

TANZANIA 2020 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, exercises considerable autonomy and has its own government with a president, court system, and legislature. On October 28, the country held its sixth multiparty general election, resulting in the reelection of the union president, John Magufuli, with 85 percent of the vote, and the election of Dr. Hussein Mwinyi with 76 percent of the vote for his first term as president of Zanzibar. International and local election observers and civil society noted widespread election irregularities in the pre-election period, on election day, and in the postelection period which affected the credibility of the electoral process. Prior to the election, opposition candidates were routinely disqualified, harassed, and arrested. There were reports of significant and widespread voting irregularities, internet disruptions, intimidation of journalists, arrests, and violence by security forces both in mainland Tanzania and on Zanzibar resulting in an election that was neither free nor fair.

Under the union's Ministry of Home Affairs, the Tanzanian Police Force has primary responsibility for maintaining law and order. The Field Force Unit, a special police division, has primary responsibility for controlling unlawful demonstrations and riots. The Tanzania People's Defense Forces include the army, navy, air force, and National Services. The Defense Forces are responsible for external security but also have some domestic security responsibilities and report to the Ministry of Defense. Civilian authorities maintained effective control over the security forces and directed their activities. Members of domestic security forces committed numerous abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings by the government or on behalf of the government; forced disappearance by the government or on behalf of the government; torture and cases of cruel, inhuman, or degrading treatment or punishment by the government or on behalf of the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy;

serious restrictions on free expression, the press, and the internet, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, censorship, site blocking, the existence of criminal libel laws even if not enforced; overly restrictive nongovernmental organization laws; substantial interference with the rights of peaceful assembly and freedom of association; refoulement of refugees to a country where they would face a threat to their life or freedom or other mistreatment of refugees that would constitute a human rights abuse; inability of citizens to change their government peacefully through free and fair elections; restrictions on political participation where elections have not been found to be genuine, free, or fair; serious acts of corruption; lack of investigation of and accountability for violence against women; trafficking in persons; crimes involving violence or threats of violence targeting persons with disabilities, members of national/racial/ethnic minorities, or indigenous people; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons; existence or use of laws criminalizing consensual same-sex sexual conduct between adults; and use of forced or compulsory child labor.

In some cases the government took steps to investigate and prosecute officials who committed human rights abuses, but impunity in 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

There were several reports that the government or its agents committed arbitrary or unlawful killings. The Department of Public Prosecution is responsible for investigating whether security forces killings were justifiable and pursuing prosecutions.

In Zanzibar, on the island of Pemba, there were reports that security forces shot and killed approximately a dozen persons as a way to suppress freedom of assembly and expression before the election. On Pemba and the main island of Unguja, security forces reportedly killed a number of persons after the election, including individuals protesting the results of the election.

b. Disappearance

There were reports of disappearances by or on behalf of government authorities. There were numerous cases of police using “snatch and grab” tactics where authorities arrested individuals who temporarily disappeared and then reappeared in police stations only after social media pressure. The government made no efforts to investigate or punish such acts.

On July 20, police released Sheikh Ponda Issa Ponda nine days after he was arrested and his location not disclosed. He was detained after he released a statement detailing long-held Muslim grievances.

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 that police officers, prison guards, and soldiers abused, threatened, or otherwise mistreated civilians, suspected criminals, and prisoners. These abuses often involved beatings.

On September 25, Dar es Salaam police arrested three senior officials from the opposition political party ACT-Wazalendo at their election headquarters. An ACT-Wazalendo representative reported that one of the officials was physically mistreated while in custody.

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.

On April 18, police raided a number of bars in Dar es Salaam, including one called “The Great,” where police caned patrons, staff, and managers for ignoring Regional Commissioner Paul Makonda’s order against visiting bars during the height of COVID-19 prevention measures. Video from Arusha taken in April showed an unidentified Maasai man, acting in his capacity as a security guard, caning passersby on the street for not maintaining social distancing guidelines.

In March, seven men were arrested for homosexual activity and purportedly subjected to forced anal exams. Their case was ongoing as of year’s end (see section 6).

According to the *Conduct in UN Field Missions* online portal, there were two allegations submitted during the year of sexual exploitation and abuse by

Tanzanian peacekeepers deployed to UN peacekeeping missions. There were also nine open allegations submitted between 2015 and 2019 of sexual exploitation and abuse by Tanzanian peacekeepers deployed to UN peacekeeping missions. The alleged abuses involved rape of a child, transactional sex with an adult, exploitative relationship with an adult, and sexual assault. As of September, the government had not provided accountability for any of the 11 open allegations.

Prison and Detention Center Conditions

Prisons and prison conditions remained harsh and life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions.

Physical Conditions: Prisons continued to hold more inmates than their capacity. Pretrial detainees and convicted prisoners were held together. Convicts were not separated according to the level of their offenses or age.

Authorities held minors together with adults in several prisons due to lack of detention facilities.

Information on the prevalence of deaths in prisons was not available.

Physical abuse of prisoners was common and there were reports of mistreatment during the reporting year. Female prisoners reported they were subject to sexual harassment and beatings by prison authorities.

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 reportedly received blankets and sweaters. Sanitation was insufficient. In 2018 President Magufuli publicly told the commissioner general of prisons that the government would no longer feed prisoners and that prisoners should cultivate their own food. While some prisons provided prisoners with food, the Ministry of Home Affairs reported that some prisoners were growing food for themselves. The Board of Prison Force Production Agency is meant to ensure prisons have sufficient food supply from their own cultivation projects. Other prisoners, however, reported receiving no food from the prison authorities and relied solely on what family members provided.

Medical care was inadequate. The most common health problems were malaria, tuberculosis, HIV/AIDS, respiratory illnesses, 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. Transportation to referral health centers and hospitals was limited. In addition, requests for medical care were often met with bureaucracy which delayed prisoners' access to health care. While doctors conducted routine checkups in the prison clinics, they did not have adequate testing equipment or medicine.

Administration: Judges and magistrates regularly inspected prisons and heard concerns from convicts and detainees. In addition, relatives of inmates made complaints to the Commission for Human Rights and Good Governance (CHRAGG), which investigated reports of abuse. The results of those investigations were not public.

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

Prisoners and detainees usually had reasonable access to visitors and could worship freely, with some exceptions.

The law allows for plea agreements designed to reduce case backlogs and ensure timely delivery of justice as well as reduce inmate congestion. Terrorism and serious drug offenses are excluded, so prosecutors do not have discretion to entertain plea agreements in these types of cases.

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.

Improvements: According to its 2019 report, the Federal Parole Board continued to pardon prisoners as a means to reduce overcrowding, and 648 prisoners were paroled from 2016 to 2019. On April 26, President Magufuli pardoned 3,973 prisoners, in part due to COVID-19 concerns. A total of 3,717 prisoners were freed, while 256 prisoners who faced death sentences were given alternative sentences. There were examples in the reporting year where the Director of Public Prosecution acquitted pretrial prisoners who had not yet been convicted. The director can withdraw cases on the grounds of a lack of interest in the case or not enough evidence to proceed. In September, 147 were prisoners were acquitted,

mostly youth. On May 20, twenty human rights groups, including Amnesty International and Human Rights Watch, wrote President Magufuli, praising efforts to reduce detainee populations but arguing that additional steps were necessary to protect prisoners from COVID-19.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, although regional and district commissioners have authority to detain a person for up to 48 hours without charge. This authority was used frequently to detain political opposition members or persons criticizing the government.

The law allows persons arrested or detained, regardless of whether on criminal or other grounds, the right to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained. The law requires, however, that a civil case must be brought to make such a challenge, and this was rarely done.

Arrest Procedures and Treatment of Detainees

On the mainland the law requires that an arrest for most crimes, other than crimes committed in the presence of an officer, be made with an arrest warrant based on sufficient evidence; however, 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 authorities failed to comply consistently with this requirement. There were reports of police detaining individuals without charge for short periods on the orders of local authorities.

The law does not allow bail for suspects in cases involving murder, treason, terrorism, drugs, armed robbery, human trafficking, money laundering, other economic crimes, and other offenses where the accused might pose a public safety risk. In 2019 Dickson Paulo Sanga challenged nonbailable offenses as unconstitutional. In May the High Court ruled that section 148(5) of the Criminal Procedure Act was unconstitutional because it violated rights to personal liberty and presumption of innocence. The decision was appealed by the government on the same day. In August the Court of Appeals overruled the High Court decision, declaring that nonbailable offenses were constitutional, and that detention pending trial was important for peace and order in the country. The Court of Appeals

ruling disappointed human rights stakeholders, who claimed authorities held human rights actors and businesspersons under false money laundering charges. For example, two businessmen, Harbinder Seth who is the owner of Independent Power Tanzania Limited (IPTL) and James Rugemalira, CEO of VIP Engineering Company were charged at Kisutu Court in 2017 with economic sabotage. The case was still pending in court and they remained in jail.

In some cases, courts imposed strict conditions on freedom of movement and association when they granted bail. In the primary and district courts, persons reportedly sometimes bribed officials to grant bail.

