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## U.S. Department of State

### Tanzania Country Report on Human Rights Practices for 1998

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#### TANZANIA

The United Republic of Tanzania amended its Constitution in 1992 to become a multiparty state. In 1995 the nation conducted its first multiparty general elections for president and parliament in more than 30 years. The ruling party, Chama Cha Mapinduzi (CCM), continued to control the Union Government, winning 186 of the 232 elective seats in Parliament. The CCM presidential candidate, Benjamin Mkapa, won a four-way race with 61.8 percent of the vote. The islands of Zanzibar are integrated into the United Republic's governmental and party structure; however, the Zanzibar Government, which has its own president and parliament, exercises considerable autonomy. Elections for the President and Parliament of Zanzibar also were held in 1995. International observers noted serious discrepancies during the vote-counting process, calling into question the reelection of CCM incumbent Dr. Salmin Amour Juma as Zanzibar's President. In the period since that election, calls for new elections by opposition parties were met with reprisals by the authorities. In response most donors halted economic aid to Zanzibar. The judiciary is formally independent but suffers from corruption, inefficiency, and executive influence.

The police have primary responsibility for maintaining law and order. They formerly were supported by citizens' anticrime groups and patrols known as "Sungusungu," which have been inactive in urban centers since late 1995 but still are in existence in rural areas. The police regularly committed human rights abuses.

Agriculture provides 85 percent of employment. Cotton, coffee, sisal, tea, and gemstones account for most export earnings. The industrial sector is small. Economic reforms undertaken since 1986, including liberalization of agricultural policy, the privatization of state-owned enterprises, the rescheduling of

foreign debt payments, and the freeing of the currency exchange rate, helped to stimulate economic growth, as has the decline in the rate of inflation. While the Government has attempted to improve its fiscal management, pervasive corruption is one factor constraining economic progress.

There continued to be serious problems in the Government's human rights record. Although the 1995 multiparty elections represented an important development, citizens' right to change their government in Zanzibar is severely circumscribed by abuses of and limitations on civil liberties. While new opposition parties on the mainland and Zanzibar were competitive in many races in 1995 and in by-elections since that time, winning in various constituencies, police often harassed and intimidated members and supporters of the political opposition. Other human rights problems included police beatings and mistreatment of suspects that sometimes resulted in death. Soldiers attacked civilians, and police in Zanzibar used torture, including beatings and floggings. Throughout the country, prison conditions remained harsh and life threatening. Arbitrary arrest and detention, and prolonged detention continued. The inefficient and corrupt judicial system often did not provide expeditious and fair trials. Pervasive corruption, documented in the Warioba Commission's 1997 report, continued to have a broad impact on human rights. The Government infringed on citizens' privacy and limited freedom of speech, press, assembly, association, and movement. The release of a government white paper on constitutional reform in August sparked a debate on the Government's respect for citizens' rights. The Government obstructed the formation of domestic human rights groups. Discrimination and violence against women remained serious problems. Female genital mutilation and child prostitution were problems. Discrimination against religious and ethnic minorities persisted. The Government infringed on workers' rights and child labor continued. There were some instances of forced labor. Mob justice remained severe and widespread.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political killings. Credible observers cited the deaths of more than 50 prisoners during the year. Some deaths resulted from mistreatment and police beatings of persons in detention; others were a result of harsh prison conditions including inadequate nutrition, medical care, and sanitation (see Section 1.c.).

In February riots broke out in Mwembechai when police attempted to disperse a crowd of Muslims protesting the arrest of a popular Muslim leader. The police opened fire on the protesters, killing three persons and wounding several others. Twenty-three members of Parliament demanded parliamentary discussion of police brutality in connection with the incident, but the National Assembly Speaker denied the request, saying that it was an internal police matter.

In the beginning of the year over 100 refugees died due to a malaria outbreak and poor medical facilities (see Section 2.d.).

In December 1997, six detainees died in detention in Morogoro. Police provided no explanation for their deaths (see Section 1.c.).

In January two policemen were convicted of a 1996 killing and sentenced to death; nine other police officers were convicted in a murder case in Arusha.

There were no developments in the 1993 police killing of a member of the opposition party Civic United Front (CUF) on the island of Pemba. After a lengthy investigation, authorities charged the policeman who fired the shots with involuntary manslaughter; the officer remains free on bail. CUF leaders complained that the President and Attorney General of Zanzibar blocked the prosecution of the police officer. Nearly 6 years after the event, a trial still is pending.

Instances of mob justice against suspected criminals continued to claim dozens of lives. Throughout the year, the media reported numerous incidents in which mobs killed suspected thieves, who were stoned, lynched, beaten to death, or doused with gasoline and set on fire. Such events are so common that they are often grouped together with reporting on car accidents and other mishaps. Many instances never are reported. The widespread belief in witchcraft has led, in some instances, to the killing of alleged witches by their "victims," aggrieved relatives, or mobs. The Government estimates that in the Mwanza region alone at least 50 persons are killed every year by those who believe them to be witches. Government officials criticize these practices and make some arrests. However, most perpetrators of witch killing or mob justice elude arrest, and the Government has not taken preventive measures.

On August 7, terrorists bombed the U.S. Embassy in Dar Es Salaam, killing 11 persons and injuring more than 85 others. An investigation was ongoing at year's end.

