

**Pre-conditions for Elections Programme in Southern Africa (PEPSA)  
Baseline Analysis Questionnaire**

<b>Country</b>	<b>Tanzania</b>	<b>Researcher</b>	<b>Lomcebo Dlamini</b>
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*Please enter your answers in the space below each question.*

**[I] Country Political Context (Introduction Section of the SADC Principles)**

**General**

1. *Has the country undergone a democratic transition? If so, when and how?*

**Yes. A multiparty democracy was restored after there had been a on-party dispensation. Two multiparty elections have since been held in 1995 and 2000.**

2. *Has the country's government signed and ratified major international human rights declarations and protocols? Which ones?*

**Yes. Tanzania has signed and ratified the following international human rights instruments and protocols:**

- **International Covenant on Civil and Political Rights (ICCPR);**
- **International Covenant on Economic, Social and Cultural Rights (ICESCR);**
- **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);**
- **Convention on the Elimination of All Forms of Racial Discrimination (CERD)**
- **Convention on the Rights of the Child (CRC)**
- **African Charter on Human and Peoples' Rights (ACHPR)**

*(Source: UNDP Human Development Report, 2004)*

**Political parties**

3. *Is the country a multi-party democracy?*

**Yes.**

4. *How many political parties are registered and active?*

**There thirteen political parties who participated actively in the previous election, namely, the Chama Cha Mapinduzi (CCM), Civic United Front (CUF), TLP, UDP, CHADEMA, NCCR-Mageuzi, UPDP, PONA, TPP, TADEA, UMD; NLD, NRA.**

5. *How many parties are represented in the legislature?*

**Six parties have legislative representation: CCM, CUF, TLP, UDP, CHADEMA, NCCR-Mageuzi.**

6. *Do political parties have programmes?*

**Yes.**

7. *Which party is the ruling party?*

**The ruling party is the CCM.**

8. *What is the total number of elected parliamentary seats and share of seats for the ruling party?*

**The total number of elected seats is 231 and CCM's 202 seats is 87.5% of this number.**

9. *Which one is the main opposition party?*

**The remaining 12.5% of the seats are held collectively by 5 opposition parties of which the**

<b>CUF holds 17 seats.</b>
10. <i>What is its share of elected parliamentary seats?</i>
<b>The seats held by the CUF are 7.4% of the total number of seats in the legislature.</b>
11. <i>How is the participation of parties in elections regulated and legislated?</i>
<b>The Constitution of the Republic of Tanzania of 1977; Elections Act No. 1 of 1985 (with amendments); The Political Parties Act No. 5 of 1992. Elections n Zanzibar are regulated by the Constitution of Zanzibar, the Elections Act No. 11 of 1984; Political Parties Act of 1992, the Election (Amendment) Act no. 3 of 2000.</b>
12. <i>Are political parties generally aware of the SADC principles governing democratic elections?</i>
<b>Yes.</b>
13. <i>If so, what is their attitude towards the principles?</i>
<b>It is hoped that the Principles will promote democratic elections.</b>
14. <i>How have political parties promoted the implementation of the SADC principles?</i>
<b>No information available regarding any specific programmes for promoting the Principles.</b>
<b>Civil society</b>
15. <i>What is state of civil society organisations?</i>
<b>There is a diversity of civil society that deals with issues from community development-oriented organizations to organizations that deal with advocacy and policy-change issues. The opening up of the Tanzanian society has also provided space for civil society to be more active in promoting democracy.</b>
16. <i>Is the general legal and political environment conducive for civil society organisations to operate?</i>
<b>The Freedom house classification of Tanzania with respect to civil liberties is '3', essentially meaning that while there are some the environment does allow some free activity for civil society there still remain challenges. (1-Most Free; 7-Least Free)</b>
17. <i>What specific roles do CSOs play in the electoral process?</i>
<b>CSOs have been involved in civic and voter education that emphasizes the understanding of political concepts such as democracy and political rights and provision of information about the conduct of elections. However, there are resource constraints that prevent such education reaching much of the population, particularly in the rural areas.</b>
18. <i>What legal/political constraints restrain the CSOs before and during elections?</i>
<b>Tanzanian society has become increasingly open and is becoming a more conducive space for the operation of CSOs.</b>
19. <i>Are CSOs aware of the SADC Principles governing democratic elections?</i>
<b>Generally, yes.</b>
20. <i>If so, what is their attitude towards the principles?</i>
<b>The Principles are generally perceived as having potential to improve adherence to democratic standards in the region.</b>
21. <i>How have CSOs promoted the implementation of the SADC principles?</i>
<b>No information available regarding any specific programmes for promoting the Principles.</b>
22. <i>Are CSOs engaged in civic and voters education? Please specify who does what and who it reaches.</i>
<b>Yes. There are efforts to reach as much of the populace as possible but constraints exist because of resources, poor infrastructure, and the existing constraints in some areas where members of society such as women do not participate in political discussion.</b>
<b>Media</b>
23. <i>What economical/legal/or political constraints restrain the media in general?</i>

