

## **CEDAW, A/63/38 (2008)**

### **Part two**

#### **Report of the Committee on the Elimination of Discrimination against Women on its forty-first session**

[...]

### **Chapter IV**

#### **Consideration of reports submitted by States parties under article 18 of the Convention**

##### **A. Introduction**

13. At its forty-first session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention: the combined second, third and fourth periodic report of one State party; the combined third and fourth periodic report of one State party; the combined fourth, fifth and sixth periodic report of one State party, the fifth and sixth periodic reports of three State parties; and the sixth periodic reports of two State parties.

14. The Committee prepared concluding observations on each of the States parties' reports considered. The Committee's concluding observations are set out below.

[...]

##### **3. Combined fourth, fifth and sixth periodic report**

###### **United Republic of Tanzania**

96. The Committee considered the combined fourth, fifth and sixth periodic report of the United Republic of Tanzania (CEDAW/C/TZA/6) at its 845th and 846th meetings, on 11 July 2008 (see CEDAW/C/SR.845 and 846). The Committee's list of issues and questions is contained in document CEDAW/C/TZA/Q/6 and the responses of the Government of the United Republic of Tanzania are contained in document CEDAW/C/TZA/Q/6/Add.1.

###### **Introduction**

97. The Committee expresses its appreciation to the State party for its combined fourth, fifth and sixth periodic report, which follows the Committee's guidelines for the preparation of reports and takes into account the Committee's previous concluding observations, but it regrets that not all articles of the Convention were addressed. The Committee expresses its appreciation to the State party for the oral presentation, the written replies to the list of issues and questions raised by its pre-session working group and the further clarifications to the questions orally posed by the Committee.

98. The Committee commends the State party for its high-level delegation, headed by the Minister for Community Development, Gender and Children, for the Tanzanian mainland, and with the Minister for Labour, Youth, Employment, Women and Children Development, for Zanzibar, as Alternate Head of Delegation. The Committee notes that the delegation was composed

of representatives from different governmental departments with expertise in areas covered by the Convention and appreciates the open and constructive dialogue that took place between the delegation and the members of the Committee.

99. The Committee notes with appreciation that the report was prepared in a participatory process involving government ministries, department and agencies, NGOs and development partners, including through the organization of various consultative workshops.

100. The Committee also notes with appreciation that the State party acceded to the Optional Protocol to the Convention in January 2006.

### **Positive aspects**

101. The Committee welcomes the State party's adoption in 2000 of a National Development Vision 2025, aimed at attaining gender equality and the empowerment of women in all socio-economic and political relations and culture by the year 2025, as well as the adoption of the Policy on Women and Gender Development in 2000.

102. The Committee commends the State party for the establishment in 2001 of the Commission for Human Rights and Good Governance with, inter alia, competence to investigate allegations of human rights violations and to disseminate information on human rights, including women's rights. The Committee notes with appreciation that a special gender desk dealing with public education and women's rights was established within the Commission in 2004.

103. The Committee welcomes a number of efforts undertaken by the State party in the area of education, including the adoption of the Education Sector Development Programme (2000-2015), which incorporates the objective of providing education to all women and men by 2015, as well as a number of other special programmes to promote the education of girls, in collaboration with the development partners and NGOs. Such programmes include a training fund for Tanzanian women, community-based education for girls (the building of hostels and boarding schools and setting up of educational trust funds), primary education and special programmes for secondary education which introduces capitation grants, complementary basic education in the Tanzanian mainland and the Zanzibar education programme as well as higher education programmes.

104. The Committee commends the State party for the 14th amendment of the Constitution, which provides that the number of women in Parliament shall not be less than 30 per cent of a combined number of members and that the President is empowered to nominate 10 members of Parliament, half of whom should be women. The Committee also commends the information provided by the delegation that the State party is striving to attain the African Union 50/50 parity in its upcoming elections in 2010, that this aim is reiterated in the 2005 Manifesto of the ruling party, and that an inter-ministerial Committee entrusted with the task of formulating gender parity strategies has been set up for this purpose.

