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## Tanzania

### Country Reports on Human Rights Practices - 2005

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The United Republic of Tanzania is a multiparty state led by the president of the union (consisting of the mainland and the Zanzibar archipelago) and had a population of approximately 37 million. Zanzibar, although integrated into the country's governmental and party structure, has its own president, court system, and parliament and continued to exercise considerable local autonomy. In the union's December 14 presidential and legislative elections, Jakaya Kikwete was elected by mainland and Zanzibari voters as president of the union--succeeding President Benjamin Mkapa--and the ruling Chama Cha Mapinduzi (CCM) party made significant gains in the National Assembly. Observers considered the union elections to be freer and fairer than previous elections, despite irregularities and politically motivated violence, mostly on Zanzibar. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority.

The government's human rights record remained poor; however, there were several significant improvements in some key areas, although problems remained. The government demonstrated more respect for citizens' right to change their government peacefully. Government efforts helped reduce mob killings during the year. There were no longer reports that city police in Dar es Salaam used excessive force against or confiscated the goods of petty street traders. The government took more steps to address judicial inefficiency and corruption. During the year the number of newspapers, radio stations, and journalists grew, including on Zanzibar. Unlike in the previous year, there were no reports that police used force to disburse student demonstrators. In addition, as the government continued to use specialized agencies to fight corruption, citizens perceived less corruption than in 2004, although it continued to be a severe problem. Despite improvements, some problems increased during the year. For example government harassment of political opposition parties increased, especially prior to elections and particularly on Zanzibar. There was also a significant increase in reported killings of elderly individuals suspected of being witches. The following human rights problems were reported:

- unlawful killings by security forces
- societal killings of elderly persons accused of being witches
- torture, beatings, and other abuses of persons, particularly detainees and prisoners, by security forces
- impunity
- harsh and life-threatening prison conditions
- arbitrary arrest and detention of opposition politicians, members, and supporters
- prolonged pretrial detention
- infringement on citizens' privacy rights
- restrictions on freedoms of speech and the press, particularly on Zanzibar
- restrictions on freedoms of assembly and association, including the forcible dispersion of demonstrators
- limits on the right of asylum and restrictions on refugees' freedom of movement
- pervasive official corruption
- societal violence, including rape, and societal discrimination against women
- child abuse, including female genital mutilation (FGM)
- trafficking in persons
- child labor and forced labor

### 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; however, security forces continued to use excessive, lethal force against citizens.

During the year police killed several suspected criminals. On July 21, police shot and killed a man suspected of theft. No additional information was available at year's end.

In July Zanzibar police beat Selemani Juma Mpusa for allegedly trespassing in a police camp and refusing to answer questions. Mpusa died

the following month due to ruptures of internal organs caused by the beatings. Relatives of the victim wrote to the union inspector general of police requesting action against the police officers responsible for the killing, but no action had been taken by year's end.

There were also two reported deaths in custody. In July, according to press reports, a prison warden beat to death an inmate in the Kisongo Prison in the region of Arusha. In a separate incident on July 16, authorities in Shinyanga region discovered the body of a dead man in a police cell in the Kagongwa district village of Kagongwa. In July police began an investigation to establish whether the individual committed suicide or was killed in custody, but no additional information was available at year's end.

There were no reported prosecutions of police who killed suspects in 2004 and 2003.

In September newspapers reported that bail had been granted for two policemen who were being prosecuted for killing a building inspector in Arusha Region in 2004.

No information was available on the investigation into the use of excessive force by police in November 2004, which resulted in the killing of a minor during the mainland's local elections.

In August the director of criminal investigations said that police had opened an official inquest into the December 2004 killing of a student and the wounding of two other persons by a paramilitary unit member in Pemba; the director said that initial tests had been completed and forwarded to the director of public prosecution for further action.

Following the government's public outreach campaign against mob violence during the year, there were fewer reported incidents in which mobs killed suspected thieves; however, deaths from stoning, beating, hacking with machetes, and burning continued. In April, a mob caught and killed a suspected thief in the Mbozi area of Mbeya. In addition, in October a mob in the region of Mwanza stoned, beat, and burned to death two individuals accused of robbing a woman.

Although the government sometimes prosecuted cases of mob violence in the past, government officials reported difficulties in prosecuting cases due to the unwillingness of witnesses to cooperate. There were no developments in the one case--originating in Zanzibar--that was pending in the courts at the end of 2004.

Unlike in the previous year, there were no reports that villagers killed refugees suspected of stealing or other crimes.

The widespread belief in witchcraft, particularly in Shinyanga region, led to the killing of numerous alleged witches by those claiming to be their victims, aggrieved relatives of their victims, or by mobs. At year's end the practice of killing alleged witches had reportedly spread to other regions.

On January 9, the *Sunday Citizen* newspaper reported that more than 6,680 elderly individuals were killed in 2004 in regions near Lake Victoria on suspicion of being witches, including 2,750 such killings in Shinyanga, 2,250 in Tabora, and 1,680 in Mwanza. Other regions cited for the killing of older women included Mara and Mbeya. In June neighbors of an elderly woman reportedly burned down her house in Dar es Salaam Region after accusing her of being a witch. In July unidentified individuals killed Kuhoka Paulo, a 70-year-old woman, in Shinyanga. In August the Swahili newspaper *Majira* reported that relatives killed a 70-year-old woman in Iringa Region for suspected witchcraft.

During the year there were no reports that the government prosecuted individuals accused of killing suspected witches, despite the government's 2004 denouncement of the practice. In September 2004 the government issued a statement promising to work together with Shinyanga regional authorities to fight the killings of elderly men and women.

There were no developments in the August 2004 mob killing of seven persons accused of practicing witchcraft in Makete in Iringa region.

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

#### b. Disappearance

There were no reports of politically-motivated disappearances.

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

The law prohibits 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, more police were prosecuted during the year for abusing prisoners than in the previous year.

By year's end there was no additional information available regarding the May 2004 accusation alleging that police in Shinyanga pulled a detainee's genitals.

In September the government formed a commission to investigate torture allegations involving senior prison officers in the Geita district of

Mwanza region. The officers were accused of torturing, beating, and sodomizing two members of *sungusungu*, a traditional militia. No additional information was available at year's end.

Caning and other forms of corporal punishment were used in schools (see section 5). Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders. For example in May a resident magistrate's court in Arusha sentenced a prominent businessman to prison and to receive 12 cane strokes for raping his house maid. Overall use of caning in schools and by courts continued to decline during the year following public outreach efforts by the government--particularly the Ministry of Education--and the press.

During the year a senior officer of the Tanzanian People's Defense Force (TPDF), speaking at a national ceremony, publicly warned soldiers not to beat civilians; however, there were a few reports that security forces beat civilians without cause. For example in August TPDF members attacked and beat street hawkers in the Magomeni suburb of Dar es Salaam, reportedly in response to a local theft; at least five youths were severely injured. At year's end there were no reports that official action had been taken against the responsible TPDF officers. In addition on October 3, People's Militia Field Force Unit (FFU) officers reportedly used iron rods to beat villagers in the Boko district of Dar es Salaam after the villagers resisted government attempts to demolish their houses. The villagers sustained deep cuts to their heads. At year's end there were no reports of official action taken against the officers responsible for the beatings.

There were no developments in the April 2004 beating of civilians by soldiers in Arusha.

During the year there were a few prosecutions of security forces members accused of using excessive force or inhuman treatment. For example on June 1, a court in the Ilala district of Dar es Salaam ruled that the case against two soldiers who were charged in 2002 with causing grievous harm to six individuals and undressing a woman in public in the Kariakoo market in Dar es Salaam region should go to trial. At year's end the case was pending.

Unlike in the previous year, there were no reports that Dar es Salaam police used excessive force against or confiscated the goods of petty street traders while attempting to relocate them. However, on Zanzibar, according to the opposition party Civic United Front (CUF) and the March 15 edition of daily newspaper *The Citizen*, more than 30 youths undergoing paramilitary training kidnapped three street hawkers, stripped them naked, beat them, and then sodomized them.

Security forces used excessive force to disperse demonstrations (see section 3).

During the year opposition party parliamentarians continued to denounce the use of excessive force by police.

There were reports that security forces sexually abused individuals in detention.

Unlike in the previous year, there were no bombings by unidentified individuals on Zanzibar.

#### Prison and Detention Center Conditions

Prison conditions remained harsh and life-threatening. The prisons, some of which were built during the colonial era, were designed to hold between 2 thousand and 2,700 persons; however, the prison population was estimated at 44 thousand. Three prisons--Maswa, Babati, and Kahama--were overcrowded by over 1,200 percent. Approximately 45 percent of all prisoners were awaiting trial.

The Community Services Act allows persons convicted of minor offenses to be sentenced to community service instead of prison time. During the year the government trained police and magistrates in the implementation of the act, but by year's end the act still had not been used.

Prisoners were subjected to poor living conditions. Authorities did not allow convicted prisoners to receive food from outside sources except for religious reasons. For example during the month of Ramadan, Muslim prisoners were allowed to receive food from outside sources for their evening meal. Authorities often moved prisoners to different prisons without notifying prisoners' families. In violation of the law, some rural district courts forced detainees who were awaiting trial to pay for their upkeep and transport.