#### b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits the use of torture and inhuman or degrading treatment, but the police regularly threaten, mistreat, or beat suspected criminals during and after their apprehension and interrogation. Police also use the same means to obtain information about suspects from family members not in custody (see Section 1.f.). Police in Zanzibar use torture. Although government officials usually criticize these practices, the Government seldom prosecutes police for such abuses. In January the Inspector General of Police ordered for a period of 1-week the whipping of bus drivers and conductors for rampant violations of traffic laws. The People's Militia Laws, as amended by Parliament in 1989, bestow quasilegal status on the traditional Sungusungu anticrime groups. Participation in these groups was compulsory prior to the 1995 election. In the past, these groups were criticized for using excessive force against criminal suspects. While largely moribund since the 1995 election, the Sungusungu still exists, particularly in rural areas. As a result of the President's 1997 initiative to have government law enforcement officials work cooperatively with Sungusungu, members of Sungusungu were given additional benefits on a par with those given to members of the People's Militia. In return, members of Sungusungu were to be held accountable for any abuses; however, none were held accountable for abuses during the year.

Repeated reports from credible sources indicate that the police use torture, including beatings and floggings in Zanzibar, notably on Pemba Island. Both the Zanzibar and Union Governments have denied these charges. Police have not yet explained the deaths of six detainees in the town of Morogoro who were electrocuted at the end of 1997; the bodies were not returned to the families but buried in two graves.

Numerous incidents in which soldiers attacked civilians were reported, prompting the chief of the defense forces to remind troops that their role was to defend, and not harass, civilians. No other action has been taken against those responsible for abuses.

Police used excessive force to quell protesters during riots in Mwembechai in February. Police opened fire on the protesters, killing three persons and wounding several others (see Section 1.a.). There are reports that police tortured and sexually humiliated a group of women arrested during the February riots. When riots broke out again in March, authorities used tear gas, water cannons, and clubs to quell the rioters; at least a dozen persons were injured.

Pervasive corruption is a serious problem in the police force. The Warioba Commission report on corruption, released in 1997, found that police arrest innocent persons and file false charges against them if they refuse to pay bribes. There were reports of such abuses during the year. In September the Minister for Home Affairs cited police abuses as a factor contributing to the country's rising crime rate.

Prison conditions remained harsh and life-threatening. Government officials acknowledge that prisons are overcrowded and living conditions are poor. Prisons are authorized to hold 21,000 persons, but the actual prison population is estimated at 47,000 persons. In February the Rukwa regional commissioner noted that two prisons in his region with a capacity of 184 inmates actually held 556 inmates. The Government is expanding prisons, but its efforts have not kept pace with the growing number of prisoners. Some prisoners are paroled or receive suspended sentences as a means of relieving overcrowding. The daily amount of food allotted to prisoners is insufficient to meet their nutritional needs, and even this amount is not always provided. However, in April the Government distributed an emergency ration of 3,000 tons of food to overcrowded prisons. Earlier, the Commissioner of Prisons stated that his department received inadequate funds for medicine and medical supplies. Prison dispensaries only offer limited treatment, and friends and family members of prisoners generally must provide medication or the funds with which to purchase it. Serious diseases, such as dysentery, malaria, and cholera, are common and result in numerous deaths. Guards continued to beat and abuse prisoners.

The Warioba Commission reported that wardens gave favorable treatment to certain prisoners at the expense of others. Convicted prisoners are not allowed to receive food from the outside and are often moved to different prisons without notification of their families. Pretrial detainees are held together with those serving sentences but are allowed to receive food from the outside.

Women sent to remand prison report being forced to sleep naked and being subjected to sexual abuse by wardens.

There is no outside monitoring of prison conditions.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. The Criminal Procedure Code requires that a person arrested for a crime, other than a national security charge under the Preventive Detention Act, be charged before a magistrate within 24 hours. However, in practice, the police often fail to comply. The code's 1985 amendments also restricted the right to bail and imposed strict conditions on freedom of movement and association when bail is granted. Because of backlogs, an average case still takes 2 to 3 years or longer to come to trial. Observers estimate that only about 5 percent of persons held in remand ultimately are convicted, and in many cases, those convicted already had served their full sentences before their trial was held.

The code provides for a right to defense counsel. The Chief Justice assigns lawyers to indigent defendants charged with serious crimes such as murder, manslaughter, and armed robbery. There are only a few hundred practicing lawyers in the country, and most indigent defendants charged with lesser crimes do not have legal counsel. In many cases, accused persons are denied the right to contact a

lawyer or talk with family members. Bribes often determine whether bail is granted or even whether a case is judged as a civil or criminal matter. There are reports of prisoners waiting several years for trial because they could not pay bribes to police and court officials. Authorities acknowledge that some cases have been pending for several years.

Under the Preventive Detention Act, the President may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. This act requires the Government to release detainees within 15 days of their detention or inform them of the reason for their detention. A detainee also is allowed to challenge the grounds for detention at 90-day intervals. Despite a landmark ruling by the Court of Appeal in 1991 that the Preventive Detention Act could not be used to deny bail to persons not considered by authorities to be dangerous to society, the Government still has not introduced corrective legislation. The Preventive Detention Act was not used during the year. While the Law Reform Commission recommended that the act be repealed, the President said that repeal is unnecessary if the law is not being used. When the chairman of the Tanzanian Labor Party was arrested and charged with sedition for standing on a copy of the Constitution, bail was set at almost \$200,000 (1 million shillings). Following the Mwembechai riots in February, the presiding judge denied bail to the 132 persons arrested (see Section 1.a.). The Government has additional broad detention powers under the Regions and Regional Commissioners Act and the Area Commissioners Act. These acts permit regional and district commissioners to arrest and detain for 48 hours persons who " may disturb public tranquillity."

