

TANZANIA 2016 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The United Republic of Tanzania is a multiparty republic consisting of the mainland region and the semiautonomous Zanzibar archipelago, whose main islands are Unguja (Zanzibar Island) and Pemba. The union is headed by a president, who is also the head of government. Its unicameral legislative body is the National Assembly (parliament). Zanzibar, although part of the union, has its own government with a president, court system, and legislature and exercises considerable autonomy. In October 2015 the country held its fifth multiparty general election. Voting in the union and Zanzibari elections was judged to be largely free and fair, resulting in the election of a union president (John Magufuli). The chair of the Zanzibar Electoral Commission, however, declared the parallel election for Zanzibar's president and legislature nullified after only part of the votes had been tabulated, precipitating a political crisis on the islands. New elections in Zanzibar in March were neither inclusive nor representative; the incumbent (Ali Mohamed Shein) was declared the winner with 91 percent of the vote.

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

The most widespread human rights problems in the country were use of excessive force by security forces, resulting in death and injury; restrictions on assembly and political expression; and gender-based violence, including rape, domestic violence, and female genital mutilation/cutting.

Other major human rights problems included harsh and life-threatening prison conditions, lengthy pretrial detention, limits to freedom of expression on the internet, restrictions on religious freedom, restrictions on the movement of refugees, official corruption at many levels nationwide, child abuse, discrimination based on sexual orientation, mob killings and injuries, and societal violence against persons with albinism. Trafficking in persons, both internal and international, and child labor were also problems.

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

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

During the year there were several reports police committed unlawful killings. As of October media reported 10 cases of extrajudicial killings. Nine of these involved encounters between police and persons suspected of involvement with violent extremism, and one of which occurred during a confrontation between police and livestock keepers in Bagamoyo District.

The nongovernmental organization (NGO) Mining Watch Canada reported continuing violence at the North Mara gold mine owned by African Barrick Gold, where there were past reports of mine security personnel and police using lethal force. Since September 2014 local human rights sources recorded at least 22 cases of alleged unlawful killings by police or mine security personnel at the mine.

b. Disappearance

There were no confirmed reports of politically motivated disappearances.

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

The constitution prohibits such practices; however, the law does not reflect this constitutional restriction nor define torture. There were reports police officers, prison guards, and soldiers abused, threatened, and otherwise mistreated civilians, suspected criminals, and prisoners. In August an official of a political opposition party reported he had both of his legs broken during beatings while in police custody. Accountability for those who committed such abuses was limited. These abuses most commonly involved beatings.

During the year the United Nations reported allegations of sexual exploitation and abuse by Tanzanian peacekeepers deployed to the UN Organization Stabilization Mission in the Democratic Republic of the Congo. One of the allegations involved one soldier for incidents alleged to have taken place in 2015; investigation by the government of Tanzania remained pending at year's end. The other involved 12 military personnel concerning incidents alleged to have taken place between unspecified dates in 2014-15. UN and Tanzanian investigations substantiated allegations against two individuals and did not substantiate allegations against nine individuals; an allegation against one individual remained pending investigation.

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

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening. Inadequate food, overcrowding, poor sanitation, and insufficient medical care were pervasive. According to the commissioner general of prisons, funding for prisons was less than half the level required to provide adequate care for prisoners. There were no private detention facilities.

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

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

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

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

Prison staff reported food and water shortages, a lack of electricity, inadequate lighting, and insufficient medical supplies. Prisons were unheated, but prisoners in

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

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

Administration: Judges and magistrates conducted regular visits to inspect prisons and hear concerns from convicts and detainees. In addition, relatives of inmates made complaints to the CHRAGG, which investigated reports of abuse, but the results of those investigations were not public. Recordkeeping in prisons was inadequate and resulted in discrepancies in reporting. Authorities did not take steps to improve record keeping.

On the mainland prisoners could submit complaints to judicial authorities. The CHRAGG also served as the official ombudsman. The union Ministry of Home Affairs' Public Complaints Department and a prison services public relations unit responded to public complaints and inquiries sent to them directly or through the media about prison conditions.

Prisoners and detainees usually had reasonable access to visitors and could worship freely, with some exceptions. Seventh-day Adventists reported they had to work on Saturday. The mainland authorities often moved prisoners to different prisons without notifying their families.

Independent Monitoring: The law prohibits members of the press from visiting prisons. Generally, access to prisoners was difficult for outside organizations, and the process for obtaining access was cumbersome. The International Committee of the Red Cross conducted two prison visits in Zanzibar during the year. The Legal and Human Rights Center (LHRC) conducted a prison visit in July.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

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

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

The Ministry of Defense is responsible for external security; it also has some limited domestic security responsibilities. The National Service is a branch of military service similar to a national guard; its service is primarily domestic.

Police and other security forces acted with impunity in many cases. While legal mechanisms exist for investigation and prosecution of security forces, authorities did not often use them. Police continued to hold educational seminars for officers to combat corruption and sometimes took disciplinary action against officers implicated in wrongdoing. In July a police officer from an antiriot unit was sentenced to 15 years in prison following his conviction for manslaughter in the 2012 killing of a journalist covering a political rally.

The mainland community policing initiative to improve community relations with police and enhance police effectiveness continued. Community police received standardized training, and police conducted awareness campaigns for citizens on

how to assist community policing units. In Zanzibar the government continued similar training and awareness programs. Officials noted increases in assistance provided to police, leading to arrests and improved law enforcement.

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

Arrest Procedures and Treatment of Detainees

On the mainland the law requires that persons be apprehended openly with warrants based on sufficient evidence, although authorities did not always comply with the law. Police often detained persons without judicial authorization. The law also requires that a person arrested for a crime, other than a national security detainee, be charged before a magistrate within 24 hours of arrest, excluding weekends and holidays, but police failed to comply consistently with this requirement. For example, Isaack Habakuk Emily, arrested on March 22 for violation of the Cybercrime Act, was not arraigned in court until April 15. In general authorities promptly informed detainees of the charges against them. There were reports of police using a rolling process of releasing and immediately rearresting individuals so that they would remain in custody while police completed their investigation and developed the required information for the accused to be charged.

