



2008 Human Rights Report: Tanzania

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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The United Republic of Tanzania, with a population of approximately 40 million, is a multiparty republic consisting of the mainland and the Zanzibar archipelago, whose main islands are Unguja and Pemba. The union is headed by a president, who is also head of government; its unicameral legislative body is the National Assembly (parliament). Zanzibar, although integrated into the country's governmental and party structure, has its own president, court system, and legislature, and exercises considerable autonomy. In the 2005 union presidential and legislative elections, Jakaya Kikwete was elected president, and the ruling Chama Cha Mapinduzi (CCM) Party made significant gains in parliament. Observers considered the union elections on both the mainland and in Zanzibar to be largely free and fair. The 2005 elections for president of Zanzibar were more contentious, however, with serious irregularities and politically motivated violence. While civilian authorities generally maintained effective control of the security forces, there were 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 and suspects, at times resulting in death, and police impunity was a problem; prison conditions were harsh and life threatening; there was widespread police corruption and violation of legal procedures; the judiciary suffered from corruption and inefficiency in the lower courts; freedom of speech and press were partly limited; governmental corruption remained a problem; 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. Senior police officials accused subordinate officers of unlawful killings. For example, in January villagers in the Isaka village of Kahama district reported that local policemen beat 16-year-old James Deus to death while in custody for allegedly being part of an armed robbery attack on a petrol station in Shinyanga region. No information was available on how the authorities responded to the killing.

At year's end 15 police officers allegedly involved in shooting and killing three gemstone dealers and a taxi driver near Dar es Salaam in 2006 were on trial for murder. A special commission headed by a high court judge investigated the incident and concluded that the victims were not robbers, as the police claimed, nor had they been resisting arrest.

Deaths as a result of mob violence, including by stoning, beating, hacking with machetes, and burning, declined

following a government outreach campaign and non-governmental organization (NGO) efforts to discourage such violence. However, there were at least five reports of lynchings and one man beaten to death for petty crime. In February Mtwara Regional Commissioner Anatoly Tarimo expressed concern that 11 persons had died as a result of mob justice during the previous 13 months. The July 22 Uhuru newspaper reported that in Chamwino district, Dodoma region, a mob had beaten Lukas John to death after he stabbed his father-in-law during a family dispute.

In September Clarence Kipobota of the Legal and Human Rights Centre told the press that his office recorded 17 incidents of mob violence, 30 incidents of "witch" killings, and 13 incidents of torture while in police custody from January to June.

The widespread belief in witchcraft and fear of witches led to the continued killing of alleged witches by persons claiming to be the victims of witchcraft, relatives of victims, or mobs. Responding to the June 7 mob killing of an elderly couple on suspicion that they were witches, Prime Minister Mizengo Pinda condemned the killing of the elderly on such suspicions and urged everyone to take their concerns to a court of law instead of using mob justice.

It was difficult to prosecute persons accused of killing suspected witches, due to the lack of police resources and an unwillingness of witnesses to come forward, but the government did prosecute several such cases. In September four persons were arrested for killing Nyabusa Nyanda, aged 60, in Sengerema district, Mwanza region, after accusing her of being a witch. The case remained ongoing at year's end.

Although there were unofficial reports of hundreds of persons with albinism killed across the country during the year, approximately 26--mostly women and children--were confirmed killed, and numerous others were mutilated, in the misguided belief that their body parts could be used to create wealth. In October persons with albinism held a rally where many said that if the government could not ensure their safety they would be forced to seek refuge in neighboring countries. Earlier in the year, the Tanzania Albino Society expressed concern to the government that no arrests had been made, and questioned whether the government was ignoring this crime. Subsequently, President Kikwete announced that the police arrested 47 persons nationwide for crimes connected to deaths of persons with albinism. Also during the year, President Kikwete ordered a crackdown on witch doctors involved in activities such as using body parts from persons with albinism to create potions; and in April he announced the appointment of a person with albinism--Al-Shaymaa Kwegyr--to parliament, to oversee the government's efforts to defend the rights of persons with albinism. At year's end there were approximately 270,000 such persons living in the country.

There were other incidents of mob violence during the year. Examples included: three persons suspected of stealing cattle and maize who were stoned to death and burned beyond recognition in Rukwa region; two suspected thieves killed in a forest between Malangali and Kasense; three persons tortured and burned by an angry mob for illegal fishing; and an angry mob killed a man for stealing two chickens.

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 the practice of torture and cruel punishment; however, police officers abused, threatened, and otherwise mistreated civilians, suspected criminals, and prisoners during the year. Beatings were the method most commonly used. In April more than 150 villagers in the Ormelili, Embukoi, and Orkolili villages in the Siha district of Kilimanjaro region, protested routine harassment by local police officers. Villagers complained that the police forced them to vacate their houses and beat them for occupying land that belonged to a police college. It was also reported in April that police shot and injured three gemstone miners accused of working land

belonging to a multinational mining company.

In June Godbless Kiwelu of Dar es Salaam accused police of using excessive force during his arrest after a fight with a colleague. He claimed the police beat him and broke both his legs. At year's end the preliminary investigation report had been completed and forwarded to the Director of Public Prosecution for further action.

Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders. For example, in August the Shinyanga district court sentenced an 18-year-old boy to five strokes of the cane for rape. Nevertheless, the practice of caning by teachers continued to decline in schools during the year, following public outreach efforts by the Ministry of Education, NGOs, and the press. There was some public support for caning.

There were fewer reports during the year that soldiers beat civilians; classes on respecting human rights and antitrafficking activities had been added to the soldiers' basic curriculum. However, in February soldiers from the Tanzania People's Defense forces (TPDF) assaulted and detained five workers of the Dar es Salaam Water and Sewerage Corporation (DAWASCO) who had disconnected their camp water supply due to nonpayment of bills. The DAWASCO employees also accused the soldiers of stealing their cellular telephones. A newspaper reporter who was taking pictures of the incident later complained that the soldiers confiscated his camera. Following the incident, Deputy Minister of Home Affairs Hamis Kagasheki said the conduct of the soldiers was a violation of human rights and he would hold them accountable. There was no report on the final outcome of the case.

During the year there were reports that prison officers sexually abused individuals in detention. In August prison officer Hija Mchwao was arrested in Zanzibar for the rape of a minor. At year's end no trial date had been set.

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening. Diseases were common and resulted in numerous deaths in prisons. According to NGO reports, the leading causes of death were malaria, tuberculosis, HIV/AIDS, cholera, and diseases related to poor sanitation. Prison dispensaries offered only limited treatment, and friends and family members of prisoners generally had to provide medications or the funds to purchase them. In February 2007, in order to prevent the spread of HIV/AIDS in prisons, the government established 12 voluntary counseling and testing centers to provide services to penal institutions.