Prison dispensaries offered only limited medical treatment, and friends and family members of prisoners generally had to provide medication or the funds with which to purchase it. Diseases were common and resulted in numerous deaths in prisons. According to government officials, the leading causes of death in order of prevalence were tuberculosis, HIV/AIDS, HIV/AIDS combined with tuberculosis, and malaria.

There were reports that guards beat and sexually abused prisoners during the year. For example in September a prisons officer in Mwanza region reportedly ordered the arrest, detention, and torture 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. A government commission created to investigate the incident interrogated the officer who ordered the abuse; by year's end the commission said it was in the final stages of compiling a report, but no official action had been taken.

The Prisons Act requires prisoners to be separated based on age and gender; in practice female prisoners were held separately from male prisoners, but juveniles frequently were not separated from adult prisoners during the day because there were very few juvenile detention facilities in the country. There was one separate youth prison. The Department of Social Welfare managed juvenile courts and juvenile remand homes. The government considered prisoners between the ages of 18 and 21 "young prisoners" and required prisons to separate them from the older adult prison population at night.

Pretrial detainees were held with convicted prisoners and were allowed to receive food from the outside. In October legal proceedings at a resident magistrate's court in Arusha were temporarily paralyzed following remandees' refusal to alight from a police van. The remandees, one of whom had been detained for 10 years without trial, complained of the slow pace of police investigation in their cases. The police chief blamed the delays on a lack of police officers and a large number of cases. The detainees agreed to be driven back to Kisongo prison after airing their grievances to the authorities.

By year's end there was no information available on 5 police officers charged in the 2002 case of 17 prisoners who suffocated to death in an overcrowded jail cell in Mbeya.

Local nongovernmental organizations (NGOs) and diplomatic observers were permitted to monitor prison conditions; however, international organizations did not request permission 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. 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.

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

The national police force, under the Ministry of Home Affairs, has primary responsibility for maintaining law and order. The FFU is a division of, and directly controlled by, the police force. Citizens' patrols known as sungusungu 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 is responsible for external security and had some domestic security responsibilities; it is overseen by the Ministry of Defense.

The police force was underfunded and inefficient. The use of excessive force, police corruption, and impunity were serious problems. There continued to be numerous reports in the press and complaints from civil society groups and citizens about police corruption during the year (see section 3). 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, saying that it allowed police to manipulate evidence in criminal cases and sometimes 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 criminals. The general lack of trust in the police force and in the court system contributed to incidents of mob justice during the year (see section 1.a.). Internal mechanisms within the police hierarchy were available to investigate violations committed by police.

During the year the police force held training seminars on expediting investigations, finalizing criminal cases, and handling opposition party members and leaders.

The People's Militia Laws grant 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 in recent years 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 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 provision. Accused persons have the right to contact a lawyer or talk with family members but were sometimes denied these rights. Prompt access to counsel was limited by the lack of lawyers practicing in rural areas, the lack of communication systems and infrastructure, and illiteracy and poverty of the accused. Authorities promptly informed detainees of the charges against them. The government provided legal representation for indigent defendants as well as all suspects accused of murder or treason. The law does not allow the possibility of bail for some offences, such as murder and armed robbery, and imposes strict conditions on freedom of movement and association when bail is granted. In the primary and district courts, bribes sometimes 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 detainees 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 used during the year.

Police use of arbitrary arrest against politicians, members, and supporters of the political opposition increased during the year (see section 3). For example, in October union police arrested CUF parliamentary candidate Ustapha Wandwi for allegedly participating in an illegal rally;

however, CUF leaders denied the charge and said police were attempting to demoralize the political opposition. Wandwi was released after a few days.

On September 11, police arrested Abdul Rashid, a resident of Dar es Salaam, and charged him with destroying a CCM campaign poster. Rachid denied the charges; the case was pending in court at year's end.

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

Union security forces based in Zanzibar and the archipelago's own security forces, known as the *vikosi*, reportedly committed human rights violations during the year, including arrests, detentions, and harassment of CUF members (see section 3). There were continued allegations that CCM's Zanzibar chapter worked with the *vikosi* to recruit hundreds of members of the Janjaweed, an allegedly pro-CCM gang, to intimidate the political opposition. The CCM repeatedly denied the charge.

There were no available estimates of the number of political detainees.

Detainees charged with criminal matters 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. Detainees' lack of funds to bribe police and court officials also contributed to such delays. 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. By year's end some suspects had spent as many as 10 years in prison without having their cases heard before a court.

#### Amnesty

Prior to leaving office in December, former President Mkapa issued presidential pardons for 3,788 prisoners.

#### e. Denial of Fair Public Trial

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

Independent observers continued to criticize the judiciary, particularly the lower levels, as corrupt and inefficient, and they 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. In addition, despite government efforts to increase the number of courts by constructing new buildings, there were few courts available to citizens, and the cost of traveling to the nearest court was often prohibitive.

During the year the government took steps to address judicial inefficiency and corruption. The judiciary instituted a policy requiring all court clerks to have a certificate in law, all magistrates at primary and district courts to have a diploma in law, and all resident magistrates to be law graduates. In coordination with the president's office, the judiciary also organized seminars to educate magistrates and court clerks to the National Anticorruption Strategy Program. In addition the government doubled the judiciary's budget from the previous year.

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. In civil and family matters, Christians are governed by civil and customary law, which is composed of approximately 120 types of tribal law, unless they can prove to a judge that customary law does not apply to them (for example, if they have not been living in a traditional community or are foreigners). On Zanzibar, where Muslims comprise more than 95 percent of the population, Muslims are governed by Islamic law in marriage, divorce, child custody, and inheritance cases. However, 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. On the mainland civil law essentially governs all persons involved in cases of child custody and divorce. In inheritance cases, either civil, Islamic, or customary law could be applied, depending on certain factors. In family matters, the content and application of some customary laws and Islamic law were discriminatory towards women, both on the mainland and Zanzibar (see section 5).

The country has two judicial systems, one on the mainland and one on Zanzibar; both have their own courts, although the Court of Appeals of Tanzania (the country's highest court) has appellate jurisdiction over the mainland and Zanzibar in almost all circumstances. The country's five-tier court system consists of primary courts, district courts, resident magistrates' (regional) courts, two high courts (one in Zanzibar and another on the mainland), and the Court of Appeal of Tanzania. Primary courts, which are present in each administrative region, have jurisdiction for criminal matters, civil matters related to customary and Islamic law, civil suits, and Christian matrimonial suits. The Judicial Service Commission, which is chaired by the chief justice of the Court of Appeal of Tanzania, 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, were staffed by civil servants.

Zanzibar has two court systems--the *kadhi* court system and a court system similar parallel to that of the mainland. The kadhi courts adjudicate civil cases that involve Muslims; concern family, divorce, or inheritance; and arise from Islamic law and custom. Kadhi courts also may adjudicate cases involving non-Muslims on matters of marriage if the marriage was governed by Islam. In order of increasing importance, there are district kadhi courts, a chief kadhi court, and a high court of Zanzibar. Unlike all other cases, cases in the kadhi system and cases examining the constitutionality of Zanzibar laws cannot be appealed to the Court of Appeal of Tanzania. Instead, those two types of cases can only be appealed to a special kadhi appellate court made up of appellate court chief justices, judges, and kadhis.

On Zanzibar the majority of judges were Muslim, but on the mainland there were few Muslim judges. Consequently, some Muslim groups complained that it was inappropriate for Christian judges on the mainland to continue administering Islamic law for Muslims in family matters without training in Islamic law.

#### Trial Procedures

On the mainland and Zanzibar, criminal trials were open to the public and to the press; courts are required to give reasons on record for holding secret proceedings. The Prevention of Terrorism Act excludes everyone except the interested parties from trials of terrorist suspects and suppresses information, reportedly to protect the identity of witnesses in those trials.

There is no trial by jury in any of the country's courts. The law provides for the presumption of innocence. 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. There were only a few hundred practicing lawyers in the country, although the number of lawyers and advocates practicing in the country increased significantly during the year. Most indigent defendants in rural areas 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. The law prohibits advocates from appearing or defending clients in primary or district level courts.

There was one juvenile court for young offenders; however, this court was overburdened and handled cases only for 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 of Tanzania.

#### Political Prisoners

There were no reports of political prisoners.

#### 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. The Prevention of Terrorism Act 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.

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 requested warrants and often searched private homes and businesses at will.

During the year there were reports that Zanzibari paramilitary groups looted houses, mosques, and shops and destroyed property in Piki village in Wete, Pemba.

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 (see sections 1.c. and 2.a.).

In April the Human Rights and Good Governance Commission ruled in favor of approximately 135 villagers who in 2001 had been forcibly evicted from their land by district-level government officials, who also ordered the destruction of their properties. The commission gave the government 30 days to compensate and resettle the villagers and requested that a report be submitted on the matter by May 23. By June the government had not responded, so the commission--in cooperation with the Legal and Human Rights Center (LHRC), a domestic human rights group--filed two civil court cases against the government to enforce the commission's ruling.