105. The Committee commends the State party for the introduction of legal reforms aimed at the elimination of discrimination against women, including the Land Act No. 4 of 1999, as amended in 2004, which create value for land and allow mortgage of land without the consent of spouses, and the Village

Lands Act No. 5, which gives women the right to acquire, own and use land equally with men. The Committee also takes note of the proposals put forward by the Law Reform Commission for amendment of the present inheritance laws, the Law of Marriage Act of 1971 and the Law on the Custodian of Children.

106. The Committee expresses its appreciation to the State party for its regular cooperation and partnership with NGOs in the promotion of women's rights and gender equality, including through the adoption in 2000 of an NGO policy and the enactment of the Non-Governmental Organizations Act, No. 24 of 2002 aimed at promoting the effective involvement of NGOs. The Committee encourages the Government to further develop such collaboration.

107. The Committee commends the State party on its ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.

#### **Principal areas of concern and recommendations**

**108. While recalling the obligation of the State party systematically and continuously to implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding observations as requiring its priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding observations to all ministries and to Parliament in order to ensure their full implementation.**

#### **Definition of discrimination against women**

109. The Committee notes that the thirteenth Constitutional amendment in 2000 expanded the grounds of discrimination in paragraph 13 (5) of the Constitution to also include discrimination on the basis of gender and that article 12, section 5, of the Constitution of Zanzibar as amended in 2002 also includes a reference to gender discrimination. However, the Committee is concerned that although the United Republic of Tanzania has amended its Constitution to include gender as a ground of discrimination, the definition of discrimination is still not in accordance with the definition of discrimination in article 1 of the Convention, which prohibits direct and indirect discrimination.

**110. The Committee calls upon the State party to consider amending the existing definition of discrimination to encompass both direct and indirect discrimination in accordance with article 1 of the Convention.**

#### **Discriminatory laws**

111. The Committee is concerned that, although the United Republic of Tanzania ratified the Convention in 1985 without any reservations, the Convention has still not been domesticated as part of the law of the United Republic of Tanzania. It notes with concern that, without such full domestication, the Convention is not a part of the national legal framework and its provisions are not justiciable and enforceable in the courts. While welcoming the efforts of the State party to achieve legislative reform,

specifically in the context of the work of the Law Reform Commission, the Committee is concerned at the lack of priority given to comprehensive legal reform to eliminate sex-discriminatory provisions and to close legislative gaps in order to bring the country's legal framework fully into compliance with the provisions of the Convention and to achieve women's de jure equality. The Committee is concerned, in particular, about the delay in the passage of the proposed amendments to the Law of Marriage Act of 1971, inheritance laws, as well as the Law on the Custodian of Children. The Committee is further concerned that other legislation and customary laws that discriminate against women and are incompatible with the Convention remain in force, both in the Tanzanian mainland and in Zanzibar.

**112. The Committee urges the State party to place high priority on completing the process of full domestication of the Convention. It calls upon the State party to accelerate its law review process and to work effectively with Parliament in ensuring that all discriminatory legislation is amended or repealed to bring it into compliance with the Convention and the Committee's general recommendations. It urges the State party to raise the awareness of legislators about the need to give priority attention to such reforms in order to achieve de jure equality for women and compliance with the State party's international treaty obligations. It encourages the State party to set a clear time frame for such reforms, including the passage of the proposed amendments to the Marriage Act of 1971, inheritance laws as well as the Law on the Custodian of Children. The Committee recommends that the State party seek technical support from the international community in this regard.**

#### **Visibility of the Convention and the Optional Protocol**

113. While noting with appreciation that the Convention has been translated into Kiswahili, the Committee is concerned that there is inadequate knowledge of the rights of women under the Convention and its Optional Protocol in society in general, including among the judiciary at all levels. The Committee notes the adoption of the Legal Sector Reforms Programme, but it is concerned at the low number of lawyers in the country, in particular in the rural and remote areas, and at the lack of a comprehensive legal aid system. It is concerned that women themselves are not aware of their rights under the Convention and its Optional Protocol and thus lack the capacity to claim them.

