

TANZANIA 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The United Republic of Tanzania is a multiparty republic consisting of the mainland and the semiautonomous Zanzibar archipelago, whose main islands are Unguja and Pemba. The union is headed by a president, who is also the head of government. Its unicameral legislative body is the National Assembly (parliament). Zanzibar, although part of the union, has its own government with a president, court system, and legislature, and exercises considerable autonomy. Tanzania held its fourth multiparty general elections in 2010 in which voters on mainland Tanzania and Zanzibar elected a union president (Jakaya Kikwete) and their respective representatives in the union legislature.

The Zanzibari electorate chose Ali Mohamed Shein as president of Zanzibar. The union and Zanzibari elections were judged to be largely free and fair. Union security forces reported to civilian authorities, but there were instances in which elements of the security forces acted independently of civilian control.

The three most widespread and systemic human rights problems in the country were excessive use of force by security forces resulting in deaths and injuries, restrictions on political expression, and lack of access to justice as well as a related continuation of mob violence.

Other human rights problems included harsh and life-threatening prison conditions; lengthy pretrial detention; some restrictions on religious freedom; restrictions on the movement of refugees; official corruption; societal violence against women and persons with albinism; child abuse, including female genital mutilation/cutting (FGM/C); and discrimination based on sexual orientation. Trafficking in persons, both internal and international, as well as child labor were also problems.

In some cases the government took steps to prosecute those who committed abuses, but instances of impunity also occurred.

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

During the year there were numerous reports that agents of the government (specifically police and other security units) committed unlawful killings. Nongovernmental organizations (NGOs) and local news agencies documented

several cases of police officers mistreating, beating, and causing the deaths of civilians. Several commissions were established to investigate these allegations.

A commission formed by the Ministry of Home Affairs did not implicate any police officer in the September 2 killing of journalist Daudi Mwangosi. However, the Commission for Human Rights and Good Governance (CHRAGG) and the Media Council of Tanzania both implicated police officers in the killing. A police officer subsequently was arrested and charged with murder but did not go to trial by year's end.

The Legal and Human Rights Center (LHRC) announced that police brutality, domestic violence, and extrajudicial killings rose during the year. According to the LHRC, by October police and other security personnel killed a total of 24 persons (compared with 25 in all of 2011) and injured many others.

On February 22, police in Songea, Ruvuma Region, fired on a crowd of protesters, killing two and injuring 18. The crowd was marching on the police station to protest perceived police inaction in addressing nine unsolved killings in the region between November 2011 and February. The killings allegedly were connected to witchcraft. Following the protest, authorities arrested four policemen for using live ammunition on the crowd. By year's end a police investigation was completed, but the four were not tried.

On August 2, at the Ukonga Police Post, Assistant Inspector of Police Leonard Luhende accused Faridi Hassan of trying to steal charcoal from his house and severely beat him. Reportedly, Luhende struck Hassan in the head with an iron rod, and Hassan died from his injuries the following day. Police arrested Luhende but soon released him due to insufficient evidence. Activists complained that authorities completed the investigation in only two weeks, when typical murder investigations took up to four years.

On August 30, riot police shot and killed two miners, Paulo Sarya and Rodgers Mwita, at the North Mara Gold Mine in the Tarime district of Mara Region. Regional Police Commander Justus Kamugisha said that police were forced to use live ammunition in the mine pits after approximately 1,000 artisanal miners trespassed in search of gold dust. Miner Mseti Mwita was seriously injured, and police officer Julius received machete wounds. There were no further developments by year's end.

On September 2, Daudi Mwangosi, television journalist and chairman of the Iringa Press Club, was killed in a confrontation with police as they attempted to detain one of his colleagues during a rally held by the opposition Party of Democracy and Development (Chadema). As Mwangosi tried to intervene, police attacked him and one of them discharged a tear gas canister, which killed Mwangosi on impact. On September 12, police officer Pasifious Simon was charged with Mwangosi's killing, and his case was pending.

The 2011 case against police officers who shot and killed two persons and injured nine others at a Chadema rally in Arusha remained pending in court.

Although authorities often arrested police officers implicated in deaths and injuries when their involvement came to the attention of the inspector general of police, such cases progressed slowly in court, and convictions were infrequent. The LHRC reported in October that no police officer or other official security personnel had been convicted for extrajudicial killing of civilians since 2002.

b. Disappearance

Unlike in the previous year, there were at least three reports of politically motivated disappearances.

On June 27, bystanders discovered Stephen Ulimboka unconscious and injured in the Mabwepande forest near Bunju, Dar es Salaam. Ulimboka later told reporters that armed men abducted him and took him to the forest where they beat him severely and pulled out his fingernails and several teeth. Previously, Ulimboka coordinated a doctors' strike that halted medical services in government hospitals for several months (see section 7.a.). Dar es Salaam Special Police Zone Commander Suleiman Kova formed an investigative team, which resulted in the arrest of Kenyan national Joshua Mulundi on August 7. Police stated 12 other suspects were at large, and the case remained pending at year's end. President Kikwete publicly denied accusations of government involvement.

In August journalist Laki Ndesamburo disappeared after reporting on a conflict between government officials and villagers that took place in Lupa village, Mbeya Region. Ndesamburo previously told the LHRC staff he had received threats from police after reporting that police officials confiscated livestock of villagers who were keeping more than the 70 head of cattle permitted by law during the dry season. He reported that police, district officials, and several Sungusungu (citizens' patrols) militias used firearms, tear gas, and excessive force

to disperse crowds during a conflict with the villagers. As of December Ndesamburo was still missing.

In October days of rioting erupted in Zanzibar after the disappearance of Uamsho leader Sheikh Farid. Uamsho, an Islamic organization in Zanzibar, conducted numerous public meetings and rallies criticizing the constitutional review process and calling for increased political autonomy for the islands. While Uamsho held several rallies without incident, clashes with security forces led to rioting and subsequent arrests on other occasions. After Sheikh Farid's disappearance, Zanzibari police denied any knowledge of his whereabouts and joined Uamsho in searching for the missing leader. Sheikh Farid reappeared days later, claiming to have been kidnapped and interrogated by government authorities. Some Zanzibari government officials alleged that Sheikh Farid had orchestrated his disappearance in order to create unrest. Police subsequently arrested the sheikh and seven of his fellow Uamsho leaders on numerous charges, including incitement. At year's end they remained in prison, and their case was pending in court.

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

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

On January 24, local newspapers reported the arrest and beating of Bruno Mwambene, the deputy district chairperson for the Human Rights National Association of Mbozi District, Mbeya Region. Local police reportedly beat Mwambene when he intervened as police were beating a motorcycle taxi driver. Police arrested Mwambene, and the local court granted him bail on February 9 after activists pressured police officials and the local magistrate. Mwambene was charged with sedition, and his case was pending.

The law allows caning. Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders. For example, on August 18, Megota Samson Fela of Sanzate village, Mara Region, was sentenced to 30 years in prison and 12 strokes of the cane for raping a 12-year-old girl.

The case against a police officer accused of injecting acid into the eyes of Eliais John in March 2011 remained pending at year's end.

Prison and Detention Center Conditions

Despite some improvements prison conditions remained harsh and life-threatening. Inadequate food, overcrowding, poor sanitation, and inadequate medical care were pervasive. There were allegations that authorities engaged in inhumane treatment. Serious threats to life continued in detention centers.

Physical Conditions: As of December the prisons held 33,338 inmates--13 percent above the total capacity of 29,552. Among the prisoners, 15,584 were convicts (47 percent) and the remaining 17,554 were pretrial detainees (53 percent). Pretrial detainees and convicted prisoners were held together. In 2011 an estimated 1,206 inmates were women. The CHRAGG visited a sampling of prisons and detention facilities in 2011 and found that there were 441 children detained in the adult prisons visited. Among these, 64 (15 percent) were convicted, and the remaining 377 (85 percent) were pretrial detainees.

