



## U.S. DEPARTMENT of STATE

### Tanzania

#### Country Reports on Human Rights Practices - [2007](#)

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The United Republic of Tanzania, with a population of approximately 39.3 million, is a multiparty republic consisting of the mainland and the Zanzibar archipelago. The union is headed by a president, who is also head of government, and its unicameral legislative body is the National Assembly (parliament). Zanzibar, although integrated into the country's governmental and party structure, has its own president, court system, and legislature, and continued to exercise considerable autonomy. In the 2005 union presidential and legislative elections, Jakaya Kikwete was elected president, and the ruling Chama Cha Mapinduzi (CCM) Party made significant gains in parliament. Observers considered the union elections on both the mainland and in Zanzibar to be largely free and fair. However, the 2005 presidential elections for president of Zanzibar were more contentious, with serious irregularities and politically motivated violence. While civilian authorities generally maintained effective control of the security forces, there were isolated instances in which elements of the security forces acted independently of government authority.

There were a number of continuing human rights problems. Police and prison guards used excessive force against inmates or suspects, at times resulting in death, and police impunity was a problem; there were continued reports of killings of elderly individuals accused of being witches; prison conditions were harsh and life-threatening; there was widespread police corruption and violation of legal procedures; the judiciary suffered from corruption and inefficiency, especially in the lower courts; freedom of speech and press were partly limited; governmental corruption remained pervasive; authorities restricted the movement of refugees; societal violence against women persisted; and trafficking in persons and child labor were problems.

#### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the government or its agents during the year; however, on several occasions security forces used lethal force against citizens, including persons in custody.

During the year senior police officials accused subordinate police officers of killing several persons unlawfully. For example, in January police officers Fanuel John, Emil Saidi, and Yona Fika were arrested for killing two persons including a primary school pupil in Tarime District of Mara Region in the course of arresting villagers who were selling marijuana and illicit alcohol. Regional Commissioner Isidori Shirima formed a five-member committee to investigate the incident.

The investigations remained pending at year's end.

According to a September 7 Reuters News Agency report, the Kilimanjaro regional police killed 14 suspected robbers in an ambush, 11 of whom were identified as Kenyans, including one woman. At year's end investigations were ongoing. According to Reuters, a group of Kenyan human rights activists went to Tanzania to investigate the incident; they were detained and later released after intervention by the Kenyan High Commission.

During the year authorities brought murder charges against 15 police officers involved in shooting and killing three gemstone dealers and a taxi driver near Dar es Salaam in January 2006. A special commission headed by a high court judge investigated the incident and found that the victims were not robbers as the police claimed, and reportedly they had not been resisting arrest. At year's end the case was still pending.

Deaths as a result of mob violence continued, including by stoning, beating, hacking with machetes, and burning, but they were fewer in number following a governmental outreach campaign to discourage mob violence. According to the January 24 *Citizen*, Tumaini Mesiaki was lynched by a mob in Arusha for trying to steal from a house. The deceased was among

the prisoners pardoned by President Kikwete in 2006. On March 6, *The Guardian* carried a picture of a thief stoned to death by an angry mob. The July 8 *Daily News* reported the beating to death of Duka Selemani in Mbeya District after he tried to steal two tins of coffee from another villager. Convictions in such cases were rare; authorities indicated that witnesses were often reluctant to testify.

The killing of suspected witches continued. A widespread belief in witchcraft led to the killing of numerous alleged witches by persons claiming to be their victims, by aggrieved relatives of the victims, or by mobs. The practice, once concentrated in Shinyanga region, has spread to other regions as a result of the pastoral migrations of persons from Shinyanga. For example, according to the February 14 issue of *Majira*, unidentified persons stabbed 65-year-old Atuhale Kiswaga to death in Iringa region. According to the July 21 *Habari Leo*, unidentified persons killed 60-year-old Kundi Kusinza in Mwanza region using machetes and took the private parts of the deceased. The Mwanza regional police declared her death a witchcraft-related killing and were investigating the incident.

In August 2006 the newspaper *The African*, citing statistics from the local nongovernmental organization (NGO) Concern for the Elderly (COEL), reported that, in the preceding decade, 8,580 elderly persons within the Lake zone had been killed following allegations of witchcraft. COEL indicated that the incidents were most common in Tabora, Mwanza, Shinyanga, and Kigoma regions.

The government prosecuted persons accused of killing suspected practitioners of witchcraft, but prosecution was difficult as persons responsible for killing suspected witches had learned to avoid law enforcement authorities.

It was reported in December that in the previous three months four albinos had been killed, possibly because of the belief that their body parts could be used to make people wealthy. By year's end no arrests had been made; the Tanzania Albino Society expressed concern that the government might be turning a blind eye on these killings.

#### b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, there continued to be reports that police officers tortured, threatened, and otherwise mistreated suspected criminals and prisoners during the year. Beatings and floggings were the methods most commonly used. According to press reports, fewer police were accused of abusing prisoners during the year, following more frequent prosecution of police offenders.

Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders, and teachers and school administrators employed caning and other forms of corporal punishment on students. For example, the July 30 *Daily News* reported that 28-year-old Richard Dimond and 21-year-old James Malango were sentenced by the Sumbawanga Resident Magistrate's Court to 126 years in jail and 20 strokes of the cane for armed robbery and rape. The practice of caning continued to decline in schools during the year, following public outreach efforts by the Ministry of Education and the press, but it continued to be used in criminal sentencing.

There were fewer reports during the year that soldiers beat civilians; however, in May, Human Rights Watch (HRW) reported that security forces committed abuses against Rwandese and Burundians who were being expelled from the country. According to HRW's account, Tanzanian soldiers, police, and militia beat and threatened the persons they were expelling, while looting and destroying their property. In some cases parents were separated from children including infants. Police were also accused of confiscating and destroying documents that would have proved that some of the targeted individuals were naturalized Tanzanian citizens. HRW claimed that the government failed to provide adequate warning of the expulsion to the governments of Rwanda and Burundi or to humanitarian agencies, and that many of those expelled suffered shortages of food, firewood, and shelter.

During the year there were reports that police sexually abused individuals in detention on the mainland and in Zanzibar.

#### Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening. Diseases were common and resulted in numerous deaths in prisons. According to NGO reports, the leading causes of death were malaria, tuberculosis, HIV/AIDS, cholera, and diseases related to poor sanitation. Prison dispensaries offered only limited medical treatment, and friends and family members of prisoners generally had to provide medications or the funds with which to purchase them. In February, to prevent the spread of HIV/AIDS in prisons, the government established 12 voluntary counseling and testing centers to provide services to penal institutions.

In addition to infectious diseases, the government acknowledged severe problems of overcrowding, lengthy pretrial

detention of prisoners, and holding juveniles together with adult prisoners. In 2006 local prisons held 23,968 convicted prisoners and 21,017 pretrial detainees for a total of 44,985 prisoners, whereas the established maximum capacity of the country's prison facilities was 23,000.

Prisoners experienced poor living conditions and lacked access to basic services. NGOs reported that prisoners received poor diets as a result of substandard sanitation and hygiene.

There were reports that guards beat and sexually abused prisoners during the year. For example, on February 25, police arrested Corporal Onesphory Materu on the mainland for raping a 15-year-old female prisoner. In Zanzibar, according to the August 15 *Guardian* newspaper, a police officer was suspended for raping a school girl inside a police station where she had gone to report she had been raped by someone else. The acting police commander for Unguja South, Khamis Ramadhani, told reporters the police were investigating the incident and waiting for the medical report before taking further legal action against the officer. At year's end both investigations remained pending.

On January 17, the Kisutu Resident Magistrate's Court began hearing a 2005 case in which nine prison wardens were charged with assaulting and injuring two journalists, according to the *Daily News*. The case remained pending at year's end.

The March 27 edition of *This Day* reported that following a prison strike, warders interrogated inmates and forced them to admit to false allegations. Inmates also claimed that they were threatened and intimidated by senior police officials.

The August 14 edition of *Dar Leo* reported that prison officials severely beat and detained eight youths after a prison official accused some of them of stealing from him. The youths alleged that the officials took their money and cell phones.

There were no further developments in the 2005 case against a prison official accused of abusing two traditional militiamen in detention.

The law requires prisoners to be separated based on age and gender; however, in practice many overcrowded prisons lacked separate cells for male, female, and juvenile prisoners. In 2006 there were approximately 10 separate youth prisons throughout the country, but because of overcrowding, prisoners between 18 and 21 years old were frequently incarcerated in adult prisons. In those cases the prisons were required to separate them from the older adult prison population at night. The March 25 *Daily News* quoted the principal resident magistrate for the juvenile court on the mainland, Hamisa Kalombola, who stated that the country had only one approved school for juvenile offenders and five remand homes or pretrial jails for juveniles. She stated that a shortage of jails and scarcity of probation officers forced the court to keep sentenced children under probation and to impose fines and conditional discharges in lieu of incarceration. The newspaper quoted a probation officer who said the lack of a girls' wing at the only jail in Mbeya region forced the judiciary to give alternative sentences to girls.

Authorities often moved prisoners to different prisons without notifying prisoners' families.

The February 14 edition of *Majira* reported that four prisoners convicted of murder refused to get on a bus to take them to the Ruanda prison in Mbeya region because they had not been given a copy of the judgment they needed to appeal their convictions. The strike lasted 30 minutes before police reinforcements forced the prisoners to enter the bus.

