

TANZANIA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The United Republic of Tanzania is a multiparty republic consisting of the mainland region and the semiautonomous Zanzibar archipelago, whose main islands are Unguja (Zanzibar Island) and Pemba. The union is headed by a president, who is also the head of government. Its unicameral legislative body is the National Assembly (parliament). Zanzibar, although part of the union, exercises considerable autonomy and has its own government with a president, court system, and legislature. In October 2020 the country held its sixth multiparty general election, resulting in the reelection of the union president, John Magufuli, with 85 percent of the vote, and the election of Hussein Mwinyi, with 76 percent of the vote for his first term as president of Zanzibar. International observers noted widespread irregularities and largely categorized the election as neither free nor fair. On March 19, two days after the announcement of Magufuli's death, Vice President Samia Suluhu Hassan was sworn in as the country's first female president.

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

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

on free expression and media, including violence and threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and the existence of criminal libel laws; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operations of nongovernmental organizations and civil society organizations; refoulement of refugees to a country where they would face a threat to their life or freedom or other mistreatment of refugees that would constitute a separate human rights abuse; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; lack of investigation of and accountability for gender-based violence; trafficking in persons; crimes involving violence or threats of violence targeting persons with disabilities, members of national/racial/ethnic minorities, or indigenous people; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; existence or use of laws criminalizing consensual same-sex sexual conduct between adults; and existence of any of the worst forms of child labor.

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

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were reports of disappearances by or on behalf of government authorities. There were numerous cases of police using “snatch and grab” tactics where authorities arrested individuals who temporarily disappeared and then reappeared

in police stations only after social media pressure. The government made no efforts to investigate or punish such acts.

The opposition political party ACT-Wazalendo reported its 2020 parliament candidate for Ruangwa constituency, Joackim Gerion Ngo'ombo, was kidnapped a day prior to his nomination, beaten, injured, and later found abandoned, alive in Mkuranga District. According to party members, the case was never investigated by police. Party members also reported that other civilians disappeared following the 2020 elections in Zanzibar.

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

The constitution prohibits such practices; however, the law does not reflect this constitutional restriction nor define torture. There were reports that police officers, prison guards, and soldiers abused, threatened, or otherwise mistreated civilians, suspected criminals, and prisoners. These abuses often involved beatings. On November 17, the minister of home affairs issued a public warning to police and prison guards following a November 10 report of police brutality against Goba resident Issa Kassim after arrest. A police investigation of police officers accused of involvement in the beating was underway. As of year's end, no charges were filed.

The law allows caning. Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders. Caning and other corporal punishments were also used routinely in schools. In January Selefina Augustine, a secondary school student, was hospitalized in Mwanza Region after being caned to the point of fainting by her teacher, Sarah Obby.

On January 12, Mbulu District Executive Director Harrison Kamoga suspended the Hydom Village Executive Officer, Adella Kente, for allegedly whipping village resident Rose Danielsen. Danielsen was reportedly whipped for failure to make village financial contributions.

According to the *Conduct in UN Field Missions* online portal, there was one allegation submitted during the year of sexual exploitation and abuse by the

country's peacekeepers deployed to UN peacekeeping missions. In total there were 15 allegations submitted between 2015 and 2021 of sexual exploitation and abuse by the country's peacekeepers deployed to UN peacekeeping missions. The alleged abuses involved rape of a child, transactional sex with an adult, exploitative relationship with an adult, and sexual assault. As of September the government had pending investigations into three of the allegations.

Impunity was a problem in the security forces. In response to public accusations of abuse by police and prison guards using excessive force against detainees, in November Minister of Home Affairs George Simbachawene warned police and prison forces against beating or using cruel or inhuman treatment. He categorized impunity as contrary to the public service code of ethics and conduct. On December 13, President Hassan issued a statement at a police academy graduation ceremony in Dar es Salaam encouraging the police force to combat impunity through rejecting bribes and the use of excessive force.

Prison and Detention Center Conditions

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

Physical Conditions: Prisons continued to hold more inmates than their capacity. In June the Ministry of Home Affairs stated that there were 33,570 imprisoned persons, with 881 persons on parole. The nongovernmental organization (NGO) World Prison Brief estimated in 2020 the country's prisons had a capacity of 29,760 persons. Pretrial detainees and convicted prisoners were held together. Convicts were not separated according to the level of their offenses or age.

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

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

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

Prison staff reported a lack of electricity, inadequate lighting, and insufficient medical supplies. Prisons were unheated, but prisoners in cold regions reportedly received blankets and sweaters. Sanitation was insufficient. While some prisons provided prisoners with food, the Ministry of Home Affairs reported that some prisoners were growing food for themselves. The Board of Prison Force Production Agency is responsible for ensuring prisons have sufficient food supply from their own cultivation projects. Other prisoners, however, reported receiving no food from the prison authorities and relied solely on what family members provided.

Medical care was inadequate. The most common health problems were malaria, tuberculosis, HIV and AIDS, respiratory illnesses, and diseases related to poor sanitation. Prison dispensaries offered only limited treatment, and friends and family members of prisoners generally had to provide medications or the funds to purchase them. Transportation to referral health centers and hospitals was limited. In addition, requests for medical care were often met with bureaucracy that delayed prisoners' access to health care. While doctors conducted routine checkups in the prison clinics, they did not have adequate testing equipment or medicine.

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

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

Prisoners and detainees usually had reasonable access to visitors; however, authorities banned large-scale visitation due to COVID-19 restrictions. Visitation was limited to one or two visitors at a time. In October, 50 Chadema party members attempted to visit opposition party leader Freeman Mbowe in prison, but prison officials denied access, citing COVID-19 restrictions.

Independent Monitoring: The law prohibits members of the press from visiting prisons. Generally, access to prisoners was difficult for outside organizations, and the process for obtaining access was cumbersome.

Improvements: To reduce overcrowding, in March President Hassan ordered the Prevention and Combatting of Corruption Bureau (PCCB) to drop baseless cases to reduce overcrowding in prisons and detention centers throughout the country. In May the PCCB dropped 147 cases.

On April 26, President Hassan pardoned 5,001 prisoners during the 57th Commemoration of the Union of Tanganyika and Zanzibar. Of these prisoners, 1,516 were released, while 3,485 other inmates had their sentences reduced under the Prisons Act.

d. Arbitrary Arrest or Detention

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

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

Arrest Procedures and Treatment of Detainees

On the mainland the law requires that an arrest for most crimes, other than crimes committed in the presence of an officer, be made with an arrest warrant based on sufficient evidence; however, authorities did not always comply with the law. Police often detained persons without judicial authorization. The law also requires that a person arrested for a crime, other than a national security detainee, be charged before a magistrate within 24 hours of arrest, excluding weekends and holidays, but authorities failed to comply consistently with this requirement. There were reports of police detaining individuals without charge for short periods on the

orders of local authorities.

The law does not allow bail for suspects in cases involving murder, treason, terrorism, drugs, armed robbery, human trafficking, money laundering, other economic crimes, and other offenses where the accused might pose a public safety risk. In some cases courts imposed strict conditions on freedom of movement and association when they granted bail. In the primary and district courts, persons reportedly sometimes bribed officials to grant bail.

The law gives accused persons the right to contact a lawyer or talk with family members, but police often failed to inform detainees of this right. Indigent defendants and suspects charged with murder or treason could apply to the registrar of the court to request legal representation. Prompt access to counsel was often limited by the lack of lawyers in rural areas, lack of communication systems and infrastructure, and accused persons' ignorance of their rights.

Arbitrary Arrest: By law the president may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. The government must release such detainees within 15 days or inform them of the reason for their continued detention. The law also allows a detainee to challenge the grounds for detention at 90-day intervals. The mainland government has additional broad detention powers under the law, allowing regional and district commissioners to arrest and detain anyone for 48 hours who is deemed to “disturb public tranquility.”

In January former president Magufuli pardoned 1,789 Ethiopian irregular migrants who were held in remand or serving jail terms. Magufuli announced amnesty for the migrants following talks with Ethiopian President Sahle-Work Zewde during her visit to the country.

On July 21, police arrested Freeman Mbowe, chairman of the opposition Chadema party (Party for Democracy and Progress) in Mwanza alongside 14 other party members ahead of a scheduled forum on constitutional reform. Police confirmed Mbowe's arrest for terrorism-related charges, while releasing the other members without charges (see section 1.e.). Also in June 2020, police briefly detained opposition ACT-Wazalendo party leader Zitto Kabwe. In January police

announced they had no interest in pursuing the case involving Zitto Kabwe and four other ACT-Wazalendo leaders.

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

In June attorney Peter Madeleka and wife Jamila Ilomo sued the government for malicious prosecution after spending more than 18 months in pretrial detention on economic sabotage and money laundering charges, which the prosecution failed to prove. The case was pending in court at year’s end.

On June 16, Director of Public Prosecutions Sylvester Mwakitalu dropped charges against 34 of the 40 Muslim clerics from Zanzibar who were imprisoned for seven years on terrorism charges. The clerics were members of the Association for Islamic Mobilization and Propagation (UAMSHO), an Islamist group advocating for Zanzibar’s full autonomy, and were known as the “Uamsho Sheikhs.” Two leaders of the 34 clerics, Farid Hadi Ahmed and Mselem Ali Mselem were released first, followed by the subsequent release of the others. At year’s end six clerics remained in prison due to prison procedures and additional nonterrorism-related charges.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but many components of the judiciary remained underfunded, corrupt, inefficient (especially in the lower courts), and subject to allegations of executive influence.