The law does not allow bail for suspects in cases involving charges of murder, treason, drugs, armed robbery, human trafficking, or other violent offenses where the accused might pose a public safety risk. In some cases courts imposed strict conditions on freedom of movement and association when they granted bail. In the primary and district courts, persons sometimes bribed officials to grant bail. The law gives accused persons the right to contact a lawyer or talk with family members, but police often failed to inform detainees of this right. The government provided legal representation for some indigent defendants and for all suspects

charged with murder or treason. Prompt access to counsel was often limited by the lack of lawyers in rural areas, lack of communication systems and infrastructure, and accused persons' ignorance of their rights.

Arbitrary Arrest: By law the president may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. The government must release such detainees within 15 days or inform them of the reason for their continued detention. The law also allows a detainee to challenge the grounds for detention at 90-day intervals. The mainland government has additional broad detention powers under the law, allowing regional and district commissioners to arrest and detain for 24 hours anyone who "disturb[s] public tranquility." Press reports indicated district commissioners or members of regional security committees, which are part of regional governments, ordered the arrest of at least nine persons during the year. Most of those arrested were journalists working on sensitive stories.

Pretrial Detention: According to the Ministry of Home Affairs, approximately 50 percent of the prison population consisted of pretrial detainees in 2015 (the latest available data). Detainees charged with crimes generally waited three to four years for trial due to a lack of judges to hear cases, an inadequate judicial budget, and the lengthy time required to complete police investigations.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The law allows persons arrested or detained, regardless of whether on criminal or other grounds, the right to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained. The law requires that a civil case must be brought in order to make such a challenge. In practice this was rarely done.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but many components of the judiciary remained underfunded, corrupt, inefficient (especially in the lower courts), and subject to executive influence. Judges and senior court officers are all political appointees of the president. The need to travel long distances to courts imposes logistical and financial constraints that limit access to justice for persons in rural areas. There were fewer than two judges per million persons. Court clerks reportedly continued to take bribes to open cases or hide or misdirect the files of those accused of crimes. According to news reports, magistrates of lower courts occasionally accepted bribes to determine the outcome of cases.

Trial Procedures

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

The law provides for the presumption of innocence. In most cases authorities informed detainees in detail of the charges against them once they had been brought to the police station. Charges were generally presented in Kiswahili or English with needed interpretation provided when possible. With some exceptions, criminal trials were open to the public and the press. Defendants have the right to be present at their trial. Courts that hold closed proceedings (for example, in drug trafficking cases and sexual offenses involving juveniles) generally are required to provide reasons for closing the proceedings. In cases involving terrorism, the law provides that everyone, except the interested parties, may be excluded from court proceedings and witnesses may be heard under special arrangements for their protection.

In Tanzania the law requires legal aid in serious criminal cases, although in practice only those accused of murder and treason were provided with free representation. Most other defendants could not afford legal representation and represented themselves in court. Defendants in criminal matters are entitled to legal representation of their choice. In practice legal representation was unavailable to defendants without the means to pay. NGOs represented some indigent defendants in large cities, such as Dar es Salaam and Arusha. In Zanzibar there were no public defenders. The law prohibits lawyers from appearing or defending clients in primary-level courts whose presiding officers are not degree-holding magistrates. Human rights groups criticized several reported cases where lawyers attempting to represent clients in sensitive cases were themselves arrested. In July a lawyer from the prominent Legal and Human Rights Center was arrested and detained for more than 24 hours while trying to meet with clients in a sensitive land rights case.

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

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

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Persons may bring civil lawsuits seeking damages for or the cessation of human rights violations and can appeal those rulings to the Court of Appeal on the mainland and other regional courts. Civil judicial procedures, however, were often slow, inefficient, and corrupt. Individuals and organizations with observer status had the right to bring complaints to the African Court on Human and Peoples' Rights.

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

The law generally prohibits such actions without a search warrant, but the government did not consistently respect these prohibitions. While only courts may issue search warrants, the law also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence or if circumstances are serious and urgent. The law relating to terrorism permits police officers at or above the rank of assistant superintendent or in charge of a police station to conduct searches without a warrant in certain urgent cases, but there were no reports this occurred.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech and Expression: Individuals could criticize the government both publicly and privately, but some persons expressed concern about doing so in public. Authorities used the Cybercrime Act to bring criminal charges against individuals who criticized the government in a variety of electronic media.

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

Two mainland newspapers (*Daily News* and *Habari Leo*) were owned by the government, one (*Uhuru*) by the ruling Party of the Revolution (CCM), and another (*Daima*) by the chair of the Party of Democracy and Development (Chadema) opposition party. The remaining newspapers were independent, although close associates of political party members owned some of them. Registering or licensing new media outlets, both print and broadcast, continued to be difficult. Newspaper registration was at the discretion of the registrar of newspapers at the information ministry on both the mainland and Zanzibar. Acquiring a broadcasting license from the Tanzania Communication Regulatory Authority (TCRA) took an estimated six months to one year, and the TCRA restricted the area of broadcast coverage.

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

the content of national dailies, including articles critical of the Zanzibari government.

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

Violence and Harassment: Law enforcement authorities and crowds attacked, harassed, and intimidated journalists during the year. For example, in March, Mwananchi Communications Limited journalist Salma Maulid was abducted and beaten by unknown assailants while reporting on elections in Zanzibar.

Censorship or Content Restrictions: The law authorizes police to raid and seize materials from newspaper offices without a warrant and authorizes the minister of information to close media outlets for undefined reasons of “public interest” or “the interest of peace and good order.”

A permit was required for reporting on police or prison activities, both on the mainland and in Zanzibar, and journalists needed special permission to cover meetings of the Tanzanian National Assembly or attend meetings in the Zanzibar House of Representatives. Anyone publishing information accusing a Zanzibari representative of involvement in illegal activities was liable to a fine of not less than 250,000 Tanzanian shillings (TZS) (\$115), three years’ imprisonment, or both. Nothing in the law specifies whether this penalty stands if the allegation is proven true. The government may fine and suspend newspapers without warning.