On March 12, more than 100 prisoners boycotted proceedings at a Dar es Salaam court to protest the release of the former Tabora regional commissioner, Ditopile Mzuzuri, who was granted bail after prosecutors lowered his charge from murder to manslaughter within three months of arrest. Prisoners across the country staged strikes, accusing the judiciary of giving preferential treatment to Mzuzuri and well-connected prisoners over others who had been awaiting bail application hearings for nearly 10 years. Subsequent newspaper reports stated that prisoners who led the strike in Dar es Salaam were interrogated and threatened by prison officials. On March 29, eight prisoners at a prison in Mtwara refused to enter a court room and were each imprisoned for one year. These strikes prompted the home affairs minister, Joseph Mungai, to warn prison officers at a May two-day meeting for senior prison officers in Dar es Salaam against mistreating prisoners in their custody.

Local NGOs, international organizations, and diplomatic observers were permitted to monitor prison conditions during the year. In May the Tanzania Red Cross Society visited Segerea Prison in Dar es Salaam. The International Committee of the Red Cross visited prisoners at the International Criminal Tribunal for Rwanda, in Arusha. The Office of the UN High Commissioner for Refugees (UNHCR) visited prisons holding refugees to learn their migration status and to provide help to those who believed they had been wrongly arrested and sentenced for illegal immigration. International and domestic NGOs also visited prisons and offered legal and humanitarian assistance.

During the year the mainland Commission for Human Rights and Good Governance, an independent government-appointed body, visited a substantial number of men's, women's, and children's prisons to inspect the conditions of prisoners, including their food and water, toilet facilities, and congestion in sleeping quarters. The commission also

inspected the living conditions of wardens and the food storage systems. Prisoners complained to the commission about the length of pretrial detention, the lack of copies of rulings or judgments needed so they could appeal their cases, their close proximity to prisoners with tuberculosis, the lack of blankets, and overly thorough inspection of their bodies when they entered and left the prisons. By law the commission must submit a report to the government; the Prisons Department then grades the prisons. The report and grades are available for public review.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, both were problems. For example, on February 3 *This Day* reported that some policemen in Arusha extorted money from residents by threatening to arrest them on false charges of possessing narcotics. In the article, the Arusha regional police commander, Basilio Matei, confirmed that an officer in charge was investigating four policemen and a group of militiamen for forcibly demanding cash or cell phones from Arusha residents.

In the July 22 edition of *Habari Leo*, residents of Tunduma area in Mbozi District of Mbeya reportedly complained to the regional police commander, Suleiman Kova, about policemen who harassed them by demanding bribes. The residents alleged that those who were unable to pay were arrested on false charges.

#### Role of the Police and Security Apparatus

The national police force, under the Ministry of Public Safety and Security, has primary responsibility for maintaining law and order. The Field Force Unit is a division of the police force. Sungusungu Citizens' patrols, which worked with local government leaders, supported the police force, including in refugee camps. A division of the Ministry of Defense is responsible for external security and has some domestic security responsibilities. The police force remained underfunded and inefficient.

Police use of excessive force, police corruption, and impunity were serious problems. For example, the July 22 edition of *Habari Leo* published complaints of villagers in Mbeya region to the regional police commander about officers under his command who routinely detained local individuals for offenses they had not committed and demanded bribes before releasing them.

Citizens often complained that police were slow to investigate crimes and prosecute criminals. For example, the January 13 edition of the *Guardian* reported that a local government official representing Vikumburu ward accused the Kisarawe district police of protecting individuals who impregnated school girls. He said that no action was taken against offenders in spite of complaints by parents and guardians.

Although not lawyers, police acted as public prosecutors in the primary courts. Many judicial experts criticized this arrangement, which allegedly allowed police to manipulate evidence in criminal cases. According to NGO reports, there were instances in which the police lost evidence, and suspects successfully avoided prosecution by bribing police officers. Police also used the threat of arbitrary arrest to extort money. Communities perceived a general lack of protection amid an increase in crimes committed by armed persons. The June 8 edition of the government-owned *Uhuru* newspaper reported that the director of public prosecution, Eliezer Feleshi, ordered prosecutors to operate under the rule of law and not in the interests of their superiors.

There were several incidents of mob justice during the year. On December 20, the *Daily News* reported an incident in which three persons were tortured and killed when an angry mob set them ablaze for illegal fishing. The same newspaper also published an article describing how an angry mob killed a man for stealing two chickens. Suspects often bought their way out of custody; the public and media blamed the police and courts for not taking appropriate action and then exercised "street justice" against perceived criminals.

There continued to be press reports and complaints from civil society groups and citizens about police corruption during the year. For example, the Tanzania Revenue Authority in Mbeya apprehended a vehicle belonging to the Field Force Unit that was ferrying one ton of contraband sugar from the Tanzanian border with Malawi to Dar es Salaam. The Mbeya regional police commander said he did not recognize the vehicle because it was not from his region. The Prevention of Corruption Bureau, the state anticorruption body, reported many public complaints of corruption that implicated the police force and local authorities. In November 2006 the press reported that drugs worth thousands of dollars were stolen from police custody at the Ministry of Home Affairs' antinarcotics unit in Dar es Salaam. The unit commander was replaced, and two policemen were arrested. The case was pending at year's end, as only two prosecution witnesses had testified.

In January 2006 President Kikwete directed the Ministry for Public Safety and Security and senior police officers to take disciplinary action against any officer who was "ethically not upright." In March 2006 the police force opened an investigation of a police sergeant alleged to possess property not commensurate with his income. Regional Police Commander Alfred Tibaigana stated the officer would be dismissed if found to be at fault. During the year Tibaigana also stated that another officer who allegedly collaborated with a civilian to rob residential property would also face dismissal if found guilty. Investigations were pending at year's end.

There are internal mechanisms within the police force to investigate allegations of police abuses; despite improvements, continuing police misbehavior suggested that they were not used effectively.

During the year the police force held training seminars on surveillance detection, human rights, expediting investigations, finalizing criminal cases, and handling opposition party members and leaders. On several occasions, police collaborated with international experts for training. In May, 43 police, judiciary, and immigration officials completed a two-week course on criminal investigative methods for human trafficking cases.

The law grants legal status to the traditional sungusungu neighborhood and village anticrime groups. Local governments appoint the members with the help of individual households who decide which among them will join the sungusungu watch. The sungusungu remained active in rural areas and in refugee camps, but were not present in most urban areas. Sungusungu have the authority to arrest persons, but they may not carry firearms and instead carried wooden clubs for protection. Sungusungu have been criticized for using excessive force, including severely beating suspects, on occasion resulting in death. For example, the May 28 *Guardian* reported that an argument between two policemen and a group of secondary school students, angry over the arrest of two of their colleagues for possession of 0.5 grams of marijuana, turned violent when 10 sungusungu members arrived to help the police. According to the newspaper, the students overpowered the police and the sungusungu raised an alarm. Armed villagers helped the police and sungusungu; the violence left one student dead and five others injured. It was customary for residents of a neighborhood in which sungusungu operated to either donate a small sum to the sungusungu for patrols or to provide one person from their household to participate in patrols. In refugee camps, in addition to a regular police contingent, sungusungu groups composed of refugees acted as quasiofficial security forces.

#### Arrest and Detention

The law requires that persons be apprehended openly with warrants based on sufficient evidence, and authorities generally complied with the law. The law also requires that a person arrested for a crime, other than a national security detainee, be charged before a magistrate within 24 hours of arrest; however, in practice the police often failed to comply with this requirement. The law gives accused persons the right to contact a lawyer or talk with family members, but authorities at times denied this right. Prompt access to counsel was also limited by the lack of lawyers in rural areas, the lack of communication systems and infrastructure, and the illiteracy and poverty of the accused. Authorities promptly informed detainees of the charges against them. The government provided legal representation for indigent defendants and for all suspects charged with murder or treason. The law does not allow the possibility of bail for the offenses of murder and treason. According to a high court judgment on July 13, a panel of three judges in Dar es Salaam deemed the denial of bail for the offense of armed robbery unconstitutional and gave the government 18 months to make the necessary legislative changes. When bail is granted in some cases, strict conditions on freedom of movement and association are imposed. In the primary and district courts, bribes sometimes determined whether or not bail was granted.

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. The act requires that the government release persons detained under this act within 15 days of detention or inform them of the reason for their detention; it also allows a detainee to challenge the grounds for detention at 90-day intervals. The government has additional broad detention powers under the law, which permit regional and district commissioners to arrest and detain for 48 hours persons who may "disturb public tranquility." The act was not invoked during the year.

In July 2006 Minister for Justice and Constitutional Affairs Mary Nagu stated that the courts of law received 36 election petitions by aggrieved parties in connection with the 2005 elections. By the end of 2007, 27 cases had been decided-26 in favor of the plaintiff and one in favor of the defendant. Five cases were dismissed for failing to meet legal requirements, and four were pending in courts.

Approximately 44 percent of the prison population consisted of pretrial detainees or remand prisoners. Detainees charged with criminal matters generally waited several years for trial due to the time required to complete police investigations, a lack of judges to hear cases, and an inadequate judicial budget. Demands by police and court officials for bribes further delayed the trials of those who could not afford to pay. Pretrial detention at times exceeded the sentence for the crime with which detainees were charged. Observers estimated that approximately 5 percent of persons held in remand ultimately were convicted, and often those convicted already had served their full sentences before their trials were held. A government official estimated that it took up to five years for homicide cases to reach the high court. According to a March 19 article in the *Guardian*, some suspects had spent as many as 15 years in prison without having their cases heard before a court.

In July 2006 the minister for justice and constitutional affairs issued a directive requiring courts of law to clear all current criminal and civil cases within 60 days to reduce the number of cases pending in courts. Because of the heavy backlog of cases and a shortage of staff and magistrates the courts were unable to meet this objective.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the judiciary remained underfunded, corrupt, inefficient, and subject to executive influence. Corruption was particularly pervasive among lower court officials and court clerks.