In July the minister of state in the Zanzibari President's Office, Mwinyihaji Makame Mwadini, reported that jails in Zanzibar held 2,260 pretrial detainees, of whom 110 were women.

According to an October 2011 prison report by the Tanganyika Law Society (TLS), women were held separately, and their conditions generally were better than those of men. There were fewer female prisoners, and each one had a bed, two blankets, a mosquito net, and sweaters to wear during the cold season. The report stated that due to overcrowding, three male prisoners often had to share two mattresses.

Children were held together with adults in several prisons due to a lack of detention facilities.

There was one prison for children in the Mbeya Region and five remand homes across the country. Officials attributed the shortage to a lack of coordination between the judiciary, police, and prison department.

According to government officials, there were 52 deaths due to HIV/AIDS in prisons from January to December 2012.

The most common health complaints were malaria, tuberculosis, HIV/AIDS, and other 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.

Prison staff complained of water shortages and a lack of electricity as well as inadequate medical supplies. Limited transportation also affected the ability of prison staff to take prisoners to health clinics and hospitals.

According to prison system officials, all prisoners had access to water, including potable water. Most cells had large, grated windows that allowed light and ventilation. Some prisons had electricity, while others used gas lamps for lighting. In cold areas prisons were unheated, but prisoners reportedly received blankets and sweaters.

Administration: Recordkeeping in prisons was inadequate and resulted in discrepancies in reporting. On the mainland the law allows judges and magistrates to grant parole or impose alternative sentences such as community service as a means of reducing overcrowding, but these options were rarely used. The law authorizes early release for good behavior but has burdensome evidentiary requirements.

On the mainland authorities often moved prisoners to different prisons without notifying their families.

Approximately 700 prisoners were on probation, and 1,080 sentenced to community service. The number of probation officers remained inadequate. From July 2011 to June 2012, a total of 112 probation officers were available to serve 692 courts across the country. According to court officials, this represented a deficit of 1,281 probation officers.

On the mainland prisoners were permitted to submit complaints to judicial authorities, but it was alleged that the letters were censored. Prisoners were also able to submit complaints to the CHRAGG during its prison visits. The CHRAGG also served as the official ombudsman.

The union Ministry of Home Affairs' Public Complaints Department and a Prison Services Public Relations Unit responded to public complaints and inquiries sent to them directly or through the media about prison conditions.

Some inmates were reportedly forced to worship in denominations chosen for them by prison wardens. Seventh-day Adventists complained they had to work on

Saturday. Muslim prisoners asked for, and were granted, prayer mats by visiting Muslim clerics, and during the year 40 prisoners were given mats in Keko prisons of Dar es Salaam. Generally, prisoners and detainees had reasonable access to visitors and were allowed to worship freely.

During the year the Probation and Community Service Division of the Ministry of Home Affairs and officials from the Ministries of Constitutional Affairs and Justice, and the Office of the Director of Public Prosecution visited local prisons.

Monitoring: Unlike in the previous year, neither the CHRAGG, the TLS, nor the International Committee of the Red Cross (ICRC) conducted prison visits during the year.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Under the union's Ministry of Home Affairs, the Tanzanian Police Force (TPF) has primary responsibility for maintaining law and order both on the mainland and in Zanzibar. The Field Force Unit is a special division in the national police force and has primary responsibility for controlling unlawful demonstrations and riots. The TPF staff numbered more than 43,000 in multiple divisions and specialties throughout the country. Throughout the year there were reports of excessive force, police corruption, and impunity. Low pay contributed to perceived corruption in certain units, as reported widely by citizens and the press. Newspaper articles, civil complaints, and reports of police corruption from the Prevention and Combating of Corruption Bureau (PCCB) and Ministry of Home Affairs also continued.

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.

Sungusungu, or citizens' patrols, are traditional neighborhood anticrime groups that exist throughout the mainland. The People's Militia Act of 1973 grants them the power to make arrests. In general these groups provided neighborhood security at night. Sungusungu members are not permitted to carry firearms or machetes,

but they did carry sticks or clubs. They worked with municipal governing authorities as well as police but operated independently from police. They were formed or disbanded based on the perceived local need. In areas surrounding refugee camps, Sungusungu members have authority to arrest refugees who travel outside the camps without permission. Within the camps groups composed of refugees acted as security forces, supplementing the police. At times Sungusungu patrols beat and even killed criminal suspects before turning them over to police.

The Jeshi la Kujenga Taifa (JKT) is a branch of military service similar to a national guard in that its service is primarily domestic rather than foreign.

In February the LHRC reported that Sungusungu militia in Tabora Region killed Mipawa Samwel for stealing chickens, and police announced an investigation was underway, but no suspects were apprehended by year's end.

Mainland police sometimes acted as prosecutors in lower courts, which allowed police to manipulate evidence in criminal cases. Although this practice was being phased out, a TPF spokesperson reported that police officers continued to act as prosecutors in nine of the country's 30 regions.

The TPF leadership was committed to training and improvement, but ground-level officers often failed to meet these commitments. Police continued to hold educational seminars for officers to combat corruption and took disciplinary action against police officers implicated in wrongdoing. During the year 108 police officers were dismissed for unethical behavior and an additional 16 were under investigation.

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

In Zanzibar "special units" were deployed at the district level for activities that would fall under police jurisdiction on the mainland. Recruitment, training, and command and control of the "special units" are 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 itself (see section 3).

The Ministry of Defense is responsible for external security on the mainland and Zanzibar; it also has some limited domestic security responsibilities.

Arrest Procedures and Treatment While in Detention

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, but police failed to comply consistently with this requirement. The law gives accused persons the right to contact a lawyer or talk with family members, but at times they were denied this right. Prompt access to counsel was often limited by the lack of lawyers in rural areas, lack of communication systems and infrastructure, and illiteracy and poverty of the accused. Generally, authorities promptly informed detainees of the charges against them. The government provided legal representation for some indigent defendants and for all suspects charged with murder or treason. The law does not allow bail for suspects in cases involving charges of murder, treason, drugs, armed robbery, human trafficking, or other violent offenses where the accused might pose a public safety risk. In some cases courts imposed strict conditions on freedom of movement and association when they granted bail. In the primary and district courts, bribes sometimes determined whether or not bail was granted.

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

Pretrial Detention: According to the Ministry of Home Affairs, approximately 53 percent of the prison population consisted of pretrial detainees. Detainees charged with criminal matters generally waited three to four years for trial due to a lack of judges to hear cases, an inadequate judicial budget, and the lengthy time required to complete police investigations.

Amnesty: During the December Independence Day celebrations, the president pardoned 3,814 prisoners to honor mainland Tanzania’s 51 years of independence,

after earlier pardoning 2,973 to celebrate 48 years of the union with Zanzibar on April 26. During the year an additional 142 prisoners were released on parole.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the judiciary remained underfunded, corrupt (see section 4), inefficient (especially in the lower courts), and subject to executive influence. Court clerks reportedly continued to take bribes to decide whether to open cases and to hide or misdirect the files of those accused of crimes. According to news reports, magistrates of lower courts occasionally accepted bribes to determine the outcome of cases.

Trial Procedures

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. The law prohibits lawyers from appearing or defending clients in primary-level courts whose presiding officers are not degree-holding magistrates.

Juries are not used. The law provides for the presumption of innocence, and defendants are not compelled to testify or confess guilt. Defendants or their lawyers have access to evidence held by the government, the right to question witnesses, and the right to present evidence on the defendant's behalf. Generally authorities promptly informed detainees of the charges against them and allowed them sufficient time to prepare their defense. All defendants charged with civil or criminal matters, except parties appearing before Zanzibari kadhi courts (traditional Muslim courts that settle issues of divorce and inheritance), could appeal decisions to the respective mainland and Zanzibari high courts. Defendants in Zanzibar can appeal decisions to the union Court of Appeal.

