

# TANZANIA 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The United Republic of Tanzania is a multiparty republic consisting of the mainland region and the semiautonomous Zanzibar archipelago, whose main islands are Unguja (Zanzibar Island) 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, exercises considerable autonomy and has its own government with a president, court system, and legislature. In 2015 the country held its fifth multiparty general election. Voting in the union and Zanzibari elections was judged largely free and fair, resulting in the election of a union president (John Magufuli). The chair of the Zanzibar Electoral Commission, however, declared the parallel election for Zanzibar's president and legislature nullified after only part of the votes had been tabulated, precipitating a political crisis on the islands. New elections in Zanzibar in 2016 were neither inclusive nor representative, particularly since the main opposition party opted not to participate; the incumbent (Ali Mohamed Shein) was declared the winner with 91 percent of the vote.

Under the union's Ministry of Home Affairs, the Tanzanian Police Force (TPF) has primary responsibility for maintaining law and order in the country. The Field Force Unit, a special division of the TPF, has primary responsibility for controlling unlawful demonstrations and riots. The Tanzanian People's Defense Forces includes the Army, Navy, Air Command, and National Service. They are responsible for external security but also have some domestic security responsibilities and report to the Ministry of Defense. Civilian authorities maintained effective control over the security forces and directed their activities.

Significant human rights issues included: torture; arbitrary detention; harsh and life-threatening prison conditions; political prisoners; arbitrary or unlawful interference with privacy; the worst forms of restrictions on free expression, the press, and the internet; violence, threats of violence, or unjustified arrests or prosecutions against journalists, censorship, and site blocking; the existence of criminal libel laws; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive nongovernmental organization (NGO) laws; refoulement of refugees to a country where they would face a threat to their life or freedom on account of their race, religion, nationality, membership in a particular social group, or political opinion, or other mistreatment of refugees that would constitute a human rights abuse; restrictions on political

participation where the government is unelected or elections have not been found to be genuine, free, or fair; pervasive corruption; trafficking in persons; criminal violence against women and girls, in which the government took little action to prevent or prosecute; crimes involving violence or threats of violence targeting persons with disabilities, members of national/racial/ethnic minorities, or indigenous people; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons; the existence or use of laws criminalizing consensual same-sex sexual conduct between adults; use of forced or compulsory child labor, as listed in the Department of Labor's report on the Worst Forms of Child Labor.

In some cases the government took steps to investigate and prosecute officials who committed human rights abuses, but impunity in the police and other security forces and civilian branches of government was widespread.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

In June, John Lucas Lihambalimu, an official of the opposition Party of Democracy and Development (CHADEMA) in Morogoro, was shot in the head by unknown persons who invaded his house. Three individuals were arrested in connection with his death.

### **b. Disappearance**

In 2017 Mwananchi Communication journalist Azory Gwanda disappeared in Kibiti District in Pwani Region while reporting on unexplained killings in the area and remained missing. Some media and civil society observers claimed Gwanda might have been silenced for reporting on a sensitive security topic. On July 10, Foreign Minister Palamagamba Kabudi stated during a BBC interview that Gwanda is dead; however, later the minister recanted his statement. The government did not make any known efforts to investigate Gwanda's disappearance, nor are there reports of anyone arrested in connection with his disappearance.

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

The constitution prohibits such practices; however, the law does not reflect this constitutional restriction nor define torture. There were reports that police officers, prison guards, and soldiers abused, threatened, and otherwise mistreated civilians, suspected criminals, and prisoners. These abuses often involved beatings.

On May 4, Mdude Nyagali, a critic of President Magufuli, was kidnapped in Mbozi, Songwe, by armed masked men. He was found beaten and unconscious five days later at a village near Mbeya. His release came after a public outcry and massive online campaign with the hashtag #BringBackMdudeAlive.

The law allows caning. Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders. Caning and other corporal punishment were also used routinely in schools.

In August 2018 a 13-year-old student from Kagera Region, who was mistakenly accused of theft, died after being severely beaten by a teacher. In October 2018 court proceedings began against two teachers, who were both accused of murdering the student. On March 6, the court issued a death sentence to one of the teachers, Respicius Patrick, after convicting him of the murder, while the second teacher was set free.

In October a video circulated online showing the regional commissioner (RC) of Mbeya caning more than 12 boys who were lying on the ground. This was punishment because allegedly some of the boys had burned their dormitories after their mobile phones were confiscated. President Magufuli praised the RC for the punishment, and said the students got what they deserved.

### **Prison and Detention Center Conditions**

Prisons and prison conditions remained harsh and life threatening. Inadequate food, overcrowding, poor sanitation, and insufficient medical care were pervasive.

Physical Conditions: Prisons continued to hold more inmates than their capacity. For example, in July, President Magufuli visited Butimba Prison and found that it held more than 1,000 inmates while it has the capacity for only 900 prisoners. Pretrial detainees and convicted prisoners were held together. Convicts were not separated according to the level of their offenses or age. After the president's visit

to Butimba Prison, 300 prisoners were paroled. The Federal Parole Board continued to pardon prisoners as a means to reduce overcrowding, and 648 prisoners were paroled during the last three years. Meanwhile, during his presidency, Magufuli has paroled 3,530 prisoners, continuing the tradition of pardoning prisoners during each Union Day celebration on April 26. On December 9, Tanzanian Independence Day, President Magufuli pardoned 5,533 prisoners and ordered their release beginning the following day.

Authorities held minors together with adults in several prisons due to lack of detention facilities. During the year an independent government department, the Commission for Human Rights and Good Governance (CHRAGG), visited selected prisons and detention facilities. CHRAGG's draft report on the prison conditions, however, was not yet public and was being reviewed and vetted by the Ministry of Legal Affairs.

Information on the prevalence of deaths in prisons was not available.

Physical abuse of prisoners was common. For example, political prisoner and opposition parliamentarian Peter Lijualikali said he was beaten after his sentencing while he was in prison in 2017.

Prison staff reported food and water shortages, a lack of electricity, inadequate lighting, and insufficient medical supplies. Prisons were unheated, but prisoners in cold regions of the country reportedly received blankets and sweaters. Sanitation was insufficient. In July 2018 President Magufuli publicly told the commissioner general of prisons that the government would no longer feed prisoners and that they should cultivate their own food. While some prisons still provided prisoners with food, the Ministry of Home Affairs reported that prisoners were cultivating land to grow food for themselves. Other prisoners reported receiving no food from the prison authorities, relying solely on what family members provided. In March, President Magufuli designated 10 prisons for strategic agricultural production. In May the state inaugurated the Board of Prison Force Production Agency to ensure prisons have sufficient food supply from their own projects. Moreover, prisons have continued to cultivate hundreds of acres of food crops. For instance, Kitee Prison cultivated 282 acres of beans, while Songwe Prison cultivated 1,853 acres of corn.

Medical care was inadequate. The most common health concerns were malaria, tuberculosis, HIV/AIDS, respiratory illnesses, and diseases related to poor sanitation. Prison dispensaries offered only limited treatment, and friends and

family members of prisoners generally had to provide medications or the funds to purchase them. Transportation to referral health centers and hospitals was limited. In addition requests were often met with bureaucracy, which resulted in further delays for prisoners to access health care when requested. While doctors conducted routine check-ups in the prison clinics, they did not have testing equipment or access to adequate medicine.

On March 15, opposition members Freeman Mbowe and Esther Matiko criticized prison conditions when they were released after four months of detention. Mbowe said that in addition to overcrowded conditions, some inmates contracted infectious diseases such as scabies after spending up to two weeks without bathing. Matiko said in the women's prison mentally ill individuals were locked up with criminal offenders.

In August 2018 female prisoners told visiting members of the Zanzibar Female Lawyers Association that they were subject to sexual harassment and beatings by prison authorities.

Administration: Judges and magistrates conducted regular visits to inspect prisons and hear concerns from convicts and detainees. In addition relatives of inmates made complaints to the CHRAGG, which investigated reports of abuse, but the results of those investigations were not public.

On the mainland, prisoners could submit complaints to judicial authorities. The CHRAGG also served as the official ombudsman. The union Ministry of Home Affairs' Public Complaints Department and a prison services public relations unit responded to public complaints and inquiries about prison conditions sent to them directly or through media.

Prisoners and detainees usually had reasonable access to visitors and could worship freely, with some exceptions. Seventh-day Adventists reported they had to work on Saturday. The mainland authorities often moved prisoners to different prisons without notifying their families.

In February 2018 the Court of Appeal upheld a Dar es Salaam High Court decision by overruling the powers of the director of public prosecution (DPP) to object to the granting of bail with no reason to the accused except in economic sabotage cases. This was contested because the DPP had previously objected to granting bail during investigations; however, these investigations can take years. The High

Court has jurisdiction to consider bail applications in cases involving more than 10 million Tanzanian shillings (TZS) (\$4,400).

On September 20, President Magufuli signed legislation approving plea agreements designed to reduce case backlogs and ensure timely delivery of justice as well as reduce inmate congestion. Terrorism and serious drug offenses are excluded from this new legislation, so prosecutors do not have discretion to entertain plea agreements in these types of cases.

Independent Monitoring: The law prohibits members of the press from visiting prisons. Generally, access to prisoners was difficult for outside organizations, and the process for obtaining access was cumbersome.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention, although regional and district commissioners have discretionary authority to order someone detained for up to 48 hours without charge. This authority was used frequently to detain opposition members or persons expressing criticism of the government. On July 29, an investigative journalist and government critic, Erick Kabendera, was arrested by plainclothes police officers who did not inform him of the charges. At first, his family was not informed as to which police station he was taken. After seven days in detention, Kabendera was charged with money-laundering offenses. As of December he remained in prison after his case was adjourned several times on the grounds that the court investigation was incomplete.