The Spinsters, Widows, and Divorcees Protection Act of Zanzibar makes it a criminal offense for any woman to become pregnant out of wedlock and prescribes a prison term of up to two years. In theory, the law could also be applied to men; however, because DNA testing was not available on Zanzibar, only women have been sentenced under the law. During the year one woman was convicted under the act and served a suspended sentence. In January lawmakers on Zanzibar voted to replace the act with one that would reduce prison penalties for young women to community service; however, by year's end President Karume had not signed the act into law.

#### 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. The country's laws limit the media's ability to function effectively. The print media were subject to considerable government restrictions, including the enforcement of a

code of ethics. Although the code is considered voluntary, the government has fined and suspended newspapers under this code. Libel laws that impose criminal penalties intimidated journalists, who practiced self-censorship. On the mainland the government allowed political opponents unrestricted access to the media.

Citizens on the mainland generally enjoyed the right to discuss political alternatives freely; however, freedom of speech was restricted. The law requires political parties to support the continuation of the union. Opposition political party members and others openly criticized the government and ruling party; however, under the law persons using "abusive language" against the country's leadership were subject to arrest. Harassment of opposition parties increased dramatically from the previous year.

Authorities occasionally restricted political and religious speech by Muslims during the year (see section 2.c.).

Registration of newspapers remained difficult and was at the discretion of the registrar. The mainland and Zanzibar have separate media policies. During the year the number of newspapers, radio stations, and journalists grew. On the mainland there were more than 537 registered newspapers, including 12 active dailies and more than 50 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 CCM and CUF. Mainland publications, including one government-owned newspaper, regularly criticized the government.

Approximately 26 radio stations and 15 television stations broadcast in Dar es Salaam and in a few other urban areas on mainland. Many radio stations and all but one television station were privately owned. The government occasionally circumscribed activities of the broadcast media; for example radio stations could not broadcast in tribal languages. On Zanzibar the government controlled radio and television; however, many residents were able to receive mainland broadcasts.

According to the African Press Network for the 21st Century, during the year Zanzibar authorities licensed nine private electronic media and four private newspapers. Of those licensed during the year, two radio stations, two private cable television stations and one newspaper, *Zanzibar Wiki Hii*, began operations during the year. According to the Media Institute of Southern Africa (MISA), the increase of independent media in Zanzibar was "encouraging."

There were reports that government officials on the mainland beat members of the media during the year. On September 10, a group of prison wardens in Dar es Salaam--as well as prisoners acting on the wardens' orders--severely beat Mpoki Bukuku, chief photographer for the private newspaper *The Citizen*, in the Ukonga area of Dar es Salaam region. Bukuku was attempting to cover the eviction of families from houses that were being repossessed by the Tanzanian Prisons Department; the families had challenged the repossession in court on September 6, and the case was pending at year's end. Journalists and photographers had been officially ordered not to cover the event but defied the order. Guards and prisoners also clubbed and kicked Christopher Kidanka, information officer for the Dar es Salaam-based LHRC, as well as other bystanders, and attempted to confiscate cameras and notebooks from Bukuku and Kidanka. The home affairs minister defended the assault, saying that the wardens had used "reasonable" force; however, local media associations called for Home Affairs Minister Omary Mapuri Maura's resignation. On September 14, the police director of criminal investigations created a committee to investigate the assaults, which he described as "criminal," and two days later, Mapuri apologized publicly for his statements supporting the prison wardens. On September 20, nine prison wardens appeared before a magistrate's court in Dar es Salaam and plead not guilty to charges of assaulting and injuring dozens of individuals, including the two journalists. A magistrate released the nine defendants on bail and continued the case; the investigation was ongoing at year's end.

There were reports that security forces arrested, interrogated, and otherwise harassed journalists during the year. In June the Zanzibar police reportedly arrested Assah Mwambene, reporter and editor of the state-owned *Daily News*, and detained and interrogated him for several hours. The police charged that articles he wrote on the voter registration process and the potential for election sabotage endangered state security.

There were occasional reports that nongovernmental actors used violence against and harassed members of the media. For example during the year two CUF supporters assaulted journalists. On November 9, a Dar es Salaam court began hearing the case against the two individuals; there was no additional information at year's end.

During the year the Zanzibar government continued to use the Zanzibar News Act to harass journalists and limit freedom of the press. For example, in June Zanzibar authorities banned political columnist Jabir Idrissa, a writer for the weekly mainland newspaper *Rai*, from practicing journalism and accused him of working illegally. Director of Information Ali Mwinyikai said Idrissa had violated the Zanzibar News Act. The act allows Zanzibar's director of information to revoke a license at anytime; it also requires all journalists working on the island to obtain press accreditation from the government and to renew it annually, which Idrissa had not done. Idrissa, who held a press card issued by the union government, said he believed he was banned for criticizing the Zanzibar government for human rights abuses and bad governance. Local journalists said Zanzibar authorities were seeking to further muzzle the press in the run-up to general elections in October. In July Zanzibar authorities lifted the ban on Idrissa after he applied for and received press accreditation from the information ministry.

During the year media groups continued to call for the abolishment of what they deemed to be draconian legislative prohibitions. In addition they criticized the lack of legal protection for journalists' sources and whistle blowers. 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 through the Newspaper Registration Act--which grants the information minister wide discretion to suspend or close down newspapers-- and the National Security and Broadcast Services acts. They also criticized the Prisons and Police acts, which prohibit journalists from writing about prisons or the police without obtaining prior permission from those organizations first.

In December the government ordered two local newspapers to temporarily cease publishing, accusing both of violating the 1976 Newspaper Act. The government also suspended the Swahili-language newspaper *Tanzania Daima* for three days for publishing a satirical picture and

caption about the national debt, which was deemed offensive to President Mkapa; the newspaper was published by a media company associated with opposition presidential candidate Freeman Mbowe. In addition the government suspended the weekly tabloid *Amani* for 28 days due to alleged ethical violations in a November edition.

The government reportedly continued to pressure newspapers throughout the year to suppress or change unfavorable articles. There continued to be reports that the government withheld lucrative government advertising from newspapers deemed too critical of the administration. In addition, according to press freedom observers, the government attempted to weaken the media by maintaining prohibitively high taxes on newsprint and advertising.

Libel law, which imposes criminal penalties for defamation, intimidated journalists and caused many to practice self-censorship. While the law specifies that the plaintiff has the burden of proof for demonstrating malicious intent, many media observers criticized the courts for ignoring this provision, and for imposing heavy, politically motivated penalties on the media.

During the year the government cited public security as a pretext to suppress views that it found politically objectionable. On January 22, the independent Zanzibar newspaper *Dira*, which the Zanzibar government closed indefinitely in 2004, submitted another publishing license application to the Zanzibar government. At year's end *Dira* had not received a response to its application. In 2004 authorities said the license denial was necessary because the newspaper was a threat to national unity and had the potential to disrupt peace and solidarity in Zanzibar.

Lack of media access to government information remained a serious problem. Civil service regulations prohibit government workers from divulging government information to the media, effectively allowing only a handful of high-level government representatives to relay information to the media (see section 3).

During the year the Media Council operated with limited effectiveness as a mediator between the public and the media. It also sought to enforce the "voluntary" Code of Ethics of Media Practitioners and provided training through media clubs it supported, particularly on the laws of defamation and the implications of breaching such laws. It also sought to resolve defamation disputes before they reached a court of law.

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

There were no government restrictions on the Internet or academic freedom.

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

##### Freedom of Assembly

The constitution provides for freedom of assembly, but the government limited this right in practice. Security forces interfered with citizens' rights to assemble peacefully, particularly for political rallies or demonstrations, on several occasions. To hold rallies, organizers are required 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.

The government prevented opposition parties from holding rallies during the year. In December police in Arusha used tear gas to disperse a campaign rally held by Tanzania Labor Party presidential candidate Augustine Mrema. Police said the participants did not have a permit. Also in December police in Mara region shot tear gas and bullets in the air to disperse CUF supporters and prevent a demonstration. Several CUF supporters were injured and property was lost.

Prior to the Zanzibari elections, authorities on Zanzibar denied opposition parties access to the Donge constituency of Unguja island's Kaskazini region, as well as to Unguja's Ukuu constituency of Kusini region. In October the Zanzibar Electoral Commission (ZEC) rejected a CUF request to hold a campaign meeting in Donge constituency. During the confrontation in Mahonda that resulted from this denial, police fired tear gas and live bullets at CUF supporters, seriously injuring five persons.

Unlike in the previous year, there were no reports that the government banned individuals from addressing rallies.

Authorities forcibly dispersed religious gatherings during the year (see section 2.c.).

During the year the government maintained a ban on demonstrations by Uamsho (also known as the Islamic Revival or Center for Islamic Propagation), an umbrella organization for conservative Muslim organizations.

Unlike in the previous year, there were no reports that police used force to disburse student demonstrators.

