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2010 Human Rights Report: Tanzania

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

The United Republic of Tanzania, with a population of 41 million, is a multiparty republic consisting of the mainland and the semiautonomous Zanzibar archipelago, whose main islands are Unguja and Pemba. The union is headed by a president who is also the head of government; its unicameral legislative body is the National Assembly (parliament). Zanzibar, although part of the union government, has its own president, court system, and legislature, and exercises considerable autonomy. Tanzania held its fourth multiparty general elections on October 31, in which voters on both Tanzania mainland and Zanzibar elected a union president and their respective representatives in the union legislature. President Kikwete, the incumbent Chama cha Mapinduzi (CCM) candidate, was reelected union president with 61.7 percent of the vote. The national elections were generally peaceful, but there were several protests in urban areas associated with the slow pace of reporting election results.

In Zanzibar the October elections proceeded peacefully after a power-sharing agreement was reached between the ruling CCM party and the opposition Civic United Front (CUF). In a July 31 referendum, Zanzibaris voted to amend the constitution to allow for a unity government. In October the Zanzibar electorate elected Ali Mohamed Shein, the immediate past union vice president, as president of Zanzibar with 50.1 percent of the vote and also elected members of its House of Representatives.

Union security forces reported to civilian authorities, but there were instances in which elements of the security forces acted independently of civilian control. In Zanzibar, however, authorities maintain "special units" that operated independently from union security forces and have been used for political coercion. Command and control of these units are opaque but influenced by the ruling party in Zanzibar. Since the October 31 elections that produced a government of national unity, the government of Zanzibar was reviewing the role of these "special units."

Principal human rights problems in both Tanzania and Zanzibar included the following: use of excessive force by military personnel, police, and prison guards, as well as societal violence, which resulted in deaths and injuries; abuses by Sungusungu traditional citizens' anticrime units; harsh and life-threatening prison conditions; lengthy pretrial detention; judicial corruption and inefficiency, particularly in the lower courts; restrictions on freedoms of press and assembly;

restrictions on the movement of refugees; official corruption and impunity; societal violence against women and persons with albinism; child abuse, including female genital mutilation (FGM); and discrimination based on sexual orientation. Trafficking in persons and child labor remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Neither the government nor its agents committed any politically motivated killings; however, on occasion security forces killed civilians during the year.

In late January regional police arrested several policemen and civilians for taking part in an armed robbery on Izinga Island in Ukerewe District, Mwanza Region, which resulted in 14 deaths and serious injuries to 17 others. No further information was available at year's end.

On January 27, two Tanzania People's Defense Forces (TPDF) soldiers, Corporal Ally Ngumbe and Sergeant Roda Robert, were arraigned in a Dar es Salaam court for killing Swetu Fundikira after an argument involving a defective vehicle. No further information was available at year's end.

In March Musa Juma died in police custody. Relatives of the deceased said the body had bullet-like wounds on the lower legs and lacerations on the genitals and back. The special zone commander said the police would conduct an investigation. No further information was available at year's end.

In April the Legal and Human Rights Center (LHRC) reported that Arusha police questioned three police officers and employees of the Tanzania National Parks Authority for killing Ndekirwa Palangyo and injuring two others, whom they suspected of poaching in the Mkwasenga village of King'ori, Arusha Region. No further information was available at year's end.

In June the Shinyanga regional police detained Corporal Gidman Kanyinuzi of the Negezi police post in Kishapu District for killing a man he mistook for an armed robber. No further information was available at year's end.

In August the Tanga resident magistrate charged two TPDF soldiers, Sergeant Masanja Matale and Corporal Yahya Omari, with the assault and murder of Hilal Ali and Mzonge Abdallah, who were suspected of fishing illegally with dynamite. An investigation continued at year's end.

There were no further developments in the 2009 death of Rashidi Tuga, allegedly tortured and killed by the police.

Despite efforts by the government and nongovernmental organizations (NGOs) to reduce mob violence through educational outreach and community policing, a number of deaths resulted from mobs stoning, beating, hacking with machetes, and burning suspected criminals.

On July 15, according to Lindi Regional Police Commander Sifuel Shirima, residents of Ntene, Lindi Region, killed Siajabu Pius Bernard for stealing maize from a neighbor. No further information was available at year's end.

On August 24, a mob killed Kastoli Mkamula, a youth, because they suspected he broke into a house at Lipangalala village in Morogoro Region. No further information was available at year's end.

There were no further developments in the following 2009 mob killings: the January death of Musa Juma in Arusha Region, and the April beating death of Robhi Getaraswa in Tarime.

Alleged witches were killed by persons claiming to be victims of witchcraft, relatives of victims, or mobs. Prosecutions were often impeded by the reluctance of witnesses to testify.

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Alipipi Makatole, a local government councilor in Buriaga ward, Tukuyu District, estimated that between January and April, unidentified persons killed six children due to a belief that raping and killing children under age five would bring wealth to the perpetrators. Local authorities and religious leaders held a meeting with residents to condemn the killings and educate the public about witchcraft.

On April 18, residents of Mafulala village, Rukwa Region, burned and killed Maria Jorah Salamba for allegedly using witchcraft to kill several children in the village.

There were no further developments in the following 2009 killings of persons allegedly using witchcraft: the March killings of a 70-year-old man and the beating of nine others in Sumbawanga District and the killing of 60 elderly individuals in Mwanza for suspected witchcraft.

Violence continued against persons with albinism in the belief that their body parts could create power and wealth. Frequently the victims were children, whose bodies were found with limbs severed (see section 6, Children). During the year this practice spread from the Lake Zone, where the attacks were concentrated, to other regions, although police efforts resulted in fewer such attacks than in previous years. Two children with albinism were killed and four injured during the year. There have been approximately 57 killings of persons with albinism since 2007.

By year's end the courts had sentenced a total of 10 persons to death for the killings of persons with albinism.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices. Soldiers, police officers, and prison guards abused, threatened, and otherwise mistreated civilians, suspected criminals, and prisoners on several occasions during the year. The abuse most commonly involved beatings.

Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders. Caning was also used in schools to punish students.

On March 30, the Kisutu Magistrate's Court in Dar es Salaam sentenced Justin Kasusura to 30 years in prison and 12 strokes of the cane for armed robbery and theft.

On April 10, two men attacked Said Abdallah and severed his left arm in Merela village, Morogoro Region. Police arrested four persons in connection with the incident and placed them in remand prison. At year's end a police investigation continued.

On July 9, a magistrate at the Ilala District Court sentenced a 17-year-old boy to six strokes of the cane for sodomizing a 15-year-old boy.

On August 18, a magistrate in Mwanza sentenced a Kenyan man, Nathan Mutei, to 17 years in prison for trafficking Robinson Mkwama, a Kenyan man with albinism, into Tanzania with the intention of selling him.

In February 2009 a district commissioner in Bukoba ordered police to cane 19 school teachers for tardiness and the poor performance of the students on the national exams. Seven female and 12 male teachers were caned in front of a group of

students. On February 14, President Kikwete dismissed the district commissioner. The teachers filed a civil suit against the district commissioner for 300 million Tanzanian shillings (TZS) (\$203,000). The case continued at year's end.

During the year mobs turned on police, whom they accused of failing to administer justice effectively. The LHRC reported that between January 2009 and June 2010, angry mobs attacked eight police stations. Police began an awareness campaign during the year to inform citizens about the legal rights of suspects.

On January 8, approximately 500 residents of Ilangasika village, Geita Region, burned the village office as well as the homes of the village chairman and his deputy, who prevented a mob from hanging a suspected thief. Antiriot police intervened and prevented the mob from destroying additional property. No further information was available at year's end.

On May 31, approximately 300 villagers invaded the Hedaru Police Station in Same District, Kilimanjaro Region, to punish eight persons suspected of kidnapping a child for ritual sacrifice. The villagers set the police post on fire and destroyed files, equipment, and three vehicles parked nearby. Police protected the suspects from the mob. The suspects were released when the child was found. However, five persons were arrested for setting the police station on fire. The case was pending at year's end.

During the year police and the TPDF took unspecified disciplinary action against the soldiers involved in the May 2009 assault of a traffic officer at a crossroad in Dar es Salaam.

Police arrested 10 TPDF soldiers and three civilians in connection with the September 2009 assault on patrons at a bar in Lindi Region who refused to change the radio station.

During the year Feminist Activist Coalition (FEMACT), an umbrella organization of NGOs working on women's issues, concluded that local security forces had conducted "ruthless eviction operations" in forcibly evicting farmers and burning their homes and crops in August 2009, in the Loliondo Game Controlled Area. The Commission on Human Rights and Good Governance (CHRAGG) found that eviction was conducted using reasonable force. The Office of the Prime Minister and parliament conducted investigations into this incident, but their findings were not released to the public during the year (see section 6 Indigenous People).

For police in basic training, classes on respecting human rights and antitrafficking activities continued during the year as part of the inspector general's commitment to professionalize the police force and reduce corruption. Soldiers in the TPDF were also given training on human rights.

Prison and Detention Center Conditions

Despite improvements, prison conditions remained harsh and life threatening. Inadequate food, overcrowding, poor sanitation, and inadequate medical care were pervasive. In contrast to the previous year, there were no reports of torture by prison guards during the year.

During July-September visits by CHRAGG to 67 prisons, inmates indicated that the quality of food, size of cells, availability and quality of inmate uniforms, and distribution of mosquito nets had improved since 2009. Murder suspects spent less time in remand due to the expansion in the judiciary. Despite these improvements, sanitation and overcrowding were problems that encouraged the spread of disease. Prison staff complained of water shortages and a lack of electricity as well as inadequate medical supplies. Limited transportation also affected the ability of prison staff to take prisoners to health clinics and hospitals. Foreign prisoners complained it was difficult for embassy officials to visit them and that they waited long periods before being transferred to their home countries.

