



## U.S. DEPARTMENT of STATE

### Tanzania

#### Country Reports on Human Rights Practices - [2006](#)

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The United Republic of Tanzania, with a population of approximately 37 million, is a multi-party 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, commonly referred to as 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 December 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. The 2005 presidential elections in Zanzibar were more contentious, with serious irregularities and politically motivated violence; however, there were improvements in the administration of the elections. 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 suspected of being witches; prison conditions were harsh and life threatening; police routinely conducted searches without warrants, were often corrupt, and at times failed to bring detained individuals before a judge in the specified period of time; the judiciary suffered from corruption 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 authorities accused police of killing several persons unlawfully. For example, in January, in the outskirts of Dar es Salaam, 15 police allegedly shot and killed three gemstone dealers and a taxi driver, claiming the four persons were robbers. The individuals concerned were reportedly not resisting arrest, and a special commission headed by a High Court judge investigated the incident and found that the victims had not been robbers. Authorities brought murder charges against all 15 police officers. The case was pending at year's end.

In March, according to officials of the Legal and Human Rights Center, police in Mwanza tortured and killed a taxi driver named Christopher Samson while he was in custody after his arrest on allegations that he participated in an armed robbery. The Mwanza regional police commander questioned the policemen involved, after which they were arrested. There was no further information regarding the case at year's end.

On June 6, six prison wardens allegedly killed a prisoner, Eladius Stanslaus, at Kimbiji Prison in the Temeke district of Dar es Salaam. A magistrate of the Temeke District Court adjourned the case because investigations were incomplete at the time of trial. No further information was available at year's end.

On July 16, authorities in Shinyanga Region discovered the body of a man in a police cell in the village of Kagongwa. According to press accounts, a prison warden beat an inmate to death in the Kisongo prison in the region of Arusha.

There were no reports of active investigations of a number of killings or alleged killings by police and prison authorities in 2005.

There were a number of unresolved killings from 2004. They included the July killing of Selemani Juma Mousi by Zanzibar police and the death of a minor in Zanzibar during the elections, allegedly as a result of police use of excessive force. In the latter case opposition party leaders charged that police were not investigating. There were no reports of progress in investigating the 2004 killing of a student, allegedly by a member of a paramilitary unit; authorities announced an inquest in August 2005, but there were reports that the suspect had been transferred to the mainland. Although authorities in August 2005 announced an inquest into the suspected killing by police of a building inspector in Arusha, there was no further information at year's end. There were no developments in the 2004 killing of a nongovernmental

(NGO) worker in Ngara district by unidentified armed assailants, and there were no reports that the authorities were actively pursuing the case (see section 4).

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 begun in 2005 to discourage mob violence. In August a mob set afire Saidi Sudi, who subsequently died of his injuries. In December mobs lynched two unidentified burglars in Shinyanga Region. Convictions in such cases were rare; authorities indicated that it was often difficult to persuade witnesses to testify. However, in early July the High Court sentenced three persons to death for the 2003 mob killing of Ernest Kikoti in the village of Nyamvisi, Mongoro Region. The prosecution charged the defendants with having incited a mob to kill Kikoti.

The killing of suspected witches continued. A widespread belief in witchcraft led to the killing of numerous alleged witches by those claiming to be their victims, by aggrieved relatives of their 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, on April 16, unknown persons in the village of Buhanga, Kiagera Region, killed 67-year-old Anna Maria, suspected of witchcraft, and her seven-year-old granddaughter Sicholesik.

In December Mwema Bakari Kassan, a resident of Kiyanga village in Mtwara Region, was arrested by the police for alleged involvement in burning down five houses where he suspected that a sorcerer was hiding one of his relatives. At year's end the case was still under investigation. COEL indicated that the incidents were most common in Tabora, Mwanza, Shinyanga, and Kigoma regions.

On August 28, the newspaper *The African*, citing statistics from the local 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.

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

In two regions there were reports that individuals practicing witchcraft killed children and school students, allegedly to remove and sell body parts and skin (see section 5).

#### 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.

Efforts by city officials to evict street hawkers from central locations resulted in injuries. On March 9, paramilitary forces injured street hawkers while evicting them from the city of Mwanza. On March 10, paramilitary forces clashed with street hawkers in Dar es Salaam, prompting the prime minister to order city officials to halt the evictions and give the traders a six-month reprieve. In October some hawkers who refused to relocate to designated business premises were injured after clashing with paramilitary forces.

On August 26, the *Guardian* newspaper reported that as a result of a beating by Zanzibar police, Saidi Awadhi had to have his left eye surgically removed. Awadhi accused a group of patrolling security officers in the Mpendae area of beating him without any reason. The regional police commander for the area stated that the matter could have been investigated if the alleged victim had reported the matter to his office; there were no indications that authorities were following up on the case.

On August 27, the minister of public safety and security announced that the inspector general of police had begun removing offenders from the police force and creating better working conditions for the police. Injuries reportedly suffered by two local officials in the course of being arrested in July may have been one of the factors that precipitated this action.

On February 6, Lucas Omahe Galani was sentenced to 10 years in prison for assaulting CCM presidential candidate Jakaya Kikwete during an October 2005 rally in Mwanza.

In September 2005 the government formed a commission to investigate allegations of severe mistreatment involving senior prison officers in the Geita district of Mwanza Region. The officers faced accusations of torturing, beating, and sodomizing two members of *sungusungu*, traditional local militias. At year's end the case was still pending in court.

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 (see section 5). For example, in May 2005 a resident magistrate's court in Arusha sentenced a prominent businessman to prison and to receive 12 cane strokes for raping his house maid. The use of caning continued to decline during the year following public outreach efforts by the government--particularly the Ministry of Education--and the press.

There were fewer reports during the year that soldiers beat civilians; however, in March paramilitary soldiers and municipal council police, who were evicting bus touts (young men who purportedly steer passengers to a particular van but often extort payment from drivers), injured approximately 20 persons in the Mwenge, Kariakoo, and Tandika areas of Dar es Salaam. Police allegedly beat the touts and forced them to lie in dirty rain water.

At year's end there was no further information regarding two 2005 beating incidents in which the Tanzanian People's Defense Forces (TPDF) attacked street hawkers in Dar es Salaam and used iron rods against villagers in the Boko district.

Unlike in 2005 there were no reports that police used excessive force to break up demonstrations.

Unlike in 2005 there were no reports that police sexually abused individuals in detention.

#### Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening. In 2005 the established maximum capacity of the country's prison facilities was 23,000, and the prison population was estimated to be 46,000. During the year local prisons held 23,968 convicted prisoners and 21,017 pretrial detainees for a total of 44,985 prisoners. In 2005 then minister of Home Affairs John Chiligati stated that the country needed 156 prison facilities, compared with the 122 that existed. On July 9, he told parliament there was overcrowding in all of the prisons in the country.

During the year the Commission for Human Rights and Good Governance inspected more than 10 prisons for human rights violations. In October 2005 the government acknowledged severe problems of overcrowding, infectious diseases, lengthy pretrial detention of prisoners, and holding juveniles together with adult prisoners.

Prisoners experienced poor living conditions and lacked access to basic human needs. NGOs reported that prisoners received poor diets as a result of substandard sanitation and hygiene. In January 2005 more than 15 inmates at Ukonga maximum security prison in Dar es Salaam complained of a poor diet and severe beatings from prison guards and overcrowded cells. Authorities often moved prisoners to different prisons without notifying prisoners' families.