On the mainland the law provides a right to free counsel for defendants accused of murder and treason as well as for indigent defendants in other serious cases. Most indigent defendants charged with lesser crimes, however, did not have legal counsel. In both Zanzibar and on the mainland, most defendants could not afford legal representation. In Zanzibar there were no public defenders.

On the mainland and in Zanzibar, police acted in some cases as prosecutors in lower courts, but this practice was being phased out. The mainland Ministry of Justice continued hiring and training state prosecutors to handle the entire mainland caseload. Judicial experts criticized the practice of police acting as prosecutors because of the risk that police might manipulate evidence in criminal cases. By the end of September, the Office of the Director of Public Prosecution (DPP) finalized plans to install state prosecutors in the regions of Morogoro, Manyara, Arusha, Iringa, and Pwani. In Zanzibar police prosecutors remained in only four districts.

The Zanzibari DPP used civilian prosecutors in all but four districts of the islands. This initiative, together with efforts to increase the use of mediation and ensure thorough investigations before suspects were placed in detention, further reduced the case backlog.

Most defendants in urban areas who could not afford professional representation represented themselves in court, but the government and some NGOs, such as the Tanzania Women Lawyers Association and the National Organization for Legal Assistance, provided women and the economically needy with free legal assistance.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Civil proceedings are administered in the high court or at the magistrate or district level. Persons may bring lawsuits seeking damages or the cessation of human rights violations, 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.

Regional Human Rights Court Decisions

In June the African Court of Human and People's Rights, based in Arusha Region, heard a case against the government by the Tanganyika Law Society, the LHRC, and Christopher Mtikila over Mtikila's right to run in general elections as an independent candidate. The law stipulates that all candidates must belong to a

political party. The court ordered that judgment be delivered within 90 days of the closure of the deliberations. The court did not deliver the ruling in December as expected, and the case was postponed until March 2013.

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

While 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, there were no reports that this provision of the act was ever invoked.

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

President Kikwete called for compensation to persons whose homes were demolished in 2011 without warning to make way for road construction. These individuals were not compensated by year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

A number of Muslim groups throughout the country encouraged Muslims to boycott the August 26 national census on the grounds that it did not seek to

enumerate the number of Muslims (or any religious group) in the country. Police arrested more than 40 Muslim leaders in Tanga, Kigoma, Manyara, and Kagera for allegedly obstructing the census. When Muslim groups in Dar es Salaam staged a protest at the Ministry of Home Affairs the following week, the ministry agreed to release the detainees on bail.

Freedom of Press: There were an estimated 13 daily newspapers on the mainland and one in Zanzibar. Among mainland newspapers, two were owned by the government, one by the ruling Chama cha Mapinduzi (CCM) party, and another by the chairman of the Chadema opposition party. The remaining newspapers were independent, although close associates of ruling party members owned some of them. Registering newspapers remained difficult and was at the discretion of the registrar of newspapers at the Ministry of Information on both the mainland and Zanzibar.

There were government restrictions on broadcasting in tribal languages. The government operated newspaper, radio, and television outlets, as did private corporations.

The Zanzibari government owned Zanzibar's only daily newspaper; however, three of the four periodic newspapers were privately owned.

National newspapers were sold in Zanzibar without restriction. The Zanzibari government controlled all content of radio and television broadcasts, whether privately or publicly owned. Even in the case of state television broadcast from the mainland, there was a delay in the feed, allowing Zanzibari censors to intervene. However, the Zanzibari radio stations operated relatively independently, often reading the content of national dailies, including articles critical of the Zanzibari government.

Although the media were officially government-controlled in Zanzibar, the political opposition continued to enjoy increased access after the reconciliation process between the two political parties began in 2009. However, observers noted that in spite of improved coverage of opposition rallies, the CCM continued to get more coverage.

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

Violence and Harassment: Journalists were subject to physical attack, harassment, and intimidation at the hands of law enforcement authorities and crowds during the year. On September 2, Daudi Mwangosi, television journalist and chairman of the Iringa Press Club, was killed in a confrontation with police while covering a rally held by the opposition Chadema (see section 1.a.).

In September another television reporter, Munir Zakaria, was reportedly beaten and had his equipment destroyed in a confrontation with CCM political party supporters during the Bububu by-election (see section 3). Zakaria was filming a group of young men who had gathered at the CCM branch office. The group attacked Zakaria and destroyed his video camera before police could arrive and assist him. By year's end none of the perpetrators was arrested.

The 2011 sedition case against *Tanzania Daima* editor Absalom Kibanda and *Mwananchi* executive director Theophil Makunga remained pending in court.

Journalists arbitrarily arrested in 2011 were released. No action was taken against police or other officials for their arrest and alleged mistreatment.

Censorship or Content Restrictions: A permit was required for reporting on police or prison activities, and journalists needed special permission to 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) (\$158), 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.

The law authorizes a minister or a government official to ban a newspaper without prior notice and without giving any reasons for the action. On July 30, the government banned the weekly *MwanaHalisi* newspaper indefinitely for alleged sedition. The ban came two weeks after it published details about the kidnapping and torture of Steven Ulimboka, chairman of the Doctors' Society of Tanzania (see section 1.b.). The ban remained in effect at year's end.

Media outlets often practiced self-censorship to avoid conflict with the government. Editors often withheld stories they felt would offend government representatives.

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

On September 26, local media reported the acquittal of Christopher Mtikila (see section 1.e.), head of the opposition Democratic Party, who was charged with sedition and using derogatory language to describe President Kikwete. Although Mtikila admitted publishing and distributing documents accusing the president of trying to reduce the influence of Christianity in the country, the court found him innocent because his comments had not incited the public.

Internet Freedom

There were no government restrictions on access to the Internet; however, the government monitored Web sites that criticized the government. Police also monitored the Internet to combat illegal activities. According to the International Telecommunication Union, approximately 12 percent of persons in the country used the Internet and 5 percent of households had access to the Internet in 2011.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly; however, the government did not always respect this right. 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 (see section 3).

The government and police increasingly limited the issuance of permits for public demonstration and assembly. Police denied demonstration permits to political parties, NGOs, and religious organizations. Reportedly, police often denied these permits at the behest of CCM officials at various levels of government.

A senior Chadema official reported that during the year police denied 10 requests to hold public demonstrations, while approving 15 requests.

During the doctors' strike (see section 7.a.) in February, police arrested 16 human rights activists from the Tanzania Media Women's Association (TAMWA), Tanzania Gender Network Program, Feminist Activist Coalition, and the LHRC. Local media reported that police arrested the group for gathering illegally and intending to hold an illegal demonstration. The activists stated they only intended to observe a meeting between government officials and striking health officials. Police did not charge the arrestees but told them to report periodically to police. The activists objected but complied with the requirement.

Following the July 18 sinking of the *MV Skagit* ferry from Dar es Salaam to Zanzibar, which killed more than 200 passengers, Zanzibar's Uamsho Muslim organization obtained a permit to hold a public assembly on July 20 to mourn the dead at a mosque in the Darajani area north of Stone Town. When the speaker began to discuss government negligence and perceived inadequacies in Zanzibar's relationship with the union, police entered the mosque and arrested the speaker. Rioting ensued, and police used tear gas and riot gear to disperse the crowd, arresting 43 rioters in the process, who were subsequently released.

Freedom of Association

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

Political parties were required to register, and there were some requirements regarding distribution and composition of their membership (see section 3).

The process of registering NGOs was slow, but there were thousands on the mainland. The approval process was more difficult in Zanzibar. It took an average of four years to register a religious organization.

c. Freedom of Religion

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

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

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

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers, but it also encouraged the repatriation of many refugees and limited the influx of additional refugees.

In-country Movement: Pursuant to an encampment policy, refugees were not allowed to travel outside of the two demarcated camps without permission of the Ministry of Home Affairs. Generally the ministry granted this permission for official purposes such as medical referrals and court appearances.