Inmates in Ruvuma Region went without food at least three times a week. In its semiannual report, the LHRC alleged that the prison department spent approximately TZS 650 (\$ 0.44) a day for food for individual inmates instead of the mandated TZS 2,420 (\$1.64).

In May the Tanganyika Law Society (TLS) published the findings of an inspection of 24 prisons it conducted in 2009. The report alleged prisoners were subject to abuse and torture while in detention and detailed overcrowding in prisons in Dar es Salaam, Tabora, Arusha, Mara, Mwanza and Tanga Regions. In the Segerea Prison in Dar es Salaam, there were 170 inmates in cells designed for 50, and at the Ilagala Prison in Kigoma, inmates had to walk more than four miles to fetch water when the prison transportation system broke down. The report described the prison system's failure to provide basic sanitary items or adequate food to the prisoners. The Ministry of Home Affairs denied the allegations of torture and abuse but said it had taken note of the other issues identified in the report and would try to address them.

According to the LHRC, there was one reported death in prisons due to HIV/AIDS during the year.

In 2009 the LHRC visited 24 prisons on the mainland and reported that overcrowding remained a serious problem. At one facility LHRC representatives reported that 150 inmates were living in a cell designed for 30. The Tanzanian Red Cross (TRC), which visited prisons in 2009, stated that some prisoners had to sleep on the floor.

According to the TLS, some inmates were forced to worship in denominations chosen for them by prison wardens. Seventh Day Adventists complained they had to work on Saturday. Generally, however, prisoners and detainees had reasonable access to visitors and were allowed to worship freely.

In 2009 one NGO reported that water was often scarce in the prisons, leading to poor hygiene. Combined with overcrowding, these conditions contributed to the spread of disease. The most common diseases were malaria, tuberculosis, HIV/AIDS, and other diseases related to poor sanitation. In one women's prison, the LHRC reported there were no mosquito nets or screens to prevent malaria. Prison dispensaries offered only limited treatment, and friends and family members of prisoners generally had to provide medications or the funds to purchase them.

The union Ministry of Home Affairs Public Complaints Department and a Prison Services Public Relations Unit responded to public complaints and inquiries sent to them directly or through the media about the prison conditions.

On the mainland prisoners were permitted to submit complaints to judicial authorities as well, but it was alleged that the letters were censored. Prisoners were also able to submit complaints to CHRAGG during its prison visits.

On the mainland the law allows judges and magistrates to grant parole or impose alternative sentences such as community service as a means of reducing overcrowding; however, these options were rarely used. Only 3,057 prisoners on the mainland had been granted parole since the parole law was enacted in 1999. According to the LHRC, the law authorizes early release for good behavior but has burdensome evidentiary requirements.

During the year the prisons held approximately 38,477 prisoners, of whom 18,948 were convicted (49 percent) and the others were pretrial detainees (51 percent). An estimated 1,275 convicted prisoners and pretrial detainees were women. While a precise figure was not available for juveniles in detention on the mainland, officials estimated the juvenile population was similar to that of female prisoners, a small fraction of the total prison population. There were an estimated 700 juveniles in remand homes.

According to CHRAGG, pretrial detainees were held between three and four years. Pretrial detainees were not always separated from prisoners on the mainland. However, this separation occurred with greater regularity in mainland prisons during the year.

In 2009 on both Zanzibar and the mainland, it was reported that prison officers sexually abused individuals in detention. There were reports that in Segerea Prison male staff members made sexual advances to female inmates. According to the TLS, some inmates complained of being sexually harassed by fellow inmates.

In Zanzibar, the Zanzibar minister of state for regional administration and special units, Suleiman Othman Nyanga, told members of the House of Representatives on June 16 that the government would investigate allegations that prison officers were sexually abusing inmates.

In Zanzibar juveniles were held with adults and remand prisoners were held with convicted prisoners. There were 17 juveniles in jail in Zanzibar.

On the mainland authorities often moved prisoners to different prisons without notifying their families.

Representatives from the International Committee of the Red Cross (ICRC) and CHRAGG visited prisons during the year. The Office of the UN High Commissioner for Refugees (UNHCR) visited prisons holding refugees to determine their immigration status and provide help to those wrongly arrested and sentenced for illegal immigration.

Despite improvement in the length of pretrial detention, it remained a problem, often because the lack of an efficient case management system led to lost files and case delays. Efforts to ensure that detainees did not serve longer than the maximum sentence for the charged offense were often hampered in rural areas because officials lacked transport to take detainees on their court date.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Under the union Ministry of Home Affairs, the mainland police force has the primary responsibility for maintaining law and order. The field force unit, a special division in the national police force, has responsibility for controlling unlawful demonstrations and riots. Mainland Sungusungu citizens' patrols, which are traditional neighborhood and village anticrime groups, also worked with local government leaders to support the police force in refugee camps and other areas. The police force remained underfunded and largely inefficient. Police use of excessive force, police corruption, and impunity were problems. There continued to be newspaper articles, civil complaints, and reports of police corruption from the Prevention and Control of Corruption Bureau (PCCB) and Ministry of Home Affairs.

The Ministry of Defense is responsible for external security on the mainland and Zanzibar and has some limited domestic security responsibilities.

In March CHRAGG released the results of a survey conducted in 2009 in seven mainland Districts in Mwanza, Mbeya, and Dar es Salaam to determine the extent of brutality committed by law enforcement officers. According to the report, 97 percent of the 1,045 respondents indicated that law enforcers committed acts of brutality, including killing and beating. Respondents identified police as the worst offenders, followed by paramilitary groups and Sungusungu.

Mainland police sometimes acted as prosecutors in lower courts, which allowed police to manipulate evidence in criminal cases (see section 1.e.).

There were continuing efforts to improve the performance of police. During the year police continued to hold educational seminars for officers to combat corruption and took disciplinary action against police officers implicated in wrongdoing. More than 350 mainland police officers were dismissed for unethical behavior and an additional five were demoted.

The mainland community policing initiative launched in 2009 to mediate local disputes and reduce police corruption continued during the year. The community police received standardized training, and police conducted awareness campaigns for citizens on how to assist community policing units.

In July police officers met with NGO representatives and political and religious leaders on the mainland to ask for their help in educating citizens about the role of police and citizen responsibilities. During the year police also aired a television program called "Our Peace" on the rights and obligations of the public in promoting a stable society.

During the year the mainland police continued to hold training seminars on human rights, antitrafficking in persons, expediting investigations, finalizing criminal cases, and treatment of opposition political party members. Police sometimes collaborated with international experts for training.

The government arrested and detained journalists, and in one incident, arrested NGO activists during the year (see sections 2.a. and 5).

The law grants legal status to the mainland Sungusungu village anticrime groups. Local governments appointed its members from communities with citizen participation. They have the authority to arrest suspects and carry wooden clubs but no firearms. Family units of a neighborhood in which Sungusungu operated either contributed money for patrols or provided a volunteer to participate in patrols. In refugee camps, Sungusungu groups composed of refugees acted as security forces supplementing contingents of police.

During the year there were reports of Sungusungu units using excessive force, particularly in the Mwanza, Shinyanga, Tabora, and Mara Regions. For example, on April 26, the Tanzania Teachers' Union in Shinyanga Region announced it was suing the government over an incident in which a Sungusungu unit caned four teachers in public for being late to a parent-teacher meeting. The teachers dropped their suit after being compensated TZS 100,000 (\$68) and relocated to other districts.

In advance of the October 31 union and Zanzibar presidential and legislative elections, the ICRC and TRC trained police officials on six regions of the mainland, Pemba, and Zanzibar on their role in controlling election related violence, the work of the TRC, and human rights. Additionally, the Zanzibar Legal Services Center held human rights training for Zanzibar's "special units" and provided them with a manual on international standards of conduct.

In March CHRAGG published a survey in which members of the public accused Sungusungu units of taking bribes, fabricating cases against citizens, beating, and in certain instances killing suspects.

In 2009 five cases against Sungusungu units were investigated, of which four were brought to court. Three cases continued at year's end, while the court ordered the Sungusungu involved in the fourth case to pay a fine of TZS 30,000 (\$20) to the victim.

On Zanzibar, the Zanzibar Director of Public Prosecution (DPP) replaced police prosecutors with civilian prosecutors in all but four districts of the isles. This initiative, together with efforts to increase the use of mediation and ensure thorough investigations before suspects entered remand, decreased the overall case backlog significantly and eliminated it in some courts.

In February the Zanzibar House of Representatives passed the DPP Office Act, which establishes a code of conduct, significantly improving accountability and transparency.

In Zanzibar, "special units" are deployed at the district level for activities that would fall under police jurisdiction on the mainland. Recruitment, training, and command and control of the "special units" are opaque and influenced by the ruling

party in Zanzibar. There are five different "special units" which reported to the Zanzibar minister of regional administration before the formation of the government of national unity. These units, including the fire brigade and prison guards, were often activated during political activities, such as voter registration or voting itself. Following the October 31 elections that produced a government of national unity, the government of Zanzibar began a review of the role of Zanzibar's "special units" that continued at year's end.

During voter registration from June 2009 to May, there were several instances in which Zanzibari "special units" were involved in disturbances. In August 2009 the Zanzibar government militia reportedly fired bullets into the air to disperse crowds of CUF supporters gathered at registration facilities on Pemba to protest the registration process. According to CUF, amidst escalating violence throughout the month of August, soldiers arrested and beat several party supporters. There were no further incidents during the year.

Arrest Procedures and Treatment While in Detention

On the mainland the law requires that persons be apprehended openly with warrants based on sufficient evidence, and authorities generally complied with the law. The law also requires that a person arrested for a crime, other than a national security detainee, be charged before a magistrate within 24 hours of arrest; however, at times the police failed to comply with this requirement. The law gives accused persons the right to contact a lawyer or talk with family members, but at times they were denied this right. Prompt access to counsel was often limited by the lack of lawyers in rural areas, lack of communication systems and infrastructure, and illiteracy and poverty of the accused. Authorities promptly informed detainees of the charges against them. The government provided legal representation for some indigent defendants and for all suspects charged with murder or treason. The law does not allow bail for cases involving murder, treason, drugs, armed robberies, or violent offenders posing a public safety risk. When bail is granted in some cases, strict conditions on freedom of movement and association are imposed. In the primary and district courts, bribes sometimes determined whether or not bail was granted.

