

TANZANIA 2017 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. In 2015 the country held its fifth multiparty general election. Voting in the union and Zanzibari elections was judged largely free and fair, resulting in the election of a union president (John Magufuli). The chair of the Zanzibar Electoral Commission, however, declared the parallel election for Zanzibar's president and legislature nullified after only part of the votes had been tabulated, precipitating a political crisis on the islands. New elections in Zanzibar in March 2016 were neither inclusive nor representative; the incumbent (Ali Mohamed Shein) was declared the winner with 91 percent of the vote.

Union security forces reported to civilian authorities, but civilian authorities at times did not maintain effective control over the security forces.

The most significant human rights issues included: arbitrary deprivation of life and excessive use of force by security forces; lengthy pretrial detention; violence against and harassment of journalists; restrictions on freedom of assembly; lack of accountability in cases involving gender-based violence and child abuse; criminalization and arrest of persons in consensual same-sex sexual relationships; and child labor.

In some cases the government took steps to investigate and prosecute officials who committed abuses, but 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 Deprivation of Life and Other Unlawful or Politically Motivated Killings

During the year there were several reports police committed unlawful killings. Between January and June, the Legal and Human Rights Center (LHRC) reported nine alleged cases of extrajudicial killings. In August police investigating a group

of suspected bandits in Pwani region engaged in a firefight that left all 13 suspects dead or wounded, including one suspect in police custody acting as an informant. Several suspects died of their wounds when police attempted to transport them for treatment to a distant hospital in Dar es Salaam. No police were injured in the encounter.

The nongovernmental organization (NGO) Mining Watch Canada reported continuing violence at the North Mara gold mine owned by African Barrick Gold, where there were past reports of mine security personnel and police using lethal force.

b. Disappearance

There were no confirmed reports of disappearances by or on behalf of government authorities. In April musician and rapper Ibrahim Mussa was abducted with three other individuals by unidentified persons at Tongwe Records Music Studio in Dar es Salaam and held for several days. Mussa claimed that he was interrogated and tortured while held captive. Some media and civil society observers claimed that the individuals were targeted for producing music critical of the current government. There were no arrests made or any follow-up from the police.

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

The constitution prohibits such practices; however, the law does not reflect this constitutional restriction 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. In October following the unexplained death of a police officer in Dar es Salaam, police beat and harassed persons in the neighborhood and destroyed property and businesses over a span of three days. Two police officers were subsequently arrested for involvement in the abuses.

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.

Authorities in Zanzibar subjected persons accused of homosexual activity to compulsory anal examinations. In October police in Dar es Salaam requested a

court order to perform compulsory anal examinations on a group of 12 persons accused of promoting homosexuality, but were denied on procedural grounds.

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening. Inadequate food, overcrowding, poor sanitation, and insufficient medical care were pervasive. In 2016 the government completed a new prisoner's dormitory at a prison in Geita region and began construction of another in Lindi region. Five other prison dormitories were renovated. The 2017-18 budget included a 5-percent increase in funding for prisons, but overall funding remained far below the level required to provide adequate care for prisoners. There were no private detention facilities.

Physical Conditions: As of 2015 the prisons, whose total designed capacity was for 29,552 inmates, held 31,382, 6 percent above designed capacity. Pretrial detainees and convicted prisoners were held together. Authorities sometimes imprisoned irregular migrants before releasing them to the Office of the UN High Commissioner for Refugees (UNHCR) if there was a pending asylum claim. Other irregular migrants were occasionally arrested if they bypassed refugee transit sites and attempted to work in border towns without permission.

Authorities held minors together with adults in several prisons due to lack of detention facilities. In 2013 the independent government department, the Commission for Human Rights and Good Governance (CHRAGG), 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.

Physical abuse of prisoners was common. Witnesses noted prisoners were routinely beaten.

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. In addition, relatives of inmates made complaints to the CHRAGG, which investigated reports of abuse, but the results of those investigations were not public.

On the mainland prisoners could submit complaints to judicial authorities. 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 usually had reasonable access to visitors and could worship freely, with some exceptions. 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. Generally, access to prisoners was difficult for outside organizations, and the process for obtaining access was cumbersome. In September the LHRC conducted a prison visit in Dar es Salaam. It reported that the main issues it found were overcrowding and a high demand for legal representation.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, although regional and district commissioners have discretionary authority to order someone detained for up to 48 hours without charge. This authority was used frequently to detain opposition members or persons expressing criticism of the government. The law allows persons arrested or detained, regardless of whether on criminal or other grounds, the right to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been

unlawfully detained. The law requires that a civil case must be brought in order to make such a challenge. In practice this was rarely done.

