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**ELECTION OBSERVATION DELEGATION TO
THE GENERAL ELECTIONS
IN TANZANIA
(23 - 27 October 2015)**

**Report by
Inés AYALA SENDER, Chair of the Delegation**

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INTRODUCTION

On 10 September 2015 the Conference of Presidents of the European Parliament authorised the sending of a delegation to observe the general elections in Tanzania. This followed an invitation from the Ministry of Foreign Affairs and International Cooperation of the United Republic of Tanzania on 3 August 2015 and the decision of the High Representative and Vice President of the Commission Ms Federica Mogherini to deploy an EU Election Observation Mission (EU EOM).

On 25 October 2015, the United Republic of Tanzania held its fifth multi-party general elections since the abolition of the one-party system in 1992. Elections for president, parliament and local councils were held simultaneously for the Union and for Zanzibar, which has its own president, parliament and local councils.

The EP Delegation was made up of six members led by Ms Inés AYALA SENDER (S&D, Spain). The other members were Mr Joachim ZELLER (EPP, Germany), Mr Francesc GAMBÚS (EPP, Spain), Mr Javi LÓPEZ (S&D, Spain), Mr Ignazio CORRAO (EFDD, Italy), and Mr Bruno GOLLNISCH (NI, France). The European Parliament had sent a delegation to observe the general elections in 2010.

The EP Delegation conducted its activities in Tanzania from 23 to 27 October 2015. In line with common practice it was associated with the EU EOM which was present in Tanzania from September 2015 and was led by Ms Judith SARGENTINI (Greens, The Netherlands). The EOM was supported by a core team of 10 analysts and around 140 observers from the 28 EU Member States, Norway, Switzerland and Canada. Other international observer missions present in Nigeria included the African Union, the Commonwealth of Nations, the East African Community and SADC.

The EP Delegation fully endorsed the findings of the EU EOM. It also underlined that in the beginning of this year the European Parliament selected the National Assembly of Tanzania and the House of Representatives of Zanzibar as priority partners for the exchange of best democracy practices, including on confidence-building, under the political guidance of David Martin (Chief Observer for Tanzania in 2010). Excellent relations with the two Tanzanian parliaments from the last legislature have thus been developed. The European Parliament therefore stands ready to further developing these relations soon after the 2015 elections.

BACKGROUND

Since its creation Tanzania has been politically stable and peaceful, with no large-scale violence and only instances of electoral violence in Zanzibar in 1995, 2000 and 2005. Tanzania has been ruled for decades by the *Chama Cha Mapinduzi* (CCM, Party of the Revolution), formed in 1975, and its predecessors: the Tanganyika African National Union (TANU) and the Zanzibari Afro-Shirazi Party (ASP). The country's first president, Julius K. Nyerere – in power between 1962 and 1985 when he voluntarily stepped down – contributed to its stability and to cement CCM's hegemonic position.

In such context, Tanzania's 25 October 2015 elections have been the most closely contested since the country reintroduced multiparty politics in 1992. For the first time in Tanzania's history, the

strongest opposition parties - including CHADEMA and the Civic United Front (CUF) - formed a coalition (Ukawa), which ran against the ruling CCM party. At the same time stability in Zanzibar has been a concern throughout a heated campaign, where both main parties on the island have claimed that they would declare victory and not concede defeat. The elections were thus a key moment in Tanzania's democratic transition, with the potential to represent an important step forward in the consolidation of the country's multiparty system.

In the absence of a new constitution (the process which started in 2011 to replace the 1977 Constitution with one more attuned to the country's reality was aborted in 2015), the legal framework for the 2015 elections is almost identical to that of 2010. This was assessed by the EU Election Observation Mission (EOM) as providing a reasonable basis for the conduct of democratic elections. However, the legal shortcomings identified by the EOM mission in 2010 still persist such as the exclusion of independent candidates, the absence of a right to challenge the presidential elections results as well as the right to timely appeal decisions by National Electoral Commission (NEC) and of the Zanzibar Electoral Commission (ZEC) over the nomination of parliamentary candidates.

The independence of the NEC and ZEC are also questionable. Elections for the president, parliament and local councils of the United Republic of Tanzania are administered by the NEC while the elections for the political institutions in Zanzibar are administered by the ZEC. The Constitution provides for the independence of the NEC which is composed of seven commissioners appointed by the Union president for a five year mandate. The Constitution of Zanzibar also provides for the independence of the ZEC, whose seven commissioners are all appointed by the President of Zanzibar. The fact that election commissioners both in the mainland and Zanzibar are presidential appointees and other electoral officials at lower levels are civil servants, raised concerns among stakeholders about the neutrality and impartiality of the electoral administration.

PROGRAMME OF THE DELEGATION

Prior to the election-day the EP election observation delegation followed a programme of meetings organised by the EU EOM with a range of key actors. The EP Delegation met the EU Chief Observer and EOM who provided a full briefing on the pre-electoral situation in Tanzania. The Delegation also met twice with the EU Head of Delegation in Tanzania and the Member States' Ambassadors. In order to have a general overview of Tanzania's political landscape, the Delegation met with representatives of the main political parties (as well as a new smaller party), civil society, domestic and international observers (including the Commonwealth mission, led by former Nigerian President Goodluck Jonathan and the African Union mission, led by former Mozambique President Armando Guebuza).

On a largely peaceful and well-organised Election Day, the EP delegation split into 3 groups to observe in Dar es Salaam, Arusha and Zanzibar. The three teams observed from the opening to the closing and counting. All EP teams deployed reached similar conclusions, which were in accordance with the EU EOM observations. The atmosphere in the places where the EP Delegation members and staff observed on Election Day were calm and secure. This was also the general atmosphere in Zanzibar, however an isolated incident involving a core team member of the EOM who filmed a police officer attacking a civilian led to him being withdrawn from the island.

On 26 October, Members held a number of debriefing meetings, where they agreed to support the EU EOM's preliminary statement and the main points to be included in the EP Head of Delegation's declaration to the press.

The EU EOM's press conference was held on 27 October. Ms Sargentini, Chief Observer of the EU EOM introduced the Preliminary Statement and Ms Ayala Sender, in the name of the EP Delegation, supported the EU EOMs preliminary statement. Press coverage was very good. The statement of Ms Ayala Sender is appended to this report. A detailed statement of the EU EOM is also appended.

