

TANZANIA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The United Republic of Tanzania is a multiparty republic consisting of the mainland region and the semiautonomous Zanzibar archipelago, whose main islands are Unguja (Zanzibar Island) 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. On October 25, the country held its fifth multiparty general election. Voting in the union and Zanzibari elections was judged to be largely free and fair. Voters in mainland Tanzania and Zanzibar elected a union president (John Magufuli) and their respective representatives in the union legislature. The chair of the Zanzibar Electoral Commission declared the election for Zanzibar's president and legislature nullified after only part of the votes had been tabulated, precipitating a political crisis on the islands. Union security forces reported to civilian authorities, but civilian authorities at times did not maintain effective control over the security forces.

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, restrictions on political expression, limits to freedom of expression on the internet, restrictions on religious freedom, restrictions on the movement of refugees, rampant official corruption at many levels nationwide, child abuse, discrimination based on sexual orientation, and societal violence against persons with albinism. Trafficking in persons, both internal and international, and 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 other security forces and civilian branches of government 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 police and other security units committed unlawful killings. Based on interviews and reports, it appeared there were fewer unlawful killings than in previous years. According to the Legal and Human Rights Center (LHRC) 2015 report, five persons were killed: three in police custody and two by game wardens in Meatu.

The nongovernmental organization (NGO) Mining Watch Canada reported there was continuing violence at the North Mara gold mine owned by African Barrick Gold, where there have been past reports of mine security personnel and police using lethal force. Since September 2014 local human rights sources recorded at least 20 new cases of deaths or serious injury at the mine.

b. Disappearance

There were no confirmed reports of politically motivated disappearances.

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

The constitution prohibits such practices, although the law does not reflect this constitutional stricture nor define torture. There were reports 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. These abuses most commonly involved beatings.

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 insufficient medical care were pervasive.

Physical Conditions: As of October the prisons, whose total designed capacity was 29,552 inmates, held 34,404, 16 percent above designed capacity. Pretrial detainees and convicted prisoners were held together. Authorities imprisoned irregular migrants the UN High Commissioner for Refugees (UNHCR) had processed for possible asylum.

Authorities held minors together with adults in several prisons due to lack of detention facilities. In 2013 the independent government department Commission for Human Rights and Good Governance visited selected prisons and detention facilities and found 452 minors detained in the adult prisons visited. Among these, 101 were convicts and 351 were pretrial detainees. In several adult prisons, minors were placed in a separate cell, but mixed with adults during the day and while being transported to court. In other prisons children and adults mixed at all times.

Information on the prevalence of deaths 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, a lack of electricity, inadequate lighting, and insufficient medical supplies. Prisons were unheated, but prisoners in cold regions of the country reportedly received blankets and sweaters. Sanitation was insufficient.

Medical care was inadequate. The most common health complaints by prisoners concerned 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 centers and hospitals.

Administration: Judges and magistrates conducted regular visits to inspect prisons and hear concerns from convicts and detainees. Recordkeeping in prisons was inadequate and resulted in discrepancies in reporting. Authorities did not take steps to improve record keeping.

On the mainland prisoners could submit complaints to judicial authorities, but the LHRC alleged the letters were censored. The Commission for Human Rights and Good Governance 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.

Although prisoners and detainees usually had reasonable access to visitors and could worship freely, with some exceptions, prison wardens reportedly forced some inmates to worship in denominations chosen for them. 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 law prohibits members of the press from visiting prisons. As of year's end, no independent nongovernmental observer reported receiving government permission to access prisons.

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 in the country. The Field Force Unit, a special division of the TPF, has primary responsibility for controlling unlawful demonstrations and riots. During the year there were reports of use 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 (see section 1.e.). 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 law 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 may carry sticks or clubs. They coordinated 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 Nyarugusu 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 of the country; it also has some limited domestic security responsibilities. The National Service 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 sometimes took disciplinary action against police officers implicated in wrongdoing.

The mainland community policing initiative to improve community relations with the police and enhance police effectiveness continued. The community police received standardized training, and police conducted awareness campaigns for citizens on how to assist community policing units. In Zanzibar the government continued with similar training and awareness campaigns in 10 primary schools. As a result of the programs, officials noted significant increases in assistance provided to the police, leading to arrests and improved law enforcement.

