

UNITED REPUBLIC OF TANZANIA

CEDAW A/45/38 (1990)

93. The Committee considered the initial report of the United Republic of Tanzania (CEDAW/C/5/Add.57 and Amend.1) at its 153rd, 154th, 157th and 158th meetings on 23 and 25 January 1990 (CEDAW/C/SR.153, 154, 157 and 158).

94. Introducing the report, the representative of the United Republic of Tanzania said that it was the Government's policy to provide adequate protection to the rights of women in the society. However, sex discrimination still existed in both the public and private sectors as a consequence of socio-economic factors. She highlighted some of the issues contained in the additional report, which had recently been submitted, stating that the ratification of the Convention had strengthened and reactivated the country's effort in the implementation of the elimination of discrimination against women. The party and the Government had tried to give equality to women and resorted to many positive measures to achieve that goal.

95. She said that women had always been encouraged to be on the forefront in the political arena. She provided statistical data on education and said that in spite of statements made on education by the party and the Government to benefit women, there was a discrepancy between those statements and actual benefits realized by women due to societal attitudes, traditional sexual division of labour and socio-economic changes.

96. She stated that there was a shortage of health services to all women. The maternal mortality rate was 185 per 100,000 deliveries, that employed pregnant women were entitled to 84 days of paid maternity leave and 60 per cent of pregnant women had access to free medical care. However, the majority of women in rural communities could not rest shortly before and after delivery because they had to provide food for the family. In spite of equal rules governing the employment of women and men, in practice, women were still being discriminated against as a result of factors related to family conditions and responsibilities and socio-economic factors.

97. In the United Republic of Tanzania, rural women were the backbone of the economy since agriculture was the main productive activity of the country. Their working conditions were very hard and, consequently, a few measures had been developed with gender sensitivity. Realizing the historic disadvantages of women in politics, the party and the Government had introduced a quota system for women at different levels of decision-making on political organs.

98. Although the report had regrettably been submitted at a date too late to permit full consideration, members of the Committee expressed appreciation for the oral presentation, for the critical character of, and the substantial information provided by the additional report.

99. That fact as well as the calibre and size of the delegation pointed to the degree of commitment shown by the Government to the advancement of women. The existence of national machinery was noted. Also, while noting that the Government had ratified the Convention without reservations,

some members asked how it was possible not to enter a reservation if customary laws still existed which were in contradiction to the stipulations of the Convention. It was also asked whether the Government had made a review of existing customary laws and what the status of women had been before the ratification of the Convention. The attention paid by the Government to priority areas such as health and education was commended.

100. The quota system for women in Parliament was highly appreciated. It was asked what measures the political parties and the Government were taking to advance the status of women and what the main obstacles to the equality of women were. It was asked whether or not the Convention could be invoked before the courts. Further information was requested on the sources of financing for the Division of Women and Children, the number of people employed there and the results of its work.

101. On article 2, questions were raised about new laws adopted as a result of the work of the Law Reform Commission. It was asked whether equality existed only in civil law, or also in common law marriages. The question was asked why women were not entitled to maternity leave in some cases and whether plans existed to change that situation. An indication as to whether the budget for the Fourth Development Programme for Tanzania foresaw a specific provision for the advancement of women was sought, as was information on the number of women in public administration and in the judiciary and whether sanctions existed against discriminatory practices. It was asked whether the Government undertook any measures to abolish customary traditions contrary to the advancement of women and whether there were plans to abolish the dowry system.

102. Regarding article 3, more information was requested on institutions dealing with the equality of women, the results of their efforts and their integration into the national development plan. It was asked whether and how women have become aware of their rights, whether records existed on cases of discrimination that were brought before the courts and the attitude of women's organizations regarding the lack of punishment of rapists.

103. Referring to article 4, questions were raised as to whether the Government was planning to take further temporary special measures and positive actions to help rural women to set up co-operatives and to obtain bank loans and economic support, and what type of technology was meant to assist women in work and production.

104. In the context of article 5, questions were asked as to how the Government reconciled the customs and traditions among the ethnic groups to make the policy benefit women, whether measures were taken to change the social attitudes and end discrimination against women and the belief that women were of an inferior value, how the efforts in family education were being coordinated and what results had been achieved. It was asked whether any studies had been undertaken about the separation of household tasks and income-earning work between men and women, what the percentage of women was whose task consisted in only taking care of the home and what the reasons were for the higher percentage of women in farming. It was asked how the value of women's work could be assessed in money or in kind.

105. Under article 6 more information was sought on the extent of prostitution and the provisions that existed to eliminate prostitution. It was asked whether prostitution was illegal and how the

government was dealing with the health-related problems of prostitution.

