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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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

Seventh and eighth periodic reports of States parties due in 2014

United Republic of Tanzania*

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* The present document is being issued without formal editing.

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Acronyms

AAT	Asylum Access Tanzania
ACHPR	African Charter on Human and Peoples Rights
AG	Attorney General
AIDS	Acquired Immune Deficiency Syndrome
ANC	Ante Natal Care
ANGOZA	Association of Non-Governmental Organization of Zanzibar
CA	Constituent Assembly
CBOS	Community Based Organizations
CCBRT	Community Based Rehabilitation in Tanzania
CCM	Chama Cha Mapinduzi
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CHRAGG	Commission of Human Rights and Good Governance
CMA	Commission for Mediation and Arbitration
COBET	Complementary Basic Education
CRC	Constitutional Review Commission
CSOs	Civil Society Organizations
CUF	Civic United Front
DEE	Department of Economic Empowerment
DHU	District Handling Unit
DLHT	District Land and Housing Tribunals
DRC	Democratic Republic of Congo
EAC	East African Community
EGM	Enterprise Growth Market
ELRA	Employment Labour Relations Act
EPZA	Economic and Processing Zones
FAWE	Forum for African Women Educationalists
FBOs	Faith Based Organizations
FGM/C	Female Genital Mutilation/Cutting

GBV	Gender Based Violence
GDP	Growth Domestic Product
GFPs	Gender Focal Persons
HIV	Human Immunodeficiency Virus
HHBS	Household Budget Survey
HSSP	Health Sector Strategic Plan
ICGLR	International Conference of the Great Lakes Region
ICPD	Integrated Conference on Population and Development
ICT	Information Communications Technology
ILFS	Integrated Labour Force Survey
IOM	International Organization on Migration
IORA	Indian Ocean Ream Association
ITV	Independent Television
LAPs	Legal Aid Providers
LCA	Law of the Child Act
LGA	Local Government Authority
LIA	Labour Institution Act
LHRC	Legal and Human Rights Centre
LPF	Life Preservation Fund
LRCT	Law Reform Commission of Tanzania
LSF	Legal Service Facility
LSRP	Legal Sector Reform Programme
MCT	Mother to Child Transmission
MCDGC	Ministry of Community Development, Gender and Children
MDAs	Ministries, Departments and Agencies
MDGs	Millennium Development Goals
MESWYWC	Ministry of Empowerment, Social Welfare, Youth, Women and Children
MHA	Ministry of Home Affairs
MKUKUTA	Mkakati wa Kukuza Uchumi na Kupunguza Umaskini

MKUZA	Mkakati wa Kukuza Uchumi Zanzibar
MPs	Members of Parliament
MOCLA	Ministry of Constitution and Legal Affairs
MOEVT	Ministry of Education and Vocational Training
MOLE	Ministry of Labour and Employment
MSE	Medium and Small Enterprises
MTEF	Medium Term Expenditure Framework
NEC	National Electoral Commission
NGOs	Non-Governmental Organizations
NMB	National Microfinance Bank
NOLA	National Organization for Legal Assistance
NSGRP	National Strategy for Growth and Reduction of Poverty
PADEP	Parastatal Agricultural Development Programme
PCE	Permanent Commission of Enquiry
PDA	Persons with Disability Act
PETS	Public Expenditure Tracking Exercise
PO-PSM	President's Office — Public Service Management
RITA	Registration Insolvency and Trusteeship Agency
SACCOS	Savings and Credit Cooperatives
SADC	South African Development Community
SGBV	Sexual and Gender Based Violence
SIDO	Small Industries Development Organizations
SMEs	Small and Medium Enterprises
SOPs	Standard Operating Procedures
SOSPA	Sexual Offences Special Provision
STDs	Sexually Transmitted Diseases
TAMWA	Tanzania Media Women Association
TASAF	Tanzania Social Action Fund
TAWLA	Tanzania Women Lawyers
TCCIA	Tanzania Chamber of Commerce, Industry and Agriculture

TDHS	Tanzania Demographic and Health Survey
THMIS	Tanzania HIV and Malaria Indicator Survey
TLS	Tanganyika Law Society
TLP	Tanzania Labour Party
TPSF	Tanzania Private Sector Foundation
TWB	Tanzania Women's Bank
UDP	United Democratic Party
UNHCR	United Nations High Commissioner for Refugees
UNFPA	United Nations Population Fund
URT	United Republic of Tanzania
UWZ	Umoja wa Walemavu Zanzibar (Association of the Disabled Zanzibar)
USAID	United States Agency for International Development
VAC	Violence against Children
WDC	Ward Development Committees
WEDTF	Women Entrepreneurship Development Trust Fund
WiLDAF	Women in Law and Development in Africa
WLAC	Women's Legal Aid Centre
WTO	World Trade Organization
ZAFELA	Zanzibar Female Lawyers Association
ZAWA	Zanzibar Water Authority
ZBC	Zanzibar Broadcasting
ZEA	Zanzibar Employment Act
ZLS	Zanzibar Law Society
ZLSC	Zanzibar Legal Service Centre
ZSSF	Zanzibar Social Security Fund

Part One
General background and methodology

1. The State Party, United Republic of Tanzania (URT), signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 17 July 1980 and ratified it on 20 August 1985; it has also ratified its Optional Protocol. The State Party is also a party to a number of international human rights instruments, including Convention on the Elimination of Discrimination in Employment and Occupation (1958), Convention on Equal Remuneration for work of Equal Value (1951), the Beijing Platform for Action (1995), the ICPD Plan of Action (1994), Convention on Workers with Family Responsibilities (1981), and the Convention on Maternity Protection (2000). The Millennium Declaration (2000) has in the recent past underscored UN's work on human rights by declaring the Gender Equality and Women's Empowerment objective (Goal 3) for UN member states. At the regional level, the State Party is a party to the Declaration on Gender Equality in Africa, the African Charter on Human and Peoples' Rights (1981), the Declaration on the HIV/AIDS Epidemic at the XI International Conference on AIDS and STDs in Africa (1999), the Women's Declaration and Agenda for a Culture of Peace in Africa adopted at the close of a Pan African Conference in Zanzibar in 1999 and the Protocol to the African Charter on Human and Peoples' Rights (ACPHR) on the Rights of Women in Africa (2003).[1] Another important declaration is SADC Declaration on Gender and Development (1997), which binds member countries to have an affirmative action to promote female participation in politics.

2. In 2008 the State Party submitted its fourth, fifth and sixth consolidated periodic reports on the CEDAW. The report was considered by the United Nations Committee on the Elimination of All Forms of Discrimination against Women (CEDAW). This current document is the consolidated seventh and eighth reports due in September 2014, as directed by the Committee in its previous Concluding Observations.[2] This document has been prepared in conformity with the Treaty-specific Guidelines regarding the form and content of periodic reports to be submitted by States Parties under Article 18 of the Convention which were developed in accordance with the harmonized guidelines on reporting to the international human rights treaty bodies (last revised in 2009).[3] This report has also been prepared in compliance with the Committee's directive made in its previous Concluding Observations to the effect that the State Party should respond to the concerns expressed in the said observations.

3. In the preparation of the consolidated reports wide consultations were held involving government ministries, departments and agencies (MDA's), and NGOs that included the Tanzania Women Lawyers Association (TAWLA), Women in Law and Development in Africa (WiLDAF), Women's legal Aid Centre (WLAC), Zanzibar Female Lawyers Association (ZAFELA), Association of Non-Governmental Organizations of Zanzibar (ANGOZA) and other relevant international organizations such as UNFPA and the UN Women. A list of institutions that participated in the preparation of this report is attached.

[1] The Protocol was adopted on 11 July 2003 and entered into force on 25 November 2005. Tanzania ratified the Protocol on 3 March 2007 and deposited the instrument of ratification on 7 May 2007.

[2] A/63/38.

[3] HRI/GEN/2/Rev.6.

Part Two
Convention-specific document

I. General measures of implementation of the Convention

1.1.0 Definition of Discrimination against Women

4. The State Party has widened its constitutional scope of definition of discrimination in the current Constitution, which expressly includes prohibition of discrimination on the ground of, *inter alia*, gender[4], to a more expansive definition in Article 33(2) and 54 (b) of the final Draft Constitution (which was presented to the Government on the 8th October, 2014).[5] This provision clearly defines both direct and indirect discrimination[6] in accordance with Article 1 of the Convention. The existing definition of discrimination is bound to be addressed through the ongoing constitution-making exercise, which is expected to conclude in late 2014.

5. In addition, the State Party has enacted several sector-specific laws to ensure the enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political[7], socio-economic[8], cultural[9], civil or any other field. This has been constitutionally entrenched in the second Draft Constitution of the United Republic of Tanzania.[10]

6. In ensuring that all discriminatory legislations are amended or repealed to bring it into compliance with the Convention and the Committee's general recommendations, the State Party has been working with Parliament and the Zanzibar House of Representatives to accelerate its law review process in this

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[4] *See* particularly the 13th Amendment to the Constitution of Tanzania made in 2005 and the 10th Amendment to the Constitution of Zanzibar made in 2010.

[5] From April 2012 the State Party embarked on the review of its 1977 Constitution with a view to adopting a new one as envisaged under the Constitutional Review Act, Cap. 83 R.E. 2012. The Draft Constitution that was prepared by the Constitutional Review Commission is now being deliberated upon by the Constituent Assembly (CA, which was inaugurated in early 2014. After the CA adopts a Proposed Constitution, it will be subjected to a referendum before a New Constitution becomes operational some time in 2015.

[6] The second Draft Constitution has proposed the incorporation into the Bill of Rights a comprehensive list of rights, including a specific provision relating to the rights of women (Article 47).

[7] *See* particularly the Zanzibar Elections Act (No. 11 of 1984) and the Law Amending the Elections Act of 1984 (Law No. 12 of 2002); the Election Act (1985); the Political Parties Act (1992); and the Election Expenses Act (2010).

[8] *See* particularly the Employment and Labour Relations Act (2004); the Employment Act, No. 11 of 2005; the Education Act (1978), Cap. 353; and the Zanzibar Education Act, No. 6 of 1982.

[9] *See* particularly the Law of Marriage Act (1971), Cap. 29 R.E. 2002; the Marriage (Solemnization and Registration) Decree, Cap. 92 of the Laws of Zanzibar; Succession Decree, Cap. 21 of the Laws of Zanzibar; the Probate and Administration of Estates Act, Cap. 352 R.E. 2002; and the Spinsters and Single Parent Child Act.

[10] *See* particularly Articles 22 and 46 of the Draft Constitution of the United Republic of Tanzania.

context.[11] In compliance with Article 2 of the Convention, the State Party has carried out a review of the inheritance laws in Tanzania Mainland; and, as soon the New Constitution is adopted, the State Party will embark on the amendment of these laws to enhance equality between men, women and children in succession issues.[12]

7. In respect of Zanzibar, the State Party has carried out a review of the Zanzibar Kadhi's Court Act (1985)[13] to ensure that women and men do effectively access justice before the Kadhi's Court.[14]

1.1.1 Discriminatory Laws

8. In implementing the provisions of Article 15 of the Convention, the State Party accords to women equality with men before the law in the 1977 Constitution of Tanzania[15] and the Constitution of Zanzibar (1984).[16] In addition, the State Party guarantees women's legal capacity identical, in civil matters, to that of men and the same opportunities to exercise that capacity; whereby women have equal rights to conclude contracts[17] and to administer property and are treated the equally in all stages of procedure in courts and tribunals.[18] The State Party also accords to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.[19]

9. In order to ensure that both female and male pupils in primary and junior schools get equal opportunity to access and pursue education, The Education and Training Policy of 1995 (Tanzania Mainland) as revised and approved in June 2014, guarantees equal access to education and training opportunities between girls and

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[11] Legal provisions that prohibit discrimination based on the ground of gender are Sections 28 and 33 of the Person with Disabilities Act (2010); Section 5 of the Law of the Child Act (2009); and Sections 28-34 of the HIV and AIDS Prevention and Control Act (No. 28 of 2008. Other laws with provisions prohibiting discrimination are the Elections Act (1985); Section of the Land laws (1999); Section of the Village Land Act (1999); and the Mortgage and Financing Act.

[12] Succession laws in Tanzania Mainland include the Probate and Administration of Estates Act, Cap. 352 R.E. 2002; the Rules on Will, Third Schedule to the Local Customary Law (Declaration) (1963) (No. 4) Oder, GN. No. 436 of 1963; and the Indian Succession Act (1965) (The Indian Succession Act was made applicable in Tanzania vide the Indian Acts (Application) Ordinance, Cap. 2 of the Laws of Tanganyika; and it is still recognized under the Judicature and Application of Laws Act, Cap. 358 R.E. 2002. However, Parts XXIX-XL and Section 333 of the Indian Succession Act does not apply in Tanzania in terms of item (a) the Second Schedule to the Judicature and Application of Laws Act).

[13] No. 3 of 1985.

[14] Currently, the Kadhi's Court Act requires the Kadhi's (the officials presiding over the Kadhi's Court) to apply principles enshrined in other national laws such as the Evidence Decree and Civil Procedure Decree while they have no legal knowledge. In practice, this has resulted in avoidable miscarriage of justice for those using the courts, particularly women.

[15] *See* particularly Articles 12 and 13 of the Constitution of the United Republic of Tanzania. Articles 25 and 47 of the second Draft Constitution (inaugurated on 30 December 2013) propose to expand this principle.

[16] *See* particularly Article 12 of the Zanzibar Constitution (1984).

[17] *See* particularly the Law of Contract Act, Cap. 345 R.E. 2002.

[18] *See*, for instance, Article 13(1) of the Constitution of Tanzania; Article 12(1) of the Zanzibar Constitution (1984); and Part IX of the Zanzibar Labour Relations Act (No. 1 of 2005).

[19] *See* particularly Article 17 of the 1977 Constitution of Tanzania; Article 16 of the Zanzibar Constitution (1984); the Employment and Labour Relations Act (2004); and Part IX of the Zanzibar Labour Relations Act (No. 1 of 2005).

boys, women and men, the policy also permits impregnated school girls to be reinstated back to school after delivery. In respect of Zanzibar, Section 16(1) of the Zanzibar Spinsters and Single Parent Children Protection Act (2005) requires impregnated school girls to be suspended from, and reinstated back to, school within two years after delivery of the impregnated female pupil. In practice, such students are given an opportunity to choose a school of her choice as part of avoiding stigma from their peers.

10. In labour and employment relations, the State Party have enacted specific provisions in the Section 7(1) of the Zanzibar Employment Act (2005)[20] (ZEA) and the Employment and Labour Relations Act (2004)[21] (ELRA), both of which prohibit discrimination in the workplace.[22] The grounds for discrimination are set out in subsection (4) of Section 7 of the ELRA, Section 10(3) of the ZEA and Rule 28(2) of the Employment and Labour Relations (Code of Good Practice) Rules (2007) (the Code of Good Practice)[23] to include other categories of discrimination.

11. In Zanzibar, in order to ensure these provisions are widely known by employees and employers, the State Party, has taken step further by developing popular versions of these laws in both in English and Swahili languages. These versions have been widely disseminated to ordinary employees.

12. There are other several laws that the State Party has put in place to prohibit discrimination against women as stated in item 3.0 of the Common Core Document. These include the HIV/AIDS (Prevention and Control) Act (2008), which prohibits discrimination on the basis of HIV/AIDS; the Persons with Disabilities Act (2010), which prohibits discrimination on the ground of disability; the Law of the Child Act and the Zanzibar Children's Act both of which guarantees to every child the 'right to live free from any discrimination'; and the Zanzibar Persons with Disability (Rights and Privileges) Act[24], which addresses issues relating to discrimination in employment, realization of the rights of persons with disabilities, accessibility and mobility, accessibility standards and prohibition of denials to public premises.

13. In order to ensure that gender issues are taken into consideration at all levels, the Presidents' Office Public Service Management (PO-PSM) has directed all LGAs to establish *service charters*, which requires, amongst other things, the articulation of gender equality in various employment positions. The implementation of the charters is monitored by a PO-PSM assessment team, which audits, among other things, gender mainstreaming and considerations in the employment of LGAs. At the LGAs level there are auditing committees, which are obliged to track the implementation of the service charter as well, while the National Audit Office is responsible to cross-check the existence and operationalization of these service charters.

14. The age of marriage for girls as articulated in the Marriage Act of 1971 still discriminates girls in fulfilling the opportunities that are presented to them as it allows marriage at 15 years. Reviewing the age of marriage has been a challenge for years due to some traditional and religious stands. However, the proposed constitution

[20] Act No.11 of 2005.
[21] Act No. 6 of 2004.
[22] *See* Section 7 of the ELRA and Section 10 of the ZEA.
[23] The Code of Good Practice is made under the ELRA.
[24] Act No. 9 of 2006.

provides room for revision as it defines a child to be any person under 18 and other protection measures for children are stipulated.