Protection of Refugees

Access to Asylum: The country's laws provide for asylum or refugee status, and the government has established a system for providing protection to refugees. These systems were not accessible to new applicants for asylum or refugee status. The National Eligibility Committee (NEC) is mandated to meet regularly and make determinations on such applications. However, the NEC has only met once since 2009 (for a single, focused session on a group of Eritrean soccer players), and the Ministry of Home Affairs has not made formal status determinations on new cases since that time.

Authorities continued to arrest irregular migrants from Ethiopia and Somalia who were en route to South Africa and other southern countries. The UNHCR processed these individuals for possible asylum, but police continued to hold them in prisons, as there were no separate holding facilities for asylum seekers. In June, 43 migrants from Ethiopia and Somalia suffocated to death in the back of a closed truck in Morogoro Region en route to the southern border. According to local newspapers, the truck carried more than 120 migrants in close quarters.

Asylum Access, an international NGO with an office in Dar es Salaam, reported that a large number of "urban refugees" lived outside the country's two refugee camps. 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. Urban refugees differed from undocumented immigrants, since many were able to demonstrate protection concerns that would qualify them for refugee status. Since they were not formally registered, they had limited access to employment, health care, and education. There was no policy or infrastructure to serve this group, but the Ministry of Home Affairs reported that it was working to address the problem, although with no known results. Although the size of the urban refugee population was difficult to determine, the ministry estimated that as many as 10,000 urban refugees were living in Dar es Salaam alone. Asylum Access reported that this number may be as high as 20,000.

Safe Country of Origin/Transit: Although the government did not have an explicit policy of denying asylum or refugee status to applicants from Burundi and the Democratic Republic of the Congo (DRC), the failure of the NEC to meet and make status determinations functioned as a de facto denial of new applicants.

Refoulement: The government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

On August 1, the government invoked the cessation clause for all Burundian refugees found to be no longer in need of international protection, thereby revoking their refugee status. The UNHCR and the Burundian government supported this decision. Prior to invoking cessation, the government and the UNHCR interviewed all 1993-era Burundian refugees at the Mtabila and Nyarugusu camps and concluded that only 2,715 needed international protection, whereas 37,582 did not. The smaller group was transferred to the Nyarugusu camp, but the larger group no longer had refugee status and was subject to immigration law. Beginning October 31, the government alongside the International Organization for Migration (IOM) and the UNHCR began to empty the camp through an “orderly return” strategy--closing the camp zone by zone and moving the residents onto buses without the use of force. As of December 11, the UNHCR reported that 34,052 former Burundian refugees returned to Burundi via orderly return. The camp was empty as of the final departure convoy on December 11. NGOs complained that the government invoked cessation hastily without allowing the former refugees an opportunity to seek legal counsel during the interview and appeal process.

Refugee Abuse: On May 23, soldiers from the JKT moved into unoccupied areas of the Mtabila refugee camp, thereby violating the camp’s civilian environment.

Initially, the JKT assumed the police's role of manning the camp's entry and exit checkpoints. After the UNHCR raised this problem with the Ministry of Home Affairs, the JKT relinquished control of checkpoints to police but remained in the camp. Although the JKT planned to use the camp as a training ground after its eventual closure, several NGOs stated that they believed the Ministry of Defense put the JKT in position to intimidate the refugees and serve as an impetus for repatriation.

In July the UNHCR received reports that JKT soldiers raped two young refugee girls who were searching for water and firewood at the Mtabila camp. The UNHCR raised these allegations with the Ministry of Home Affairs, and NGO legal services assisted the victims. The ministry's staff stated that no one was arrested or charged because the victims were unable to identify their attackers from a lineup of JKT soldiers.

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

Local government authorities policed the camps with support from refugee volunteers. The UNHCR reported that the most frequent crimes were domestic violence and abuse, physical aggression, sexual abuse, and intimidation within both family units and the broader refugee community.

The UNHCR worked with local authorities as well as individuals in the camps to strengthen coordination and their ability to address problems of violence, including sexual violence, against minorities. During the year the government investigated, prosecuted, and punished perpetrators of abuses in the refugee camps; local authorities handled most cases of refugees involved in crime and abuse outside the

camps. Residents of refugee camps suffered delays and limited access to courts, common problems faced by citizens as well.

Employment: The government confined refugees to the country's two camps (reduced to one by year's end) and generally did not permit them to pursue employment on the local economy; they also restricted refugees' attempts to farm the land within the camps.

Access to Basic Services: Although the UNHCR provided public education in the Nyarugusu camp through a local nongovernmental partner, children living in the Mtabila camp did not have access to public elementary education. This lack of public education was part of a strategy to encourage residents of Mtabila to return to Burundi. The Mtabila camp was slated for closure in 2009, but actual closure was delayed several times to evaluate the continuing protection needs of camp residents. Between 2009 and 2012, as Mtabila was closing, services gradually slowed and eventually ended. NGOs working within the camp provided informal education and recreational activities. Refugees were able to access free health services at clinics within both camps. The UNHCR and the ICRC supported these services, which were of a higher quality than the health services commonly available in other rural areas of the country.

Durable Solutions: In 2010 the Ministry of Home Affairs announced it was conferring citizenship upon 162,000 of the more than 200,000 refugees who had arrived from Burundi in 1972. However, by year's end the ministry did not issue citizenship documentation to most of these individuals. The status of another 22,000 Burundian refugees from the 1972-era who settled in the Kigoma Region remained in question. As of December 31, a total of 2,896 Burundian refugees, 1,889 Burundian former refugees, 63,330 Congolese refugees, and 242 refugees of other nationalities lived in the Nyarugusu refugee camp in Kigoma.

During the year the return of refugees from the 1993 events in Burundi increased exponentially due to the government's decision to invoke the cessation clause and the implementation of the orderly return program. As of December 11, a total of 34,052 former refugees returned to Burundi via orderly return with the assistance of the UNHCR and the IOM. Unlike the previous year, no refugees returned to the DRC through the voluntary repatriation program.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections that were largely free and fair. A September 16 by-election in Bububu, Zanzibar, was marked by irregularities.

Elections and Political Participation

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

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

Separate elections are held for the union and for Zanzibar, ordinarily on the same day, in which citizens of the two parts of the union elect local officials, members of the national parliament, and a union (national) president. In addition, Zanzibaris separately elect a president of Zanzibar and members of the Zanzibar House of Representatives. District and regional leaders in Zanzibar and on the mainland are appointed by their respective presidents.

Opposition party leaders complained that voter registration had not taken place since 2010. Individuals who have reached the age of 18 since that time were therefore unable to vote in by-elections. Election officials stated that the government did not have sufficient funding to conduct more regular registration. Some opposition leaders alleged that the government sought to prevent young voters from registering, since they often vote for opposition parties.

During the year the country held three by-elections for national-level offices: one on the mainland (in the Arumeru district of the Arusha Region) and two in Zanzibar (Uzini and Bububu). The by-election in Arumeru for an open seat in parliament was held on April 1 and was largely free and fair. On more than one occasion, however, paramilitary soldiers used tear gas to disperse crowds of Chadema opposition-party supporters demanding the expeditious release of results. The by-election for an open seat in the Zanzibar House of Representatives in the

Uzini constituency of South Unguja, Zanzibar was considered free, fair, and without incident.

The September 16 by-election in Bububu for another open seat in the Zanzibar House of Representatives, however, resulted in a number of irregularities. The CCM candidate defeated the CUF candidate by a margin of less than 200 votes. Although campaigning was conducted peacefully, the situation turned violent on election day. CCM officials alleged that CUF supporters were intimidating CCM voters. In response the CCM began to bus its voters to polling stations under police escort. CUF officials alleged that police and other security personnel under CCM command also patrolled CUF neighborhoods, leveling their weapons at civilians and firing shots into the air. The militarized nature of the election, the related intimidation, the act of transporting supporters by bus, and the close results prompted some to question the fairness of the election.