ASSESSMENT OF THE ELECTORAL PROCESS

The EP Delegation's assessment of the elections mirrored that of the EU EOM.

The Members noted that given that these elections had taken place within the same electoral legal framework as in 2010, it was of no surprise that the overall findings remain similar as in the last elections. Hence, these findings should be taken into account (possibly in the context of the Constitutional Revision process in the country, expected to be re-launched after the elections).

At the same time, the Delegation welcomed the highly competitive nature of the elections and the peaceful nature that prevailed on the day of the elections - for which all Tanzanians should be commended. The Members assessed the preparations for the elections as largely timely and adequate, although there could be improvements in voter education, including for minorities such as the Maasai. Election Day was well organised, with opening, voting and counting procedures closely respected (the tallying process was still undergoing and being observed by the EU EOM). Mrs Ayala Sender also expressed her deepest admiration for the voters, which demonstrated their commitment to democracy and peace by queuing orderly for hours to cast their vote.

The EP Delegation also pointed out that in a democracy there are always winners and losers on Election Day, and urged everyone to play their respective roles (both government and opposition) in a constructive way for the benefit of all Tanzanians and the future prosperity of the country. In the aftermath of the elections, Tanzania should thus focus upon inclusive political life, building confidence and trust, and further strengthening the institutions that underpin democracy, in full respect of human rights and the rule of law.

RESULTS

On 29 October, the National Electoral Commission announced the results of the presidential elections. John Magufuli, the CCM candidate, won the elections with 58.46% of the votes, against Edward Lowassa, the Ukawa candidate, who received 39.97% of the votes. No one from the remaining 6 candidates received more than 1% of the total votes. The voter turnout was estimated at 67.3% (with 15,589,639 votes cast).

Second-placed candidate Lowassa called for a recount, citing irregularities. Nevertheless, the NEC and CCM dismissed allegations of rigging, with NEC Chairman Damian Labuva stating the claims of vote rigging were not founded. The new President of the United Republic of Tanzania - John Magufuli - was thus sworn in on 5 November.

In Zanzibar - which elects its own president and parliament under its own electoral body - the situation so far remains tense, after the Chairman of the Zanzibar Electoral Commission annulled the vote, citing irregularities and "gross violations".

The main Zanzibari opposition party CUF considered that the annulment of the elections was a clear attempt to keep the ruling party in power, at their expense. In a joint statement, international observers - including the EU, African Union, Commonwealth and Southern African Development Community, who had earlier affirmed the credibility of the voting process - appealed to the ZEC to act with full transparency in its decision to nullify the elections. They also urged the political leadership of Zanzibar to cast aside their differences, put the interest of the United Republic of Tanzania and Zanzibar first, and come together to find a speedy resolution to the issues that have led to this unfortunate development.

The Commonwealth has announced that Goodluck Jonathan, former president of Nigeria and head of the AU EOM to Tanzania, will mediate the Zanzibar crisis. However, so far talks remain an entirely Tanzanian affair, and it does not appear at this stage that neither CCM nor CUF are open to external mediation.

It is interesting to note that the annulled Zanzibar poll did not affect the overall outcome of the national presidential elections, meaning that the same ballots that were disqualified for the Zanzibari election were still included in the national count.

CONCLUSIONS AND RECOMMENDATIONS

The EOM remained in Tanzania to observe post-election developments and will produce a final report within a few weeks after the conclusion of the electoral process. This will contain recommendations aiming to improve aspects of the electoral process.

The EP Delegation was a key element in the evaluation of the electoral situation in Tanzania. The delegation recommends that the Democracy Support and Election Coordination Group (under the political guidance of David Martin, lead Member for the EP democracy support programme for Tanzania), the Committee on Development and the relevant Standing Delegation monitor the developments in Tanzania (and especially in Zanzibar), the findings and recommendations of the final report of the EU EOM and use it as a basis for their political dialogue and activities with the country.

LIST OF PARTICIPANTS AND PROGRAMME

EUROPEAN PARLIAMENT

ELECTION OBSERVATION DELEGATION

GENERAL ELECTIONS IN TANZANIA

25 October 2015

DRAFT PROGRAMME

Members

Ms Inés AYALA SENDER, S&D, Spain *Head of EP delegation*

Mr Joachim ZELLER, EPP, Germany

Mr Francesc GAMBÚS, EPP, Spain

Mr Javi LÓPEZ, S&D, Spain

Mr Ignazio CORRAO, EFDD, Italy

Mr Bruno GOLLNISCH, NI, France

Secretariat

Mr Gerrard QUILLE, Head of Service

Ms Nikolina VASSILEVA, Administrator

Ms Alyson WOOD, Assistant

Political groups

Ms Radostina MUTAFCHIEVA S&D adviser

Thursday 22 October 2015	
all day	Arrival of Members in Dar es Salaam and transfer to the hotel
Friday 23 October 2015	
8:00	<u>Meeting in the lobby of the hotel (for transfer to EU Delegation)</u>
8:30 - 09:30	<u>Meeting with EU Representatives</u> <ul style="list-style-type: none"> ▪ Ambassador Filiberto Ceriani Sebregondi, Head of EU Delegation to Tanzania ▪ EU Heads of Missions ▪ <i>Venue: EU Delegation, Umoja House</i>
11:00 - 13:00	<u>Meeting with Heads of international election observation delegations (Head of EP Delegation only)</u> <ul style="list-style-type: none"> ▪ <i>Venue: White Sands Hotel</i>
14:30 - 16:30	<u>Briefing by the EU EOM</u> <ul style="list-style-type: none"> ▪ Chief Observer Judith Sargentini ▪ Core Team: <ul style="list-style-type: none"> ○ Deputy Chief Observer Tania Marques ○ Election, Political, Legal, Media, Press Experts ▪ Security Briefing ▪ <i>Venue: EU EOM office</i>
17:00 - 18:00	<ul style="list-style-type: none"> ▪ <u>Attendance of the CCM final rally</u>
Saturday 24 October 2015	
09:00	<u>Meeting in the lobby of the hotel</u>
10:00 - 11:00	<u>Meeting with CHADEMA- Mr. Edward Ngoyai Lowassa</u> <ul style="list-style-type: none"> ▪ <i>Venue: Kawe</i> ▪
13:30 - 15:00	<u>Meeting with civil society representatives (TEMCO, TACCEO, CEMOT)</u> <ul style="list-style-type: none"> ▪ <i>Venue: Hyatt Kempinski</i> ▪
15:30- 16:30	<u>Meeting with Ramadhani Madabida, Regional Chairman of CCM Dar es Salaam</u> <ul style="list-style-type: none"> ▪ <i>Venue: CCM headquarters (Lumumba)</i> ▪
17:00 - 18:00	<u>Attendance of the CHADEMA final rally</u>
14:30	<i>Deployment of EP teams</i> <ul style="list-style-type: none"> ▪ <i><u>transfer to airport for Arusha (flight at 16:30)</u></i> ▪ <i><u>transfer to airport for Zanzibar (flight 18:40)</u></i>
16:30	
18:30 - 21:30	<u>Briefings by the long-term observers for Dar es Salaam, Zanzibar and Arusha</u> <ul style="list-style-type: none"> ▪ <i>Venue: Serena Hotel</i>