Judges and senior court officers are all political appointees of the president. The need to travel long distances to courts imposes logistical and financial constraints

that limit access to justice for persons in rural areas. There were fewer than two judges per million persons. In July President Hassan appointed 28 judges, including seven to the Court of Appeals and 21 others to the High Court, a step to add staff to a traditionally understaffed branch of government.

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

Chadema party members alleged on social media that President Hassan's comments regarding Freeman Mbowe's case during an interview with BBC undermined judicial independence. No evidence was presented to support Chadema's claims.

Trial Procedures

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

The law provides for the presumption of innocence, and the standard for conviction in criminal cases is "beyond a reasonable doubt." Despite such provisions executive branch entities regularly accused political parties, civil society organizations, and international organizations of breaking the law and then demanded the accused clarify or defend their innocence. In most cases authorities informed detainees in detail of the charges against them once they had been taken to the police station. Charges were generally presented in Kiswahili or English with needed interpretation provided when possible. With some exceptions criminal trials were open to the public and the press. Defendants have the right to be present at their trial. Courts that hold closed proceedings (for example, in cases of drug trafficking or sexual offenses involving juveniles) generally are required to provide reasons for closing the proceedings. In cases involving terrorism, the law

states that everyone, except the interested parties, may be excluded from court proceedings, and witnesses may be heard under special arrangements for their protection.

On August 20, while briefing the diplomatic corps, Minister of Foreign Affairs and East African Cooperation Liberata Mulamula suggested diplomats interested in Chadema chairman Freeman Mbowe's case should follow developments in media rather than attending open court sessions. Foreign Minister Mulamula claimed the ministry could not effectively ensure the safety and security of foreign diplomats if they chose to attend court sessions. The ministry sought to clarify the minister's remarks, claiming the government "had no intention of barring anyone from attending the case...." Diplomats were not barred from attending court proceedings, but the government announced a limit on the number of diplomats, family members, journalist, lawyers, and members of the public who could be in the court room at one time. The law requires legal aid in serious criminal cases, although only those accused of murder and treason were provided with free representation. Most other defendants could not afford legal representation and represented themselves in court. Defendants in criminal cases are entitled to legal representation of their choice. Legal representation was unavailable to defendants without the means to pay. NGOs represented some indigent defendants in large cities, such as Dar es Salaam and Arusha.

In Zanzibar the government sometimes provided public defenders in manslaughter cases. In September the National Assembly passed the Written Laws (Miscellaneous Amendment Act) No. 2 of 2021, permitting lawyers to appear or defend clients in primary-level courts. Previously, the law prohibited lawyers from appearing or defending clients in courts whose presiding officers did not have a university-level degree. Authorities did not always allow detainees sufficient time to prepare their defense, and access to adequate facilities was limited. Defendants have the right to free interpretation as necessary from the moment they are charged through all appeals. Defendants or their lawyers have the right to confront prosecution witnesses and the right to present evidence and witnesses on the defendant's behalf. Prosecutors, however, have no disclosure obligations in criminal cases, and often the defense does not know what evidence the prosecutor will rely upon when the trial begins. Defendants were not compelled to testify or

confess guilt.

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

The mainland Ministry of Constitutional and Legal Affairs continued hiring and training state prosecutors to handle the entire mainland caseload, shifting away from the former practice of police acting as prosecutors, although staffing shortages continued.

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

In February the government instituted criminal procedure rules governing plea bargaining. Plea bargains must include notification of a plea bargain offer, a formal negotiation, a hearing, and a recording of the agreement by the court.

Political Prisoners and Detainees

There were reports of political detainees. Several opposition politicians and individuals critical of the government were arrested or detained during the year. These individuals, when charged, were usually charged with sedition, incitement, or unlawful assembly. In May under orders from President Hassan, the director of public prosecutions dropped charges against 23 political detainees, and as of year's end, all were released from prison. There was an unknown number of political prisoners, but according to opposition leaders and NGOs, there were at least 100 opposition activists and supporters who were detained or abducted on the mainland and approximately 150 in Zanzibar prior to and after the 2020 elections. The persons were given the same protections as other detainees, although the government continued to threaten to charge opposition leaders with nonbailable offenses. There were no reports of the government denying access to political detainees by human rights organizations.

In November 2020 police detained Chadema chairman Freeman Mbowe and two other senior Chadema members in advance of planned protests in the wake of 2020 elections. Police announced they would charge the three with terror-related offenses for reportedly planning to blow up petrol stations as part of the protests, although police subsequently released them without charge. On July 21, police arrested Mbowe, and he remained in police custody for five days without being officially charged. Police initially denied Mbowe access to his lawyers. On July 26, Kisumu Court charged him with financing terrorist acts and conspiracy to commit terrorist acts. Mbowe was joined by three others who were charged in 2020 for related offenses, such as receiving funds from Mbowe to commit terrorist acts. Mbowe challenged his arrest by filing a constitutional case at the High Court on August 5. Mbowe claimed he was arrested without being made aware of his charges, was denied his right to a lawyer, and was subject to threats and intimidation by police. The High Court dismissed the constitutional case on September 23, on the grounds that Mbowe's case was underway in the court's Corruption and Economic Crimes Division, where the court argued his complaints would be heard.

Civil Judicial Procedures and Remedies

Persons may bring civil lawsuits seeking damages for or the cessation of human rights abuses and can appeal those rulings to the Court of Appeal on the mainland and other regional courts. Civil judicial procedures, however, were often slow, inefficient, and corrupt. In 2019 the government withdrew the right of individuals and NGOs to file cases directly against it at the Arusha-based African Court on Human and Peoples' Rights. During a May meeting with the outgoing president of the African Court on Human and Peoples' Rights, President Hassan defended the decision to withdraw from the court but welcomed the chance to review this position in the future.

The law also curtails the ability of citizens to challenge legally government legislative or executive action unless an individual can prove the action has affected him or her personally, effectively outlawing public interest litigation. In September Onesmo Olengurumwa, a human rights activist, filed a civil case at the High Court challenging the law regarding citizens' ability to sue the government. As of year's end, the case was pending.

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

The law generally prohibits such actions without a search warrant, but the government did not consistently respect these prohibitions. While only courts may issue search warrants, the law also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence or if circumstances are serious and urgent. The law relating to terrorism permits police officers at or above the rank of assistant superintendent or in charge of a police station to conduct searches without a warrant in certain urgent cases. After his July arrest in Mwanza, police searched Chadema chairman Freeman Mbowe's house in Dar es Salaam without a warrant because he was arrested on terrorism-related charges.

It was widely believed government agents monitored the telephones and correspondence of some citizens and foreign residents. The nature and extent of this practice were unknown, but due to fear of surveillance, many civil society organizations and leaders were unwilling to speak freely over the telephone. According to Freedom House, the government reportedly acquired social media monitoring and spyware technology and admitted that it monitored social media in previous years.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of speech but does not explicitly provide for freedom of expression for members of the press and other media. There were criminal penalties for libel, and authorities used these laws to stifle freedom of expression. The rights of free expression were further severely limited through several formal (legislative, regulatory) and informal (executive, government, and police statements) actions. These include laws that give the government the authority to shut down media outlets.

Freedom of Expression: Public criticism of the government resulted in punitive

action in some cases. Authorities used the Cybercrimes Act to bring criminal charges against individuals who criticized the government on a variety of electronic media.

On March 14, the Iringa Regional Police Force arrested Tito Augustino Kiliwa, a resident of Mufindi District, for posting on Facebook that former president John Magufuli was ill. Acting Regional Police Commander Rienada Millanzi alleged the message evoked emotions and caused a stir in the community. The arrest followed the March arrests of Peter Pius Silayo, Melchiory Prosper Shayo, and Charles Majura for allegedly spreading online fabricated information related to President Magufuli's health, thereby violating the law. The government announced that the president had died on March 17.

Members of parliament (MPs) were sanctioned for criticizing the government, including in speeches on the floor of parliament. On August 21, Speaker of the Parliament Job Ndugai ordered Bishop Josephat Gwajima, a Chama Cha Mapinduzi party (CCM) MP representing Kawe constituency in Dar es Salaam, to appear before the Privileges, Ethics, and Powers Committee on August 23 for allegedly degrading the dignity of the parliament. Gwajima was accused of making anti-COVID-19 vaccination remarks in his church in Dar es Salaam. Gwajima also allegedly claimed government officials had been bribed to allow vaccines into the country. Parliament suspended Gwajima from attending the September and November parliamentary sessions and cut his salary in half.

On September 16, Minister of Home Affairs George Simbachawene directed security forces to investigate persons engaged in online harassment, especially those who mocked the president and the government. He urged strict action against those involved. The government also declared it intended to institute a system to control debates on social media, particularly Twitter and Clubhouse platforms.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Independent media on the mainland were active and generally expressed varying views, although media outlets often practiced self-censorship to avoid conflict with the government. Although President Hassan pledged to uphold media freedoms, restrictions on certain content, especially relating to health and

disease outbreaks, remained in effect.