By law the president may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. The government must release such detainees within 15 days or inform them of the reason for their continued detention; it also allows a detainee to challenge the grounds for detention at 90-day intervals. The mainland government has additional broad detention powers under the law, which permits regional and district commissioners to arrest and detain for 48 hours anyone who may "disturb public tranquility." This act was not invoked during the year.

CHRAGG estimated that more than 51 percent of the prison population consisted of pretrial detainees. Detainees charged with criminal matters generally waited three years for trial due to the time required to complete police investigations, a lack of judges to hear cases, and an inadequate judicial budget.

Prisoners continued to protest the length of time it took to hear their cases. For example, on January 26, pretrial detainees from a prison in Meatu District, Shinyanga Region, went on a hunger strike to protest a lengthy stay in prison without trial. Some of these detainees had been in remand prison for seven years and others had been detained without bail.

On August 23, three suspects accused of armed robbery and murder stripped naked in a court in Mvomero District, Morogoro Region, to protest the delay in their court case. They had been in pretrial detention since 2007.

On April 26, President Kikwete ordered the release of 3,101 prisoners to ease overcrowding. This group included ill or elderly inmates who had served more than one-fourth of their sentence, pregnant women, or those with infants.

On December 9, President Kikwete pardoned more than 3,563 prisoners on the occasion of Tanzania's Independence Day.

On January 12, President Karume pardoned 39 prisoners in Zanzibar on Revolutionary Day.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the judiciary remained underfunded, corrupt (see section 4), inefficient, especially in the lower courts, and subject to executive influence. Court clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. According to news reports, magistrates of lower courts occasionally accepted bribes to determine guilt or innocence, pass sentences, or decide appeals of cases coming from the primary courts to district courts.

In December 2009 the Tanzania Women Judges Association (TAWJA) together with the International Association of Women Judges, a nonprofit organization focused on improving access to justice and advancing human rights, held a conference in Dar es Salaam to discuss ethics among judges, the police, and prosecutors. A TAWJA official stated that some judges and many court officials continued to violate work ethics and that corruption remained a problem.

In Zanzibar there were four high court judges. During the year the Zanzibar government eased the backlog of cases by appointing high court judges to hear cases in the labor court. In 2009 the Zanzibar government hired three new magistrates for the land tribunal. Previously the land tribunal only had one magistrate.

Trial Procedures

With some exceptions, criminal trials were open to the public and the press. Courts that hold secret proceedings--such as in drug trafficking cases and sexual offenses involving juveniles--generally were required to provide reasons for closing the proceedings. In cases involving terrorism, the law provides that everyone except the interested parties may be excluded and that witnesses may be heard under special arrangements for their protection. The law prohibits lawyers from appearing or defending clients in primary-level courts, whose presiding officers are magistrates without degrees.

Juries are not used. The law provides for the presumption of innocence. Defendants or their lawyers have access to evidence held by the government, the right to question witnesses, and the right to present evidence on the defendant's behalf. All defendants charged with civil or criminal matters, except parties appearing before kadhi courts (which apply Muslim law on civil matters involving the family, including registration of marriages, adjudication over inheritance, divorce, child custody cases, etc.) on Zanzibar and cases examining the constitutionality of Zanzibar laws, could appeal decisions to the respective mainland and Zanzibar high courts, respectively. Defendants in Zanzibar can appeal decisions to the union Court of Appeal. On the mainland the law provides a right to free counsel for defendants accused of murder and treason, as well as for indigent defendants in other serious cases. There are no public defenders in Zanzibar. Most indigent defendants charged with lesser crimes did not have legal counsel. On both Zanzibar and the mainland, most defendants could not afford legal representation.

On the mainland and in Zanzibar, in some cases police acted as prosecutors in lower courts, but this practice was being phased out. The mainland Ministry of Justice began hiring and training state prosecutors to handle the entire mainland caseload. Judicial experts had criticized the practice of police acting as prosecutors because it allowed police to manipulate evidence in criminal cases. The mainland government was able to phase out police prosecutors in the regions of Tabora, Mwanza, Moshi, and Shinyanga. However, financial constraints and staffing issues slowed the process. In Zanzibar, police prosecutors have been phased out in all but four districts. The government took steps to speed up the judicial process by opening offices of the DPP in the regions of Lindi and Mara. In 2009 the mainland DPP's office reviewed cases to identify those that could be dismissed due to weak evidence or resolved through plea bargains. Further, it developed a general instruction manual for prosecutors and collaborated with police on a similar resource for investigators to assist them in processing cases.

There were approximately 1,300 registered lawyers in the country, 80 percent of whom practiced in Dar es Salaam, Arusha, and Mwanza. According to the Zanzibar Legal Services Center, there were only 43 registered lawyers residing and working in Zanzibar, primarily concentrated in and around the city center, and only one resident lawyer on Pemba. Most defendants in urban areas who could not afford to hire a legal representative or lawyer represented themselves in court, but women and the economically needy were provided with free legal assistance by the government and some NGOs, such as the Tanzania Women Lawyers Association and the National Organization for Legal Assistance.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Civil proceedings are administered in the high court or at the magistrate or district level. Persons may bring lawsuits seeking damages or the cessation of human rights violations; however, civil judicial procedures often were slow, inefficient, and corrupt.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law generally prohibits such actions without a search warrant; however, the government did not consistently respect these prohibitions. While only courts can issue search warrants, the law also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence, or if circumstances are serious and urgent.

CHRAGG received between 100 and 200 complaints regarding civil liberties and between five and 20 human rights complaints each month. As of June 30, CHRAGG received 772 complaints of which 706 were related to good governance and 66 to human rights.

The law relating to terrorism permits high-ranking police officers to conduct searches without a warrant in certain urgent cases; there were no reports that this provision of the act has ever been invoked.

It was widely believed that security forces monitored telephones and correspondence of some citizens and foreign residents. The actual nature and extent of this practice were not known.

The LHRC reported several continuing disputes between residents and the government concerning land seizures. The 2001 case of 135 villagers who claimed they had been illegally evicted from their land by government officials in the Nyamuma villages of Serengeti District in Mara Region continued. In 2009 the LHRC filed an application with the High Court seeking a court order to compel the government to compensate or resettle the villagers. During the year the Court of Appeal ordered the High Court to enforce the judgment but at year's end no date had been set by the court for the enforcement order.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech but does not explicitly provide for freedom of the press.

The law provides for arrest, prosecution, and punishment for the use of "seditious," abusive, or derogatory language to describe the country's leadership publicly. The law allows police to raid and seize materials from newspaper offices without a warrant if there is cause and allows the minister of information to close media outlets for reasons of undefined

"public interest" or "the interest of peace and good order." However, the independent media on the mainland were active and generally expressed a wide variety of views.

Individuals could criticize the government both publicly and privately without reprisal, although some Tanzanians expressed concern about doing so in public.

On the mainland there were an estimated 15 daily newspapers. Of these, two were owned by the government, a third, *Uhuru*, by the ruling CCM party, and a fourth by the chairman of the opposition party, Chadema. The remaining newspapers were independent although some were owned by close associates of ruling party members. Registering newspapers remained difficult and was at the discretion of the registrar of newspapers at the Ministry of Information on both the mainland and Zanzibar.

Authorities arbitrarily arrested journalists during the year.

In February the Arusha regional police questioned journalists Mussa Juma, Eliya Mbonea, and Amiri Ibrahimu for six hours and detained them for three days allegedly because of their efforts to report on a land dispute in the villages of Basutu and Mulbadaw. Mussa Juma said the police confiscated their equipment after releasing them from custody.

On May 11, the LHRC reported that police in Ngara District, Kagera Region, arrested journalist Cosmas Makongo for reporting on a meeting between district officials and villagers on illegal immigration. Makongo and other journalists claimed district officials tried to bribe them to prevent them from filing their stories. When the journalists refused the bribes, local authorities harassed them.

Journalists were threatened and assaulted during the year.

On February 4, an unidentified person threatened to beat journalist Heri Shaaban from the *Business Times* for trying to take a picture of a TPDF soldier who was being charged with assault with a deadly weapon at the Ilala District Court in Dar es Salaam.

On September 3, an official with the Ministry of Information reported that a mob beat a Tanzania Broadcasting Commission (TBC1) journalist after TBC1 stopped broadcasting a speech by a Chadema candidate.

On September 24 and again on October 11, the Ministry of Information warned the editor of the *Mwananchi* newspaper of possible legal action if the paper continued to publish articles critical of the government. However, no action was taken against the newspaper and it continued to publish articles critical of the government.

The chairman of the Tanzania Editor's Forum, Absalom Kibanda, said that during the year reporters were harassed on three occasions, including the October 26 beating by ruling party supporters of Fred Katulanda, a reporter with the *Mwananchi* newspapers in Geita Region.

The December 2009 case in which five assailants attacked a journalist from Mwananchi Communications in his home in Mwanza was pending at year's end. The suspects had demanded the journalist surrender documents he had received in connection with an investigation into funds allegedly stolen from a government bank account.

During the year the government banned one newspaper and deregistered another. On January 8, Minister for Information, Culture, and Sports George Mkuchika banned the *Kulikoni* newspaper for 90 days for violating the National Security Act by publishing a story on army recruits who were cheating on exams. He also deregistered the *Leo Tena*, a tabloid magazine, for publishing pornographic pictures.

On September 2, police in the Kahama District of the Shinyanga Region impounded copies of a book entitled *Education Corruptors*, in which the author accused prominent government ministers of lying about their educational background. No one was arrested in connection with the incident.

