



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Nineteenth session**

Summary record of the 393rd meeting

Held at Headquarters, New York, on Wednesday, 1 July 1998, at 10.15 a.m.

Chairperson: Ms. Abaka (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 18 of the
Convention (*continued*)

Combined second and third periodic reports of the United Republic of
Tanzania

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In the absence of Ms. Khan, Ms. Abaka (Vice-Chairperson) took the Chair.

The meeting was called to order at 10.40 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined second and third periodic reports of the United Republic of Tanzania (CEDAW/C/TZA/2-3)

1. *At the invitation of the Chairperson, Ms. Malale (United Republic of Tanzania) took a place at the Committee table.*

2. **Ms. Malale** (United Republic of Tanzania), introducing the combined second and third periodic reports of Tanzania (CEDAW/C/TZA/2-3), said that since the presentation of its initial report in 1990, Tanzania had focused its efforts on five main areas: strengthening the national machinery for women's issues, improving the legal status of women, policy reforms, political reforms, and economic reforms.

3. The national machinery, for the mainland of Tanzania, had been upgraded in November 1990 from a Government department to a fully-fledged ministry, a similar ministry being created for Zanzibar in 1992. The two ministries had formulated a "Women in Development" policy which laid down guidelines for achieving full participation by women in the life of the nation. Specific programmes had been adopted to train women for productive activities.

4. The Government had identified three areas of law which required reform: the Law of Marriage Act (No. 5) of 1971, the laws on succession, and the law relating to children. Following a thorough study of those areas by the Law Reform Commission and a process of public consultation, recommendations for law reform had been sent to the Attorney General. The changes made so far included amendments to the law on sexual offences and to the relevant sections of the Penal Code to provide a broader definition of rape, stricter sentences and an in camera procedure for hearings in cases of rape and defilement, and to dispense with the requirement for corroborative evidence in such cases. A new offence of trafficking in women had been created, to protect children as well as women. A draft law on land ownership would soon be introduced, providing for individual title to land and land registration. Government institutions and non-

governmental organizations had been working to sensitize women to their legal rights. The new Ministry of Community Development, Women's Affairs and Children had published a booklet on women's rights which was used in legal training courses. The Convention had been translated into the national language, Kiswahili. A number of non-governmental organizations provided legal aid for women to pursue their rights. In 1997 the Government had declared its intention of establishing a human rights commission, which would address women's rights as part of human rights.

5. In the area of policy reforms, Government measures included the Community Development Policy of 1996, aimed at mobilizing communities to identify and address their own problems using local resources. The heavy workload borne by women would be made easier by improved technology and greater participation by men. The Government's undertakings at Beijing were reflected in a recent programme, which sought to enhance women's legal capacity, promote their economic empowerment, involve them in decision-making and improve their access to education. The programme would be implemented by government agencies and non-governmental organizations.

6. Political reforms had been under way since 1992, when Tanzania became a multi-party democracy. The reforms had brought greater freedom of expression and association. Women had taken the opportunity to set up professional women's organizations and economic groupings.

7. However, the ongoing economic reforms introduced in accordance with structural adjustment programmes had had an adverse impact on women, even undermining the gains achieved earlier, such as those in health and education. The structural reforms emphasized the free market and resulted in reduced public spending, the removal of subsidies and the privatization or elimination of parastatal organizations. Women were hard hit by those policies because they were ill-equipped, owing to poverty and low levels of education, to compete in the free market. School enrolment was now falling for both sexes as a result of cost-sharing measures, and women were more prone to lose their jobs when employers were seeking to cut costs.

8. She singled out, as factors impeding implementation of the Convention, the deteriorating

economic situation in Tanzania, gender attitudes, and harmful or backward-looking traditions and customary practices.