There were examples of the government repressing information. For example, on August 29, the government shut down radio stations Magic FM Dar es Salaam and Five Arusha on the grounds they broadcast seditious content on August 17 and 25, respectively. Media outlets often practiced self-censorship to avoid conflict with the government. The LHRC reported journalists from both private and public media were concerned about censorship of stories by editors fearful of criticizing government leaders or policies. The LHRC reported broadcasters were required to submit reports stating who would appear and what would be discussed to the TCRA prior to any live broadcasts. In August the minister of information, culture, arts, and sport stated the government would ban any media publishing inflammatory statements in its coverage of demonstrations or political rallies.

Government repression of the media extended to online newspapers and journals. In January, the Kiswahili weekly newspaper *Mawio* was permanently banned from publishing in print and online under the 1976 Newspaper Act for allegedly inciting

violence by declaring the opposition candidate the winner of the 2015 presidential elections in Zanzibar and running a headline warning of unrest to come in Zanzibar. In August, under the Electronic and Postal Communication Act, Kiswahili weekly newspaper *Mseto* was suspended for three years and banned from publishing stories online for publishing an article critical of the president.

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

The TCRA vowed to be more vigilant while overseeing media coverage after the passage of the Cybercrime Act in 2015, which states any violation of the license requirements would be subject to severe penalties, including possible deregistration. Television station ITV and radio station Radio One were issued strong warnings and instructed to apologize on air on two consecutive days for "provocative statements" made by a member of parliament (MP) during a live broadcast, although no action was taken against the MP. The TCRA ordered television station Clouds TV to apologize on five consecutive days for transmitting an interview with a transgender woman in July on the grounds that it had broadcast a program that failed to protect Tanzanian values.

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

Internet Freedom

While the government did not restrict access to the internet, it monitored websites and internet traffic that criticized the government, and it also sought to combat illegal activities. According to the TCRA's January-March 2016 report, 17.3 million persons (34 percent of the population) used the internet in 2015. According to the International Telecommunication Union, 5.36 percent of the population used the internet that year.

The Cybercrimes Act of 2015 criminalizes the publication of false information, defined as "information, data or facts presented in a picture, texts, symbol, or any other form in a computer system where such information, data, or fact is false, deceptive, misleading, or inaccurate." Several individuals who made critical

comments about the government on electronic media were charged under the act, even when remarks reflected opinions or were factually true.

On June 8, Isaac Habakuki Emire was sentenced to three months in prison or a fine of TZS seven million (\$3,220) for online statements referring to President Magufuli as a “coward” and a self-promoter who should not be compared to Julius Nyerere, the country’s first president.

In mid-December human rights groups criticized the arrest of Maxense Melo, founder of the popular Jamii Forums website, a popular online forum for political discussions, on a variety of charges, including failure to cooperate with a police investigation. Police reportedly asked Melo to reveal the identities of online commentators who posted remarks critical of the government.

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, but the government did not always respect this right.

The government requires organizers of rallies to obtain police permission. Police may deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party. The government and police continued to limit the issuance of permits for public demonstrations and assemblies to political parties, NGOs, and religious organizations. During a June speech at State House, the president declared the 2015 election over and the opposition should confine its political opinions to appropriate platforms, such as parliament, until the next election cycle in 2020. Also in June the police commissioner for operations and training announced the police had banned any form of political demonstration or rally until further notice, claiming such meetings were intended to incite civil disobedience. The same day police broke up a rally by opposition party Chadema, which had previously been issued a permit, and made 22 arrests. Later that month police barred opposition party ACT Wazalendo from holding an indoor meeting to discuss and review the 2016-17 budget. Again

in June police in three cities broke up graduation ceremonies organized by an opposition party for members of its student organization.

Freedom of Association

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

The registration process for associations outside Zanzibar was slow, particularly for religious and lesbian, gay, bisexual, transgender, and intersex organizations. The law makes a distinction between NGOs and societies and applies different registration procedures to the two. It defines a society as any club, company, partnership, or association of 10 or more persons, regardless of its purpose, and notes specific categories of organizations not considered to be societies, such as political parties. The law defines NGOs to include organizations whose purpose is to promote economic, environmental, social, or cultural development; protect the environment; or lobby or advocate on issues of public interest. Societies and organizations may not operate until authorities approve their applications.

Religious organizations are registered as societies and wait the longest--an average of four years--for registration. From July 2015 to March, the Registrar of Societies received 472 registration applications, 26 of which came from religious institutions. The registrar registered 404 societies and rejected 13 applications; 55 applications remained unprocessed. The government rarely registered societies within the legally required 14-day period. The Ministry of Health, Community Development, Gender, Elderly, and Children registered other NGOs. The process took two to five years.

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

c. Freedom of Religion

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

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

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

Abuse of Migrants, Refugees, and Stateless Persons: Refugees may not travel more than 2.5 miles outside their camp without permission of the Ministry of Home Affairs. Refugees apprehended outside the camps without permits are subject by law to sentences ranging from a fine up to a three-year prison sentence. UNHCR reported that when police apprehended refugees outside the camp without permits, they were normally held in the prison nearest to where they were arrested. Unless the infraction connected the detainee with another criminal issue, police generally released these individuals back into the camp, where camp officials sometimes ordered the refugee to perform community service.

Sexual and gender-based violence of refugees continued. UNHCR worked with local authorities and residents in the three refugee camps to strengthen coordination and address violence, including sexual violence, against vulnerable persons. UNHCR reported the most frequent gender-based violence crimes were rape and physical assault, followed by psychological and emotional abuse. The government investigated, prosecuted, and punished perpetrators of abuses in the camp; local authorities handled most cases of refugees involved in crime and abuse outside the camp. Residents of the refugee camps suffered delays and limited access to courts, common problems also faced by citizens.

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

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has an established system for providing protection to refugees. The National Eligibility Committee (NEC) is mandated to meet regularly and make determinations on asylum applications, and was reviewing a backlog of several hundred claims.

