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## Tanzania

### BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

#### 2009 Country Reports on Human Rights Practices

Report

March 11, 2010

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The United Republic of Tanzania, with a population of approximately 41 million, is a multiparty republic consisting of the mainland and the Zanzibar archipelago, whose main islands are Unguja and Pemba. The union is headed by a president who is also head of government; its unicameral legislative body is the National Assembly (parliament). Zanzibar, although integrated into the country's governmental and party structure, has its own president, court system, and legislature, and exercises considerable autonomy. In the 2005 union presidential and legislative elections, Jakaya Kikwete was elected president, and the ruling Chama Cha Mapinduzi party (CCM) made significant gains in parliament. Observers considered the union elections on both the mainland and in Zanzibar to be largely free and fair. The 2005 elections for president of Zanzibar were more contentious, however, with serious irregularities and politically motivated violence. While the civilian government generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

There were a number of human rights problems. Police and prison guards used excessive force against inmates and suspects, and police impunity was a problem. Prison conditions were harsh and life threatening. Police corruption and violation of legal procedures were problems, and the judiciary was corrupt and inefficient. The government partially limited freedom of speech and press, especially in Zanzibar. Government corruption remained a problem, and authorities restricted the movement of refugees. Societal violence against women and persons with albinism and women persisted. Female genital mutilation (FGM), especially of young girls, continued to be practiced. Trafficking in persons and child labor continued.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

Neither the government nor its agents committed any politically motivated killings; however, on occasion security forces killed civilians during the year.

In May the inspector general of police warned his officers not to use lethal force; however, on several occasions security forces used such force against citizens in custody and during pursuit.

For example, on March 27, police shot and killed a taxi driver in Dar es Salaam after mistaking him for a robber. Bystanders told reporters that the taxi driver was taking a client home when police shot and killed him. Police investigated the case and turned the file over to prosecutors, who dropped all charges. However, the officer died in custody of natural causes before he could be released.

In July a Dar es Salaam family accused police of torturing and killing their relative, Rashidi Tuga, after arresting him at his home. According to a postmortem report, the body had marks on the neck, and the head was swollen. The inspector general of police appointed a seven-member team to investigate the killing. At year's end results of the investigation had not been released.

The Tabora Senior State Attorney's investigation into the January 2008 beating to death of 16-year-old James Deus while in police custody continued. The suspect remained in custody at year's end.

A total of 15 police officers allegedly involved in the shooting deaths of three gemstone dealers and a taxi driver near Dar es Salaam in 2006 were acquitted of murder charges in August due to lack of evidence.

A number of deaths resulted from mob violence, including by stoning, beating, hacking with machetes, and burning, although these incidents continued to decline following a government outreach campaign and nongovernmental organization (NGO) efforts. However, several mob killings of suspected thieves occurred.

For example, on January 9, a mob killed Musa Juma in the Arusha Region for trying to rob a house. The police intervened but too late to save his life. At year's end there was no further information about the killing.

In April Robhi Getaraswa, the chairman of Kitagasembe village in Tarime, was beaten, burned, and killed by villagers for stealing eight head of cattle. At year's end the police investigation was pending.

There were no further developments in other cases of mob violence in 2008 including: three persons stoned to death in Rukwa Region; two thieves killed near Malangali; three persons burned to death for illegal fishing; and a man killed for stealing two chickens.

The widespread belief in witchcraft and fear of witches led to the continued killing of alleged witches by persons claiming to be victims of witchcraft, relatives of victims, or mobs.

For example, in August the Mwanza regional commissioner estimated that 60 elderly individuals were murdered in Mwanza on suspicion of being witches during the year; 56 of the victims were women.

In March a mob killed a 70-year-old man in the Mpuu village of Sumbawanga district for allegedly practicing witchcraft. The mob, armed with clubs, arrows, and machetes, also injured nine persons, destroyed cattle, and burned down the homes of persons they accused of harboring witches. At year's end there had been no arrests, but the police were looking for five men suspected of being the ring leaders.

Officials condemned such killings. In June 2008 Prime Minister Mizengo Pinda condemned the killing of the elderly on suspicions of witchcraft and urged citizens to take their concerns to a court of law instead of using mob violence.

It was difficult to prosecute persons accused of killing suspected witches due to lack of police resources and the unwillingness of witnesses to come forward, but the government attempted to prosecute several such cases. In September 2008 four persons were arrested for killing Nyabusa Nyanda, age 60, in Sengerema district, Mwanza Region, after accusing her of being a witch. The case remained pending and the suspects remained in custody at year's end.

Violence continued against persons with albinism in the belief that their body parts could create power and wealth. There have been approximately 50 murders since 2007, with four in the month of July of this year alone. NGOs believed that attacks against persons with albinism may be underreported due to the involvement of family or close friends.

In January President Kikwete told a rally organized by the Tanzania Albino Society that his administration would protect persons with albinism and would not tolerate attacks against them. In April 2008 the president appointed a person with albinism--Al-Shaymaa Kwegy--to parliament to oversee efforts to defend the rights of persons with albinism.

Prime Minister Pinda revoked the licenses of witchdoctors and traditional healers during the year to put an end to the killing of persons with albinism. The announcement received the support of some traditional healers in Manyara Region, who admitted publicly that their colleagues were encouraging the ritual killings.

In March the government asked residents in regions where albino killings were concentrated to name the perpetrators in secret polls. The results of these polls were not released. However, by September there were an estimated 90 persons

being held for crimes against persons with albinism. The first trials for alleged albino killers began in June. On September 23, a judge in the Shinyanga Region sentenced three men to death for killing a 14-year-old boy and severing his legs.

In early November a court in Shinyanga Region sentenced four men to death in the killing of a 50-year-old man with albinism for his body parts.

By year's end the courts had sentenced a total of seven persons to death for attacks on persons with albinism.

The Commission on Human Rights and Good Governance (CHRAGG) launched an "omnibus" initiative in October to stop the killings, which included public inquiries, investigations, and educational outreach about human rights violations associated with attacks on persons with albinism.

#### b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, police officers and prison guards abused, threatened, and otherwise mistreated civilians, suspected criminals, and prisoners on several occasions during the year. Beatings were the method most commonly used.

For example, in May a suspect accused of pouring acid on the managing editor of the *MwanaHalisi* newspaper accused Segerea prison officials of severely beating him in front of their supervisor. The beatings allegedly left him paralyzed on the left side. Court officials ordered prison officials to investigate the complaint and report their findings to the magistrate. Prison officials denied the allegations of abuse and stated they were not aware of the court ordered investigation.

Also in May, according to a report from the Legal and Human Rights Center (LHRC), soldiers assaulted a traffic officer at a crossroad in Dar es Salaam, allegedly because he was not directing traffic quickly enough.

On September 19, approximately 15 soldiers stormed a bar in the Lindi Region, reportedly after the owner and its patrons refused to change the radio station. Six persons were seriously injured, and 18 others suffered minor injuries during the clash. Police arrested 12 soldiers and were seeking several others in connection with the incident. There were no further developments by year's end.

There were no further developments in the following 2008 cases: the April complaint by 150 villagers that police beat them and forced them to vacate their homes; the April shooting of three gemstone miners by police; and the June beating of Godbless KIWELU by police.

Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders.

For example, in February a district commissioner in Bukoba ordered police to cane 19 school teachers for tardiness and the poor performance of the students on the national exams. Seven female and 12 male teachers were caned in front of a group of students. On February 14, President Kikwete dismissed the district commissioner. In September the teachers filed a civil suit against the district commissioner for Tanzanian shillings 300 million (\$220,000), and the case continued at year's end.

In August a witchdoctor from Ibongoya village in Mwanza was sentenced to 30 years in prison and four strokes of the cane by the Misungwi District Court for raping a student.

In August international NGOs reported that local field force units forcibly evicted pastoralists and burned their homes and crops from the Loliondo Game Controlled Area (LGCA), an area where a foreign corporation owns the rights to hunt. Police were also alleged to have arrested and sentenced without due process pastoralists who refused to move. In October CHRAGG sent a team to investigate the incident but its report was pending at year's end (see section 6).

Classes on respecting human rights and antitrafficking activities for police and soldiers in basic training continued during the year as part of the inspector general's commitment to professionalize the police force and reduce corruption.

Unlike in the previous year, there were no reports that police raped girls.

## Prison and Detention Center Conditions

During the year representatives from the LHRC, CHRAGG, the Tanzanian Red Cross (TRC), and the diplomatic community visited prisons. Prison conditions remained harsh and life threatening. In May the CHRAGG inspected the Ukonga maximum security prison in Dar es Salaam to follow up on reports that inmates were being denied access to toilet facilities. In interviews inmates complained of substandard food, lack of medication, and poor sanitation. Prisoners stated that when they demanded better conditions they were threatened with beatings and solitary confinement. The LHRC also received prisoner complaints of abuse by guards and other inmates.