In addition to infectious diseases, the government acknowledged severe problems of overcrowding, lengthy pretrial detention of prisoners, and holding juveniles together with adult prisoners. To ease overcrowding and to speed up the judicial process, prison officials provided transport for rural prisoners to attend courts in Dar es Salaam. Also, in August 395 acres of land in the Arusha region were allocated for the construction of a new prison. Previously, parliament had allocated funds for the construction of a prison.

In April prisoners in the Bariadi prison of Shinyanga region complained to the Commission for Human Rights and Good Governance (CHRAGG), an independent government-appointed body, that prison officials were denying them basic rights and services. They complained of substandard food, lack of medication, and having only a bucket as a toilet. Prisoners said that when they demanded better conditions, they were threatened with beatings and solitary confinement. The CHRAGG later reported that toilet facilities were constructed in some prisons.

In October in Zanzibar, the chairman of the CHRAGG presented the results of their investigative report on prison conditions in Zanzibar and Pemba to prison officials. The report declared that there was gross overcrowding in the prisons and that children younger than 15 were sharing cells with adult offenders.

In early October seven prisoners in Keko prison, Dar es Salaam, went on a hunger strike to protest their lengthy pretrial detention. They ended their strike on October 9 after Judge Semistocles Kaijage and high court officials visited the jail and promised the prisoners that their cases would be heard the following month. There were no further reports as to whether their cases were heard in November, nor reports of further hunger strikes.

The country's prisons held 45,000 convicted prisoners and pretrial detainees, whereas the maximum capacity of the prisons was 27,653. The average wait for a trial to begin was estimated at not less than three years, with an additional two years for completion of the trial. An earlier government push to ensure that gasoline was available for vehicles to take prisoners to court and that funds were provided for night court operations, reduced the time from arrest to trial outcome from approximately seven years.

During the year, in an effort to improve prison conditions, the government established a Department of Public Complaints with the responsibility to visit detainees, prisoners, pregnant prisoners, and children of prisoners.

Guards sometimes beat and sexually abused prisoners during the year. In July Zanzibar police officials fired officer Pandu Ndambe for the rape of a 13-year-old school girl at the police station. No information was available concerning the disposition of two cases from the previous year; one involved the rape of a 15-year-old female prisoner, and the other was the investigation of the rape of a schoolgirl inside a police station.

At year's end there was no further information about the August 2007 case of prison officials who allegedly severely beat and robbed eight youths in detention after a prison official accused some of them of stealing from him.

The law requires prisoners to be separated based on age and gender, and whether a person is awaiting trial or has been convicted of a crime. However, there was only one facility for juveniles, which was used primarily for housing boys. Girls were almost universally given probation. Male juveniles awaiting trial were held in one of five remand homes.

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

Local NGOs, international organizations, and diplomatic observers were permitted to monitor prison conditions during the year. The International Committee of the Red Cross visited prisoners at the International Criminal Tribunal for Rwanda in Arusha, and visited refugees in various prisons across the country to monitor whether their fundamental rights were observed. The Office of the UN High Commissioner for Refugees (UNHCR) visited prisons holding refugees to learn their immigration status and to provide help to those who believed they had been wrongly arrested and sentenced for illegal immigration. International and domestic NGOs also visited prisons and offered legal and humanitarian assistance.

During the year the CHRAGG visited a substantial number of prisons to inspect conditions, including food and water, toilet facilities, and congestion in sleeping quarters. The commission also inspected the living conditions of wardens and the food storage systems. Prisoners complained to the commission about the length of pretrial detention, the lack of copies of rulings or judgments needed so they could appeal their cases, their close proximity to prisoners with contagious diseases such as tuberculosis, the lack of blankets, and intrusive physical inspection when they entered and left the prisons. By law the commission must report to the government and make regular follow up visits to make sure action has been taken. The Prisons Department then grades the prisons and the report and the grades are available for public review. Based on these reports, prisons have been provided with additional blankets and one prison was required to install toilets instead of the buckets prisoners had been using.

d. Arbitrary Arrest or Detention

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

For example, on May 11, police raided the homes of seven citizens in Pemba who had sent a petition to the United Nations asking for recognition of the rights of Pembans to self-determination. They were detained for six days for "acting against the Constitution" and were then released on bail as the investigation into the matter continued. According to representatives from the opposition party Civic United Front, at year's end the investigation was ongoing and the seven elderly citizens were still required to report periodically to the police station.

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. A special division called the Field Force Unit deals with unlawful demonstrations and riots. Sungusungu citizens' patrols--traditional neighborhood and village anticrime groups--also worked with local government leaders to support the police force in refugee camps and other areas. A division of the Ministry of Defense is responsible for external security with some limited domestic security responsibilities.

The police force remained under funded and largely inefficient.

Police use of excessive force, police corruption, and impunity were serious problems. During the year the commissioner for administration and finance of police forces, Clodwig Mtweve, stated that the police department was fighting internal corruption with seminars throughout the country and prompt action against police officers implicated in wrongdoing. Mtweve said this program resulted in a reduction of complaints against the police, but his claim could not be objectively verified.

Police frequently acted as prosecutors before the courts. Many judicial experts criticized this arrangement as allowing police to manipulate evidence in criminal cases. According to NGO reports, there were instances where evidence was reported lost, and suspects sometimes avoided prosecution by bribing police officers.

During the year there continued to be newspaper articles, civil complaints, and reports of police corruption from the newly established office for the Prevention of Corruption and Crimes Bureau (PCCB). In June the newspaper Habari Leo published a government survey on poverty and development in the country which found that the public in 10 out of the 21 mainland regions considered the police force as the most corrupt institution, followed by the courts and then the judicial system. The September 2 Daily News, a government daily, reported that two policemen were arrested in Singida region for taking bribes. During the year the trial began of two policemen arrested in 2006 after drugs were stolen from police custody at the Ministry of Home Affairs' Antinarcotics Unit in Dar es Salaam.

During the year the police held training seminars on surveillance and detection, human rights, antitrafficking in persons, expediting investigations, finalizing criminal cases, and how to deal with opposition political party members. On July 14, inspector general of police Saidi Mwema inaugurated a six-day seminar to sensitize police officers on sexual crimes against women and children. Police sometimes collaborated with international experts for training.

The law grants legal status to the Sungusungu village anticrime groups. Sungusungu members are appointed from communities by local governments with citizen participation. They have the authority to arrest suspects; they carry wooden clubs but no firearms. Family units of a neighborhood in which Sungusungu operated customarily either contributed money to the Sungusungu for patrols, or provided a volunteer to participate in patrols. In refugee camps, Sungusungu groups composed of refugees acted as security forces supplementing contingents of regular police. Some Sungusungu units were criticized for using excessive force, including severely beating suspects resulting in death. In March residents of Chababala, Nyabishenge, and Kaisho villages in Kagera region asked their

district officials to take action against the Sungusungu for routinely inciting villagers to take mob action.