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. 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. 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.

There were reports that guards beat and sexually abused prisoners during the year.

No investigation report was issued during the year from the government commission investigating the September 2005 arrest, detention, and torture by a prison officer in Mwanza of two traditional militiamen. On the order of the prisons officer, eight inmates beat and sexually molested the two men, who required hospitalization after the 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. There were approximately 10 separate youth prisons throughout the country. The government considered prisoners between the ages of 18 and 21 to be "young prisoners" and required prisons to separate them from the older adult prison population at night. Pretrial detainees were held together with convicted prisoners and were allowed to receive food from the outside.

Local NGOs, international organizations, and diplomatic observers were permitted to monitor prison conditions during the year. For example, on May 8, the Tanzania Red Cross Society visited Segerea Prison in Dar es Salaam. The International Committee of the Red Cross (ICRC) visited prisoners at the International Criminal Tribunal for Rwanda, in Arusha. The government permitted the Office of the UN High Commissioner for Refugees (UNHCR) to visit prisons holding refugees in Dar es Salaam and in the west. The ICRC also visited two detention centers in Zanzibar in December 2005 but did not monitor facilities for domestic prisoners during the year.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, both were problems.

#### 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 continued to support the police force, including in refugee camps. Police were not responsible for overseeing sungusungu, who worked with local government leaders. The TPDF, under the Ministry of Defense, is responsible for external security and had some domestic security responsibilities.

The police force remained underfunded and inefficient. The use of excessive force, police corruption, and impunity were serious problems.

Citizens often complained that police were slow to investigate crimes and prosecute criminals. 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 and at times resulted in cases being thrown out of court. According to NGO reports, there were instances in which the police lost evidence, and suspects with sufficient means 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. Lack of trust in the police force and in the court system contributed to incidents of mob justice during the year. Internal mechanisms within the police hierarchy were available to investigate violations committed by police, but, despite improvements, continuing police misbehavior suggested that they were not used effectively.

There continued to be numerous press reports and complaints from civil society groups and citizens about police corruption during the year. The Prevention of Corruption Bureau reported many public complaints of corruption that implicated the police force and local authorities. In July the Kagera Region headed the list of corruption complaints, with 558 complaints recorded in 2005. In November 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.

In January President Kikwete directed the Ministry for Public Safety and Security and senior police officers to take disciplinary action against any police officer who was "ethically not upright." In March the police force launched investigations 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 police officer who allegedly collaborated with a civilian to rob residential property would also face dismissal if found guilty.

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.

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 such as Tabora, Shinyanga, and Mwanza regions as well as in refugee camps, but were not present in most urban areas. Sungusungu have the authority to arrest persons, but they do not have the authority to carry firearms and instead carried wooden clubs for protection. Sungusungu have been criticized for using excessive force, including the severe beating of suspects, which on occasion resulted in death. It was customary for residents of a neighborhood in which sungusungu operated to either donate a small sum to the sungusungu for patrols or, if they did not have money, 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 quasi-official 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 (as defined under the Preventive Detention Act), 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 as for all suspects charged with murder or treason. The law does not allow the possibility of bail for the offenses of murder or armed robbery and imposes strict conditions on freedom of movement and association when bail is granted in other cases. In the primary and district courts, bribes at times determined whether 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 minister for Justice and Constitutional Affairs Mary Nagu stated that the courts of law received 36 civil litigation cases alleging unlawful detention instituted by aggrieved parties in connection with the 2005 elections. Five of the cases were thrown out for failing to meet legal requirements. The remaining 31 cases were pending in courts at year's end.

Unlike in 2005, a national election year, there were no reports of arbitrary detention of opposition leaders or supporters.

There was no information about the case of Abdul Rashid, a resident of Dar es Salaam who claimed he was arbitrarily arrested in September 2005. He was charged with destroying a CCM campaign poster. Rashid denied the charges.

Police arrested refugees for leaving refugee camps without permits (see section 2.d.).

Unlike in 2005 there were no reports that Union security forces based in Zanzibar or the archipelago's own security forces, known as vikosi, committed human rights violations during the year, and there were no allegations that CCM's Zanzibar chapter worked with the vikosi to recruit members of the janjaweed, an allegedly pro CCM gang, to intimidate the political opposition.

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 of 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. At year's end some suspects had spent as many as 10 years in prison without having their cases heard before a court. In July 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. There were no reports at year's end concerning progress toward meeting this objective.

## Amnesty

In February the president of Zanzibar pardoned three persons convicted of burning down a hotel belonging to a businesswoman and former opposition candidate for president of Zanzibar.

## 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. 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 Justice Department faced a critical shortage of court buildings. In July the Ministry of Justice and Constitutional Affairs purchased court buildings for Mtwara and Songea zonal offices and new offices opened in Iringa and Sumbawanga. Despite these efforts, few courts were available to citizens, and the cost of traveling to the nearest court was often prohibitive.

The government continued its program to reform the judiciary. In partnership with bilateral and multilateral donors, the government during the year increased expenditures on the judiciary by approximately 40 percent to: improve judicial access for detainees and for those in rural areas; and to improve the overall governance and administration of justice. In 2005 the government doubled its previous year's judicial expenditures to address judicial inefficiency and corruption and to increase personnel qualifications.

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 some Christian judges, and some Muslim groups complained it was inappropriate for Christian judges to administer Islamic law for Muslims in family matters without training in Islamic law. The leaders of BAKWATA, the council that governs matters of Islam on the mainland, called for the establishment of a kadhi's court for the mainland. A heated debate arose 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.

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

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

The law also provides for commercial courts, land courts, housing tribunals, and military tribunals. Military tribunals do not try civilians. Defendants before military tribunals may appeal to the high court and the Court of Appeal.

## Trial Procedures

Criminal trials were generally open to the public and to the press; however, there were exceptions. Courts that held secret proceedings--such as in drug trafficking cases--generally were required to provide reasons for holding such proceedings. In cases involving terrorism suspects, the law provides that everyone except the interested parties may be excluded, and information may be suppressed, purportedly to protect the identity of witnesses.

There is no trial by jury in any of the country's courts. 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 Zanzibar's kadhi court system and cases examining the constitutionality of Zanzibar laws--could appeal decisions to the high courts and the Court of Appeal of Tanzania. The law provides a right to defense counsel for defendants accused of murder and treason, as well as for indigent defendants in all other serious cases. There were only a few hundred practicing lawyers in the country, although the number continued to increase. Most indigent defendants charged with lesser crimes did not have legal counsel. 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. In practice members of security forces rarely sought warrants and often searched private homes and businesses at will. The law relating to terrorism permits police of a certain rank to conduct searches without a warrant in certain urgent cases; there were no reports that the act has ever been implemented in practice.

Unlike in 2005 there were no reports that Zanzibari paramilitary groups engaged in looting of houses, shops, and religious institutions.

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

During the year the government forcibly evicted or displaced individuals and demolished or repossessed their homes in an effort to clean up urban areas such as Dar es Salaam and Arusha. In late September and early October, authorities made a large scale effort to move hawkers and petty traders (machinga in Swahili) located throughout these cities to locations designated for business. The government provided machinga with several notices of its intentions and justified the effort as a way to "ensure the country's cities attracted investors and eliminated hiding places for thugs."