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 has stated this practice was being phased out, the Ministry of Justice reported police continued to act as prosecutors in all districts except for Monduli and regional headquarters. 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, and 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 refugee camps, sungusungu members have authority to arrest refugees found outside the camps without permission. Within the camp, groups composed of refugees provided security, supplementing the police.

The Ministry of Defense is responsible for external security; 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 of security forces, authorities did not always use them. In July 2016 a police officer was convicted of manslaughter and sentenced to 15 years in prison for the killing of a journalist when police broke up a political rally in Iringa region. The journalist had confronted police to protest the assault and arrest of another journalist. Police continued to hold educational seminars for officers to combat corruption and

sometimes took disciplinary action against officers implicated in wrongdoing. Between July 2016 and June 2017, 16 police officers were dismissed for unethical behavior, including corruption. In addition, 16 officers were required to explain their actions, 10 were criminally charged, and four were demoted.

The mainland community policing initiative to improve community relations with police and enhance police effectiveness continued. Community police received standardized training, and police conducted awareness campaigns for citizens on how to assist community-policing units. Between January and August in Zanzibar, the government conducted two community policing training sessions, focusing on providing local leaders with capacities to identify criminals, terrorists, and thieves. Officials noted increases in assistance provided to police in areas where the program had been implemented, leading to arrests and improved law enforcement.

A group of security units, referred to collectively as the “Zanzibar Special Forces,” was deployed at the district level for activities that would fall under police jurisdiction on the mainland. These forces report to the government of Zanzibar and are not affiliated with the TPF or the Tanzanian People’s Defense Forces. Recruitment, training, and actual command and control of the “special units” were opaque, although all units officially report to a top ruling party minister in Zanzibar. These units, including the fire brigade and prison guards, were often activated during political activities, such as voter registration or voting.

Arrest Procedures and Treatment of Detainees

On the mainland the law requires that an arrest for most crimes other than crimes committed in the presence of an officer be made with an arrest warrant based on sufficient evidence, although authorities did not always comply with the law. Police often detained persons without judicial authorization. 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. Authorities usually informed detainees of the charges against them promptly, but there were several instances when this did not happen. There were reports of police using a rolling process of releasing and immediately rearresting individuals so that they would remain in custody while police completed their investigation and developed the required information for the accused to be charged. There were also reports of police detaining individuals without charge for short periods on the orders of local authorities.

The law does not allow bail for suspects in cases involving charges of murder, treason, terrorism, drugs, armed robbery, human trafficking, or other 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 to grant bail. The law gives accused persons the right to contact a lawyer or talk with family members, but police often failed to inform detainees of this right. Indigent defendants and suspects charged with murder or treason could apply to the registrar of the court to request legal representation. 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. The government often did not provide consular notification when foreign nationals were arrested.

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 48 hours anyone who “disturb[s] public tranquility.” In May, Kalist Lazaro, the mayor of Arusha, was arrested and taken to the central police station for questioning on the orders of the regional commissioner. He was accused of participating in an unlawful gathering when he and a group of seven journalists and religious leaders visited Lucky Vincent School to express condolences for the 32 children who were killed in a bus accident.

Pretrial Detention: According to the Ministry of Home Affairs, approximately 50 percent of the prison population consisted of pretrial detainees in 2015 (the latest available data). 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.

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 million persons. Court clerks reportedly continued to take bribes to open cases or hide or misdirect the files of those accused of crimes. Magistrates of lower courts occasionally accepted bribes to determine the outcome of cases.

Trial Procedures

The law provides for the right to a fair public trial, but a weak judiciary often failed to protect this right.

The law provides for the presumption of innocence. In most cases authorities informed detainees in detail of the charges against them once they had been brought to the police station. 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. Defendants have the right to be present at their trial. 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.

The law requires legal aid in serious 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 in criminal matters are entitled to legal representation of their choice. In practice legal representation was unavailable to defendants without the means to pay. 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. Human rights groups criticized reported cases where lawyers attempting to represent clients in sensitive cases were themselves threatened with arrest.

Authorities did not always allow detainees sufficient time to prepare their defense, and access to adequate facilities was limited. Defendants have the right to free interpretation as necessary from the moment charged through all appeals. Defendants or their lawyers have the right to confront prosecution witnesses, and the right to present evidence and witnesses on the defendant's behalf. Defendants were 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.

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 Constitutional Affairs and Justice continued hiring and training state prosecutors to handle the entire mainland caseload, although staffing shortages continued.

Political Prisoners and Detainees

Several opposition politicians and individuals critical of the government were arrested or detained during the year. Such individuals were usually charged with sedition, incitement, or unlawful assembly. For example, Tundu Lissu, a member of parliament (MP), the opposition chief whip, and the president of the Tanganyika Law Society, was arrested at least six times during the year, and variously charged with incitement, insulting the president, and violating the terms of his bail. In each incident he was released on bail.