Police continued to make arbitrary arrests. For example, the police occasionally arrest relatives of criminal suspects and hold them in custody without charge for as long as several years in an attempt to force suspects to surrender. Such relatives who manage to get their cases before a judge usually are set free, only to be rearrested immediately. The Government took no action to correct this abuse during the year (see Section 1.f.).

According to the Warioba Commission report, police arrest innocent persons, accuse them of fictitious crimes, and withdraw or reduce the charges upon payment of bribes. Early in the year, two police officers arrested a herdsman for not paying a bribe; he subsequently paid, and in March, the officers were dismissed for accepting the bribe and for the improper arrest. The Government began during the year to take action to punish police for abuse of their positions, but the impact of these efforts was limited.

In February police arrested a popular Muslim leader charged with preaching in violation of a law prohibiting incitement against other religions (see Section 2.c.). The arrest led to riots in February and March, during which police arrested more than 300 persons.

Since the 1995 election, police in Zanzibar, particularly on Pemba, regularly have detained, arrested, or harassed CUF members and suspected supporters. Despite orders from the Union Government's Inspector General of Police, officers in Zanzibar continued these activities. In late 1997 and early in the year, police arrested 17 CUF officials, including parliamentarians, and charged them with treason for attempting to overthrow the Zanzibar Government. Their hearing was postponed repeatedly by Government prosecutors, and no trial date had been set by year's end. The Government continued to arrest opposition politicians for acts that it regarded as seditious (see Sections 2.b. and 3).

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; in practice the higher courts increasingly have demonstrated their independence of the Government, although executive interference exists. Senior police or government officials no longer pressure or reassign judges who make unpopular rulings. For example, in June the Chief Justice of the Court of Appeal denied the Government's appeal against an injunction granted to the National Women's Council, thereby permitting its continued operation. However, independent observers continued to criticize the judiciary, especially at lower levels, as corrupt and inefficient and questioned the system's ability to provide a defendant with an expeditious and fair trial. The Warioba Commission found that pervasive corruption affected the judiciary from clerks to magistrates. Clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. Magistrates often accepted bribes to determine guilt or innocence, pass sentences, withdraw charges, or decide appeals. The Government initiated efforts as early as 1991 to highlight judicial corruption and increased its oversight, but has made limited progress. During the year, several magistrates resigned after the Chief Justice was presented with credible evidence of their corruption.

The legal system is based on the British model, with modifications to accommodate customary and Islamic law in civil cases. Military courts do not try civilians, and there are no security courts. Defendants in civil and military courts may appeal decisions to the High Court and Court of Appeal.

Zanzibar's court system generally parallels the mainland's legal system but retains Islamic courts to adjudicate Muslim family cases such as divorce, child custody, and inheritance. Cases concerning Zanzibar constitutional issues are heard only in Zanzibar's courts. All other cases may be appealed to the national Court of Appeal.

Criminal trials are open to the public and to the press; courts must give reasons on the record for holding secret proceedings. Criminal defendants have the right of appeal.

While juvenile courts have existed in principle since 1964, no separate facility existed for young offenders until 1997. However, the court is underutilized and many juvenile offenders still are tried in adult courts. In September a magistrate ordered prosecutors to stop prosecuting juveniles in adult courts.

There were no reports of political prisoners on the mainland. At year's end, there were 18 political prisoners in Zanzibar.

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

The State continued to interfere with these rights, which generally are provided for in the Constitution. The CCM historically has penetrated all levels of society through local cells, varying in size from single family homes to large apartment buildings and containing from 10 to 200 persons. Unpaid party officials serve as 10-cell leaders with authority to resolve local problems at the grassroots level and to report to authorities any suspicious behavior or event in the neighborhood. In 1993 elections were held for new grassroots leaders to replace the CCM 10-cell leaders in nonparty business. Few voters participated in these elections, which were boycotted by the opposition. While the 10-cell leaders retain some power and influence, the role of the cells has diminished considerably since 1993, especially in areas where opposition parties are strong. Although CCM membership was once necessary for advancement in political and other areas, the importance of such membership is waning. Nonetheless, in Zanzibar some government employees who voted for the opposition in a late 1997 by-election have lost their jobs, and some students have been expelled from school because of their families' political affiliation (see Section 3).

The Criminal Procedures Act authorizes police officials, including the citizens' anticrime groups, to issue search warrants. However, the act also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence connected with an offense or if circumstances are serious and urgent. In practice, police and members of other security services rarely request warrants and often search private homes and business establishments at will. In January police searched the offices of the opposition CUF party and removed documents from its files (see Section 3). The security services reportedly monitor the telephones and correspondence of some citizens and foreign residents.

The police threaten, mistreat and occasionally beat and arrest relatives of criminal suspects and detain them without charge in an effort to obtain information about suspects or to force them to surrender (see Sections 1.c. and 1.d.).