Sunday 25 October 2015 - ELECTION DAY	
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06:30 - 20:00	Deployment and Observation of Opening, Voting & Vote Count
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Monday 26 October 2015	
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10:00 - 11:45	<u>Joint debriefing with International Election Observation Mission:</u> <ul style="list-style-type: none"> ▪ Commonwealth ▪ African Union ▪ SADC ▪ East African Community ▪ EU EOM
11:00	<i>Arrival of the EP team from Zanzibar</i>
12:30 - 14:00	Visit of a tally centre in Dar es Salaam
14:30 - 16:00	<u>Joint debriefing EP and EU EOM</u> (teams Zanzibar and Dar es Salaam only) <i>Venue: EU EOM headquarters</i>
16:30	<i>Arrival of the EP team from Arusha</i>
17:00 - 18:00	<u>Joint debriefing with Heads of Missions of EU Member States</u> <i>Venue: EU EOM headquarters</i>
18:15 - 19:15	<u>Internal discussion of the EP HoD final statement</u> <i>Venue: EU EOM headquarters</i>

Tuesday 27 October 2015	
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10:00 - 11:00	<u>Meeting with the Secretary General of the Alliance for Change and Transparency (ACT) party</u> <i>Venue: ACT campaign headquarters</i>
14:30 - 15:30	<u>Joint press conference, presentation of the preliminary statement of the Election Observation Mission</u> <i>Venue: Serena hotel</i>
END OF MISSION	

DECLARATION OF
MS INÉS AYALA SENDER,
CHAIR OF THE EP DELEGATION

EP election observation delegation to Tanzania

27 October 2015

Declaration of Ines Ayala Sender, Head of the EP Delegation

Ladies and gentlemen, first of all let me thank you for the interest that you have shown in this press conference.

Tanzania has long been an important example of stability and commitment to democratic transition on the African continent. As such this highly competitive and closely contested elections has drawn the attention regionally and of the wider international community. The thirst for democracy is alive and flourishing in Tanzania, including amongst its youth.

The European Parliament closely followed these crucial elections. As Chair of the European Parliament's 6-Member delegation which joined the EU Election Observation Mission to Tanzania, I have the honour of speaking on behalf of my colleagues. During our stay in the country, we met with representatives of the political parties, civil society, and other international observation delegations and, of course, observed the conduct of the elections.

First of all, I would like to align the European Parliament Delegation with the conclusions of the European Union Election Observation Mission. We fully endorse the findings presented by the Chief Observer, Mrs Judith Sargentini.

Of course these elections have taken place within the same electoral legal framework as in 2010 and therefore it is of no surprise that observers have reiterated similar findings as in the last elections. We look forward to these findings being taken into account. This being said, the preparations for the elections have been largely timely and adequate, although there could be improvements in voter education, including for minorities such as the Maasai. In addition, the highly competitive campaign has been generally peaceful for which all Tanzanians should be commended.

Election Day was well organised, with opening, voting and counting procedures closely respected. We hope the tallying process will be to the same standards. I would also like to express my deepest admiration for the voters, which demonstrated their commitment to democracy and peace by queuing orderly for hours to cast their vote.

Having said this, I will not repeat the statement of the EUEOM Chief Observer. Instead I would like to focus on the aftermath of the elections.

We all know that in a democracy there are always winners and losers on Election Day. But the day after the results are announced everyone has to play their respective roles, both government and opposition, in a constructive way for the benefit of all Tanzanians and the future prosperity of the country.

Your proud history of regional and continental leadership should continue to demonstrate to the world Tanzania's commitment to a peaceful outcome of the elections and to a multiparty democracy that is clearly desired by the people of the country.

And so I appeal for a focus upon inclusive political life, building confidence and trust, and further strengthening the institutions that underpin democracy, in full respect of human rights and the rule of law.

In pursuing this future, you can fully rely on the European Parliament which is committed to supporting Tanzania in its democratic path. In the beginning of this year the European Parliament selected the National Assembly of Tanzania and the House of Representatives of Zanzibar as priority partners for the exchange of best democracy practices, including on confidence-building. We have consequently developed excellent relations with the two Tanzanian parliaments from the last legislature. We therefore stand ready and look forward to further developing our relations - possibly, with an even more diverse and vibrant multiparty parliaments - soon after the elections.

Thank you for your attention!

EU ELECTION OBSERVATION MISSION
PRELIMINARY FINDINGS
AND
CONCLUSIONS



PRELIMINARY STATEMENT

Highly competitive, generally well-organised elections, but with insufficient efforts at transparency from the election administrations