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. Individuals and organizations with observer status had the right to bring complaints to the African Court on Human and Peoples' Rights.

f. Arbitrary or Unlawful 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 this occurred.

It was widely believed government agents monitored the telephones and correspondence of some citizens and foreign residents. The nature and extent of this practice were unknown.

Authorities in Dar es Salaam demolished numerous homes built within reserved areas alongside rivers, roadways, and railways. Many demolitions along the Morogoro road occurred without prior notice; authorities stated they were enforcing a court order issued in 2005. Some residents had subsequently received title deeds for their property and others had court injunctions, or had cases in court challenging the demolitions when they occurred.

In August, Tanzania National Park authorities destroyed 24 houses belonging to a Maasai community in Liliondo district, although the status of the community had not been legally clarified.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Freedom of Expression: Individuals could criticize the government both publicly and privately, but some persons expressed concern about doing so in public. In March police threatened former minister of information, culture, art, and sport Nape Nnauye with a firearm as he attempted to begin a press conference, forcing him to leave the venue (he was later able to address the press informally at a different location). Authorities used the Cybercrime Act to bring criminal charges against individuals who criticized the government in a variety of electronic media. In 2016 Isaac Abakuki was convicted of insulting the president on his Facebook page and sentenced to a fine of seven million Tanzanian Shillings (TZS) (\$3,109) or three years in prison.

Press and Media Freedom: In 2016 the government revised the laws governing the media with the Media Services Act, and in February the government issued the Media Services Regulations implementing the act. The independent media on the mainland were active and generally expressed a wide variety of views, although

media outlets often practiced self-censorship to avoid conflict with the government. The union Ministry of Information, Culture, Arts, and Sports reported there were 148 radio stations, 32 television stations, nine cable television providers, and six yearly, 230 monthly, 160 weekly, and 37 daily newspapers. In Zanzibar the government controlled the only local daily newspaper (mainland newspapers were available), one of 12 television stations, and three of the 25 radio stations.

Two mainland newspapers (*Daily News* and *Habari Leo*) were owned by the government, one (*Uhuru*) by the ruling Party of the Revolution (CCM), and another (*Daima*) by the chair of the Party of Democracy and Development (Chadema) opposition party. The remaining newspapers were independent, although close associates of political party members owned some of them. In July the government introduced new regulations implementing the 2016 Media Services Act that revised the requirements for registering print media. All print media were required to reregister under the new regulations by October 15. The new rules include a requirement that print media outlets provide curriculum vitae and technical certificates for all editors and journalists employed by the outlet. 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 TCRA imposes mandatory registration and annual fees for commercial and community radio stations. The fee structure disproportionately disadvantages the existence and creation of small community radio stations.

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 seven 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: On September 7, opposition MP and president of the Tanganyika Law Society Tundu Lissu, a prominent critic of the government, was

shot multiple times by unknown gunmen but survived what appeared to be an assassination attempt.

Law enforcement authorities and crowds attacked, harassed, and intimidated journalists during the year. In March the regional commissioner for Dar es Salaam entered the offices of Clouds TV with an armed police escort to insist the station broadcast a program he had provided.

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 “prohibit or otherwise sanction the publication of any content that jeopardizes national security or public safety.”

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 TZS (\$115), three years’ imprisonment, or both. Nothing in the law specifies whether this penalty stands if the allegation is proven true. The government may fine and suspend newspapers without warning.

There were examples of the government repressing information, extending to online newspapers and journals. For example, in January the president warned that newspapers deemed to incite dissent would be closed. On June 15, the Kiswahili weekly newspaper *Mawio* was banned for two years by the minister of information, culture, arts, and sports using his discretionary power under the 2016 Media Services Act. The reason given for the ban was for defying a presidential order not to publish information relating to alleged involvement of past presidents with a controversy over mining concessions. As of November, three other newspapers had been issued bans of varying duration. The LHRC reported journalists from both private and public media were concerned about censorship of stories by editors fearful of criticizing government leaders or policies. The LHRC reported the government uses the Media Services Act to control content in both print and broadcast media.

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 Media Services Act of 2016 makes defamation a criminal act. Defamation is defined as any matter likely to injure the reputation of any person by

exposing him to hatred, contempt, or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation.

Internet Freedom

While the government did not restrict access to the internet, it monitored websites and internet traffic that criticized the government. According to the TCRA's April-June report, 19.9 million persons (40 percent of the population) used the internet in 2016. According to the International Telecommunication Union, 10 percent of the population used the internet that year.

The Cybercrimes Act of 2015 criminalizes the publication of false information, defined as "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." Individuals who made critical comments about the government on electronic media were charged under the act, even when remarks reflected opinions or were factually true.