9. The Constitution did not define sex discrimination as such. The Government was in the process of amending the Constitution, and a definition could therefore be included, although it might be used to challenge affirmative action in favour of women. A quota system had been introduced for national and local government elections in order to provide opportunities for women. Thirty seats in Parliament were reserved for women on the mainland, and 16 in Zanzibar's House of Representatives.

10. Turning to the questions contained in the report of the pre-session working group (CEDAW/C/1998/II/CRP.1/Add.6), she said, in connection with article 2, that the 1984 Constitution incorporated a Bill of Rights which guaranteed individual rights and freedoms, including the right of women to participate on an equal basis with men in political and public life. The rights defined in the preamble to the Constitution now appeared in the body of the text, and could be invoked by individuals. However, there were still about 40 laws which were in conflict with human rights principles. They included the Spinsters, Widows and Female Divorcees Protection Act of 1995, the Affiliation Ordinance in its 1964 amendment, the Customary Law Declaration Order of 1963, the Law of Marriage Act (No. 5) of 1970, and the Land Laws. There was no uniform procedure for revising those laws; some had been amended by specific legislation, while others required lengthy research and public consultation. In the latter case, the Law Reform Commission was responsible for making recommendations to the Attorney-General. Government efforts to sensitize the public to women's rights were supported by the non-governmental organizations TANLET, LHRC and SUWATA. Women could obtain counselling, legal aid and legal representation from non-governmental organizations in various parts of the country, including SUWATA, which also published information leaflets. It was the Government's intention, through the gender/women subprogramme of its community development programme, to work with NGOs to ensure that all women enjoyed access to the legal system. The existence of a dual legal system was a barrier in some instances to implementation of the Convention; indeed, in inheritance matters there were three

systems of law — customary, religious and statutory. The Government was now endeavouring to reform the laws on inheritance.

Article 3

11. The new Ministry for Women's Affairs had five departments responsible, respectively, for women and children, research and planning, technical matters and self-help schemes, training and audio-visual aids, and personnel and administration. The Women's Development Fund had been established in 1994 with initial Government funding of 1.5 billion Tanzanian shillings. In future, the Fund would be required to mobilize its own resources through the savings of beneficiaries, contributions from governmental and non-governmental organizations, and donations. It was run by a Board of Trustees, with a small secretariat. The WDF had coordinating units at the national, zonal, ward and local levels. Its Executive Secretary headed the National Coordinating Unit, which had three main departments: a technical department, a department for finance and administration, and a department for coordination, information and public relations. The beneficiaries were women of 18 or above, and young mothers both over and under 18. The Fund sought to mobilize resources, provide loans, act as guarantor, create employment, generate income and offer business advice.

Article 4

12. Despite the wide publicity given to the law providing that at least 15 per cent of members of Parliament must be women, and 25 per cent at local government level, only five women had offered to stand as candidates during the first multi-party elections. The numerical rule did not necessarily mean that women's concerns were taken into account in Parliament. There was a women's parliamentary group which shared information among its members and with other parliamentarians in Africa and the Commonwealth.

Article 5

13. The Convention in its Kiswahili version was regularly used, along with the Beijing Platform for Action, to educate women and the public at large about their rights. The Government had outlawed certain cultural norms and practices such as female genital mutilation, and was seeking to encourage men to share

the burden of household tasks equally with women. Efforts had been made to revise school textbooks in order to eliminate gender stereotyping.

Article 6

14. She did not have any figures for the incidence of rape and other forms of sexual assault; most offences were not reported, the victims being afraid of incurring social stigma. Legal penalties for rape ranged from fines to life imprisonment. Offences related to prostitution were punishable under the Penal Code. Although prostitution was not, in itself, an offence, it was illegal to control prostitutes, keep brothels, solicit or live on the earnings of prostitutes. The Sexual Offences Special Provisions Act of 1998 provided for two specific offences — procurement and trafficking in human beings for the purpose of trading in sex — it also made female genital mutilation a criminal offence. Girls under 14 were vulnerable to sexual exploitation because of the fear among men of contracting HIV/AIDS from older women, and also because of beliefs induced by witchcraft. Witch doctors who prescribed sex with girls under 14 could be prosecuted under the new Act.