Dar es Salaam, 27 October 2015

EXECUTIVE SUMMARY

- For the Union elections, voting was conducted in an organised and generally calm atmosphere. EU observers assessed the conduct of voting as positive. Political party representatives were present in almost all of the polling stations observed. Voting procedures were consistently followed in the polling stations visited, providing adequate safeguards to ensure the integrity of the vote and transparency of the process. There were, however, some polling stations where Union elections had to be postponed in the mainland and in Zanzibar due to the lack of or destruction of ballot papers. Counting started immediately after closing and was conducted in the presence of political party agents who received copies of the results forms. The integrity of the counting process was sufficiently protected in the polling stations observed by the EU EOM.
- In Zanzibar, almost all polling stations observed opened on time and opening procedures were generally followed. The conduct of voting was positively assessed in the polling stations observed. Voting was conducted in a generally calm atmosphere, with a few cases of campaign activities in the vicinity of polling stations. Political party representatives were present in almost all of the polling stations observed. The performance of ZEC polling staff was mostly assessed to be good and very good. Counting started immediately after closing in all polling stations visited.
- Both the National Electoral Commission (NEC) and the Zanzibar Electoral Commission (ZEC) showed sufficient levels of preparedness for the administration of the electoral process and competence in conducting key operations such as the printing of ballot papers and the distribution of electoral material. Despite the absence of a permanent structure of the NEC at lower levels, EU observers assessed its performance as organised and well prepared. In the undertaking of the different stages of the electoral process, the NEC and ZEC did not provide for full transparency regarding their decision-making processes, and stakeholders' access to scrutinise the commissions' activities was not always granted. Although the NEC provided updates on electoral preparations through regular press conferences, these measures were insufficient to build confidence amongst political parties about the NEC's transparency. In Zanzibar, the lack of information provided to political parties regarding the voter register and constituency boundaries also affected the confidence of political parties in the ZEC and in the electoral process.
- The legal frameworks governing the elections in the Union and in Zanzibar provide for a reasonable basis for the conduct of democratic elections. Nevertheless, there are a number of constitutional limitations on political rights and freedom of association, and, in Zanzibar, on the right to register as a voter, that have remained unaddressed since the previous elections and which are not in accordance with international principles for democratic

elections. These include the constitutional ban on independent candidates to stand for elections, the inability to challenge presidential election results, and the absence of legal provision to form and register coalitions of political parties.

- There are no unreasonable requirements to register as a voter for the Union elections. However, for the Zanzibar elections, the residency requirement to register as a voter, and the related controversial discretionary powers given to the *shehas* to certify a voter's 36 months residence in a particular constituency, is considered unreasonable. Both voter registers were released 10 days before election day, in advance of the legal deadline. An earlier release of the voter registers allowing for proper verification could have increased confidence in their reliability and better enable political parties to be aware of their electorate for campaign purposes, especially given the recent alterations to constituency boundaries.
- The EU EOM observed 139 campaign events. Despite the generally positive nature of electoral competition on the mainland, a number of localised disputes between supporters of rival parties resulted in violence. While such incidents did not typically result in serious escalation, they did detract from the quality of the campaign. CCM continued to benefit from its historic legacy as the ruling party. The party's use of or benefit from what were formerly state resources and assets, such as public stadia and sports grounds, which the EU EOM observed in Arusha, Dodoma, Katavi and Kigoma regions, provided an advantage over other parties, and contributed to an imbalance in the electoral playing field. The inauguration of a number of major projects in the closing weeks of the campaign further blurred the distinction between the state and the ruling party, reinforcing CCM's campaign advantage.
- In Zanzibar, existing tensions between CCM and CUF led to a more heated and divisive campaign than that seen on the mainland. The aggressive rhetoric employed by some party leaders contributed to the campaign's occasionally intolerant tone, and increased communal tensions. Confidence in the policing of the campaign was lacking amongst some electoral stakeholders, and isolated incidents of voter intimidation instigated by the security agencies were documented by the EU EOM. However, despite these events, and the intensity of competition, the campaign on Zanzibar was generally peaceful.
- The state media failed to provide equitable and fair coverage of the campaigns. Tanzania Broadcasting Corporation (TBC) TV and radio and Zanzibar Broadcasting Corporation (ZBC) TV and radio allocated significantly more airtime to CCM than to all other political parties combined. The state-owned *Zanzibar Leo* and the *Daily News* also demonstrated bias towards CCM. Positively, some private media demonstrated a relatively balanced coverage of the campaigns, in particular TV Azam 2, Radio One and ITV, and the daily newspapers, *Mwananchi* and *Nipashe*.
- This statement is issued as the tallying of results is ongoing. It is important that election administration and authorities conduct these crucial steps of the process in full transparency and that political parties, candidates and civil society can continue participating in the process in line with provisions in the legal framework in order to strengthen the confidence in the process.

The EU EOM will remain in country to observe the tabulation of results and any complaints and appeals, and will publish a final report, containing detailed recommendations, within two months of the conclusion of the electoral process.

The European Union Election Observation Mission (EU EOM) has been present in Tanzania since 11 September 2015 following an invitation from the Government of the United Republic of Tanzania, the National Electoral Commission and the Zanzibar Electoral Commission. The Mission is led by Chief Observer Judith Sargentini, a Member of the European Parliament (MEP). In total, the EU EOM deployed across the country 141 observers from the 28 EU Member States, as well as from Norway, Switzerland and Canada to assess the entire electoral process in accordance with international commitments for genuine and transparent elections as well as the laws of Tanzania. A delegation from the European Parliament, headed by Inés Ayala Sender MEP, also joined the mission before election day and fully endorses this statement. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation commemorated at the United Nations in October 2005. The EU EOM wishes to express its appreciation to the Government of the United Republic of Tanzania, the National Electoral Commission, the Zanzibar Electoral Commission, political parties, civil society, media, as well as the people of Tanzania for their cooperation and assistance in the course of the observation. The EU EOM is also grateful to the Delegation of the European Union to Tanzania and the European Union Member States' diplomatic missions in Tanzania for their support throughout.

PRELIMINARY FINDINGS

BACKGROUND

On 25 October 2015, the United Republic of Tanzania held its fifth multi-party general elections since the abolition of the one-party system in 1992. Elections for president, parliament and local councils were held simultaneously for the Union and for Zanzibar, which has its own president, parliament and local councils. The Union president, Jakaya Kikwete, is completing his second and final term in office. The 2015 elections were vigorously contested, and saw the ruling Chama Cha Mapinduzi (CCM) face, for the first time, a coalition of the largest parliamentary opposition parties fielding a single Union presidential candidate. In addition to candidates from CCM and the Umoja wa Katiba ya Wananchi (Ukawa) coalition, comprising the Chama Cha Demokrasia ya Maendeleo (CHADEMA), the Civic United Front (CUF), the National Convention for Construction and Reform (NCCR-Mageuzi) and the National League for Democracy (NLD), six other parties competed for the Union presidency, of which the candidate for the Alliance for Change and Transparency (ACT) was the only woman. There were 1,218 candidates competing for the 265 directly elected seats in the National Assembly, with 10,879 candidates competing for local council seats. Due to the deaths of candidates, parliamentary and local council elections were postponed in six constituencies (Lushoto, Ulanga East, Arusha Urban, Masasi, Ludewa and Handeni) and in a number of wards.