On February 21, four university students in Dar es Salaam were charged with defamation for distributing images of President Magufuli wearing a headscarf.

On August 24, a court began hearing a case against the founders of Jamii Forums, a popular online forum for political discussions. The charges involve obstructing justice by failing to reveal the identities of users who post details of suspected corrupt officials. Two other cases against the defendants on other charges are still pending.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful 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 to political parties, NGOs, and religious organizations. The only political meetings allowed are by MPs in their constituencies; outside participants, including party leaders, are not permitted to participate. Restrictions are also applied to nonpolitical gatherings deemed critical of the government. On June 3, police barred the Tanzania Student Networking Program and the Tanzania Human Rights Defenders Coalition (THRDC) and members of the public from a venue that they had booked and paid for to launch a book titled *The Voice of Human Rights Defenders in Universities*. THRDC National Coordinator Onesmo Olungurumwa was arrested and charged with criminal trespass.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right. Thousands of NGOs and societies operated in the country. Political parties were required to register and meet membership and other requirements. Freedom of association for 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 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 its purpose, and notes specific categories of organizations not considered 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. Societies and organizations may not operate until authorities approve their applications. In August the government began a verification exercise that required all NGOs to re-register. Registration of new NGOs was suspended until December 1.

Religious organizations are registered as societies and wait the longest--an average of four years--for registration. From July 2016 to March, the Registrar of Societies received 296 registration applications from NGOs. The registrar registered 162 societies and rejected 10 applications; 124 applications remained unprocessed. The government rarely registered societies within the legally required 14-day period. The Ministry of Health, Community Development, Gender, Elderly, and Children registered other NGOs.

NGOs in Zanzibar apply for registration with the Zanzibar Business and Property Registration Agency. While registration generally took several weeks, some NGOs waited months if the registrar determined additional research was needed.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. In late 2015 the government banned official international travel by civil servants without authorization from State House.

Abuse of Migrants, Refugees, and Stateless Persons: Refugees apprehended more than 2.5 miles outside their camps without permits are subject by law to sentences ranging from a fine up to 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. Usually these people were prosecuted and sentenced in local courts. Some were only given warnings and advised to return to the camp. UNHCR advocated for the return of refugees to the camp, but the response was dependent on the officer handling the case.

Sexual and gender-based violence of refugees continued. UNHCR worked with local authorities and residents in the three refugee camps to strengthen coordination and address violence, including sexual violence, against vulnerable persons. UNHCR reported the most frequent gender-based violence crimes were rape and physical assault, followed by psychological and emotional abuse. The public prosecutor investigated, prosecuted, and punished perpetrators of abuses in the camp, although international NGOs provided assistance to the legal team when requested by a survivor. Local authorities and the public prosecutor handled most cases of refugee victims of crime and abuse outside the camp. Residents of the refugee camps suffered delays and limited access to courts, common problems also faced by citizens.

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

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has an established system for providing protection to refugees. The National Eligibility Committee is mandated to meet regularly and make determinations on asylum applications, but as of September had not met during the year.

In January the government ceased granting prima facie refugee status for asylum seekers from Burundi. All new arrivals were required to undergo individual refugee status determination (RSD). An ad hoc committee was constituted and the first phase of RSD reviews began in June. As of September 5, 1,342 cases had been reviewed with a high rejection rate. More than 33,000 additional asylum seekers had claims pending review. There were also reports of asylum seekers being prevented from entering Burundi by immigration officials.

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 urban asylum seekers were exposed to the government. Observers believed many urban asylum seekers, if given the opportunity, would be able to demonstrate a need for international protection that would qualify them for refugee status. Since urban asylum seekers were not formally registered with UNHCR and the government, however, they had very little access to health care and education, and employment opportunities were limited to the informal sector. There was no policy or infrastructure to serve this group.

UNHCR processed irregular migrants arrested by authorities when the persons in custody were asylum seekers or were in the process of accessing the asylum process at the time they were apprehended.

During the year the government and the International Organization for Migration (IOM) continued to support training for law enforcement officers on the use of biometric registration equipment intended to provide irregular migrants a basis for either regularizing their status or voluntary return to their places of origin. An

additional 280 persons were registered in Kigoma and Tanga regions during the reporting period. IOM supplied 122 biometric registration equipment sets to immigration and prison authorities across the country.

Safe Country of Origin/Transit: No policy for blanket or presumptive denials of asylum exists for applicants arriving from “safe country of origin” or through a “safe country of transit.” All asylum applications are evaluated individually. The law provides that, unless the transit country is experiencing a serious breach of peace, an asylum claim can be refused upon failure to show reasonable cause as to why asylum was not claimed in the transit country prior to entry into the country.