In Zanzibar the Zanzibar Special Forces (ZSF) were deployed at the district level for activities that would fall under police jurisdiction on the mainland. The ZSF is a collection of small armed units under the direction of the government of Zanzibar and is not affiliated with the TPF or the Tanzanian People's Defense Forces, although they were placed under the control of the TPF on election day. Recruitment, training, and command and control of the "special units" were opaque and influenced by the ruling party in Zanzibar. These units, including the fire brigade and prison guards, were often activated during political activities, such as voter registration or voting.

Between March and November, in Zanzibar, opposition parties and civil society organizations reported the ZSF were involved in sporadic attacks on opposition supporters. International observers witnessed ZSF members beating civilians in two separate incidents on election day. In one attack following the election, 30 persons were beaten and four homes were burned on Tumbatu Island. There were reports that in some cases assailants wore ZSF uniforms. There were also reports a group of masked assailants known colloquially as "zombies" were affiliated with the ZSF, and have included masked ZSF members in uniform.

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. In general authorities promptly informed detainees of the charges against them. 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 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. The law gives accused persons the right to contact a lawyer or talk with family members, but at times authorities denied this right. The government provided legal representation for some indigent defendants and for all suspects charged with murder or treason. Prompt access to counsel was often limited by the lack of lawyers in rural areas, lack of communication systems and infrastructure, and accused persons' ignorance of their rights.

Arbitrary Arrest: 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.”

Pretrial Detention: According to the Ministry of Home Affairs, approximately 50 percent of the prison population consisted of pretrial detainees. Detainees charged with crimes 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 December the president reduced by one sixth the sentences of 23,361 prisoners as part of the celebration of the 54th anniversary of National Independence. As a result of the reduction, 117 convicts were freed.

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. Judges and senior court officers are all political appointees of the president. The need to travel long distances to courts imposes logistical and financial constraints that limit access to justice for persons in rural areas. There were fewer than two judges per one million persons. Court clerks reportedly continued to take bribes to open cases or 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 informed detainees promptly and in detail 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 for legal aid in criminal cases, although in practice only those accused of murder and treason were provided with free representation. Most other defendants could not afford legal representation and represented themselves in court. Defendants with the means may hire representation of their choice, but the law allows only government public defenders to provide unpaid legal assistance on criminal matters. NGOs represented some indigent defendants in large cities such as Dar es Salaam and Arusha. In 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, although access to adequate facilities was limited. Defendants or their lawyers have access to evidence held by the government, the right to confront prosecution

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. All defendants can appeal decisions to the union Court of Appeal.

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 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

Persons may bring civil lawsuits seeking damages for 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.

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. While only courts may 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. 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, but there were no reports that this occurred.

It was widely believed government agents monitored the 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.

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

Press and Media Freedoms: The independent media on the mainland were active and generally expressed a wide variety of views. In Zanzibar the government controlled the only daily newspaper (mainland newspapers were available), a television station, and one of the seven radio stations. The union Ministry of Information, Youth, Culture, and Sports reported there were 126 radio stations, 28 television stations, nine cable television providers, 62 weekly newspapers, and 16 daily newspapers.

Two mainland newspapers were owned by the government, one by the ruling Party of the Revolution (CCM), and another by the chair of the Party of Democracy and Development (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. Newspaper registration was at the discretion of the registrar of newspapers at the information ministry on both the mainland and Zanzibar. Acquiring a broadcasting license from the Tanzania Communication Regulatory Authority (TCRA) took an estimated six months to one year, and the TCRA restricted the area of broadcast coverage.

The Zanzibari government-owned daily newspaper had an estimated circulation of 25,000. There was one privately owned weekly newspaper with a much smaller circulation. The government of Zanzibar controlled content on the radio and television stations it owned. There were government restrictions on broadcasting in tribal languages; broadcasts in Kiswahili or English were officially preferred. 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 uncommon.

Violence and Harassment: Law enforcement authorities and crowds attacked, harassed, and intimidated journalists during the year. For example, on September 15, an opposition Chadema councilor beat *Uhuru* online newspaper cameraman Christopher Lisa and damaged his camera, while the latter was covering a political demonstration against the Chadema presidential candidate.

Censorship or Content Restrictions: 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.”

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 to a fine of not less than 250,000 Tanzanian shillings (TZS) (\$123), 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.

Despite the guarantee of free speech in the constitution, there were examples of the government repressing information. For example, in January *The East African* newspaper was banned from circulation in the country on the grounds that it was not properly registered. The chairman of the paper’s parent company commented the paper had been circulating for 20 years and said the real reason for the ban was government displeasure with the newspaper’s reporting. 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 about the censorship of stories by editors fearful of criticizing government leaders or policies.