For the presidency of Zanzibar, 14 parties, including CCM and CUF, fielded candidates. The President of Zanzibar, Ali Mohamed Shein of the CCM, ran for a second term in office. A Government of National Unity (GNU), provided in the August 2010 amendment to the Constitution of Zanzibar, was formed after the October 2010 general elections, with the party in second place appointing the first vice-president to serve alongside the elected

president. The GNU mechanism, part of the Constitution of Zanzibar, will remain in place after the 2015 elections. There were 180 candidates, representing 14 parties, standing for the 54 directly elected seats in the House of Representatives of Zanzibar. Local council seats were contested by 353 candidates.

LEGAL FRAMEWORK

The legal framework in both the Union and Zanzibar provides for a reasonable basis for the conduct of democratic elections generally in line with the international and regional commitments subscribed to by the United Republic of Tanzania. Both constitutions, as well as election-related legislation, guarantee political rights and fundamental freedoms. Nevertheless, there are a number of constitutional limitations on political rights and freedom of association, and, in Zanzibar, on the right to register as a voter, that have remained unaddressed since the previous elections and which are not in accordance with international principles for democratic elections. These include the constitutional ban on independent candidates at all levels of elections in violation of the right to participate freely in the government of the country, freedom of association, including the right not to associate (to a political party),¹ the inability to challenge presidential election results, the lack of effective remedy for unlawfully rejected presidential nominations, the absence of legal provision to form and register coalitions of political parties, and, in the case of Zanzibar, the strict residence requirement for voter registration. The inconsistencies between Tanzania's legal framework and its international commitments can only be addressed through amendments to both the Constitution of the United Republic and the Constitution of Zanzibar.

ELECTION ADMINISTRATION

Both the National Electoral Commission (NEC) and the Zanzibar Electoral Commission (ZEC) showed sufficient levels of preparedness for the administration of the electoral process and competence in conducting key operations such as the printing of ballot papers and the distribution of electoral material. The NEC provided an inclusive voter registration process that largely guaranteed the enfranchisement of eligible voters. Despite the absence of a permanent structure of the NEC at lower levels, EU observers assessed its performance as organised and well prepared. EU observers on the mainland also reported that, in most regions, meetings between electoral officials and political parties were conducted regularly. Within the ZEC, there was insufficient communication between the ZEC and the district officials, namely in Pemba, who often lacked information on the status of electoral preparations. On mainland Tanzania, communication between the NEC and its lower levels appeared to be more efficient.

Political parties held different views on the independence and transparency of the NEC and ZEC. While some trusted the functioning and effectiveness of the election administrations, others were more sceptical about the impartiality of the NEC and ZEC. In the undertaking of the different stages of the electoral process, the NEC and ZEC did not provide for full transparency regarding their decision-making process, and stakeholders' access to scrutinise the commissions' activities was not always granted. Problems encountered with the finalisation of the voter registers and with the delimitation of boundaries in the Union

¹ African Court of Human and Peoples' Rights, *Judgment Application 009-011-2011, Rev Christopher Mtikila v Tanzania*.

and Zanzibar, as well as details on the results management system for the Union elections were not fully disclosed on time to parties and the public. Even though the NEC briefed political parties on the results management system, it was not able to dispel concerns expressed by some political parties on the technical aspects and software used for the transmission of results. The NEC also provided updates on electoral preparations through regular press conferences. However, these measures were insufficient to build confidence amongst political parties about the NEC's transparency.

The lack of information provided to political parties regarding the voter register and constituency boundaries also affected the confidence in the ZEC and in the electoral process in the run up to election day. The ZEC made available maps of constituency boundaries very late in the process which hampered the capacity of political parties to be aware of their electorate for campaign purposes, especially given the recent alterations to constituency and local administrative (*sheria*) boundaries.

The NEC was mandated to coordinate and supervise events conducted by civil society organisations and community-based groups granted permission to conduct voter education activities. In addition to the cooperation with 49 local radio stations that broadcast voter education messages, the NEC also made use of social media and published guidebooks for voters, political parties and a booklet on frequently asked questions. In Zanzibar, voter education was mainly conducted through regular ZEC announcements broadcast by Zanzibar Broadcasting Corporation (ZBC) TV and radio and by community radios. ZEC posters and flyers were distributed to civil society organisations, commissioned to conduct voter education, and to bus drivers for display.

EU observers reported a general lack of voter education activities in most regions, particularly in rural areas and among pastoralist communities such as the Maasai. Some non-governmental organisations conducted limited projects at local level directed towards women, youth and persons with disabilities. In the absence of non-partisan voter education, voters relied on political parties for basic voter information. As a result of the deficiencies in NEC's voter education efforts, voters were not offered information on polling procedures, the secrecy of the vote and the importance of elections and democratic institutions.

VOTER REGISTRATION

There are no unreasonable requirements to register as a voter for the Union elections. For the 2015 Union elections, the National Electoral Commission conducted a new voter registration process using biometric technology. The concurrent ward boundary delimitation process, carried out by the Prime Minister's Office, posed some difficulties for the NEC during the Biometric Voter Registration (BVR) exercise. The NEC had to review registration data while the BVR process was ongoing, thus delaying the registration process and requiring the production of updated maps reflecting changes to ward boundaries. For the 2015 Union elections, a total of 22,751,292 voters were registered. In conducting the BVR exercise, the NEC captured 96 per cent of the estimated eligible voters projected by the National Bureau of Statistics. Concerns regarding the final voter register led the NEC to issue guidelines foreseeing additional instances in which voters would be allowed to cast a ballot, in addition to the condition when the name of the voter is found on the voter list and the voter is in possession of a voter card. These conditions seemed reasonable and inclusive.