Arrest and Detention

The law requires that persons be apprehended openly with warrants based on sufficient evidence, and authorities generally complied with the law. The law also requires that a person arrested for a crime, other than a national security detainee, be charged before a magistrate within 24 hours of arrest; however, in practice the police often failed to comply with this requirement. The law gives accused persons the right to contact a lawyer or talk with family members, but authorities at times denied this right. Prompt access to counsel was often limited by the lack of lawyers in rural areas, the lack of communication systems and infrastructure, and the illiteracy and poverty of the accused. Authorities promptly informed detainees of the charges against them. The government provided legal representation for indigent defendants and for all suspects charged with murder or treason. The law does not allow bail for the offenses of murder and treason. According to a high court judgment in July 2007, denial of bail for the offense of armed robbery is unconstitutional. This ruling gave the government 18 months to make the necessary legislative changes; however, at year's end there were no legislative changes reported. When bail is granted in some cases, strict conditions on freedom of movement and association are imposed. In the primary and district courts, bribes sometimes determined whether or not bail was granted.

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

During the year the courts of law continued to adjudicate election petitions by aggrieved parties in connection with the 2005 elections. By year's end all but one of the 36 such cases had been decided: 30 in favor of the plaintiffs and one in favor of the defendant. Five cases were dismissed for failing to meet legal requirements.

In 2007 approximately 44 percent of the prison population were pretrial detainees. 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 many trials. Pretrial detention at times exceeded the legal penalty for the offense charged. Observers estimated that 5 percent of detainees held in remand were ultimately convicted, and often those convicted had already served their full sentences before their trials were concluded. A government official estimated that it took up to five years for homicide cases to reach the high court. According to a March 2007 article in the Guardian newspaper, some suspects had spent as many as 15 years in prison without having their cases heard before a court.

In October more than 57 pretrial prisoners refused to get off a bus at the Arusha regional court because the investigations of their cases were taking too long. The prisoners accused the regional crimes officer of delaying the investigations. The prisoners also claimed that fellow prisoners were released within six months of arrest if they bribed the relevant officials. These prisoners, having been charged with murder, were not eligible for bail.

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.

Court clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. According to news reports, magistrates of lower courts occasionally accepted bribes to determine guilt or innocence, pass sentences, or decide appeals of cases coming from the primary courts to district courts. A December 2007 edition of Nipashe reported that the PCCB arrested a magistrate of the Temeke district court, charged with demanding a bribe of 4 million shillings (approximately \$3,600). The same newspaper reported the arrest of another magistrate of the Kisutu resident magistrate's court for demanding a 60,000 shillings (\$50) bribe. At year's end both cases were still awaiting a hearing date.

The union Ministry of Justice faced a critical shortage of court buildings. In April 2007 a senior high court official in Dar es Salaam reportedly told law sector reform officials that eight regions of the country did not have high courts. To a limited extent this problem was addressed by having roving judges and prosecution and defense lawyers, but the cost of traveling to the nearest court was often prohibitive. During the year the Zanzibar Ministry of Justice also faced a shortage of magistrates and judges; Zanzibar hired additional judges and magistrates from the mainland and from Nigeria to speed up the trial process.

Both the union and Zanzibar legal systems are based on British common law and also recognize 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, appoints all judges except those for the Court of Appeal and the high courts, who are appointed by the president. All courts, including Islamic courts in Zanzibar, are 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 almost entirely Muslim, there is a system of Islamic kadhi courts with its own hierarchy, topped by a kadhi 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. The issue of establishing a kadhi court on the mainland, which has divided Muslim and Christian leaders, remained contentious.

There was one juvenile court; however, it was overburdened and handled cases only for young offenders in Dar es Salaam. Juvenile offenders in other regions were tried in adult courts in most cases, or waited months for cross-country transportation to the juvenile court.

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

Trial Procedures

With some exceptions, criminal trials were open to the public and the press. Courts that hold secret proceedings--such as in drug trafficking cases--generally are required to provide reasons for closing proceedings. In cases involving terrorism suspects, the law provides that everyone except the interested parties may be excluded and that information may be under special arrangements for the protection of witnesses. The law prohibits lawyers from appearing or defending clients in primary level courts.

Juries are not used. The law provides for the presumption of innocence. Defendants or their lawyers have access to evidence held by the government, the right to question witnesses, and the right to present evidence on the defendant's behalf. All defendants charged with civil or criminal matters--except parties appearing before kadhi

courts and cases examining the constitutionality of Zanzibar laws--could appeal decisions to the high courts and the Court of Appeal. The law provides a right to free counsel for defendants accused of murder and treason as well as for indigent defendants in other serious cases. Most indigent defendants charged with lesser crimes did not have legal counsel.

There were only a few hundred practicing lawyers in the country, although the number continued to increase. Most defendants in urban areas who could not afford to hire a legal representative or lawyer represented themselves in court, but women and the economically needy were provided with free legal assistance by the government and some NGOs, such as the Tanzania Women Lawyers Association (TAWLA) and the National Organization for Legal Assistance.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

The law generally prohibits such actions without a search warrant; however, the government did not consistently respect these prohibitions. 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 or if circumstances are serious and urgent. During the year security forces increasingly sought search warrants in accordance with the law, and citizens had a greater awareness of their civil liberties and complained when they were violated.

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

It was widely believed that security forces monitored telephones and correspondence of some citizens and foreign residents.

On April 24, the Court of Appeal heard the appeal of a High Court decision against 135 villagers who claimed that in 2001 they had been illegally evicted from their land by government officials in the Nyamuma villages of Serengeti district in Mara region. CHRAGG had ruled in the villagers' favor, while the government ruled it would not compensate or resettle the villagers because CHRAGG had no authority to compel the state to do so. On appeal, The High Court agreed with the state's decision. However, during the year the NGO Legal and Human Rights Center took on the case and the Court of Appeal ruled that the case had enough merit to be heard again by the High Court, with a new judge who would not be influenced by the previous decision. The claimants were asking for compensation of 900 million Tanzanian shillings (Tshs.--approximately \$750,000) and resettlement to the parts of Nyamuma that were not taken over by the government. At year's end the parties to the suit were awaiting a hearing date.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

The use of abusive or derogatory language to publicly describe the country's leadership is punishable by arrest and prosecution under the penal code. This provision was applied in October 2007 when the chairman of the opposition Democratic Party, Reverend Christopher Mtikila, was arrested for the offence of "instigating disorder and creating hatred among sections of the society"; he had distributed leaflets accusing President Kikwete of being a terrorist who wanted to establish a mainland kadhi court system. At year's end trial had not begun.