Independent observers questioned the system's ability to provide a defendant with an expeditious and fair trial. Court clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. According to news reports, magistrates of lower courts occasionally accepted bribes to determine guilt or innocence, pass sentences, or decide appeals of cases coming from the primary courts to district courts. The December 7 edition of *Nipashe* reported that the Prevention of Corruption Bureau arrested a magistrate of the Temeke district court, charged with demanding a bribe of approximately \$3,600 (4 million shillings) from an aggrieved party in a suit before her. The same newspaper reported the arrest of another magistrate of the Kisumu resident magistrate's court for demanding a \$50 (60,000 shillings) bribe from an accused person.

The Justice Department faced a critical shortage of court buildings. In April a senior high court official in Dar es Salaam was quoted in the press as having told law sector reform officials that eight regions of the country did not have high courts. To a limited extent this problem was addressed by having roving judges and prosecution and defense lawyers, but the cost of traveling to the nearest court was often prohibitive.

The legal system is based on British common law and recognizes customary and Islamic law in civil cases. In criminal matters both Christians and Muslims are governed by statutory or common law.

A Judicial Service Commission, chaired by the chief justice of the Court of Appeal, appointed all judges except those for the Court of Appeal and the high courts, who were appointed by the president. All courts, including Islamic courts in Zanzibar, were staffed by civil servants.

The country has a five-tier judicial system whose highest court is the Court of Appeal. In addition in Zanzibar, whose population is 95 percent Muslim, there is a system of Islamic khadi courts, with its own hierarchy topped by a khadi court of appeal. These courts hear matters involving customary Islamic law on family and related matters. On the mainland, civil law essentially governs all persons involved in cases of child custody and divorce. Islamic and customary law govern other family matters for Muslims and Christians, respectively. On the mainland, all persons, including Muslims, are subject to the Marriage Act of 1971, a consolidation of family law that recognizes Islamic and customary marriages but subjects them to state regulation and civil law protections for women.

Although a majority of Zanzibar judges were Muslim, there were also some Christian judges; some Muslim groups complained it was inappropriate for Christian judges without training in Islamic law to administer Islamic law for Muslims in family matters. The leaders of BAKWATA, the council that governs matters of Islam on the mainland, called for the establishment of a kadhi court for the mainland, leading to a heated debate between Muslim leaders and Catholic bishops. The bishops warned the president against allowing the establishment of the court. The matter remained contentious at year's end.

There was one juvenile court; however, it was overburdened and handled cases only for young offenders in Dar es Salaam. Juvenile offenders in other regions were tried in adult courts in most cases.

The law also provides for commercial courts, land courts, housing tribunals, and military tribunals. Military tribunals do not try civilians, but convicted defendants before military tribunals may appeal to the High Court and the Court of Appeal.

#### Trial Procedures

With some exceptions, criminal trials were generally open to the public and to the press. Courts that held secret proceedings--such as in drug trafficking cases--generally were required to provide reasons for closing proceedings. In cases involving terrorism suspects, the law provides that everyone except the interested parties may be excluded and that information may be suppressed for the protection of witnesses.

Juries are not used. The law provides for the presumption of innocence. Defendants or their lawyers have access to evidence held by the government, the right to question witnesses, and the right to present evidence on the defendant's behalf. All defendants charged with civil or criminal matters--except parties appearing before kadhi courts and cases examining the constitutionality of Zanzibar laws--could appeal decisions to the high courts and the Court of Appeal. The law provides a right to free counsel for defendants accused of murder and treason as well as for indigent defendants in other serious cases. Most indigent defendants charged with lesser crimes did not have legal counsel.

There were only a few hundred practicing lawyers in the country, although the number continued to increase. Most defendants in urban areas who could not afford to hire a legal representative or lawyer represented themselves in court, but women and the needy were allowed legal aid. The government sought to provide legal representation for underrepresented groups by requiring lawyers to take a specified number of legal aid cases with a broad geographical distribution. The law prohibits advocates from appearing or defending clients in primary-level courts.

## Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

## Civil Judicial Procedures and Remedies

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

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

The law generally prohibits such actions without a search warrant; however, the government did not consistently respect these prohibitions in practice. Only courts can issue search warrants; however, the law 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. During the year, however, security forces increasingly sought warrants and often searched private homes and businesses in the presence of local government and other officials. The law relating to terrorism permits high-ranking police officers to conduct searches without a warrant in certain urgent cases; there were no reports that this provision of the act has ever been implemented in practice.

The security forces reportedly monitored telephones and correspondence of some citizens and foreign residents.

During the year the government ruled that it would not compensate and resettle 135 villagers who claimed they had been illegally evicted from their land and homes by district-level officials in 2001. The case was filed in 2005 after the government failed to respond to a ruling by the Human Rights and Good Governance Commission that gave the government 30 days to compensate and resettle the villagers. Because the Human Rights and Good Governance Commission lacked enforcement powers, the NGO Legal and Human Rights Center filed a suit against the government, which was pending at year's end.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The constitution provides for freedom of speech but does not expressly provide for freedom of the press; in practice the union government partially limited press freedom, but government restrictions on freedom of speech have eased under the Kikwete administration. The mainland government allowed political opponents unrestricted access to the media. Encouraged by the president's public support of press freedom, the press has been able to expose corrupt officials more forthrightly. For example, in March a private newspaper wrote about a high-level diplomat assigned to Italy who was accused by authorities of embezzling \$3 million (3.8 billion shillings).

Although the media were primarily government-controlled in Zanzibar, opponents of the government had access to the media there as well. Nevertheless, the print media were subject to some government restrictions; for example, a permit was required for reporting on police or prisons activities. The government was empowered to fine and suspend newspapers under the Newspaper Act. Intimidated by defamation laws that impose criminal penalties, journalists practiced self-censorship.

During the year a coalition of media stakeholders criticized the government's proposal to present its freedom of information and media services bills to parliament, fearing that these bills were intended to give greater control to the government.

On the mainland, the chief editor of *Citizen* newspaper complained in the January 23 edition that the Official Secrets Ordinance criminalized both the journalist and the informant, even if the information divulged was of no consequence.

On Zanzibar, which had a separate media policy from the mainland, laws limiting the media's ability to function effectively and an inefficient judiciary limited freedom of speech and press. In April a new law on immunities, protection and privileges for members of the House of Representatives was passed, nullifying the general permission the media had to attend House sessions and authorizing up to a three-year prison sentence and fine of not less than \$250 (300,000 shillings) for publishing scandals involving members of the House of Representatives, their behavior or statements. There were no reported cases of arrest or penalties under this law during the year.

Political parties are required by law to support the Tanzanian Union (between Tanganyika and Zanzibar), and persons using "abusive" language about the country's leadership are subject to arrest. These provisions were not applied during the year, however, and there were numerous examples of strong criticism of national leaders in the press, especially with regard to corruption.

Registering newspapers remained difficult and was at the discretion of the registrar.

Many radio stations and all but one television station were privately owned. There were some government restrictions. For example, radio stations could not broadcast in tribal languages.

According to the Zanzibar information service, a government agency, one of the two newspapers in Zanzibar was privately owned, and one was government-owned. The government controlled the content of radio and television broadcasts, including outlets that were privately owned.

The case of an alleged 2005 beating by prison officials and others of photographer Mpoki Bukuku and human rights activist and reporter Christopher Kidanka came up for hearing during the year and was pending at year's end. The journalists had attempted to cover the eviction of families from houses being repossessed by the prisons department. Concurrently, both journalists were suing the prisons department for damages.

In April 2006 unidentified persons made death threats against editors and journalists of *This Day* newspaper, warning them against reporting on graft in public institutions. The editor of the newspaper told a press conference that someone offered the journalists approximately \$20,000 (25.5 million shillings) to stop publishing investigative stories against societal ills. According to *This Day* of July 25, journalist Mbaraka Islam, working for the publishers of *This Day*, reported he had received a series of anonymous death threats, and that this was not the first time *This Day* reporters had received such threats. The March 19 *Guardian* and the March 21-27 *Mwana Halisi* newspapers also reported that relatives of a senior government official charged with murder assaulted journalists who were trying to take pictures of the accused. In the *Mwana Halisi* article, a member of the public reportedly criticized the police for taking no action against the relatives before or after the beatings. In the March 10 *Guardian*, legal experts and human rights activists also criticized police and security agents for standing by as the journalists were beaten on the court premises.

Authorities dropped charges against two of three Civic United Front (CUF) supporters accused of assaulting journalists in Dar es Salaam in 2005. The case of the third defendant went to trial but was still pending at year's end.

Authorities in Zanzibar continued to restrict the activities of reporters. In August the government denied permission for an outside broadcasting crew of the BBC to broadcast a regional meet-the-listeners show from Zanzibar; the BBC had broadcast such programs from the mainland and neighboring countries. On September 10, authorities detained three journalists on Pemba when they were leaving a village where they had been investigating reports of food scarcity.

The threat of application of the law on defamation, which imposes criminal penalties, intimidated some journalists and caused many to practice self-censorship. However, on September 27, *Mwanahalisi* announced that unidentified persons were threatening its printing company, Printech, and the newspaper with defamation and closure because of investigative articles it was publishing. While the law specifies that the plaintiff must prove malicious intent, many media observers criticized the courts for ignoring this provision and imposing heavy, politically motivated penalties on the media; however, there were no reports of specific instances of this practice during the year according to the Media Council of Tanzania, which represents media houses, training institutions, and journalists.

In Zanzibar lack of media access to government information remained a serious problem. The government cited public security to justify suppressing views that it found politically objectionable. Civil service regulations effectively allow only a handful of high-level government representatives to relay information to the media.

