

TANZANIA

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, Jakaya Kikwete, who is also the head of government; its unicameral legislative body is the National Assembly (parliament). Zanzibar, although part of the union government, has its own president, court system, and legislature and exercises considerable autonomy. Tanzania held its fourth multiparty general elections in October 2010 in which voters on Tanzania mainland and Zanzibar elected a union president and their respective representatives in the union legislature.

In Zanzibar, where past elections were marked by violence and widespread irregularities, the 2010 elections proceeded peacefully after a power-sharing agreement was reached between the ruling Chama cha Mapinduzi (CCM) party and the opposition Civic United Front (CUF). The Zanzibar electorate chose Ali Mohamed Shein, the immediate past union vice president, as president of Zanzibar and also elected members of its House of Representatives. The union and Zanzibar 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 issues in the country were the use of excessive force by police, prison guards, and military personnel, which resulted in deaths and injuries; harsh and life threatening prison conditions; and mob violence.

Other human rights problems included restrictions on freedoms of press and assembly; some limitations on religious freedom, primarily in Zanzibar; restrictions on the movement of refugees; official corruption, including judicial corruption and inefficiency, particularly in the lower courts; societal violence against women and persons with albinism; child abuse, including female genital mutilation (FGM); and discrimination based on sexual orientation. Trafficking in persons, both internal and international, as well as child labor were problems.

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

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

Neither the government nor its agents committed any politically motivated killings; however, on occasion security forces killed civilians during the year. Nongovernmental organizations (NGOs) and local news agencies documented several cases of police officers mistreating, beating, and causing the deaths of civilians.

A researcher with the Legal and Human Rights Center (LHRC) announced at the launch of its biannual report that police brutality and extra judicial killings were on the rise. By December a total of 25 persons were killed and more than 40 were injured at the hands of police and other security officers.

For example, on January 5, police officers shot and killed two persons during an antigovernment protest in the Arusha region. The Party of Democracy and Development (CHADEMA) opposition party organized the protest to dispute the results of the Arusha mayoral elections. Arusha Regional Police Commander Tobias Andengeny confirmed the deaths and stated that nine persons were injured, including three police officers. Police arrested 13 senior CHADEMA officials for inciting the violence. CHADEMA objected that the case was politically motivated. At year's end the case was pending in court.

In May police shot and killed at least five and possibly as many as seven persons attempting to invade African Barrick's gold mine in North Mara, leading to demonstrations in which a number of journalists and opposition party politicians were arrested. Authorities took no action against those responsible for the killings.

Reports continued concerning police and private security force shootings of trespassers in corporate gold mining areas near Lake Victoria. On February 5, the LHRC reported that game rangers and wardens shot and killed poacher Mohamed Suta in the Selous Game Park and injured Hamisi Rashid. Rashid was subsequently unable to identify the suspects in a lineup of the rangers and wardens. At year's end the investigations into the shooting and killing continued.

There were no further developments in the following 2010 shooting deaths by police: the January killing of Swetu Fundikira, the March death of Musa Juma,-- both of which took place in police custody-- and the April killing of Ndekirwa Palangyo.

b. Disappearance

Unlike in the previous year, there was at least one report of a politically motivated disappearance.

On September 3, the *Daily News*, a government newspaper, reported the disappearance of human rights activist Eustace Nyarugenda, who disappeared for eight days from his home in the district of Bariadi, Shinyanga region, before a travelling herdsman found him drugged. Police were investigating the incident, but his abduction reportedly was connected to his work on theft and urban crime.

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.

For example, in March Eliasi John of the Temeke region complained that a police officer injected acid into his eyes causing permanent blindness. John claimed that the officer arrested him at a pub, tied him up at a nearby police station, and injected the solution into his eyes. Police later took John to Temeke District Court on charges of robbery. John, who claimed innocence, stated that the court ignored his allegation that he was tortured.

On April 4, in a visit to express concern to the office of Inspector General of Police (IGP) about the increase in extrajudicial killings, police brutality, and protracted investigations, the LHRC Monitoring Union made specific reference to the case of Eliasi John. The IGP forwarded the complaint to the Attorney General's Office for further action.

According to human rights activist Christopher Lilai of Nachingwea district in Lindi region, a police officer beat Ally Ahmed when he was caught trying to attend a soccer match without paying, until he lost consciousness and required hospitalization. Lilai reported the incident in his blog on May 14 and posted pictures of Ahmed unconscious.

Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders. For example, in January the Bukoba district magistrate ordered the deportation of John Maitiland, a British citizen, after immigration authorities determined that he was in the country unlawfully. Before deportation the court ordered Maitiland to pay a fine of 80,000 TZS (Tanzanian shillings) (\$50) and subjected him to 10 strokes of the cane.

On June 4, on the mainland, the Sumbawanga District Court sentenced Polikalipo Mwisua to 30 years in prison and 24 strokes of the cane for raping a 12-year-old schoolgirl.

On August 23, the Arusha Resident Magistrate's Court finalized a second autopsy report on Juma Lissu, who died in the Arusha Central Police remand prison in 2009. Lissu's wife told human rights activists that police officers beat her husband at their house and took him to the police office, where he died the next day. Relatives disputed the initial autopsy report, which described the cause of death as malaria and lung disease. They also rejected the second report, which stated that Lissu died of natural causes. Human rights activists complained that failure to conduct the first autopsy in a timely fashion made it physiologically impossible for the coroner to make a proper ruling on the cause of death.

The spokesperson for the Tanzanian Police Force (TPF) reported that police training curricula included sessions on protecting human rights, including combating human trafficking, which were later reinforced by additional training on the same topic.

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 torture. For example, according to the *Jambo Leo* newspaper's December 7 edition, Ayub Yusuf told the Singida regional court that police officers arrested him and two others for attacking a traffic police officer. Yusuf claimed the police pressed a gun to his neck and inserted the end of a second gun into his rectum, causing him severe pain and injury.