The law allows persons arrested or detained, regardless of whether on criminal or other grounds, the right to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained. The law requires, however, that a civil case must be brought to make such a challenge, and this was rarely done.

The independence of the judiciary allows individuals to challenge government officials. For example, in March, Mdude Nyagali filed a malicious prosecution case against Mbeya's regional police commander and the attorney general following his winning of the sedition case in November 2018.

#### **Arrest Procedures and Treatment of Detainees**

On the mainland the law requires that an arrest for most crimes, other than crimes committed in the presence of an officer, be made with an arrest warrant based on sufficient evidence; however, authorities did not always comply with the law. Police often detained persons without judicial authorization. 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, excluding weekends and holidays, but authorities failed to comply consistently with this requirement. For example, when Erick Kabendera was arrested on July 29, his family did not know which police station he was taken to and on what charges he was being held. Authorities usually informed detainees of the charges against them promptly, but there were several instances when this did not happen. There were reports of police using a rolling process of releasing and immediately rearresting individuals so that they would remain in custody while police completed their investigation and developed the required information for the accused to be charged. There were also reports of police detaining individuals without charge for short periods on the orders of local authorities.

The law does not allow bail for suspects in cases involving charges of murder, treason, terrorism, drugs, armed robbery, human trafficking, money laundering and other economic crimes, or other offenses where the accused might pose a public safety risk. In some cases courts imposed strict conditions on freedom of movement and association when they granted bail. In the primary and district courts, persons sometimes bribed officials to grant bail. Members of parliament sometimes bribed the DPP to pressure them in the performance of their duties. The law gives accused persons the right to contact a lawyer or talk with family members, but police often failed to inform detainees of this right. Indigent defendants and suspects charged with murder or treason could apply to the registrar of the court to request legal representation. Prompt access to counsel was often limited by the lack of lawyers in rural areas, lack of communication systems and infrastructure, and accused persons' ignorance of their rights. As a result most criminal defendants were not represented by counsel, even for serious offenses being tried before a high court. The government often did not provide consular notification when foreign nationals were arrested and did not provide prompt consular access when requested.

The government conducted some screening at prisons to identify and assist trafficking victims imprisoned as smuggling offenders; however, screenings were not comprehensive, potentially leaving some trafficking victims unidentified in detention centers. In 2018 the government reported there were approximately 1,200 Ethiopians in detention centers, some of whom may have been trafficking

victims. In June and July, at the requests of the Ethiopian embassy, the International Organization for Migration (IOM) verified 1,354 Ethiopians in 27 prisons in 20 regions. Among the migrants were only one woman and 219 minors. During the year the Immigration Department, in collaboration with IOM, assisted the voluntary return and repatriation of 573 Horn of Africa migrants. Between January 2015 and June, the IOM provided assisted voluntary returns for 1,406 Ethiopian irregular migrants. The Ethiopians who remained in prison were either in pretrial detention (“remanded”), convicted, or postconviction but not released because of a lack of funds to deport them.

Arbitrary Arrest: 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. The law 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, allowing regional and district commissioners to arrest and detain anyone for 48 hours who is deemed to “disturb public tranquility.”

Pretrial Detention: Arrests often precede investigations, and accused persons often remained in pretrial detention--known as “remand”--for years before going to trial, usually with no credit for pretrial confinement at the time of sentencing. There is no speedy trial clock or statute of limitations. Prosecutors obtain multiple continuances based merely on a general allegation that the investigation is not yet complete. According to the Ministry of Home Affairs, approximately 50 percent of the prison population consisted of pretrial detainees. Detainees charged with crimes generally waited three to four years for trial due to a lack of judges to hear cases, an inadequate judicial budget, and the lengthy time required to complete police investigations.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but many components of the judiciary remained underfunded, corrupt, inefficient (especially in the lower courts), and subject to executive influence. Judges and senior court officers are all political appointees of the president. The need to travel long distances to courts imposes logistical and financial constraints that limit access to justice for persons in rural areas. There were fewer than two judges per million persons. Court clerks reportedly continued to take bribes to open cases, or hide or misdirect the files of

those accused of crimes. Magistrates of lower courts occasionally accepted bribes to determine the outcome of cases.

Civil society organizations (CSOs) and politicians relied on the court to challenge government decisions. For example, in May the High Court of Dar es Salaam annulled the constitutional provision that empowered presidential appointees to supervise elections. This was significant because 80 percent of the supervising officials belong to the ruling party. At first, this indicated the court provided an avenue to contest the ruling party, but the outcome of the decision was not upheld in practice. In addition on October 16, the Court of Appeal, the country's highest court, overturned the May High Court decision.

On September 20, the High Court of Dar es Salaam suspended Fatma Karume from practicing law in relation to a case that challenged the appointment of Adelardus Kilangi as the attorney general. The case was filed by ACT-Wazalendo's Ado Shaibu and the respondent is President John Magufuli. The court suspended Karume from practicing law on the mainland over alleged misconduct, stating that her written arguments were "inappropriate."

### **Trial Procedures**

The law provides for the right to a fair and public trial, but a weak judiciary often failed to protect this right. All trials are bench trials; there are no jury trials. Trials are not held continuously from start to finish. Instead, a trial may start one day, break for an uncertain amount of time, and resume multiple times thereafter. As a result trials were often inefficient and could last for months or even years. In 2016 President Magufuli called for judicial reform, stating the judiciary is critical for foreign investment and economic growth. With the support of the World Bank, in 2016 the judiciary initiated a five-year project, *Citizen-Centric Judicial Modernization and Justice Service Delivery Project*, which allows lawyers to register cases in an online database.

The law provides for the presumption of innocence, and the standard for conviction in criminal cases is "beyond a reasonable doubt." In most cases authorities informed detainees in detail of the charges against them once they had been taken to the police station. Charges were generally presented in Kiswahili or English with needed interpretation provided when possible. With some exceptions, criminal trials were open to the public and the press. Defendants have the right to be present at their trial. Courts that hold closed proceedings (for example, in cases of drug trafficking or sexual offenses involving juveniles) generally are required to

provide reasons for closing the proceedings. In cases involving terrorism, the law states that everyone, except the interested parties, may be excluded from court proceedings, and witnesses may be heard under special arrangements for their protection.

The law requires legal aid in serious criminal cases, although in practice only those accused of murder and treason were provided with free representation. Most other defendants could not afford legal representation and represented themselves in court. Defendants in criminal matters are entitled to legal representation of their choice. In practice legal representation was unavailable to defendants without the means to pay. NGOs represented some indigent defendants in large cities, such as Dar es Salaam and Arusha. For example, the Tanganyika Law Society provides free legal services upon request because its lawyers are encouraged to take at least one pro bono case per year.

In Zanzibar the government sometimes provided public defenders in manslaughter cases. The law prohibits lawyers from appearing or defending clients in primary-level courts whose presiding officers are not degree-holding magistrates. Human rights groups criticized reported cases where lawyers attempting to represent clients in sensitive cases were themselves threatened with arrest.

Authorities did not always allow detainees sufficient time to prepare their defense, and access to adequate facilities was limited. Defendants have the right to free interpretation as necessary from the moment charged through all appeals. Defendants or their lawyers have the right to confront prosecution witnesses and the right to present evidence and witnesses on the defendant's behalf. Prosecutors, however, have no disclosure obligations in criminal cases, and often the defense does not know what evidence the prosecutor will rely upon when the trial begins. Defendants were not compelled to testify or confess guilt.

All defendants charged with civil or criminal matters, except parties appearing before Zanzibari *qadi* courts (traditional Muslim courts that settle issues of divorce and inheritance), could appeal decisions to the respective mainland and Zanzibari high courts. All defendants can appeal decisions to the union Court of Appeal.

Judicial experts criticized the practice of police acting as prosecutors because of the risk police might manipulate evidence in criminal cases. The mainland Ministry of Constitutional and Legal Affairs continued hiring and training state prosecutors to handle the entire mainland caseload, although staffing shortages continued.

## **Political Prisoners and Detainees**

Several opposition politicians and individuals critical of the government were arrested or detained during the year. These individuals were usually charged with sedition, incitement, or unlawful assembly. For example, two opposition members of parliament, Freeman Mbowe and Esther Matiko of CHADEMA, served four months in jail after the court arbitrarily revoked their bail in November 2018. The High Court of Dar es Salaam upon appeal, however, ruled the bail revocation was invalid, and they were released in March. Mbowe and Matiko were part of a group of nine CHADEMA members who were charged in 2018 with 11 crimes, including conspiracy, sedition, and inciting the commission of offenses. The case was pending, as the defense team began its inquiry on September 16.

## **Civil Judicial Procedures and Remedies**

Persons may bring civil lawsuits seeking damages for or the cessation of human rights violations and can appeal those rulings to the Court of Appeal on the mainland and other regional courts. Civil judicial procedures, however, were often slow, inefficient, and corrupt. Individuals and organizations with observer status have the right to bring complaints to the African Court on Human and Peoples' Rights. The East African Court of Justice (EACJ) has been a preferred route to bring human rights cases because it admits cases and eases the burden on local courts. For example, the case concerning the 2017 government-led evictions of villagers in Loliondo was brought before the EACJ in September 2018; the EACJ ruled in the villagers' favor. The implementation of this ruling, however, has yet to take place. According to a witness, individuals were beaten daily when they bring their cattle through the buffer zone to reach grazing lands. In August the district commissioner of Ngorongoro sent a message to all the Masai in Loliondo village that they had to vacate within 21 days or look for another place to live.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law generally prohibits such actions without a search warrant, but the government did not consistently respect these prohibitions. While only courts may 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. The owners of social online platform JamiiForums were facing a court case for allegedly preventing a police force

investigation, in violation of the Cybercrimes Act. The police had no search warrant but still requested the IP addresses of the platform's users. The owners claimed that this request was a breach of privacy. The case continued at year's end.