The LHRC visited 24 prisons on the mainland during the year and reported that overcrowding remained a serious problem. At one facility LHRC representatives reported that 150 inmates were living in a cell designed for 30. The TRC, which visits prisons annually, stated that some prisoners had to sleep on the floor.

One NGO reported that water was often scarce in the prisons, leading to poor hygiene. Combined with overcrowding, these conditions contributed to the spread of disease. The most common diseases were malaria, tuberculosis, HIV/AIDS, cholera, and other diseases related to poor sanitation. Medical supplies were limited and medical care inadequate. In one women's prison the LHRC reported there were no mosquito nets or screens to prevent malaria. Prison dispensaries offered only limited treatment, and friends and family members of prisoners generally had to provide medications or the funds to purchase them.

Food supplies in the prisons were inadequate. The TRC reported that some prisoners were malnourished.

In May, 12 death row prisoners at the Ukonga maximum security prison reportedly went on a hunger strike to protest the poor quality of food. They accused officials of selling their weekly rations to nearby schools for profit. The prison's public relations officer refuted reports of a hunger strike.

The law allows judges and magistrates to grant parole or impose alternative sentences such as community service as a means of reducing overcrowding; however, these options were rarely used. Only 3,057 prisoners had been granted parole since the parole law was enacted in 1999. According to the LHRC, the law authorizes early release for good behavior but has burdensome evidentiary requirements. Community service was also rarely imposed due to an insufficient number of probation officers.

The country's prisons held approximately 45,000 convicted prisoners and pretrial detainees, whereas the maximum capacity of the prisons was 27,653. An estimated 1,500 convicted prisoners and pretrial detainees are women. While a precise figure was not available for juveniles in detention, officials estimated the juvenile population was similar to that of female prisoners, a small fraction of the total prison population.

Unlike in the previous year, there were no reports that prison officers sexually abused individuals in detention.

Police investigated the 2008 rape of a minor by prison officer Hija Mchwao and found sufficient evidence to charge him. However, in September the charges were dismissed because there were no witnesses willing to testify in the case.

The law requires prisoners to be separated by age and gender, and whether a person is awaiting trial or has been convicted of a crime. For the most part, these laws were followed in practice. Women were separated from men and detainees were separated from convicted prisoners. However, there were only three facilities for juveniles, and juveniles were often held with adults. Male juveniles awaiting trial were held in one of five remand homes, and girls were almost universally released on bail. For the most part remand prisoners were held separately from convicted prisoners.

Authorities often moved prisoners to different prisons without notifying their families. According to CHRAGG, prisoners were moved to attend trials in specialized courts, but in some instances financial constraints precluded the prison system from returning them to their original locations after conviction.

The International Committee of the Red Cross visited prisoners at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, and visited refugees in various prisons across the country to monitor whether their fundamental rights were being observed. The Office of the UN High Commissioner for Refugees (UNHCR) visited prisons holding refugees to learn their immigration status and to provide help to those who believed they had been wrongly arrested and sentenced for illegal immigration. International and domestic NGOs also visited prisons and offered legal and humanitarian assistance. However, the TRC visits were restricted to the visitor areas and the TRC was not permitted to inspect internal prison conditions.

#### d. Arbitrary Arrest or Detention

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

The seven elderly residents of Pemba detained in May 2008 were no longer required to report periodically to the police station. In August the seven met with UN representatives without interference and were told that their petition asking for self-determination was under review by the UN.

#### Role of the Police and Security Apparatus

The national police force under the Ministry of Public Safety and Security has primary responsibility for maintaining law and order. A special division called the Field Force Unit deals with unlawful demonstrations and riots. Sungusungu citizens' patrols, which are traditional neighborhood and village anticrime groups, also worked with local government leaders to support the police force in refugee camps and other areas. The Ministry of Defense is responsible for external security and has some limited domestic security responsibilities.

The police force remained underfunded and largely inefficient. There continued to be newspaper articles, civil complaints, and reports of police corruption from the Prevention and Control of Corruption Bureau (PCCB) and Ministry of Home Affairs. In the year's National Governance and Corruption Survey, households, public officials, and enterprises identified the police force as one of the most corrupt public institutions.

Police use of excessive force, police corruption, and impunity were problems.

There were continuing efforts to improve the performance of police. For example, during the year the national police held seminars on corruption and took disciplinary action against police officers implicated in wrongdoing. On December 31, the Assistant Superintendent of Police Lwitiko Kibanda announced that during the year more than 15 police officers were dismissed and an additional 15 demoted for unethical behavior, including corruption.

During the year a community policing initiative was launched to mediate local disputes and reduce police corruption. The community police, working in villages, received standardized training, and police conducted an awareness campaign for citizens on how to work with the community policing units.

During the year CHRAGG conducted a pilot study in Mwanza, Mbeya, and Dar es Salaam to determine the extent of police brutality; however, results of the study had not been released by year's end.

In some cases police acted as prosecutors in lower courts, but this practice was being phased out. The Ministry of Justice began hiring and training state prosecutors to handle the entire national caseload. Judicial experts had criticized the practice of police acting as prosecutors because it allowed police to manipulate evidence in criminal cases.

The police continued to hold training seminars on surveillance and detection, human rights, antitrafficking in persons, expediting investigations, finalizing criminal cases, and treatment of opposition political party members. Police sometimes collaborated with international experts for training. The TRC also trained members of the police force both on the mainland and in Zanzibar to educate them about human rights as well as the role of the TRC.

The government took steps to speed up the judicial process by having the Director of Public Prosecution's (DPP) office review cases to identify those that could be dismissed due to weak evidence or resolved through plea bargains. The DPP developed a general instruction manual for prosecutors and collaborated with police on a similar resource for investigators to assist them in processing cases. In addition, the DPP introduced an electronic case management system during the year.

In December the government launched the National Criminal Justice Forum to facilitate collaboration between law enforcement organizations.

The law grants legal status to the Sungusungu village anticrime groups. Local governments appointed Sungusungu members from communities with citizen participation. They have the authority to arrest suspects and carry wooden clubs but no firearms. Family units of a neighborhood in which Sungusungu operated either contributed money to the Sungusungu for patrols or provided a volunteer to participate in patrols. In refugee camps, Sungusungu groups composed of refugees acted as security forces supplementing contingents of police.

During the year there were reports of Sungusungu units using excessive force. Five cases (one in Shinyanga and four in

Mwanza) were investigated, of which four were brought to court. Three cases continued at year's end, while the court ordered the Sungusungu involved in the fourth case to pay a fine of Tanzanian shillings 30,000 (\$23) to the victim.

#### Arrest Procedures and Treatment while in Detention

The law requires that persons be apprehended openly with warrants based on sufficient evidence, and authorities generally complied with the law. The law also requires that a person arrested for a crime, other than a national security detainee, be charged before a magistrate within 24 hours of arrest; however, at times the police failed to comply with this requirement. The law gives accused persons the right to contact a lawyer or talk with family members, but at times they were denied this right. Prompt access to counsel was often limited by the lack of lawyers in rural areas, the lack of communication systems and infrastructure, and the illiteracy and poverty of the accused. Authorities promptly informed detainees of the charges against them. The government provided legal representation for some indigent defendants and for all suspects charged with murder or treason. The law does not allow bail for cases involving murder, treason, drugs, armed robberies, or other violent offenders posing a public safety risk. When bail is granted in some cases, strict conditions on freedom of movement and association are imposed. In the primary and district courts, bribes sometimes determined whether or not bail was granted.

By law the president may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. The government must release such detainees within 15 days or inform them of the reason for their continued detention; it also allows a detainee to challenge the grounds for detention at 90-day intervals. The government has additional broad detention powers under the law, which permits regional and district commissioners to arrest and detain for 48 hours anyone who may "disturb public tranquility." This act was not invoked during the year.

CHRAGG estimated that more than 50 percent of the prison population consisted of pretrial detainees. Detainees charged with criminal matters generally waited several years for trial due to the time required to complete police investigations, a lack of judges to hear cases, and an inadequate judicial budget.

CHRAGG reported that on average it took two to five years for suspects to have their cases heard and a judgment reached. Prisoners continued to protest the length of time it took to hear their cases. In January and again in August, pretrial suspects in the Keko Prison of Dar es Salaam went on hunger strikes in order to pressure the government to accelerate their cases. After five days, three of the inmates were reportedly in critical condition and had to be put on intravenous drip. There was no immediate response from prison officials as to the status of their trials.

On April 26, President Kikwete ordered the release of 3,247 prisoners to ease overcrowding. This group included ill, elderly, inmates who had served more than one-fourth of their sentence, pregnant women, or those with infants.

On December 9, President Kikwete pardoned more than 4,000 prisoners on the occasion of Tanzania's Independence Day.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the judiciary remained underfunded, corrupt (see section 4), inefficient, and subject to executive influence, especially in the lower courts. Court clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. According to news reports, magistrates of lower courts occasionally accepted bribes to determine guilt or innocence, pass sentences, or decide appeals of cases coming from the primary courts to district courts.