By year's end a case involving 135 villagers who claimed they had been illegally evicted from their land and homes by district-level officials in 2001 had not come to trial. The case was filed in June 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 and requested that a report be submitted on the matter by May 2005.

Until March women in Zanzibar who became pregnant out of wedlock could be imprisoned for up to two years. In theory the law could also be applied to men; however, because DNA testing was not available in Zanzibar, only women have been sentenced under the law. During the year one woman was convicted under the act and served a suspended sentence. On March 5, President Karume signed a law that replaces prison penalties with community service for women convicted of this offense. During the year the office of Zanzibar's director of public prosecution published regulations that stipulate the kind of community service that could be imposed.

#### 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 these rights, and the semi-autonomous Zanzibar government significantly limited these rights. Laws limiting the media's ability to function effectively and an inefficient judiciary limited freedom of speech and press, particularly on Zanzibar, which has a separate media policy from the mainland.

The print media were subject to considerable government restriction, including the enforcement of a code of ethics. Although the code is described as voluntary, the government has fined and suspended newspapers under this code. Journalists, intimidated by defamation laws that impose criminal penalties, practiced self-censorship. However, the mainland government allowed political opponents unrestricted access to the media. Although the media is primarily government-controlled in Zanzibar, opponents of the government had access to the media there as well.

Under the administration of President Kikwete, freedom of speech increased. Encouraged by the president's public support of press

freedom, the press was 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 \$three million (3.8 billion shillings)

Political parties are required by law to support the continuation of the Tanzanian Union, and persons using "abusive" language about the country's leadership are subject to arrest; however, these provisions were not applied during the year. On the mainland opposition political party members and others openly criticized the government and ruling party. On Zanzibar the opposition frequently used media outlets on the mainland to criticize the Zanzibar government. Unlike in 2005 there were no reports of restrictions on political and religious speech by Muslims.

Registering newspapers remained difficult and was at the discretion of the registrar. During the year the number of newspapers, radio stations, and journalists grew. On the mainland there were more than 785 publications, including newspapers, in house publications, and periodicals, including 14 active dailies and more than 20 weeklies. Many of the mainland's newspapers were privately owned. There were a dozen periodicals in the country, some of which were owned or influenced by political parties, including not only the ruling CCM but also the opposition Civic United Front (CUF) and Chadema parties. Mainland publications, including one government-owned newspaper, regularly criticized the government.

Approximately 33 radio stations and nine television stations, including 16 cable networks, broadcast in Dar es Salaam and a few other urban areas on the mainland. 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. On Zanzibar there was one government owned radio station and four private ones. On Pemba there were two radio stations, one of them was an affiliate of the government radio station on Zanzibar and the other private. Many residents of Zanzibar were able to receive the less restricted broadcasts from the mainland.

Unlike in 2005 there were no reports that government officials on the mainland beat members of the media. An investigation was ongoing into the alleged September 2005 beating by prison officials and others of photographer Mpoki Bukuku and human rights activist and reporter Christopher Kidanka, who attempted to cover the eviction of families from houses being repossessed by the prisons department. The case was still pending at year's end. Both journalists were also suing the prisons department for damages.

On August 21, Reporters Without Borders criticized the government for threatening to deport a journalist to Kenya who appeared in the film Darwin's Nightmare. Officials stated that the film, which addresses natural resources and poverty in the Lake Victoria area, damaged the economy and image of the country. The film's director accused the government of conducting a "campaign of intimidation" against individuals who appeared in his film, including Richard Mgamba, an investigative journalist for the Citizen newspaper. Mgamba fled Mwanza on August 4, when a demonstration against the film was organized by local authorities and police. Local authorities threatened Raphael Tukiko, a night watchman who appeared in the film, with arrest and ordered him to report to the police. At year's end there was no additional information regarding these cases.

There was at least one report that nongovernmental actors harassed or used violence against members of the media during the year. In April unidentified persons made death threats against editors and journalists of the 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. Authorities dropped two of three charges in the 2005 cases of CUF supporters accused of assaulting journalists in Dar es Salaam in November 2005. The third was out on bail awaiting trial 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 arrested three journalists on Pemba when they were leaving a village where they had been investigating reports of food scarcity.

On June 26, on the mainland the inspector general of police (IGP) met with the editors of various private media organizations to discuss ways to create an environment for cooperation between the police and the press. Admitting the relationship had been characterized by enmity, mistrust, and conflict, the new IGP stated that he wanted to see the police and media reach an understanding and wanted to continue meeting with the press on a regular basis.

Media groups in Zanzibar continued to call for the elimination of what they considered unnecessarily severe laws limiting press freedom. In addition they criticized the lack of legal protection for journalists' sources and whistle blowers.

On the mainland journalists and NGOs belonging to the Media Law Reform Project continued to complain that the government deliberately weakened press freedom and limited information to the press by means of a 1976 law that grants the information minister wide discretion to suspend or close down newspapers as well as other legislation. They also criticized laws that prohibit journalists from writing about prisons or the police without obtaining prior permission from those organizations.

Unlike in 2005 there were no reports during the year of the authorities suspending newspapers, either in Zanzibar or on the mainland. The two newspapers suspended briefly in 2005 were fully operational during the year.

There were reports of discriminatory newsprint pricing by the government; however, unlike in 2005 there were no reports that the government selectively advertised in favored private newspapers.

In August several members of parliament complained to media owners that the owners used their media assets to promote their own interests, which they said was an abuse of ownership. Minister of Information, Culture and Sports Muhammed Seif Khatibu stated that the practice violated the country's information and broadcasting policy, which requires that the media be used in the public interest. By contrast, on Zanzibar, an official at the Ministry of Information stated in August that the purpose of the media was to keep the peace, implying that controversial reports were not welcome.

The threat of application of the law on defamation, which imposes criminal penalties, intimidated journalists and caused many to practice self-censorship. 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.

The Zanzibar government cited public security as a pretext to suppress views that it found politically objectionable. After closing the independent newspaper Dira in 2004, Zanzibar authorities continued to harass its editor; however, during the year the government issued a passport to Nabwa (see section 2.d.).

Lack of media access to government information remained a serious problem. In a speech during the year, the president urged civil servants to volunteer information to the media when it is required, and some government institutions began to do so; however, the president did not acknowledge that civil service regulations prohibit government workers from divulging government information to the media. This restriction effectively allows only a handful of high-level government representatives to relay information to the media (see section 3).

In May an association of individuals with interests in the media--academics, officials from the Ministry of Information, owners of private media, and representatives of civil society--urged the government to revise a 1994 media policy to give the media more leeway in providing information to the public and to abolish restrictions that prohibit any privately owned radio or television station from broadcasting to more than 25 percent of the country. No action had been taken on these proposals by year's end.

According to the Media Institute of Southern Africa, freedom of the press continued to be threatened by lack of training, mediocrity, low salaries, and corruption in the profession of journalism.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic 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 during the year.

The government requires organizers of rallies to obtain police permission in advance. Police have the authority to deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party. During the year authorities arrested citizens for assembling without the appropriate permit. For example, according to the June 25 edition of the Msemakweli newspaper, policemen in Rukwa Region forcibly dispersed preachers from different regions for congregating and preaching without a permit.