Freedom of Movement: Encampment policy does not allow refugees to travel more than 2.5 miles outside the boundaries of official refugee camps without permission of the Ministry of Home Affairs. The ministry generally granted permission for purposes such as medical referrals and court appearances.

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. In June the government began verification of the roughly 60,000 remaining members of the 1972 Burundi population (many children born in Tanzania) not yet naturalized as captured by this process.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to participate in public elections, but it allows parliament to restrict this right if a citizen is a citizen of another state, mentally infirm, convicted of certain criminal offenses, or omits or fails to prove or produce evidence as to age, citizenship, or registration as a voter. Citizens exercised that ability for the union presidential elections. The chairperson of the Zanzibar Electoral Commission (ZEC) announced he had nullified the 2015 Zanzibar elections; new elections in March 2016 were neither inclusive nor representative.

Elections and Political Participation

Recent Elections: In 2015 the country held its fifth multiparty general election in which voters elected a new president and legislative representatives. The union

elections were judged largely free and fair. The CCM, however, benefited from vastly superior financial and institutional resources. There were also reports that the use of public resources in support of CCM increased, as well as many reports of regional and district commissioners campaigning for the ruling party.

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 to support a single candidate, who ran under the Chadema banner, as the law does not recognize coalitions. In parliamentary elections the CCM retained its 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 in 2015 was judged largely free and fair. Following the vote, however, when tabulation of the results was more than half completed, the chairperson of the ZEC 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. New elections in March 2016 were neither inclusive nor representative. They were boycotted by the opposition, which claimed they would not be fair. Following the new elections, the ZEC announced President Ali Mohammed Shein had won with 91 percent of the vote, with the ruling CCM party sweeping nearly all seats in the Zanzibar House of Representatives. Official voter turnout was announced at 68 percent, although numerous sources estimated actual turnout at closer to 25 percent.

In 2015 officials conducted national registration of voters using a Biometric Voter Registration system that collected a photograph and two thumbprints. Registration concluded 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. There were 19 political parties with full registration and one with provisional registration. Three parties were deregistered following the 2015 elections for failure to meet requirements.

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 31 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.

MPs were sanctioned for expressing criticism of the government, including for speech on the floor of parliament. In July opposition MP Halima Mdee was arrested for remarks deemed insulting to the president. Mdee had denounced the president for his directive that pregnant girls not be allowed to continue their schooling as contrary to the constitution. In 2016 the president stated political activity should be confined only to parliamentary business and interaction between MPs and their constituents until the next election cycle in 2020. During the year authorities refused permission for political rallies and arrested persons participating in internal meetings. On June 22, the deputy mayor of Arusha and two other councilors, members of opposition party CHADEMA, were arrested and charged with unlawful assembly for holding an internal meeting with constituents. They were released on bail the following day. On July 7, 51 CHADEMA members and supporters were arrested for holding a public meeting in Geita region and charged with unlawful assembly. After their arrest, the group was transferred to a prison 84 miles away in Kagera region for detention, which caused logistical difficulties bringing them to court for bail hearings. Most were released on bail in four groups between August 14 and 24. As of September 14, one person remained in custody.

The election law provides for a "gratuity" payment of TZS 235 million to TZS 280 million (\$108,000 to \$129,000) to 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: No laws limit participation of women and/or members of minorities in the political process, and they did participate. Some observers believed cultural constraints limited women's participation in politics. In the 2015 election, voters elected a woman as vice president for the first time. Women won election to 9.5 percent of constituent seats in parliament and few seats in the Zanzibar House of Representatives. There were special women's seats in both parliament and the Zanzibar House of Representatives that brought total representation to 30 percent.

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. Corruption was generally perceived to have declined significantly, although it continues to be a major problem at all levels nationwide. After taking office, President Magufuli took several high-profile steps to signal a commitment to fighting corruption. These included surprise inspections of ministries, hospitals, and the port of Dar es Salaam, often followed by the immediate dismissal of officials. The 2016-17 fiscal year budget, however, included a substantial cut to the funding for the Office of the Controller and Auditor General, one of the country's two main anticorruption bodies.