National employment directives stipulating the nature of employment and location of residence give authorities the right to transfer citizens to another area to ensure their productive employment (see Section 2.d.).

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

### **a. Freedom of Speech and Press**

The Constitution provides for freedom of speech and of the press; however, the Government limited these rights in practice. Various laws, such as the Newspaper Act and the Broadcasting Act, limit the media's ability to function effectively. Government ministers and the Registrar of Newspapers pressure journalists to practice self-censorship. The Government also denied unrestricted access to the media to political opponents. Except in Zanzibar, citizens generally enjoyed the right to discuss political alternatives freely. Opposition political party members and others openly criticize the Government and ruling party in public forums. However, persons using "abusive language" against the country's leadership may be subject to arrest, and the Government occasionally used this provision to detain opposition figures. An opposition leader in Zanzibar was sentenced in April to 6 months in prison for insulting the island's President; government prosecutors appealed the sentence as too lenient.

In Zanzibar, radio and television are controlled by the island's Government, which also practices a restrictive policy with regard to print media. In February a Zanzibar government minister threatened three newspapers because of their alleged negative reporting. Soon thereafter, amendments to the Zanzibar News Act further circumscribed journalists' freedom of action, by giving authorities greater cover for the harassment, detention and interrogation of journalists.

Private mainland newspapers are widely available in Zanzibar, and many residents can receive mainland television. The press on the mainland is, on the whole, lively and outspoken, and even the government-owned newspaper occasionally reports events that portray the Government in an unflattering light. There are 9 daily newspapers and 15 other newspapers in English and Kiswahili, along with another dozen periodicals, some of which are owned or influenced by political parties, both the CCM and the opposition. In June the Government banned the printing, publication, and circulation of the Chombeza, Arusha Leo, and Kasheshiya newspapers for publishing abusive cartoons. When two new tabloids took their place, the Government also closed them. The ban on the Chombeza was lifted in October, but the Government banned the Chombeza again in December for publishing lewd material.

Private radio and television stations broadcast in Dar Es Salaam and in a few other urban areas, although their activities may be circumscribed. The Government reportedly does not censor news reports, but

attempts to influence their content. Some journalists, such as those in Zanzibar, exercise self-censorship on sensitive issues. Journalists who report arrests can be charged with obstructing police activity under the Police Act. In December authorities denied a journalist access to the treason trial of 18 CUF members on the grounds that the courtroom was full. Journalists inside the courtroom reported that the media's bench was nearly empty.

The Union Government sought to maintain some control over the private media with the establishment in 1997 of a code of conduct for journalists and the media council. With the leadership of the local chapter of the Media Council for Southern Africa and the Association of Journalists and Media Workers, journalists forced the Government to agree to a voluntary code of ethics and the establishment of a Media Council intended to preserve and expand media freedom. The council was inaugurated formally in 1997, but so far has proved ineffectual except as a sounding board for complaints against the media.

Academic freedom largely is respected in practice. Academics, increasingly outspoken in their criticism of the Government, continued to call for political reform.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, the Government limits this right in practice. Political parties and other groups that seek to hold rallies must give the police 48 hours' advance notice. Police have the authority to deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party. Authorities arrested citizens for assembling without the appropriate permit. In February police dispersed a demonstration organized by the Tanzania Society for the Disabled. In March, police dispersed a peaceful demonstration at a Mwembechai mosque by Muslim women who were protesting their abuse by police while in detention. In April police dispersed a demonstration at the university of Dar Es Salaam and arrested 20 persons. Opposition parties, other than in Zanzibar, generally are able to hold rallies, although in February, police in Tanga banned a procession organized by an opposition party (see Section 3). Zanzibar Government officials continue to ban CUF meetings, although they occasionally lift the ban. Police continue to break up meetings attended by persons thought to be opposed to the Zanzibar Government. In Pemba security forces broke up gatherings and intimidated opposition party officials.

The Government continued to arrest opposition politicians for holding meetings, distributing information, and other acts that it regarded as seditious (see Sections 1.d. and 3).

The Constitution provides for freedom of association; however, the Government limits this right in practice. The Registrar of Political Parties has sole authority to approve or deny the registration of any political party and is responsible for enforcing strict regulations on registered or provisionally registered parties. The Constitution and the law stipulate that citizens cannot establish new political parties; candidates must be members of 1 of the 13 registered political parties. The electoral law prohibits independent candidates; requires all standing Members of Parliament to resign if they join another party; requires all political parties to support the union with Zanzibar; and forbids parties based on ethnic, regional, or religious affiliation. Parties granted provisional registration may hold public meetings and recruit members. They have 6 months to submit lists of at least 200 members in 10 of the country's 25 regions, including 2 regions in Zanzibar, in order to secure full registration and to be eligible to field candidates for election. Nonregistered parties are prohibited from holding meetings, recruiting members, or fielding candidates. Although the Registrar of Political Parties called the registration provisions too restrictive, no remedial action has been taken. The registrar also expressed the view in 1997 that parties that failed to win 3 percent of the vote in the last election should be deregistered.

The most prominent unregistered party was the Reverend Christopher Mtikila's Democratic Party, which advocates the dissolution of the union and the expulsion of minorities from the mainland. Despite his party's lack of government recognition, Mtikila was able to publicize his views through his legally registered church and through ongoing lawsuits against the Government.

