

TANZANIA 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The United Republic of Tanzania is a multi-party republic consisting of the mainland region and the semiautonomous Zanzibar archipelago, whose main islands are Unguja and Pemba. The union is headed by a president, who is also the head of government. Its unicameral legislative body is the National Assembly (parliament). Zanzibar, although part of the union, has its own government with a president, court system, and legislature, and exercises considerable autonomy. The country held its fourth multi-party general elections in 2010, and voters on mainland Tanzania and Zanzibar elected a union president (Jakaya Kikwete) and their respective representatives in the union legislature. The Zanzibari electorate chose Ali Mohamed Shein as president of Zanzibar. The union and Zanzibari elections were judged to be largely free and fair. Union security forces reported to civilian authorities, but there were instances in which elements of the security forces acted independently of civilian control.

Three of the most widespread human rights problems in the country were security force use of excessive force resulting in deaths and injuries; mob killings and injuries; and gender-based violence, including rape, domestic violence, and female genital mutilation/cutting (FGM/C).

Other major human rights problems included harsh and life-threatening prison conditions, lengthy pretrial detention, some restrictions on religious freedom, restrictions on the movement of refugees, official corruption, restrictions on political expression, child abuse, discrimination based on sexual orientation, and societal violence against persons with albinism. Trafficking in persons, both internal and international, as well as child labor were also problems.

In some cases the government took steps to investigate and prosecute officials who committed abuses, but generally impunity in the police and security forces was widespread.

Section 1. Respect for the Integrity of the Person, Including Freedom from: a. Arbitrary or Unlawful Deprivation of Life

During the year there were several reports that police and other security units committed unlawful killings. Nongovernmental organizations (NGOs) and local

news agencies documented several cases of police officers mistreating, beating, and causing the deaths of civilians.

The NGOs Mining Watch Canada and Rights and Accountability in Development, which conducted an assessment in June and July at the North Mara gold mine of African Barrick Gold, reported that police used lethal force, with at least 10 persons fatally shot in the two months prior to their visit. The inspector general of police stated disciplinary measures would be taken against any police officers engaging in unethical practices when assigned to guard the mines; however, at year's end there were no reports that the government took such action.

There were further developments regarding alleged human rights abuses related to an October 2013 antipoaching campaign initiated by the government, which the president suspended in early November of that year. On June 24, a commission of inquiry to investigate allegations of human right violations committed during the antipoaching campaign was formed, with retired judge Hamisi Msumi as its chair. From September 17 through October 6, the commission carried out an investigative tour to collect information. By year's end authorities had not prosecuted anyone in relation to the operation.

b. Disappearance

There were no confirmed reports of politically motivated disappearances.

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

The constitution and law prohibit such practices, but there were reports that police officers, prison guards, and soldiers abused, threatened, and otherwise mistreated civilians, suspected criminals, and prisoners. Accountability for those who committed such abuses was limited. The abuse most commonly involved beatings.

In April there were reports that police used excessive force while arresting suspected members of a robbery ring. According to the regional police commander for the Kinondoni area of Dar es Salaam, police conducted an investigation into reports of robberies and purse snatchings that resulted in serious injuries to victims in the Kinondoni area. The investigation resulted in the arrest of 97 suspects. Arrestees reported to the press that the police used excessive force.

The law allows caning. Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders. Caning and other corporal punishment were also used routinely in schools.

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening. Inadequate food, overcrowding, poor sanitation, and inadequate medical care were pervasive.

Physical Conditions: As of March the prisons, whose total capacity was 29,552 inmates, held 33,831. Among these, 15,547 were convicts and 17,284 were pretrial detainees. Pretrial detainees and convicted prisoners were held together. In 2011 an estimated 1,206 inmates were women. Authorities held irregular migrants that the UN High Commissioner for Refugees (UNHCR) had processed for possible asylum in prison.

According to the Zanzibari prison commissioner, as of September the number of prisoners and detainees on both Unguja and Pemba was 365, six of whom were women.

Authorities held minors together with adults in several prisons due to a lack of detention facilities. The Commission for Human Rights and Good Governance (CHRAGG) visited a sampling of prisons and detention facilities in 2013 and found 452 minors detained in the adult prisons visited. Among these, 101 were convicts, and the remaining 351 were pretrial detainees.

There was one prison for minors in the Mbeya region and five juvenile offender homes across the country. Officials attributed the shortage of appropriate detention facilities to a lack of coordination between the judiciary, police, and prison department.

Information on the prevalence of death in prisons, whether deliberate or unintended, was not available. According to government officials, there were deaths in prison due to HIV/AIDS.

Prison staff reported food and water shortages and a lack of electricity as well as inadequate medical supplies. According to prison system officials, however, all prisoners had access to water, including potable water. Most cells had large, grated windows that allowed light and ventilation. Some prisons had electricity, while others used gas lamps for lighting. Prisons were unheated, but prisoners in

cold regions of the country reportedly received blankets and sweaters. Sanitation was inadequate.

Medical care was inadequate. The most common health complaints by prisoners were malaria, tuberculosis, HIV/AIDS, and diseases related to poor sanitation. Prison dispensaries offered only limited treatment, and friends and family members of prisoners generally had to provide medications or the funds to purchase them. Limited transportation also affected the ability of prison staff to take prisoners to health clinics and hospitals.

Administration: Recordkeeping in prisons was inadequate and resulted in discrepancies in reporting. Authorities did not take steps to improve record keeping. As a means of reducing overcrowding, the law on the mainland allows judges and magistrates to grant parole or impose alternative sentences such as community service, which, according to the CHRAGG, became a more common practice. The law authorizes early release for good behavior for those convicted of minor offenses. In 2013 approximately 700 prisoners were on probation and 1,080 sentenced to community service.

On the mainland prisoners could submit complaints to judicial authorities, but the Legal and Human Rights Centre (LHRC) alleged the letters were censored. Prisoners were also able to submit complaints to the CHRAGG during its prison visits. The CHRAGG also served as the official ombudsman. The union Ministry of Home Affairs' Public Complaints Department and a Prison Services Public Relations Unit responded to public complaints and inquiries sent to them directly or through the media about prison conditions.

Prisoners and detainees generally had reasonable access to visitors and could worship freely, with some exceptions. Some inmates were reportedly forced to worship in denominations chosen for them by prison wardens. Seventh-day Adventists reported they had to work on Saturday. The mainland authorities often moved prisoners to different prisons without notifying their families.

Independent Monitoring: The LHRC last requested prison access in 2013 to conduct a biannual prison visit of a random sampling of prisons, but unlike in previous years its request was denied. As of October no independent nongovernmental observer reported receiving government permission to access prisons. In 2013 Asylum Access Tanzania conducted prison visits in the regions of Arusha, Tanga, Morogoro, Pwani, Lindi, Dar es Salaam, Mbeya, Ruvuma, and

Mtwara with a specific focus on identifying erroneously detained potential refugees and asylum seekers.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Under the union's Ministry of Home Affairs, the Tanzanian Police Force (TPF) has primary responsibility for maintaining law and order both on the mainland and on Zanzibar. The Field Force Unit, a special division in the national police force, has primary responsibility for controlling unlawful demonstrations and riots. During the year there were reports of excessive force, police corruption, and impunity. Mainland police sometimes acted as prosecutors in lower courts. Although the TPF stated this practice was being phased out, the CHRAGG reported police officers continued to act as prosecutors in nine of the country's 30 regions, primarily in rural areas. Police reported to civilian authorities (regional commissioners, district commissioners, and police leadership) appointed by the president. The ruling party, therefore, maintained de facto control of police forces, which contributed to police abuses, particularly in opposition party strongholds.