Corruption: Corruption was generally perceived to have declined, although it continued to be a major problem nationwide at all levels. According to the Prevention and Combating of Corruption Bureau (PCCB), most corruption investigations concerned government involvement in mining, land matters, energy, and investments. From July 2016 through June, the PCCB reported it had opened 1,150 new investigations, completed 1,082 investigations, and forwarded 657 case files to the director of public prosecutions for action. There were 454 new cases filed and 495 cases underway in court. The PCCB concluded 409 cases, with 168 convictions and 241 acquittals. According to Afrobarometer findings for 2016-17, 72 percent of respondents said the level of corruption has decreased, and 71 percent believe that the government is fighting corruption. Perceptions of corruption in key public institutions declined across the board, led by a decline of 23 percentage points (37 percent in 2014 to 14 percent in 2017) for the Tanzania Revenue Authority. Respondents said the most corrupt entities were the police, judges and magistrates, and the Tanzania Revenue Authority. NGOs continued to report allegations of corruption involving the Tanzania Revenue Authority, local government officials, police, licensing authorities, hospital workers, and the media.

Corruption featured in newspaper articles, civil complaints, and reports of police corruption from the PCCB and from the Ministry of Home Affairs.

The PCCB's mandate excludes Zanzibar. In Zanzibar the Anti-Corruption and Economic Crimes Authority received 53 complaints. It investigated 50 cases; one case was closed, seven cases were passed to the director of public prosecutions, and two cases were brought to court between January and September.

Financial Disclosure: Government ministers and MPs, as well as certain other public servants, are required to disclose their assets upon assuming office, annually at year's end, and upon leaving office. The Ethics Secretariat distributes forms each October for collection in December. Although penalties exist for noncompliance, there was no enforcement mechanism and limited means to determine the accuracy of such disclosures. Information on compliance was considered sensitive and only available on request to the commissioner of the secretariat. 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.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 of a negative government reaction when they challenged government practice or policy. In June the minister of home affairs threatened to deregister NGOs that advocated for the right of girls to return to school after giving birth.

Government Human Rights Bodies: The union parliamentary Committee for Constitutional, Legal, and Public Administration is responsible for reporting and making recommendations regarding human rights. The new committee formed since the 2015 elections retained a majority of members from the ruling CCM party.

The CHRAGG operated on both the mainland and Zanzibar; funding levels limited its effectiveness. After experiencing a large cut in 2016-17, the CHRAGG budget was increased by approximately 42 percent for 2017-18. The commission has no

legal authority to prosecute cases but can make recommendations to other offices concerning remedies or call media attention to human rights abuses and violations and other public complaints. It also has authority to issue interim orders preventing actions in order to preserve the status quo pending an investigation. From January through October, the commission received 216 complaints within its jurisdiction. Of these, 78 involved violations of human rights, and 216 involved contravention of principles of administrative justice. A total of 509 complaints were resolved, including 363 received in prior years. A total of 2,238 complaints remained under investigation. The CHRAGG also issued statements and conducted public awareness campaigns during the period on several issues, including the need for regional and district commissioners to follow proper procedures when exercising their powers of arrest, the need for railway and road authorities to follow laws and regulations when evicting citizens from their residences, and calling on security organs to investigate allegations of disappearances or abductions, including of journalists, political leaders, and artists.

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

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 where she must receive a release form before seeking medical help. 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.

The LHRC stated there were 7,474 reported cases of gender-based violence in the first half of 2016, and 2,059 cases of rape in the first quarter of 2017 (the latest figures available). See Appendix C for data on the incidence of domestic violence.

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.

There were some government efforts to combat violence against women. Police maintained 417 gender and children desks in regions throughout the country to support victims and address relevant crimes. 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 (FGM/C): The law prohibits FGM/C from being performed on girls under the age 18, but it does not provide for protection to women ages 18 or older. For information on the incidence of FGM/C, see Appendix C.

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.

Sexual Harassment: The law prohibits sexual harassment of women in the workplace. There were reports women were asked for sexual favors in return for promotions. According to the Women's Legal Aid Center, police rarely investigated reported cases. Those cases that were investigated, were often dropped before they got to court--in some instances by the plaintiffs due to societal pressure and in others by prosecutors due to lack of evidence.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides the same legal status and rights for women and men; the law, however, also recognizes customary practices that often favor men. In particular, women faced discriminatory treatment in the areas of marriage, divorce, inheritance, and nationality.

Overt discrimination in areas such as education, credit, business ownership, and housing was uncommon. Nevertheless, women, especially in rural areas, faced significant disadvantages due to cultural, historical, and educational factors.

Children

Birth Registration: Citizenship is derived by birth within the country if at least one parent is a citizen, or if abroad, also if at least one parent is a citizen. Registration within three months of birth is free; parents who wait until later must pay a fee. Public services were not withheld from unregistered children. For additional information, see Appendix C.

Education: Tuition-free primary education is compulsory and universal on both the mainland and Zanzibar until age 15. Secondary school is tuition-free, but not compulsory.

Girls represented approximately half of all children enrolled in primary school but were absent more often than boys due to household duties. At the secondary level, child marriage and pregnancy often caused girls to be expelled or otherwise prevented girls from finishing school.

