

TANZANIA WOMEN'S RIGHTS SITUATION 2016



Dar es Salaam
TANZANIA





TANZANIA WOMEN'S RIGHTS SITUATION REPORT OF 2016

PUBLISHER

Women in Law and Development in Africa (WiLDAF)

Mikocheni "A" area, P.O Box 76215, off Chwaku street, Block F, Plot No.635

Dar es Salaam Tanzania.

Tel: +255 22 270 1995 | wildaf_tanzania@yahoo.com

info@wildaftanzania.org | www.wildaftanzania.org

RESEARCHER & REPORT WRITER:

Adv. Clarence KIPOBOTA

LEDECO Advocates

GRAPHICS DESIGN & LAYOUT

Tibasima Arts Investment Ltd.

© WiLDAF, 2017





Tanzania Women's Rights Situation 2016





Key Message of the Year 2016

**'Women are the Most Precious Resource,
Let us Empower them Now'**



TABLE OF CONTENTS

LIST OF TABLES AND FIGURES	x
List of Tables.....	x
List of Figures	xii
ACKNOWLEDGEMENTS	xv
LIST OF ABBREVIATIONS AND ACRONYMS	xiv
PREFACE	4
 CHAPTER ONE	 6
GENERAL INTRODUCTION	6
1.1 BRIEF HISTORY, GEOGRAPHIC AND TOPOGRAPHIC FEATURES OF TANZANIA.....	6
1.2 POPULATION AND ITS IMPACTS ON GENDER RELATIONS	11
1.3 NATIONAL ECONOMIC SITUATION: FISCAL POLICIES AND IMPLICATIONS TO WOMEN'S RIGHTS	16
1.3.1 <i>Macro-Economic Developments</i>	21
1.3.2 <i>Micro-Economic Developments</i>	21
1.4 NATIONAL GOVERNANCE MACHINERIES	22
1.4.1 <i>Executive</i>	22
1.4.2 <i>Legislature</i>	24
1.4.3 <i>Judiciary</i>	24
1.5 STUDY FOR THIS REPORT AND ANALYTICAL FRAMEWORK	25

CHAPTER TWO	28
WOMEN SITUATION IN CIVIL AND POLITICAL RIGHTS	28
2.1 INTRODUCTION TO CIVIL AND POLITICAL RIGHTS	28
2.2 POLITICAL EMPOWERMENT OF WOMEN AS CAPACITY ENHANCEMENT	30
2.3 PROGRESS TOWARDS ACHIEVING BEIJING PLATFORM FOR ACTION'S POLITICAL TARGETS	33
2.4 STATUS OF WOMEN'S PARTICIPATION IN POLITICAL AND OTHER LEADERSHIP POSITIONS	35
2.4.1 <i>Uneven Progresses Among African Countries</i>	35
2.4.2 <i>Tanzania: Progressing Front and Backwards in Women's Political Participation</i>	42
2.4.3 <i>Women's Representation in Other Decision Making Bodies – Public Sector</i>	46
CHAPTER THREE	49
WOMEN SITUATION IN ECONOMIC RIGHTS	49
3.1 INTRODUCTION TO ECONOMIC RIGHTS	49
3.2 STATUS OF WOMEN'S ECONOMIC EMPOWERMENT: CASE OF NEEC	52
3.3 EFFECTS OF POVERTY TO WOMEN AND STATUS OF ERADICATION EFFORTS	61
3.3.1 <i>General Trend of Poverty and Eradication Efforts</i>	61
3.3.2 <i>Human Trafficking and Smuggling of Immigrants as Income Poverty Issue</i>	64
3.3.3 <i>Prostitution as Poverty Issue: Case of Ukerewe Island's Fishing Engagements</i>	78
3.3.4 <i>Poverty and Child Domestic Working</i>	86
3.4 WOMEN'S ACCESS TO AND MANAGEMENT OF LAND AND OTHER RESOURCES	91
3.4.1 <i>Access to and Management of Land</i>	91

3.4.2	<i>Access to and Management of Other Resources: Case of Oil, Gas and Minerals</i>	91
3.5	ENFORCEMENT OF EMPLOYMENT AND LABOR RIGHTS FOR WOMEN	112
3.6	WOMEN IN AGRICULTURE, PASTORALISM, FISHING AND TRADE	120
3.6.1	<i>Women in Agriculture</i>	120
3.6.2	<i>Women in Pastoralism</i>	127
3.6.3	<i>Women in Fishery</i>	129
3.6.4	<i>Women in Urban Trade</i>	130
3.7	ACCESS TO CREDIT AND OTHER FINANCIAL SERVICES	138
3.8	WOMEN'S RIGHT TO ENERGY	143
3.9	WOMEN'S ACCESS TO AND USE OF ICT	150
CHAPTER FOUR		157
WOMEN SITUATION IN SOCIAL AND CULTURAL RIGHTS		157
4.1	INTRODUCTION TO SOCIAL AND CULTURAL RIGHTS	157
4.1.1	<i>Essence of Social and Cultural Rights for Women</i>	157
4.1.2	<i>National Laws and Policies of Social and Cultural Rights</i>	160
4.2	RIGHT TO QUALITY HEALTH CARE SERVICES	163
4.3	RIGHT TO QUALITY EDUCATION	163
4.3.1	<i>Essence and State's Obligations on the Right to Education</i>	165
4.3.2	<i>Some Achievements: Case of Implementation of Free Education Policy – HakiElimu's Analysis</i>	183
4.3.3	<i>Some Positive Trends on Enrolment Rates: Case of Hanang District, Arusha Region</i>	187
4.3.4	<i>Some Positive Trends on Girls' Performances: Case of Rungwe District, Mbeya Region</i>	191

4.3.5	<i>Incoherent Education System in Refugee Camps: Case of Nyarugusu, Kasulu, Kigoma Region</i>	194
4.3.6	<i>Selected Performance Indicators on General Trend of Females' Access to Education in 2016</i>	197
4.3.7	<i>Situation of Higher Education: Access to HESLB Students' Loans - Media Survey</i>	202
4.4	RIGHT TO CLEAN AND SAFE WATER	206
4.5	FOOD SECURITY AND NUTRITIONAL RIGHTS	213
4.5.1	<i>Food Security as Human and Gender Right</i>	213
4.5.2	<i>General Situation on Availability of Food in 2016</i>	215
4.5.3	<i>Food Insecurity as Gender Rights Concern: Summary of TDHS 2015/2016 Report</i>	220
CHAPTER FIVE		224
STATUS OF THE ENFORCEMENT OF WOMEN-RELATED RIGHTS		224
5.1	SCOPE AND OBLIGATION TO AN ENFORCEMENT OF WOMEN'S RIGHTS	224
5.2	STATUS OF RATIFICATIONS, DOMESTICATION AND IMPLEMENTATION OF INTERNATIONAL TREATIES	226
5.3	LAW ENFORCEMENT: CONSIDERATION OF THE INSTITUTIONAL AND LEGAL FRAMEWORKS	231
5.4	STATUS OF IMPLEMENTATION OF EXECUTIVE MEASURES ON WOMEN'S RIGHTS	238
5.5	STATUS OF IMPLEMENTATION OF UN'S STRATEGIC DEVELOPMENT GOALS (SDGS) 2030	240
CHAPTER SIX		242
SUMMARY OF MAIN FINDINGS, GENERAL RECOMMENDATIONS AND CONCLUSION		242
6.1	SUMMARY OF MAIN FINDINGS – TREND ON WOMEN'S RIGHTS IN 2016	242

Tanzania Women's Rights Situation 2016

6.1.1	<i>General Country's Economic Situation – 2016</i>	243
6.1.2	<i>Women's Rights to Leadership Positions – 2016</i>	244
6.1.3	<i>Women's Rights to Economic Development – 2016</i>	244
6.1.4	<i>Women's Rights to Social Services – 2016</i>	244
6.2	GENERAL RECOMMENDATIONS	246
6.3	CONCLUSION	247
REFERENCE		249
Publications Including Internet Sources		249
Local Newspapers		258
Laws and Regulations of Tanzania		259
National Policies, Strategies, Plans and Guidelines		262
National Strategies, Plans and Guidelines		262
International Laws and Declarations		263
Judicial Cases (of Tanzania) Referred		265

LIST OF TABLES AND FIGURES

List of Tables

Table 1.1:	Increase of People in Poverty between 2001 and 2012 Mainland Tanzania.
Table 2.1:	Top Leadership and Decision-Making Positions in Tanzania by Sex from 2004 to 2016.
Table 2.2:	Proportion of Women in other Key Decision-Making Positions in Tanzania (2004 - 2016).
Table 3.1:	MSMEs Definition in Tanzania.
Table 3.2:	Kahama District's Women and Youth Groups Supported by KDC 2013-2016.
Table 3.3:	Estimated Proportion of Population in Modern Slavery (<i>Human Trafficking</i>) – East African, 2016.
Table 3.4:	Purported Causes of Trafficking in Persons in Tanzania - 2016
Table 3.5:	Some of Prostitution Pricing Lists and Criteria, Gana Hamlet, Kamasi, Ukerewe Island.
Table 3.6:	Employment by Sector and Sex – ILFS' of 2006 and
Table 3.7:	Number and Percentage of Households with at Least One Member with Income from Specified Sources by Area, Tanzania Mainland, 2014.
Table 3.8:	Production of Food Crops (Tonnes), Tanzania Mainland.
Table 3.9:	Percentage Distribution of Households by Source of Energy for Lighting, Tanzania Mainland.
Table 3.10:	Percentage Distribution of Households Connected to Electricity by Region, Place of Residence and Sex, 2016.
Table 3.11:	Tanzania Mobile Money Subscriptions as of June 2016.

Table 4.1:	Selected Pharmaceutical Related Services' Indicators – 2015/ 2016.
Table 4.2:	Number of Administrative Units against the Number of Health Care Facilities – Tanzania.
Table 4.3:	Percentage of Births Delivered in Formal Health Care Systems – 2015/ 2016 Indicators.
Table 4.4:	Nature and Situation of Child Mortality in Ukerewe and Rungwe Districts, 2015-2016.
Table 4.5:	Proximity Status of Health Care Facilities and Time Spent to Access those Facilities.
Table 4.6:	Performance of Standard Seven Examinations – Hanang District.
Table 4.7:	Registration for National Examination – Male and Female Students, Rungwe, Mbeya Region, 2015- 2016.
Table 4.8:	Status of Enrolment, Dropouts and Completion Levels (Primary School), 2010-2016, Ukerewe District, Mwanza Region.
Table 4.9:	Time Spent by Rural Women to Fetch/ Access Water Points, Manyara and Arusha Regions – 2015 and 2016.
Table 4.10:	National Food Reserve Agency (NFRA) Stock, 2011 – 2016.
Table 4.11:	Production of Food Crops (Tones), Tanzania Mainland.
Table 5.1:	The Reporting Status to CRPD's Committee - East Africa Countries as of 2016.

List of Figures

- Figure 1.1: Some regions of Tanzania Mainland and Zanzibar.
- Figure 1.2: The Tanzanian National Parks, Game Reserves and Minerals.
- Figure 1.3: Tanzania Population Trend in Million: From Year 1967 to 2015.
- Figure 1.4: Percentage Share of Household Headship between Males and Females Aged 10 Years or Above by Marital Status; Tanzania, 2012 Census.
- Figure 1.5: GDP Growth Performance in Tanzania since 2006.
- Figure 1.6: Tanzania Annual GDP Growth Rate (%) – Forecast to 2020.
- Figure 1.7: Trends in Resource Gap (in TZS Billion) and volatility in budget deficit % of GDP.
- Figure 2.1: Percentages of Women Aspirants for Parliamentary Positions of Major Political Parties – Last Three General Elections in Tanzania.
- Figure 2.2: Employed Persons in Various Sectors.
- Figure 2.3: Proportion of Women in other Public Institutions, 2016.
- Figure 3.1: Women in Management and Ownership, 2013.
- Figure 3.2: Poverty Headcount Rates by Area (Percent); and, Extreme Poverty Headcount Rates by Area (Percent).
- Figure 3.3: Status of Land Titles Granted to Females and Males in Hanang District, 2015-2016.
- Figure 3.4: Some of the Mining Sites in Tanzania.
- Figure 3.5: Gas Pipeline from Mtwara to Dar es Salaam; and, Gas Production Forecast.
- Figure 3.6: Revenues Received from Gas Sales from Songo Songo and Mnazi Bay Years 2010 – 2015 (in Million USD).

Figure 3.7: Estimated Global (and Tanzanian) Labor Force Participation Rate, Persons Aged 15+ Years, by Sex, 1995 to 2015 (and 2007 to 2016) – in Percentage.

Figure 3.8: Percentage of Inactivity Rate Trend in Tanzania, 2007-2016.

Figure 3.9: Women in Management and Ownership of Firms in Tanzania.

Figure 3.11: Mean Exchange Rate 2001-2015 (TZS to 1 USD) & Tanzania's Inflation Rate (%).

Figure 3.12: Sources of Loans.

Figure 3.13: Percentage Distribution of Households Connected to Electricity of Any Form by Place of Residence, Tanzania Mainland, 2016.

Figure 3.14: Internet Penetration Rates – Global Data, Gender, 2016.