1.1.2 Visibility of the Convention and the Optional Protocol

15. The State Party has embarked on a number of activities. These include domestication of several International Human Rights Conventions into the municipal legal system, conducting public awareness-raising campaigns on the Convention and its Protocol to women and community leaders and training members of legal profession and judiciary on human rights issues and specific human rights standards enshrined in the Convention.

16. The State Party continued to conduct capacity building to judicial officials on international human rights law, including women's rights in the context of the CEDAW, its Optional Protocol and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the African Women's Protocol).[25] In particular, about 14 Judges and Registrars of the High Court of Tanzania were trained on international human rights instruments specifically related to women and children in 2011. In addition, the Prisons Department in Zanzibar has conducted intensive review of the Offenders' Education Act (1980)[26] in order to address, among other issues, the rights and plight of women in prison and children with imprisoned mothers/caregivers. This law review also seeks to introduce a complaint mechanism in the prison system to deal with gender violence and discrimination issues.

17. The State Party has made efforts to enact the Legal Aid Act which is in its final stages (Legal aid Bill) that will allow paralegal to provide legal aid services to the needy of legal services. This will increase the number of legal service providers in particular to the rural areas. Similarly, the Zanzibar Legal Service Centre (ZLSC) has been conducting a two-year training course on paralegal, which has resulted in having at least one paralegal officer in each Constituency and there are more than 160 trained paralegal in Zanzibar.

18. The State Party has embarked into series of capacity building programmes to women in particular on CEDAW. In its efforts to raise public awareness on international human rights treaties relating to women, the State Party has translated into Kiswahili and widely disseminated the CEDAW, its Optional Protocol and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (popularly known as the Maputo Protocol). In addition, the State Party has continued to collaborate with state and non-state actors to provide community programmes on the rights of women as enshrined in the CEDAW and other relevant international human rights treaties. In particular, some of the radio and television programmes are used to raise public awareness on the rights of women include *Kumepambazuka — Sheria* aired by *Radio One* every Tuesday (at 8.00am to 9.00am); *Power Breakfast (PB) — Sheria* aired by Clouds FM; *Ijue Sheria* televised by the Independent Television (ITV) and Zanzibar Broad Casting (ZBC) Television and Radio; and *Kona ya Sheria* run by the Tanzania Broadcasting

[25] Adopted in Maputo, Mozambique, on 11 July 2005 and entered into force on 25 November 2005.
[26] Act No. 1 of 1980.

Corporation (TBC). Similarly, ZAFELA provides legal and human rights education to members of the community in Zanzibar through meetings and seminars.

19. In collaboration with non-state actors, particularly CSOs, the State Party has been undertaking public awareness-raising campaigns to combat and eliminate discrimination and violence against women through the famous Sixteen Days of Activism[27], International Women's Day, the Day of the Girl Child, *Uhuru* Torch Rally and the Gender Festivals.[28] Through the celebrations of the International Day of Women, state and non-state actors raise public awareness on the CEDAW and the rights of women.

20. The State Party has also ensured that there is an increase in the number of women accessing courts of laws to vindicate their rights. This is particularly done through a number of legal aid schemes, The State Party is currently working on a draft policy and law on legal aid and it has set up a Legal Aid Secretariat under the Legal Sector Reform Programme (LSRP) to coordinate legal aid activities. In addition, development partners such as the USAID and Legal Services Facility (LSF) has been providing funding and technical support to a number of legal aid providers (LAP's) – both paralegal units and legal aid centres run by volunteer lawyers and NGOs, CBOs and FBOs – to enable them to provide legal aid to women in both urban and rural areas of Tanzania. In respect to Zanzibar, the State Party is also developing a National Legal Aid Policy under the National Legal Sector Reform Programme. One of the priority areas of the envisaged policy is to provide legal aid services for women and children.

21. As stated in Sections B and C of Part One (Common Core Document), the State Party has complied with the requirement of Article 3 of the Convention by particularly taking in all fields; political, social, economic and cultural, all appropriate measures, including; constitutional, policy and legislation. Therefore, the State Party has constitutionalised[29] and enacted in all sector-specific legislation provisions that guarantee the enjoyment of basic rights and fundamental freedoms by both women and men, by particularly prohibiting and criminalizing discrimination based on, *inter alia*, gender considerations in all spheres of life.

22. In addition, the State Party has ensured that human right, as a subject, is a part of the teaching curriculum in all primary and secondary schools as well as in higher learning institutions in Tanzania Mainland and Zanzibar. The main challenge is that, most of the teachers lack knowledge on human rights issues. The State Party has, therefore, started to provide specific training to teachers on human rights generally and women's and children's rights in particular. Besides, the State party strives to ensure that judges/magistrates at all levels are adequately trained in human rights and the provisions of the Convention and its Optional Protocol.

[27] These annual exhibitions are organised and coordinated by the Tanzanian chapter of the Women in Law and Development in Africa (WiLDAF).

[28] The Gender Festivals are held once in every two years to, *inter alia*, raise awareness on women's rights and welfare.

[29] Article 47 of the second Draft Constitution has catalogued all basic rights and fundamental freedoms of women, which were missing in the previous Constitution of Tanzania (1977).

1.1.3 National Machinery

23. The State Party has undertaken various measures to establish and strengthen the national machinery for the advancement of women since 1980s including: the establishment of the Ministry of Community Development, Gender and Children (MDCGC) in Tanzania Mainland; and the establishment of the Zanzibar Ministry of Empowerment, Social Welfare, Youth, Women and Children (MESWYWC). These ministries, among other things, are the principal public offices for the coordination, implementation and supervising of all affairs concerning Women.[30] There has been an establishment of a Gender Monitoring and Evaluation system and data collection tools so as to accommodate effective and efficient coordination, monitoring and evaluation of the Gender related intervention in Zanzibar. Furthermore in Tanzania mainland the Gender Monitoring and Evaluation system is preparing the same.

24. In responding to the Committees' recommendation to provide the National Machinery with human and financial resources. The State Party has established 2,280 posts for the Ministry of Community Development, Gender and Children. In 2012/2013 a total number of 1,121 posts were filled compared to 1,198 in 2013/2014. The details of staffing levels for each Department and Unit are shown ***in Table 23***. The State Party has strengthened its National Gender Machinery in particularly the provision of adequate resources; the State Party has undertaken measures to increase budget allocation for the Ministry of Community Development, Gender and Children to ensure effectively the promotion of gender equality in the country. For the last three years, there has been an increase in budget allocation for the National Gender Machinery in Mainland from 15.6 billion shillings during the financial year 2012/2013 to 23.9 billion shillings in 2013/2014 budget, which is an increase of 8.9 billion shillings. For the financial year 2014/2015 the budget allocation was 30.2 billion shillings which is an increase of 6.3 billion shillings compared to the financial year 2013/2014.

25. In addition, a Gender Mainstreaming Macro Working Groups (GMWGs) have been established since 2008 with the aim of advocating for gender mainstreaming in policies, programmes plans and budget of sectoral ministries and NGOs in Tanzania Mainland and Zanzibar. The groups have pioneered the incorporation of gender aspects in MKUKUTA II and MKUZA II and have been conducting policy dialogues on Gender Based Violence. The groups have also conducted gender audits in the Ministry of Health and Ministry responsible for gender in Mainland and a Public Expenditure Tracking Exercise (PETS) in the Ministry of Education and the Ministry of Health in Zanzibar. The gender audit has influenced the Ministry of Health in Zanzibar to review cost sharing aspect in the Maternal Health, where pregnant lactating women have been able to access medical services free of charge. These initiatives have also influenced the improvement of the disbursement of loans to higher education female students from the Higher Education Students' Loans Board as noted above. Notably, Zanzibar is in the process of reviewing and strengthening the Gender Mainstreaming Macro Working Group so as to improve its capacity to support the macro policy processes.

26. Moreover, the Tanzania Mainland is in the initial stages of reviewing the National Gender Policy to replace the Gender and Women development policy

[30] This ministry changed its name in August 2013. Prior to this date, it was known as Ministry of Social Welfare, Youth, Women and Children (MSWYWC).

(2000) in order to incorporate current emerging issues such as Gender Based Violence, Climate Change equal representation in decision making bodies as well as education, training and employment. For the part of Zanzibar, Zanzibar Gender Policy (2011), which seeks to replace the Women Protection and Development Policy (2001), is currently in the process of official approval. In addition, Gender budgeting processes is institutionalized in the Ministry of Finance. The Ministry conduct capacity building and provision of gender mainstreaming tools and the Government is issuing to ministries with respect to sectoral budgets so that budgetary processes incorporate gender concerns. A checklist on mainstreaming gender in budgets has been produced and disseminated to all ministries.

27. However, in implementing the foregoing initiatives, Zanzibar has faced a number of challenges, including: low awareness on gender issues at administrative levels due to frequently changes of administrative posts; and inadequate budget to implement the gender programs and plans.

28. The State Party has created machinery for the implementation of the CEDAW, its Optional Protocol and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the African Women's Protocol).[31] In particular, in every government ministry, independent department, agencies and local government authorities there have been put in place Gender Committees were its members are drawn from each department in the mentioned institutions who are there to support the Gender Focal Person in Tanzania Mainland and Zanzibar.

1.1.4 Negative Cultural Practices and Female Genital Mutilation

29. The State Party has undertaken a number of measures, including legislation, to accelerate the ending of harmful traditional practices and stereotypes that discriminate against women, in conformity with Articles 2(f) and 5(a) of the Convention. In particular The State Party has enacted specific policies and laws addressing the issue of sex role stereotyping and prejudice. In addition, the Penal Code was amended to criminalise FGM in line with the Sexual Offences Special Provision Act (SOSPA), Act no. 4, 1998 which protects girls under the age of 18 from FGM. The SOSPA however has been noted not to protect women above 18 from FGM. There are various strategies established by the State Party geared towards curbing harmful traditional and negative cultural practices, including the National Plan of Action for Prevention and Eradication of Violence against Women and Children (2001-2015); National Plan of Action for Prevention and Eradication of Female Genital Mutilation 2001-2015, National Community Sensitization Strategy to Prevent and Respond to Gender-based Violence, National Multi-sectoral Committee to Prevent and Respond to Violence Against Women and Children; National Plan of Action on Preventing and Responding to Violence against Children the MCDGC Strategic Plan (2011-2016); the Child Development Policy (2008); the National Strategy for Gender Development (2005), the National Plan of Action to Accelerate the Eradication of FGM and Other Harmful Traditional Practices; a Multi-Sectoral Strategy and Action Plan for Preventing and Responding to Gender Based Violence (GBV) in Zanzibar (developed in 2011); the National Human Rights

[31] Adopted in Maputo, Mozambique, on 11 July 2005 and entered into force on 25 November 2005.

Action Plan (2013-2017); and Ministerial GBV Committee[32] established in 2013 to monitor GBV cases in Zanzibar. Currently, the Kadhi's Court Act requires the Kadhi's (the officials presiding over the Kadhi's Court) to apply principles enshrined in other national laws such as the Evidence Decree and Civil Procedure Decree while they have no legal knowledge. In practice, this has resulted in avoidable miscarriage of justice for those using the courts, particularly women.

30. UN General Assembly in 2006[33] and the CEDAW Committee[34] to eliminate violence against women and girl child in its jurisdiction, the State Party has undertaken a National Study on Violence against Children (2009). In particular, the VAC Study emphasized the urgency of country-level action and set two key targets for Governments to meet: first, the integration of measures 'to prevent and respond to violence against children in national planning processes, which should include the identification of a focal point, preferably at Ministerial level'[35]; and, second, prohibiting all forms of violence against children 'by law and initiating a process to develop reliable national data collection systems.'[36]

31. In Zanzibar the State Party is in the final stages of a process of adopting a New Gender Policy that, *inter alia*, seeks to address the issue of elimination of negative cultural practices, sex role stereotyped and prejudice against women and girls. In particular, the State Party has continued to strengthen the implementation of the Zanzibar Penal Act (2004), which consolidates the provisions of the Sexual Offences Special Provisions Act (1998).[37]

32. The State Party became the first country in Africa to undertake studies on violence against children for both Tanzania Mainland and Zanzibar (Tanzania VAC Studies).[38] Briefly, the findings of the studies indicate that nearly 3 out of every

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[32] This committee comprises of ministers responsible for justice and constitution, education, health and empowerment, social, welfare, youth, women and children.

[33] United Nations Secretary-General, *Study on Violence against Children* New York: United Nations, 2006 (A/61/299). The VAC Study – the first and most comprehensive global study to research, report, and make recommendations to prevent and respond to violence against children in multiple settings where they live and survive – reveals highly shocking levels of violence against children, with places previously presumed to be safe for children being found to be unsafe. *See* also United Nations Committee on the Rights of the Child (CROC), "Consideration of Reports Submitted by States Parties under Article 44 of the Convention – Concluding Observations: United Republic of Tanzania", 42nd Session, 21 June 2006 (CRC/C/TZA/CO/2), paras. 51-2; and African Committee of Experts on the Rights and Welfare of the Child (ACERWC), "Concluding Recommendations on the United Republic of Tanzania Report on the Status and Implementation of the African Charter on the Rights and Welfare of the Child", 2010.

[34] CEDAW Committee, "Concluding Observations: United Republic of Tanzania", 2008, paras. 111-2.

[35] Ibid.

[36] United Republic of Tanzania, *Violence Against Children in Tanzania: From Commitments to Action – Key Achievements from the Multi-Sectoral "Priority Responses" to Address Violence against Children (2011-2012) and Priority Activities for 2012-2013,* Dar es Salaam: Government of the United Republic of Tanzania, June 2012, p. 1.

[37] Act No. 7 of 1998.

[38] United Republic of Tanzania, *Violence Against Children in Tanzania: Findings from a National Survey 2009,* Dar es Salaam: UNICEF/US Centre for Disease Control and Prevention/Muhimbili University of Health and Allied Sciences, August 2011. The study was launched in August 2011 under the auspices of the Ministry of Community Development, Gender and Children (MCDGC) at a high profile meeting involving UN Agencies, members of the diplomatic corps, line ministries and representatives of international and local NGOs and officiated by the then UN Deputy Secretary-General, Dr. Asha-Rose Migiro.

10 female and one out of every 7 male reported at least one experience of sexual violence prior to the of 18; and nearly 6% of female have been physically forced to have sexual intercourse before the age of 18. They also indicated that almost three quarter of the children both male and female experienced physical violence prior to age 18; and approximately one quarter of children both male and female experienced emotional violence prior to age 18.

33. As response to addressing the challenges uncovered in the Tanzania VAC Study, both Tanzania Mainland and Zanzibar prepared their respective National Plans to Prevent and Respond to Violence against Children[39,40]. In Zanzibar the State Party has conducted study on capacity gap of law enforcement agencies and health care institutions in dealing with cases of GBV in 2009 and a study on GBV related laws in 2008 to assess the capacity of law enforcers in dealing with GBV cases and incidences.

34. Programmes to protect women from harmful practices are implemented in collaboration with partners including UNFPA, TAMWA, CDF and others particularly in areas were FGM and Child Marriage are prevalent. Initiatives in Mara region were FGM, Child Marriage and other harmful practices are evidenced, there have been increased community knowledge on the harm that these practices cause on women and girls. A provision for alternative rites of passage for girls at risk and increasing access to justice has been accorded to.

35. In its bid to strengthen the implementation of provisions relating to sexual offences in 2008-2009 the Law Reform Commission of Tanzania (LRCT)[41] commissioned a study to review the efficacy of this law. In its report released in March 2009[42], the LRCT concluded, *inter alia,* that the sexual offences laws 'are still valid and serving the purposes they were intended for despite the fact that some provisions need improvements, harmonization and strengthening'[43]; and further that law alone 'cannot solve the sexual offences challenges'; other systems also 'need to be strengthened and used effectively in the process of addressing sexual offences in the country.

36. Similarly, the State Party, through Zanzibar Law Reform Commission[44], has reviewed some laws which affect the development and welfare of women and

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[39] *See* Revolutionary Government of Zanzibar, *National Plan to Respond to Violence against Children (2011-2015)* Zanzibar: Revolutionary Government of Zanzibar, 2011; and Government of Tanzania, *National Plan of Action to Prevent and Respond to Violence against Children (2012-2015)* Dar es Salaam: Government of Tanzania, 2012.

