

116TH CONGRESS
2D SESSION

S. RES. 756

Urging the Government of Tanzania and all parties to respect human, civil, and political rights and ensure free and fair elections in October 2020, and recognizing the importance of multi-party democracy in Tanzania.

IN THE SENATE OF THE UNITED STATES

OCTOBER 23 (legislative day, OCTOBER 19), 2020

Mr. MENENDEZ submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Urging the Government of Tanzania and all parties to respect human, civil, and political rights and ensure free and fair elections in October 2020, and recognizing the importance of multi-party democracy in Tanzania.

Whereas the United States has an important interest in supporting democracy in Tanzania and has consistently demonstrated support for the people of Tanzania through efforts to advance good governance, economic growth, and improved access to health and education;

Whereas respect for human, civil, and political rights and deepening multi-party democracy are essential to Tanzania's long-term economic prosperity and continued political stability;

Whereas the conduct of elections will have a significant impact on the trajectory of democratic growth in Tanzania, as well as its relationship with the United States;

Whereas Tanzania has held successive multi-party elections since 1995, with the elections in 2015 being the most competitive to date, despite substantial state interference in political organizing by the opposition, both during and following the campaign period;

Whereas, since President John Magufuli's election in 2015, the Government of Tanzania has adopted and enforced multiple repressive laws that restrict media freedoms, and freedoms of expression, assembly, and association, such as the Cybercrimes Act of 2015, the Media Services Act of 2016, the Electronic and Postal Communications (Online Content) Regulations Act of 2020, the Written Laws (Miscellaneous Amendments) (No. 3) Act, 2018, and the Written Laws (Miscellaneous Amendments) Act No. 3 of 2020;

Whereas the Government of Tanzania has promulgated onerous regulations that actively undermine the independent collection, dissemination, and publication of statistics without government approval, and suspended or halted activities by multiple newspapers and digital and broadcast media outlets in retaliation for publishing content deemed critical of the state or officials;

Whereas state actors have threatened, arbitrarily arrested, and attacked journalists with impunity, and some journalists have disappeared;

Whereas in mid-2016, the Magufuli Administration placed a ban on political party rallies until the 2020 elections;

Whereas political freedoms were further eroded following the amendment of the Political Parties Act in January 2019, which granted Tanzanian authorities sweeping powers to regulate the operations of opposition parties, and private opposition political party meetings have been broken up by police;

Whereas freedom of association has been limited through mandatory registration and reporting processes for non-governmental organizations that are arbitrary in nature;

Whereas, in September 2019, the Government of Tanzania amended both the Companies Act and Nongovernmental Organization Act, which has severely restricted the ability of civil society organizations, particularly those focused on democracy and human rights, to receive foreign funds;

Whereas opposition leaders have been threatened, intimidated, and physically attacked, and the Magafuli Administration has failed to hold perpetrators accountable;

Whereas President Magafuli's failure to hold Tanzanian government actors accountable for arbitrary arrests, paired with actions to limit democratic space for civil society, opposition parties, and citizens of Tanzania, has undermined the Tanzanian Constitution and the rule of law;

Whereas the Government of Tanzania has rapidly escalated its campaign of repression against the opposition in the lead-up to the October 2020 elections, through arbitrary and partisan legal action against opposition candidates and their parties, which undermines democratic principles of fair play and potentially calls into question the credibility of the country's October polls;

Whereas some United States companies operating in Tanzania have reported harassment, corruption, and lack of

respect for contracts and business operations, which threatens future United States business investment and trade partnerships; and

Whereas the Government of Tanzania's claim that the Novel Coronavirus (COVID-19) has been eliminated in the country, and its suppression of information related to the pandemic have not only placed citizens' health at risk, but have also violated citizens' freedom of speech and right of access to information: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) urges the Government of Tanzania to en-
3 sure that the October 2020 elections are conducted
4 in a free, fair, credible, transparent, and peaceful
5 manner that enables citizens of Tanzania the oppor-
6 tunity to exercise their right to vote;

7 (2) urges the Government of Tanzania to le-
8 gally guarantee and respect the rights enshrined in
9 its Constitution, particularly the rights to freedom of
10 movement, expression, information, religion, and as-
11 sociation, as well as equality, privacy, and personal
12 security;

13 (3) urges the Government of Tanzania to foster
14 a robust, market-led business environment conducive
15 to continued United States trade and investment in
16 Tanzania, including respect for the legal and con-
17 tractual rights of United States companies operating
18 in Tanzania;

1 (4) calls upon the Government of Tanzania and
2 President Magufuli—

3 (A) to repeal repressive laws that are con-
4 trary to the principles of good governance, a
5 healthy democracy, and the rights enumerated
6 in the Tanzanian Constitution;

7 (B) to allow citizens, civil society organiza-
8 tions, and political parties to assemble peace-
9 fully and express their views freely;

10 (C) to immediately lift the ban on political
11 activities and allow opposition parties to hold
12 political rallies and demonstrations at any time,
13 both during and outside of election periods;

14 (D) to provide transparent, consistent, and
15 nonintrusive procedures for nongovernmental
16 organizations to register and to enable them to
17 carry out programs and other legal activity ab-
18 sent arbitrary state interference, including with
19 respect to receiving funding or cooperating with
20 foreign organizations;

21 (E) to safeguard press freedom, in accord-
22 ance with the Tanzanian Constitution and the
23 Universal Declaration of Human Rights;

24 (F) to condemn threats and attacks
25 against Members of Parliament and opposition

1 political parties, and ensure accountability for
2 harassment, intimidation, or physical attacks on
3 members of the opposition;

4 (G) to end the escalating campaign of arbi-
5 trary and partisan legal action against opposi-
6 tion candidates and their parties in the lead-up
7 to the October 2020 elections; and

8 (H) to guarantee the ability of domestic
9 and international election observers to monitor
10 the October 2020 polls without hindrance; and

11 (5) calls on the United States Government to
12 continue to speak out against democratic backsliding
13 in Tanzania and hold the Government of Tanzania
14 accountable for respecting the rights of its citizens,
15 in accordance with its international obligations and
16 the Tanzanian Constitution, including by—

17 (A) considering the imposition of targeted
18 sanctions and visa restrictions on actors in-
19 volved in perpetrating or abetting human rights
20 abuses;

21 (B) leading international partners and in-
22 stitutions, including those in Africa, in devel-
23 oping and implementing strategies and actions
24 to promote and defend human, civil, and polit-

1 ical rights and multi-party democracy in Tan-
2 zania;

3 (C) immediately conducting a review of
4 United States Government assistance and co-
5 operation with the Government of Tanzania for
6 the purposes of reprioritizing such assistance
7 should neutral observers determine that the Oc-
8 tober 2020 polls do not meet internationally ac-
9 cepted standards for credible elections; and

10 (D) demanding the Government of Tan-
11 zania conduct full and public investigations that
12 ensure judicial accountability for acts of vio-
13 lence perpetrated against political opposition,
14 journalists, and members of civil society.

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