The union Ministry of Justice faced a critical shortage of court buildings as well as magistrates and judges. However, during the year President Kikwete appointed 14 judges to the high court, bringing the total to 55 of whom 22 were female.

In Zanzibar the president appointed two new high court judges, which brought the total number of judges to six. The Zanzibar government also eased the backlog of cases in the land tribunal by hiring three new magistrates, two from Unguja and one from Pemba. Previously the land tribunal only had one magistrate.

Both the union and Zanzibar legal systems are based on British common law and also recognize customary and Islamic law in civil cases. In criminal matters both Christians and Muslims are governed by statutory or common law.

A Judicial Service Commission, chaired by the chief justice of the Court of Appeal, appoints all judges except those for

the Court of Appeal and the high courts, who are appointed by the president. All courts, including Islamic courts in Zanzibar, are staffed by civil servants.

The country has a five-tier judicial system whose highest court is the Court of Appeal. In addition, in Zanzibar, whose population is almost entirely Muslim, there is a system of Islamic kadhi courts with its own hierarchy, topped by a kadhi court of appeal. These courts hear matters involving customary Islamic law on family and related matters. On the mainland, civil law essentially governs all persons involved in cases of child custody and divorce. Islamic and customary law governs other family matters for Muslims and Christians, respectively. The issue of establishing a kadhi court on the mainland, which has divided Muslim and Christian leaders, remained contentious.

There was one juvenile court; however, it was overburdened and handled cases only for young offenders in Dar es Salaam. Juvenile offenders in other regions were tried in adult courts in most cases or waited months for cross-country transportation to the juvenile court.

The law also provides for commercial courts, land courts, housing tribunals, and military tribunals. Military tribunals do not try civilians, but defendants convicted by military tribunals may appeal to the High Court and the Court of Appeal.

#### Trial Procedures

With some exceptions, criminal trials were open to the public and the press. Courts that hold secret proceedings--such as in drug trafficking cases--generally are required to provide reasons for closing the proceedings. In cases involving terrorism, the law provides that everyone except the interested parties may be excluded and that witnesses may be heard under special arrangements for their protection. The law prohibits lawyers from appearing or defending clients in primary-level courts.

Juries are not used. The law provides for the presumption of innocence. Defendants or their lawyers have access to evidence held by the government, the right to question witnesses, and the right to present evidence on the defendant's behalf. All defendants charged with civil or criminal matters, except parties appearing before kadhi courts and cases examining the constitutionality of Zanzibar laws, could appeal decisions to the high courts and the Court of Appeal. The law provides a right to free counsel for defendants accused of murder and treason as well as for indigent defendants in other serious cases. Most indigent defendants charged with lesser crimes did not have legal counsel, however. In Zanzibar prosecutors act as lawyers for both the state and the defendant. Suspects do not have the right to legal defense.

There were approximately 1,000 registered lawyers in the country, 80 percent of whom practiced in Dar es Salaam, Arusha, and Mwanza. Most defendants in urban areas who could not afford to hire a legal representative or lawyer represented themselves in court, but women and the economically needy were provided with free legal assistance by the government and some NGOs, such as the Tanzania Women Lawyers Association (TAWLA) and the National Organization for Legal Assistance.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Civil proceedings are administered in the high court or at the magistrate or district level. Persons may bring lawsuits seeking damages or the cessation of human rights violations; however, civil judicial procedures often were slow, inefficient, and corrupt.

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

The law generally prohibits such actions without a search warrant; however, the government did not consistently respect these prohibitions. While only courts can issue search warrants, the law also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence, or if circumstances are serious and urgent. During the year security forces increasingly sought search warrants in accordance with the law, and citizens had a greater awareness of their civil liberties and complained when they were violated. CHRAGG received between 125 and 150 complaints regarding civil liberties each month during the year. Between 2001 and 2008, CHRAGG received a total of 1,670 such complaints or roughly 20 per month.

The law relating to terrorism permits high-ranking police officers to conduct searches without a warrant in certain urgent cases; there were no reports that this provision of the act has ever been invoked.

It was widely believed that security forces monitored telephones and correspondence of some citizens and foreign residents. The actual nature and extent of this practice were not known.

The LHRC reported several continuing disputes between residents and the government concerning land seizures. The 2001 case of 135 villagers who claimed they had been illegally evicted from their land by government officials in the Nyamuma villages of Serengeti District in Mara Region was continuing. During the year the LHRC filed an application with the High Court seeking a court order to compel the government to compensate or resettle the villagers. At year's end no date had been set by the court for the hearing.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

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

The law provides for arrest, prosecution, and punishment for the use of abusive or derogatory language to describe the country's leadership publicly.

For example, on September 27, members of the opposition party Civic United Front (CUF) were arrested in Tanga and charged with unlawful abuse of the president following a rally at which they called for the dissolution of the National Electoral and Zanzibar Electoral Commissions, alleging that they were instruments of the ruling party. The CUF officials were released on bail. At year's end there were no further developments (see section 1.d.).

The independent media on the mainland were active and expressed a wide variety of views without restriction.

The president publicly expressed support for press freedom, and journalists were generally able to publish articles, for example, alleging corruption by government officials, without reprisal. However, the Ministry of Information acknowledged that it called four editors into its offices during the year for distorting government statements, criticizing the president without offering supporting evidence, and printing misinformation about a parliamentary debate. No further action was taken against the editors.

During the year there were reports of journalists being attacked. For example, on December 22, five assailants attacked a journalist from Mwananchi Communications in his home in Mwanza. The suspects demanded the journalist turn over documents he had received in connection with an investigation into funds allegedly stolen from a government bank account. The police were investigating the case at year's end.

The law allows police to raid and seize materials from newspaper offices and allows the minister of information to close media outlets for reasons of undefined "public interest." Unlike in the previous year, the government did not exercise these powers during the year.

Unlike in the previous years, no newspapers were suspended. The newspaper *MwanaHalisi*, which was suspended in October 2008, resumed operation in January.

Registering newspapers remained difficult and was at the discretion of the Registrar of Newspapers at the Ministry of Information on both the mainland and Zanzibar. On the mainland there were an estimated 16 daily newspapers, 25 television stations, and 30 radio stations.

The mainland government allowed political opponents unrestricted access to the media. Publications such as the opposition party CHADEMA's *Tanzania Daima* were published daily. Many radio stations and all but one television station were privately owned. There were government restrictions on broadcasting in tribal languages. The government operated newspaper, radio, and television outlets, as did private corporations.

In Zanzibar one of the two newspapers was privately owned. The only daily newspaper was government owned. National newspapers were sold in Zanzibar without restriction. The Zanzibar government controlled all content of radio and television broadcasts, whether privately or publicly owned. However, the radio stations operated relatively independently, often reading the content of national dailies including articles critical of the Zanzibar government.

Although the media were primarily government-controlled in Zanzibar, political opposition spokespersons had access. A permit was required for reporting on police or prison activities, and journalists needed special permission to attend meetings in the Zanzibar House of Representatives. Anyone publishing information accusing a Zanzibar member of parliament of involvement in illegal activities was liable to a fine of not less than Tanzanian shillings 250,000 (\$190), three years' imprisonment, or both. Nothing in the law specifies whether this penalty stands if the allegations were proven to be true. The law also empowers the government to fine and suspend newspapers without warning.

Reporters were often harassed and threatened on Zanzibar. For example, in October journalist Mwinyi Sadala was arrested while investigating a cholera outbreak in Karakana. When he reportedly refused to give police his camera, they seized it and charged him with taking pictures without the permission of the permanent secretary of the Ministry of Health and Social Welfare. After deleting the pictures from the camera, police returned it to Sadala and withdrew the case against him. In 2008 the Committee to Protect Journalists criticized the government for arbitrarily arresting journalists.

During the year there was one attempt to launch a new newspaper on Zanzibar, but Zanzibar officials denied it registration. However, the newspaper received approval from mainland officials and operated from the mainland.

#### Internet Freedom

There were no government restrictions on access to the Internet. During the year the police monitored the Internet to prevent trafficking in persons and other illegal activities. Web sites and blogs critical of the government faced the same scrutiny and possibility of arrest as print media. During the year the government shut down one blog for posting a doctored photo of the president. In general individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

According to the International Telecommunication Union statistics for 2008, approximately 1 percent of the country's inhabitants used the Internet.

#### Academic Freedom and Cultural Events

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

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution provides for freedom of assembly; however, the government did not always respect this right in practice.

The government requires organizers of rallies to obtain police permission. Police may deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party.

On July 11, the Dar es Salaam police prevented a group of retirees of the East African Community from meeting for fear that they would create public disorder and unrest. The retirees claimed the police had given them a permit to assemble in advance of the planned meeting.