The president publicly expressed support for press freedom, and journalists were generally able to publish articles, for example alleging corruption by government officials, without reprisal. The Media Council, a professional organization for journalists, met with parliament in August to express concern over proposed amendments to the Media Services Bill and the Right to Information Bill. The Media Council was concerned by ambiguities in the law and asked that no steps be taken in future legislation that might restrict freedom of the press.

During the year the weekly Swahili newspaper MwanaHalisi was involved in several conflicts with government authorities. In January unidentified persons attacked MwanaHalisi's managing editor, Saeed Kubenea, and his media consultant, Ndimara Tegambwage, pouring acid on their faces and cutting them with machetes. Government officials launched an investigation into the crime, but the attackers were not identified. Many speculated that they were ruling party loyalists sympathetic to the government officials criticized by MwanaHalisi. President Kikwete publicly condemned the attack and made a nationally televised visit to the hospitalized victims to demonstrate his concern.

On July 18, police raided MwanaHalisi's office and took computers because of a published article on a corruption case which was under judicial investigation, thus in violation of the PCCB statute against such actions. The editor was detained; he was released after several hours and the computers were returned.

In October the government suspended MwanaHalisi for three months, alleging the paper had "consistently published seditious material." The suspension followed MwanaHalisi's publication of an article on an alleged plot involving President Kikwete's son to prevent the president's reelection in 2010. The Editor's Forum, representing all the major media houses, asked the president to reverse the decision, and to appoint a new minister of information. The suspension remained in effect at year's end.

On February 18, Maxence Mello and Mike Mushi, editors of Jambo Forums, a popular public discussion Web site, were detained for 24 hours and their site closed for five days for "disseminating wrong information" concerning a scandal-ridden private energy deal involving the then-prime minister.

The mainland government allowed political opponents unrestricted access to the media. Publications such as the opposition party CHADEMA's Tanzania Daima, were published daily.

Although the media were primarily government-controlled in Zanzibar, political opposition spokespersons had access to the media. A permit was required for reporting on police or prisons activities, and journalists needed special permission to attend meetings in the Zanzibar house of representatives. Anyone publishing information accusing a Zanzibar member of parliament of involvement in illegal activities was liable to a fine of not less than 250,000 thousand Tanzania Shillings (approximately \$280), or three years' imprisonment, or both. Nothing in the law specifies whether this penalty stands if the allegations were proven to be true. Also, under the Newspaper Act, the government was empowered to fine and suspend newspapers without warning.

The Committee to Protect Journalists (CPJ) published an article in February, also cited by the UNHCR journal RefWatch, expressing concern over the arbitrary arrest of journalists "in an attempt to silence public dialogue." Officially, journalists were arrested for violating the country's criminal statute against reporting slanderously on political leaders. Similar arrests and detentions were reported by individuals asking sensitive questions of politicians at political events. The charges were not always clearly stated, and the actions of the police officers, such as searching homes and seizing equipment, were not always authorized under the law.

Registering newspapers remained difficult and was at the discretion of the Registrar of Newspapers at the Ministry of Information on both the mainland and Zanzibar. On the mainland, many radio stations and all but one television station were privately owned. There were government restrictions on broadcasting in tribal languages.

In Zanzibar, one of the two newspapers was privately owned and the other was government owned. The government controlled all content of radio and television broadcasts, whether privately or publicly owned.

Internet Freedom

There were no government restrictions on access to the Internet. During the year the police started monitoring the Internet to prevent trafficking in persons and other illegal activities. Web sites and blogs critical of the government faced the same scrutiny and possibility of arrest as print journalists. However, in general, individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The number of Internet cafes and providers increased during the year; however, since only 10 percent of citizens had access to electricity, Internet access was severely limited.

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 this right in practice.

The government requires organizers of rallies to obtain police permission. Police may deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party. In October, during a by-election in Tarime, Mara region, the CHADEMA opposition party candidate and other party leaders were arrested for addressing a campaign rally without a police permit. CHADEMA officials accused police authorities of using tear gas to disperse CHADEMA supporters, beating their officials, and severely injuring three of them.

Freedom of Association

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

c. Freedom of Religion

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

Religious organizations must register with the Ministry of Home Affairs. To register, a religious organization must

have at least 10 followers and 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 Islamic matters on the mainland, and from the office of the mufti in Zanzibar.

There were no reports that the government refused to register any group during the year.

The law prohibits preaching, or distributing materials, that are inflammatory or a threat to the public order. For example, the office of the chief mufti of Zanzibar banned four Islamic preachers from the mainland for preaching sermons that might lead to a breach of the peace after they were accused of slandering other faiths. In 2007 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. In December 2007 and March 2008, the deputy mufti of Zanzibar revoked the permit of the Daawa Islamic Youth Group, which had been allowed to preach throughout the country, for making defamatory statements regarding Christianity.

In October a trial magistrate dismissed the 2006 case against Christian minister Cecil Simbaulanga for lack of evidence; Simbaulanga had been arrested for "inflammatory preaching" that insulted Islam. However, he still had to answer other charges of insulting Islam in a separate incident in Kigoma region.

During the year Muslim religious leaders appealed to the government to introduce kadhi courts and Shari'a law to the mainland for the adjudication of Islamic civil matters. Christian groups have objected that such courts would violate government neutrality among religions and that the union constitution did not provide for a national kadhi court.

Societal Abuses and Discrimination

Government policy prohibits discrimination against any individual on the basis of religious beliefs or practices. Some Muslim groups charged that the government discriminated against them in hiring, education, and law enforcement practices, and some Christian groups said that all sensitive government positions were filled by Muslims, but neutral observers said that there did not appear to be government bias toward any particular religious group.

There were sporadic reports of religion-based violence and disturbances in various communities. Most of these reports involved practitioners of animism targeted by members of the community who objected to their traditional beliefs.

In January villagers in Idiwili, Mbeya region, burned down the house of a Pentecostal preacher they accused of using witchcraft against them, and then fled their homes for fear of reprisal from the police.

In March a Muslim publication reported that Muslim primary school girls who wore the headscarf in public schools were being harassed by some of their teachers. A Muslim cleric complained that some children were not allowed to wear the headscarf in class, although this situation did not appear to be widespread.

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

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/rls/hrrpt/2008/af/119028.htm.

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation,

and the government generally respected these rights. The government cooperated with the office of the UNHCR and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers. The government detained and deported illegal immigrants.

Police at checkpoints sometimes solicited bribes.

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

Protection of Refugees

The law provides for the granting of refugee status or asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. In December the minister of home affairs announced that approximately 200,000 refugees who arrived from Burundi in 1972 would be granted citizenship. In close consultation with UNHCR, the government began the process of identifying those qualified for citizenship and local integration.

UNHCR officials were permitted to be present at border screenings for refugees and the International Organization for Migration (IOM) was permitted to enter detention facilities to help distinguish illegal migrants from trafficking victims.