The law relating to terrorism permits police officers at or above the rank of assistant superintendent or in charge of a police station to conduct searches without a warrant in certain urgent cases, but there were no reports these cases occurred.

It was widely believed government agents monitored the telephones and correspondence of some citizens and foreign residents. The nature and extent of this practice were unknown. In July there were leaked mobile conversations of ruling Party of the Revolution (CCM) leaders who were challenging internal CCM discussions. Abdulrahman Kinana, Nape Nnauye, and Benard Membe blamed the Tanzania Communications Regulatory Authority (TCRA) for the leak. In a July 18 *Mwananchi* newspaper interview, TCRA executive director James Kilaba distanced the authority from rumors of leaked information and having the ability to tap into private mobile communications.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of speech but does not explicitly provide for freedom of the press. There were criminal penalties for libel.

Freedom of Expression: Public criticism of the government resulted in punitive action in some cases. Authorities used the Cybercrimes Act to bring criminal charges against individuals who criticized the government on a variety of electronic media. In March 2018 the Electronic and Postal Communications (Online Content) Regulations became law, requiring the TCRA to certify all bloggers and operators of online forums through a licensing process.

On July 19, three students from Kampala International University in Tanzania were sentenced on counts of distributing pictures through WhatsApp groups showing President Magufuli wearing a hijab. The students were sentenced to four years in prison.

Press and Media, Including Online Media: Independent media on the mainland were active and generally expressed varying views, although media outlets often practiced self-censorship to avoid conflict with the government.

Registering or licensing new media outlets, both print and broadcast, continued to be difficult. Newspaper registration was at the discretion of the registrar of newspapers at the information ministry on both the mainland and Zanzibar. Acquiring a broadcasting license from the TCRA took an estimated six months to one year, and the TCRA restricted the area of broadcast coverage. The TCRA imposes mandatory registration and annual fees for commercial and community radio stations. The fee structure disproportionately disadvantages the existence and creation of small community radio stations.

On February 27, the government suspended publication of the *Citizen* newspaper and website for seven days, following the publication of a story titled “Closely Monitor Falling of Shilling, Experts Caution.” The director of information services alleged that the *Citizen* published false and misleading information about the devaluation of the country’s currency.

On August 22, Joseph Gandye, an investigative journalist for Watetezi television was arrested for “spreading fake news” after his story on police brutality in Iringa aired. On August 24, he was released on bail.

In 2017 the TCRA clarified a requirement that all broadcast stations receive approval from the Tanzania Film Board for locally produced content, including music videos, films, cartoons, and other video content. In June the government passed an amendment to the Films and Stage Plays Act (Amendment 3), providing the Tanzania Film Board the authority to regulate, monitor and determine if foreign and local motion pictures, television, radio and stage plays and performances are approved for exhibition.

The Zanzibari government-owned daily newspaper, *Zanzibar Leo*, had an estimated circulation of 25,000. There was one privately owned weekly newspaper with a much smaller circulation. The government of Zanzibar controlled content on the radio and television stations it owned. There were government restrictions on broadcasting in tribal languages, and broadcasts in Kiswahili or English were officially preferred. The nine private radio stations on Zanzibar operated independently, often reading the content of national dailies, including articles critical of the Zanzibari government.

Lack of access to information from government sources continued despite changes to the Statistics Act.

Violence and Harassment: Law enforcement authorities attacked, harassed, and intimidated journalists during the year. Journalists and media outlets have also begun to self-censor to avoid government retribution. Investigative journalist Erick Kabendera's July 29 arrest was marked by irregularities, including denial of access to a lawyer in the early stages of his detention.

On September 27, the TCRA fined three online television channels--Kwanza Television, Millard Ayo Television, and Watetezi Television--five million TZS (\$2,200 each and suspended Kwanza Television for six months. All three channels have been described as being critical of President Magufuli.

Censorship or Content Restrictions: The law authorizes police to raid and seize materials from newspaper offices and authorizes the minister of information to "prohibit or otherwise sanction the publication of any content that jeopardizes national security or public safety."

According to Reporters without Borders, since President Magufuli came to office in 2015, the laws regulating media have been tightened, and there have been cases of newspapers and radio stations being suspended for "incitement."

A September 3 *Time Magazine* article on the world's most urgent cases threatening press freedom cited Erick Kabendera and Azory Gwanda among their examples.

A permit was required for reporting on police or prison activities, both on the mainland and in Zanzibar, and journalists needed special permission to cover meetings of the National Assembly or attend meetings in the Zanzibar House of Representatives. Anyone publishing information accusing a Zanzibari representative of involvement in illegal activities was liable to a fine of not less than TZS 250,000 (\$110), three years' imprisonment, or both. The government may fine and suspend newspapers without warning.

There were examples of the government repressing information, extending to online newspapers and journals. In June parliament passed amendments to the 2015 Statistics Act that lifted some restrictions on publishing statistical information. It now allows individuals and organizations to conduct surveys and collect research data; however, Amnesty International stated that under these amendments, authorities still maintain control over who is able to gather and

publish information, as well as to determine what is factual. While the World Bank stated the amended Statistics Act is in line with international norms, many observers continued to self-censor because of possible personal and professional repercussions, including the government's ability to use media services and cybercrime acts against individuals who publish or share data that does not align with the government's messaging.

In March the EACJ ruled in favor of CSOs who challenged the country's Media Services Act of 2016. Three NGOs, the Media Council of Tanzania, the Legal and Human Rights Center (LHRC) and the Tanzania Human Rights Defenders Coalition (THRDC) filed the case in 2017. The court found that sections on sedition, criminal defamation, and false news publication restrict press freedom and freedom of expression and thereby breach the EACJ Treaty.

Libel/Slander Laws: The law provides for arrest, prosecution, and punishment for the use of seditious, abusive, or derogatory language to describe the country's leadership. Section 36 of the Media Services Act of 2016 makes defamation a criminal act. Defamation is defined as any matter likely to injure the reputation of any person by exposing him to hatred, contempt, or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation.

In February, CHADEMA Member of Parliament (MP) Halima Mdee was called in for questioning related to a 2017 charge of insulting the president, for which she was detained for six days. The case is pending in court and is postponed until 2020. The court has expressed interest in dismissing the case due to a lack of cooperation from prosecutors.

On April 24, the Kisutu Resident Magistrates Court continued with the criminal case against opposition MP Zitto Kabwe. The case alleges that Zitto made several seditious remarks against the TPF, accusing it of killing more than 100 civilians in Kigoma. On October 23, the case was heard and adjourned until 2020.

On March 10, Minister for Home Affairs Kangi Lugola ordered regional police commanders throughout the country to arrest leaders of opposition parties who insult the president. On September 26, Lugola also warned CSOs against insulting the government.

National Security: In March 2018 the Electronic and Postal Communications (Online Content) Regulations were passed, requiring online content providers to

monitor and filter content that threatens national security or public health and safety.

### **Internet Freedom**

The government restricted access to the internet and monitored websites and internet traffic. The Electronic and Postal Communications (Online Content) Regulations tighten control of internet content through registration requirements and licensing fees. Bloggers and persons operating online forums, including online television and radio streaming services, must obtain certification from the TCRA by submitting a license application requiring information such as the nature of services offered, estimated cost of investment, staff qualifications, and plans. In addition all online content providers must pay application and licensing fees totaling more than two million TZS (\$880) in initial costs. Licenses are valid for three years and must be renewed annually for one million TZS (\$440). Prohibitive costs led some citizens to stop blogging or posting content on online forums, including international social media platforms.

Under the regulations internet cafes must install surveillance cameras to monitor persons online. Online material deemed “offensive, morally improper” or that “causes annoyance,” is prohibited, and those charged with violating the regulations face a minimum fine of TZS five million (\$2,200) or a minimum sentence of 12 months in prison. The Cybercrimes Act of 2015 criminalizes the publication of false information, defined as “information, data or facts presented in a picture, texts, symbol, or any other form in a computer system where such information, data, or fact is false, deceptive, misleading, or inaccurate.” Individuals who made critical comments about the government on electronic media were charged under the act, even when remarks reflected opinions or were factually true.

In 2018 Bob Wangwe appealed to the High Court of Dar es Salaam a Kisumu court conviction and sentence imposing a fine of five million TZS (\$2,200) or a jail term of 18 months for publishing inaccurate information on Facebook. In March he won his appeal. The court ruled that the government would have to prove that the information posted online by Wangwe was authentic, and what its intent was.

On September 7, Sebastien Atilio was arrested for publishing false news and practicing journalism without accreditation under the Media Services Act in connection with messages he sent in a WhatsApp Group called Mufindi Media Group. The original bail hearing set for September 18 was postponed several times. On October 28, Atilio was released on bail and the judge instructed the

public prosecutor to complete the investigation within 61 days or the judge would withdraw the case until the investigation is completed. The case remained pending as of December.

### **Academic Freedom and Cultural Events**

In June parliament passed amendments for the second time in two years to the 2015 Statistics Act, which had required individuals and organizations to obtain permission from the National Bureau of Statistics before conducting surveys, collecting research data, or publicizing results. The amendment removed the threat of prison for civil society groups if they publish independent statistical information. It also states people have the right to collect and disseminate statistical information, and puts a system in place for people who want to access and/or publish national data.

### **b. Freedoms of Peaceful Assembly and Association**

#### **Freedom of Peaceful Assembly**

The government restricted freedom of peaceful assembly and association, including through bans decreed by authorities but not supported by law. 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. The government and police continued to limit the issuance of permits for public demonstrations and assemblies to opposition political parties, NGOs, and religious organizations. The only political meetings allowed in principle are by MPs in their constituencies; outside participants, including party leaders, are not permitted to participate. Restrictions were also applied to nonpolitical gatherings deemed critical of the government.