There were no reports that the government prevented opposition parties from holding rallies during the year on the mainland; however, in May authorities in Zanzibar denied the CUF a permit to hold a demonstration and march to protest the Zanzibar speaker's demands that he review the questions of the opposition before they present them in the Zanzibar House of Representatives. Authorities did not authorize the march but permitted a public demonstration.

Unlike in 2005, when security forces on several occasions interfered with citizens' rights to assemble peacefully, particularly for political rallies or demonstrations, there were no reports of such interference during the year.

In October the government removed a ban on demonstrations by Uamsho (also known as the Islamic Revival or Center for Islamic Propagation), an umbrella organization for conservative Muslim organizations. Uamsho asked for police protection during a demonstration to protest events in Iraq and the government granted that request (see section 2.c.).

##### Freedom of Association

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

2005 elections, but in the absence of elections during the year this restriction was not employed.

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. Under the law citizens may not form new political parties spontaneously but must comply with certain requirements to register them with the office of the registrar.

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.

During the year the government continued to implement a legal requirement that all NGOs register with a government-appointed NGO Coordination Unit (see section 4). Failure to register or meet any of the act's other requirements is a criminal offense.

In May Union government authorities and Zanzibar officials agreed that the quasi governmental human rights commission that operated on the mainland would be permitted to operate in Zanzibar following amendments to the mainland human rights and good governance law. The sides agreed that the Zanzibar minister for good governance would be allowed to present any findings of human rights violations in Zanzibar to the Zanzibar House of Representatives rather than to the Union parliament, and that the mainland minister for human rights and good governance would consult with his Zanzibar counterpart before making any regulations that affected Zanzibar.

### 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 registrar of 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 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; however, in Zanzibar the mufti recommended the denial of two groups, an Ahmadia group and a Baha'i group, because of alleged contradictions between their beliefs and Islamic beliefs. The Ahmadia group filed suit against the office of the mufti because of this recommendation and the case was pending at the end of the year.

The law prohibits preaching, or distributing materials, considered inflammatory or a threat to the public order. During the year 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.

On August 22, the Kigoma District Court banned Christian minister Cecil Simbulanga from "inflammatory preaching" that insulted Islam; Simbulanga subsequently was released on bail. On October 16, the court allowed Simbulanga to preach provided he make no more anti-Islamic statements. On December 22, Simbulanga again was arrested and taken to court for insulting Islam while preaching; he was denied bail and remained in detention at year's end.

The media reported in June that a group of preachers from different regions were chased away by policemen in Rukwa Region for congregating and preaching without a permit (see section 2.a.).

There was no further information about two Christian women who were arrested in Dar es Salaam in August 2005 and charged with burning a copy of the Koran.

In September the Zanzibar government dropped charges against two leaders of Uamsho who were charged in 2004 with demonstrating without a permit.

A government ban, in the form of an administrative order, prohibiting religious organizations from engaging in politics remained in effect. In addition politicians were prohibited by law from using language intended to incite one religious group against another, or to encourage religious groups to vote for certain political parties. The law imposes fines and jail time on political parties that campaign in houses of worship or educational facilities. However, in 2005 several religious leaders sought involvement in politics, and authorities did not impose sanctions.

Government policy forbids 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 government hiring, education, and law enforcement practices, while Christian groups complained that the government gave all of the sensitive government positions to Muslims. On June 27, following the newly elected president's nomination of Muslims to many key positions, Catholic bishops issued a statement urging him to avoid bias in government appointments. 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 warned that such courts would violate government neutrality among religions and that the Union constitution did not provide for a national kadhi court. Muslim clerics, including the chief mufti of BAKWATA, urged Christians not to interfere in matters that concerned the Muslim community.

In June Catholic bishops asked the president for government intervention in what they described as an infringement of the freedom of worship in the form of "rampant slanderous religious public addresses" that could easily spark religious tension and breach of the peace. The president responded that since the state was secular, the government would not take sides regarding allegations of blasphemy. However, he

also warned the public against misusing their freedom of worship.

In Zanzibar a "mufti law" authorizes the president of Zanzibar to appoint an Islamic leader, or mufti, of Zanzibar, who serves as a public employee of the Zanzibar government. The mufti must approve the registration of Islamic societies and supervise Zanzibari mosques. Some Muslim groups asserted that the law gives the Zanzibar government undue influence in religious affairs.

#### Societal Abuses and Discrimination

Although relations among religions in society remained generally amicable, there was some tension between Muslims and Christians and one report of religious societal violence. A church in the Temeke district of Dar es Salaam was burned on February 12, a few days after robbers had ransacked it. There were no reports of progress in apprehending individuals who burned down a Catholic church in the Mikese district of Morogoro Region in April 2005 or of young Muslim men who beat a pastor and a deacon in Dar es Salaam in September 2005. Also in September 2005, Muslim youths entered a primary school in the Temeke district of Dar es Salaam and beat a group of religious teachers for teaching Muslim students about Christianity.

In 2005 there were reports that at certain Muslim religious rallies in urban centers, some participants publicly criticized Christianity, which, on occasion, resulted in fighting.

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

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution provides for these rights, and the government generally respected them; however, bureaucratic inefficiency and corruption hindered compliance, and respect for the right of asylum continued to suffer occasional lapses.

Police at checkpoints sometimes solicited bribes.

Passports for foreign travel were difficult to obtain at times, mostly due to bureaucratic inefficiency and official demands for bribes; however, the waiting time averaged only three days.

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

After the October 2005 presidential election in Zanzibar, approximately 100 Zanzibaris claiming to be members of the CUF fled to Kenya, reportedly for fear of persecution by pro-CCM government forces. The CUF denied that they were members and indicated it knew nothing of the fate of the Zanzibaris.

Unlike in previous years there were no charges that the director of immigration used the citizenship law to reject citizenship for reasons of personal prejudice.

In April the government issued a passport to Ali Nabwa, the managing editor of the defunct Zanzibar newspaper, Dira; however, the government did not restore his citizenship. Ali Nabwa had been deprived of citizenship in 2004 for publishing articles critical of government officials and also for exposing corruption in the government. In August the Zanzibar immigration department notified Nabwa that because he was "not a Tanzanian citizen" and was persona non grata in Zanzibar, he should pay \$400 (510,000 shillings) for a temporary residence permit or \$600 (765,000 shillings) for a permanent residence permit. Nabwa disregarded the Zanzibar notification, asserting that the Union level Ministry of Home Affairs had the final say regarding citizenship. However, at year's end he had not received official notification about the status of his citizenship.

#### 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, however, the government did not provide protection against refoulement, the return of persons to a country where they feared persecution. The government deported more than 1,700 Burundians and 15,000 Rwandans identified as illegal immigrants, and did not cooperate with the UNHCR to ensure that none held valid refugee status. On occasion the government also failed to inform the UNHCR about the arrival of new asylum seekers and did not allow the UNHCR to be present at border screenings for refugees. During the year the government occasionally refused entry to those seeking asylum or refugee status at the border and failed to conduct timely refugee status determinations.

At year's end 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. An estimated 400,000 were in self-sufficient refugee settlements or villages. There also were approximately 2,700 Somalis who lived in a coastal settlement camp and received some UNHCR assistance.

It remained illegal for refugees to live outside their camps or settlements, or to travel outside of their camps without permits, although they

were permitted to collect firewood within two and a half miles of their camps. Refugees often traveled more than five miles outside of their camps to collect firewood because closer supplies were inadequate. These refugees, usually women and children, often were targets for theft, physical abuse, and rape. During the year such incidents decreased after officials urged refugees to travel in groups; only one rape was reported between October and December.