106. Regarding article 7, information was sought as to whether there were other women's movements in the United Republic of Tanzania apart from the Women's Organization "Umoja wa Wanawka Tanzania" (UWT). Questions were raised about its composition and whether its decisions affected governmental and party decisions. The quota system was highly commended; it was asked what measures were being taken to increase the political participation of women and whether women were being encouraged to compete outside the quota system and why the percentage of women in the Central Party of Tanzania had dropped from 14.6 per cent to 5 per cent. Further information was requested on the percentage of women's participation in Parliament, in governmental posts and in the judiciary.

107. With reference to article 9, it was asked whether a Tanzanian woman who had a foreign husband could confer her nationality on her children.

108. On article 10, information was sought on the change in men's school enrolment as a percentage of total enrolment since 1984, on the number of women in the teaching profession, on the percentage of women in universities, on the actions being taken by the Government to encourage women to enrol in secondary and higher education and on the types of occupation undertaken by girls after school enrolment. Experts commented on the high school drop-out rate for girls and it was asked whether studies had been made on the reasons for that phenomenon, whether sex education was foreseen in the school curricula, why pregnant girls were not allowed to re-enter school after delivery and what the percentage of co-educational schools was. The literacy programmes of the Government were commended and data more recent than 1986 on the reduction of the illiteracy rate were requested.

109. In the context of employment, under article 11, questions were raised about measures to resolve the problem of discrimination against women in public and private enterprises and about measures to integrate women into the private sector. It was asked whether women in the private sector received fixed salaries and whether and how rural women workers were protected. Interest was shown concerning the amount of time spent by women on maternity leave, the percentage of women who took maternity leave and the amount of maternity pay. Experts were interested to know whether any other measures had been adopted to control the population question. Questions were asked concerning how women's wages compared to men's wages, whether there had been any changes in the level of women's wages and whether affirmative actions had been undertaken to integrate women in every sector of employment. Information was sought on the results of initiatives undertaken by the Women's Organization UWT with regard to the provision of day-care centres in urban as well as in rural areas and on the percentage of children in such centres. More information was sought on women's co-operatives.

110. Under article 12, several questions referred to the family planning policy of the Government. Information was sought regarding how contraceptives were distributed, whether they were free of charge, what the traditional methods of contraception were, whether women had to obtain permission from their husbands as well as husbands from their wives for undergoing sterilization. Further clarification on the percental usage of oral contraceptives was requested. Experts wanted to know what procedure had to be followed for obtaining a legally permitted abortion. They sought

information on the effect of traditional practices on the health of women and asked whether female circumcision was being practised and the reasons for the short life expectancy of women. The percentage of women in health-related professions and the attitude of non-governmental organizations with respect to unmarried women were requested.

111. With reference to article 13, it was asked whether single women had access to bank loans, credit and ownership of land and whether women had a right to inheritance, and if not, whether the Government intended to change the situation.

112. On article 14, questions referred to training possibilities for women in modern agricultural machinery and to the measures undertaken by the Government to implement the Credit Scheme for Productive Activities of Women.

113. With regard to article 15, it was asked whether a family code existed, what its provisions were and whether it was part of statutory law or of customary law.

114. Under the terms of article 16, questions were asked regarding what at the time of divorce happened to goods acquired during the marriage and also what the normal marriageable age was. Experts inquired about the “marriage of reason” and about the age when it was contracted and sought more information on the adoption system. They inquired about the attitude of the society towards divorced women, about the percentage of households headed by women and the results of actions undertaken by women’s movements to abolish the dowry system.

115. In replying to questions raised by the Committee, the representative of the Government of the United Republic of Tanzania pointed out that the question of development was of primary importance in her country, and that the most important methods for implementing the Convention were the development of technical capabilities and skills among women, the sensitization of society, the adoption of new laws and the dissemination of information on the newly acquired rights of women. She said that her country was well aware of some discriminatory practices; however, rather than entering reservations to some articles of the Convention, it was her Government’s firm intention to work systematically to eradicate those remaining practices.

116. Referring to article 2, she stated that the Government had completed the drafting of a policy on women in development, and the party, the Planning Commission and the women’s organization UWT had started to work on the population policy. The Law Reform Commission was working on the reform of retrogressive laws, on the enforcement of articles of the Convention and on the review of contradictions between customary and common law. She said that the Marriage Act was statutory law, which allowed women to dispose of property. Dowry existed only as a traditional and sometimes religious practice. It had not yet been banned by law, but it did not prevent divorce. She further stated that the Fourth Development Programme would hopefully include budgetary provisions for the advancement of the status of women.