The ruling CCM is the only party that may legally conduct public rallies. It uses the umbrella of the implementing party manifesto to inform members when it is time to register to vote.

Opposition political parties continued to be harassed and detained by law enforcement and have unsuccessfully sought redress in the courts. For example, on May 27, the former minister for tourism and natural resources Lazaro Nyalandu and two opposition members from CHADEMA were arrested in Itagi Ward in Sigida during a closed-door meeting. They were released on bail the next day,

after being questioned by the Prevention and Combating of Corruption Bureau (PCCB) for more than two hours.

In July, Zanzibar police arrested Seif Hamad Sharif during a commemoration event for the 10th anniversary of political reconciliation in Zanzibar. The police questioned Seif before releasing him and canceling the event.

### **Freedom of Association**

The constitution provides for freedom of association, and the government generally respected this right. Thousands of NGOs and societies operated in the country. Political parties were required to register and meet membership and other requirements. Freedom of association for workers was limited (see section 7.a.).

According to The International Center for Not-for-Profit Law and the LHRC midyear report, the freedom of association for NGOs has been jeopardized by amendments of the NGO act, which reduces the autonomy of NGOs and provides for excessive regulation of the NGO sector. The registrar stated that the process of deregistering underscored the need for NGOs to comply with the law and provide for transparency and accountability in their activities. Under existing law, however, the registrar of NGOs is granted sweeping powers to suspend and deregister NGOs, leaving loopholes which could be used to obstruct opposition and human rights NGOs. For example, the registrar deregistered 158 NGOs in August. Community Health Education Services and Advocacy, Kazi Busara na Hekima (KBH Sisters), and AHA Development Organization Tanzania were deregistered for supposedly promoting acts in society which violate ethics and culture because they supported LGBTI protection and rights. Others that withdrew were Pathfinder Green City, Hamasa Poverty Reductions (Hapore), and Hope.

The law makes a distinction between NGOs and societies and applies different registration procedures to the two. It defines a society as any club, company, partnership, or association of 10 or more persons, regardless of its purpose, and notes specific categories of organizations not considered societies, such as political parties. The law defines NGOs to include organizations whose purpose is to promote economic, environmental, social, or cultural development; protect the environment; or lobby or advocate on issues of public interest. Societies and organizations may not operate until authorities approve their applications. In August the government began a verification exercise that required all NGOs to reregister. Registration of new NGOs was suspended until December 1.

The government rarely registered societies within the legally required 14-day period. In April the minister of home affairs stated that from July 2018 to March, the registrar of societies received 150 registration applications, 77 from religious institutions and 73 from CSOs. The registrar registered 69 applications: 38 CSOs and 31 religious institutions. Of the applicants, 81 were still working on their applications.

NGOs in Zanzibar apply for registration with the Zanzibar Business and Property Registration Agency. While registration generally took several weeks, some NGOs waited months if the registrar determined additional research was needed.

In July an NGO said Zanzibar has an outdated NGO policy and that local authorities are unable to catch up with the changing requirements of NGOs and operations countrywide. According to some NGOs, security and government organizations were interfering with the work of NGOs. As an example the Office of the Second Vice President suspended implementation of a project for youth, explaining it needed more time to examine the scope of the project. The government, however, views any youth group as the opposition organizing.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights; however, there were cases of political opposition leaders being barred from leaving the country.

In-country Movement: Refugees are confined to camps and are subject to arrest if they leave them. Under its more restrictive approach to hosting refugees, the government limited refugee movement and enforced its encampment policy more strictly during the year, including the arrest of refugees caught moving outside the camps without official permission. With permits more difficult to obtain and livelihood opportunities inside the camps heavily constrained, refugees compelled to leave the camps in search of work were apprehended by police and arrested. Usually these persons were prosecuted and sentenced in local courts to six months' detention or payment of a fine.

Foreign Travel: On June 12, immigration officials in Zanzibar detained opposition leader and MP Zitto Kabwe, who was en route to Kenya for a retreat with leaders of his Alliance for Change and Transparency (ACT) Party. Acting on instructions from the PCCB not to permit Kabwe to leave the country due to pending charges under the Media Services Act, immigration officials transferred Kabwe to police custody. The police later released Kabwe but confiscated his mobile phone and laptop.

In February the travel of migrant workers overseas for employment was temporarily suspended, ostensibly to allow time for the government to strengthen migrant-worker protection mechanisms.

Citizenship: There were no reports of revocation of citizenship on an arbitrary or discriminatory basis.

#### **e. Internally Displaced Persons**

There were no reports of large numbers of internally displaced persons.

#### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: Despite government assurances that its borders remained open to refugees, during the year authorities closed the borders to new refugee arrivals from the Democratic Republic of the Congo (DRC) and Burundi. In January 2018 the government withdrew from the UN's Comprehensive Refugee Response Framework, announced it would no longer provide citizenship to Burundian refugees, and stated it would encourage refugees to return home. At that time the government assured the Office of the UN High Commissioner for Refugees (UNHCR) it would respect the choice of refugees on whether or not to return to their country of origin. While nearly 75,000 Burundian refugees had been repatriated with assistance between September 2017 and September 2019, there were numerous accounts of refugees facing intimidation or pressure by Tanzanian authorities to return home. Some refugees who were pressured into returning to Burundi became refugees in other countries or returned to Tanzania.

In August, Minister of Home Affairs Lugola announced a bilateral agreement with Burundi to repatriate 2,000 Burundians per week, whether voluntary or not. Although the government of Tanzania subsequently restated its commitment to

voluntary repatriation, UNHCR remained concerned about validating the voluntariness of the returns. In addition the government suspended livelihood options for refugees, including the closure of businesses operating inside the camps and common markets outside the camps where refugees and the surrounding communities could exchange goods. According to NGOs working in the camps, there has been an increase in gender-based violence and other concerns due to the loss of livelihoods.

Refugees apprehended more than 2.5 miles outside their camps without permits are subject by law to sentences ranging from a fine up to a three-year prison sentence. In addition there have been reports of refugees found outside the camps being detained, beaten, tortured, raped, or killed by officials or citizens.

On April 5, Deputy Minister of Home Affairs Hamad Yusuph Masauni reported that 13,393 illegal immigrants were arrested in the country. Of this number, 2,815 were charged for illegally entering the country, 117 paid fines, and 429 were sentenced to a jail term. Of those arrested, 6,316 were deported and 1,313 were released after confirming residency. The Department of Immigration is the lead agency in the government on identifying immigrant status and subsequent action. According to one report, 39 illegal farmers from neighboring countries were arrested in the Kagera region.

Sex- and gender-based violence against refugees continued, including allegations against officials who worked in or around refugee camps. UNHCR worked with local authorities and residents in the three refugee camps to strengthen coordination and address violence, including sexual violence, against vulnerable persons. The public prosecutor investigated, prosecuted, and punished perpetrators of abuses in the camp, while international NGOs provided assistance to the legal team when requested by a survivor. Local authorities and the public prosecutor handled most cases of refugee victims of crime and abuse outside the camp. Residents of the refugee camps suffered delays and limited access to courts, common problems also faced by citizens.

Refoulement: The government closed the last of the country's official refugee reception centers in 2018, and during the year there were credible reports of push backs at the border as well as instances of obstructions to access for Congolese and Burundian asylum seekers following requests for international protection in the country. In addition the Burundian refugees who had been assisted by UNHCR during the year to return voluntarily to Burundi, but were forced to flee again and seek asylum for a second time, were unable to register with the authorities. This

prevented them from being able to access humanitarian assistance or basic services.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has an established system for providing protection to refugees. The National Eligibility Committee is required to meet regularly and make determinations on asylum applications.

Despite the government's strict encampment policy, authorities continued to permit a small population of urban asylum seekers and refugees to reside in Dar es Salaam; this group consisted principally of persons in need of international protection arriving from countries that are not contiguous as well as individuals with specific reasons for being unable to stay in the refugee camps in the western part of the country. While access to formal employment opportunities remained limited for urban refugees, they did enjoy access to government health services and schools. UNHCR continued to intervene in cases of irregular migrants in need of international protection following their arrest by authorities in Dar es Salaam or other urban centers to ensure that the migrants had access to national asylum procedures and were protected from forced return to their country of origin.

During the year the government and the IOM continued to support training for law enforcement officers on the use of biometric registration equipment intended to provide irregular migrants a basis for either regularizing their status or voluntarily returning to their places of origin.

Safe Country of Origin/Transit: No policy for blanket or presumptive denials of asylum exists for applicants arriving from a "safe country of origin" or through a "safe country of transit." All asylum applications are evaluated individually. The law provides that, unless the transit country is experiencing a serious breach of peace, an asylum claim can be refused upon failure to show reasonable cause as to why asylum was not claimed in the transit country prior to entry into Tanzania.

Freedom of Movement: Policy restrictions limiting refugee freedom of movement and access to livelihoods left the refugee population almost totally dependent on humanitarian assistance and vulnerable to a range of protection risks, including sexual and gender-based violence. Interpartner violence continued to be reported as the leading category of sexual and gender-based violence, accounting for approximately 75 percent of incidents. Observers attributed this level of violence to the difficult living conditions in refugee camps, split-family decisions resulting from government pressure to return and substance abuse; closure of larger markets,

which undermined women's self-reliance; and restrictions on freedom of movement, which placed women and girls in a precarious situation when they left the camps to collect firewood and seek other foods to diversify their family's diet.