Initially, President Hassan's administration appeared to ease restrictions on press freedom. A ban on certain online media outlets was lifted; newspapers focused on investigative journalism ran stories detailing corruption within the government and were not reproached or penalized; and the government began dialogue with media stakeholders to identify needed reforms to the regulatory landscape of the media sector. On April 5, President Hassan announced that banned media outlets should be permitted to reopen and that the country "should not ban the media by force." While her remarks were later interpreted by the departing government spokesperson to pertain only to online media outlets, activists welcomed this move. In President Hassan's first speech to parliament in June, she pledged to protect democracy, freedom, and independence of the press. She also however stated, "There is no freedom without limits."

In August the government suspended *Uhuru*, a newspaper owned by the ruling CCM party, for 14 days for publishing a story that President Hassan would not vie for office in 2025. This was the first newspaper suspension under Hassan's administration. On August 27, the Media Council of Tanzania, the Legal and Human Rights Center (LHRC), and Tanzania Human Rights Defenders Coalition (THRDC) jointly filed a case at the East African Court of Justice, arguing that the government had showed "contempt of court" in applying nullified provisions of the law to suspend the *Uhuru* newspaper. In response, chief government spokesman Gerson Msigwa said, "Press freedom is not absolute and not above the law. Her excellency President Samia Suluhu's promise to deliver press freedom is real, trusted, and well exercised. We do not have oppressive media laws."

On September 5, the government suspended *Raia Mwema*, a leading Swahili-language newspaper, for 30 days for "repeatedly publishing false information and deliberate incitement" after its reporting linked a man who was involved in a shooting that left three police officers and a private security guard to the ruling CCM party dead.

Registering or licensing new print and broadcast media outlets became less difficult. Newspaper registration remained at the discretion of the registrar of newspapers at the information ministries on both the mainland and Zanzibar.

Previously, acquiring a broadcasting license from the Tanzania Communications Regulatory Authority (TCRA) took an estimated six months to one year, but observers noted the process was reduced to between 30 and 90 days. The TCRA imposes registration and annual fees for commercial and community radio stations, which disadvantage the creation and operation of small community radio stations.

In June the government amended the Online Content Regulations Amendment (2021) by reducing licensing fees. Amendments to the regulations in 2020 brought new and sweeping content restriction to social media, forums, websites, as well as print content. While the June amendments did not ameliorate content restrictions, they reduced registration fees and abolished requirements for internet cafes to install surveillance cameras, acquire internet protocol (IP) addresses for computers, and register patron identities for record.

During a June 29 meeting with editors and senior journalists, President Hassan committed to strengthening freedom of speech and supporting media development. According to the government, Hassan initiated dialogue with the media to work toward a conducive working environment, support the survival of media houses, and enhance press freedoms. Editors requested President Hassan waive advertising restrictions that were originally imposed to restrict and limit government business through private media. Editors also urged the government to lift Magufuli-era bans on specific media houses and amend hostile media laws and regulations. NGOs and media stakeholders reported that they continued to meet and discuss reform recommendations with government counterparts. The government of Zanzibar controlled content on the radio and television stations it owned but allowed discussions on media policy reform to take place. There were government restrictions on broadcasting in tribal languages, and broadcasts in Kiswahili or English were officially preferred.

The Zanzibar Broadcasting Commission (ZBC) continued to promote the free flow of information, in addition to regulating and supervising broadcasting activities in Zanzibar. ZBC also issued broadcasting licenses for radio, television, and online media in Zanzibar. As of September ZBC registered 27 radio stations, 22 television stations, and 28 online media platforms. On September 1, the Media Council of Tanzania noted that among those outlets, ZBC owned three (ZBC, Spice FM, and ZBC TV) and confirmed that nine private radio stations and five

community radio stations operated independently, often reading the content of national dailies, including articles critical of the Zanzibar government.

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

On April 13, Lusubilo Mwakabibi, a local government official in Temeke (Dar es Salaam), reportedly ordered police to arrest journalists Dickson Billikwija and Christopher James after they attempted to attend a meeting between Mwakabibi and traders at a local market. The journalists were released the same day. The minister of information, culture, arts, and sports promised to investigate and hold officials accountable. Authorities did not make the results of this investigation public.

On April 21, officers of Zanzibari government's KVZ security force reportedly beat and harassed Jessie Mikofu, a Mwananchi Newspaper journalist, while he was photographing street vendors being evicted by authorities. He claimed police destroyed his photography equipment.

On September 24, authorities arrested political cartoonist John Fwema at his home in Dar es Salaam after he posted online a cartoon critical of President Hassan. Police reported that he was being investigated for cybercrimes. Authorities released Fwema on bail and as of year's end had not filed charges.

On October 2, police arrested Mgawe TV journalist Harold Shemsanga and the station's owner Ernest Mgawe for illegal assembly, after Shemsanga reported on a jogging event held in Kawe by the women's league of the opposition Chadema party. Authorities released Shemsanga and Mgawe two days later and as of year's end had not filed charges against them.

Censorship or Content Restrictions: The law authorizes police to raid and seize materials from newspaper offices and authorizes the minister responsible for overseeing media to "prohibit or otherwise sanction the publication of any content that jeopardizes national security or public safety." Censorship of media reporting related to security matters remained in place under President Hassan.

On September 16, President Hassan’s newly appointed minister of information and communications technology, Ashatu Kijaji, used her first public comments to warn media outlets not to spread unverified and unedited information or publish information damaging to the country’s image.

In a departure from the past, certain types of COVID-19 information were widely shared and was no longer restricted under President Hassan, including the promotion of vaccinations and preventive measures among the public. Publication of official government statistics and data on COVID-19 remained limited. On January 5, the TCRA suspended local entertainment Wasafi TV for six months for an alleged violation of the broadcasting regulation during the Tumewasha music festival. The festival was broadcast live on New Year’s Eve, where singer Gift Joshua, known as “Gigy Money,” was accused of dancing almost nude.

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

Libel/Slander Laws: The law provides for arrest, prosecution, and punishment for the use of seditious, abusive, or derogatory language to describe the country’s leadership. The law makes defamation a criminal act. Defamation is defined as any matter likely to injure the reputation of any person by exposing him to hatred, contempt, or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation. The law prohibits a person from taking any action or making any statement with the intent of insulting the religious beliefs of another person. Anyone committing such an offense may be punished with a year’s imprisonment.

Internet Freedom

The government restricted access to the internet and monitored websites and internet traffic. Online material deemed “offensive, morally improper” or that

“causes annoyance” is prohibited, and those charged with violating the regulations face a substantial monetary fine or a minimum sentence of 12 months in prison. The law criminalizes the publication of false information, defined as “information, data, or facts presented in a picture, texts, symbol, or any other form in a computer system where such information, data, or fact is false, deceptive, misleading, or inaccurate.” While the number of arrests of individuals who made critical comments on electronic media about the government diminished under President Hassan, individuals were still publicly threatened for publishing critical remarks or opinions, even if they were factually true.

Academic Freedom and Cultural Events

The law allows persons to collect and disseminate statistical information and puts a system in place for persons who want to access or publish national data. The law no longer provides prison sentences for groups or individuals for publishing independent statistical information. Researchers, however, were still required to obtain permission to conduct and publish research. There continued to be a degree of self-censorship due to the government’s lack of tolerance for criticism.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedom of peaceful assembly and placed increasing restrictions on freedom of association. Additionally, government attacks on human rights defenders and the arrest of opposition leaders calling for peaceful, democratic protests were restrictions on freedom of assembly and association.

Freedom of Peaceful Assembly

The government restricted freedom of peaceful assembly, including through bans decreed by authorities but not supported by law. For example, in 2016 the government banned political parties from organizing political activities and rallies until the campaign schedule for the October 2020 elections was announced in August 2020. The government requires organizers of political rallies to obtain police permission. Police may deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party. The government and police limited the issuance of permits for public demonstrations and assemblies to opposition political parties, NGOs, and religious

organizations. Any organizing of demonstrations or rallies online is prohibited. The only allowable political meetings were by members of parliament in their constituencies; outside participants, including party leaders, were not permitted to participate. The government restricted nonpolitical gatherings deemed critical of the government.

On July 18, Mwanza police confirmed the arrest of 38 Chadema members and supporters in Mwanza Region who attended Chadema's constitutional reform forum. Police banned the internal meeting, stating that the gathering involved nonparty members, therefore constituting a public forum. Detainees also included Bishop Emmaus Mwamakula of the Moravian Church and Azavery Lwaitama, a retired lecturer from the University of Dar es Salaam.

On July 26, police arrested 54 Chadema opposition members in different parts of the country for demonstrating against Mbowe's arrest. Police made most arrests outside Kisumu court on July 26 during Mbowe's court hearing. In early August all 54 members were freed after attorneys threatened to sue the inspector general of police, attorney general, and regional police commander for holding persons against the law if the detainees were not charged or released by August 10 (see section 1.e., Political Prisoners and Detainees). On July 28, at least 50 members of the Chadema women's wing (BAWACHA) peacefully demonstrated in Dar es Salaam in support of Mbowe. After the demonstration, police arrested seven participants, including BAWACHA Tembe chairwoman Neema Mwakipesile, as well as former member of parliament Catherine Ruge. Authorities subsequently released all seven without charges.

