

**WOMEN'S RIGHT THEMATIC GROUP SUBMISSION TO THE HUMAN RIGHTS  
COUNCIL**

**UNIVERSAL PERIODIC REVIEW MECHANISM  
UPR 25<sup>TH</sup> SESSION, 2016**

**REVIEW OF THE UNITED REPUBLIC OF TANZANIA**

**SUBMITTED ON BEHALF OF THE FOLLOWING CIVIL SOCIETY  
ORGANISATIONS:-**

- **Tanzania Women Lawyers Association ,TAWLA,**
- **Tanzania Media Women Association TAMWA,**
- **Tanzania Women Widows Association, TAWIA**
- **Women in Law and Development in Africa, WILDAF**
- **Women's Legal Aid Centre (WLAC)**
- **Zanzibar Female lawyers Association, ZAFELA**
- **Women Action Towards Economic Development (WATED)**

## **Executive Summary**

1. This is the women rights thematic group report which has been developed through the joint effort of 7 women rights CSOs. This Report has been validated and endorsed wholly by a conference of CSOs held at Double View Hotel in Dar es Salaam on 17<sup>th</sup> September 2015.
2. During the last reporting cycle, the state of the United Republic of Tanzania accepted twenty five (25) recommendations on women rights issues. However, the women thematic group decided on these thematic areas to report on: women land rights, women rights to inheritance, gender based violence including domestic violence, female genital mutilation and sexual violence, women participation in decision making, human trafficking, eliminate cultural practices and stereotypes that discriminate women and maternal and child mortality.
3. We therefore wish to submit this report which details out the progress made by the state in the implementation of the accepted recommendations whilst seeking to bring to the attention of the OHCHR the ongoing human rights violations in Tanzania.
4. It is noteworthy that the state has made efforts in implementation of the recommendation on human trafficking. However, there is still much to be done in the area of women rights to inheritance, maternal and child mortality, women participation and violence against women. Therefore, some of the recommendations made during the last reporting cycle, have been retained in this report.

### **1. Women's right to inheritance**

5. Article 24 of The Constitution of the United Republic of Tanzania of 1977 allows every person to own property and Article 13(1) provide All persons are equal before the law and are entitled, without any discrimination, to protection and equality before the law whereas Article 13(5) defines discrimination to include gender.
6. Tanzania's inheritance regime violates women's fundamental rights to equality and ownership of property. The multiplicity of legal systems as to the administration of deceased's estate i.e. Statutory law, Customary law, Islamic law and Hindu law gives

rise to a problem of internal conflict of laws leading to the question of choice of law in the distribution of a particular deceased person's estate<sup>1</sup>.

7. WILAC presented a communication to the CEDAW committee seeking a recommendation to repeal the discriminatory succession laws. The communication is attached to this report.
8. In Zanzibar however, substantial progress has been made to amend law establishing Kadhi's court to ensure that the law in essence is not prejudiced against women.

### **Recommendations:**

The state is urged:

9. To enact a uniform and non-discriminatory Succession Act in order for Tanzania to meet international standards.
10. To repeal/amend all laws which discriminate and deny women's rights including customary laws.
11. To establish family courts and or family division E.g. Kadhi's Court in Zanzibar to aid the speedy dispensation of family matters.

### **2. Women participation in decision making**

12. The government of Tanzania has made commendable efforts over the last 4 years in increasing women participation in decision making bodies. Notably, women representation in parliament, the judiciary, government bodies and political parties has increased tremendously since 2011<sup>2</sup>.
13. Despite these efforts women are still underrepresented in the local government. Moreover, very few women have offered themselves for election during the upcoming national elections and this may be attributed to the fact that they lack resources, negative cultural aspects, patriarchal systems and gender roles within the society<sup>3</sup>.
14. In addition, the state is yet to enact legislation that provides for strict observance of gender equality in appointment and elective bodies.

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<sup>1</sup> <http://ilawadvocates.blogspot.com/2012/05/successio-and-inheritance-in-tanzania.html>

<sup>2</sup> WILDAF Tanzania Women Rights situation report 2014, provides that the overall percentage of women representation in various positions by December 2014, were 205 out of 619 being only 33.1% of all the various senior positions of sampled institutions in Tanzania

<sup>3</sup> <http://www.policyforum-tz.org/call-women%E2%80%99s-participation-2015-general-election>

15. The government is yet to establish independent national gender machinery which will primarily be charged with contributing to the reduction of gender inequalities.

### **Recommendations:**

The state is urged to:

16. To domesticate the Maputo Protocol, SADC Gender and Development Protocol and CEDAW.

17. To incorporate the 50/50 gender rule in the proposed Constitution of the United Republic of Tanzania.

18. To design and implement affirmative action initiatives on women participation in decision making processes.

19. To establish a National gender machinery.

### **3. Human trafficking of women and children**

20. The government has made notable efforts to address the issue of trafficking in persons but is yet to fully comply with the minimum standards for the elimination of trafficking<sup>4</sup>.