Libel/Slander Laws: The law provides for arrest, prosecution, and punishment for the use of seditious, abusive, or derogatory language to describe the country’s leadership.

The TCRA vowed to be more vigilant overseeing media coverage after the passage of the Cybercrime Act in May, which states any violation of the license requirements would be subject to severe penalties, including possible deregistration. Three media outlets, Channel Ten, TBC1, and Star TV, were each fined for broadcasting footage of “provocative” language during the election campaign. ITV and Radio One were issued strong warnings and instructed to apologize on air for two consecutive days for broadcasting a story, which authorities deemed false, about a police ban on an opposition demonstration.

On September 4, the High Court lifted an indefinite ban on the Kiswahili investigative newspaper, *Mwanahalisi*, which had been banned in 2012 for allegedly threatening national security. Judge Salvatory Bongole in his judgment said he was convinced that Information, Youth, Culture, and Sports Minister Fenella Mukangara breached procedure when banning the newspaper.

Internet Freedom

While the government did not restrict access to the internet, it monitored websites and internet traffic that criticized the government and to combat illegal activities. According to the TCRA’s September report, 11.3 million persons (23 percent of the population) used the internet in 2014. According to the International Telecommunication Union, 4.86 percent of the population used the internet that year.

In May the government passed the Cybercrimes Act of 2015. The law criminalizes the publication of false information, defined as the publication of “information, data or facts presented in a picture, texts, symbol or any other form in a computer system where such information, data or fact is false, deceptive, misleading or inaccurate.” Civil society groups expressed concern the act could curtail freedom of expression. For example, after the October 25 general election, 181 persons working in an opposition election center were detained and eight formally charged with violations of the Cybercrimes Act for compiling election results.

The act was used as the pretext for a raid on a civil society election center during which police detained 36 persons and seized computers and cell phones being used to collect information from election observers. Also in October the media reported one person was charged under the act for posting on his Facebook page that the outgoing prime minister “will only become a gospel preacher.” The media also reported that in October another person was charged with publication of false information under the act for posting messages on his Facebook and WhatsApp

accounts that the chief of the defense forces was hospitalized in Nairobi after eating poisoned food.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. In March, however, the government passed a statistics bill that establishes the National Bureau of Statistics (NBS) as the sole custodian of official statistics in the country, and makes it a crime to publish other data. Media stakeholders and civil society groups said the law would curtail research, survey activities, and the freedom to challenge NBS data. The government later clarified that the law applies only to government statistics, and not to those generated by civil society or academics, which may still be published as long as they are not identified as “official.”

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, but the government did not always respect this right.

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 demonstrations and assemblies. Police denied demonstration permits to political parties, NGOs, and religious organizations. Many NGOs believed police often denied these permits at the behest of CCM officials at various levels of government.

On January 27, Civic United Front (CUF) party Chairman Ibrahim Lipumba and 32 others were arrested in Dar es Salaam during a rally commemorating the 14th anniversary of the killing of citizens during post-election demonstrations in 2001. Police dispersed the crowd with tear gas, injuring several persons.

In October the union High Court ruled the law prohibits all public gatherings on election day, regardless of distance from polling centers. The High Court had been asked to interpret the election law in the run-up to general elections after opposition leaders had urged supporters to “guard the vote,” and the president had told voters to go home and not gather after voting.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right. Thousands of NGOs and societies (see below) 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 for associations outside Zanzibar was slow, particularly for religious and lesbian, gay, bisexual, transgender, and intersex (LBGTI) organizations. The law makes a distinction between NGOs and societies and applies different registration procedures to the two. It defines a society 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 considered to be 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. Organizations may operate while their applications are pending.

Religious organizations are registered as societies and wait the longest--an average of four years--for registration. From July 2014 to March, the Registrar of Societies received 501 registration applications, 70 of which came from religious institutions. The registrar registered 415 societies and 42 religious institutions, and rejected 32 applications, 23 of which were from religious entities; 12 applications remained unprocessed. The government rarely registered societies within the legally required 14-day period. The Ministry of Community Development, Gender, and Children registered other NGOs. That 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/religiousfreedomreport/.

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, and the government generally respected these rights.

The government generally cooperated with the UN High Commissioner for Refugees (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. The NEC was reviewing a backlog of several hundred asylum claims.

During the year the NEC reviewed and made formal determinations on pending asylum cases, including for Syrian, Pakistani, and Iranian applicants, and reviewed pending asylum cases of individuals from the Democratic Republic of the Congo.