The mainland government allowed political opponents unrestricted access to the media; however, the opposition did not receive equal coverage.

On September 19, the Tanzania Editor's Forum published an article condemning the harassment of journalists covering election campaigns by political party members, warning such parties that newspapers would not report their campaigns if the practice continued.

Authorities impeded journalists from working during the year.

In April authorities in Ngorongoro District of the Arusha Region tried to stop four journalists--Mwanaidi Mkwizu, Abu Mkongo, Mashaka Mgeta and Juma Musa--from reporting the story of a group of women protesting their 2009 eviction from a game reserve in Loliondo. The four reporters were reprimanded by the district commissioner for not obtaining permission to interview the women. Although permission was granted later, the women would not provide the reporters with any information because they had been warned not to talk to them.

On August 25, CCM officials allegedly chased a *Mwananchi* reporter away from the State Lodge in Mwanza Region when he tried to join the president's entourage for a campaign rally in the districts. Ray Naluyaga, bureau chief for the *Mwananchi* and *Citizen* newspapers, said his reporters had been prevented from covering the presidential rallies in the Kagera and Mwanza Regions after the *Mwananchi* ran a story alleging that the president was struggling to heal divisions within the ruling party.

On August 28, at the start of Chadema's national election campaign, a senior party member publicly accused the president and senior government officials of involvement in an ongoing grand corruption case. The government-owned TBC1 cut off live transmission of the program. Some persons at the rally assaulted the TBC1 reporter covering the event. On August 31, Chief Justice Augustino Ramadhani warned opposition parties not to use political platforms to discuss pending cases and told reporters that the judiciary would not hesitate to take action against candidates who continued to do so.

During the year *Mwana Halisi* newspaper sued the government over provisions in the Newspaper Act that give the president and minister of information powers to prohibit the publication of material that jeopardizes national security. *Mwana Halisi* claimed this provision limits freedom of speech. The case remained pending at year's end. *Mwana Halisi* was suspended for 90 days in 2008 for reporting that a group within the CCM was planning to stop the president from competing in the 2010 elections.

Many radio stations and all but one television station were privately owned. There were government restrictions on broadcasting in tribal languages. The government operated newspaper, radio, and television outlets, as did private corporations.

In Zanzibar, the only daily newspaper was owned by the Zanzibari government. However, there were four periodic newspapers of which three were privately owned. In July the *Al-Risalah*, a weekly religious newspaper, was reestablished.

Although the government refused to register the *Nipe Habari* newspaper in 2009, it was registered and allowed to operate on the mainland during the year.

National newspapers were sold in Zanzibar without restriction. The Zanzibar government controlled all content of radio and television broadcasts, whether privately or publicly owned. Even for mainland broadcast state television, there was a delay in the feed, allowing Zanzibari censors to intervene. However, the radio stations operated relatively independently, often reading the content of national dailies, including articles critical of the Zanzibar government.

Although the media were primarily government-controlled in Zanzibar, the political opposition has enjoyed increased access since the reconciliation process between the two political parties began in November 2009. However, observers noted that in spite of improved coverage of opposition rallies, the CCM continued to get more coverage.

During the run up to the July 31 referendum in Zanzibar, there was unprecedented media coverage of the issue of a unity government, with open dialogue about its implications.

A permit was required for reporting on police or prison activities, and journalists needed special permission to attend meetings in the Zanzibar House of Representatives. Anyone publishing information accusing a Zanzibar member of parliament of involvement in illegal activities was liable to a fine of not less than TZS 250,000 (\$170), three years' imprisonment, or both. Nothing in the law specifies whether this penalty stands if the allegations were proven to be true. The law also empowers the government to fine and suspend newspapers without warning.

Internet Freedom

There were no government restrictions on access to the Internet; however, the government monitored Web sites that criticized the government. Police also monitored the Internet to prevent trafficking in persons and other illegal activities. In 2009 the government shut down one blog for posting a doctored photo of the president. In general individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to the International Telecommunication Union statistics for 2008, approximately 1 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly; however, the government did not always respect this right in practice. The government requires organizers of rallies to obtain police permission. Police may deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party.

In February Chadema candidates complained that the police in the Rorya District of Mara Region would not allow them to hold rallies despite their requests for a permit. Chadema officials were told that local authorities feared they would raise the issue of clan fighting in their speeches.

In March the police in the Kibaha urban constituency of Dar es Salaam Region refused to give Chadema candidates a permit to hold a rally. No explanation was given for the decision. After the October 31 presidential and parliamentary elections, Chadema faced similar difficulties in obtaining permits for planned rallies.

In April the Arusha police dispersed hundreds of women from Loliondo who intended to return their CCM membership cards in protest of the July 2009 eviction and burning of their homesteads. District authorities also arrested NGO representatives for allegedly inciting the women to protest (see sections 1.c. and 5).

In late December, citing security concerns, police denied CUF permission to hold a demonstration and rally in Dar es Salaam. On December 28, CUF went ahead with its demonstration. Police dispersed the crowd of CUF supporters as they began their march and arrested several demonstrators. The cases remained pending at year's end.

In April authorities dismissed all charges against the seven opposition party CUF members who were arrested in September 2009 on charges of unlawful assembly.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

For a description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government generally cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

Police at checkpoints sometimes solicited bribes.

The law does not permit the forced exile of citizens, and the government did not use forced exile in practice.

Protection of Refugees

The country's laws provide for asylum or refugee status, and the government has established a system for providing protection to refugees. The government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. However, in early November 2009, regional authorities in Kigoma Region forcibly returned 72 asylum seekers from the Democratic Republic of Congo (DRC) without allowing UNHCR to conduct an independent status determination. The Ministry of Home Affairs stated it regretted the incident and would not allow it to recur.

In 2008 the minister of home affairs announced that approximately 200,000 refugees who had arrived from Burundi in 1972 would be offered the choice of citizenship or assisted voluntary repatriation. In close consultation with UNHCR, the government continued the process of identifying those qualified for citizenship and local integration, and more than 162,000 refugees had been granted citizenship by year's end.

Despite improving conditions, the remaining 1993 Burundi refugees did not choose to return home during the year. UNHCR assisted with the repatriation of fewer than 1,000 of the 1993 Burundi refugees during the year. The tripartite commission composed of UNHCR and the governments of Tanzania and Burundi continued to encourage repatriation by offering repatriation incentives and eliminating nonessential services.

Due to deteriorating conditions in the DRC, UNHCR did not assist with the repatriation of Congolese refugees during the year.

By year's end there were only two UNHCR-supported camps in the country, one for Congolese and one for 1993 Burundis. It remained illegal for refugees to live outside their camps or settlements or to travel outside the camps farther

than two and one-half miles without permits. An exit permit could be obtained from the regional authorities for an absence from the camps of less than 11 days. Permits for longer absences could be obtained from the Ministry of Home Affairs; however, there were several reports that refugees had difficulty obtaining permission to leave the camps. Refugees apprehended outside the camps without permits often were sentenced to community service rather than imprisonment and deportation, as was the case previously. The Ministry of Home Affairs acknowledged that some judges in the past had misinterpreted the regulation and sentenced refugees to three years in jail instead of imposing a six-month sentence or fine as prescribed by the law.

Local government authorities policed the camps with support from refugee volunteers. Robbery, assault, and rape were the most common crimes. UNHCR reported that there were an estimated 597 incidents of gender-based violence, including 84 rapes in the camps during the year.

UNHCR worked with local authorities as well as individuals working in the camps to strengthen coordination and their ability to address issues of sexual violence and violence against minorities. During the year the government investigated, prosecuted, and punished perpetrators of abuses in the refugee camps; most cases of refugees involved in crime and abuse outside the camps were handled by local authorities. Residents of refugee camps suffered delays and limited access to courts, common problems faced by citizens as well. There were reports that some refugees engaged in intimidation and vigilante justice within camps.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in elections on the mainland and in Zanzibar.

Elections and Political Participation

Separate elections are held for the union and for Zanzibar, ordinarily on the same day, in which citizens of the two parts of the union elect local officials, members of the national parliament, and a union (national) president. In addition Zanzibaris separately elect a president of Zanzibar and members of the Zanzibar House of Representatives. District and regional leaders in Zanzibar and on the mainland are appointed by their respective presidents.

During the year the National Electoral Commissioner created seven new constituencies, bringing the total to 246 constituent seats.

Tanzania held its fourth multiparty general elections on October 31 in which voters elected new presidents (both union and Zanzibari) and legislative representatives. President Kikwete, the incumbent ruling party candidate, was reelected with 61.7 percent of the vote, a smaller margin than the 80 percent he received in 2005. The union and Zanzibar elections were judged to be largely free and fair. However, the CCM benefited from vastly superior financial and institutional resources.

The national elections were generally peaceful, but there were several protests associated with the slow pace of reporting election results, primarily in Arusha, Moshi, Mwanza, Kigoma, and Dar es Salaam. The opposition party, Chadema, registered concern about the accuracy of the count and made allegations of interference with the tabulation process, but failed to present proof of significant malfeasance. Despite attending the opening session of parliament, Chadema parliamentarians walked out before President Kikwete's inaugural address and stated they would not recognize his presidency. However, the party subsequently accepted Kikwete as the "lawful" president but continued to call the election results "illegitimate."

In Zanzibar, where past elections were marked by violence and widespread irregularities, the October elections proceeded peacefully after the ruling CCM party and the opposition CUF reached a power-sharing agreement. In a July 31

referendum, Zanzibaris voted to amend the constitution to allow for a CCM and CUF unity government. Ali Mohamed Shein, the immediate past union vice president, was elected president of Zanzibar with 50.1 percent of the vote. Shein selected CUF's Seif Sharif Hamad as first vice president and Seif Ali, former union deputy foreign minister, as second vice president.

The passage of the July 31 referendum set the stage for peaceful general elections on October 31 in Zanzibar. The power-sharing agreement eliminated the winner-take-all system, giving the losing side one of two vice-president slots and ministerial positions in proportion to the seats it holds in the House of Representatives.