21. In its efforts to curb trafficking, the government developed and adopted a national anti-trafficking in Person Action Plan 2013-2017, conducted various radio and TV programs to educate citizens on human trafficking. The government repatriated two victims of international labour trafficking, and police reported referring 11 victims to NGOs for support<sup>5</sup>.

22. Despite these measures, the government has failed to demonstrate overall increasing efforts to combat trafficking; therefore, Tanzania is still placed on Tier 2 Watch List<sup>6</sup>.

23. According to the Citizen<sup>7</sup>, which is a leading newspaper in Tanzania, the state is grappling with curbing interstate trafficking due to its complexity and difficulty in pinning down perpetrators.

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<sup>4</sup> US state Department Trafficking in Person Report, 2014

<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup><http://www.thecitizen.co.tz/News/SPECIAL-REPORT--Govt-blamed-for-failure-to-contain-human-/1840340/2372704/-/item/0/-/14wrxhk/-/index.html>

## **Recommendations:**

The state is urged to:

24. To implement its National Anti- Trafficking in Person Action Plan of 2013-2017
25. To implement its Anti Trafficking in Persons Act,2008
26. To allocate more resources to the Victims Assistance Fund established by the 2008 Anti-Trafficking in Persons Act

## **4. Maternal and child mortality**

27. The government has taken efforts to reduce incidences of mother, new-born and children death through; increasing construction of health facilities all over the country to 6,878 by 2013<sup>8</sup>, capacitating midwives to facilitate improved servicedelivery, ensuring that there are labour wards in every health centre and ensuring that there is at least one health personnel who is qualified to conduct delivery in every health centre.
28. Tanzania has reduced the infant mortality rate (IMR) of 101 to 38 per 1000 live births from 1990 to 2012 respectively. Also, it has reduced substantially the under-five mortality rate (U5MR) of 166 to 54 per 1000 live births from 1990 to 2012 respectively<sup>9</sup>.
29. The incidences of maternal mortality are unavailable at present as the Tanzania Demographic Health Survey is conducted every five years, the next report scheduled for 2015.
30. Despite these efforts, recent studies revealed that shortage of essential medicines, medical supplies and equipment, shortage of health workers, inaccessibility of health services and grievances of health workers are major challenges posing threat to health rights in Tanzania<sup>10</sup>.

## **Recommendations:**

The state is urged to:

31. To domesticate CEDAW and Maputo Protocol.
32. To increase the health sector budget allocation to more than the recommended 15%.

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<sup>8</sup> MOHSW Budget Speech 2014

<sup>9</sup>Tanzania is making considerable progress in the reduction of child mortality. In that respect, Tanzania is likely to achieve MDG 4 of reducing child mortality. The average annual rate of reduction of child mortality over the last 15 years was 4.6%, while, the Millennium Development Goal rate set by UN is an annual average rate of reduction of 4.3 percent.

<sup>10</sup> 2014 human rights reports by LHRC

33. To develop programs aimed at building the capacity of health service providers on maternal health

## **5. Violence against women: FGM, Domestic Violence, Sexual Violence and Corporal Punishment**

34. Despite the fact that Tanzania is a member state to international and regional women human rights instruments<sup>11</sup>, violence against women is still prevalent in Tanzania<sup>12</sup>

35. In the cutting season in 2012, it was reported that 4,000 girls were at risk. The government and civil society did attempt to intervene. Although the mass mutilations did go ahead, the interventions raised awareness and led to an increase in the number of girls fleeing their homes and being sheltered at the Masanga Shelter Centre (LHRC Report, 2012).<sup>13</sup>

36. In an effort to eradicate violence against women, the state has undertaken various measures including: establishment of gender desks in police stations, development and publication of the national health management guidelines, amendment of the PF3 form to capture information on GBV victims, introduction of one stop centres and establishment of police special zones in areas where FGM is prevalent.

### **Recommendations:**

The state is urged to:

37. To enact a specific law against domestic violence

38. To enact a specific law against female genital mutilation

39. To take stern measures to protect women against harmful practices, including establishing shelters for survivors of gender based violence for psychosocial services.

40. To develop an exemption policy for the provision of free medical services to victims of gender based violence.

41. To establish more one stop centres and gender desks.

42. Conduct massive advocacy on gender based violence and female.

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<sup>11</sup>Tanzania is a member state to CEDAW; Maputo Protocol; and the SADC Gender and Development Protocol.

<sup>12</sup>LHRC's Annual Human Rights Report of 2008 provides that, '50% of women in Tanzania are being beaten on daily basis by their partners'.

<sup>13</sup>[http://www.28toomany.org/media/uploads/tanzania\\_final\\_final\\_final.pdf](http://www.28toomany.org/media/uploads/tanzania_final_final_final.pdf)