Freedom of Association

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

According to the LHRC and the International Center for Not-for-Profit Law, the freedom of association for NGOs has been jeopardized by the law, which reduces the autonomy of NGOs and provides for excessive regulation of the NGO sector.

The government's registrar of NGOs, a presidential appointee, stated that the process of deregistration underscored the need for NGOs to comply with the law and provide transparency and accountability in their activities. Under existing law, however, the registrar of NGOs is granted sweeping powers to suspend and deregister NGOs, leaving loopholes that could be used to obstruct political opposition and human rights NGOs (see section 3, Political Parties and Political Participation, and section 5, Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights).

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

In August the Ministry of Home Affairs announced it would change the status of registered societies, including religious organizations, from permanent to temporary. The change mandates that societies and organizations reregister every five years. On August 18, religious leaders met with the ministry and agreed that the requirement for reregistration would exclude religious organizations until proper procedures were put into place. As of March, 9,383 societies were registered – 8,844 were nonreligious entities and 992 were religious organizations (see section 5, Government Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights).

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

The constitution provides for freedom of internal movement, foreign travel,

emigration, and repatriation, and the government generally respected these rights.

In-country Movement: Refugees are confined to camps. The government limited refugee movement and enforced its encampment policy more strictly during the year, including the arrest of refugees caught moving outside the camps without official permission. With permits more difficult to obtain and livelihood opportunities inside the camps heavily constrained, police apprehended and arrested refugees who left the camps in search of work. Authorities usually prosecuted and sentenced these persons in local courts to six months' detention or payment of a fine (see section 2.f.).

Foreign Travel: There were reports of denial of exit permits for two refugees to depart the country for the United States. Both families consisted of a Congolese national primary applicant with a Burundian national spouse and their children. In both cases the government granted the Congolese applicants "refugee" status, a precondition for resettlement to a third country under the law, while their Burundian spouses were designated as "others of concern." Departure for all 12 applicants was stalled due to the government's refusal to issue exit permits for Burundian spouses, for which the government provided no explanation.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has an established system for providing protection to refugees. The National Eligibility Committee, which makes determinations on asylum applications, however, had reportedly not convened since 2018, stalling the status determination process. The asylum rejection rate was 77 percent. The protection environment for refugees, particularly from Burundi, deteriorated during the year.

Additionally, the government did not grant UNHCR or diplomatic missions access to the southern border to assess the status of refugees entering from Mozambique. The government continued to deny that asylum seekers crossing into the country from Mozambique merited refugee status (see section 2.f., Refoulement).

In June during the 2021/22 budget speech, the Ministry of Home Affairs stated that as of March, 273,252 refugees and asylum seekers had applied for refugee status.

UNHCR intervened in cases of irregular migrants in need of international protection following their arrest by authorities in Dar es Salaam or other urban centers to ensure that the migrants had access to national asylum procedures and were protected from forced return to their country of origin. During the year two groups of 30 refugees were apprehended in Mwanza Region by immigration authorities. UNHCR intercepted their scheduled deportation, and the groups were allowed to return to the Nyarugusu refugee camp. The groups were allegedly attempting to reach a third country to seek asylum.

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

Refoulement: There were reports of asylum seekers from Mozambique who were returned without access to UNHCR assessments of the voluntariness of the returns. In addition there were reports that some long-standing Mozambican migrants living in the southern part of the country, including those with Tanzanian family members, were also expelled from the country. The government did not accept Mozambican asylum seekers who were fleeing violence in the northern province of Cabo Delgado into southern the southern part of the country. Per an agreement with the government of Mozambique, the government reportedly returned more than 10,000 Mozambicans who crossed into Tanzania back to unknown locations in Mozambique.

While nearly 88,000 Burundian refugees had been repatriated since September

2017, with more than 20,000 repatriated in 2021 alone, there were numerous accounts of refugees facing intimidation or pressure by Tanzanian authorities to return home. UNHCR expressed grave concerns regarding validating the voluntariness of the returns. Some refugees who were pressured into returning to Burundi became refugees in other countries or returned to Tanzania. The government does not allow UNHCR to reregister those who return, preventing them from accessing humanitarian assistance or basic services.

In July UNHCR reported that 25 Ugandan nationals had attempted to seek asylum in January based on claims of persecution for their sexual orientation. They were temporarily allowed to remain in Dar es Salaam and receive UNHCR-provided services pending adjudication of asylum claims by the National Eligibility Committee. In July their asylum claims were rejected due to lack of credible evidence of persecution, according to the Refugee Services Department. They were subsequently deported to Uganda by police and immigration officers without the opportunity to appeal. UNHCR was unable to seek a court order to halt the deportation. UNHCR stated the government's deportation process was an affront to the universal nonrefoulement principle. The country does not provide asylum on the basis of sexual orientation or gender expression.

Abuse of Migrants and Refugees: The government suspended livelihood options for refugees by closing businesses operating inside the camps and common markets outside the camps where refugees and the surrounding communities could exchange goods. According to NGOs working in the camps, there was an increase in gender-based violence and other problems due to the loss of livelihoods. In July and August an international NGO reported five cases of gender-based violence in the Nyarugusu refugee camp on the western border. Most of the cases were women who were forced to repatriate to Burundi by their spouses and who had returned to Nyarugusu due to lack of shelter and services in Burundi, or spousal abuse or neglect.

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

Gender-based violence against refugees continued, including allegations against officials who worked in or around refugee camps. UNHCR worked with local

authorities and residents in the three refugee camps to strengthen coordination and address violence, including sexual violence, against vulnerable persons. The public prosecutor investigated, prosecuted, and punished perpetrators of abuses in the camp, while international NGOs assisted the legal team when requested by a survivor. Local authorities and the public prosecutor handled most cases of refugee victims of crime and abuse outside the camp. Residents of the refugee camps suffered delays and limited access to courts, common problems also faced by citizens.

Freedom of Movement: Refugees apprehended more than 2.5 miles outside their camps without permits are subject by law to sentences ranging from a fine up to a three-year prison sentence (see section 2.d.). Policy restrictions limiting refugee freedom of movement and access to livelihoods left the refugee population almost totally dependent on humanitarian assistance and vulnerable to a range of protection risks, including sexual and gender-based violence.

More than 50 Burundian refugees were arrested and held in prisons for allegedly leaving the camps and seeking outside employment.

Employment: Even when refugees have official status, they generally are not able to work, especially in view of the country's strict encampment policies. The government generally prohibits livelihood and income-generating activities in its three refugee camps, especially for Burundian refugees.

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

According to the Ministry of Home Affairs, from January to August, more than 20,000 Burundian refugees repatriated voluntarily. According to UNHCR, more than 88,000 Burundian refugees had returned to Burundi with assistance since 2017. During 2019, 1,350 refugees from the Democratic Republic of the Congo and 82 from other countries were resettled in other countries.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: In October 2020 the country held its most recent multiparty general election. Separate elections are held for the union and for Zanzibar, ordinarily on the same day, in which citizens of the two parts of the union elect local officials, members of the national parliament, and a union (national) president. Additionally, Zanzibar separately elects a president of Zanzibar, members of the Zanzibar House of Representatives, and Ward Councilors. In 2020 Zanzibar held two election days, with one election day taking place the day before the general election to allow security officials and others working on election day the opportunity to vote. International and local observers noted that the 2020 elections were marred with numerous credible reports of irregularities, along with internet and social media outages.

On March 17, the government announced the death of President John Magufuli. Vice President Samia Suluhu Hassan was sworn in as Tanzania's first female president and sixth president since independence. Due to a constitutional provision permitting the president's deputy to carry out the remaining presidential term in the event of death, there was no need to conduct a new election following Magufuli's

death.

The first election under the Hassan administration occurred on May 16 when the NEC conducted a by-election to fill two parliamentary seats for Muhambwe and Buhigwe constituencies in Kigoma Region. The two seats were vacated following the death of Atashasta Nditiye, member of parliament (MP) representing Muhambwe, and after Philip Mpango, MP for Buhigwe, became President Hassan's vice president. Observers concluded the Muhambwe election was competitive, while they noted a number of election irregularities in Buhigwe, including unannounced relocation of polling stations and instances of multiple voting.

On July 18, the NEC held a by-election in Konde constituency on Pemba to fill a vacant seat after the death of Katib Said Haji from the opposition ACT-Wazalendo party. CCM, ACT-Wazalendo, and 10 other political parties participated in the by-election, with the NEC declaring the CCM candidate the winner. Following a public outcry over election malfeasance by ACT-Wazalendo and other stakeholders, the CCM candidate who had been declared the winner resigned, citing family reasons. On August 27, the NEC announced a rerun of the by-election in Konde and a new by-election in Ushetu constituency in Shinyanga Region, which were held on October 9. ACT-Wazalendo candidate Mohamed Said Issa was declared the winner by the NEC. The by-election in Ushetu followed the death of parliamentarian and former minister of defense Elias Kwandikwa on August 2. In Ushetu CCM candidate Emmanuel Peter Cherehani won in a landslide victory following mass voter turnout after NEC provided civic education programming.