On July 17, according to an article in *Mwananchi*, Zanzibar police banned a planned demonstration of five political parties who wanted to march in support of the Zanzibar government's decision to remove gas and petroleum from the list of union issues.

The Zanzibar government forcibly dispersed and arrested demonstrators.

On August 4, Zanzibar government militia reportedly fired bullets into the air to disperse crowds of CUF supporters gathered at registration facilities on Pemba to protest the electoral registration process.

On September 27, police arrested seven members of the opposition party CUF after a rally in Tanga on charges of unlawful assembly, assembly to commit a breach of peace, and unlawful abuse of the president following the rally. CUF officials maintained they had obtained police permission to hold the rally and made no statements that could be construed as abusive to the president. The group was released on bail. At year's end there were no further developments.

No action was taken against police officers who allegedly beat and injured opposition CHADEMA supporters during a by-election in Tarime, Mara Region, in October 2008.

#### Freedom of Association

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

#### c. Freedom of Religion

The constitution provides for freedom of religion; however, there were some limits on this freedom.

Religious organizations must register with the Ministry of Home Affairs. To register, a religious organization must have at least 10 followers and present a constitution, the resumes of its leaders, and a letter of recommendation from the district commissioner of the locale where the organization would be based. Muslim groups on the mainland also were required to submit a letter of recommendation from the National Muslim Council of Tanzania, the body that governs Islamic matters on the mainland, and from the office of the mufti in Zanzibar.

There were no reports that the government refused to register any group during the year.

The law prohibits preaching, or distributing materials, that are inflammatory or a threat to the public order.

The government occasionally rejected requests from religious groups seeking to hold demonstrations because of the possibility that the gathering could become confrontational or inflame religious tensions. During the year Muslim religious leaders appealed to the government to reintroduce kadhi courts on the mainland for the adjudication of Islamic civil matters. Christian groups have objected that such courts would violate government neutrality among religions and that the union constitution did not provide for a national kadhi court.

#### Societal Abuses and Discrimination

Government policy prohibits discrimination against any individual on the basis of religious beliefs or practices. Some Muslim groups charged that the government discriminated against them in hiring, education, and law enforcement practices. Some Christian groups claimed that all sensitive government positions were filled by Muslims, but neutral observers stated that there did not appear to be government bias toward any particular religious group.

Unlike in the previous year, there were no reports that Muslim school girls were harassed for wearing headscarves.

There were sporadic reports of religion-based disturbances in various communities. Most of these reports involved practitioners of animism targeted by members of the community who objected to their traditional beliefs.

There were no further developments in the January 2008 case of villagers in Idiwili who burned down the house of a Pentecostal preacher.

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

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/j/drl/rls/irf/](http://www.state.gov/j/drl/rls/irf/).

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government generally cooperated with the Office of the UNHCR and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

Police at checkpoints sometimes solicited bribes.

The law does not permit the forced exile of citizens, and the government did not use forced exile in practice.

#### Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees, and the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. Its laws provide for the granting of asylum or refugee status and the government has established a system for providing

protection to refugees. For the most part, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. However, in early November regional authorities in Kigoma Region forcibly returned 72 asylum seekers from the Democratic Republic of Congo (DRC) without allowing the UNHCR to conduct an independent status determination. The Ministry of Home Affairs stated it regretted the incident and would not allow it to occur again.

In December 2008 the minister of home affairs announced that approximately 200,000 refugees who had arrived from Burundi in 1972 would be offered the choice of citizenship or assisted voluntary repatriation. In close consultation with the UNHCR, the government continued the process of identifying those qualified for citizenship and local integration, and more than 155,000 refugees had been granted citizenship by year's end.

There were approximately 125,000 refugees in the country at the start of the year, but only about 100,000 by the end of the year, primarily from Burundi and the DRC. All Burundian refugees from 1993 except for approximately 36,000 were returned to Burundi as the political situation there improved.

Burundian refugees continued to return home during the year, motivated by improved security in Burundi, strong encouragement from the government, and UNHCR relocation assistance packages. The tripartite commission composed of the UNHCR and the governments of Tanzania and Burundi encouraged repatriation by closing schools in the camps and stopping refugee income-generating projects. The UNHCR facilitated the repatriation of over 29,000 Burundian refugees and more than 1,400 refugees to the DRC. Repatriation of Congolese slowed considerably compared to the previous year. All returns were voluntary; however, some refugees departed under the perceived threat of restrictions on their activities from local politicians or of forced return to a country where they feared life was not safe or economically viable.

By year's end there were only two UNHCR-supported camps in the country, one for Congolese and one for Burundians. It remained illegal for refugees to live outside their camps or settlements or to travel outside the camps farther than two and one-half miles without permits. An exit permit could be obtained from the regional authorities for an absence from the camps of less than 11 days. Permits for longer absences could be obtained from the Ministry of Home Affairs; however, there were several reports that refugees had difficulty obtaining permission to leave the camps. Refugees apprehended outside the camps without permits often were sentenced to community service rather than imprisonment and deportation, as was the case in earlier years. The Ministry of Home Affairs acknowledged that some judges in the past had misinterpreted the regulation and sentenced refugees to three years in jail instead of imposing a six-month sentence or fine as prescribed by the law.

Local government authorities policed the camps with support from refugee volunteers. Robbery, assault, and rape were the most common crimes. A total of 97 refugees were detained for crimes committed inside and outside of the camps between January and June. UNHCR worked with authorities to address issues of sexual violence and violence against minorities. During the year the government investigated, prosecuted, and punished perpetrators of abuses in the refugee camps; most cases of refugees involved in crime and abuse outside the camps were handled by local authorities. Residents of refugee camps suffered delays and limited access to courts, common problems faced by citizens as well. There were reports that some refugees engaged in intimidation and vigilante justice within camps.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in elections on the mainland and in Zanzibar. However, electoral irregularities, political violence, and legal and financial provisions favoring the ruling CCM limited the effectiveness of the electoral process in Zanzibar. Political parties are required by law to support the union between Tanganyika and Zanzibar; parties based on ethnic, regional, or religious affiliation are prohibited. Unregistered parties were prohibited from fielding candidates during the 2005 elections.

In preparation for the October 2010 national elections, the Zanzibar government began registering eligible voters in late June. The registration process became contentious when CUF party members alleged they were denied the right to register. A Zanzibar identification card, which some CUF supporters had difficulty obtaining, was required for registration. On August 4, Zanzibar government militia reportedly fired bullets into the air to disperse crowds of CUF supporters gathered at registration facilities on Pemba to protest the registration process (see section 2.b.). According to CUF the soldiers arrested and beat several party supporters. The charges against two of those arrested were later dropped, while a third case remained pending at year's end. Union police forces observed the attacks but did not attempt to intervene. Following this incident, the Zanzibar Electoral Commission halted registration. When it resumed in mid-September, CUF supporters staged protests and blocked access to the voter registration centers. Police dispersed

the protesters.

#### Elections and Political Participation

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

During the year there were three union parliamentary by-elections and one for the Zanzibar House of Representatives. On the mainland unidentified individuals reportedly attacked opposition party members in Busanda and Biharamulo during the campaigns preceding the by-elections. The ruling CCM party made similar complaints regarding attacks. In addition, opposition parties complained of voting irregularities in Biharamulo but did not file a legal challenge.

In 2005 Jakaya Kikwete, the CCM candidate, was elected president of the union with 80.2 percent of the vote in an election widely considered by observers as more free and fair than previous elections; however, the campaigns preceding them were marked by violence in some regions.

In 2005 voters in the semiautonomous archipelago of Zanzibar elected a president, legislators, and local representatives for the archipelago. CCM candidate Amani Karume, the incumbent president, was reelected with 53 percent of the vote in an election marred by irregularities and violence.

Harassment of opposition political parties by the government diminished after the 2005 elections. However, with political parties preparing for the 2010 elections, opposition parties alleged that the ruling party tried to hamper their campaign initiatives. For example, on September 27, seven CUF officials were arrested after a rally and charged with unlawful assembly (see section 2.b.). CUF officials maintained they had permission for the event, and the group was released on bail. A few days later, CUF held a march in Dar es Salaam to protest the ruling party's control over the national and Zanzibari electoral commissions.

Individuals and parties could freely declare their candidacy and stand for election. The law requires that persons running for office must represent a registered political party.

In Zanzibar, particularly on Pemba, opposition party members claimed that the government, the largest employer, discriminated against them in hiring.

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

The election law provides for parliamentarians completing a term to receive Tanzanian shillings 20,000,000 (\$15,000) as a "gratuity," which incumbents can use in reelection campaigns. Several NGOs and opposition parties criticized this provision for impeding aspiring parliamentary candidates from opposition parties to mount an effective challenge.

At year's end the government's 2007 appeal of a 2006 ruling by the High Court, which would allow independent candidates to contest local and national elections, remained pending.