Sungusungu or citizens' patrols, traditional neighborhood anticrime groups, existed throughout the mainland. The People's Militia Act of 1973 grants them the power to make arrests. In general these groups provided neighborhood security at night. Sungusungu members are not permitted to carry firearms or machetes, but they may carry sticks or clubs. They worked with municipal governing authorities as well as police but operated independently from police. They formed or disbanded based on the perceived local need. In areas surrounding the refugee camp, Sungusungu members have authority to arrest refugees who travel outside the camps without permission. Within the camp, groups composed of refugees acted as security forces, supplementing the police.

The Ministry of Defense is responsible for external security on the mainland and Zanzibar; it also has some limited domestic security responsibilities. The Jeshi la Kujenga Taifa is a branch of military service similar to a national guard; its service is primarily domestic.

Police and other security forces acted with impunity in many cases. While legal mechanisms exist for investigation and prosecution, authorities did not often use them. Police continued to hold educational seminars for officers to combat corruption and took disciplinary action against police officers implicated in wrongdoing.

The mainland community-policing initiative to mediate local disputes and reduce police corruption continued. The community police received standardized training, and police conducted awareness campaigns for citizens on how to assist community-policing units. On Zanzibar the government continued with similar training and awareness campaigns in 10 primary schools.

On Zanzibar “special units” were deployed at the district level for activities that would fall under police jurisdiction on the mainland. Recruitment, training, and command and control of the “special units” were opaque and influenced by the ruling party on Zanzibar. These units, including the fire brigade and prison guards, were often activated during political activities, such as voter registration or voting itself.

Arrest Procedures and Treatment of Detainees

On the mainland the law requires that persons be apprehended openly with warrants based on sufficient evidence, and authorities generally complied with the law. The law also requires that a person arrested for a crime, other than a national security detainee, be charged before a magistrate within 24 hours of arrest, excluding weekends and holidays, but police failed to comply consistently with this requirement. There were reports of police using a rolling process of releasing and immediately re-arresting individuals so that they would remain in custody while police completed their investigation and developed the required information for the accused to be charged. The law gives accused persons the right to contact a lawyer or talk with family members, but at times they were denied this right. Prompt access to counsel was often limited by the lack of lawyers in rural areas, lack of communication systems and infrastructure, and illiteracy and poverty of the accused. Generally authorities promptly informed detainees of the charges against them. The government provided legal representation for some indigent defendants and for all suspects charged with murder or treason. The law does not allow bail for suspects in cases involving charges of murder, treason, drugs, armed robbery, human trafficking, or other violent offenses where the accused might pose a public safety risk. In some cases courts imposed strict conditions on freedom of

movement and association when they granted bail. In the primary and district courts, persons sometimes bribed officials so they would grant bail.

By law the president may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. The government must release such detainees within 15 days or inform them of the reason for their continued detention. The law also allows a detainee to challenge the grounds for detention at 90-day intervals. The mainland government has additional broad detention powers under the law, allowing regional and district commissioners to arrest and detain for 24 hours anyone who “disturb[s] public tranquility.” This act was not invoked during the year.

Pretrial Detention: According to the Ministry of Home Affairs, approximately 50 percent of the prison population consisted of pretrial detainees. Detainees charged with criminal matters generally waited three to four years for trial due to a lack of judges to hear cases, an inadequate judicial budget, and the lengthy time required to complete police investigations.

Amnesty: In April the president pardoned 3,967 prisoners to commemorate 50 years of the union between Tanganyika and Zanzibar. According to the Ministry of Home Affairs, prisoners who benefited from the pardon included those with HIV-positive status, tuberculosis, cancer, and those with medically verified mental and physical disabilities. The pardon also covered persons above 70 years of age, women jailed while pregnant, and young children. The pardon, however, did not include prisoners jailed for drug trafficking, human trafficking, armed robbery, rape, poaching, corruption, abuse of power, and individuals who were in prison for impregnating female students.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but many components of the judiciary remained underfunded, corrupt, inefficient (especially in the lower courts), and subject to executive influence. Court clerks reportedly continued to take bribes to decide whether to open cases and to hide or misdirect the files of those accused of crimes. According to news reports, magistrates of lower courts occasionally accepted bribes to determine the outcome of cases.

Trial Procedures

The law provides for the presumption of innocence. Generally authorities promptly and in detail informed detainees of the charges against them. Charges were generally presented in Kiswahili or English with needed interpretation provided when possible. With some exceptions, criminal trials were open to the public and the press. Courts that hold closed proceedings (for example, in drug trafficking cases and sexual offenses involving juveniles) generally are required to provide reasons for closing the proceedings. In cases involving terrorism, the law provides that everyone, except the interested parties, may be excluded from court proceedings and witnesses may be heard under special arrangements for their protection. Juries are not used. On the mainland the law provides a right to free counsel for defendants accused of murder and treason as well as for indigent defendants in other serious cases. In practice most defendants could not afford legal representation and represented themselves in court. The government only provided counsel in murder trials. NGOs represented some indigent defendants in large cities such as Dar es Salaam or Arusha. On Zanzibar there were no public defenders. The law prohibits lawyers from appearing or defending clients in primary-level courts whose presiding officers are not degree-holding magistrates. Authorities generally allowed detainees sufficient time to prepare their defense but access to adequate facilities was limited. Defendants or their lawyers have access to evidence held by the government, the right to confront adverse witnesses, and the right to present evidence and witnesses on the defendant's behalf. Defendants are not compelled to testify or confess guilt.

All defendants charged with civil or criminal matters, except parties appearing before Zanzibari qadi courts (traditional Muslim courts that settle issues of divorce and inheritance), could appeal decisions to the respective mainland and Zanzibari high courts. Defendants on Zanzibar can appeal decisions to the union Court of Appeal.

On the mainland and on Zanzibar, police acted in some cases as prosecutors in lower courts, but authorities stated this practice was being phased out. Judicial experts criticized the practice of police acting as prosecutors because of the risk that police might manipulate evidence in criminal cases. The mainland Ministry of Justice continued hiring and training state prosecutors to handle the entire mainland caseload.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Civil proceedings are administered in the high court or at the magistrate or district level. Persons may bring civil lawsuits seeking damages or the cessation of human rights violations and can appeal those rulings to the Court of Appeal on the mainland and other regional courts. Civil judicial procedures, however, were often slow, inefficient, and corrupt. According to the LHRC, there were 16 justices of appeal compared with nine in 2005, 69 high court justices compared with 35 in 2005, and 672 magistrates serving in the 960 courts.

Regional Human Rights Court Decisions

In 2013 the African Court of Human and People's Rights ruled that the Tanzanian requirement of political party membership to run for presidential, parliamentary, or local government elections violated the right to participate freely in government. At year's end the requirement remained in place.

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

The law generally prohibits such actions without a search warrant, but the government did not consistently respect these prohibitions. The law relating to terrorism permits police officers at or above the rank of assistant superintendent or in charge of a police station to conduct searches without a warrant in certain urgent cases; however, there were no reports that this occurred.

While only courts can issue search warrants, the law also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence or if circumstances are serious and urgent.

It was widely believed that state actors monitored telephones and correspondence of some citizens and foreign residents. The actual nature and extent of this practice were unknown.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech but does not explicitly provide for freedom of the press. The independent media on the mainland were active and generally expressed a wide variety of views. On Zanzibar the government

controlled the only daily newspaper (mainland newspapers were available), a television station, and one of the seven radio stations.

Freedom of Speech: Individuals could criticize the government both publicly and privately, but some persons expressed concern about doing so in public.

Press Freedoms: The Ministry of Information, Youth, Culture, and Sports reported that there were 84 radio stations, 28 television stations, nine cable television providers, 62 weekly newspapers, and 16 daily newspapers. Among mainland newspapers, two were owned by the government, one by the ruling Chama cha Mapinduzi (CCM) party, and another by the chairman of the Chama cha Demokrasia na Maendeleo (Chadema) opposition party. The remaining newspapers were independent, although close associates of ruling party members owned some of them. Registering or licensing new media outlets, both print and broadcast, continued to be difficult and remained at the discretion of some government officials. Newspaper registration was at the discretion of the registrar of newspapers at the information ministry on both the mainland and Zanzibar. The process of acquiring a broadcasting license from the Tanzania Communication Regulatory Authority took an estimated six months to one year, and the area of coverage was restricted.