During the year the NEC made formal determinations on pending asylum cases; most involved individuals from the Democratic Republic of the Congo who had been residing in Burundi.

During the year the government allowed UNHCR to reopen a third former refugee camp to accommodate the large increase in the refugee population resulting from instability in Burundi and to maintain prima facie refugee status for new Burundi arrivals. Third-country nationals who were previously recognized as refugees in Burundi, as well as Burundian citizens, were eligible for prima facie refugee status.

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

UNHCR processed irregular migrants arrested by authorities for possible asylum, but police continued to hold them in prisons.

From December 2014 to February 2015, the government and the International Organization for Migration (IOM) conducted a registration campaign for irregular migrants in Kigoma intended to provide a basis for either regularizing their status or voluntary return to their places of origin. The project registered 22,282 persons. Kigoma regional authorities stated an additional 400 persons had been registered since the end of the project. The IOM began a program to supply biometric registration equipment to immigration authorities across the country.

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

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

Employment: The government generally did not permit refugees to pursue employment and restricted refugees' attempts to farm land within the camps.

Durable Solutions: In 2014 the Ministry of Home Affairs granted citizenship to 1,514 members of the Wazigua ethnic group (formerly known as Somali Bantu) and 162,156 Burundian refugees. In December 2015 the ministry reported that 98 percent of these persons had become citizens.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: In October 2015 the country held its fifth multiparty general election in which voters elected a new president and legislative representatives. The union elections were judged to be largely free and fair. The CCM, however, benefited from vastly superior financial and institutional resources.

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

Separate elections are held for the union and for Zanzibar, ordinarily on the same day, in which citizens of the two parts of the union elect local officials, members of

the national parliament, and a union (national) president. Additionally, Zanzibar separately elects a president of Zanzibar and members of the Zanzibar House of Representatives. The voting in Zanzibar in October 2015 was judged to be largely free and fair. Following the vote, however, when tabulation of the results was more than half completed, the chairperson of the ZEC announced he had nullified the Zanzibar elections, although according to the constitution and law, the commission does not have the authority to do so. This decision precipitated a political crisis in the semiautonomous archipelago, with the opposition candidate declaring he had won. New elections in March were neither inclusive nor representative. They were boycotted by the opposition, which claimed they would not be fair. Following the new elections, the ZEC announced President Shein had won with 91 percent of the vote, with the ruling CCM party sweeping nearly all seats in the Zanzibar House of Representatives. Official voter turnout was announced at 68 percent, although numerous sources estimated actual turnout at closer to 25 percent.

From February to August 2015, officials conducted national registration of voters using a Biometric Voter Registration system that collected a photograph and two thumb prints. Registration concluded with 22,751,292 eligible voters registered on the mainland and 503,193 registered in Zanzibar.

Political Parties and Political Participation: The constitution requires that persons running for office must represent a registered political party. The law prohibits unregistered parties. The number of political parties with full registration remained at 22 during the year.

The registrar of political parties has sole authority to approve registration of any political party and is responsible for enforcing regulations on registered parties. Parties granted provisional registration may hold public meetings and recruit members. To secure full registration, parties must submit lists of at least 200 members in 10 of the country's 31 regions, including two of the five regions of Zanzibar. In September the registration of new political parties was suspended indefinitely for lack of funds, according to the registrar.

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

During the year the president stated political activity should be confined only to parliamentary business and interaction between members of parliament and their

constituents until the next election cycle in 2020. On May 7, police barred a group of political opposition leaders from entering their party regional offices, on the grounds that no political activity was allowed to take place in the region. On June 7, the TPF banned indefinitely all political rallies across the country, claiming such meetings were intended to incite civil disobedience. On August 23, the inspector general of police extended the ban to include indoor private meetings and public rallies; the indoor restriction was lifted on September 22.

The election law provides for a “gratuity” payment of TZS 235 million to TZS 280 million (\$108,000-129,000) to MPs completing a five-year term. Incumbents can use these funds in re-election campaigns. Several NGOs and opposition parties criticized this provision for impeding aspiring opposition parliamentary candidates from mounting effective challenges.

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

Participation of Women and Minorities: Some observers believed cultural constraints limited women’s participation in politics. In the October 2015 election, Tanzania elected a woman as vice president for the first time. Few women won elected constituent seats in parliament or in the Zanzibar House of Representatives. There were special women’s seats in both parliament and the Zanzibar House of Representatives.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Corruption was generally perceived to be rampant at all levels nationwide. After taking office, President Magufuli took several high-profile steps to signal a commitment to fighting corruption. These included surprise inspections of ministries, hospitals, and the port of Dar es Salaam, often followed by the immediate dismissal of officials. The 2016-17 fiscal year budget, however, included a substantial cut to the funding for the Office of the Controller and Auditor General, one of the country’s two main anticorruption bodies.

Corruption: According to the Prevention and Combating of Corruption Bureau (PCCB), most corruption investigations concerned government involvement in mining, land matters, energy, and investments. Through June the PCCB reported it had opened 412 new investigations and forwarded 133 case files to the director of public prosecutions for action. There were 232 new cases filed and 509 cases

underway in court. Two hundred ninety-four cases were concluded, with 125 convictions and 152 acquittals. According to Afrobarometer findings for 2014-15, the most corrupt entities were the police, Tanzania Revenue Authority, courts, and local government. NGOs reported that allegations of corruption involved the Tanzania Revenue Authority, local government officials, police, licensing authorities, hospital workers, and the media.

In February the remaining portions of prison sentences of the former ministers for finance and for energy and minerals convicted in 2015 on corruption charges were reduced to community service.

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

The PCCB's mandate excludes Zanzibar. In Zanzibar the Anti-Corruption and Economic Crimes Authority received 56 complaints, 37 of which were under investigation.

