structures, the NEC utilises senior local government officials.

According to Article 74(6) of the Constitution, the NEC is responsible for: supervision and conduct of presidential and parliamentary elections in the United Republic of Tanzania and local council elections in Tanzania Mainland; supervision and co-ordination of voter registration; delimitation of constituencies and other electoral areas; supervision and coordination of elections; declaration of elected Members of Parliament and councilors for women's special seats; and any other functions legislated by parliament.

The autonomy of the Commission is guaranteed in the constitution. The constitution defines the NEC as an autonomous department which shall not be obliged to comply with orders or directions of any person or any government department or the views of any political party while discharging its functions. Further, no court shall have power to inquire into anything done by the Electoral Commission in the discharge of its functions in accordance with the provisions of this Constitution<sup>25</sup>.

<sup>23</sup> Article 67(1) (2) of the Constitution, 1984, as amended.

<sup>24</sup> Section 4(1)(c) (d) of the National Elections Act, 1985

<sup>25</sup> Articles 74(7)(11)(12) of the Constitution of Tanzania, 1977.

The ZEC is established under Article 119 of the Constitution of Zanzibar, 1984. It is responsible for conducting Zanzibar presidential and parliamentary elections. Local elections in Zanzibar are conducted by the NEC.

The ZEC comprises of 7 members appointed by the President of Zanzibar. The Chairperson should have the qualification of a Judge in the High Court of any Commonwealth Country or a respected person in society. Two Commissioners are appointed based on the recommendation of the leader of government activities in the House of Representatives while two others are appointed based on the recommendation of the leader of the opposition in the House of Representatives. One Commissioner is appointed from among the Judges of the High Court or Court of appeal while another is appointed as the President sees fit. The Commission appoints the Vice-Chairman from amongst its members. A member of the Commission may only be removed by the president for failure to perform his/her functions, either because of illness or for any other reason or because of misbehavior or due to disqualification to be a member. Recommendation for the removal should however be by a Special Commission, appointed by the president. The term of office for the Commissioners is 5 years. The Secretariat is headed by the Director of Elections for the ZEC, whose functions reflect those of their counterpart at the NEC.

While established as an autonomous body, the fact that the mandate to appoint and remove Commissioners from office is solely vested in the president, may cast doubt on its independence and impartiality.

## 4. KEY FINDINGS ON THE PRE-ELECTION PHASE

### 4.1. Constituency delimitation (for legislative elections)

Article 75 of the Constitution of United Republic of Tanzania, 1977, reinforced by the NEA, 1985, provides

for demarcation of Constituencies in terms of mandate, timelines and criteria. It provides that the United Republic shall be demarcated into constituencies of such number and in such manner as shall be determined by the Electoral Commission after obtaining the consent of the President. It further provides that, “in demarcating the boundaries of constituencies, the Electoral Commission shall take due account of the availability of members of communication and also the geographical conditions of the area intended for demarcation into constituencies.” Review of the demarcated constituencies should be conducted from time to time and at least after every ten years. Any resultant alteration in the number of Members of Parliament representing those constituencies should take effect after the dissolution of parliament. The law however prohibits legal challenges to the demarcation process<sup>26</sup>.

In Zanzibar, delimitation of constituencies is the mandate of the ZEC. Section 120 (1) of the Zanzibar Constitution 1984, requires that not less than 40 and not more than 55 constituencies are created during an election. The constitution further stipulates that all the constituencies shall, as far as possible, have an equal number of residents as ZEC may determine. This is, however, not binding as ZEC can determine any suitable figure for a particular constituency by taking into consideration the following factors: the number of people in the constituency; population explosion; means of communication; and administrative boundaries. Review of electoral constituencies should be conducted regularly between 8 and 10 years, or any other time the House of Representatives decides to do so.

The last review was conducted in the run up to the 2015 elections. There was an addition of 25 and 4 new constituencies in the Mainland and Zanzibar respectively. This resulted in 264 and 54 constituencies which were used for the purposes of National Assembly and House of Representative elections. Since no further review was conducted ahead of the 2020 elections, the number of constituencies for the Mainland will remain at 264. It was

<sup>26</sup> Article 75 (6) states that, “Notwithstanding the other provisions of this Article, no court shall have power to inquire into anything done by the Electoral Commission in its discharge of the function of demarcating the United Republic into constituencies”.

however indicated that the constituencies in Zanzibar would revert to the initial 50 which existed before the 2015 review (as per the 2005 delimitation). This follows the removal of the four constituencies added as a result of the 2015 review.