117. Replying to questions raised under article 3, the representative stated that the Government had created the Department of Women’s Affairs to deal with women’s and children’s issues. It was staffed with trained personnel, had specially allocated funds and was establishing focal points for women in several ministries. The convention had been distributed to governmental and party circles

and was being translated into the national language in order to give the widest possible dissemination of its contents. The party and the Permanent Commission of Inquiry were also active in removing discrimination against women. She further stated that rape was a punishable offence, but women felt embarrassed to file complaints. She gave figures of the number of women in the judiciary and referred to several cases in which women had taken claims of discrimination to court and won their cases.

118. On article 5, she said that studies had been carried out in several regions on the division of labour between women and men in agricultural activities. They showed that women worked harder because of the traditional gender division of labour and the need to sustain the family. Most activities in Tanzania were guided by the policies of the party, which ensured national unity without sacrificing individual or group interests.

119. Referring to article 6, she stated that prostitution was illegal, but that it was very difficult to get statistics on prostitution and that the Government was trying to eradicate it.

120. She said that the quota system for representation of women in various bodies had been very effective and was being used as a strategy to ensure the presence of women at all decision-making levels. That system did not deprive women from contesting for other seats. Referring to further questions under article 7, she said that there were several other women's organizations apart from UWT, most of which had been formed as a result of the United Nations Decade for Women and the Convention. The organization UWT was a mass organization from the national level down to the grass roots and had an advisory function on women's issues for the Government and the party. The reason for the drop in the percentage of women in the Central Committee of the party of Tanzania lay in the general decrease of the size of that body. Standards for women in politics were generally much higher than for men.

121. There was no discrimination regarding the transfer of nationality of a Tanzanian woman to her children. All children born in Tanzania were automatically Tanzanian citizens.

122. In response to questions on article 10, the representative said that there were sanctions against parents who allowed or encouraged the drop out from school of their children. Curricula for family life education in schools were being developed by the Ministry of Education and girls who dropped out from school because of pregnancy were not readmitted to school because of lack of facilities for young mothers and because their expulsion was considered as a punishment. She said that the complete eradication of illiteracy was hoped for by the end of 1990.

123. Concerning questions raised under article 11 on measures taken to counteract discrimination in employment, she referred to pages 81 to 83 of the English text of the additional report. No data had been collected yet on the percentage of women who were homemakers compared to those who were employed. The women's organization UWT encouraged the establishment of child-care centres, but their number was still too low.

124. With regard to article 12, the representative enumerated several programmes that had been carried out to combat the high maternal and infant mortality rate and morbidity rates. The life expectancy was comparatively higher for women than for men, but it was low for both women and

men because of difficult conditions in a developing country. Culturally, women were encouraged to have more children, economically not. Punishment for men who made schoolgirls pregnant ranged from fines to five years of imprisonment. Family planning was not part of the school curriculum, but contraceptives were distributed free of charge, mainly to married women. She gave some clarification on the question of sterilization and said that abortion was illegal except when the health of the mother was in danger. Prostitutes enjoyed the same health services as all others. Female circumcision was practised secretly and its occurrence was declining as it was frowned upon by Government and society.

125. In regard to article 13, she said that single and married women could own land and had access to credit. In order to facilitate accessibility to loans, banks had started women's desks and were providing easier lending conditions for women.

126. Concerning article 14, she said that action was being taken by the Government to provide training for women in modern machinery and technology; however, there was not sufficient financial support. She also mentioned the existence of a few co-operatives for rural women.

127. In respect of questions raised under article 15, she said that instead of a family code, different laws existed that governed family matters.

128. With regard to article 16, the representative said that the minimum age of marriage was 15 for girls and 18 for men. Divorce was not easily accepted by society and property acquired by both parties during the marriage would be divided equally in case of divorce. Women and men could choose freely whether they wanted polygamy or monogamy. She said that there were no statistics on the number of households headed by women, but that the status of the family was the same whether headed by a woman or a man.

129. Members of the Committee expressed appreciation for the detailed answers given by the representative and were looking forward to hearing about further progress made in the country's subsequent report.

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206. The Committee considered the combined second and third reports of the United Republic of Tanzania (CEDAW/C/TZA/2-3) at its 394th and 395th meetings, on 1 July 1998 (see CEDAW/C/SR.394 and 395).

Introduction by the State party

207. In introducing reports, which covered the period from 1990 to 1996, the representative of the United Republic of Tanzania informed the Committee that, since the first report in 1990, the country had changed from a one-party system to a multi-party democracy, with the first democratic elections being held in 1995, and that political reforms had provided great scope for the participation of women's non-governmental organizations.