**114. The Committee urges the State party to ensure that the Convention, the Optional Protocol and related domestic legislation are made an integral part of education and training for members of the legal profession and the judiciary. The Committee recommends that the State party guarantee that judges at all levels be adequately trained in human rights and the provisions of the Convention and its Optional Protocol, and that women have access to the courts on equal terms with men. It urges the State party to ensure that information on the Convention is provided to women and community leaders, through the use of appropriate media, and that all women in need are provided legal aid to ensure their access to justice. The Committee recommends that the Optional Protocol be translated into Kiswahili.**

#### **National machinery for the advancement of women**

115. While noting efforts undertaken by the State party to strengthen its national gender machinery, notably the Ministry of Community Development,

Gender and Children for the Tanzanian mainland and the Ministry for Labour, Youth, Employment, Women and Children Development for Zanzibar, and the establishment of gender focal desks in ministries, independent departments and agencies, regional secretariats and local authorities, the Committee is concerned about the weak institutional capacity of the two Ministries, including inadequate human, financial and technical resources. It is concerned that such inadequacies could prevent them from effectively discharging their functions in promoting specific programmes for the advancement of women, in effectively coordinating efforts among the different institutions of the national machinery, at various levels, and in ensuring comprehensive gender mainstreaming in all areas of government policy.

**116. The Committee recommends that the State party expeditiously strengthen its national gender machinery, in particular the Ministry of Community Development, Gender and Children for the Tanzanian mainland and the Ministry for Labour, Youth, Employment, Women and Children Development for Zanzibar, in order to ensure strong institutional mechanisms for the promotion of gender equality. In particular, the Committee urges the State party to provide the national machinery with the necessary authority and adequate human and financial resources to coordinate implementation of the Convention and work effectively for the promotion of gender equality. It calls upon the State party to strengthen the linkages between the national, regional and local levels in relation to gender equality activities, including through the provision of training in gender-sensitivity and gender mainstreaming.**

#### **Negative cultural practices**

117. The Committee is concerned about the persistence of adverse cultural norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is also concerned that such customs and practices perpetuate discrimination against women, and that they are reflected in women's disadvantageous and unequal status in many areas, including in public life and decision-making and in marriage and family relations, and the persistence of violence against women and harmful traditional customs and practices, including female genital mutilation, polygamy and the bride price, and that, thus far, the State party has not taken sustained and systematic action to modify or eliminate stereotypes and negative cultural values and practices.

**118. The Committee requests the State party to view its cultures as dynamic aspects of the country's life and social fabric and as subject, therefore, to change. It urges the State party to put in place without delay a comprehensive strategy, including legislation, to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts to raise awareness of this subject, targeting women and men at all levels of society, including traditional leaders, which should be undertaken in collaboration with civil society. The Committee urges the State party to address harmful cultural and traditional customs and practices, such as the use of female genital mutilation, polygamy and the bride price, more vigorously. The Committee encourages the State party to effectively use innovative measures to strengthen the understanding of**

**the equality of women and men and to work with the media to enhance a positive and non-stereotypical portrayal of women.**

#### **Violence against women**

119. While noting the adoption in 2001 of the National Plan of Action to combat violence against women and children (2001-2015) for both the Tanzanian mainland and Zanzibar and the launch and endorsement by the President in May 2008 of a national campaign of “Say No to Violence Against Women”, the Committee expresses concern at the high prevalence of violence against women and girls, such as widespread domestic violence and sexual violence, including rape. The Committee is also concerned that such violence appears to be socially legitimized and accompanied by a culture of silence and impunity, that cases of violence are thus underreported and that those that are reported are settled out of court. The Committee is further concerned at the inadequate funding for the implementation of the National Action Plan and at the lack of a comprehensive legal aid system. Furthermore, it notes with concern that marital rape is not recognized as a criminal offence as well as the State party’s statement that the provision of shelters for victims of violence is not a viable option for the country, and it regrets the absence of data and information on violence against women, disaggregated by age groups.