The law gives accused persons the right to contact a lawyer or talk with family members, but police often failed to inform detainees of this right. Indigent defendants and suspects charged with murder or treason could apply to the registrar of the court to request legal representation. Prompt access to counsel was often limited by the lack of lawyers in rural areas, lack of communication systems and infrastructure, and accused persons' ignorance of their rights. In addition, on March 19, authorities banned all visits to prisons due to COVID-19, including those by prisoners' lawyers. Since authorities provided no alternative methods for detainees to contact attorneys, Human Rights Watch argued this ban sharply slowed resolution of ongoing cases. As a result, most criminal defendants were not represented by counsel, even for serious offenses being tried before a high court. The government often did not provide consular notification when foreign nationals were arrested and did not provide prompt consular access when requested.

The government conducted some screening at prisons to identify and assist trafficking victims imprisoned as smuggling offenders; however, screenings were not comprehensive, potentially leaving some trafficking victims unidentified in detention centers. In June and July 2019, at the requests of the Ethiopian embassy, the International Organization for Migration (IOM) verified 1,354 Ethiopians in 27 prisons in 20 regions. Among the migrants were one woman and 219 minors. Between January 2015 and June 2019, the IOM provided assisted voluntary returns for 1,406 Ethiopian irregular migrants. The Ethiopians who remained in prison were either in pretrial detention ("remanded"), convicted, or postconviction but not released because of a lack of funds to deport them.

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 anyone for 48 hours who is deemed to “disturb public tranquility.”

In July 2019 plainclothes police officers arrested investigative journalist and government critic Erick Kabendera and did not inform him of the charges. Initially, police did not inform his family to which police station he was taken. After seven days in detention, Kabendera was charged with money-laundering offenses. In February, Kabendera was released after agreeing to a plea deal. Kabendera was convicted on tax evasion and money laundering charges and he was fined 273 million Tanzanian shillings (TZS) (\$118,000).

In December 2019 human rights lawyer Tito Magoti and his colleague Theodore Giyani, both working for the Legal and Human Rights Center, were arrested by plainclothes police officers after they tweeted support for vocal government critics. Following a public outcry, police admitted that they had arrested Magoti and Giyani. The accused were arraigned in Dar es Salaam in December 2019 and charged with money laundering, a nonbailable offense. Amnesty International and other human rights organizations called for their immediate and unconditional release in January, but at the end of the year the two remained in prison in pretrial detention.

Pretrial Detention: Arrests often preceded investigations, and accused persons frequently remained in pretrial detention--known as “remand”--for years before going to trial, usually with no credit for pretrial confinement at the time of sentencing. There is no trial clock or statute of limitations. Prosecutors obtained continuances based on a general statement that the investigation was not complete. According to the Ministry of Home Affairs, approximately 50 percent of the prison population consisted of pretrial detainees. Detainees generally waited three to four years for trial due to a lack of judges, an inadequate judicial budget, and the lengthy time for police investigations.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but many components of the judiciary remained underfunded, corrupt, inefficient (especially in the lower courts), and subject to executive influence. Judges and senior court officers are all political appointees of the president. The need to travel long distances to courts imposes logistical and financial constraints that limit access to justice for persons

in rural areas. There were fewer than two judges per million persons. Court clerks reportedly continued to take bribes to open cases or hide or misdirect the files of those accused of crimes. Magistrates of lower courts reportedly occasionally accepted bribes to determine the outcome of cases. There were instances in which the outcomes of trials appeared predetermined by government. Authorities respected and enforced court orders.

Trial Procedures

The law provides for the right to a fair and public trial, but a weak judiciary often failed to protect this right. All trials are bench trials; there are no jury trials. Trials are not held continuously from start to finish. Instead, a trial may start, break for an indeterminate amount of time, and resume, perhaps multiple times. As a result, trials were often inefficient and could last for months or even years.

The law provides for the presumption of innocence, and the standard for conviction in criminal cases is “beyond a reasonable doubt.” Executive branch entities regularly accused political parties, civil society organizations, and international organizations of breaking the law and then demanded the accused clarify or defend their innocence. In most cases authorities informed detainees in detail of the charges against them once they had been taken 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 cases of drug trafficking or sexual offenses involving juveniles) generally are required to provide reasons for closing the proceedings. In cases involving terrorism, the law states that everyone, except the interested parties, may be excluded from court proceedings, and witnesses may be heard under special arrangements for their protection.

The law requires legal aid in serious criminal cases, although 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 cases are entitled to legal representation of their choice. Legal representation was unavailable to defendants without the means to pay. Nongovernmental organizations (NGOs) represented some indigent defendants in large cities, such as Dar es Salaam and Arusha. For example, the Tanganyika Law Society provides free legal services upon request because its lawyers are encouraged to take at least one pro bono case per year. The Legal and Human

Rights Centre and Tanzania Human Rights Defense Coalition also have had legal defense mechanisms for human rights defenders.

In Zanzibar the government sometimes provided public defenders in manslaughter cases. 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 cases where lawyers attempting to represent clients in sensitive cases were reportedly themselves threatened with arrest.

Authorities did not always allow detainees sufficient time to prepare their defense, and access to adequate facilities was limited. Defendants have the right to free interpretation as necessary from the moment they are charged through all appeals. Defendants or their lawyers have the right to confront prosecution witnesses and the right to present evidence and witnesses on the defendant's behalf. Prosecutors, however, have no disclosure obligations in criminal cases, and often the defense does not know what evidence the prosecutor will rely upon when the trial begins. 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 matters of divorce and inheritance), could appeal decisions to the respective mainland and Zanzibari high courts. All defendants can appeal decisions to the union Court of Appeal.

Judicial experts criticized the practice of police acting as prosecutors because of the risk police might manipulate evidence in criminal cases. The mainland Ministry of Constitutional and Legal Affairs continued hiring and training state prosecutors to handle the entire mainland caseload, although staffing shortages continued.

Political Prisoners and Detainees

There were reports of political detainees. Several opposition politicians and individuals critical of the government were arrested or detained during the year. These individuals were usually charged with sedition, incitement, or unlawful assembly. There was an unknown number of political prisoners, but according to opposition leaders and NGOs, there were at least 300 opposition activists and supporters who were detained or abducted on the mainland and about 150 in Zanzibar prior to and after the elections. The persons were given the same

protections as other detainees, although the government often threatened to charge opposition leaders with nonbailable offenses.

For example, following the October 28 general election, members of the opposition parties, including some opposition leaders, were arrested. While some were subsequently released, there were still opposition party members in detention on November 6. There were also supporters of the opposition who were arrested, brought to prisons outside of Dar es Salaam, and who were still being held without bail.

For example, two opposition members of parliament (MPs), Freeman Mbowe and Esther Matiko of the opposition Party of Democracy and Development (CHADEMA), served four months in jail after the court revoked their bail in 2018. The High Court of Dar es Salaam upon appeal, however, ruled the bail revocation was invalid, and they were released in March 2019. Mbowe and Matiko were part of a group of nine CHADEMA members who were charged in 2018 with 11 crimes, including conspiracy, sedition, and inciting the commission of offenses. In March all nine CHADEMA leaders were found guilty of sedition and fined TZS 350 million (\$150,000) or a five-month jail term. CHADEMA supporters fundraised and paid the fines of all the leaders.

On November 1, three CHADEMA leaders were arrested for planning postelection protests in Dar es Salaam. The three leaders were Freeman Mbowe, CHADEMA's national chairman, Godbless Lema, former Arusha urban MP, and Boniface Jacob, former mayor of Ubungu. On November 3, Zitto Kabwe, party leader of ACT-Wazalendo was also arrested briefly on the same charges as the three CHADEMA leaders. On November 3, all four opposition leaders were released on bail without any charges.

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. In December 2019 the government withdrew the right of individuals and NGOs to file cases directly against it at the Arusha-based African Court on Human and Peoples' Rights. This meant that individuals and organizations with observer status were no longer able to bring complaints to the African Court on Human and Peoples' Rights.

The East African Court of Justice (EACJ) has been a preferred route to bring human rights cases because it admits cases and eases the burden on local courts. For example the case concerning the 2017 government-led evictions of villagers in Loliondo was brought before the EACJ in September 2018; the EACJ ruled in the villagers' favor. The implementation of this ruling, however, has yet to take place. According to a witness, individuals were beaten daily when they brought their cattle through the buffer zone to reach grazing lands.

Civil society organizations (CSOs) and politicians relied on the courts for challenges to government decisions. For example, in May 2019 the High Court of Dar es Salaam annulled the constitutional provision that empowered presidential appointees to supervise elections. This was significant because 80 percent of the supervising officials belonged to the ruling party. At first, this indicated the court provided an avenue to contest the ruling party, but the outcome of the decision was not upheld. In addition, in October 2019 the Court of Appeal, the country's highest court, overturned the earlier High Court decision.

On June 10, parliament passed amendments to the Basic Rights and Duties Enforcement Act to restrict public interest lawsuits by limiting the ability of groups to challenge a law or policy that allegedly violates the constitution's bill of rights. The restriction appeared to be aimed at stopping groups from filing purely public interest litigation without showing harm to an accuser. The amendment also provided broad immunity from civil and criminal cases to top government officials, including the president, vice president, prime minister, speaker, and chief justice.