Figure 3.15: Tanzania Mobile Phone Subscription by June 2016.

Figure 3.16: Percentage (%) Distribution of Ownership of ICT's Related Assets by Private Households and Sex of Household Head.

Figure 4.1: Satisfaction with Government Management of Social Service Delivery, 2003–2014.

Figure 4.2: Disaggregation of Ministry of Health's Development Vote, Pharmaceutical Services, 2016/2017.

Figure 4.3: Enrolment of Learners in Basic Education Sector by Level and Sex, 2016.

Figure 4.4: Universities' Pass Rate for 2011/2012 – 2014/2015 Academic Years.

Figure 4.5: Trend of Loan Allocation to Higher Education Students 2012/13 – 2016/17.

Figure 4.7: Regional Comparison in % of Population with Access to Improved Water Source (2014).



Tanzania Women's Rights Situation 2016

Figure 4.8: Households by Distance to the Sources (Points) of Drinking Water and Area (in Percentages)

Figure 4.9: Trends in the Shares of Priority Sectors in the Total Budget; and, Trend in the Budgetary Allocation to the Water Sector (TZS Billion).

Figure 4.10: Tanzania Food Self Sufficiency Level Performance, 2010/11 - 2014/15.

Figure 4.11: Trends in Children's Nutritional Status 1991-2016.



ACKNOWLEDGEMENTS

Once again, many people have contributed quite tremendously to the accomplishment of this report. We, WiLDAF, thank them all for their precious time spared for our researchers; and, useful data and information availed on the situation of women's rights in Tanzania.

Special thanks to M/s. LEDECO Advocates, a consulting firm in Tanzania, for undertaking this study under the leadership of Adv. Clarence Kipobota, his main assistants Ms. Evodia Matagi and, Ms. Yvonne Matui as well as other members of technical unit including the statistician, linguistic and research field coordinators in all sampled areas.

Moreover, sincere gratitude goes to all respondents who devoted their time to talk to the study team in all sampled regions (and districts) of Mbeya, Dar es Salaam, Mtwara, Kigoma, Shinyanga, Mwanza, Iringa, Manyara, Morogoro, and Tanga. Such respondents include district and municipal councils; government agencies; ward and village executive officers; police; civil society organizations; community based organizations; private companies; farmers' groups; traders' groups; and, individual persons as referred in this report.

We are also appreciating the generous support from all development partners who supported this work, especially the Irish Aid. It is our hope that the findings on women's rights situation for the year 2016 will contribute further to the protection and promotion of women's rights in Tanzania, and therefore, improve their livelihood to engage effectively in their personal and national developments.



LIST OF ABBREVIATIONS AND ACRONYMS

ACHPR	African Charter on Human and Peoples Rights
AfDB	African Development Bank
AIDS	Acquired Immune Deficiency Syndrome
AITF	Agricultural Inputs Trust Fund
ARCU	Arusha Reginal Cooperative Union
ARV	Antiretroviral therapy
ASDP	Agriculture Sector Development Program
ASDS	Agricultural Sector Development Strategy
BMI	Body Mass Index
BPFA	Beijing Platform for Action
CAT	Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment of 1987
CCM	Chama Cha Mapinduzi
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CEMDO	Community Environmental Management and Development Organization
CHADEMA	Chama cha Demokrasia na Maendeleo
CHRGG	Commission of Human Rights and Good Governance
CIF	Climate Investment Fund
CRC	UN Convention on the Rights of the Child of 1989
CRO	Customary Right of Occupancy (of Land)
CRPD	Convention on the Rights of Persons with



	Disabilities of 2006
CSOs	Civil Society Organization
CUF	Civic United Front
DfID	Department for International Development
DLHT	District Land and Housing Tribunals
DPP	Director of Public Prosecutions
Dr.	Doctor
EAC	East African Community
Eds.	Editors
ESRF	Economic and Social Research Foundation
EU	European Union
FAO	Food and Agricultural organization
FCS	Foundation for Civil Society
FGM	Female Genital Mutilation
FY	Financial Year or Fiscal Year
FYDP	Five Years Development Plan
G.N	Government Notice
GBV	Gender Based Violence
GDP	Gross Domestic Product
GRO	Granted Right of Occupancy (of Land)
H.E	His Excellence
HESLB	Higher Education Students' Loan Board
HIV	Human Immunodeficiency Virus
Hon.	Honourable
ICCPR	International Covenant on Civil and Political Rights of 1966



Tanzania Women's Rights Situation 2016

ICESCR	International Convention on Economic, Social and Cultural Rights of 1966
ICGLR	International Conference on the Great Lakes Region
ICTs	Information and Communication Technologies
ILFS	Integrated Labor Force Survey
ILO	International Labor Organization
IMF	International Monetary Fund
IOM	International Organization for Immigration
IPEC	International Program on the Elimination of Child Labor
ITU	International Telecommunication Union (Switzerland)
KDC	Kahama District Council
KNCU	Kilimanjaro Native Cooperative Union
KYECU	Kyela Cooperative Union
LGA	Local Government Authority
LHRC	Legal and Human Rights Center
LSF	Legal Service Facility
MDGs	Millennium Development Goals
MEF	Mwananchi Empowerment Fund
Mhe.	Mheshimiwa/ Honorable
MKUKUTA II	Mkakati wa Kupunguza Umaskini na Kukuza Uchumi Tanzania II
MSMEs	Small and Medium Size Enterprises
NBS	National Bureau Standards
NCCR	National Convention for Construction and Reform



NEC	National Electoral Commission
NECTA	National Examinations' Council of Tanzania
NEEA	National Economic Empowerment Act of 2004
NEEC	National Economic Empowerment Council
NEEF	National Economic Empowerment Fund
NEEP	National Economic Empowerment Policy of 2004
NFRA	National Food Reserve Agency
NGOs	Non-Governmental Organization
No.	Number
NSGD	National Strategy for Gender Development of 2005
NSSF	National Social Security Fund
ODI	Overseas Development Institute
OHCHR	Office of High Commissioner on Human Rights
OSC	One Step Center
OUT	Open University of Tanzania
PGCD	Police Gender and Children's Desk
PWDs	Person with Disabilities
REA	Rural Energy Agency
SACCOS	Saving and Credit Cooperative Society
SADC	Southern African Development Commission
SET	Supporting Economic Transformation
SGBV	Sexual and GBV
SSA	Sub-Saharan Africa



Tanzania Women's Rights Situation 2016

SWO	Social Welfare Officer
TANESCO	Tanzania Electricity Company
TASAF	Tanzania Social Action Fund
TAWLA	Tanzania Women Lawyers Association
TCRA	Tanzania Communication Regulatory Authority
TCU	Tanzania Commission of Universities
TDHS	Tanzania Demographic and Health Survey
TDHSM	Tanzania Demographic and Health Survey and Malaria Indicator Survey
TGNP	Tanzania Gender Networking Programme (CSO)
THBS	Tanzania Household Budget Survey
THDR	Tanzania Human Development Report
TPF-Net	Tanzania Police Female Network
TWB	Tanzania Women's Bank
TZS	Tanzanian Shillings
UDHR	Universal Declaration of Human Rights of 1948
UDOM	University of Dodoma
UDSM	University of Dar es Salaam
UK	United Kingdom
UKAWA	Umoja wa Katiba ya Wananchi (Union of Peoples' Constitution)
UN	United Nation
UNECA	United Nations Economic Commission for Africa



UNHCR	United Nations High Commissioner for Refugees
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
URT	United Republic of Tanzania
USA	United States of America
USAID	United States Agency for International Development
USD	United States of America Dollars
VAC	Violence against Children
VAW	Violence against Women
VAWC	Violence against Women and Children
VICOBA	Village Community Bank
VLC	Village Land Council
Vs.	Against
WHO	World Health Organization
WiLDAF	Women in Law and Development in Africa
WLAC	Women Legal Aid Center

PREFACE

This is the third (3rd) annual women's rights report in a row. The first (1st) edition was released in 2014 and it was one of its kinds in Tanzanian gender rights history – to be the first report which specifically and comprehensively maps out women's rights situation in the country. The second edition was published in 2015. It should be noted that, the 2016 report is also published as part of the implementation of WiLDAF's Strategic Plan's objective of mapping and sharing of gender rights situation for the purpose of positive reforms.

This report contains both primary and secondary data and information collected from various credible sources within and outside the country. It is a follow-up of the issues highlighted in previous studies (reports) and suggests areas, which still need further improvements. The aim of this report is to gauge progress reached against the previous reporting years (2014 and 2015) in areas of political, civic, social, economic, cultural, and collective rights. The report also presents progress on Tanzania's obligations to the international and national gender (especially women's) rights standards and an enforcement of the pro-women rights.

WiLDAF has continued to expand the country's women rights jurisprudence by investigating and reporting on rare information such as women's rights to food and nutrition; fertility; access to energy; access to information, communication and technology (ICT); access to water; access to financial services; and, economic advancement of women including their engagement in the management and utilization of natural resources such as mineral, oil and gas. Moreover, there is a unique consideration of women's sub-groups including women with disabilities; peasants; pastoralists; and petty traders. There are some discussions on progress towards implementation of the United Nations' Sustainable Development Goals (SDGs) of 2030; major government of Tanzania policies and plans; as well as pro-women rights laws.

An assessment of the progress on women's rights for the year 2016 is measured against previous years mentioned above (2014 and 2015) and, by considering both national and international (legal and policy) standards on the rights of women. Moreover, the progress is measured against government's commitments and numerous international obligations which bind Tanzania.

The report has six chapters. Chapter one provides a general overview of socio-economic, political and demographic pictures of Tanzania. Moreover, States organs are briefly discussed with gender perspective. Chapter two is on gender situation in civil and political rights, whereby issues like political empowerment, access to justice and constitutional rights are extensively analyzed. Chapter three accounts for economic rights, in which, economic empowerment issues, poverty, property and labor rights are assessed. Social and cultural rights are covered under Chapter four of this report. Such rights include health, education, energy, communication, and water. Chapter five is on the enforcement of the gender-related rights, while chapters six is on general recommendations and conclusion.

This report is intended to be used as a reference material for all women's rights issues in Tanzania, as well as advocacy tool for further reforms.

Dr. Judith N. Odunga

National Coordinator

CHAPTER ONE

GENERAL INTRODUCTION

1.1 BRIEF HISTORY, GEOGRAPHIC AND TOPOGRAPHIC FEATURES OF TANZANIA

The United Republic of Tanzania (URT) is the union of Tanganyika (Tanzania Mainland) and Zanzibar. The two countries formed this union on 26th April, 1964 after each one regained its political independence from colonial powers in December 1961 and January 1964 (Mainland and Zanzibar respectively). There are more than twenty union matters, which include citizenship, finance, currency, international relations and political parties. Most of the gender related issues, including the pro-women legal, policy and institutional frameworks are not union matters. For instance, each side has its own laws, policies and institutions on children, probate, health care, land ownership, HIV/AIDS, matrimonial issues, and enforcement of the rights.

The URT is one of the six East African countries, which form the East African Community (EAC). Other countries in this block are Uganda, Rwanda, Kenya, Burundi and South Sudan. The country has 30 administrative regions;¹ and several districts and municipal councils (numbers indicated below under paragraph 1.4.1 of this chapter), which altogether cover a total area of 945,090 square kilometers (KM²), of which 60,000 KM² are inland waters. Figure 1.1 below shows some of the regions of Tanzania Mainland and Zanzibar.

Figure 1.1: Some Regions of Tanzania Mainland and Zanzibar



Source: Internet.

¹ The Mainland Tanzania's regions are Dar es Salaam, Pwani, Morogoro, Dodoma, Singida, Tabora, Shinyanga, Simiyu, Mwanza, Mara, Geita, Iringa, Mbeya, Njombe, Ruwuma, Lindi, Mtwara, Katavi, Rukwa, Mbeya, Tanga, Arusha, Kilimanjaro, Manyara, and the newly formed region Songwe, which is split from Mbeya region. The Zanzibar's regions are Unguja Kusini, Unguja Kaskazini and Unguja Mjini Magharibi (for Unguja) and Pemba Kaskazini and Pemba Kusini (for Pemba).

There are 120 different ethnic groups² in Tanzania, each one speaks its own vernacular language, but all united by the national language, Kiswahili.³

Most of them are Bantu and Nilotic speaking groups. Except for Dar es Salaam region, other regions are occupied with one or two dominant ethnic group, with its own cultural backgrounds including peculiar perception and practices of cultural norms which positively or adversely affect the rights and welfare of women in such groups. However, there are common practices to all tribes which influence gender rights among the gender groups in Tanzania. One of the common practices to almost all tribes is generally subordination of women's position in family, clan and societal levels. In most cases, cultural and social norms of such ethnic groups tend to discriminate against women in key livelihoods' factors such as education, ownership of properties and decision making. However, some decades of feminist struggle championed by WiLDAF and other stakeholders including the government itself, have resulted into some tangible changes, especially in urban and peri-urban areas as coming parts of this report explore in details.