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). During the year approximately 1,000 refugees and asylum seekers found outside camps without permits were prosecuted for unlawful presence. 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; the immigration law calls for two years' imprisonment followed by deportation to the countries from which they sought refuge.

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. 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. Unlike in 2005 there were no reports that police based in refugee camps sexually exploited female refugees or that women and children engaged in prostitution in the refugee camps.

Burundian and Congolese refugees continued to return home, motivated by increased security in Burundi and the DRC as well as strong encouragement from the government and UNHCR assistance. On June 20, a tripartite commission composed of the UNHCR and the governments of Tanzania and Burundi announced that beginning in September, it would "promote," rather than simply "facilitate," voluntary repatriation to Burundi. More than 40,000 Burundian refugees returned home during the year. The UNHCR continued to facilitate voluntary repatriation of refugees to the DRC, and more than 20,000 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, although 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 elect a president of Zanzibar and members of the Zanzibar House of Representatives in polls that are not open to mainlanders.

In December 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 National Assembly elections, the CCM won 206 out of 233 elected seats in the Union parliament, while the CUF won 19.

In October 2005 voters in the semi-autonomous archipelago of Zanzibar elected a president, legislators, and local representatives for the archipelago. CCM candidate Amani Karume, the incumbent president, won the Zanzibari presidency with 53 percent of the vote in an election marred by irregularities and violence.

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

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

On February 6, Lucas Omahe Galani was sentenced to 10 years in prison for assaulting CCM presidential candidate Jakaya Kikwete during a rally in Mwanza.

In June a court dismissed for lack of evidence the case against at least 46 supporters of the CUF accused in 2005 of instigating election related violence in the Donge constituency of the Zanzibar North Region.

Unlike in 2005 there were no reports that the government restricted political opponents by denying their permit requests to hold rallies or by harassing them and detaining them for short periods of time.

Individuals and parties could freely declare their candidacy and stand for election; however, there were government restrictions on political candidates. The law prohibits persons from running for office unless they are representing a registered political party; it requires all registered political parties to support the Union with Zanzibar, and it prohibits parties based on ethnic, regional, or religious affiliation.

CCM's candidates have been elected repeatedly since the country's first multiparty election. Its political dominance has been due partly to government restrictions on the political opposition, and also to the disorganization and lack of funding of most opposition parties. In addition 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 the opposition parties to mount an effective and fair competition. CCM supporters, however, blamed opposition parties for fielding unknown candidates during election periods instead of building grass-root support and for concentrating on urban instead of rural areas where the majority of voters reside.

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. At year's end there were 91 women in the 320-seat parliament. Women occupied 18 seats in the 81-seat Zanzibar House of Representatives and held four positions in the cabinet of the Zanzibar government. After taking office in December 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 such as the ministries of 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 ministers of Asian origin in the 320-seat National Assembly.

#### Government Corruption and Transparency

Despite improvements in the past decade, corruption remained a pervasive problem throughout the government. There was a strong public perception of corruption in the executive and legislative branches. In 2005 the Ministry of Finance estimated that 20 percent of the government's budget in each fiscal year was lost to corruption, including theft, fraud, and fake purchasing transactions. Corruption was especially pervasive during the election campaign in 2005.

There was little accountability in most government entities. According to the controller auditor general's annual report for 2004, the Ministry of Health could not account for more than half of its budget for that year.

In April findings published by Research on Poverty Alleviation indicated that 62 percent of respondents felt that the government was doing fairly well in handling corruption. Public perception of the extent of corruption among public officials, while remaining high, declined noticeably. For example, the percentage of police being perceived as involved in corrupt practices dropped from 80 percent to 72 percent and that of elected officials from 58 percent to 38 in the past two years.

Transparency International reported in its 2005 Corruption Perceptions Index that citizens perceived slightly less corruption than in 2004 but considered corruption to be a "severe" problem. The country's rating did not change from 2005. The Global Integrity Report issued during the year, based on the research of more than 200 journalists, rated the country "very weak" overall with poor performance in areas ranging from anticorruption to government accountability.

Under a presidential directive, authorities took steps to improve accountability in government during the year. For example, the Ministry of Lands and Human Settlement revoked longstanding rights of occupancy (the nearest thing to land ownership; all land in the country is owned by the state) which had not been developed for a long time, including that of one of its own junior ministers.

In August the president directed that a review of the financial rules and regulations of both central government and local authorities be conducted to facilitate the prosecution of officials who embezzled public funds. The president underscored the unacceptability of the common practice of charging those responsible for embezzlement of public funds with misdemeanor "misconduct," rather than with the criminal offense of embezzlement.

On April 25, the High Court outlawed the practice of takrima, the use of hospitality, gifts, and favors to constituents during election campaigns. The court issued its decision in connection with a lawsuit against the practice brought by the Legal and Human Rights Center, a local NGO. During a debate on the issue in 2005 and early in the year members of the political opposition, and legal experts said that the law authorizing takrima provided a significant "loophole for corruption," and favored the ruling CCM, which had the greatest access to government subsidies.

The government continued to use specialized agencies to fight corruption during the year but their effectiveness was limited. A Good Governance Coordination Unit 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 Prevention of Corruption Bureau (PCB) was responsible for investigating cases of corruption and referring them to the courts for prosecution. The PCB 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. During the year the PCB continued to refer cases of major corruption to the director of public prosecution (DPP); however, the prosecution of corruption cases remained slow and inefficient. By year's end approximately 5 percent of corruption cases reported to the PCB's regional offices during the five years ending in December 2004 had been heard by a court of law. In November President Kikwete appointed a new director general of the PCB, who indicated that the DPP continued to refer approximately two cases in 10 to the court for prosecution.

According to PCB most corruption related complaints involved mining, land matters, energy, and investment. The director general indicated toward the end of the year that the PCB 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. There were no cases of prosecution of high-level government officials during the year.

The case of a top administrator of Zanzibar's Joint Presidential Supervisory Commission accused of embezzling donor funding in 2004 remained pending at year's end.

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. An office of the Commission for Human Rights and Good Governance did exist in Zanzibar but did not have a permit from the Zanzibar government to investigate corruption cases. The British newspaper, the Guardian, reported on December 30 that the Zanzibar cabinet refused to endorse a bill that would have established an anticorruption body, instituted a code of ethics for Zanzibar leaders, required leaders to declare their wealth within one month of being appointed or elected to office, and outlawed takrima in Zanzibar during elections. The article quoted the deputy attorney general of Zanzibar saying that the ministers had found the bill poorly drafted.

The Commission for Human Rights and Good Governance, which already had an office in Zanzibar, was given the right to operate there during the year (see section 2.b).

Access to government information remains very limited. 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 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 (see section 2.a.). There was no mechanism for appealing denials, and many citizens continued to call for the amendment of these laws.

Parliament continued to use the Parliamentary Online Information System (POLIS) to increase access to government information. However, POLIS' 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. Government officials generally were cooperative and responsive to the views of NGOs; however, human rights organizations reported that authorities did not respond, or were slow to respond, to requests for information. The government of Zanzibar reportedly regarded NGOs as anti government by nature.

Although many parliamentarians harbored mistrust towards NGOs and believed they existed solely to make money, their attitude 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 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 pre-existing) registered with the NGO Coordination Unit under the act.