**120. The Committee urges the State party to give priority attention to combating violence against women and to adopt comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation No. 19. It requests the State party to raise public awareness, through the media and education programmes, of the fact that all forms of violence against women are a form of discrimination under the Convention and therefore in violation of women’s rights. The Committee calls upon the State party to ensure that violence against women and girls, including domestic violence, marital rape, and all forms of sexual abuse, constitute a criminal offence; that perpetrators are prosecuted, punished and rehabilitated; and that women and girls who are victims of violence have access to immediate means of redress and protection. The Committee requests the State party to remove any impediments faced by women in gaining access to justice and recommends that legal aid be made available to all victims of violence, including through the establishment of legal aid clinics in rural or remote areas. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel, health-service providers and community development officers in order to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims. It also recommends the establishment of counselling services for victims of violence and urges the State party to reconsider the possibility of establishing shelters for such victims. The Committee requests the State party to provide information in its next periodic report on the laws and policies in place to deal with violence against women and girls and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence, disaggregated by age groups.**

#### **Female genital mutilation**

121. While welcoming the enactment of the Sexual Offences Special Provisions Act (1998), which prohibits female genital mutilation of girls under

the age of 18 years, and the adoption of the National Plan of Action to combat Female Genital Mutilation (2001-2015), the Committee is concerned about the continued prevalence of the practice in some regions of the country and the estimation provided in the report that about 18 per cent of Tanzanian women undergo female genital mutilation. The Committee is also concerned at the weak enforcement of the prohibition of female genital mutilation and the lack of attention of the relevant authorities as to the recent practice of female genital mutilation being perpetrated against newborn baby girls in the privacy of their homes. The Committee is further concerned at the continued legality of the practice upon women over 18 years of age, who are usually pressured or forced into undergoing the practice. The Committee underlines that this harmful practice is a grave violation of girls' and women's human rights and the State party's obligations under the Convention.

**122. The Committee urges the State party to implement existing legislation prohibiting the practice of female genital mutilation and to adopt new legislation, as necessary, to eliminate this and other harmful traditional practices affecting all women. The State party should prohibit female genital mutilation in all instances, including in respect of women over 18 years of age, address the recent practice of female genital mutilation being performed on newborn baby girls, and strengthen the enforcement of the 1998 Act to ensure that offenders are prosecuted and adequately punished. The Committee urges the State party to strengthen its awareness-raising and educational efforts, targeted at both women and men, with the support of civil society, to eliminate the practice of female genital mutilation and its underlying cultural justifications. It also encourages the State party to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood.**

#### **Trafficking and exploitation of prostitution**

123. While noting the State party's ratification in May 2006 of the United Nations Convention against Transnational Organized Crime and, in particular, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, the Committee expresses concern at the persistence of trafficking and sexual exploitation of women and girls in the country. In particular, the Committee expresses concern about the trafficking and sexual exploitation of girls stemming from poverty and from their need to provide support to their families. The Committee regrets the absence of data in respect of both trafficking and prostitution and that the State party does not have a national plan of action to address trafficking. It is concerned by information provided by the State party that trafficking is done in secrecy and in some instances mixed with regular rural urban migration.

**124. The Committee urges the effective implementation of the Anti-Trafficking of People's Act, which must include prevention measures, timely prosecution and punishment of traffickers and the provisions of protection and support to victims. The Committee recommends that information and training on the new law be provided to the judiciary, law enforcement officials, including border police, public officials, social workers and community development officers. It also recommends that the State party adopt a comprehensive action plan to address trafficking and to ensure the allocation of sufficient human and financial resources**

**for its effective implementation, including collection of disaggregated data. In addition, the Committee recommends that the State party conduct a study on trafficking and address the root causes of trafficking in order to eliminate the vulnerability of girls and women to sexual exploitation and traffickers and that it undertake efforts for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking.**

#### **Participation in political and public life**

125. While acknowledging the significant increase in the number of women in Parliament, the Committee notes that the same level of progress has not been achieved and that obstacles to the advancement of women still remain in other areas of public and professional life, including in the realms of the Government, diplomacy, the judiciary and public administration, mainly at senior levels.