Financial Disclosure: Government ministers and MPs, as well as certain other public servants, are required to disclose their assets upon assuming office, annually at year's end, and upon leaving office. Although penalties exist for noncompliance, there was no enforcement mechanism or means to determine the accuracy of such disclosures. The Ethics Secretariat distributes forms each October for collection in December. In May the minister of state responsible for the central establishment in the President's Office reported 1,081 public officials--up to the level of government ministers--did not submit their wealth declaration forms by the end of 2015. Secretariat officials previously stated the individuals who failed to meet the deadline were asked to show cause for the delay. Any declaration forms submitted or filed after the deadline must explain the failure to observe the law. Asset disclosures are not public. In February the president issued an ultimatum to four ministers and one deputy minister to submit their declaration forms in one day or be fired.

Public Access to Information: In September parliament passed the Access to Information Act, establishing the right of citizens to access government information. Stakeholders publicly raised concerns about the law's potential impact.

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

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

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

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

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

Women

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

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

The LHRC stated there were 17,059 reported cases of gender-based violence, including 5,802 cases of rape, in 2015 (the latest figures available). The Ministry of Health, Community Development, Gender, Elderly, and Children and the World Health Organization identified the main forms of gender-based violence as wife-beating (30 percent of cases), defilement (25 percent), rape (20 percent), sexual exploitation (13 percent), and marital rape (12 percent). According to the 2010 Demographic and Health Survey, 45 percent of women experienced physical or sexual violence in their lifetime. The deputy director of criminal investigations on Zanzibar stated that through November 78 cases of sexual violence were reported.

Cultural, family, and social pressures often prevented women from reporting abuse, including rape and domestic violence, and authorities rarely prosecuted persons who abused women. Persons close to the victims, such as relatives and friends, were most likely to be the perpetrators. Many who appeared in court were set free because of corruption in the judicial system, lack of evidence, poor investigations, and poor evidence preservation.

A report by the Tanzania Media Women's Association (TAMWA) released in 2014 found courts adjudicated few rape cases due to factors including lack of evidence, repeated adjournment of cases, alleged perpetrators jumping bail, witnesses unwilling to appear in court or unable to pay for transport to court, and a legal requirement for a doctor's report.

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

There were some government efforts to combat violence against women. Activities under the 2001-15 National Plan of Action for the Prevention and Eradication of Violence against Women and Children continued. Police maintained 417 gender and children desks in regions throughout the country to support victims and address relevant crimes. Women often tolerated prolonged domestic abuse before seeking a divorce, due to fear of retaliation, loss of support, shame, and family pressure. In Zanzibar, at One Stop Centers in both Unguja and Pemba, victims could receive health services, counseling, legal assistance, and a referral to police.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C from being performed on girls under the age of 18, but it does not provide for protection

to women ages 18 or older. According to the 2010 Demographic and Health Survey, 15 percent of women and girls ages 15 to 49 were subjected to FGM/C, and 7 percent of girls and women ages 15 to 19 were subjected to the practice. The practice was most common in the northern and central zones: in Manyara the prevalence rate among girls and women 15 to 49 years old was 71 percent, in Dodoma 64 percent, Arusha 59 percent, Singida 51 percent, Mara 40 percent, Kilimanjaro 22 percent, Morogoro 21 percent, and Tanga 20 percent.

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

No new plan had replaced the 2001-15 National Plan of Action for the Prevention and Eradication of Violence against Women and Children, although activities under the 2001-15 plan continued during the year. The plan enlisted the support of practitioners and community leaders in eradicating FGM/C. As part of the effort, the government continued a three-year program to eradicate FGM/C by 2016 in the Mara Region, one of the most affected areas. The campaign targeted girls, traditional elders, parents, and FGM/C practitioners, using advocacy, education, and information dissemination by government in cooperation with stakeholders to combat FGM/C.

Sexual Harassment: The law prohibits sexual harassment of women in the workplace. Statistics did not exist on its extent or the effectiveness of enforcement. There were reports women were asked for sexual favors in return for promotions. According to the Women's Legal Aid Center, many women did not report sexual harassment since cultural norms often place blame on victims of sexual harassment, and police rarely investigated cases. Even when reported, cases were often dropped before they got to court--in some instances by the plaintiffs due to societal pressure and in others by prosecutors due to lack of evidence.

Reproductive Rights: Couples have the ability to decide the number, spacing, and timing of their children; manage their reproductive health; and have the information and means to do so, free from discrimination, coercion, and violence. According to the Center for Reproductive Rights, 32 percent of girls and women ages 15 to 49 used a modern form of contraception. The relatively low rate was due in part to cultural factors, lack of transportation to health clinics, and shortages of contraceptives. On the mainland, use of any contraceptive method among married women varied significantly by region, ranging from 57 percent in Ruvuma

to 15 percent in Geita. In Zanzibar use varied from a high of 41 percent in Kusini Unguja to 9 percent in Kusini Pemba. The government provided free prenatal, childbirth, and postpartum services but lacked qualified health-care professionals as well as medical supplies to offer these services widely.

According to the UN Children's Fund, the maternal mortality rate in 2015 was 398 deaths per 100,000 live births. Skilled health personnel attended approximately 49 percent of births. Major factors influencing high maternal mortality included the low rate of attendance by skilled personnel, high fertility rate, and poor quality of many medical facilities.

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

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

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

Women experienced discrimination in employment and pay; problems were particularly acute in the informal sector.

Civil society activists reported widespread discrimination against women in inheritance and divorce proceedings. Women were especially vulnerable if they initiated the separation from their partners or if their partners died. Women have the same status as men under labor law on the mainland. In Zanzibar the law states the normal retirement age for women is 55 and for men 60. The law on the mainland allows men to marry multiple wives in certain circumstances but does not allow women to have multiple husbands. Mainland law generally assumes it is in the best interest of a child under age seven to be with its mother if parents

separate or divorce. In Zanzibar qadi courts handle inheritance, marital, and custody issues.

Children

Birth Registration: Citizenship is derived by birth within the country if at least one parent is a citizen, or if abroad, also if at least one parent is a citizen. The Registration, Insolvency, and Trusteeship Agency estimated 20 percent of the population had birth certificates in 2011, the latest year nationwide statistics were available. Registration within three months of birth is free; parents who wait until later must pay a fee. Public services were not withheld from unregistered children.