The Zanzibar government also supported some NGO activity, but was less tolerant of NGOs that criticized the government. Despite repeated applications for registration, the African Human Rights and Justice Protection Network had not been registered by year's end.

On the mainland, in April, the educational NGO Haki Elimu, which had been prohibited from publishing articles or studies on schools, resumed operations under new conditions set by the Ministry of Education and Vocational Training. Haki Elimu agreed that they would no longer visit schools or publish articles or studies on the country's education system. Haki Elimu continued its activities in such areas as advocacy, facilitation of investigative journalism, and community organizing.

There were no developments in the 2004 killing of an NGO worker in Ngara district by unidentified armed assailants, and there were no reports that the authorities were actively pursuing the case (see section 1.a.).

Relations between the government and the UNHCR, which maintained a sizable presence for the operation of the country's 13 refugee camps, were occasionally strained (see section 2.d.). One difficulty that arose during the year was the expulsion of more than 5,000 illegal immigrants from the western part of the country to Rwanda. Perceptions among some of the press and public were that the expelled

immigrants were refugees, causing concern on both sides of the border among relief agencies, including the UNHCR.

The Commission for Human Rights and Good Governance operated independently without government interference. It enjoyed government cooperation on the mainland and received the right to be active in Zanzibar. The commission employed more than 160 individuals and operated with a budget of approximately \$2.4 million (3.1 billion shillings), an increase from its 2005 budget of approximately \$2.1 million (2.7 billion shillings). However, it remained underfunded, understaffed, and overburdened by a caseload of unresolved complaints. The commission received additional complaints as a result of awareness campaigns conducted through the media. Through June 20, the commission received 14,487 complaints and made recommendations to the government regarding 8,627. The commission categorized 1.8 percent of the complaints as human rights violations and most of the rest as related to maladministration by the government. At year's end the commission was in the process of introducing a computerized case management system to improve the process.

In September the commission published a report on prison conditions and outlined recommendations for improvement by the government (see section 1.c.).

Although the 2001 legislation that created the commission authorized it to operate in both the mainland and Zanzibar, Zanzibar authorities prevented it from doing so until a parliamentary amendment was enacted in October (see section 3).

The Union parliamentary committee for constitutional, legal, and public administration is responsible for reporting and making recommendations regarding human rights. The majority of committee members were from the ruling CCM party, reflecting that party's more than two-thirds majority. Nevertheless the committee acted independently of government and political party influence and many observers viewed it as a critic of the government.

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 specifically 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

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. Police were often unwilling to pursue domestic abuse cases. For example, in December Agnes Mbuyamaju, a woman who endured severe beatings for more than five years from her husband, told reporters that the beatings endangered her life, but that police had not taken her complaints seriously.

Traditional customs that subordinate women remained strong in both urban and rural areas, and at times magistrates in rural areas upheld such practices. Abuse was not limited to spousal abuse. An April survey by the World Health Organization reported that approximately 25 percent of the women interviewed had been subjected to nonpartner physical violence since the age of 15, and one in 10 experienced sexual violence since the age of 15. About one in 10 reported sexual abuse before age 15.

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

In May Sooi Sadira, a 12 year girl from Saitsambu village in Ngorongoro District, was killed by her father after she refused an arranged marriage with a 30 year old man. Sadira stayed with her new husband for one night. After she was raped, she fled to her home where her father organized a team of youths to beat her with bundles of sticks. According to the Arusha regional police commander, Sooi's father, Sadira Ole Karenmbu, and another suspect, Basilio Matei, remained at large. In December two local NGOs organized a 300 person demonstration to condemn the killing.

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. Sexual and gender-based violence continued to be a problem in the refugee camps (see section 2.d.).

No information on the prevalence of rape was available, but only an estimated 5 percent of rape cases resulted in court proceedings. 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, which contributed to the removal of important evidence. During the year Zanzibar's main island, Ugunja, had only one hospital that conducted post-rape examinations. This hospital was private, and the law requires post-rape examinations to be conducted at government hospitals. In addition, since rape victims had to wait for as long as six days for examinations, much crucial evidence was lost. The only public hospital on Pemba Island continued its practice of conducting post-rape examinations only once a week. Rape and sexual abuse of girls and women with disabilities reportedly was prevalent during the year.

The law prohibits female genital mutilation (FGM), also known as female circumcision; however, it was fairly widespread. 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 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, while the prevalence of the procedure was declining, 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, fewer 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 of mutilation, was also practiced, mainly in the northern highlands and the central zone.

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. Many observers believed that the law mainly targets the parents or relatives of the victim; it was not widely perceived to target the practitioners, or ngaribas, hired to perform FGM.

There were no reports of prosecutions related to FGM during the year. There were no further developments in the two FGM-related arrests and prosecutions initiated in 2005. 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. In addition courts dismissed most cases under the pretense of lack of evidence, often despite strong evidence from the victims and even confessions from their parents, guardians, or the FGM practitioners.

The government continued to implement the 2001-15 national plan of action for the prevention and eradication of violence against women and children, a strategy which included the elimination of FGM by involving the practitioners, community leaders, men, and women. Anti-FGM groups urged parliamentarians and local government officials to take a greater role in enforcement, although parliamentarians have no enforcement capabilities.

During the year the government and NGOs continued to make some progress in reducing the practice of FGM. During the year the Anti-Female Genital Mutilation Network and a coalition of anti-FGM NGOs engaged in awareness-raising activities and conducted research on FGM. During the year anti-FGM groups continued to sensitize the ngaribas about the harmful effects of FGM and to train them for other occupations.

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, including child prostitution, remained common. Poor rural women and young girls immigrating to urban areas were most at risk. In 2005 there were reports that female refugees engaged in prostitution. There were no reports on this problem during the year.

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

The law provides for equality of women; however, inheritance and marriage laws do not consistently provide full equality, 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. Women generally were not discouraged from seeking employment outside the home. Discrimination against women was most acute in rural areas, where women were relegated to farming and raising children and had almost no opportunity for wage employment.

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, and 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 when they

separated from their partners or their partners died. Zawadiel Mchome, the Singida regional administrative secretary, stated in 2005 that robbing widows of property left by their husbands had become common in the region.

Under Zanzibar law, unmarried women under the age of 21 who become pregnant are subject to two years' imprisonment (see section 1.f.).

Several NGOs organized workshops and seminars, and some ran legal aid clinics, addressing a wide range of women's rights issues.

## Children

The government continued its commitment to children's rights and welfare during the year. The government made some constructive efforts to address children's welfare, including close cooperation with the UN Children's Fund (UNICEF) and other international and local organizations to improve the well-being of neglected children and of the country's estimated two million orphans.

The law provides for seven years of compulsory education, through the age of 15. 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 were left without 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. In many cases parents had to pay for books, uniforms, and school lunches, and some children were unable to attend school because poorly paid teachers demanded money to enroll them or because teachers were absent.

The ratio of boys to girls in primary and secondary school was nearly equal. The net primary school enrollment rate was 86 percent, 87 percent for boys and 85 percent for girls. In a few regions the rate of enrollment in school for girls generally declined with each additional year of schooling, largely because girls often had to care for younger siblings, do household work, and enter early marriages, often at the behest of parents. The practice of forcing pregnant girls out of school continued.