##### Freedom of Association

The constitution provides for freedom of association; however, the government limited this right in practice. The government sometimes denied the political opposition permits to hold rallies, imposed registration requirements for political parties, and unregistered parties were prohibited from fielding candidates (see section 3).

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 independently 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. Provisionally registered parties have 6 months to submit lists of at least 200 members in 10 of the country's 26 regions, including 2 of the 5 regions on Zanzibar, to secure full registration and to be eligible to field candidates for election.

During the year the government continued to implement the 2002 NGO Act, which requires all NGOs to 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. At year's end it was not known whether the Zanzibar Human Rights Association's registration request, which has been pending for several years; remained pending.

#### c. Freedom of Religion

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

The government requires that religious organizations provide information to the registrar of societies at the Home Affairs Ministry. To register, religious organizations must have at least 10 followers and must provide a constitution, the resumes of their leaders, and a letter of recommendation from their district commissioner. Some Muslim groups claimed that they were still required to submit a letter of recommendation from the National Muslim Council of Tanzania. There were no reports that the government refused the registration of any group during the year.

The law prohibits preaching or distribution of materials that are considered inflammatory and represent a threat to the public order. During the year the government occasionally denied permission to religious groups seeking to hold demonstrations when there was a perceived likelihood that the gathering could become confrontational or inflame religious tensions. In May district authorities in Mbeya denied a permit to the Salvation Pentecost of Tanzania International, claiming that the group's recent evangelical public meetings had turned into abusive campaigns against Islam. In June Zanzibar police denied Uamsho permission to demonstrate against police beatings; the protest did not occur and no one was arrested.

In August police arrested two Christian women in Dar es Salaam for burning a copy of the Koran. Police charged them, but by year's end there was no further information on the progress of the case.

Unlike in the previous year, there were no reports that police used force or tear gas to disperse a demonstration by--or arrest members of--Uamsho.

At year's end the case of two Uamsho leaders facing charges in connection with demonstrating without a permit in 2004 was still pending.

The Zanzibar government continued to harass Islamic activist Sheikh Kurwa Shauri. In May Zanzibari authorities prevented Shauri from alighting after he flew to the islands. In 2004 Zanzibari authorities deported Shauri to Dar es Salaam, in accordance with a 1993 government order by then President Salim Amour, which banned Shauri from the islands after he was accused of disrupting the peace and fomenting inter-religious conflict.

During the year the government maintained a ban that has prohibited religious organizations from engaging in politics since the 1990s. In addition politicians were prohibited 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, several religious leaders sought involvement in politics, and no sanctions were imposed during the year. In September Dar es Salaam Regional Commissioner Yusuf Makamba, a Muslim, warned Christians that churches should not be used to further the interests of any political parties.

Government policy forbids discrimination against any individual on the basis of religious beliefs or practices. However, some Muslim groups continued to charge that the government discriminated against them in government hiring, education, and law enforcement practices. The Muslim community claimed to be disadvantaged in terms of its representation in the civil service, government, and parastatal institutions.

Muslim leaders complained that the number of Muslim students invited to enroll in government-run schools was not equal to the number of Christian students. In response some Christian officials said that the preference of most Muslims to enroll their children in Muslim religious schools instead of mainstream government schools caused such societal inequities.

The Mufti Law authorizes the president of Zanzibar to appoint an Islamic leader, or *mufti*, who serves as a public employee of the Zanzibar government. On Zanzibar the mufti has the authority to approve or deny the registration of Islamic societies and supervise Zanzibari mosques. The Mufti Law is controversial because some Muslim groups believe it gives the Zanzibar Government undue influence in religious affairs.

#### Societal Abuses and Discrimination

Religious societal violence occurred on occasion. On April 10, unidentified individuals burned down a Catholic church in the Mikese district of Morogoro region. Investigations were still pending at year's end. In September young Muslim men entered a Dar es Salaam church and beat

a pastor and a deacon, who had to seek hospital treatment for his injuries. A few days after this incident, an unidentified person threw stones through the windows of the same church, breaking one window. Police were investigating this case at year's end. Also in September Muslim youths entered a primary school in the Temeke district of Dar es Salaam and beat a group of religion teachers for teaching Muslim students about Christianity.

During the year there were reports that at certain Muslim religious rallies in urban centers, some participants publicly criticized Christianity, which, on occasion, resulted in fighting. While Muslim-Christian relations remained generally stable in rural areas, tensions increased during the year in Zanzibar. In August CUF Secretary General Seif Sharif Hamad stated that Christians in Zanzibar were being oppressed by Muslims. The government made some efforts to resolve the tensions between Muslim and Christian communities. During the year Foreign Minister Jakaya Kikwete, a Muslim, attended fund raising events at the African Inland Church and at the Lutheran Church. In May Union President Mkapa called for religious toleration in the country.

There was one report of a religiously motivated act of vandalism. During the year unidentified persons burned down a church on the mainland. Members of the church continued to meet and worship at the site, and a few days after the fire individuals returned and threw stones at the church members.

There were signs of increasing tension between secular Muslims and conservative Muslims, as the latter believed that secular Muslims had joined with the government for monetary and other benefits. Some Muslim groups accused the government of being a Christian institution, and also accused the CCM presidential candidate of not being a real Muslim.

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

For a more detailed discussion, see the 2005 [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 deteriorated during the year.

Mainlanders were required to show identification to travel to Zanzibar, although the requirement largely was ignored. Zanzibaris needed no special identification to travel to the mainland. Mainlanders were not allowed to own land in the islands, except in partnership with foreign investors.

Police and the TPDF sometimes set up roadblocks in rural parts of the country and in Zanzibar. Government officials manning these roadblocks sometimes solicited bribes to allow passage.

Passports for foreign travel were difficult to obtain at times, mostly due to bureaucratic inefficiency and official demands for bribes.

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

After the October 30 presidential election on Zanzibar, approximately 100 Zanzibaris claiming to be CUF members fled to Kenya, reportedly for fear of persecution by pro-CCM government forces.

During the year the LHRC alleged that the director of immigration continued to use the Citizenship Act to reject citizenship for reasons of personal prejudice.

The citizenship of Ali Nabwa, the managing editor of *Dira*, had not been restored by year's end; however, he had not been deported.

#### Protection of Refugees

The law provides for the granting of refugee status and 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 frequently did not provide protection against *refoulement*, the return of persons to a country where they feared persecution.

During the year the government instituted a separate evaluation system for asylum-seekers from Burundi and the Democratic Republic of the Congo (DRC). Cases brought by Burundians and Congolese were reviewed by an ad hoc committee which included local officials from the immigration office and the minister of home affairs (MHA). The cases of asylum-seekers from countries other than the DRC and Burundi continued to be reviewed by the National Eligibility Committee. The final authority to determine refugee status rests with the MHA, who was authorized to accept or reject the decision of the NEC or an ad hoc committee regarding applications for asylum. The minister may also decide cases individually.

The MHA can declare any group of persons to be refugees by giving notice in the government gazette, and the government's prior determination that Burundians and Congolese are *prima facie*, or presumed, refugees was still on record. However, by year's end the government applied eligibility procedures to new arrivals from Burundi and DRC, casting doubt on the status of this *prima facie* determination.

During the year the government occasionally refused entry to Burundians and Congolese seeking asylum or refugee status at the border and failed to conduct an ad hoc committee evaluation. It also rejected the claims of some asylum seekers after they had entered the country and had had an evaluation by the NEC or the ad hoc committee, immediately giving custody of them to the immigration services for deportation; the rate of refusal for Burundian asylum seekers was notably higher than that of Congolese asylum seekers, raising the question of disparate treatment. For example on February 1, the UNHCR said the government forcibly repatriated nine asylum seekers to Burundi. In addition, in December the government denied asylum status to 200 Burundians whom the government returned after determining that they had immigrated due to food security issues caused by a drought and therefore were not entitled to refugee status. These individuals' cases were not reviewed by an ad hoc committee, but they did have the opportunity to meet with UNHCR officials after returning to Burundi. Based on interviews, UNHCR officials verified these individuals had immigrated due to drought and food insecurity; however, these interviews were conducted in these individuals' country of origin, leaving open the possibility that pressure prevented them from being completely candid.

The government did not always cooperate with the UNHCR during the year. For example on some occasions, the government did not allow the UNHCR to be present at screenings for refugees as they arrived at the border and did not inform the UNHCR about the arrival of new asylum seekers.

At year's end the number of UNHCR-assisted refugees in the country was approximately 350,590. The refugee population, which included approximately 195,377 from Burundi, and 150,112 from the DRC, resided in 14 UNHCR-assisted camps in the northwest. There were also approximately 200 thousand Burundian refugees who arrived prior to 1994 who were not being assisted by the UNHCR. In addition there were approximately 2,663 Somalis living in a coastal settlement camp receiving some UNHCR assistance. The Government agreed to review the Somali refugee cases for naturalization on an individual basis and granted naturalization for 182 Somali refugees.

Burundian refugees continued to return home under the perceived threat of refoulement. For example during the year the Kibondo District Commissioner repeatedly visited camps and urged refugees to return home. The UNHCR, with strong encouragement from the government, increased efforts to facilitate returns to designated areas in Burundi that were considered secure. In October the UNHCR also began voluntary repatriation of refugees to the DRC.