There were approximately 440,000 refugees in the country at the start of the year, but only approximately 130,000 by the end of the year, primarily from Burundi and the Democratic Republic of the Congo (DRC). Two hundred thousand Burundi refugees from the 1972 exodus were still officially refugees but lived independently, were granted special status by UNHCR and the government, and were being processed for citizenship. They were not generally included in the official count of refugees. All other Burundi refugees, except for approximately 50,000, were returned to Burundi as the political situation there improved.

As of October there were three UNHCR-supported camps. It remained illegal for refugees to live outside their camps or settlements, or to travel outside the camps without permits, except to collect firewood within two and a half miles of the camps. Refugees and asylum seekers who were apprehended outside camps without permits were sentenced to community service, rather than imprisonment and deportation as had been the case in earlier years.

The UNHCR, with government cooperation, continued to provide security for refugees.

During the year the government investigated, prosecuted, and punished perpetrators of abuses in the refugee camps; most cases of refugees involved in crime and abuse outside the camps were handled by local authorities. Residents of refugee camps suffered delays and limited access to courts, common problems faced by citizens as well. There were reports that some refugees engaged in intimidation and vigilante justice within camps, but fewer reported cases than in previous years.

Burundian and Congolese refugees continued to return home during the year, motivated by improved security in Burundi and, earlier in the year, in the DRC, as well as by strong encouragement from the government and UNHCR assistance. During the year the tripartite commission, composed of the UNHCR and the governments of Tanzania and Burundi, encouraged repatriation by closing schools in the camps and stopping refugee income-generating projects. Seven camps were closed during the year and the UNHCR facilitated the repatriation of over 70,000 Burundian refugees and more than 20,000 refugees to the DRC. All returns were voluntary; however, some refugees departed under the perceived threat of restrictions on their activities from local politicians or of forced

return to a country where they feared life was not safe or economically viable.

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 exercise this right in elections on the mainland and in Zanzibar. However, electoral irregularities, political violence, and legal and financial provisions that favored the ruling CCM Party limited the effectiveness of the electoral process in Zanzibar. Political parties are required by law to support the union between Tanganyika and Zanzibar; it also prohibits parties based on ethnic, regional, or religious affiliation. Unregistered parties were prohibited from fielding candidates during the 2005 elections.

Elections and Political Participation

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

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

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

Harassment of opposition political parties by the government has diminished since 2005. Individuals and parties could freely declare their candidacy and stand for election. The law requires that persons running for office must represent a registered political party. During the year, there were two parliamentary by-elections. Although Chadema, an opposition party, won one of the by-elections, it alleged that the police used undue force against its members during the campaigns.

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

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

The election law provides for parliamentarians completing a term to receive Tshs. 20,000,000 (approximately \$16,000) as a "gratuity," which incumbents can use in reelection campaigns. Several NGOs and opposition parties criticized this provision, saying that it made it extremely difficult for aspiring parliamentary candidates from opposition parties to mount an effective challenge.

During the year, Christopher Mtikila, leader of the opposition Democratic Party, expressed concern about the long judicial process in handling the 2007 government appeal of a 2006 ruling by the High Court, which allowed independent candidates to contest local and national elections. The appeal remained pending at year's end.

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

There were 11 members of parliament of Asian origin in the 320-seat National Assembly; at the start of the year there was one who served as minister of finance. After a February cabinet reshuffle, there were no ministers of Asian origin.

Government Corruption and Transparency

The law provides criminal penalties for official corruption. Despite improvements in recent years, the World Bank's Worldwide Governance Indicators reflected that corruption remained a serious problem. During the year, the government began prosecuting several high-profile corruption cases.

Beginning in October, the government arrested and filed charges against more than twenty individuals, including four officials of the Bank of Tanzania, for their involvement in a scheme to obtain funds fraudulently from the bank's external payment arrears account. On October 31, President Kikwete announced that the government had recovered Tshs. 69 billion (approximately \$53 million) of the Tshs. 90 billion fraudulently paid to 13 companies. An additional Tshs. 42 billion paid to nine companies that remained under investigation at year's end.

In November the government launched prosecutions against two former ministers of finance, one of whom was a sitting member of parliament, for abuse of office and occasioning loss to the government of Tshs. 11.7 billion (approximately \$10 million). In December the just-retired permanent secretary in the Ministry of Finance was charged in the same case.

The government continued to use specialized agencies to fight corruption, but their effectiveness was limited. A three-person unit in the Ministry of Good Governance, a department within the president's office, was charged with implementing anticorruption legislation, coordinating anticorruption efforts, and collecting information from all the ministries for publication in quarterly reports; however, this unit was not effective.

There was little accountability in most government entities; senior government officials estimated that 20 percent of the government's budget in each fiscal year was lost to corruption, including theft and fraud, and including fake purchasing transactions. For example in January, 12 accountants working in the country's embassies were recalled due to misappropriation of funds. All were given disciplinary actions such as probations and suspensions; several were forced to retire.

Preliminary hearings in a corruption case involving a former ambassador to Italy began in August 2007; at the end of the year the case was ongoing.

Out of concern for corruption allegations in November 2007, President Kikwete appointed a former attorney general as chairman of a committee to review all mining contracts. Members of the committee included legislators from the ruling CCM Party and from the opposition, as well as private sector and senior government officials. In November, after consideration of the committee's findings and recommendations, parliament proposed resolutions which included provisions for the amendment of all laws pertaining to mining. Parliament also "urged" that all mining

companies and contracts be placed in hold until parliament is able to debate the issue during its 2009 session.

In September the PCCB director general indicated that the PCCB was investigating 20 percent more corruption cases than during the previous year. According to the PCCB, most corruption investigations concerned government involvement in mining, land matters, energy, and investment. NGOs reported that most allegations of corruption involved the country's Revenue Authority, local government officials, the police, licensing authorities, hospital workers, and the media.

Government Ministers and Members of Parliament are required to disclose their assets when they take office.

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

According to a survey by Haki Elimu, a local NGO, and the International Budget Project, an international NGO, the public did not have access to information about the government's fiscal activities and budget. Government officials estimated that 90 percent of all government documents, including administrative forms, were treated as classified. According to access-to-information advocates, laws blocked public access to government information relating to national security, broadcasting, newspapers, prisons, restricted areas, official secrets, and police. There was no mechanism for appealing denials.

Parliament continued to use the Parliamentary Online Information System (POLIS), which was available to the public via the Internet, to increase access to government information. However, POLIS's reach remained limited, since only approximately 400,000 of the country's 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. On the mainland, more than five thousand NGOs were registered and entered into the database maintained by a government-appointed NGO coordination unit within the vice president's office. International NGOs may operate both on the mainland and Zanzibar. However, NGOs in Zanzibar must apply through the local government for approval and all religious NGOs must seek approval from the Office of the Mufti, The Muslim religious authority.