[40] United Republic of Tanzania, *Violence Against Children in Tanzania: From Commitments to Action – Key Achievements from the Multi-Sectoral "Priority Responses" to Address Violence against Children (2011-2012) and Priority Activities for 2012-2013,* op. cit, p. 1.

[41] The LRCT was established under Section of the Law Reform Commission of Tanzania Act (1981), Cap. 171 R.E. 2002. According to Section 4(1) of this law, the LRCT mandate is 'to take and keep under review all the laws of the United Republic with a view to its systematic development and reform.'

[42] Law Reform Commission of Tanzania, "Report on the Review and Drafting of the Proposed Provisions for the Amendment of the Sexual Offences Laws as Amended by SOSPA 1998" Dar es Salaam: Law Reform Commission of Tanzania, March 2009.

[43] Ibid, para. 4.1.1.

[44] The Revolutionary Government of Zanzibar established the Law Reform Commission in 2011. The Commission is chaired by a Judge of the High Court of Zanzibar and has the mandate keeping the laws of Zanzibar under regular review.

children. These laws include the Evidence Decree[45] and the Kadhi's Court Act (1985).

37. In order to reinforce these laws, the State Party has been carrying out public awareness-raising campaigns and media programmes to ensure that female genital mutilation is eliminated as well as to enhance a positive and non-stereotypical portrayal of women. The State Party has also complied with the Committee's request by devising programmes for alternate sources of income for those who perform female genital mutilation (known in Kiswahili as '*Ngariba's*") as a means of livelihood. In addition, the State Party has continued to collaborate with other Stakeholders in carrying out public awareness-raising campaigns using community media and traditional village leaders focusing at eliminating and preventing gender-related cruelties and malpractices against women and girls. These are particularly prominent in Arusha, Dodoma, Kilimanjaro, Manyara, Mara, and Shinyanga Regions where incidents of violence against women and children rooted in harmful traditional and cultural practices are more prevalent.

38. As a result of measures undertaken by the State Party to combat FGM in the period under report, the Tanzania Demographic and Health Survey (TDHS 2010) has indicated a slight drop in prevalence of FGM/C from 18 per cent in 1996[46] to 15 per cent in 2010[47]. However, the practices of FGM/C still exist in some regions scoring more than 60 percent prevalence: i.e. Manyara Region (71%) and Dodoma Region (64%). In Mara Region, there is a slight increase in the FGM prevalence: from 38% in the 2004-5 TDHS[48] to 40% in the 2010 TDHS. Nonetheless, other regions have recorded a slight decline in the prevalence of FGM/C. For instance, Arusha region recorded a slight decrease in FGM prevalence from 59 per cent in the 2004-5 TDHS to 55 per cent in the 2010 TDHS. This drop is due to the widespread of infrastructures including communication and information networks which give room for rural population to access information. Meanwhile, significant interventions by human activists' through various campaigns in rural areas led to an increase of knowledge regarding impact of FGM/C[49] to rural women and the community at large.

39. In further combating and eliminating FGM/C, the State Party recognizes this as one of the critical gender-based violence (GBV) issues that have serious health implications needing specific attention. Therefore, the State Party has resolved to monitor the issue of FGM/C to be monitored through the TDHS.

1.1.5 Violence against Women

40. The State Party has undertaken several measures to address Violence against Women (VAW). To overcome this problem the State Party has established a National

[45] Cap. 5 of 1917.

[46] United Republic of Tanzania, *Tanzania Demographic and Health Survey 1996* Dar es Salaam: National Bureau of Statistics, 1997.

[47] United Republic of Tanzania, *Tanzania Demographic and Health Survey 2010* Dar es Salaam: National Bureau of Statistics, 2011.

[48] United Republic of Tanzania, *Tanzania Demographic and Health Survey 2004-2005* Dar es Salaam: National Bureau of Statistics, June 2005.

[49] United Republic of Tanzania, "Tanzania 3rd, 4th and 5th Reports on the Implementation of the Convention on the Rights of the Child (CRC) 2005-2011", 9 January 2012, para. 198.

Multi-sectoral Committee to Prevent and Respond to Violence against Women and Children (Tanzania Mainland), A Multi-sectoral National Gender-Based Violence Committee (Zanzibar) to foresee the response of the government in the cases of abuse that faces children and women. Other intervention include community capacity enhancement program that operates in all districts of Mainland and Zanzibar. Physical, sexual and social violence are most commonly reported to the MESWYWCD and addressed during the community capacity enhancement program. At hospital level four types of violence are mostly observed. From 2007 to 2010 a total number of violence cases of 508 attempted rape, 1468 rape, and 536 pregnancies as a result of survivors of gender-based violence and two cases of sodomy (girl) were reported at Mnazi Mmoja hospital in Zanzibar.

41. The State Party has continued to operate penal code (applicable in Mainland Tanzania) and sexual Offences Special Provision Act (SOSPA) 1998 as amended by the penal code of which criminalize domestic violence and all forms of sexual abuse.

42. In support of the government's policy and legal commitments in Zanzibar, various structures have been set up to deal with GBV. The Child Protection Unit that was established in 2009 within the MESWYWC deals with the specific vulnerabilities of minors in distress. There is currently a Ministerial GBV Committee to expedite GBV cases. The Committee is comprised of ministers responsible for constitutional and legal affairs; health; education and vocational training; empowerment and social welfare, women and children. Several mechanisms have been established from grassroots to national level to combat GBV in addition to the National GBV Committee. They include One-stop Centres in National Hospitals and Health Centres in all regions in Zanzibar and the men and religious leaders' networks, among others.

43. In particular, the State Party has ensured that around 1,196 Police Officers were trained in the period between 2009 and 2014 on human rights in general and women and children's rights in particular.[50] These training sessions culminated in the establishment of 417 Gender and Children Desks located in major Police Stations around the country.[51] In the same period, the Police Force administration has been able to set aside separate premises and facilities for the Gender and Children Desks in 12 Police Stations in Tanzania Mainland and 3 Police Stations in Zanzibar and it is also striving to ensure that there are also similar premises and facilities in *all* Police Stations around the country. The intention of separating the Gender and Children Desks from normal police operations is to enhance confidentiality of the processing of children and women victims of abuse.

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[50] *See* Nyamandito, Pilly, "Nafasi ya Dawati la Polisi la Jinsia na Watoto na Utekelezaji Wake katika Mfumo wa Upelelezi", a paper presented at the National Criminal Justice Forum, held at Millennium Sea Breeze Resort, Bagamoyo, on 30 May 2014. The number of Police Officers who were trained to man the Gender and Children Desk was 1,047 in the period between 2009 and 2013, with 664 Police Officers out of this number being women and 403 being men. *See* Gender and Children Desks/Tanzania Police Force, "Changamoto Zinazolikabili Dawati la Polisi la Jinsia na Watoto". Report sent to the National Consultant on 11 December 2013.

[51] United Republic of Tanzania, *Violence Against Children in Tanzania (2011-2014): Achievements, Commitments, Priority Gaps* (2011). The first Gender and Children Desk was launched by the Inspector General of Police at Oysterbay Police Station (Kinondoni District, Dar es Salaam Region) on 29 April 2009.

44. In order to effectively operationalize the Police Gender and Children's Desks, the State Party has adopted Guidelines and Standard Operating Procedures (SOP's). It has also adopted a three-year Action Plan (2013-2016) for six pilot regions (i.e. Dar es Salaam, Dodoma, Iringa, Kilimanjaro, Mara and Mbeya)[52]. In respect to Zanzibar, Gender and Children Desks are established at Madema, Mwera and ChakeChake Police Stations. Similarly, the Zanzibar Director of the Public Prosecutions (DPP) has developed a Prosecutors 'Manual to provide guidance to public prosecutors in respect of, *inter alia*, issues relating to SGBV. In effect, the experience gained from the operationalization of the Police Gender and Children's Desks around the country and the establishment and operationalization of Six One-Stop Centres in Zanzibar has informed the establishment of the first ever One-Stop Centre in Tanzania Mainland at Amana Hospital in Ilala Municipality in Dar es Salaam. This centre, which was inaugurated at the end of the Sixteen Days of Gender Activism on 5 December 2013, provides a wide range of services to women and children victims of abuses and violence, including medical treatment, psychosocial counselling, and legal assistance. A team of specialized personnel to offer these services has been put in place. In Zanzibar, an official launch for the Children and Gender Affairs Desk at Mwera Police Station took place in January 2013.

45. There are, however, several notable challenges facing the operations of the Police Gender and Children's Desks in the State Party:

(a) There are no sufficient facilities to effectively attend to women and children victims of abuse and violence – such as separate, specific rooms for interviewing victims/witnesses and children's courts, inadequate facilities to enable police Officers manning the desks to conduct physical identification of evidence from alleged perpetrators. Out of the 417 currently established Police Gender and Children's Desks, only 8 of them have been given two separate rooms each that are adequately refurbished to suit the purpose of these desks;

(b) There is still low level of training of Police Officers on technical aspects concerning investigation and prosecution of cases of violence against women and children as well as how to provide support (psychosocial counselling and other assistance) to women and children victims of violence and abuse;

(c) Most of the abuses and violence against women and children occur at the family level[53]. Many victims and their relatives do not report incidents of abuses

[52] This Action Plan was prepared in collaboration with the Police Partners Coordination Group.

[53] In 2011 the Government of Tanzania became the first country in Africa to undertake a *National Study on Violence against Children* (Tanzania VAC Study), which indicates, *inter alia*, that nearly one out of three female children and one out of six male children experience sexual abuse prior to attaining the age of 18 years. It conclusively found that United Republic of Tanzania, *Violence Against Children in Tanzania: Findings from a National Survey 2009* Dar es Salaam: UNICEF/US Centre for Disease Control and Prevention/Muhimbili University of Health and Allied Sciences, August 2011. In fact, the UN Study on Violence against Children (henceforth, the VAC Study), which was submitted by the UN Secretary-General to the UN General Assembly in 2006, attests to the fact that, although enshrined in many international human rights instruments, the child's right to protection against all forms of violence continues to be disregarded in many countries around the world. The VAC study has revealed that violence against children – in its multiple forms – continues to persistently and widely to be occasioned on children; and it is seen in many societies around the round to be socially and culturally acceptable. The VAC Study reveals highly shocking levels of violence against children, with

and violence against women to the Police Gender and Children's Desks; rather they "settle" them at the family level, regardless of the degree of the harm caused to women victims of such violent or abusive actions; and

(d) There is low level of public awareness on violence against women and children amongst members of the general public, which makes it very difficult for the Police Gender and Children Desks to operate effectively in combating and eliminating violence against women.

46. In addition, the State Party is the host to the AFRICA UNiTE CAMPAIGN (Mount Kilimanjaro Climb – ***"Speak Out, Climb Out")***, whose main aim is to raise public awareness and mobilizing communities to end violence against women and girls by working and assisting Member States and supporting long standing efforts of women and civil society organizations. The campaign also seeks to mobilize national commitments from African governments, civil society organizations, the private sector and development partners to take action to prevent violence against women and girls, provide services to survivors and end impunity by prosecuting the perpetrators of violence. The campaign intends to involve men, boys, young people, celebrities, artists, sport personalities private sector and others. This is a regional component of the UN Secretary General's Global Campaign launched in 2010.

47. Mount Kilimanjaro Climb was organized as part of Africa Unite Campaign to End Violence against Women and Girls in Africa. 74 climbers representing 36 African Countries, 14 UN Agencies, business, women's rights activists and civil society organizations, journalists, government representatives celebrities and survivors of violence. The participants of the Africa UNiTE participated in a continent-wide campaign to end violence against women and girls in Africa, whereby 16 climbers reached the two highest points, Gilman and Uhuru Peak.

48. The State Party is also dedicated to implementing the "DECLARE ZERO TOLERANCE NOW" campaign on Sex and Gender Based Violence (SGBV). The objectives of the campaign are: to raise awareness, on the magnitude of the SGBV; to increase understanding of the solutions that can be used effectively and to generate a moment of collective responsibility and action; to raise the profile of *Zero Tolerance* on SGBV in order to enhance political leadership and commitment at national levels to accelerate elimination of all forms of violence against women and children; and to promote and strengthen policy and programmatic environment to accelerate elimination of all forms of SGBV.

49. The *Zero Tolerance Campaign* focuses on the commitments of government to take appropriate measures and actions to prevent and respond to violence against women and Girls. Institutional mechanisms at sub-national and national levels will be set up in order to ensure implementation, coordination and follow-up on the promotion of gender equality and combat discrimination against women and girls; collection of data on violence against women and development indicators; combating impunity of perpetrators of violence against women and increasing access to justice.

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places like the family previously presumed to be safe for children being found to be unsafe. The study reported and described disturbing forms of violence against children indicating that children are severely beaten, tortured, sexually assaulted, and even murdered 'by the very adult guardians entrusted with children's daily care.' *See* United Nations Secretary-General, *Study on Violence against Children* New York: United Nations, 2006 (A/61/299).

1.1.6 Trafficking and Exploitation of Prostitution

50. The government in collaboration with International Organization for Migration has conducted five trainings and awareness raising sessions to police, public prosecutors, magistrates and social workers. This training session included 30 participants out of them 14 were women. The trainings were conducted in 2012 and 2013 respectively, based on Investigation and prosecution of human trafficking offences. As a result Tanzania Police Force Anti-Trafficking in Persons Act 2008 Trainers Manual on Investigation and Interviewing (including cases of child trafficking) was developed. A series of trainings were conducted to CSO's officials on how to provide assistance to child victims of human trafficking and developed a Manual for Civil Society Organizations for the Operationalization of the Tanzania Anti-Trafficking in Persons Act 2008 specifically focusing on identification, providing direct assistance to victims of trafficking (including child victims. In 2014, a series of trainings were conducted to Journalists from Arusha, Dar es Salaam, Dodoma, Kigoma, Mwanza and Zanzibar on ethical reporting on human trafficking cases and Media Guidelines on how to report cases of human trafficking without re-victimizing the victims (including children) was developed. Trainings were also conducted to Local Government Authorities on prevention of child trafficking and developing by-laws in their respective villages to prevent child trafficking and developed awareness raising materials on prevention of child trafficking and human trafficking in general such as wall posters, flyers, banners, newsletters and share them with different stakeholders, service providers and public schools.

51. The State Party is finalising the Regulations for the Anti-Trafficking in Persons Act (2008) and resources (however minimal) have been allocated for the implementation of the National Anti-Trafficking in Persons Action Plan 2013-2017 including protection and support services for children.

52. A National Committee has also been set up to coordinate the implementation of this law. Furthermore, the State Party's Ministry of Home Affairs and the Ministry of Health and Social Welfare (MoHSW), in collaboration with the International Organization on Migration (IOM), has prepared draft Standing Operating Procedures (SOPs) to be adopted later after consultations with relevant state and non-state actors. The SOPs aim at assisting victims (including women) of human trafficking. In July 2014 the anti-trafficking secretariat and others stakeholders such as the police, the public prosecutors, magistrates, social welfare officers, medical practitioners and NGO's met to develop the SOPs which will outline the laws and responsibilities of the all the parties involved and provide guidelines for case management and information sharing. In addition, the State Party has adopted the National Anti-trafficking Action Plan and is in the final stages of developing the Regulations for the implementation of the Act.

53. In collaboration with Development Partners, the State Party has conducted training to Prison Officers with a view to creating a cadre of paralegals in prison facilities to provide legal aid to, among others, women and children; provided direct legal assistance to a total of 515 refugees in Tanzania, 404 (including 5 minors) of whom being males and 101 females (without minors). In 2014, UNHCR continued to work with WLAC, MoHA, the Judiciary and the Tanzania Case Flow Management Committee to provide legal services and representation in court for all refugee inmates in particular to improve legal aid provision to children and women

in prisons. UNHCR has worked closely with the MoHA (Police, Immigration and Prison and Refugee Services Departments) and IOM to enhance the state's capacity on refugee protection and international migration. In particular, a series of team building activities have been organized for screening, identification of asylum-seekers among irregular migrants and providing facilitation to those who wish to voluntarily return to their country of origin. UNHCR has made a lot of efforts to develop the Memorandum of Understanding with different government institutions, such as the Judiciary, the Prison Headquarters, the Registration Insolvency and Trusteeship Agency (RITA) and the National Identification Authority (NIDA) in order to harmonize the protection of refugees' rights and status.