The behavior of prison officers was at times itself a threat to the life and health of prisoners. For example, in Mwanza region police questioned some officers at the Kwimba district police station over the death of Maganza Kasanga, who was

allegedly beaten to death while in police custody on September 6. Police officials promised to take action against the perpetrators, but there were no further developments by year's end.

On September 10, the *Habari Leo* reported that Donasian Mafuru, a cook at the Ukonga prison mess, complained to reporters that he was beaten, tortured, and injured by 10 prison officials. He claimed they attacked him after he accused them of stealing his cooking utensils. An investigation continued at year's end.

The Commission for Human Rights and Good Governance (CHRAGG) reported in September that in their visits to 75 prisons, they found that the quality of food, size of cells, availability and quality of inmate uniforms, and distribution of mosquito nets had improved. Murder suspects spent less time in pretrial detention due to the expansion of the judiciary. However, the average time awaiting trial remained between three and four years, and prisoners complained of delays in hearing their cases. CHRAGG reported that despite some improvements, sanitation and overcrowding remained problems that encouraged the spread of disease. The most common 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.

According to the principal commissioner of prisons, 15 deaths in prisons due to HIV/AIDS were reported during the year.

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. Foreign prisoners complained it was difficult for embassy officials to visit them and that they waited long periods before being transferred to their home countries.

CHRAGG reported that 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. The number of probation officers also remained inadequate.

According to the October prison's report of the Tanganyika Law Society (TLS), women were held separately and their conditions were generally 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, every three male prisoners often had to share two mattresses.

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. Generally, however, prisoners and detainees had reasonable access to visitors and were allowed to worship freely.

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.

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 CHRAGG during its prison visits. CHRAGG also served as the official ombudsman.

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. Only 3,057 prisoners on the mainland have been granted parole since the parole law was enacted in 1999. According to the LHRC, the law authorizes early release for good behavior but has burdensome evidentiary requirements.

As of December the prisons held 38,568 inmates, of whom 18,797 were convicts (49 percent) and the remainder pretrial detainees (51 percent). An estimated 1,206 inmates were women. The principal commissioner of prisons claimed that there were no children in the prison system. The 2011 TLS prison's report, however, stated that there were some prisons that mixed adult prisoners with children due to overcrowding. In one prison TLS officials found two 12-year-old children who complained that they had to do the same work as the older inmates and were punished when they were unable to work as fast as them. Discrepancies in prison reporting may be due in part to inadequate recordkeeping in the prisons.

In Zanzibar juveniles were held with adults, and remand prisoners were held with convicted prisoners.

The Zanzibar Legal Services Center reported that there had been no investigation on the 2009 allegations of sexual abuse by prison officers in Zanzibar.

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

Serious threats to life continued in detention centers. For example, in Mwanza Region police questioned some officers at the Kwimba district police station about the death of Maganza Kasanga, who was allegedly beaten to death on September 6 while in police custody. Police officials promised to take appropriate action against the perpetrators.

Between August and September, the LHRC, TLS, and CHRAGG visited local prisons. International organizations, such as the International Committee of the Red Cross (ICRC), visited five prisons in May, September, and December to provide family message exchange and tracing services to refugees and noncitizens.

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 Ministry of Home Affairs, the 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 is staffed by nearly 40,000 personnel with multiple divisions and specialties throughout the country. It was overstretched and underfunded, as characterized by a reactive response to incidents. Excessive force, police corruption, and impunity were reported throughout the year. 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.

Sungusungu 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 provide neighborhood security at night. Sungusungu members are not permitted to carry firearms or machetes, but they carry sticks or clubs. They work with municipal governing authorities as well as police but operate independently from police. They are 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 act as security forces, supplementing the police. At times Sungusungu patrols beat criminal suspects before turning them over to police.

Mainland police sometimes acted as prosecutors in lower courts, which allowed police to manipulate evidence in criminal cases. The spokesperson for the TPF reported that police officers acted as prosecutors in nine regions.

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 22 police officers were dismissed for unethical behavior and an additional two demoted.

The mainland community policing initiative that was launched in 2009 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.

Police arrested and detained journalists during the year (see section 2.a.).

In Zanzibar the Zanzibar Director of Public Prosecution (DPP) replaced police prosecutors with civilian prosecutors in all but four districts of the isles. This initiative, together with efforts to increase the use of mediation and ensure thorough investigations before suspects were placed in detention, reduced the case backlog significantly and eliminated it in some courts.

In Zanzibar “special units” are 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. Until the formation of a Government of National Unity in Zanzibar after the October 2010 elections, they reported to the Zanzibar minister of regional administration. Subsequently, the Government of Zanzibar pledged to review the role of Zanzibar’s “special units.” Representatives from the Zanzibar President's Office reported that they were not aware of this review.

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 with this requirement consistently. 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, 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.” As was the case the previous year, this act was not invoked.

Pretrial Detention: CHRAGG estimated that more than 51 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.

Prisoners continued to protest the length of time it took to hear their cases.

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 took bribes to decide whether or not 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 guilt or innocence, pass sentences, or decide appeals of cases coming from the primary courts to district courts.

In Zanzibar there were six high court judges and four magistrates for the land tribunal. In 2010 the land tribunal only had three magistrates which caused a backlog in cases. The backlog in cases declined in Pemba, which has two magistrates, but not in Unguja, which also has two. Zanzibar High Court Officials asked authorities to allocate two more magistrates to Unguja.

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 and that 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 nondegree holding magistrates.