The February 1 edition of the *Citizen* reported that the government had banned advertisements and publications of Haki Elimu, a local NGO, for criticizing government performance in the education sector. However, in the February 8 edition of the *Guardian* it was reported that the government lifted the ban after a meeting between the prime minister and the Haki Elimu director.

According to a statement issued by Tanzania branch of the Media Institute of Southern Africa, freedom of the press in Tanzania continued to be weakened by lack of adequate training, mediocrity, low salaries, and corruption in the profession of journalism. For example, the September 28 edition of *This Day* reported that editors meeting in Dar es Salaam accused fellow editors and journalists of being on the payroll of influential businessmen and politicians. They also accused some of their colleagues of being bribed with political posts, adding that those who reported high level graft faced threats to their persons and employment.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The number of Internet cafes and Internet providers increased during the year; however, only 10 percent of citizens had access to electricity, severely limiting such access in general.

### Academic Freedom and Cultural Events

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

### b. Freedom of Peaceful Assembly and Association

#### Freedom of Assembly

The constitution provides for freedom of assembly, and the government generally respected these rights in practice.

The government requires organizers of rallies to obtain police permission in advance. Police may deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party.

#### Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right in practice, although it continued to impose registration requirements on political parties. Unregistered parties were prohibited from fielding candidates during the most recent elections in 2005.

Media reports in October stated that an opposition member of parliament, Zitto Kabwe, was not allowed to address University of Dar es Salaam students after being invited to present a paper. According to the October 5 *Guardian*, the Dar es Salaam University Political Science Student Association and the Tanzania Students Networking Program blamed the University of Dar es Salaam administration for disrupting their plans to invite Kabwe, calling the action of the latter politically motivated. The university is a public institution.

### c. Freedom of Religion

The constitution provides for freedom of religion; however, there were some limits on freedom of religion.

The government requires that religious organizations register with the Ministry of Home Affairs. To register, a religious organization must have at least 10 followers and must present a constitution, the resumes of its leaders, and a letter of recommendation from the district commissioner of the locale where the organization would be based. Muslim groups on the mainland also were required to submit a letter of recommendation from BAKWATA, the council that governs matters of Islam on the mainland, and from the office of the mufti in Zanzibar. These organizations recommend approval or disapproval of the registration to the chief government registrar. There were no reports that the government refused to register any group during the year on the mainland; in 2006 in Zanzibar the mufti recommended the denial of two groups, an Ahmadiya group and a Baha'i group, because of alleged contradictions between their beliefs and Islamic beliefs. The Ahmadiya group filed suit against the office of the mufti because of this recommendation. During the year the courts dismissed the petitioner's case for lack of merit.

The law prohibits preaching, or distributing materials, that are inflammatory or a threat to the public order. In 2006, the government occasionally rejected requests from religious groups seeking to hold demonstrations because of the possibility that the gathering could become confrontational or inflame religious tensions. According to the June 26 edition of *Al Huda*, armed police broke up a Muslim religious rally in the Madizini area of Turiani district, Morogoro region, where there was an argument about religion between Muslim clerics and a Christian pastor. After a two hour meeting with police officers, the Muslims were permitted to resume their rallies the next day.

There was no information available on the case of Christian minister Cecil Simbulanga, arrested in August 2006 for "inflammatory preaching" that insulted Islam. After being released on bail, Simbulanga again was arrested in December 2006 for insulting Islam while preaching, and this time was detained without bail.

During the year Muslim representatives appealed to the government to introduce kadhi courts and Shari'a law to the mainland for the adjudication of Islamic matters. Christian groups have objected that such courts would violate government neutrality among religions and that the union constitution did not provide for a national kadhi court. At year's end the matter was being pursued but remained unresolved.

### Societal Abuses and Discrimination

Although relations among religions in society remained generally amicable, there continued to be some tension between Muslims and Christians and reports of religious societal violence. On the mainland, *Msema Kweli* newspaper of May 27 reported that unidentified persons set fire to a church belonging to the Evangelical Assemblies of God Church of Tanzania in the Kigamboni district of Dar es Salaam Region.

The July 22 *Nyakati* newspaper reported that on July 5 unidentified persons burned the Free Pentecostal Church of Tanzania in South Unguja in Zanzibar. The pastor, William Bombay, told reporters that his church had been threatened on several occasions and that local government leaders had asked the church to relocate and that anyone interested in selling land to the church had been summoned by the local government and threatened. The pastor stated that church members tired of not being allowed to use the church and held worship in the building on July 1; four days later, the church was destroyed.

Government policy prohibits discrimination against any individual on the basis of religious beliefs or practices; however, Muslim groups continued to charge that the government discriminated against them in hiring, education, and law enforcement practices. Christian groups complained that the government gave all sensitive government positions to Muslims.

There were reports that, at certain Muslim religious rallies in urban centers, some participants publicly criticized Christianity, which occasionally resulted in fighting. The September 16 *Majira* reported that Muslims and Christians in Arusha threw stones and sharp instruments at each other at a Christian rally where Christians were publicly playing a tape that ridiculed the Koran. The police stopped the violence; one unidentified person was wounded.

On the mainland the media reported that a high school teacher in Tanga allegedly made derogatory remarks against the Prophet Mohammed and told his students that the Islamic religion oppressed Muslim women. The August 12 edition of *Nyakati* newspaper reported that the Ministry of Education suspended the teacher from duty and that certain sheiks were asking that he be beheaded for insulting Islam.

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

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice; however, bureaucratic inefficiency and corruption hindered compliance, and there were occasional lapses in respecting the right of asylum. The government was committed to cooperate with the office of the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The government detained and deported some illegal immigrants.

Police at checkpoints sometimes solicited bribes.

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

#### Protection of Refugees

The law provides for the granting of refugee status or asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against "refoulement," the return of persons to a country where there was reason to believe they feared persecution. During the year the government granted refugee status and began the process to identify which refugees qualified for citizenship. Factors included length of stay in the country and whether or not the refugee had a criminal record. In December the minister of home affairs created an old settlement task force to work out modalities for the local integration and repatriation of the 1972 Burundi refugees caseload.

Unlike in the previous year, UNHCR officials were allowed to be present at border screenings for refugees. The government occasionally refused entry to those seeking asylum or refugee status at the border.

In 2006 there were approximately 685,000 refugees in the country, primarily from Burundi and the Democratic Republic of the Congo (DRC), including approximately 285,000 in 14 UNHCR-assisted camps in the northwest. In 2006 an estimated 400,000 were in self sufficient refugee settlements or villages; during the year, there remained approximately 200,000. At the end of the reporting period, the country provided protection to approximately 400,000 refugees, primarily from neighboring countries. About half of them lived independently; the others were housed in UNHCR-supported camps. It remained illegal for refugees to live outside their camps or settlements, or to travel outside of their camps without permits, except to collect firewood within two and a half miles of their camps. When refugees—usually women and children—traveled farther beyond their camps in search of firewood, they often were targets for theft, physical abuse, and rape. The number of incidents decreased after officials urged refugees to travel in groups.

In 2006 refugees apprehended outside the designated areas without permits, particularly in urban areas such as Dar es Salaam, were subject to arrest and imprisonment for up to six months or made to pay a fine of approximately \$39 (50,000

shillings). That year approximately 1,000 refugees and asylum seekers found outside camps without permits were prosecuted for unlawful presence under the immigration law calling for two years' imprisonment followed by deportation to the countries from which they sought refuge. During the year, however, the government softened its approach to minor infractions by refugees, prosecuting them under the law dealing with refugees, which calls for up to three days' detention or community service, or both. Approximately 100 refugees were apprehended outside the designated areas during the year and all were sentenced to community service rather than imprisonment.

The UNHCR, with government cooperation, continued to provide security for refugees; however, crime--including killings, robberies, rapes, and domestic violence--continued to be a serious problem in and around the refugee camps. For example, the October 15 edition of *Daima* newspaper reported that 19 Burundian refugees including four illegal aliens were arrested in Mpanda Rukwa for being outside their camps without valid permits. The article said two of the refugees were arrested for taking part in an armed robbery. In April UNHCR officials in Kasulu reported a series of armed banditry incidents in the Burundian camps. On April 11, three armed bandits broke into the house of a Burundian refugee in Mtabila, killed him, and stole approximately \$150 (160,000 shillings) from his wife.

On April 18, two armed bandits broke into the house of a Burundian refugee in Muyovisi camp and took the equivalent of \$160. On April 23, two armed bandits robbed a refugee in the Muyovozi camp of \$15 (20,000 shillings).

During the year the government investigated, prosecuted, and punished perpetrators of abuses in the refugee camps, but many cases involving crime and abuse outside the camps were referred to local authorities. Inhabitants of refugee camps were adversely affected by delays and limited access to courts, common problems facing citizens as well. There were reports that some refugees engaged in vigilante justice within camps, occasionally beating other refugees.

Burundian and Congolese refugees continued to return home during the year, motivated by increased security in Burundi and the DRC as well as strong encouragement from the government and UNHCR assistance. During the year the tripartite commission composed of the UNHCR and the governments of Tanzania and Burundi encouraged repatriation by closing 20 schools in the camps and stopping refugee income-generating projects. Five camps were closed during the year. The UNHCR facilitated the voluntary repatriation of 38,253 Burundian refugees, and 19,547 refugees to the DRC.