208. The representative noted that ongoing economic reforms, including structural adjustment programmes, which had adversely affected women, *inter alia*, because of their low incomes and levels of education, and had impeded their ability to compete in the free market.

209. The representative informed the Committee that the National Women's Machinery had been elevated to two full-fledged Ministries, namely, the Ministry of Community Development, Women's Affairs and Children, on Tanzania mainland, and the Ministry of State, Women and Children in Zanzibar, and not just one Ministry on mainland. She noted that the constitution upheld the principle of equality, but that the definition of "discrimination" did not include "sex" as a ground of discrimination. However, the Government was considering amendments to the constitution, which would provide an opportunity to incorporate "sex" as a ground of discrimination.

210. The representative outlines steps to reform laws that discriminate against women, noting that several laws, including some customary laws, had been identified as contradicting human rights principles. Amendments had been made to the laws relating to sexual offences and new laws had been introduced relating to trafficking in women, the exploration of prostitution and criminalizing the practice of female genital mutilation. Consideration had also been given to amending laws relating to women's rights to land. The representative noted that the multiple sources of law, including statutory, customary and religious laws, impeded implementation of the Convention in some areas. In this regard, she noted that the Law of Marriage Act recognized polygamous marriages.

211. The representative informed the Committee of steps that had been taken to inform the public of women's rights, including the publication of a booklet on women's rights, and the translation of the Convention into Kiswahili, the national language of the United Republic of Tanzania. The Beijing Platform for Action was also being used as resource material to educate women and girls about their rights. Non-governmental organizations had been active in sensitizing the general public and government officials to violations of women's rights.

212. The representative informed the Committee that affirmative action measures had been implemented in the areas of political participation and decision-making, employment and education.

She noted that the drop-out rate of girls at school remained high, and that access to secondary and advanced levels of education for girls was low.

213. The representative indicated that, although violence against women, including sexual assault and harassment and domestic violence, remained serious problems, few statistics had been collected. Young girls were particularly vulnerable to sexual abuse, as men believed there was less of a risk of contracting HIV/AIDS from them, among other reasons. Traditions and customary practices, including female genital mutilation, affected implementation of the Convention.

214. The representative informed the Committee that the deterioration of women's health was attributable to poor hygiene, heavy workloads, undernourishment, frequent births and to the fact that high levels of poverty and maternal mortality rates had increased sharply. Family planning programmes in the United Republic of Tanzania had been successful and measures had been taken to improve public awareness of HIV/AIDS.

215. The representative stated that a women's development fund had been established in 1994, in order to mobilize resources, provide loans, act as a guarantee fund, create employment and income generation and offer business advisory services for women.

216. The representative informed the Committee that approximately 80 per cent of the population in the United Republic of Tanzania live in rural areas. Government policies to provide basic services such as safe water, health facilities, appropriate technologies and good infrastructure had been impeded as a result of economic difficulties facing the country. In addition, special attention had been given to the role of women in the management of the water supply and sanitation. However, the traditional irrigation system remained male dominated.

217. The representative concluded by emphasizing difficulties caused by lack of resources, noting that the high level of foreign debt servicing, combined with the low levels of international aid, meant that there were few resources to implement programmes, including those for the advancement of women.

Concluding comments of the Committee

Introduction

218. The committee congratulates the Government of the United Republic of Tanzania for the submission of its combined second and third periodic reports. It notes that the reports complied to a large extent with its guidelines concerning the form and content of periodic reports. The Committee appreciates the delegation's oral presentation, which covered most of the questions asked by the Committee's pre-session working group.

219. While expressing its appreciation for the high-level delegation, including the Principal Secretary to the Ministry of Community Development, Women's Affairs and Children, and her candid oral presentation, the Committee regrets that the report lacks sufficient information and statistics and thus fails to deliver a complete picture of the progress made in the implementation of the Convention since the country compiled its initial report, which had been considered in 1990.

Positive aspects

220. The Committee commends the initiative of the Government in elevating its national machinery from a department to a full-fledged ministry, which had produced a policy which supported women's rights.

221. The Committee welcomes the enactment of a new law which criminalizes female genital mutilation as a concrete step towards eliminating violence against women and the girl child.

222. The Committee welcomes the efforts made by the Government to review and revise existing national laws in accordance with the Convention.

223. The Committee also welcomes the active involvement of non-governmental organizations and women's groups in advancing the status of women in the United Republic of Tanzania and encourages the Government to develop further its partnership with these groups.