Article 7

15. Political reforms had ushered in broad opportunities for women's non-governmental organizations to participate in multiparty democracy. Women constituted the majority of voters, although elective leadership had remained the monopoly of men.

Article 8

16. The number of women diplomats had remained very low over the past 10 years; currently only two of the 26 ambassadors were women. The number of women in the diplomatic service had been growing steadily, demonstrating the potential for women in the foreign service; ambassadors, however, were Presidential appointees.

Article 10

17. School enrolment at all levels had more than tripled since independence; however, there had been a gradual decline, especially in the mid-1980s and 1992, as a result of structural adjustment programmes. The total enrolment had dropped from 50 per cent in 1989 to 48.6 per cent in 1992. Gender inequalities in the

education process reflected socio-cultural norms and attitudes. Although primary education was compulsory, school attendance was difficult to enforce.

18. Since 1995, her Government had been striving to improve the quality, quantity and gender balance of university and technical education. With the assistance of the United Nations Children's Fund, it had established a programme on complementary basic education with the objective of providing education to out-of-school children. In Zanzibar, special classes had been established for school leavers, with special emphasis on the educational advancement of girls. Pre-entry science programmes for female students had been introduced in the 1997/98 intake, with the target of achieving an enrolment of at least 50 per cent girls by the year 2001.

Article 11

19. Since 60 per cent of women had little education, only 28 per cent of professional jobs and 22 per cent of administrative jobs were held by women. Women were prohibited from working at night in certain sectors and from working in mines.

20. The Tanzania Federation of Free Trade Unions was a legal entity established under the law; however, the former name still tended to be used. It had not been possible to collect data on how many women were members and how many occupied leadership posts.

21. Workers enjoyed various rights, including the right to a minimum wage and the right to 28 days' annual leave; all women, regardless of marital status, were entitled to 84 days' paid maternity leave every three years.

22. Pension entitlement derived from a contract between the employer and the employee; thus a wife was not entitled to share in the pension entitlement of her husband either while married or on divorce.

23. Her Government had begun to allow the private sector to open social security schemes; the insurance industry, previously a government monopoly, had been liberalized, and two private insurance companies had already been registered.

24. Childcare centres were mostly run by individuals and by religious institutions. The cost varied depending on a number of factors such as the type of services provided and the age of the child. Due to the high

turnover of children in the centres, reliable data was not available.

Article 12

25. The deterioration of women's and children's health was attributed to poor hygienic conditions, heavy workload, malnutrition, frequent births and general poverty. Maternal mortality rates had increased from 190 to 215 per 100,000 live births between 1990 and 1991. A national family planning programme had been put in place; its emphasis was on training, improved distribution of contraceptive supplies, and effective monitoring and evaluation. There was no data to show whether there had been any increase in the number of women using contraceptives, or any reduction of unwanted pregnancies or of abortions from 1994 to 1998; however, family planning in Tanzania had generally been quite successful.

26. Although family planning education as such was not part of the school curriculum, family life education was taught in schools, and included information about HIV/AIDS. Measures had been taken to increase public awareness of HIV/AIDS through distribution of pamphlets, church sermons and radio and television programmes, but much still needed to be done to reach the majority of rural communities.

27. Female genital mutilation was viewed as an initiation ritual to prepare for adulthood and was socially sanctioned in 6 of the 20 regions of Tanzania. Increased sensitization within the community had led some teenage girls to refuse to be mutilated, even when that meant suffering the social consequences.

Article 13

28. Poor women remained at a disadvantage in terms of access to and control of formal credit facilities, due to the high rate of illiteracy, lack of collateral, and preoccupation with subsistence-level activities. In 1992, women's membership in rural savings and credit associations had been only 15 per cent; initiatives taken by both the Government and the donor community aimed to improve women's access to credit facilities and give them the skills to enable them to engage in productive activities.