The law requires that women occupy at least 30 percent of seats in parliament. The political parties appoint women to serve in seats set aside for them according to the percentage of votes their parties win. After the 2005 elections there were 75 special seats for women, and at year's end there were 91 women in the 320-seat parliament. After taking office in 2005, President Kikwete appointed seven women ministers (compared with four in the former administration) and 10 women deputy ministers. At year's end, however, there were seven women ministers and three deputy ministers. More than 20 of the 55 high court judges were women, and one woman served as a justice of the Union Court of Appeal. Women held 18 seats in the 81-seat Zanzibar House of Representatives and four positions in the cabinet of the Zanzibar government.

There were 11 members of parliament of Asian origin in the 320-seat National Assembly. There were no ministers of Asian origin.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. The World Bank's Governance Indicators reflected that corruption remained a serious problem. In September the media reported that the World Bank urged the government to do more to fight corruption as lack of progress allows perpetrators to act with impunity. President Kikwete publicly reaffirmed his commitment to fight corruption, noting the increase in ongoing corruption cases from 58 in 2005 to 578 during the year. Although several high-profile corruption investigations were underway, including the case against former cabinet ministers Basil Mramba and Daniel Yona for granting unjustified tax exemptions on a gold production agreement, the government was criticized for slow progress in these cases.

Judicial corruption was a problem. For example, in May a district magistrate was sentenced to 11 years in prison for demanding five million Tanzanian shillings (\$3,700) from a businessman in return for a favorable judgment in his case.

In September a primary court magistrate and a district court secretary in Mwanza were arrested and prosecuted on corruption charges. The two were charged with soliciting and receiving a bribe of Tanzanian shillings 60 million (\$45,000). At year's end their case continued.

In May a Kisumu Resident Magistrate's court found Jamila Nzota, a magistrate in the Tembeke district court, guilty of soliciting a bribe of Tanzanian shillings five million (\$3,700) and receiving Tanzanian shillings 700,000 (\$526). Her case was on appeal at year's end.

The PCCB is responsible for educating the public about corruption, investigating suspected cases, and prosecuting offenders in coordination with the DPP. The PCCB has 24 regional offices and an office in every district on the mainland. It received 3,780 allegations of corruption between January and August, investigated 584 cases, and completed 834 investigation files. According to the PCCB, 137 new cases were submitted to the courts during the year and 409 old and new cases prosecuted. As of August there had been 25 convictions and 40 acquittals.

A special unit of the police force in Zanzibar is responsible for corruption cases. However, there were no investigations as no complaints were received during the year.

According to the PCCB, most corruption investigations concerned government involvement in mining, land matters, energy, and investment. NGOs also reported that allegations of corruption involved the Tanzania Revenue Authority, local government officials, the police, licensing authorities, hospital workers, and the media.

In September four Bank of Tanzania (BOT) employees were charged with embezzling Tanzanian shillings 104 billion (\$78 million) by manipulating contract prices and printing requests for currency procurement. One of the accused in this case was also charged in the ongoing external payment arrears corruption investigation. At year's end the accused were awaiting trial.

The case against more than 20 individuals accused in October 2008 of obtaining funds fraudulently from the BOT's external payment account was ongoing at year's end.

There were no further developments in the November 2008 corruption case against two former ministers of finance and the December 2008 case against the former permanent secretary in the Ministry of Finance.

The government continued to use specialized agencies to fight corruption, but their effectiveness was limited. A three-person unit within the President's Office, headed by a minister of state for good governance, was charged with coordinating anticorruption efforts and collecting information from all the ministries for publication in quarterly reports; however, this unit was not effective.

There was little accountability in most government entities; senior government officials estimated that 20 percent of the government's budget in each fiscal year was lost to corruption, including theft and fraud, fake purchasing transactions, and "ghost workers." For example, on October 31, the controller and auditor general completed a review of all claims made by secondary school teachers for back pay and found that in some instances teachers had made claims for payments already received, and in other instances they had submitted forged documents to substantiate claims. As a result of these irregularities, roughly half of the claimed amount was rejected.

Government ministers and members of parliament are required to disclose their assets when they take office, at the end of each year, and when they leave office; however, there was no enforcement mechanism or means to determine the accuracy of these disclosures. At year's end only 23 percent of officials required to make disclosures had met the end-

of-year deadline.

There is no law providing for public access to government information, and such access remained limited. Government officials routinely refused to make information available. In Zanzibar journalists complained about lack of access to government information. Civil service regulations effectively allow only a handful of high-level government representatives to communicate information to the media. Media groups pressed the government and parliament to adopt a freedom of information act. Although the government held consultations with civil society organizations as well as members of the media on a new media bill, no immediate action was taken. The legislation was pending at year's end.

In January Haki Elimu, a local NGO, in partnership with International Budget Partnership, launched the Open Budget Index and concluded that although budget transparency has improved in recent years, problems persisted. Information was available about the budgets, but it was not meaningful or easily understood.

According to a 2007-08 survey by Haki Elimu, the public did not have access to information about the government's fiscal activities and budget. Government officials estimated that 90 percent of all government documents, including administrative forms, were treated as classified. According to access-to-information advocates, laws blocked public access to government information relating to national security, broadcasting, newspapers, prisons, restricted areas, official secrets, and police. There was no mechanism for appealing denials.

Parliament continued to use the Parliamentary Online Information System (POLIS), which was available to the public via the Internet, to increase access to government information. However, POLIS' reach remained limited, since only about 1 percent of the country's citizens used the Internet.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. On the mainland more than 5,000 NGOs were registered and entered into the database maintained by a government-appointed NGO coordination unit within the vice president's office. The registration process was slow, taking two to five years. International NGOs may operate both on the mainland and Zanzibar. However, NGOs in Zanzibar must apply through the local government for approval, and all religious NGOs must seek approval from the Office of the Mufti, the Muslim religious authority.

Mainland government officials generally were cooperative and responsive to the views of human rights groups, although the government accused NGOs of exaggerating reports concerning the eviction of pastoralists from hunting reserves in Loliondo in September. The minister of natural resources and tourism criticized NGOs for misleading the public and stated the government planned to take measures against them.

According to the Zanzibar Legal Council, the Zanzibar government worked well with NGOs during the year. Together with NGOs the government established a policy forum to encourage dialogue about Zanzibar's laws and public policies. The forum, made up of different stakeholders and senior members of the Zanzibar government, planned to meet every two months, alternating between Zanzibar and Pemba. In the past the government of Zanzibar was less tolerant of NGOs that criticized the government, subjecting them to fines, suspensions, and removal for violations of laws against sedition.

Active domestic human rights NGOs included Tanzania Gender Networking Programme, Haki Elimu, the Center for Human Rights Promotion, the Legal and Human Rights Centre, Tanzania Media Women's Association, Action on Disability and Development, Tanzania Albino Society, and the Tanzania Women Lawyers' Association. There were also many smaller local human rights NGOs based outside of Dar es Salaam. The Zanzibar Legal Services Center was one of the few active human rights organizations in Zanzibar. All of these organizations were independent of the government.

CHRAGG, which was financed by the government, operated without government interference on the mainland and in Zanzibar. CHRAGG received an increased number of complaints on issues of human rights and administrative justice, partly as a result of awareness campaigns conducted through the media and countrywide rural visits by the commissioners and investigative officers. CHRAGG received 2,341 complaints during the year, of which 558 concerned human rights abuses such as police brutality and prison conditions, and 1,783 involved good governance issues such as labor disputes, land matters, and judicial delays. Following its visits to prisons throughout the country, CHRAGG recorded a spike in complaints. CHRAGG officials stated financial constraints limited their activities and prevented them

from addressing the vast majority of complaints, but the organization closed approximately 300 cases during the year.

The union parliamentary committee for constitutional, legal, and public administration is responsible for reporting and making recommendations regarding human rights. Although the majority of committee members were from the ruling CCM party, the committee nevertheless acted independently of government and political party influence, and most observers viewed it as an unbiased institution.

The government continued to host the ICTR in Arusha and was supportive of, and cooperated with, the ICTR. During the year there were 23 detainees involved in six continuing cases. Five other detainees were awaiting trial, and eight cases were pending appeal. In September and October respectively, Gregoire Ndahimana and Idelphonse Nizeyimana, two of the 13 remaining fugitives, were transferred to the ICTR. In addition, the trial of Augustin Ndirabatware, former minister of planning, began in September. In December the UN Security Council extended the ICTR's mandate until 2012.

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

The constitution prohibits discrimination based on nationality, ethnicity, political affiliation, race, social status, or religion. Discrimination based on gender, age, or disability was not explicitly prohibited by law but was discouraged publicly in official statements and by government policies. Discrimination against women, refugees, minorities, and persons with HIV/AIDS and disabilities persisted, and ethnic tensions continued in some parts of the country.

