

United Republic of Tanzania

1. Discrimination in the family

The national machinery tasked with the implementation, supervising and advancement of gender equality on the mainland of Tanzania is the Ministry of Community Development, Gender and Children (MDCGC). The Zanzibar Ministry of Empowerment, Social Welfare, Youth, Women and Children (MESWYWC) has been established as the national machinery in Zanzibar. A Gender Monitoring and Evaluation system and data collection tools have also been established in Zanzibar to coordinate and monitor effective and efficient gender related interventions (CEDAW Country Report, 2014). In mainland Tanzania, a similar Gender Monitoring and Evaluation system is underway (CEDAW Country Report, 2014).

In 2008, the Gender Mainstreaming Macro Working Groups (GMWGs) were established by the State to advocate for gender mainstreaming to be integrated into programmes, policies, plans and the budgets of sectoral Ministries and NGOs in mainland Tanzania and Zanzibar (CEDAW Country Report, 2014).

a) Overarching legal framework for marriage

The Law of Marriage (LMA) Act, Cap. 29 is the overarching piece of legislation that governs matrimonial affairs in Tanzania. The Act addresses monogamous and polygamous marriages where in the case of the latter, a man may be married to more than one wife but the same does not apply for a woman (Law of Marriage Act, 1971).

Statutory, customary and Islamic laws constitute the overarching legislative framework that governs marriage, divorce and inheritance laws in Tanzania and Zanzibar. Where customary and statutory laws generally govern criminal and civil activities of those who identify as Christian, those who follow the Muslim faith are typically governed by Islamic and customary laws and practices (US Human Rights Report, n.d.). In Zanzibar, those who follow the Muslim faith are governed by a parallel system of courts called kahdi (Muslim judge trained in the Islamic legal tradition) that responds to matters of Islamic customary law such as divorce, inheritance and the custody of children (US Human Rights Report, n.d.). The legal framework however grants all women the same rights to enter marriage as men.

Provisions for forced marriage are addressed in the Law of Marriage Act, 1971 where it states that a marriage is deemed to not be consensual for all parties if (a) was influenced by coercion or fraud; (b) the parties were mistaken as to the nature of the ceremony; or (c) the parties were suffering from any mental disorder or mental defect, whether permanent or temporary, or was intoxicated, so as not fully to appreciate the nature of the ceremony. Someone found guilty of this offence can face an imprisonment term not exceeding three years (Section 151).

Section 68 of the Act addresses the rights of widows, protecting their right to reside at a place of her choosing and to remain unmarried or to marry another man of her choosing - subject to section 17 of the Act which reinforces measures under Islamic law and requires the consent of the widow's father or mother if she is below the age of 18 (Law of Marriage Act, 1971). This contradicts the practice of widow inheritance which was codified by the State in Rule 62 where widows can be inherited by their deceased husband's relatives (CEDAW Task Force Tanzania Shadow Report, 2016).

b) Child marriage

The minimum age of marriage is different for women and men. The Law of Marriage Act, 1971 mandates that the minimum age of marriage for boys be 18 and 15 for girls (section 13 (3)) however, with the special permission of the court and parents, girls as young as 14 can be married which contravenes international regulations and conventions (CEDAW Task Force Tanzania Shadow Report, 2016, 2016). With the practice of customary law, girls as young as 9 years old can be married off (Tanzania Human Rights Report, 2015). The minimum age of marriage in the Law of Marriage Act, 1971 and the customary practice of child marriage also contravenes Tanzania's Law of the Child Act, 2009 which defines a child as a person below the age of 18 (Article 4).

The State adopted the national "Child Marriage-Free Zone" to advance collaborative efforts to end child marriage, however, child marriage continues to be a common practice in many rural areas (CEDAW Task Force Tanzania Shadow Report, 2016, 2016). A baseline survey of 10 villages was conducted by Agape Aids Control Programme and the baseline data showed that most victims of child marriage encounter birth complications, early deaths, divorce, poverty, disease and economic stagnation (CEDAW Task Force Tanzania Shadow Report, 2016, 2016). The National Action Plan for Prevention and Eradication of Violence against Women and Children 2001-2015 called for legal amendments that impact women and girls such as the minimum age of marriage but failed to provide a comprehensive strategy that addressed child marriage and the action plan was wrapped up in 2015 (CEDAW Task Force Tanzania Shadow Report, 2016).