When political unrest in Burundi led thousands of persons to cross the border into Tanzania, the government granted prima facie refugee status to the new arrivals. During the year the government agreed to allow UNHCR access to three former refugee camps to accommodate the large increase in the refugee population, which by December had reached an estimated 121,000 new arrivals.

The international NGO Asylum Access reported many 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 believed many urban refugees would be able to demonstrate a need for international protection that would qualify them for refugee status. Since urban refugees were not formally registered with UNHCR and the government, however, they 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 seeking to go to southern African countries. 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.

Beginning in December 2014, the government and the International Organization for Migration conducted a registration campaign for irregular migrants in Kigoma intended to provide a basis for either regularization of their status in the country or voluntary return to their places of origin.

Refugee Abuse: As noted above, refugees may not travel more than 2.5 miles outside of their camp without permission of the Ministry of Home Affairs office in Nyarugusu Refugee Camp. Refugees apprehended outside the camp without permits were often sentenced to community service, although by law the infraction carries a fine and a three-year prison sentence. UNHCR reported that when police apprehended refugees outside the camp without permits, they were normally held in the prison nearest to where they were arrested. Unless the infraction connected the detainee with another criminal issue, police generally released these individuals back into the camp following demarches by UNHCR.

Authorities were reportedly ineffective at protecting refugees from sexual and gender-based violence. UNHCR worked with local authorities as well as camp residents in Nyarugusu to strengthen coordination and their ability to address problems of violence--including sexual violence--against minorities. UNHCR reported 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 and restricted refugees' attempts to farm land within the camps.

Durable Solutions: In 2014 the Ministry of Home Affairs granted citizenship to 1,514 members of the Wazigua ethnic group (formerly known as Somali Bantu) and 162,156 Burundian refugees. By December 11, the Ministry of Home Affairs reported that 98 percent of these persons had received their citizenship documents.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: On October 25, the country held its fifth multiparty general election in which voters elected a new president and legislative representatives. The union elections were judged to be largely free and fair. The CCM, however, benefited from vastly superior financial and institutional resources.

In the presidential election, John Magufuli, the CCM candidate, was elected with 58 percent of the vote to replace Jakaya Kikwete, who was not eligible to run for a third term. Four opposition parties combined in the Coalition for the People's Constitution (UKAWA) coalition to support a single candidate, who ran under the Chadema banner since the law does not recognize coalitions. In parliamentary elections the CCM retained its absolute majority in parliament with nearly 73 percent of the seats.

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. Additionally Zanzibar separately elects a president of Zanzibar and members of the Zanzibar House of Representatives. The voting in Zanzibar on October 25 was judged to be largely free and fair. Following the vote, however, when tabulation of the results was more than half way completed, the chairperson of the Zanzibar Electoral Commission announced he had nullified the Zanzibar elections, although according to the constitution and law the commission does not have the authority

to do so. This decision precipitated a political crisis in the semiautonomous archipelago with the opposition candidate declaring he had won.

Although the law calls for the electoral commission to review the national voters' registry twice between the previous general election and the subsequent nomination day, this did not occur. Individuals who reached the age of 18 between October 2010 and February were 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.

In February national registration of voters began using a Biometric Voter Registration system. Registration concluded in August, with 22,751,292 eligible voters registered on the mainland, and 503,193 registered in Zanzibar.

Political Parties and Political Participation: The constitution requires that persons running for office must represent a registered political party. The law prohibits unregistered parties. The number of registered political parties increased from 18 in 2014 to 22 during the year.

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 (mainland Tanzania) and Zanzibar; parties based on ethnic, regional, or religious affiliation are prohibited.

The election law provides for a "gratuity" payment of TZS 235-280 million (\$115,000-138,000) 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 opposition parliamentary candidates from mounting effective challenges.

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

Participation of Women and Minorities: Some observers believed cultural constraints limited women's participation in politics. After the October election, women held 136 of the 394 seats in the unicameral union parliament, including the position of deputy speaker. There were 113 special women's seats apportioned among the political parties based on their electoral results. Women held 25 of the 264 elected constituent seats, and one of the four seats appointed by the president. As of December the five seats reserved for women and elected by the Zanzibar House of Representatives had yet to be filled due to the unresolved political crisis on Zanzibar. Women held three of the 15 ministerial positions and five of the 15 deputy minister positions announced as of December.

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

While the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. There were reports of corruption during the year, and corruption was generally perceived to be rampant at all levels nationwide.