The UNHCR continued to facilitate voluntary repatriation of refugees to the DRC, and more than 26,000 returned during the year. The majority of returns were voluntary; however, some refugees returned under the perceived threat of refoulement or restrictions on their activities in Tanzania. For example, during the year the Kibondo district commissioner continued to visit camps and urge refugees to return home. The restriction of refugees to their camps also encouraged repatriation.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in elections on the mainland and in Zanzibar. However, legal and financial provisions that favored the ruling CCM Party, electoral irregularities, and political violence limited the effectiveness of the electoral process in Zanzibar.

#### Elections and Political Participation

Separate elections are held on the mainland and on Zanzibar, sometimes on the same day, in which citizens of the two parts of the union elect local officials, members of the national parliament, and a union (national) president. In addition Zanzibaris separately elect a president of Zanzibar and members of the Zanzibar House of Representatives.

In 2005 Jakaya Kikwete, the CCM candidate, was elected president of the union with 80.2 percent of the vote in an election widely considered by observers as more free and fair than previous elections; however, the campaigns preceding them were marked by violence in some regions.

In 2005 voters in the semiautonomous archipelago of Zanzibar elected a president, legislators, and local representatives for the archipelago. CCM candidate Amani Karume, the incumbent president, was reelected with 53 percent of the vote in an election marred by irregularities and violence.

Harassment of political parties by the government considerably diminished during the year in comparison with the election year of 2005.

In Zanzibar, particularly on the island of Pemba, political opposition party members claimed that the government discriminated against them in hiring. The government was the largest employer in Zanzibar.

Individuals and parties could freely declare their candidacy and stand for election. The law requires that persons running for office must represent a registered political party, and it requires all registered political parties to support the union with Zanzibar; it also prohibits parties based on ethnic, regional, or religious affiliation.

The registrar of political parties has sole authority to approve or deny the registration of any political party and is responsible for enforcing regulations on registered parties.

Parties granted provisional registration may hold public meetings and recruit members. To secure full registration and to be eligible to field candidates for election, provisionally registered parties have six months to submit lists of at least 200 members in 10 of the country's 26 regions, including two of the five regions of Zanzibar.

The CCM's political dominance since the country's first multiparty election was due partly to government restrictions on the political opposition but also to the disorganization and lack of funding of most opposition parties. However, during the year the court began hearing two petitions filed by opposition party members against the 2005 parliamentary election victories of the CCM candidates, alleging fraud and corruption by the CCM candidates. The *Majira* newspaper dated February 14 reported that the petition by CUF candidate for Musoma Urban constituency, Mustapha Wandwi, against CCM candidate Vedasto Mathayo, had been set for a February 19 hearing. On October 24, the *Daily News* reported that the High Court had begun hearing the petition of CUF candidate Wilfred Rwakatare against CCM candidate Ambassador Kagasheki for the Bukoba Urban constituency. Both cases were still pending at the end of the year.

The election law provides for parliamentarians completing a term to receive \$15,686 (20 million shillings) as a "gratuity," which incumbents used in campaigns to facilitate their reelection. Several NGOs and opposition parties criticized this provision, saying that it made it extremely difficult for aspiring parliamentary candidates from opposition parties to mount an effective competition.

The March 7 *Citizen* reported the government appeal against a 2006 ruling by the High Court allowing independent candidates to contest local and national elections. The application, filed by the leader of the opposition Democratic Party, Reverend Christopher Mtikila, had challenged the constitutionality of the rule requiring candidates to represent political parties in order to run for public office. At year's end the case remained pending.

Violence was reported between CUF members and an antiriot Field Force unit when party supporters staged a rally without a police permit. The police used teargas on opposition supporters and arrested 23 persons.

The law requires that women occupy at least 30 percent of seats in parliament. Women are appointed by their respective political parties to serve in seats set aside for them, according to the number of seats their parties win. After the 2005 elections there were 75 special seats for women, and at year's end there were 91 women in the 320-seat parliament. Women held 18 seats in the 81-seat Zanzibar House of Representatives and four positions in the cabinet of the Zanzibar government. After taking office in 2005, President Kikwete appointed seven female government ministers (compared with four in the former administration) and 10 female deputy ministers. Some of these women were appointed to head key ministries, including foreign affairs, finance, and justice. During the year at least seven women served as judges of the High Court and one woman served as a justice of the Union Court of Appeal.

There were 11 members of parliament of Asian origin in the 320-seat National Assembly; one served as Minister of Finance.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption and the government generally implemented these laws effectively against lower level officials. However, the public criticized the government for not implementing the law effectively against senior level officials suspected of corruption, giving the appearance that these officials could engage in corrupt practices with impunity.

Despite improvements in the past decade, corruption remained a pervasive problem throughout the government. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem. Preliminary hearings in a corruption case involving a former ambassador to Italy began on August 21; the case was still pending at the end of the year. Out of concern for corruption allegations, President Kikwete on November 16 appointed a former attorney general as chairman of a committee to review all mining contracts. Members of the committee included legislators from the ruling CCM Party and from the opposition, as well as private sector and senior government officials.

Senior government officials estimated that 20 percent of the government's budget in each fiscal year was lost to corruption, including theft, fraud, and fake purchasing transactions.

There was little accountability in most government entities. There is no law providing for public access to government information. Government officials routinely refused to make information available.

In April the National Assembly ratified the Prevention and Combating of Corruption Bill, giving the Prevention and Combating of Corruption Bureau (PCCB) more authority. The new act defined offenses more clearly and raised the number of offences from four to 24, but critics from NGOs and opposition parties pointed out that under the new act senior

government officials are barred from prosecution without the director of public prosecution's approval; they are concerned that that requirement will hinder the act's effectiveness.

On the mainland a PCCB principal investigation officer was quoted by the *Citizen* on January 17 saying that corruption in public procurement was still high despite the enactment of legislation and regulations on curbing graft. With regard to Zanzibar, the *Daily News* of July 25 reported that several legislators urged the government to prosecute all Zanzibari officials implicated by the auditor general's reports from 2003 to 2005 for misuse of public funds and lack of accountability.

Public perception of the extent of corruption among public officials, while remaining high, declined significantly. The January 29 and subsequent editions of the *East African* reported that the Minister of Finance had ordered a probe into grand corruption in the Bank of Tanzania. Allegations of corruption centered on the construction costs of the bank's headquarters and a \$30.8 million payment from its external account to an allegedly fictitious company. Although opposition members of parliament called for the resignation of the bank governor, on July 3 the *African* reported the prime minister's statement announcing that responsible government organs were investigating the issue. The investigation was ongoing at year's end. On July 5, *This Day* newspaper reported that the Ministry of Defense had paid approximately \$20 million above the market price for helicopters it had rejected earlier as not fit for use.

The government continued to use specialized agencies to fight corruption during the year, but their effectiveness was limited. A unit in the Ministry of Good Governance, a department within the president's office, was charged with implementing anticorruption legislation, coordinating anticorruption efforts, and collecting information from all the ministries for publication in quarterly reports; however, this three-person unit continued to be severely under-resourced.

On the mainland the PCCB was responsible for investigating cases of corruption and referring them to the courts for prosecution. For example, the September 11 *Daily News* reported the arrest by the PCCB of two members of parliament and nine other CCM members in Arusha for bribing voters during the campaign for regional and district party leadership seats. Several other arrests were made in Mwanza region on similar accusations of corruption.

The PCCB did not operate on Zanzibar and remained under the authority of the Office of the President, factors which hindered its ability to resist political pressures and prosecute high-level corruption cases. The PCCB continued to refer cases of major corruption to the director of public prosecution; however, the prosecution of corruption cases remained slow and inefficient. Members of the public and the media criticized the PCCB for prosecuting only those who committed low-level corruption.

According to the PCCB, most corruption-related complaints concerned government involvement in mining, land matters, energy, and investment. The director general indicated toward the end of the year that the PCCB was investigating 20 percent more corruption cases than during the previous year, including cases involving alleged corruption in the public sector.

NGOs reported that most allegations of corruption involved the Tanzania Revenue Authority, local government officials, licensing authorities, hospital workers, and the media. During the year public attention was also drawn to the Bank of Tanzania, the Tourism Ministry, and the Ministry of Finance.

In 2006 authorities in Zanzibar continued to resist efforts by the union government to open an office of its ethics secretariat in Zanzibar to investigate corruption there. In June the Zanzibar office of the Commission for Human Rights and Good Governance gained permission from the Zanzibar government to investigate the full range of corruption cases.

Access to government information remained very limited. For example, a *This Day* article dated July 2 reported the results of a survey by the Haki Elimu, a local NGO, and the International Budget Project, an international NGO, which showed that the public did not have access to information about the government's fiscal activities and budget. A 2005 constitutional amendment to provide public access to information has not apparently altered this situation--the act does not explicitly mention government information. Government officials estimated that 90 percent of all government documents, including administrative forms, were treated as classified. According to access-to-information advocates, laws relating to national security, broadcasting, newspapers, prisons, restricted areas, official secrets, and police blocked public access to government information. There was no mechanism for appealing denials.

Parliament continued to use the Parliamentary Online Information System (POLIS) to increase access to government information. However, POLIS's reach remained limited, since only approximately 300,000 of the country's 37 million citizens had Internet access.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The number of NGOs grew rapidly during the year, and

government officials generally were cooperative and responsive to their views. There was greater coordination and cooperation between the government of Zanzibar and NGOs. The government of Zanzibar considered NGOs as partners in development, but continued to be less tolerant of NGOs that criticized the government.

Although many parliamentarians in the past expressed mistrust towards NGOs, their attitude has warmed considerably under the administration of President Kikwete, according to independent observers. Female parliamentarians were particularly aware of NGO activities in delivering services at the grassroots level. The new speaker of the National Assembly gave NGOs greater access to parliament during the year; however, cooperation between parliamentarians and NGOs in policy formulation, monitoring, and evaluation of public policy remained weak.