The climatic condition of Tanzania is tropical with varied seasons and weather from different zones. The coastal regions (such as Dar es Salaam, Tanga, Lindi, Mtwara, Unguja and Pemba) are hot and humid, southern highland and western northern regions (including Ruvuma and Mbeya) are temperate. It has two rainy seasons; the short rains are generally from October to December whereas the long rains last from March to early June. The central plateau (central Tanzania) tends to be dry and arid throughout the year especially Dodoma and Singida regions.⁴

A large part of Northern Tanzania especially Manyara region is regarded as semi-arid, which receives little rain to an average of 500 mm per annum.

² The tribes include Sukuma; Chagga; Haya; Ngoni; Nyakyusa; Hehe; Nyamwezi; Maasai; Digo; Manyema; Nyiramba; Hadzabe; Gogo; Kinga; Waha; Kerewe; Nyambo; Ndingo; Makua; Zigua; Mwera; Zaramo; Machinga; Kwere; Jita; Kurya; Iraqi; Datooga; Ngengereko; Mbulu; Isanzu; Rangì; and, Nyaturu.

³ Note that, the English language is also used as medium of instruction in schools (mostly from secondary school levels for public schools), offices and judicial records.

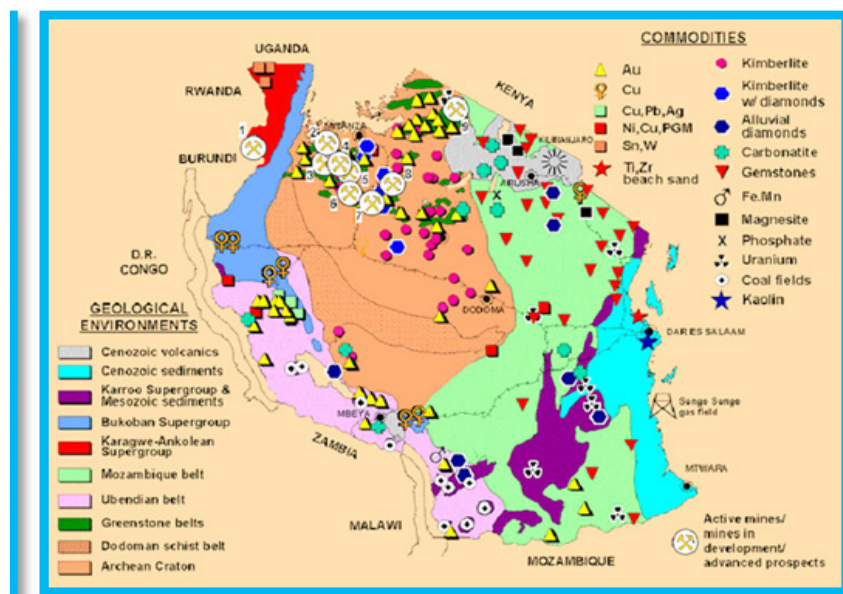
⁴ World Travel Guide, Tanzania Weather, Climate and Geography, re-accessed it on 7th April 2017 from: <http://www.worldtravelguide.net/tanzania/weather-climate-geography>

Hint Point 1.1: Effects of climatic conditions to women's rights

The climatic conditions have adverse implications to women's rights. For instance, prolonged drought which faces most of the central and lake zone, causes women and children to trek long distances in search of water, a situation which exposes them to risks of being raped or beaten up by their male partners if they delay to undertake other domestic chores. A young lady, Holo, told the study team in March 2017 at Kahama, Shinyanga that, her left hand cheek looks 'ugly' because her former husband bite her with intent to 'cut off her ear because she was *'not obeying him - to come home early from a distant water borehole.'* There is a need to correlate current climate change efforts with gender rights in order to ensure that, such efforts reflect adequately the real needs of women and also, to prioritize the same due to the high prevalence rates of climate-change related GBV as discussed further in the coming parts of this report.

The topography of the country is quite electrifying. There are dozens of water-mass; mountains; forests; and, wildlife areas. The lakes include Lake Tanganyika, Lake Nyasa and Lake Victoria, which are amongst the largest or deepest lakes in Africa. Tanzania is also a home of the tallest mountain in Africa, Mount Kilimanjaro. Two of the 'world wonders', namely Serengeti National Parks and Ngorongoro Crater, are found in the northern part of Tanzania. In addition, Tanzania has tons reserves of several types of minerals including the Tanzanite, which is found only in Tanzania as a combined Figure 1.2 below illustrates. Moreover, there are more than 50,000 cubic meters of natural gas.

Figure 1.2: The Tanzanian National Parks, Game Reserves and Minerals



Source: LHRC's Business and Human Rights Report of 2015.

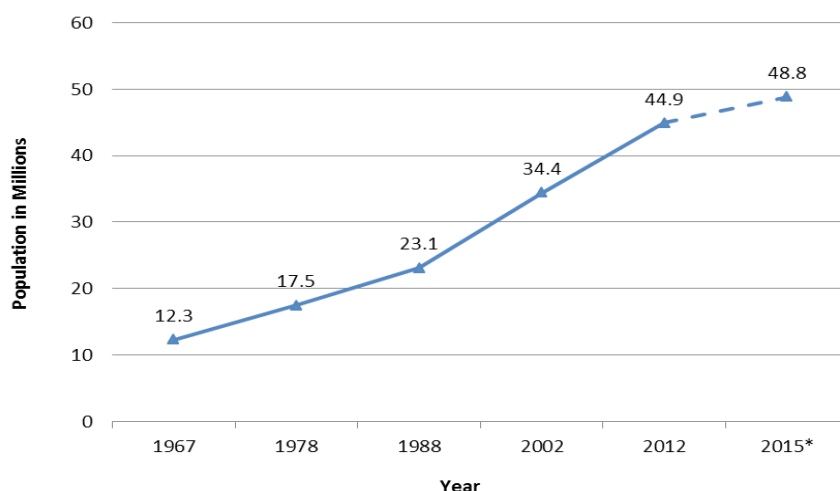
Such natural resources have attracted thousands of investors in the country. As a result, the country economy has, in recent years, grown up to an average of 7%, above only 3% in 1980s and early 1990s. But, it is an issue of concern that, such macro economic development has not been sufficiently or strategically trickled down to change the livelihood status of ordinary citizen, including women in both urban and rural areas. For instance, despite the fact that, the Household Budget Survey data indicate a steady decline in poverty incidence between 1991 and 2012

— from 38.6% to 28.2%, still, Tanzania failed to attain the Millennium Development Goal (MDG) target of 19% by last year, 2015. Instead, the number of people living in absolute poverty had steadily increased from 11.5 million 1991 to 13.2 million in 2012. It could be more in 2016. At the same time the rate of food poverty or extreme poverty was calculated at 9.7% in 2012,⁵ which could also be the same or more than that in 2016 due to the current food situation (hiked prices as it is discussed in the coming parts of the report).

1.2 POPULATION AND ITS IMPACTS ON GENDER RELATIONS

According to the latest national census report of 2012, the population of Mainland Tanzania is currently growing at 2.7% per annum. This rate seems to be slightly higher above an Africa wide average of 2.5% annual growth rate.⁶ The population size has grown up from only 12.3 million people in 1967 (during first national census), to 44.9 million in 2012 and about 49 million people in 2015 (or 50 million people in 2016) as Figure 1.3 below shows.

Figure 1.3: Tanzania Population Trend in Million: From Year 1967 to 2015



Source: NBS, '2015 Tanzania in Figures,' June 2016. Page 16.

⁵ Davis, C. and Maliti, E 'Tanzania Situation Analysis: In Support of UNDP II, April 2015. Pages 32 and 33.

⁶ Davis, C. and Maliti, E *ibid* Page 10.

The rapid increase of population could be an issue of concern only when such an increase does not match with ability of the government to deliver social services and wellbeing of individual persons (among other things). As for Tanzanian case on this, statistics (Table 1.1 below) show that, a number of poor people in Mainland Tanzania seems to be on increase especially by inferring the 2001 – 2012 trend.

Table 1.1: Increase of People in Poverty between 2001 and 2012 Mainland Tanzania

Year	Population (Million)	Poverty Rate (%)	People in Poverty
2001	32.4	35.6	11.5
2007	38.3	33.4	12.8
2012	46.9	28.2	13.2

Source: Davis, C. and Maliti, E 'Tanzania Situation Analysis: In Support of UNDP II, April 2015. Page 33.

More recent statistics on this were not obtained. But, state of affair presented above could suggest that, the pace of micro or macro developments did not match well with the increased population. However, needs further demographic studies to comment adoption of population growth measures especially due to the fact that, the country still have myriad of opportunities including the natural resource, which could be used to improve the welfare of the people despite their numbers. Moreover, positive measures such as social protection scheme especially through an implementation of Productive Social Safety Net (PSSN) program under the coordination of the Tanzania Social Action Fund (TASAF) are highly recommended by WiLDAF. The said (PSSN) program intends to benefit more than 1.2 million households by next year (2012-2017) to reduce the case load of extreme poverty. The PSSN program's components include conditional cash transfers, public works, livelihoods enhancement, and infrastructure.



Pictures: (Left) Simiyu's Regional Commissioner handles some cash to one

of TASAF III's beneficiaries at Itinje village, Meatu district, Simiyu region; (Right) Geita's District Commissioner congratulates Ms. Sofia for proper utilization of TASAF III's funds in such a way that, she managed to construct her own house through TASAF III's support. All pictures from e-media internet sources.

At least 51% of the country's total populations are women.⁷ The majority (70.4%) of the country's population is rural dwellers.⁸ Around 17.1% and 18.4% of men and women respectively, of persons from 15 years and above, are Tanzanians whose ages range from 36-64 years; followed by youths aging between 25 and 35 years. The percentage goes down to 3.4% and 3.8% for men and women respectively from the age of 65. At least 50% of the populations are children below 18 years.

Hint Point 1.2: Policy Implication of Current Demographic Feature of Tanzanian Population

The demographic feature stated above have some implications on gender rights' promotion and protection. One of the policy implication could be, the fact that at least 30% of the population is falling between 15 and above 65 years is school children (15-24 years), most of whom (by 0.7%) are girls, can be an alert for the government to allocate more resources in support of this age group – for learning materials, pro-youth health care services, and the like.

As for population with disability, the same national census indicated that, about 10% of the country's population were persons living with some forms of disabilities (PWDs), of which 56% of them were females and the remaining 44% were males. The disability prevalence rates are higher in rural areas (8.3%) than in urban areas (6.3%). There are no reasons indicated to explain this situation. But, it can be linked with stumpy accessibility of services such as rehabilitation and health care facilities generally in rural areas.⁹

⁷ URT, Population Distribution by Age and Sex Report, September, 2013. Page VI. Note that, the said 51% is based on on the 2012's estimates of 44,928,923 people.

⁸ URT, Basic Demographic and Social-Economic Profile of 2014. Page 2.

⁹ It is found that, some of the causes of disability are economically related. For instance, factors which cause disability are poor health conditions, lack of (sufficient) treatments example for polio, malaria and meningitis, mishandling at birth, traditional practices and gender inequality. All these can be linked to income poverty especially in rural areas (Reference: TRADCRAFT & SHIVYAWATA 'Scoping Study on the Opportunities and Challenges for Economic Empowerment of Persons with Disabilities in Coffee and Cocoa Value Chains in Tanzania. A Case of Kilimanjaro, Arusha, Tanga, Morogoro and Mbeya Regions. April 2017. Pages 1 and 2. This study was also undertaken by Adv. Clarence Kipobota through LEDECO Advocates.



Picture: Second right, a lady with disability at Kyera rural, Mbeya. She owns a tricycle as her means of transport. But, the rest of PWDs in her neighborhood face challenges of mobility (among others). This is a field photo by Adv. Clarence Kipobota, December 2016.

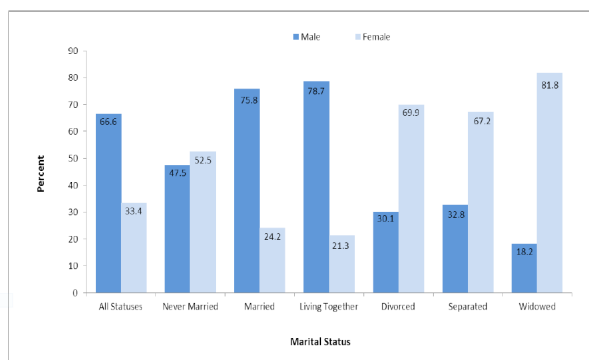
The Tanzania Mainland's households are more likely to have household members with disability (13.3%) than Zanzibar (9.3%). It is further stated that, an overall percentage of households with at least one member with disability was 13.2%. WILDAF urges the policy makers and planners to reflect this reality in their plans because PWDs, especially females, are more likely to be affected by income poverty than males. More discussion on this, especially on female with disabilities' economic empowerment is covered discussed in chapter three of this report.

The female-headed households constitute almost 25% (from 18% in early 1990s)¹⁰. Most female-heading households are attributed to (i) being divorced (69.9%); (ii) being separated (67.2%); or, (iii) being widowed (81.8%). The highest percentage of household heads for widowed female is partly explained by longer life expectancy for females when compared to males. Only one quarter of females who were married reported themselves as heads of households.¹¹ Figure 1.4 below explains more.

¹⁰ Page 27.

¹¹ URT, 'Gender Dimension Monograph, the 2012 Population and Housing Census,' Volume IV, 2015. Page 23.