Stakeholders reported that the concerns raised regarding the lack of equal suffrage resulting from the previous demarcation had not been addressed. Following the 2015 review, it was noted that the delimitation process had not taken into consideration equality in population distribution as stipulated by law.

#### 4.2. Voter registration

Article 74 (6) of the 1977 Constitution of the United Republic of Tanzania entrusts the NEC with the responsibility of supervising and coordinating the registration of voters in Presidential, Parliamentary and Councilors' elections in the United Republic. Section 12 of the NEA, 1985 provides for a Permanent National Voters Register (PNVR) under the custodian of the NEC. The law requires that voter registration drives be carried out twice every five years<sup>27</sup>.

As provided in the law, update of the PNVR by NEC and ZEC was four-fold. First, it entailed registration of voters who had attained the age of 18 since the last update in 2015 and those who would be 18 by October 2020. Second, details of voters who wished to transfer registration details as a result of change of residency were updated. Third it provided an opportunity for replacement of damaged or lost voter's cards and finally, it entailed the removal of ineligible voters from the register.

During the updating of the PNVR, a Biometric Voter Registration (BVR) was used. The system that installed the BVR kits is the voter registration system. The Commission also used the Automated Fingerprints Identification System (AFIS). This system was used to process voters' fingerprints and identify voters' who registered multiple times, thus removing duplicates from the PNVR.

The Commission updated the PVR twice. The first phase began in July to December 2019 while the second was held from 17th April 2020 to 19th April 2020 and 2nd May 2020 to 4th May 2020. During the first phase a total of 7,043,247 people were registered; 3,225,778 updated their details and 16,707 had their names removed from the Register because they had become ineligible.

The second phase of updating the PVR covered 1,951 voter registration centres drawn from each ward in Mainland Tanzania and 50 voter registration centres at the ward level in Zanzibar. During this phase, a total of 620,210 voters turned out to register, 283,305 of whom were new voters; 323,068 were voters who updated their details; 13,780 were voters who had become ineligible and 57 were those whose registration was objected to. This brings the total number of registered voters to 29,188,347 voters. Of these 14,496,604 (49.67%) are male and 14,691,743 (50.33%) are female. In conducting General Elections in Zanzibar, the NEC uses ZEC's voter register for the Union elections. The register has a total of 566,352 voters, of whom, 272,115 (48.05%) are male and 294,237 (51.95%) are female. (see tables 1 and 2 below).

For the 2020 General Elections, NEC will have a total of 29, 754,699 voters. NEC increased the total number of voter registration centres, which also double up as the voting centres, in both Mainland and Zanzibar. Centres in the Mainland increased by 858 from 36,549 to 37,407 while those in Zanzibar increased by 27 from 380 to 407. There will be a total of 80,155 Polling Stations (PS) for the Mainland and 1,412 for Zanzibar, bringing the total number of PS to 81,567. Each polling station will have not more than 500 voters.

The second registration phase was conducted during the Covid-9 pandemic. Several organisations were able to observe the registration process and adherence to Covid-19 safety guidelines. In particular, it was observed that the registration staff had hand washing stations at the registration centres and wore masks.

<sup>27</sup> Section 15(5) of the National Elections Act, Cap. 343, and section 21(5) of the Local Authorities (Elections) Act, Cap. 292.

The provisional voter register was displayed for verification and objections, in line with the law<sup>28</sup>. Display of the Provisional Register granted an opportunity for voters to verify their details, correct mistakes and make objections, in the case of those who were considered ineligible. A total of 27 objections were made at the time of displaying the Register. The objections were successfully determined by voter registration officials. Objections were about people who had registered more than once and those whose names had been deleted from the Register. There were also objections to those who had registered outside their wards of residence, people who would not have the right to vote in a councillor election<sup>29</sup>.

The mission was informed that the level of participation in the registration process was impacted by several issues. First, there were two contradicting registrations ongoing

which confused the voters leading to low voter turnout. For the Mainland, there was a registration drive for local elections, which is under the jurisdiction of the Office of the President. In Zanzibar, there was also registration for national identification cards undertaken by the ZEC. The other issues were limited civic education as well as loss of the value initially attached to the voter registration card. Previously the card could be used for identification as well as banking, including loan access. The card has presently lost this value as a result of reforms and can only be used for voting purposes.

Interlocutors noted that there is no provision for anyone to question the figures given and that there was very limited observation and less interaction with the NEC during the process.