Active domestic human rights NGOs included Tanzania Gender Networking Programme, Haki Elimu, the Center for Human Rights Promotion, the Legal and Human Rights Centre, Tanzania Media Women's Association, and Tanzania Women Lawyers' Association. There were also many smaller local human rights NGOs based outside of Dar es Salaam. The Zanzibar Legal Services Center was one of the few active human rights organizations in Zanzibar. All of these organizations were independent of the government.

Government representatives met with domestic human rights NGOs and participated in training seminars on subjects including international humanitarian law, female genital mutilation, child labor, trafficking in persons, and women's rights.

The 2002 NGO Act, which does not apply to Zanzibar, requires all NGOs to register with a government-appointed NGO coordination unit within the vice president's office. From February 2005 through December 2006, more than 1,000 NGOs (some new and some preexisting) registered with the NGO coordination unit under the act. A total of more than 2,000 NGOs were registered and entered into the database by the year's end.

On the mainland in April 2006, the educational NGO Haki Elimu, which had been prohibited by the government from publishing articles or studies on schools, and was limited to advocacy, facilitation of investigative journalism, and community organizing. However, during the year Haki Elimu was permitted to resume all its activities.

There was an improved level of cooperation between the government and UNHCR, which maintained a sizable presence for the operation of 10 refugee camps in western Tanzania. During the year the government decided to close all refugee camps by the end of the year. UNHCR negotiated an extension to June 2008. The government also agreed to give Tanzanian citizenship to more than 100,000 refugees.

The Commission for Human Rights and Good Governance operated independently without government interference. It enjoyed government cooperation on the mainland and during the year also became active in Zanzibar. The commission employed more than 160 individuals and operated with a government-financed budget of approximately \$2.27 million (2.6 billion shillings). However, it remained underfunded, understaffed, and overburdened by a caseload of unresolved complaints. The commission's budget for 2007-08 was reduced by 13 percent compared to the 2006-07 budget. The commission received an increased number of complaints as a result of awareness campaigns conducted through the media. From June 2006 to June 2007, the commission received a total of 4,948 new complaints on issues of human rights and administrative justice, an increase of almost 30 percent compared to the previous year. At year's end the commission's library brought a computerized documentation data base online, but the case management system and record keeping was still being done manually.

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

The government continued to host the International Criminal Tribunal for Rwanda War Crimes (ICTR) in Arusha, and the government was supportive of, and cooperated with, the ICTR.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on nationality, ethnicity, political affiliation, race, or religion; however, the government did not always effectively enforce these prohibitions. Discrimination based on gender, age, or disability was not prohibited explicitly by law but was discouraged publicly in official statements and by government policies. Discrimination against women, refugees, minorities, and persons with HIV/AIDS persisted, and societal ethnic tensions continued to be a problem in some parts of the country.

#### Women

The law provides for life imprisonment for persons convicted of rape; however, rape continued to be a serious problem. During the year several persons were prosecuted and convicted for rape and battery under the law. Only an estimated 5

percent of rape cases resulted in court proceedings. In August the Tanzania Media Women's Association organized a forum where it was reported that an estimated 80 percent of rape victims did not report their cases.

According to a Zanzibar high court judge, cases are at times dismissed due to lack of evidence. Some police reportedly advised rape victims to clean themselves before going to hospitals for examinations, resulting in the removal of important evidence. In 2006 Zanzibar's main island, Unguja, had only one private hospital that conducted post-rape examinations, but the law requires post-rape examinations to be conducted at government hospitals. In addition, since rape victims had to wait as many as six days for examinations, much potential evidence was lost. The only public hospital on Pemba island conducted post-rape examinations only once a week.

Rape and sexual abuse of girls and women with disabilities reportedly was prevalent during the year. Sexual and gender-based violence continued to be a problem in the refugee camps.

Domestic violence against women remained widespread. The law prohibits assault but does not specifically prohibit spousal battery. Cultural, family, and social pressures often prevented women from reporting abuses, and authorities rarely took action against physical abusers of women. As in previous years, police reportedly were often unwilling to pursue domestic abuse cases.

An April 2006 survey by the World Health Organization reported that approximately 25 percent of the women interviewed reported that they had been subjected to nonpartner physical and sexual violence since the age of 15. About one in 10 reported sexual abuse before age 15.

The courts recognized domestic violence as grounds for divorce. However, women often tolerated prolonged domestic abuse before seeking a divorce; those who sought advice from mainland legal aid clinics most commonly cited domestic abuse as the reason for wanting a divorce. Nevertheless, society historically considered wife-beating to be an acceptable practice, and women were sometimes punished by their husbands for not bearing children.

The law prohibits female genital mutilation (FGM), also known as female circumcision; however, it was practiced by many tribes and families, and those who conducted the procedure were rarely made to stand accountable. Penalties for practicing FGM on females under 18 were from five to 15 years' imprisonment, a fine not exceeding \$235 (300,000 shillings), or both. The law also provides for the payment of compensation by the perpetrator to the person against whom the offense was committed. The law does not establish a minimum fine and does not provide legal protection for women 18 years of age or older. The law provides that anyone who has custody, charge, or care of a girl under 18 and who causes her to undergo FGM, commits the offense of cruelty to children.

A Ministry of Health report released in December 2006 indicated that the percentage of women and girls who underwent FGM declined from 18 percent in 1995 to 15 percent in 2005. Other data suggested that the average age of victims had decreased to less than 10 years, with some newborns reportedly undergoing FGM. In Singida region, FGM was often performed on infants when they became sick with malaria or other diseases so that any deleterious effects resulting from the procedure would not raise suspicion among neighbors and relatives. FGM was practiced by approximately 20 of the country's 130 tribes and was most prevalent in 11 mainland regions, including Arusha, Singida, Kilimanjaro, Morogoro, and Dar es Salaam. In the rest of the country, less than 5 percent of the population practiced FGM. Most frequently employed was clitoridectomy, the least severe form of FGM; however, infibulation, the most severe form, was also practiced, mainly in the northern highlands and the central zone.

On October 20, there was a report that a six-year-old girl bled to death after being circumcised in the Iramba District of the Singida region. The mother of the child and one other suspect were under police custody. The "ngariba" who performed the act on the child was still at large.

There were no reports of prosecutions related to FGM during the year. Enforcement of the anti-FGM law was difficult for a number of reasons: many police officers and many communities were not aware of the law; police did not have adequate resources to protect victims; and victims were often reluctant to testify against family members and neighbors who forced them to undergo FGM. Some witnesses feared reprisals from supporters of FGM.

Corruption also made it difficult to enforce the anti-FGM law. Some villagers reportedly have given local leaders sums as great as \$235 (300,000 shillings) to be allowed to have their daughters circumcised without fear of arrest or prosecution.

The government continued to implement the 2001-15 national plan of action for the prevention and eradication of violence against women and children. This strategy, included as the theme of the March celebration of International Women's Day, sought the elimination of FGM by involving practitioners and community leaders, and both men and women. Anti-FGM groups urged parliamentarians and local government officials to take a greater role in enforcement, although parliamentarians have no enforcement authority.

During the year the government and NGOs made progress in reducing the open practice of FGM. The Anti-Female Genital

Mutilation Network and a coalition of anti-FGM NGOs engaged in awareness-raising activities and conducted research on FGM. Anti-FGM groups continued to sensitize the ngaribas about the harmful effects of FGM and to train them for other occupations. The NGO TAMWA stressed that passage of the law in 1998 without training for police officers was not enough to fight tradition.

Reducing the practice of FGM remained difficult because some regional government officials favored or profited from the practice or feared speaking out against it because of the perceived political consequences of opposing FGM and the power of traditional leaders who supported FGM. Some communities that were aware of the law prohibiting FGM viewed it as an unjust threat to a cultural tradition. A lack of medical information on the harmful and long-term health effects of FGM remained a problem. Many communities believed FGM increased fertility, reduced sexual desires leading to prostitution, and reduced infant mortality. Many fathers believed they would receive higher bride prices for daughters who had undergone FGM. In addition ngaribas relied on the practice for income.

The law prohibits prostitution; however, prostitution remained common. Prostitutes are occasionally arrested but the police keep no official statistics on the number or disposition of cases. Poor rural women and young girls immigrating to urban areas were most at risk.

The law prohibits sexual harassment of women in the workplace. The extent of the problem was unknown.

Inheritance and marriage laws do not consistently provide full equality for women, and in practice women's rights often were not respected. The Ministry of Community Development, Women, and Children, and the Ministry of Justice were responsible for protecting the legal rights of women. Discrimination against women was most acute in rural areas, where women were restricted to farming and raising children. Rural women had little opportunity to attend school or obtain wage employment.

In family matters, the content and application of some customary and Islamic laws discriminated against women, both on the mainland and in Zanzibar.

The country's immigration laws do not recognize that a man can be a dependent, making it difficult for the foreign husband of a female citizen to obtain a residency permit. Since the government does not recognize dual citizenship, a female citizen who marries a foreign man may have difficulty residing legally in the country, and, in practice, may be forced to give up her own citizenship. This was increasingly a problem in the refugee camps for Tanzanian women who married Burundian men who did not qualify for residence permits because of their refugee status.

The law gives individuals the right to use, transfer, and own land without distinction of gender, and recognizes women's occupancy rights. Civil society activists reported widespread discrimination against women in property matters related to inheritance and divorce. This was particularly the case in Zanzibar and parts of the mainland where judges made concessions to customary and Islamic law. Women whose unions had not been legalized under customary, Hindu, Muslim, Christian, or civil marriage laws were particularly vulnerable if they separated from their partners or if their partners died.