It is illegal for refugees to live outside of the camps or settlements, or to travel outside of their respective camps, although they are permitted to collect firewood within four kilometers of their camps. However, refugees often traveled more than 5 miles outside of camp to collect firewood because local supplies were inadequate. These refugees, usually women and children, were subject to theft, physical abuse, and rape. This restriction of movement, along with the discouragement of--and restriction of the possibilities for--self-reliance and local integration, had the result of encouraging repatriation. Refugees caught outside the designated areas were arrested and imprisoned for up to six months or made to pay a fine of approximately \$43 (50 thousand shillings), a large sum for individuals who had a very meager or no source of income. These provisions were enforced rigorously. Refugees and asylum seekers found outside camps without permits have also been prosecuted for unlawful presence under the Immigration Act, under which violators could be deported immediately or, if charged and convicted, imprisoned for two years followed by deportation to the countries from which they sought refuge. The government's application of immigration laws to refugees instead of applying the Refugees Act continued to be a problem. Sentences under Immigration laws are more stringent than those under the Refugees Act. After serving their sentences under the Immigration Act, asylum seekers and refugees often were issued prohibited immigrant notices and deported. Relatives of the accused often were not notified of their detention.

There were reports that police based in refugee camps sexually exploited female refugees. Woman and children sometimes engaged in prostitution in the refugee camps.

The UNHCR, with government cooperation, continued to provide security for refugees; however, during the year crime--including killings, robberies, rapes, and domestic violence--was a serious problem in and around the refugee camps. The government did not adequately investigate, prosecute, or punish perpetrators of abuses in refugee camps and often attributed any crime committed near a refugee camp to the presence of the camp in the area, regardless of any involvement by refugees. There were mediation councils in the refugee camps and police patrols in the camps, but many cases were not referred to local authorities. National courts did not adequately prosecute most cases involving refugees, including rape and murder cases. Refugee camps were affected by delays and limited access to courts, common problems facing the Tanzanian nationals as well.

Government officials blamed refugees for crime in the area surrounding the camps; however, it was unclear who was responsible for the crimes. According to Refugees International, during the year several refugees complained repeatedly about the inaction of police and refugee security guards and their lack of capacity to prevent violence and provide protection.

There were reports that some refugees engaged in vigilante justice within camps, occasionally beating other refugees. There was significant hostility and resentment against Burundian refugees during the year and continuing concern regarding violence allegedly perpetrated by some armed Burundian and Rwandan refugees. Local officials reported incidents of banditry, armed robbery, and violent crime in the areas surrounding refugee camps, and alleged that refugees were the perpetrators. On June 19, a police officer and a refugee were reported dead in the Mtendeli camp; no additional information was available at year's end.

Antirefugee sentiment among the 2 million citizens living in refugee-affected areas of the country was high due to pressure on local resources; the belief that refugees were responsible for an increase in crime, small arms trafficking, HIV/AIDS, and environmental degradation; and the provision of goods and services for refugees that were not available to the local population. However, many services offered by the UNHCR, NGOs, and international organizations, in particular health care and road improvement projects, were available to the local population.

### Section 3 Respect for Political Rights: Citizens' Right 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.

### Elections and Political Participation

Separate elections are held on the mainland and on Zanzibar, though they may be held on the same day. All citizens of Tanzania 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.

On December 14, Jakaya Kikwete, the CCM candidate, was elected president of the Union with 82 percent of the vote in an election widely considered by observers as freer and fairer than previous elections; the election was originally scheduled for October 30, but was postponed due to the death of one of the vice presidential candidates. In National Assembly elections, the CCM won 206 out of 233 elected seats in the union parliament, while the CUF won 19.

On October 30, 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. Seif Sharif Hamad, the CUF presidential candidate garnered 46 percent of the vote. In elections for Zanzibar's 50-seat House of Representatives, the CCM won 30 seats while the CUF won 19.

While international observers of the October 30 Zanzibari elections noted improvements in the election process compared to previous years, some international observers called for an independent investigation, citing serious irregularities, including the failure of the ZEC to release the permanent voters register (PVR) until the day before the polling day; inaccuracies in the PVR; incidents of underage and multiple voting; incidents of registered voters being turned away from the polls; and the cancellation of election results for the Dole voting district due to a shortage of ballot papers. CUF leaders also called for an investigation, charging that there was intimidation, fraud, and mismanagement at the polls. They accused the government of transporting pro-CCM voters--often from the mainland--into pro-CUF voting districts, where they allegedly were allowed to vote multiple times. They also accused the ZEC of disenfranchising 47 thousand voters and failing to disclose names on the PVR.

While the December 14 union elections were generally peaceful on the mainland, the campaigns preceding them were marked by violence in some regions. In October there were reports of political violence on the mainland between CCM supporters and opposition supporters from UDP, Chadema, and CUF. For example in Bukoba region at least 35 residents reportedly suffered injuries when supporters of CCM and CUF beat each other. Also in October, police in Bariadi, Shinyanga, arrested several CCM members, including the wife of a prominent government official, for assaulting UDP opposition party members. On October 30, CUF members in Tanga region beat a CCM member after the individual allegedly walked into a CUF campaign meeting wearing a CCM T-shirt and cap.

In November police in Mwanza arrested two individuals for assaulting CCM presidential candidate Jakaya Kikwete during a rally in Mwanza. At year's end the case was pending in court. Also in November the Shinyanga regional commissioner told the press he had issued a warning to political party leaders in his region following a spate of violent skirmishes at some campaign meetings in several districts.

In Zanzibar both the Zanzibari and the national elections were marred by violence. At some registration sites, there were violent confrontations between paramilitary forces and citizens, one of which resulted in death (see section 1.a.). In addition, during the December 14 union elections, approximately 20 persons were injured, some seriously, in violence in Zanzibar. There also were instances of violence near polling centers between locally registered voters and non-locals who were allegedly trying to cast votes where they were not registered to vote. For example a member of the Janjaweed, an allegedly progovernment gang, stabbed a man in Stone Town who was trying to prevent voting and election interference by non-locals.

After polling day for union elections, Zanzibar police accused supporters of the CUF of instigating the violence and arrested at least 46 individuals. There was no information available regarding whether these individuals had been released by year's end.

Unlike in the previous year, there were no reports that the youth wings of the CCM and CUF parties attacked political leaders or vandalized property.

The government restricted political opponents by denying their permit requests to hold rallies, harassing them, and detaining them for short periods of time (see section 1.d.). For example on July 18, Dar es Salaam police detained for a few hours and interrogated Professor Ibrahim Lipumba, CUF's presidential candidate in the December 14 elections, for making statements on the mainland that were "disturbing." In addition Zanzibari police traveled to Dar es Salaam and interrogated him separately the same day.

Police beat individuals and used tear gas to disperse campaign rallies conducted by opposition parties (see sections 1.c. and 2.b.).

Individuals and parties could freely declare their candidacy and stand for election; however, there were government restrictions on political opponents. The law prohibits independent candidates who are not representing a registered political party, requires all registered political parties to support the union with Zanzibar, and forbids 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 restrictions on the political opposition. In addition the election law provides for outgoing parliamentarians to receive 17 thousand dollars (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.

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 75 special seats. There were 91 women in the 320-seat parliament at year's end. Women occupied 18 seats in the 81-seat Zanzibar House of Representatives and held 4 positions in the cabinet of the Zanzibar government. During the year one woman served as a justice of the Court of Appeal of Tanzania.

#### Government Corruption and Transparency

Despite significant changes 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.

There was little accountability in most government entities. The Ministry of Finance estimated that 20 percent of the government's budget in each fiscal year is lost to corruption, including theft, fraud, and fake purchasing transactions. According to the controller auditor general's annual report, the Ministry of Health could not account for more than half of its budget in 2004. 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.

Corruption was especially rampant during the election campaign period. Human rights observers, members of the political opposition, and legal experts continued to accuse the CCM of engaging in corruption during elections. The groups based their accusations on CCM's use of election law provisions that allow candidates to offer hospitality, gifts, and favors--known as *takrima*--to constituents during campaigns. The law does not define limits on the form, amount, or duration of the hospitality that can be provided, which critics said provided a significant "loophole for corruption," particularly because the CCM received significantly greater government subsidies under the law than other parties. During the year's debate on the ethical nature of *takrima*, some political figures said the law permitting *takrima* promoted the African tradition of providing hospitality and encouraged citizen participation in the electoral process; however, many observers expressed concern that the practice of *takrima* gave the ruling party undue influence.

During the electoral campaign, there were reports that aspirants distributed cash, mobile phones, and other rewards to voters. Some citizens accused the Prevention of Corruption Bureau (PCB), the government's lead anticorruption entity, of being ineffective in combating corrupt practices. CCM Secretary General Philip Mangula criticized the PCB for failing to curb corruption in the electoral process and said the word "*takrima*" had become a euphemism for corruption.