**Table 4: Registered voters 2020 (Registered by NEC)**

Voters by Gender	Total	Percentage
Male	14,496,604	49.67
Female	14,691,743	50.33
<b>Total</b>	<b>29,188,347</b>	<b>100</b>

Source: NEC

**Table 5: Registered voters 2020 (Registered by ZEC)**

Voters by Gender	Total	Percentage
Male	272,115	48.05
Female	294,237	51.95
<b>Total</b>	<b>566,352</b>	<b>100</b>

Source: NEC

### 4.3. Political party registration and candidate nomination

#### 4.3.1. Political party registration:

The Constitution, 1977<sup>30</sup> and the PPA, 1992 (as amended) set out the conditions and procedures for the registration of political parties. Article 4 of the PPA establishes the office of the Registrar of Political Parties as an autonomous

institution under the ministry responsible for political parties. The registrar, together with the deputy, is appointed by the president and has the sole responsibility of registration of parties as well as enforcement of regulations. Registration is in two stages, ie provisional followed by full registration, subject to qualification, which should take place not later than 108 days after the provisional list is released. To secure full registration, parties must submit lists of at least 200 members in 10 of

<sup>28</sup> Sections 11A and 22 of the NEA, 1985 and Section 15A of the Local Authorities Act, Cap. 292.

<sup>29</sup> NEC <https://www.nec.go.tz/uploads/documents/en/1602348888-NEC%20Eng%20Newsletter%20-%20ENGLISH.pdf>, accessed 12th October 2020

<sup>30</sup> Articles 39 (1)(a), 67 (1)(b) of the Constitution

the country's 31 regions, including two of the five regions of Zanzibar.

The Registrar has powers to suspend or cancel the registration of a political party. Registration may, however, not be cancelled 12 months prior to a General Election<sup>31</sup>. The decision of the Registrar regarding the suspension or cancellation of the registration of a party cannot be appealed against in a court of law but may be appealed in court by way of judicial review. There are presently 19 political parties with full registration and one with provisional registration. Five of these parties are more active.<sup>32</sup> Applications for 16 parties are still being investigated.

The mission noted that recent amendments to the PPA in 2019 had introduced some provisions considered to be restrictive by some stakeholders. The amendments presented the Registrar of Political Parties (RPP) with more powers which could erode the foundation for a multi-party regime. These include powers to deregister political parties who were seen to be collaborating with international organisations. Interlocutors reported that their interventions with political parties had been impacted by the amendments to the PPA, especially the requirement to seek permission from the RPP before any such intervention<sup>33</sup>. For instance, the mission was informed of a situation where the turnaround period for approval of an activity planned by ACT -Wazalendo was six months compared to a two-day turnaround period for a CCM activity. The absence of organised training for political party agents was also noted, with the responsibility to mobilise and train agents solely being that of the individual parties.

On a positive note, it was noted that the amendments made provisions for formation and management of pre- and post-election political coalitions. This promotes the party member's rights to freely associate. The mission

was also informed that political parties signed a code of conduct on 27 May 2020. It was, however, noted that its development had not been consultative and that parties were requested to append their signatures on the occasion of unveiling of the draft form of the document.

#### 4.3.2. Candidate nomination

The Union and Zanzibar Constitutions<sup>34</sup> and the NEA, 1985<sup>35</sup> outline the qualification and eligibility criteria for the various elective positions, including the office of the president, parliament, and Local Councils.

To qualify as a presidential candidate for the Union elections a person must: be a citizen of Tanzania by birth; be at least 40 years old a member of, and nominated by, a registered political party; qualify to be a member of parliament or a member of the House of Representatives; and within a period of five years prior to the general election s/he must not have been convicted by any court for any offence relating to the evasion to pay any government tax. The presidential candidate and his/her running mate must come from different parts of the Union Republic. The nomination of any candidate must be supported by not less than 200 registered voters from at least 10 regions, out of which at least two must be in Zanzibar. Additionally, a candidate must also deposit a sum of Tanzania Shillings (TZS)1,000,000 equivalent of United States Dollar USD 431.60<sup>36</sup> which may be refundable<sup>37</sup>. The deposit for a presidential candidate from Zanzibar is TZS 2,000,000 (USD 860.29). A candidate must possess a statutory declaration before a judge that the candidate has the qualifications to stand in the election, and that there are no reasons why s/he should be disqualified.

Presidential aspirants for the Union and for Zanzibar submit their nominations to the NEC and ZEC respectively. The vice-presidential candidate standing on a party ticket must come from the other part of the Union from his/her

<sup>31</sup> Article 19 (3) of the PPA, 1992.

<sup>32</sup> These are CCM, Chadema, Act- Wazalendo, NCCR and CUF.

<sup>33</sup> The request involves provision of information including the source of the funds, submitting the budget, the names and curriculum vitae of the trainers and the training materials.