Article 14

29. Since about 80 per cent of the population lived in rural areas, any measures taken to implement the

Convention ultimately benefited rural women. Government institutions had engaged in research, production and dissemination of appropriate technology to rural communities. Other initiatives included institutionalization of gender impact assessment programmes for rural women; periodic review of pertinent issues such as access to basic social services; and monitoring of women's participation in community activities to ensure equal participation in decision-making bodies.

30. The national water policy of 1991 concentrated on community participation in the management of water supply and sanitation services, with special attention to the role of women. Equal numbers of women and men served on village water committees. Nevertheless, the traditional irrigation systems were still male-dominated. Following the introduction of cost-sharing in social services, access to domestic water was highly influenced by purchasing power. The majority of rural people lacked real access and control since the water infrastructure was still poorly developed.

Articles 15 and 16

31. Following the dissolution of a marriage, a married woman was entitled to a share of the matrimonial assets depending on the extent of her contribution, including her non-financial contribution, towards the acquisition of that property.

32. As a result of refugee influxes, a number of Tanzanians had been displaced but there were no official data regarding their numbers or the percentage of women involved. Refugees in Tanzania were afforded the rights to asylum, non-refoulement and voluntary repatriation in dignity and safety under the relevant international and regional conventions.

33. **The Chairperson**, while commending the Government of Tanzania for its frank replies, said that the absence of statistical data made it difficult for the Committee to make an assessment of the situation. The continued existence of religious and customary laws were a very serious obstacle to the achievement of equality for women and it was disturbing to hear that the inclusion of the criterion of "sex" in the definition of "discrimination" in article 1 of the Convention might be used to challenge affirmative action to promote the status of women. Finally, the reasons for the very high incidence of repeat pregnancies, and for

the recent increase in the maternal mortality rate were unclear.

34. **Ms. Bernard** said that the overall situation of Tanzanian women did not seem to have improved significantly since the time of the consideration of the initial report and their overall situation had clearly been affected by the downturn in the economy. Progress towards equality continued to be hampered by deep-rooted prejudices affecting all aspects of women's lives. A greater effort should be made to educate the public in general, and women in particular. Finally, she commended non-governmental organizations for providing legal aid to needy women.

35. **Ms. Guvava**, noting that, in general, there was insufficient statistical data in the report, reiterated the request, made in paragraph 11 of the report of the pre-session working group, for information on the total budget and personnel of the Ministry of Community Development, Women's Affairs and Children.

36. Noting that the Government had enacted a law stipulating that 15 per cent of the members of Parliament must be women, she asked what impact women officials had had in the legislature.

37. She also wished to know when the Government would be able to repeal the 40 laws identified as contradicting human rights principles and whether there was any statistical data to support the claim that family planning efforts had been successful.

38. **Ms. Estrada Castillo** emphasized the need for political will to implement norms which guaranteed respect for human rights, and expressed disappointment at the news that Tanzania still had laws which ran counter to such precepts. Solving the immense problems facing Tanzanian women would require not only the adoption of laws but a massive investment in education and health care and the full incorporation of women into society.

39. She wondered what percentage of the State budget had been allocated to efforts to promote effective protection of women and urged the Government to increase its support to women's organizations and other NGOs.

40. **Ms. Acar** said that the persistence of prejudices and customary practices in Tanzania were a fundamental obstacle to the implementation of the Convention. Changing people's attitudes would require

great determination, effort and extreme commitment on the part of the political authorities.

41. With respect to the newly enacted law recognizing female genital mutilation as a sexual offence, she asked what sanctions had been envisaged for violators.

42. Regarding the comment that prohibiting polygamy would be tantamount to an infringement on individual freedoms, she said that in her opinion, the basic infringement of women's human rights in that context was infinitely more salient. She urged the Government of Tanzania to study existing models of societies which had devised national laws prohibiting polygamy without infringing on religious beliefs or practices in private matters.