Political Parties: The law requires that persons running for office must represent a registered political party. The law prohibits unregistered parties and independent candidates. There were 18 registered parties in the country, including two registered 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 and be eligible to field candidates for election, 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, within six months.

On September 6, Registrar of Political Parties John Tendwa threatened to deregister parties if they did not cease organizing multiple demonstrations. He criticized Chadema in particular for demonstrations in Arusha, Singida, Morogoro, and Iringa that resulted in the death of participants.

Political parties are required by law to support the union between Tanganyika and Zanzibar; parties based on ethnic, regional, or religious affiliation are prohibited.

During the year there were occasional restrictions on the parties' right to call for demonstrations.

For example, on August 27, during clashes between police and supporters of the Chadema opposition party, Ali Zona was killed and several others injured in

Msamvu, Morogoro Region. According to Chadema officials, police denied demonstrators' request to demonstrate shortly before the scheduled time, citing that a demonstration should not be held on a workday. A violent confrontation between police and Chadema supporters ensued when the demonstration went forward. A coroner's report stated that Zona died of head injuries from an unknown projectile. Chadema accused the government of protecting a policeman who allegedly shot Zona and demanded an independent investigation. The government did not conduct a secondary investigation, and the focus shifted to the killing of journalist Daudi Mwangosi the following week (see section 1.a.).

The Chadema party chairperson for Usa River in Arumeru, Arusha region, was killed by unidentified assailants following the April 1 by-election. An investigation into the case was pending by year's end.

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

Participation of Women and Minorities: The unicameral union parliament has up to 357 members. Members included: the attorney general, the speaker, five members elected from and by the Zanzibar House of Representatives, 101 special women's seats apportioned among the political parties based on their election results, 239 constituent seats (including 50 from Zanzibar), and up to 10 members nominated by the president.

Although 21 women held elected seats in parliament, most female MPs were appointed by their political parties to serve in seats set aside for them according to the percentage of votes their parties as a whole received. There were 127 women in parliament. After a reshuffle of cabinet ministers on May 4, President Kikwete appointed nine female ministers (out of 30 total ministers) and four female deputy ministers.

There were three MPs of Asian origin.

Following the 2010 elections, parliament selected Anne Makinda as the country's first female speaker.

Twenty-five of the 62 high court judges were women, and four of the 15 Court of Appeal judges were women.

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 eight appointed seats. There were three female ministers (out of 19 ministers) and four deputy ministers. Women won three elected seats in Zanzibar.

There were five MPs with disabilities and three representatives with disabilities in the Zanzibar House of Representatives.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The World Bank's Governance Indicators reflected that corruption was a serious problem.

On April 18, the Office of the Controller and Auditor General reported to parliament that millions of dollars in government funds across numerous ministries were not properly accounted for. In some cases money went toward known purposes without proper oversight; in other cases, money was spent for unknown purposes. Following harsh criticism against eight cabinet ministers from MPs, the media, and civil society leaders, President Kikwete dismissed six ministers and reshuffled 15 other ministers and deputies. None of the dismissed or reshuffled officials was charged or otherwise penalized.

On July 28, Speaker of Parliament Anne Makinda dissolved the Parliamentary Energy and Minerals Committee due to allegations of corruption in a dispute involving committee members and the Tanzania Electric Supply Company (TANESCO). Energy Minister Sospeter Muhongo claimed the committee members were incapable of evaluating TANESCO objectively due to their personal interest (including stakes in contract companies) in the organization's financial success. Ultimately, Speaker Makinda appointed an independent, five-member committee to investigate the allegations. On November 9, Speaker Makinda released the investigative committee's report, which stated that the Energy and Minerals Committee members did not engage in corrupt practices.

On July 16, Home Affairs Minister Emmanuel Nchimbi reported to parliament that his ministry investigated 625 allegations of bribery against police officials through

that point of the year. As of July a total of 68 individuals were relieved of duty, nine cases were in court, and 15 were under investigation.

The government took no further legal action against former energy and minerals permanent secretary David Jairo, who was removed from office in 2011 after being implicated in an attempt to bribe MPs.

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; however, there was no enforcement mechanism or means to determine the accuracy of such disclosures. The Ethics Secretariat distributes forms each October for collection in December. In 2011 the secretariat distributed 8,972 forms to politicians and civil servants, and by January, a total of 4,071 politicians and 3,210 civil servants met the deadline for disclosure. Secretariat officials stated the 1,691 individuals who failed to meet the deadline were asked to show cause for the delay, and all 1,691 submitted an explanation for the delay (e.g., out of the country, unaware of the process, etc.). The secretariat selected 10 individuals with unsatisfactory explanations to appear before a tribunal but the tribunal finished its three-year term in August without sitting a single time during its term. There was, therefore, impunity for officials who did not meet the disclosure requirements.

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

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

The PCCB is responsible for investigating suspected corruption cases, prosecuting offenders in coordination with the DPP, and educating the public about corruption. The PCCB has 24 regional offices and an office in every district on the mainland. As of July 31, the PCCB had received 3,043 allegations of corruption. As of December, there were 526 cases in court and 106 prosecuted cases from which there were 45 convictions. The PCCB's record of convictions has been approximately 1 percent of allegations through the last seven years. The PCCB

received a significant budget for staff and office resources, but the public and the media often complained that it failed to address grand corruption cases adequately.

There were 43 continuing grand corruption cases as of December. According to the PCCB, most corruption investigations concerned government involvement in mining, land matters, energy, and investments. NGOs reported that allegations of corruption involved the Tanzania Revenue Authority, local government officials, police, licensing authorities, hospital workers, and the media.

The PCCB's mandate does not extend to Zanzibar. A special unit of the police force in Zanzibar is responsible for corruption cases. However, according to police and Zanzibar Legal Services Center officials there were no investigations, since they had received no complaints during the year.

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

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Some human rights NGOs complained that at times government reaction against them was negative when they challenged government practice or policy.

In the past more than 5,000 NGOs were registered on the mainland and entered into a database maintained by a government-appointed NGO coordination unit in the vice president's office. However, during the year the Ministry of Home Affairs began registering community organizations and religious organizations under the Societies Act. The Ministry of Community Development, Gender, and Children began to register regular NGOs under the NGO Act. The registration process took two to five years. International NGOs operated both on the mainland and Zanzibar. However, NGOs in Zanzibar must apply through the local government for approval, and all religious organizations must seek approval from the Office of

the Mufti, the Muslim religious authority. The Zanzibar Legal Services Center was one of the few active human rights organizations in Zanzibar.

UN and Other International Bodies: During the year the ICRC visited prisoners at the International Criminal Tribunal for Rwanda (ICTR) in Arusha.

The government continued to host the ICTR in Arusha and was supportive of, and cooperated with, the international court. Although the ICTR and its staff remained in place, the court's casework was transferred to the Residual Mechanism in July. As of December one detainee was on trial, 16 were on appeal, and one was transferred to a Rwandan court for prosecution.

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 and cooperated well with the CHRAGG. Although the CHRAGG, the government's lead office for human rights problems, may make recommendations to the government concerning remedies for human rights abuses, it has no mechanism for enforcement.

The CHRAGG is financed by the government and operated on the mainland and in Zanzibar. Between July 2011 and June 2012, the CHRAGG received 965 complaints and classified 147 of these as potential human rights violations. The CHRAGG has no legal authority to prosecute cases; it can only make recommendations to other government offices or call media attention to human rights violations.

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

The constitution prohibits discrimination based on nationality, tribal identity, political ideology, race, religion, gender, or social status. There is no provision prohibiting discrimination based on sexual orientation or language. Discrimination based on age or disability is not explicitly prohibited by law but was discouraged publicly in official statements and by government policies. Discrimination against women, refugees, minorities, and persons with HIV/AIDS or disabilities persisted, and ethnic tensions continued in some parts of the country.