<sup>34</sup> The Union Constitution, 1977, Article 39 and the Constitution of Zanzibar, 1984, Article 26.

<sup>35</sup> Art. 36

<sup>36</sup> As of 8 August 2020.

<sup>37</sup> According to Article 33 (2) of the NEA, 1985, the deposit shall be forfeited to the Government if- (a) the Presidential candidate withdraws his candidature after nomination day; or (b) the number of votes counted in his favour at the election is less than one-tenth of the total number of valid votes cast, except that such deposit shall not be forfeited if the candidate dies before the election. Where the deposit is not forfeited under the above provisions, it shall, as soon as practicable after the declaration of the results of the election, be refunded to the Presidential candidate or paid to his personal legal representative, as the case may be by the Commission.

running mate (i.e., if the presidential candidate is from the mainland, his/her running mate must come from Zanzibar and vice versa).

To qualify as a candidate for the parliamentary election, one must be a citizen of the United Republic of Tanzania; s/he has attained the age of 21 years; can read and write in Kiswahili and English; is a member of, and nominated candidate from, a registered political party; and has not been convicted for tax evasion by any court in the past five years. A candidate must submit a deposit of 50,000 Tanzanian shillings (equivalent of USD 21.51). For the Zanzibar House of Representatives, a candidate must deposit TZS 100,000 (USD 43.01). Further, a candidate must be nominated in writing by at least 25 nominators who are voters registered in the constituency in which he/she stands. He/she must also provide a statutory declaration before a magistrate to confirm that they meet the qualifications to stand for a parliamentary seat, and that there is no reason for them to be disqualified to stand. Nominations for the National Assembly of the Union and for the House of Representatives of Zanzibar, and Local Councils are dealt with by returning officers at constituency level and by assistant returning officers at ward level, respectively.

After nomination, the Election Expenses Act requires the political party to disclose all funds received for election expenses for the nomination process or election campaigns, whether as a gift, loan, advance, deposit, or donation. Any political party or candidate that fails to disclose such information is disqualified from participating in the election.

The NEC is responsible for announcement of nomination dates. Section 37 of the NEA, 1985 provides that the nomination day for any constituency shall be not less than five and not more than 25 after the dissolution of parliament. In line with this provision, the nomination of candidates for the president and vice president, parliament, and councillors was 25 August 2020. Accordingly, the presidential candidacy forms were available to the contesting parties from August 5 to August

25, and forms for parliamentary and wards councillorship aspirants from August 12 to August 25.

The mission was informed that during the nomination process NEC received 616 appeals, out of which 160 were for Members of Parliament and 456 for councillors. Decision-making was concluded in late September and the NEC secretariat was in the process of writing letters to communicate the decisions.

Following the nomination process, NEC validated the nomination of 15 presidential and vice-presidential candidates, 1,257 Members of Parliament candidates and 9,231 councillors' candidates. There were 28 unopposed parliamentary candidates and 870 councillors, all from CCM.

#### 4.4. The media

Freedom of expression is a fundamental human right and vital for democracy. The Constitution of Tanzania, 1977 guarantees freedom of speech and of expression. These are critical civil and political rights vis-à-vis the electoral process. Article 53(1) of the NEA, 1985, stipulates that during an election all political parties, including candidates for the office of the president and vice-president shall have the right to use the state radio and television broadcasting service during the election period. The NEC is mandated to regulate this provision, and in so doing, it should consult with key stakeholders including candidates, political parties, and public media players. The law also provides for an allocation of airtime which is available to all political party broadcasts. It stipulates that there should be equitable opportunities in the access of unpaid airtime given to candidates and parties.

Other legal provisions governing the media include the Political Party Elections Broadcasts Code, 2020. It makes provisions for the media on coverage of the entire electoral period, including how to allocate airtime. It also makes provisions for complaints and appeals. The mission was informed that the government had either amended or enforced restrictive legislations aimed at curtailing

freedom of expression. These include the Cybercrimes Act; 2015 (enforced); Statistics Act, 2015; Electronic and Postal Communications (online Content) Regulations 2020; Electronic and Postal Communications (Radio and Television) Regulations 2018; Written Laws (Miscellaneous Amendments (No.3), Act 2018, and Written Laws (Miscellaneous Amendments) Act No. 9 of 2019.