##### Women

The law provides for life imprisonment for persons convicted of rape, including spousal rape, and rape continued to be a serious problem. During the year several persons were prosecuted and convicted for rape and battery, although an estimated 80 percent of rape victims did not report their cases. During the year there were 7,325 reported rape cases, 2,969 prosecutions, 362 convictions, and 67 acquittals.

In August Zanzibar's Ministry of Labor, Youth Development, Women, and Children announced the creation of committees in each region to combat rape. Between January and October there were 551 rape cases treated at the Mnazi Mmoja hospital in Zanzibar.

A survey released in July 2008 by the Tanzania Media Women's Association indicated that efforts to fight violence against women in Zanzibar were undermined by insensitivity to gender-based violence by the police, the judicial system, and hospital workers. According to the survey, communities considered violence against women as a private matter and discouraged victims from taking legal action. Furthermore, the survey concluded that the way police and hospitals handled such cases discouraged victims from seeking legal remedies. Respondents stated that some police officers made humiliating comments to women who reported cases of rape, and sometimes asked for a bribe for their cases to be processed.

Domestic violence against women remained widespread. The law prohibits assault but does not specifically prohibit spousal battery or protect women from gender-based violence. There is no unified legal code protecting women. Disparate provisions of various statutes offer ineffective safeguards against gender-based violence.

Cultural, family, and social pressures often prevented women from reporting abuses, and authorities rarely took action against persons who abused women. Police reportedly were often reluctant to pursue domestic abuse cases, viewing them as family matters. However, domestic violence was increasingly viewed as unacceptable. During the year there were prosecutions and convictions for spousal abuse of husbands who beat their wives. There were also rare cases of husbands who took their wives to court for abuse. NGOs such as Kiwohede and TAWLA regularly educated the public about the laws concerning spousal abuse and provided education and shelter assistance to victims.

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

During the year NGOs led efforts to sensitize society to the issue of domestic violence. Through an extensive television advertising campaign, they encouraged women to speak out about the issue.

The law prohibits prostitution; however, prostitution remained common. Prostituted women were occasionally arrested, but the police did not keep official statistics on prostitution arrests. Rural women and young girls immigrating to urban

areas were most at risk for prostitution.

The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. There were no restrictions on the right to access contraceptives. Only an estimated 20 percent of women used contraception, while another 20 percent would have liked to but did not for reasons of culture, logistics, or commodity shortages. The government provided free childbirth services but lacked sufficient qualified health care professionals as well as medical supplies. An estimated 60 percent of approved positions within the Ministry of Health and Social Welfare remained unfilled, crippling small, rural clinics. Pregnant women giving birth at government health-care facilities often had to purchase their own medical supplies. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

The law prohibits sexual harassment of women in the workplace, but no statistics existed on the extent of its occurrence or on effectiveness of enforcement. In the private sector, there were complaints that women at times faced discrimination because employers worried their household obligations would be a professional liability.

Inheritance and marriage laws do not consistently provide full equality for women, and in practice women's rights often were not respected. The Ministry of Community Development, Women, and Children and the Ministry of Justice and Constitutional Affairs were responsible for protecting the legal rights of women. Discrimination against women was most acute in rural areas. Rural women had little opportunity to attend school or obtain wage employment.

In family matters the content and application of some customary and Islamic laws was viewed by many as discriminatory against women.

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

In Zanzibar women between the ages of 18 and 21 who became pregnant out of wedlock could be sentenced to perform community service set by the Zanzibar director of public prosecution. The provision was not applied during the year.

#### Children

Citizenship is derived by birth within the country's territory, or if abroad, from one's parents. The Committee of the UN Convention on the Rights of the Child reported in August that only six of every 100 Tanzanian children have birth certificates. Births are supposed to be registered within three months. After that parents must pay a small fee for registration. To encourage registration, children enrolling in preschool must present a registration certificate. However, public services were not withheld if a child was not registered.

Primary education was compulsory, free, and universal on both the mainland and Zanzibar through the age of 15 for all children; however, there were inadequate numbers of schools, teachers, books, and other educational materials to meet the demand.

During the year fees continued to be charged for school enrollment beginning in form one, the equivalent of the first year of high school. As a result, many children did not have access to a complete secondary education. The responsibility to pay for books, uniforms, and school lunches fell primarily to parents.

Girls represented roughly half of all those enrolled in primary school but were absent more often due to household duties. Overall school completion rates were the same for boys and girls: 56 percent for primary school and 33 percent for secondary.

There continued to be reports of teachers raping students during the year. In February John Donart, a teacher in the Bagamoyo District of the Coastal Region, was charged with raping a 14-year-old girl. At year's end he was on bail pending a hearing.

The law prohibits FGM; however, it continued to be practiced by some tribes and families. Statutory penalties for FGM on girls under 18 ranged from five to 15 years' imprisonment, a fine, or both, but those who conducted the illegal

procedure were rarely prosecuted. The law also provides for the payment of compensation by the perpetrator to the person against whom the offense was committed.

The law provides that anyone who has custody, charge, or care of a girl under 18 and who causes her to undergo FGM commits the offense of cruelty to children. The penalty for such an offense is imprisonment of up to 15 years and/or a fine of Tanzanian shillings 300,000 (\$220).

According to 2005 data, the Ministry of Health estimated that 5 to 15 percent of women and girls underwent FGM; their average age was less than 10 years old and reportedly included some newborns. FGM was practiced by approximately 20 of the country's 130 tribes and was most prevalent in the mainland regions of Arusha, Singida, Kilimanjaro, Morogoro, and Dar es Salaam. In other parts of the country, less than 5 percent of the population practiced FGM. Clitoridectomy, a less severe form of FGM, was employed most frequently; however, infibulation, the most severe form, was also practiced, mainly in the northern highlands and the central zone.

On June 15, a local government officer in Singida stated that 254 out of 1,046 women in Manyoni District of the Singida Region who delivered in health clinics were circumcised.

In June 2008 it was reported that infants below one year of age in Makiungu village, Singida Region, were subjected to FGM by their mothers, unlike in the past when the procedure was performed by traditional healers called "ngaribas." AFNET, an NGO dealing with women's rights, reported that 47 out of 59 infants and girls up to age five who attended a village clinic in Singida Region had undergone FGM.

There were no reports of prosecutions related to FGM during the year. Enforcement of the anti-FGM law was difficult for a number of reasons: many police officers and communities were not aware of the law, victims were often reluctant to testify, and some witnesses feared reprisals from supporters of FGM. Corruption was also a factor; some villagers reportedly bribed local leaders not to enforce the law in order to carry out FGM on their daughters.

The government continued to implement the 2001-15 National Plan of Action for the Prevention and Eradication of Violence Against Women and Children. This strategy sought the elimination of FGM by involving both male and female practitioners and community leaders. Anti-FGM groups urged parliamentarians and local officials to take a more active role in enforcing the law.

During the year the government and NGOs continued to make progress toward eliminating the practice of FGM. In 2008 the government embarked on an education program for magistrates, police officers, doctors, and community development experts on FGM. The Anti-Female Genital Mutilation Network and a coalition of anti-FGM NGOs engaged in awareness-raising activities and conducted research on FGM. Anti-FGM groups continued their attempts to educate the ngaribas about the harmful effects of FGM and to train them for other occupations. The chairman of the Tanga Regional Committee for Culture and Traditions reported in July 2008 that incidents of FGM declined during the year in Mkinga district, Tanga Region, following efforts by local communities to educate villagers about the long term and ill effects of FGM. In some areas there were reports of local clinics educating ngaribas on basic nursing skills to assist with community health education.

Corporal punishment in schools remained a problem. Caning was supported by a law that allows head teachers to cane a student for a documented serious offense. Following public outreach by the government and the media, the practice has begun to decline.

Family law provided for girls as young as 15 to be considered adults for the purposes of marriage. In order to marry, a girl under 18 was required to obtain the consent of her father, mother, or guardian; no consent is required for an orphaned girl with no guardian. The courts also had discretion to allow for marriages of parties who were 14 years old, for example in the case of pregnancy. Additionally, the law allows Muslim and Hindu girls to marry as young as 12 so long as the marriage is not consummated until the girl reaches the age of 15. To circumvent these laws, offenders bribed police or paid a bride price to the family of the girl to avoid prosecution.

Under the law sexual intercourse with a child under 18 years is considered rape regardless of consent; however, the law was not effectively enforced. Child sexual abuse remained a problem. There were several convictions during the year; most persons convicted for the sexual abuse of children were given the maximum sentence of 30 years' imprisonment.

The law criminalizes child pornography and child prostitution; however, sexual exploitation and trafficking in persons, including children, were problems. Persons found guilty of such offenses are subject to a fine ranging from Tanzanian shillings one million (\$740) to 500 million (\$370,000) and/or a prison term of one to 20 years.

There were reports that individuals practicing witchcraft killed children, especially children with albinism, for their body parts. For example, in October a ten-year-old boy with albinism was killed by attackers who were trying to remove one of his lower limbs. His body was buried in concrete to ensure the attackers did not return to steal his bones. At year's end no one had been charged for the killing.