The Written Laws Miscellaneous Act (No. 2) Bill, 2016 recently amended the Education Act to prohibit persons from marrying a school boy or school girl and if found guilty, the convicted party can be liable to imprisonment for a term of thirty years (Part 6, Article 22). The use of the terms school boy and school girl imply that not only are they registered in school but that they are also children as defined by the Law of the Child Act, 2009. This may leave a legal loophole for children below the age of 18 and who are not registered in school.

c) Household responsibilities

All women and men can be the head of the household however, the Law of Marriage Act, 1971 places sole responsibility on the husband to financially provide for his wife unless separated by agreement or decree of the court (Articles 63, 129).

It is also important to note that what constitutes a household can widely vary across ethnic groups, religions, regions, lineage and local customs with sometimes stark differences among polygamous versus monogamous families and blurred lines between patrilineal and matrilineal communities

(Forster, 1995). There are also instances where a male may be identified as the head of the household but he does not reside in the home for work and travel purposes and linguistic complications that lead to different understandings of the term, 'household' (Van Aelst, 2014).

A 2011 study on rural women in agriculture in Tanzania found that women experience a higher labour burden than men regarding responsibilities for unpaid household duties and care work (FAO, 2011). Another crucial factor to consider are the reasons that have led to a woman becoming the head of the household – is it due to marital shock and/or the woman becoming widowed, divorced or separated? An analysis of these factors will help provide a more comprehensive picture of the implications of male-led and female-led households on the woman, the family and community.

The Law of the Child Act, 2009 places responsibility on both parents to maintain and care for the child (Articles 8, 41). The Law of Marriage Act stipulates that the economic responsibility of maintaining the children sits with the father unless he is deceased; in this case, then responsibility rests with the mother (Article 129) and women are expected to take on the care work of feeding the family and to care for the children (Rwebangira, 1996).

All women and men have the same rights to be the legal guardians of their children during marriage and upon divorce as noted in section 9 of the Laws of the Child Act, 2009. However, men are expected to be the financial provider for their wives and children regardless of who has custody (Law of Marriage Act, 1971). Further to this, the LMA encourages mothers to file for custody of their children upon divorce; however children typically belong to the father's clan and though the welfare of the child is prioritized, children are usually left in the custody of the father (Van Aelst, 2014).

Article 17 of the 1977 Tanzania Constitution and Article 16 of the 1984 Zanzibar Constitution allows equal freedom of movement rights for women and men.

d) Divorce

All women and men have equal rights to initiate divorce. However, marriages governed by Islamic law place women in an unequal position as they must seek permission from their husband to allow the divorce to continue (Amendment of The Islamic Law (Restatement) Act). A woman's decision to pursue a divorce will also depend on her earning power outside of the household and potential income earning possibilities outside of the home (Van Aelst, 2014) therefore compromising the positive impact of laws that attempt to equalize the playing field for men and women. A decision to pursue a divorce is also dependent on the distribution of assets such as the matrimonial home and the custody of children post-divorce; and women in rural Tanzania usually have lower individual entitlements post-divorce (Van Aelst, 2014).

Upon divorce, both parents are responsible for the care and protection of the children (Law of the Child Act, 2009) however, article 125 (2) (c) of the Law of Marriage Act encourages that the customs of the community be taken into consideration when determining who gets custody of the children.

The Law of Marriage (LMA) Act, Cap. 29 requires that the courts consider each spouse's contribution to the household when reviewing an application for separation or divorce for deciding how to distribute marital assets (s. 114). However this clause has not been interpreted to include a woman's

unpaid contributions to the household despite a 1983 Court of Appeal landmark ruling recognizing the contributions of a woman's unpaid domestic labour and childcare duties (Van Aelst, 2014).

In practice, due to the Court's difficulties in quantifying a woman's unpaid labour in the household combined with customary law failing to guarantee economic security for women, women rarely demand their share of matrimonial assets (Van Aelst, 2014). Social and cultural norms also impact whether a woman pursues divorce and what assets she tries to make claim of. If it is seen as improper and inappropriate for a woman to demand her share of her "husband's property" then to reduce stigmatization and social exclusion, she may choose to walk away from the marriage with little to no access to assets and resources thus increasing her chances of experiencing poverty (Van Aelst, 2014).

The LMA does not allow co-wives in a polygamous marriage to be a party to a divorce procedure of an exiting wife (Howland & Koenen, 2014).

e) Inheritance

Women do not have equal access to inheritance rights as men under the three systems of law that govern inheritance rights in Tanzania: statutory, customary and Islamic. Customary laws for example, follow patrilineal lines and impact women differently based on their ethnic group. The Local Customary Law (Declaration No. 4) Cap. 358 R.E. 2002 denies widows from inheriting their deceased husband's estates. The law also provides for an unequal distribution of property to daughters and sons, allowing for less to be given to the latter (Local Customary Law (Declaration No. 4) Cap. 358 R.E. 2002) helping to make clear the disconnect and discord between customary law and statutory law within the context of inheritance rights.