Juries are not used. The law provides for the presumption of innocence. 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. All defendants charged with civil or criminal matters, except parties appearing before Zanzibar kadhi courts (traditional Muslim courts that settle issues of divorce and inheritance), could appeal decisions to the respective mainland and Zanzibar 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 began hiring and training state prosecutors to handle the entire mainland caseload. Judicial experts had criticized the practice of police acting as prosecutors because it allowed police to manipulate evidence in criminal cases. The mainland government was able to phase out police prosecutors in the regions of Tabora, Mwanza, Moshi, and Shinyanga during the year. However, financial constraints and staffing issues slowed the process. In Zanzibar police prosecutors had been phased out in all but four districts.

There were approximately 1,300 registered lawyers in the country, 80 percent of whom practiced in Dar es Salaam, Arusha, and Mwanza. According to the Zanzibar Legal Services Center, there were only 43 registered lawyers residing and working in Zanzibar, primarily concentrated in and around the city center, and only one resident lawyer on Pemba. 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 (TAWLA) and the National Organization for Legal Assistance (NOLA), 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. Civil judicial procedures, however, were often slow, inefficient, and corrupt.

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

The law generally prohibits such actions without a search warrant, but the government did not consistently respect these prohibitions.

While only courts 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.

The law relating to terrorism permits high-ranking police officers to conduct searches without a warrant in certain urgent cases; there were no reports that this provision of the act has ever been 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 not known.

In March President Kikwete admonished Ministry of Works' officials for demolishing homes without warning to make way for road construction. He called for compensation to individuals whose homes were destroyed and decried 48-hour notice of demolition as inhumane. He suggested the ministry should give notice up to two years before planned demolition. By year's end the government had not paid compensation but was attempting to make a determination of eligibility for compensation.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of 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 without reprisal, although some persons expressed concern about doing so in public.

Freedom of Press: On the mainland there were an estimated 13 daily newspapers. Of these, two were owned by the government, one by the ruling CCM party, and another by the chairman of an opposition party, CHADEMA. The remaining newspapers were independent, although some were owned by close associates of

ruling party members. 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.

Many radio stations and all but one television station were privately owned. There were government restrictions on broadcasting in tribal languages. The government operated newspaper, radio, and television outlets, as did private corporations.

In Zanzibar the only daily newspaper was owned by the Zanzibar government. However, there were four periodic newspapers, of which three were privately owned.

National newspapers were sold in Zanzibar without restriction. The Zanzibar 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 Zanzibar censors to intervene. However, the Zanzibar radio stations operated relatively independently, often reading the content of national dailies, including articles critical of the Zanzibar 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 November 2009. However, observers noted that in spite of improved coverage of opposition rallies, 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 airtime. This meant that opposition parties did not receive as much publicity as the ruling party.

Violence and Harassment: Authorities arbitrarily arrested journalists during the year.

For example, in December police arrested Absalom Kibanda, editor of the *Tanzania Daima* newspaper, and Theophil Makunga, executive director of *Mwananchi*, the newspaper group that published the piece, for allowing the newspaper to publish an allegedly seditious article. The article in question urged Tanzania security and armed forces to question “unreasonable orders” and respect the will of the people. Kibanda and Makunga were released on bail the same month. Their case was pending at year's end.

In January police arrested journalists attempting to cover antigovernment demonstrations in Arusha. Journalists also reported that police beat them, confiscated their cameras, and destroyed their equipment.

Journalists were threatened and assaulted during the year.

For example, in January police in the Shinyanga region reportedly beat *Tanzania Daima* journalist Ali Lityawi for taking pictures without permission.

In the same month, Zanzibar municipal police officers beat Channel Ten TV journalist Munir Zakaria, who was reportedly filming an evacuation exercise in Darajani. Police accused him of rallying locals against the exercise.

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 Zanzibar member of parliament of involvement in illegal activities was liable to a fine of not less than 250,000 TZS (\$156), three years' imprisonment, or both. Nothing in the law specifies whether this penalty stands if the allegations were proven to be true. The law also empowers the government to fine and suspend newspapers without warning. Zanzibar Ministry of Information officials reported that these provisions were not invoked during the year.

Media outlets often practiced self-censorship to avoid conflict with the government. Editors withheld stories that they felt would be overly critical of government representatives. This practice served to promote the longevity of the media outlet and curry the favor of politicians.

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."

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 prevent trafficking in persons and other illegal activities. In general, individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

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 in practice. 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.

In early December LHRC Executive Director Helen Kijo Bisimba listed the denial of the constitutional right of demonstration and lawful assembly as one of the country's key human rights problems.

During the run-up to the November parliamentary discussion on constitutional reform and the subsequent preparations for the December celebration of 50 years of the country's independence, the government and the police increasingly limited the issuance of permits for public demonstration and assembly. Police denied demonstration permits to political parties, NGOs, and religious organizations.

Police worked with limited resources and generally lacked the equipment and training to respond to large crowds. As such, previous attempts to control crowds, particularly in Arusha, were characterized by violent conflict (see section 1.a.).

In November police placed an indefinite ban on CHADEMA demonstrations countrywide. On November 8, CHADEMA conducted a demonstration in Arusha to protest the arrest and temporary detention of several party leaders. Police claimed they received information that the protest was going to become violent, so they sent in units to forcefully put an end to the event, resulting in the injury and arrest of participants. In response, CHADEMA planned another demonstration for November 10, but on the previous day, police banned all public CHADEMA

assemblies. The police commissioner announced that the ban would remain in place until police were convinced CHADEMA's assemblies would be peaceful.

Later in November police denied the request of NGO Jukwaa la Katiba ("Constitutional Forum") to demonstrate in Dar es Salaam. The group wished to protest in order to convince President Kikwete not to sign the constitutional reform bill passed in parliament. Jukwaa la Katiba is an umbrella organization comprised of representatives from more than 180 civil society organizations. The *Mwananchi* newspaper reported on November 23 that police denied the demonstration permit due to security concerns. Jukwaa la Katiba representatives later alleged that the grounds for refusal cited by the police were illegitimate. At year's end Jukwaa la Katiba continued to pursue the permit.