For instance, amendments to the Electronic and Postal Communications (radio and television) regulations ban Tanzanian radio and television broadcasters from working with foreign broadcasters without Communications Authority or other government staff present. This indirectly bars foreign broadcasters from working in the country. The Electronic and Postal Communications (Online Content) Regulations provides criminal penalties for publishing online “content against the State and public order.” The regulations give the Communications Authority wide discretionary powers to license internet-based content. The Cybercrimes Act, 2015 prohibits the sharing of information online which is deemed to be false, deceptive, misleading, or inaccurate. It thus criminalises a broad range of social media and online posts. The Statistics Act 2015 makes it illegal to publish or communicate false statistical information. Interlocutors noted that this was put in place to prevent stakeholders from sharing information of any statistical data such as voter registration results.

The mission was informed that the government was using these legal provisions to suspend or ban journalists and media houses. The net effect of this has been self-censorship by the media for fear of being banned. This has negatively affected the quantity and quality of information disseminated by the various media houses, to the detriment of citizens.

The Tanzania Communications Regulatory Authority (TCRA) is responsible for regulating the Communications and Broadcasting sectors in Tanzania. It is a quasi-independent government body which was established under the Tanzania Communications Regulatory Act No.12 of 2003 to regulate the electronic communications,

and postal services, and management of the national frequency spectrum in the United Republic of Tanzania. The Authority became operational on 1st November 2003 and took over the functions of the now defunct Tanzania Communications Commission (TCC) and Tanzania Broadcasting Commission (TBC).

Other non-state institutions aimed at promoting state freedom in the country include the Media Council of Tanzania (MCT) and the Media Institute of Southern Africa –Tanzania Chapter (MISA-TAN). The MCT was started by the media fraternity as an independent, voluntary, non-statutory regulatory body in 1995 and began operations in 1997. Its activities also include training the media on ethics and professionalism. MISA-TAN is an NGO registered in 1997. It is an advocacy-based organisation that works primarily on promoting freedom of expression and that of the media.

Stakeholders consulted by the mission raised concern over the restrictions gradually being imposed on the media aimed at curtailing the sharing of information. They noted that there were differences in content from international and local newspapers, especially the Swahili newspapers. The latter has more in-depth information compared to those in English. They also reported instances of indirect intimidation where the government has ordered public servants and government offices to advertise only in state owned media houses. This has in effect led to closure of some private media houses. It was further reported that media coverage towards 2020 had been imbalanced. Most coverage has been towards the development projects by the government.

#### **4.5. Civil society**

Civil Society Organisations (CSOs) are registered under the Non-Governmental Organisations (NGO) Act, 2002 (as amended). Registration was affected by the NGO Act (Amendments) Regulations, 2018 and the Written Laws (Miscellaneous Amendments) No. 3 Bill of 2019. The gist of the latter amendments in June 2019 was to make a distinction between NGOs and other societies.



Hitherto, NGOs could register under the Companies Act. Other amendments introduced include widening the scope of the functions of the registrar of NGOs. The registrar is empowered to suspend and deregister NGOs, conduct an evaluation of NGO activities as well as conduct investigations; introduction of renewal of registration certificate after every 10 years; and a requirement for NGOs to publicly avail prepared annual audited reports. Under the new amendments, all NGOs were deregistered and requested to re-register. Registration of new NGOs was suspended until December 1, 2019.

Stakeholders consulted by the mission noted that the newly introduced amendments would further deepen the already shrinking civic space. Particular concerns were in regard to the introduced excessive regulations, increased power of control given to the registrar, as well as the requirement for NGOs to publicly avail audited reports. The latter would affect small organisations, including Community Based Organisations (CBOs) with limited funds to publicise their audited reports in the mainstream media.

Organisations planning to provide civic education and observe elections need to be accredited by the NEC. For civic and voter education during voter registration, the NEC approved only 24 organisations. The application period for accreditation as civil educators and domestic observers for the general elections concluded on January 31, 2020. The list of successful organisations was released around five months later on July 7, 2020. Two hundred and ninety-seven (297) organisations, out of around 4,000 applications were approved to provide voter education while 90 organisations were approved for domestic observation. Those accredited included, the widely known domestic observer group Research and Education for Democracy in Tanzania (REDET). However, seasoned organisations known to have been pivotal in providing voter education and election observation in previous elections, were not accredited. These include the Legal and Human Rights Centre (LHRC), the Tanzania Human Rights Defenders Coalition (THRDC), the Tanzania Constitution Forum (TCF), and the Tanzania Election

Monitoring Committee (TEMCO). There is no appeal process in place to understand the criteria used in the accreditation process.

The mission was informed that the Center for International Policy (CIP) Africa would deploy 95 observers to 17 regions. The observers were trained on 15th October to be in their areas of deployment for 10 days.

