



Set My People Free

United Nations Human Rights Council Universal Periodic Review – THIRD CYCLE

Submission to the 39th session of the Human Rights Council's Universal Periodic Review Working Group
October - November 2021

The United Republic of Tanzania

Submission by
Set My People Free

Maråsliden 47, 33591 Gnosjö
SWEDEN
freedom2worship.org
info@smpf.net

Set My People Free is a network of individuals, churches and organizations working for the freedom of converts from Islam to live and practice their new faith, to experience equality and justice in their home countries. We seek to give the Muslim people the freedom to change their faith or no faith, to live out and practice their new belief, and to experience freedom, justice and equality in their homeland as non-Muslims.

Freedom of Religion or Belief in the United Republic of Tanzania

I. Acceptance of international treaty obligations

1. The United Republic of Tanzania has acceded to the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography and
2. The United Republic of Tanzania has ratified the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities; and signed the Convention for the Protection of All Persons from Enforced Disappearance.

Recommendations

Set My People Free recommends Tanzania:

3. Ratify the Convention for the Protection of All Persons from Enforced Disappearance and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment.
4. Ratify the CCPR-OP1 – the Optional Protocol to the International Covenant on Civil and Political Rights.

II. Religious freedom or belief

5. Set My People Free is concerned by the harassment by local religious leaders and police authorities towards Christians and Ex-Muslims in Zanzibar and Dar es Salaam and how these actions are an indirect application of Islamic blasphemy laws.
6. Muslim sheikhs from a mosque in Zanzibar complained to the police about the neighbouring Pentecostal Evangelistic Fellowship of Africa (PEFA) saying they were too loud, even though the congregation does not use loudspeakers as the neighbouring mosque does. In April 2018, the regional and local district commissioners met with Muslim leaders on the church premises – without inviting the church leaders- resulting in the regional district commissioner ordering the church to be closed. The church filed an objection with the regional district commissioner as the church was not

consulted in the discussions prior to the decision. In May 2018 police officers responded to the complaints and disrupted an ongoing church service and dragged out the pastor of PEFA without providing a reason for arrest. The pastor was released later on the same day without charges. Complaints against the church from the mosque did not start until the church started worshipping in their new church building, earlier they had met in a tent.¹

7. Similar closures of churches have taken place throughout Zanzibar. In March 2018 the Zanzibar police pulled down the temporary structure of the Free Pentecost Church and in January 2018 when the local government razed the building of Zanzibar Pentecostal Church of Jesus without prior warning.²
8. More recently in December 2020, Dar es-Salaam Oysterbay Police authorities summoned ex-Muslim Zara Kay – an Australian national – to the police station without any formal charges. The police held Zara Kay in custody for 32 hours without an initial clear indication of charges. The authorities questioned her about the work of her organisation, “Faithless Hijabi” and why she left Islam, questions wholly unrelated to the allegations that were later filed against her. Following her release on bail, authorities made Zara Kay have to report to the police regularly and later accused her of not returning her Tanzanian passport after acquiring Australian citizenship, using the SIM card of a family member without registering it in her own name, and writing a satirical social media message about the handling of the COVID-19 pandemic in Tanzania.³ Those who advocated for Zara Kay’s release reported that the alleged charges provided by police were politicised and likely raised as a result of pressure from Zara Kay’s former religious community - Khoja Twelver Shia - who disapprove of her activism on behalf of Muslim and Ex-Muslim women and for leaving the faith community.⁴ Authorities prevented Zara Kay from leaving the country until March 2021, when she was able to get the necessary documents to leave the country. Due to the risk of arbitrary arrest posed by Zara Kay’s former faith community, it is not safe for Zara Kay to return to Tanzania. Despite having family in the country who accept her, Zara Kay will not be able to visit them.

¹ “Authorities in Zanzibar, Tanzania Close Down Church.” *Morningstar News*, 30 May 2018, morningstarnews.org/2018/05/authorities-in-zanzibar-tanzania-close-down-church/.