Education: Primary education is compulsory and universal on both the mainland and Zanzibar until age 15. Tuition is free, but parents are required to pay for books, uniforms, and school lunches. In December 2015 the government also made secondary school tuition-free, but not compulsory. Many families were unable to pay costs of transport or housing for children who have to travel long distances to secondary schools.

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

The Center for Reproductive Rights reported in 2013 that more than 55,000 girls over the previous decade had been expelled from school for being pregnant. Under the Education and Training Policy launched by the government in 2015, pregnant girls are allowed to be reinstated in schools. The policy, however, was not consistently implemented.

Child Abuse: Violence against and abuse of children were major problems. The law allows head teachers to cane students, and corporal punishment was employed in schools. The National Violence against Children Survey, conducted in 2009 (the most recent data available), found that almost 75 percent of children experienced physical violence prior to age 18. Of these, 60 percent experienced physical violence from relatives and 50 percent from teachers. In 2013 the government launched a three-year national plan to prevent and respond to violence against children. The plan involved programs in all key ministries, especially at the community level through the support of the local government authority. According to the Ministry of Health, Community Development, Gender, Elderly,

and Children, between July 2015 and June, 33,675 cases were reported through the program's hotline.

Early and Forced Marriage: In July the High Court ruled amendments must be made to the Law of Marriage Act to make child marriage illegal for girls under the age of 18; the law already extends this protection to boys. In August the government appealed this ruling to the Court of Appeal, Tanzania's highest court. To circumvent these laws, individuals reportedly bribed police or paid a bride price to the family of the girl to avoid prosecution. According to Human Rights Watch (HRW), girls as young as seven were married. An estimated 37 percent of women between the ages of 20 and 24 were married before the age of 18, and 7 percent were married before age 15, according to the 2010 Demographic and Health Survey. Zanzibar has its own law on marriage, but it does not specifically address early marriage.

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

Sexual Exploitation of Children: The law criminalizes child prostitution and child pornography. According to the National Survey on Violence against Children, approximately 4 percent of girls ages 13 to 17 reported they had received money or goods in exchange for sex. Those found guilty of facilitating child prostitution or child pornography are subject to a fine ranging from TZS one million (\$460) to TZS 500 million (\$230,000), a prison term of one to 20 years, or both. There were no prosecutions based on this law during the year.

The law provides that sexual intercourse with a child under 18 is rape regardless of consent, unless within a legal marriage. The law was not always enforced.

According to TAMWA, child rape remained prevalent. In August there were 2,571 child rapes reported, according to police. According to the 2009 National Survey on Violence against Children, 27.9 percent of girls and women ages 13-24 reported experiencing at least one incident of sexual violence before turning 18. Among boys in the same age group, 13.4 percent reported experiencing at least one incident of sexual violence prior to the age of 18.

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

Displaced Children: According to the Ministry of Health, Community Development, Gender, Elderly, and Children, large numbers of children were living and working on the street, especially in cities and near the borders. Statistics from 2012 showed more than 5,000 children were living and working on the streets in Dar es Salaam alone. These children had limited access to health and education services, because they lacked a fixed address or money to purchase medicines, school uniforms, and books. They were also vulnerable to sexual abuse.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, the judicial system, or the provision of other state services, but the government did not effectively enforce these provisions. Persons with physical disabilities were restricted in employment, education, access to health care, and other state services by physical barriers and inadequate financial resources.

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

There were six members of the union parliament with disabilities. The president appointed one of these MPs, two were elected, and three were chosen by parties. Persons with disabilities held three appointed seats in the Zanzibar House of Representatives.

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

According to the 2008 Tanzanian Disability Survey, an estimated 53 percent of children with disabilities attended school. Approximately 32 percent of those not attending school reported it was due to their disability. Persons with disabilities faced difficulties due to inadequate or unavailable accommodations and stigma, but there were no significant reported patterns of abuse in educational or mental health facilities.

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

Consensual same-sex sexual conduct is illegal in the country. The law on both the mainland and Zanzibar punishes “gross indecency” by up to five years in prison or a fine. The law punishes any person who has “carnal knowledge of another against the order of nature or permits a man to have carnal knowledge of him against the order of nature” with a prison sentence of 30 years to life on the mainland and imprisonment up to 14 years in Zanzibar. In Zanzibar the law also provides for imprisonment up to five years or a fine for “acts of lesbianism.” The burden of proof in such cases is significant, and according to a 2013 HRW report, arrests of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons rarely led to prosecutions. They usually were a pretext for police to collect bribes or coerce sex from vulnerable individuals. Nonetheless, the CHRAGG’s prison visits in 2014 revealed that “unnatural offenses” were among the most common reasons for pretrial detention of minors. In the past courts charged individuals suspected of same-sex sexual conduct with loitering or prostitution. The law does not prohibit discrimination based on sexual orientation and gender identity. Police often harassed persons believed to be LGBTI based on their dress or manners.

During the year government officials publicly stated opposition to improved safeguards for the rights of LGBTI persons, which it characterized as contrary to the law of the land and the cultural norms of society. Senior government officials made several anti-LGBTI statements. In August the minister of constitutional affairs and justice stated the ministry was investigating NGOs believed to support homosexuality and same-sex marriage and threatened drastic legal action against them, saying that the “dirt and nonsense” of the westerners should remain with them. He warned if the country relaxed on this issue “later we will be forced to accept marriage with animals as a human right.” LGBTI persons were targets of government sanctioned “sungusungu” citizen patrols. They were often afraid to report violence and other crimes, including those committed by state agents, due to fear of arrest. LGBTI persons faced societal discrimination that restricted their access to health care, including access to information about HIV, housing, and employment. There were no known government efforts to combat such discrimination.