For the Zanzibar elections, the residency requirement to register as a voter, and the related

controversial discretionary powers given to the *shehas* (appointed local authorities) to certify a voter's 36 months continuous residence in a particular constituency, is considered unreasonable and leads to the potential disenfranchisement of eligible Zanzibari voters. The ZEC conducted an update of the Permanent Voter Register. The opportunity for eligible voters to register was constrained as they had only two days to do so at an assigned centre. A total of 503,860 voters were registered. The process was not free from controversy, with CUF claiming that *shehas* did not provide the necessary documentation for their supporters to prove either their entitlement to Zanzibari status or their residence. The EU EOM directly observed that the requirement to present a Zanzibar ID card or a voter registration receipt in order to collect the voter card was not always adhered to by ZEC officials.

Both voter registers were made available late in the process. An earlier release of the registers could have positively affected the level of confidence in the reliability of the voter registers.

CANDIDATE NOMINATION

The requirements for the registration of political parties are considered reasonable and in line with international and regional commitments related to freedom of association. However, the right of political parties to form a coalition is not provided in law. In practice, political parties were able to present a joint candidate for the presidential election but the name of the coalition could not be used on the ballot.

The requirements to stand for presidential, parliamentary and local council elections, as provided in the Union and Zanzibar constitutions and respective electoral laws, are reasonable, with the exception of the constitutional ban on independent candidates. The requirement that candidates must be members of and proposed by a political party restricts the right and opportunity of individuals to stand for office.

ELECTION CAMPAIGN

The electoral campaign began on mainland Tanzania on 22 August and in Zanzibar on 7 September. A schedule of presidential and vice-presidential campaign events was agreed amongst the competing parties, and amicably revised as the campaign proceeded. In mainland Tanzania, the electoral campaign was vibrant and conducted in a mostly open and peaceful environment. The EU EOM observed 139 campaign events throughout the country, of which 53 were for CCM, 67 were for CHADEMA, CUF, NCCR, NLD and/or Ukawa, 14 were for ACT and five were events of other smaller parties. In observed campaign events, candidates and parties campaigned vigorously, and usually respected the campaign regulations, including the avoidance of inflammatory language and adherence to the hours prescribed for campaigning. Most political parties generally commended the police for its performance during campaign events, but in some areas, opposition parties voiced concerns in response to the arrest and detention of their candidates and supporters for public order offences.

Despite the generally positive nature of electoral competition, a number of localised disputes between supporters of rival parties resulted in violence. Disputes between activists of CCM and CHADEMA, as well as between supporters of CCM and CUF, were witnessed in a number of areas of the country. While such incidents did not typically result in serious escalation, they did detract from the quality of the campaign.

While the emergence of an opposition coalition helped the competitiveness of the electoral campaign, CCM continues to benefit from its historic legacy as the ruling party, and remains the best organised and best financed party. The party's use of or benefit from what were formerly state resources and assets, such as public stadia and sports grounds, which the EU EOM observed in Arusha, Dodoma, Katavi and Kigoma regions, provided an advantage over that enjoyed by other parties, and contributed to an imbalance in the electoral playing field. Civil servants were also occasionally observed attending political rallies in partisan capacities, including in the region of Mwanza and in Zanzibar. The inauguration of a number of major projects in the closing weeks of the campaign further blurred the distinction between the state and the ruling party, reinforcing CCM's campaign advantage.

In Zanzibar, existing tensions between the parties that comprise the Government of National Unity, CCM and CUF, led to a more heated and divisive campaign than that seen on the mainland. The aggressive rhetoric employed by some party leaders contributed to the campaign's occasionally intolerant tone, and increased communal tensions. Confidence in the policing of the campaign is lacking amongst some electoral stakeholders, and isolated incidents of voter intimidation instigated by the security agencies were documented by the EU EOM. However, despite these events, and the intensity of competition, the campaign on Zanzibar was generally peaceful.

In the closing days of the campaign, the rhetorical battle between the opposition and the government over the legality and desirability of calling on voters to remain in the vicinity of polling stations to 'defend the vote' after casting their ballots contributed to an uncertain security environment in the run-up to the vote, on both the mainland and in Zanzibar.

MEDIA

Freedom of expression was generally respected, and journalists were able to operate in an atmosphere of relative freedom, particularly given the number of laws, such as the Cybercrimes Act 2015, that could restrict this fundamental right and has led to a degree of self-censorship. For the first time, the media regulatory bodies adopted the Broadcasting Services (Content) (The Political Part Elections Broadcasts) Code, 2015 on the coverage of elections, which supplements the rather limited legal framework. While the code aims to prevent unbalanced coverage, parts of it are too prescriptive in its current form. For example, the provision such as the requirement to postpone a discussion programme if one of two parties fails to attend is viewed by media interlocutors as interfering with editorial independence.

Elections, in particular the presidential contest, dominated the content of broadcast and print media, with editorial coverage centred on the campaigns of the main candidates. Voters were able to access a variety of views through the media. However, there was little critical reporting and discussion of political platforms, with the majority of media simply repeating the parties' campaign messages. Political parties were provided with free airtime/space in the state media, although, the airtime the Tanzania Broadcasting Corporation (TBC) allocated to contestants' final campaign rallies benefited CCM in terms of amount of coverage and its prominence, while CUF complained to the EOM about unfair treatment by the state-owned Zanzibar Broadcasting Corporation (ZBC) that aired its election materials outside of the time slot scheduled. The CCM paid for the most airtime on

the broadcast media, followed by the Ukawa parties, although to a considerably lesser extent.

The findings of the EU EOM media monitoring² show the state media failed to provide equitable and fair coverage of the campaigns and a level playing field for all contestants. Tanzania Broadcasting Corporation (TBC) TV and radio allocated 63 per cent and 53 per cent, respectively, of their prime time news coverage of political parties and other political actors to CCM, while all other parties combined received only 19 and 18 per cent, respectively. Similarly, Zanzibar Broadcasting Corporation (ZBC) TV and radio provided 70 and 72 per cent, respectively, of their news coverage to CCM, while the other parties combined received 15 and 11 per cent, respectively. State officials - presidents, vice presidents and members of government, some of whom were candidates, also obtained airtime through coverage of their official activities. TBC TV and radio allocated 18 and 29 per cent, respectively, and ZBC TV and radio 15 and 17 per cent, respectively, of airtime on news programmes to such stories. Other programmes by the state broadcast media offered a similar picture. This media bias has remained unchallenged by the media regulatory bodies.