<b><i>The legal framework governing the media is generally conducive to media operations and hence there has been a growth in the Tanzanian privately-owned media.</i></b>
24. <i>Is there an independent media council?</i>
<b><i>Yes.</i></b>
25. <i>Are the state media independent?</i>
<b><i>State media is generally independent.</i></b>
26. <i>Do the state media perform the role of a public service broadcaster?</i>
<b><i>Yes.</i></b>
27. <i>Is there a self-regulatory body of the media?</i>
<b><i>Yes.</i></b>
28. <i>A media monitoring project?</i>
<b><i>Yes.</i></b>
29. <i>Do the media have a general code of conduct and ethics?</i>
<b><i>Yes.</i></b>
30. <i>How is this enforced?</i>
<b><i>A self-regulatory mechanism exists whereby the media enforces this code.</i></b>
31. <i>What specific role do the media play in the electoral process?</i>
<b><i>The media provides information about the electoral process, about political players' campaigns as well provides a platform for debate of relevant issues.</i></b>
32. <i>Is there a specific code of conduct for election reporting?</i>
<b><i>No.</i></b>
33. <i>How is this enforced?</i>
<b><i>Not applicable.</i></b>
34. <i>What legal/political constraints restrain the media during elections?</i>
<b><i>The legal and political environment is generally conducive for the media to operate and there is no information that it becomes more restricted at election time in particular.</i></b>
35. <i>Is the media generally aware of the SADC principles governing democratic elections?</i>
<b><i>Yes.</i></b>
36. <i>If so, what has been/is its role in promoting the principles?</i>
<b><i>While not necessarily promoting the Principles, it has reported and provided information on them.</i></b>
<b>[II] Principles for Conducting Democratic Elections (Section 2 of the SADC Principles)</b>
37. <i>What legislation provides for citizen participation in the political process, especially in elections?</i>
<ul style="list-style-type: none"> <li>• <b><i>The Constitution of the Republic of Tanzania of 1977;</i></b></li> <li>• <b><i>Elections Act No. 1 of 1985 (with amendments);</i></b></li> <li>• <b><i>Political Parties Act of 1992, the Election (Amendment) Act no. 3 of 2000.</i></b></li> </ul>
38. <i>In what concrete ways does citizen participation in the political process (especially before and during elections) take place?</i>
<b><i>Participation in political meetings and debates.</i></b>
39. <i>What legislation provide for political freedoms including freedom of association, political movement and freedom of speech?</i>
<b><i>The Constitution.</i></b>
40. <i>Are these freedoms and political tolerance allowed by political actors during electioneering?</i>
<b><i>Generally, yes.</i></b>
41. <i>What is the frequency and regularity of elections in the country (consider both national and local government elections please)?</i>

<b><i>Elections in Tanzania are held every five years. The last elections were held in 2000.</i></b>
42. <i>Are there the dates of elections specifically predetermined by a relevant constitutional or legislative provision?</i>
<b><i>The election dates are not prescribed in legislation but are announced by the Electoral Commission. However, the law does give a time period within which elections must be held.</i></b>
43. <i>To what extent is access to public resources (i.e. funding for campaigning and access to the public media) by political parties during elections equitable?</i>
<b><i>The access to funding by political parties is limited to those parties with representation in parliament and is based on the proportion of seats that the party holds. This clearly excludes those parties that are not represented in the legislature.</i></b>
44. <i>What is the exact role of the judiciary in the electoral process?</i>
<b><i>The Electoral Act empowers the High Court to receive petitions and adjudicate on election-related disputes.</i></b>
45. <i>Does the judiciary exhibit impartiality in handling electoral matters?</i>
<b><i>No information available regarding the judiciary's impartiality in such cases.</i></b>
46. <i>Which Electoral Management Bodies (EMBs) have the responsibility to run elections?</i>
<b><i>The National Election Commission (NEC)</i></b>
47. <i>What is the exact role of these Electoral Management Bodies (EMBs) in the electoral process?</i>
<b><i>Their role is to manage the electoral process from voter registration to counting of votes and declaration of results.</i></b>
48. <i>How independent and impartial are these EMBs in discharging their electoral mandates?</i>
<b><i>The Constitution provides that the EMBs should be independent, but they have been criticised in that the President appoints the Commissioners and this is viewed as compromising the EMB's independence.</i></b>
49. <i>Which institutions are responsible for conducting voter education?</i>
<b><i>The NEC as well as political parties and other civil society organisations.</i></b>
50. <i>In what ways do these institutions coordinate their efforts in undertaking voter education?</i>
<b><i>It seems that the practice has been for each institution to pursue its own education programme. Thus coordination has not been that strong.</i></b>
51. <i>Is there a political culture of acceptance and respect of election results by political parties? What explains this trend?</i>
<b><i>After the 2000 elections there were incidents of violent conflict that occurred wherein the election results were the subject of contestation.</i></b>
52. <i>If not, why do political parties contest election results?</i>
<b><i>Election results are often contested on the basis of rigging and a flawed electoral process.</i></b>
53. <i>What the legal provisions exist for the management for election-related disputes?</i>
<b><i>The Elections Act of 1985.</i></b>
54. <i>What institutional and regulatory mechanisms are in place for the constructive resolution of election-related disputes?</i>
<b><i>The Electoral Commission and the High Court.</i></b>
<b>[III] Guidelines for Observation of Elections (Section 4 of the SADC Principles)</b>
55. <i>What legislation guarantees the rights and freedoms of the citizens?</i>
<b><i>The Constitution outlines citizens' rights.</i></b>
56. <i>Does the political culture and practice protect and promote citizens' freedoms?</i>
<b><i>Yes. Tanzania has been classified as "partly free" with respect to its respect of political rights and civil liberties.</i></b>
57. <i>If not, what possibilities do citizens have to complain (independent human rights</i>