Durable Solutions: During the year the government focused on repatriation and did not support local integration as a durable solution. The government maintained pressure on Burundian refugees to return to Burundi, promoting repatriation as the only durable solution for Burundian refugees. UNHCR continued to assist voluntary returns under the framework of a tripartite agreement between the governments of Burundi and Tanzania and UNHCR, stressing that conditions inside Burundi were not yet conducive for large-scale returns because many Burundian refugees remained in need of international protection. Nonetheless, in August the government increased pressure on Burundian refugees to sign up for returns, agreeing with the government of Burundi to return 2,000 Burundians a week, but also saying that all Burundian refugees would be returned by the end of the year. The government implemented measures to make life more difficult for refugees, including closing the shared refugee and host community markets in February and restricting camp exit permits.

According to the Ministry of Home Affairs, from July 2018 to March 28, h a total of 662 Burundian refugees repatriated voluntarily. According to UNHCR, nearly 75,000 Burundian refugees have returned with assistance since 2017. The government granted 162,000 former Burundian refugees citizenship in 2014-15. During the year, 1,350 refugees from the DRC and 82 from other countries were resettled in other countries.

#### **g. Stateless Persons**

Not applicable.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but it allows parliament to restrict this right if a citizen is mentally infirm, convicted of certain criminal offenses, or omits or fails to prove or produce evidence of age, citizenship, or registration as a voter. Citizens residing outside the country are not allowed to vote. The National Electoral Commission is responsible for mainland and union electoral affairs, while the Zanzibar Electoral Commission (ZEC) manages elections in Zanzibar.

## **Elections and Political Participation**

Recent Elections: The country held its most recent multiparty general election in 2015, when a new president and legislative representatives were elected. The union elections were judged largely free and fair, although some opposition and civil society figures alleged vote rigging. The CCM benefited from vastly superior financial and institutional resources. There were also reports that the use of public resources in support of the CCM increased, as well as many reports of regional and district commissioners campaigning for the ruling party.

In the presidential election the CCM candidate, John Magufuli, was elected with 58 percent of the vote to replace Jakaya Kikwete, who was not eligible to run for a third term. Four opposition parties combined in the Coalition for the People's Constitution to support a single candidate, who ran under the CHADEMA banner, as the law at the time did not recognize coalitions. In February the amended Political Parties Act officially recognized coalitions. In parliamentary elections, the CCM retained a supermajority in parliament, with nearly 73 percent of the seats.

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. Additionally, Zanzibar separately elects a president of Zanzibar and members of the Zanzibar House of Representatives. The voting in Zanzibar in 2015 was judged largely free and fair. Following the vote, however, when tabulation of the results was more than half completed, the chairperson of the ZEC announced he had nullified the Zanzibar elections. According to the constitution and law, the commission does not have the authority to do so. This decision precipitated a political crisis in the semiautonomous archipelago, with the opposition candidate declaring he had won. New elections in 2016 were neither inclusive nor representative. The new elections were boycotted by the opposition, which claimed they would not be fair. Following the new elections, the ZEC announced President Ali Mohammed Shein had won with 91 percent of the vote, with the ruling CCM party sweeping nearly all seats in the Zanzibar House of Representatives. Official voter turnout was announced at 68 percent, although numerous sources estimated actual turnout at closer to 25 percent.

Between November 2017 and July 13, by-elections were conducted on short notice for ward councilor and parliamentary seats that became vacant due to the death,

party defection, resignation, or expulsion of the incumbents. In several cases an opposition member who defected to the ruling party subsequently was named as the ruling party's candidate for the same seat the individual had just vacated. By-elections were marked by irregularities, including denying designated agents access to polling stations, intimidation by police of opposition party members, and unwarranted arrests. In many cases opposition candidates were prevented from registering, resulting in many races being declared uncontested for the ruling party.

In March the speaker of parliament removed opposition CHADEMA MP Joshua Nassari from his seat due to absenteeism. A court upheld the removal when Nassari challenged the decision. In June the speaker also removed opposition CHADEMA MP Tundu Lissu for absenteeism and failing to submit required disclosure statements in a timely manner. Lissu survived an assassination attempt in 2017 and since then has been abroad for medical care. The court dismissed Lissu's challenge to his removal, and a new CCM member was sworn in on September 3 to represent his constituency.

On October 16, the Court of Appeal overturned a May High Court of Dar es Salaam decision to prohibit district executive directors from supervising elections on the grounds that their supervision violates a constitutional ban on political parties from running elections. The district executive directors are presidentially appointed to act as the secretary of district councils, and many are active members of the ruling CCM party.

Political Parties and Political Participation: The constitution requires that persons running for office must represent a registered political party. The law prohibits unregistered parties. There are 22 political parties with full registration and one with provisional registration. To secure full registration, parties must submit lists of at least 200 members in 10 of the country's 31 regions, including two of the five regions of Zanzibar.

The registrar of political parties has sole authority to approve registration of any political party and is responsible for enforcing regulations. In February an amendment of the Political Parties Act expanded the registrar's powers, a move opposition MPs asserted would cement one-party rule. Under the amended act the registrar may prohibit any individual from engaging in political activities and request any information from a political party, including minutes and attendees of party meetings. In March the registrar of political parties threatened to deregister ACT for contravening the Political Parties Act. The deregistration threat came a week after Seif Sharif, a popular Zanzibari opposition politician, announced his

defection from his Civil United Front (CUF) Party to join ACT. Sharif's supporters burned CUF flags during the announcement, in contravention of the law.

The law requires political parties to support the union between Tanganyika (mainland Tanzania) and Zanzibar; parties based on ethnic, regional, or religious affiliation are prohibited.

MPs were sanctioned for expressing criticism of the government, including for speeches on the floor of parliament. In late March and early April 2018, police arrested nine top CHADEMA leaders and charged them with unlawful assembly and disobeying an order to disperse after demonstrating with supporters to demand the issuance of credentials for party polling agents on the eve of a February 2018 by-election. Of those arrested, CHADEMA chairman Freeman Mbowe faced additional charges, including sedition. CHADEMA leaders were involved in a protracted legal battle that was pending.

The election law provides for a "gratuity" payment of TZS 235 million to TZS 280 million (\$103,000 to \$123,000) to MPs completing a five-year term. Incumbents can use these funds in re-election campaigns. Several NGOs and opposition parties criticized this provision for impeding aspiring opposition parliamentary candidates from mounting effective challenges.

The mainland government allowed political opponents unrestricted access to public media, but the ruling party had far more funding to purchase broadcast time.

The National Electoral Commission (NEC) was updating the voter register in preparation for the 2020 general elections. The law requires that voter registration drives be carried out twice every five years. The amendment to the Political Parties Act, however, restricted political parties' ability to offer civic education and outreach on voter registration and voting rights, as they had done in the past. Instead, 24 CSOs were accredited for civic education. None of the accredited CSOs has the financial or technical capacity to carry out effective national voter education campaigns. In addition the NEC scheduled only seven days for registration in each region, a time frame stakeholders asserted was inadequate to ensure a proper voter registry before 2020 elections.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Some observers believed cultural and financial constraints limited women's participation

in politics. In the 2015 election, voters elected a woman as vice president. There were special women's seats in both parliament and the Zanzibar House of Representatives, which, according to World Bank data, brought total female representation to 36 percent.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Officials sometimes engaged in corrupt practices with impunity. After taking office President Magufuli took several high-profile steps to signal a commitment to fighting corruption. These included surprise inspections of ministries, hospitals, and the port of Dar es Salaam, often followed by the immediate dismissal of officials. In implementing Phase III (2017-22) of the *National Anticorruption Strategy and Action Plan*, President Magufuli introduced a new High Court Division of Economic, Corruption, and Organized Crime in 2016. Critics and observers noted that President Magufuli has used the anticorruption platform to go after those who opposed him.

Corruption: While efforts were being made to reign in corruption, it remained pervasive; however, Transparency International's Corruption Perception Index released in February shows improvement in the perception of corruption. The PCCB reported that most corruption investigations concerned government involvement in mining, land matters, energy, and investments.

Afrobarometer findings published in July indicated citizens perceive an overall drop in corruption, with only 10 percent of citizens reporting that corruption has increased in the past year, and 71 percent of citizens feeling the government is doing a good job combatting corruption. Government entities were still considered the most corrupt entities, led by police, judges and magistrates, the Tanzania Revenue Authority, and local government. NGOs continued to report allegations of corruption involving the Tanzania Revenue Authority, local government officials, police, licensing authorities, hospital workers, and media.

Corruption featured in newspaper articles, civil complaints, and reports of police corruption from the PCCB and from the Ministry of Home Affairs.

The PCCB's mandate excludes Zanzibar. In July the Zanzibar Anti-Corruption and Economic Crime Authority reported it had been able to reduce corruption, citing one conviction and a pending investigation into corruption cases in the Ministry of Finance.

Financial Disclosure: Government ministers and MPs, as well as certain other public servants, are required to disclose their assets upon assuming office, annually at year's end, and upon leaving office. The Ethics Secretariat distributes forms each October for collection in December. As of 2017, 98 percent of government leaders had submitted their forms to the secretariat (16,064 out of 16,339). When Tundu Lissu, former CHADEMA MP, was removed from his seat in June, one of the reasons cited was that he did not file financial disclosure forms. The president submitted his forms and urged other leaders to do the same. Although penalties exist for noncompliance, there was no enforcement mechanism or sufficient means to determine the accuracy of such disclosures. Information on compliance was considered sensitive and available only on request to the commissioner of the secretariat. Secretariat officials previously stated the individuals who failed to meet the deadline were asked to show cause for the delay. Any declaration forms submitted or filed after the deadline must explain the failure to observe the law. Asset disclosures are not public.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups have generally operated without government restriction, investigating and publishing their findings on human rights cases. The overall climate for NGOs, however, has shifted in the last few years. Some human rights NGOs complained of a negative government reaction when they challenged government practice or policy. Many NGOs are concerned the government is using the NGO registration laws passed in June to deregister NGOs that focus on human rights. In August the registrar of NGOs deregistered 158 NGOs for "unaccepted" behavior, alleging they were used for profit sharing and benefiting their members, which is outside the permitted NGO activities.