Positively, some private media outlets demonstrated relatively balanced coverage of the campaigns, in particular TV Azam 2, but also Radio One and ITV, each of which offered almost equal airtime in news programmes to both CCM and the opposition parties. TV Azam 2 also had special election programmes, which provided extensive information on the campaigns and contestants. Star TV, Radio Free Africa and Channel 10 largely focused on CCM.

The state-owned daily newspaper, *Zanzibar Leo*, devoted the largest share of its coverage, 71 per cent, to CCM, with the other political parties combined receiving 10 per cent. *Daily News*, also state-owned, focused on CCM, though its coverage of other parties combined was more noticeable, 27 per cent. In comparison, the private daily *Nipashe* distributed coverage roughly evenly between CCM and the opposition parties, while *Mwananchi*, also private, provided an even more diverse portrayal of contestants. The private weekly *Raia Mwema* also offered relatively diverse coverage of key political actors, while the private weekly *Mwana Halisi* clearly leaned towards CHADEMA. Both weeklies offered a more analytical reporting style in comparison to other monitored media outlets.

ELECTORAL JUSTICE

The National Electoral Commission (NEC) and the Zanzibar Electoral Commission (ZEC) are responsible for resolving complaints and appeals at all levels of the electoral administration in relation to civil matters. The decisions of both electoral commissions are considered final. Appeals regarding the NEC and ZEC decisions on the nomination of parliamentary candidates may only be appealed to the respective High Court after the declaration of election results. This provision does not allow for a timely remedy for aggrieved parties.

² The EU EOM commenced its media monitoring on 21 September. The sample of 16 monitored media outlets includes the state-owned TV channels Tanzania Broadcasting Corporation (TBC1), Television Zanzibar, and the private Independent Television (ITV), Channel 10, Star TV, and TV Azam 2; the state-owned radio stations Tanzania Broadcasting Corporation (TBC Taifa) and Radio Zanzibar, and the private Radio Free Africa and Radio One. The newspapers monitored are the state-owned *Daily News and Zanzibar Leo*; the private dailies *Mwananchi* and *Nipashe*, as well as private weeklies *Mwana Halisi* and *Raia Mwema*.

The legal framework for the Union and for Zanzibar does not provide a mechanism to appeal a decision of the NEC and ZEC in refusing the nomination of presidential candidates. In addition, the inability to challenge Union and Zanzibar presidential election results is contrary to international principles entrenched in the International Covenant on Civil and Political Rights (ICCPR). Parliamentary election results in the Union and Zanzibar can be challenged before the High Courts. The timeframe of two years for the Zanzibar High Court to deliver a judgment is lengthy in comparison to the 12-month period in the Union.

As in previous elections, the Code of Conduct for Political Parties allowed for the establishment of Ethics Committees at national, constituency and ward levels to provide a forum for the resolution of electoral disputes. EU observers reported that around 20 complaints were submitted to the Ethics Committees throughout the country, mainly on issues such as the destruction of campaign material, exceeding campaign hours and the use of abusive language during campaign events. In most constituencies, the Ethics Committees were established and perceived by the political parties as an effective mechanism to resolve minor disputes. Nevertheless, in some parts of the country, campaign related disputes were either settled between the involved parties and electoral officials without the need for these committees to be established, or through the mediation of other authorities such as district commissioners.

Electoral related offences are dealt with through the normal judicial channels. Around 29 cases were filed with the Union district courts before election day, mainly over allegations of use of abusive language, unlawful procession, assault and the destruction of public property.

PARTICIPATION OF WOMEN

Women represent 53 per cent of the registered electorate in Tanzania. One of the eight Union presidential candidates is female, nominated by ACT. For the first time, CCM nominated a woman for the position of the vice-president. Although the Constitution provides for women to be indirectly elected to the reserved seats in the National Assembly, currently a minimum of 40 per cent, women are underrepresented in the contest for directly elected seats. There were 233 women of 1,218 candidates competing for the 265 directly elected seats in the National Assembly. The percentage of female candidates for these seats has increased only very slightly from the last elections, 18.4 per cent to 19.1 per cent. There was no female presidential candidate in Zanzibar. Twenty-nine women of a total of 180 candidates contested the 54 directly elected seats in the House of Representatives. Women are also indirectly elected to the reserved seats in the House of Representatives.

NATIONAL OBSERVERS

The main national groups conducting election observation are the Tanzania Election Monitoring Committee (TEMCO) and the Tanzania Civil Society Consortium on Election Observation (TACCEO). The Coalition on Election Monitoring and Observation in Tanzania (CEMOT) brought the TEMCO and TACCEO platforms together. TEMCO and TACCEO jointly deployed 350 long-term observers, and 6,500 and 3,000 short-term observers respectively. TACCEO and TEMCO also deployed long-term observers to Zanzibar. Under the CEMOT umbrella, they had at least one long-term observer in each district. The Zanzibar Legal

Services Centre (ZLSC) coordinated the TACCEO observers, most of whom have a paralegal background. In addition, the Muslim Leadership Organisation (MLO) deployed long-term observers.

POLLING AND COUNTING

Union Elections

On election day, the EU observers followed voting procedures at 625 polling stations throughout all regions of the country. The conduct of voting was positively assessed in 96 per cent of the polling stations observed by the EU EOM. All polling stations observed opened on time. Voting was conducted in an organised and generally calm atmosphere despite long queues being reported throughout the day. A few cases where campaign activities were observed in the vicinity of polling stations. Political party representatives were present in almost all of the polling stations observed while at least one national observer was present in 22 per cent of these stations. EU observers reported a few instances of political party representatives acting in excess of their mandate as well as some cases of ballot papers not being sufficient in 11 polling stations and protocols missing in 13 stations. In the main, voting procedures were consistently followed in the polling stations visited by EU observers, providing adequate safeguards to ensure the integrity of the vote and transparency of the voting process. EU observers reported inadequate protection of the secrecy of the vote in 21 per cent of polling stations visited, mainly due to inappropriate polling station layout. The performance of polling staff was mostly assessed to be good and very good.