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

The number of orphans in the country was estimated at 2.5 million, most of them orphaned by AIDS. Most orphans were absorbed into other families. Those who were not absorbed were extremely vulnerable individuals who received additional support and counseling from the government and several state-sponsored NGOs. There were significant numbers of street children in Dar es Salaam and Arusha. Street children had limited access to health and education services because they lacked a fixed address and money to purchase medicines, school uniforms, and books. They were also vulnerable to sexual abuse by older street children and homeless persons.

#### Trafficking in Persons

The comprehensive Antitrafficking in Persons Act, which came into force during the year, prescribes punishments from one to 20 years' imprisonment for trafficking related offenses, depending upon the severity of the crime.

The country is a source, transit, and destination country for men, women, and especially children trafficked for the purposes of forced labor and sexual exploitation. Children in low-income families were at significant risk of being trafficked, especially girls who were often considered an economic burden on their families. Most victims were trafficked internally from poor rural areas. Boys were trafficked within the country to work on farms, in mines, and in the informal business sector. Girls from rural areas were trafficked to urban centers and the island of Zanzibar for domestic work. Sexual exploitation was often reported after young girls were brought into homes as domestic help.

Small numbers of persons were reportedly trafficked to South Africa, Saudi Arabia, the United Kingdom, and possibly other European countries for domestic servitude and sexual exploitation. Indian women who entered the country legally to work as entertainers in restaurants and nightclubs were at times exploited as prostitutes after arrival. Small numbers of Somali and Chinese women were also trafficked into the country and sexually exploited. There were several reports of Malawian men being brought in for forced labor in the fishing industry. It was believed that in tourist areas, such as Zanzibar and Arusha, some girls who were hired for hotel work, both locally and from India, were later coerced into prostitution.

During the year the African Network for the Prevention and Protection against Child Abuse and Neglect reported that Tanzanian children were being trafficked to Kenya. The organization discovered 17 children working in Kenya and returned three to Tanzania.

Trafficking methods varied. Victims were lured by false promises of income, opportunity to attend school, and better living conditions, especially from rural to urban areas. Some trafficking victims left their homes with assistance from their families; some left on their own to escape life in rural areas; and some were transported by someone who offered to help them find city work, legitimate or otherwise. There were reports that men recruited village girls who had completed primary school but were not entering secondary school. The men offered the girls money and employment and promised the girls a better life if they accompanied them to urban areas; however, these girls ended up in domestic labor or prostitution. Another method of trafficking involved low-income parents entrusting children to wealthier relatives or respected members of the community to care for the child as one of their own. Some took advantage of this traditional practice and placed children in abusive or exploitive situations such as domestic servitude or prostitution. Orphans were particularly vulnerable to trafficking.

Living conditions for trafficking victims were usually grim, with only the most basic amenities, long working hours, little or no pay, and missed educational opportunities.

During the year the International Office of Migration (IOM) worked with seven NGOs to provide assistance to victims and conduct prevention activities. Approximately 75 percent of trafficking victims who received counseling were female. Most were between the ages of 12 and 17 years and had been exploited as maids or housekeepers. Between September 2005 and October, the IOM and its NGO partners assisted 304 victims; during the year 96 victims were provided counseling, medical screenings, and educational opportunities.

The IOM also provided training to government officials and NGOs in the Arusha area on victims' assistance in an effort to set up a systematic referral process. The IOM continued to support awareness raising activities such as a theater show. Between July and September, the show visited the eight regions with the highest incidence of human trafficking.

The IOM also served as the coordinating office for the government's antitrafficking stakeholders meetings, which included various ministries, NGOs, UN agencies, and representatives of the international community.

In February the government transferred responsibility for all antitrafficking law enforcement efforts from the Anti-Human Trafficking Unit to the police's Interpol office, which has broad responsibility for transnational crime.

In December police arrested a man in Tarime on suspicion of trafficking two children from Kenya. He was charged under the new antitrafficking law. At year's end the case was pending. The arrest was the first under the new law.

There were no prosecutions for trafficking during the year; however, law enforcement, prosecutors, and immigration officials were trained in the new antitrafficking law and the Ministry of Health and Social Welfare developed a training manual for health workers who have direct contact with victims of trafficking.

In March a Rwandan woman who was attempting to traffic a Tanzanian child to France was convicted under the penal code by authorities in Mlandizi and paid a fine of Tanzanian shillings 300,000 (\$220).

The Ministry of Health and Social Welfare played the lead role in providing support services to victims but lacked sufficient resources. Counseling services for victims were inadequate.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/j/tip](http://www.state.gov/j/tip).

#### Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities, but there is no implementing law to prevent discrimination under this provision. Persons with physical disabilities were effectively restricted in employment, education, access to health care, and other state services by physical barriers and inadequate financial resources. Although the government mandates access to public buildings, transportation, and government services for persons with disabilities through several pieces of legislation, few buildings were accessible. Many buildings were constructed before this requirement came into force, and no funds were available for retrofitting existing structures. However, new public buildings were being built in compliance with the law. The law mandates that 2 percent of total employment be offered to persons with disabilities. However, this stipulation was not enforced.

There were three members of parliament with disabilities, appointed by the ruling party.

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

There were approximately 2.4 million persons with disabilities in the country. The National Strategy for Economic Growth and Development provides for social services for the disabled and there have been some efforts to ensure social services were delivered. Action on Disability and Development, a UK-based NGO, reported that persons with disabilities were marginalized and often lived in abject poverty due to inadequate support mechanisms.

Local NGOs and a federation of NGOs called SHIVYAWATA tried to highlight the plight of persons with disabilities.

During the year the government started an education initiative to integrate students with disabilities into mainstream schools in order to reduce stigma. However, the program lacked adequate resources.

There were reports that students with disabilities dropped out of schools that lacked adequate facilities. For example, braille paper and tape recorders were generally not available for blind students. In August 2008 the NGO Media Network for Disability reported that 317 students with disabilities dropped out of school in Dodoma and Morogoro regions during that year. The report cited poverty and pregnancies as the chief reasons for dropping out. In April 2008 the principal of the Malangani School for the Blind in Rukwa Region claimed that that region had more than 600 blind children whose parents and guardians prevented them from attending school because they did not see the benefit of educating a child with a disability such as blindness.

## Indigenous People

In August international NGOs reported that local Field Force Units forcibly evicted Maasai pastoralists from their homes in LGCA. In 1992 the government gave a foreign corporation the rights to hunt in the LGCA during certain periods of the year. The pastoralists typically moved from the LGCA during hunting season but returned for the remaining months. In 2007, with drought conditions in some areas, the pastoralists did not migrate as they had. The Field Force Units allegedly forcibly removed the Maasai and burned their homes and crops when they refused to move at the start of hunting season. Police allegedly arrested and sentenced without due process pastoralists who refused to move. The government denied these allegations, claiming those evicted were Kenyans and criticized NGOs for exploiting and exaggerating the situation. In mid-September CHRAGG sent a team to investigate the alleged human rights abuses, but its report was pending at year's end (see section 1.c.).

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

Homosexuality is illegal. The penal code makes it an offense punishable by up to five years in prison to have carnal knowledge of any person of the same sex. The law in Zanzibar establishes a penalty of up to 25 years' imprisonment for men who engage in homosexual relationships and seven years for women in lesbian relationships. There were no reports that anyone was punished under the law during the year. However, gays and lesbians faced societal discrimination.

In July a group of NGOs, including Global Rights, International Gay and Lesbian Human Rights Commission, and the Centre for Human Rights Promotion, submitted a "shadow" report to the UNHRC detailing the legal and societal discrimination faced by gays, lesbians, and transgendered persons. The report stated that the laws against homosexuality interfere with an individual's right to privacy and encourage the stigmatization of gays, lesbians, and transgendered persons. The groups called on the government to amend the penal code, which makes homosexuality a criminal offence.

In early October NGOs alleged that the arrest in Dar es Salaam of 39 individuals on prostitution charges was motivated by sexual orientation. Police made the arrests reportedly after receiving complaints from residents about prostituted persons in their neighborhood. However, NGOs indicated that residents were upset that members of two local gay and lesbian organizations were meeting in their neighborhood. At year's end the case was pending.

## Other Societal Violence or and Discrimination

The HIV/AIDS Act of 2008 prohibits discrimination against any person "known or perceived" to be HIV positive and establishes medical standards for confidentiality to protect persons living with HIV/AIDS. At year's end, however, there were no regulations to guide the implementation of this law. Although several governmental and nongovernmental organizations, including the Tanzania Parliamentarians' AIDS Coalition, addressed discrimination against persons infected with HIV/AIDS, and several such organizations felt that society was more accepting, problems persisted. According to the 2007/08 HIV/AIDS and Malaria Indicator Survey, there had been little change in attitudes towards persons living with HIV/AIDS since the last survey in 2003/04. There were continuing reports that discrimination in housing, healthcare, and education continued to occur against the estimated 1.3 million persons in the country living with HIV/AIDS.