**126. The Committee recommends that the State party pursue sustained policies aimed at the promotion of women's full and equal participation in decision-making as a democratic requirement in all areas of public and professional life. It also recommends that the State party fully utilize the Committee's general recommendation No. 23, concerning women in public life, and calls upon the State party to adopt, wherever necessary, temporary special measures in accordance with article 4, paragraph 1, of the Convention and with the Committee's general recommendation No. 25, in order to accelerate women's full and equal participation in public and political life, in particular at high levels of decision-making. It further recommends the implementation of awareness-raising activities about the importance of women's participation in decision-making for society as a whole and the development of targeted training and mentoring programmes for women candidates and women elected to public office. It also recommends that the State party offer training programmes on leadership and negotiation skills for current and future women leaders. The Committee urges the State party to carefully monitor the effectiveness of measures taken and results achieved and to report thereon in its next periodic report.**

#### **Citizenship**

127. While noting information provided by the delegation on a White Paper and a draft dual citizenship bill that are under consideration, the Committee is concerned at the continuing discrimination against women under the current Citizenship Act (1995) with respect to acquiring citizenship based on their marital status and passing citizenship to their children born outside the country and that such discrimination is in violation of article 9 of the Convention.

**128. The Committee urges the State party to accelerate the process to promptly amend the Citizenship Act (1995) in order to bring it fully into compliance with article 9 of the Convention.**

#### **Education**

129. While welcoming the progress made in the area of education, including a significant number of educational programmes as noted in paragraph 8 above as well as the recent achievement of gender parity in primary school enrolment, the Committee is concerned at the lack of information about the



specific budgetary allocations for the implementation of such programmes. The Committee is also concerned about the inadequate educational infrastructure and teaching materials and the limited number of qualified teachers, the marked difference in the quality of and access to education between urban and rural or remote areas, the lack of disaggregated information on literacy rates, the lower transition rate for girls from primary to secondary school as compared with that of boys and the disparity in enrolment rates between young women and young men in public universities as well as vocational and technical education. The Committee is further concerned about traditional attitudes that constitute obstacles to girls' education, as well as girls' drop-out rates due to early marriages, pregnancies, truancy and involvement in domestic chores and taking care of the sick and children. The Committee is, in particular, concerned at information that girls falling victim to early pregnancies are expelled from Tanzanian schools. The Committee notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious obstacles to their full enjoyment of their human rights.

**130. The Committee urges the State party to enhance its compliance with article 10 of the Convention and to raise awareness in society of the importance of education as a human right and basis for the empowerment of women. It encourages the State party to take steps to overcome traditional attitudes that in some areas constitute obstacles to girls' and women's education. The Committee recommends that the State party implement measures to ensure equal access of girls and women to all levels of education, retain girls in school and strengthen the implementation of re-entry policies so that girls return to Tanzanian schools after giving birth. The State party should take the necessary steps to increase the number of qualified teachers, including through providing appropriate and continuous training, and to ensure the provision of an adequate educational infrastructure, especially in rural areas, and teaching materials. The Committee urges the State party to allocate the necessary budgetary allocation for the implementation of various projects and programmes and it requests the State party to provide information on the measures taken and on their impact in its next periodic report.**

### **Employment**

131. The Committee notes various measures taken by the State party, including the domestication of international labour standards through the enactment of the National Employment Services Act (1999), which provides for equal opportunities of access to employment for men and women, the enactment of the Employment and Labour Relations Act (2004), which is applicable to all employers, and the adoption of an affirmative action policy in employment in the public service. It also notes that women employed in the public sector are entitled to equal remuneration commensurate with their work. However, the Committee is concerned that the public service is male dominated and that the majority of women working in the public sector are in the lower or middle cadres. The Committee is also concerned that, while paid maternity leave is provided for in the Public Service Standing Orders (1984) and the Employment and Labour Relations Act (2004), such maternity leave is only available every three years and that the private sector employers are not bound by the Standing Orders. The Committee is further concerned that sexual harassment constitutes a serious problem for female labourers. The Committee is concerned about the precarious situation of the high number of women in

the informal sector, mainly in the agricultural sector, as well as in other activities such as small business, food processing and handicrafts, where they have limited access to land and lack job security and access to social security benefits.