HIV and AIDS Social Stigma

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

The law prohibits discrimination against any person “known or perceived” to be HIV positive and establishes medical standards for confidentiality to protect persons with HIV/AIDS. HRW reported in 2013 that HIV-positive persons, particularly in three key populations (sex workers, drug users, and LGBTI persons) experienced discrimination by law enforcement officials and in accessing health services. Police abuses of these persons included arbitrary arrest, extortion, and refusal to accept complaints from victims of crime. In the health sector, key populations experienced denial of services, verbal harassment and abuse, and violations of confidentiality. In August the government announced a ban on the distribution of lubricants and threatened to deregister and ban NGOs serving the LGBTI community, including those providing health services to counter HIV/AIDS, for “promoting homosexuality.” In response to government threats, several NGOs suspended services to the LGBTI community.

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

Other Societal Violence or Discrimination

Despite efforts by the government and NGOs to reduce mob violence through educational outreach and community policing, mob violence continued to occur. According to the LHRC, there were 997 cases of killings by mobs in 2015. The LHRC also reported 425 witchcraft-related killings in 2015.

Persons with albinism remained at risk of violence. Some ritual practitioners, particularly in the Lake Zone region, sought albino body parts in the belief they could be used to create power and wealth. In March the body of an unidentified young girl with albinism was found with one foot and genitals cut off. In 2015 the government outlawed witchdoctors in an attempt to curtail killings of persons with albinism. According to a report by the NGO Under the Same Sun, in July a 20-month-old baby girl with albinism survived three abduction attempts in two weeks.

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The mainland and Zanzibari governments have separate labor laws. Workers on the mainland, except for workers in the categories of “national service” and prison guards, have the right to form and join independent trade unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination. The government nevertheless restricted these rights. Reinstatement of workers fired for trade union activity is not mandatory.

Trade unions in the private sector must consist of more than 20 members and register with the government, while public-sector unions need 30 members. Five organizations are required to form a federation. Trade union affiliation with

nonunion organizations can be annulled if it was obtained without government approval, or if the union is considered an organization whose remit is broader than just employer-worker relations. A trade union or employers association must file for registration with the Registrar of Trade Unions in the Ministry of Labor within six months of establishment. The law, however, does not provide for specific time limits within which the government must register an organization, and the registrar has the power to refuse registration on arbitrary or ambiguous grounds. The government prescribes the terms of office of trade union leaders. Failure to comply with government requirements is subject to fines and/or imprisonment.

The law requires unions to submit financial records and a membership list to the registrar annually and to obtain government approval for association with international trade unions. The registrar can apply to the Labor Court to deregister or suspend unions if there is overlap within an enterprise or if it is determined the union violated the law or endangered public security.

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

Employers have the right to initiate a lockout provided they comply with certain legal requirements and procedures. For a strike to be declared legal, the law requires three separate notifications of intent, a waiting period of at least 92 days, and a union vote in the presence of a Ministry of Labor official that garners approval by at least 75 percent of the members voting. All parties to a dispute may be bound by an agreement to arbitrate, and neither party may then engage in a strike or a lockout until that process has been completed. Disputes regarding adjustments to or the terms of signed contracts must be addressed through arbitration and are not subject to strikes.

The law restricts the right to strike when a strike would endanger the life and health of the population. Picketing in support of a strike or in opposition to a lawful lockout is prohibited. Workers in certain “essential” sectors (water and sanitation, electricity, health services and associated laboratory services, firefighting, air traffic control, civil aviation, telecommunications, and any transport services required for the provision of these services) may not strike without a pre-existing agreement to maintain “minimum services.” Workers in other sectors may also be subject to this limitation as determined by the Essential Services Committee, a tripartite committee composed of employers, workers, and

government representatives with the authority periodically to deem which services are essential.

An employer may not legally terminate an employee for participating in a lawful strike or terminate an employee who accedes to the demands of an employer during a lockout.

Penalties for violations include fines up to five million TZS (\$2,300), imprisonment up to one year, or both, but these penalties were not sufficient to deter violations. Disputes on the grounds of antiunion discrimination must be referred to the Commission for Mediation and Arbitration, a governmental department affiliated with the Ministry of Labor.

In Zanzibar the law requires any union with 50 or more members to be registered and sets literacy standards for trade union officers. The law provides the registrar considerable powers to restrict registration by setting forth criteria for determining whether an organization's constitution contains suitable provisions to protect its members' interests. The law applies to both public- and private-sector workers and bans Zanzibari workers from joining labor unions on the mainland. The law prohibits a union's use of its funds, directly or indirectly, to pay any fines or penalties incurred by trade union officials in the discharge of their official duties. In Zanzibar both government and private-sector workers have the right to strike as long as they follow procedures outlined in the labor law. For example, workers in essential sectors may not strike; others must give mediation authorities at least 30 days to resolve the issue in dispute and provide a 14-day advance notice of any proposed strike action.

The law provides for collective bargaining in the private sector. Public-sector employees also have the right to bargain collectively through the Trade Union of Government and Health Employees. Zanzibar's Dispute Handling Unit addresses labor disputes. In Zanzibar judges and all judicial officers, members of special departments, and employees of the House of Representatives are excluded from labor law protection.

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

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

antiunion activities such as bribing officials from the Ministry of Labor Inspectorate to ignore worker complaints or to write favorable reports on working conditions. TUCTA officials stated employers threatened or terminated workers to prevent organizers from achieving the 50 percent threshold to guarantee access to collective bargaining.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor. The law allows prisoners to work without pay on construction and agriculture projects within prisons. The law deems such work acceptable as long as a public authority ensures the work is not for the benefit of any private party. The law also allows work carried out as part of compulsory national service in certain limited circumstances. The constitution provides that no work shall be considered forced labor if such work forms part of compulsory national service in accordance with the law, or “the national endeavor at the mobilization of human resources for the enhancement of society and the national economy and to ensure development and national productivity.”

The law establishes criminal penalties for employers using forced labor. Offenders may be fined up to TZS five million (\$2,300), sentenced to one year in prison, or both. Neither the government nor the International Labor Organization (ILO) had statistics on government enforcement.

The ILO reported unspecified instances of forced labor, including those involving children from the southern highlands forced into domestic service or labor on farms, in mines, and in the informal business sector. Forced child labor occurred (see section 7.c.).