In December church leaders reported that police also denied their requests to hold public assemblies. Historically, some churches hold public prayer meetings at the end of each year to pray for the coming year. The church leaders claimed that police cited the risk of an Al-Shabaab attack on a large group of Christians as the reason for denial.

Freedom of Association

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

Political parties were required to register, and there were some requirements as to 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 NGO.

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 movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

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.

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.

Since February more than 1,200 irregular migrants from Ethiopia and Somalia were reportedly arrested in Tanzania en route to Mozambique. During the year the UNHCR was engaged in processing these individuals for possible asylum. Police continued to hold them in prisons, as there were no separate holding facilities for asylum seekers.

Asylum Access, an international NGO with an office in Dar es Salaam, reported that a large number of "urban refugees" lived outside Tanzania'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 differ from undocumented immigrants, as many are able to demonstrate protection concerns that would qualify them for refugee status. Since they are not formally registered, they have 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 issue. 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.

Nonrefoulement: 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. The UNHCR reported, however, that

during the year the Ministry of Home Affairs forcibly returned asylum seekers to the Democratic Republic of the Congo (DRC) and Burundi without offering proper refugee status determination procedures. As these reports were irregular, the UNHCR did not have an accurate count.

Refugee Abuse: The International Rescue Committee (IRC) reported that in June police forces uprooted gardens in the Mtabila refugee camp and destroyed a market in the Nyarugusu camp that they claimed was not built according to regulation.

It remained illegal for refugees to live outside their camps or settlements or to travel more than two and one-half miles outside the camps without permits. An exit permit could be obtained from the Ministry of Home Affairs office within the camps. Refugees were able to obtain permits to leave the camp with relative ease 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 was connected 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 connected to domestic violence and abuse, physical aggression, sexual abuse, and intimidation within both family units and the broader refugee community. The UNHCR reported that there were 1,200 incidents of gender-based violence in the camps during the year.

The UNHCR worked with local authorities as well as individuals working in the camps to strengthen coordination and their ability to address issues of sexual violence and violence against minorities. During the year the government investigated, prosecuted, and punished perpetrators of abuses in the refugee camps; most cases of refugees involved in crime and abuse outside the camps were handled by local authorities. Residents of refugee camps suffered delays and limited access to courts, common problems faced by citizens as well. NOLA, sponsored by the UNHCR, provided legal assistance to 433 refugees in the camps during the year.

Access to Basic Services: Although public education was provided in the Nyarugusu camp, children living in the Mtabila camp were not permitted access to public elementary education. NGOs working within the camp provided informal education and recreational activities.

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 had not issued any citizenship documentation to most of these individuals. The status of another 22,000 Burundi refugees settled in the Kigoma region remained in question. At year's end an estimated 39,000 Burundi refugees, 62,000 Congolese refugees, and 300 refugees of other nationalities lived in the Mtabila and Nyarugusu refugee camps in Kigoma.

During the year the return of refugees from the 1993 events in Burundi slowed to a trickle, despite encouragement from a tripartite commission composed of representatives from the UNHCR and governments of Tanzania and Burundi. With government assistance, approximately 91 refugees returned to the DRC.

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 in practice through periodic, free, and fair elections on the mainland and in Zanzibar.

Elections and Political Participation

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

In the 2010 elections, CCM retained its absolute majority in parliament with nearly 80 percent of the seats. CHADEMA replaced 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, Zanzibar 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.

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

The registrar of political parties has sole authority to approve registration of any political party and is responsible for enforcing regulations on registered parties. Parties granted provisional registration may hold public meetings and recruit members. To secure full registration and be eligible to field candidates for election, parties must submit lists of at least 200 members in 10 of the country's 26 regions, including two of the five regions of Zanzibar, within six months.

Political parties are required by law to support the union between Tanganyika and Zanzibar; parties based on ethnic, regional, or religious affiliation are prohibited. Unregistered parties and independent candidates are prohibited from participating in elections. In general, political parties could operate without restriction or outside interference, although there were occasional restrictions on the parties' right to call for a demonstration. Unregistered parties and independent candidates are prohibited from participating in elections. In general, political parties could operate without restriction or outside interference, although there were occasional restrictions on the parties' right to call for demonstrations. No new political parties were registered or deregistered during the year.

The election law provides a "gratuity" payment of 40,000,000 TZS (\$25,000) to parliamentarians 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 to mount an effective challenge.

Participation of Women and Minorities: The unicameral union parliament has up to 357 members including the attorney general, the speaker, five members elected from and by the Zanzibar House of Representatives, 102 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.

Political parties appoint women to serve in seats set aside for them according to the percentage of votes their parties win. After the October 2010 elections, there were 102 special seats for women, and at the beginning of the year there were 126 women in the parliament. This means 24 women won seats in parliament as a result of direct competition in an election. After taking office President Kikwete appointed eight women ministers (compared with four in the former administration) and three women deputy ministers.

There were two members of parliament of Asian origin in parliament.

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

Twenty-five of the 62 high court judges were women, and five of the 16 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. Two of the eight appointed seats were given to women. There were two women ministers and four deputy ministers. There were three elected seats in Zanzibar won by women.

There were three persons with disabilities in the Zanzibar House of Representatives.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; 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.

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.

There was little accountability in most government entities; senior government officials estimated that 20 percent of the government's budget in each fiscal year was lost to corruption, including theft and fraud, fake purchasing transactions, and

“ghost workers,” i.e., names on government payrolls that do not correspond with any actual employee. In 2010 the Director General of the National Identification Authority (NIDA) Dickson Mwaimu told parliamentarians that the government was losing billions of shillings annually through fraudulent salary payments. According to Mwaimu the government lost 26.6 billion TZS (\$16.6 million) in salaries to ghost workers in seven institutions in the previous three years.