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 owners of social online platform Jamii Forums faced a court case for allegedly preventing a police force investigation, in violation of the law. Police had no search warrant but still requested the IP addresses of the platform's users. The owners claimed that this request was a breach of privacy. In April the Dar es Salaam court sentenced the owners to pay a fine of three million TZS (\$1,300) or face one year in prison. The owners paid the fine and immediately filed a notice of intent to appeal the case.

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 these cases 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, but due to fear of surveillance, many civil society organizations and leaders were unwilling to speak freely over the telephone. In July former deputy minister of good governance Mary Mwanjelwa's telephone conversation with one of her supporters was recorded and leaked. However, it was not reported who recorded the conversation.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of speech but does not explicitly provide for freedom of the press. There were criminal penalties for libel, and authorities used these laws to stifle freedom of expression. Additionally, government attacks on human rights defenders and the arrest of opposition leaders calling for peaceful, democratic protests were restrictions on freedom of assembly and association. These rights have been further severely limited through a number of formal (legislative, regulatory) and informal (executive, government, and police statements) actions. These include the Written Laws (Miscellaneous Amendments) Act, No. 3 of 2020, which curtailed the ability of citizens to bring suit against government legislative or executive action unless an individual can prove the action has affected him or her personally, effectively outlawing public interest litigation.

Freedom of Speech: Public criticism of the government resulted in punitive action in some cases. Authorities used the Cybercrimes Act to bring criminal charges against individuals who criticized the government on a variety of electronic media.

On April 24, journalist Prince Bagenda was arrested for sedition for writing a book tentatively titled *Magufuli Personification of Power and the Rise of Authoritarianism*. He was detained for six days before being released on bail. His laptop was seized and not returned. He had to report to police headquarters every Monday as a condition of his bail.

On May 29, Zitto Kabwe, leader of the ACT-Wazalendo party, who has frequently been arrested for being critical of the government, was found guilty of sedition and incitement for having made false statements that 100 persons were killed in his home region in 2018 during clashes between herders and police forces. He was released without sentencing under the condition that he not say or write anything potentially seditious for one year.

On July 14, the Registrar of Societies under the Ministry of Home Affairs instructed all societies--specifically religious institutions--to stop engaging in politics, and threatened legal action and deregistration if they did not comply. Minister of Home Affairs Simbachawene also warned that he would not hesitate to deregister religious organizations. At the time, some pointed to this as a way to prevent religious institutions from participating in election observation. However, none of the religious institutions was accredited as observers anyway (see also section 3, Elections and Political Participation). Many religious institutions have viewed election observation as a longtime priority (see also section 1.b., Disappearance).

Freedom of Press and Media, Including Online Media: Independent media on the mainland were active and generally expressed varying views, although media outlets often practiced self-censorship to avoid conflict with the government. The government often utilized COVID-19 as a means to restrict freedom of speech and freedom of expression.

Registering or licensing new print and broadcast media outlets was difficult. Newspaper registration was at the discretion of the registrar of newspapers at the information ministries on both the mainland and Zanzibar. Acquiring a broadcasting license from the Tanzania Communications Regulatory Authority (TCRA) took an estimated six months to one year, and the TCRA restricted the area of broadcast coverage. The TCRA imposes registration and annual fees for commercial and community radio stations which disadvantage the creation and operation of small community radio stations.

On April 13, the TCRA suspended the newspaper *Mwananchi*'s online license for six months and fined it five million TZS (\$2,100) for allegedly violating the Electronic and Postal (Online Content) Regulations of 2018 by publishing false and misleading news. The newspaper had published a video of President Magufuli buying fish at a market, apparently not complying with social distancing and COVID-19 regulations.

On June 23, the Information Services Department, which registers print media, announced it would revoke the Swahili newspaper *Tanzania Daima*'s distribution and publication license as of June 24. The government alleged *Tanzania Daima* had violated journalistic ethics and laws, including spreading false information. *Tanzania Daima* is associated with the opposition politician Freeman Mbowe. The newspaper had just published a front-page article concerning a local bishop who called for peaceful protests to demand an independent electoral commission.

On August 6, the TCRA summoned Mwanza-based Radio Free Africa and demanded an explanation of why Radio Free Africa ran a BBC-produced interview with opposition party CHADEMA presidential candidate Tundu Lissu on July 29 without pursuing the government's position on some of Lissu's criticisms. Just days later, new rules were issued that required TCRA approval of all local radio and television outlet agreements with domestic and foreign content providers and required TCRA presence at meetings between foreign and domestic media representatives. Local television and radio outlets with existing agreements with foreign content providers were given seven days to comply.

All broadcast stations are required to receive approval from the Tanzania Film Board for locally produced content, including music videos, films, cartoons, and other video content. In June the government passed an amendment to the Films and Stage Plays Act (Amendment 3), providing the Tanzania Film Board with the authority to regulate, monitor and determine if foreign and local motion pictures, television shows, radio shows, and stage performances are approved for exhibition.

The government of Zanzibar controlled content on the radio and television stations it owned. There were government restrictions on broadcasting in tribal languages, and broadcasts in Kiswahili or English were officially preferred. The nine private radio stations on Zanzibar operated independently, often reading the content of national dailies, including articles critical of the Zanzibari government.

Violence and Harassment: Authorities attacked, harassed, and intimidated journalists during the year. Journalists and media outlets frequently self-censored to avoid government retribution.

On July 2, the TCRA Content Committee suspended Maria Sarungi's Kwanza Online TV platform for 11 months for allegedly generating and disseminating biased, misleading, and disruptive content after reporting on a health alert by an embassy. According to TCRA Content Committee Vice-Chairperson Joseph Mapunda, Kwanza Online TV's Instagram page posted COVID-19 stories that

contradicted the government's official reporting. Kwanza Online TV submitted a response on July 3 to the Ethics Committee arguing that it is the duty of the government to respond to anything misleading that could be in the embassy's alert. On July 9, Kwanza Online TV announced its intention to appeal the suspension.

Censorship or Content Restrictions: The law authorizes police to raid and seize materials from newspaper offices and authorizes the minister of information to “prohibit or otherwise sanction the publication of any content that jeopardizes national security or public safety.”

According to Reporters without Borders, after President Magufuli came to office in 2015 the laws regulating media tightened and there have been cases of newspapers and radio stations being suspended for “incitement.” The TCRA publicized a mobile number and email address for the public to use for reporting all misleading information concerning COVID-19, and encouraged citizens to share screen shots of social media groups discussing the pandemic. While combatting the considerable amount of conspiracy theory and misinformation surrounding COVID-19 may have had good intentions, over time the TCRA used the Cyber Crimes Act to punish critics of the government's handling of COVID-19 and those sharing COVID-19 information contrary to the tightly controlled government information on COVID-19.

In August the government banned all local media outlets from broadcasting foreign content without official permission. The new regulation requires local media organizations to submit their agreements with foreign media outlets to the authority within seven days and prohibits meetings between local and international media representatives without government authorities present. These regulations had a chilling effect on local broadcasts, with Voice of America, BBC, and Deutsche Welle reporting that media outlets throughout the country quickly stopped airing their content, although most stations resumed broadcasting after a week. On August 14, the TCRA announced it was placing four local radio stations (Radio Free Africa, Radio One, Radio Abood, and CG FM Radio) under close monitoring for violating broadcasting regulations after airing the BBC interview with Lissu.

On August 27, the TCRA suspended Clouds TV and Radio operations for seven days for violating television broadcasting regulations when they reported election candidates' nominations that were uncontested and without certification from the National Electoral Commission (NEC). NEC Director for Elections Wilson Mahera warned media not to report unofficial election nomination results. On

September 11, the TCRA banned Watafi FM from broadcasting for 7 days for allegedly broadcasting abusive language.

Authorities require a permit for reporting on police or prison activities, both on the mainland and in Zanzibar, and journalists need special permission to cover meetings of the National Assembly or attend meetings in the Zanzibar House of Representatives. Anyone publishing information accusing a Zanzibari representative of involvement in illegal activities is liable to a monetary fine, three years' imprisonment, or both. The government may fine and suspend newspapers without warning.

There were examples of the government repressing information, extending to online newspapers and journals. Many government officials did not provide access to information for fear of sharing information that had not been approved by the National Bureau of Statistics. In June 2019 parliament lifted some restrictions on publishing statistical information and removed the threat of prison for civil society groups if they published independent statistical information. The law now allows individuals and organizations to conduct surveys and collect research data; however, Amnesty International stated that under the new law, authorities still maintain control over who is able to gather and publish information, as well as to determine what is factual. While the World Bank stated the amended law was in line with international norms, many observers continued to self-censor because of possible personal and professional repercussions, including the government's ability to use media services and cybercrime acts against individuals who publish or share data that does not align with the government's messaging.

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 law makes defamation a criminal act. Defamation is defined as any matter likely to injure the reputation of any person by exposing him to hatred, contempt, or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation.