In May the registrar of societies in the Ministry of Home Affairs issued a public notice requesting that all religious institutions and community-based organizations registered under the ministry verify their registration status with all the required documentation. The countrywide process began with Dar es Salaam and the coastal regions in May and continued at year's end. There are similar concerns about how the government can use this process to deregister organizations that make any statements related to human rights.

The United Nations or Other International Bodies: The government generally cooperated with visits from UN representatives, such as special rapporteurs, as

well as those from UN specialized agencies such as the International Labor Organization or other international organizations (but not including NGOs) that monitor human rights.

Government Human Rights Bodies: The union parliamentary Committee for Constitutional, Legal, and Public Administration is responsible for reporting and making recommendations regarding human rights.

The Commission for Human Rights and Good Governance (CHRAGG) operated on both the mainland and Zanzibar, but low funding levels and lack of leadership limited its effectiveness. The commission has no legal authority to prosecute cases but can make recommendations to other offices concerning remedies or call media attention to human rights abuses and violations and other public complaints. It also has authority to issue interim orders preventing actions in order to preserve the status quo pending an investigation. The CHRAGG also issued statements and conducted public awareness campaigns on several issues. These included the need for regional and district commissioners to follow proper procedures when exercising their powers of arrest, the need for railway and road authorities to follow laws and regulations when evicting citizens from their residences, and calling on security organs to investigate allegations of disappearances or abductions, including of journalists, political leaders, and artists.

On September 19, President Magufuli appointed a CHRAGG chairman and five commissioners.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law provides for life imprisonment for persons convicted of rape, including spousal rape during periods of legal separation. The law stipulates a woman wishing to report a rape must do so at a police station, where she must receive a release form before seeking medical help. This process contributed to medical complications, incomplete forensic evidence, and failure to report rapes. Victims often feared that cases reported to police would be made public.

On May 21, MP Zitto Kabwe criticized the government's failure to apprehend rape culprits in the Kigoma Region. He referred to a practice known as *teleza*, when perpetrators apply dirty oil over their bodies to become slippery to make them

harder to catch. Kabwe received a report of three raped women in his constituency who were admitted to the Kigoma Hospital. The NGO Tamasha was the first to expose the cases and reported a total of 43 rape cases. Tamasha later engaged human rights NGOs such as the LHRC, THRDC, and Twaweza, which collectively raised the issue in a letter to the government.

The law prohibits assault but does not specifically prohibit domestic violence. Domestic violence against women remained widespread, and police rarely investigated such cases. The LHRC *Mid-Year Human Rights Report* covering January through June stated that sexual violence against children remained an issue of concern. The LHRC, however, was not able to obtain data on reported cases of violence against children on the mainland. Media surveys and human rights-monitoring NGOs showed that many children continued to be subjected to sexual violence, especially rape. According to the LHRC report, 66 percent of reported major violence against children incidents were sexual violence, of which 90 percent were rape: 30 percent of such incidents were reported in Lake Zone (Geita, Mwanza, Shinyanga, Mara, Simiyu and Kagera Regions), while the Southern Highlands Zone accounted for 32 percent.

Authorities rarely prosecuted persons who abused women. Persons close to the victims, such as relatives and friends, were most likely to be the perpetrators. Many who appeared in court were set free because of corruption in the judicial system, lack of evidence, poor investigations, and poor evidence preservation.

There were some government efforts to combat violence against women. Police maintained 417 gender and children desks in regions throughout the country to support victims and address relevant crimes. In Zanzibar, at One Stop Centers in both Unguja and Pemba, victims could receive health services, counseling, legal assistance, and a referral to police. In August, Kagera Regional Police reported they had registered 88 cases of gender-based violence between January and July that are pending in court. These included 46 cases of rape, while the rest were related to school pregnancies.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C from being performed on girls younger than age 18, but it does not provide for protection to women ages 18 or older. For information on the incidence of FGM/C, see Appendix C.

Prosecutions were rare. Many police officers and communities were unaware of the law, victims were often reluctant to testify, and some witnesses feared reprisals

from FGM/C supporters. Some villagers reportedly bribed local leaders not to enforce the law in order to carry out FGM/C on their daughters. The Ministry of Health reported that approximately 10 percent of women had undergone FGM/C. The areas with the highest rates of FGM/C were Manyara (58 percent), Dodoma (47 percent), Arusha (41 percent), Mara (32 percent), and Singida (31 percent).

Sexual Harassment: The law prohibits sexual harassment of women in the workplace. There were reports women were asked for sexual favors in return for promotions or to secure employment. According to the Women's Legal Aid Center, police rarely investigated reported cases. Those cases that were investigated were often dropped before they got to court--in some instances by the plaintiffs due to societal pressure and in others by prosecutors due to lack of evidence. There were reports women were sexually harassed when campaigning for office, and one MP said that women MPs were subjected to sexual harassment frequently. The LHRC released a report in 2018 stating female students were frequently sexually harassed in higher-learning institutions, a point reiterated by a professor at the University of Dar es Salaam in a Tweet calling on President Magufuli to intervene because there were so many incidents of harassment on campus.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides the same legal status and rights for women and men, including in matters such as employment, housing, or access to education and health care; however, the law also recognizes customary practices that often favored men.

While women faced discriminatory treatment in the areas of marriage, divorce, inheritance, and nationality, overt discrimination in areas such as education, credit, business ownership, and housing was uncommon. Nevertheless, women, especially in rural areas, faced significant disadvantages due to cultural, historical, and educational factors. According to the 2018 World Economic Forum *Global Gender Gap Report*, men earn 39 percent more than do women.

## **Children**

Birth Registration: Citizenship is derived by birth within the country or abroad if at least one parent is a citizen. Registration within three months of birth is free; parents who wait until later must pay a fee. Public services were not withheld

from unregistered children. The Registration, Insolvency and Trusteeship Agency, in collaboration with Tigo telecommunication company, facilitated birth registrations of more than 3.5 million children younger than age five over the last six years in 13 regions. For additional information, see Appendix C.

Education: Tuition-free primary education is compulsory and universal on both the mainland and Zanzibar until age 15. Secondary school is tuition free but not compulsory.

Girls represented approximately one-half of all children enrolled in primary school but were absent more often than boys due to household duties and lack of sanitary facilities. At the secondary level, child marriage and pregnancy often caused girls to be expelled or otherwise prevented girls from finishing school.

Under the Education and Training Policy launched by the government in 2015, pregnant girls may be reinstated in schools. In 2017, however, President Magufuli declared that girls would not be allowed to return to school after giving birth. Human rights NGOs criticized the policy as contrary to the country's constitution and laws. This policy led to girls being blamed and excluded from educational opportunities, while the fathers of the babies were often their teachers or other older men who frequently did not suffer any consequences.

Child Abuse: Violence against and other abuse of children were major problems. Corporal punishment was employed in schools, and the law allows head teachers to cane students. The National Violence against Children Survey, conducted in 2009 (the most recent data available), found almost 75 percent of children experienced physical violence prior to age 18. In April the Maswa Simiyu Regional Court sentenced a teacher to 30 years in prison after he was convicted of raping two former students.

On October 3, video clips appeared on social media showing the regional commissioner of Songwe beating a group of male secondary school students contrary to established procedure. The following day, President Magufuli publicly urged parents and schoolteachers to do the same.

Early and Forced Marriage: The law sets the legal age for marriage at 18. A 2016 amendment to the Law of the Child makes it illegal to marry a primary or secondary school student. To circumvent these laws, individuals reportedly bribed police or paid a bride price to the family of the girl to avoid prosecution. According to Human Rights Watch, girls as young as age seven were married.

Zanzibar has its own law on marriage, but it does not specifically address early marriage. The government provided secondary school-level education campaigns on gender-based violence, which, in one reported case in 2018, led to one girl using that knowledge to escape a forced marriage. For additional information, see Appendix C.

On October 23, the Court of Appeal rejected a government appeal to retain provisions in the Marriage Act of 1971, which would permit girls as young as 14 to marry with parental consent, ruling that the act was unconstitutional and discriminatory towards girls. The government must now remove the parental consent exceptions provision for marriage before the age of 18.

Sexual Exploitation of Children: The law criminalizes child sex trafficking and child pornography. Those convicted of facilitating child pornography are subject to a fine ranging from TZS one million (\$440) to TZS 500 million (\$220,000), a prison term of one to 20 years, or both. Those convicted of child sex trafficking are subject to a fine ranging from TZS five million (\$2,200) and TZS 150 million (\$66,000), a prison term of 10 to 20 years, or both. There were no prosecutions based on this law during the year.

The law provides that sexual intercourse with a child younger than 18 is rape unless within a legal marriage. The law was not always enforced because of cases not being reported or because girls facing pressure dropped charges. For example there were accounts of rapes of girls that went unreported in Zanzibar.

Infanticide or Infanticide of Children with Disabilities: Infanticide continued, especially among poor rural mothers who believed themselves unable to afford to raise a child. Nationwide statistics were not available.

Displaced Children: According to the Ministry of Health, Community Development, Gender, Elderly, and Children, large numbers of children were living and working on the street, especially in cities and near the borders. The ministry reported 6,132 children were living in hazardous conditions during the year. These 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. According to the Ministry of Health, Community Development, Gender, Elderly, and Children, from July 2018 to March, 13,420 displaced children were given necessities including food, clothing, education, and health from a combination of government and private organizations.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

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

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but the government did not effectively enforce these provisions.