Figure 1.4: Percentage Share of Household Headship between Males and Females Aged 10 Years or Above by Marital Status; Tanzania, 2012 Census



Source: URT, Gender Dimension Monograph, 2015. Page 23.

It is also stated that, the female-headed households¹² is said to have an average 7.3 members compared to 3.5 for male-headed households. However, there are no reasons stated which cause that situation. Of certain is the reality that, female-headed households are likely to be poor because in most cases, women do not own major means of production; and that, they have a bigger number of family members to take care of without an assistance from the other side (males).

On the other hand, the 2012 national census' statistics show that, literacy rate among Tanzanians (total population) was about 71.5%. The literacy level is higher amongst males (74.2%), than women (69.0%) by a difference of 5.2%. As suggested in 2015 similar women's rights report, this fact implies that, huge efforts are still needed to emancipate women from illiteracy – and the implications of the same including failure to engage in formal activities such as decent formal jobs, accessing helpful information and so on. One of the things which WiLDAF suggests is for the government to reinstate and improve further provision of adult education. There is a strong connection between continued violence against women (VAW) and prevalence of illiteracy among them.

¹² Davis, C. and Maliti, E ibid Pages 36.

Moreover, WiLDAF's working experience has shown that, educated women are more likely to pursue their rights or improved their livelihoods than uneducated ones. This also came out quite vividly during the study for this report. Therefore, there are a lot of potential gender rights impacts if a large section of Tanzanian population will be educated especially on human rights.

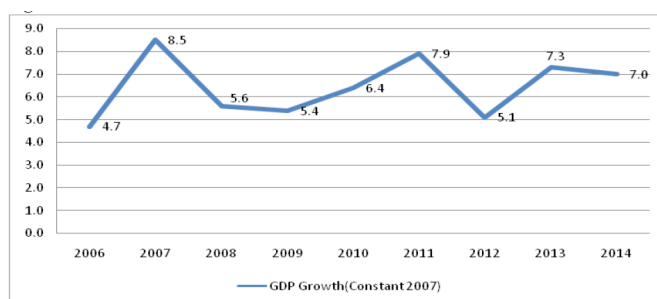
1.3 NATIONAL ECONOMIC SITUATION: FISCAL POLICIES AND IMPLICATIONS TO WOMEN'S RIGHTS

1.3.1 Macro-Economic Developments

The thrust of the Tanzania development agenda since independence has been on economic growth and poverty reduction; the prime objective being to ensure that the majority of Tanzanians enjoy the benefits of development especially against illiteracy, poverty and poor health. There were adopted economic plans including the 1960s and 1970s five year development plans. Similar plans are being implemented today, some focus on short terms and others on long term. The plans include the Tanzania Development ¹³ Vision 2025; and the Five Year Development Plan (FYDP) 2016/17-2020/21. Such plans and other efforts have facilitated improvement of country's economic growth – especially by considering the gross domestic product (GDP)'s trend. However, as Figure 1.5 below shows, the GDP growth trend has fluctuated over period of time.

¹³ URT, 'Midterm Review of the Implementation of the Istanbul Program of Action for LDCs for the Decade 2011-2020. Tanzania Country Report.' February, 2016. Pages 10-16.

Figure 1.5: GDP Growth Performance in Tanzania since 2006



Source: National Bureau of Statistics (NBS), 2015

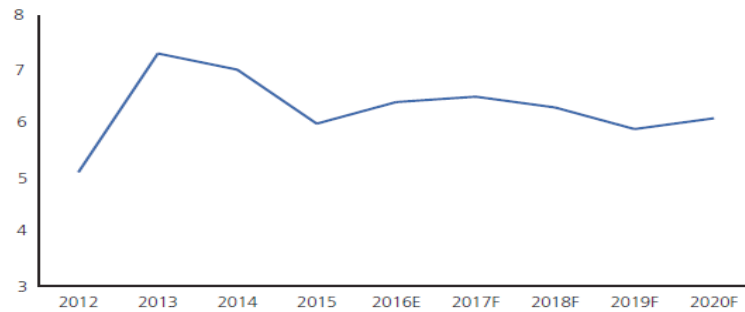
The table above shows that, the GDP trend fluctuated from 4.7% in 2006, doubled in 2007 to 8.5%, but dropped to 7% between 2014 and 2015. According to the 2016/ 2017 budget speech, the GDP was forecasted to grow by 7.2% in the year, 2016. Main drivers of economic growth are private consumption and strong growth in the telecommunications, construction, port and service sectors. The services contribute almost 50% of GDP and spurred by private-sector activity in telecommunications and financial services, further expansion over the outlook period is expected.¹⁴

Despite that steadily growth, still the country was lagging behind from attaining its two-digit of GDP's target, which was set more than 15 years ago, when it incepted the MKUKUTA policy in 2000. The factors attributing to low growth of GDP (beyond expectation of two digits by 2015) include low production and trades, which were more severe in this year, 2016. Interviewed traders in Tanga urban told the study team that, they used to trade with fellow traders from Mombasa Kenya and the volume of goods and frequency services transacted was high till end of last early 2016, where everything changed. *'The revenue authority and city council are on our neck even for small business like this, which has continued to fall down in such a way that I only depend on local fellows here as my customers and not a profitable market in Mombasa ...'*, said the old man in December 2016.

¹⁴ Deloitte, 'Tanzania Economic Outlook 2016: Story Behind the Numbers.' Page 4.

Prospect for rising up the GDP rate to at least 10% annual growth rate is narrow as estimates by the National Bureau of Statistics (NBS) and the International Monetary Fund (IMF) have shown that, the GDP growth will stand at the medium growth of 6.4% annual growth rate between the year 2012 and 2020 as Figure 1.6 below shows:

Figure 1.6: Tanzania Annual GDP Growth Rate (%) – Forecast to 2020



Source: National Bureau of Statistics (Tanzania), IMF

Media sources reported some incidents of failing business such as closure of some shops especially in the urban areas. Moreover, there were some indications that, some of the commercial banks would fail to operate efficiently due to financial crunch. The economic slowdown did not hit large business ventures alone as its effects trickled down to individual petty traders and income generating groups. A lady, food vendor at Mwenge area, Dar es Salaam, lamented that, she had to reduce price of a plate of rice-beef meal from TZS 2,000 used to sell in previous years, to only TZS 1,200 per plate of the same meal from mid 2016. ‘... Na bado hawa bodaboda wetu wateja wanalalamika hata baada ya kushusha hivyo, hawaji wengi. Inabidi ninunue mchele wa hali ya chini sana ili kupata faida’ (‘...and, these commuter motorcyclists (‘bodaboda’) still complaining of the price even after reducing it to that extent, only a few come to eat. The situation compels me to opt for low quality rice so that I can earn profit’), the lady said in December 2016.



Picture: A lady in a gloomy mood as her business was not in good course, Mbeya. Field Photo, December 2016.

A number of mortgaged properties were auctioned especially during first half of the year 2016. The quantified data on this, especially on how women were, specifically affected, were not immediately obtained. But an anonymous banker told the study team in 2016, at Dar es Salaam, that, his bank was running out of 'liquidity' (money) to accept more loan applications. The loan defaulting trend was relatively hiking up. This seemed to be a trend almost throughout the year.

There are three issues of concern regarding this trend. Firstly, there has been little trickling down of macro-economic growth to the micro-level of individual development. The household survey data quoted above suggests an increase of poverty among the people. According to WiLDAF's observation, it is unfortunate that, the economic policies have been structured just to 'promote (macro) economic development,' with little or without much consideration to social welfare issues. The social welfare issues are dealt with social related policies discussed in subsequent parts of this report and they are not directly linked to economic policies. Apparently, this is why, the GDP figures quoted above suggest improved economic development, the reality of the ground suggests the opposite picture.



Picture: A lady, owner of the local restaurant above at Mnadani area, Katesh, Hanang District, Arusha region, claim that, she was not aware of any economic growth as *'everything is the same over years'*, she said (Field Photo, December 2016).

A number of international gender rights instruments (discussed further in chapter three of this report) require countries, Tanzania inclusive, to adopt pro-women economic policies. For instance, SADC Declaration on Gender and Development of 1997 calls countries within this block (SADC) to ensure involvement of women in economic policy formulation, implementation of pro-gender economic policies as well as ensuring gender-responsive budgeting at the micro and macro levels including tracking, monitoring and evaluation. WILDAF urges both the central and local government authorities to effectively involve women in budget preparation and, address their specific needs in such budgets.

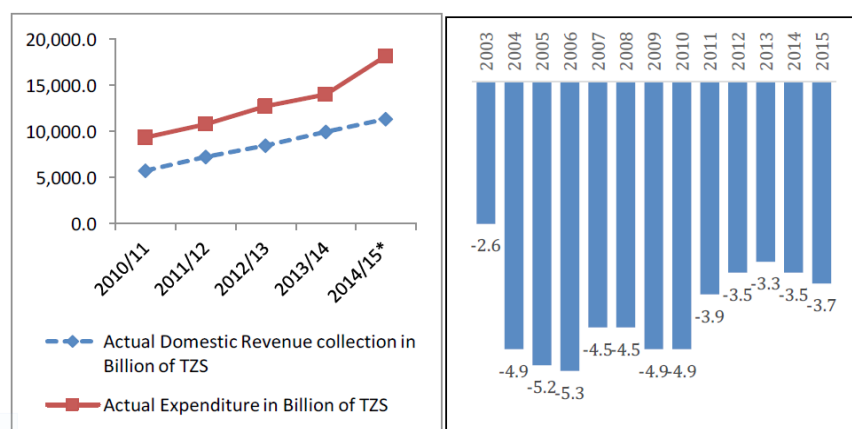
Secondly, poor delivery of social services as stated in details in part three of this report. The study team was notified by almost all district and municipal councils, which were surveyed end of this year that, there was 'shortage' or delayed (from central government) of other charges (OCs) money to run their councils. A district council agriculture officer of one of the councils in Mbeya region said that, his department was allocated with TZS 36 million during the last fiscal year. But, only TZS 3 million (less than 10%) was actually disbursed for use. That could mean, less than 10% of the budgeted activities were carried out during the year. One of the setbacks has been a decision of the top leadership to centralize revenue sources and collection from

local government authorities (LGAs) even for most common taxes or levies such as property taxes.

Thirdly, there is a challenge of prioritization of a 'little' of what is collected by the revenue authorities. The government spends at least two-third of its budget for recurrent expenditures such as salaries, vehicle and allowances. For instance, while the 2015/16 recurrent projections has increased by TZS 423 billion from TZS 14,642 billion allocated for 2014/2015, development projections has dropped from TZS 5,267 billion allocated in 2014/2015 to TZS 4,788 billion in 2015/2016.¹⁵

In connection to that, there has been challenge of balancing domestic revenue collections with the actual expenditures as Figure 1.7 below shows further. The FYDP (2016/17-2020/21) also showed this concern of rapid increase in recurrent expenditure in relation to domestic resource mobilization.

Figure 1.7: Trends in Resource Gap (in TZS Billion) and volatility in budget deficit % of GDP (Note, resource gap left figure; and, volatility right figure)



Source: FYDP (2016/17 – 2020/21), Page 16, Figure 2.7.

Furthermore, prioritization of pro-gender related program out of development expenditure budget is noticed to be an issue of concern. For instance, the country's budgetary framework does not indicate spending to social protection (against poverty) in an explicitly way.

¹⁵ WiLDAF, Women Rights Situation of 2015. Pages 5 to 8.

1.3.2 Micro-Economic Developments

The pace of macro-economic development recorded in 2016 and beyond did not match with the individual livelihood status (micro-economic developments) of common citizens in Tanzania. The last findings of the household budget survey of Tanzania (THBS)¹⁶ revealed that, 33.3% of the rural population was living below the basic needs poverty line; and, 11.3% of the same (rural) population was living below food poverty. However, Dar es Salaam's situation was substantially better off whereby only 4.2% and 1.0% of its population were living below basic need and food poverty respectively. Other urban areas had 21.7% and 8.7% population living below basic needs and food poverty lines respectively. This trend seems to be one of the attributing factors to steady increase of urbanization, whereby, agriculture is left deteriorating in rural areas, while urban centers are overwhelmed by population outburst and therefore, deteriorating social services including water and hygiene, which adversely affect women and children more than the other gender group.

1.4 NATIONAL GOVERNANCE MACHINERIES

There are three organs of the state provided for under Article 4 of the Constitution of the United Republic of Tanzania of 1977. Such organs are the executive, legislature and judiciary, which altogether form the country's governance machinery. The machinery is governed by the principle of separation of power, which elucidate that each organ of the state is independent to discharge its obligations of check and balance without influence or fear of another. Moreover, the operationalization of the organs is governed by the good governance principles, gender equality being one of them.

1.4.1 Executive

The Executive is headed by the President of URT, who is also the Commander in Chief of all military forces. Note that, Zanzibar has its own President. Below the President are the Vice President and the Prime Minister, who also represent government's affairs in the National Assembly. There are sectorial ministers under the offices of President, Vice President, Prime Minister and independent ministries. The ministries together with other

¹⁶ NBS (2013) The 2011/12 Household Budget Survey: Key Findings. NBS: Dar es Salaam.

government agencies including the regulatory authorities such as the Tanzania Revenue Authority (TRA); Tanzania Food and Drugs Authority (TFDA); and, Tanzania Bureau of Standards (TBS) together form institutional framework on executive arm of the state. The ministries include the ones responsible for gender, children, women, elders, youths and persons with disabilities (PWDs).