43. **Ms. Aouij** said that it would be interesting to know what ministerial and NGO action had been taken with regard to parliamentary submissions aimed at reforming discriminatory family law. She agreed with other members of the Committee who had pointed out how the dual system of customary and religious law further complicated matters.

44. Non-governmental organizations had already contributed greatly and she suggested that perhaps international cooperation through specialized agencies could facilitate the establishment of projects favouring women.

45. **Ms. Ferrer** said that she shared the concern expressed on the obstacles confronting Tanzanian women in employment and education and the absence of any real progress since 1990. Clearly, an integrated strategy was needed to improve the situation of women in all fields.

46. She wished to have more information on the use of the resources under the Women Development Fund. She hoped the responsible Ministry would approve an appropriate budget to stimulate development plans formulated by the Fund.

47. **Ms. Taya** said that it was disturbing to hear that judges were permitted to use their own discretion in deciding whether to apply customary, religious and statutory laws during litigation. That problem was particularly serious because 80 per cent of the Tanzanian population lived in rural areas, where customary law prevailed and gave preference to men in questions of inheritance, property, marriage, divorce and education. It was especially important to change

customary practices in the areas of land ownership and the education of girls, which currently perpetuated a vicious circle of discrimination against women.

48. It was not enough to disseminate the provisions of the Convention; action must be taken to eliminate harmful customs and traditions. While it was encouraging that the Government was endeavouring to change the current inheritance legislation, it might be more efficient to repeal the Local Customary Law Declaration Order of 1963. She hoped that information on measures taken in that regard would be included in the next periodic report.

49. **Mrs. Schöpp-Schilling** said that while the Government was moving in the right direction during the difficult period of transition to a democratic market economy, progress had been far too slow. Structural adjustment measures did not necessarily prevent the passing of new legislation. Parliament's failure to amend or repeal discriminatory legislation which had been identified as long ago as 1991, seemed to suggest a lack of political will. While it was true that *de facto* change was more important than legal reform the latter was nevertheless a prerequisite for the former.

50. Nothing had been done as yet to amend the Constitution to reflect the provisions of the Convention or to pass comprehensive anti-discrimination legislation. Article 1 of the Convention included a definition of such discrimination which made it clear that a Government's obligation to prevent discrimination extended to private as well as public life and should be embodied in national legislation.

51. The claim that incorporation into the Constitution of a prohibition of gender-based discrimination might prevent implementation of affirmative action seemed illogical. The Constitution of her own country, Germany, included both a prohibition against gender-based discrimination and an affirmative action clause. She suggested that the Government should seek models for such provisions in the legislation of other countries. The fact that judges were permitted to give precedence to customary law if they chose had the effect of nullifying all legal reforms. The overall development of Tanzania could not proceed unless the situation of women was improved, and the Government should take action to speed up that process.

52. While the current budgetary crisis had made it difficult to keep accurate statistics on gender-related matters, other types of information could have been

provided in the report. For example, the report stated that the definition of rape had been expanded but did not specify whether the new definition included marital rape and whether the penalties for rapists had been increased. It had also been stated that female genital mutilation was commonly practised in six of the country's provinces. She wondered what percentage of the women in those provinces were subjected to such mutilation. A precise description of the practices involved would be useful since there were various forms of genital mutilation. She also wondered whether the Government was involved in United Nations programmes to distribute female condoms in an effort to combat the spread of human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS).

53. It was particularly disturbing that the Government was not doing more to combat food taboos, which had a serious impact on women's health and consequences which extended into the next generation. She hoped that the next report would include information on that matter. She also wondered how many women had received credit through the pilot projects and Women Development Fund programmes described in the report and what obstacles had hindered the implementation of those programmes. She hoped that the Government and NGOs would seek help from the international communities and work together to address the issues identified by the Committee.