The Zanzibari government owned the only daily newspaper in Zanzibar, which had a circulation of about 25,000 copies. There was one privately owned weekly newspaper with a much smaller circulation. National newspapers printed on the mainland were sold on Zanzibar without restriction. The government of Zanzibar owned, and controlled the content of, one radio station and one television station. There were government restrictions on broadcasting in tribal languages, with preference for Kiswahili and English. The six private radio stations on Zanzibar operated independently, often reading the content of national dailies, including articles critical of the Zanzibari government.

On the mainland the government generally did not restrict the publication of books. The publication of books on Zanzibar was not common.

Violence and Harassment: Law enforcement authorities and crowds attacked, harassed, and intimidated journalists during the year.

On February 7, a group of CCM cadres in the Mara region beat Christopher Maregesi, a *Mwananchi* newspaper journalist, and confiscated his camera and a

laptop. The journalist was covering a story about the alleged kidnapping and torture of a member of the opposition Chadema party.

On September 18, *Tanzania Daima* newspaper reporter Josephat Isango, *Standard Newspapers* photojournalist Yusuf Badi, and *Hoja* newspaper reporter Shamim Ausi all sustained injuries from police while covering an incident involving the chairman of the opposition party Chadema, who had been summoned to police headquarters for questioning after he called for mass protests against the constituent assembly. The three journalists stated they had provided their press credentials to the police prior to the assault.

On January 29, the Kisutu Magistrate's Court dismissed charges against the defendants in the 2011 sedition case against *Tanzania Daima* editor Absalom Kibanda and *Mwananchi* executive director Theophil Makunga.

Censorship or Content Restrictions: A permit was required for reporting on police or prison activities, both on the mainland and in Zanzibar, and journalists needed special permission to cover meetings of the Tanzanian National Assembly or attend meetings in the Zanzibar House of Representatives. Anyone publishing information accusing a Zanzibari representative of involvement in illegal activities was liable for a fine of not less than 250,000 Tanzanian shillings (TZS) (\$156), three years' imprisonment, or both. Nothing in the law specifies whether this penalty stands if the allegation is proven true. The law also empowers the government to fine and suspend newspapers without warning.

Media outlets often practiced self-censorship to avoid conflict with the government. The LHRC reported that journalists from both private and public media were concerned over the censorship of stories by editors fearful of criticizing government leaders or policies.

Libel Laws/National Security: The law provides for arrest, prosecution, and punishment for the use of seditious, abusive, or derogatory language to describe the country's leadership. The law authorizes police to raid and seize materials from newspaper offices without a warrant and authorizes the minister of information to close media outlets for undefined reasons of "public interest" or "the interest of peace and good order."

Unlike in the previous year, no media outlets were suspended. In September, however, the deputy minister of information stated the ministry would take stern

measures against newspapers it viewed as disturbing the peace, such as by publishing articles that incited citizens against the government.

Internet Freedom

The government did not restrict access to the internet; however, it monitored websites that criticized the government. Jamii Forums, an online political forum, reported attempts to shut down its site on March 1, allegedly related to postings critical of the government. Police monitored the internet to combat illegal activities. According to the Tanzania Communication Regulatory Authority's March report, 9.3 million persons (approximately 20 percent of the population) used the internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly; however, the government did not always respect this right. On September 17, police banned any protests relating to the constituent assembly. Police arrested opposition members for protesting the assembly during the year.

The government requires organizers of rallies to obtain police permission. Police may deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party. The government and police continued to limit the issuance of permits for public demonstration and assembly. Police denied demonstration permits to political parties, NGOs, and religious organizations. Many NGOs believed that police often denied these permits at the behest of CCM officials at various levels of government.

On September 14, the opposition party Chadema threatened to conduct demonstrations in protest of the Constituent Assembly as it met to debate the draft constitution. Chadema sent written notification to the police, as required by law, expressing its intent to conduct peaceful demonstrations at the offices of the district and regional commissioners. The police denied the request, deployed police officers across the country, and outlawed any future demonstrations on

September 17. Authorities summoned several members of Chadema, including the party chairman, Freeman Mbowe, to police headquarters for questioning. On September 18, Chadema supporters in Dar es Salaam protested Mbowe's detention, and police dispersed the crowds with tear gas. Additional arrests of persons protesting the constituent assembly included the September 25 arrest of 16 opposition supporters in the western town of Katavi and the October 4 arrests of the chairperson for the Chadema women's wing, Halima Mdee, and eight others.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right. Thousands of NGOs and other organizations operated in the country. Political parties were required to register and meet membership and other requirements. Freedom of association related to workers was limited (see section 7.a.).

The registration process was slow, particularly for religious organizations. The law defines NGOs and societies differently and provides for different registration procedures. It defines societies as any club, company, partnership, or association of 10 or more persons, regardless of the purpose of the group, and it notes specific categories of organizations not included as societies, such as political parties. The law defines NGOs to include organizations whose purpose is to promote economic, environmental, social, or cultural development; protect the environment; or lobby or advocate on issues of public interest. Religious organizations are registered as societies and wait the longest--an average of four years--for registration. From July 2013 to March, the Registrar of Societies received 595 registration applications, 102 of which came from religious institutions. The ministry granted registration to 430 societies and 19 religious institutions and rejected 96 applications, 34 of which were religious entities. The government rarely registered societies by the minimum 14-day period. Applicants reported that the government reviewed their application for a long time even though they fulfilled all registration requirements. Some churches and religious organizations operated for more than four years without full registration. The Ministry of Community Development, Gender, and Children registered other NGOs under the NGO Act. The registration process took two to five years.

NGOs in Zanzibar apply for registration with the Office of the Registrar General. While registration generally took several weeks, some NGOs waited months in cases where the Registrar determined additional research was needed. Registration of religious groups in Zanzibar normally took several weeks. Muslim

organizations must register with the Office of the Mufti (the government's Muslim religious authority), while organizations with other religious affiliations apply to the registrar general.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation; the government generally respected these rights.

The government generally cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

In-country Movement: Pursuant to an encampment policy, refugees were not allowed to travel more than 2.5 miles outside of the boundaries of Nyarugusu Refugee Camp--the only such camp in the country--without permission of the Ministry of Home Affairs. The ministry generally granted this permission for official purposes such as medical referrals and court appearances.

Protection of Refugees

Access to Asylum: Laws provide for asylum or refugee status, and the government has established a system for providing protection to refugees. The National Eligibility Committee (NEC) is mandated to meet regularly and make determinations on such applications and, after a hiatus from 2009 to 2012, began meeting again in 2013 to review a backlog of several hundred asylum claims.

The NEC met to review and make formal determinations for pending asylum cases during the year. This included discussing asylum eligibility for Syrian, Pakistani, and Iranian applicants and reviewing pending asylum cases for individuals from the Democratic Republic of the Congo. The NEC found a total of 205 asylum cases eligible for refugee protection. The individuals were moved to Nyarugusu Camp. As of July, 499 registered asylum seekers were awaiting the next session of the NEC to adjudicate their cases.

The international NGO Asylum Access reported that nearly one thousand persons with refugee claims were living in Dar es Salaam. The government often treated these individuals as undocumented immigrants, deporting or imprisoning them if they faced criminal charges. Arrest was often the only situation in which the government came into contact with urban refugees. If given the opportunity, observers expected that many urban refugees would be able to demonstrate a need for international protection that would qualify them for refugee status. Since they were not formally registered with the UNHCR and the government, however, urban refugees had limited access to employment, health care, and education. There was no policy or infrastructure to serve this group.