1.1.7 Participation in Political and Public Life

54. The State Party has undertaken various measures to promote women's full and equal participation in decision-making in all areas of public and professional life.[54] In this regard, the State Party has undertaken constitutional, legislative, policies and administrative measures to ensure that women's participation in political and public life is upgraded to equal that of men. In particular, Article 66(1) (b) of the Constitution of Tanzania (1977) requires that women to constitute at least 30% of all elected Members of Parliament (MPs) in the National Assembly (Parliament). In the period under report, the number of special seats MPs in Parliament increased from 48 seats in 2005 to 102 in 2013 making the gender parity about 1 woman to 2 men. As indicated in ***Tables 1*** and ***3*** in ***Annex A***, there has been a significant increase of women in decision making bodies. The table below shows the comparison of 2004 with 2013 representation of women in Decision Making bodies in Tanzania.

55. However, according to Article 54 of the Proposed Constitution of the United Republic of Tanzania, it states that every woman is free to participate without any discrimination in the election at all political level or nominated in a government leadership position.

56. In Tanzania Mainland, the State Party has undertaken efforts to make sure that the number of women councillors in every ward increases as illustrated in ***Tables 1-3*** in ***Annex A***. Currently, recruitment and selection procedures in the public service are governed by the following legal instruments: the Public Service Act (2002)[55]; the Public Service Regulations (2003); the Public Service Scheme (2003); the Employment Guidelines; the Scheme of Service; and the Establishment Circulars.[56] Regulation 4 of the Public Service Regulations (2003) gives opportunity to women in recruitment and selection process where a male candidate and female candidate will get the same score; a female candidate will be selected in order to increase the number of women in public life. In the period under report, the State Party continued to implement this provision.

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[54] These measures are undertaken in the context of Articles 7 and 8 of the Convention and the Committee's General Recommendation No. 23, concerning women in public life.

[55] Act No. 8 of 2002 as amended by Act No. 18 of 2007 (which established, *inter alia*, the Recruitment Secretariat Board to help to facilitate appointment in the public service).

[56] Shangali, T.W., "Recruitment and Selection in the Public Service: The Case of Tanzania". A paper presented at the CAPAM Conference on Governance Excellence: Managing Human Potential, held in Arusha, Tanzania, on 2-5 March 2009.

57. However, the State Party is still facing a number of challenges in achieving its goal to uplift the status of women to participate in public and political life at the same footing with men. One of such challenges is the traditional and cultural background of some of societies in the country, which have made women in a marginalized group as many women were not given opportunities to education as the result most women lack qualification to fill different posts in public service. In order to mitigate this challenge, the State Party has embarked on undertaking public awareness-raising campaigns as elaborated below.

58. As illustrated in ***Table 2*** in ***Annex A***, in respect to Zanzibar, the State Party has complied with this recommendation by particularly putting in place concrete measures in the form of legislation, policies and programmes geared towards ensuring that women's position move from that of marginalization to that of partnership, dignity and equality. Following revision of the Zanzibar Constitution in 2003, women special seats in the House of Representative (HoR) increased in the period between 2003 and 2009 to 30% making the gender parity ratio about 1 woman to 3 men. The Tenth Constitutional Amendment made to the Zanzibar Constitution in 2010 increased the number of women to 40% of all constituent members in the HoR. Furthermore, the Zanzibar Municipality also adopted a 30% representation of the Councillors; and, at present, out of the 141 Councillors, 21 are women. In the rest of the other categories, the ratio is biased towards men and women are under-represented at various levels of decision making in government, NGOs up to Shehia level.

59. Women's participation in key political structures and processes in the State Party is also strengthened by the provision of forums to advance their agendas. The Constitution of Zanzibar empowers the HoR to establish permanent committees in legislative body. Through such provision several committees have been established, of particular significance being Women Development and Social Welfare Committee and Constitution and Human Rights Committee where gender issues are discussed for tabling before the house. An Association of Women Members of the House of Representatives has also been formed. There is an improvement in the area of participation of women in decision-making in Zanzibar for 2010 to 2014. For instance, as indicated in ***Table 2*** in ***Annex A***, female ministers constitute 19% of (i.e. 4 ministers), and female deputy ministers constitute 57% of (i.e. 4 deputy ministers).

60. In addition, whereas 33% of the Members of the House of Representatives are women, 33% of the Judges of the High Court of Zanzibar are women and 21% of Magistrates in Zanzibar are female. At the ministry level, 25.8% of the 93 sectoral directors are women and 17.6% of the 17 Principal Secretaries are women as well. Besides, there is also 1 woman as compared to 4 male Regional Commissioners in Zanzibar. 20% of the 10 District Commissioners are women. Women *Shehas* (the lowest level of administration in Zanzibar) are 8% out of 339. In the Pemba Island, there are a total of 5 female and 11 male officers, in-charges of government ministries representing their respective ministries in Pemba, who were appointed as of February 2012.

61. In order to strengthen young women participation in decision making, the Revolutionary Government of Zanzibar established Youth council whereby Youth Council Act of 2014 and its regulations has provisions that allow gender consideration in appointing process as well as mainstreaming of gender issues in youth programs and interventions.

62. In compliance with Article 4 of the Convention, the State Party recognizes gender as a cross-cutting issue. In view of that, women and gender development policy provides a base for gender mainstreaming in the planning, implementation, monitoring and evaluation in a wide range of issues including socio-economic, cultural and political processes and practices. As such gender issues are comprehensively addressed in MKUKUTA II and MKUZA II goals and interventions across its three clusters namely: Growth and Reduction of Poverty; Social Services and Well Being and Good Governance and National Unity. MKUZA II and MKUKUTA II, thus, call for involvement of all actors and sectors including the Central Government, MDAs, Regional and Local Authorities, the Private Sector, Employers' and Workers' Organisations, Development Partners and CSOs. In Zanzibar the State Party has also established cross-cutting committees in all public sectors. One of the main functions of the committees is to ensure gender mainstreaming in their respective sectoral policies, programmes, plans and budget.

63. The foregoing policy consideration is founded in the constitutional requirement to the effect that there shall be a 40% representation of women representatives in the Zanzibar House of Representatives of all constituent members[57]; and 30% representation in the National Assembly for the entire United Republic of Tanzania.[58] This constitutional requirement is a temporary special measures aimed at accelerating equality between men and women in both the Zanzibar House of Representatives and National Assembly of the United Republic of Tanzania.

64. The State Party has implemented awareness-raising programmes/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. In particular, the State Party, through the President's Office (Public Service Management), has established mentoring programmes for women employed in public service where in 2012 the office conducted mentoring programme to 55 women engaged in different positions in Public Service.

65. However, one of the major challenges facing the State Party in implementing the public-awareness and women's capacity building is insufficient budget to progressively carry on mentoring programmes and employment to more women. This challenge has been mitigated by the State Party, which has sought support from international organisations, UN agencies and CSOs, which are helping in complementing the work of the State Party in this context.

66. In collaboration with non-state actors, particularly CSOs, the State Party has offered training programmes on leadership and negotiation skills for current and future women leaders. As a result, the number of women participation in leadership and higher level decision making has increased following the government programs in the implementation of CEDAW and its Optional Protocol through offering leadership and negotiation skills to women. The Employment and Management Policy and Public Service Standing Orders of 2009 require employers to train and build capacity to employees in which more women are encouraged to get admission in higher learning institutions for further studies. Moreover, the State Party has trained 251 women of different professional backgrounds under the Public Service

[57] Article 67(1) of the Constitution of Zanzibar (1984, as amended up to 2010).

[58] Article 66(1)(b) of the Constitution of Tanzania.

Reform Program (PSRP) who have acquired qualifications to fill different posts in the public service.

67. The State Party faces a number of challenges in its efforts to ensure that more women are trained to build their capacities to become future leaders. One of such challenges is the perennial lack of adequate and/or sustainable funding to support many women to attend the said training. Another challenge is sheer unwillingness of some female employees to attend training fearing, *inter alia*, to compromise their marital relationships with their husbands for those who are married. In addition, many female employees in the public service are engaged in low cadres, where there are still no opportunities for further studies. Nonetheless, the State Party has strived to mitigate these challenges by particularly providing public awareness on the need for women to pursue further studies and it has also forged collaboration with a number of development partners, to support more women in their bid to pursue further studies.

68. The State Party has undertaken a number of measures to raise awareness about women's participation in political and public life. In particular, in Zanzibar there is a presence of substantial numbers of women among senior government officers at sector ministries and local government administration levels. The Zanzibar Constitution (as amended in 2010) strives to ensure that women are present in key decision-making structures. Article 67(1) provides for 40% women representation. With reference to awareness-raising activities on the importance of women's participation in political and public life in Zanzibar, it is noted that awareness-raising activities on women's participation in decision-making are usually targeted at women candidates and periodically executed in relation to national elections. Also various NGOs and CSOs provide awareness creation and training for potential leaders and general public to motivate women to participate in general election. For instance, through the WEZA initiative, (a four-year project co-financed by EU/Care Austria and implemented by Care Tanzania and TAMWA with JOCDO, PESACA, FAWE, and ZAFELA as associates), the State Party has provided training to over 3533 women in Zanzibar on, *inter alia*, increasing their income and overcoming social, cultural and political barriers to their empowerment. In Pemba the following NGOs are involved in provision of civic education to empower women participate in political and public life PIRO, UWAWEZA, UWZ, WECOC, SPWCR, YOPA, ANGOZA, PACSO, ZLSC, and YOEPA.

1.1.8 Citizenship

69. In its bid 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, the State Party is reviewing the Citizenship Act (1995) in accordance with suggested provisions in the proposed constitution. Under Article 68(1)-(6) of the Proposed Constitution, it is proposed to provide for any person who is married to a Tanzanian citizen and who has been in such marriage for a consecutive period of five years a right to apply for citizenship if they wish to. This provision seeks to grant the right to apply for Tanzanian citizenship to both men and women without any discrimination. Furthermore, under sub-article (3) of Article 68, any person who has

acquired Tanzanian citizenship under sub-article (2) shall continue to retain it even after the breakup of the marriage, unless he or she decides to denounce it.[59]

1.1.9 Education

70. In implementing the Millennium Development Goals (MDGs) regarding education, the State Party strives to enhance women's access to education, training and employment, whereby the education sector is among key sectors earmarked to operate within the framework of the Big Result Now (BRN) programme that seeks to achieve concrete landmarks in the country's economy. There is increasingly improvement across many areas or fields of education and training for girls and women; but they are still concentrated in a narrow range of subject areas. The gender differences in education and training have implications later in life of these women and girls; as a result, they are over-represented in certain areas low and often stereo-typed careers such as nursing and teaching; while they are under-represented in science, engineering, computer science and other technological fields.

71. In complying with the Committee's recommendation that the State Party should 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, the Education and Training Policy of 1995 (Tanzania Mainland) as revised and approved in June 2014, guarantees equal access to education and training opportunities between girls and boys, women and men.

72. In Tanzania Mainland The gender gap between girls and boys in Primary Schools has been significantly reduced.[60] This has resulted in the increase of education completion for women. According to the 2010 TDHS 50% of women and 49% t of men have completed primary school only. The proportion for men is slightly lower than in the 2004-05 TDHS (52 per cent) (NBS and ORC Macro, 2005. Through the introduction of Complementary Basic Education (COBET), 82,989 pupils were enrolled of whom 35,898 were female and 47,091 were male in 2009 alone. This programme aims at reducing the number of out of school children. In secondary education in science, technology, engineering and mathematics, The number of girls have increased from 4,615 in 2010 to 8,501 in 2014 students enrolment in Universities and University Colleges by Programme Clusters 2008/2009-2012/2013. Female population in science related programmes has grown significantly from 10,619 in 2008/2009 to 16,241 in 2012/2013 which is 52.94% growth. However, the female population in 2012/2013 is only 31.33% of the total student's enrolment in science related fields. Female students in Arts related fields has also grown from 27,947 in 2008/2009 to 56,159 in 2012/2013 which is 100.95% growth, but the number of the female students in 2012/2013 is 37.65% of the total enrolment in Arts related fields.

[59] Article 279(1)(d) of the second Draft of the Constitution of the United Republic of Tanzania (December 2013). Under Article 268 of the second Draft Constitution, the period between 2014 and 31 December 2018 is a transition period within which laws in the State Party will be amended or enacted to conform to the new Constitution.

[60] According to Tanzania's EFA country profile (2012), Tanzania achieved a gender parity index of 1.02 in primary school enrolment. However, "important disparities persist in access to formal schooling according to families' income levels, compounded by strong disparities in the allocation of education resources."

73. In respect to Zanzibar, the State Party has implemented 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 Zanzibari schools after giving birth. At the primary school level, the gross enrolment rate increased to 121.5% in 2012/13 (17,806 boys and 17,843 girls) from 118.5% registered in 2011/12. This increase partly reflects the effort made by the community, the Government and development partners by constructing new schools and providing facilities together with employing teachers. The increased access to primary education is a result of investments both by the public sector and the private sector. In 2008/09, one year before implementing MKUZA II, Primary Education level was provided in 232 public schools and 58 private schools. By the end of 2012/13, there were 342 schools in which 263 are public schools and 79 are privately owned. In 2012/13, these schools had a total number of 247,353 students, thus rate increased to 124.4 compared to 121.5 in 2011/2012.

74. Out of 18,765 boys and 17,900 girls enrolled in Grade I of primary schooling in Zanzibar, only 12,660 boys and 13,652 girls finished Standard VII in 2012. While noting the significant number of students who drop out from school while they are at primary level, girls are doing slightly better than boys in completion of primary education. Out of 25,385 students who sat for standard VII Exams in 2013, 1,438 only joined Secondary school, including 696 girls. In addition, 40 female students out of 91 students were appointed to join special talented classes. In 2009/10 the literacy rate reached 82.3%. There have been several initiatives to address illiteracy in Zanzibar in 2012/13, including government support to the establishment of adult learners' classes. In 2012/13 there were 10 new adult learner classes that opened in rural and urban areas in Unguja and Pemba. As a result, the number of classes reached 57, enrolling 6,492 learners (5,689 were female and 803 male). In 2011/12, adult education centres/ adult learners' classes enrolled 6,910 adult learners; among them 6,048 were females and 862 were males. Evaluation was done on 6,029 learners (5,240 female) and it was established that a total of 444 learners out of them 362 female become literate (MKUZA AIR 2013).

75. In 2014/2015, a total of are 1,286 male and 1,372 are female students from Zanzibar received loans from the High Education Loans Board (HELSB). The loans enabled them to pursue various fields of higher education in different higher learning institutions in Tanzania (Mainland and Zanzibar). Up to the 2011/2012, a total of 461 students were enrolled in Teachers' Training College at the Diploma and Certificate levels. The number of women lecturers in public higher learning institutions[61], which by 31 December 2013 stood at 2,577 as opposed to 5,467 male lecturers. In addition, the number of Qualified Teachers who completed the University level has increased. In 2009/10, the total number of graduates was 282 and rose to 327 in 2010/2011.

[61] By 31 December 2013 there were twenty (20) public higher learning institutions: Mzumbe University; Moshi University; Tanzania Institute of Accountancy; National College of Tourism; Institute of Rural Development Planning; Local Government Training Institute; Institute of Social Work; Mwalimu Nyerere Memorial Academy; Institute of Finance Management; and College of Africa Wildlife Management. Others are Tanzania Public Service College; Mkwawa University College; College of Business Education; Ardhi University; University of Dar es Salaam; Arusha Technical College; University of Dodoma; Dar es Salaam College of Education; Mbeya Institute of Technology; and Dar es Salaam Institute of Technology.

76. The MOEVT has developed the Medium Term Human Rights Education Strategic Plan 2011/12-2015/16 to meet the Government commitments for realizing the aspirations of the Tanzania Development Vision 2025, MKUKUTA and achieving the Education for All (EFA) goals and targets. The Ministry of Education and Vocational Training (MOEVT), in Zanzibar has been implementing the State Party's Education Policy [2006] that ensures that gender equity shall be promoted at all education levels; and married students, pregnant girls and young mothers shall be given opportunities to continue with education.

77. In compliance with the Committee's recommendation that the State party should allocate the necessary budgetary allocation for the implementation of various projects and programmes, the State Party has, on the basis of the resources available, allocated sufficient budget into education and vocational training, recruitment and retention of qualified teachers, urban and rural areas, transitional rate of girls, re-entry to school policy, and in COBET. There has been an increase in budget allocation in the secondary education from 12.5% in 2007-2008 to 20.4% 2011-2012. In Technical and higher education has increased from 21.9% 2007-2008 to 27.2% in 2011-2012. (source BEST 2011)72. In addition, there is 'no uniform pattern to the association between age and literacy rate for women and men.'[62] Literacy rates for women and men in urban areas 'are 88 per cent and 94 per cent, respectively, compared with 66 per cent and 78 per cent in rural areas.'