In May authorities arrested and detained prominent comedian Idris Sultan for eight days before charging him on May 29 with "failure to register a SIM card previously owned by another person" and "failure to report change of ownership of a SIM card." Police claimed that Idris had used the internet to harass the president after Idris had posted a video of himself laughing at the president in an ill-fitting suit. Amnesty International called the charges "politically motivated" and stated the government was trying to criminalize humor.

On October 2, authorities suspended campaign operations of CHADEMA presidential candidate Tundu Lissu for ethics violations after he reportedly used “seditious language” towards President Magufuli after Lissu accused Magufuli of attempting to rig the October 28 elections.

Internet Freedom

The government restricted access to the internet and monitored websites and internet traffic. In July the TCRA introduced new categories for online content licenses for news, educational, religious, and entertainment content, which widely expanded the scope of required license holders. The new categories require applicants for online content services, such as bloggers and persons operating online forums, to obtain licenses specifying a category of license depending on the content being offered. In addition, all online content providers must pay application and licensing fees totaling more than two million TZS (\$870) in initial costs. Licenses are valid for three years, must be renewed annually for one million TZS (\$435), and can be renewed upon expiration. Prohibitive costs led some citizens to stop blogging or posting content on online forums, including international social media platforms.

Under the regulations, internet cafes must install surveillance cameras to monitor persons online. Online material deemed “offensive, morally improper” or that “causes annoyance” is prohibited, and those charged with violating the regulations face a substantial monetary fine or a minimum sentence of 12 months in prison. The law criminalizes the publication of false information, defined as “information, data or facts presented in a picture, texts, symbol, or any other form in a computer system where such information, data, or fact is false, deceptive, misleading, or inaccurate.” Individuals who made critical comments on electronic media about the government were charged under the law, even when remarks reflected opinions or were factually true.

On January 21, police in Dodoma arrested Mugaya Tungu, a second-year student at the University of Dodoma, for cybercrimes. He allegedly posted on social media a photo of a long line of students waiting for water at the university campus.

On April 11, police in Shinyanga arrested Mariam Jumanne Sanane for cybercrimes for allegedly posting false information regarding COVID-19 on social media. On April 14, another person was arrested in Kilimanjaro for alleged

cybercrimes after reporting on COVID-19 numbers. As of October, Sanane was awaiting trial.

In the days leading up to the October 28 elections, the internet slowed down and popular social media sites including Twitter, WhatsApp, Facebook, and YouTube were either blocked or rendered unusable, preventing the free flow of information. The TCRA also blocked bulk SMS messaging in the lead-up to the elections until November 11.

Academic Freedom and Cultural Events

In June 2019 parliament passed amendments to the law that previously had required individuals and organizations to obtain permission from the National Bureau of Statistics before conducting surveys, collecting research data, or publicizing results. The amendment removes the threat of prison for civil society groups if they publish independent statistical information. It also states persons have the right to collect and disseminate statistical information, and puts a system in place for persons who want to access or publish national data. (See also section 2.a., Freedom of Press and Media, Including Online Media.) Researchers were still required to obtain permission to conduct and publish research. There was a degree of self-censorship due to the government's lack of tolerance for criticism.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The government restricted freedom of peaceful assembly, including through bans decreed by authorities but not supported by law. For example, in June 2016 the government banned political parties from organizing political activities and rallies until the campaign schedule for the October 28 elections was announced in August. The government requires organizers of political rallies to obtain police permission. Any organizing of demonstrations or rallies online is prohibited. 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 limited the issuance of permits for public demonstrations and assemblies to opposition political parties, NGOs, and religious organizations. The only allowable political meetings are by MPs in their constituencies; outside participants, including party leaders, are not permitted to participate. The government restricted nonpolitical gatherings deemed critical of the government.

Prior to the beginning of the election season in August, the ruling Revolution Party (CCM) was the only party allowed to conduct public rallies on a regular basis. It used the umbrella of the implementing party manifesto to inform members when it was time to register to vote.

The opposition party rallies were not only shut down but police also used teargas to disperse CHADEMA gatherings on numerous occasions. For example, on September 28, police in the Mara region used teargas to disperse a crowd that had gathered to support CHADEMA presidential candidate Tundu Lissu as his motorcade passed by en route to an official campaign event.

On January 14, police briefly detained popular Zanzibar opposition leader Seif Sharif Hamad and questioned him concerning alleged illegal assembly in December 2019. He was later released.

On February 29 in Kilimanjaro, police arrested CHADEMA chairman Freeman Mbowe shortly after his political rally at Nkoromu Hai, for allegedly not obtaining a permit. He was later released.

On June 23 in Kilwa, police arrested ACT-Wazalendo party leader and MP Zitto Kabwe and five others for illegal assembly while they attended an internal party meeting. They were later transferred to Lindi and released on bail. At the end of the year, the case was ongoing.

On July 22, ACT-Wazalendo party representatives reported that police arrested 14 party members in Masasi, Mtwara, for attending an internal party meeting. The meeting was led by ACT Chair Seif Sharif Hamad, who departed the meeting before the arrests.

In the aftermath of the elections, the government arrested opposition leaders in both the mainland and on Zanzibar. On November 1 and 2, several opposition leaders and members were arrested after calling for peaceful democratic protests in opposition to the October 28 elections. Some of those arrested included CHADEMA chairman Freeman Mbowe, CHADEMA presidential candidate Tundu Lissu, ACT-Wazalendo leader Zitto Kabwe, along with other prominent opposition leaders and members throughout the country. The protests never manifested.

On Zanzibar several ACT-Wazalendo leaders, including Zanzibar presidential candidate Sharif Seif Hamad and Deputy Secretary General of Zanzibar Nassor

Mazrui were arrested after calling for peaceful protests. Some ACT-Wazalendo leaders were reportedly beaten by police after they were arrested. There were also reports of heavily armed security forces patrolling the streets to stop any protests. In Pemba, the smaller of the two main islands that make up Zanzibar, there were reports of a full security lockdown, with some reports of widespread violence, including gender-based violence. Pemba was also reportedly subject to a complete internet blackout while the lockdown was in place.

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.).

According to the Legal and Human Rights Center (LHRC) and the International Center for Not-for-Profit Law, the freedom of association for NGOs has been jeopardized by the law, which reduces the autonomy of NGOs and provides for excessive regulation of the NGO sector. The registrar stated that the process of deregistering underscored the need for NGOs to comply with the law and provide transparency and accountability in their activities. Under existing law, however, the registrar of NGOs is granted sweeping powers to suspend and deregister NGOs, leaving loopholes that could be used to obstruct political opposition and human rights NGOs.

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

In May the minister of home affairs stated that from July 2019 to March the Registrar of Societies received 248 registration applications, 156 from religious institutions and 92 from CSOs. The registrar registered 71 applications, three were disqualified as they did not meet the registration criteria, and 174 were still working on their applications. 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.

In September an official from the Zanzibar office of the Tanzania Media Women Association said registering NGOs was still a problem in Zanzibar. This official also said authorities continued to interfere with the affairs of NGOs. NGOs were forced to change wording in their constitutions to get registered, and some NGOs were blacklisted, deregistered, or had their operations withheld.

During the year the NGO registrar sought to deregister at least 250 NGOs. In August the government froze the bank accounts of the Tanzanian Human Rights Defenders Coalition and arrested its director, Onesmo Olengurumwa, and has actively sought to suspend or prevent the functioning of several others--including the NGO Inclusive Development for Change, and on Zanzibar, the Centre for Strategic Litigation (see also section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity).

c. Freedom of Religion

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

d. Freedom of Movement

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

In-country Movement: Refugees are confined to camps. The government limited refugee movement and enforced its encampment policy more strictly during the year, including the arrest of refugees caught moving outside the camps without official permission. With permits more difficult to obtain and livelihood opportunities inside the camps heavily constrained, refugees who left the camps in search of work were apprehended by police and arrested. Usually these persons were prosecuted and sentenced in local courts to six months' detention or payment of a fine.

Foreign Travel: During the election, several opposition political leaders were blocked from leaving the country. Immigration officers blocked Godbless Lema (the former CHADEMA MP from Arusha) from leaving the country, alleging that he had committed economic crimes and that he lacked proper travel

documentation. He later escaped using informal routes to Kenya and was granted political asylum in Canada. Another CHADEMA leader, Lazaro Nyalandu, was also blocked from crossing into Kenya at the Namanga border. Opposition presidential candidate Tindu Lissu, due to fear for his life and of being arrested, sought refuge in the German embassy and later moved to Belgium. Some opposition leaders were unable to travel out of the country without permission from police, due to ongoing investigations against them.

e. Status and Treatment of Internally Displaced Persons

There were no reports of large numbers of internally displaced persons.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) regarding treatment of internally displaced persons, refugees, asylum seekers, and stateless persons along the western border. The government did not grant UNHCR access to the southern border to assess the status of refugees entering from Mozambique.