² “Authorities in Zanzibar, Tanzania Close Down Church.” *Morningstar News*, 30 May 2018, morningstarnews.org/2018/05/authorities-in-zanzibar-tanzania-close-down-church/.

³ Cemb. “URGENT ACTION UPDATE 2: DROP ALL CHARGES AGAINST ZARA KAY: Council Of.” *Council of Ex-Muslims of Britain - CEMB*, CEMB, 19 Jan. 2021, www.ex-muslim.org.uk/2020/12/urgent-action-update-2-drop-all-charges-against-zara-kay/; Hitch, Georgia. “Please Don't Stop Fighting for Me': Australian Woman Left 'Traumatised' by Arrest in Tanzania over Social Media Post.” *ABC News*, ABC News, 4 Jan. 2021, www.abc.net.au/news/2021-01-04/ex-muslim-activist-zara-kay-traumatised-by-tanzania-arrest/13029666?fbclid=IwAR1VkiCoreKVJ2yZs46yQRstoZRirRwnPb9g62sYdJGNw2Cq9BP_Q3c9jbY.

⁴ Cemb. “URGENT ACTION UPDATE 2: DROP ALL CHARGES AGAINST ZARA KAY: Council Of.” *Council of Ex-Muslims of Britain - CEMB*, CEMB, 19 Jan. 2021, www.ex-muslim.org.uk/2020/12/urgent-action-update-2-drop-all-charges-against-zara-kay/; Hitch, Georgia. “Please Don't Stop Fighting for Me': Australian Woman Left 'Traumatised' by Arrest in Tanzania over Social Media Post.” *ABC News*, ABC News, 4 Jan. 2021, www.abc.net.au/news/2021-01-04/ex-muslim-activist-zara-kay-traumatised-by-tanzania-arrest/13029666?fbclid=IwAR1VkiCoreKVJ2yZs46yQRstoZRirRwnPb9g62sYdJGNw2Cq9BP_Q3c9jbY.

9. Tanzania has laws criminalizing blasphemy under article 125 of their Penal Code which has been used to arbitrarily arrest individuals of minority beliefs. In 2017 three Christians were arrested for cooking food during Ramadan.⁵
10. Tanzania and Zanzibar have secular legal and judicial systems in both criminal and civil cases, however, in certain civil cases, such as marriage, divorce, and inheritance, the courts recognize the authority of traditional and/or religious leaders. In Zanzibar, Muslims may refer cases related to family affairs and sharia law to Islamic qadi courts.⁶ These laws have discriminatory legal practices towards the right to custody and divorce for women. Muslim women cannot marry a non-Muslim man, whereas a Muslim can marry a non-Muslim woman, and the right to divorce is significantly more difficult for women.

Recommendations

Set My People Free recommends Tanzania:

11. Establish the institution of an ombudsman;
12. Immediately eliminate harassment and intimidation of religious minorities [including apostates], including arbitrary short-term and pretrial detentions;
13. Adopt measures to guarantee the religious freedom or belief and integrity of believers and their places of worship, regardless of their creed or geographical location;
14. Eliminate provisions criminalising blasphemy to ensure conformity with international obligations related to freedom of religion or belief; and,
15. Amend all discriminatory provisions in the personal status laws in particular issues related to child custody, inheritance and divorce.

⁵ Tanzania Penal Code, Chapter XIV, §§ 125, 129, http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/TZA_penal_code.pdf; Jardine Malado, "Tanzania arrests three Christians for cooking food at home during Ramadan," *The Christian Times*, July 12, 2017, accessed February 1, 2019, <https://www.christiantimes.com/article/tanzania-arrests-three-christians-for-cooking-food-at-home-during-ramadan/72487.htm>.

⁶ "Sharia Debates in Africa." *Sharia Debates in Africa - Tanzania*, www.sharia-in-africa.net/pages/project/tanzania.php.