Political Parties and Political Participation: The constitution establishes the country as a multiparty democracy and requires that persons running for office represent a registered political party. The law prohibits unregistered parties. There were 19 political parties with full registration and three with provisional registration. In the 2020 election, 17 parties participated. To secure full registration, parties must submit lists of at least 200 members in 10 of the country's 31 regions, including two of the five regions of Zanzibar. On August 30, the registrar of political parties, a presidential appointee, began the reverification process of all political parties. The verification exercise aimed to confirm that

registered parties were adhering to legal requirements, including having offices on the mainland and in Zanzibar.

The registrar of political parties has sole authority to approve registration of any political party and is responsible for enforcing regulations. A 2019 amendment expanded the registrar's powers, a move opposition MPs asserted would cement one-party rule. Under the amended law, the registrar may prohibit any individual from engaging in political activities and request any information from a political party, including minutes and attendee lists from party meetings. During the 2020 elections, the political opposition faced difficulty forming a coalition due in part to the legal requirement that all minutes, areas of agreement, and strategic plans be shared with the registrar. As the government is primarily comprised of one party, membership in the dominant party may confer advantages, including appointments to government jobs. President Hassan, however, made efforts to appoint opposition party members to high-level government positions, including regional commissioners. The government in Zanzibar made efforts to do the same, primarily through its establishment of a Government of National Unity, which included members of the opposition.

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

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. Some observers believed cultural and financial constraints limited women's participation in politics. There were special seats allocated to women in both parliament and the Zanzibar House of Representatives. During the year there were nine elected members of parliament with disabilities representing the mainland and Zanzibar. The only two elected opposition seats in parliament from the mainland were both held by women, one from ACT-Wazalendo and one from the Civic United Front. Chadema also technically maintained 19 special seats for women in parliament, although Chadema officials were challenging the women's legitimacy, claiming they took the seats without party concurrence. President Hassan appointed five women to regional commissioner positions, including Queen Sendinga, 2020 Alliance for Democratic Change opposition

presidential candidate. President Hassan also appointed seven women to ministerial positions, an increase of two from the Magufuli administration.

The government participated in several meetings and events with NGOs related to policy or regulatory improvements to enhance the participation of women, youth, and persons with disabilities in political and electoral processes.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. There were isolated reports of government corruption during the year. President Hassan took several steps to signal a commitment to fighting corruption. These included surprise inspections of ministries, hospitals, and the port of Dar es Salaam, often followed by the immediate dismissal or suspension of officials.

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

NGOs reported allegations of corruption involving the Tanzania Revenue Authority, local government officials, police, licensing authorities, hospital workers, and media. In March President Hassan ordered the PCCB to dismiss baseless cases, and on May 18, the PCCB dropped a substantial number of pending cases.

The PCCB's mandate excludes Zanzibar. In September an official from the Zanzibar Anti-Corruption Authority stated the entity lacked the financial and human resources necessary to fulfil its obligations.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human

Rights

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

To improve coordination between NGOs and the government at the district and regional level, the government appointed 26 regional assistant registrars (Community Development Officers) and 185 council assistant registrars. There remained concerns, however, regarding how the government could use this process to monitor or deregister organizations that are perceived to be antigovernment.

In August 2020 the government froze the bank accounts of the THRDC and arrested its director, Onesmo Olungurumwa, and actively sought to suspend or prevent the functioning of several others – including the NGO Inclusive Development for Change, and on Zanzibar, the Centre for Strategic Litigation (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity). On April 20, the government unfroze THRDC bank accounts, allowing the organization to restart its programming.

The United Nations or Other International Bodies: The government generally cooperated with visits from UN representatives, such as special rapporteurs, as well as those from UN specialized agencies such as the International Labor Organization or other international organizations (but not including NGOs) that monitor human rights. UNHCR during the year reported increased bureaucratic hurdles to conducting work inside refugee camps (see section 2.f.).

Government Human Rights Bodies: The union parliamentary Committee for Constitutional, Legal, and Public Administration is responsible for reporting and making recommendations regarding human rights.

The CHRAGG operated on both the mainland and Zanzibar, but low funding levels

and lack of leadership limited its effectiveness. The commission has no legal authority to prosecute cases but can make recommendations to other offices concerning remedies or call media attention to human rights abuses, violations, and other public complaints. It also has authority to issue interim orders preventing actions in order to preserve the status quo, pending an investigation. Human rights stakeholders expressed concerns that the government was censoring the human rights body, citing the failure of the CHRAGG to condemn human rights abuses.

Section 6. Discrimination and Societal Abuses

Women

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

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

Authorities rarely prosecuted persons who abused women. Persons close to the victims, such as relatives and friends, were most likely to be the perpetrators. Many defendants who appeared in court were set free because of corruption in the judicial system, lack of evidence, poor investigations, and poor evidence preservation.

There were some government efforts to combat gender-based violence. Police maintained gender and child desks in regions throughout the country to support survivors, address relevant crimes, and address mistrust between members of key populations and police. Their effectiveness, however, varied widely. Police validated a referral guide to improve the quality and consistency of responses to cases of gender-based violence. Despite government efforts, cases against women

increased, particularly due to the tradition of resolving matters of this nature within the family unit or at the community level. The LHRC released a statement that condemned an increase in gender-based violence within the community during COVID-19 restrictions. In an effort to combat its incidence, the government introduced a campaign called “Tokomeza Ukatili Twende Pamoja” or “Let us Unite and Fight Against Violence,” which aimed to raise public awareness about the issue through special awareness raising events throughout the country.

In prisons the government also continued to coordinate policies, strategies, and guidelines in reference to gender matters. The government introduced gender desks within the prison department as a reporting mechanism for gender-based violence in prisons. The PCCB also had a gender desk to report sexual exploitation, although since 2015, just 31 cases were reported.

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

Prosecutions were rare. Many police officers and communities were unaware of the law, victims were often reluctant to testify, and some witnesses feared reprisals from FGM/C supporters. Some villagers reportedly bribed local leaders not to enforce the law in order to carry out FGM/C on their daughters. In 2019 the Ministry of Health reported that approximately 10 percent of women had undergone FGM/C. The areas with the highest rates of FGM/C were Manyara (58 percent), Dodoma (47 percent), Arusha (41 percent), Mara (32 percent), and Singida (31 percent). In March the government launched a four-year national strategy to end FGM by 2030.

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

frequently.

The LHRC's 2020/2021 *Human Rights and Business Report* found that the issue of sexual harassment was among the most pressing matters facing women in the business sector. Women reported having to use their bodies to obtain relief and privileges at work, an issue primarily observed in Mara, Mbeya, Shinyanga, Dar es Salaam, Mwanza, and Dodoma Regions. The LHRC's survey in Shinyanga also illustrated cases of sexual harassment against women in Chinese-owned mines, where women reported sexual harassment by Chinese workers and supervisors.

On June 1, Speaker of the National Assembly Job Ndugai ousted female Member of Parliament Condester Sichwale from a parliamentary session for allegedly dressing immodestly. Human rights stakeholders stated that these acts of humiliation discouraged women from appearing in large numbers within political leadership.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Less than one-third of married women used modern contraceptives. Nearly one in four women would like to prevent pregnancy but lacked access to family planning. Family planning, including contraceptives, are covered in the national health system. Reproductive conditions and levels of contraceptive use varied based on factors including education, income level, geographical area, and age. For instance, the fertility rate in rural areas was six children per woman and 3.8 children per woman in urban areas. Modern contraceptive use also varied geographically, from 51 percent of those currently married in the Southern Zone to 14 percent in Zanzibar. While 12 percent of adolescents started having sexual relations by age 15, and 60 percent by 18, only 8.6 percent of adolescent girls between ages 15 and 19 used modern contraceptive methods. One in four adolescent girls between ages 15 and 19 were already mothers or were pregnant with their first child. Of adolescents living in rural areas, 32 percent had a live birth or were pregnant, compared with 19 percent of those living in urban areas. Adolescence was associated with a high frequency of child marriage, insufficient knowledge about sexually transmitted infections, and restricted access to sexual and reproductive health services. Persons with disabilities (especially adolescents)

had greater sexual and reproductive health needs than the general population due to lack of information and greater exposure to sexual abuse and rape, HIV and sexually transmitted infections, and stigma. Access to sexual and reproductive health services was hindered by communication and environmental barriers, physical inaccessibility, and negative interaction with service providers including lack of confidentiality, mistreatment and disrespect, and inadequacy of service delivery.

Despite government efforts to improve the availability and quality of postabortion services, women and girls who suffered complications avoided seeking treatment due to being prosecuted, and many health-care providers were not aware they are legally allowed to provide treatment and that women have the right to such service.

Within the Reproductive and Child Health Unit in the Ministry of Health and implemented by the President's Office for Regional Administration and Local Government, the government has national guidelines managing the health-sector response to and the prevention of gender-based violence. Health facilities trained on sex and gender-based violence and provided sexual and reproductive health information, as well as emergency contraceptive and prophylaxis to survivors of sexual violence, per standard operating procedures.