The government, working with NGOs, continued to sensitize the public about HIV/AIDS-related discrimination and to create safeguards for HIV/AIDS patients' human rights. A network of lawyers, policymakers, and doctors continued lobbying efforts and other activities to deal with legal, ethical, and human rights problems associated with HIV/AIDS. During the year these groups drafted a stigma and discrimination strategy which was under review at year's end.

## Section 7 Worker Rights

### a. The Right of Association

The union and Zanzibar governments have separate labor laws. Workers on the mainland had the right to form and join independent trade unions. Trade unions must consist of more than 20 employees and are required to register with the government. A trade union or employers' association must register within six months of its establishment; failure to register is a criminal offense. The registrar in the Ministry of Labor, Employment, and Youth Development exerts significant power over trade unions, including the right to deregister unions if overlap exists within an enterprise. Unions must submit financial records and a membership list to the registrar annually. The registrar can suspend a trade union if it determines that the union violated the law or endangered public security. Association with an international trade union

requires government approval.

As of 2005 (the most recent data available), approximately 27 percent of the formal sector work force were members of the Trade Union Congress of Tanzania, the sole labor federation. In the agricultural sector, the country's single largest employer, an estimated 5 to 8 percent of the work force was unionized.

Mainland workers have the legal right to strike, and employers have the right to a lockout after complying with certain legal requirements and procedures. These rights are qualified according to the law. For example, all parties to a dispute may be bound by an agreement to arbitrate, and neither party may then engage in a strike or a lockout until that process has been completed. In October 2008 the government was granted a court injunction to stop hundreds of thousands of teachers from striking over unpaid salaries and allowances. A judge ordered the teachers and the government into arbitration before allowing the teachers to go on strike. In September the government stated it was verifying and auditing teacher claims for salaries and allowances, but planned to make payment in October. The audit was completed in late October and teachers began receiving their payments.

A lawful strike or lockout is protected and does not constitute a breach of contract, nor can it be considered a criminal offense. An employer may not terminate the employment of an employee for participating in a lawful strike or terminate an employee who accedes to the demands of an employer during a lockout.

The law restricts the right to strike when to do so would endanger the life and health of the population. Workers in certain sectors (water and sanitation, electricity, health services and associated laboratory services, firefighting, air traffic control, civil aviation telecommunications, and any transport services required for the provisions of these services) are restricted from striking. Workers in other sectors may also be subject to this limitation.

The labor law in Zanzibar applies only to private sector workers. Zanzibar government workers do not have the right to strike. They are not allowed to join mainland-based labor unions. The Zanzibar labor law requires a union with 50 or more members to be registered and sets literacy standards for trade union officers. An estimated 40 percent of the Zanzibar workforce is unionized. In collaboration with the International Labor Organization (ILO), the Zanzibar government worked to redraft its labor laws during the year but legislation had not been finalized by year's end.

#### b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining in the private sector, and workers and employers practiced it freely during the year. In the public sector, the government sets wages administratively, including for employees of state-owned organizations.

On the mainland disputes are regulated and resolved by mediation through the Commission for Mediation and Arbitration. If the mediator fails to resolve a dispute within 30 days of referral, or any longer period agreed upon in writing by both parties, either party to the dispute may give notice of its intention to commence a strike or lockout. If the mediation fails to resolve the complaint, the Commission for Mediation and Arbitration may appoint an arbitrator to decide the dispute, or it may be referred to the labor court.

In practice many private sector employers adopted antiunion policies or tactics. On the mainland the law prohibits discriminatory activities by an employer against union members; however, in August an ILO consultant told the *Daily News* that trade union rights were affected by antiunion discrimination and limitations on the right to strike. In some instances employers did not allow unions to recruit at their work sites and threatened employees interested in joining a union with termination. These cases were reportedly resolved informally. The law requires employers found guilty of antiunion activities to reinstate workers.

On the mainland there are 23 export processing zones (EPZs); seven of them are developer licensees and the rest are operator licensees. In Zanzibar there are three free economic zones, which are treated as EPZs. There are no special laws or exemptions from regular labor laws in EPZs.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that such practices, especially by children, occurred. In some instances, girls from rural areas were forced to do domestic work, while boys were sent to work on farms, in mines, and in the informal business sector. The IOM reported that men from Malawi were forced to work in the fishing industry.

The law allows prisoners to work without pay on construction and agriculture projects within the prison so that the prison can be more self-sufficient. Prisoners were also used as labor on projects outside of the prison, such as road repair and government construction projects.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the exploitation of children in the workplace. Under the law the minimum age for contractual employment is 14. Children may be employed only to do light work unlikely to harm their health and development or attendance at school. Children under the age of 18 may not crew on a ship or be employed in a mine, factory, or any other worksite where working conditions may be hazardous.

The law establishes criminal penalties for employers of child labor as well as forced labor; violators can be fined an amount not exceeding Tanzanian shillings 4,680,000 (\$3,500), imprisonment for one year, or both. Although the Ministry of Labor, Employment, and Youth Development reportedly conducted inspections and issued warnings to violators of child labor statutes, there were no reported child labor cases brought to court during the year. Likewise, Zanzibar's Ministry of Labor, Youth Development, Women, and Children did not take legal action related to child labor. A shortage of inspectors resulted in limited enforcement of child labor provisions, and child labor continued to be a problem. According to the Integrated Labor Force Survey of 2006, approximately 19 percent of children ages five to 17 years were engaged in child labor on the mainland. In Zanzibar an estimated 8 percent of children ages five to 17 were engaged in child labor.

Child labor was also widespread in Zanzibar; children were used in fishing, clove picking, domestic labor, small businesses such as selling cakes, and commercial sexual exploitation near tourist attractions.

On April 23, Rahma Mshangama, the principal secretary in the Zanzibar Ministry of Employment, Youth, Women, and Children, reported that 2,000 children were rescued from child labor in the fishing and seaweed farming industries on the islands between 2007 and 2009. The Ministry of Labor, Employment, and Youth Development was responsible for enforcement of labor laws, together with the Commission for Mediation and Arbitration and the labor court. The ministry continued conducting seminars on child labor in different parts of the country.

Several government ministries, including the Ministry of Labor, Employment, and Youth Development, have special child labor units.

The government took a number of steps to decrease child labor. These included the establishment of the Child Labor Monitoring System to coordinate all national efforts related to child labor as well as the creation of district child labor subcommittees. Child labor issues were integrated into the Complementary Basic Education curriculum and the teacher training college curriculum.

Other measures to ameliorate the problem included ensuring that children of school age attended school, imposing penalties on parents who did not enroll their children in school, and sensitizing employers in the formal sector against employing children below the age of 18.

The government revised the Child Development Policy to include prohibitions against the worst forms of child labor and conducted outreach to educate citizens about the policy.

The national intersectoral committee on child labor within the Office of the Prime Minister, which includes representatives from several ministries and the NGO community, met in February and again in September. According to an ILO official, the government expressed its commitment to fight child labor and strengthen local structures for its elimination. The government collaborated with NGOs by providing technical expertise in agriculture and qualified trainers, as well as the necessary allowances and in some cases a budget to support child labor related activities. For example, the Igunga District Council set aside Tanzanian shillings 7,000,000 (\$5,200) for child labor related activities during the year.

#### e. Acceptable Conditions of Work

New minimum wage standards took effect in January 2008. Divided into eight employment sectors, the lowest minimum wage was Tanzanian shillings 65,000 (\$50) per month for hotel workers and the highest, Tanzanian shillings 350,000 (\$260) per month for workers in the mineral sector. These monthly wages were above the poverty line of Tanzanian shillings 13,998 (\$11) per month per person established by the 2006/07 Household Budget Survey. Implementation proved difficult for some businesses, which complained that they would have to raise salaries more than 100 percent.

The labor laws cover all workers.

There were reports that some employers offered only short-term contracts of three to six months to avoid the salary and benefit requirements. During the year trade unions expressed their discontent over pay raises given by the government to certain high-level government officials, including judges, ministers, and their deputies, as well as regional and district commissioners.

There was no standard legal workweek for private sector workers, but most private employers retained a six-day, 44- to 48-hour workweek. A five-day, 40-hour workweek was in effect for government workers. Under most circumstances, it was illegal to employ women to work between 10:00 p.m. and 6:00 a.m.; however, employers frequently ignored this restriction. The ILO reported that some workers were forced to work overtime under the threat of being fired.

Several laws regulate safety in the workplace. The Ministry of Labor, Employment, and Youth Development managed an inspection system; however, its effectiveness was limited due to lack of resources and the small number of labor officers available to conduct the inspections. Labor standards were not enforced in the informal sector, where most of the workforce was employed.

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



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