The Zanzibar government registered eligible voters from late June 2009 through May. Although in August 2009 the Zanzibar government militia reportedly arrested and beat several CUF supporters and dispersed crowds around registration centers, the registration process proceeded peacefully in 2010.

On the mainland government harassment of opposition political parties diminished after the 2005 elections. However, as parties prepared for the October elections, opposition parties alleged that the ruling party tried to hamper their campaign initiatives. Chadema charged that the government interfered with its campaign when TBC1, a government-owned media outlet, disconnected the live coverage of its campaign launch on August 28. Opposition parliamentary candidates alleged they were required to stop their campaigns before six p.m. daily for security reasons, but officials allowed CCM campaigns to continue until eight p.m.

In 2009 there were three union parliamentary by-elections and one for the Zanzibar House of Representatives. Unidentified individuals reportedly attacked opposition party members in the mainland constituencies of Busanda and Biharamulo during the campaigns preceding the by-elections. The ruling CCM party made similar complaints regarding attacks by opposition supporters. In addition, opposition parties complained of voting irregularities in Biharamulo but did not file a legal challenge.

In April all charges were dismissed due to insufficient evidence against the seven CUF officials who were arrested in September 2009 after a rally and charged with unlawful assembly (see section 2.b.).

Individuals and parties could freely declare their candidacy and stand for election. The law requires that persons running for office must represent a registered political party. Following a two-decade effort to challenge this provision, on June 17, the Court of Appeal ruled that only parliament had the authority to amend the constitution to allow independent candidates to run for office.

In 2009 opposition party members in Zanzibar, particularly on Pemba, claimed that the government, the largest employer, discriminated against them in hiring. During the year, however, it was reported that discriminatory practices had gradually decreased.

Political parties are required by law to support the union between Tanganyika and Zanzibar; parties based on ethnic, regional, or religious affiliation are prohibited. Unregistered parties and independent candidates are prohibited from participating in elections. In general political parties could operate without restriction or outside interference, although there were occasional restrictions on the parties' right to call for a demonstration.

The registrar of political parties has sole authority to approve registration of any political party and is responsible for enforcing regulations on registered parties. Parties granted provisional registration may hold public meetings and recruit members. To secure full registration and be eligible to field candidates for election, parties must submit lists of at least 200 members in 10 of the country's 26 regions, including two of the five regions of Zanzibar, within six months.

During the year three new political parties were granted temporary status. However, the registrar of political parties deregistered one of them, Chama cha Jamii (CCJ), for failing to meet the requirements for full registration.

In August opposition parties on the mainland complained the government did not give them enough time to return their registration forms for parliamentary and local government councilor elections. In response the registrar of political parties extended the submission deadline by 10 days.

The election law provides for parliamentarians completing a term to receive 40 million TZS (\$27,000) as a "gratuity," which incumbents can use in reelection campaigns. Several NGOs and opposition parties criticized this provision for disadvantaging opposition party candidates in mounting an effective challenge.

On February 11, parliament enacted the Election Expenses Act to regulate funding, curb illegal practices, and promote accountability among candidates during the nomination campaign and election cycle.

On July 26, the National Electoral Commission distributed to political parties an Electoral Code of Conduct that was drafted in consultation with and signed by the political parties. Failure to sign the code precludes a party from fielding candidates. The code bars public servants from interfering with election procedures and political parties and their followers from engaging in violent behavior, carrying weapons, and using foul language. Candidates are permitted only to criticize opponents on policy issues. Candidates violating any section of the code are liable to fines of TZS 50,000 (\$34), TZS 100,000 (\$68) and TZS 200,000 (\$136) for civic, parliamentary, and presidential aspirants, respectively. Zanzibar CCM and CUF also signed a code of conduct, as did the media operating in the isles.

The unicameral union parliament has up to 357 members, including the attorney general, the speaker, five members elected from and by the Zanzibar House of Representatives, 102 special women's seats apportioned among the political parties based on their election results, 239 constituent seats (including 50 from Zanzibar), and up to 10 members nominated by the president.

Political parties appoint women to serve in seats set aside for them according to the percentage of votes their parties win. After the October elections, there were 102 special seats for women, and at year's end there were 119 women in the 357-seat parliament. After taking office, President Kikwete appointed eight women ministers (compared with four in the former administration) and three women deputy ministers. There were two members of parliament of Asian origin in parliament. There were no ministers of Asian origin.

In the October 31 elections, the CCM retained its absolute majority in parliament, with nearly 80 percent of the seats. With a total of 47 seats, 24 elected and 23 "special seats" for women, Chadema displaced CUF as the official opposition and selected its chairman, Freeman Mbowe, as opposition leader. The new parliament selected Anne Makinda as the country's first female speaker of parliament.

Twenty five of the 62 high court judges and five of the 16 Court of Appeal judges were women.

The Zanzibar House of Representatives has 50 elected seats, 20 women's special seats, and eight appointed at-large seats. Two of the eight appointed seats were held by women. There are two women ministers and four deputy ministers. There were three persons with disabilities in the Zanzibar House of Representatives.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. The World Bank's Governance Indicators in 2008 reflected that corruption was a serious problem.

On February 11, the parliament passed the Election Expenses Bill, which came into force on March 17. The new law, which is designed to curb the misuse of campaign funds during elections, contains a list of prohibited activities that may disqualify a candidate from participating in an election. For example, candidates are prohibited from bribing individuals with money, employment, or other valuables to induce them to vote or refrain from voting in a particular manner. During the year the Tanzanian Prevention and Combating of Corruption Bureau (PCCB) opened investigations into and began court proceedings against a number of ruling party candidates suspected of bribing voters. There were 10 cases pending in court at year's end.

The government continued to use specialized agencies to fight corruption, but their effectiveness was limited. A three-person unit within the President's Office, headed by a minister of state for good governance, was charged with coordinating anticorruption efforts and collecting information from all the ministries for publication in quarterly reports. During the year the unit drafted the National Anti-Corruption Strategy and Action Plan.

There was little accountability in most government entities; senior government officials estimated that 20 percent of the government's budget in each fiscal year was lost to corruption, including theft and fraud, fake purchasing transactions, and "ghost workers." During the year Director General of the National Identification Authority Dickson Mwaimu told parliamentarians that the government was losing billions of shillings annually through fraudulent salary payments. According to Mwaimu, the government lost TZS 26.6 billion (\$18 million) in salaries to ghost workers in seven institutions in the past three years.

On April 19, the Controller and Auditor General's office released a report stating that, despite general improvement in the management of government funds, there were still major weaknesses in internal controls and noncompliance with laws and regulations, particularly in the area of public procurement.

The PCCB is responsible for investigating suspected corruption cases and prosecuting offenders in coordination with the DPP and educating the public about corruption. The PCCB has 24 regional offices and an office in every District on the mainland. In the first six months of the year, the PCCB received 2,896 allegations of corruption, investigated 413 cases, brought 104 new cases to court, and prosecuted 506 cases in which there were 21 convictions. There were 30 ongoing grand corruption cases at year's end. According to the PCCB, most corruption investigations concerned government involvement in mining, land matters, energy, and investments. NGOs also reported that allegations of corruption involved the Tanzania Revenue Authority, local government officials, the police, licensing authorities, hospital workers, and the media.

The PCCB's mandate does not extend to Zanzibar, and a special unit of the police force in Zanzibar is responsible for corruption cases. However, according to police, there were no investigations as no complaints were received during the year. The Zanzibar Legal Services Center indicated that it received complaints during the year about corruption associated with land disputes involving government officials.

Judicial and police corruption were problems.

During the year the court rejected the appeal of Jamila Nzota, a magistrate in the Temeke District Court, who was convicted of soliciting a bribe in May 2009.

On July 30, in Dar es Salaam, the PCCB interrogated three high-profile government officials after receiving complaints that they were involved in acts of corruption. The government officials included Member of Parliament for Kinondoni Idd Azzan, Minister for Natural Resources and Tourism Shamsa Mwangunga, and Tanzania Communication Regulatory Authority Consumer Consultative Council chairperson Hawa Ng'umbi. Investigations continued at year's end.

On August 11, the PCCB charged Joseph James Mungai, a member of parliament and former cabinet minister, with corruption. Mungai was alleged to have given gifts valued between TZS 2,000 (\$1.35) to TZS 20,000 (\$14) to 15 CCM officials. The case was pending at year's end.

Although a number of high-profile corruption cases were ongoing and one was concluded, the government continued to be criticized for slow progress on these grand corruption cases.

On May 24, Amatus Liyumba, the former Central Bank director of personnel and administration, was sentenced to two years in prison for abuse of office in connection with the construction of the Bank of Tanzania (BOT) building. Liyumba appealed the decision. The court dismissed his appeal and ordered him to serve his sentence.

In May the resident magistrate of Ilala District Court acquitted BOT Legal Secretary Bosco Ndimbo Kimela after the DPP dropped charges against him. In September 2009 Kinemela, along with three BOT employees, was charged with embezzling TZS 104 billion (\$70 million) by manipulating contract prices and printing requests for currency procurement. The remaining three defendants continued to face charges, and the cases were pending at year's end.

On September 13, the Kisutu Resident Magistrate Court adjourned a corruption case facing Costa Rick Mahalu, former ambassador to Italy, and Counsellor Grace Martin. The two were charged with causing the government a loss of two million euros (\$2.68 million) during the purchase of an embassy building in Italy. The case was pending at year's end.

The case against more than 20 individuals accused in 2008 of obtaining funds fraudulently from the BOT's external payment account continued at year's end.

In July the 2008 cases against two former ministers of finance and the former permanent secretary in the Ministry of Finance came before the court and continued at year's end.