Few public buildings were accessible to persons with disabilities. New public buildings, however, were built in compliance with the law. The law provides for access to information and communication, but not all persons with disabilities had such access.

There were six members of the union parliament with disabilities. Persons with disabilities held three appointed seats in the Zanzibar House of Representatives. The Prime Minister's Office includes a ministerial position that covers disabilities. The country defines persons with albinism as disabled and appointed a person with albinism as its ambassador to Germany in 2017.

Limits to the political participation of persons with disabilities included inaccessible polling stations, lack of accessible information, limited inclusion in political parties, the failure of the National Electoral Commission to implement directives concerning disability, and prejudice toward persons with disabilities.

According to the 2008 *Tanzanian Disability Survey*, an estimated 53 percent of children with disabilities attended school. There were no significant reported patterns of abuse in educational or mental health facilities.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual conduct is illegal in the country. The law on both the mainland and Zanzibar punishes “gross indecency” by up to five years in prison or a fine. The law punishes any person convicted of having “carnal knowledge of another against the order of nature or permits a man to have carnal knowledge of him against the order of nature” with a prison sentence of 30 years to life on the mainland and imprisonment up to 14 years in Zanzibar. In Zanzibar the law also provides for imprisonment up to five years or a fine for “acts of lesbianism.” In the past courts charged individuals suspected of same-sex sexual conduct with loitering or prostitution. The law does not prohibit discrimination based on sexual orientation and gender identity. Police often harassed persons believed to be LGBTI based on their dress or manners.

During the year the government opposed improved safeguards for the rights of LGBTI persons, which it characterized as contrary to the law of the land and the cultural norms of society. Senior government officials made several anti-LGBTI statements. On September 20, the deputy minister of home affairs instructed police in Zanzibar to arrest members of the LGBTI communities, accusing them of being unethical, unaccepted, and against the law, and of bringing a bad image to the island and being linked to drug use. During the year there was one report that police arrested two suspects for alleged homosexual activity and subjected them to forced anal examinations. There were also reports of arrests and detentions to harass known LGBTI activists.

LGBTI persons continued to be afraid to report violence and other crimes, including those committed by state agents, due to fear of arrest. LGBTI persons faced societal discrimination that restricted their access to health care, including access to information about HIV, housing, and employment. There were no known government efforts to combat such discrimination.

In January, after being arrested for allegedly engaging in same-sex activity, 17 individuals were reportedly subjected to anal exams in Kigongoni Public Hospital, Arusha, by medical personnel in the presence of armed police. The victims had no lawyer or representative present, and the “results” were never shared.

In 2017 authorities filed a case against two women in Mwanza who were recorded on a video posted on social media exchanging rings in an engagement ceremony. The case was withdrawn without being heard in 2018 and then reopened as a new case in June.

In April a 19-year-old student at Katoro Islamic Seminary died after being beaten by a teacher and fellow students. They reportedly beat him because of his alleged same-sex activity. He was buried without his family being informed; they contacted police when they realized he was missing. Following an investigation, police arrested four teachers and 11 students. Police also obtained a court order to exhume the remains for further investigation.

### **HIV and AIDS Social Stigma**

The 2013 *People Living with HIV Stigma Index Report* indicated persons with HIV/AIDS experienced significant levels of stigma countrywide (39 percent), with stigma particularly high in Dar es Salaam (50 percent). The most common forms of stigma and discrimination experienced were gossip, verbal insults, and exclusion from social, family, and religious activities. More than one in five persons with HIV/AIDS experienced a forced change of residence or inability to rent accommodations. In Dar es Salaam, nearly one in three of these persons experienced the loss of a job or other source of income.

The law prohibits discrimination against any person “known or perceived” to be HIV-positive and establishes medical standards for confidentiality to protect persons with HIV/AIDS. Police abuses of HIV-positive persons, particularly in three key populations (sex workers, drug users, and LGBTI persons), included arbitrary arrest, extortion, and refusal to accept complaints from victims of crime. In the health sector, key populations experienced denial of services, verbal harassment and abuse, and violations of confidentiality. In 2017 the government allowed community-based services for key populations to be reinstated following the release of revised guidelines, although the distribution of lubricants is still banned. NGOs and CSOs serving these key populations continued to face occasional backlash and harassment from law enforcement. There was continuing fear among these NGOs to operate freely and openly, as well as among LGBTI persons to seek health services, including HIV prevention and treatment.

Gender desks at police stations throughout the country were established to help address mistrust between members of key populations and police.

## Other Societal Violence or Discrimination

Despite efforts by the government and NGOs to reduce mob violence through educational outreach and community policing, mob violence continued. According to the LHRC *Mid-Year Report*, 385 were killed in mob violence. For example, in June, in the town of Shinyanga, Esther Samwel was killed by an angry mob after being accused of stealing some greens and vegetables at the market place.

Witchcraft-related killings continued to be a problem. According to the LHRC *Mid-Year Report*, there were 106 witchcraft-related killings from January to June. Major victims or targets of such killings continued to be elderly women and children. The regions with the greatest number of killings were Mbeya, Iringa, Dar es Salaam, and Shinyanga. For example, in Dar es Salaam, police arrested a man for selling his six-year-old daughter to be killed so that her body parts could be used in a potion to make him rich. The child's body was found decapitated in the Mbeya Region with the right foot amputated.

From January to June, 10 children in Njombe Region were reported missing and later found dead with some body parts missing. In connection to this case, 28 suspects were arrested.

In 2015 the government outlawed witchdoctors in an attempt to curtail killings of persons with albinism. Attacks on persons with albinism were declining, and from January through June, there were no reported cases of persons with albinism being killed or attacked. Persons with albinism remained at risk of violence, however, especially during election times, as some ritual practitioners sought albino body parts in the belief they could be used to bring power, wealth, and good fortune. Schools used as temporary shelters in some cases evolved into long-term accommodations, with many students with albinism afraid to return to their homes. One shelter in Buhangija, however, had almost 470 children with albinism living there, but it was reported that 350 of these children have been reunited with their families. Widespread discrimination against persons with albinism still existed. During the year a woman with albinism was reportedly harassed at her place of work in Mwanza by other workers. She lost her job as a hotel restaurant hostess and was told to work cleaning the rooms instead.

Farmers and pastoralists sometimes argued over traditional animal grazing areas, and violence continued to break out during some disputes.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The mainland and Zanzibari governments have separate labor laws. Workers on the mainland, except for workers in the categories of “national service” and prison guards, have the right to form and join independent trade unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination. The government nevertheless restricted these rights. Reinstatement of workers fired for trade union activity is not mandatory.

Trade unions in the private sector must consist of more than 20 members and register with the government, while public-sector unions need 30 members. Five organizations are required to form a federation. Trade union affiliation with nonunion organizations can be annulled by the Labor Court if it was obtained without government approval, or if the union is considered an organization whose remit is broader than employer-worker relations. A trade union or employers association must file for registration with the Registrar of Trade Unions in the Ministry of Labor within six months of establishment. The law, however, does not provide for specific time limits within which the government must register an organization, and the registrar has the power to refuse registration on arbitrary or ambiguous grounds. The government prescribes the terms of office of trade union leaders. Failure to comply with government requirements is subject to fines, imprisonment, or both.

The law requires unions to submit financial records and a membership list to the registrar annually and to obtain government approval for association with international trade unions. The registrar can apply to the Labor Court to deregister or suspend unions if there is overlap within an enterprise or if it is determined the union violated the law or endangered public security.

Collective bargaining agreements must be registered with the Labor Commission. Public-service employees, except for limited exceptions, such as workers involved in “national service” and prison guards, may also engage in collective bargaining.

Employers have the right to initiate a lockout provided they comply with certain legal requirements and procedures. For a strike to be declared legal, the law requires three separate notifications of intent, a waiting period of at least 92 days, and a union vote in the presence of a Ministry of Labor official that garners approval by at least 75 percent of the members voting. 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. Disputes regarding adjustments to or the terms of signed contracts must be addressed through arbitration and are not subject to strikes.

The law restricts the right to strike when a strike would endanger the life and health of the population. Picketing in support of a strike or in opposition to a lawful lockout is prohibited. Workers in sectors defined as “essential” (water and sanitation, electricity, health services and associated laboratory services, firefighting, air traffic control, civil aviation, telecommunications, and any transport services required for the provision of these services) may not strike without a pre-existing agreement to maintain “minimum services.” Workers in other sectors may also be subject to this limitation as determined by the Essential Services Committee, a tripartite committee composed of employers, workers, and government representatives with the authority periodically to deem which services are essential.

According to the 2004 Labor Relations Act, an employer may not legally terminate an employee for participating in a lawful strike or terminate an employee who accedes to the demands of an employer during a lockout.

Penalties for violations were not sufficient to deter violations. Disputes on the grounds of antiunion discrimination must be referred to the Commission for Mediation and Arbitration, a governmental department affiliated with the Ministry of Labor. There was no public information available regarding cases of antiunion discrimination.

There were no reports of sector-wide strikes or any other major strikes in the country.

In Zanzibar the law requires any union with 50 or more members to be registered, a threshold few companies could meet. The law sets literacy standards for trade union officers. The law provides the registrar considerable powers to restrict registration by setting forth criteria for determining whether an organization’s constitution contains suitable provisions to protect its members’ interests. The law applies to both public- and private-sector workers and bans Zanzibari workers from joining labor unions on the mainland. The law prohibits a union’s use of its funds, directly or indirectly, to pay any fines or penalties incurred by trade union officials in the discharge of their official duties. In Zanzibar both government and private sector workers have the right to strike as long as they follow procedures outlined in

the labor law. For example, workers in essential sectors may not strike; others must give mediation authorities at least 30 days to resolve the issue in dispute and provide a 14-day advance notice of any proposed strike action.