Despite government assurances that its borders remained open to refugees, authorities closed the borders to new refugee arrivals from the Democratic Republic of the Congo and Burundi. In 2018 the government withdrew from the UN's Comprehensive Refugee Response Framework, announced it would no longer provide citizenship to Burundian refugees, and stated it would encourage refugees to return home. At that time the government assured UNHCR it would respect the choice of refugees on whether to return to their country of origin. While nearly 88,000 Burundian refugees have been repatriated since September 2017, there were numerous accounts of refugees facing intimidation or pressure by Tanzanian authorities to return home. UNHCR was concerned about validating the voluntariness of the returns. Some refugees who were pressured into returning to Burundi became refugees in other countries or returned to Tanzania. In November, Human Rights Watch released a report documenting at least 18 cases between October 2019 and August of Burundian refugees being forcibly disappeared, abused, and arbitrarily detained by police and intelligence services. Victims reported to Human Rights Watch that authorities detained them in rooms with no electricity or windows, hung them from the ceilings by their handcuffs, gave them electric shocks, rubbed their faces and genitals with chili, and beat and whipped them.

The government suspended livelihood options for refugees by closing businesses operating inside the camps and common markets outside the camps where refugees and the surrounding communities could exchange goods. According to NGOs working in the camps, there was an increase in gender-based violence and other problems due to the loss of livelihoods.

There were reports of refugees found outside the camps being detained, beaten, abused, raped, or killed by officials or citizens.

Sex- and gender-based violence against refugees continued, including allegations against officials who worked in or around refugee camps. UNHCR worked with local authorities and residents in the three refugee camps to strengthen coordination and address violence, including sexual violence, against vulnerable persons. The public prosecutor investigated, prosecuted, and punished perpetrators of abuses in the camp, while international NGOs provided assistance to the legal team when requested by a survivor. Local authorities and the public prosecutor handled most cases of refugee victims of crime and abuse outside the camp. Residents of the refugee camps suffered delays and limited access to courts, common problems also faced by citizens.

Refoulement: The government closed the last of the country's official refugee reception centers in 2018, and during the year there were credible reports of push backs at the border as well as instances of obstructions to access for Congolese and Burundian asylum seekers following requests for international protection. In addition, the Burundian refugees who had been assisted by UNHCR during the year to return voluntarily to Burundi, but were forced to flee again and seek asylum for a second time, were unable to register with authorities. This prevented them from being able to access humanitarian assistance or basic services.

There were reports of refugees from Mozambique seeking asylum who were returned without access to UNHCR assessments of the voluntariness of the returns.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has an established system for providing protection to refugees. The National Eligibility Committee is required to meet regularly and make determinations on asylum applications. In December the committee conducted interviews in Dar es Salaam with asylum seekers for the first time since 2018. The rejection rate was 80 percent, but some families were recognized as refugees. The last session of the committee was held in the camps in 2018, at which point the rejection rate was 100 percent.

Despite the government's strict encampment policy, authorities continued to permit a small population of asylum seekers and refugees to reside in Dar es Salaam. This group consisted principally of persons in need of international protection arriving from countries that are not contiguous, as well as individuals with specific reasons for being unable to stay in the refugee camps in the western part of the country. While access to formal employment opportunities remained limited for urban refugees, they did enjoy access to government health services and schools. UNHCR intervened in cases of irregular migrants in need of international protection following their arrest by authorities in Dar es Salaam or other urban centers to ensure that the migrants had access to national asylum procedures and were protected from forced return to their country of origin.

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

Freedom of Movement: Refugees apprehended more than 2.5 miles outside their camps without permits are subject by law to sentences ranging from a fine up to a three-year prison sentence. Policy restrictions limiting refugee freedom of movement and access to livelihoods left the refugee population almost totally dependent on humanitarian assistance and vulnerable to a range of protection risks, including sexual and gender-based violence. Interpartner violence continued to be reported as the leading category of sexual and gender-based violence, accounting for approximately 75 percent of incidents. Observers attributed this level of violence to the difficult living conditions in refugee camps, split-family decisions resulting from government pressure to return to their countries of origin; substance abuse; closure of larger markets, which undermined women's self-reliance; and restrictions on freedom of movement, which placed women and girls in a precarious situation when they left the camps to collect firewood and seek foods to diversify their family's diet.

Employment: Even when refugees have official status, they generally are not able to work, especially in view of the country's strict encampment policies.

Durable Solutions: During the year the government focused on repatriation and did not support local integration as a durable solution. The government maintained

pressure on Burundian refugees to return to Burundi, promoting repatriation as the only durable solution for Burundian refugees. UNHCR continued to assist voluntary returns under the framework of a tripartite agreement between the governments of Burundi and Tanzania and UNHCR, stressing that conditions inside Burundi were not yet conducive for large-scale returns because many Burundian refugees remained in need of international protection. Nonetheless, the government increased pressure on Burundian refugees to sign up for returns. The government implemented measures to make life more difficult for refugees, including closing the shared refugee and host community markets in February and restricting camp exit permits.

According to the Ministry of Home Affairs, from July 2018 to March 2019 a total of 662 Burundian refugees repatriated voluntarily. According to UNHCR, nearly 88,000 Burundian refugees have returned to Burundi with assistance since 2017. The government granted 162,000 former Burundian refugees citizenship in 2014-15. During 2019, 1,350 refugees from the Democratic Republic of the Congo and 82 from other countries were resettled in other countries.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but it allows parliament to restrict this right if a citizen is mentally infirm, convicted of certain criminal offenses, or omits or fails to prove or produce evidence of age, citizenship, or registration as a voter. Citizens residing outside the country are not allowed to vote. The NEC is responsible for mainland and union electoral affairs, while the Zanzibar Electoral Commission manages elections in Zanzibar.

Elections and Political Participation

Recent Elections: The country held its most recent multiparty general election on October 28. 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.

International and local observers noted that the October 28 elections were marred with numerous credible reports of irregularities, along with internet and social

media outages. There were reports of the NEC denying registrations for opposition candidates, who were also frequently harassed and even arrested. The CCM benefitted from superior financial and institutional resources. This was the first election where the Zanzibar Electoral Commission allowed two days of voting. The first day was reserved for government security forces, who reportedly needed to vote on October 27 in order to stand duty on October 28. The mainland did not enact a similar policy, and voting there took place only on October 28.

In the lead-up to the national elections, the NEC was selective regarding approving credentials for organizations to provide election observers and voter education programs. Many asserted this represented a politicization of the accreditation process, whereby the government used the process to deny credentials to legitimate, experienced, and resourced domestic observer groups while approving observers without the resources, capacity, or reach to monitor the election effectively. Some organizations who were denied credentials appealed the decision to the commission, but ultimately were not accredited.

On August 25, the nomination day for candidates, 1,000 opposition candidates for parliament and councilor seats were disqualified. Many of the candidates appealed this ruling to the NEC, resulting in the reinstatement of 67 opposition candidates for parliament and 236 opposition candidates for ward council seats. Despite these reinstatements, 28 ruling party parliamentary candidates ran for their seats unopposed (equivalent to 10 percent of all constituencies), and 870 councilor seats were won unopposed (21.9 percent of ward seats).

On October 28, the country held its sixth multiparty general election, resulting in the reelection of the union president, John Magufuli, with 85 percent of the vote, and the election of Dr. Hussein Mwinyi, with 76 percent of the vote, for his first term as president of Zanzibar. International and local election observers and civil society noted widespread election irregularities in the pre-election period, on election day, and in the postelection period which affected the credibility of the electoral process. In the lead-up to the election, opposition candidates were routinely disqualified, harassed, and arrested. There were reports of significant and widespread voting irregularities, internet disruptions, intimidation of journalists, arrests, and violence by security forces both on the mainland and on Zanzibar resulting in an election that was neither free nor fair.

Local elections in November 2019 were widely criticized for a lack of fairness and credibility after thousands of opposition party candidates were disqualified from running. With most domestic observer groups banned from monitoring, and a

widespread opposition boycott, the ruling party CCM claimed to have won 99.7 percent of the contests, ensuring nearly complete control at the local level.

In June 2019 the speaker of parliament removed opposition CHADEMA MP Tundu Lissu for absenteeism and failing to submit required disclosure statements in a timely manner. Lissu survived an attempt to kill him in 2017 and was abroad until July for medical care. The court dismissed Lissu's challenge to his removal, and a CCM member was sworn in on September 3, 2019, to represent Lissu's constituency. In August, Lissu became CHADEMA's candidate for president.

In October 2019 the Court of Appeal overturned a May 2019 decision by the High Court of Dar es Salaam to prohibit district executive directors from supervising elections on the grounds that their supervision violates a constitutional ban on political parties from running elections. District executive directors are presidentially appointed to act as the secretary of district councils, and many are active members of the ruling CCM party.

Political Parties and Political Participation: The constitution establishes the country as a multiparty democracy and requires that persons running for office represent a registered political party. The law prohibits unregistered parties. There are 19 political parties with full registration and three with provisional registration. In the October election, 17 parties participated. To secure full registration, parties must submit lists of at least 200 members in 10 of the country's 31 regions, including two of the five regions of Zanzibar.