The Probate and Administration of Estate Act Cap. 352 R.E. 2002, section 92 (1) limits the scope of the law on inheritance matters in the primary court when customary laws are applicable (CEDAW Task Force Tanzania Shadow Report, 2016). Unfortunately, in most cases, customary laws deny inheritance rights to women, widows and daughters (CEDAW Task Force Tanzania Shadow Report, 2016).

Rule 27 of the Local Customary Law 1963 (G.N. 436) excludes widows from inheriting clan land (CEDAW Task Force Tanzania Shadow Report, 2016). In the event of the deceased male spouse, the widow has no inheritance rights to the deceased's estate if he left clan relatives. Her share is to be managed and cared for by her children, as she cared for them (CEDAW Task Force Tanzania Shadow Report, 2016). The widow-inheritance rule, as codified in Rule 62 (CEDAW Shadow Report, 2016) also weakens widows' rights as they can be denied a share of their late husband's assets if they refuse to be inherited by the brother-in-law, who is next in line (CEDAW Task Force Tanzania Shadow Report, 2016). The refusal by the widows has led to property grabbing and the abandonment of widows and their children (CEDAW Task Force Tanzania Shadow Report, 2014).

Widow cleansing which essentially is forced sex between a widow and one of her deceased husband's siblings is another customary practice that negatively impacts widows and increases their risks of contracting HIV/Aids. This is done to "free the widow of the deceased's spirit and ensure a peaceful repose of the [husband's] spirit (CEDAW Task Force Tanzania Shadow Report, 2016).

In the case of daughters, upon the death of her father, inheritance rules state that the daughter is placed in the third degree (lowest grade) and cannot be the primary heirs to her father's estate unless there are no male offspring (CEDAW Task Force Tanzania Shadow Report, 2016). This usually amounts to the daughter inheriting the most unsuitable land and little to no property (CEDAW Task Force Tanzania Shadow Report, 2016).

2. Restricted Physical integrity

The United Republic of Tanzania ratified the Maputo Protocol to the African Charter on Human and Peoples' Rights on March 3, 2007. The Protocol further commits the state to eliminate all forms of violence and systemic, cultural and social barriers that negatively impact the advancement of women. The State also ratified the African Charter on Human and Peoples' Rights (also known as the Banjul Charter) on February 18, 1984. The Charter is an international human rights instrument intended to promote and protect human rights on the continent of Africa. The United Republic of Tanzania is a dualist state and so must pass domestic law to integrate the international treaties.

a) Violence against women

There is no stand-alone legislation that addresses violence against women. The State developed and implemented the National Plan of Action for the Prevention and Eradication of Violence Against Women and Children, 2001-2015 (CEDAW Concluding Observations, 2016). The Gender Mainstreaming Macro Working Groups (GMWGs) have established policy dialogues on gender-based violence and mainland Tanzania is currently reviewing its National Gender Policy to better incorporate gender-based violence (CEDAW Country Report, 2014). The CEDAW, in its Concluding Observations noted concerns about the delays in adopting the gender policies and have called on the State to develop a new national plan of action (CEDAW Concluding Observations, 2016).

A National Multi-Sectoral Committee to Prevent and Respond to Violence against Women and Children has been established on mainland Tanzania and a Multi-Sectoral National Gender-Based Violence Committee has been established on Zanzibar (CEDAW Country Report, 2014). In addition to a community capacity enhancement programme that operates in Zanzibar, these two committees are tasked with informing and shaping government response to violence against children and women (CEDAW Country Report, 2014).

In Zanzibar, a ministerial Gender-Based Violence Committee has been established to help expedite gender-based violence related cases. The Committee is comprised of ministers responsible for education, health, vocational training, women and children and constitutional and legal affairs (CEDAW Country Report, 2014). In addition to this Committee, a few community-based programmes have been established on mainland Tanzania and Zanzibar such as One-Stop Centres that provide free counselling and legal aid services for women and girls in national hospitals and health centres (CEDAW Country Report, 2014).