Authorities continued to arrest irregular migrants from Ethiopia and Somalia who were going to South Africa and other southern African countries. The UNHCR processed these individuals for possible asylum, but police continued to hold them in prisons, since there were no separate holding facilities for asylum seekers.

On December 1, the government and the International Organization for Migration initiated a registration campaign for irregular migrants in Kigoma intended to provide for either regularization of their status in Tanzania or voluntary return to their places of origin.

Refugee Abuse: It remained illegal for refugees to live outside their camp or settlement or to travel more than 2.5 miles outside the camp without permits. The Ministry of Home Affairs office within Nyarugusu Refugee Camp issued exit permits to refugees as long as they were able to provide a credible reason for exiting (e.g., attending to legal procedures or obtaining wire money transfers). Refugees apprehended outside the camp without permits often were sentenced to community service. By law, however, the infraction carries a fine and a three-year prison sentence. The UNHCR reported that when police apprehended refugees outside the camp without permits, they usually placed them in a prison facility within the camp. Unless the infraction connected the detainee with another criminal issue, police generally released these individuals back into the camp within a short time.

Authorities were reportedly ineffective at protecting refugees from sexual and gender-based violence. The UNHCR worked with local authorities as well as individuals in Nyarugusu to strengthen coordination and their ability to address problems of violence--including sexual violence--against minorities. The UNHCR reported that the most frequent crimes were domestic violence and abuse, physical

aggression, sexual abuse, and intimidation within both family units and the broader refugee community. The government investigated, prosecuted, and punished perpetrators of abuses in the camp; local authorities handled most cases of refugees involved in crime and abuse outside the camp. Residents of Nyarugusu Camp suffered delays and limited access to courts, common problems faced by citizens as well.

Employment: The government generally did not permit refugees to pursue employment on the local economy. It also restricted refugees' attempts to farm the land within the camps.

Durable Solutions: On June 6, the Ministry of Home Affairs granted citizenship to 1,514 descendants of the Wazigua ethnic group (formerly known as Somali Bantu). One hundred fifty Wazigua chose to retain their refugee status. In October the government agreed to grant citizenship to 162,156 Burundian refugees, although very few of these persons received their citizenship documents.

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

The constitution provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In 2010 Tanzania held its fourth multi-party general elections in which voters in both the union and Zanzibar elected new presidents and legislative representatives. The union and Zanzibari elections were judged to be largely free and fair. The CCM, however, benefited from vastly superior financial and institutional resources.

In the 2010 elections, the CCM retained its absolute majority in parliament with nearly 80 percent of the seats. Chadema replaced the Civic United Front as the leading opposition party and selected its chairman, Freeman Mbowe, as the parliamentary opposition leader.

Separate elections are held for the union and for Zanzibar, ordinarily on the same day, in which citizens of the two parts of the union elect local officials, members of the national parliament, and a union (national) president. In addition Zanzibar

separately elects a president of Zanzibar and members of the Zanzibar House of Representatives. District and regional leaders on Zanzibar and on the mainland are appointed by their respective presidents.

The law calls for the electoral commission to review the national voters' registry twice between the previous general election and the subsequent nomination day; however, national voter registration last occurred in 2010. Individuals who reached the age of 18 after that time were therefore unable to vote in by-elections. Election officials stated the government did not have sufficient funding to conduct registration more frequently. Some opposition leaders alleged the government sought to prevent young voters from registering, since they often voted for opposition parties.

Voters were given one week to register for local elections, which resulted in decreased participation.

Political Parties and Political Participation: The constitution requires that persons running for office must represent a registered political party. The law prohibits unregistered parties. There were 18 registered parties in the country.

The registrar of political parties has sole authority to approve registration of any political party and is responsible for enforcing regulations on registered parties. Parties granted provisional registration may hold public meetings and recruit members. To secure full registration, parties must submit lists of at least 200 members in 10 of the country's 30 regions, including two of the five regions of Zanzibar.

The law requires political parties to support the union between Tanganyika and Zanzibar; parties based on ethnic, regional, or religious affiliation are prohibited.

The election law provides a "gratuity" payment of TZS 40 million (\$25,000) to members of parliament (MPs) completing a five-year term. Incumbents can use these funds in re-election campaigns. Several NGOs and opposition parties criticized this provision for impeding aspiring parliamentary candidates of opposition parties from mounting an effective challenge.

The mainland government allowed political opponents unrestricted access to the media; however, the ruling party had far more funding to purchase broadcast time.

On September 17, police banned any protest relating to the constituent assembly. Police arrested opposition members for protesting the assembly during the year.

Participation of Women and Minorities: Women held 128 of the up to 357 seats in the unicameral union parliament, including the position of speaker. There were 102 special women's seats apportioned among the political parties based on their election results. Women held 21 of the 239 elected constituent seats, three of the 10 seats appointed by the president, and two of the five seats elected by the Zanzibar House of Representatives. There were three MPs of South Asian origin and five with disabilities. Women held six of the 30 ministerial positions and five of the deputy minister positions.

The Zanzibar House of Representatives has 50 elected seats, 20 women's special seats, and eight appointed at-large seats. Women held two of the appointed at-large seats and three elected seats. Persons with disabilities held three seats. Women held three of the 19 minister positions and four of the deputy minister positions.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. There were numerous reports of corruption during the year.

Corruption: The government continued to use specialized agencies to fight corruption, but their effectiveness was limited. A three-person unit within the Office of the President, headed by the minister of state for good governance, is charged with coordinating anticorruption efforts and collecting information from all the ministries for publication in quarterly reports.

The Prevention and Combating of Corruption Bureau (PCCB), an independent agency established under the law, is responsible for investigating suspected corruption cases, prosecuting offenders in coordination with the Director of Public Prosecution, and educating the public about corruption. The PCCB had 24 regional offices and an office in every district on the mainland. The PCCB received a significant budget for staff and office resources, but the public and the media often complained that it failed to address major corruption cases adequately.

According to the PCCB, most corruption investigations concerned government involvement in mining, land matters, energy, and investments. NGOs reported that allegations of corruption involved the Tanzania Revenue Authority, local government officials, police, licensing authorities, hospital workers, and the media.

In December 2013 an escrow account at the Bank of Tanzania holding approximately \$122 million in the name of power company International Power Tanzania Limited (IPTL) was liquidated. The funds went to a Tanzanian-born Kenyan businessman who later could not prove ownership of the company. In early November, after receiving orders in March to investigate the transfer of assets and ownership of IPTL, both the comptroller and auditor general and the PCCB submitted their findings to the government. On November 26, the Parliamentary Public Accounts Committee presented the findings of the investigation to parliament in public proceedings. The findings implicated senior government officials. Parliament passed eight resolutions, including one ordering the dismissal of the attorney general, the minister of energy and minerals and his permanent secretary, and the minister of lands, housing, and human settlements development. By year's end the attorney general resigned, and the president dismissed the minister of lands, housing, and human settlements.

Newspaper articles, civil complaints, and reports of police corruption from the PCCB, as well as from the Ministry of Home Affairs, continued.

The PCCB's mandate does not extend to Zanzibar. In Zanzibar the Anti-Corruption and Economic Crimes Authority began hiring and training staff in 2013; since its inception, the authority received 63 complaints, 47 of which were under investigation.

Financial Disclosure: Government ministers and members of parliament, as well as other public servants, are required to disclose their assets upon assuming office, annually at year's end and upon leaving office; however, there was no enforcement mechanism or means to determine the accuracy of such disclosures. The Ethics Secretariat distributes forms each October for collection in December. In January 2013 Judge Salome Kaganda, commissioner general of the secretariat, reported that approximately two thousand public leaders did not submit their wealth declaration forms by December 31, 2012, as required by law. Secretariat officials previously stated the individuals who failed to meet the deadline were asked to show cause for the delay. Any declaration forms submitted or filed after the deadline must explain the failure to observe the law.