Mainland government officials generally were cooperative and responsive to the views of human rights groups, although there was one reported case in 2007 of a human rights organization from Kenya being harassed and temporarily detained by local police when members of the group entered the country to investigate the killing--allegedly by police--of 11 Kenyans in the Arusha region.

Coordination and cooperation between the government of Zanzibar and NGOs improved. The government of Zanzibar continued to be less tolerant of NGOs that criticized the government, and subjected them to fines, suspensions, and removal for violations of laws against sedition.

Active domestic human rights NGOs included Tanzania Gender Networking Programme, Haki Elimu, the Center for Human Rights Promotion, the Legal and Human Rights Centre, Tanzania Media Women's Association, Action on Disability and Development, Tanzania Albino Society, and the 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. During the year the government threatened to deregister so-called "shell" NGOs countrywide that collected donor money for personal profit. However, there were no reports of action taken against any NGO.

There was an improved level of cooperation between the government and UNHCR, which operated one Congolese and two Burundian refugee camps in western Tanzania, down from a total of 10 a year earlier. In 2007 the government decided to close all refugee camps for Burundians by the end of that year, stating that there were no longer security reasons for Burundian refugees to remain in the country. However, UNHCR negotiated an extension to June 2008 to ease the pressure on the Government of Burundi with the mass return of refugees, and at year's end the camps were still operating with the full consent of the government. UNHCR representatives reported that the government had been cooperative by not putting pressure on UNHCR to repatriate the remaining Burundian refugees more quickly. The government agreed to give Tanzanian citizenship to more than 200,000 Burundian refugees.

The CHRAGG operated independently without government interference. It enjoyed government cooperation on the mainland and in 2007 also became active in Zanzibar. The commission employed more than 160 persons and operated with a government-financed budget of approximately Tshs 2.8 billion (approximately \$2,340,000). The commission received an increased number of complaints on issues of human rights and administrative justice, partly as a result of awareness campaigns conducted through the media and countrywide rural visits by the commissioners and investigative officers. They estimated that they received approximately 2,000 new complaints during the year. Officials said financial constraints limited the number of cross country visits; otherwise they would have collected more complaints from the rural public.

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

The government continued to host the International Criminal Tribunal for Rwanda War Crimes (ICTR) in Arusha, and the government was supportive of, and cooperated with, the ICTR. Authorities worked jointly with the tracking team of ICTR's office of the prosecutor, the INTERPOL National Central Bureau in Dar es Salaam, and INTERPOL's Fugitive Investigative Services to arrest Callixte Nzabonimana, a former Rwandan minister, wanted for his participation in the 1994 genocide. Nzabonimana was arrested in Arusha on February 19.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on nationality, ethnicity, political affiliation, race, social status, or religion. The law requires that anyone who wants to become a citizen must live in the country for at least 10 years, have no criminal record, and be able to speak Swahili. However, the government did not always effectively enforce these prohibitions. Discrimination based on gender, age, or disability was not explicitly prohibited by law but was discouraged publicly in official statements and by government policies. Discrimination against women, refugees, minorities, and persons with HIV/AIDS persisted, and ethnic tensions continued in some parts of the country.

Women

The law provides for life imprisonment for persons convicted of rape, including spousal rape; however, rape continued to be a serious problem. During the year several persons were prosecuted and convicted for rape and battery, but only a small fraction of rape cases resulted in court proceedings. At an August 2007 forum organized by the Tanzania Media Women's Association, it was estimated that 80 percent of rape victims did not report their

cases. Rape and sexual abuse of girls and women with disabilities reportedly was prevalent during the year.

A survey released in July by the Tanzania Media Women's Association indicated that efforts to fight violence against women in Zanzibar were undermined by insensitivity to gender-based violence by the police, the judicial system, and hospital workers. According to the survey, communities considered violence against women as a private matter and discouraged victims from taking legal action. Furthermore, the survey concluded that the way police and hospitals handled such cases discouraged victims from seeking legal remedies. Respondents said that some police officers made humiliating comments to women who reported cases of rape, and sometimes asked for a bribe for their cases to be processed. An example cited in the survey as typical was a 13-year-old girl in Kumbini in Southern Pemba who reported that she was raped by two men. On the advice of the police, the family accepted financial compensation from the accused and dropped the case.

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 abusers of women. Police reportedly were often reluctant to pursue domestic abuse cases. Societal attitudes towards domestic violence are changing, especially in urban areas. Increasingly, domestic violence is not considered acceptable. During the year there were prosecutions and convictions for spousal abuse of husbands who beat their wives. There were also rare cases of husbands who took their wives to court for abuse. NGOs such as Kiwohede and TAWLA regularly educated the public about the laws concerning spousal abuse and provided education and shelter assistance to victims.

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

The law prohibits prostitution; however, prostitution remained common. Prostitutes were occasionally arrested, but the police did not keep official statistics on prostitution arrests. Rural women and young girls immigrating to urban areas were most at risk for prostitution.

The law prohibits sexual harassment of women in the workplace, but no statistics existed on the extent of its occurrence or on effectiveness of enforcement.

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

In family matters, the content and application of some customary and Islamic laws was viewed by many as discriminatory against women.

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

In Zanzibar, women who became pregnant out of wedlock could be sentenced to perform community service set by the Zanzibar director of public prosecution.

In the private sector, there were complaints that women sometimes faced discrimination because of employers' concerns that their household obligations would be a professional limitation.

Children

The law supported children's rights and welfare and in practice the government made efforts to address children's welfare, including close cooperation with international and local organizations working to assist neglected children and the country's estimated 2.5 million orphans.

Primary education was compulsory, free, and universal on both the mainland and Zanzibar through the age of 15 for all children; 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 one, the equivalent of the first year of high school. As a result, many children did not have access to a complete secondary education. The responsibility to pay for books, uniforms, and school lunches fell primarily to parents.

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

All children aged five years and younger had equal access to state-provided medical care.

Child sexual abuse remained a problem, and there were several convictions during the year; most persons convicted for the sexual abuse of children were given the maximum sentence of 30 years' imprisonment.

The law prohibits female genital mutilation (FGM), also known as female circumcision; however, it continued to be practiced by some tribes and families. During the year the government embarked on an education program for magistrates, police officers, doctors, and community development experts on FGM. Statutory penalties for FGM on girls under 18 ranged from five to 15 years' imprisonment, a fine, or both, but those who conducted the illegal procedure were rarely prosecuted. The law also provides for the payment of compensation by the perpetrator to the person against whom the offense was committed.

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.