The Center for Reproductive Rights reported in 2013 that more than 55,000 girls over the previous decade had been expelled from school for being pregnant. Regional authorities reported that it was common practice for school administrators to subject girls to hands-on external abdominal examinations for pregnancy. Under the Education and Training Policy launched by the government in 2015, pregnant girls may be reinstated in schools. In June President Magufuli declared that girls would not be allowed to return to school after giving birth. Human rights NGOs criticized the policy as contrary to the country's constitution and laws.

Child Abuse: Violence against and abuse of children were major problems. Corporal punishment was employed in schools and the law allows head teachers to cane students. 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 age 18. According to the Ministry of Health, Community Development, Gender, Elderly, and Children, between July 2016 and June, 37,888 cases were reported through the program's hotline.

Early and Forced Marriage: The law sets the legal age for marriage at age 18 for boys but does not set an age for girls. In 2016 the government amended the Law of the Child to make it illegal to marry a primary or secondary school student. 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. Zanzibar has its own law on

marriage, but it does not specifically address early marriage. For additional information, see Appendix C.

Sexual Exploitation of Children: The law criminalizes child prostitution and child pornography. Those convicted of facilitating child prostitution or child pornography are subject to a fine ranging from TZS one million (\$460) to TZS 500 million (\$230,000), 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 unless within a legal marriage. The law was not always enforced.

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

Displaced Children: According to the Ministry of Health, Community Development, Gender, Elderly, and Children, large numbers of children were living and working on the street, especially in cities and near the borders. According to the *National Action Plan to End Violence Against Women and Children in Tanzania 2017/18-2021/22*, an estimated 36,000 children were living and working on the streets. 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. They 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. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.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, but the government did not effectively enforce these provisions.

Few public buildings were accessible to persons with disabilities. New public buildings, however, were built in compliance with the law. The law provides for access to information and communication, but not all persons with disabilities had such access.

There were six members of the union parliament with disabilities. Persons with disabilities held three appointed seats in the Zanzibar House of Representatives.

Limits to the political participation of persons with disabilities included inaccessible polling stations, lack of accessible information, limited inclusion in political parties, the failure of the National Electoral Commission to implement directives concerning disability, and stigma toward persons with disabilities.

According to the 2008 Tanzanian Disability Survey, an estimated 53 percent of children with disabilities attended school. 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 convicted of having “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 CHRAGG’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. Police often harassed persons believed to be LGBTI based on their dress or manners. In March police in Dar es Salaam arrested a 19-year-old man suspected of being gay based upon a video he had posted on Instagram. The man was interrogated about his sexual history and taken to a government hospital where he was forcibly subjected to an anal exam seeking proof of homosexual conduct.

During the year government officials publicly stated opposition to improved safeguards for the rights of LGBTI persons, which it characterized as contrary to the law of the land and the cultural norms of society. Senior government officials made several anti-LGBTI statements. In March the deputy minister of health, community development, gender, seniors, and children tweeted “The war against promotion and normalization of homosexuality in Tanzania is real.” LGBTI persons 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

The 2013 People Living with HIV Stigma Index Report indicated persons with HIV/AIDS experienced significant levels of stigma countrywide (39.4 percent), with stigma particularly high in Dar es Salaam (49.7 percent). The most common forms of stigma and discrimination experienced were gossip, verbal insults, and exclusion from social, family, and religious activities. More than one in five persons with HIV/AIDS experienced a forced change of residence or inability to rent accommodations. In Dar es Salaam, nearly one in three of these persons experienced the loss of a job or other source of income.

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. HRW reported in 2013 that HIV-positive persons, particularly in three key populations (sex workers, drug users, and LGBTI persons) experienced discrimination by law enforcement officials and in accessing health services. Police abuses of these persons included arbitrary arrest, extortion, and refusal to accept complaints from victims of crime. In the health sector, key populations experienced denial of services, verbal harassment and abuse, and violations of confidentiality. In 2016 the government announced a ban on the distribution of lubricants and threatened to deregister and ban NGOs serving the

LGBTI community, including those providing health services to counter HIV/AIDS, for “promoting homosexuality.” In response to government threats, several NGOs suspended services to the LGBTI community. In April community-based services for key populations were reinstated following the release of revised guidelines.

Gender Desks at police stations throughout the country were established to help address 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, mob violence spiked early in the year, reversing several years of decline. According to the LHRC, there were 479 cases of mob violence from January to June, a 255-percent increase over the same period in 2016. In April, for example, a person suspected of being an armed robber was killed by a mob in Dar es Salaam.

Witchcraft-related killings continued to be a problem, but the LHRC reported a 62-percent decline in such killings from the same period in 2016 (from 303 to 115).