In one of the most high-profile corruption cases of the year, Beatrice Shellukindo, CCM member of parliament, alleged in July that David Jairo, permanent secretary in the Ministry of Energy and Minerals, had ordered offices and departments under his supervision to contribute funds to be used to bribe members of parliament to support his ministry’s budget request. Shelukindo claimed that Jairo ordered the leadership of public organizations such as the Tanzania Electric Supply Company, Tanzania Petroleum Development Corporation, and the Energy and Water Regulatory Authority to each contribute 50 million TZS (\$31,250) to the fund. As a result of these claims, Philemon Luhanjo, chief secretary, suspended Jairo from his position for 10 days and ordered the controller and auditor general to conduct an investigation. The investigation revealed that Jairo collected almost 580 million TZS (\$362,500), but it did not uncover concrete evidence that this money was to be used as a bribe. Luhanjo therefore lifted Jairo’s suspension in August and cleared him of any wrongdoing. Shortly thereafter President Kikwete reordered Jairo’s suspension and a new investigation into the case. The parliamentary investigation concluded in November; it determined that Jairo misused his position. Jairo was removed from his position as permanent secretary.

The PCCB is responsible for investigating suspected corruption cases, prosecuting offenders in coordination with the Zanzibar Director of Public Prosecution (DPP), and educating the public about corruption. The PCCB has 24 regional offices and an office in every district on the mainland. As of September 30, the PCCB had received 3,423 allegations of corruption, investigated 573 cases, brought 156 new cases to court, and prosecuted 98 cases from which there were 37 convictions. There were 35 ongoing grand corruption cases as of September. 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, the 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 there were no investigations as no complaints were received during the year.

Zanzibar Legal Services Center officials indicated that as in the previous year, there were no corruption investigations as no complaints were filed.

Judicial and police corruption were problems. For example, in May the Legal and Human Rights Center launched its Tanzania Human Rights Report, 2010. The report noted that the police force, judiciary, and prisons department were among the most corrupt institutions in the country.

Although a number of high-profile corruption cases were in progress, the media and public continued to criticize the government for slow progress on these grand corruption cases.

The 2010 corruption case against former ambassador Mahalu began in August but was adjourned until January 2012 due to the absence of the prosecution counsel.

The corruption cases against former cabinet ministers Mungai, Mramba, and Yona were pending in court, and an investigation continued at year's end.

Government ministers and members of parliament, as well as other public servants, are required to disclose their assets after being sworn into office, both at year-end and upon leaving office; however, there was no enforcement mechanism or means to determine the accuracy of such disclosures. The Ethics Secretariat distributed 8,972 forms to politicians and civil servants during the year, and by year's end 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. Those with unsatisfactory explanations must appear before a tribunal.

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.

On the mainland more than 5,000 NGOs were registered and entered into the database maintained by a government-appointed NGO coordination unit within the Vice President's Office. The registration process was slow, taking two to five years. International NGOs may operate both on the mainland and Zanzibar. However, NGOs in Zanzibar must apply through the local government for approval, and all religious NGOs 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.

CHRAGG, which is financed by the government, operated without government interference on the mainland and in Zanzibar. By December CHRAGG had received 1,105 complaints for the year. CHRAGG classified 175 of these complaints as potential human rights violations. The other 930 complaints concerned government administration, labor disputes, pension problems, and private institutions. CHRAGG leaders complained that, due to budgetary restraints, the organization had little real ability to follow up on complaints. Furthermore, 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.

In January CHRAGG conducted a training session on human rights investigations. More than 55 representatives attended from government and NGO communities, both from the mainland and from 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. At year's end one detainee was on trial, two were awaiting trial, and 13 were on appeal.

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 CHRAGG.

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

The constitution prohibits discrimination based on nationality, ethnicity, political affiliation, race, social status, or religion. Discrimination based on gender, age, or disability was 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.

For example, in July the deputy minister of community development, gender, and children told parliament that incidents of discrimination and abuse against women and children were on the increase. She claimed that 39 percent of women between the ages of 15 and 49 had been affected since 2009. The government was reviewing policies and creating strategies to provide women with various economic empowerment funds and seeking ways to place more of them in decision-making positions.

Women

Rape and Domestic Violence: The law provides for life imprisonment for persons convicted of rape, including spousal rape, 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 the police may a woman be admitted to a hospital. This process contributed to medical complications, incomplete forensic evidence, and failure to report. Victims often feared that if they took their case to the police that it would be made public. According to the 2010 Demographic and Health Survey and the 2009 Tanzania Violence Against Children Survey, 45 percent of Tanzanian 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.

Police maintained gender and children desks to support victims and address relevant crimes.

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 2005 Department of Statistics survey, 46 percent of male Tanzanian respondents believed that a husband has the right to beat his wife if she disobeys him, and 20 percent responded that a husband may beat his wife if she burns food.

The courts recognized domestic violence as grounds for divorce. However, women often tolerated prolonged domestic abuse before seeking a divorce. Women in urban areas who sought advice from legal aid clinics most commonly cited domestic abuse as the reason for seeking a divorce.

Sexual Harassment: The law prohibits sexual harassment of women in the workplace, but no statistics existed on the extent of its occurrence or on effectiveness of enforcement. There were reports that women were asked for sexual favors in return for promotions.

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 2010 Demographic and Health Survey, the maternal mortality ratio was 454 deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in 23. These statistics have improved steadily in recent years. An estimated 43 percent of births were attended by skilled personnel. Men and women received equal access to diagnosis and treatment for sexually transmitted infections.

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, Women, and Children and the mainland Ministry of Justice and Constitutional Affairs as well as their counterpart ministries on Zanzibar were 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 Tanzania 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 discriminatory fashion. Women were particularly vulnerable if they initiated the separation from their partners or if their partners died.

In Zanzibar women between the ages of 18 and 21 who became pregnant out of wedlock could be sentenced to perform community service set by the Zanzibar director of public prosecution. The 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 only about 20 percent of the population of more than 40 million 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 One, 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. There were inadequate numbers of teachers, books, and other educational materials to meet the demand, which affected the quality and availability of education.