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 many 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. In September a school teacher, Noel Namkumba of Msingi Mtonya School, was arrested and indicted for caning two students and kicking, beating and knocking out the front teeth of a third. Use of caning continued to decline during the year following public outreach efforts by the government, particularly the Ministry of Education, and the press. However, the minister of education stated in May that stubborn students in primary and secondary schools would continue to be caned because caning was supported by law. The minister warned teachers not to cane students haphazardly or arbitrarily.

FGM was performed on girls (see section 5, Women).

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.

The law criminalizes child prostitution; however, sexual exploitation and trafficking in persons, including children, were problems. (see section 5, Trafficking).

In the regions of Iringa and Mbeya, there were reports that individuals practicing witchcraft killed children and school students, allegedly to remove and sell body parts and skin. In 2005 there were at least three convictions related to this practice.

Child labor was a problem (see section 6.d.).

Male and female infanticide continued to be a problem. In June the bodies of 22 infants were discovered at dumping sites in Arusha. Police conducted autopsy reports that revealed that the babies died of suffocation. The Arusha regional police commander said his office was committed to tracking down those responsible for infanticide. There were no reported prosecutions for this offense during the year.

The large number of orphans in the country continued to be a problem. In 2005 UNICEF estimated there were two million orphans, most of them orphaned by AIDS. An International Labor Organization (ILO) report released during the year estimated the number at 2.5 million. In the refugee camps, orphans were generally absorbed into other families, and 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, and there were reports that the country was 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. Victims were lured by the promise of an income, the opportunity to attend school and better living conditions, especially from rural to urban areas.

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. Many 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. Girls were reportedly trafficked to South Africa, Saudi Arabia, the United Kingdom, and possibly other European countries for forced domestic labor. 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 September 4, immigration officers deported five Indian women on arrival at the Dar es Salaam airport on suspicion that they were destined to work as dancers for some Mujira clubs. On Zanzibar some hotels sponsored girls for hotel work who then become bar maids or prostitutes; hotels were used by traffickers for prostitution activities.

Children in low-income families were at significant risk of being trafficked, and girls were more vulnerable than boys since girls were considered more of an economic burden on their families. Girls who completed primary school but did not enter secondary school were at particularly high risk. The country was also experiencing a boom 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. 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 had 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 who recruited children from rural villages organized their placement and transport to households.

The constitution and law prohibits trafficking in persons and makes it punishable by 10 to 20 years' imprisonment or a fine of between approximately \$78 (100,000 shillings) and \$235 (300,000 shillings). The ministries of public security and safety, justice and constitutional affairs, foreign affairs, and home affairs shared responsibility for combating trafficking.

There were no reports of prosecutions for trafficking during the year. According to the Ministry of Home Affairs, two cases of trafficking were reported in 2005. No further developments on these cases were available at year's end.

The government's antitrafficking enforcement efforts progressed during the year. More officials recognized the terms "trafficking in persons" and "human trafficking," and acknowledged that trafficking in persons was a problem. Authorities participated in research conducted by Research International and sponsored by the International Organization for Migration (IOM). It was designed to help determine the extent and magnitude of the trafficking problem. A few key officials in the Ministry of Foreign Affairs and the Ministry of Public Safety and Security continued active efforts to increase public awareness of the problem, encourage more effective legislation, and track prosecutions. Several officials gave interviews on the subject to the media.

The Ministry of Foreign Affairs coordinated an inter-ministerial committee on trafficking, which met three times during the year. The Ministry of Public Safety and Security established an anti human trafficking section within the criminal investigations division during the year. 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.

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

During the year the government continued to try to protect trafficking victims, but resources devoted to the effort were limited. Local police and officials from the Social Welfare Department identified and informally referred child trafficking victims to NGOs that worked with street children and child prostitutes, provided small donations of food and other goods to these NGOs, and identified land available for building new shelters. During the year the government and NGOs conducted media campaigns to inform the public about the dangers of trafficking, and the government continued its nationwide awareness campaign on the worst forms of child labor, such as prostitution and forced domestic labor.

The government worked well with NGOs and complemented the work of the IOM. The IOM conducted psycho-social training on trafficking in June and held a two-day seminar for journalists in August on the role of media in preventing trafficking in persons. The IOM developed and distributed materials for a public campaign to raise awareness of trafficking throughout the country. During the year the Ministry of Labor conducted several seminars in different parts of the country on child labor.

#### Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities, but there is no specific law to implement this provision. Although there was no official discrimination against persons with disabilities, 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 architectural 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. Funds for retrofitting existing structures were not provided. 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 of persons with disabilities in society. Resources were allocated during the year for a review of existing laws and procedures in this area (see section 1.e.).

According to the NGO Disabled Aids and General Engineering (DAGE), most private commuter buses would not stop for persons with physical disabilities. DAGE called on the government to look into ways of helping the disabled community move about safely and conveniently in urban centers.

During the year the Ministry of Education continued to support the special fund created in 2005 to increase access to education, particularly by persons with disabilities and other disadvantaged members of the community.

There were reports that students with disabilities dropped out of school that lacked inadequate facilities. For example, the families of blind students were not able to provide them with expensive brail paper and tape recorders.

In September 2005 the Ministry of Education barred a local NGO, Haki Elimu, from undertaking or publishing any studies regarding government schools; in one of several television advertisements critical of the government, the NGO highlighted the fact that government schools had no proper facilities for visually impaired students and students without limbs (see section 4). The government lifted the ban early in the year, but the NGO had to agree not to report on educational matters in the future.

In 2005 the ruling party CCM amended its election manifesto to allocate an extra seat in parliament for persons with disabilities, bringing to two the number of seats allocated to persons with disabilities. CCM decided that one such seat should be filled from Zanzibar and one from the mainland.

The law provides that a voter with a disability such as blindness may ask a person of his own choice--other than the poll workers--to assist in casting his vote.

There were incidences of rape and sexual abuse of girls and women with disabilities.

Cultural practices and beliefs in some areas contributed to feelings of discrimination among persons with disabilities. For example, the NGO TRACED revealed that a family in Mafinga District in Iringa Region has been hiding a girl with severe disabilities for 15 years.

#### National/Racial/Ethnic Minorities

There were no laws or official policies that discriminated against Asians or any other race; however, many African citizens viewed unfavorably the approximately 1.5 million Asians in the country, who continued to experience some societal discrimination. Citizens of Asian origin occupied key positions in government and were elected to parliament. High-ranking government officials continued to publicly emphasize on many occasions that they would not tolerate racist sentiments or bias of any kind. However, public concern regarding the Asian minority's prominent economic role persisted. In 2005, prior to the national elections, three small opposition parties emphasized that, if elected, they would "take back" control of the national wealth and resources from foreign investors and the Asian population, and would redistribute it to persons of African and Arab descent who the parties considered to be true Tanzanians. However these parties did not win any seats, and authorities have not pursued discriminatory policies.

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 injuries.

#### 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 efforts to restrict their access to pastoral lands that were turned into large government wheat farms. The authorities provided compensation to indigenous people who were relocated, but problems persisted.

#### 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. In September Uamsho blocked a local restaurant's planned

celebration of Freddie Mercury's birthday because the Zanzibar-born rock star was gay. 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. A network of lawyers, policy-makers, and doctors continued lobbying efforts and other activities to deal with legal, ethical, and human rights problem associated with HIV and 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. Senior management employees may not belong to trade unions that also represent non-senior management employees.