The registrar of political parties has sole authority to approve registration of any political party and is responsible for enforcing regulations. In February 2019 an amendment of the Political Parties Act expanded the registrar's powers, a move opposition MPs asserted would cement one-party rule. Under the amended act, the registrar may prohibit any individual from engaging in political activities and request any information from a political party, including minutes and attendee lists from party meetings. During the year, the political opposition faced difficulty forming a coalition due in part to the Political Parties Act requirement that all minutes, areas of agreement, and strategic plans be shared with the registrar of political parties.

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

MPs were sanctioned for criticizing the government, including in speeches on the floor of parliament.

The law provides for a “gratuity” payment of 235 million TZS to 280 million TZS (\$102,000 to \$121,000) to MPs completing a five-year term. Incumbents can use these funds in re-election campaigns. Several NGOs and opposition parties criticized this provision as impeding opposition parliamentary candidates from mounting effective challenges.

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

The NEC updated the voter register in preparation for the October general elections. The law requires that voter registration drives be carried out twice every five years. The law, however, restricted political parties’ ability to offer civic education and outreach on voter registration and voting rights, as they had done in the past. With the mandate for providing voter education falling on NEC’s limited budget, combined with a rejection of foreign assistance, NEC issued accreditation for civic education to only 24 small and inexperienced CSOs. Since none of the accredited CSOs had the financial or technical capacity to carry out effective national voter education campaigns, few actual voter education messages reached citizens--especially during the voter registration period. In addition the NEC scheduled only seven days for registration in each region, a time frame stakeholders asserted was inadequate. Opposition parties asserted that widespread disenfranchisement resulted from a flawed voter registration process, especially on Zanzibar, where new Zanzibar identification requirements inserted political actors into the process and purportedly resulted in the disenfranchisement of as many as 80,000 voters on the island of Pemba.

There was political violence directed at opposition party members. On September 18, Deo Masha, campaign manager of the opposition National Convention for Construction and Reform (NCCR) party, was wounded by knife-wielding assailants in Moshi. Other NCCR supporters were reportedly assaulted in Vunjo, the home constituency of James Mbatia, NCCR national chairman and MP candidate. One assault victim claimed that the perpetrators of this attack wanted her to pledge allegiance to the ruling party CCM but she refused.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. Some observers believed cultural and financial constraints

limited women's participation in politics. There were special women's seats in both parliament and the Zanzibar House of Representatives. Two women, Queen Sendinga of the Alliance for Democratic Change and Cecelia Mwangi of Demokrasia Makini, ran for president in October. There were also female running mates in five of the parties fielding presidential candidates. There were 21 women who won MP constituency seats on the mainland, including 19 from CCM. There were 94 CCM women who filled special seats. There are 20-22 seats that can be filled by CHADEMA.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. There were numerous reports of government corruption during the year. Officials sometimes engaged in corrupt practices with impunity. 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. Critics and observers claimed that President Magufuli used the anticorruption platform to go after those who opposed him.

Corruption: While efforts were being made to rein in corruption, it remained pervasive. The Prevention and Combating of Corruption Bureau (PCCB) reported that most corruption investigations concerned government involvement in mining, land, energy, and investments.

NGOs reported allegations of corruption involving the Tanzania Revenue Authority, local government officials, police, licensing authorities, hospital workers, and media.

On July 19, the PCCB director general, Brigadier General Mbungu, vowed to take legal action against political aspirants seeking financial support from businesses.

On August 13, the PCCB stated that it would allow the ruling CCM party to deal with corruption charges internally. Some civil society actors claimed that the PCCB acted as a political tool, seeking to leverage its role to harass and frustrate opposition political aspirants.

Corruption featured in newspaper articles, civil complaints, and reports of police corruption from the PCCB and from the Ministry of Home Affairs. In January the Minister of Home Affairs, Kangi Lugola, and the Fire and Rescue Brigade Commissioner General, Thobias Andengenyne, were both fired for allegedly

procuring fire and rescue equipment without authorization from the Ministry of Finance and Planning or approval from parliament. No legal action was taken against them.

The PCCB's mandate excludes Zanzibar. In July 2019 the Zanzibar Anticorruption and Economic Crime Authority reported it had reduced corruption, citing one conviction and a pending investigation into corruption cases at the Ministry of Finance. As of September the Zanzibar Anticorruption Authority had filed 23 cases during the year at the High Court, among which seven cases garnered convictions. There were also approximately 100 pending files at the office of the director of public prosecution.

Financial Disclosure: Government ministers and MPs, as well as certain other public servants, are required to disclose their assets upon assuming office, annually at year's end, and upon leaving office. The Ethics Secretariat distributes forms each October for collection in December. As of 2017, 98 percent of government leaders had submitted their forms to the secretariat (16,064 out of 16,339). When Tundu Lissu, former CHADEMA MP, was removed from his seat in June 2019, one of the reasons cited was that he did not file financial disclosure forms.

The president submitted his forms and urged other leaders to do the same. Although penalties exist for noncompliance, there was no enforcement mechanism or sufficient means to determine the accuracy of such disclosures. Information on compliance was considered sensitive and available only on request to the commissioner of the secretariat. Secretariat officials reportedly asked the individuals who failed to meet the deadline to show cause for the delay. Any declaration submitted or filed after the deadline must also explain the failure to observe the law. Asset disclosures are not public.

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

A variety of domestic and international human rights groups have generally operated without government restriction, investigating and publishing their findings on human rights cases. The overall climate for NGOs, however, has shifted in the last few years. Some international organizations have had delays in receiving work and residency permits. Some human rights NGOs complained of a negative government reaction when they challenged government practice or policy.

Many NGOs are concerned the government is using the NGO registration law passed in June 2019 to deregister NGOs that focus on human rights. In August 2019 the registrar of NGOs deregistered 158 NGOs for “unaccepted” behavior, alleging they were used for profit sharing and benefiting their members, which is outside the permitted NGO activities. In August the government froze the bank accounts of the Tanzanian Human Rights Defenders Coalition (THRDC) and arrested its director, Onesmo Olengurumwa. He was later released on bail. At the end of the year, the investigation of his case was ongoing. In the past, THRDC funded and trained many of the election-observer NGOs. The government actions against them created a void in the lead up to the elections, as many of the NGOs that were accredited did not have the needed expertise and guidance that THRDC usually provided.

In May 2019 the registrar of societies in the Ministry of Home Affairs issued a public notice requesting that all religious institutions and community-based organizations registered with the ministry verify their registration status, including all the required documentation. The countrywide process began with Dar es Salaam and the coastal regions in May and continued at year’s end. There are concerns about how the government can use this process to deregister organizations that make any statements related to human rights.

The United Nations or Other International Bodies: The government generally cooperated with visits from UN representatives, such as special rapporteurs, as well as those from UN specialized agencies such as the International Labor Organization or other international organizations (but not including NGOs) that monitor human rights.

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 CHRAGG operated on both the mainland and Zanzibar, but low funding levels and lack of leadership 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, violations, and other public complaints. It also has authority to issue interim orders preventing actions in order to preserve the status quo, pending an investigation. The CHRAGG also issued statements and conducted public awareness campaigns on several topics. These included the need for regional and district commissioners to follow proper procedures when exercising their powers of arrest, the need for

railway and road authorities to follow laws and regulations when evicting citizens from their residences, and a call for security organs to investigate allegations of disappearances or abductions, including of journalists, political leaders, and artists.

In September 2019 President Magufuli appointed a CHRAGG chairman and five commissioners. Activists expressed concern that the CHRAGG was not acting independently nor holding the government accountable for human rights abuses.

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

Women

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

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

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 defendants who appeared in court were set free because of corruption in the judicial system, lack of evidence, poor investigations, and poor evidence preservation.

There were some government efforts to combat violence against women. Police maintained gender and children desks in regions throughout the country to support victims and address relevant crimes. According to a Ministry of Health, Gender, Elderly, and Children budget speech, police gender desks increased from 417 to 427 in the fiscal year ending June 30. In Zanzibar, at One Stop Centers in both Unguja and Pemba, victims could receive health services, counseling, legal assistance, and a referral to police. The LHRC released a statement that condemned an increase in gender-based violence within the community during COVID-19 restrictions.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C from being performed on girls younger than age 18, but it does not provide for protection to women ages 18 or older.

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. In 2019 the Ministry of Health reported that approximately 10 percent of women had undergone FGM/C. The areas with the highest rates of FGM/C were Manyara (58 percent), Dodoma (47 percent), Arusha (41 percent), Mara (32 percent), and Singida (31 percent).

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

The LHRC released a report in 2018 stating female students were frequently sexually harassed in higher-learning institutions, a point reiterated by a professor at the University of Dar es Salaam in a 2019 tweet calling on President Magufuli to intervene because there were so many incidents of harassment on campus. In July police arrested an assistant lecturer from the University of Dodoma, Jacob Paul Nyangusi, for alleged sexual harassment of female students. He was released on bail and at the end of the year the case was ongoing. Another lecturer from the National Institute of Transport was sentenced for sexual assault. He paid a fine of five million TZS (\$2,160).