Government ministers and members of parliament, as well as other public servants, are required to disclose their assets after being sworn into office, at the end of each year, and upon leaving office; however, there was no enforcement mechanism or means to determine the accuracy of these disclosures. At year's end only 33 percent of politicians, 57 percent of public servants, and 27 percent of local leaders (councilors) required to make disclosures had met the deadline.

There is no law providing for public access to government information, and such access remained limited. Government officials routinely refused to make information available. Civil service regulations effectively allow only a handful of high-level government representatives to communicate information to the media.

In September the Policy Forum, a local NGO, introduced a simplified version of the government budget to increase accessibility as well as knowledge of government spending among citizens.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. On the mainland more than 5,000 NGOs were registered and entered into the database maintained by a government-appointed NGO coordination unit within the vice president's office. The registration process was slow, taking two to five years. International NGOs may operate both on the mainland and Zanzibar. However, NGOs in Zanzibar must apply through the local government for approval, and all religious NGOs must seek approval from the Office of the Mufti, the Muslim religious authority.

Unlike in the previous year, there were no reports that the government of Zanzibar fined, suspended, and removed NGOs that criticized it.

CHRAGG, which was financed by the government, operated without government interference on the mainland and in Zanzibar. Due to budgetary constraints, CHRAGG conducted less outreach than in previous years and consequently received fewer complaints. As of June 30, CHRAGG had received 772 complaints, of which 706 involved issues of good governance and 66 involved human rights abuses. In Zanzibar it received 384 complaints, of which 197 were processed to completion between January and June.

On April 12, a representative from Oxfam and two colleagues from the Ngorongoro NGO Network were arrested and detained by authorities in Loliondo who alleged they were responsible for assisting women from 12 villages in Loliondo, Ngorongoro District, to demonstrate against their 2009 eviction from the Loliondo Game Controlled Area (see section 6).

The union parliamentary committee for constitutional, legal, and public administration is responsible for reporting and making recommendations regarding human rights. Although the majority of committee members were from the ruling CCM party, the committee acted independently of government and political party influence, and most observers viewed it as an unbiased institution. The committee worked closely and cooperated well with CHRAGG.

The government continued to host the International Criminal Tribunal for Rwanda (ICTR) in Arusha and was supportive of, and cooperated with, the international court. By year's end there were 21 detainees on trial, two awaiting trial, and nine cases pending appeal. Jean Bosco Uwinkindi, one of 11 remaining fugitives, was arrested in Kampala, Uganda, and transferred to the ICTR during the year. He is one of the two detainees awaiting trial. During the year the ICRC visited prisoners at the ICTR in Arusha.

In September and October 2009, respectively, Gregoire Ndahimana and Idelphonse Nizeyimana were transferred to the ICTR. Ndahimana's trial began in September 2010 and continued at year's end. Nizeyimana was awaiting trial at year's end. The trial of Augustin Ndirabatswe, former minister of planning, which began in September 2009, continued at year's end.

On December 22, the UN Security Council adopted Resolution 1966, authorizing the creation of a "residual mechanism" for the ICTR to be located in Arusha. This mechanism will continue the activities of the court on a reduced scale following the closure of the tribunal in June 2012.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on nationality, ethnicity, political affiliation, race, social status, or religion. Discrimination based on gender, age, or disability was not explicitly prohibited by law but was discouraged publicly in official statements and by government policies. Discrimination against women, refugees, minorities, and persons with HIV/AIDS and disabilities persisted, and ethnic tensions continued in some parts of the country.

Women

The law provides for life imprisonment for persons convicted of rape, including spousal rape, but rape continued to be a serious problem. In June the senior assistant commissioner of police said that gender-based violence had increased and that 123 rape cases were reported to police in Dar es Salaam between March and June. Countrywide, there were an estimated 3,200 reported rape cases between January and June, with 1,549 under investigation. Of those cases sent to court, 65 resulted in acquittals and 161 in convictions.

Police maintained 78 gender and children desks to support victims and address relevant crimes.

During the year in Zanzibar 870 rape cases were treated at the Mnazi Mmoja hospital. Mnazi Mmoja in coordination with Save the Children United Kingdom's Zanzibar Office, the Zanzibar Female Lawyer's Association, police officials, prosecutors, and the Department of Social Welfare established a one stop center at the hospital where rape victims can receive treatment and counseling as well as report these crimes in a safe environment.

During the year the Zanzibar Female Lawyer's Association received 108 complaints related to gender-based violence.

Domestic violence against women remained widespread, and police were often reluctant to pursue such cases. The law prohibits assault but does not specifically prohibit spousal battery or protect women from gender-based violence. There is no unified legal code protecting women. Disparate provisions of various statutes offer ineffective safeguards against gender-based violence. Cultural, family, and social pressures often prevented women from reporting abuses, and authorities rarely took action against persons who abused women.

A survey released in 2008 by the Tanzania Media Women's Association indicated that efforts to fight violence against women in Zanzibar were undermined by insensitivity to gender-based violence by the police, the judicial system, and hospital workers. According to the survey, communities considered violence against women a private matter and discouraged victims from taking legal action. The handling of such cases by police and hospitals discouraged victims from seeking legal remedies. Respondents stated that some police officers made humiliating comments to women who reported cases of rape and sometimes asked for a bribe for their cases to be processed.

In March the NGO Anti-Female Genital Mutilation Network (AFNET) conducted a study in 22 villages in the six wards of Rorya District to gauge the prevalence of gender-based violence; 93 percent of respondents characterized gender-based violence as a problem.

The courts recognized domestic violence as grounds for divorce. However, women often tolerated prolonged domestic abuse before seeking a divorce. Women in urban areas who sought advice from legal aid clinics most commonly cited domestic abuse as the reason for seeking a divorce.

In July the Association of Journalists against AIDS in Tanzania and the Lindi Women Paralegal Aid Centre conducted a spot survey on gender-based violence, HIV/AIDS, stigma, and discrimination. The survey cited cultural and family pressures as reasons for failure to report incidents of gender-based violence. According to Faustin Hokororo, the Lindi regional crime officer, light punishments meted out by the courts coupled with lack of cooperation from the community when called upon to testify in court also hindered efforts to combat the problem.

During the year NGOs conducted a television campaign to encourage women to speak out about gender-based violence. The NGO Tanzania Gender Networking Program conducted weekly gender-development seminars during the year. Government officials also used public fora to emphasize the importance of educating girls.

The government generally recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. There were no restrictions on the right to access contraceptives; however, only an estimated 20 percent of women used modern contraception, in part due to cultural factors, lack of transportation to health clinics, and shortages of contraceptives. The government provided free prenatal, childbirth, and postpartum services but lacked sufficient qualified health care professionals as well as medical supplies. An estimated 60 percent of approved positions within the Ministry of Health and Social Welfare remained unfilled, which impeded the work of small, rural clinics. Pregnant women giving birth at government health-care facilities throughout the country often had to purchase their own medical supplies. Few women took advantage of postpartum care. According to the UN Population Fund, the maternal mortality ratio was 790 per 100,000 live births, and an estimated 43 percent of births were attended by skilled personnel in

2008. UN sources estimated that a woman's lifetime risk of maternal death was one in 23. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

The law prohibits sexual harassment of women in the workplace, but no statistics existed on the extent of its occurrence or on effectiveness of enforcement. Women in the private sector sometimes faced discrimination from employers who believed that household obligations were a professional liability. There were reports that women were asked for sexual favors in return for promotions.

Inheritance and marriage laws do not provide for equality for women, and women's rights often were not respected. The mainland Ministry of Community Development, Women, and Children and the mainland Ministry of Justice and Constitutional Affairs, as well as their counterpart ministries on Zanzibar, are responsible for protecting the legal rights of women. Discrimination against women was most acute in rural areas. Rural women had little opportunity to attend school or obtain wage employment.

The law gives individuals the right to use, transfer, and occupy land without distinction of gender, and recognizes women's occupancy rights (all land in Tanzania belongs to the government), but implementation was difficult because most women were unaware of the law. Historically, rural women have not acted as primary land occupants or managed businesses because of cultural constraints and lack of education. Civil society activists reported widespread discrimination against women in property matters related to inheritance and divorce. This was particularly the case in Zanzibar, but also in some parts of the mainland, where activists maintained that judges relied on customary and Islamic law in discriminatory fashion. Women were particularly vulnerable if they initiated the separation from their partners or if their partners died.

In Zanzibar women between the ages of 18 and 21 who became pregnant out of wedlock could be sentenced to perform community service set by the Zanzibar director of public prosecution. The provision was not applied during the year.

Children

Citizenship is derived by birth within the country's territory, or if abroad, from one's parents. Only 17 percent of children had birth certificates, according to the Registration Insolvency and Trusteeship Agency. Registration of births within three months is free; however, parents who register their babies after three months must pay a fee. To encourage registration, children enrolling in preschool must present a registration certificate. However, this stipulation was not strictly enforced, and public services were not withheld if a child was not registered.

Primary education was compulsory, free, and universal on both the mainland and Zanzibar through the age of 15; however, parents were required to pay fees for enrollment beginning in form one, the equivalent of the first year of high school. As a result, many children did not attend secondary school. Parents were required to pay for books, uniforms, and school lunches. There were inadequate numbers of teachers, books, and other educational materials to meet the demand, which affected the quality and availability of education.

Girls represented roughly half of all those enrolled in primary school but were absent more often due to household duties.

The law allows head teachers to cane students, and corporal punishment in schools remained a problem, although less so than in previous years.

There continued to be reports of teachers raping students during the year. For example, on April 28, Omary Muhogo, a Mafuru primary school teacher, was arrested and questioned for allegedly raping and sexually abusing 13 school children. An investigation continued at year's end.

On June 2, two men appeared before the Ilala Magistrate's Court for the rape of two young boys. The accused denied the charges but were remanded for failure to meet bail conditions. They remained in prison at year's end.