Women and girls are hesitant to report cases of gender-based violence out of fear of being blamed, shame, not being believed and being treated differently by their communities (Tanzania Human Rights Report, 2015).

b) Domestic violence

There is no law in place that criminalizes domestic violence on mainland Tanzania or Zanzibar and there is no specific national plan of action to address domestic violence (CEDAW Response, 2016). Marital rape is also not criminalized in the Sexual Offences (Special Provisions) Act No. 8 of 1998 or the Penal Code, 2002. The lack of legal provisions prohibiting domestic violence compounded by high rates of sexual and domestic violence; lack of services for victims and survivors and ongoing impunity for alleged perpetrators leads to reluctance to report by women and girls (CEDAW Concluding Observations, 2016).

From 21-23 September 2016, a 3-day meeting with 47 police officers was held in Dodoma, Tanzania. The purpose of the meeting was to develop recommendations for the 2017–2020 Police Gender and Children’s Desks (PGCDs) Action Plan which then fed into the Tanzania Police Force Response to Gender-Based Violence and Violence Against Children: Planning for the Future (Mihyo et. al., 2017). The recommendations covered three primary areas; the infrastructure; training and development; and partnership and public awareness required to adequately address gender-based violence in Tanzania. A training manual to respond to gender-based violence and Standard Operating Procedures (SOPs) was developed to respond to gender-based violence and to help run the Gender and Children’s Desks at various police stations (CEDAW Country Report, 2014). Additional measures include the National Guidelines to prevent and respond to gender-based violence and the National Strategy for Community Sensitization (CEDAW Country Report, 2014).

The CEDAW in its Concluding Observations to the 7th and 8th Periodic Country Reports noted the need for stand-alone legislation and strengthened services to assist victims of domestic violence such as shelters and psychosocial rehabilitation and reintegration programmes (CEDAW Concluding Observations, 2016).

c) Rape

The Sexual Offences (Special Provisions) Act No. 8 of 1998, Part 2, Article 5 (2) addresses the offence of rape. Rape is defined as a male having sexual intercourse with a girl (under the age of 18) or woman without her full consent (including his former wife or partner), provided without fear, intimidation or in a context of intoxication or drugs. without the consent of his wife who is separated from him or without the consent of a girl or woman who is not his wife, where the consent has been obtained using threats, fear, intimidation or while the girl or woman was in unlawful detention, unless proven that there was prior consent, where the consent was obtained while the girl or woman was intoxicated or under the influence of drugs (Sexual Offences (Special Provisions) Act, 1998).

Proof of resistance or physical force is not required and penetration will suffice (Penal Code, 2002). The Penal Code, Cap. 16, 2002 criminalizes spousal rape only upon legal separation and thus fails to criminalize marital rape while the spouses are still together. If convicted of rape, one can face up to life imprisonment and in any case, may face imprisonment for no less than 30 years with corporal punishment (Penal Code, 2002). There are increased penalties for aggravated cases of rape and sexual assault such as gang rape and when the female victim is less than 10 years old (Penal Code, 2002).

Women and girls in Tanzania experience high rates of sexual and domestic violence (HRW, 2015). A 2010 report showed that a large majority of women don't consider a forced sexual encounter to be rape if the woman was intoxicated; if the offender is an intimate partner or if the woman was found to be unfaithful (Muganyizi, 2010). Rape was typically understood as a sexual encounter done by a stranger (Muganyizi, 2010) which helps to perpetuate myths around what constitutes a violation of one's bodily integrity. The report also showed that the reaction to a woman whose labour is in sex work will receive negative social reactions if she is the victim of rape (Muganyizi, 2010).

d) Sexual harassment

The Employment Act No. 11, 2005 as well as the Sexual Offences (Special Provisions) Act No. 8 of 1998, Article 12 address sexual harassment. The latter addresses criminal penalties as well as civil remedies awarded to a survivor of sexual harassment. Someone convicted of sexual assault can be imprisoned for a term not exceeding 5 years or face a fine of no more than two hundred thousand shillings or to both and may be ordered by the court to pay compensation for injuries caused to the person (Sexual Offences Act, 1998).

The Tanzania Women Judges Association (TAWJA) found in its 2009-2011 country report and toolkit, Stopping the Abuse Of Power For Purposes Of Sexual Exploitation (Sextortion), found that due to social and cultural norms that either diminish the seriousness of the act or altogether do not see it as prohibitive, that many victims/survivors of sexual violence may choose not to report out of fear of not being believed or of being shunned (TAWJA, 2011).

e) Female genital mutilation

The Penal Code was amended to align with the Sexual Offences (Special Provisions) Act No. 8 of 1998 that criminalized female genital mutilation done to girls under the age of 18 but as noted in the 2014 CEDAW Country Report, the law fails to protect young women above the age of 18 (CEDAW Country Report, 2014). Customary, religious and traditional laws take precedence over the law and FGM continues to be practiced across the country (CEDAW Task Force Tanzania Shadow Report, 2016).