78. In implementing the foregoing initiatives, the State Party has faced a number of challenges, including:

(a) the number of schools has been increased rapidly; therefore, the newly recruited teachers need more training on gender-responsive pedagogy and gender issues in education;

(b) more qualified teachers in science and mathematics are needed to respond to the fast increasing number of students and schools; and

(c) Insufficient budget for gender project and programmes in the education sector, which needs to be given more priority.

79. In order to address the disparities revealed by the surveys, the MOEVT has developed strategies[63] with the following objectives mobilisation of parents to invest in the education of their girls and to reduce work – load at home; establishment of links with other institutions that promote girls education; expand Secondary Classes to reduce distance; establishment of special science classes for girls only; and development of gender measuring tool to assess the status of gender equality and equity.

80. Furthermore, the following actions have been undertaken by the State Party in Zanzibar in respect of Gender Issues at Programme Activities level:

(a) introduction of life skills education has reduced teen age pregnancy cases, early marriage cases, has given girls high self-esteem, has decreased violence against girls, has made girls have better control of their bodies and has increased their participation and performance; and

[62] Ibid.

[63] Revolutionary Government of Zanzibar, *Gender Disparities in Education: Causes and Recommended Strategies for Administration/Reduction* Zanzibar: Ministry of Education and Vocational Training, 2007.

(b) the legislative framework to give recognition to gender issues if the new Education Act, which protects girls from being married before completing basic education and also protecting them against sexual abuse practices. The amendment of Sphincter and Single Parents Act of 1985 in 2005 and the establishment of Alternative Learning Centre enable the girl to continue with studies after delivery.

(c) The Ministry of Education and Vocational Training (MOEVT), in Zanzibar has been implementing the State Party's Education Policy [2006] that ensures that gender equity shall be promoted at all education levels; and married students, pregnant girls and young mothers shall be given opportunities to continue with education.

81. Through the foregoing initiatives, the State Party has recorded the following achievements in respect of Zanzibar, including up to 2010, more than 96 Head Teachers, 192 School Teachers Counsellors and 50 community members have been trained on Gender issues in education and sensitized on the importance of Girls Education; and establishment of Special Girls Science Classes at Benbellah Secondary School in Unguja and Fidel Castro in Pemba. Other achievements are components of Gender programmes and trainings have been incorporated in MTEF 2011/2012 budget plan of MOEVT; and up to 2010, 520 teachers have been trained in science and mathematics.[64] In addition, the number of Qualified Teachers who completed the university level in Zanzibar has been increased. In 2009/10, the total number of graduates was 282 and rose to 327 in 2010/2011.

1.2.0 Employment

82. In compliance with the Committee's previous recommendation to ensure equal opportunities for women and men in the labour market, in accordance with Article 11 of the Convention; the State Party has ensured that employment legislation continues to apply to, and is enforced in, the public and private sectors. In this regard, the State Party has repealed various Labour Laws which were inconsistent with International Labour Standards. A new labour law regime is in place which domesticates the international labour standards, basically providing equal opportunities of access to employment for both men and women. There are a number of pieces of legislation related to labour implemented in the State Party.[65]

83. In respect of Tanzania Mainland, the State Party has continued to enforce the Employment and Labour Relations Act (ERLA), which provide for, *inter alia*, equal

[64] Revolutionary Government of Zanzibar, MOEVT, 2010.

[65] These laws (in respect of Zanzibar) include Employment Act (No. 11 of 2005); the Labour Relations Act (No. 1 of 2005); the Zanzibar Social Security Act (No. 2 of 2005); the Occupational Safety and Health Act (No. 8 of 2005); and the Worker's Compensation Act (Amendment) (No. 5 of 2005). In respect of Tanzania Mainland, these laws include the Employment and Labour Relations Act ((No. 6 of 2004), Cap. 366 R.E. 2002; the Labour Institutions Act (No. 7 of 2004); the National Social Security und Act, Cap. 50 R.E. 2002; and the Public Service Act (2002); the Public Service (Negotiating Machinery) Act (No. 19 of 2003), which applies mainly to persons employed on the public service (*see* particularly *AG v Chama cha Walimu Tanzania* High Court of Tanzania (Labour Division) at Dar es Salaam, Application No. 19 of 2008 (Unreported)). Others are the Occupational Safety and Health Act (No. 5 of 2003); the Social Security Regulation Act (2010); and the Trade Unions Act, Cap. 244 R.E. 2002.

opportunities.[66] In principle, this law criminalizes discrimination in labour related matters under subsection (7) Section 7.[67] As the Labour Court held in *Sisty Patrick Kessy & 2 Others v The Manager, China Paper*[68], an employer who discriminates an employee contrary to the provisions of subsections (4) and (5) of Section 7 of the ELRA is guilty of an offence[69].

84. In 2011, the Ministry of Labour and Employment through the implementation of the National Employment Policy (2008) in Tanzania Mainland acts in collaboration with such stakeholders as comprehensive community based rehabilitation in Tanzania (CCBRT), CEFA (an Italian NGO) and Radar Development under auspicious of the European Union, the State Party started to implement the "LESS IS MORE" project. Through this project a total of 308 people with disabilities were provided with vocational education and training in the field of carpentry, cookery, tailoring and fine arts. This training enabled 145 graduates to be employed in various undertakings and 163 secured self-employment.

85. Parallel to the foregoing labour laws, in 2009 the Zanzibar Employment Policy was formulated to enhance provision equal opportunities and empower men and women to be employed and to promote self-employment; to provide opportunities to men and women in employment, skills and capital in bases of equality and considering those vulnerable groups such as women, youth and people living with disability; to promote employment strategies in order to achieve economic gain and forbid inequality; and to protect basic rights and benefits of employee as stated to the Zanzibar Labour Laws and international labour Standards.

86. The State Party has complied with the Committee's recommendation to provide a regulatory framework for the informal sector, with a view to providing women with access to social protection and benefits. Employment is the main link between growth and reduction of income poverty. According to PHDR (2009), 630,000 new jobs were created annually between 2001 and 2006, mainly in the informal sector, which matches with labour force growth. However, the quality of jobs created is important in explaining the stagnation in poverty levels The unemployment rate of person aged 15 and above declines slowly - from 12.9 per cent 2006 (ILFS) to 11.7 per cent in 2007 (HHBS). Unemployment among youth (age 18-34) stood at 13.4 per cent in 2006 (ILFS 2006). It is highest among female youth – about 15.4 per cent compared 14.3 per cent for male youth (ILFS 2006). Moreover, women constituted 24.7 per cent of paid employees, 42.3 per cent of unpaid helpers, and 53.9 per cent of agricultural labour force and only 20 per cent of self-employed; moreover, the unemployment rate was higher for females than for males, except in the rural areas. In Dar es Salaam, the unemployment rate for females was 40.3 per cent in 2006, as contrasted to 19.2 per cent for males. In Zanzibar, the unemployment rate, according to HBS 2009/2010, is recorded at 4.4 per cent and unemployment among youth population is 17.1 per cent.

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[66] In terms of Section 7(1) of the ELRA, an employer is obliged to promote 'an equal opportunity in employment and strives to eliminate discrimination in any employment policy or practice.' *See* also Rule 32(1) of the Code of Good Practice.

[67] Under Section 8(1) of the ELRA, trade unions or employers' associations are prohibited to exercise discrimination on any grounds prescribed in subsection (4) of Section 7.

[68] High Court of Tanzania (Labour Division) at Arusha, Labour Revision No. 16 of 2010 (Unreported).

[69] Section 7(4) of the ELRA obliges an employer to prohibit both direct and/or indirect discrimination against an employee or category of employees 'in any employment policy or practice'.

87. The State Party has put in place conducive policy and legislative environment to provide women with access to social protection in employment. The Zanzibar Social Protection Policy (2014) strives to provide social security to working adults who in many instances have no protection against livelihood. Specifically through this Policy, the Government has committed to "work with Zanzibar Social Security Fund (ZSSF) to extend access to social security, as well as the benefits provided by social security and their real value" through "promoting the extension of social security coverage to self-employed and informally employed workers who have sustainable cash flows". The main indicator for this policy promulgation is a policy statement that prohibits discrimination against women in employment.

88. Zanzibar Poverty Reduction Strategy MKUZA II (2010-2015) includes as one goal "improve safety net and social protection for poor and vulnerable groups". The Government has conducted study on Poverty, Vulnerability and Social Protection in Zanzibar (2012). The study aims to enhance efforts towards strengthening and filling social protection gaps in Zanzibar. It will also help in understanding of various vulnerable groups in community and advise better strategies that can confront them. The findings provide evidence based information and informed the development of Social Protection Policy (2014).

89. The State Party accords equal opportunity for men and women in employment. The Employment and Labour Relations Act. (2004) has emphasized on the equality between men and women in Employment. The Law has made it mandatory for the employers to have the Employment Policy which provide specifically on how the workplace will provide good ground for equality on employment in the labour market.

90. In order to ensure that women employed in both the public and private sectors participate in employment freely and equal footing with men, the labour laws have ensured that they should enjoy their employment right's and also maternity and paternity leave. The right of a female employee to maternity leave is adequately guaranteed in the labour law.[70]

91. In translating the employment policies and laws into action, the State Party has carried out a number of measures to ensure that there are equal opportunities for women and men in the labour market. In particular, the State Party has issued specific guidelines and directives to facilitate and increase in employment opportunities in the public service as well as in local government authorities (LGAs). As of December 2013, a total of 208,681 employment opportunities are created by different public sectors and projects such as the Tanzania Social Action Fund (TASAF) (50,246); Small Industries Development Organization (SIDO) (2,436); Road Construction Projects (1,033); the communication sector (86,702); Tanzania Investment centre (TIC) (59,010) and Economic and Processing Zones (EPZA) (9,254).

92. It should be noted that the State Part, like many developing countries, is an agrarian economy, which means that the agricultural sector remains the main

[70] Section 33(2)(a) of the ELRA. In terms of subsection (3) of this section: "No employee shall work within six weeks of the birth of her child, unless a medical practitioner certifies that she is fit to do so." It is the law also that: "No employer shall require or permit a pregnant employee or an employee who is nursing a child to perform work that is hazardous to her health or the health of her child."

employer. Thus, 69 per cent of women and 62 per cent of men are engaged in agricultural occupations.[71] These figures are lower than those recorded in the 2004-05 TDHS, where 78 per cent of women and 71 per cent of men were employed in agricultural occupations. Unskilled manual labour ‘is an emerging sector, with 17 per cent of women and 13 per cent of men employed in this sector. Professional, technical, and managerial occupations engage only 3 per cent of women and 5% of men. In practice, those women and men with at least some secondary education ‘are most likely to be employed in a professional, technical, or managerial job. In addition, the 2010 TDHS notes that residence has a close association with the type of occupation. For instance, whereas the majority of rural women and men are engaged in agriculture, urban dwellers are mostly found in skilled and unskilled occupations.

93. In the State Party employment varies by residence; rural respondents are more likely than those in the urban areas to be employed[72]. For example, 85% of women in the rural areas were employed in the 12 months preceding the survey compared with 69% in the urban areas. Women and men with the most education and from the wealthiest households are the least likely to be employed. Accordingly, one in five women (20%) and 15% of men were not employed during the 12 months preceding the survey.[73] It should be noted that in the 2004-05 TDHS this rate was 17% for both women and men.[74]

94. It should be noted that the State Part, like many developing countries, is an agrarian economy, which means that the agricultural sector remains the main employer. Thus, 69% of women and 62% of men are engaged in agricultural occupations. [75] These figures are lower than those recorded in the 2004-05 TDHS, where 78% of women and 71% of men were employed in agricultural occupations. Unskilled manual labour “is an emerging sector, with 17 per cent of women and 13 per cent of men employed in this sector.”[76] Professional, technical, and managerial occupations engage only 3% of women and 5% of men.[77] In practice, those women and men with at least some secondary education are most likely to be employed in a professional, technical, or managerial job. In addition, the 2010 TDHS notes that residence has a close association with the type of occupation. For instance, whereas the majority of rural women and men are engaged in agriculture, urban dwellers are mostly found in skilled and unskilled occupations.

95. In respect of Zanzibar, the State Party accords equal opportunity for men and women in employment. In order to reinforce this goal, both the Zanzibar Employment Policy and the Employment Act prohibit discrimination against women in employment. In particular, Section 10(2)(a) of the Employment Act obliges public employers to promote equal opportunity in workplace and eliminate discrimination in employment policy or practice. The Zanzibar Employment Policy, on its part, requires that specific measures will be taken to increase level of education and skill of women in order to equally compete with their male

[71] Ibid.
[72] Ibid.
[73] Ibid.
[74] Ibid.
[75] Ibid, p. 46.
[76] Ibid.
[77] Ibid.

counterparts in the labour market.[78] The policy strategies enshrined in the Zanzibar Employment Policy are: increasing advocacy and counselling for providing quality education to women and girls; and integrating vocational training in school curriculum for women entrepreneur basing in lab our market.

96. In order to ensure that women entrepreneurs are adequately empowered, the State Party has been coordinating capacity building of about 87 small entrepreneurs under the auspices of the Ministry of Labour and Employment (MOLE). Out of this number 66 are women and 21 are men, drawn from both Tanzania Mainland and Zanzibar. Through such capacity building, these small entrepreneurs have been capable of effectively participating in the 13th *East African Nguvu Kazi/Jua Kali* Exhibition, which was held in Bujumbura, Burundi, on 2-9 December 2012. Through this exhibition, the small entrepreneurs are able to market their products in the entire East African region.

97. In addition, both Mainland and Zanzibar Employment Policy's strives to promote women entrepreneurs. The Policy underpins special steps that are undertaken to support women to be competent entrepreneurs in order to compete in the labour market. The Policy strategizes to organize women in socio-economic and empower for economic gain/profit; and establish vocational training to women entrepreneurs. The state party under Ministry responsible for empowerment is in the process of developing Empowerment policy and Cooperative Act and the cooperative policy 2014 through which entrepreneurs is highly considered together with changing people mindset toward empowerment and entrepreneurs.

98. In ensuring that women are enhanced with entrepreneur skills, The State Party in collaboration with non-state actors has provided entrepreneurship training to 2140 women from 2008 to 2014. The skills have enabled them to increase the quality of their products and access internal and external markets.

99. The State Party has undertaken several measures to ensure that women who participate in employment are adequately empowered to be able to work effectively on an equal footing with men. In particular, Zanzibar in 2010 has put in place a special Department for Economic Empowerment while mainland has Tanzania Economic Empowerment Council, which are in place to empower them economically. In addition, both Mainland and Zanzibar Employment Policy's strives to empower women in informal, public and private sectors to enhance the availability of decent work and improve productivity. Its key policy strategies are: establishing a centre for labour market information to women and men; and collecting and supplying gender segregated statistical data in labour market information for the purpose of addressing opportunity and challenges facing women in the labour market.[79]

100. In the Mainland, the State Party guarantees women's right to equal pay for work of equal value; and, thus, it prohibits discrimination against women in

[78] In the context of Section 10(7) of the Employment Act, an employment policy or practice, which prohibits discrimination at the workplace, is any policy or practice relating to: recruitment procedures, advertising and selection criteria and process; appointments and the appointment process; job classification and grading; remuneration, employment benefits and terms of employment; job assignments; the working environment and facilities; training and development; performance evaluation systems; promotion; transfer; demotion; disciplinary measures; and termination of employment.

[79] Revolutionary Government of Zanzibar, *Zanzibar Employment Policy*. P. 27.

employment. In order to ensure that this provision is applied effectively and applies equally, the State Party has set out complaints mechanisms by establishing a Wage Board or Boards. In this regard, the minister responsible for labour may any appoint a wage board in respect of a any sector 'to investigate remuneration and terms and conditions of employment in any sector and area and shall report to the Minister on its findings and recommendations.'[80] In 2013 the Minister for Labour and Employment issued a new Minimum Wage Order (i.e. Government Notice No. 196 of 2013), which revoked the previous Wage Order No. 172 of 2010. Under the new wage order, 12 sectoral wage boards were appointed these are agricultural service, communication service, domestic and hospitality, private security, private education, energy services, transport service, construction service, mining, trade, industries and commerce service, fishing and marine service, and other sector not mentioned.

101. The State Party has put in place an effective monitoring and enforcement mechanism of labour laws in order to enhance equal pay for equal value between women and men. In respect of Zanzibar, the State Party guarantees women's right to equal pay for work of equal value; and, thus, it prohibits discrimination against women in employment. In this regard, Section 10(2) (b) of the Employment Act (2005) guarantees equal remuneration for men and women for work of equal value. In order to ensure that this provision is applied effectively and applies equally, Sections 91 and 92 have set out complaints mechanisms by establishing a Wages Advisory Board, which has the mandate to advice the minister responsible for labour on wages and other matters relating to wages payment and reduction of wages in the public and private sectors. In addition the following organs have been established to resolve disputes arising out of wage fixing, payment and reduction: the Labour Advisory Board; the Labour commission; the Dispute Handling Unit; and the Industrial Court.