The general administration of executive function is divided into two levels; the central government (CG) and the local government authorities (LGA). The LGAs are established under Article 145 of the Constitution of the United Republic of Tanzania of 1977 and specific laws.¹⁷ Some of the basic duties and responsibilities of the authorities¹⁸ are:-

- (i) Maintenance of peace, order and good government (Section 54(1) (a)).
- (ii) Promotion of social welfare and economic well-being of all persons (Section 54(1) (b)).
- (iii) Reinforcing national policies and plans on development (Section 54(1) (c)).

The LGAs are comprised of district and municipal councils; wards; villages; streets; and, hamlets; while, the central government is comprised of, among other institutions, the ministries, agencies, and regulatory authorities. The central government structure flows down to the offices of the regional commissioners, district commissioners, and *tarafa* (sub-districts). There were 136 districts (if included with town councils, makes a total of 169 districts); 3,802 wards; 3,741 streets; 12,443 villages; and 64,616 hamlets as of December last year, 2015¹⁹ in Tanzania Mainland. Each of those administrative structures has both executive and political leadership positions. Some of the political leadership positions, particularly, councillorship requires mandatory representation of women.

¹⁷ Namely, the Local Government (District Authorities) Act of 1982 and the Local Government (Urban Authorities) Act of 1982.

¹⁸ Sections 53 - 69 of the Local Government (Urban Authorities) Act of 1982 (note, same responsibilities for district authorities).

¹⁹ URT, Maandalizi ya Uchaguzi wa Serikali za Mitaa. Re-accessed on 23rd May, 2017 from: <http://www.pmoralg.go.tz/noticeboard/tangazo-1021-20141128-Maandalizi-Uchaguzi-wa-Serikali-za-Mitaa-Waridhisha/>

1.4.2 Legislature

The Parliament of the United Republic of Tanzania has two parts; namely, the President and National Assembly.²⁰

The Legislature is led by the Speaker, who is assisted by Deputy-Speaker. The current deputy Speaker of the Assembly is a lady. As for the Members of Parliament (MPs), they are 391 in total, comprised of MPs elected from constituencies; special (women) seats MPs elected from political parties with representation in the Parliament; the Attorney General; and 10 other MPs appointed by the President. The Constitution of the United Republic of Tanzania of 1977 provides for a mandatory requirement that, in all life of the National Assembly women MPs should not be less than 30% of all MPs.

1.4.3 Judiciary

According to Section 107(A) (1) of the Constitution of the United Republic of Tanzania of 1977, the judiciary is the authority with final decision in the dispensation of justice in Tanzania. The Judicial system of the United Republic of Tanzania is composed of the Court of Appeal of Tanzania²¹, the High Court of Tanzania, Resident Magistrates Courts, District Courts and Primary Courts. Besides, there is court martial;²² land tribunals; a special constitutional court, which is supposed to meet on ad hoc basis to adjudicate disputes related to interpretation of the Constitution of the United Republic of Tanzania of 1977;²³ special division within High Court on corruption matters known as the 'Corruption and Economic Crimes Division of the High Court' (established this year, 2016);²⁴ and other quasi-judicial courts or tribunals.²⁵

²⁰ Article 62 of the Constitution of the United Republic of Tanzania of 1977.

²¹ The High Court of Tanzania has three major divisions, dealing with land, labour and commercial matters respectively.

²² Court Martial, including General Court Martial, Disciplinary Court Martial and Standing Court Martial, are governed by the provisions of the National Defence Act of Cap. 192.

²³ The Constitutional Court is established by Article 125 of the Constitution of the United Republic of Tanzania of 1977.

²⁴ Established under Sections 7 and 8 of the Written Laws (Miscellaneous Amendment) Act of 2016, Act No. 6 of 2016. The said provisions amend the Economic and Organized Crime Control Act, Cap. 200.

²⁵ The Labor Institutions Act of 2004 provides for establishment of institutions to adjudicate labour disputes in Tanzania; the Tax Revenue Appeals Act, Cap. 408 provides for establishment of Tax Revenue Appeals Board and the Tax Revenue Tri-

The special court or session for violence against women and children (VAWC) has not yet been established contrary to what was directed during the International Conference on the Great Lakes Region (ICGLR) in July 2012²⁶ that, ICGLR Member States commit to coordinate with their respective Chief Justices, to establish and strengthen Special Courts to handle sexual and GBV cases and provide progress reports to the Conference Secretariat by December 2012. Five years down the line still no special court or session on sexual and GBV have been established in Tanzania.²⁷

1.5 STUDY FOR THIS REPORT AND ANALYTICAL FRAMEWORK

WiLDAF mains its analysis and reporting standards on women's rights situation in Tanzania. Therefore, as it was a case for 2014 and 2015 editions of this report, the contents of this (2016) report were also obtained from the primary data and secondary information from various sources between December 2016 and May 2017. The primary data involved structured and unstructured interviews, whereby, there were different sets of questionnaires for different categories of respondents such as law enforcers; government officials; farmers; pastoralists; traders; higher learning students; and so on. There were also interview guides for key informant interviews (KII) and the focus group discussions (FGDs).

bunal to adjudicate taxes issues; and, Land matters are adjudicated by tribunals established under the Court (Land Disputes Settlements) Act of 2002.

²⁶ Paragraph 5 of the Communiqué (resolution) namely, the International Conference on the Great Lakes Region (ICGLR) Regional High Level Consultation of Ministers in Charge of Justice and Gender on Kampala Declaration on Sexual and Gender Based Violence (SGBV), in Grand Hotel, Kinshasa 28th July 2012.

²⁷ There are other countries around the world with special courts for violence against women (VAW). One of such countries is Venezuela, which established the VAW court in 2007 in order to improve access to justice. Moreover, South Africa and Tunisia have special tribunals to deal with family cases including GBV and VAW. Zambia was also in the process of establishing fast track courts in areas prone to GBV incidents in 2014 (Reference: OECD Development Centre (March 2013) 'Transforming Social Institutions to Prevent Violence against Women and Girls and Improve Development Outcomes. Page 7).

The study for this report covered a total of 12 regions (being more than 40%) of all regions of Tanzania Mainland. The regions sampled were Dar es Salaam, Kigoma, Mbeya, Dodoma, Mtwara, Mwanza, Shinyanga, Morogoro, Manyara, Arusha, Ruvuma and Mara. At least two districts were picked from each region basing on urban-rural dimensions. The said regions were chosen on basis of geographical representation; presence of specific issues which WiLDAF wanted to assess example Kigoma (refugees); Manyara and Arusha (pastoralism and tourism); Mtwara (natural gas); Mbeya, Dodoma and Shinyanga (ones of WiLDAF's project sites); Morogoro (agriculture aspects); Dar es Salaam (urban trade aspects and ministries); etc. At least 65% of these regions were the same as chosen last two years (2014 and 2015) for similar study. This facilitates comparative analysis of the situation between 2014, 2015 and 2016.



Picture: One of the study team members conducting interviews in Rungwe Rural, Mbeya region, December 2016.

A total of 495 members of the public were randomly but systematically sampled (from market place, households, learning institutions, streets, offices, etc), of whom 59.6% of the respondents were women (around 58% of them being married women). As for education level, 19.1% were completely illiterate respondents; 57.3% standard seven leavers; 16.8% secondary school graduates; and 6.8% college graduates (mostly public servants and others in formal employments). Majority (71.7%) of the respondents were farmers, pastoralists, small traders, and fishers. The remaining portion included employees, employers, students and person without specific jobs. At least 60% were persons above 30 years of age; and, most of them (at least

50%) were interviewed in peri-urban or rural areas.²⁸ There were also more than 40 government officials interviewed in sampled regions, districts, wards and villages. Data analysis was done through SPSS. Qualitative data were analysed manually with little aid of the SPSS because much of the qualitative data were obtained from the focus group discussions which were about 10 in total.

The standards used for assessing status of implementation of women's rights in Tanzania included both international and national legal instruments, which include laws, rules, regulations and declarations. There was also a consideration of relevant policies, plans and strategies on women's rights or social justice and human rights in general. The human rights standards used include the United Nations (UN)' Women Empowerment Principles of 8th March 2010, which are:-

- (i) Encouraging high level corporate leadership to promote gender equality.
- (ii) Treating all women and men equally at work.
- (iii) Supporting non-discrimination and promoting respect of human rights.
- (iv) Ensuring the health, safety and well being of all women and men workers.
- (v) Promoting education, training and professional development for women.
- (vi) Implementing enterprises development in supply chain and marketing practices that empower women.
- (vii) Promoting equality through community initiatives and advocacy.
- (viii) Measuring and publicly reporting on progress to achieve gender equality.

²⁸ Note that, missing percentages were caused by none response to some of the questions (missing system in SPSS).

CHAPTER TWO

WOMEN SITUATION IN CIVIL AND POLITICAL RIGHTS

'Achieving gender parity in leadership is, first and perhaps most important, a matter of fairness. Leaders are powerful, so when women are excluded from top leadership, they are denied power to make a difference in the world.'²⁹

2.1 INTRODUCTION TO CIVIL AND POLITICAL RIGHTS

The civil and political rights are part of gender rights extensively addressed in various pro-women's right instruments, including the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) of 1979; Protocol to the African Charter on the Rights of Women (Maputo Protocol) of 2003; and, the 1995 the Beijing Declaration and Platform for Action of 2005, which generally call for non-discriminatory principle in all spheres of life including political governance. The CEDAW affirms the obligation of States to take affirmative action to accelerate the participation of women in politics and their representation in other public decision-making positions. The South African Development Community (SADC) Declaration of on Gender Equality of 2008, which among other things, calls for 50% representation of women in parliament. Several other instruments provide the same.³⁰

²⁹ AAUW, 'Barriers and Bias, Status of Women Leadership.' AAUW, Washington DC, March 2016. Page 2.

³⁰ For instance, Articles 2 and 21 of Universal Declaration of Human Rights (UDHR) of 1948 states that, everyone has the right to take part in the governance of the country. Likewise, Article 2(3) of the International Covenant on Civil and Political Rights (ICCPR) of 1966 provides for equal rights of men and women to enjoyment of all civil and political rights. There is also the Convention on the Political Rights of Women of 1952 affirms the right of women to vote and hold public office without discrimination; while, the 2003 Maputo Protocol further affirms the principle of equal participation and the use of affirmative action to ensure equal and effective participation of women in politics.



Picture: Both women and men turned out in big number during the 2015 general elections (TACCEO report, 2016).

The specific civil and political rights include the right to participate in the governance of the country. The 'participation to the governance' could be through elections (to vote or being voted for); or, being elected for leadership positions in both government and non-governmental institutions. At the national level, Article 5 of the Constitution of URT of 1977 provides for universal franchise, which is the right to vote irrespective of gender factors, provided that, a person is eligible under the election laws.³¹ WiLDAF subscribes to the reality that, bridging the gender divides in public and corporate life is not only a matter of fairness but also of effective governance and inclusive economic growth.³² This is why it is, from this outset, WiLDAF calls for pro-gender and women laws and practices in political governance.

The situation on the ground generally shows little improvements in 2016. Discussions with women in FGDs in all sampled regions revealed that, women were increasingly becoming confident to apply or contest for or accept various leadership positions but, multiple roles they have, especially family responsibilities, traditionally hinder them from active participation in such positions. However, some of the key positions including treasury in community based groups such as SACCOS and VICOBA, were predominantly held by women (in at least 70% of the 13 groups consulted for this study). A man at Mababu village,

³¹ The said right is interpreted and enforced under several laws including the Election Act, Cap. 343; the Local Government Authorities (Elections) Act, Cap. 292; the Political Parties Act, Cap. 258; and, the Election Expenses Act of 2010.

³² This statement is drawn from: OECD, 'Background Report. Conference on Improving Women's Access to Leadership. 8th March, 2016. Page 7.

Kyera district, Mbeya region, told the study team in December 2016 that, *'it is because women are more trustworthy in financial issues than men ... they are reliable and good planners'*

As for public leadership, it is a concern that the percentage of women representation in various government key decision making bodies dropped in 2016 especially compared with the years 2014 and 2015. For instance, a number of women permanent secretaries dropped from 29% in 2014 to only 20% in 2016. Tables 2.1 and 2.2 below give more illustrations of other positions.

2.2 POLITICAL EMPOWERMENT OF WOMEN AS CAPACITY ENHANCEMENT

WiLDAF assessment on political empowerment is based on the United Nations Economic Commission for Africa (UNECA)'s standards,³³ in which it described 'political empowerment' through three main proportions, namely:-

- (i) An individual empowerment whereby an individual (oneself) increases civic competencies;
- (ii) A collective empowerment where there is a need to network, for example through a political party to which women are affiliated to; and,
- (iii) Creation of an enabling environment for people to compete without gender discrimination.