Women

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

According to a biannual report issued by the LHRC, incidents of rape were more prevalent in urban centers than rural areas. From January through June, the LHRC established that out of 3,664 reported abuse cases concerning women and children, 3,074 were allegations of rape. Persons close to the victims, such as relatives and friends, were most likely to be the perpetrators. Despite increased reporting of rape, many offenders were not brought before court. Many who were brought to court were set free because of corruption in the judicial system, a lack of evidence, poor investigations, and poor evidential preservation.

According to the 2010 Demographic and Health Survey and the 2009 Tanzania Violence Against Children Survey, 45 percent of women had experienced physical or sexual violence, and nearly three out of 10 girls had experienced at least one act of sexual violence before the age of 18.

There were some government efforts to combat sexual abuse. Police maintained a gender and children desk in every region 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.

Domestic violence against women remained widespread, and police were often reluctant to pursue such cases. The law prohibits assault but does not specifically prohibit spousal battery or protect women from gender-based violence. There is no unified legal code protecting women. Disparate provisions of various statutes offer ineffective safeguards against gender-based violence. Cultural, family, and social pressures often prevented women from reporting abuses, and authorities rarely took action against persons who abused women.

According to a 2002-10 UNICEF survey, 38 percent of males and 54 percent of women considered a husband to be justified in hitting or beating his wife for burning food, arguing, neglecting children, or refusing sexual relations.

The courts recognized domestic violence as grounds for divorce. However, women often tolerated prolonged domestic abuse before seeking a divorce. A survey conducted by TAMWA revealed that, although women were subject to domestic violence, the number of cases reported to police was low. Women testified to being bullied and beaten by men, but they were sometimes ashamed to report the case to proper authorities. Women in urban areas who sought advice from legal aid clinics most commonly cited domestic abuse as the reason for seeking a divorce.

In a 2012 survey by international NGO Action Aid, in Zanzibar 17.2 percent of married women age 15 and above in Unguja and 35.6 percent in Pemba reported that they had experienced physical violence.

The Ministry of Community Development, Gender, and Children partnered with local and international NGOs to support the “16 Days of Activism Against Gender Violence” campaign in November, which served to raise awareness of the problem and the rights of women under the law.

Sexual Harassment: The law prohibits sexual harassment of women in the workplace, but no statistics existed on the extent of its occurrence or the effectiveness of enforcement. There were reports that women were asked for sexual favors in return for promotions. A lawyer with Women’s Legal Aid Centre stated in June that many women did not report sexual harassment cases because police were rarely helpful.

Reproductive Rights: The government generally recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. There were no restrictions on the right to access contraceptives. Only 26 percent of women ages 15-49 used a modern form of contraception, in part due to cultural factors, lack of transportation to health clinics, and shortages of contraceptives. The government provided free prenatal, childbirth, and postpartum services but lacked sufficient qualified health care professionals as well as medical supplies. Due to budgetary restrictions and a shortage of skilled personnel, an estimated 60 percent of positions within the Ministry of Health and Social Welfare remained unfilled. This impeded the work of small, rural clinics. Pregnant women giving birth at government health-care facilities throughout the country often had

to purchase their own medical supplies. Few women took advantage of postpartum care. According to the latest UN Population Fund reporting, 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. These statistics have improved steadily in recent years. 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: Inheritance and marriage laws do not provide for equality for women, and women's rights often were not respected. The mainland Ministry of Community Development, Gender, and Children and the mainland Ministry of Justice and Constitutional Affairs as well as their counterpart ministries on Zanzibar are responsible for protecting the legal rights of women. Discrimination against women was most acute in rural areas. Rural women had little opportunity to attend school or obtain wage employment.

Women in the private sector sometimes faced discrimination from employers who believed that household obligations were a professional liability.

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

The Zanzibari DPP could sentence women between the ages of 18 and 21 who became pregnant out of wedlock to perform community service; however, this provision was not applied during the year.

Children

Birth Registration: Citizenship is derived by birth within the country's territory, or if abroad, from one's parents. Tanzania's Registration, Insolvency, and

Trusteeship Agency estimated that approximately 20 percent of the population had birth certificates.

Registration of births within three months is free; however, parents who register their babies after three months must pay a fee. To encourage registration, children enrolling in preschool must present a registration certificate. However, this stipulation was not strictly enforced and public services were not withheld if a child was not registered.

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 fees for enrollment. As a result, many children did not attend secondary school.

Girls represented roughly half of all those enrolled in primary school but were absent more often than boys due to household duties.

Child Abuse: Violence and abuse against children was a major problem. The law allows head teachers to cane students, and corporal punishment in schools remained a problem, although less so than in previous years.

Child Marriage: The law provides that girls as young as 15 can marry with the consent of parents or guardians, although no consent is required for orphaned girls without guardians. The courts also have discretion to allow the marriages of 14-year-old girls in the case of pregnancy. Additionally, the law allows Muslim and Hindu girls to marry as young as 12 as long as the marriage is not consummated until the girl reaches age 15. To circumvent these laws, offenders bribed police or paid a bride price to the family of the girl to avoid prosecution. An estimated 37 percent of women between the ages of 20 and 24 were married before the age of 18, and 7 percent were married before the age of 15, according to UNICEF data collected between 2000 and 2010.

On Zanzibar multiple laws define the legal age of a child, including the penal code, which defines a child as an individual under the age of 18 who is not married or has not given birth. The Child Act of 2011 defines a child as any person under the age of 18. Under Islamic law, however, the age at which a child reaches puberty determines whether he or she is still a child.

Harmful Traditional Practices: The law prohibits FGM/C; however, some tribes and families continued to practice it as part of their tradition. According to a UNICEF survey, between 1997 and 2010, approximately 15 percent of women ages 15-49 were mutilated, and 3 percent of women had at least one daughter who was similarly mutilated. According to the survey, the average age of FGM/C victims was less than 10 years. FGM/C was practiced by approximately 20 of the country's 130 tribes and was most prevalent in the mainland regions of Mara, Kilimanjaro, Dodoma, Manyara, Mbeya, Morogoro, Dar es Salaam, Arusha, and Singida.

Statutory penalties for performing FGM/C on girls under 18 range from five to 15 years' imprisonment, a fine of 300,000 TZS (\$190), or both. 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 media reported that others conducted the procedure in hiding, even on babies, to avoid detection by the law.

The government continued to implement the 2001-15 National Plan of Action for the Prevention and Eradication of Violence Against Women and Children, which enlisted the support of practitioners and community leaders in eradicating FGM/C. The Anti-FGM Network (AFNET) worked with education officers in the Serengeti to increase awareness about the negative effects of FGM/C. AFNET worked specifically with a group of students between the ages of 10 and 13 to help them gain the confidence to refuse the practice.

Sexual Exploitation of Children: The law provides that sexual intercourse with a child under 18 years is rape regardless of consent, unless within a legal marriage. The law was not always enforced. Human rights activists and NGOs complained 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 TAMWA, the incidence of child rape was rising, and the major causes included alcoholism, poor education, poverty, and superstition.

In July local media reported that Richard Mlingwa, a resident of Kalambo district, Rukwa Region, raped a nine-year-old mentally retarded child believing that doing so would make him wealthy. Mlingwa was arrested but was not tried by year's end.

The law criminalizes child pornography and child prostitution. Nevertheless, sexual exploitation and trafficking of children for the purposes of commercial sexual exploitation were problems. Persons found guilty of such offenses were subject to a fine ranging from one million TZS (\$631) to 500 million TZS (\$315,000), a prison term of one to 20 years, or both. There were no prosecutions based on this law.

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. For example, in July there were news reports that Editha Nandi, resident of Chipu village, Rukwa Region, threw her newly born daughter into a pit where she died.

Displaced Children: A survey conducted in 2009 in 95 districts found that 849,054 children were living in “vulnerable conditions.” In April, Minister for Health and Social Welfare Hadji Mponda told parliament that of those, 33,952 children lived on the country’s streets.

Street children had limited access to health and education services because they lacked a fixed address or money to purchase medicines, school uniforms, and books. The government identified centers where orphans and street children could have access to these services in 89 out of 133 municipalities. 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.