102. The Zanzibar Social Protection Policy (2014) obliges the State Party to set up an index-linked guideline where the public and private sector are obligated to follow the stated minimum wage for all citizens. The statutory minimum wage needs to be raised substantially, it must be enforced so that all employers respect it, and it should be index-linked against inflation to ensure that it retains its purchasing power as prices rise over time. The policy goes further to provide the following strategies: advocate to raise the statutory minimum wage at least to the level of the food poverty line; advocate for the monitoring and enforcement of the minimum wage to all employers; and advocate to index-link the minimum wage against inflation.

1.2.1 Economic and Social Benefits

103. The State Party, through the Ministry of Labour and Employment (MOLE) has adopted and is implementing a national programme for creating youth employment that is implemented for three (3) years (that is, 2013/14-2015/16). It is envisaged that the implementation of this programme will create more than 600,000 to youth around the country. The programme involves capacity building of the youth in various fields, including in entrepreneurship, advancing start-up capital to the youth, extending to them working tools, and allocating to the youth business

[80] Section 35(1) of the LIA.

premises and other related facilities to enable them to engage in productive employment.

104. In response to address the identified barriers in the previous concluding recommendation, various ministries in the State Party have begun implementation of the recommendations of the study, particularly formalization of women businesses by simplification of the business registration and licensing procedures by the Business Registration and Licensing Agency (BRELA). The State Party also continued to carry out public awareness-raising programmes that aim at educating women on business opportunities available in its jurisdiction as well as in the Southern African Development Community (SADC) and the East African Community (EAC). This includes the establishment of a gender help desk at the ministry responsible for EAC cooperation on the cross-border trade.

105. In its previous Concluding Recommendations the Committee also urged the State Party to take the necessary measures to ensure that the women's bank becomes operational as soon as possible. In compliance with this recommendation, on 4 September 2009 the President of the United Republic of Tanzania, Dr. Jakaya Mrisho Kikwete, officially launched the Tanzania Women's Bank (TWB) after it had opened its business doors on 28 July 2009. The TWB was incorporated and registered as a limited liability company in 2007. The TWB, which began with a government-sourced capital of TShs. 2.8bn/=[81], aims at empowering women both economically and socially. It strives to provide high quality services, particularly to low income earners, small businesses, corporate clientele base and small and medium enterprises (SMEs). The TWB offers a range of banking services such as personal banking, business banking, and loans to its clients, the majority of which are women. In particular, 19,000 women have accessed loan from the TWB between 2009 and 2013. Currently, the TWB Bank still benefits only urban women through four regional centres located in Dar es Salaam, Dodoma, Mwanza and Arusha Regions. However, in the future the TWB is envisaged to benefit rural women as well.

106. In order to scale up its programmes and achieve its objectives, the TWB has adopted a four-year, Corporate Strategic Business Plan 2009-2013) through which it seeks to increase its capital base and expand its services to all regions in the State Party. In its first phase of implementing this plan, the Bank has opened a branch at the popular Kariakoo Market in Dar es Salaam as well as it has set up 50 loan and entrepreneurship training centres in Dar es Salaam, Dodoma, Mwanza and Manyara Regions.[82] The State Party has continued and will continue to provide TShs. 2bn/- annually to enable the TWB to increase its capital hence its services. In addition, the Bank in the process of enlisting with the Dar es Salaam Stock Exchange through the Enterprise Growth Market (EGM) to enable it to sell its shares that would assist in raising its capital. In the same vein, the Bank has initiated negotiations with social security funds and other relevant stakeholders in women's economic empowerment in

[81] Since its inception in 2009, the State Party's Executive pledged to inject and has been injecting TShs. 2bn/= annually, which is envisaged to last for five years since 2009. This pledge was made by President Kikwete on the occasion to mark the Women's Day that were held in Tabora in 2010.

[82] These centres are located as follows: Dar es Salaam (Tabata Kisukuru, Mbande, Sabasaba, Ubungo Kibangu, Chanika, Chamanzi and Kunduchi Mtongani); Dodoma (Airport, Chamwino, Ipagala, Posta, Hazina Kikuyu, Kizota, Savanna Kikuyu, Chang'ombe, Mnadani, Veyula, Mpwapwa, Kongwa and Mbande); and Mwanza (Nyakato, Igogo, Nyegezi, Pansiansi, Igoma, Kisesa, Magu, Misungwi and Kitangiri).

a bid to increase its operating capital. During the period between July and March 2014 the Bank provided loans with a low interest rate to 11,507 customers worth TShs. 23,030,062,557/=, 9,583 of these customers (i.e. 87%) were women and 13% were men. The Bank also trained a total of 11,015 women entrepreneurs before they were given loans which training concerned entrepreneurship, business record keeping, how to effectively utilise and repay loans, how to maintain profits, raising capital and the need to legally register their businesses with relevant state regulatory institutions.

107. The State Party has also undertaken similar measures to establish a Women's Bank in Zanzibar. A feasibility study been undertaken and business plan for the establishment of the bank has been prepared. The State Party is currently in negotiations with relevant state and financial institutions regarding raising the bank's capital and premises. These discussions are specifically being coordinated by the ministry responsible for gender in consultation with the Ministry of Finance in Zanzibar.

108. The Department of Economic Empowerment (DEE) coordinates the establishment and strengthening of clustering development for maximizing production, processes, quality control and marketing. It enhances the entrepreneurship capacity especially to women. A total of four (4) business clusters have been established in Zanzibar since 2010. From 2010 to July 2014 a total of 600 entrepreneurs were supported to strengthen their business and increase production by the DEE. The department also supports women entrepreneurs to participate in various, local, regional and international trade exhibitions to exchange their experiences, acquire new products development, obtain market contacts and linkages as well as network with their counterparts from different places. From 2010 to July 2014 a total of 150 have been supported to participate in various National, Regional and International Exhibitions (MESWYWC 2014). Check the data how many are women,

109. Furthermore, the State Party, in collaboration with Zanzibar, is in the process of establishing Barefoot College, which will facilitate many women to engage in the production of solar electrification equipment like solar lamps and installation of solar energy in various households in Zanzibar. A total of 180 households have been solar electrified in Zanzibar by women solar engineers in Kendwa and Nungwi in the North Region of Unguja. This initiatives helps to empower women in the area of energy saving. Similarly, the ministry responsible for gender affairs has undertaken a mapping exercise on women income generating groups in Zanzibar for proper planning and making informed decisions on enhancement of the groups and alleviation of poverty in respect of women. A total of 1651 women income generating groups have been registered in Unguja (981) and Pemba (670).

110. Moreover, the State Party, through Zanzibar, has undertaken measures to improve women's economic empowerment through cooperatives. This has involved undertaking reforms in the cooperative sector in order to give top priority to women in cooperatives. Zanzibar has strengthened the policy and legal framework, with the formulation of the Cooperative Development Policy. The policy puts in place strategies to empower women to take management roles into their cooperatives. Specific efforts to enhance women access to finance through Savings and Credit Cooperatives (SACCOS) have also been put in place whereby a good number of women have joined SACCOS. For example, since July 2014 about 197 SACCOS (which have a total number of 13,387 members, with 9,138 female members

totalling 68.26%) issued a total of TShs. 3.9 billion in loans to their members, whereby the majority of beneficiaries are women.

111. In its bid to enhance the capacity of women through cooperatives in the area of leadership, governance and record keeping as well as rights and responsibilities of members, the Revolutionary Government of Zanzibar has capacitated 4,692 women out of 6,649 members. This initiative has helped to enhance women's confidence in leadership, management and decision-making in their cooperatives as well as at the family level. It also established an Empowerment Funds, which provide soft loans to entrepreneurs and small-scale producers, whereby the majority are women, for the purpose of promoting their business and production as well as to fulfil the goal of MKUZA reducing income poverty to Zanzibaris. As of July 2014 a total of 1,246 loans provided in Unguja and Pemba, out of which a total of 679 loans were advanced to women. In general, the Revolutionary Government of Zanzibar has been coordinating microfinance institutions to ensure reliable access to finance particularly to women (MESWYWCD 2014). A special fund for women, the Women Entrepreneurship Development Trust Funds (WEDTF), has been established to facilitate easy income for women entrepreneurs. A total of 18,400 loans have been provided worth TShs. 3.0 billion, with 95% of the beneficiaries being women.

1.2.2 Health

112. The State Party has put in place legislative, policy and administrative measures to ensure reduction of infant, children and maternal mortality rates. To achieve that the State Party has adopted the Health Sector Strategic Plan III (HSSP) (July 2009 to June 2015)[83], which is the "crosscutting" strategic plan for the health sector for the period between July 2009 and June 2015 focusing on "Partnerships for Delivering Millennium Development Goals". In addition, the State Party has put in place the National Health Policy (2007), Vision 2025, MKUKUTA II, MDGs.[84] Road Map for Accelerating the Reduction of Maternal, Newborn and Child Morbidity and Mortality: 2008-2015; the Reproductive and Child Health Policy Guidelines (2003); and the National Package of Essential Reproductive and Child Health Interventions; the Reproductive and Child Health Strategy: 2005-2010.

113. According to the National statistics, the maternal mortality rate has been reduced from 578 in 2004-2005 to 454 in 2010 and child mortality as evidenced by the reduction of infant mortality from 71 to 51 deaths per 1,000 live births during the 2001-2010 period as well as the lessening of post neonatal mortality rate from 36 to 25 deaths per 1,000 live births during the 2004 - 2010 period.[85] Further evidence shows that under-five mortality rate declined by 41% from 137 deaths per 1,000 live births in 1992-1996 to 81 deaths per 1000 in 2006-2010.[86]

114. In Zanzibar, maternal and child health has received due attention under the Health Sector Reforms Programme. Zanzibar has MKUZA II, Vision 2020, Health

[83] United Republic of Tanzania, *Health Sector Strategic Plan III: July 2009-June 2015* Dar es Salaam: Ministry of Health and Social Welfare, 2008.

[84] Ibid., p. 8.

[85] *See* particularly *Tanzania Demographic and Health Survey* (TDHS 2010). The full report of the TDHS 2010 is available at *hdptz.esealtd.com/fileadmin/.../2010_TDHS_FINAL_REPORT.pdf* (accessed on 18th December 2013).

[86] Ibid., p. 117.

Policy (Year?), maternal death audit and a Road Map to accelerate the reduction of maternal and child mortality of 2008-2015. Apart from that, there are *Sara* and *Maisha* Programmes, which focus on improving maternal, women and child health. There are interventions for the reduction of anaemia in pregnancy include routine iron folic provision for each ANC visit; provision of Intermittent Presumptive Treatment for Malaria (malaria may results to anaemic); and provision of Health education during ANC visits.

115. Over the same period, the infant mortality rate declined by 42% from 88 to 51 deaths per 1,000 live births (specify data is for which years). The decline in childhood mortality can be attributed to continued improvement in the health sector, especially in the areas of maternal and child health, with specific reference to immunization and malaria prevention initiatives. These measures have resulted in trends and levels of under five children, infant and neonatal mortality rates from 1990 to 2010 indicates a positive gains that has been made towards achieving the MDGs in infant and under-five mortality rates, it is to be noted that if the pace of decline is sustained at this rate, Tanzania will be able to reach the MDGs in infant and under-5 mortality rate indicators.[87] Maternal mortality rates for Zanzibar also missing. 124. According to the 2010 TDHS, coverage of ANC in Zanzibar is higher than that in Mainland Tanzania (99% compared with 96 %).

116. In Tanzania Mainland, more than nine out of ten women in every region reported that they received care from a health care professional at least, except in Mwanza and Mara Regions. In fact, the 2010 TDHS reports that in Kilimanjaro and in Dar es Salaam, coverage of ANC is 100 per cent. The 2010 TDHS notes that: "Although the differences are quite small, educated mothers are more likely to receive antenatal care from medical professionals than mothers with less education."[88] Accordingly, there is also a positive relationship 'between increasing wealth quintile and the receipt of ANC from a health professional.[89] Therefore, the 2010 TDHS concludes that the percentage of women who received ANC from a skilled provider according to the 2010 TDHS, 'is slightly higher than that reported in the 2004-05 TDHS (96 and 94 per cent, respectively).'[90]

117. During the period under report, there was no available data on life expectancy age for women in Zanzibar; but this will be addressed by National Population Census which was conducted in 2012 with findings to be released soon.

118. The state party has taken several initiatives to prevent teen-age pregnancies including; enactment of the SOSPA Act 1998 which has been incorporated in the Penal Code Cap. 16 R.E. 2002, establishment of secondary schools at the ward level which has improved girls' access to education and awareness campaigns by state and non-state actors on prevention of child pregnancies. Available information in the State Party concerning teenage pregnancies relates to those women whose age is under 19 years and not disaggregated by district. The 2010 Tanzania Demographic and Health Survey reveal that 23% of women aged between 15 and 19 years have

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[87] *See* also United Republic of Tanzania, "Tanzania 3rd, 4th and 5th Reports on the Implementation of the Convention on the Rights of the Child (CRC) 2005-2011", submitted to the CROC by the Ministry of Community Development, Gender and Children (Tanzania Mainland) and the Ministry of Social Welfare, Youth, Women and Children Development (Zanzibar), 9 January 2012, para. 126.

[88] Ibid.

[89] Ibid.

[90] Ibid.

started childbearing; 17% have had a live birth; and 6% are pregnant with their first child. While only 5% of women aged 15 years have started childbearing, 44% of women are either mothers or are pregnant with their first child by age of 19 years. [91] The 2010 TDHS notes that teenagers in rural areas 'are more likely to start childbearing than their urban counterparts (26 and 15 per cent, respectively).'[92] The percentage of women aged between 15 and 19 years who have begun childbearing ranges from 16% in the Northern zone to 30% in the Western zone.

119. According to the 2010 TDHS, 6% of women aged between 15 and 19 years have begun childbearing in Zanzibar. With the limitation of district disaggregated data from the national surveys, the routine HMIS can provide the new acceptance of Family Planning by District which can be used as a proxy indicator. The statistic shows that new acceptance rate from the health facilities have been decreased from 3.8% in 2009 to 3.3% in 2010.

120. The State Party has undertaken a number of measures to increase knowledge and access to contraceptive methods amongst its citizens Zanzibar has (i) scaled up FP service for both rural and urban areas, where most of the health facilities are providing these services; (ii) procured and distributed contraceptive commodities at all levels of health care. This has increased accessibility of the commodities); (iii) sensitization meetings that involve influential people and religious leaders on reproductive issues including family planning have been conducted throughout the islands.

121. In respect of Tanzania Mainland, the respective ministry has undertaken several measures to scale up FP service for both rural and urban areas, where most of the health facilities are providing these services. It has also procured and widely distributed contraceptive commodities at all levels of health care, a measure that has resulted in the increase of accessibility of women and men to facilities and the commodities in this regard. The State Party has also been carrying out sensitization meetings that involve influential people and religious leaders on reproductive issues including FP. Now knowledge of at least one method of contraception is universal among both women and men in the State Party, regardless of marital status and sexual experience. However, men are slightly more likely than women to have heard of a modern method (99% and 98%, respectively) and a traditional method (68% and 67%, respectively).[93]

122. There are variations in use of contraception use amongst the city versus rural girls with the former more likely to use contraception. In addition only 12% of married girls aged 15-19 are using modern methods of contraception compared to 24% of married women aged 20-24 years which highlights the vulnerabilities of child brides.

123. In fact, women know an average of 8.1 contraceptive methods compared with 7.2 methods known among all men. The 2010 TDHS reports that, currently, married women and men 'are more likely than sexually active unmarried women and men to know about family planning methods.'[94] It also notes that modern methods are more widely known than traditional methods, with more than nine in ten women have heard about the pill, injectables, and the male condom. As such, the diaphragm and

[91] Ibid, p. 64.
[92] Ibid, p. 65.
[93] Ibid., p. 67.
[94] Ibid.

foam/jelly are the least-known modern methods among women. The most well-known contraceptive methods among men are the male condom and the pill.[95]

1.2.3 HIV/AIDS

124. In compliance with the Committee's recommendation, the State Party has continued and sustained efforts to address the impact of HIV/AIDS on women and girls, as well as its social and family consequences, as indicated in below. In order to measure the prevalence and impact of HIV/AIDS, the State Party has undertaken several surveys in the period under report, of particular importance being the 2011-2012 Tanzania HIV and Malaria Indicator Survey (THMIS)[96] and the 2010 TDHS.

