



## Why you should care about the amendments to the Political Parties Act

### 1: The amendments grant sweeping discretionary powers to the Registrar

In essence, the proposed amendments grant the registrar powers to regulate political parties instead of nurture them. The act do not allow for fair play in the political arena. The Registrar is appointed by the President, who is head of a particular political party. She/he is then given significant powers over other parties, including to: suspend members, suspend and deregister parties, demand any information, and demand changes in the parties constitution. Similarly the minister is tasked with formulating regulations regarding internal party issues of his/her opposing political parties.

### 2: The amendments criminalise or regulate legitimate political activities and expressions

- The Registrar is allowed to disapprove of organisations who want to provide civic education and capacity building to any party
- The Registrar is supposed to regulate (read control) civic education
- The amendments forbid parties from acting as pressure groups (trying to mobilise public opinion or affect government action) – but this is the core purpose of political parties
- The law criminalises any statements that are ‘false in material particulars’ without any qualifications. But in politics, truth is contested.

### 3: There are severe penalties throughout the amendments for administrative offences

For every new clause inserted, there is an accompanying clause on offenses related to that clause. Placing them throughout the law in this way creates fear, the impression of it being easy for political parties to commit significant crimes. Even failure to honour requests from the Registrar is dealt with as a criminal offence. The penalties imposed are not proportional to the offences listed: failing to provide information attracts fines of millions of shillings (or even jail terms) both to individuals and institutions. In some cases, parties can be suspended indefinitely or deregistered for these administrative offences.

### 4: There is little recourse for political parties and limited checks and balances on the work of the Registrar in the amendments

Parties aggrieved by the decision of the Registrar have little recourse. The amendments (and the Principal Act) grant the Registrar wide powers with little accountability. She/he has the power to deny parties the subvention grant, suspend them, deregister them and find them guilty of an array of offences. The Registrar’s decision is largely final. At core the law is about regulating the registration and functioning of political parties. On other issues, members and leaders of political parties need to obey existing laws.

### 5: The amendments are drafted in vague language without clear definitions, allowing for multiple interpretations and possibilities for abuse

In some sections, the amendments allow the registrar to make serious decisions with severe consequences based on his beliefs or feelings of dissatisfaction.

### Reference to Existing Laws, Treaties and Principles

#### 1. *The Constitution of the United Republic of Tanzania (1977)*

13.-(1) All persons are equal before the law and are entitled, without any discrimination, to protection and equality before the law.

20.-(1) Every person has a freedom, to freely and peaceably assemble, associate and cooperate with other persons, and for that purpose, express views publicly and to form and join with associations or organizations formed for purposes of preserving or furthering his beliefs or interests or any other interests.

107A.-(1) The Judiciary shall be the authority with final decision in dispensation of justice in the United Republic of Tanzania.

#### 2. *Principles of Administrative Law and Penology*

#### 3. *International Covenant on Civil and Political Rights (ICCPR), 1966.*