<i>commission/ombudsman?)</i>
<i>58. To what extent is the election environment free, fair and peaceful?</i>
<b><i>During the last elections the election environment was characterised by some violent conflict.</i></b>
<i>59. How is voter registration conducted and by whom?</i>
<b><i>The NEC conducts voter registration in the period preceding the elections. Registration officers are appointed in the various constituencies for one month by the Commission to carry out the registration.</i></b>
<i>60. Is voter registration conducted periodically around elections or continuously?</i>
<b><i>Voter registration is conducted before the elections.</i></b>
<i>61. Is the process of voter registration satisfactory and acceptable to all stakeholders?</i>
<b><i>No. In the 2000 elections there were complaints that the time given for registration was too short, that there was no clarity on eligibility to register and that this compromised the efficiency of the registration and in turn citizens' participation. Other constraints were related to shortage of funds and other resources.</i></b>
<i>62. How is the voters' roll prepared and by whom?</i>
<b><i>The voters' roll is prepared by the NEC.</i></b>
<i>63. How is the voters' roll maintained and regularly updated and by whom?</i>
<b><i>The roll is updated by the NEC towards the election period.</i></b>
<i>64. To what extent is the voter's roll easily accessible and non-discriminatory?</i>
<b><i>No information available about the accessibility of voters' roll on a non-discriminatory basis.</i></b>
<i>65. Is the process of preparation and maintenance of the voters' roll satisfactory and acceptable to all stakeholders?</i>
<b><i>No the NEC has been criticised for inefficiency in this regard.</i></b>
<i>66. Is there a culture of announcement of the date of elections timeously to allow all contestants to prepare for the contest?</i>
<b><i>Yes.</i></b>
<i>67. What legal provisions regulate private and public funding for political parties?</i>
<b><i>The Political Parties Act of 1992.</i></b>
<i>68. How transparent are the mechanisms for private and public funding of political parties?</i>
<b><i>There is some transparency is that this funding is provided for by the Political Parties Act of 1993 which recognises various sources of funding such as membership fees, voluntary contributions, investments, subventions, and other donations. Parties are required to disclose these to the registrar of political parties.</i></b>
<i>69. To what extent are the mechanisms for private and public funding to political parties satisfactory and acceptable to all stakeholders?</i>
<i>70. To what extent does the location of polling stations compromise the integrity of the electoral process and its outcome?</i>
<b><i>The location of polling stations is determined by various factors including the number of registered voters in the area, accessibility by relevant parties including elderly voters as well as political and religious neutrality. There is no information as to the extent to which the location of polling stations is determined compromises the electoral process.</i></b>
<i>71. Where does counting of votes take place?</i>
<b><i>In the 2000 elections, the counting of votes took place at polling stations.</i></b>
<i>72. In what way(s) does the location of the counting of votes affect the integrity of the poll?</i>
<b><i>There were objections made by opposition parties and other groups to the counting process in the 2000 elections because an amendment to the law gave the returning officer the discretion to</i></b>