Asset disclosures are not public. Although penalties exist for noncompliance, there is no enforcement mechanism, and the disclosure requirements do not cover spouses or children. Periodic reporting is not required as assets change.

Public Access to Information: There is no law providing for public access to government information, and such access remained limited. Government officials routinely refused to make information available. Civil service regulations effectively allow only a handful of high-level government representatives to communicate information to the media. Media groups continued to press the government and parliament to adopt a freedom of information act and revise the bill governing the media industry.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A 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 their views. Some human rights NGOs complained that at times government reaction to them was negative when they challenged government practice or policy.

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

The government-financed CHRAGG operated on both the mainland and Zanzibar. The CHRAGG has no legal authority to prosecute cases; it can make recommendations to other government offices concerning remedies or call media attention to human rights abuses and violations. During the 12-month period ending June 30, the CHRAGG managed 2,081 complaints, of which 307 were new. Regarding the complaints, 844 involved misuse of authority, 652 involved not having received benefits, and 582 covered employment and disciplinary issues. A total of 600 complaints were closed, with 204 of those cases coming to successful resolution. In 236 cases, complainants failed to provide sufficient evidence. In another 60 the complaints could not be considered, because they had expired, the

CHRAGG did not have the authority, or the complainant did not cooperate in the investigation.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on nationality, tribe, place of origin, political ideology, color, sex, or social status. The government did not effectively enforce the prohibitions. No provisions prohibit discrimination based on sexual orientation, language, or gender. The law prohibits certain forms of discrimination against persons with disabilities.

Women

Rape and Domestic Violence: The law provides for life imprisonment for persons convicted of rape, including spousal rape during periods of legal separation. The law stipulates that a woman wishing to report a rape must do so at a police station before seeking medical help. Only after obtaining a release form from police may a woman be admitted to a hospital. This process contributed to medical complications, incomplete forensic evidence, and failure to report rapes. Victims often feared that cases reported to police would be made public.

The law prohibits assault but does not specifically prohibit domestic violence. Domestic violence against women remained widespread, and police rarely investigated such cases.

A biannual report issued by the LHRC stated there were 2,878 reported incidents of rape and 3,633 other reported cases of abuse of women and children from January to June, although these cases likely were significantly underreported. The Ministry of Health and the World Health Organization identified the main forms of gender-based violence as wife battering (30 percent of cases), marital rape (12 percent), defilement (25 percent), rape (20 percent), and sexual exploitation (13 percent). According to the 2010 Demographic and Health Survey, 45 percent of women experienced physical or sexual violence in their lifetime. The Police Gender Desk at the Urban-West head office in Zanzibar stated more than 300 cases of sexual violence were reported to it in 2013.

Cultural, family, and social pressures often prevented women from reporting abuses, including rape and domestic violence, and authorities rarely prosecuted persons who abused women. Persons close to the victims, such as relatives and friends, were most likely to be the perpetrators. Many who appeared in court were

set free because of corruption in the judicial system, a lack of evidence, poor investigations, and poor evidentiary preservation.

A Tanzania Media Women's Association (TAMWA) report released during the year found that courts adjudicated few rape cases due to factors including lack of evidence, repeated adjournment of cases, alleged perpetrators jumping bail, witnesses unwilling to appear in court or unable to pay for transport to court, and a legal requirement for a doctor's report. The report also stated that women who were beaten often did not report this to the police.

According to a survey conducted during the year by the Zanzibar Female Lawyers Association, among 30 gender-based violence cases reported in Mwera and Mfenesini district courts in 2013, full prosecutions occurred in one-third of the cases. Authorities convicted seven perpetrators and released three, while 20 cases remained pending.

There were some government efforts to combat violence against women. The government continued its 2001-15 National Plan of Action for the Prevention and Eradication of Violence against Women and Children. Police maintained a gender and children desk in every region to support victims and address relevant crimes. The courts recognized domestic violence as grounds for divorce. Women, however, often tolerated prolonged domestic abuse before seeking a divorce, due to fear of retaliation, loss of support, shame, and family pressure. On Zanzibar at One Stop Centers in both Unguja and Pemba, victims could receive health services, counseling, legal assistance, and a referral to police at the same location.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C; however, according to the 2010 Demographic and Health Survey, 15 percent of women and girls ages 15 to 49 experienced FGM/C, and 7 percent of girls and women ages 15 to 19 were subjected to the practice (see section 6, children).

Sexual Harassment: The law prohibits sexual harassment of women in the workplace. Statistics did not exist on the extent of its occurrence or the effectiveness of enforcement. There were reports that women were asked for sexual favors in return for promotions. According to the Women's Legal Aid Centre, many women did not report sexual harassment since cultural norms often placed blame on victims of sexual harassment, and police rarely investigated cases.

Reproductive Rights: Couples and individuals have the ability to decide freely and responsibly the number, spacing, and timing of their children; the information and

means to do so; and the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. According to the Center for Reproductive Rights, 27 percent of girls and women ages 15-49 used a modern form of contraception. The relatively low rate was due in part to cultural factors, lack of transportation to health clinics, and shortages of contraceptives. The government provided free prenatal, childbirth, and postpartum services but lacked qualified health-care professionals as well as medical supplies to offer these services widely.

According to a 2013 UN Population Fund report, the maternal mortality ratio was 460 deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in 38. Skilled health personnel attended approximately 49 percent of births. Major factors influencing high maternal mortality included the low rate of attendance by skilled personnel, high fertility rate, and poor quality of many medical facilities.

Discrimination: The law addresses inheritance and gives individuals the right to use, transfer, and occupy land without regard for gender and recognizes women's occupancy rights (all land in the country legally belongs to the government). Implementation of the law was difficult because most women were unaware of the law, which also recognizes customary practices in these areas that often favored men. Historically, rural women have not acted as primary land occupants or managed businesses because of cultural constraints and lack of education. Civil society activists reported widespread discrimination against women in property matters related to inheritance and divorce. Women were especially vulnerable if they initiated the separation from their partners or if their partners died. Women have the same status as men under labor law on the mainland. On Zanzibar the law states the normal retirement age for women is 55 and for men is 60. The law on the mainland allows men to marry multiple wives in certain circumstances but does not allow women to do the same. The law on the mainland generally assumes that it is in the best interest of a child under seven to be with his or her mother in the case of parental separation or divorce. In Zanzibar qadi courts handle inheritance, marital, and custody issues.

The mainland Ministry of Community Development, Gender, and Children and the mainland Ministry of Justice and Constitutional Affairs, as well as their counterpart ministries on Zanzibar, are responsible for protecting the legal rights of women. Discrimination against women was most acute in rural areas. Rural women had little opportunity to attend school or obtain wage employment.

Children

Birth Registration: Citizenship is derived by birth within the country's territory, or if abroad, from one's parents. The Registration, Insolvency, and Trusteeship Agency estimated that 20 percent of the population had birth certificates in 2011, the latest year that nationwide statistics were available. Registration of births within three months is free; however, parents who register their babies after three months must pay a fee. Public services were not withheld from unregistered children.

In July 2013 the government launched a national birth registration system for under-five children to accelerate birth registration after years of stagnation. This program began in Mbeya region, and subsequently 130,000 children were registered in Mbeya using the mobile phone. With assistance from the UN Children's Fund (UNICEF), health workers registered children immediately and issued birth certificates free of charge to families.

Education: Primary education is compulsory and universal on both the mainland and Zanzibar until the age of 15. Tuition is free, but parents are required to pay for books, uniforms, and school lunches. Beginning in Form 1, the equivalent of the first year of high school, parents are required to pay enrollment fees. As a result many children did not attend secondary school.

Girls represented approximately half of all those enrolled in primary school but were absent more often than boys due to household duties. At the secondary level, boys represented a disproportionately high percentage of enrolled students, and child marriage and pregnancy often prevented girls from finishing school.