125. The 2011-2012 THMIS notes that the predominant mode of HIV transmission in Tanzania is through heterosexual contact, 'which accounts for more than 90 per cent of new AIDS cases.'[97] It is followed in magnitude by mother-to-child transmission (MCT), hereby the mother passes the HIV virus to the child during pregnancy, at the time of birth, or through breastfeeding. Other modes of HIV transmission are through infected blood, blood products, donated organs or bone grafts and tissues, and unsafe injections. The 2011-2012 THMIS shows that: 'knowledge of AIDS is nearly universal, with almost 100 per cent of respondents having heard of AIDS.'[98]

126. In order to prevent and combat HIV/AIDS in its jurisdiction, the State Party has adopted measures and programmes with focus messages and efforts on three important aspects of behaviour: using condoms, limiting the number of sexual partners (or staying faithful to one partner), and delaying sexual debut (abstinence) of the young and the never married.[99] The 2011-2012 THMIS found out that 'there is widespread knowledge of HIV prevention methods'[100]; with 69% of women and 77% of men indicating that they know that the chance of contracting HIV is reduced by using condoms. In addition, 84% of women and 87% of men know that the chance of becoming infected with the AIDS virus is reduced by limiting sexual intercourse to one uninfected partner who has no other partners. The 2011-2012 THMIS also shows that 63% of women and 71% of men know that using condoms and limiting sexual intercourse to one uninfected partner are ways of reducing the risk of getting the AIDS virus.[101]

127. Regarding HIV prevalence by age and sex, adult HIV prevalence is 5% and it is higher among women than among men (6% and 4% respectively). Among both women and men, HIV prevalence generally increases with age. For women, HIV prevalence increases from 1% among those age 15-19 to 10% among those aged between 45 and 49 years. For men, HIV prevalence increases from 1% among those aged between 15 and 19 years to a plateau of 7% among those aged between 30 and 49 years. When HIV prevalence estimates among men and women are compared for

[95] Ibid.

[96] Tanzania Commission for AIDS (TACAIDS), Zanzibar AIDS Commission (ZAC), National Bureau of Statistics (NBS), Office of the Chief Government Statistician (OCGS), and ICF International, *Tanzania HIV/AIDS and Malaria Indicator Survey 2011-12.* Dar es Salaam: TACAIDS, ZAC, NBS, OCGS, and ICF International, 2013 (henceforth, 2011-2012 THMIS).

[97] Ibid, p. 49.

[98] Ibid, p. 50.

[99] Ibid.

[100] Ibid.

[101] Ibid.

each age cohort, 'women have a higher HIV prevalence estimate than men for each age group.'[102] The HIV prevalence estimate for age group 15-19 'is assumed to represent new infections and therefore serves as a proxy for HIV incidence among young people.'[103]

128. Elaborating on the trends in HIV prevalence in the State Party, the 2011-2012 THMIS notes that a comparison of the 2007-08 THMIS and 2011-12 THMIS HIV prevalence estimates 'indicates that HIV prevalence has declined slightly from 6 per cent to 5 per cent among adults age 15-49.'[104] Similarly, HIV prevalence has also 'modestly declined among women, from 7 to 6 per cent, and among men, from 5 to 4 per cent.'[105] According to the 2011-12 THMIS, a comparison of the 2003-04[106] THIS with the 2007-08 THMIS and 2011-12 THMIS HIV prevalence estimates from Tanzania Mainland indicates that HIV prevalence has declined in the Mainland from 7% (2003-04) to 6% (2007-08) to 5% (2011-12) among adults aged between 15 and 49 years. Prevalence among women in Tanzania Mainland has declined from 8% to 7% to 6%, and prevalence among men in Tanzania Mainland has declined from 6% to 5% to 4%, as measured over the course of the three surveys.[107]

129. The State Party faces a number of challenges in ensuring that it continues and sustains efforts to address the impact of HIV/AIDS on women and girls, as well as its social and family consequences. Foremost, in both Mainland Tanzania and Zanzibar, people living with HIV/AIDS still face discrimination and encounter hostile attitudes. Such stigma towards people living with HIV/AIDS 'hampers their ability to access a wide-array of HIV-related services in prevention, care, treatment, and support that are currently available.'[108] According to the 2011-2012 THMIS, stigma and discrimination related to HIV/AIDS are widespread among Tanzanian adults. The 2011-2012 THMIS found only 25% of women and 40% of men expressed accepting attitudes on all four standard indicators used to measure stigma: they would be willing (1) to care for a family member sick with the AIDS virus in their own home, (2) to buy fresh food from a shopkeeper with the AIDS virus, (3) to allow a female teacher with the AIDS virus to continue teaching, and (4) to not keep the HIV-positive status of a family member a secret. However, women and men in Zanzibar report less HIV/AIDS-related stigma compared with those in Mainland Tanzania: 43% of women and 55% of men from Zanzibar expressed accepting attitudes on all four standard indicators compared with 25% of women and 40% of men in Mainland Tanzania. About six in ten women and seven in ten men say that: 'a woman is justified in refusing to have sex with her husband if he has sex with women other than his wives.'[109]

130. Another challenge is the fact that many people still have multiple partners, which is a risk behaviour for HIV infection. According to the 2011-2012 THMIS, a

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[102] Ibid, p. 109.

[103] Ibid.

[104] Ibid, p. 111.

[105] Ibid.

[106] The 2003-04 THIS produced estimates of HIV prevalence for Mainland Tanzania only.

[107] 2011-12 THMIS, op. cit.

[108] Ibid, p. 63. *See* also Prime Minister's Office, Tanzania Commission for AIDS (TACAIDS), *National HIV Policy 2011* Dar es Salaam: Prime Minister's Office and TACAIDS. (Final Draft), 2012; and Zanzibar AIDS Commission (ZAC), *Zanzibar National HIV Strategic Plan (ZNSP-II) 2011–2016* Zanzibar: Revolutionary Government of Zanzibar, 2011.

[109] 2011-2012 THMIS, ibid.

much larger proportion of men than women reported having had more than one sexual partner (21% and 4%, respectively) at some time in the past 12 months preceding the survey. Men aged between 20 and 49 years, those who had ever been married, and those without any secondary education 'were more likely than their counterparts to have had more than one sexual partner in the past 12 months.'[110] As would be expected, the proportion of men with multiple sexual partners in the past 12 months preceding the survey was found to be 'exceptionally high among those in polygamous unions (83 per cent). By residence, men in rural areas (versus urban) and those on the Mainland (versus Zanzibar) were more likely to have had more than one sexual partner than men living in other areas. The likelihood of having more than one sexual partner generally decreased with wealth. Differentials for women by background characteristics are minor.'[111] On the average there is a small number of women with more than one sexual partner.

131. Another mitigating factor against the challenge relating to multiple partners in the new concept of paid sex. According to the 2011-2012 THMIS, the act of paying for sex 'introduces an uneven negotiating ground for safer sexual intercourse.'[112] In fact, condom use 'is an important indicator in efforts to ascertain the level of risk associated with sexual intercourse involving payments.'[113] In this regard, the 2011-2012 THMIS found out that 15% of men reported ever paying for sex; 9% reported paying for sex at least once during the 12 months preceding the survey. Men aged between 20 and 49 (15%-18%), ever-married men (15%-37%), and rural men (15%) were most likely to have ever paid for sex. The survey also found out that payment for sexual intercourse 'was negatively associated with education and wealth.'[114] For example, 14% of men with no education and 16% of men in the lowest wealth quintile had ever paid for sexual intercourse, compared with 8 per cent of men with secondary education and 10 per cent of men in the highest wealth quintile. Divorced, widowed, or separated men (25%) had the highest rate of paid sex during the 12 months preceding the survey. As such 53% of men 'who had engaged in paid sex in the past 12 months used a condom the last time they paid for sex.'[115]

132. Another mitigating factor for combating HIV prevalence amongst women and girls is the requirement for HIV testing. The 2011-2012 THMIS notes that while nine in ten women and men know where to get an HIV test, 62% of women and 47% of men have ever been tested and received the results of their HIV test. In addition, 62% of women who gave birth during the two years preceding the survey were tested for HIV, received the test results, and received post-test counselling. While 72% of men report having been circumcised (as one of the measures to prevent HIV infection), 82% of women and 7% of men who ever had sex reported having had a sexually transmitted infection (STI), an abnormal discharge, or a genital sore in the 12 months before the survey. More than half of all respondents (50% of women and 62% of men) sought care for the STIs and/or symptoms of STIs from a clinic, hospital, or health professional.

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[110] Ibid, p. 74.

[111] Ibid.

[112] Ibid, p. 79.

[113] Ibid.

[114] Ibid.

[115] Ibid. It should be noted that the proportion of men that reported paying for sex during the 12 months preceding the 2011-12 THMIS (9%) is essentially unchanged from that reported in the 2007-08 THMIS (8%).

133. In addition to the foregoing efforts to prevent and combat the negative impacts of HIV/AIDS on girls and women on equal footing with boys and men, the State Party has also enhanced its focus on women's empowerment as well has included clearly and visibly a gender perspective in its policies and programmes on HIV/AIDS. These efforts have been framed in the context of the HSSP III, which requires the enhancement of gender sensitivity in the health sector.[116] According to the HSSP III, gender sensitivity 'starts from the principle of equality of women and men, addressing specific service needs of each of the groups.'[117] Under the existing socio-economic situation in the State Party, women are more vulnerable to health threats than men. According to the HSSP III, women 'have defined needs in reproductive health: contraception, care during pregnancy, delivery and post-delivery. They also need more care for sexually transmitted diseases, especially HIV/AIDS, prevention of harmful practices including female genital mutilation and rape.'[118] Often, women have special needs because of their disadvantaged position, not being empowered to exercise their rights and being exposed to domestic violence. They often have a lower level of education and carry heavy responsibilities for the care for family and home. The women in general are responsible for the care of children and elderly.

134. Therefore, the HSSP III's approach to gender sensitivity requires that, in policies and strategies relating to health, gender issues should be addressed. Translation of the gender sensitivity in the health sector into practical measures has to take place at all levels of planning, decision-making and monitoring and evaluation. Therefore, the HSSP III notes that: 'Health workers are trained in recognizing and addressing specific health problems of women and men. More security and privacy will be offered to clients attending the health services and confidentiality will be improved.'[119] In particular, the HSSP III envisages that: 'HIV/AIDS and reproductive health will be priority areas of intervention. Men should be made aware of the special health needs of women and should take their responsibility in family health affairs.'[120] In addition, the HSSP III requires that gender sensitivity 'should also be a part of management: to ensure that women are offered opportunities for higher management positions, and ensure that women are participating in decision making bodies, like health facility boards and committees.'[121]

1.2.4 Rural Women

135. In its previous Concluding Observations, the Committee urged 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. In compliance with this recommendation, the State Party has undertaken a number of measures to prevent

[116] The HSSP III requires that the health sector should address specific gender related health problems. It addresses the girl child's health, women's health problems and stimulates the involvement of men in family health issues (MDGs 4, 5, and 6).

[117] HSSP III, op. cit, p. 47.

[118] Ibid, p. 48.

[119] Ibid.

[120] Ibid.

[121] Ibid.

and respond to violence against women and girls. The State Party has also carried out training manual for health care providers in response to gender based violence and violence against children is in place. The training manual provides materials that can be used to train different carders of gender-based violence (GBV). The Ministry of Home Affair has developed Standard Operating Procedures (SOPs) to run Police Gender and children's desks. Also NGOs[122] have developed different training manuals and mechanism to respond and prevent GBV and violence against children (VAC) services providers. Other tools developed on GBV responses are, the National Guidelines to prevent and respond to GBV, the National Strategy for Community Sensitization to prevent and respond to GBV, Guidelines for GBV committees to prevent and respond to GBV which was prepared by Ministry of Community Development Gender and Children.

136. In the planning process at the grassroots level, the State Party has ensured that the LGAs in Tanzania Mainland use bottom-up approach which insists that village governments should prepare village plans and submit them through the Ward Development Committees (WDC's) to the full District Councils (DC's) for approval. The composition of leadership representatives at the village, ward and district levels is at least 30% of women. However, the State Party is still facing a challenge in respect of the composition of males, which is higher than the number of females. This factor gives males an opportunity to dominate the decision-making process.

137. However, the State Party has put in place affirmative action/strategies to ensure that the number of women in decision-making at the grassroots level increases. For instance, the State Party requires that in the bodies established to settle land disputes at the village and ward levels, women should at least constitute 1/3 of the members of these bodies. In principle, the Village Land Act (1999)[123] requires that out of the five or seven (7) members of the village land council; two (2) or three (3) (as the case may be) of them must women. As of December 2013, there were 181 Ward Land Tribunals in Tanzania Mainland, with the membership of 82 women and 99 men. At the district level, there were 41 District Land and Housing Tribunals (DLHT's) in Mainland Tanzania which have 8 women and 37 men serving as Chairpersons. At the national level, the DLHT's are coordinated by the Registrar and a Deputy Registrar, who are all women.

138. Zanzibar has also established gender-based violence committees at all level from National to Shehia level in Zanzibar. Comprehensive GBV action plan with interventions related to Promotion, protection, provision of services and prevention developed. The State Party, under the Zanzibar MESWYWCD, has established a One-Stop Centre for GBV survivors for provision of services and counselling at Mnazi Mmoja Hospital and the Government intend to establish the centre at Chake Chake, Pemba, and also at all Districts. Evidence-based information related to gaps within the different GBV related laws and procedures are in place for advocacy. Furthermore, the State Party has established a Child Protection Unit within the Ministry of Social Welfare, Youth, Women and Children Development (MSWYWCD) so as to prevent and protect the welfare of girl child. The Child Protection Unit (CPU) responsible for receiving complaints and sort them out.

139. The State Party, through the MCDGC, has managed to establish 14 *Women's Information Windows* that provide information to rural women on health, education,

[122] TGNP, WLAC, WILDAF, TAWLA, and HOP.

[123] Cap. 114 R.E. 2002.

legal issues, women and human rights, entrepreneurship skills, land rights and income generation projects. Besides, the State Party has established the National Coordination Guidelines on Gender-based Violence (GBV). These Guidelines aim at, *inter alia*, facilitating coordination of all stakeholders working on the fighting against GBV in the country.

140. The State Party has also undertaken measures to ensure that rural women access food on equal footing with men. To further the impetus on to this approach, in 2009 the State Party launched a programme dubbed as "*Kilimo Kwanza*" (i.e. "Agriculture First"), which seeks to prioritize agriculture to achieve a green revolution in rural Tanzania. The programme, which is implemented in Tanzania Mainland, seeks to boost economic growth and attain substantial reduction in poverty and increase food production in the State Party.[124] Through this programme, women are given the priority, as leaders in the agriculture sector, to benefit from the proceeds of their agricultural work.

141. The Committee urged the State Party to take appropriate measures to eliminate all forms of discrimination against rural women with respect to ownership of land. In implementing this recommendation, the Zanzibar Ministry of Land, during the period under report, has effectively implemented the Zanzibar Land Policy (1992), the Land Act (1993) [125], the Zanzibar Land Tribunal Act (1994) and the Zanzibar Water Policy. These policies and laws are enforced through the Land Tribunal, the Land Restriction Board, and the Land Registrar Tribunal. Although these laws on land do not specifically provide a distinction between men and women, they safeguard equality of men and women in land ownership and use. In order to specifically accommodate gender, the Land Policy is under review to include the gender issues.

142. According to National Population and Housing Census of 2012, 53.7% of people in Zanzibar are living in rural areas. In this context, the Water Act (2006) has been given great impetus the Participatory Service Delivery Assessment. In the main, gender aspect is mostly considered in the water project which is implemented by the Zanzibar Water Authority (ZAWA). In community level Water committees with 40% women representation are established. This is to ensure that women are highly participated in developmental issues. In addition to this, the Land Court dealt with cases regarding inheritance rights of women and men. There were a total of 220 cases filed on land disputes at the Land Tribunal in 2010, of which 5 (2.27%) were disposed of, and in 2011 there were 246 cases of which 85 (34.6%) were disposed of. In order to eliminate discriminatory inheritance practices, the Revolutionary Government of Zanzibar is in the process of finalising reviewing the Kadhi's Court Act, which, *inter alia*, has jurisdiction on inheritance matters. The law review process aims at strengthening the Kadhi's Court's mandate for effective delivering of justice and services to the court users.

[124] United Republic of Tanzania, "Response to Questionnaire on the Achievements of the Millennium Development Goals (MDGs)". Ministry of Community Development, Gender and Children, June 2010.

[125] Act No. 12 of 1993.