132. Furthermore, the Committee regrets the limited data on the situation of women in the labour force, which prevented it from obtaining a clear picture with regard to women's participation in the labour force in urban and rural areas, the wage gap, vertical and horizontal labour force segregation and women's ability to benefit from new economic opportunities.

**133. The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. It calls upon the State party to ensure that employment legislation applies to, and is enforced in, the public and private sectors. The Committee also calls upon the State party to provide a regulatory framework for the informal sector, with a view to providing women with access to social protection and benefits. It further calls upon the State party to provide, in its next report, detailed information, including data disaggregated by sex; an analysis on the situation of women in the field of employment, in both the formal and informal sectors, and trends over time; and information about measures taken and their impact on realizing equal opportunities for women in the employment sectors, including in new fields of employment and entrepreneurship. The Committee requests the State party to provide in its next periodic report detailed information about legal provisions and their monitoring and enforcement; equal pay for work of equal value; and complaints mechanisms and statistical information concerning their use by women and their outcomes.**

#### **Economic and social benefits**

134. While noting the adoption in 2000 of the National Micro-Finance Policy, which provides guidelines to achieve gender equality and equity in accessing financial services, the existence of the Women's Development Fund and the information provided by the delegation that the Government is facilitating the establishment of a women's bank, the Committee is concerned that loans given to women attract high interest rates and that burdensome conditionalities, which undermine women's development, still prevail. The Committee notes with concern that, although women constitute an estimated 43 per cent of all entrepreneurs, they are still found predominantly in low-growth areas earning lower financial returns than their male counterparts and face sociocultural obstacles as well as legal, regulatory and administrative barriers.

**135. In accordance with article 13 of the Convention, the Committee recommends that the State party take appropriate measures to ensure that the loans granted should have minimal interest rates to accommodate more women and that burdensome conditionalities be removed. The Committee calls upon the State party to address the barriers facing women entrepreneurs by devising specific programmes and developing evaluation mechanisms to determine whether the entrepreneurship education programmes are helping these women. The State party should also take the necessary measures to ensure that the women's bank becomes operational as soon as possible.**

## **Health**

136. The Committee welcomes a number of efforts undertaken by the State party to improve women's health since the examination of the last periodic report, including the introduction in 1998 of a cost-sharing programme for medical services, the development of a National Road Map Strategic Plan to Accelerate the Reduction of Maternal and Newborn Deaths in Tanzania (2006-2010), the White Ribbon initiative as well as the Reproductive and Child Health Strategy (2004-2008), which provides free maternal and child health services. The Committee expresses its concern that the maternal mortality rate, including deaths resulting from anaemia, as well as the infant mortality rate remain high, and that the life expectancy age for women has decreased. The Committee notes the introduction in 1998 of Family Life Education but it expresses concern at the lack of access by women to quality sexual and reproductive health services and that the existing sex education programmes are not sufficient, and may not give enough attention to the prevention of early pregnancy and the control of sexually transmitted infections. It is also concerned that negative attitudes of health workers may be an impediment to women's access to health-care services. The Committee is further concerned about the unmet demand for family planning services and the low level of contraceptive use.

**137. The Committee recommends that the State party strengthen its efforts to reduce the incidence of maternal and infant mortality and to increase the life expectancy age for women. It urges the State party to make every effort to raise awareness of and increase women's access to health-care facilities and medical assistance by trained personnel, especially in rural areas. The Committee also urges the State party to ensure that health workers adopt a client-friendly attitude that will lead to improved access to quality health care. It recommends the adoption of measures to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children. It also recommends that sex education be widely promoted and targeted at adolescent girls and boys, with special attention to the prevention of early pregnancy and the control of sexually transmitted infections. In addition, the Committee recommends that the State party continues to seek financial and technical support from the international community in order to implement measures to improve women's health.**