The government continued to use specialized agencies to fight corruption during the year. The Good Governance Coordination Unit (GGCU) is 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.

The PCB is responsible for investigating cases of corruption on the mainland and referring them to the courts for prosecution. The PCB does not operate on Zanzibar, lacks constitutional recognition, and is under the authority of the office of the president. These factors hindered its ability to resist political pressures and prosecute high-level corruption cases. The PCB's director general serves at the pleasure of the president and had no security of tenure. During the year the PCB continued to refer cases to the director of public prosecution (DPP); however, the prosecution of corruption cases remained slow and inefficient. The PCB usually required two years to investigate a case of corruption. If the PCB referred the case, the DPP typically required an additional two years to review the case's merits and decide whether to prosecute it. Only about 5 percent of corruption cases reported to the PCB's regional offices during the last five years have been heard by a court of law. Anticorruption activists criticized the government for not providing the PCB with the capacity to monitor the implementation of recommendations that the PCB made to institutions.

Between 1995 and June 2004, the PCB received 10,319 reports of corruption and investigated 9,507 of them. Of the cases investigated, 357 were prosecuted, resulting in 48 convictions. According to the PCB, most corruption-related complaints involved mining, land matters (particularly title deed fraud), energy, and investment. According to anticorruption NGOs, most allegations of corruption involved the Tanzania Revenue Authority, local government officials, licensing authorities, hospital workers, and the media.

The government continued its efforts to curb corruption. During the year the government investigated and prosecuted some cases of corruption; however, no high-level government leaders were tried on corruption charges during the year. Several primary court magistrates also were arrested for corruption, and the cases were pending at year's end. In 2004 the government raised the wages of civil servants to reduce the temptation to commit corruption and provided for an average of 100 new investigators to join the PCB each year.

There was no additional information on the case against a Mbulu district magistrate arrested on charges of bribery in July 2004, or the case against two members of the Iringa Crimes Office, arrested for bribery charges in November 2004.

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.

The Zanzibari House of Representatives denied the request of the Union government's Ethics Secretariat to open an office on the isles because it was in the process of establishing its own secretariat. An office of the Commission for Human Rights and Good Governance existed on the isles, but at year's end it had not received a permit from the Zanzibar government to investigate corruption cases.

During the year the government amended the constitution to provide for access to information; although the amendment makes no explicit mention of information that is held by the government. In practice citizens' access to government information remained very limited. Government officials estimated that 90 percent of all government documents were classified, including administrative forms. According to access to information advocates, the National Security, Broadcasting Service, Newspaper, Prisons', and Police acts 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.

By law, persons holding certain public offices must make a formal declaration of their wealth to the Public Leaders' Ethics Secretariat, but the declaration forms were not made public, and it remained difficult for members of the public or journalists to gain access to this information. Persons seeking to access a form were required to pay a fee of about \$3 (3 thousand shillings) and provide written justification for the request. Some of the forms were shared with the PCB during the year.

Parliament continued to use the Parliamentary Online Information System (POLIS) to increase access to government information. POLIS was intended to make politics and policy-making more understandable and accessible to the public. By year's end POLIS' reach remained limited, since only about 300 thousand 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, the government-mandated registration process has been used to limit NGO activities. Many human rights organizations reported the government did not respond or was slow to respond to requests for information. The government of Zanzibar reportedly interpreted the existence and actions of NGOs as antigovernment. In addition there were reports that many parliamentarians harbored mistrust towards NGOs and believed they existed solely to make money.

Active domestic human rights NGOs included the Center for Human Rights Promotion, the LHRC, Tanzania Media Women's Association (TAMWA), 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 on 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, FGM, 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 (see section 2.b.). Before the act was implemented, NGOs expected that it would be used to limit their operations, and that the government could use the denial of registration as a political tool. However, since implementation of the act, many NGOs have said they viewed the act as beneficial. From February through December, more than 500 NGOs (some new and some pre-existing) registered with the NGO Coordination Unit.

The government of Zanzibar has not responded to requests for registration by the African Human Rights and Justice Protections Network, which has been pending since 1994.

On September 8, the Ministry of Education and Culture banned Haki Elimu, a domestic NGO, from publishing articles or studies on schools and directed school inspectors to take stern measure against any school or college which did not adhere to the directives. The government claimed the NGO disparaged the education system and failed to conform to ministry directives. Other NGOs called for the government to lift the ban, reminding the government of its stated commitment to transparency and accountability in the education sector.

The Prevention of Terrorism Act, which imposes strong sanctions on NGOs suspected of ties to terrorism, was in the process of being implemented at year's end; however, Muslims believed it unfairly targeted their religiously affiliated NGOs.

There were a few reports that human rights NGO workers were victims of crime, but the attacks were not a result of their work with NGOs. The government took steps to investigate these matters.

There were no developments in the May 2004 killing of an NGO worker in Ngara district by unidentified armed assailants. During the year journalists began the process of registering the Human Rights Press Club, which was created in 2004, as an NGO and changed the name to Human Rights Media Action. The group met several times during the year to research, monitor, investigate, and report on relevant human rights problems. At year's end the group was in the final stages of registering as an NGO.

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 during the year (see section 2.d.).

The Commission for Human Rights and Good Governance operated with the government's cooperation; however, the commission was underfunded, understaffed, and overburdened by a caseload of unresolved complaints. The commission conducted investigations into human rights abuses committed by the government, companies, and individuals. The commission is also mandated to act as a plaintiff in a trial; however, it does not have judicial powers. Furthermore, it has no jurisdiction over matters pending before a court or other tribunal (the commission can recommend remedies but courts must decide on them), any dispute that involves the president of the country or president of Zanzibar, or relations between the government and a foreign state or international organization. The commission had no legal mandate to operate in Zanzibar but retained an office there.

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 sex, 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.

### Women

Domestic violence against women remained widespread. The law does not specifically prohibit spousal battery. Cultural, family, and social pressures prevented many women from reporting abuses to authorities, and action rarely was taken against perpetrators of physical abuse of women. Police often had biases against pursuing domestic abuse cases. There was no available information about the number of domestic abusers prosecuted or convicted.

Traditional customs that subordinated women remained strong in both urban and rural areas, and local magistrates often upheld such practices. Wife-beating was an acceptable practice and occurred at all levels of society. Some women were punished by their husbands for not bearing children. TAMWA estimated that as many as 50 percent of women were beaten by their husbands. The courts recognize 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 domestic abuse for a long time before seeking a divorce.

The law provides for life imprisonment for persons convicted of rape; however, rape continued to be a serious problem. Several persons were prosecuted and convicted for rape and battery under the law during the year. Sexual and gender-based violence continued to be a problem in the refugee camps (see section 2.d.).

There was no available information on the prevalence of rape. One official estimated in 2003 that the majority of rape cases went unreported, and only 5 percent of actual rape cases were filed in a court of law. According to a Zanzibar high court judge, courts often rejected cases due to a 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 Ugunja island had 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 to conduct 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 partially criminalizes FGM by prohibiting its practice on any female younger than 18 years of age; however, enforcement continued to be lax. At the beginning of the year an estimated 18 percent of the country's female population, about 4 million women, had undergone FGM. Data from anti-FGM activists suggested that the prevalence of the procedure was declining, but also suggested that the average age of victims had decreased to less than 10 years old, with some newborns reportedly undergoing FGM. In Singida region, FGM was often performed on infants who had become 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, FGM was practiced by less than 5 percent of the population. The most common types of FGM were the excision of the clitoris and labia minora; 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 range from 5 to 15 years of imprisonment, or a fine not exceeding \$277 (300 thousand shillings), or both. The law does not establish a minimum fine and does not provide legal protection for women 18 years of age or older. The law was largely perceived to target the parents or relatives of the victim; it was not widely perceived to target the practitioners, or *ngaribas*, hired to perform FGM.

There were reports of at least two FGM-related arrests and prosecutions during the year, and at year's end those cases were pending. Enforcement of the anti-FGM law was difficult because 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 \$277 (300 thousand shillings) to be allowed to have their daughters circumcised without fear of arrest or prosecution. In addition most cases have been dismissed from courts under the pretense of lack of evidence, often despite strong evidence from the victims and even confessions from their parents or guardians, or the FGM practitioners.

The government continued to implement the National Plan of Action for the Elimination of FGM, a five-year strategy to eradicate the procedure by involving the practitioners, community leaders, men, and women. However, anti-FGM activists continued to criticize the central government for its lack of commitment to hold some members of parliament and local government officials accountable for failing to enforce the anti-FGM law.

During the year the government and NGOs made some progress in reducing the practice of FGM. In September and October, two traditional healers, including one who banned FGM among his tribe, said they would stop performing FGM and fight the practice. They also discussed alternative sources of income. During the year the Anti-Female Genital Mutilation Network (AFNET) 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 practitioners of FGM, ngaribas, relied on the practice for income. Cash payments usually varied between \$1 (1 thousand shillings) and \$5 (5 thousand shillings), which were considerable amounts since the gross national income per year was \$330; non-cash payments have involved one goat per circumcision performed.

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. There were reports during the year that female refugees engaged in prostitution.