Interlocutors noted that the delay in accreditation would likely have an impact on the level of voter education ahead of the elections. This is because of the limited period for fundraising, given that donors would not fund organisations before accreditation. It was also noted that the quality of voter education would be impacted by the accreditation of largely inexperienced, 'small' and hitherto unknown organisations with limited financial and technical capacity to carry out effective nationwide voter education.

It has been the tradition of the United Nations Development Program (UNDP) to support elections in Tanzania through the Electoral Support Programme. The mission was however informed that the government did not make an official appeal for UNDP support for the 2020 elections. The deadline for a request was December 2019. In so doing, the government denied access to Election Support (both financial and technical) to all stakeholders including the NEC and CSOs.

#### **4.6. Gender and minority rights**

The legal framework provides for equality before the law.<sup>38</sup> It further makes provisions for affirmative action aimed at increasing the number of female representatives in the National Assembly and House of Representatives. Article 66(1)(b) of the Union Constitution, 1977 stipulates that women parliamentarians should comprise at least 30% of the total number of members of parliament. These are elected by the political party on the basis of proportion of the electoral votes. Additionally, five of the ten presidential appointees to parliament should be women.

<sup>38</sup> Article 12(1) of the Constitution, 1977.

The Zanzibar Constitution, 1984 similarly provides for reserved seats for women. Article 67 (1) stipulates that “there shall be female members of the House of Representatives, thirty percent (30%) in number of all elected members in electoral constituencies.” The seats are allocated on a proportional basis, in accordance with the votes garnered by the political party. The current parliament has 145 (36.9%) women parliamentarians. These include 25<sup>39</sup> elected from single member constituencies, 113 special women seats; two members nominated from the House of Representatives in Zanzibar and five members appointed by the President.<sup>40</sup> The House of Representatives in Zanzibar comprises 27 women representing 33.8% of the total number of members. These include 3 constituency seats (6%), 20 special women seats and four presidential appointees (40%).<sup>41</sup>

There was a slight increase in the number of female candidates for the 2020 elections compared to 2015. The increase was observed across all the elective seats except councillors as follows: Presidential candidates from 12.5% of total votes cast in 2015 to 13.3% in 2020; Vice presidential candidates from 12.5% to 33.3%; Members of Parliament from 19% to 23% and councillors from 7.25% to 6.24% in 2020. Tanzania elected the first female vice president in 2015.

There are 14,691,743 female voters registered for the 2020 elections representing 50.33% of the total registered voters.

The legal provisions on special seats for women in Tanzania have been instrumental in ensuring at least 30% female representation at the National Assembly and House of Representatives in Zanzibar. This has contributed to the high ranking of the country in regard to parliamentary female representation. Tanzania is currently ranked number 28 out of 193 countries by the Inter-Parliamentary Union (IPU).

While the number of elected women is 25, representing around 9.5% of the total number of elected members, the number could be increased in the 2020 elections. Political parties may consider coming up with provisions aimed at increasing the number of female candidates for single constituency members. One way of doing so is to ensure not only transparency in the nomination process for the elective positions, but to also ensure full support of all the party candidates. This will propel the House towards gender parity.

**Table 6: Female Candidates**

	2015				2020			
	Male	Female	Total	% Women	Male	Female	Total	% Women
Presidential	7	1	8	12.5	13	2	15	13.33
Vice presidential	7	1	8	12.5	10	5	15	33.33
Members of Parliament	1012	238	1250	19.04	964	293	1257	23.31
Councillors'	10200	679	10879	6.24	8562	669	9231	7.25
<b>Total</b>	<b>11226</b>	<b>919</b>	<b>12145</b>	<b>7.57</b>	<b>9549</b>	<b>969</b>	<b>10518</b>	<b>9.21</b>

Source: NEC

<sup>39</sup> 18 are from CCM, 6 from Chadema, and 1 from CUF [https://www.iri.org/sites/default/files/wysiwyg/tanzania\\_gender\\_report.pdf](https://www.iri.org/sites/default/files/wysiwyg/tanzania_gender_report.pdf) accessed on 9th October 2020

<sup>40</sup> Inter Parliamentary Union <http://archive.ipu.org/wmn-e/classif.htm> accessed on 13 October 2020

<sup>41</sup> House of Representatives, Zanzibar <https://www.zanzibarassembly.go.tz/statistics.php> accessed 13 October 2020

#### 4.7. Civic and voter education

Section 6(4C) of the NEA, 1985 entrusts the NEC with the responsibility of providing voter education throughout the United Republic and co-ordinating and supervising persons who conduct such education. Any organisation seeking to conduct civic and voter education during the electoral period needs to apply for accreditation from NEC.