## **HIV/AIDS**

138. The Committee notes the recent slight decline in HIV prevalence to an estimated 6.5 per cent of adults between 15 and 49 years of age living with HIV/AIDS in 2005, the adoption of the National Multi-Sectoral Strategy Framework on HIV/AIDS (2003-2007), and a national policy under the Tanzania Commission for AIDS and the Zanzibar AIDS Commission, as well as the enactment of the HIV/AIDS Prevention and Control Act (2008) for purposes of preventing and outlawing stigma and discrimination for people living with HIV/AIDS. However, the Committee is concerned that the State party still faces a serious epidemic, especially among young women in their childbearing years. It is also concerned that current policies and legislation do not adequately take into account gender-specific vulnerabilities and do not adequately protect the rights of women and girls affected by HIV/AIDS. The Committee is especially concerned that the persistence of unequal power

relations between women and men and the inferior status of girls and women hamper their ability to negotiate safe sexual practices and increases their vulnerability to infection.

**139. The Committee recommends continued and sustained efforts to address the impact of HIV/AIDS on women and girls, as well as its social and family consequences. It urges the State party to enhance its focus on women's empowerment and to include clearly and visibly a gender perspective in its policies and programmes on HIV/AIDS. The Committee recommends that the State party report on measures taken in this respect and results achieved in its next periodic report.**

#### **Rural women**

140. The Committee expresses its concern at the disadvantaged position of women in rural and remote areas who form the majority of women in the United Republic of Tanzania, which is characterized by poverty, illiteracy, difficulties in access to health and social services and a lack of participation in decision-making processes at the community level. The Committee is also concerned that traditional female stereotypes are most prevalent in the rural communities and that rural women are often relegated tasks related to farming and raising children, with no opportunity for wage employment. While noting the adoption of the Land Act No. 4 of 1999, as amended in 2004, and the Village Lands Act No. 5 of 1999 that reverse discriminatory customary practice connected with women's rights to land and that the Courts (Land Disputes Settlements) Act No. 2 of 2002 provides for the composition of Land Courts with not less than 43 per cent women members, the Committee is concerned that rural women often lack effective access to the ownership of land, despite the existence of legal provisions providing for such access, as reflected in the low percentage of women who own land. The Committee is also concerned that the amended land laws do not address the issue of discriminatory inheritance rights against women. In addition, it is concerned about women's limited knowledge of their property rights and their lack of capacity to claim them.

**141. The Committee calls upon the State party to take the necessary measures to increase and strengthen the participation of women in designing and implementing local development plans, and to pay special attention to the needs of rural women, in particular women heads of household, by ensuring that they participate in decision-making processes and have improved access to health, education, clean water and sanitation services, fertile land and income-generation projects. The Committee urges the State party to take appropriate measures to eliminate all forms of discrimination against rural women with respect to ownership of land. The Committee also urges the State party to enact legislation to eliminate discriminatory inheritance practices. The Committee further urges the State party to place high priority on implementing legislative reforms and invites the State party to enhance women's, especially rural women's, awareness of their land and property rights through legal literacy programmes and extension services. It encourages the State party to expand legal assistance to rural women wishing to file claims of discrimination. The Committee requests the State party to include in its next periodic report comprehensive data on the situation of rural women in all areas covered by the Convention, including the causes for the low**

**percentage of women, as compared to men, who own land, and on efforts by the State party to increase this percentage.**

#### **Vulnerable groups of women**

142. While noting efforts undertaken, the Committee expresses its concern at the vulnerable situation of certain groups of women, including older women. In particular, the Committee is deeply concerned about the social situation of those women, including their poverty, as well as reports of intimidation, isolation, abuse and killings, resulting, inter alia, from allegations of witchcraft. The Committee is also deeply concerned at reports that albinos, including women and girls, have been targeted in ritual killings. The Committee regrets the lack of information on the situation of women with disabilities.