Women in Zanzibar who became pregnant out of wedlock could be tried and sentenced to perform community service the offense; the office of Zanzibar's director of public prosecution published regulations that stipulated the kind of community service that could be imposed.

#### Children

The government remained committed to children's rights and welfare. The government made constructive efforts to address children's welfare, including close cooperation with international and local organizations to improve the well-being of neglected children and of the country's estimated 2.5 million orphans.

The law provides for seven years of compulsory education, through the age of 15, for all children. Primary education was compulsory, free, and universal on both the mainland and Zanzibar; however, there were inadequate numbers of schools, teachers, books, and other educational materials to meet the demand.

During the year fees continued to be charged for enrollment beyond form two, the equivalent of the second year of high school. As a result, some children did not have access to secondary education; however, in 2005 the government reduced school fees by half and provided subsidies to cover the remaining fees through a secondary school development program. Day students' fees were \$15 (20,000 shillings) and boarding school fees were approximately \$61 (80,000 shillings) annually. In addition, many parents had to pay for books, uniforms, and school lunches.

Overall school completion rates were the same for boys and girls: 56 percent for primary school and 33 percent for secondary.

Child sexual abuse remained a problem, and there were convictions during the year; most persons convicted for the

sexual abuse of children were given the maximum sentence of 30 years' imprisonment.

Corporal punishment in schools was a problem. Caning was supported by law, although the practice continued to decline during the year following public outreach efforts by the government, particularly the Ministry of Education, and the press. In October a middle school student at Maswa Girls Secondary School was seriously injured from a caning delivered by the deputy head of the school.

Under the law sexual intercourse with a child under 18 years is considered rape regardless of consent; however, the law was not effectively enforced. In an apparent contradiction, family law provided for girls as young as 15 to be considered adults for the purposes of marriage and sexual intercourse. In order to marry, a girl under 18 is required to obtain the consent of her father, mother, or guardian. An orphaned girl with no guardian who desired to get married at 15, 16, or 17 needed no consent. The courts had discretion to allow the marriages of parties who were 14 years old if they were satisfied that there were special circumstances which made the proposed marriage desirable. Additionally, the law allows African-Asian girls to marry as young as 12 so long as the marriage is not consummated until the girl reaches the age of 15.

During the year the government continued its efforts to enforce the law penalizing any person responsible for impregnating a schoolgirl. In April a primary school teacher of Kibuye primary school, Suzi Bosobi, was arrested on allegations of impregnating a 14-year-old student who gave birth and immediately dumped the baby into a pit latrine. The baby was rescued but died soon after.

On September 26, a head teacher of Ikungumhulu primary school in Misungwi District, Mwanza region, was charged with raping a 16-year-old student. He denied the charges and was released on bail.

The law criminalizes child prostitution; however, sexual exploitation and trafficking in persons, including children, were problems.

There were reports that individuals practicing witchcraft killed children, allegedly to remove and sell body parts and skin. Male and female infanticide continued to be a problem. In June 2006 the bodies of 22 infants were discovered at dumping sites in Arusha. Police conducted autopsy reports that revealed that the babies died of suffocation. There were no reported prosecutions for this offense by year's end. Baby dumping cases continued to be reported during the year.

The number of orphans in the country was estimated at more than two million, most of them orphaned by AIDS. In general orphans were absorbed into other families; those who were not absorbed generally qualified as extremely vulnerable individuals and received additional support and counseling. There were significant numbers of street children in both Dar es Salaam and Arusha. Street children had limited access to health and education services because they lacked a fixed address and money to purchase medicines, school uniforms, and books. They were also vulnerable to sexual abuse by older street children and homeless persons.

#### Trafficking in Persons

The law does not prohibit all forms of trafficking. Tanzania is a country of origin, transit, and destination for women and girls trafficked for forced labor and sexual exploitation and, to a lesser extent, boys trafficked for forced labor.

It was impossible to quantify the incidence of trafficking during the year, but the practice existed in many regions of the country. Most victims were trafficked internally; boys were trafficked for exploitative work on farms, in mines, and in the large informal sector, while girls from rural areas were trafficked to the towns for involuntary domestic labor. Some of these youths fled abusive employers and turned to prostitution for survival. Most victims came from the regions of Iringa, Mwanza, Dodoma, Kigoma, Dar es Salaam, and Arusha. Small numbers of persons were reportedly trafficked to South Africa, Saudi Arabia, the United Kingdom, and possibly other European countries for domestic servitude. Indian women--who entered the country legally to work as musicians, singers, and dancers in restaurants and nightclubs--were at times exploited as prostitutes after arrival. On Zanzibar some hotels sponsored girls for hotel work who then become bar maids or prostitutes; hotels were used by traffickers for prostitution activities.

Beginning in September, the International Office of Migration (IOM) launched a campaign to make people aware of the problem of human trafficking in Tanzania and to encourage public discussion of the issue by national leaders and opinion makers. The IOM aired a documentary and prepared and distributed articles and television news spots about trafficking.

During the year the NGOs KIWOHEDE and Child in the Sun assisted 76 victims of trafficking and medically screened 120 victims. In addition, 120 victims were offered school or vocational training and 91 children were reunified with their families. Some rescued victims were provided with grants for school or micro income generating projects.

Children in low-income families were at significant risk of being trafficked, and girls were more vulnerable than boys since they were considered more of an economic burden on their families. The country was also experiencing a rapid rise in the

number of child-headed households as more adults succumbed to HIV/AIDS-related disease and death, leaving their dependents at very high risk for child labor and trafficking.

Trafficking methods varied. Victims were lured by the promise of an income, the opportunity to attend school, and better living conditions, especially from rural to urban areas. Some trafficking victims left their homes with assistance from their family; some left on their own to escape life in rural areas; and some were transported by someone who offered to help them find city work, legitimate or otherwise. There were reports that men recruited village girls who had completed primary school but were not entering secondary school. The men offered the girls money and employment and promised the girls a better life if they accompanied them to urban areas; however, these girls reportedly ended up in prostitution or domestic labor. Another method of trafficking involved low-income parents entrusting a child to wealthier relatives or respected members of the community, who were charged with caring for the child as one of their own. Some persons took advantage of this traditional practice and placed the child in a situation where he or she was at risk of being exploited or abused. At times small-scale, freelance agents recruited children from rural villages and organized their placement and transport to households.

There were no prosecutions for trafficking as such during the year, since the country had no specific law on trafficking; however, offenders were prosecuted under other provisions of the law, such as for rape.

The Ministry of Health and Social Welfare, with foreign cooperation, developed a training manual for health workers who have direct contact with victims of trafficking. On June 19, the ministry conducted training for 300 health care workers.

There were isolated reports that police officials accepted bribes to ignore commercial sexual exploitation.

The government worked cooperatively with NGOs and complemented the work of the IOM. During the year KIWOHEDE and Child in the Sun received training on victim identification and assistance organized by IOM. Between them they withdrew 12 boys and 28 girls from child labor situations; 20 of the 28 girls assisted had never attended any school. Girls were primarily referred to NGOs while boys generally arrived on their own at NGO shelters. All the victims supported by IOM received medical screening and services, psychosocial counseling, shelter, clothing, skills development, and when possible, family reunification with a start up grant for a micro-business (when the girl received vocational training) and family support. Twelve victims were reunited with their families during the year.

#### Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities, but there is no specific law to implement this provision. Persons with physical disabilities were effectively restricted in employment, education, access to health care, and other state services by physical barriers and inadequate budget resources. The government mandates access to public buildings, transportation, or government services for persons with disabilities through several pieces of legislation, such as the law that precludes the issuance of building permits for structures that do not provide access for persons with disabilities. However, few buildings were accessible, not all structures required building permits, and the majority of buildings in the country were constructed before 1997, when this requirement came into force. No funds were available for retrofitting existing structures.

The ministries of education, justice, and labor were responsible for enforcing the protection of rights of persons with disabilities for education, legal claims, and labor rights, respectively. The Department of Social Welfare had responsibility for coordinating disabilities matters. A few local NGOs also tried to highlight the plight in society of persons with disabilities.

During the year the Ministry of Education continued to support the special fund created to increase access to education, particularly by persons with disabilities and other disadvantaged members of the community. The fund was used to support students with disabilities to continue their studies after they passed the local standard seven exams.

There were reports that students with disabilities dropped out of schools that lacked adequate facilities. For example, expensive Braille paper and tape recorders were not available for blind students.

Early in the year the government lifted the ban imposed in 2005 that prohibited the local NGO Haki Elimu from undertaking or publishing studies regarding government schools; however, the NGO had to agree not to report on educational matters in the future. In a television advertisement critical of the government, Haki Elimu had highlighted the fact that government schools had no proper facilities for visually impaired students and students without limbs.

#### National/Racial/Ethnic Minorities

There were no laws or official policies that discriminated against Asians or any other race.

There were isolated instances of tribal conflict over land or livestock. In September clashes reportedly took place between pastoralists and agriculturalists in Mbarali, which resulted in one death and left 12 injured.

## Indigenous People

The Barabaig and other nomadic groups in the north continued to seek compensation for past government discrimination, which included government efforts to make them adopt a more modern lifestyle and to restrict their access to pastoral lands that were turned into large government wheat farms. Authorities provided compensation to indigenous people who were relocated, but problems persisted.

It was reported during the year that the Hadzabe indigenous people of northern Tanzania, also called Bushmen, were facing a serious threat to their survival. Their hunting and gathering grounds were being taken by influential safari organizers from the United Arab Emirates, who were counting on the Tanzanian government support to drive the Hadzabe out. There were no reports that the government consulted representatives of the Hadzabe in considering how to respond to the matter.