The three dimensions connote the linkage between political empowerment and the general concept of increasing people's opportunities and capabilities to make and express choices and to transform those choices through political participation.³⁴ Those could be through individual or collective (group) efforts such as presence of women's wings or departments the ruling party (CCM) and the main opposition party (CHADEMA), which are very strong in coordination and lobbying of women's rights mainstreaming within their respective parties.

³³ UNECA, Assessing Political Empowerment of Women, Re-accessed from: <http://www.uneca.org/publications/assessing-political-empowerment-women> on 17th April, 2017.

³⁴ Lous. H et al (2005) Linking Community empowerment, Decentralized, Governance and Public Service Provisions Through a Local Development. SP Discussion Paper No. 0535. Page iii.



Picture: Some members of CCM and CHADEMA's women wings. Such wings can pursue their political parties to adopt pro-women internal policies in order to widen women's political spaces within parties.

However the current legal or institutional frameworks on political governance by the government or political parties as well do not address well the three dimensions mentioned earlier. For instance, (i) the current national legal framework on elections limit civic awareness to only a few months before the elections' commencement. Moreover, the awareness initiatives are not generally supported (financially) by the government. Instead, the National Electoral Commission (NEC) usually issues some announcements on 'how to vote.' A large part of civic awareness initiatives is done by civil rights groups (CSOs) such as WiLDAF, Legal and Human Rights Centre (LHRC), Tanzania Lawyers Association (TAWLA), TGNP Mtandao, and Women Legal Aid Centre (WLAC). These too, normally conduct such campaigns during the last two or three months before elections; and, (ii) political parties' women wings themselves are relatively ineffective to engage in such initiatives despite the fact that they have a bigger platform of doing that. Specific study on this subject could come out with factors attributing to this situation.

Moreover, during the year 2016, the head of the State, H.E Dr. John Magufuli proclaimed that, no political activities (active politics) were allowed after the 'closure' of elections in October 2015. He was quoted by media ordering that, it was time for people to work. Elected and non-elected politicians were limited to carry political rallies to only confined areas – mainly their respective constituencies. This order was to remain enforceable till next elections in 2019 and 2020 during local government and national elections respectively.

MTANZANIA FIKRA YAKINIFU

www.mtanzania.co.tz ISSN 0856 5679

Habari Kuu RAIS WA ZAMBIA ATANGAZA HALI YA DHARURA

Mwanzo Kitaifa Kimataifa Mikoani Zanzibar Siasa Biashara na Uchumi Afya na Jami

Home Bingwa Dimba Rai The African

Ilechapishwa: Fri, Jun 24th, 2016 Habari Kuu / Kitaifa / Slideshow | Na Mtanzania Digital

Magufuli: Hakuna siasa mpaka 2020



*Asema ni wakati wa kazi, atamani kuongoza awamu moja

SHARE THIS

Subscribe To RSS FEED

Picture: A media caption 'Magufuli: No politics till 2020.' (Mtanzania Newspaper, of 24th June 2016).

The President's order was received with huge criticisms especially from the opposition parties. The main argument was that, 'politics' is a life and livelihood strategy of any politician and that, the governing laws mentioned above, allowed parties to carry out political activities throughout election periods and beyond. Indeed, there is no such a prohibition under the laws of Tanzania. WiLDAF is of the view that, civic awareness as part of political empowerment was not improved; and instead, unnecessarily limited to the detriment of women, who still need exposure and experience in political activities. This is due to the fact that, political rallies or meetings are the appropriate methods for engaging with the general public who, in return learn a lot of political rights and therefore, build up interest and confidence in politics. There is a possibility that, the unprecedented 2015 political enthusiasm was partly attributed to wide democratic practices which the last phase government tolerated in Tanzania.

Hint Point 2.1: Needed Widened Political Space in order to Improve Civic Awareness of Women

WiLDAF urges the government to rescind its restrictions to political activities in order to enhance civic awareness through political activities especially to women. Secondly, there is a need for sustainable civic awareness program in Tanzania, which would be jointly implemented by various stakeholders in political governance, including women groups. The proposed program should be implemented by public funding. Thirdly, it is high time for CSOs in Tanzania to engage with their funding partners in order to have sustainable funding window for civic awareness in Tanzania, unlike the current situation, where such window or windows are normally made available during election years. Fourthly, political parties' women wings should take leadership on this matter by coming out with specific civic awareness programs targeting their supporters. This is also important for sustaining political movements of their parties.

2.3 PROGRESS TOWARDS ACHIEVING BEIJING PLATFORM FOR ACTION'S POLITICAL TARGETS

The Beijing Platform for Action (PPFA) of 1995 aimed at, among other things, to address ³⁵ the challenge of little participation of women in leadership and decision making positions. The major goals on women political empowerment which were proposed by BPFA are; (i) taking measures to ensure women's **access** to and full participation in power structures and decision making; and, (ii) an emphasis on increasing women's **capacity** to participate in decision-making and leadership.

As for the power structures, BPFA obliged the government and political parties to, among other things, to encourage political parties to integrate women in elected or non-elected positions to reflect same proportions and levels as men; to review electoral systems with the aim of removing any differential impact

³⁵ UNECA (2014) Five Years after Beijing Assessment Report. Page 14; also, UN, United Nations Focus, 'Women in Politics: Still the Exception?' November, 1989. The Report of the UN Department of Public Information.

on women; and, to support CSOs and research institutions which work to enhance women's participation, empowerment and decision-making environment; and, to examine and take measures to ensure that the party structure does not discriminate against women directly or indirectly.³⁶

As for the 'capacity' aspect, some of the requirements by BPFA were, to provide leadership and self-esteem training to assist women and girls, particularly those with special needs, for example women with disabilities - to strengthen their self-esteem and enable them to take up decision-making positions; and, to develop mechanisms and training to encourage women to participate in the electoral process, political activities and other leadership areas.

Situation on the ground as this study established suggested that, there was nothing (noticeable) which took place to implement the BPFA's requirements on women's political empowerment, despite the presence of so many challenges experienced during the 2015 elections as the last edition of this report revealed. Apparently, the ban on political activities mentioned earlier could be one of the reasons for not implementing such recommendations.

None of the stakeholders in political governance had implemented something visible on women's political governance. Instead, NEC 'generously' returned billions of money which remained during the election to the State House instead of may be, asking for reallocation of budgeted activities to finance some areas which needed further improvement in Tanzanian political landscape, especially to boost up women's participation in politics. The 2015 edition of this report showed that, only 15% of the elective positions were contested by women during the last general elections of October 2015. That situation was attributed to a number of situations, including absence of mandatory minimum number of women nomination within parties' structures.

³⁶ Note, the 2015 WiLDAF's women rights situation report presented in full all these requirements. Here are just a few of them. Readers are encouraged to lead the 2015 edition or BPFA document itself, which is available online.

Hint Point 2.2: Needed Law Reform, Rectification of Political Parties Structures and Special Monitoring Mechanism of International Human Rights Obligations

WiLDAF recommended for a law reform which will compel registered political parties to have mandatory minimum number of women to contest for political positions in a more explicitly way. This recommendation is still valid, and therefore, the government is urged to propose such amendments to the parliament before the said 2019 and 2020 elections. Moreover, there is a need of adopting a mechanism of monitoring State's implementation of the international human rights obligations including the ones stipulated under BPFA. Otherwise, country's fulfilment of such obligations would remain to be haphazard or uncertain to the detriment of women and other vulnerable groups.

2.4 STATUS OF WOMEN'S PARTICIPATION IN POLITICAL AND OTHER LEADERSHIP POSITIONS

2.4.1 Uneven Progresses Among African Countries

It is stated that,³⁷ despite women's impressive gains in education and the workplace over the past 50 years, men greatly outnumber women in leadership, especially in top positions. From corporate boardrooms to the halls of legislature, from universities to the courts, from religious institutions to philanthropic organizations, men are simply much more likely than women to be leaders. This is a case even for developed countries like the United States of America (USA). For instance, according to the same source, women make up only one (1) in five (5) members of the USA Congress (legislature) and that, and just six (6) states (namely, New Hampshire, New Mexico, Oklahoma, Oregon, Rhode Island, and South Carolina) currently have female governors.

As for African context in particular, the SADC Protocol on Gender and Development of 2008 has set a standard of equal representation between men and women. The Protocol has

³⁷ AAUW, 'Barriers and Bias, Status of Women Leadership.' AAUW, Washington DC, March 2016. Pages ix and 21.

also set time-frame for its attainment. Article 12(1) of the said Protocol provides that, *'States Parties shall endeavor that by 2015, at least fifty percent (50%) of decision making positions in the public and private sectors are held by women including the use of affirmative action measures as provided for in Article 5.'* However, one year past the deadline showed little progress on this. The African Development Bank (AfDB)'s African Gender Equality Index for the year 2016 was not obtained until when this report was finalized. However, the 2015 index³⁸ showed that, relatively few African countries had made a strong stride in women's representation especially to top leadership positions such as being legislators (to attain the SADC's target). One of such countries, which are highly praised to have at least 60% of women representation in the national parliament, is Rwanda. Six other African countries have achieved 30% representation. These countries include South Africa (45); Angola (37.3%); Mozambique (34.8%);³⁹ Uganda (30.7%); Burundi (30.5%); and the URT (30.4%). The URT case is discussed further below.

As for other senior executive positions, the AfDB's index showed that, an overall proportion of women cabinet ministers in Africa were 20% in 2015, from only 4% in 1990s. South Africa and Cape Verde were mentioned to be on top of the list by having 45% and 36% of women representation in the cabinets.

The OECD reports⁴⁰ shows a range of external and internal barriers, which hinder equality of gender representation in all areas of the public domain. The barriers include, among others:-

- (i) Cultural Barriers: Association of leadership and managerial roles as a 'man's domain' is one important factor impeding women's access to public leadership.⁴¹

³⁸ AfDB (2015) Empowering African Women: An Agenda for Action. African Gender Equality Index 2015. African Development Bank: Abidjan. Page 24.

³⁹ Source (undated): UNECA, Participation of Women in Public and Political Decision-making, accessed on 11th May, 2017 from: <http://www1.uneca.org/Portals/awro/Publications/33Participation%20of%20Women%20in%20Public%20and%20Political%20Decision-making.pdf>

⁴⁰ Such as: OECD, 'Background Report. Conference on Improving Women's Access to Leadership. 8th March, 2016. Page 9.

⁴¹ That, leadership potential is often described as requiring personal qualities such as strength, decisiveness and ambition, which are more readily ascribed to men than women, rather than specific skills.

- (ii) Structural Barriers: Structural barriers for the most part stem from lack of work-life balance, limited flexible working arrangements, and lack of support and development networks.
- (iii) Lack of gender-disaggregated evidence and accountability mechanisms: There is a strong need to establish robust accountability mechanisms in order to encourage compliance with gender equality policies, pinpoint deficiencies and redress the remaining inequalities.
- (iv) Self-imposed barriers: Some of the barriers which explain the scarcity of women in public leadership are partly self-imposed. These internal barriers may arise from gender differences in behavior, limited self-promotion and lack of confidence. Such barriers are mainly due to gender stereotypes and gendered social roles.

Most of those barriers are similarly happening in Tanzania as this study found out. A Maasai lady at Simanjiro, Manyara region, told the study team in December 2016 that, she did not participate in the 2015 general election despite being a form four leaver because her clan did not let her doing that and it is a 'taboo' going against the clan's directives. *'Besides, contesting along men is, in my opinion, going too far with this gender equality thing ... I think it is not yet time in our (Maasai) norms, and I don't want to be an urban lady. Where will I be buried ...?',* remarked the young lady in response to a study question which solicited level of women's participation in last year's elections. More of such kinds of concern were heard throughout rural based sampled areas for this study.

2.4.2 Tanzania: Progressing Front and Backwards in Women's Political Participation

A 2014 Afrobarometer Study as quoted by the 2016 International Republican Institute (IRA)⁴² indicated that Tanzania was more progressive than most on the African continent when it comes to gender equality. For instance, according to the study, only 19% of Tanzanians polled agreed that only men should be leaders, lower than the average of 29% out of the 34 African countries surveyed in 2014. Additionally, 84% of Tanzanians support equal rights for women. Roughly

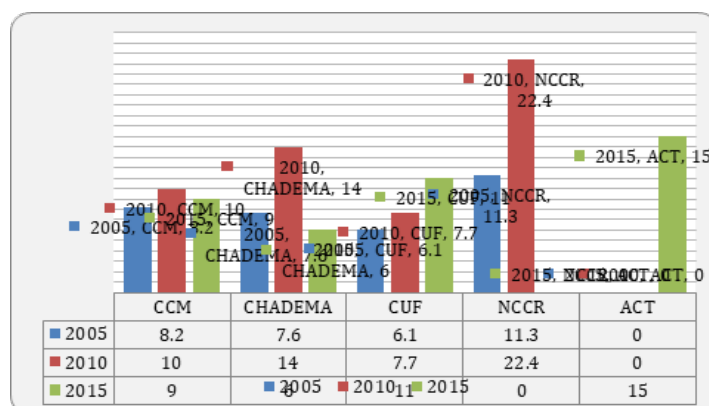
⁴² IRA (2016) Tanzania National Elections Gender Assessment, October 25, 2015. Page 3.