On May 22, two special-seat female MPs from CHADEMA, Joyce Sokombi and Suzan Macele, held a press conference where they alleged that male CHADEMA leaders had sexually abused women during the nomination process. They did not disclose who had sexually abused women. The two MPs defected and joined the CCM. They did not file a police report. On May 23, Deputy Secretary of CHADEMA Benson Kigaila held a press conference where he denied all allegations. He added that the two women were CHADEMA MPs for five years

and they had never complained. He claimed that when the two women lost in the intraparty nomination process, they decided to defect to the CCM, implying that was the impetus for their allegations.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides the same legal status and rights for women and men, including in employment, housing, education, and health care; however, the law also recognizes customary practices that often favored men.

While women faced discriminatory treatment in marriage, divorce, inheritance, and nationality, overt discrimination in education, credit, business ownership, and housing was uncommon. There are no legal restrictions on women's employment in the same occupations, tasks, and working hours as men. Nevertheless, women, especially in rural areas, faced significant disadvantages due to cultural, historical, and educational factors.

Children

Birth Registration: Citizenship is derived by birth within the country or abroad if at least one parent is a citizen. Registration within three months of birth is free; parents who wait until later must pay a fee. Public services were not withheld from unregistered children. The Registration, Insolvency and Trusteeship Agency, in collaboration with the Tigo telecommunication company, facilitated birth registrations of more than 3.5 million children younger than age five over the last six years in 13 regions. The program is ongoing. As of August 12, they had registered 4.3 million children younger than age five in 16 regions. In Tanga and Kilimanjaro, Tigo provided 1,350 free smart phones to facilitate the registration process.

Education: According to law, primary education is compulsory and universal on both the mainland and Zanzibar until age 13. Secondary school is tuition-free in Zanzibar but is not compulsory. The ruling CCM party manifesto includes a policy to provide fee-free education for primary and secondary students. Parents must still provide food, uniforms, and transportation.

Girls represented approximately one-half of all children enrolled in primary school but were absent more often than boys due to household duties and lack of sanitary facilities. At the secondary level, child, early, and forced marriage and pregnancy

often caused girls to be expelled or otherwise prevented girls from finishing school.

Under the Education and Training Policy launched by the government in 2015, pregnant girls may be reinstated in schools. In 2017, however, President Magufuli declared that girls would not be allowed to return to school after giving birth. Human rights NGOs criticized the policy as contrary to the country's constitution and laws. This policy led to girls being excluded from educational opportunities, while the fathers of the babies were often their teachers or other older men who frequently did not suffer any consequences.

Child Abuse: Violence against and abuse of children were major problems. Corporal punishment was employed in schools and the law allows head teachers to cane students. The National Violence against Children Survey, conducted in 2009 (the most recent data available), found almost 75 percent of children experienced physical violence prior to age 18.

On August 17, police in the coast region arrested a primary school teacher, Evata Mboya, for allegedly caning a 12-year-old fifth-grade student. The student, who was being punished for making noise in the classroom, was admitted to Mloganzila hospital in Dar es Salaam with severe head injuries.

Child, Early, and Forced Marriage: The law sets the legal age for marriage at 18. The law makes it illegal to marry a primary or secondary school student. To circumvent these laws, individuals reportedly bribed police or paid a bride price to the family of the girl to avoid prosecution. According to Human Rights Watch, girls as young as age seven were married. Zanzibar has its own law on marriage, but it does not specifically address child, early, and forced marriage. The government provided secondary school-level education campaigns on gender-based violence, which included information on child, early, and forced marriage.

In October 2019 the Court of Appeal rejected a government appeal to retain provisions in the law, which would permit girls as young as 14 to marry with parental consent, ruling that the act was unconstitutional and discriminatory towards girls. The government was supposed to remove the parental consent exceptions provision for marriage before the age of 18, but had not amended the law yet.

Sexual Exploitation of Children: The law criminalizes child sex trafficking and child pornography. Those convicted of facilitating child pornography are subject

to fines ranging from nominal to substantial, a prison term between one and 20 years, or both. Those convicted of child sex trafficking are subject to fines ranging from nominal to substantial, a prison term of 10 to 20 years, or both. There were three prosecutions based on this law in 2019.

The law provides that sexual intercourse with a child younger than 18 is rape unless within a legal marriage. The law was not always enforced because cases were not always reported or because girls, facing pressure, dropped charges. For example there were accounts of statutory rapes of girls that went unreported in Zanzibar.

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. The ministry reported 6,132 children were living in hazardous conditions during the year. 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. According to the Ministry of Health, Community Development, Gender, Elders, and Children, from July 2019 to March, 15,680 displaced children received necessities including food, clothing, education, and health services from a combination of government and private organizations.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.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 <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but the government did not effectively enforce these provisions.

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

There were six members of the union parliament with disabilities. Persons with disabilities held three appointed seats in the Zanzibar House of Representatives. The Prime Minister's Office includes a ministerial position responsible for disabilities. The country defines persons with albinism as disabled and appointed a person with albinism as its ambassador to Germany in 2017.

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

According to the Annual Education Survey of 2018/19, the government expanded school infrastructure for children with disabilities as part of its National Strategy for Inclusive Education 2018-21. In 2018-19, there were 49,655 children with disabilities enrolled in primary schools and 10,749 enrolled in secondary schools. There were 2,485 primary schools identified as inclusive. The government procured equipment such as braille machines, magnifiers, large print books, audiometers, and specialized furniture. More than 340,000 learners with special needs remained out of school.

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

Consensual same-sex sexual conduct is criminalized. The law on both the mainland and Zanzibar punishes "gross indecency" by up to five years in prison or a fine. The law punishes any person convicted of having "carnal knowledge of

another against the order of nature or permits a man to have carnal knowledge of him against the order of nature” with a prison sentence on the mainland of 30 years to life and in Zanzibar of imprisonment up to 14 years. In Zanzibar the law provides for imprisonment up to five years or a fine for “acts of lesbianism.” 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 lesbian, gay, bisexual, transgender, and intersex (LGBTI) based on their dress or manners.

During the year the government opposed 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. There were also reports of arrests and detentions to harass LGBTI activists. In March, seven men were arrested for same-sex sexual conduct and were purportedly subjected to forced anal exams. Their case was ongoing at year’s end.

LGBTI persons were 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 regarding HIV, housing, and employment. There were no known government efforts to combat such discrimination.

In 2017 authorities filed a case against two women in Mwanza who exchanged rings in an engagement ceremony that was recorded and posted on social media. The case was withdrawn without being heard in 2018 and then reopened as a new case in June 2019. It was ongoing as of December.

On June 16, in Zanzibar the registrar summoned Hamid Muhammad Ali, director of the AIDS Initiative Youth Empowerment and Development, an LGBTI rights group, to a meeting in which officials questioned him and informed him that his organization’s registration was being suspended for “promoting homosexuality.” The meeting was later broadcast on television. Four days later, police visited and searched his home and directed him to undergo an anal examination at a local hospital the following day. He said he went to the hospital and was asked to provide his fingerprints and a copy of his national ID card but was not forced to undergo the examination. On August 10, the minister for regional administration, local government, and special departments cancelled the group’s NGO license for going against the “religious and social values” of Zanzibar.

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 percent), with stigma particularly high in Dar es Salaam (50 percent). The report highlighted that most common forms of stigma and discrimination were verbal insults and exclusion from social, family, and religious activities. Results also showed that 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 confidentiality standards to protect persons with HIV/AIDS. Police abuses of HIV-positive persons, particularly in three key populations (sex workers, drug users, and LGBTI persons), were not uncommon and 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.

After a pause in services earlier in the year, in 2017 the government allowed community-based services for key populations to be reinstated following the release of revised guidelines, although the distribution of lubricants was banned, as were “drop-in centers” that provided services specifically tailored for these marginalized groups. NGOs and CSOs serving these key populations continued to face occasional backlash and harassment from authorities and were often “de-registered” after investigations into whether they promote homosexuality. There was continuing fear among these NGOs to operate freely and openly, as well as among LGBTI persons to seek health services, including HIV prevention and treatment.

Gender desks at police stations throughout the country were established to help address mistrust between members of key populations and police, however, their effectiveness varied widely.

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. According to the LHRC 2019 *Mid-Year Report*, 385 were killed in mob violence. In May in

the Rukwa region, a university student was killed by an angry mob after he stabbed his girlfriend. In July in Pwani, a domestic servant killed his boss's two children and wounded the mother. He was killed by persons who witnessed the incident.

Witchcraft-related killings continued to be a problem. According to the LHRC *Mid-Year Report in 2019*, there were 106 witchcraft-related killings from January to June 2019. Major victims or targets of such killings were often children or elderly women. The regions with the greatest number of killings were Mbeya, Iringa, Dar es Salaam, and Shinyanga.

In 2015 the government outlawed witchdoctors in an attempt to curtail killings of persons with albinism. Attacks on persons with albinism declined, and there were no reported cases of persons with albinism being killed or attacked. Persons with albinism remained at risk of violence, however, especially during election times, as some ritual practitioners sought albino body parts in the belief they could be used to bring power, wealth, and good fortune. Schools used as temporary shelters in some cases evolved into long-term accommodations, with many students with albinism afraid to return to their homes.