54. **Ms. Ouedraogo** said that neither the report nor the oral presentation had explained why there had been so little improvement in the situation of women since the initial report. Possible reasons might include insufficient involvement of women in government-sponsored programmes, a lack of human resources to implement new policies and a failure to coordinate action among all parties involved. She called for a more aggressive approach which would involve lobbying of decision makers, consciousness-raising and requests for international assistance.

55. In view of the low level of education of Tanzanian women, she wondered whether they lacked information on family planning and whether illiteracy was an impediment to their knowledge of health-related matters. Because most African countries were patriarchal and family-oriented, women were often unaware of their own role in development. The Ministry for Community Development, Women's Affairs and Children established programmes to inform women of the influence they could have on politics and

decision-making and encourage them to participate in politics, particularly at the village level. The quota system for women's participation in Parliament was encouraging because budgets for national programmes were voted on at the parliamentary level and developing countries must increasingly rely on their own resources to supplement international assistance.

56. Rural women in Africa faced particular problems and were obliged to work far harder than those living in urban areas and consequently had no time to organize political action. Article 14 was, therefore, of particular importance in sub-Saharan Africa. She hoped that the next report would be more extensive and would provide additional information on action taken to lighten the workload of rural women by introducing appropriate technology and providing access to credit through lending institutions or programmes targeting women's credit needs. Increased income and better education on health-related matters and women's rights were essential if the situation of women in Tanzania was to improve.

57. **Ms. Hartono** asked whether the provisions of the Convention could be applied directly under Tanzanian law or whether they must be incorporated into domestic legislation. She asked whether it was true that under customary law, widows and daughters were prohibited from administering a man's estate or inheriting his land, daughters were essentially unable to inherit from their fathers since the rights of sons took precedence, women were stripped of their land and possessions on the death of a husband and widows themselves became property to be inherited by their husband's male relatives. If so, that law should be declared null and void on the grounds that the Convention and other human rights instruments to which Tanzania was a party took precedence over domestic legislation.

58. She asked whether rural women were aware of their rights, whether adequate legal assistance was available to them and, if so, whether their husbands or male relatives prevented them from making use of it. She also wondered what the Government was doing to address the problem of violence against women, including domestic violence, particularly in the case of elderly and disabled women who were reportedly being murdered on suspicion of witchcraft.

59. **Ms. Gonzalez** said that it was unfortunate that many of the problems described in the initial report of Tanzania had persisted. During its consideration of the

previous report, the Committee had requested additional information on discrimination against women in public and private life, Tanzanian women's reaction to the failure to punish rapists and women's access to family planning information and contraceptives and had asked whether women required their husband's permission to use such methods. She reiterated that request.

60. The Government had stated that it intended to establish a human rights commission, but the effectiveness of that mechanism could not be evaluated until it began to function. Programmes to benefit women in the economic, decision-making and employment fields had scarcely begun to be implemented, and it was not clear whether any action to change cultural stereotypes and customs had been taken or planned. The delegation had stated that implementation of the Convention had been hindered by the country's economic situation and by traditional attitudes and practices, but no change could take place without action to educate women and promote their rights in all areas and at all levels of decision-making, and women's economic situation could not be improved unless cultural stereotypes were changed. It was clear that women's human rights were being violated, not only by female genital mutilation but also by the inequities of inheritance law and by sexual practices, such as the rape of young girls in the belief that they were free of HIV/AIDS, which showed that even a woman's body was subject to male control. The fact that AIDS affected more women than men in Tanzania demonstrated that not only their sexuality, but also their physical safety, was at risk.

61. Although Tanzania was not the only country whose customary practices discriminated against women, it was essential to change the current system which placed religious, customary and statutory law on an equal footing.

62. Lastly, she suggested that Tanzania should develop programmes in the areas of health, family planning and AIDS prevention through international cooperation and the United Nations funds and programmes.

The meeting rose at 1 p.m.