The mission was informed that the NEC, supported by accredited CSOs, conducted voter education during the voter registration process. The NEC conducted voter education through media adverts on television and radio; the Commission's Public Address van and also through public transport including taxis and buses; social media networks; workshops; performing arts and music concerts. Interlocuters reported effectiveness of the use of social media for voter education by the NEC especially their Instagram page which was observed to be up to date. Further, the PAM noted that a limited number of only 12 organisations were accredited to conduct voter education during the updating of the PNVR. Ten were from Mainland Tanzania and two) from Zanzibar. For the 2020 general elections, only 247 out of the 4,000 organisations that sought accreditation to conduct voter education were successful. Accreditation, which was sought in December 2019, was granted in July 2020, only two months before the general elections.

The mission noted that the delay in the accreditation was likely to have an impact on the quality and level of voter education. Voter education was further likely to be impacted by the recent amendments to electoral laws, especially to the PPA. The amendment to the PPA, which requires NGOs planning interventions with political parties to seek approval from the registrar, will limit the ability of political parties to conduct widespread voter education. Lack of widespread civic and voter education limits the citizen's right and opportunity to participate in public affairs.

#### 4.8. Security

The right to security of persons, as well as during the electoral process is one of the key tenets of democratic elections. The Mission was informed that there were measures in place to ensure that security is provided during the electoral process. This includes during reception, transportation, and storage of election materials in the regions as well as on election day. Interlocuters, however, indicated that the presence of security personnel during the updating of the PNVR process was limited, with various groups noting that they would have liked to see more security personnel. The need for more training to inform the security forces of their role on elections was underscored in this regard.

The mission was informed of threats of violence, despite the country's peaceful atmosphere. Pockets of violence between the opposition and ruling party supporters were reported. There were also reports of arson attacks in Pemba pointing to a likelihood of civic unrest in Zanzibar, unless contained in advance. It was further reported that informal security apparatus, especially during the campaign, period has been sighted. This could contribute to heightened tensions ahead of the elections.

#### 4.9. Campaigns

The PPA, 1992, NEA, 1985, and EEA, 2010, make provisions for electoral campaigns. The EEA, 2010 governs campaign financing. It provides for the funding of nomination process, election campaigns and elections with a view to controlling the use of funds and prohibitive practices in the nomination process, election campaigns and elections; to make provisions for allocation, management and accountability of funds<sup>42</sup>. The PPA, 1992 provides for the funding and regulation of funds within political parties. The Act specifies the sources where a party can derive funding from. It also provides for reporting by the party of such funds, including campaign funds<sup>43</sup>.

<sup>42</sup> Section 9 of EEA, 2010

<sup>43</sup> Section 13 of the PPA, 1992

The NEA, 1985 provides for the Electoral Code of Conduct for the Presidential, Parliamentary and Councilors' Elections. Section 124A (1) of the NEA stipulates that, "The Commission shall, for the purpose of promoting fair, free and orderly elections, and upon consultation with all political parties and the Government, make and publish in the Gazette the Electoral Code of Conduct prescribing - (a) ethical conducts for political parties, the Government and the Commission during election campaigns and elections; and (b) mechanisms for enforcement of the Electoral Code of Conduct. The Electoral Code of Conduct should be subscribed to by every political party and every candidate before he/she submits the nomination form to the NEC. The code is binding on all the parties who are signatory.

The official campaign period, as declared by the NEC, began on August 26 and will end on October 27, 2020, the eve of the election day. There was live coverage of the campaign launch for all political parties by the national broadcaster.

#### **4.10. Preparedness of the EMB**

The mission noted that the NEC had not released an election calendar. It was, however, informed that the Commission was on course in regard to implementation of the pre-election activities. Updating of the Permanent Voter Register was conducted in April 2019 and April – May 2020 for the first and second phases respectively. The register of voters was finalised and distributed to 12 regions by 18th September 2020. The mission was further informed that there would be no new employment of staff for the 2020 elections. During the voter updating exercise, the NEC recruited a temporary staff who would be joined by a group seconded from government ministries during the elections. In total, the following have been appointed: 28 Regional Election Coordinators (RECs); 194 Returning Officers (ROs), 742 Assistant Returning Officers (AROs) at the constituency level and 7,912 AROs at the ward level, 181 Election officers; 184 procurement officers and 320,620 polling staff. Training for the Regional Elections Coordinators (REC), ROs and the AROs was already conducted. Training for the polling staff would be

conducted three days before the elections and would be conducted by the ROs and the AROs.