The law prohibits sexual harassment against women in the workplace. Male colleagues sometimes harassed women seeking higher education, and the authorities largely ignored the practice. The extent of the problem was unknown.

The law provides for equality of women; however, inheritance, marriage, and land laws do not consistently support 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; however, in the public sector, which employed 80 percent of the salaried labor force, certain statutes restricted women's access to some jobs or hours of employment (see section 6.e.). While progress on women's rights was more noticeable in urban areas, strong traditional norms still divided labor along gender lines and placed women in a subordinate position. 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.

Civil society activists reported widespread discrimination against women in matters of inheritance. The Land Act and the Village Land Act provide individuals, regardless of gender, the right to use, transfer, and own land. A right of occupancy may be acquired by transfer or application for purchase and provides the basis for a court action if property is taken. The land courts that hear these cases were established by year's end. Women's rights of co-occupancy were recognized by the law; however, this provision was not enforced in practice, and married women whose unions had not been legalized under customary, Hindu, Muslim, Christian, or civil marriage laws were particularly vulnerable when they divorced or their husbands died. In July Zawadiel Mchome, the Singida regional administrative secretary, said that robbing widows of property left by their husbands had become common in the region.

The country's immigration laws discriminate against women by penalizing women who marry foreigners. If a Tanzanian woman marries a foreign man, the foreign man is not eligible to apply for citizenship or a residency permit. Since the government does not recognize dual citizenship, the Tanzanian woman who marries a foreign man may have difficulty residing legally in the country, and in practice the woman may be forced to give up her Tanzanian citizenship. This increasingly was a problem in the refugee camps for women who married Burundian men.

Women in Zanzibar and on many parts of the mainland faced discriminatory restrictions on inheritance and ownership of land and other property because of concessions by the government and courts to customary and Islamic law (see section 1.e.). For example many of the regional tribal laws that compose the country's customary law completely prohibit widows from inheriting land from their deceased husbands, even when land is marital property, and subject the widows to being inherited by men from her husband's family. While provisions of the Marriage Act provide for certain inheritance and property rights for women residing on the mainland, the act is not applicable in Zanzibar. In addition the application of customary, Islamic, or statutory law depended on the lifestyle and stated intentions of the male head of household. The courts have upheld discriminatory inheritance claims, primarily in rural areas.

Under Zanzibar law, unmarried women under the age of 21 who become pregnant were 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's commitment to children's rights and welfare was evidenced by increased funding of programs for children's welfare during the year. The government made some constructive efforts to address children's welfare, including working closely 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 7 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. In 2004 fees were charged for enrollment beyond form two, the equivalent of the second year of high school; as a result some children were denied an education. During the year the government reduced school fees by half and provided subsidies to cover the remaining fees through a secondary school development program. In some cases parents had to pay for books and uniforms, and some children were unable to attend school because poorly paid teachers demanded money to enroll them, or because teachers were absent.

UNICEF stated that the net primary school attendance rate was 47 percent for boys and 51 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. Only 2 percent of boys and 3 percent of girls attended secondary school. The practice of forcing pregnant girls out of school continued.

On March 11, the Ministry of Education inaugurated a special education fund. The fund's purpose was to increase children's access to education and address the gender imbalance among secondary- and tertiary-level students, which disadvantaged girls. During the year the fund facilitated the creation of a number of child-friendly schools with better facilities, the refurbishment of infrastructure, and the provision of lunch to primary school students.

Corporal punishment in schools was a problem.

During the year children up to five years of age had access to healthcare in government hospitals. A government program provided free pregnancy treatment and delivery services for expectant mothers. The program was hampered in many cases by a lack of implements. NGOs worked together with the government to provide affordable health services.

During the year several NGOs, including UNICEF and World Vision, had HIV/AIDS awareness programs for children.

Child abuse remained a problem. There were many convictions during the year for the sexual abuse of children. Most of the convicted persons were given the maximum sentence of 30 years.

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, the 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 female who had not attained the apparent age of 18 years was 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 marriage for African-Asian girls as young as 12 so long as the marriage is not consummated until she reaches the age of 15.

During the year the government imposed the Penalties for Persons who Marry or Impregnate School Girls Regulations under the Education Act, which was intended to stop the practice of early marriages and pregnancies among youths. Although there were many attempts to prosecute such cases, the courts were rarely able to convict suspects due to lack of evidence and the hesitation of girls and their parents to convict the father of the unborn child.

The law criminalizes child prostitution, and sexual exploitation and trafficking in persons, including children, were problems. There were cases in which children engaged in prostitution for economic survival with the involvement and knowledge of family members (see section 5, Trafficking).

Unlike in the previous year, there were no reports that children were recruited from the country's refugee camps for use as child soldiers.

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

During the year the press reported many cases of the infanticide of both male and female children. The government prosecuted many females during the year for discarding the bodies of new-born babies, including two mothers who received 16-year prison sentences.

UNICEF estimated there were two million child orphans, most of them orphaned by AIDS. 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, or books. They were also subject to sexual abuse by older street children and persons without a fixed residence. 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.

#### Trafficking in Persons

The law does not prohibit all forms of trafficking, and there were reports that women and children were trafficked to, from, and within the country for the purposes of forced labor and sexual exploitation. The Sexual Offences Special Provisions Act prohibits internal and cross-border trafficking for sexual exploitation, the constitution prohibits forced labor, and the Employment and Labor Relations Act of 2004--which became a law during the year--specifically prohibits forced labor by children. Trafficking was punishable by 10 to 20 years' imprisonment or a fine of between \$100 (100 thousand shillings) and \$300 (300 thousand shillings). Other laws could be used to prosecute trafficking, such as labor laws against forced and bonded labor. The Ministry of Labor, Youth Development, and Sport; the Ministry of Community Development, Women's Affairs, and Children; and the police share responsibility for combating trafficking.

The government's antitrafficking law enforcement efforts progressed during the year. According to the Ministry of Home Affairs, two cases of trafficking were reported during the year. Of the six trafficking cases reported between 2001 and March, four cases were pending in courts at year's end. The remaining two cases were under investigation.

There was no evidence of institutional involvement in trafficking by government agencies; however, there were reports that government officials or their relatives engaged in trafficking. There were also isolated reports that some police officials accepted bribes to ignore commercial sexual exploitation. During the year the government took no action against government officials engaged in trafficking.

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 domestic workers have 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 Zanzibar some hotels sponsored girls--for hotel work--who then become 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 a wealthier relative or respected member of the community, who was charged with caring for the child as one of his or her 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. Sometimes placement and transport to households was organized by small-scale freelance agents who recruited children from rural villages.

During the year the government took steps to protect trafficking victims, within the limits of its resources. 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. The government cooperated with the International Organization for Migration's plans for a rehabilitation center between Dar es Salaam and Bagamoyo, which opened in November. There were no government or NGO media campaigns to inform the public about the dangers of trafficking specifically, but it continued its nationwide awareness campaign on the worst forms of child labor.

Local government officials participated in district committees that identified children vulnerable to or involved in the worst forms of child labor, including prostitution and forced domestic labor. From January 2002 through June, more than 26 thousand children were prevented or withdrawn from the worst forms of child labor in mining, domestic labor, commercial agriculture, and commercial sex. These children were referred for protection services offered by the International Labor Organization (ILO), including rehabilitation, education, and alternative training. During the year 60 out of 90 labor officers nationwide received intensive 3-month training on the new labor laws and application of child labor provisions, as well as on recognizing the worst forms of child labor such as prostitution and forced labor. The Ministry of Home Affairs coordinated an inter-ministerial committee on trafficking, but it met only once during the year.

#### Persons with Disabilities

Although there was no official discrimination against persons with disabilities, but in practice persons with physical disabilities effectively were restricted in employment, education, access to health care and other state services due to physical barriers and a very limited budget. The government did not mandate access to public buildings, transportation, or government services for persons with disabilities, and the government provided only limited funding for special facilities and programs. The Ministry of Education, the Ministry of Justice, and the Ministry of 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 has responsibility for coordinating disabilities matters. A few local NGOs also tried to highlight the plight of persons with disabilities in society.

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

In March the Ministry of Education inaugurated a special fund to increase access to education, particularly access by persons with disabilities and other disadvantaged members of the community.

There were reports of students with disabilities dropping out of school because of a lack of facilities. For example the families of blind students were not able to provide them with expensive brail paper and tape recorders.

On September 8, the Ministry of Education barred a local NGO, Haki Elimu, from undertaking or publishing any studies regarding government schools; in one of several TV 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).

During the year the ruling party CCM amended its election manifesto to allocate one of its special women's seat in parliament for persons with disabilities. CCM had so allocated one of its special women's seats previously, so this resulted in the allocation of two seats to women 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.

Rape and sexual abuse of girls and women with disabilities reportedly was prevalent. In addition women who were visually impaired and living in remote rural communities cited lack of easy access to vaccines as a contributing factor to their disabilities.

Cultural practices and beliefs in some areas contributed to feelings of discrimination among persons with disabilities.