23% of women in Tanzania reported being somewhat or very fearful of political intimidation or violence. While that represents nearly one out of every four women (say, 25%), Tanzanian women were far less fearful than their neighbors in Kenya (59%) or Uganda (38%). However, the findings of this 2014 study would need further backup information, especially by making comparative analysis of the rural-urban perceptions of women. WiLDAF believes that, these (rural and urban dimension) are two extreme points especially by considering level of literacy, awareness and exposure between rural and urban.

But, part of that 2014's study is supported by the 2015 edition of a similar report, which showed that, there was an increase of women's enthusiasm in politics. A reference was made to the high election temperature witnessed during the year. The enthusiasm was linked to an increased civic awareness especially by comparing the situation in 1990s and early 2000. Moreover, the deflection of prominent CCM cadre, who was also the former Prime Minister, Mr. Edward Lowassa, to opposition camp, steamed up the political landscape.

However, there was no significant change in the number of women candidates as compared to the 2010 election. For instance, according to WiLDAF's 2015 women's human rights report, in 2010 there were 1,036 parliamentary candidates, and of these only 191 were women (being 18.4%); while in 2005, there were 1,069 parliamentary candidates out of whom, 159 (being 13.0%) were women candidates. Figure 2.1 below shows percentage of women nomination to contest for parliamentary elections by the five major political parties.

Figure 2.1: Percentages of Women Aspirants for Parliamentary Positions of Major Political Parties – Last Three General Elections on Tanzania



Source: Re-constructed from: WiLDAF's 2015 Women Rights Situation

Report.

The NCCR-Mageuzi's information for 2015 was not secured. ACT-Wazalendo's statistics for years 2005 and 2010 are not available because it did not participate in those elections (it was not yet registered). Apart from NCCR-Mageuzi, which had at least 22% of women nominated for parliamentary seat contests, other parties, including the oldest, CCM, had less than 15% of women's nomination. Same reasons stated by OECD (2016) above could be applicable here.

The low nomination of women to contest for political positions has implications not only to the attainment of the SADC's targets showed above, but also, the Constitution of URT. Article 66(1)(b) of the Constitution of Tanzania of 1977 provides the minimum of 30% representation of women in the parliament. At least 94% of the current parliament's women seats are occupied by special seats. That is, only 5.9% of the women in the current parliament of more than 300 parliamentarians are women who contested through constituencies and directly elected by the voters. Such percentage (5.9%) implies a slight improvement, especially if compared to elections or parliamentary phases of 1970-1975; 1985; 1990; 1995; 2000; and, 2010, which had only 3.5%; 2%; 2%; 2.9%; 4%; and, 4.8% respectively. It should be noted that, the first parliament after independence of Tanzania (1961-1965) had 7.5% of women directly elected from constituencies.

Zanzibar situation on women's representation to their legislature⁴³ is different from Tanzania Mainland. While Tanzania (URT) has reached at least 30% of women's representation in its legislature, Zanzibar's House of Representatives (HORs) had only 22 females (being 26.2%) parliamentarians out of 84 as of April 2016. Out of those 22, only 6 (being 27.3%) women, were elected from the constituencies, while the remaining 16 (being 72.7%) were in the legislature through reserved (special) seats for women.⁴⁴

The trend seemed to deteriorated during the last elections of 2015/ 2016 because, the 2010-2015 HOR had a total of 80 parliamentarians, of whom, 28 (being 35.0%) were females. The female representation dropped by 7.7%. A number of women who were elected directly

⁴³ It is known as House of Representatives.

⁴⁴ NBS, '2015 Tanzania in Figures.' June, 2016. Page 42.

from constituency during the last HOR phase (2010-2015) were 4 (being 8.0%) out of total 54 constituency seats.⁴⁵

Therefore, an increase by at least 19% was attributed by, among other reasons, none participation of CUF in election re-run as it is explained further below. Therefore, there were kind of 'free-laid' constituency seats as CCM was the only strong party 'contested' during the election re-run.



Picture: A cross section of honorable members of the HOR.(Internet Source).

The said 27.3% of women who contested and won election through constituencies in Zanzibar is higher than Tanzania Mainland whereby, as indicated above, such kind of women representation was only 5.9% as it is indicated above. However, it is tricky to comment of Zanzibar's progress against Mainland Tanzania because the two sides can not be compared especially in terms of constituencies' geographical sizes; number of voters; and that, almost all constituencies in Zanzibar had CCM's contestants only after the main opposition party, CUF, boycotted the election re-run after the controversial 'annulment' of the October 2015's election (results) by the Zanzibar's Electoral Commission (ZEC)'s chairperson. As for councillorship positions, only 23 (being 20.7%) females out of total 111 seats were elected as councilors as of April 2016.

Experience on part of Tanzania Mainland has shown that, a chance of winning elections if women were nominated to contest for parliamentary elections was between 40%

⁴⁵ The 2010-2015 HORs' statistics were obtained and analyzed from: IRA (2016) Tanzania National Elections Gender Assessment, October 25, 2015. Page 4.

and 60%. This depends much on the strenght of feminist struggles; civic and legal awareness; the political party to which a woman contestant is affiliated to; financial powers of the contestant; experience in politics; campaigning strategies; and other factors including media support.⁴⁶ At least 78% (being 15 out of 19) of women nominated by CCM for parliamentary elections in 2015 won the elections; and, 40% (being 6 out of 15) of women nominated by CHADEMA won the contest. None (0%) nominees of ACT-Wazalendo's women candidates won election. In total, there were 22 women in the current parliament who were directly elected from the constiuencies. Out of those 22, 9 of them (being 41%) graduated from being special seaters; and, 7 of them (being 32%) were completely new. This finding can have several implications, some being; (i) experience matters in politics; and, (ii) strength of political parties sponsoring a candidate is crucial for such a candidate to win.

Hint Point 2.3: Legal Framework on Election should be amended to standardize parties' allotment of special seats for women

WILDAF urges the government to initiate legal reform which will standardize parties' allotment of special seats for women. The study team interviewed one of the opposition parties' contestants in Dar es Salaam in March 2017 who seemed to be very much agrieved by her party's decision of dropping her name from the list despite having 'all' needed qualifications. She linked her exclusion with 'sexual inducements' to male top leadership, and the manner in which she was not ready to offer her body for politics. The standardization of parties' allotment criteria of the special seats is highly recommended because will clear out the current uncertainties of standards and eligibility criteria for the same. The current legal framework on elections, allows each party to devise own standards, criteria and procedures. For instance, the ruling party CCM, orders the special seat in accordance with leadership position of women's wing; the percentage or ranking of votes at regional level; special groups (2 seats for higher education or academic background; 2 seats for women with CSOs' background; 2 seats for youth; and 5 seats for PWDs). CHADEMA generally considered experience in politics; while, CUF and ACT-Wazalendo's criteria were not immediately obtained.

⁴⁶ However, according to TAMWA and UN-Women's media statement of December 2016, women and PWDs did not enjoy adequate media coverage during the 2015 general elections (Reference: Edson Sostenes (TAMWA), 'Vyombo vya Habari Viliminyo Sauti za Wanawake Uchaguzi Mkuu.' Mtanzania (Newspaper), 30th December 2016. Page 7).

Such factors mentioned above (especially civic and legal awareness) can be applicable also when a female candidacy is being challenged in court of law. For instance, the victory of Ms. Ester Bulaya (CHEDEMA) as elected parliamentarian for Bunda constituency was challenged by her political rival, Mr. Steven Wassira (CCM). But, in November 2016, the High Court of Tanzania at Mwanza confirmed her (Ms. Bulaya's) victory.⁴⁷ Her case in court drew a lot of media attention because of the profile of the person (Mr. Wassira) who was challenging her victory in court.

2.4.3 Women's Representation in Other Decision Making Bodies – Public Sector

Most of the studies or gender analysis⁴⁸ on women's representation in public sector show that, women generally hold the lower positions in public services, even in sectors which they are described as female dominated, such as healthcare and education as Figure 2.2 below shows. This has an implication even to trade unions, whereby, female workers take only 40% of the current trade unions' membership base in Tanzania.⁴⁹

⁴⁷ This was reported by media, including: Shomari Binda, 'Bulaya Amstaafisha Siasa Wassila.' Mtanzania (Newspaper), 19th November, 2016. Page 3.

⁴⁸ Such as: Strachan, A. (2005) Women in Politics and Public Sector in Tanzania. Helpdesk Research Report. GSDRC.

⁴⁹ LO/ FTF Council's Analytical Unit, 'Labor Market Profile 2016, Tanzania and Zanzibar.' Page 1.

Figure 2.2: Employed Persons in Various Sectors

Sector	Men	Women	GDP share
Agriculture	6,493,324	6,916,489	32 %
Mining & quarrying	173,926	44,098	4.0 %
Manufacturing	362,769	252,554	6.1 %
Electricity, gas & water	27,133	5,850	1.3 %
Construction	408,697	13,698	14 %
Trade, restaurants & hotels	1,402,244	1,913,565	13 %
Transport, storage & communication	526,414	26,017	7.0 %
Finance, real estate & business services	31,607	35,016	11 %
Public administration, education and health	565,247	371,716	7.2 %
Other services	152,041	307,733	5.9 %
Total	10,143,402	9,886,736	100 %

Source: ILO, *Key Indicators of the Labour Market (KILM)*, 9th Edition & [African Economic Outlook, Tanzania 2016](#)

Similar reasons for non-inclusion of women in political positions (as discussed above) could be applicable here. To address such inequalities, the SADC Protocol on Gender directs under Article 13(2) adoption of some measures - to ensure equal participation of women and men in decision making by putting in place policies. The measures or strategies proposed include:-

- (i) Building the capacity of women to participate effectively through leadership and gender sensitivity training and mentoring.
- (ii) Providing support structures for women in decision-making positions.
- (iii) Establishment and strengthening of structures to enhance gender mainstreaming.

(iv) Changing discriminatory attitudes and norms of decision making structures and procedures.

There was no any indication of such measures being implemented in 2016. Instead, general trend in this year showed that, representation of women in public sector's position was decreasing. The 5th phase governance leadership was generally not sensitive enough to ensure such representations in various positions, including the statutory or constitutional ones such as 50% representation of women in presidential appointees for parliamentary special seats. There was a heated debate in the media when the President appointed of Prof. Palamagamba Kabudi; and, Alhaj Said Bulembo to such special seats purported to have usurped 50% representation of females. Apparently, as a way of rectifying the 'error', one Deputy Minister relinquished his position and later on, he was appointed to be an ambassador of Tanzania in German.

But that general trend does not totally negate the fact that, there have been some efforts to increase women's representation in public sector's positions. The initiatives include enactment of some laws such as on land which put it mandatory for certain percentage of women in decision making bodies created under such laws. Secondly, there is constitutional mandatory of a minimum of 30% of women representation in the legislature. Thirdly, specifically on public service, there is the Public Service Regulations of 2003, which states under Paragraph 12(4) that, 'where a man and a woman are equally competent, preference should be given to a woman.' Other laws which feature some provisions on gender equality are land and employment laws.⁵⁰

Such measures taken could be considered as attributing factors to an increase of women's representation in top public leadership positions as indicated in Table 2.1 below, which is updated from the one presented in the 2015 edition of this report.

⁵⁰ The land laws are Land Act of 1999 (Act No. 4 of 1999) and Village Land Act of 1999 (Act No. 5 of 1999). The employment law is Employment and Labor Relations Act of 2004. Both laws provide for equality of men and women in land ownership and employment opportunities respectively. Similar gender-sensitive laws are highly recommended in order to mitigate level of discrimination against women.

Table 2.1: Top Leadership and Decision-Making Positions in Tanzania by Sex from 2004 to 2016

	Period				Period				Period					
2004/2005				2013/2014				Nov. 2015/2016						
Position	No. of Women	No. of Men	Total	% of women	No. of Women	No. of Men	Total	% of women	No. of Women	No. of Men	Total	% of women		
President	0	1	1	0%	0	1	1	0%	0	1	1	0%		
Vice President	0	1	1	0%	0	1	1	0%	1	0	1	100%		
Ministers	4	23	27	14.8%	10	22	32	31.3%	4	15	19	21.0%		
Deputy Ministers	5	12	17	29.4%	6	19	25	24.0%	5	11	16	31.3%		
Speaker	0	1	1	0%	1	0	1	100%	0	1	1	0%		
Deputy Speaker	0	1	1	0%	0	1	1	0%	1	0	1	100%		
Judges	13	25	38	34.2%	24	43	67	35.8%				? ⁵¹		
Members of Parliament	62	226	288	22.0%	126	224	350	36.0%	137	239	376	36.7%		
Elected	12	218	230	5.2%	21	218	239	8.9%	25	235	260	9.6%		
Nominated	2	8	10	20.0%	4	6	10	40.0%	2	5	5	50%		
S/ Seats	48	N/A	48	N/A	102	N/A	102	N/A	110	N/A	110	N/A		
Chief Secretary	0	1	1	0%	0	1	1	0%	0	1	1	0%		
Permanent Secretaries	7	18	25	28.0%	4	18	22	18.2%	10	40	50	20%		
Deputy Permanent Secretaries	1	7	8	12.5%	11	16	27	40.7%						
Security Organs ⁵²													1	5
RPCs ⁵³									1	25	26	4%		
Overall/ Average/ Mean Percentage:				11.9%					25.8%					29.9%

Source: WILDAF's Analysis, Data from Various Sources, 2004 to 2016.