Corruption: According to the Prevention and Combating of Corruption Bureau (PCCB), most corruption investigations concerned government involvement in mining, land matters, energy, and investments. Through September the PCCB reported it had opened 675 new investigations and forwarded 277 case files to the Director of Public Prosecutions for action. There were 266 new cases filed and 611 ongoing cases in court. Two hundred seventy-four cases were concluded, with 134 convictions and 140 acquittals. According to Afrobarometer findings for 2014-15, the most corrupt entities were the police, Tanzania Revenue Authority, courts, and local government. NGOs reported that allegations of corruption involved the Tanzania Revenue Authority, local government officials, police, licensing authorities, hospital workers, and the media.

In July the former ministers for finance and for energy and minerals were convicted on corruption charges. The two were sentenced to two years in prison for issuing illegal tax exemptions and "arbitrarily" awarding a contract in 2002.

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 received 56 complaints, 37 of which were under investigation.

Financial Disclosure: Government ministers and MPs, as well as other public servants, are required to disclose their assets upon assuming office, annually at year's end, and upon leaving office. Although penalties exist for noncompliance, 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 May the minister of state responsible for central establishment in the President's Office reported that 3,595 public leaders did not submit their wealth declaration forms by the end of 2014. 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.

Public Access to Information: No law provides 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 government-financed Commission for Human Rights and Good Governance.

The Commission for Human Rights and Good Governance operated on both the mainland and Zanzibar, although funding levels limited its overall capacity. The commission has no legal authority to prosecute cases, but it can make recommendations to other government offices concerning remedies or call media attention to human rights abuses and violations as well as other public complaints. From January through June, the commission investigated 7,672 complaints, of which 375 were new. Of the complaints, 844 involved misuse of authority, 652 involved not having received benefits, and 582 covered employment and disciplinary issues. A total of 242 complaints were closed; 50 were justified/successful, 25 were not justified/not successful, 20 were directed to other authorities after investigation, 92 were outside the jurisdiction of the commission, and 55 were declined for various reasons, including lack of cooperation from complainants.

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

The constitution prohibits discrimination based on nationality, tribe, place of origin, political opinion, color, religion, sex, or station in life. The government did not effectively enforce the prohibitions. No provisions prohibit discrimination based on sexual orientation or language. 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 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 she 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 may serve as grounds for divorce. Domestic violence against women remained widespread, and police rarely investigated such cases.

In 2014 a biannual report issued by the Legal and Human Rights Center (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 2014, although these crimes were probably significantly underreported. The Ministry of Health and the World Health Organization identified the main forms of gender-based violence as wife-beating (30 percent of cases), defilement (25 percent), rape (20 percent), sexual exploitation (13 percent), and marital rape (12 percent). According to the 2010 Demographic and Health Survey, 45 percent of women experienced physical or sexual violence in their lifetime. The Deputy Director of Criminal Investigations on Zanzibar stated that through November 78 cases of sexual violence were reported.

Cultural, family, and social pressures often prevented women from reporting abuse, 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, lack of evidence, poor investigations, and poor evidence preservation.

A report by the Tanzania Media Women's Association (TAMWA) released in 2014 found 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.

According to the Zanzibar Female Lawyers Association, there were 161 gender-based violence cases reported in Mwera and Mfenesini district courts and the Land Tribunal. Of these, 25 cases were continuing, and two had resulted in convictions.

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 417 gender and children desks in regions throughout the country to support victims and address relevant crimes. Women often tolerated prolonged domestic abuse before seeking a divorce, due to fear of retaliation, loss of support, shame, and family pressure. In Zanzibar at One Stop Centers in both Unguja and Pemba, victims could receive health services, counseling, legal assistance, and a referral to police.

Female Genital Mutilation/Cutting: The law prohibits FGM/C from being performed on girls under the age of 18, but it does not provide for protection to women ages 18 or older. According to the 2010 Demographic and Health Survey, 15 percent of women and girls ages 15 to 49 were subjected to 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 among girls and women 15 to 49 years old 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 percent.

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 Ummu Mwalimu, the government implemented a strategy to end FGM/C in the Tarime area of Mara Region, through education on the harmful effects of the practice. The campaign targeted girls, traditional elders, parents, and FGM/C practitioners.