Factors and difficulties affecting the implementation of the Convention

224. The Committee notes the current economic situation of the United Republic of Tanzania and the burden posed by servicing its foreign debt.

225. The Committee is of the view that traditional practices and the existence of a multiplicity of laws hinders the advancement of women. It also, notes the problems associated with stereotypical roles of women and men.

Principal subjects of concern and the Committee's recommendations

226. The Committee is concerned that the constitution of the United Republic of Tanzania did not explicitly define gender discrimination.

227. The Committee urges the Government to consider, as a matter of priority, incorporating a definition of discrimination in accordance with article 1 of the Convention as a ground of discrimination in the constitution.

228. The Committee regrets that the report does not sufficiently examine obstacles to the elimination of discrimination against women and the advancement of the status of women in society. This is necessary in order to formulate effective strategies. The Committee suggests that the Government may need to re-examine its policies and programmes for the implementation of the Convention and the advancement of women. Further, the Committee regrets that the report does not include information on the impact of policies and programmes that had been successfully implemented since the time of the submission of the initial report.

229. The Committee expresses concern at the fact that the prevailing customary laws and religious laws which sometimes supersede the constitution are discriminatory towards women. In particular, the Committee notes that several groups in the United Republic of Tanzania are entitled to practise polygamy. The Committee points out that customary laws and religious laws continue to govern

private life and notes the critical importance of eliminating discrimination against women in the private sphere.

230. The Committee recommends immediate action to modify customary laws and religious laws to comply with the constitution and the Convention. It also requests more information on measures that had been taken or would be taken as follow-up to the Customary Law Declaration of 1963. It recommends that the Government organize awareness-raising campaigns for the general public, as well as training courses to sensitize policy makers, the judiciary and law enforcement officers and seek assistance from United Nations agencies in the region for such activities.

231. The Committee notes with concern that, although legislation is in place to ensure equality between women and men in the United Republic of Tanzania, in reality, women's human rights were often violated. The Committee points out that, although some temporary special measures have been introduced to ensure the participation of women in policy-making, the number of women in Parliament and local authorities is still very small. The Committee further notes that more women than men are confined to low-paid insecure jobs with no legal protection.

232. The Committee strongly recommends that the Government take concrete action, including temporary special measures, to redress the situation.

233. The Committee notes with serious concern the problem faced by Tanzanian women with regard to violence against women, especially domestic violence, which is condoned by customary laws.

234. The Committee strongly recommends that violence against women in all its forms be criminalized, that law and practice to achieve this objective be developed and effectively enforced and that shelters for women who have been subjected to violence be established and adequately resourced.

235. The Committee is concerned with the disadvantaged situation of rural women who comprise the majority of the rural population, and the majority of workers in rural areas. The Committee further notes that customary and religious laws are practised and accepted more widely in rural areas and, *inter alia*, often prevent women from inheriting and owning land and property. Food taboos, which are more prevalent in rural areas, are a serious concern to the Committee, as they are not only harmful to the health of women, including mothers, but also impact on the health of future generations.

236. The Committee recommends that laws of inheritance and succession be formulated so as to guarantee rural women their rights of inheritance and ownership of land and property. It also recommends that a programme be introduced to educate rural women about their rights and that steps be taken to remove all traditional practices, including food taboos, which are harmful to the health of women.

237. The Committee notes with concern that the infant and maternal mortality rate is still high, despite the efforts made since the time of the country's initial report.

238. The Committee recommends that the Government make vigorous efforts to address this serious problem and seek assistance of the World Health Organization (WHO), UNICEF and other relevant United Nations agencies.

239. The Committee notes the establishment of a women's development fund. The Committee requests that detailed information on the mandates, budget and project of the fund be included in the next report.

240. While it recognizes that collection and analysis of data might have financial implications, the Committee points out that more detailed information should have been obtained and included in the report. The Committee deeply regrets that the report lacked more explicit information, including statistics on issues such as the exact types of punishment for those committing violence against women; the new, expanded definition of rape; forms of female genital manipulation that are practised in the United Republic of Tanzania; the situation of trafficking in women and girls; revisions made to educational materials in order to include a gender perspective; the situation of HIV/AIDS and women in the United Republic of Tanzania.

241. The Committee notes that a large number of refugee women currently resident in Tanzania and requests further information on the situation of refugee women and any Government programmes in place to address their needs.

242. The Committee requests the wide dissemination in the United Republic of Tanzania of these concluding comments in order to make people, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women, and further steps that are required in this regard. It also requested the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations, and the Beijing Declaration and the Platform for Action.