From 2007 to 2015, maternal mortality increased from 454 to 556 per 100,000 live births. Only 57 to 68 percent of pregnant women delivered with a skilled birth attendant. A recent study conducted in Lindi and Mtwara Regions in the southern part of the country found that traumatic and nontraumatic postpartum hemorrhage was the most common cause of maternal deaths: 51 percent of women died within 24 hours of delivery; 60 percent of those who died were ages 25 to 36; and 63 percent were lower-income rural inhabitants.

Many women had untreated obstructed fistula, a situation resulting in large part from deficiencies in the health system. Women attributed fistula development to negative experiences such as disrespectful maternity care. Multiple studies reported that women also perceived that their fistula resulted from prolonged wait times in the primary health-care facility due to nurses' negligence and failure to make decisions to transfer them to a better prepared facility in a timely manner. Moreover, mothers reported persistent systematic barriers and dismissive

institutional norms and practice, including poor communication, denial of husbands' presence at birth, denial of mobility, denial of safe traditional practices, no respect for their preferred birth positions, and poor physical condition of facilities. Community stigma was another major factor that delayed women seeking obstetric fistula treatment.

Menstrual hygiene also remained a prohibitive factor for girls' access to education, as most girls did not have access to feminine hygiene products and decided to remain home during their menstrual period. Schools did not provide comprehensive sexuality education, and students reported they did not have adequate information to prevent pregnancy. In addition many girls became pregnant as a result of rape. Under the Education and Training Policy launched by the government in 2015, pregnant girls may be reinstated in schools. In 2017, however, President Magufuli declared that girls would not be allowed to return to school after giving birth. Human rights NGOs criticized the policy as contrary to the country's constitution and laws. This policy led to girls being excluded from educational opportunities, while the fathers of the babies were often their teachers or other older men who frequently did not suffer any consequences (see section 6, Children). On November 24, the government announced it would allow persons who had dropped out of school, including pregnant school-age girls and adolescent mothers, to return to the formal education system.

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

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

Systemic Racial or Ethnic Violence and Discrimination

During the year there were no reports of systemic racial or ethnic violence or discrimination. There are no laws for the specific protection of racial or ethnic minorities.

Indigenous Peoples

The country does not recognize the rights of indigenous peoples or those who self-identify as indigenous. Indigenous persons may face forcible evictions from traditionally indigenous lands for conservation or development efforts.

Children

Birth Registration: Citizenship is derived by birth within the country or abroad if at least one parent is a citizen. Registration within three months of birth is free; parents who wait until later must pay a fee. Public services were not withheld from unregistered children. The Registration, Insolvency and Trusteeship Agency, in collaboration with the Tigo telecommunication company, facilitated birth registrations. The registration program continued, issuing 1.6 million birth certificates by year's end in Shinyanga, Mbeya, Njombe, Mwanza, Iringa, Geita, and Temeke Regions.

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

Girls represented approximately one-half of all children enrolled in primary school but were absent more often than boys due to household duties and lack of sanitary facilities. At the secondary level, child, early, and forced marriage and pregnancy often caused girls to be expelled or otherwise prevented girls from finishing school (see section 6, Women, Reproductive Rights).

On June 22, the government announced its plans to direct its 54 Folk Development Colleges to act as an alternative education opportunity for secondary-school

dropouts, including pregnant girls who had been expelled under Magufuli. President Hassan did not reverse the expulsion policy of her predecessor, but instead, amidst controversy, asserted that the government was providing an alternative education pathway. This announcement followed World Bank's \$500 million "Secondary Education Quality Improvement Project" loan to the country to improve access to quality education and retain children, especially young mothers, in secondary school. On November 24, the government announced that pregnant schoolgirls and adolescent mothers would be allowed to return to the formal education system. The change was part of a larger policy to promote the return of students who dropped out of school. In Zanzibar the Ministry of Education amended the Spinsters and Single Parents Protection Act of 2005 to allow pregnant school-age girls to return to school and continue their studies after delivery.

Child Abuse: Violence against and abuse of children were major problems. Corporal punishment was employed in schools, and the law allows head teachers to cane students. The National Violence against Children Survey, conducted in 2009 (the most recent data available), found almost 75 percent of children experienced physical violence prior to age 18. There were no notable reports of government efforts to combat child abuse.

Child, Early, and Forced Marriage: The law sets the legal age for marriage at 18 for boys and 14 with parental consent for girls. The law makes it illegal to marry a primary or secondary school student. To circumvent these laws, individuals reportedly bribed police or paid a bride price to the family of the girl to avoid prosecution. According to Human Rights Watch, girls as young as age seven were married. Zanzibar has its own law on marriage, but it does not specifically address child, early, and forced marriage. The government provided secondary school-level education campaigns on gender-based violence, which included information on child, early, and forced marriage.

In 2019 the Court of Appeal rejected a government appeal to retain provisions in the law, which would have permitted girls as young as 14 to marry with parental consent, instead ruling that the act was unconstitutional and discriminatory towards girls. The government was supposed to set the minimum age of marriage for boys and girls to 18 and remove the parental consent exceptions provision for marriage before the age of 18 but as of year's end had not amended the law.

The Women's Legal Aid Center reported increasing patterns of early marriage within refugee camps, further complicated by laws of the child, which refer to children as under 18. The marriage law, however, allows girls to marry at age 14.

Sexual Exploitation of Children: The law criminalizes commercial sexual exploitation of children, including prostitution, sexual exhibitions, and child pornography. During the year there were no reported prosecutions based on this law. The law provides that sexual intercourse with a child younger than 18 is rape unless within a legal marriage. The law was not always enforced because cases were not always reported or because girls, facing pressure, dropped charges. For example, there were accounts of statutory rapes of girls that went unreported in Zanzibar. There were unofficial reports that the number of cases of statutory rapes in Zanzibar increased, but there were no official statistics to substantiate those claims.

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

Displaced Children: According to the Ministry of Health, Community Development, Gender, Elderly, and Children, large numbers of children were living and working on the street, especially in cities and near the borders. After data collection throughout 26 regions and 138 districts, the ministry reported 29,983 children were living in hazardous conditions during the year. These children had limited access to health and education services because they lacked a fixed address or money to purchase medicines, school uniforms, and books. They were also vulnerable to sexual abuse. According to the Ministry of Health, Community Development, Gender, Elderly, and Children, during the year, 15,365 displaced children received necessities, including food, clothing, education, and health services, from a combination of government and private organizations.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

Persons with disabilities sometimes could not access education, health care, and transportation on an equal basis with others. The law provides equality in status and prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government, however, did not effectively enforce these provisions. Few public buildings were accessible to persons with disabilities. New public buildings, however, were built in compliance with the law to provide access. The law provides for access to information and communication, but not all persons with disabilities had such access.

According to the Annual Education Survey of 2020/21, the government expanded school infrastructure for children with disabilities as part of its National Strategy for Inclusive Education. The government procured equipment such as braille machines, magnifiers, large print books, audiometers, and specialized furniture. More than 340,000 learners with special needs remained out of school.

There were nine members of the union parliament with disabilities. Persons with disabilities held three appointed seats in the Zanzibar House of Representatives. The Prime Minister's Office includes a ministerial position responsible for disabilities. Limits to the political participation of persons with disabilities included inaccessible polling stations, lack of accessible information, limited inclusion in political parties, the failure of the NEC to implement directives concerning disability, and prejudice toward persons with disabilities. During the year both the NEC and the Zanzibar Election Commission participated in meetings with NGOs focused on improving political and electoral participation for persons with disabilities.

HIV and AIDS Social Stigma

The 2013 *People Living with HIV Stigma Index Report* indicated persons with HIV and AIDS experienced significant levels of stigma countrywide (39 percent), with stigma particularly high in Dar es Salaam (50 percent). The report highlighted that most common forms of stigma and discrimination were verbal insults and exclusion from social, family, and religious activities. Results also showed that more than one in five persons with HIV and AIDS experienced a forced change of residence or inability to rent accommodations. In Dar es Salaam nearly one in three of these persons experienced the loss of a job or other source of income.

During the year the country completed its second *People Living with HIV Stigma Index Report* to further assess levels of HIV and AIDS social stigma. At year's end the government had not published the findings.

The law prohibits discrimination against any person “known or perceived” to be HIV-positive and establishes medical confidentiality standards to protect persons with HIV and AIDS. Police abuses of HIV-positive persons, particularly in three key populations (sex workers, drug users, and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons), were not uncommon and included arbitrary arrest, extortion, and refusal to accept complaints from victims of crime. In the health sector, key populations experienced denial of services, verbal harassment and abuse, and violations of confidentiality.

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

Consensual same-sex sexual conduct is criminalized. The law on both the mainland and Zanzibar punishes “gross indecency” by up to five years in prison or a fine. The law punishes any person convicted of having “carnal knowledge of another against the order of nature or permits a man to have carnal knowledge of him against the order of nature” with a prison sentence on the mainland of 30 years to life and in Zanzibar of imprisonment up to 14 years. In Zanzibar the law provides for imprisonment up to five years or a fine for “acts of lesbianism.” In the past courts charged individuals suspected of same-sex sexual conduct with loitering or prostitution. The law does not prohibit discrimination based on sexual

orientation and gender identity. Police often harassed persons believed to be LGBTQI+ based on their dress or manners.