The Center for Reproductive Rights reported in September 2013 that more than 55,000 girls over the last decade had been expelled from school for being pregnant. Reportedly, as early as age 11, many schoolgirls were forced to undergo a pregnancy test in order to attend school.

Child Abuse: Violence and abuse against children was a major problem. The law allows head teachers to cane students, and corporal punishment in schools remained a problem, although less so than in previous years. The National Violence against Children Survey, conducted in 2009, found that almost three-quarters of children experienced physical violence prior to the age of 18. Of these, three out of five experienced physical violence from relatives, and one out of two from teachers. In April 2013 the government launched a three-year national plan

to prevent and respond to violence against children and to address the findings of UNICEF's report. The plan was to be integrated into programs across all key ministries, especially at community level through the support of the local government authority.

Early and Forced Marriage: The law provides that girls as young as 15 can marry with the consent of parents or guardians, although no consent is required for orphaned girls without guardians. The courts also have discretion to allow the marriages of 14-year-old girls in the case of pregnancy. Additionally, the law allows Muslim and Hindu girls to marry as young as 12 as long as the marriage is not consummated until the girl reaches age 15. To circumvent these laws, individuals reportedly bribed police or paid a bride price to the family of the girl to avoid prosecution. An estimated 37 percent of women between the ages of 20 and 24 were married before the age of 18, and 7 percent were married before the age of 15, according to the 2010 Demographic and Health Survey. The law in Zanzibar does not specifically address early marriage.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. Statutory penalties for performing FGM/C on girls under 18 range from five to 15 years' imprisonment, a fine of TZS 300,000 (\$187), or both. Some ethnic groups and families, however, continued the practice. According to the 2010 Demographic and Health Survey, 15 percent of women and girls ages 15 to 49 experienced FGM/C, and 7 percent of girls and women ages 15 to 19 were subjected to the practice. The practice was most common in the northern and central zones. Manyara's prevalence rate was 71 percent, Dodoma's 64 percent, Arusha's 59 percent, Singida's 51 percent, Mara's 40 percent, Kilimanjaro's 22 percent, Morogoro's 21 percent, and Tanga's 20.

Prosecutions were rare. Many police officers and communities were unaware of the law, victims were often reluctant to testify, and some witnesses feared reprisals from FGM/C supporters. Some villagers reportedly bribed local leaders not to enforce the law in order to carry out FGM/C on their daughters.

The 2001-15 National Plan of Action for the Prevention and Eradication of Violence against Women and Children enlisted the support of practitioners and community leaders in eradicating FGM/C. As part of the effort, the government continued a three-year program to eradicate FGM/C by 2016 in the Mara Region, one of the most affected areas. According to Deputy Minister for Community Development, Gender, and Children Umyy Mwalimu, the government implemented a strategy to end FGM/C in the Tarime, Mara Region, through

education on the harmful effects of the practice. The campaign targeted young girls, traditional elders, parents, and FGM/C practitioners.

Sexual Exploitation of Children: The law criminalizes child pornography and child prostitution. According to the National Survey on Violence against Children, approximately one in 25 girls ages 13-17 years reported they had received money or goods in exchange for sex. Persons found guilty of such offenses were subject to a fine ranging from TZS one million (\$625) to TZS 500 million (\$312,500), a prison term of one to 20 years, or both. There were no prosecutions based on this law during the year.

The law provides that sexual intercourse with a child under 18 years is rape regardless of consent, unless within a legal marriage. The law was not always enforced. Human rights activists and NGOs stated that the Law of Marriage Act, which provides for marriages of 14-year-old girls, needed amendment to reflect the criminality of sexual intercourse with a child.

According to the TAMWA, the incidence of child rape was rising, and the major causes included alcoholism, poor education, poverty, and superstition. According to the National Survey on Violence against Children, 27.9 percent of girls ages 13-24 reported experiencing at least one incident of sexual violence or inappropriate sexual contact before turning 18. Among boys in the same age group, 13.4 percent reported experiencing at least one incident of sexual violence prior to the age of 18.

Infanticide or Infanticide of Children with Disabilities: Infanticide continued to be a problem, especially among poor rural mothers who believed themselves unable to afford to raise a child. Nationwide statistics on infanticide were not available.

The LHRC reported several incidents during the year, including a mother who dumped her newborn child in a toilet in February and a father who strangled a toddler, also in February, during a dispute over the paternity of the child.

Displaced Children: Children living or working on the street had limited access to health and education services because they lacked a fixed address or money to purchase medicines, school uniforms, and books. These children were also vulnerable to sexual abuse.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-

specific information see the Department of State's report at <http://travel.state.gov/content/childabduction/english/country/Tanzania.html>.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law recognizes physical, intellectual, sensory, or mental disabilities. It prohibits discrimination in learning institutions and employment. Nonetheless, persons with physical disabilities, who constituted approximately 9 percent of the population, were effectively restricted in employment, education, access to health care, and other state services by physical barriers and inadequate financial resources. A 2010 survey published by the Comprehensive Community Based Rehabilitation in Tanzania organization showed that 0.7 percent of employees at 126 large companies had disabilities.

Although the government mandates access to public buildings, transportation, and government services for persons with disabilities, few buildings were accessible. New public buildings were being built in compliance with the law, but funds to retrofit existing structures were unavailable. The law provides for access to information and communication, but not all persons with disabilities had such access.

There were five members of the mainland parliament with disabilities. The president appointed four of these MPs. One MP elected in 2010, Salum Bar'wan, was the first elected MP with albinism. During the election campaign, his opponents repeatedly claimed that persons with albinism did not have the ability to think clearly. Persons with disabilities held three appointed seats in the Zanzibar House of Representatives.

The government reportedly took steps to improve election participation by persons with disabilities. These improvements included preparation of a guidebook on election procedures, shorter waiting times for persons with disabilities at polling

stations, and preparation of tactile ballots for persons with vision disabilities; however, a number of shortcomings continued to limit the full participation of persons with disabilities in the election process. These included inaccessible polling stations, lack of available information, limited involvement of persons with disabilities in political parties, failure of the National Electoral Commission to implement its directives, and stigma towards persons with disabilities.

The Ministries of Education, Justice, and Labor are responsible for enforcing the rights of persons with disabilities to education, legal claims, and labor rights, respectively. The Department of Social Welfare within the Ministry of Health and Social Welfare has responsibility for coordinating matters related to persons with disabilities.

Indigenous People

Farmers and indigenous pastoralists sometimes argued over traditional animal grazing areas, and violence broke out during several disputes. For example, in January farmers and livestock keepers clashed in Kiteto over land rights. The violence killed several persons and injured at least 15. While farmers blamed the government for fueling the conflicts, the livestock keepers faulted the farmers for invading their land. The government ordered both communities to leave the area.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual conduct is illegal on the mainland and on Zanzibar. The law on both the mainland and Zanzibar punishes “gross indecency” by up to five years in prison or a fine. The law punishes any person who has carnal knowledge of another against the order of nature or permits a man to have carnal knowledge of him against the order of nature with a prison sentence of 30 years to life on the mainland and imprisonment up to 14 years in Zanzibar. In Zanzibar the law provides for imprisonment up to five years or a fine for “acts of lesbianism.” The burden of proof in such cases is significant. According to a 2013 Human Rights Watch report, arrests of lesbian, gay, bisexual, and transgender (LGBT) persons rarely led to prosecutions; usually they were a pretext for police to collect bribes or coerce sex from vulnerable individuals. Nonetheless, the CHRAGG’s 2011 prison visits revealed that “unnatural offenses” were among the most common reasons for pretrial detention of minors. In the past courts charged individuals suspected of same-sex sexual conduct with loitering or prostitution. The law does not prohibit discrimination based on sexual orientation and gender

identity. LGBT persons faced societal discrimination that restricted their access to health care including access to information about HIV, housing, and employment. There were no known government efforts to combat such discrimination.