<i>alter the location of the counting centre ostensibly for reasons of inter alia, security and lack of space. The objections were based on the possible effect this discretion would have on the integrity of the poll.</i>
73. <i>What legal provisions regulate election monitoring and observation?</i>
<b><i>The Electoral Act of 1985 (as amended). Monitors must also adhere to a code of conduct promulgated in 1995.</i></b>
74. <i>Which institutions are responsible for facilitating election monitoring and observation?</i>
<b><i>The NEC gives accreditation to monitors.</i></b>
75. <i>Who is allowed to monitor and observe elections? Why?</i>
<b><i>Both local and international organisations can monitor the elections.</i></b>
76. <i>Do monitors and observers get accorded adequate time to be able to monitor and observe all the three stages of the electoral process?</i>
<b><i>Yes.</i></b>
77. <i>Do observers get deployed two (2) weeks before the voting day?</i>
<b><i>Yes.</i></b>
<b>[IV] Responsibilities of Member States Holding Elections (Section 7 of the SADC Principles)</b>
78. <i>What are the legislated qualifications for voting?</i>
<b><i>Qualifications for voting are citizenship; attainment of the age of eighteen; and not falling under any other legislated disqualification.</i></b>
79. <i>What are the legislated disqualifications from voting?</i>
<b><i>Persons are disqualified from voting in the following instances:</i></b> <ul style="list-style-type: none"> <li><b><i>• where a person is under a declaration of allegiance to another country other than Tanzania;</i></b></li> <li><b><i>• where a person is of unsound mind or is detained either as a “criminal lunatic” or “during the pleasure of the President”</i></b></li> <li><b><i>• where a person has been sentenced to death or to a term of imprisonment exceeding six months</i></b></li> </ul>
80. <i>Are these legal provisions for qualification and disqualification applied fairly during elections?</i>
<b><i>There is no information on any discriminatory application of these provisions.</i></b>
81. <i>Is the practical application of the qualifications and disqualifications satisfactory and acceptable to all stakeholders?</i>
<b><i>There is no information regarding discrimination in this regard.</i></b>
82. <i>Is the political environment generally conducive for all political parties to campaign freely without undue hindrance?</i>
<b><i>Yes. Tanzania is classified as being ‘partly free’ with regards to its recognition of political rights.</i></b>
83. <i>Is there a code of conduct for political parties and to what extent do parties adhere to it?</i>
<b><i>No. The conduct of Parties is regulated by the Electoral Act. .</i></b>
84. <i>To what extent are the EMBs competent, effective and well resourced in carrying out their mandate?</i>
<b><i>There have been some complaints that the NEC is not being sufficiently resourced as it relies on government support with regard to funding and personnel.</i></b>
85. <i>To what extent are the courts competent, effective and well resourced in dealing with electoral matters?</i>
<b><i>The courts are not well resourced to deal with such matters.</i></b>
86. <i>What legal guarantees and institutional mechanisms exist to prevent electoral fraud, vote-</i>

<i>rigging and other illegal election practices?</i>
<b><i>Legally, the Elections Act No. 1 of 1985 (with amendments) and the Political Parties Act of 1992.</i></b>
87. <i>What cases of electoral fraud and vote rigging have been brought to the fore and how have these been dealt with?</i>
<b><i>Such cases have been brought by petition to the High Court.</i></b>
88. <i>What common irregularities tend to become characteristic feature of elections and how have these been dealt with?</i>
<b><i>There are usually allegations of violations of the various provisions of the Political Parties Act and the Electoral Act. Again these are usually reported to the NEC and brought before the High Court.</i></b>
89. <i>Are there measures which restrict the freedom of movement of the citizenry or election observer missions?</i>
<b><i>No.</i></b>
90. <i>Are candidates and/or their agents allowed to monitor the whole electoral process without undue restrictions?</i>
<b><i>Yes.</i></b>
91. <i>What is the nature of the participation of women, youth and people with disabilities in the electoral process? Is it high or is it low and why?</i>
<b><i>There has been an increase in the participation of women. This has been enhanced by the introduction of a quota system within parties and a constitutional provision on a minimum percentage of women representation in Parliament.</i></b>
<b><i>There is no information available for youth participation.</i></b>
<b><i>There is no information available for the participation of people with disabilities.</i></b>
92. <i>Do observers get invited ninety (90) days before the voting day?</i>
<b><i>No information available.</i></b>
93. <i>Do observers get accorded free movement throughout the country and room to communicate with all political parties and candidates, EMBs, media, CSOs and voters without undue hindrance?</i>
<b><i>Yes.</i></b>
94. <i>Is the process of invitation and accreditation of observers efficient and non-discriminatory?</i>
<b><i>Yes.</i></b>
95. <i>Are observers allowed access to all relevant national laws and regulations?</i>
<b><i>Yes.</i></b>
96. <i>Are observers allowed access to relevant election materials such as constituency delimitation report, voters' Roll etc?</i>
<b><i>Yes.</i></b>
97. <i>Do observers have an unimpeded and unrestricted access to all polling stations and counting centres?</i>
<b><i>Yes.</i></b>