In March 2020 seven men were arrested for same-sex sexual conduct and were purportedly subjected to forced anal exams. In July the case was dismissed after the prosecution failed to summon the doctor to the court to provide medical evidence of same-sex sexual conduct.

In June the Sexual Orientation and Gender Identity (SOGI) Coalition Tanzania reported the death of a transgender woman, age 26, whose identity was uncovered. She was found dead in Kinondoni District, Dar es Salaam. Activists believed this person was killed due to their gender expression and identity.

LGBTQI+ persons were afraid to report violence and other crimes, including those committed by state agents, due to fear of arrest. LGBTQI+ persons faced societal discrimination that restricted their access to health care, including access to information regarding HIV, housing, and employment. There were no known government efforts to combat such discrimination (see section 2.f., Refoulement).

NGOs and civil society organizations serving LGBTQI+ persons and key populations continued to face occasional harassment. While there was continuing fear among these NGOs to operate freely and openly, they reported remaining relatively free from targeting and deregistration by authorities under President Hassan. There were no safe houses or shelters in Zanzibar for LGBTQI+ persons facing discrimination, violence, or abuses based on sexual orientation or gender identity and expression. In 2017 authorities filed a case against two women in Mwanza who exchanged rings in an engagement ceremony that was recorded and posted on social media. The case was withdrawn without being heard in 2018 and then reopened as a new case in 2019. The case continued as of year's end.

Other Societal Violence or Discrimination

Despite efforts by the government and NGOs to reduce mob violence through educational outreach and community policing, mob violence continued. According to the LHRC's 2020 *Human Rights Report*, 443 persons were killed in mob violence in 2020. In September 2020 an angry mob in Kahama District attacked and killed two suspected thieves following allegations that they robbed a mobile

money shop. Witchcraft-related killings continued to be a problem. According to the LHRC's 2020 report, there were 112 witchcraft-related killings in 2020. Major victims or targets of such killings were often children or elderly women. The regions with the greatest number of killings were Geita, Rukwa, Katavi, Tanga, Mbeya, Njombe, Londi, and Kigoma.

In 2015 the government outlawed witchdoctors in an attempt to curtail killings of persons with albinism. Attacks on persons with albinism declined, but there was one reported case of a person with albinism being killed during the year. Persons with albinism remained at risk of violence, however, especially during election times, since some ritual practitioners sought body parts from persons with albinism in the belief they could be used to bring power, wealth, and good fortune. In May a five-year-old boy with albinism was found killed in Uyui District in Tabora. Police confirmed he was not from the district or neighboring villages and his identity remained unknown. As of year's end, there was no suspect in custody.

Following an attack on a village in October 2020, the Islamic State issued a statement claiming its fighters had burned three villages in Mtwara "inhabited by Christians." Also see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

Farmers and pastoralists sometimes argued over traditional animal grazing areas, and violence occurred during some disputes.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The mainland and Zanzibari governments have separate labor laws. The mainland's law provides for the right of workers to form and join independent trade unions, bargain collectively, and conduct legal strikes, except for workers in the categories of "national service" and prison guards. The law prohibits some forms of antiunion discrimination but does not require employers to reinstate workers fired for trade union activity nor prevent retribution against workers taking part in legal strikes. Trade unions in the private sector must consist of more than 20 members and register with the government, while public-sector unions need a

minimum of 30 members. Five organizations are required to form a federation. Trade union affiliation with nonunion organizations can be annulled by the Labor Court if it was obtained without government approval, or if the union is considered an organization whose remit is broader than employer-worker relations. A trade union or employers association must file for registration with the registrar of trade unions in the Ministry of Labor within six months of establishment. The law, however, does not provide for specific time limits within which the government must register an organization, and the registrar has the power to refuse registration on arbitrary or ambiguous grounds. The government prescribes the terms of office of trade union leaders. Failure to comply with government requirements is subject to fines, imprisonment, or both.

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

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

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

The law restricts the right to strike when a strike involves an “essential service” that could endanger the life and health of the population. Picketing in support of a strike or in opposition to a lawful lockout is prohibited. Workers in almost 50 percent of all service sectors were defined as “essential” (water, sanitation,

electricity, health services, health laboratory services, firefighting, air traffic control, civil aviation, telecommunications, and any transport services required for these services); these employees may not strike without a preexisting agreement to maintain “minimum services.” Workers in other sectors may also be subject to this limitation as determined by the Essential Services Committee, a tripartite committee composed of employers, workers, and government representatives with the authority to deem which services are essential.

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

Penalties for violations were not sufficient to deter violations. Penalties were commensurate with penalties for similar violations. Disputes concerning antiunion discrimination must be referred to the Commission for Mediation and Arbitration, a governmental department affiliated with the Ministry of Labor. There was no public information available regarding cases of antiunion discrimination.

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

In Zanzibar the law requires any union with 50 or more members to be registered, a threshold few companies could meet. The law sets literacy standards for trade union officers. The law provides the registrar considerable powers to restrict union registration by setting criteria for determining whether an organization’s constitution protects its members’ interests. The law applies to both public- and private-sector workers and bans Zanzibari workers from joining labor unions on the mainland. The law prohibits a union’s use of its funds, directly or indirectly, to pay any fines or penalties incurred by trade union officials in the discharge of their official duties. In Zanzibar both government and private-sector workers have the right to strike, but the right to strike is strictly regulated, requiring a long prior notice and compulsory mediation. In addition workers in essential sectors may not strike, and picketing is prohibited. The law does not protect those taking part in legal strikes from retribution.

The law provides for collective bargaining in the private sector. Public-sector employees have the right to bargain collectively through the Trade Union of

Government and Health Employees; however, members of the police force and prison service, and high-level public officials (for example, the head of an executive agency) are barred from joining a trade union. Zanzibar's Dispute Handling Unit addresses labor disputes. In Zanzibar judges and all judicial officers, members of special departments, and employees of the House of Representatives are excluded from labor law protection. In Zanzibar the courts are the only venue in which labor disputes can be heard. Enforcement of labor law in Zanzibar was insufficient, especially on the island of Pemba. In Zanzibar managerial employees do not have the right to bargain collectively on salaries and other conditions of employment.

The government did not effectively enforce the law protecting the right to collective bargaining on the mainland or in Zanzibar. On both the mainland and in Zanzibar, private-sector employers adopted antiunion policies or tactics, although discriminatory activities by an employer against union members are illegal.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The law allows exceptions consistent with International Labor Organization (ILO) Convention No. 29 of compulsory labor for prisoners, compulsory national service, civic obligations, and work in emergency situations. For example the law allows prisoners to work without pay on construction and agriculture projects within prisons. The law deems such work acceptable if a public authority ensures the work is not for the benefit of any private party. The law also allows work carried out as part of compulsory national service in certain limited circumstances. The constitution provides that no work shall be considered forced labor if such work forms part of compulsory national service in accordance with the law, or "the national endeavor at the mobilization of human resources for the enhancement of society and the national economy and to ensure development and national productivity."

The law establishes criminal penalties for employers using forced labor. Penalties were not commensurate with penalties for similar violations. The government did not adequately enforce the law. Neither the government nor the ILO provided statistics on government enforcement. The ILO reported unspecified instances of

forced labor, including those involving children from the southern highlands forced into domestic service or labor on farms, in mines, and in the informal business sector. Forced child labor occurred (see section 7.c.). In late 2018 the government drafted a national child labor strategy, addressing elimination of forced child labor, which at year's end had yet to be launched formally.

Fifteen percent of employees reported being forced to work outside normal working hours and on weekends and holidays, according to a large-scale survey of employees of small and medium-sized businesses conducted by the LHRC (see section 7.e.). Prisoners perform unpaid and nonvoluntary labor on projects outside of the prison, such as road repair, agriculture, and government construction projects. The minister of home affairs' budget speech of 2020/21 included a statement regarding having prisoners produce their own food, stating that prisons would implement the 2020-2025 Agricultural Revolution Program, harvesting 4,720 tons of maize, 1,120 tons of rice, 298 tons of beans, and 43 tons of sunflower over 11,185 acres. In March, however, the government banned the use of cheap prison labor in government entities and to government officials. This was a result of the Prison Department's uncoordinated arrangements for the use of prison labor for constructing residential houses and cultivating farms.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law on the mainland and in Zanzibar prohibits all the worst forms of child labor and provides for a minimum age of employment, including limitations on working hours and occupational safety and health restrictions for children. The minimum age of employment applies to children working in some sectors. By law the minimum age on the mainland for employment is 14; in Zanzibar the minimum age is 15. Neither the mainland nor Zanzibar's minimum age laws, however, extend to children in domestic work, leaving such children vulnerable to exploitation. Children older than 14 but younger than 18 may be employed only to do nonhazardous work that is not likely to be harmful to the child's health and development or attendance at school. The government published regulations to define hazardous work for children in several sectors, including in agriculture,

fishery, mining, quarrying, construction, service, informal operations, and transport. The law limits working hours for children to six hours a day. Although legal penalties for violations of minimum age laws are likely sufficient to deter violations, there were few reported instances of authorities imposing penalties. Penalties were not commensurate with penalties for similar violations.