Under the Societies Ordinance, the Ministry of Home Affairs must approve any new association. Several nongovernmental organizations (NGO's) were formed in the last few years to address the concerns of families, the disabled, women, and children. The Government suspended registration of new NGO's in 1997, pending the enactment of new NGO legislation that was to have been introduced during the year. However, such legislation was not introduced and details of the proposed legislation (which is viewed as restrictive) still were being discussed within the Government, with some input from NGO's, at year's end. The result of this delay is that new registrations have been suspended. The Vice President said that the Government sought to regulate NGO's so that they would work "responsibly." The National Women's Council, registered in 1993, suspended by the Ministry in 1996 and ordered deregistered in 1997, was reinstated in June (see Section 1.e.); however, the Government continues to harass the group for allegedly engaging in political activity contrary to its charter. The Government delayed action for 3 years on the case of an NGO called Defenders of Human Rights in Tanzania (see Section 4) before it halted registration of new NGO's. In 1997 a youth group was denied registration on the grounds that there already was a youth organization affiliated with the CCM. Opposition leaders complain that the Zanzibar Government is even more restrictive in registering societies than is the Union Government. In May the principal secretary in the Zanzibari President's Office told NGO's that their role should be to support government initiatives.

A number of professional, business, legal, and medical associations have begun to address political topics.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice, subject to measures that it claims are necessary to ensure public order and safety. Missionaries are allowed to enter the country freely, particularly if proselytizing is ancillary to their other religious activities. Citizens are allowed to go abroad for pilgrimages and other religious practices.

The law prohibits preaching if it incites persons against other religions. In February police arrested a popular Muslim leader for violating this law, which triggered widespread riots. Following those riots, the Government charged that some religious leaders were inciting their adherents to violence. The Prime Minister said that the Government would further restrict persons and organizations that were involved. The Ministry of Home Affairs subsequently sent 22 religious organizations a letter demanding that they show cause why they should not be deregistered and expelled from the country. The Ministry was assessing the organizations' responses to its letters at year's end.

The Government failed to respond to tensions between the Muslim and Christian communities (see Section 5), and cancelled several meetings with Muslim and Christian leaders aimed at improving relations between the two communities.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government imposes some limits on these rights. Short-term domestic travel is not restricted, but citizens must follow national employment directives stipulating the nature of employment and location of the residence. The Human Resources Deployment Act of 1983 requires local governments to ensure

that every resident within their area of jurisdiction engages in productive and lawful employment. Those not employed are subject to transfer to another area where employment is available. These laws, although enforced neither generally or rigorously, are used by police as a means of soliciting bribes and intimidating urban residents. The Dar Es Salaam City Council rounds up beggars for return to their home areas, but many return to the capital.

Passports for foreign travel may be difficult to obtain, mostly due to bureaucratic inefficiency and officials' demands for bribes. Citizens can return without difficulty.

Mainlanders are required to show identification to travel to Zanzibar; although Zanzibaris need no special identification to travel to the mainland. Under Zanzibar law, only persons born on the islands are allowed to own land there. Mainlanders are permitted to work in Zanzibar.

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 United Nations (U.N.) Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the United Nations High Commissioner for Refugees. The Government traditionally maintained a generous open border policy both with regard to neighboring countries' refugees and to persons seeking political asylum. However, following an influx of Rwandan refugees in early 1995, the Government closed the borders with Rwanda and Burundi. Nevertheless, tens of thousands of asylum seekers were able to enter the country. Occasionally local authorities used laws, such as those on poaching, trespassing, and illegal migration, to repatriate forcibly several hundred Rwandan refugees previously admitted. By early 1997, virtually all Rwandans had departed because of the Government's use of force and intimidation, but during the year Rwandans again were allowed to seek asylum in Tanzania. There were 6,543 Rwandans in the country at year's end.

Tanzania continues to offer first asylum to over 300,000 refugees from Burundi and the Democratic Republic of Congo.

Refugee camps in the west were plagued by food shortages, overcrowding, and malaria outbreaks during the year. Over 100 persons died in the Mtendedi refugee camp due to malaria and poor medical facilities (see Section 1.a.).

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

A multiparty political system was introduced officially in 1992, and in 1995, for the first time in more than 30 years, citizens exercised their right to change their government through national elections for president and parliament. The CCM, with huge advantages over opposition parties in membership and access to resources, including its own daily Kiswahili language newspaper, retained 186 of 232 elective seats in Parliament and won the presidency. Despite government tactics to restrict or delay the activities of its opponents, the opposition achieved occasional success in judicial challenges and received about 38 percent of the vote. The Government arrested opposition politicians for holding meetings, distributing information, and other acts that it regarded as seditious (see Sections 1.d. and 2.b.). In January police searched the offices of the opposition CUF party and removed documents from its files (see Section 1.f.). In February police in Tanga banned a procession organized by an opposition party (see Section 2.b.).

On the mainland, by-elections held throughout the year were marred by violence on occasion. Tight security was employed at polling places. Opposition candidates won some of these elections.

The Constitution of Zanzibar provides citizens with the right to change their government peacefully;

however, this right has been circumscribed severely. The 1995 presidential election in Zanzibar was seriously flawed. Government-owned broadcast media in Zanzibar were biased in favor of the CCM incumbent President Salmin Amour Juma. The government party intimidated and harassed the opposition and did not permit opposition rallies until 2 months prior to the election. Further, registration was limited to persons who had maintained the same residence for 5 years, which disenfranchised many voters. CUF Party members also were detained by police when they attempted to campaign in rural areas.