Medical practitioners, parents and other parents can be held responsible for performing FGM (Penal Code, 2002; Sexual Offences Act, 1998). Section 169A (1) of the Penal Code states that upon conviction, someone found guilty of female genital mutilation can be imprisoned for a term no less than 5 years and no more than 15 and/or pay a fine not exceeding three hundred thousand shillings. The person may also be ordered to pay compensation, an amount to be determined by the court, towards the person who suffered the injury (Penal Code, 2002).

The implementation and amendment of laws has been accompanied by the State engaging in public awareness campaigns and media programmes to help end FGM (CEDAW Country Report, 2014). By using community media and traditional village leaders, the State has been able to reach villages and those who perform FGM. The State has also devised programmes that provide alternative sources of income for those who practice FGM as part of their livelihood (CEDAW Country Report, 2014).

Social norms in Tanzania place a high value on a young girl's virginity and her entry into womanhood, and there is thus a strong nexus between early marriage and FGM (28 Too Many, 2013). Practices of

FGM also continue as forgoing such important milestones in the community can lead to social exclusion and mockery and is justified by community members as a desire to fulfill one's commitment to society (WHO, 2010).

f) Abortion

The Penal Code, Cap. 16 RE 2002, articles 150-152 criminalizes abortion in Tanzania and does not make explicit exceptions for cases of rape, incest or when the abortion procedure is needed to save the physical or mental health of the mother, child (Penal Code, 2002). However, in the State's response to the List of Issues flagged by the CEDAW, it stated that abortion will be performed to "save the life of the woman, to preserve physical health, and/or to preserve mental health in cases like rape, incest, risk to the health of the mother and severe fetal impairment" (Country Reply to CEDAW, 2016).

Tanzania has one of the highest rates of maternal mortality in the world and unsafe and botched abortions is one of the primary reasons (Keogh, 2015). In practice, the restrictive and ambiguous nature of the law has led many women to seek clandestine and unsafe abortion services which contributes to maternal mortality and other health complications (Keogh, 2015). It is unclear whether authorization is required from more than one provider to proceed with the abortion causing confusion among health care providers and women left in fear of being prosecuted (Keogh, 2015). The unwillingness to speak about abortion, coupled with limited accessible services; the ambiguity of the law and the preservation of gendered expectations around women and procreation makes it more difficult for women to seek safe and affordable abortion and post-natal services (Keogh, 2015; Rwebangira, 1996).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

All married women have equal legal rights to own, use, administer and use as collateral, land assets (Marriage Act, 1971) and the Land Act, 1999 and the Village Act, 1999 help ensure equal legal rights for unmarried women. This right is restricted however as the National Land Policy, 1997 which states that family land will be governed by "custom and tradition" (National Land Policy, 1997).

Tanzania has attempted to improve women's land and succession rights by introducing the Law of Marriage Act of 1971, the Land Act No. 5 Cap. 113, 1999 and the Village Act No. 4, 1999. The Law of Marriage Act tries to protect married women's access to marital property and part 10, section 112 (3) of the Land Act requires that both spouses living in the matrimonial home consent to the mortgage of the home (Land Act, 1999). Section 161 of the Land Act goes on to affirm spousal co-ownership of family land (Land Act, 1999). The Land Act's presumption of spousal interest is not well implemented and fails to address the eviction of widows from the matrimonial home (TAWLA, 2014).

In addition to weak implementation, discriminatory customary laws have led to inequalities in land use and ownership between men and women. Rule 5 of the Local Customary Law excludes widows and daughters from being administrators of the deceased's estate. It prioritizes a senior male in the

clan or a son retention's rights over the property which often leads to the widows and daughters being disproportionately impacted (CEDAW Task Force Tanzania Shadow Report, 2016).

In the event of a divorce, women and men do not have the same rights to own, use, make decisions and use as collateral land and non-land assets (Customary Declaration Order, 1973).

The state has implemented a rural development strategy to address the economic, political and social needs of rural women. However due to a lack of institutional support and gendered and patriarchal customs and beliefs, rural women remain disproportionately impacted (CEDAW Task Force Tanzania Shadow Report, 2016).