Sexual Harassment: The law prohibits sexual harassment of women in the workplace. Statistics did not exist on its extent or the effectiveness of enforcement. There were reports women were asked for sexual favors in return for promotions. According to the Women's Legal Aid Center, 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 have the ability to decide freely and responsibly the number, spacing, and timing of their children; to manage their reproductive health; and to have the information and means to do so, free from discrimination, coercion, and violence. According to the Center for Reproductive Rights, 27 percent of girls and women ages 15 to 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 provides the same legal status and rights for women and men, including under family, property, labor, nationality, and inheritance laws, gives individuals the right to use, transfer, and occupy land without regard to gender, and recognizes women's occupancy rights (all land in the country legally belongs to the government). Implementation of the law was difficult because the law also recognizes customary practices that often favor men and because most women were unaware of the law.

While overt discrimination in areas such as education, credit, business ownership, and housing was uncommon, women, especially in rural areas, faced significant disadvantages due to cultural, historical, and educational factors. In much of the country, education has been traditionally less valued for women than men. Recent government policies encouraging girls to go to school have contributed to increases in school attendance by girls.

Lack of collateral has historically limited women's access to credit, which has restricted women's business ownership. Despite improvements in access to bank loans and small credit cooperatives, such factors continued to hinder women's participation in business.

Women experienced discrimination in employment and pay; problems were particularly acute in the informal sector (see section 7.d., Worker Rights/Discrimination).

Civil society activists reported widespread discrimination in property matters against women involved in inheritance and divorce proceedings. 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. In 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 have multiple husbands. The law on the mainland generally assumes 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.

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 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, but parents who wait until later must pay a fee. Public services were not withheld from unregistered children.

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 previous decade had been expelled from school for being pregnant. Under the new Education and Training Policy launched by the government in January, pregnant girls are allowed to be reinstated in schools. The policy, however, was not yet fully implemented at year's end.

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. The National Violence against Children Survey, conducted in 2009 (the most recent data available), found that almost 75 percent of children experienced physical violence prior to the age of 18. Of these, 60 percent experienced physical violence from relatives, and one out of two from teachers. In 2013 the government launched a three-year national plan to prevent and respond to violence against children. The plan involved programs in all key ministries, especially at community level through the support of the local government

authority. According to the Ministry of Community Development, Gender, and Children, by October more than 600 cases were reported through the program's hotline, and action was taken on 400 cases.

Early and Forced Marriage: On the mainland 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 law sets the minimum age of marriage for boys at 18. 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. According to Human Rights Watch (HRW), girls as young as seven were married. 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. Zanzibar has its own law on marriage, but it does not specifically address early marriage.

Female Genital Mutilation/Cutting: See information for girls under 18 in the women's section above.

Sexual Exploitation of Children: The law criminalizes child prostitution and child pornography. According to the National Survey on Violence against Children, approximately 4 percent of girls ages 13 to 17 reported they had received money or goods in exchange for sex. Persons found guilty of such offenses are subject to a fine ranging from TZS one million (\$491) to TZS 500 million (\$246,000), 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 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 still rising; major causes included alcoholism, poor education, poverty, and superstition. According to the 2009 National Survey on Violence against Children, 27.9 percent of girls and women 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.

Displaced Children: According to the minister of social development, gender, and children, the number of children living and working on the streets has risen sharply, especially in cities and near the borders. Statistics from 2012 show more than 5,000 children were living and working on the streets in Dar es Salaam. These children 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 information see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html and for country-specific information see the Department of State's report at travel.state.gov/content/childabduction/en/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 prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services, but the government did not effectively enforce these provisions. Persons with physical disabilities were restricted in employment, education, access to health care, and other state services by physical barriers and inadequate financial resources.

Although the government mandates access to public buildings, transportation, and government services for persons with disabilities, few public 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.

Through early July when parliament was dissolved there were five members of the mainland parliament with disabilities. The president appointed four of these MPs; Salum Bar'wan was the first elected MP with a disability (albinism). During the election campaign in 2010, his opponents repeatedly claimed persons with albinism did not have the ability to think clearly. Persons with disabilities held three appointed seats in the Zanzibar House of Representatives. Information on MPs with disabilities elected or appointed to the new Parliament following elections on October 25 was not available.

Although the government reportedly took steps to improve election participation by persons with disabilities, a number of shortcomings continued to limit the full participation by persons with disabilities. These included inaccessible polling stations, lack of accessible information, limited involvement of persons with disabilities in political parties, the failure of the National Electoral Commission to implement its directives, and stigma toward persons with disabilities.

An estimated 40 percent of children with disabilities attended school, compared with approximately 80 percent of all children. Persons with disabilities faced difficulties due to inadequate or unavailable accommodations and stigma, but there were no significant reported patterns of abuse in educational or mental health facilities.