Election observers in Zanzibar were denied access to the tabulation of votes from polling stations. After 4 days, the Zanzibar Electoral Commission, appointed by the Amour government, announced that Amour had won by 0.5 percent of the vote. Figures tabulated by the CUF showed a similarly close victory for its candidate. After efforts by the international community to reconcile discrepancies in the vote counting, observers concluded that the official results may have been inaccurate. The Zanzibar and Union Governments both rejected calls to overturn the result and conduct a new election for the presidency of Zanzibar.

In the 3 years since the election, government security forces and CCM gangs harassed and intimidated CUF members on both main Zanzibar islands, Pemba and Ugunja. Because the CUF won all 20 seats on Pemba, Pembans living on Ugunja were regarded as CUF supporters and as a result were harassed. The CUF accused police of detaining dozens of its members including several local leaders. Many CUF supporters left Ugunja for Pemba or the mainland. However, citizens' safety is not assured in Pemba, where security forces dispersed gatherings and intimidated persons. Some Zanzibar government employees who voted for the opposition in a late 1997 by-election lost their jobs, and students on Pemba report expulsions from school because of their families' political affiliations. Almost all international donors have suspended direct assistance to Zanzibar in response to the authorities' human rights abuses.

There are no restrictions in law on the participation of women in politics and government. However, in practice few women are politically active. Only 8 of 232 elected members of the Union Parliament are women. There are also 37 female members of the CCM and opposition parties who were appointed to Parliament to seats reserved for women in order to meet the legal requirement that at least 15 percent of the Members of Parliament be women. The President has set a goal that women should constitute 30 percent of parliamentarians elected in 2000. Three of the Cabinet's 23 ministers are women.

#### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

The Government has obstructed the formation of local human rights groups. Persons seeking to register human rights NGO's, such as the Defenders of Human Rights in Tanzania and the Tanzania Human Rights Education Society, complained that the Ministry of Home Affairs delayed action on their applications until 1997 when it suspended action on all applications (see Section 2.b.). This hampered applicants' access and efforts to monitor violations of human rights. The Government continued to refuse registration of the African Human Rights and Justice Protection Network on the grounds that it was politically oriented. In June the Government reinstated the National Women's Council, an NGO it had deregistered in 1997 (see Section 2.b.).

Government officials have said that international human rights groups are welcome to visit the country. Amnesty International visited 3 times during the year. There were discussions, both within the Government and among NGO's, concerning the formation of a human rights commission. However, there are sharp differences on how independent it should be.

## Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on nationality, tribe, origin, political affiliation, color, or religion. Discrimination based on sex, age, or disability is not prohibited specifically by law but is discouraged publicly in official statements. Discrimination against women and religious and ethnic minorities persisted.

### Women

Violence against women remained widespread. Legal remedies exist in the form of assault provisions under the criminal code, but in practice are difficult to enforce. The Marriage Act of 1971 makes a declaration against spousal battery, but does not prohibit it or provide for any punishment. Traditional customs that subordinate women remain strong in both urban and rural areas and local magistrates often upheld such practices. Women may be punished by their husbands for not bearing children. It is accepted for a husband to treat his wife as he wishes, and wife beating occurs at all levels of society. Cultural, family, and social pressure prevent many women from reporting abuses to authorities. Nonetheless, the Ministry of Home Affairs noted that an average of 10,000 cases of wife beating are reported annually. In July the Ruvuma regional crime officer noted that a large number of women are killed by their husbands or commit suicide as a result of domestic battery. Government officials frequently make public statements criticizing such abuses, but rarely take action against perpetrators.

Several NGO's provide counseling and education programs on women's rights problems, particularly sexual harassment and molestation. In response to intensified concern about this problem, in May Parliament passed the Sexual Offenses Special Provisions Bill which, among other things, provides for life imprisonment sentences for persons convicted of rape and child molestation.

Although the Government advocates equal rights for women in the workplace, it does not ensure these rights in practice. In the public sector, which employs 80 percent of the salaried labor force, certain statutes restrict women's access to some jobs or hours of employment. While progress on women's rights has been more noticeable in urban areas, strong traditional norms still divide labor along gender lines and place women in a subordinate position. Discrimination against women is most acute in the countryside, where women are relegated to farming and raising children, and have almost no opportunity for wage employment. Custom and tradition often hinder women from owning property such as land, and these factors may override other laws that provide for equal treatment. Women seeking higher education may be harassed by male colleagues, but authorities largely have ignored the practice.

Overall, the situation for women is even less favorable in Zanzibar. Women there, and in many parts of the mainland, face discriminatory restrictions on inheritance and ownership of property because of concessions by the Government and courts to customary and Islamic law. While provisions of the Marriage Act provide for certain inheritance and property rights for women, application of customary, Islamic, or statutory law depends on the life style and stated intentions of the male head of household. The courts have thus upheld discriminatory inheritance claims, primarily in rural areas. Under Zanzibari law, unmarried women under the age of 21 who become pregnant are subject to 2 years' imprisonment.