The LHRC's 2020/2021 *Human Rights and Business Report* illustrated that only 36 percent of businesses in the country confirmed having policies and regulations prohibiting the use of child labor or stipulating the minimum age of employment. The worst forms of child labor occurred, as children worked in hazardous and unsafe conditions in the mining and agricultural sectors in Manyara, Tabora, Singida, Mbeya, Geita, Shinyanga, and Dodoma Regions.

Both the mainland and Zanzibar labor inspectorates lacked sufficient human and financial resources to adequately enforce minimum age laws, and labor inspectors lacked authority to assess penalties for violations. Inadequate enforcement left children vulnerable to exploitation. Mainland officials arrested but were not able to obtain convictions for traffickers of children working in mining and domestic service. On September 5, police in Mbeya Region arrested two persons for allegedly abducting 11 children between 10 and 14 years of age and trafficking them as livestock keepers for profit. The two suspects were accused of selling them to local herders for approximately 20,000 shillings (\$8.65) per child per month. Zanzibar's police, Ministry of Labor, and Zanzibar Labor Commission did not take legal action related to the worst forms of child labor, such as child trafficking and commercial sexual exploitation of children.

Government measures to ameliorate child labor included verifying that children of school age attended school, imposing penalties on parents who did not enroll their children in school, and pressing employers in the formal sector not to employ children younger than 18. In 2018 the government developed a national strategy for elimination of child labor; however, the government had not yet launched the strategy.

On the mainland children worked as domestic workers, street vendors, and shopkeepers as well as in agriculture, family-based businesses, fishing, construction, and artisanal mining of gold and tanzanite. On Zanzibar children

worked in fishing and agricultural sectors.

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

d. Discrimination with Respect to Employment and Occupation

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

Women have the same status as men under labor law on the mainland. According to the LHRC 2020/2021 *Human Rights and Business Report*, however, gender-based discrimination was common at workplaces, although the law prohibits workplace discrimination and calls for promotion of equality and treatment in employment. The rule also categorizes harassment of an employee, whether sexual or otherwise, as a form of discrimination. Every employer is required to develop and publish a workplace plan to prevent discrimination and to promote equal opportunity in employment.

According to the Trade Union Congress of Tanzania (TUCTA), gender-based discrimination in terms of wages, promotions, and legal protections in employment continued to occur in the private sector. It was difficult to prove and often went unpunished. While employers in the formal sector were more attentive to laws against discrimination, problems were particularly acute in the informal sector, in which women were disproportionately employed. Women often were employed for low pay and in hazardous jobs, and they reported high levels of bullying, threats, and sexual harassment. A 2020 study by the LHRC found that women faced particular discrimination in the mining, steel, and transport industries (see

section 6, Women). The LHRC 2020/2021 *Human Rights and Business Report* showed women still experienced discrimination based on pregnancy and maternity, as well as sexual harassment in the workplace. Female workers across all surveyed regions expressed concern regarding discrimination against female workers because of pregnancy, breastfeeding, or menstrual cycles, despite maternity leave being guaranteed under the law. Female workers noted that pregnancy was a means of discrimination in the workplace, reporting that most employers preferred to replace them rather than granting maternity leave and allowing them to return to work. Women in male-dominated professions were also targeted for insults and sexist jokes; for example, in August a government official questioned the “femininity” and gender of the country’s female soccer players at a sports ceremony.

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

Discrimination and inaccessible workplaces excluded persons with disabilities from the workplace and reduced the country’s GDP by \$480 million each year, according to the Comprehensive Community Based Rehabilitation health services group. This group also noted that only 3.1 percent of persons with disabilities in the country received income from paid employment. While nongovernment and government actors made efforts to curb discrimination and violence against persons with albinism, the LHRC reported that this population continued to live in fear of their personal security and therefore could not fully participate in social, economic, and political activities.

Inspections conducted since the enactment of the law in 2015 revealed 779 foreign employees working without proper permits. Of these, 29 were repatriated and 77 were arraigned in court. Because legal refugees lived in camps and could not travel freely (see section 2.d.), few worked in the formal sector.

e. Acceptable Conditions of Work

Wage and Hour Laws: The government established minimum wage standards in 2015 for employees in both the public and private sectors on the mainland, and it divided those standards into nine employment sectors. The minimum wage was above the government poverty line, but in many industries, it was below World Bank standards for what constitutes extreme poverty. The government's poverty line had not been updated since 2012. The law allows employers to apply to the Ministry of Labor for an exemption from paying the minimum wage. The labor laws cover all workers, including foreign and migrant workers and those in the informal sector. The minimum wage on Zanzibar was above the poverty line.

The standard workweek is 45 hours, with a maximum of nine hours per day or six days per week. Any work in excess of these limits should be compensated with overtime pay at one-and-a-half times the employee's regular wage. Under most circumstances it is illegal to schedule pregnant or breastfeeding women for work between 10 p.m. and 6 a.m.

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

Human rights groups pointed out that some employees believed they were pressured to work longer than normal hours due to the risk of losing their jobs. Some employment contracts required employees to work 10 hours per day in violation of labor laws and standards. Employees on the mainland reported they were required to work until their employer told them to leave, even past normal working hours; in Mbeya and Geita workers reported being forced to work on weekends and holidays, according to a 2020/21 large scale survey conducted by the LHRC.

Minimum wage compliance is regulated through the Labour Administration and Inspection Services Department, which works under the Ministry of Labor and Employment. On the mainland, labor officers working in the Ministry of Labor

monitor employment contracts, wages, and working time. The ILO noted that there were six labor officers in the Labor Administration and Inspection Section for the mainland to oversee the labor inspection system of 32 labor “area offices,” but the number of inspectors was insufficient to enforce compliance among a population of 28 million workers. In Zanzibar the Labor Commission has direct responsibility over labor inspection matters. On both the mainland and Zanzibar, labor officers may issue a compliance order to require employers to comply with labor laws under penalty of fines, imprisonment of up to three days, or both. Employees can bring labor disputes including wage and hour claims to the Commission for Mediation and Arbitration. The government did not effectively enforce minimum wage and overtime laws. Most inspections were routine and planned ahead of time, although inspectors have authority to conduct unannounced inspections. Penalties for wage and overtime law violations were not commensurate with those for similar crimes. Violations occurred most frequently in the hospitality, transportation (bus and truck drivers), construction, and private-security sectors, according to the LHRC survey. All employees in the survey indicated they had worked overtime at some point, but only 38 percent received overtime pay.

Occupational Safety and Health: Several laws regulate occupational safety and health (OSH) standards in the workplace. According to TUCTA, OSH standards are appropriate for the main industries and enforcement of these standards has improved, but challenges remained in the private sector. OSH standards, however, were not effectively enforced in the informal economy. The Occupational Safety and Health Authority did not employ sufficient inspectors. Most inspections were routine and planned, although inspectors have authority under the law to conduct unannounced inspections. In the case of a violation, inspectors could issue improvement notices with a deadline, issue a stop work order, or prohibit the use of dangerous equipment. There is no sanction or fine, however, that labor inspectors can directly apply in the mainland or in Zanzibar. Going to court is the only option to deal with an uncooperative employer. By law workers can remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities did not effectively enforce this protection.

Workers may sue an employer if their working conditions do not comply with the

Ministry of Labor's health and environmental standards. Disputes were generally resolved through the Commission for Mediation and Arbitration. There were no exceptions for foreign or migrant workers.

Many workers did not have employment contracts and lacked legal protections. The LHRC reported 41 percent of workers indicated they did not have written contracts, while 59 percent of workers said they did have written contracts, although even those who did were often not provided with written copies of their contract. Compared to the LHRC's 2019 report, the number of workers with written employment contracts decreased by nearly 25 percent. Additionally, employers often kept copies of the contracts that differed from the versions given to the employees. Companies frequently used short-term contracts of six months or less to avoid hiring organized workers with labor protections.

In dangerous industries such as construction, employees often worked without protective equipment such as helmets, gloves, and harnesses. According to a 2008 Accident Notification Survey (the latest available), the sectors with the highest rates of fatal accidents were construction and building, transport, and mining and quarrying. Domestic workers suffered injuries after being abused by their employers; physical abuse of domestic workers occurred frequently.

Informal Sector: The government did not adequately enforce labor standards, particularly in the informal sector, where most workers were employed. No social protections were available to workers in the informal economy. The ILO reported that 76 percent of nonagricultural workers in the country were in the informal sector. According to the World Bank, the informal sector including small household enterprises was the fastest growing sector of the economy and drawing many workers away from low-productivity farming. Women and young persons were more likely to work in the informal economy, with women more likely to be self-employed in wholesale or retail trade; manufacturing, which included crafts; and services, including running small hotels or restaurants. A study during the year of informal work in Dar es Salaam found that domestic workers constituted up to 7 percent of all employees. Domestic workers suffered negative impacts during the COVID-19 epidemic, including more layoffs, salary reductions and unpaid wages, deteriorating working conditions, and food insecurity. Domestic workers are covered by some laws setting minimum wages and some terms of employment,

but enforcement remained limited, according to the study.

Men were more likely to be involved in trade (with men having larger businesses with one or more employees), mining, construction, or transport activities. Most informal workers lived in urban and more populated areas close to potential customers. Informal work in rural areas consisted mostly of small-scale farming.