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

Child Abuse: 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 15 years of age. To circumvent these laws, offenders bribed police or paid a bride price to the family of the girl to avoid prosecution. An estimated 38 percent of women between the ages of 20 and 24 were married before the age of 18, according to UNICEF data collected between 2000 and 2009.

On Zanzibar there are multiple laws that 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 Children and Young Person's Decree was amended during the year to become the Children's Act of 2011. It defines a child as being under 14. 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 female genital mutilation (FGM); however, some tribes and families continued to practice it. Statutory penalties for performing FGM on girls under 18 range from five to 15 years' imprisonment, a fine of 300,000 TZS (\$188), 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 supporters. Some villagers reportedly bribed local leaders not to enforce the law in order to carry out FGM on their daughters. The media reported that others conducted the procedure in hiding, even on babies, to avoid detection by the law.

According to 2005 data, the Ministry of Health estimated that 5 to 15 percent of women and girls underwent FGM, a decrease from a rate of 18 percent in 1995. The average age of FGM victims was less than 10 years. FGM was practiced by approximately 20 of the country's 130 tribes and was most prevalent in the mainland regions of Arusha, Singida, Kilimanjaro, Morogoro, and Dar es Salaam.

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. The Anti Female Genital Mutilation Network (AFNET) worked with education officers in the Serengeti to increase awareness about the negative effects of FGM. 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.

In April police in the Tarime District, Mara region, called for the government to provide human rights education to combat FGM. The Rogoro Roman Catholic Parish in nearby Masanga village continued to serve as a shelter for girls between the ages of 10 and 16 who fled from family or societal pressures to undergo FGM. In addition to supporting these children, the shelter conducted community training on the dangers of FGM, including a predilection toward fistula.

Despite these efforts residents of the Tarime district continued to perform FGM openly on mature girls. In February the "Women Wake Up" organization conducted a rally against FGM in Tarime. During the campaign young men with machetes, clubs, and other weapons marched around villages to keep out FGM activists and threatened to kill anyone who tried to prevent village girls from undergoing FGM. The media reported that the government took no action in response.

Sexual Exploitation of Children: The law provides that sexual intercourse with a child under 18 years is rape regardless of consent. The law was not always enforced, however. During the year 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.

The Morogoro Resident Magistrate's Court sentenced Hashimu Nunda to 30 years in prison, 12 strokes of the cane, and a one million TZS (\$625) fine for raping an eight-year-old school girl on June 20.

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 (\$625) to 500 million TZS (\$312,500), a prison term of one to 20 years, or both.

Infanticide: Infanticide continued to be a problem, especially among poor rural mothers who believed themselves unable to afford to raise a child.

Displaced Children: There were significant numbers of street children in Dar es Salaam, Mwanza, and Arusha. In July the deputy minister of health and social development told parliament that approximately 802,000 children were living in adverse conditions. Approximately 668,000 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. They were also vulnerable to sexual abuse. The government identified centers where orphans and street children could have access to these services in 89 out of 133 municipalities.

Following a February 18 explosion at the Gongo la Mboti military weapons depot, which killed 25 persons and injured 145 others, children and their families in the area were temporarily displaced. For more than a month, children had limited access to schools and safe housing. According to the December 6 edition of the *Mwananchi* newspaper, more than 200 victims of the explosion threatened to protest due to the government's failure to compensate them for the loss of their houses and other property. Those who received compensation complained that the amount was not enough to rebuild.

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. In 2010 the government passed the Persons with Disability Act to address the overall protection of disabled persons. Previous implementing legislation focused on specific, disjointed areas such as employment and access to healthcare, but most employers believed that disabled individuals were incapable of working, and most persons with disabilities remained unemployed. Approximately 9 percent of the population consisted of persons with a disability, and persons with physical disabilities 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, 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 mainland parliament with disabilities. One member of parliament elected in 2010, Salum Bar'wan, was the first with albinism. During the election campaign, his opponents repeatedly claimed that people with albinism lack vitamin C and therefore do not have the ability to think clearly.

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

Indigenous People

Indigenous pastoralists increasingly find it difficult to maintain their way of life on the land, as competing interests and population pressures squeeze their traditional animal grazing areas. In September pastoralists living near Katavi National Park accused rangers of the Tanzania National Park Authority (TANAPA) of shooting and killing 150 of their cattle that were drinking from the Kavuu River, which serves as the border between the park and the pastoralists' village. According to media reports, the cattle were valued at 900 million TZS (\$562,500). TANAPA denied the claims.

Indigenous Maasai residents of the Loliondo Game Controlled Area, Arusha region, continued to accuse police, military, and officials of the Ortello Business Company (OBC) of intimidation, harassment, arbitrary arrest, and torture. The government previously issued OBC a license to conduct tourist hunting

expeditions in the area. Hunting practices of OBC clash with Maasai traditional beliefs.

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

Consensual same-sex activity 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. Same-sex intercourse carries a prison sentence of 30 years to life. The law in Zanzibar establishes a penalty of up to 14 years’ imprisonment for men who engage in same-sex sexual activity and five years for women. Since the burden of proof in such cases is significant, the law was rarely applied, and there were no reports that anyone was punished under the law during the year. In the past individuals suspected of being gay or lesbian have instead been charged with loitering or prostitution. Lesbian, gay, bisexual, and transgender (LGBT) persons faced societal discrimination that restricted their access to health care, housing, and employment.

Beginning in November discussions about the possibility of donor countries linking their aid packages to gay rights issues triggered a public outcry from government and society leaders. The rights of LGBT people are not often a topic of public dialogue in the country, but this item revealed the antigay stance of a number of public figures.