The law prohibits female genital mutilation (FGM); however, it continued to be practiced by some tribes and families. Statutory penalties for performing FGM on girls under 18 ranged from five to 15 years' imprisonment, a fine of TZS 300,000 (\$203), or both; however, prosecutions were rare, and none were conducted during the year. Many police officers and communities were not aware of the law; victims were often reluctant to testify; and some witnesses feared reprisals from FGM supporters. Some villagers reportedly bribed local leaders not to enforce the law in order to carry out FGM on their daughters.

In March AFNET conducted a study on 22 villages in Rorya District in Mara Region on the prevalence of FGM in the region. Girls between the ages of 12 and 18 were the primary targets of FGM and were promised gifts and money from parents and relatives for undergoing the procedure. Some girls believed they would not be married without undergoing FGM.

In 2005 the Ministry of Health estimated that 5 to 15 percent of women and girls underwent FGM; their average age was less than 10 years old and reportedly included some newborns. FGM was practiced by approximately 20 of the country's 130 tribes and was most prevalent in the mainland regions of Arusha, Singida, Kilimanjaro, Morogoro, and Dar es Salaam.

In 2009 a local government officer in Singida stated that 254 out of 1,046 women who delivered in health clinics in Manyoni District, Singida Region, were circumcised. In 2009 AFNET reported that 47 out of 59 infants and girls up to age five who attended a village clinic in Singida Region had undergone FGM. Clitoridectomy, a less severe form of FGM, was employed most frequently; however, infibulation, the most severe form, was also practiced, mainly in the northern highlands and the central zone.

The government continued to implement the 2001-15 National Plan of Action for the Prevention and Eradication of Violence Against Women and Children, which enlisted the support of practitioners and community leaders in eradicating FGM. AFNET worked with education officers in the Serengeti to increase awareness about the negative effects of FGM. The NGO worked specifically with a group of students between the ages of 10 and 13 to help them gain the confidence to refuse the practice.

In the Mara Region, where FGM is prevalent, it was reported in November that 5,000 girls were at risk of FGM. The Tarime-based Termination of Female Genital Mutilation Society, in conjunction with the Children's Dignity Fund, launched an educational campaign to educate girls on the health risks associated with FGM.

The law provides that girls as young as 15 can marry with the consent of parents or guardians, although no consent is required for orphaned girls without guardians. The courts also have discretion to allow the marriages of 14-year-old girls in the case of pregnancy. Additionally, the law allows Muslim and Hindu girls to marry as young as 12 so long as the marriage is not consummated until the girl reaches the age of 15. To circumvent these laws, offenders bribed police or paid a bride price to the family of the girl to avoid prosecution.

On Zanzibar, there are multiple laws that define the age of a child, including the Penal Code, which defines a child as an individual under the age of 18 who is not married or hasn't given birth, and the Young Offenders Decree, which defines a child as being under 14 years. Under Islamic law, however, the age at which a child reaches puberty determines whether she or he is still a child.

The law provides that sexual intercourse with a child under 18 years is rape, regardless of consent; however, the law was not enforced.

The law criminalizes child pornography and child prostitution; however, sexual exploitation and trafficking in persons, including children, were problems. Persons found guilty of such offenses were subject to a fine ranging from one million TZS (\$678) to TZS 500 million (\$339,000) and/or a prison term of one to 20 years.

Children with albinism were killed for their body parts. For example:

On February 8, a man armed with a machete attempted to chop off the legs of 12-month-old Fatma Mohammed in Ruvu village; five persons were arrested and subsequently released on bail. The case remained pending at year's end.

On April 18, in Kitahama village, Kigoma Region, unidentified persons abducted and killed four-year-old Naimana Daudi; the girl's left leg and left arm had been severed. The police arrested a teacher, who remained in prison awaiting trial at year's end.

On April 26, in Luhaga village, Shinyanga Region, attackers severed the arm of 13-year-old Kabula Nkalango; no arrests had been made by year's end.

In October a 10-year-old boy with albinism was killed by attackers who were trying to sever one of his lower limbs. At year's end no one had been charged for the killing.

In July the Tabora Court of Appeal upheld an earlier judgment which sentenced three men to death for the killing of 13-year-old Matatizo Dunia.

Infanticide continued to be a problem, especially among poor rural mothers who believed themselves unable to afford to raise a child.

According to the National HIV/AIDS and Malaria Indicator Survey of 2007-08, approximately 11 percent of children on the mainland under the age of 18 were orphans (defined as having one or two deceased parents) and 9 percent were considered to be vulnerable to exploitation; in Zanzibar the figures were 7 and 4 percent, respectively. Most orphans were absorbed into other families, but those who were not taken in by extended family members received additional support and counseling from the government and several state- and privately sponsored NGOs.

There were significant numbers of street children in Dar es Salaam, Mwanza, and Arusha. Street children had limited access to health and education services because they lacked a fixed address or money to purchase medicines, school uniforms, and books. They were also vulnerable to sexual abuse.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international child abduction, please see the Department of State's annual report on compliance at http://www.travel.state.gov/abduction/resources/congressreport/congressreport_4308.html

Anti-Semitism

The Jewish population was very small, and there were no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in person, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities. During the year the government passed the Persons with Disability Act, although implementing regulations had not been promulgated by year's end. Approximately 10 percent of the total population consisted of persons with some disability, and persons with physical disabilities were effectively restricted in employment, education, access to health care, and other state services by physical barriers and inadequate financial resources. Although the government mandates access to public buildings, transportation, and government services for persons with disabilities, few buildings were accessible. New public buildings were being built in compliance with the law, but funds to retrofit existing structures were unavailable.

There were five members of the mainland parliament with disabilities, including one elected member of parliament from Lindi who has albinism.

The Ministries of Education, Justice, and Labor are responsible for enforcing the protection of rights of persons with disabilities for education, legal claims, and labor rights, respectively. The Department of Social Welfare has responsibility for coordinating matters related to persons with disabilities.

In 2009 the government started an education initiative to integrate students with disabilities into mainstream schools; however, the program lacked adequate funding. For example, braille paper and tape recorders were generally not available for blind students.

Indigenous People

On April 12, local authorities dispersed women from 12 villages in Loliondo, Ngorongoro District, who had gathered to demonstrate against their July 2009 evictions from the Loliondo Game Controlled Area (LGCA) and the burning of their homesteads, as well as against suspected government plans to redraw village boundaries that would exclude them from key Maasai pastures. Authorities also arrested and detained NGO activists who police alleged were responsible for inciting the protest.

During the year FEMACT concluded that local security forces had conducted "ruthless eviction operations" in forcibly evicting farmers and burning their homes and crops in August 2009 in the LGCA, where foreign corporations own the rights to hunt. In August 2009 international NGOs reported that local field force units forcibly evicted Maasai pastoralists from their homes in the LGCA. In 1992 the government gave a foreign corporation the rights to hunt in the LGCA during certain periods of the year. The pastoralists typically moved from the LGCA during hunting season, but when they did not do so in 2007, the field force units allegedly forcibly removed the Maasai and burned their homes and crops. Pastoralists who refused to move were arrested. The government claimed that those evicted were Kenyans and criticized NGOs for exaggerating the situation. In mid-September 2009 CHRAGG sent a team to investigate the alleged human rights abuses. In its report, released in May, it found that no gross human rights violations were committed by field force units in Loliondo and that the eviction was conducted using reasonable force. However, CHRAGG suggested that the disputed area be surveyed and properly demarcated to avoid such disputes in the future.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexuality is illegal on the mainland and in Zanzibar. On the mainland the offense is punishable by up to five years in prison. The law in Zanzibar establishes a penalty of up to 25 years' imprisonment for men who engage in homosexual relationships and seven years for women in lesbian relationships. Since the burden of proof in such cases is significant, the law is rarely applied, and there were no reports that anyone was punished under the law during the year. In the past individuals suspected of being gay or lesbian were instead charged with loitering or prostitution. Gays, lesbians, bisexual, and transgendered (LGBT) persons faced societal discrimination, which restricted their access to healthcare, housing, and employment.

During the year a coalition of NGOs worked together to advocate for the rights of LGBT persons, including the repeal of the penal code provision criminalizing homosexuality. However, societal discrimination forced organizations advocating for these rights to operate discreetly, often impeding the efficacy of their outreach and advocacy.

Other Societal Violence or Discrimination

The HIV/AIDS Act of 2008 prohibits discrimination against any person "known or perceived" to be HIV positive and establishes medical standards for confidentiality to protect persons living with HIV/AIDS. The Act also criminalizes the deliberate transmission of HIV. As of October draft regulations had been submitted to the attorney general for review and recommendations.

According to a founding member of the Parliamentarians' AIDS Coalition, parliamentarians and other persons in general were more open to discussing HIV/AIDS than in the past. During the year the coalition funded awareness raising campaigns in 10 constituencies focusing on the prevention of mother-to-child transmission, feeding and nutrition, orphans and vulnerable children, and other HIV/AIDS related issues.

According to the 2007/08 HIV/AIDS and Malaria Indicator Survey, there was little change in attitudes towards persons living with HIV/AIDS since the previous survey in 2003/04. There were continuing reports that discrimination in housing, healthcare, and education continued to occur against the estimated 1.3 million persons in the country living with HIV/AIDS.

The government, working with NGOs, continued to sensitize the public about HIV/AIDS-related discrimination and to create safeguards for HIV/AIDS patients' human rights. A network of lawyers, policymakers, and doctors continued lobbying efforts and other activities to deal with legal, ethical, and human rights problems associated with HIV/AIDS.

Section 7 Worker Rights

a. The Right of Association

The union and Zanzibar governments have separate labor laws. Workers on the mainland had the right to form and join independent trade unions. Trade unions must consist of more than 20 employees and were required to register with the government. A trade union or employers' association must register within six months of its establishment; failure to register is a criminal offense. The registrar in the Ministry of Labor, Employment, and Youth Development exerted significant power over trade unions, including the right to deregister unions if overlap existed within an enterprise. Unions had to submit financial records and a membership list to the registrar annually. The registrar could suspend a trade union if it determined that the union violated the law or endangered public security. Association with an international trade union required government approval.