The NEC established ward, constituency, national and appellate committees to monitor adherence to the Electoral Code of Conduct and build consensus during campaigns. The first level, that is the ward level, draws membership from all political parties participating in the election, the District Administration Secretariat, and ARO from the NEC. The constituency committee comprises the RO, one member from contesting political parties, one member appointed by the District director, who may be the RO, and the ARO. These staff handle appeals from the wards and their decision is final regarding ward issues. Appeals from the constituency level are taken to the national level which comprises one Commissioner of the NEC (Chair), one member from each contesting party a government representative appointed by the Prime Minister, and one commissioner from the NEC who acts as the secretary. The appellate committee is the highest body. It comprises a Chair who is the Chairperson of NEC, Vice Chair, one member from each political party that has a contestant, one member appointed by the permanent secretary of local government, and the director of elections who is the secretary.

Procurement for election materials was ongoing. Ballot boxes were expected to be shipped to the country by the end of September and indelible ink by 15th October. Ballot papers were not yet finalised in light of the appeals that were ongoing. The mission was informed that, as a result, they would be among the last materials to be procured.

Interlocutors expressed concerns about the lack of transparency on the part of the NEC. It was reported that the NEC was unavailable to stakeholders with the number of consultations and information sharing being very limited. The NEC was accused of only issuing directives and not engaging in meaningful deliberations with stakeholders. Due to the lack of transparency and information sharing, consulted electoral stakeholders were not able to share their observations regarding the level of preparedness by NEC.

## **Conclusion**

The mission concludes that preparations for the upcoming 28 October 2020 elections are on schedule despite some financial challenges, which the NEC has reported to have resolved. However, the continued restrictions on civil liberties, limits on organized political activities and potential rise in human rights abuses have important consequences on the health of the democracy of Tanzania.

## ABOUT EISA

### INSTITUTIONAL BACKGROUND

EISA has since its inception in July 1996 established itself as a leading institution and influential player dealing with elections and democracy related issues in the African continent. It envisions an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. The Institute's vision is executed by striving for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.

Having supported and/or observed over 70 electoral processes in Africa, EISA has extensive experience in formulating, structuring and implementing democratic and electoral initiatives. It has built an internationally recognised centre for policy, research and information and provides this service to electoral management bodies, political parties and civil society organisations in a variety of areas, such as voter and civic education and electoral assistance and observation. Besides its expanded geographical scope, the Institute has, for the past several years, been increasingly working in new in-between election areas along the electoral and parliamentary cycle, including constitution and law making processes, legislative strengthening, conflict management and transformation, political party development, the African Peer Review Mechanism (APRM) and local governance and decentralisation.

EISA provides assistance to inter-governmental institutions, like the African Union, and the Pan-African Parliament, to reinforce their capacity in the elections and democracy field. The Institute has signed an MOU with the Economic Community of Central African States (ECCAS); the Economic Community of West African States (ECOWAS); the East African Community (EAC); and the Common Market for East and Southern Africa (COMESA). Within the framework of these recently signed memoranda, the Institute will also provide similar assistance respectively these intergovernmental institutions. Its MoU with the African Union was also renewed in 2014.

With its headquarters in Johannesburg (South Africa), EISA has had field offices across the African continent and currently has offices in Democratic Republic of Congo, Madagascar, Mozambique, Somalia and Zimbabwe, and a regional liaison office at the secretariat of the ECCAS in Libreville, Gabon.

### Election observation activities

EISA has deployed continental observer missions for the past ten years including missions to Angola (2008), Botswana (1999, 2004, 2009), Central African Republic (2010, 2011), Democratic Republic of Congo (2005 referendum, 2006 elections), Egypt (2011, 2012, 2014, 2015), Ghana (2008, 2012), Guinea Conakry (2010), Lesotho (1998, 2002, 2007, 2012, 2015, 2017), Liberia (2011,2017), Madagascar (2005, 2007, 2013), Malawi (1999, 2004,2009), Mauritius (2000, 2005, 2010, 2014), Mozambique (1999, 2004, 2009, 2013, 2014), Namibia (1999, 2004, 2009), Senegal (2012), Seychelles (2011), South Africa (1999, 2004, 2009, 2014, 2016), Tanzania (2005, 2010), Uganda (2011, 2016), Zanzibar (2005, 2010), Zambia (2005, 2008, 2011,2015, 2016), and Zimbabwe (2000, 2002, 2008), Reports on these missions can also be found on our website.





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#### **About EISA**

EISA is a not for profit organisation established in 1996 based in Johannesburg (South Africa) with field offices in Democratic Republic of Congo, Gabon, Madagascar, Mozambique, Somalia, and Zimbabwe.

#### **Our vision**

An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment.

#### **Mission statement**

EISA strives for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.

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