Organizations such as the Tanzania Network of Women Living with AIDS worked with LGBT persons and commercial sex workers to provide education to combat HIV and AIDS transmission. Dar es Salaam-based Lesbian, Gay, Bisexual, Transgender, and Intersex Support Unit launched a public education and health advocacy project to reduce the stigma attached to sexual relations between persons of the same gender to reduce their fears about seeking medical counsel. This project was meant to both contribute to the fights against HIV and AIDS and gather support for a repeal of anti-LGBT laws.

In December 2010 a young lesbian woman was assaulted by her uncle who attempted to rape her as a means of “correcting” her sexual behavior. The woman escaped and found shelter elsewhere; however, when the uncle informed the landlord of her sexual orientation and activist work, the landlord threatened to report the woman to the police, forcing her to take refuge with a friend. In July her neighbors attempted to set her house on fire. They believed she was actively

recruiting young people to become gay. The woman was forced to vacate the property and rely on friends for support.

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. According to the spokesperson for the TPF, 637 incidences of mob violence were reported through June.

In December the LHRC recorded over 1,000 deaths due to mob violence and witchcraft-related killings. In its midyear report, the LHRC also stated that the regions of Shinyanga and Mwanza led in the number of incidents of mob violence where mobs killed 53 persons on allegations of stealing. Between 2005 and 2010, mobs killed approximately 2,775 persons in the country due to beliefs in witchcraft, accusations of theft, and other reasons.

On April 7, residents of Madale village, Dar es Salaam region, clashed with a group of approximately 50 employees of a brokerage firm sent to demolish the villagers' houses. The firm claimed that the houses were illegally constructed on private property. When police arrived, five of the firm's employees were found dead as a result of beatings by sticks, machetes, and axes. A member of parliament accused the police of failing to take action to prevent the violence as residents had previously complained that the firm was encroaching on their land. Police arrested 10 persons, including the owner of the property, Daniel Chacha, and the village chairman, Deogratias Kamugisha. There were no further developments in the case by year's end.

During the year mobs turned on police whom they accused of failing to administer justice. For example, on August 30, press reported that the Mbeya regional police arrested 12 residents of Inyala village for storming a police post and demanding the release of a group of murder suspects.

There were no further developments in the following 2010 mob killings: the July death of Siajabu Bernard for stealing maize and the August death of Kastoli Mkamula for breaking into a house.

Mobs, persons claiming to be victims of witchcraft, or relatives of alleged victims killed persons whom they alleged to be witches. The spokesperson for the TPF

reported 306 such cases through June. Prosecutions were often impeded by the reluctance of witnesses to testify.

Between January and June, according to a report by LHRC, 142 persons were killed in Shinyanga on allegations of bewitching others.

Following death sentences given to 10 persons in 2010 for killing persons with albinism, this type of violence decreased significantly. In the Lake Zone, practitioners of witchcraft previously sought albino body parts in the belief that they could be used to create power and wealth. During the year, however, police confirmed only one killing connected to albinism. CHRAGG reported that it did not receive any complaints concerning albinism issues.

In March the district commissioner of Muheza intervened in the case of a young woman with albinism whose parents had kept her locked in a room for three years. The district commissioner negotiated her release and treatment in a local hospital.

On October 14, a man in the Geita region attacked Adam Robert, a 12-year-old with albinism. The assailant used a machete to sever three of Robert's fingers. At year's end the assailant was missing, but the police arrested five persons in connection with the attack, including Robert's father, stepmother, and a witch doctor who allegedly planned the attack. At year's end the case was pending in court.

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.

According to a founding member of the Parliamentarians' AIDS Coalition, parliamentarians and others were more open to discussing HIV/AIDS than in the past.

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 union and Zanzibar 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. In practice, however, some private mining and construction companies did not allow workers to form unions and in some cases terminated their employment. During the year the Tanzania Mines, Energy, Construction and Allied Workers' Union (TAMICO) recorded more than 200 unfair terminations of active unionized workers. Trade unions must consist of more than 20 employees and are required to register with the government. A trade union or employers' association must register within six months of its establishment; failure to register is a criminal offense. The law provides the registrar in the Ministry of Labor with significant control over trade unions, including the right to deregister unions if there is overlap within an enterprise. Unions have to submit financial records and a membership list to the registrar annually. The registrar can suspend a trade union if it determines that the union violates the law or endangers public security. Association with an international trade union requires government approval. Although the law does not specifically prohibit antiunion discrimination, in practice it is treated like other forms of legally defined discrimination (based on disability, religious affiliation, etc.). Trade Union Congress of Tanzania (TUCTA) officials stated that there were many instances of discrimination of union workers, particularly in mining companies. Disputes on grounds of antiunion discrimination must appear before the Commission for Mediation and Arbitration (CMA). Reinstatement is not mandatory.

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.

On the mainland, disputes are regulated and resolved by mediation through the Commission for Mediation and Arbitration. 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. If the mediation fails to resolve the complaint, the commission may refer it to the labor court. 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 terminate the employment of an employee for participating in a

lawful strike or terminate an employee who accedes to the demands of an employer during a lockout.

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 periodically determine which services are essential.

The 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 in Zanzibar applies to both public and to private sector workers. They may not join mainland-based labor unions. Zanzibar government workers have the right to strike as long as they follow procedures outlined in labor law.

The law provides for collective bargaining in the private sector. Public sector employees also have the right to bargain collectively through the Trade Union of Government and Health Employees.

In practice many private sector employers adopted antiunion policies or tactics even though case law discourages discriminatory activities by an employer against union members. During the year employees of private security firms, mining companies, major shopping chains, and international banks complained to the International Labor Organization (ILO) that their employers had strongly advised them against unionization. The ILO reported that employees came to them during the year with allegations of threats of violence against union leaders, and the ILO referred these individuals to the CMA and the Ministry of Labor. For example, in August the chairman and secretary general of a mining union were fired due to their actions on behalf of their members. Although the CMA mediated, the case was resolved in South Africa (where the company is based) on appeal and the union officials were reinstated.