By year's end labor legislation passed in 2004 was partly operational with the Labor, Economic, and Social Council established by that legislation in place. Efforts to launch the Commission for Mediation and Arbitration and the labor court were nearly complete at year's end; however, implementing regulations and institutions were still in progress.

The 2004 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 and failure to register is a criminal offense subject to sanctions imposed by the lower courts.

The 2004 laws are intended to strengthen the power of the registrar of organizations (appointed by the minister of labor) to regulate trade unions, employer organizations, and federations. It gives any authorized representative of a registered trade union access to employer's premises to recruit members, subject to any conditions that are reasonable and necessary to safeguard life or property or to prevent undue disruption of work. An employer is obliged to deduct union dues if the employee authorizes him to do so. If the employer fails to remit the dues within seven days of deducting them, he is liable to pay an additional 5 percent per day. A union field branch may be established at a work place with 10 or more trade union members, and an employer is obliged to grant reasonable leave for trade union representatives to attend training and for the reasonable activities and duties of trade union officers.

The Union and Zanzibar governments do not share the same labor laws, and they enforced them 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.

The sole labor federation, the Trade Union Congress of Tanzania (TUCTA), had 317,000 members in 2005—less than 2 percent of the total workforce of 18 million. Approximately 27 percent of the workforce that is engaged in paid, "formal sector" employment was unionized. 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; however, the 1996 Warioba Commission, which was established to study corruption in the country, found that bribes often determined whether a worker dismissed from his job was actually reinstated.

Most labor unions reported that private sector employers, particularly those attracted to the country by privatization and economic reforms, practiced antiunion discrimination. Although the 2004 law prohibited 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.

The labor law in Zanzibar does not protect trade union members from antiunion discrimination, and there were several reports of such discrimination during the year.

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

The law provides for collective bargaining, and workers and employers practiced it freely during the year; however, the law does not apply to the public sector. The government set wages administratively for employees of the government and state-owned organizations, who constituted less than 5 percent of the work force.

In Zanzibar the law prohibits strikes. On the mainland workers have the legal right to strike after complying with certain legal requirements

and cumbersome procedures.

On the mainland earlier legislation remained in effect pending the implementation of the 2004 Act. Under that legislation, a union that was not satisfied with a decision of the Industrial Court could conduct a legal strike if, in a vote taken in the presence of a government labor officer, a minimum of two-thirds of its members voted in favor of striking. Some labor rights observers said this requirement served as an intimidating factor to union members in the public sector. The mediation and conciliation procedures of the earlier legislation could prolong a dispute for months without resolving it.

On the mainland there were no laws prohibiting retribution against legal strikers, but retribution was not a problem.

Despite the rights conveyed in the 2004 legislation, some labor rights observers, such as the Legal and Human Rights Centre, raised concerns that language in 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 be deemed to be subject to this limitation either temporarily or permanently after a process involving investigation, notice, presentation, public hearing, and publication.

There are two export processing zones (EPZs) in Zanzibar and three on the mainland. Labor law protections applied to EPZ workers. EPZ working conditions on the mainland were comparable to those in other areas; however, in Zanzibar there were unconfirmed reports of labor abuses.

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

The law prohibits forced or compulsory labor, and the Employment and Labor Relations Act of 2004 specifically prohibits forced labor by children and closed loopholes in the constitutional ban on such labor. However, there continued to be reports that forced and compulsory labor by children occurred (see sections 5 and 6.d.).

According to a 2004 survey of the Geita Gold Mine, 85 percent of workers interviewed reported they were forced to work overtime under the perceived threat of termination.

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 to provide 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. Data from 2000-01 (the latest available) indicated that 35.4 percent of children ages five to 14 were working. Legislation enacted in 2004 outlaws the exploitation of children in the workplace and prohibits forced or compulsory labor; however, at year's end, implementing regulations and institutions such as a Commission for Mediation were not in place, resulting in weak enforcement of child labor provisions. In 2005 the government hired additional inspectors to improve enforcement once the law is fully operational. Nevertheless, child labor remained a problem.

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 who are 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 \$3,921 (5 million shillings), imprisonment for one year, or both. No penalties were imposed during the year.

In 2005 the 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 (CHODAWU) and the ILO, the majority of domestic child laborers were girls, mostly between the ages of 13 and 15. Most of them worked between 12 and 14 hours each day, seven days a week, without rest or extra compensation for the long hours worked; at times they worked under abusive conditions.

The ILO estimated that 3,000 to 5,000 children were engaged in seasonal employment on commercial farms, at times under hazardous conditions. In mining regions between 1,500 and 3,000 children worked in unregulated gemstone mines as "snake boys", who worked with explosives and crawled through narrow tunnels to help position mining equipment. Children were also found working in such occupations as fisherman, barmaids, street vendors, car washers, and garbage scavengers. They also worked in semi-skilled crafts such as carpentry and auto repair. Girls as young as seven years old, and increasingly boys, were involved in prostitution within the country and were at times trafficked (see section 5). 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. In 2005 an additional 40 officers and inspectors were recruited and trained, increasing the national labor inspection force to 145.

District or community level child labor coordinating committees and subcommittees identified and monitored cases of child labor, but they did so 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. The government continued to implement, in collaboration with the ILO, a "Timebound" program to eliminate the worst forms of child labor. The program sought to eliminate child labor in commercial agriculture, mining, domestic work, and prostitution in 11 districts by 2010. With the support of the ILO, the government under the Timebound program tracked the number of children prevented from entering, and the number withdrawn from the worst forms of child labor in eleven districts. From January 2002 through June 2006, over 20,000 children were prevented from entering, or were withdrawn from, the worst forms of child labor in mining (2,081 prevented/1,466 withdrawn) domestic labor (3,292/2,701), commercial agriculture (2,813/1,408) and commercial sex (2,992/4,045). The numbers for the mining and commercial sex sectors exceeded the targets established for those arenas.

For example, the Kiota Women's Health and Development Organization (KIWOHEDE), an NGO working as an implementing agency under Phase I of the Timebound Program undertook withdrawal and prevention activities, targeting children in commercial sexual exploitation. From January through May, KIWOHEDE prevented 314 and withdrew 1,289 children, positively affecting a total of 1,603 children.

Under the Timebound program, several local NGOs, including KIWOHEDE, continued to identify and withdraw children from exploitative child labor. KIWOHEDE worked to rehabilitate exploited girls who work as prostitutes or domestic servants. Another organization, CHODAWU, established village-level inspections to identify cases of exploitative labor. CHODAWU also coordinates with grassroots child labor committees to withdraw children from exploitative situations.

#### e. Acceptable Conditions of Work

The legal minimum wage for employment in the formal sector was approximately \$38 (48,000 shillings) per month. 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. Most workers, particularly in the growing informal sector, were paid much less than the minimum wage. For example, domestic workers reportedly earned approximately \$5.49 (7,000 shillings) per month.

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, and Sports Development 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. Through the union, a worker may file a labor complaint before a labor officer, who convenes a hearing where the employer and employee state their cases. The employee or employer may appeal that decision to the minister of labor. Some labor officers accepted bribes from employers not to accept or certify these complaints. There were no reports that workers who lodged and won such complaints faced retribution; however, workers did not have the right to remove themselves from dangerous situations without jeopardizing their employment if they lodged a complaint and lost.