Approximately 33 percent of the formal sector work force (550,000 workers) belonged to the Trade Union Congress of Tanzania (TUCTA), the sole labor federation. In the agricultural sector, the country's largest employment sector, an estimated 5 to 8 percent of the work force was unionized. Strikes were very infrequent on both the mainland and Zanzibar.

Mainland workers have the legal right to strike, and employers have the right to a lockout after complying with certain legal requirements and procedures. These rights are qualified according to the law. For example, all parties to a dispute may be bound by an agreement to arbitrate, and neither party may then engage in a strike or a lockout until that process has been completed.

In April TUCTA announced it would hold a nationwide strike starting on May 5, if the government failed to increase salaries to TZS 315,000 (\$214), reduce income taxes, and address pension disparities. Although TUCTA and the government entered into negotiations through the Commission for Mediation and Arbitration, TUCTA continued to threaten to strike. On

May 3, President Kikwete publicly criticized union officials and warned workers not to take part in the strike. TUCTA called off the strike the day before it was scheduled to start. On May 8, TUCTA and the government agreed to continue their negotiations. In mid-June the government reached an agreement with TUCTA to increase minimum wages and exempted low wage government workers from income tax.

In 2008 the government was granted a court injunction to stop hundreds of thousands of teachers from striking over unpaid salaries and allowances. A judge ordered the teachers and the government into arbitration before allowing the teachers to go on strike. In September 2009 the government stated it was verifying and auditing teacher claims for salaries and allowances but planned to make payment in October. The audit was completed in late October 2009 and teachers began receiving their payments. Although there continued to be some complaints about back wages, they were not on a similar scale or which involved the court.

A lawful strike or lockout is protected and does not constitute a breach of contract, nor can it be considered a criminal offense. An employer may not terminate the employment of an employee for participating in a lawful strike or terminate an employee who accedes to the demands of an employer during a lockout.

The law restricts the right to strike when to do so would endanger the life and health of the population. Workers in certain sectors (water and sanitation, electricity, health services and associated laboratory services, firefighting, air traffic control, civil aviation telecommunications, and any transport services required for the provisions of these services) are restricted from striking. Workers in other sectors may also be subject to this limitation.

The labor law in Zanzibar applies to both public- and to private-sector workers. Government workers do have the right to strike as long as they follow procedures outlined in the Employment Act of 2005. They are not allowed to join mainland-based labor unions. The Zanzibar labor law requires a union with 50 or more members to be registered and sets literacy standards for trade-union officers. There were 14 trade unions on Zanzibar, and an estimated 40 percent of the Zanzibar workforce is unionized. In collaboration with the International Labor Organization (ILO), the government worked to draft regulations under the Employment Act of 2005 to facilitate a smooth implementation of the act. However, the regulations were not approved by the Labor Advisory Board and were being redrafted at year's end.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining in the private sector, and workers and employers practiced it freely during the year. In the public sector, the government set wages administratively, including for employees of state-owned organizations.

On the mainland disputes were regulated and resolved by mediation through the Commission for Mediation and Arbitration. If the mediator failed to resolve a dispute within 30 days of referral, or any longer period agreed upon in writing by both parties, either party to the dispute may give notice of its intention to commence a strike or lockout. If the mediation fails to resolve the complaint, the Commission for Mediation and Arbitration may appoint an arbitrator to decide the dispute, or it may be referred to the labor court.

In practice many private-sector employers adopted antiunion policies or tactics. On the mainland the law prohibits discriminatory activities by an employer against union members; however, in August 2009 an ILO consultant told the *Daily News* that trade union rights were affected by antiunion discrimination and limitations on the right to strike. In some instances employers did not allow unions to recruit at their work sites and threatened employees interested in joining a union with termination. These cases were reportedly resolved informally. The law required employers found guilty of antiunion activities to reinstate workers.

On the mainland there were five industrial zones operating as export processing zones (EPZs). There were also 35 developer licensees and 34 operator licensees functioning as single factory zones. In Zanzibar there were three free economic zones, which were treated as EPZs. There were no special laws or exemptions from regular labor laws in EPZs.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that such practices, especially involving children, occurred. In some instances, girls from rural areas were forced to do domestic work, while boys were sent to work on farms, in mines, and in the informal business sector. In 2009 the International Office of Migration reported that men from Malawi were forced to work in the fishing industry.

The law allows prisoners to work without pay on construction and agriculture projects within prisons both to develop the skills of the prisoners and reduce the costs of operating the prisons. Prisoners were also used as labor on projects outside of the prison, such as road repair and government construction projects.

See also the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the exploitation of children in the workplace. Under the law the minimum age for contractual employment is 14. Children over 14 (but under 18) could be employed only to do light work unlikely to harm their health and development or attendance at school. Children under the age of 18 may not crew on a ship or be employed in a mine, factory, or any other worksite where working conditions could be hazardous.

The law establishes criminal penalties for employers of child labor as well as forced labor; violators could be fined an amount not exceeding TZS 4.68 million (\$3,172), imprisonment for one year, or both. Although the Ministry of Labor, Employment, and Youth Development reportedly conducted inspections and issued warnings to violators of child labor statutes, there were no reported child labor cases brought to court during the year. Likewise, Zanzibar's Ministry of Labor, Youth Development, Women, and Children did not take legal action related to child labor.

A shortage of inspectors on the mainland and in Zanzibar resulted in limited enforcement of child labor provisions, and child labor continued to be a problem. According to the Integrated Labor Force Survey of 2006, approximately 19 percent of children ages five to 17 years were engaged in child labor on the mainland. In Zanzibar an estimated 8 percent of children ages five to 17 were engaged in child labor.

Child labor was widespread in Tanzania and Zanzibar. Children work as domestic help, street vendors and shop keepers, as well as in small-scale agriculture (e.g., coffee, sisal, tea, and tobacco), family-based businesses, fishing, and artisanal mining. In Zanzibar, children work primarily in transportation, fishing, clove picking, domestic labor, small businesses, and gravel making.

During the year the government worked closely with stakeholders to reduce child labor especially at the district, ward, and village level. Government leaders were committed to ending child labor in their localities and worked in collaboration with international NGOs to withdraw children from child labor during the year.

During the year the Zanzibar Ministry of Employment, Youth, Women, and Children withdrew 600 children from child labor in the fishing, seaweed farming, and quarrying industries on the islands. In May the ministry conducted a seminar for its steering committee on child labor to develop an action plan to address child labor and educate participants about the dangers of child labor.

On the mainland the Ministry of Labor, Employment, and Youth Development was responsible for enforcement of labor laws, together with the Commission for Mediation and Arbitration and the labor court.

Several government ministries, including the Ministry of Labor, Employment, and Youth Development, had special child labor focal persons.

In 2009 the government instituted a number of policies aimed at decreasing child labor. These included the establishment of the Child Labor Monitoring System to coordinate all national efforts related to child labor as well as the creation of District child labor subcommittees. While the Ministry of Labor continued its monitoring efforts during the year, it reported that its implementing partners failed to provide it with data concerning their efforts to withdraw or prevent children from engaging in child labor. The ministry conducted a limited number of monitoring visits to regions where child labor is prevalent. Child labor issues were integrated into the Complementary Basic Education curriculum and the teacher-training college curriculum.

Other measures to ameliorate the problem included ensuring that children of school age attended school, imposing penalties on parents who did not enroll their children in school, and sensitizing employers in the formal sector against employing children below the age of 18.

In 2009 the government revised the Child Development Policy to include prohibitions against the worst forms of child labor. During the year it continued to conduct outreach to educate citizens about the policy, particularly through its promotion of the children's agenda.

The national intersectoral committee on child labor within the Office of the Prime Minister, which includes representatives from several ministries and the NGO community, has not met since September 2009. According to an ILO official, the government expressed its commitment to fight child labor and strengthen local structures for its elimination.

The government collaborated with NGOs by providing technical expertise in agriculture and qualified trainers, as well as the necessary allowances and in some cases a budget to support child labor related activities. For example, the Igunga District Council set aside seven million TZS (\$4,745) for child labor related activities in 2009.

e. Acceptable Conditions of Work

The mainland government raised the minimum wage in both the public and private sectors in July and exempted low wage government workers from income tax. The new minimum wage standards were divided into eight employment sectors, the lowest minimum wage was TZS 70,000 (\$47) per month for workers in the agricultural sector and the highest was TZS 350,000 (\$237) per month for workers in the mineral and aviation sectors. These monthly wages were above the poverty line of TZS 13,998 (\$10) per month per person established by the 2006/07 Household Budget Survey. The labor laws cover all workers, including foreign and migrant workers.

The government of Zanzibar increased the minimum wage rate from TZS 80,000 (\$54) to TZS 100,000 (\$68) per month during the year.

In 2009 there were reports that some employers offered only short-term contracts of three to six months to avoid the salary and benefit requirements. In 2009 trade unions expressed their discontent over pay raises given by the government to certain high-level government officials, including judges, ministers, and their deputies, as well as regional and district commissioners.

There was no standard legal workweek for private-sector workers, but most private employers retained a six-day, 44- to 48-hour workweek. A five-day, 40-hour workweek was in effect for government workers. Under most circumstances, it was

illegal to employ women to work between 10:00 p.m. and 6:00 a.m.; however, employers frequently ignored this restriction. The ILO reported in 2009 that some workers were forced to work overtime under the threat of being fired.

Several laws regulate safety in the workplace. The Ministry of Labor, Employment, and Youth Development managed an inspection system; however, its effectiveness was limited due to lack of resources and the small number of labor officers available to conduct the inspections. Labor standards were not enforced in the informal sector, where most of the workforce was employed.

Workers could sue an employer if their working conditions did not comply with the Ministry of Labor, Employment, and Youth Development's health and environmental standards. Disputes were generally resolved through the Commission for Mediation and Arbitration. There were no exceptions for foreign or migrant workers.

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