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

Consensual same-sex sexual conduct is illegal in the country. 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 also provides for imprisonment up to five years or a fine for “acts of lesbianism.” The burden of proof in such cases is significant, and according to a 2013 HRW report, arrests of

lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons rarely led to prosecutions. They usually were a pretext for police to collect bribes or coerce sex from vulnerable individuals. Nonetheless, the Commission on Human Rights and Good Governance's prison visits in 2014 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. LGBTI persons were targets of the government sanctioned "sungusungu" citizen patrols. They were often afraid to report violence and other crimes, including those committed by state agents due to fear of arrest. LGBTI 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 2011-12 HIV/AIDS and Malaria Indicator Survey, 25 percent of women and 40 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. Human Rights Watch reported in 2013 that HIV-positive persons, particularly in three key populations (sex workers, drug users, and LGBTI persons) experienced discrimination from law enforcement officials and discrimination in accessing health services. Police abuses of these persons included arbitrary arrest, extortion, and refusal to accept complaints from victims of crime. One man reported being arrested together with a friend because they were "walking like women." In the health sector, key populations experienced denial of services, verbal harassment and abuse, and violations of confidentiality. In 2012 a gay man reported a doctor refused to treat him for gonorrhea, saying, "You already have sex with men...go away."

The government has included guidance and training on appropriate treatment of key populations in the health care setting in its program addressing HIV/AIDS. Gender Desks at police stations throughout the country have been established to help address the mistrust between members of key populations and police. The Tanzania AIDS Commission in 2013 established a "Key Populations Task Force" to enable members of marginalized communities to have a say in government policies affecting them.

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 2014 biannual report stated there were 476 killings by mob violence between January and July 2014.

The LHRC reported 320 witchcraft-related killings during the same period. Many of these killings occurred through mob violence. The majority involved killing victims for body parts used in witchcraft.

Albinos were particularly at risk of 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. According to the United Nations, nearly 80 albinos have been killed since 2000. In January the government outlawed witchdoctors in an attempt to curtail killings of albinos. In February the body of a one-year-old albino boy abducted from his home was found days later with his arms and legs cut off. Following this incident more than 200 witchdoctors were arrested in March.

Farmers and indigenous pastoralists sometimes argued over traditional animal grazing areas, and violence broke out during several disputes. During the year farmer-herder conflicts increased in Kilosa, Mvomero, and Kilombero districts in Morogoro Region, Kiteto District in Manyara Region, and Handeni and Kilindi districts in Tanga Region.

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 categories of "national service" and prison guards, have the right to form and join independent trade unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination. The government nevertheless restricts these rights. Reinstatement of workers fired for trade union activity is not mandatory.

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. Five organizations are required to form a federation. Trade union affiliation with 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. 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 the government must register an organization, and the registrar has the power to refuse registration on arbitrary or ambiguous grounds. The government prescribes the terms of office of trade union leaders. Failure to comply with government requirements is subject to fines and/or imprisonment.

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 the union violated the law or endangered public security.

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.

Employers have the right to initiate a lockout provided they comply with certain legal requirements and procedures. For a strike to be declared legal, the law requires 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 approval by at least 75 percent of employees. 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. Disputes regarding adjustments to or the terms of signed contracts must be addressed through arbitration and are not subject to strikes.

The law restricts the right to strike when a strike would endanger the life and health of the population. 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 provision 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, a tripartite committee composed of employers, workers, and government representatives with the authority periodically to deem which services are essential.

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.

Penalties for violations include fines up to five million TZS (\$2,460), imprisonment up to one year, or both fines and imprisonment, but were not sufficient to deter violations. Disputes on the grounds of antiunion discrimination must be referred to the Commission for Mediation and Arbitration, a governmental department affiliated with the Ministry of Labor.

In Zanzibar labor law requires any union with 50 or more members to be registered and sets literacy standards for trade union officers. The law provides the registrar 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. On Zanzibar both government and private sector 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 mediation authorities at least 30 days to resolve the issue in dispute 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 bargain collectively through the Trade Union of Government and Health Employees. Zanzibar's Dispute Handling Unit addresses labor disputes. On Zanzibar judges and all judicial officers, members of special departments, and employees of the House of Representatives are excluded from labor law protection.

In Zanzibar the courts are the only venue in which labor disputes can be heard.

On both the mainland and in Zanzibar, many private sector employers adopted antiunion policies or tactics, although the law discourages discriminatory activities by an employer against union members. On the mainland the Trade Union Congress of Tanzania (TUCTA) reported international mining interests engaged in antiunion activities such as bribing 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 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.