### Children

Government funding of programs for children's welfare remained minuscule. The Government has made some constructive efforts to address children's welfare, including working closely with the U.N. Children's Fund and other international and local organizations to improve the well-being of orphans and neglected children. A 1998 study funded by the International Labor Organization (ILO) reported a

growth in child prostitution, including forced prostitution (see Section 6.c.).

The law provides for 7 years of compulsory schooling through the age of 15. Some teachers demand money to enroll students in school, with the result that some children have been denied an education. The primary school dropout rate is between 30 and 40 percent. In the past, girls who became pregnant were expelled from school. In 1996 officials put into effect procedures to permit pregnant girls to continue their education following their maternity absences. However, the application of these procedures is limited, and laws forcing girls out of school remain in effect. The rate of girls' enrollment in school is lower than that of boys and generally declines with each additional year of schooling. In some districts, there was a decline in attendance as the result of early marriage, often at the behest of parents. Nevertheless, there have been across the board increases in the rate of girls' participation since 1990.

Female genital mutilation (FGM) is widely condemned by international health experts as damaging to both physical and psychological health. Although the Government officially discourages the practice, it is still performed at an early age in approximately 20 of the country's 130 main ethnic groups, affecting 18 percent of the female population, according to a 1996 health survey conducted by the Bureau of Statistics. In some ethnic groups, FGM is compulsory, and in others, a woman who has not undergone the practice may not be able to marry. Government data show this to be a problem varying by region, with the most affected regions being Arusha (81 percent of women), Dodoma (68 percent), Mara (44 percent), Kilimanjaro (37 percent), Iringa (27 percent), Tanga/Singida (25 percent), and Morogoro (20 percent). FGM is almost nonexistent in the rest of the country. Government officials have called for changes in practices that adversely affect women, but introduced no legislation that would restrict the practice of FGM specifically. Some local government officials have begun to combat the practice and convicted and imprisoned some persons who mutilated young girls. Seminars sponsored by various governmental and nongovernmental organizations are held regularly in an attempt to educate the public on the dangers of FGM and other traditional practices. These practices include the tradition of inherited wives, which critics contend contributes to the spread of HIV/AIDS, and child marriages which are sanctioned with parental consent under the Marriage Act of 1971 for girls 12 years of age or older. While some authorities believe that FGM is declining, a government report has suggested that it is on the rise, especially in the central region. The Dodoma Traditional Practices and Beliefs Committee, supported by a World Health Organization grant, began a program to eliminate FGM in the Dodoma region.

### People With Disabilities

The Government does not mandate access to public buildings, transportation, or government services for persons with disabilities. Although there is no official discrimination against the disabled, in practice the physically disabled effectively are restricted in their access to education, employment, and provision of other state services due to physical barriers. The Government provides only limited funding for special facilities and programs. In February the Government dispersed a demonstration by the Society of the Disabled because it did not have the required permit (see Section 2.b.).

### Religious Minorities

A few leaders in the Christian and Muslim communities appear to be fomenting religious tension between their groups. The Muslim community claims to be disadvantaged in terms of its representation in the civil service, government, and parastatals, in part because both colonial and early post-independence administrations refused to recognize the credentials of traditional Muslim schools. As a result, there is broad Muslim resentment of perceived advantages that Christians enjoy. In turn, Christians criticize what they perceive as lingering effects of undue favoritism accorded to Muslims in

appointments, jobs, and scholarships by former president Ali Hassan Mwinyi, a Muslim. Despite these perceptions, there does not appear to be any serious widespread problem of religious discrimination in access to employment or educational opportunities.

#### National/Racial/Ethnic Minorities

In the past, the Government discriminated against the Barabaig and other nomadic groups in the north. These ethnic groups continued to complain of past governmental discrimination because of efforts to make them adopt a more modern lifestyle and to restrict their access to pastoral land that was turned into large government wheat farms.

The Asian community, which is viewed unfavorably by many African Tanzanians, has declined by 50 percent in the past decade to about 50,000. However, there are no laws or official policies that discriminate against Asians. As the Government places greater emphasis on market-oriented policies and privatization, public concern regarding the Asian minority's economic role has increased. This has led to demands for policies of "indigenization" to ensure that privatization does not increase the Asian community's economic predominance at the expense of the country's African population.

### **Section 6 Worker Rights**

#### a. The Right of Association

Both the Constitution and the 1955 Trade Union Ordinance refer to the right of association of workers. Nevertheless, workers do not have the right to form or join organizations of their choice. The 1991 Organization of Tanzania Trade Unions Act that addresses labor union problems; however, it serves to impede the creation of unions. The Act established the Organization of Tanzania Trade Unions (OTTU), renamed the Tanzania Federation of Trade Unions (TFTU) in 1995, as the only trade union organization. Although it still has not been registered formally, the TFTU acts in all but juridical proceedings under its new name. The TFTU has little influence on labor policy. It is comprised of 11 independent trade unions that have the right to leave the TFTU and to collect their own dues, 5 percent of which are contributed to the federation. More than 3 years after the labor reorganization, only 1 of these 11 independent unions, the Tanzanian Teachers' Union, which predates the OTTU, is registered. Unions exist in the workplace, but the absence of registration makes relations with employers difficult.

Overall, about 10 to 15 percent of the country's 2 million wage earners are organized. Although the TFTU nominally represents 60 percent of workers in industry and government, in some sectors it deducts dues from workers' pay whether or not they are members. All workers, including those classified as "essential" service workers, are permitted to join unions, but essential workers are not permitted to strike.