The law provides for collective bargaining in the private sector. Public-sector employees also have the right to bargain collectively through the Trade Union of Government and Health Employees; however, members of the police force and prison service, and high-level public officials (for example, the head of an executive agency) are barred from joining a trade union. Zanzibar's Dispute Handling Unit addresses labor disputes. In Zanzibar judges and all judicial officers, members of special departments, and employees of the House of Representatives are excluded from labor law protection.

In Zanzibar the courts are the only venue in which labor disputes can be heard. According to the Commission of Labor in Zanzibar, 16 workers used the courts for labor disputes. Labor enforcement in Zanzibar is insufficient, especially on the island of Pemba.

The government did not effectively enforce the law protecting the right to collective bargaining. On both the mainland and in Zanzibar, private-sector employers adopted antiunion policies or tactics, although discriminatory activities by an employer against union members are illegal. The Trade Union Congress of Tanzania (TUCTA)'s 2018 annual report claimed that international mining interests bribed government officials to ignore workers' complaints and write false favorable reports on work conditions in mines. TUCTA also reported that employers discouraged workers from collective bargaining and retaliated against workers' rights activists via termination of employment and other measures. The Tanzania Mines, Energy, Construction, and Allied Workers' Union met in June to discuss how to improve organizing in the mining sector.

TUCTA also expressed concern over the proposal of a new computation formula for pensions. Under the new formula, 25 percent would be issued as a lump sum while the remaining 75 percent would be paid in monthly installments. TUCTA called for the government to revert to the old formula, under which workers received a 50 percent lump sum payment upon retirement. By the end of December 2018, President Magufuli announced the new formula would not go into effect until 2023 to provide more time to reach consensus.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits most forms of forced or compulsory labor. The law allows prisoners to work without pay on construction and agriculture projects within prisons. The law deems such work acceptable as long as a public authority ensures the work is not for the benefit of any private party. The law also allows work carried out as part of compulsory national service in certain limited circumstances. The constitution provides that no work shall be considered forced labor if such work forms part of compulsory national service in accordance with the law, or “the national endeavor at the mobilization of human resources for the enhancement of society and the national economy and to ensure development and national productivity.”

The law establishes criminal penalties for employers using forced labor, but penalties are not sufficient to deter violations. The government did not effectively enforce the law. Neither the government nor the International Labor Organization (ILO) provided statistics on government enforcement. The ILO reported unspecified instances of forced labor, including those involving children from the southern highlands forced into domestic service or labor on farms, in mines, and in the informal business sector. Forced child labor occurred (see section 7.c.). In late 2018 the government drafted a national child labor strategy, which has yet to be formally launched.

Prisoners perform unpaid and nonvoluntary labor on projects outside of the prison, such as road repair, agriculture, and government construction projects. The Ministry of Home Affairs reported that prisoners perform labor on a joint sugar plantation project, including planting 2,000 acres of sugar under an agreement between the National Social Security Fund and the Parastatal Pension Fund (PPF). The Moshi Prison Department, in collaboration with PPF, installed leather manufacturing equipment, and prisoners produce shoes and handbags.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the exploitation of children in the workplace. By law the minimum age for contractual employment is 14 on the mainland; in Zanzibar the minimum age is 15. Children older than 14 but younger than 18 may be employed to do only nonhazardous work that is not likely to be harmful to the child’s health and development or attendance at school. The government published regulations to define hazardous work for children in several sectors, including in agriculture,

fishery, mining, and quarrying, construction, service, informal operations, and the transport sectors. The law specifically limits working hours for children to six hours a day. Penalties were not sufficient to deter violations, and there were no reported cases of prosecutions under this law.

The government did not adequately enforce the law. The lack of enforcement left children vulnerable to exploitation and with few protections. Child labor was prevalent in agriculture, mining, industry, fishing, and domestic work. The ILO previously worked with the government to train labor inspectors on child labor, but there were no such activities reported during the year.

Child labor cases were brought to court in the mainland. Zanzibar's Ministry of Labor, Youth Development, Women, and Children did not take legal action related to child labor.

Government measures to ameliorate child labor included verifying that children of school age attended school, imposing penalties on parents who did not enroll their children in school, and pressing employers in the formal sector not to employ children younger than 18. In September 2018 President Magufuli appointed a new labor commissioner who reportedly listed reducing child labor as one of his priorities. The country developed a national strategy for child labor in 2018; however, the government has yet to launch the strategy.

On the mainland children worked as domestic workers, street vendors, and shopkeepers as well as in small-scale agriculture, family-based businesses, fishing, construction, and artisanal mining of gold and tanzanite. According to Human Rights Watch, children as young as eight worked in mining. In Zanzibar children worked primarily in fishing, clove picking, domestic labor, small businesses, and gravel making.

In Zanzibar the government's endeavors to contain child labor were minimal. In Micheweni and, Mwambe villages, for example, children were engaged in stone crushing. In fishing villages such as Matemwe, children would not go to school but go to work at the fish market.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

#### **d. Discrimination with Respect to Employment and Occupation**

The employment and labor relations law prohibits workplace discrimination, directly or indirectly, against an employee based on color, nationality, tribe, or place of origin, race, national extraction, social origin, political opinion or religion, sex, gender, pregnancy, marital status or family responsibility, disability, HIV/AIDS, age, or station in life. The law does not specifically prohibit discrimination based on sexual orientation or gender identity, language, citizenship, or other communicable disease status. The law distinguishes between discrimination and an employer hiring or promoting based on affirmative action measures consistent with the promotion of equality, or hiring based on an inherent requirement of the job. The government in general did not effectively enforce the law, and penalties were insufficient to deter violations.

Women have the same status as men under labor law on the mainland. According to TUCTA, gender-based discrimination in terms of wages, promotions, and legal protections in employment continued to occur in the private sector. It was difficult to prove and often went unpunished. While employers in the formal sector were more attentive to laws against discrimination, problems were particularly acute in the informal sector, in which women were disproportionately employed. Women often were employed for low pay and in hazardous jobs, and they reported high levels of bullying, threats, and sexual harassment. A 2015 study by the LHRC found that women faced particular discrimination in the mining, steel, and transport industries. The 2017 LHRC human rights and business report shows women still experienced discrimination.

Discrimination against migrant workers also occurred. They often faced difficulties in seeking documented employment outside of the informal sector. The Noncitizens Employment Regulation Act of 2015 gives the labor commissioner authority to deny work permits if a citizen with the same skills is available. During the year foreign professionals, including senior management of international corporations, frequently faced difficulties obtaining or renewing work permits. Because refugees lived in camps and could not travel freely (see section 2.d.), few worked in the formal sector. While efforts by nongovernment and government actors had been made to curb discrimination and violence against persons with albinism, the LHRC reported that this population still lived in fear of their personal security and therefore could not fully participate in social, economic, and political activities. The LHRC also stated that persons with disabilities also faced discrimination in seeking employment and access to the workplace.

Inspections conducted since the enactment of the law in 2015 revealed 779 foreign employees working without proper permits. Of these, 29 were repatriated and 77 were arraigned in court. Because legal refugees lived in camps and could not travel freely (see section 2.d.), few worked in the formal sector.

#### **e. Acceptable Conditions of Work**

The government established minimum wage standards in 2015 for employees in both the public and private sectors on the mainland, and it divided those standards into nine employment sectors. The minimum wage was above the government poverty line, but in many industries, it was below World Bank standards for what constitutes extreme poverty. The government's poverty line has not been updated since 2012. The law allows employers to apply to the Ministry of Labor for an exemption from paying the minimum wage. The labor laws cover all workers, including foreign and migrant workers and those in the informal sector. The minimum wage on Zanzibar was above the poverty line.

The standard work week is 45 hours, with a maximum of nine hours per day or six days per week. Any work in excess of these limits should be compensated with overtime pay at one-and-a-half times the employee's regular wage. Under most circumstances, it is illegal to schedule pregnant or breastfeeding women for work between 10 p.m. and 6 a.m.

The law states employees with 12 months of employment are entitled to 28 days of paid annual leave, and it requires employee compensation for national holidays. The law prohibits excessive or compulsory overtime, and it restricts required overtime to 50 hours in a four-week period or in accordance with previously negotiated work contracts. The law requires equal pay for equal work.

Several laws regulate occupational safety and health (OSH) standards in the workplace. According to TUCTA, OSH standards are appropriate for the main industries and enforcement of these standards had been improving, but challenges remained in the private sector. In March the National Audit Office released a follow-up report on a 2013 performance audit on the management of occupational health and safety in the country. The audit found the vast majority of recommendations had been fully implemented.

OSH standards, however, were not effectively enforced in the informal economy. The Occupational Safety and Health Authority did not employ sufficient inspectors. By law workers can remove themselves from situations that endanger

health or safety without jeopardy to their employment, but authorities did not effectively enforce this protection.

Workers may sue an employer if their working conditions do not comply with the Ministry of Labor'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.

Many workers did not have employment contracts and lacked legal protections. The LHRC reported many workers did not have written contracts, and those who did were often not provided with written copies of their contract. Additionally, employers often kept copies of the contracts that differed from the versions given to the employees. Companies frequently used short-term contracts of six months or less to avoid hiring organized workers with labor protections.

The government did not effectively enforce labor standards, particularly in the informal sector, where the majority of workers were employed. Penalties were insufficient to deter violations. The number of inspectors was insufficient to deter violations.

In dangerous industries such as construction, employees often worked without protective equipment such as helmets, gloves, or harnesses. According to a 2008 Accident Notification Survey (latest available), the sectors with the highest rates of fatal accidents were construction and building, transport, and mining and quarrying. Domestic workers were reportedly frequent victims of abuse.