According to 2005 data, the Ministry of Health estimated that 5 to 15 percent of women and girls underwent FGM; their average age was less than 10 years old, reportedly including some newborns. FGM was practiced by approximately 20 of the country's 130 tribes and was most prevalent in the mainland regions of Arusha, Singida, Kilimanjaro, Morogoro, and Dar es Salaam. In other parts of the country, less than 5 percent of the population practiced FGM. Most frequently employed was clitoridectomy, a less severe form of FGM; however, infibulation, the most severe form, was also practiced, mainly in the northern highlands and the central zone.

On June 11, it was reported that infants below one year of age in Makiungu village, Singida region, were subjected to FGM by their mothers--unlike in the past when the procedure was performed by traditional healers called "ngaribas." AFNET, an NGO dealing with women's rights, reported that 47 out of 59 infants and girls up to age 5 who attended a village clinic in Singida region had undergone FGM.

There were no reports of prosecutions related to FGM during the year. Enforcement of the anti FGM law was difficult for a number of reasons: many police officers and communities were not aware of the law; victims were often reluctant to testify; and some witnesses feared reprisals from supporters of FGM. Corruption also was a factor; some villagers reportedly bribed local leaders not to enforce the law in order to carry out FGM on their daughters.

The government continued to implement the 2001-15 national plan of action for the prevention and eradication of violence against women and children. This strategy sought the elimination of FGM by involving both male and female practitioners and community leaders. Anti-FGM groups urged parliamentarians and local officials to take a more active role in enforcing the law.

During the year the government and NGOs continued to make progress toward eliminating the practice of FGM. The Anti-Female Genital Mutilation Network and a coalition of anti-FGM NGOs engaged in awareness-raising activities and conducted research on FGM. Anti-FGM groups continued their attempts to educate the ngaribas about the harmful effects of FGM and to train them for other occupations. The chairman of the Tanga Regional Committee for Culture and Traditions reported in July that reported incidents of FGM declined during the year in Mkinga district, Tanga region, following efforts by local communities to educate villagers about the long term and ill effects of FGM. In some areas there were reports of local clinics educating ngaribas on basic nursing skills to assist with community health education.

Corporal punishment in schools remained a problem. Caning was supported by law, although the practice continued to decline during the year following public outreach efforts by the government and the media.

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. The Manyoni district court in Singida region sentenced a man to 30 years in jail for marrying a 10-year-old girl. In many cases, offenders bribed police or paid a bride price to the family of the girl to avoid prosecution. In order to marry, a girl under 18 is required to obtain the consent of her father, mother, or guardian; no consent is required for an orphaned girl with no guardian. The courts also had discretion to allow for marriages of parties who were 14 years old, for example in the case of pregnancy. Additionally, the law allows Muslim and Hindu girls to marry as young as 12 so long as the marriage is not consummated until the girl reaches the age of 15.

Sexual activity with a female student, regardless of age or mutual consent, is illegal. During the year the government continued its efforts to enforce the law penalizing anyone who impregnated a female student. After the November 19 arrest of a secondary school teacher on charges of rape of a female student, Deputy Minister of Education and Vocational Training, Mwantumu Mahiza, said it was "high time" for harsh penalties to be handed down on sexual offenders of female students. The government launched a national campaign, "Learn without Fear." The definition of schoolgirl was anyone in school through the final year of a secondary education--generally about 18 years old. UNICEF has stated there is no clear legal definition of a child in the country.

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

There were reports that individuals practicing witchcraft killed children, especially children with albinism, for their body parts. Infanticide continued to be a problem for poor rural mothers who believed themselves unable to afford to raise a child.

The number of orphans in the country was estimated at 2.5 million, most of them orphaned by AIDS. Most orphans were absorbed into other families. Those who were not absorbed generally qualified as extremely vulnerable

individuals and received additional support and counseling from the government and several state-sponsored NGOs, including an NGO run by the first lady, Salma Kikwete. There were significant numbers of street children in 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 comprehensive Anti-Trafficking in Persons Act of 2008 was passed by the legislature and signed by the president in August. However, the process of translating the law into Swahili and vetting it for official publication was not completed at year's end and the law was not yet in force. With no explicit antitrafficking law in force, traffickers could be prosecuted for related violations, such as rape or abuse.

The country is a source, transit, and destination country for men, women, and especially children trafficked for the purposes of forced labor and sexual exploitation. Most victims were trafficked internally from poor rural areas. Boys are trafficked within the country for forced labor on farms, in mines, and in the informal business sector. Girls from rural areas are trafficked to urban centers and the island of Zanzibar for domestic servitude; sexual exploitation was often reported after young girls were brought into homes for forced labor. No reliable statistics exist on the extent of trafficking.

Small numbers of persons were reportedly trafficked to South Africa, Saudi Arabia, the United Kingdom, and possibly other European countries for domestic servitude and sexual exploitation. Indian women who entered the country legally to work as entertainers in restaurants and nightclubs were at times exploited as prostitutes after arrival. It was believed that in tourist areas, such as Zanzibar and Arusha, some girls who were hired for hotel work, both locally and from India, were later coerced into prostitution.

Trafficking methods varied. Victims were lured by false promises of income, opportunity to attend school, and better living conditions, especially from rural to urban areas. Some trafficking victims left their homes with assistance from their families; some left on their own to escape life in rural areas; and some were transported by someone who offered to help them find city work, legitimate or otherwise. There were reports that men recruited village girls who had completed primary school but were not entering secondary school. The men offered the girls money and employment and promised the girls a better life if they accompanied them to urban areas; however, these girls ended up in domestic labor or prostitution. Another method of trafficking involved low-income parents entrusting children to wealthier relatives or respected members of the community to care for the child as one of their own. Some took advantage of this traditional practice and placed children in abusive or exploitive situations.

Living conditions for trafficking victims were usually grim, with only the most basic amenities, long working hours, little or no pay, and missed educational opportunities.

In 2007 the IOM launched an awareness campaign concerning human trafficking and encouraged public discussion of the issue by national leaders and opinion makers. The IOM aired a documentary and distributed articles and television news spots about trafficking. IOM also served as the coordinating office for the government's antitrafficking stakeholders meetings, which included various ministries, NGOs, UN agencies, and representatives of the international community.

During the year the leading NGOs concerned with trafficked children, KIWOHEDE and Child in the Sun, assisted approximately 80 victims of trafficking, and medically screened 50 victims. In addition, 34 victims were offered

school or vocational training and 50 children were reunited with their families. Some rescued victims were provided with grants for school or micro income generating projects. An NGO in the Kilimanjaro region that specializes in rescuing children from the mining industry, Mererani Good Hope Program, withdrew an estimated 750 from child labor and prevented 1300 from being lured into the worst forms of child labor; all were assisted with school placements. Children in low-income families were at significant risk of being trafficked. Girls were more vulnerable than boys since they were generally considered more of an economic burden on their families.