To address discrimination faced by rural women and land ownership, Zanzibar's Ministry of Land implemented the Zanzibar Land Policy (1992), the Land Act (1993), the Zanzibar Land Tribunal Act (1994) and the Zanzibar Water Policy however these laws and policies do not explicitly name the distinction between men and women (CEDAW Country Report, 2014). The Land Tribunal, Land Restriction Board and the Land Registrar Tribunal are the bodies that enforce these laws and policies (CEDAW Country Report, 2014).

Social and cultural norms also help fuel discrimination against girls and children born out of wedlock where it is believed that they cannot own or inherit from their deceased parents as opposed to those born in wedlock (CEDAW Country Report, 2014). The State has carried out legal literacy programmes, particularly in rural areas, on women's land and property rights to help address some of these perspectives and practices (CEDAW Country Report, 2014).

b) Secure access to formal financial resources

Though all women and men have equal access to open accounts with financial and banking institutions, rural women are disproportionately impacted due to the low density of banks where they live and due to the high, prohibitive interest rates (CEDAW Task Force Tanzania Shadow Report, 2016). Poor public infrastructure such as inaccessible roads also prohibit banking and financial institutions from establishing branches in rural areas. Similar barriers exist for women wanting to register a business for though the letter of the law states that they have equal access to men, most rural women do not have the title deeds to their land and do not own property and assets to offer as collateral therefore compromising their access (CEDAW Task Force Tanzania Shadow Report, 2016).

In several districts in Tanzania, the economic empowerment programme through the establishment of Village Community Banks (VICOPA) has helped to increase access to financial and banking institutions for many women however not many rural women are able to physically access these programmes and spaces (CEDAW Task Force Tanzania Shadow Report, 2016). The establishment of the Empowerment Funds by the State also helps to ensure that soft loans are provided to women entrepreneurs and small-scale producers (CEDAW Country Report, 2014).

The Tanzania Women's Bank (TWB) was officially opened in September 2009 and offers a range of banking services to low-income earners, small and medium-sized businesses and enterprises, most of whom are women. The limitation of the TWB is that it primarily serves women in the urban

centres through its 4 locations and fails to address the needs of rural women (CEDAW Country Report, 2014).

Though all women and men have equal rights to credit, inequitable access to land ownership impacts women's access to collateral to be used for credit purposes.

c) Workplace rights

The Employment and Labour Relations Act, 2004 prohibits sex and gender discrimination in the workplace and emphasizes equality between women and men. Section 7 lists an extensive list of prohibited grounds of discrimination such as race, gender, colour, religion, social origin or status, age, place of origin, national extraction, political opinion, marital status, pregnancy, disability, HIV/AIDS status real or perceived (Employment Standards Act, 2004). According to the Women's Legal Aid Center, some women did not report incidents of sexual harassment and workplace violence due to cultural norms that place the blame on the victim/survivor (US Human Rights Report, 2016). A woman's decision to report is also impacted by the low investigative and prosecutorial rates on the part of the police and justice system (US Human Rights Report, 2016).

Article 10 of the Employment and Labour Relations Act, 2004 mandates equal pay for work of equal value however as noted in the CEDAW's Concluding Observations, that article is not being effectively and properly implemented contributing to a worsened gender wage gap (CEDAW Concluding Observations, 2016).

All women and men are free to enter any occupation and register a business however, women tend to be concentrated in lower-wage jobs and horizontal and vertical occupational segregation limits women's mobility within the workforce (CEDAW Concluding Observations, 2016). An example of gendered expectations regarding what jobs are appropriate for women is with the example of farmers. In Tanzania, women produce the majority of the food however, farming is still perceived as a man's job (Stop Aids, 2017). Oxfam helped support the broadcast of a show in search of a 'female food hero' to help challenge these gendered stereotypes around farming and to illuminate the critical role played by women farmers and the barriers that they face (Stop Aids, 2017).

The labour market is largely comprised of part time workers called *vibaruas*. These *vibaruas* are precariously employed as they have no job security, have no contracts and are employed for short periods of time (Tanzania Human Rights Report, 2015). Unfortunately, *vibaruas* cannot seek protections from the Employment and Labour Relations Act because the legislation fails to protect workers employed for less than 6 months (Tanzania Human Rights Report, 2015). It is unclear what proportion of women are *vibaruas* however, considering that a disproportionate number of women are in the low-wage, informal sector, it can be assumed that women are most impacted. Reports of gender-discrimination regarding wages, promotions and the enforcement of legal protections are frequent in the private and informal sectors where many women are employed (US Human Rights Report, 2016).

The National Employment Policy, 2008 stresses the need for better jobs and affirmative action which is already allowed under section 10 (2)(a) of the Employment and Labour Relations Act, 2004.