#### National/Racial/Ethnic Minorities

There were no laws or official policies that discriminated against Asians; however, many African citizens viewed the approximately 1.5 million Asians in the country unfavorably. High-ranking government officials in the ruling party publicly emphasized on many occasions that it would not tolerate racist sentiments or bias of any kind. However, as the government continued to place more emphasis on market-oriented policies and privatization, public concern regarding the Asian minority's economic role increased. In October, prior to the national elections, three 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.

During the year there were reports of sporadic violent clashes between two pastoralist tribes and agriculturalists, but none resulted in death. In May local government officials criticized the district government in Tarime, in the Mara region, for not taking serious steps to mediate a 13-year-old land dispute between different clans of the Wakurya tribe; sporadic fighting among the groups had resulted in disability and loss of life over the years. In a June 9 report, the commissioner of the Kondoa district of Dodoma region gave members of the Masai and Barbaig tribes an ultimatum to settle their differences over cattle rustling. The commissioner also banned meetings of both tribes, saying that their youth had displayed dangerous weapons that were a threat to the stability of the area.

#### Indigenous People

Pastoralist tribes experienced discrimination in schools for wearing traditional dress or ornaments. Government policy requires all children attending schools to wear uniforms.

The Barabaig and other nomadic persons 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.

#### Other Societal Abuses and Discrimination

In Zanzibar the law outlaws homosexuality and lesbianism. The law establishes a penalty of up to 25 years of imprisonment for men who engage in homosexual relationships, and 7 years for women in lesbian relationships. By year's end there were no reports that anyone was punished under the law; however, homosexuals faced societal discrimination.

During the year 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.

#### 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. All workers, including those classified as essential service workers, were permitted to join unions. The Union and Zanzibar governments do not share the same labor laws, and they enforce 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.

By year's end the 2004 Labor Relations Act was partly operational with the Labor, Economic, and Social Council in place. Efforts to launch the Commission for Mediation and Arbitration and the labor court were nearly complete at year's end. Implementing regulations and institutions were still in progress.

The labor law in Zanzibar applies only to private sector workers. Zanzibar workers were not allowed to join mainland-based labor unions. In addition the Zanzibar labor law requires that a union consist of 50 members to be registered, and it stipulates that trade union officers must possess a sufficiently high literacy level.

The sole labor federation, the Trade Union Congress of Tanzania (TUCTA), had 317 thousand members, which constituted 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.

The 2004 Labor Relations Act provided for the reduction of the power of the Registrar of Trade Unions, Employers' Associations and Federations. The act, which applies to the mainland but not to Zanzibar, requires a trade union or employers' association to register within six

months of its establishment. Failure to register is a criminal offense and is subject to sanctions imposed by the lower courts. The registrar may apply to the labor courts for what it deems to be an appropriate order or remedy of a civil infraction. Unlike the previous law, the 2004 Employment and Labor Relations Act does not permit the registrar to deregister the smaller of two trade unions when more than one existed in an industry; to suspend a trade union for contravening the law or the union's own rules; or to invalidate a union's international trade union affiliation if certain internal union procedures are not followed.

In any given mainland trade union, only one union leader may be legally occupied full time in carrying out his trade union functions. All others must work full time in the enterprise or industrial sector in which they have been elected.

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

On the mainland the Security of Employment Act prohibits discriminatory activities by an employer against union members; however, during the year there were several reports of antiunion discrimination in the formal private sector. Employers found guilty of antiunion activities were required under the law to reinstate workers. The Warioba Commission 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. Some of these investors reportedly threatened to terminate or lay off employees who want to join trade unions. Some employers also did not allow unions to call for and hold recruitment meetings at their work places.

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 allows unions to conduct activities without interference, and the government generally protected this right in practice. 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, the employees of which constituted less than 5 percent of the work force.

On Zanzibar the law prohibits all workers from striking. On the mainland workers had the legal right to strike after complying with certain legal requirements. During the year the enactment of the 2004 Employment and Labor Relations Act provided for the general right to strike and the reduction of the complicated and protracted mediation and conciliation procedures that a union is required to complete before it is allowed to legally strike.

If a strike is not in compliance with the act, a labor court can intervene to issue an injunction or order the payment of a fine. However, the act eliminated the significant penalties prescribed under the previous law for participating in an illegal strike.

On the mainland the Industrial Court Act remained in effect pending the implementation of the 2004 Employment and Labor Relations Act. Therefore, during the year a union that is not satisfied with the 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 can prolong a dispute for months without resolving it. However, this provision will cease to be in effect upon the implementation of the new labor law.

On the mainland there were no laws prohibiting retribution against legal strikers.

With the new labor laws in place, any disputes arising under collective bargaining shall be referred to the Commission for Mediation and Arbitration and, if the mediation fails, then to the labor court for a decision.

Some labor rights observers, such as the LHRC, raised concerns that language in the new labor law may make striking more difficult in practice 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 and thereby increases by about 50 percent the number of workers that are 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, and civil aviation telecommunications) 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. Under the new law the category of essential workers was expanded to include certain transportation workers required for provision of services the deprivation of which would endanger the life and health of the population.

There are two export processing zones (EPZ) on 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, on Zanzibar there were unconfirmed reports of labor abuses.

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

The law prohibits forced or compulsory labor, and labor laws passed during the year specifically prohibit 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.).

Although enforcement remained weak, the government implemented some measures, including increasing the number of labor inspectors.

In rural areas villagers normally participate voluntarily without pay in the village community activities like gardening and repairing small roads along their properties.

According to a 2004 survey of the mining company GGM, 85 percent of workers interviewed reported they were forced to work overtime under perceived threat of termination.

The Prisons Act allows for prisoners to work without pay on projects within the prison, such as on agriculture so that the prison could be self-sufficient. Prisoners were used to do 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

In 2004 the mainland government passed the Employment and Labor relations Act and the 2004 Labor Institutions Act, both of which provide for the protection of children from exploitation in the workplace and prohibit forced or compulsory labor. Enforcement of child labor laws was weak; however, the government hired additional inspectors during the year to improve enforcement. Nevertheless, child labor remained a problem.

The law establishes 14 years as the minimum age for contractual employment, in which children can only be employed to do light work unlikely to be harmful to their health and development. The minimum employment age was inconsistent with the age for completing educational requirements (see section 5.). The law stipulates that children under 18 years shall not crew on a ship or be employed in a mine, factory or any other worksite, including nonformal settings and agriculture, where work conditions may be considered hazardous.

The new labor laws prohibit the employment of children under the age of 14 years on the mainland except for light work that is not likely to be harmful to the child's health and development and that does not prejudice the child's attendance at school. Unlike the previous law, the new labor laws establish a criminal punishment for employers of child labor as well as forced labor; violators can be fined for an amount not exceeding \$4,600 (5 million shillings), imprisonment for a term of one year, or both. The new laws also prohibit children under the age of 18 from being employed in a mine, factory, ship, or other worksite that the minister of labor deems to be hazardous (the worst forms of child labor).

The ILO and UNICEF reported that children who left home to work as domestic laborers in other towns or villages often were 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 in the country were girls, mostly between the ages of 13 and 15. Most of them worked between 12 and 14 hours each day, 7 days a week, without rest or being compensated for the extra time worked; sometimes they worked under abusive and exploitative conditions. According to a 2003 survey by the TAMWA, almost 60 percent of a sample of house girls said they had been pressured into having sex or were forced to have sex with the males in the families they served.

The ILO estimated that three thousand to five thousand children engaged in seasonal employment on commercial farms, sometimes under hazardous conditions. In mining regions between 1,500 and 3 thousand children worked in unregulated gemstone mines as "snake boys," working with explosives and crawling through narrow tunnels to help position mining equipment. Children were found working in various jobs, including as fishermen, 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 sometimes trafficked (see section 5).

Child labor in Zanzibar was widespread, and 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 two new institutions established under the Labor Institutions Act: the Commission for Mediation and Arbitration and the Labor Court. During the year an additional 40 officers and inspectors were recruited and trained, increasing the national labor inspection force to 145. The government provided orientation to its officers to increase their capacity to monitor violations under the new labor laws; however, meager salaries continued to be a challenge. Further training and orientation were provided to the members of the police force investigating cases and to the magistrates presiding over trials.

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 stated 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, over 20 thousand children were

prevented or 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.

Under the Timebound Program, several local NGOs continued to identify and withdraw children from exploitative child labor. The Kiota Women's Health and Development Organization 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 \$53 (48 thousand shillings) per month. Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate did not always 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. Despite the minimum wage, most workers, particularly in the growing informal sector, were paid much less. For example domestic workers reportedly earned approximately \$6.50 (7 thousand shillings) per month.

There were many reports that employers regularly fired employees shortly after hiring them to avoid having to adhere to a law requiring them to provide certain benefits and salary minimums to employees employed for more than three months.

There was no standard legal workweek for private sector workers; however, a 5-day, 40-hour workweek was in effect for government workers. Most private employers retained a 6-day, 44- to 48-hour workweek. In general women could not be employed between 10 p.m. and 6 a.m., although this restriction was usually ignored.

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, and a large percentage of the workforce was employed in the informal sector.

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

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