There were no prosecutions for trafficking as such during the year, because the antitrafficking law had not entered into force. Prosecutions generally proceeded only if other crimes, such as rape or abuse, were associated with the act of trafficking in persons. Law enforcement, prosecutors, and immigration officials at all levels went through extensive training in the new antitrafficking legislation in anticipation of its enactment. The Ministry of Health and Social Welfare, with foreign cooperation, conducted training programs and developed a training manual for health workers who have direct contact with victims of trafficking.

In January the Anti-Human Trafficking Unit changed its policy requiring trafficking victims to go to a police station to make a statement. Instead, a plainclothes female police officer visited shelters to obtain the victim's statement. The unit also hired a female police sergeant to facilitate its interactions with female victims. A 24-hour crime hot line staffed by police officers was available for citizens to make anonymous reports about suspected trafficking victims.

Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities, but there is no implementing law to prevent discrimination under this provision. Persons with physical disabilities were effectively restricted in employment, education, access to health care, and other state services by physical barriers and inadequate budget resources. Although the government mandates access to public buildings, transportation, and government services for persons with disabilities through several pieces of legislation, few buildings were accessible, not all structures required building permits, and many buildings were constructed before this requirement came into force. No funds were available for retrofitting existing structures.

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

There were reports that students with disabilities dropped out of schools that lacked adequate facilities. For example, Braille paper and tape recorders were generally not available for blind students. In August the NGO Media Network for Disability (MWAKU) published findings stating that 317 students with disabilities dropped out of school in Dodoma and Morogoro regions during the year. The report cited poverty and pregnancies as the chief reasons for dropping out. In April the principal of the Malangani School for the Blind in Rukwa region claimed that that region had more than 600 blind children whose parents and guardians prevented them from attending school because they did not see the benefit of educating a child with a disability such as blindness.

Indigenous People

Unlike in the previous year, there were no reports of disputes or other issues with indigenous people during the year.

Other Societal Abuses and Discrimination

Homosexuality was illegal. The penal code makes it an offense punishable by up to five years in prison to have carnal knowledge of any person of the same sex. 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.

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

Section 6 Worker Rights

a. The Right of Association

The union and Zanzibar governments have separate labor laws. Workers on the mainland had the right to form and join independent trade unions. Labor legislation for the mainland established the Labor, Economic, and Social Council, the Commission for Mediation and Arbitration, and the labor court. As of 2005 (the most recent data available), approximately 27 percent of the formal sector work force were members of the Trade Union Congress of Tanzania (TUCTA), the sole labor federation. In the agricultural sector, the country's single largest employer, an estimated 5 to 8 percent of the work force was unionized.

A trade union or employers' association must register within six months of its establishment; failure to register is a criminal offense.

Mainland workers have the legal right to strike and employers have the right to a lockout after complying with certain legal requirements and procedures. These rights are qualified according to the law. For example, all parties to a dispute may be bound by an agreement to arbitrate and neither party may then engage in a strike or a lockout until that process has been completed. This occurred in October, when the government was granted a court injunction stopping hundreds of thousands of teachers across the country from striking over unpaid salaries and allowances. A judge ordered the teachers and the government into arbitration before allowing the teachers to go on strike. At year's end arbitration continued.

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

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

The labor law in Zanzibar applies only to private sector workers. Zanzibar workers do not have the right to strike. They are not allowed to join mainland-based labor unions. The Zanzibar labor law requires a union with 50 or more members to be registered and sets literacy standards for trade union officers. An estimated 40 percent of the Zanzibar workforce is unionized.

b. The Right to Organize and Bargain Collectively

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

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

In practice many private sector employers adopted antiunion policies or tactics. On the mainland the law prohibits discriminatory activities by an employer against union members; however, there were reports of antiunion discrimination in the formal private sector during the year. The law requires employers found guilty of antiunion activities to reinstate workers.

On the mainland there are 23 export processing zones (EPZs); seven of them are developer licensees and the rest are operator licensees. In Zanzibar there are three free economic zones, which are treated as EPZs. There are no special laws or exemptions from regular labor laws in EPZs.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, forced and compulsory labor by children occurred and children were trafficked primarily for forced labor as domestic servants and to a lesser extent for commercial sexual exploitation.

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

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the exploitation of children in the workplace. Under the law the minimum age for contractual employment is 14 and 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. Children under 18 may not crew on a ship or be employed in a mine, factory, or any other worksite where working conditions may be hazardous.

The law establishes criminal penalties for employers of child labor as well as forced labor; violators can be fined an amount not exceeding Tshs. 4,680,000 (approximately \$3,900), imprisonment for one year, or both, but no penalties were reportedly imposed during the year, and child labor remained a problem. A shortage of inspectors resulted in little enforcement of child labor provisions. The most recent data available, from 2000-2001, indicated that 35.4 percent of children ages five to 14 were working.

The government implemented some measures to ameliorate the problem, including increasing the number of labor inspectors, ensuring that children of school age attend school, imposing penalties on parents who did not enroll their children in school, and sensitizing employers in the formal sector against employing children below the age of 18.

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

The ILO supported a project aimed at accelerating the removal of children from the most abusive forms of child labor. The sectors involved included commercial agriculture, mining, fishing, and domestic work. In 2007 an estimated total of four thousand children were kept or withdrawn from the worst forms of child labor. The Time Bound Program, a project of support to the government from ILO, worked toward a target of preventing and withdrawing 22,000 children from the worst forms of child labor by 2009. During the year, the Ministry of Labor, together with ILO, launched a National Employment Policy, which deals extensively with child labor issues.

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

The Ministry of Labor remained responsible for enforcement of labor laws, together with the Commission for Mediation and Arbitration and the labor court. The ministry continued conducting seminars on child labor in different parts of the country.

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

e. Acceptable Conditions of Work

New minimum wage standards took effect in January. Divided into eight employment sectors, the lowest minimum wage was Tshs. 65,000 (\$55) per month for hotel workers and the highest, Tshs. 350,000 (\$300) per month for workers in the mineral sector. Implementation proved difficult for some businesses, which complained that they would have to raise salaries more than 100 percent.

TUCTA issued a statement threatening to call a nationwide strike because the government was not paying the minimum wage. The strike was called off after President Kikwete promised workers that the government would pay the promised wages. However, at year's end the government did not say when it would start enforcing payment of the new minimum wages.

There were reports that to avoid providing required minimum salary and benefits to employees employed for more than three months, some employers fired 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. Under most circumstances, it was illegal to employ women to work between 10:00 p.m. and 6:00 a.m.; however, employers frequently ignored this restriction.

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

Workers could sue an employer if their working conditions did not comply with the Ministry of Labor's health and environmental standards. There were no reported incidents during the year. Disputes are generally resolved through the Commission for Mediation and Arbitration.