1.2.5 Vulnerable Groups of Women

143. The State Party has continued to comply with, and implement, the Committee's recommendations relating to vulnerable groups of women. In particular, it has undertaken necessary measures to deliver a wide range of health services under its health sector's plan with particular focus upon to extending health care to poor and vulnerable groups, elderly, disabled women and children and integrating support and treatment of HIV and AIDs. A wide range of emergency aid and social assistance focus upon securing the fundamental rights and entitlements for elderly Tanzanian people living with HIV/AIDS and vulnerable children as stipulated in the National Aging Policy 2003, National Disability Policy 2004 and costed plan for the most vulnerable children to increase and strengthen the participation of women in designing and implementing local development plans.

144. In respect of Zanzibar, the State Party has conducted awareness-raising campaigns to members of the community (with more participation by women) in land ownership. In 2011, for instance, a total of 97 women registered their title claims and received land titles as a result of these initiatives. At a policy level, one of the goals of MKUZA II strives to improve safety net and social Protection for poor and vulnerable groups', which is underpinned by six core cluster strategy, including ensuring 'better quality of life and care for elders, people with disabilities, most vulnerable children and others.' In the context of this policy framework, the Zanzibar Revolutionary Government has conducted a study on Poverty, Vulnerability and Social Protection in Zanzibar (2012). The study aimed at enhancing efforts towards strengthening and filling social protection gaps in Zanzibar and helping in understanding of various vulnerable groups in community and advises better strategies to address them. The findings of this study provided evidence-based information and informed the development of the Social Protection Policy in 2014, which strives to improve protection for older women and men. The State Party, through the Revolutionary Government of Zanzibar, has developed a Costed National Action Plan for MVCs and established structures up to the Shehia level to care for MVCs.

145. Moreover, the National Planning and Budgeting Guidelines issued directives to all sector ministries to allocate resources for services provided to older people, particularly women. At the Shehia level some of the older residents are paid state allowances through District Social Welfare Offices. Besides, presidential attention towards supporting older people has been displayed through unplanned and planned visits to check on facilities serving older people in Welezo and Sebuleni in Unguja, and Gombani, Limbani, and Makundeni in Pemba. More than 119 old people (65 men and 54 women) are currently housed in government-owned old people's homes at Sebuleni, Welezo, Limbani and Gombani. They are paid an allowances ranging from TShs. 7000/= to TShs. 25,000/= monthly. They are also provided food, medical treatment, accommodation and clothes.[126] However, two-thirds of older people over 60 years of age are still working (80% of men and 50% of women), but 60% receive no regular income (Help Age International Tanzania: 2009.p.5). Two-thirds of older people over 60 years of age are still working (80% of men and 50% of women), but 60% receive no regular income (Help Age International Tanzania: 2009. Furthermore, 3,471 vulnerable households with MVCs, widowers and elderly persons received

[126] Government of Zanzibar, "MoSWYWCD 2011/12 Budget Speech", p. 18-19.

food, shelter, medication and psychological assistance in 2011, compared to 8,695 in 2009.[127]

146. The Women and Gender Policy aims at, *inter alia*, reducing inequalities between women and men and identifies issues needing specific action, including equality in ownership of land and inheritance between women and men. To translate this into action, Section 10 of the Law of the Child Act (2009) (LCA) provides categorically that: 'A person shall not deprive a child of reasonable enjoyment out of the estate of a parent.' This provision is reinforced by the provision of Section 5(1) of the LCA, which provides that: 'A child shall have a right to live free from any discrimination.' Subsection (2) of Section 5 of the LCA enlists the following grounds of discrimination against a child: *gender*, race, age, religion, language, political opinion, disability, health status, custom, ethnic origin, rural or urban background, birth, socio-economic status, being a refugee or of other status. In effect, this means that inheritance is now guaranteed to both girls and boys when their parents are deceased and have left behind an estate worth of being bequeathed.

147. The State Party still faces a number of challenges in ensuring that the foregoing constitutional, policy and statutory provisions are adequately implemented. One of the major challenges is the prevalence of traditional, social cultural norms and beliefs[128] that women, girls and children out of wedlock cannot own land or inherit from their deceased husbands or parents on equal footing with men or children born in wedlock. However, the State Party has been providing public awareness-raising campaigns to members of the community particularly in rural areas give examples of the areas and how many people reached-data required with a view to eliminating such norms and beliefs in the long run. In addition, in order to enhance women's, especially rural women's, awareness of their land and property rights, the State Party has carried out legal literacy programmes and extension services in collaboration with LGAs and non-state actors, particularly CBOs and FBOs operating at grassroots level.

148. In particular, in 2012 the Tanzanian Women Lawyers' Association (TAWLA) trained 120 women paralegals in rural areas in Arusha, Dodoma and Tanga Regions to enhance their skills and knowledge on a wide range of laws, including land laws, law of marriage, inheritance laws, HIV/AIDS law, child law and disability law and rights. In addition to these trainings, TAWLA and several other NGOs have been part of a larger group of non-state actors supporting the State Party in training paralegals at the grassroots level in Tanzania Mainland under the Legal Sector Reform Programme (LSRP), the Legal Services Facility (LSF), the Legal Aid Secretariat in MoCLA and the Tanganyika Law Society (TLS) that has prepared a training manual that has been widely distributed to paralegals over the country. The paralegals have continued to provide legal aid and literacy to vulnerable women, particularly in rural areas.

149. In respect of Zanzibar, during the period under report ZLSC handled 198 land dispute cases, 28 out of which were brought by women. A total of 11 inheritance cases were filed from Unguja in 2011, 6 out of which were from women. ZAFELA, ZLSC) and Zanzibar Law Society (ZLS) continued to undertake advocacy in order to ensure, *inter alia*, adequate realisation of women's inheritance rights of women and enhancing women's legal capacity in Zanzibar. These CSOs have recruited a

[127] Government of Zanzibar, "Zanzibar Multi-Sectoral Annual HIV & AIDS Monitoring and Evaluation Report", p.15.

[128] United Republic of Tanzania, "Response to Questionnaire on the Achievements of the Millennium Development Goals (MDGs)", op. cit.

sufficient number (qualify sufficient-data to be given) of legal officers and paralegals to facilitate issues pertaining to enhancement of women's legal capacity within the sector Ministries. In order to scale up these efforts, the Revolutionary Government of Zanzibar is preparing a Legal Aid Policy that aims at providing policy guidelines and clearly defining the roles of legal aid actors and implementers to effectively support women to meet their inheritance and gender rights.

150. The State Party has paid special attention to the precarious situation of older women and women with disabilities, by particularly ensuring 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 State Party has also adopted special programmes to alleviate poverty within these groups of women under MKUKUTA, and to combat all forms of discrimination against them through constitutional, policy, statutory and administrative measures elaborated above. In particular, in 2010 the State Party enacted the Persons with Disabilities Act (2010)[129], whose underlying basic principles[130] are respect for human dignity, individual's freedom to make own choices and independency of persons with disabilities; non-discrimination; and full and effective participation and inclusion of persons with disabilities in all aspects in the society. Others are equality of opportunity; accessibility; equality between men and women with disabilities and recognition of their rights and needs; and provide basic standard of living and social protection.

151. The State Party also has continued to challenge traditional views regarding older women, in particular accusations of witchcraft, and to protect albino women and girls from ritual killings. In this regard, the State Party has continued to prosecute perpetrators of these atrocities. It has also carried out public awareness-raising campaigns to eliminate negative social, traditional and cultural beliefs against older women, albino women and girls.

1.2.6 Refugee Women

152. In respect of information on the situation of refugee women in its jurisdiction, the State Party wishes to point out that currently the numbers of refugee camps and refugees in its jurisdiction have dropped. By the end of November 2013 there were some 69,283 refugees and persons of concern (compared to 68.000 refugees and persons in September 2013[131]), mainly from the DRC, who are currently living in one camp (compared to 11 camps in 2007) in Kigoma Region.[132] Under both international humanitarian law and municipal law in the State Party, UNHCR is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country. It also has a mandate to

[129] Act No. 9 of 2010.

[130] Ibid, Section 4.

[131] United Nations High Commissioner for Refugees, *Fact Sheet September 2013* Dar es Salaam: UNHCR Operation in Tanzania, September 2013.

[132] United Nations High Commissioner for Refugees, *Fact Sheet November 2013* Dar es Salaam: UNHCR Operation in Tanzania, November 2013.

help stateless people. The organization works in collaboration with its operational partners.

153. On 22 July 2013, UNHCR formally handed over Mtabila Camp to the Government of Tanzania. Mtabila Camp was closed in December 2012 following the orderly return movement of more than 34,000 former Burundian refugees and the transfer to Nyarugusu Camp of nearly 3,000 persons found to be in need of continued international protection. In collaboration with the UNHCR and its operational partners and implementing partners, the State Party has undertaken steps to investigate and punish all perpetrators of violence against refugees, particularly women and girls. It also provides legal aid to refugees in need through the Women Legal Aid Centre (WLAC**)**) and Asylum Access Tanzania (AATZ). UNHCR through its Implementing partners such as International Rescue Committee and WLAC provides legal assistance to women and girls victims of GBV. In particular, between 2009 and 2013, AATZ provided direct legal assistance to a total of 515 refugees in the State Party, 111 being women and 404 being men. In the same period, AATZ provided legal aid to 5 boys out of the 404 male clients; but there were no girls assisted in this period.

154. In collaboration with UNHCR, the State Party has ensured that refugee women participate directly and indirectly in the management and distribution of food and non-food items. In November 2013, UNHCR designated refugee women residing in the camp as Household Representatives hence giving them the opportunity to assume ownership of the refugee ration cards while men were designated as second Household Representative. This was the first time in Tanzania's refugee operations for women to be recognized as head of households. Previously, this role was designated to men. Together with UNHCR, the State Party continues to encourage the active participation of women in all management and leadership committees of refugees in the camp, including in the return areas. In addition, it commits to the individual registration of all refugee men and women and to provide them with relevant documentation ensuring their individual security, freedom of movement and access to essential services[133]. Furthermore, the State Party continues to provide sanitary materials to all women and girls in the age group of 13-49 years in the refugee camp which is crucial to the health and dignity of women and girls.

1.2.7 Family Relations

155. The State Party has complied with the Committee's recommendation, of harmonizing civil, religious and customary law with article 16 of the Convention. The State Party is in the process of completing 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. In addition, the State Party's legal system requires that where conflicts arise between formal legal provisions and customary law, the formal provisions prevail.[134] At a constitutional level, the second Draft of Constitution has taken into consideration matters relating

[133] This commitment was reinforced by the Conclusion on Registration of Refugees and Asylum-Seekers adopted by the 52nd Session of the Executive Committee (2001).

[134] *See* particularly Article 8(2) and (4) of the second Draft Constitution (2013).

to the preservation of dignity of both men and women in all settings, including in matrimonial relations.[135]

156. In 2014 the State Party has also adopted the "***Child Marriage-Free Zone***" campaign, which is a national ending child marriage campaign whose focus is to scale up collaborative efforts to ending child marriage in Tanzania. This campaign is in line with African Union's campaign launched in May 2014. In Tanzania the campaign has started in Tarime District, Mara Region. Nationally the Campaign was launched in August 2014 in Dar es Salaam and localised in Tarime in October 2014 as part of the International Day of the Girl Child celebration. The Campaign has drawn up people from different spheres of the community including adolescent girls and boys, young people, local and national government authorities, traditional and religious leaders and the community at large.

157. Zanzibar is in the process of reviewing the Marriage (Solemnisation and Registration) Decree,[136] to impose an obligation on couples to enter in marriage contracts/agreements outlining duties during marriage and in the event of its dissolution. Zanzibar is also reviewing the Succession Decree[137], a colonial piece of legislation which is outdated, to ensure that succession procedures to be followed by courts of laws are clearly set out and properly adhered to. The objective is to develop rules of procedure that smoothen succession proceedings in courts.

158. In its legal system, the State Party ensures that those customary laws which contradict with the constitution and formal legal provisions are invalid to the extent of the inconsistence.[138] The Committee also called 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 relation. The State Party has addressed this matter through the ongoing constitutional review and making process, whereby its citizens aired their recommendations on a number of issues including; customary law and marriage rights, to be incorporated in the envisaged new constitution. Such matters include the status of customary law and marriage rights.

II. Implementation of other declarations and plans of action

2.1 The Beijing Declaration and Platform for Action

159. During the period under report, the State Party has continued to fulfil its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action (BDPA) adopted at that special session and Fourth World Conference on Women (Beijing, 1995), which reinforce the provisions of the Convention.

160. During the period under report, the State Party recorded a number of achievements in implementing the Beijing Declaration and Platform for Action. In addressing the specific needs and conditions in Tanzania, some focus areas have

[135] Ibid, Articles 23 and 47.

[136] Cap. 92 of the Laws of Zanzibar.

[137] Cap. 21 of the Laws of Zanzibar.

[138] *Cf: Elizabeth Stephen & Another v AG* High Court of Tanzania at Dar es Salaam, Misc. Civil Cause No. 82 of 2005 (unreported).

been prioritized by the government to implement with the BPFA and achieving MDGs, as indicated throughout this report. In particular, twelve priority areas have been identified at the BDPA including: Women and Poverty; women in the economy; education and training for women; women and health; violence against women; women in conflict situations; women and power and decision-making; human rights of women; women in the media; women and the environment; the girl child and HIV/AIDS.[139]

161. During the period under report, the State Party has recorded a number of achievements in implementing the Beijing Declaration and Platform for Action. In addressing the specific needs and conditions in Tanzania, four focus areas have been prioritized by the government to implement with the BPFA and achieving MDGs; as indicated below:

2.1.1 Enhancement of Women's Legal Capacity

162. The legal literacy among population is still low and victims of domestic and gender based violence are not provided with adequate legal aid A Series of awareness seminars on the gender related laws has made some changes and several studies were carried out to build on the legal literacy among population. 5 new laws have also been enacted including: the Employment Act (2005), the Labour Relations Act (2005), the Workmen Compensation Act (2005), the Occupational Safety and Health Act (2005), and the Zanzibar Social Security Act (2005).

2.1.2 Women's Economic Empowerment and Poverty Eradication

163. Women have limited access to employment opportunities in the formal sector for current statistics show that female employees constitute only 36.4 percent of the total employees in the formal sector. Of those employed, only 8.64 percent are in supervisory and technical posts. Most of the other women are engaged in informal sector doing petty businesses having economic very low returns including small farming, seaweed farming, pottery and handcrafts.

2.1.3 Education, Training and Employment

164. Current opportunities that women are mobilized to take advantage include Karume and Kikwete - KK Fund and BDG/TPSF. The KK Fund for the year 2008/9 has set aside TShs 1.2 billion for Zanzibar, for use as cash guarantee against loans to be issued by the PBZ to SACCOS and individual MSE operators. Individual applicants must be approved by their Shehia leaders and SACCOS by the cooperative officers. Interest rate is set at 10% and the SACCOS cannot lend at more than 12%, compared to between 18% and 30% charged on their other loans. Another opportunity is the ongoing BDG programme, aiming to strengthen the entrepreneurial culture of Tanzania. Cash award is given as seed capital to potential entrepreneurs by enabling entrepreneurs to start or upgrade businesses by providing them with risk grants. The BDG program cooperates with locally established key partners specialized in business training, consulting, SME banking and enterprise

[139] Ibid.

development including TCCIA, ZNCCIA, SIDO, National Microfinance Bank (NMB), the People's Bank of Zanzibar.

165. Existing funds like WEDFT, LP, and PRIDE are committed to mobilise women to take an entrepreneurial approach on credit received. Other similar initiatives include WEZA – a 4-year project co-financed by EU/Care Austria and implemented by Care Tanzania and TAMWA with JOCDO, PESACA, FAWE, and ZAFELA as associates. The programme benefit over 3533 women in Zanzibar under 161 VS & L aimed at increasing their income and overcoming social, cultural and political barriers to their empowerment. Some members of ANGOZA like ZAWCO and ZASO also execute components of income generating activities.

166. The main challenge the State Party faced in implementing the Beijing Declaration and Platform for Achievement is weak attempts to establish Business Development Services (BDS) designed to help women start or redefine their employment, training goals and develop careers.

2.2 Millennium Development Goals

167. During the period under report the State Party undertook to effectively implement the Convention in the context of the Millennium Development Goals (MDGs). In particular, the State Party submitted its implementation report of the MDGs, indicating the extent to which it has successfully implemented and the challenges facing its implementation of the MDGs.

2.3 The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

168. The State Party is part to the Protocol to the African Charter on Human and Peoples' Rights (ACPHR) on the Rights of Women in Africa (2003). During the period under report, the State Party continued to implement the Protocol in line with the CEDAW and the ACHPR.

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