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. The law deems such work acceptable as long as a public authority supervises that person’s work and the work is not for the benefit of any private party. The law also allows work carried out as part of compulsory national service in certain limited circumstances. 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.”

The law establishes criminal penalties for employers using forced labor. Offenders may be fined up to TZS five million (\$2,460), sentenced to one year in prison, or both. Neither the government nor the ILO had statistics on government enforcement.

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. Forced child labor occurred (see section 7.c.).

Prisoners provided labor on projects outside of the prison, such as road repair and government construction projects. Prisoners complained of being used as “slave laborers” for the benefit of private individuals 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, 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. Fines ranging from TZS 100,000 to TZS 500 million (\$49 to \$246,000) and imprisonment ranging from three months to 20 years, or both may be imposed for violations of the law.

The government did not effectively enforce the law. The lack of enforcement left children vulnerable to exploitation and with few protections. According to the Ministry of Social Welfare, Gender, and Children, approximately 28 percent of children ages five to 17 were engaged in child labor in agriculture, mining, industry, fishing, and domestic work. The ILO previously worked with the government to train 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.

Government measures to ameliorate the problem included verifying children of school age attended school, imposing penalties on parents who did not enroll their children in school, and pressing employers in the formal sector not to employ 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 the unwillingness of children to report the conditions of their employment complicated inspections. Officials reported the problem of child labor was particularly acute among orphans. In collaboration with NGO Save the Children, the government implemented an anti-child-labor program that returned more than five thousand children to school.

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. According to HRW, children as young as eight work in mining. In Zanzibar

children worked primarily in transportation, fishing, clove picking, domestic labor, small businesses, and gravel making.

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 and Occupation

The law prohibits workplace 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 in life. The law does not specifically prohibit discrimination based on sexual orientation and/or gender identity, language, citizenship, or other communicable disease status. 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.

Women have the same status as men under labor law on the mainland. Gender-based discrimination in terms of wages and legal protections in employment occurred frequently. It was difficult to prove and often went unpunished. While employers in the formal sector were more attentive to laws against discrimination, problems were particularly acute in the informal sector, in which women were disproportionately employed. Women often were employed for low pay and in hazardous jobs, and reported high levels of bullying, threats, and sexual harassment. A 2014 study by the Legal and Human Rights Center found that in the mattress manufacturing and fisheries industries in Mwanza, pregnant women faced particular discrimination due to claims their production levels were lower than other workers.

Discrimination against migrant workers also occurred. Migrant workers often faced difficulties in seeking legitimate employment. On March 18, parliament passed the Non-Citizens Employment Regulation Act, which gives the labor commissioner authority to deny work permits if a Tanzanian worker with the same skills is available. Because legal refugees lived in camps and could not travel freely (see section 2.d.), few worked in the formal sector.

e. Acceptable Conditions of Work

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 (\$20) 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 (\$197) per month for workers in the telecommunications and multinational 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 basic needs poverty line of TZS 36,482 (\$18) per month per person, and the food poverty line of TZS 26,085 (\$13) per month established by the 2011/12 Household Budget Survey. The labor laws cover all workers, including foreign and migrant workers. The minimum wage on Zanzibar was TZS 145,000 (\$71) per month.

The labor standards laws derive from the international convention on labor standards. The convention does not fix specific penalties for violations. According to the law, 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 at one and a half times the employee's regular wage. Under most circumstances it is illegal to schedule women for work between 10 p.m. and 6 a.m., although employers frequently ignored this restriction.

The law states 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 requires equal pay for equal work.

Several laws regulate occupational safety and health (OSH) standards in the workplace. Authorities did not effectively enforce these standards. During the year there were 88 labor inspectors on the mainland; the number of inspectors in Zanzibar was unavailable. The inspection system's 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 limitations to avoid inspections. By law workers can remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities did not effectively enforce this protection.

Workers may sue an employer if their working conditions do 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.

Many workers did not have employment contracts and lacked legal protections. TUCTA officials noted that long-haul bus drivers and seasonal agricultural workers commonly worked for “one or two years” without a contract. A study by the LHRC indicated companies offered written contracts in compliance with labor laws, but did not fulfill the contracts’ terms. The study stated that 99 percent of contract documents reviewed did not include job descriptions, an omission used to exploit workers. Exploitation included assigning employees to positions different from those for which they were hired, without appropriate training, and including hazardous duties.

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 to be widely problematic.

In 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.