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.

Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities. The law addresses the overall protection of persons with disabilities. It defines a person

with disability to include persons with physical, intellectual, sensory, or mental impairment and whose functional capacity is limited due to attitude or environmental and institutional barriers. Previous implementing legislation focused on specific, disjointed areas such as employment and access to healthcare. Most employers believed that individuals with disabilities were incapable of working, and most persons with disabilities remained unemployed. Persons with physical disabilities, who comprised approximately 9 percent of the population, were effectively restricted in employment, education, access to health care, and other state services by physical barriers and inadequate financial resources. Although the government mandates access to public buildings, transportation (including air travel), and government services for persons with disabilities, few buildings were accessible. New public buildings were being built in compliance with the law, but funds to retrofit existing structures were unavailable.

There were five members of the mainland parliament with disabilities. One MP elected in 2010, Salum Bar'wan, was the first with albinism. During the election campaign his opponents repeatedly claimed that persons with albinism did not have the ability to think clearly.

A survey carried out in 2010 by Comprehensive Community Based Rehabilitation in Tanzania found that the government was taking steps to improve election participation by persons with disabilities. These improvements included preparation of a guidebook on election procedures, shorter waiting times for persons with disabilities at polling stations, and preparation of tactile ballots for persons with visual impairment; however, the survey noted a number of shortcomings continued to limit the full participation of persons with disabilities in the election process. These included inaccessible polling stations, lack of available information, limited involvement of persons with disabilities in political parties, failure of the National Electoral Commission to implement its directives, and stigma towards persons with disabilities.

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

Indigenous People

Indigenous pastoralists found it increasingly difficult to maintain their way of life on the land, since competing interests and population pressures squeezed their traditional animal grazing areas.

According to an academic survey in the *Guardian* newspaper in January, in 12 districts where indigenous Maasai and Hadzabe tribes live, violations of the rights of these groups damaged their culture and ability to prosper. The report suggested that a lack of education contributed to the loss of their traditional lands. In search of work, many have moved to larger cities to work as security guards, for instance.

On March 17, soldiers reportedly shot and killed five villagers who were farming and grazing cattle within the boundaries of the Maguba forest reserve in the Morogoro Region. Some of the soldiers involved claimed the villagers had previously attacked them with traditional weapons. Police arrested eight individuals in connection with the incident. The investigation continued at year's end.

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

Consensual same-sex sexual conduct is illegal on the mainland and in Zanzibar. On the mainland, acts of "gross indecency" between persons of the same sex are punishable by up to five years in prison. The law refers to same-sex sexual conduct as an "unnatural offence" in the law and carries a prison sentence of 30 years to life. The law in Zanzibar establishes a penalty of up to 14 years in prison for men who engage in same-sex sexual conduct and five years for women. The burden of proof in such cases is significant, and there were no known reports of enforcement of the law. Nonetheless, the CHRAGG's 2011 prison visits revealed that "unnatural offences" were among the most common reasons for pretrial detention of minors. In the past courts have instead charged individuals suspected of same-sex sexual conduct with loitering or prostitution. Lesbian, gay, bisexual, and transgender (LGBT) persons faced societal discrimination that restricted their access to health care, housing, and employment. There were no known government efforts to combat such discrimination.

On July 30, LGBT rights advocate Morris Mjomba was found killed and mutilated in his home in Dar es Salaam. Mjomba worked with the Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Support Unit of the Centre for Human Rights Promotion (CHRP). Police opened an investigation of the killing, but had made no arrests by year's end.

On July 2, another LGBTI Support Unit/CHRP employee reported that an off-duty police officer attacked him, and he reportedly sustained an injury to his hand. Police took no action against the alleged assailant.

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 TPF recorded 637 incidents of mob violence during the year.

During the year mobs turned on police whom they accused of failing to administer justice. On March 2, a group of villagers stormed a police post in Lupa, Mbeya Region, after police allegedly beat a secondary school student to death on accusations he had stolen a cell phone. Local media reported that the crowd tore the roof from the police post, destroyed its radio system and solar panel, and set fire to two policemen's homes, a liquor store owned by a policeman, and the home of the man who accused the student of stealing. Regional police officials transferred three of the involved policemen to other posts, and the case remained under investigation at year's end.

On July 18, a group of more than 20 individuals near the Zambian border in the Mbeya Region reportedly burned a man to death for stealing a motorcycle. Newspaper reports stated that the crowd chased the man down, stripped him naked, hung a tire around his neck, and set it on fire with gasoline. Police made no arrests.

On September 16, a mob in Arusha beat resident Mudy Mussa to death for allegedly attempting to steal from a farm. Local police announced they were investigating the case.

Politically related mob violence resulted in deaths and injuries (see section 3).

According to police, the number of witchcraft-related killings recorded by December was 631. Although such killings were often instances of mob violence as well, this was not always the case.

For example, on February 22, in Usevya village, Katavi Region, a mob battered and killed three elderly women accused of witchcraft. The crowd blamed the women for a shortage of rain. None of the perpetrators was prosecuted.

In May angry villagers of Lwezera, Mwanza Region, lynched Rose Mabeshi, whom they suspected of using witchcraft. Police apprehended a number of suspects who were brought to trial, but the case was pending in court at year's end.

Following death sentences given to 10 persons in 2010 for killing persons with albinism, killings of persons with albinism fell to zero in 2011. During 2012 however, there were reported killings and incidents of violence against persons with albinism. Primarily in the Lake Zone, practitioners of witchcraft sought albino body parts in the belief that they could be used to create power and wealth.

Under the Same Sun (UTSS), an international NGO working with persons with albinism in the country, reported on May 26 that the unidentified and mutilated body of a young man with albinism was found in a forest near Namabala Village, Arusha Region. No one claimed or identified the body, and the UTSS took responsibility for the burial.

In March unidentified assailants broke through the wall of a bedroom in the house of Dionisi, a Kagera resident, intending to abduct a three-year-old girl with albinism. In the dark the assailants hacked at the child, severing one arm and two legs. When they arrived at a neighboring witchdoctor's house, the assailants discovered they had cut off the limbs of the three-year-old's cousin, who did not have albinism. A police investigation continued at year's end.

According to the UTSS, there were 71 killings and 31 injuries (generally mutilations) of persons with albinism, and 15 robberies and two failed robbery attempts of the graves of deceased individuals with albinism.

The law prohibits discrimination against any person "known or perceived" to be HIV positive and establishes medical standards for confidentiality to protect persons living with HIV/AIDS. The law also criminalizes the deliberate transmission of HIV, but there were no prosecutions based on this law.

The government, working with NGOs, continued to educate the public about HIV/AIDS-related discrimination and create safeguards for HIV/AIDS patients' human rights. A network of lawyers, policymakers, and doctors continued

lobbying efforts and other activities to deal with legal, ethical, and human rights problems associated with HIV/AIDS.

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 have the right to form and join independent trade unions, conduct legal strikes, and bargain collectively. However, the government has significant de jure and de facto control over the freedoms of association and collective bargaining. Trade unions must consist of more than 20 members, have the support of 50 percent of employees, and register with the government. A trade union or employers association must register with the Registrar of Trade Unions in the Ministry of Labor within six months of establishment. Failure to do so is a criminal offense. 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 deregister or suspend unions if there is overlap within an enterprise, or if a determination is made that the union violates the law or endangers public security.

Although the law does not specifically prohibit antiunion discrimination, it was treated like other forms of legally defined discrimination based on disability, religious affiliation, and other factors. Disputes on the grounds of antiunion discrimination must appear before the Commission for Mediation and Arbitration (CMA), a section of the Ministry of Labor. Reinstatement is not mandatory.