Though section 6 allows for the introduction of an affirmative action plan, employers are not mandated to report hiring statistics based on gender (Employment Standards Act, 2004).

Mandatory, maternity leave paid at 100% of the average daily earnings is protected in the Employment and Labour Relations Act where women will be granted 12 weeks with the possibility of an additional leave (up to 100 days) in the event of multiple births (Employment Standards Act, 2004). A woman's job security is also protected while she is on maternity leave but the employer is only required to grant 4 terms of maternity leave to any one female employee (Employment Standards Act, 2004). An employee is also able to take 3-days paid paternity leave if he is the father and the leave must be taken within 7 days of the birth of the child (Employment Standards Act, 2004).

4. Restricted Civil liberties

A constitutional review process was scheduled for 2014 and if successful, among other advancements, would have resulted in an expanded definition of the term, discrimination, to include both direct and indirect discrimination in compliance with CEDAW, Article 1 (CEDAW Country Report, 2014). Unfortunately, that review process was stalled in 2015 (CHRAGG Shadow Report to CEDAW, 2016).

a) Citizenship rights

Article 9 (g) of the Constitution mandates the State to implement its programmes and policies in a way that guarantees equal opportunities for all citizens, men and women, regardless of their religion, colour, tribe or station in life (Constitution Act, 1977). Articles 12 and 13 go on to emphasize the equality of all citizens and lists a set of prohibited grounds of discrimination such as nationality, tribe, place of origin, political opinion, colour, religion or station in life and fails to name sex and gender (Constitution Act, 1977).

Women have equal rights as men to acquire and retain their nationality (Tanzania Citizenship Act, 1995). However, Tanzanian women are not able to confer nationality to their foreign male spouse and children, a right guaranteed to Tanzanian men (Citizenship Act, 1995).

Article 6 of the Law of the Child Act 2009 protects women's rights to register the birth of the children, including delayed registrations as per the Registration and Identification of Persons Act.

The Registration and Identification of Persons Act, (Act No.11 of 1986) Revised Edition 2012 provides for equitable access to apply for identity cards and the Tanzania Passports and Travel Documents Act, 2002 ensures equitable access to apply for passports and travel documents for both men and women and for their children. All women and men have the same rights to travel outside of the country (Constitution Act, 1977).

b) Voting

All women and men have equal rights to participate in public affairs as per the Constitution (Part 3, Section 21) and Chapter 1, Section 5 (1) states that any citizen above the age of 18 is entitled to vote in any elections (Constitution 1977). One's participation in public affairs can be restricted by the

Parliament if the person is a citizen of another state, mentally infirm, has been convicted of certain criminal offences or omits or fails to prove or produce necessary evidence indicating age, citizenship or registration as a voter (Constitution 1977, Section 5).

Neither the Constitution nor the National Elections Act stipulates how the right to vote can be exercised for marginalized communities such as those who are hospitalized and those imprisoned (Tanzania Human Rights Report, 2015). In practice, the right to vote can only be exercised by those who are able to physically present themselves at the polling stations which also impacts people with disabilities who may not be able to show up at the polling station and who are not guaranteed measures to facilitate their ability to vote (Tanzania Human Rights Report, 2015).

The National Electoral Commission is tasked with providing civic education to citizens however a report by the Tanzania Civil Society Consortium for Election Observation has found that a limited number of people have received civic education and training (Tanzania Human Rights Report, 2015). These low numbers were attributed to voter apathy and limited understanding and knowledge of the voting process and how to access the education (Tanzania Human Rights Report, 2015). An example of how a lack of civic education has led to the degrading treatment of women involves the publishing of an advertisement where a man bonded his wife to another man based on the outcomes of the Presidential race (Tanzania Human Rights Report, 2015). This would seem to imply that in practice, not all women are seen as full citizens in Tanzania.

c) Political voice

Women and men have the same rights to hold public and political office at all levels of government and legal quotas are specifically named to increase women's political participation at the national and local levels (Constitution Act, 1977; Constitution Act, 1984). The local level in the case of mainland Tanzania and Zanzibar refers to councils at the village and ward levels (CEDAW Country Report, 2014).

Regulation 4 of the Public Service Regulations (2003) also mandates that women be included on the Public Service Commission. The Village Land Act (1999) requires that out of the five or seven (7) members of the village land council be women. One of the shortcomings of these special seats is that they were never established with the intention to address historic wrongs and exclusion but instead to expand representation of voices under a one-party regime (African Woman and Child Features Service, 2010). Women Members of Parliament were also not expected to consult with the constituencies that they represent and who voted them in and they are expected to do their jobs with unclear terms of reference to guide their work. The seats also do not guarantee a transformation of the processes that continue to exclude and discriminate against women (African Woman and Child Features Service, 2010).