HIV and AIDS Social Stigma

In the 2010 Demographic and Health Survey, 30 percent of women and 41 percent of men reported having accepting attitudes towards those with HIV/AIDS. The law prohibits discrimination against any person “known or perceived” to be HIV positive and establishes medical standards for confidentiality to protect persons with HIV/AIDS. The law also criminalizes the deliberate transmission of HIV, but there were no prosecutions based on this law during the year. The government, working with NGOs, continued to educate the public about HIV/AIDS-related discrimination and create safeguards for HIV/AIDS patients’ human rights. A network of lawyers, policymakers, and doctors continued lobbying efforts and other activities to deal with legal, ethical, and human rights problems associated with HIV/AIDS.

Other Societal Violence or Discrimination

Despite efforts by the government and NGOs to reduce mob violence through educational outreach and community policing, mobs stoned, beat, immolated, and hacked to death a number of suspected criminals. The LHRC’s biannual report stated there were 476 incidents of killing by mob violence between January and July, compared with 597 such deaths during the same period in 2013.

The LHRC biannual report indicated there were 320 witchcraft-related killings between January and July. Many of these killings occurred through mob violence. The majority involved killing victims for parts used in witchcraft. Albinos were particularly at risk of such violence. Some ritual practitioners, particularly in the Lake Zone region, sought albino body parts in the belief they could be used to create power and wealth.

The NGO Under the Same Sun reported that three attacks and two attempted attacks on persons with albinism occurred in 11 days in August. For example, on August 5, in the Kailua District of Tabora, three men armed with machetes cut a 15-year-old girl’s right arm off below the elbow. Authorities arrested the three men in connection with the attack. Also on August 5, two men with machetes chased her uncle.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The mainland and Zanzibari governments have separate labor laws. Workers on the mainland, except for workers in the category of the “national service” and prison guards, have the right to form and join independent trade unions, conduct legal strikes, and bargain collectively. The government, however, has significant de jure and de facto control over the freedoms of association and collective bargaining, thus limiting these rights in practice. Trade unions in the private sector must consist of more than 20 members and register with the government while public sector unions need 30 members. A trade union or employers association must register with the Registrar of Trade Unions in the Ministry of Labor within six months of establishment. The law, however, does not provide for specific time limits within which an organization may be registered, and the registrar has the power to refuse official registration on arbitrary, unjustified, or ambiguous grounds. The government prescribes the terms of office of trade unionists. Failure to comply with government requirements is subject to fines and/or imprisonment.

Depending on the size of each trade union, a certain number of union leaders may be employed full time to carry out trade union functions. For example, in a small trade union, only one union leader may serve as a full-time trade union official, while other members must work full time in the enterprise or industrial sector in which they have been elected. In a union consisting of more than 100 members, 15 union members may be hired to work full time for the union. Five organizations are required to form a federation. Trade union affiliation with other nonunion organizations can be annulled if it was obtained without government approval, or if the union is considered an organization whose remit is broader than just employer-worker relations. The law requires unions to submit financial records and a membership list to the registrar annually and to obtain government approval for association with international trade unions. The registrar is empowered to apply to the Labor Court to deregister or suspend unions if there is overlap within an enterprise or if it is determined that the union violated the law or endangered public security. As of July there were more than 24 registered unions, 13 of which were joined to form a federation, the Trade Union Congress of Tanzania (TUCTA).

Although the law prohibits antiunion discrimination, it does not provide sufficient protection against it. Disputes on the grounds of antiunion discrimination must appear before the Commission for Mediation and Arbitration, a governmental

department affiliated with the Ministry of Labor. Reinstatement is not mandatory. On Zanzibar the courts are the only venue in which labor disputes can be heard.

Collective bargaining agreements must be registered with the Labor Commission. Public service employees, except for limited exceptions such as workers involved in “national service” and prison guards, may also engage in collective bargaining.

Mainland workers have the legal right to strike, and employers have the right to initiate a lockout provided they comply with certain legal requirements and procedures. Three separate notifications of intent, a waiting period of at least 92 days, and a union vote in the presence of a Ministry of Labor official that garners 75 percent approval of employees are required for a strike to be declared legal. All parties to a dispute may be bound by an agreement to arbitrate, and neither party may then engage in a strike or a lockout until that process has been completed. The law restricts the right to strike when a strike would endanger the life and health of the population. Restrictions on the right to strike are limited to a rights dispute. Picketing in support of a strike or in opposition to a lawful lockout is prohibited. Workers in certain “essential” sectors (water and sanitation, electricity, health services and associated laboratory services, firefighting, air traffic control, civil aviation, telecommunications, and any transport services required for the provisions of these services) may not strike without a pre-existing agreement to maintain “minimum services.” Workers in other sectors may also be subject to this limitation as determined by the Essential Services Committee. This tripartite committee composed of employers, workers, and government representatives has the authority to deem periodically which services are essential.

A lawful strike or lockout is protected; i.e., an employer may not legally terminate an employee for participating in a lawful strike or terminate an employee who accedes to the demands of an employer during a lockout.

On Zanzibar labor law requires a union with 50 or more members to be registered and sets literacy standards for trade union officers. The law provides for the registrar’s considerable powers to restrict registration by setting forth criteria for determining whether an organization’s constitution contains suitable provisions to protect its members’ interests. The labor law applies to both public and private sector workers and bans Zanzibari workers from joining labor unions on the mainland. The law prohibits a union’s use of its funds, directly or indirectly, to pay any fines or penalties incurred by trade union officials in the discharge of their official duties. Zanzibari government workers have the right to strike as long as they follow procedures outlined in the labor law. For example, workers in

essential sectors may not strike; others must give the mediation authorities at least 30 days to resolve the issue and provide a 14-day advance notice of any proposed strike action. The law provides for collective bargaining in the private sector. Public sector employees also have the right to collective bargaining through the Trade Union of Government and Health Employees. Zanzibar's Dispute Handling Unit addresses labor disputes. On Zanzibar judges and all judiciary officers, members of special departments, and employees of the House of Representatives are excluded from the labor law protection.

On the mainland the Ministry of Labor is responsible for enforcement of labor laws, together with the courts. Limited data was available about enforcement actions, and enforcement appeared inconsistent across regions, in part due to limited government capacity.

There were no major strikes on the mainland during the year.

On both the mainland and Zanzibar, many private sector employers adopted antiunion policies or tactics, although case law discourages discriminatory activities by an employer against union members. On the mainland TUCTA reported that international mining interests engaged in antiunion activities such as paying officials from the Ministry of Labor Inspectorate to ignore worker complaints or to write favorable reports on working conditions. The International Labor Organization (ILO) reported that during the year some mining interests "barred" unions from organizing and used security staff to block labor inspectors from entering mines. TUCTA officials stated that there were many instances of discrimination against union workers. Mining companies reportedly established employer-controlled unions called "welfare committees" and "declared workers redundant" to prevent organizers from starting a union. The Tanzanian Mining and Construction Workers Union reported 120 active cases of unfair termination involving mining companies in different stages of adjudication. TUCTA also reported cases of hotels and construction firms dismissing employees for attempting to unionize.

In 2013, when workers at the Tanzania-Zambia Railway Authority went on strike to demand the payment of four-month salary arrears, the management dismissed 1,067 workers in Tanzania Cost and Profit Center and the rail's construction unit. In August 2013 the Tazara Board of Directors reversed the management decision; however, the company refused to pay the salary arrears. As a result the Tazara Railway Workers Union (TRAWU) decided to continue the strike, which lasted for two weeks. According to minister for transport, Harisson Mwakyembe, despite the

fact that the TRAWU-organized strike was not legal, government took into consideration the suffering of workers and their families and issued instructions to take no punitive measures against the workers.