## Other Societal Abuses and Discrimination

Homosexuality and lesbianism are illegal in the country. The law in Zanzibar establishes a penalty of up to 25 years' imprisonment for men who engage in homosexual relationships and seven years for women in lesbian relationships. There were no reports that anyone was punished under the law during the year.

Homosexuals faced societal discrimination, especially at the community level. The Tanzania penal code makes it an offense to have carnal knowledge of any person of the same sex.

The Tanzania Parliamentarians' AIDS Coalition addressed discrimination against persons infected with HIV/AIDS. However, there were reports that discrimination in housing, healthcare, and education continued to occur against the estimated 3.5 million persons in the country living with HIV/AIDS. There were isolated reports that private employers fired or did not hire persons based on the perception that they had HIV/AIDS. The government, working with NGOs, continued to sensitize the public about HIV/AIDS-related discrimination and to create safeguards for HIV/AIDS patients' human rights. President Kikwete, his wife, and senior government officials publicized the fact that they got tested for HIV/AIDS. A network of lawyers, policymakers, and doctors continued lobbying efforts and other activities to deal with legal, ethical, and human rights problem associated with HIV/AIDS.

## Section 6 Worker Rights

### a. The Right of Association

The law allows workers to form and join unions without prior authorization; however, in practice many private sector employers adopted antiunion policies or tactics that limited this right.

New labor legislation came into force in December 2006 that established the Labor, Economic, and Social Council, the Commission for Mediation and Arbitration, and the labor court; implementing regulations and institutions were still being developed. The new legislation, which applies to the mainland but not to Zanzibar, recognizes the organizational rights of trade unions and establishes a registration procedure for trade unions and employer associations. Only a trade union that has signed up more than 50 percent of a collective bargaining unit may bargain with the employer. A trade union or employers' association must register within six months of its establishment; failure to register is a criminal offense.

The union and Zanzibar governments do not have the same labor laws, and they enforced their laws separately. The labor law of the mainland applies to both public and private sector workers. The mainland's law requires a trade union for employees to consist of at least 20 members.

Approximately 27 percent of the workforce that was engaged in paid, "formal sector" employment was unionized. The sole labor federation, the Trade Union Congress of Tanzania (TUCTA), had 317,000 members in 2005 (the most recent available data), or less than 2 percent of the workforce. In the agricultural sector, which was the country's single largest employer, an estimated 5 to 8 percent of the work force was unionized.

Under the law a mainland-registered trade union is entitled to a number of representatives in the TUCTA based on the size of its membership. For organizations of 100 or more, a specified number of representatives, based on membership size, must be women if women are employed in the work unit.

On the mainland the law prohibits discriminatory activities by an employer against union members; however, there were several reports of antiunion discrimination in the formal private sector during the year. Employers found guilty of antiunion activities were required under the law to reinstate workers.

Most labor unions reported that private sector employers, particularly those attracted to the country by privatization and

economic reforms, practiced antiunion discrimination. Although the law prohibits such actions, some of these investors reportedly threatened to terminate or lay off employees who wanted to join trade unions and some employers did not allow unions to call for and hold recruitment meetings at their workplaces.

The labor law in Zanzibar applies only to private sector workers. Zanzibar workers were not allowed to join mainland-based labor unions. The Zanzibar labor law requires a union with 50 or more members to be registered and sets literacy standards for trade union officers.

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

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

In Zanzibar the law prohibits strikes. On the mainland workers have the legal right to strike and every employer has the right to a lockout after complying with certain legal requirements and procedures. These rights are not absolute but are qualified according to the law. For example, all parties to a dispute may be bound by an agreement to arbitrate and neither party may engage in a strike or a lockout until that process has been completed.

On the mainland, disputes are regulated under the 2004 act and resolved by mediation through the Commission for Mediation and Arbitration. If the mediator fails to resolve a dispute within thirty days of referral, or any longer period agreed upon in writing by both parties, either party to the dispute may give notice of its intention to commence a strike or lockout. If the dispute is a complaint and the mediator fails to resolve the complaint, the Commission for Mediation and Arbitration may appoint an arbitrator to decide the dispute, or it may be referred to the labor court.

A lawful strike or lockout is protected under the law and does not constitute a breach of contract, nor can it be considered a criminal offense. An employer may not terminate the employment of an employee for participating in a lawful strike, or terminate an employee who accedes to the demands of an employer during a lockout. No civil or criminal proceedings may be instituted against any persons for participating in a lawful strike or lockout.

Despite the language of the labor law, some labor rights observers, such as the Legal and Human Rights Centre, raised concerns that the 2004 act may in practice make striking more difficult for workers in some sectors. The act restricts the right to strike when to do so would endanger the life and health of the population, a limitation that effectively increased by approximately 50 percent the number of workers that were considered "essential," and, therefore, not allowed to strike. Workers in certain sectors (water and sanitation, electricity, health services and associated laboratory services, firefighting, air traffic control, civil aviation telecommunications, and any transport services required for the provisions of these services) are restricted from striking and workers in other sectors may also be subject to this limitation, either temporarily or permanently, after a process involving investigation, notice, presentation, public hearing, and publication.

On the mainland there are 23 export processing zones (EPZs), out of which seven are developer licensees and the rest are operator licensees. In Zanzibar there are free economic zones and exclusive economic zones. Labor law protections applied to EPZ workers.

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

The law prohibits forced or compulsory labor; however, there continued to be reports that forced and compulsory labor by children occurred and that children were trafficked for commercial sexual exploitation.

The law allows prisoners to work without pay on projects such as agriculture within the prison so that the prison could be self-sufficient. Prisoners were also used as forced labor on projects outside of the prison, such as road repair and government construction projects.

#### d. Prohibition of Child Labor and Minimum Age for Employment

Child labor remained a problem, compounded by HIV/AIDS. The latest data available, from 2000-01, indicated that 35.4 percent of children ages five to 14 were working. The law prohibits the exploitation of children in the workplace and prohibits forced or compulsory labor. Implementing regulations and institutions had been adopted, but there was not yet significant improvement in enforcement of child labor provisions.

Although enforcement remained weak, the government implemented some measures to ameliorate the problem, including increasing the number of labor inspectors, ensuring that children of school age attend school, imposing penalties on parents who did not enroll their children in school, and sensitizing employers in the formal sector against employing children below the age of eighteen.

The law establishes the minimum age for contractual employment at 14 and provides that children may be employed only to do light work that is unlikely to be harmful to their health and development and does not prejudice their attendance at school. The law stipulates that children under 18 shall not crew on a ship or be employed in a mine, factory, or any other worksite where working conditions may be hazardous, including informal settings and agriculture.

The law establishes criminal penalties for employers of child labor as well as forced labor; violators can be fined an amount not exceeding approximately \$3,900 (5 million shillings), imprisonment for one year, or both. No penalties were imposed during the year.

In 2005 the International Labor Organization (ILO) and UNICEF reported that children who left home to work as domestic laborers in other towns or villages were often subjected to commercial sexual exploitation. According to the Conservation Hotel, Domestic, and Allied Workers Union and the ILO, the majority of domestic child laborers were girls, mostly between the ages of 13 and 15. Most of them worked 12 to 14 hours per day, seven days a week, without rest or extra compensation for the long hours worked; at times they worked under abusive conditions.

The ILO supported a project aimed at accelerating the removal of children from the most abusive forms of child labor. The sectors involved include commercial agriculture, mining, fishing, and domestic work. By year's end a total of 4,000 children had been prevented and withdrawn.

Child labor was widespread in Zanzibar; children were used in fishing, clove picking, domestic labor, petty business such as selling cakes, and commercial sexual exploitation near tourist attractions.

The Ministry of Labor remained responsible for enforcement of labor laws along with the Commission for Mediation and Arbitration and the Labor Court. The ministry was faced with the challenge of high turnover of its labor officers during the year. The ministry continued conducting seminars on child labor in different parts of the country.

District- or community-level child labor coordinating committees and subcommittees identified and monitored cases of child labor, with varying degrees of effectiveness. Representatives of the ILO, UNICEF, and local NGOs concluded that these problems were due to a lack of resources and not a lack of political will to fight child labor.

Several government ministries, including the Ministry of Labor, Youth Development, and Sports, have special child labor units.

#### e. Acceptable Conditions of Work

In October the government announced new minimum wages, to take effect in January 2008. There are categories covering eight employment sectors, with the lowest minimum \$55 (65,000 shillings) per month for hotel workers and the highest approximately \$300 (350,000 shillings) per month for the mineral sector.

Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate did not provide a decent standard of living for a worker and family, and workers depended on their extended family or on a second or third job. During the year Labor, Employment and Youth Development Minister John Chiligati noted that some employees worked for extra hours without any payment, lack of protective gear, and the absence of requisite compensation in the event of accidents on the job. Furthermore, according to the minister, many private sector employers had not registered their workers with national social security funds.

There were reports that to avoid legal requirements that they provide certain benefits and salary minimums to employees employed for more than three months, employers made a practice of firing employees before the three month period expired.

There was no standard legal workweek for private sector workers, but most private employers retained a six-day, 44- to 48-hour workweek. A five-day, 40-hour workweek was in effect for government workers. Generally it was illegal to employ women to work between 10 p.m. and 6 a.m.; however, employers frequently ignored this restriction.

Several laws regulate safety in the workplace. The Ministry of Labor, Youth Development, and Sports managed an inspection system; however, its effectiveness was limited. Labor standards were not enforced in the informal sector, where a large percentage of the workforce was employed.

Workers could sue an employer if their working conditions did not comply with the Labor Ministry's health and environmental standards. Disputes are resolved through mediation or arbitration by the Commission for Mediation and Arbitration.