There were, however, some polling stations where elections had to be postponed. The NEC announced re-polling for presidential and parliamentary elections to be held in 35 polling stations in Kinondoni, Dar es Salaam, and for 15 polling stations in Sumbawanga, Rukwa region. In Kinondoni polling staff destroyed ballot papers over disagreements with the NEC regarding payment for election day duties. In Mitepa ward, Sumbawanga, citizens burned ballots papers due to the alleged discovery of fake ballots. In Zanzibar, two constituency National Assembly elections (Pangawe, Kijito Upele) had to be suspended due to a shortage of ballot papers. A lack of ballot papers was further reported from Chukwani and Mombasa constituencies.

Counting started immediately after closing in 86 per cent polling stations visited and was conducted in the presence of political party agents and observers. The integrity of the counting process was sufficiently protected. Copies of the results forms were publicly displayed and given to party agents. The overall assessment of the closing and counting process was good or very good in 83 per cent of the polling stations observed by the EU EOM, with the transparency of the process being assessed as good or very good in 88 per cent of the polling stations observed.

Zanzibar Elections

In Zanzibar, the EU EOM observed the process in 71 polling stations. Almost all polling stations observed opened on time and opening procedures were followed except in one case. The conduct of voting was positively assessed in 96 per cent of the polling stations observed by the EU EOM. Voting was conducted in an organised and generally calm atmosphere despite long queues being reported during the morning. There were a few

cases where campaign activities were observed in the vicinity of polling stations. At the Sharifumsa polling centre (Mtoni constituency) a candidate and voters felt intimidated by the presence of armed special department (security) forces at the entrance gate. Political party representatives were present in almost all of the polling stations observed. EU observers reported one polling station where political party representatives acted in excess of their mandate as well as some cases of ballot papers not being sufficient in two polling stations. In a few cases, EU observers noted double entries in the voter register and were informed that it included deceased voters by party representatives. Polling procedures were mainly followed in the polling stations visited by EU observers providing adequate safeguards to ensure the integrity of the vote. EU observers reported inadequate protection of the secrecy of the vote in 8 per cent of polling stations visited, mainly due to inappropriate polling station layout. The performance of ZEC polling staff was mostly assessed to be good and very good.

Counting started immediately after closing in all polling stations visited and was conducted in the presence of political party agents and observers. The integrity of the counting process was sufficiently protected although in two cases police and other authorities were present. Copies of the results forms were publicly displayed and given to all party agents. The overall assessment of the closing and counting process was good or very good in most polling stations observed by the EU EOM.

The EU EOM is aware of a letter from a political party to the Inspector General of Police about data, computers and other equipment having been confiscated from its communication centres and 191 of its staff having been arrested. The EU EOM is closely following the situation. It is important that election administration and authorities conduct the final crucial steps of the process in full transparency and that political parties, candidates and civil society are able to participate in the process in line with provisions in the legal framework in order to strengthen the confidence in the process.

The EU EOM continues to observe the tabulation of results and will follow any complaints and the appeals process before reaching its final conclusions.

The preliminary statement is available on the EU EOM's website www.eueom.eu/tanzania2015

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The Preliminary Statement is available in English and Kiswahili; only the English version is official.

**EU ELECTION OBSERVATION
MISSION PRESS RELEASE**



European Union Election Observation Mission

Tanzania – General Elections 2015

Press release

Date: 27/10/2015

For immediate release

Highly competitive, generally well organised elections, but with insufficient efforts at transparency from the election administrations

Dar es Salaam, 27 October 2015

The 25 October general elections were highly contested, largely well administered, although insufficient efforts at transparency meant that both the National Electoral Commission (NEC) and the Zanzibar Electoral Commission (ZEC) did not enjoy the full confidence of all parties.

Presenting the mission's preliminary statement in Dar es Salaam, EU EOM Chief Observer, Judith Sargentini MEP, said that although the NEC and ZEC were adequately prepared in their organisation of the elections, a lack of transparency and an absence of timely information on the voters' register, the delimitation of constituencies and the system for the transmission of results had a negative impact on parties' trust in the electoral process.

Election day was assessed positively. EU observers followed voting procedures at 625 polling stations in all regions of the country. The conduct of voting was assessed positively in 96 per cent of the polling stations observed by the EU EOM, on both the mainland and in Zanzibar. Political party representatives were present in almost all of the polling stations observed, contributing to transparency and confidence in the voting process. The overall assessment of the closing and counting process was also good or very good in most of the polling stations observed.

"The EU deployed 141 observers to all the regions of Tanzania on election day," said Ms Sargentini. "Although there were a few problems in a small number of polling stations, the overall picture was one of millions of people exercising their voting rights in a peaceful environment and demonstrating their commitment to the democratic process."

Ms Sargentini said that EU observers attended over 139 campaign events across the country. Despite a number of disputes between supporters of rival parties, some of which unfortunately resulted in violence, she noted that, overall, the campaign was positive and vibrant.

On the legal frameworks, the EU EOM said that, although the frameworks governing elections in the Union and in Zanzibar provide a reasonable basis for the conduct of democratic elections, a number of issues remain unaddressed from the last elections. These include the constitutional ban on independent candidates to stand for elections and the inability to challenge presidential election results, which are not in accordance with international principles for democratic elections.

The EU EOM monitored 16 media outlets during the campaign. It concluded that the state media did not provide equitable and fair coverage of the campaigns, with more coverage given to CCM. Positively, however, Ms Sargentini said that some private media demonstrated relatively balanced coverage.

EU observers will remain in Tanzania to follow the tabulation process and the declaration of results, and any potential election-related complaints and appeals.

“The EU EOM will stay in Tanzania until 15 November, meeting with parties, electoral officials and civil society,” said Ms Sargentini. “For all the voters who queued patiently at polling stations on Sunday, I hope that all those involved will continue to work for peaceful, inclusive and transparent elections. ”

“A peaceful outcome of the elections and a commitment to further strengthening multi-party democracy would confirm Tanzania’s proud history of regional and continental leadership,” said Ines Ayala Sender, Head of the European Parliament’s Delegation, which joined the EU Election Observation Mission shortly before election day. “As such, I urge all Tanzanians to focus upon inclusive political life, building confidence and trust, and to further strengthening the institutions that underpin democracy.”

The EU EOM is the largest international observation mission in the country and is in Tanzania for the longest duration. It assessed the extent to which the electoral process complied with international and regional commitments for elections, as well as with Tanzanian law.

The EU EOM will present a detailed final report including recommendations for future elections within two months of the completion of the electoral process.

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