Many workers did not have employment contracts and lacked legal protections. TUCTA officials mentioned long-haul bus drivers and seasonal agricultural workers as commonly working for “one or two years” without a contract.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor. The law allows prisoners to work without pay on construction and agriculture projects within prisons ostensibly both to develop the skills of the prisoners and to reduce the costs of operating prisons. The law deems as acceptable any such work of a convicted person as long as a public authority supervises that person’s work and his work is not for the benefit of any private party. The law establishes criminal penalties for employers using forced labor. Offenders may be fined up to TZS five million (\$3,125), sentenced to one year in prison, or both. The law also allows work carried out as part of compulsory national service in certain limited circumstances. Article 25 of the constitution provides that no work shall be considered forced labor if such work forms part of: (1) compulsory national service in accordance with the law, or (2) the national endeavor at the mobilization of human resources for the enhancement of society and the national economy and to ensure development and national productivity.

Statistics about enforcement were not available, and the Ministry of Labor reported the use of convict labor had essentially ended within the past five years. The ILO continued to report unspecified instances of forced labor, including those involving children from the southern highlands forced into domestic service or labor on farms, in mines, and in the informal business sector. Neither the Ministry of Labor nor the ILO had a record of government enforcement actions during the year.

Prisoners were used as labor on projects outside of the prison, such as road repair and government construction projects. Prisoners previously complained of being used as “slave laborers” for the benefit of private actors and companies.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the exploitation of children in the workplace. By law the minimum age for contractual employment is 14. Children over 14 but under 18 may be employed to do only light work unlikely to harm their health and development or attendance at school. Children under age 18 may not crew a ship or be employed in a mine, factory, or any other worksite where working conditions could be hazardous. The law specifically limits working hours for children and establishes fines and criminal penalties for employers of child labor as for employers of forced labor. Penalties include a fine ranging from TZS 100,000 to TZS 500 million (\$62,500 to \$312,500), imprisonment ranging from three months to 20 years, or a combination of a fine and imprisonment.

On the mainland the Ministry of Labor was responsible for enforcement of labor laws, together with the courts. Several government ministries, including the Ministry of Labor, had special child labor focal persons. Although the Ministry of Labor appointed five additional labor officers, the ILO continued to report that the number of labor officers charged with guarding against child labor was insufficient and that some regions had no labor officers.

The enforcement of laws against child labor was inconsistent. The ILO previously engaged with the government in training labor inspectors on the problem of child labor, but during the year no reported child labor cases were brought to court. Likewise, Zanzibar's Ministry of Labor, Youth Development, Women, and Children did not take legal action related to child labor.

Estimates from 2011 stated that approximately 30 percent of children ages five to 14 were engaged in child labor.

Children worked as domestic workers, street vendors, and shopkeepers as well as in small-scale agriculture (e.g., coffee, sisal, tea, and tobacco), family-based businesses, fishing, construction, and artisanal mining of gold and tanzanite. On Zanzibar children worked primarily in transportation, fishing, clove picking, domestic labor, small businesses, and gravel making. The government collaborated with the NGO Save the Children and implemented a program to combat child labor through which more than five thousand children were withdrawn from the work force and returned to school.

The lack of enforcement of laws left children vulnerable to exploitation and with few protections.

Other measures to ameliorate the problem included verifying that children of school age attended school, imposing penalties on parents who did not enroll their children in school, and sensitizing employers in the formal sector against employing children below the age of 18. Ministry of Labor officials reported, however, that enforcement of child labor laws was difficult because many children worked in private homes or rural areas. A combination of factors, including distance from urban-based labor inspectors and an unwillingness of children to report the conditions of their employment, complicated inspections. Officials reported as well that the problem of child labor was particularly acute among orphans.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The Employment and Labor Relations Act of 2004 prohibits discrimination, directly or indirectly, against an employee based on color, nationality, tribe or place of origin, race, national extraction, social origin, political opinion or religion, sex, gender, pregnancy, marital status or family responsibility, disability, HIV/AIDS, age, or station of life. The law does not specifically prohibit discrimination based on sexual orientation and/or gender identity. The law distinguishes between discrimination and an employer hiring or promoting based on affirmative action measures consistent with the promotion of equality, or hiring based on an inherent requirement of the job. The government, in general, did not effectively enforce the law.

Gender-based discrimination in terms of wages and legal protections in employment occurred frequently. It was difficult to prove and often went unpunished (see section 6).

Discrimination against migrant workers also occurred. Migrant workers often faced difficulties in seeking legitimate employment. It remained illegal for refugees to live outside the camp or to travel more than 2.5 miles outside the camp without permits, and few refugees worked in the formal sector.

e. Acceptable Conditions of Work

The Minimum Wage Board sets the industry-based minimum wage. The government established minimum wage standards in July for employees in both the

public and private sectors on the mainland, and it divided those standards into nine employment sectors. The lowest minimum wage was TZS 40,000 (\$25) per month for the lowest-paid category of domestic workers residing in the household of the employer, who were not covered at all in previous legislation. The highest was TZS 400,000 (\$250) per month for workers in the telecommunications and multi-national mining, energy, and financial sectors. The law allowed employers to apply to the Ministry of Labor for an exemption from paying the minimum wage. These monthly wages were above the poverty line of TZS 13,998 (\$8.75) per month per person established by the 2006/07 Household Budget Survey. The labor laws cover all workers, including foreign and migrant workers. The minimum wage on Zanzibar was TZS 145,000 (\$91), an increase from TZS 70,000 (\$44) in 2010.

According to the 2004 Employment and Labor Relations Act, the ordinary workweek is 45 hours, with a maximum of nine hours per day or six days per week. Any work in excess of these limits should be compensated with overtime pay. Under most circumstances it is illegal to schedule women to work between 10 p.m. and 6 a.m., although employers frequently ignored this restriction.

The law states that employees with 12 months of employment are entitled to 28 days of paid annual leave, and it requires employee compensation for national holidays. The law prohibits excessive or compulsory overtime, and it restricts required overtime to 50 hours in a four-week period or in accordance with previously negotiated work contracts. The law provides for overtime employment compensation at a rate of one and a half times the employee's regular wage. The law also prohibits discrimination based on tribe, place of origin, health, race, color, gender, marital status, age, or disability, and it requires remuneration at equal levels for employees engaged in equal work.

Several laws regulate safety in the workplace. TUCTA and the ILO both described the new chief executive of the Occupational Safety and Health Authority as a positive shift for the agency, citing her as effective and eager to make improvement. The Ministry of Labor managed an inspection system; however, its effectiveness was limited due to lack of resources and the small number of labor officers available to conduct inspections. Mining companies reportedly took advantage of these limitations to avoid inspections.

Workers could sue an employer if their working conditions did not comply with the Ministry of Labor's health and environmental standards. Disputes were

generally resolved through the Commission for Mediation and Arbitration. There were no exceptions for foreign or migrant workers.

Labor standards were not effectively enforced, particularly in the informal sector. TUCTA officials estimated that of an active labor force of 11 million, the vast majority worked in the informal sector. The World Bank estimated the size of the informal sector at more than 50 percent of the total workforce.

Enforcement of the law concerning the minimum wage and working hours was not reported as widely problematic, and there were few coordinated actions concerning the two problems.

The labor standards laws derive from the international convention on labor standards. The convention does not name specific penalties, and there were no reported government actions to enforce penalties for such violations or improve working conditions during the year.

In traditionally dangerous industries such as construction, employees often worked without protective equipment such as helmets, gloves, or harnesses. According to reports the mining sector remained dangerous for workers due to adverse working conditions. Domestic workers were reportedly frequent victims of abuse.

Due to the limited capacity of the Ministry of Labor's inspection system, there were no published statistics on sectors with working condition violations for the year.

By law workers can remove themselves from situations that endangered health or safety without jeopardy to their employment, but authorities did not effectively protect employees in this situation.