There are no laws prohibiting retribution against legal strikers. However, workers have the legal right to strike only after complicated and protracted mediation and conciliation procedures ultimately leading to the Industrial Court, which receives direction from the Minister of Labor and Youth Development. If the TFTU is not satisfied with the decision of the Industrial Court, it may then conduct a legal strike. These procedures can prolong a dispute by months without resolving it. Pending a resolution, frustrated workers have staged impromptu, illegal wildcat strikes and walkouts. In September the Zanzibar Government pledged to review the island's labor laws in an effort to improve industrial relations and minimize labor disputes.

In March the regional ILO representative called on the Government to ratify conventions on freedom of

association, minimum working age, equal opportunity, and freedom from discrimination. The Government had not yet responded to the ILO at year's end.

The TFTU expanded upon its forerunner's membership in regional and pan-Africanist trade union organizations by joining the International Confederation of Free Trade Unions in 1996.

#### b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law but does not apply to the public sector. Wages for government and parastatal employees are set administratively by the Government, although privatization and reductions in public sector employment have reduced such employees to about 5 percent of the work force.

Although the TFTU negotiates on behalf of most private sector employees with the Association of Tanzanian Employers, collective agreements must be submitted to the Industrial Court for approval. The ILO has observed that these provisions are not in conformity with ILO Convention 98 on Collective Bargaining and the Right to Organize. The Security of Employment Act of 1964 prohibits discriminatory activities by an employer against union members. Employers found guilty of antiunion activities are required by law to reinstate workers. The Warioba Commission found that bribes may determine whether a worker dismissed from his job may be reinstated.

There are no export processing zones (EPZ's) on the mainland, but there are three in Zanzibar. Working conditions are comparable to those in other areas. Labor law protections apply to EPZ workers.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, which also applies to children, although such labor by children is not prohibited specifically. The Government is working with NGO's to establish this prohibition explicitly. However, the ILO observed that various provisions of law are incompatible with ILO Conventions 29 and 105 on forced labor. Specifically, the Human Resources Deployment Act of 1983 requires that every local government authority ensure that able-bodied persons over 15 years of age not in school engage in productive or other lawful employment. In some rural areas, villagers still are obligated to work in the village community gardens or on small construction projects, such as repairing roads. There were reports of children forced into prostitution by parents or guardians in need of extra income.

#### d. Status of Child Labor Practices and Minimum Age for Employment

By law, children under the age of 12 are prohibited from working in the formal wage sector in both urban and rural areas, and the Government enforces this prohibition. However, this provision does not apply to children working on family farms or herding domestic livestock. Children between the ages of 12 and 15 may be employed on a daily wage and on a day-to-day basis, but they must have parental permission and return to the residence of their guardian at night. The ILO estimated that in 1995 29.4 percent of children between the ages of 10 and 14 were economically active.

The minimum age for work of a contractual nature in approved occupations is set at 15 years. The law prohibits a young person from employment in any occupation that is injurious to health and that is dangerous or otherwise unsuitable. Young persons between the ages of 12 and 15 may be employed in industrial work but only between the hours of 6 a.m. and 6 p.m., with some exceptions. The Ministry of Labor and Social Welfare and Youth Development is responsible for enforcement, but the number of

inspectors is inadequate to police conditions. The effectiveness of government enforcement reportedly has declined with increased privatization. Approximately 3,000 to 5,000 children engage in seasonal employment on sisal, tea, tobacco, and coffee plantations. Children working on plantations generally receive lower wages than their older counterparts, although they may be in comparable jobs. Work on sisal and tobacco plantations is particularly hazardous and detrimental to children. From 1,500 to 3,000 children work in unregulated gemstone mines. Girls often are employed as domestic servants, mostly in urban households under abusive and exploitative conditions. In the informal sector, children assist their parents in unregulated piecework manufacturing.

The Constitution does not specifically prohibit forced or bonded child labor, and there were reports of children forced into prostitution by their parents or their guardians (see Section 6.c.).

#### e. Acceptable Conditions of Work

There is a legal minimum wage for employment in the formal sector. The TFTU often negotiates higher minimum wages with individual employers, depending on the financial status of the business. The legal minimum wage is \$26 (17,500 shillings) per month. Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate may not always be sufficient to provide a decent standard of living for a worker and family, and workers must depend on their extended family or on a second or third job. Despite the minimum wage, many workers, especially in the small but growing informal sector, are paid less.

There is no standard legal workweek. However, a 5-day, 40-hour workweek is in effect for government workers. Most private employers retain a 6-day, 44- to 48-hour workweek. In general women may not be employed between 10 p.m. and 6 a.m. Several laws regulate safety in the workplace. An occupational health and safety factory inspection system, set up with the assistance of the ILO, is managed by the Ministry of Labor and Social Welfare and Youth Development. However, its effectiveness is limited.

TFTU officials have claimed that enforcement of labor standards is effective in the formal sector, but no verification studies have been performed. Workers may sue an employer through their TFTU branch if their working conditions do not comply with the Ministry of Labor's health and environmental standards. Workers making such complaints have not lost their jobs as a result. However, workers do not have the right to remove themselves from dangerous situations without jeopardizing their employment. Labor standards are not enforced in the informal sector.

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