Attacks on persons with albinism declined, and from January through June there were no reported cases of persons with albinism being killed or attacked. There was one reported incident in Tabora of an attempted abduction of two children with albinism. According to the UN Human Rights Council, however, persons with albinism remained 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. Schools used as temporary shelters in some cases evolved into long-term accommodation, with many students with albinism afraid to return to their homes. In 2015 the government outlawed witchdoctors in an attempt to curtail killings of persons with albinism.

Farmers and pastoralists sometimes argued over traditional animal grazing areas, and violence continued to break out during some disputes.

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 restricted 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 file for registration 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 can 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 the members voting. 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 (\$2,300), imprisonment up to one year, or both, but these penalties 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 the 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 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. In 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. In 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, 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 a history of international mining interests engaging 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. TUCTA officials stated employers threatened or terminated workers to prevent organizers from achieving the 50-percent threshold to guarantee access to collective bargaining.

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 ensures 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 compulsory national service in accordance with the law, or "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 (\$2,300), sentenced to one year in prison, or both. Neither the government nor the International Labor Organization (ILO) had statistics on government enforcement.

The ILO reported 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.

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 on the mainland; in Zanzibar the minimum age is 15. Children over age 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 (\$45 to \$230,000) 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 Health, Community Development, Gender, Elderly, and Children, approximately 29 percent of all children were engaged in child labor. Child labor was prevalent 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. Officials reported that their authority was limited to the formal economy and most child labor takes place in the family and informal economy.

Government measures to ameliorate child labor included verifying that 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, 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 a lack of understanding by children on how to report the conditions of their employment and when to do so, complicated inspections. Officials reported the problem of child labor was particularly acute

among orphans. In cooperation with the government, Plan International operated programs in the mining sector to combat child labor.

Children worked as domestic workers, street vendors, and shopkeepers as well as in small-scale agriculture, family-based businesses, fishing, construction, and artisanal mining of gold and tanzanite. According to HRW, children as young as eight worked 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. According to TUCTA, gender-based discrimination in terms of wages, promotions, and legal protections in employment continued to occur in the private sector. 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 they reported high levels of bullying, threats, and sexual harassment. A 2015 study by the Legal and Human Rights Center found that women faced particular discrimination in the mining, steel, and transport industries.

Discrimination against migrant workers also occurred. They often faced difficulties in seeking documented employment outside of the informal sector. The Non-Citizens Employment Regulation Act of 2015 gives the labor commissioner authority to deny work permits if a Tanzanian worker with the same skills is

available. During the year, foreign professionals, including senior management of international corporations, frequently faced difficulties obtaining or renewing work permits. Because 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 2015 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 (\$18) per month for the lowest-paid category of domestic workers residing in the household of the employer, who were not addressed in previous legislation. The highest was TZS 400,000 (\$180) 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 (\$16) per month per person and the food poverty line of TZS 26,085 (\$12) per month, which had not changed since being established by the 2011/12 Household Budget Survey. The labor laws cover all workers, including foreign and migrant workers. In April the minimum wage on Zanzibar was increased to TZS 300,000 (\$65) 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 pregnant or breast-feeding 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. According to TUCTA, OSH standards are appropriate for the main industries and enforcement of these standards had been improving, but challenges

remained in the private sector. In March the National Audit Office released a follow-up report on a 2013 performance audit on the management of occupational health and safety in the country. The report found that of 27 audit recommendations, 20 had been fully implemented, six had been partially implemented, and only one had not been implemented. OSH standards, however, were not effectively enforced in the informal economy. The Occupational Safety and Health Authority had offices in 25 of the 31 regions and a total of 201 staff members. In Zanzibar the government employed five labor inspectors for the islands and conducted 120 inspections between January and June. The inspection system's effectiveness was limited due to lack of resources and the small number of labor officers available to conduct 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. The LHRC reported that approximately 38 percent of workers did not have contracts, and of those who did, an estimated 38 percent only had oral contracts. The LHRC also reported that employees who signed written contracts were often not provided copies of the contract, contracts held by employees differed from those maintained by employers, many contracts did not include job descriptions, and companies frequently used short-term contracts of six months or less. In August over 290 employees of Geo Engineering of China boycotted the company after management gave them contracts written only in Chinese or other languages instead of English, in violation of the Labor Relations Act.

Labor standards were not effectively enforced, particularly in the informal sector. According to the 2014 *Integrated Labor Force Survey* (the latest available), of an active labor force of 22 million, 66 percent worked in the informal sector (including agriculture). 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 a 2008 Accident Notification Survey (latest available), the sectors with the highest rates of fatal accidents were construction and building (0.024 percent), transport (0.021

percent), and mining and quarrying (0.021 percent). Domestic workers were reportedly frequent victims of abuse.