A lawful strike or lockout is protected and does not constitute a breach of contract, nor can it be considered a criminal offense. An employer may not 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. Nonetheless, government regulations require three separate notifications of intent, a waiting period of at least 92 days, and a union vote in the presence of a Ministry of Labor official that garners 75 percent approval of employees for a strike to be declared legal. Trade Union Congress of Tanzania (TUCTA) officials stated that labor laws--including the excessive time and administrative requirements to legally strike, banning of picketing, and misuse of laws against disturbing the peace to curb union activity--"hampered" unions.

While mainland workers have the legal right to strike, employers have the right to a lockout after complying with certain legal requirements and procedures. For example, all parties to a dispute may be bound by an agreement to arbitrate, and neither party may then engage in a strike or a lockout until that process has been completed. The law restricts the right to strike when to do so would endanger the life and health of the population. Workers in certain “essential” sectors (water and sanitation, electricity, health services and associated laboratory services, firefighting, air traffic control, civil aviation telecommunications, and any transport services required for the provisions of these services) may not strike. Workers in other sectors may also be subject to this limitation as determined by the Essential Services Committee. This tripartite committee composed of employers, workers, and government representatives has the authority to deem periodically which services are essential.

In Zanzibar labor law requires a union with 50 or more members to be registered and sets literacy standards for trade union officers. The labor law applies to both public and private sector workers, and bans Zanzibari workers from joining labor unions on the mainland. Zanzibari government workers have the right to strike as long as they follow procedures outlined in the labor law. The law provides for collective bargaining in the private sector. Public sector employees also have the right to collective bargaining through the Trade Union of Government and Health Employees. Zanzibar’s Dispute Handling Unit addresses labor disputes.

On the mainland the CMA addresses labor disputes, or, if it fails to resolve complaints, refers them to the Labor Court. If the mediator fails to resolve a dispute within 30 days, or any longer period agreed upon in writing by both parties, either party to the dispute may give notice of its intention to commence a strike or lockout. The Ministry of Labor reported that 72.3 percent of disputes were resolved in the CMA. However, TUCTA reported that cases referred to the CMA frequently languished for long periods of time, while a representative of the International Labor Organization (ILO) stated that its inability to compel witnesses undermined the effectiveness of the CMA.

There were two major strikes on the mainland during the year. Beginning in January state-employed doctors struck for better wages and improved working conditions. An appeal for mediation in the CMA was rejected because the doctors were declared a professional association and not a union, and the strike was, therefore, declared illegal.

The national teachers' union, the Chama cha Walimu Tanzania (CWT), also struck for improved wages and working conditions during the year. The Ministry of Labor declared the strike illegal, ruling that when the CWT made its final announcement on a Friday of its intention to strike on the following Monday, the notification did not include the required two business days. A court ordered teachers to return to work, a decision that was under appeal at year's end.

On both the mainland and Zanzibar, many private sector employers adopted antiunion policies or tactics, although case law discourages discriminatory activities by an employer against union members. On the mainland, TUCTA reported that international mining interests engaged in antiunion activities such as paying officials from the Ministry of Labor Inspectorate to ignore worker complaints, or write favorable reports on working conditions. The ILO reported that during the year some mining interests "barred" unions from organizing, and used security staff to block labor inspectors from entering mines. TUCTA officials stated that there were many instances of discrimination against union workers. Mining companies reportedly established employer-controlled unions called "welfare committees," and "declared workers redundant" to prevent organizers from attaining the 50 percent rate of support required to start a union. TUCTA also reported cases of hotels dismissing employees for attempting to unionize.

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor. The law allows prisoners to work without pay on construction and agriculture projects within prisons ostensibly to both develop the skills of the prisoners and reduce the costs of operating prisons. The law deems as acceptable any such work of a convicted person as long as a public authority supervises that person's work and his work is not for the benefit of any private party. The law establishes criminal penalties for employers using forced labor. Offenders may be fined up to five million TZS (\$3,150), sentenced to one year in prison, or both.

Statistics about enforcement were not available. Although 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, it had no record of government enforcement actions during the year.

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the exploitation of children in the workplace. By law the minimum age for contractual employment is 14. Children over 14 (but under 18) may be employed to do only light work unlikely to harm their health and development or attendance at school. Children under age 18 may not crew a ship or be employed in a mine, factory, or any other worksite where working conditions could be hazardous. The law specifically limits working hours for children and establishes fines and criminal penalties for employers of child labor as for employers of forced labor. Penalties include a fine ranging from 100,000 to 500 million TZS (\$63 to \$315,400), imprisonment ranging from three months to 20 years, or a combination of a fine and imprisonment.

On the mainland the Ministry of Labor was responsible for enforcement of labor laws, together with the courts. Several government ministries, including the Ministry of Labor, had special child labor focal persons. The government created a position for a child labor commissioner in the Ministry of Labor during the year; however, TUCTA reported that the position was not filled. Similarly, the ILO reported that the number of labor inspectors charged with guarding against child labor was insufficient.

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

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

Children worked as domestic workers, street vendors, and shopkeepers as well as in small-scale agriculture (e.g., coffee, sisal, tea, and tobacco), family-based businesses, fishing, construction, and artisanal mining of gold and tanzanite. In Zanzibar, children worked primarily in transportation, fishing, clove picking, domestic labor, small businesses, and gravel making.

The lack of enforcement of laws left children vulnerable to exploitation and with few protections. During the year the Tanzanian Plantations and Agricultural Workers Union through its Promoting Sustainable Practices to Eradicate Child Labor in Tobacco project reportedly removed 400 children from plantations in the Tabora Region, and provided 200 families with funding to start a small business. Another 3,900 children were reportedly removed from plantation work in Mbeya, Tanga, and Iringa, and 1,800 of them were placed in schools. These projects reportedly did not involve the government.

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

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The Minimum Wage Board sets the industry-based minimum wage. The government established minimum wage standards in May 2010 for employees in both the public and private sectors on the mainland, and divided those standards into eight employment sectors. The lowest minimum wage was 70,000 TZS (\$44) per month for workers in the agricultural sector and manual hotel workers, and the highest was 350,000 TZS (\$221) per month for workers in the mineral and aviation sectors. These monthly wages were above the poverty line of 13,998 TZS (\$8.88) per month per person established by the 2006/07 Household Budget Survey. The labor laws cover all workers, including foreign and migrant workers. The

minimum wage in Zanzibar was 145,000 TZS (\$91 per month), an increase from 70,000 TZS (\$44 per month) in 2010.

According to the Ministry of Labor, there was no standard legal workweek for private sector workers, but most private employers retained a six-day, 44- to 48-hour workweek. Public employees had a workweek of nine hours per day and six days per week. Employees could not work more than 12 hours per day, and the law required overtime pay. Under most circumstances, it is illegal to schedule women to work between 10:00 p.m. and 6:00 a.m., although employers frequently ignored this restriction.

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

Several laws regulate safety in the workplace. The Ministry of Labor managed an inspection system; however, its effectiveness was limited due to lack of resources and the small number of labor officers available to conduct inspections. Mining companies reportedly took advantage of these limitations to avoid inspections.

Workers could sue an employer if their working conditions did not comply with the Ministry of Labor's health and environmental standards. Disputes were generally resolved through the Commission for Mediation and Arbitration. There were no exceptions for foreign or migrant workers.

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

Enforcement of the law concerning the minimum wage and working hours was not reported as widely problematic, and there were few coordinated actions concerning the two problems. In June TUCTA threatened the government with a general strike if the minimum wage was not adjusted to reflect changes in the cost of

living. TUCTA, however, did not carry through with the strike, and the minimum wage was not changed. The Tanzanian branch of the ILO reported a single example of a case regarding excessive work hours brought before the CMA. As of December the case was not decided.

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

In traditionally dangerous industries such as construction, employees often worked without protective equipment such as helmets, gloves, or harnesses. According to reports, the mining sector remained dangerous for workers due to adverse working conditions. Domestic workers were reportedly frequent victims of abuse. A 19-year-old domestic worker, Cecilia Kisesa, was raped and killed in the Kilimanjaro region in July.

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