Farmers and pastoralists sometimes argued over traditional animal grazing areas, and violence occurred 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 by the Labor Court if it was obtained without government approval, or if the union is considered an organization whose remit is broader than 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, imprisonment, or both.

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 sectors defined as “essential” (water, sanitation, electricity, health services, health laboratory services, firefighting, air traffic control, civil aviation, telecommunications, and any transport services required for 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 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 were not sufficient to deter violations. Penalties were commensurate with penalties for similar violations. Disputes over antiunion discrimination must be referred to the Commission for Mediation and Arbitration, a governmental department affiliated with the Ministry of Labor. There was no public information available regarding cases of antiunion discrimination.

There were no reports of sector-wide strikes or any other major strikes.

In Zanzibar the law requires any union with 50 or more members to be registered, a threshold few companies could meet. The law sets literacy standards for trade union officers. The law provides the registrar considerable powers to restrict union registration by setting criteria for determining whether an organization's constitution protects 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 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 have the right to bargain collectively through the Trade Union of Government and Health Employees; however, members of the police force and prison service, and high-level public officials (for example, the head of an executive agency) are barred from joining a trade union. 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. Enforcement of labor law in Zanzibar is insufficient, especially on the island of Pemba.

The government did not effectively enforce the law protecting the right to collective bargaining. Penalties were commensurate with penalties for similar violations. On both the mainland and in Zanzibar, private-sector employers

adopted antiunion policies or tactics, although discriminatory activities by an employer against union members are illegal. The Trade Union Congress of Tanzania (TUCTA)'s 2018 annual report claimed that international mining interests bribed government officials to ignore workers' complaints and write false favorable reports on work conditions in mines. TUCTA also reported that employers discouraged workers from collective bargaining and retaliated against workers' rights activists via termination of employment and other measures.

TUCTA expressed concern over the proposal of a new formula for calculating pensions. Under the new formula, 25 percent of a pension would be issued as a lump sum while the remaining 75 percent would be paid in monthly installments. TUCTA called for the government to revert to the old formula, under which workers received a 50 percent lump sum payment upon retirement. By the end of December 2018, President Magufuli announced the new formula would not go into effect until 2023 to provide more time to reach consensus.

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. Penalties were not commensurate with penalties for similar violations. The government did not adequately enforce the law. Neither the government nor the International Labor Organization (ILO) provided 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.). In late 2018 the government drafted a national child labor strategy, addressing elimination of forced child labor, which has yet to be launched formally.

Prisoners perform unpaid and nonvoluntary labor on projects outside of the prison, such as road repair, agriculture, and government construction projects. The Ministry of Home Affairs reported that prisoners perform labor on a joint sugar plantation project, including planting 2,000 acres of sugar under an agreement between the National Social Security Fund and the Parastatal Pension Fund (PPF). The Moshi Prison Department, in collaboration with PPF, installed leather manufacturing equipment, and prisoners produce shoes and handbags. In Kigoma, the prisoners work on palm farms in palm oil production, in Dodoma and Singida they work on farms to produce corn and beans, and in Arusha, they work in meat production. The Minister of Home Affairs budget speech of 2020/21 included a statement about having prisoners produce their own food.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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 on the mainland for employment is 14; in Zanzibar the minimum age is 15. Neither the mainland nor Zanzibar's minimum age laws, however, extend to children in domestic work, leaving such children vulnerable to exploitation. Children older than 14 but younger than 18 may be employed only to do nonhazardous work that is not likely to be harmful to the child's health and development or attendance at school. The government published regulations to define hazardous work for children in several sectors, including in agriculture, fishery, mining, quarrying, construction, service, informal operations, and transport. The law limits working hours for children to six hours a day. Although legal penalties for violations of minimum age laws are likely sufficient to deter violations, there are few reported instances of law enforcement officials imposing penalties. Penalties were not commensurate with penalties for similar violations.

Both the mainland's and Zanzibar's labor inspectorates lacked human and financial resources to adequately enforce minimum age laws, and labor inspectors lacked authority to assess penalties for violations. Inadequate enforcement left children vulnerable to exploitation. In January the ILO worked with the Ministry of Labor to train approximately 70 labor inspectors on child labor in Iringa.

Mainland officials arrested but were not able to obtain convictions for traffickers of children working in mining and domestic service. 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 younger than 18. In 2018 the government developed a national strategy for elimination of child labor; however, the government has yet to launch the strategy, indicating a lack of political will to prioritize its implementation.

On the mainland children worked as domestic workers, street vendors, and shopkeepers as well as in agriculture, family-based businesses, fishing, construction, and artisanal mining of gold and tanzanite. According to Human Rights Watch, children as young as eight worked in mining. In Zanzibar children worked primarily in fishing, clove picking, domestic labor, small businesses, and gravel making. In Micheweni and Mwambe villages, for example, children engaged in stone crushing, exposing them to being hit by rock fragments. In fishing villages such as Matemwe, children's work at fish markets prevents them from attending school.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits workplace discrimination, directly or indirectly, against an employee based on skin color, nationality, tribe, place of origin, race, national extraction, social origin, political opinion, religion, sex, gender, pregnancy, marital status, family responsibility, disability, HIV/AIDS, age, or station in life. The law does not specifically prohibit discrimination based on sexual orientation 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. The government in general did not effectively enforce the law, and penalties were insufficient to deter violations. Penalties were commensurate with penalties for similar violations.

Women have the same status as men under labor law on the mainland. According to TUCTA, gender-based discrimination in terms of wages, promotions, and legal

protections in employment continued to occur in the private sector. It was difficult to prove and often went unpunished. While employers in the formal sector were more attentive to laws against discrimination, problems were particularly acute in the informal sector, in which women were disproportionately employed. Women often were employed for low pay and in hazardous jobs, and they reported high levels of bullying, threats, and sexual harassment. A 2015 study by the LHRC found that women faced particular discrimination in the mining, steel, and transport industries. The 2019 LHRC human rights and business report shows women still experienced discrimination.

Discrimination against migrant workers also occurred. They often faced difficulties in seeking documented employment outside of the informal sector. The law gives the labor commissioner authority to deny work permits if a citizen with the same skills is available. During the year foreign professionals, including senior management of international corporations, frequently faced difficulties obtaining or renewing work permits. Because refugees lived in camps and could not travel freely (see section 2.d.), few refugees worked in the formal sector.

The LHRC stated that persons with disabilities faced discrimination in seeking employment and access to the workplace. While nongovernment and government actors made efforts to curb discrimination and violence against persons with albinism, the LHRC reported that this population still lived in fear of their personal security and therefore could not fully participate in social, economic, and political activities.

Inspections conducted since the enactment of the law in 2015 revealed 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 minimum wage was above the government poverty line, but in many industries, it was below World Bank standards for what constitutes extreme poverty. The government's poverty line has not been updated since 2012. The law allows employers to apply to the Ministry of Labor for an exemption from paying the minimum wage. The labor laws cover all workers, including foreign and migrant workers and those in the informal sector. The

minimum wage on Zanzibar was above the poverty line. According to the Tanzania Mainland Poverty Assessment 2019 published by the World Bank and the Tanzania National Bureau of Statistics (NBS), the national basic needs poverty line for 2018 for the country was 49,320 TZS (\$21) per adult per month (or \$0.55 per day) and the food poverty line was 33,748 TZS (\$14) per month (\$0.50 per day).

The standard 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 breastfeeding women for work between 10 p.m. and 6 a.m.

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

Several laws regulate occupational safety and health (OSH) standards in the workplace. According to TUCTA, OSH standards are appropriate for the main industries and enforcement of these standards has improved, but challenges remained in the private sector. In March the National Audit Office released a follow-up report on a 2013 performance audit on the management of occupational health and safety in the country. The audit found the vast majority of recommendations had been fully implemented.

OSH standards, however, were not effectively enforced in the informal economy. The Occupational Safety and Health Authority did not employ sufficient inspectors. By law workers can remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities did not effectively enforce this protection.

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

Many workers did not have employment contracts and lacked legal protections. The LHRC reported many workers did not have written contracts, and those who

did were often not provided with written copies of their contract. Additionally, employers often kept copies of the contracts that differed from the versions given to the employees. Companies frequently used short-term contracts of six months or less to avoid hiring organized workers with labor protections.

The government did not adequately enforce labor standards, particularly in the informal sector, where the majority of workers were employed. Penalties were insufficient to deter violations and were not commensurate with penalties for similar violations. The number of inspectors was insufficient to deter violations. Inspectors did have the authority to conduct unannounced inspections, but the penalties are imposed by the court.

In dangerous industries such as construction, employees often worked without protective equipment such as helmets, gloves, or harnesses. According to a 2008 Accident Notification Survey (latest available), the sectors with the highest rates of fatal accidents were construction and building, transport, and mining and quarrying. Domestic workers were reportedly frequent victims of abuse.