**143. The Committee recommends that the State party pay special attention to the precarious situation of older women and women with disabilities, to ensure that they have full access to health and social services and to decision-making processes, and that they have adequate jobs in the labour market, as appropriate. The Committee urges the State party to adopt special programmes to alleviate poverty within these groups of women, and to combat all forms of discrimination against them. The Committee also urges the State party to challenge traditional views regarding older women, in particular accusations of witchcraft, and to protect albino women and girls from ritual killings. The Committee requests that further information, including disaggregated data, be provided in the next report about the situation of older women and women with disabilities.**

#### **Refugee women**

144. While commending the State party for its efforts to host refugees from neighbouring countries and noting the enactment of the Refugees Act of 1998, the Committee remains concerned about the limited information provided by the State party about refugee women in camps in the United Republic of Tanzania. The Committee is particularly concerned at reports about women's inadequate protection from and redress for all forms of violence in communities of refugees and the apparent impunity of the perpetrators of such violence.

**145. The Committee requests the State party to provide in its next report comprehensive information on the situation of refugee women in the United Republic of Tanzania, in particular in respect to the means used to protect these women from all forms of violence and the mechanisms available for redress and rehabilitation. It urges the State party to take steps to investigate and punish all perpetrators of violence against refugees. It encourages the State party to continue to collaborate with the international community, especially the Office of the United Nations High Commissioner for Refugees, in these efforts.**

#### **Family relations**

146. The Committee is concerned about the multiple marriage regimes that apply in the State party. It is particularly concerned that customary law and section 10 of the Law of Marriage Act of 1971 allow polygamy while section 15 of the Act specifically prohibits women from having more than one

husband and that the proposed amendments to the Marriage Act will not criminalize polygamy. While noting that the proposed amendments to the Marriage Act purports to establish the legal minimum age for both girls and boys at 18 years instead of 15 years for girls and 18 years for boys as it stands under section 13 of the Marriage Act, the Committee is concerned at the delay in passing such amendment. The Committee is further concerned that the Law of Persons Act allows for the possible payment of a bride price and that discriminatory customary practices still persist with regard to marriage and family relations, including wife inheritance and widow cleansing.

**147. The Committee urges the State party to harmonize civil, religious and customary law with article 16 of the Convention and to complete its law reform in the area of marriage and family relations in order to bring its legislative framework into compliance with articles 15 and 16 of the Convention, within a specific time frame. The Committee calls upon the State party to ensure that where conflicts arise between formal legal provisions and customary law, the formal provisions prevail. The Committee also calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation No. 21 on equality in marriage and family relations. The State party is urged to speedily enact the proposed amendments to the Marriage Act to ensure that it establishes one legal minimum age for marriage, at 18 years for both girls and boys, in line with internationally acceptable standards.**

#### **Data collection and analysis**

148. While noting the reference in the report to a computerized gender-sensitive monitoring system database within the Ministry of Community Development, Gender and Children, the Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention. The Committee is also concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

**149. The Committee calls upon the State party to strengthen its system of data collection, including the use of measurable indicators to assess trends in the situation of women and of progress towards women's de facto equality, and to allocate sufficient budgetary resources for that purpose. It invites the State party, as necessary, to seek international assistance for the development of such data collection and analysis efforts. The Committee requests the State party to include in its next periodic report statistical data and analysis, disaggregated by sex and by rural and urban areas, indicating the impact of policy and programmatic measures and the results achieved.**

#### **Article 20, paragraph 1**

**150. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

#### **Parliament**

**151. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee**

stresses that the Convention is binding on all branches of Government and it invites the State party to encourage its national Parliament in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.

#### **Preparation of the next report**

152. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next periodic report, as well as to consult with non-governmental organizations during that phase.

#### **Beijing Declaration and Platform for Action**

153. The Committee urges the State party, in its implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

#### **Millennium Development Goals**

154. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.

#### **Dissemination**

155. The Committee requests the wide dissemination in the United Republic of Tanzania of the present concluding observations in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

#### **Ratification of other treaties**

156. The Committee notes that States' adherence to the nine major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of the United Republic of Tanzania to consider ratifying the instruments to which it is not yet a party, that is, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the

**Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.**

**Follow-up to the concluding observations**

157. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 112 and 122 above. The Committee also requests the State party to consider seeking technical cooperation and assistance, including advisory services, if necessary and when appropriate for implementation of the above recommendations.

**Date of the next report**

158. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in September 2010, and its eighth periodic report, which is due in September 2014, in a combined report in 2014.