The Initiative of Tanzanian Women Cross Party Platform (TWCP) also reported incidents of sexual, psychological and physical violence experienced by women during the 2015 elections (Tanzania Human Rights Report, 2015). Women also reported facing threats and coercion thus further undermining their participation in political processes (Tanzania Human Rights Report, 2015).

On September 8th, 1997, the United Republic of Tanzania signed a Declaration by Heads of State or Government of Southern African Development Community (SADC). The SADC Declaration on Gender and Development binds member states to have in place an affirmative action program and plan to promote women's participation in politics (CEDAW Country Report, 2014).

Mainland Tanzania is currently reviewing its National Gender Policy to better incorporate the equal representation of women in decision making process and bodies (CEDAW Country Report, 2014).

Awareness-raising programmes about the importance of women's participation in decision-making processes and political life have been implemented by the State however insufficient financial and human capacity and support impact the effectiveness of such programmes (CEDAW Country Report, 2014). There are also some cultural norms and practices that negatively impact a woman's decision to participate in public processes and politics. Some gendered beliefs include, "a woman can be judged twice harshly to be half as good as a man." Some women voters have also said, "You better go for special seats, not here in the constituency: it is a place for men." (African Woman and Child Features Service, 2010).

d) Access to justice

All women and men have the same capacity to sue and to be sued (Law of Contract (CAP 345)). Access to justice has disproportionately impacted women - in particular, women in rural areas - where high legal fees, unavailability of courts, lack of legal literacy serve as barriers (CEDAW Concluding Observations, 2016). Regarding Zanzibar, the State party has undergone a review of the Kadhi's Court Act (1985) to ensure that men and women have equal access before the Kadhi's Court (CEDAW Country Report, 2014). A Kadhis Court has jurisdiction in determining legal questions of Muslim law regarding marriage, divorce, personal status and inheritance where all parties profess the Muslim religion (Kadhi's Act, 1985).

Paralegals are now located in every constituency in Tanzania and Zanzibar to fill a gap in legal service provision for women and girls (Tanzania Response to List of Issues, 2016). In addition to paralegals, One-Stop centres have been established in hospitals to provide free counselling and legal aid services to women and girls helping to advance access to justice for women and girls.

The government has made efforts to enact the Legal Aid Act (Legal Aid Bill) and policy which will allow paralegals to provide legal aid services to those in need (CEDAW Country Report, 2014). The Legal Aid Bill was passed in March 2017 and is a key tool in providing justice for women and girls by recognizing paralegals nationally who play help fill the gap created by limited trained lawyers.

A Legal Aid Secretariat has been established under the Legal Sector Reform Programme to coordinate legal aid services. Funding and technical support has been provided to several legal aid centres run by non-governmental organizations and volunteers to increase access to services for women in rural and urban areas of Tanzania (CEDAW Country Report, 2014).

The Zanzibar Legal Service Centre also conducted a 2-year paralegal course which has resulted in at least one trained paralegal present in each Constituency (CEDAW Country Report, 2014). Zanzibar is

also developing a National Legal Aid Policy under the National Legal Sector Reform Programme to provide legal aid services to women and children (CEDAW Country Report, 2014).

The Commission for Human Rights and Good Governance was established in 2001 to serve as both the office of the ombudsman and as a human rights commission (CHRAGG Act, 2001). The Commission has very broad powers but does not have the power to prosecute cases though it can make recommendations to other offices regarding human rights violations. The Commission can also call media attention to public complaints and human rights violations in Tanzania and Zanzibar. Unfortunately, due to a lack of institutional support faith from the government, the effectiveness of the Commission has been limited (CHRAGG Shadow Report, 2016).

Incongruence between formal and customary legal mechanisms has led to inconsistent and inequitable access to justice for women and girls based on their ethnic group. Overall, Tanzania has attempted to address gender discrimination by implementing and revising relevant pieces of legislation however the state's attempt to respect the multiple forms of customary law and practices makes this difficult. The attempts to negotiate these sometimes conflicting legal paradigms also requires a transformation of social norms, practices and attitudes to truly impact the lives of women and girls. The CEDAW has noted the need for Convention compliant legislation that regulates the relationship between formal and customary justice mechanisms to be implemented (CEDAW Concluding Observations, 2016).

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