Prisoners provided labor on projects outside of the prison, such as road repair and government construction projects.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the exploitation of children in the workplace. By law the minimum age for contractual employment is 14. Children over 14 but under 18 may be employed to do only light work unlikely to harm their health, development,

or attendance at school. Children under age 18 may not crew a ship or be employed in a mine, factory, or any other worksite where working conditions could be hazardous. The law specifically limits working hours for children. Fines ranging from TZS 100,000 to TZS 500 million (\$45 to \$230,000) and imprisonment ranging from three months to 20 years, or both, may be imposed for violations of the law.

The government did not effectively enforce the law. The lack of enforcement left children vulnerable to exploitation and with few protections. According to the Ministry of Health, Community Development, Gender, Elderly, and Children, an estimated 4,231,000 children, approximately 29 percent of all children, were engaged in child labor. Child labor was prevalent in agriculture, mining, industry, fishing, and domestic work. The ILO previously worked with the government to train labor inspectors on the problem of child labor, but during the year no reported child labor cases were brought to court. Zanzibar's Ministry of Labor, Youth Development, Women, and Children did not take legal action related to child labor.

Government measures to ameliorate child labor included verifying that children of school age attended school, imposing penalties on parents who did not enroll their children in school, and pressing employers in the formal sector not to employ children below the age of 18. Ministry of Labor officials reported, however, enforcement of child labor laws was difficult because many children worked in private homes or rural areas. A combination of factors, including distance from urban-based labor inspectors and the unwillingness of children to report the conditions of their employment, complicated inspections. Officials reported the problem of child labor was particularly acute among orphans. In cooperation with the government, Plan International operated antichild labor programs in the mining sector.

Children worked as domestic workers, street vendors, and shopkeepers as well as in small-scale agriculture, family-based businesses, fishing, construction, and artisanal mining of gold and tanzanite. According to HRW, children as young as eight worked in mining. In Zanzibar children worked primarily in transportation, fishing, clove picking, domestic labor, small businesses, and gravel making.

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

d. Discrimination with Respect to Employment and Occupation

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

Women have the same status as men under labor law on the mainland. According to TUCTA, gender-based discrimination in terms of wages, promotions, and legal protections in employment occurred frequently in the private sector. It was difficult to prove and often went unpunished. While employers in the formal sector were more attentive to laws against discrimination, problems were particularly acute in the informal sector, in which women were disproportionately employed. Women often were employed for low pay and in hazardous jobs, and they reported high levels of bullying, threats, and sexual harassment. A 2015 study by the Legal and Human Rights Center found that women faced particular discrimination in the mining, steel, and transport industries.

Discrimination against migrant workers also occurred. They often faced difficulties in seeking documented employment outside of the informal sector. The Non-Citizens Employment Regulation Act of 2015 gives the labor commissioner authority to deny work permits if a Tanzanian worker with the same skills is available. Inspections conducted since enactment of the law in September 2015 uncovered 779 foreign employees working without proper permits. Of these, 29 were repatriated and 77 were arraigned in court. Because legal refugees lived in camps and could not travel freely (see section 2.d.), few worked in the formal sector.

e. Acceptable Conditions of Work

The government established minimum wage standards in 2015 for employees in both the public and private sectors on the mainland, and it divided those standards into nine employment sectors. The lowest minimum wage was TZS 40,000 (\$18) per month for the lowest-paid category of domestic workers residing in the household of the employer, who were not addressed in previous legislation. The highest was TZS 400,000 (\$180) per month for workers in the telecommunications

and multinational mining, energy, and financial sectors. The law allowed employers to apply to the Ministry of Labor for an exemption from paying the minimum wage. These monthly wages were above the basic-needs poverty line of TZS 36,482 (\$16) per month per person and the food poverty line of TZS 26,085 (\$12) per month, which had not changed since being established by the 2011/12 Household Budget Survey. The labor laws cover all workers, including foreign and migrant workers. The minimum wage on Zanzibar was TZS 145,000 (\$65) per month.

The labor standards laws derive from the international convention on labor standards. The convention does not fix specific penalties for violations. According to the law, the ordinary workweek is 45 hours, with a maximum of nine hours per day or six days per week. Any work in excess of these limits should be compensated with overtime pay at one and a half times the employee's regular wage. Under most circumstances, it is illegal to schedule pregnant or breast-feeding women for work between 10 p.m. and 6 a.m., although employers frequently ignored this restriction.

The law states employees with 12 months of employment are entitled to 28 days of paid annual leave, and it requires employee compensation for national holidays. The law prohibits excessive or compulsory overtime, and it restricts required overtime to 50 hours in a four-week period or in accordance with previously negotiated work contracts. The law requires equal pay for equal work.

Several laws regulate occupational safety and health (OSH) standards in the workplace. TUCTA reported enforcement of these standards had been improving steadily. OSH standards, however, were not effectively enforced in the informal economy. The Occupational Safety and Health Authority had offices in only 10 of the 31 regions and a total of only 113 staff. In Zanzibar the government employed five labor inspectors for the islands. The inspection system's effectiveness was limited due to lack of resources and the small number of labor officers available to conduct inspections. Mining companies reportedly took advantage of the limitations to avoid inspections. By law workers can remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities did not effectively enforce this protection.

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

Many workers did not have employment contracts and lacked legal protections. A study by the LHRC indicated companies offered written contracts in compliance with labor laws but did not fulfill the contracts' terms. The study stated that 99 percent of contract documents reviewed did not include job descriptions, an omission used to exploit workers. Exploitation included assigning employees to positions different from those for which they were hired, without appropriate training, and including hazardous duties. The LHRC also reported that employees who signed written contracts were often not provided copies of the contract, and that some employees were given contracts to sign written only in Chinese.

Labor standards were not effectively enforced, particularly in the informal sector. TUCTA officials estimated that of an active labor force of 20-21 million, the vast majority worked in the informal sector. The World Bank estimated the size of the informal sector at more than 50 percent of the total workforce. Enforcement of the law concerning the minimum wage and working hours was not reported to be widely problematic.

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