In practice some employers used hiring practices such as subcontracting both to decrease overall costs and to avoid hiring workers with bargaining rights. The ILO reported that industry leaders, particularly in the banking and mining sectors, strongly discouraged employees from collective bargaining and union membership.

TUCTA reported that many skilled workers were hired as day laborers without a contract.

Approximately 50 former employees of the Geita Gold Mine reported to LHRC officials they had been terminated from employment after falling sick and could not organize because the mine did not allow trade unions. Even though mine officials refused to meet with the LHRC, the NGO reported the matter to TUCTA. On May 1, the LHRC met with President Kikwete, who made a public statement that denying a group of workers permission to form a union was a criminal offence.

Strikes were very infrequent on both the mainland and Zanzibar.

While workers and employers freely practiced the right to collective bargaining during the year, many workers did not have employment contracts after working for many years. The ILO referred their case to relevant authorities and asked TUCTA to pursue legal action against these employers. TUCTA's common practice is to support mediation instead of legal action.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor. Statistics about enforcement were not available, and the ILO reported that it had no record of government enforcement actions during the year. There were reports that such practices, especially involving children, occurred. In some instances girls from rural areas were forced into domestic servitude, while boys were subject to forced labor on farms, in mines, and in the informal business sector.

The law allows prisoners to work without pay on construction and agriculture projects within prisons both to ostensibly develop the skills of the prisoners and to reduce the costs of operating the prisons. Prisoners were also used as labor on projects outside of the prison, such as road repair and government construction projects. The law deems as acceptable any such work of a convicted person as long as that person is supervised by a public authority 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 (\$3,125), sentenced to one year in prison, or both.

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 on a ship or be employed in a mine, factory, or any other worksite where working conditions could be hazardous. The law does not specifically limit working hours for children but establishes the same fines and criminal penalties for employers of child labor as for employers of forced labor, i.e., a fine not exceeding five million TZS (\$3,125), imprisonment for one year, or both.

On the mainland the Ministry of Labor was responsible for enforcement of labor laws, together with the CMA and the labor court. Several government ministries, including the Ministry of Labor, had special child labor focal persons.

Child labor remained an issue as the laws were not often enforced. Although the Ministry of Labor reportedly conducted inspections and issued warnings to violators of child labor statutes, 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.

A shortage of inspectors on the mainland and in Zanzibar resulted in limited enforcement of child labor provisions, and child labor continued to be widespread. By one estimate, approximately 30 percent of children ages five to 14 years were engaged in child labor.

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

During the year the government worked with stakeholders to reduce child labor especially at the district, ward, and village level. Some government leaders were committed to ending child labor in their localities and worked in collaboration with international NGOs to withdraw children from the workplace during the school

year. For example, a TAMICO official reported that during the year, his organization worked with a Norwegian NGO to remove 100 children from tanzanite mines for placement in schools. TAMICO gave 75 mothers small loans and entrepreneurial training to increase family income while the children attended school.

In Iringa a local radio station began a project called Mwanga wa Watoto (Children's Light) to create awareness of the problem of child labor in the region by broadcasting coverage on child labor issues for two hours every week.

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.

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

Tanzania has an industry-based minimum wage. The new minimum wage standards, established in July 2010 for employees in both the public and private sectors in the mainland, were divided into eight employment sectors. The lowest minimum wage was 70,000 TZS (\$44) per month for workers in the agricultural sector, and the highest was 350,000 TZS (\$212) per month for workers in the mineral and aviation sectors. These monthly wages were above the poverty line of 13,998 TZS (\$9) 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 rate in Zanzibar is 100,000 TZS (\$63), an increase from 80,000 TZS (\$50) in 2010.

There was no standard legal workweek for private sector workers, but most private employers retained a six-day, 44- to 48-hour workweek. A five-day, 40-hour workweek was in effect for government workers. Under most circumstances it is illegal to employ women to work between 10:00 p.m. and 6:00 a.m.

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 the inspections. TAMICO officials complained that mining companies did not allow surprise visits,

and union officials were not taken to the lowest levels of the mines where the miners worked.

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, where most of the workforce was employed. The World Bank estimated the size of the informal sector to be more than 50 percent of the total workforce.

Tanzania's labor standards laws are taken from the international convention on labor standards. The convention does not name specific penalties, and the government did not often enforce penalties for such violations. Other than continuing negotiations on the minimum wage, the government did not undertake specific actions to improve working conditions. For example, many injured and diseased workers did not receive compensation due to the lack of regulations for the 2008 Workman's Compensation Law. TUCTA officials complained that during the year government officials made no response to questions of when the regulations would be implemented.

Employers frequently ignored the restriction on employment of women during late night hours.

In traditionally dangerous industries such as construction, employees often worked without protective equipment such as helmets, gloves, or harnesses. TAMICO reported that in the mining industry, where accidents are common, disease leads to more death and disability than accidents. Mine workers were regularly exposed to polluted air and poisonous gases underground. TUCTA reported that women in the hotel industry were often the target of sexual assault and harassment. Due to the limited capacity of the Ministry of Labor's inspection system, there were no published statistics on sectors with working conditions violations.

The April-May LHRC newsletter reported that employees of Geita Gold Mine in Mwanza region complained their employers forced them to operate heavy-duty machinery for 12 hours, causing them back and knee injuries.

Newspapers reported the workplace accident of Mwombeki Joseph Barukaki, who fell, broke his arm, and injured his head and hip on August 31 while working on a

construction project at Metro Steel Mills in Dar es Salaam. While he was hospitalized, company officials asked him to explain why he should not be fired for failure to report to work. Barukaki complained that company officials did not call an ambulance when he fell, so he asked other employees to pay for his taxi to a hospital. The company allegedly refused to pay his hospital bill and instead accused him of being drunk on duty.