The table above shows that, there has been a steady increase of women's representation from around an average of 10% in 2004, to about 30% in 2016. Such representation includes an appointment of the lady to head the immigration department. However, women representation in some of the positions decreased in 2016. For instance, representations to the positions of permanent and deputy permanent secretaries were to an average of 20.5% and 29% in 2004 and 2014 respectively. However, the women's percentage to those positions dropped down to only 20% in 2016. It is also a concern that, only 4% of the regional police commanders (RPCs) in 2016 were women.⁵⁴

⁵¹ The official records of Judges were not obtained. Therefore, this space is left blank.

⁵² The Prisons, Immigration, Police, Fire, JKT and JWTZ.

⁵³ Regional Police Commanders.

⁵⁴ Despite the fact that this could, on the other hand, be regarded as a positive effort, still more women can be trusted in such and higher positions within the security

Moreover, as Table 2.2 below shows, women's representations in other key public leadership positions such as Regional Commissioners (RC), District Commissioners (DC), and District or Executive Directors (DEDs) and municipal directors, dropped by almost 50% in each category in 2016.

Table 2.2: Proportion of Women in other Key Decision-Making Positions in Tanzania (2004 - 2016)

	Year				Year				Year			
	2004/2005				2013 – 2014				2016			
Position	No. of Women	No. of Men	Total	% of women	No. of Women	No. Of Men	Total	% of women	No. of Women	No. Of Men	Total	% of women
RCs ⁵⁵	2	19	21	10.5%	7	18	25	28.0%	4	22	26	15.4%
DCs ⁵⁶	20	87	107	18.7%	53	91	144	36.8%	37	102	139	26.6%
DEDs	14	86	100	14.0%	33	101	134	24.6%	26	159	185	14%
Ambassadors	2	34	36	5.6%	12	36	48	25.0%	10	32	42	24%
Institutions ⁵⁷									16	118	134	12%
Overall/ Average/ Mean Percentage:				12.2%				28.6%				18.2%

Source: WiLDAF's Analysis, Data from Various Sources, 2004 to 2016.

The table above shows that, women representation for RCs, DCs and DEDs positions decreased by 45%, 27%, and 44% respectively in 2016 appointments. It is also an issue of concern that, only 12% of 134 public institutions had women heading them. WiLDAF's analysis, which sampled almost 99% of all

sector as they can handle responsibilities in the same way as men.

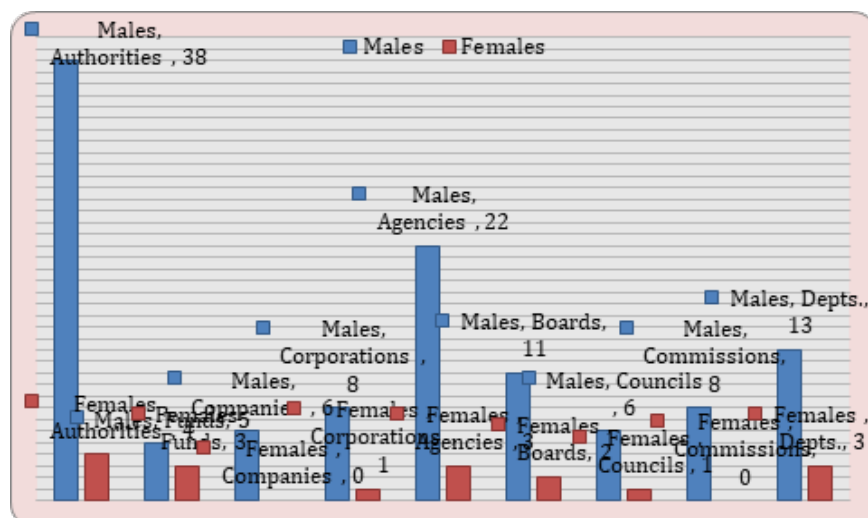
⁵⁵ Regional Commissioners.

⁵⁶ District Commissioners.

⁵⁷ The 'authorities' include the Tanzania National Parks (TANAPA); the National Identification Authority (NIDA); the Vocational Education and Training Authority (VETA); the Tanzania Education Authority (TEA); the Tanzania Trade Development Authority (TANTRADE); the Public Procurement Regulatory Authority (PPRA); the Tanzania Ports Authority (TPA); the Tanzania Zambia Railway Authority (TAZARA); the Ngorongoro Conservation Area Authority (NCAA); and the regional water authorities. The 'funds' include the Universal Communications Service Access Fund (UCAF); the Agricultural Inputs Trust Fund (AIF); and social securities. The 'companies' are the Tanzania Telecommunications Company Limited (TTCL); the Tanzania Railway Limited (TRL); the Tanzania Electrical Supply Company Limited (TANESCO); the Reli Assets Holding Company (RAHCO); the Air Tanzania Company Limited (ATCL); and, the Marine Services Company Limited (MSCL); while corporations included the Consolidated Holding Corporation; the Tanzania Posts Corporation; the National Insurance Corporation (NIC); the National Development Corporation (NDC); the Tanzania Petroleum Development Corporation (TPDC); the State Mining Corporation (STAMICO);

such institutions, found that, most of the institutions which had lowest (or none) women representations as Figure 2.3 below shows, were government companies; corporations; boards; and commissions.

Figure 2.3: Proportion of Women in other Public Institutions, 2016



Source: WILDAF's Analysis, Data from Various Sources, 2016.

It is unfortunate that most of the gender rights struggles have been directed towards equal representation of women in political related positions. But, in order to have greater results of women's representation in decision making bodies, it is imperative also to focus on executive positions – such as those of institutions which are uncommon but with huge impacts to the livelihood of women

the National Housing Corporation (NHC); and, the Tanzania Broadcasting Corporation (TBC). The 'agencies' reviewed included the Tanzania Government Chemistry Laboratory Agency (GCLA); the Business Registrations and Licensing Agency (BRELA); the Tanzania National Roads Agency (TANROADS); the Rural Energy Agency (REA); the Tanzania Government Flight Agency (TGFA); the Tanzania Meteorological Agency (TMA); the Tanzania Buildings Agency (TBA); the Tanzania Forest Services Agency (TFS); the Weights and Measures Agency (WMA); the Registration, Insolvency and Trusteeship Agency (RITA); the National Food Reserve Agency (NFRA). The 'boards' were Tanzania Dairy Board; Tanzania Sisal Board; Tea Board of Tanzania; Tanzania Coffee Board; Tanzania Cotton Board; Sugar Board of Tanzania; Private Health Laboratories Board; Engineers Registration Board; Contractors Registration Board (CRB); Architects and Quantity Surveyors Registration Board; Higher Education Students' Loans Board (HESLB); the Tanzania Library Service Board (TLSB); and, the Tanzania Tourism Board (TTB). The 'councils' reviewed were the National Council for Technical Education (NACTE); the the National Economic Empowerment Council (NEEC);



and other gender groups. The justification for advocating for women inclusiveness in all key positions and others is clearly stated in an opening quotation of this chapter, that, an achievement of the gender parity in leadership is most important, a matter of fairness because, leaders are powerful, so when women are excluded from top leadership, they are denied power to make a difference in the world (country).⁵⁸

the National Construction Council (NCC); the National Environment Management Council (NEMC); the National Examination Council of Tanzania (NECTA); the National Sports Council; and, the Tanzania Nurses and Midwives Council. The 'commissions' were the Tanzania Commission for Universities (TCU); the Commission of Science and Technology (COSTECH); the National Land Use and Planning Commission (NLUPC); Tanzania Atomic Energy Commission (TAEC); the National Electoral Commission (NEC); the Tanzania Commission for AIDS (TACAIDS); the Drug Control Commission; the Commission for Mediation and Arbitration (CMA); the Commission for Human Rights and Good Governance (CHRGG); and, the Law Reform Commission (LRC); and, other government's departments included the Property and Business Formalization Program (MKURABITA); the Office of the Treasury Registrar (OTR); the Dar es Salaam Stock Exchange (DSE); the National Audit Office (NAO); the Tanzania Investment Center (TIC); the National Museum of Tanzania; the Medical Store Department (MSD); the Public Service Recruitment Secretariat (PSRS); the Bank of Tanzania (BOT); the Prevention and Combating of Corruption Bureau (PCCB); the Directorate of Public Prosecutions (DPP); the Tanzania Bureau of Standards (TBS); and the National Bureau of Statistics (NBS).

⁵⁸ AAUW, 'Barriers and Bias, Status of Women Leadership.' AAUW, Washington DC, March 2016. Page 2.



CHAPTER THREE

WOMEN'S SITUATION IN ECONOMIC RIGHTS

'The realization of women's rights cannot be separated from a broader questions of economic and social justice ... volatile food and energy prices, food insecurity and climate change have intensified inequalities and vulnerability, with specific impacts on women and girls. Dominant patterns of development have led to increasingly precarious livelihoods.' ⁵⁹

3.1 INTRODUCTION TO ECONOMIC RIGHTS

Some studies show that, women represent approximately 70% of the 1.2 billion people living in poverty throughout the world. That situation is partly attributed to inequality with respect to, among other rights, an enjoyment of economic rights. For instance, ongoing inequality in the sphere of economic and other rights contributes to the continuing subordination of women and makes them especially vulnerable to violence, exploitation and other forms of abuse. ⁶⁰

Moreover, inadequate budget allocation to development projects or welfare services in general as chapter one of this report indicates, denies women of the right to access basic services.

The link between poverty, access to justice and prevalence of GBV is very clear. For instance, Article 5(a) of CEDAW states, among other things that, '*presence of discrimination of all forms causes inferiority complex*

⁵⁹ UN Women, 2015, 'Progress of the World's Women 2015- 2016: Transformation Economics Realizing Rights. United State of America: UN Women. Accessed it on 19th April, 2017 from: http://progress.unwomen.org/en/2015/pdf/UNW_progressreport.pdf

⁶⁰ The Global Initiative for Economic, Social and Cultural, 2017, 'Advancing Women Economic, Social and Cultural Rights.' Accessed it on 11th May, 2017: from <http://globalinitiative-escr.org/strategic-priorities/advancing-womens-economic-social-and-cultural-rights/>

of one group over the other.' According to Diop (2015),⁶¹ that situation which is mainly perpetuated by some of the harmful cultural norms normally causes the exploitation of that inferior gender group by the superior ones. Therefore, in order to effectively enforce economic rights in favour of women, such norms are supposed to be changed.



Media clip: This shows how hard is for women to engage in economic activities, including being employed.

The right to economic development is provided for under various international human rights instruments. Such instruments include Beijing Platform for Action of 1995; UN Declaration on the Right to Development of 1985; the SADC Declaration on Gender and Development of 1997; the Convention of the Economic, Social and Cultural Rights of 1966; the African Charter on Human and Peoples' Rights of 1981 (Banjul Charter); the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa of 2003 (Maputo Protocol). The Rio Declaration of Environment and Development of 1992; and, the Treaty for the Establishment of the East African Community (EAC) of 1999.

The Beijing Platform for Action of 1995 calls for, among other

⁶¹ Diop, Ngone (2015) Gender Equality and Sustainable Development: Achieving the Twin Development Goals in Africa. UNECA, Brief for GSDR 2015. Page 4.

things, promotion of women's economic independence.⁶²

The proposed actions on this are provision of employment opportunities for women and adoption of economic programs or structures which will facilitate eradication of poverty while at the same time ensuring equal access to productive resources, opportunities and public services for all women, including those in rural areas. Other instruments provide for the same right to (economic) development. The Banjul Charter of 1981 requires member States, Tanzania inclusive, to adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities.⁶³ Article 13 of CEDAW requires States Parties to *'take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights.'* Article 13 of the Maputo Protocol of 2003 provides for the right of women to choose their occupation and also, prohibits exploitation of women by their employers.

On the other hand, the Tanzanian legal framework on gender rights is generally silent on right to economic development. Instead, components of this right such as right to work, ownership or control of assets including land, are addressed in pieces under provisions of various laws and policies. Even the Constitution of Tanzania of 1977 has no explicit account of this right; instead, there are some provisions on the right to work⁶⁴, fair⁶⁵ remuneration and ownership of properties⁶⁶. The right to work includes also freedom to organize⁶⁷ as it a case for women's saving and credit cooperative societies (SACCOS) or even in informal groups.

⁶² Article 26 of the Beijing Platform for Action of 1995.

⁶³ Article 13 of the Banjul Charter of 1981.

⁶⁴ Article 22 of the Constitution of Tanzania of 1977.

⁶⁵ Article 23 of the Constitution of Tanzania of 1977.

⁶⁶ Article 24 of the Constitution of Tanzania of 1977.

⁶⁷ National Economic, Social Rights Initiative: Economic and Social Rights. Accessed on 15th May 2017, from <https://www.nesri.org/human-rights/economic-and-social-rights>

Hint Point 3.1: Needed legal and policy frameworks reforms on economic development

WiLDAF urges the government to adopt pro-women economic reforms, which will also provide a link between fiscal or economic policies and social policies in order to relieve women from abject poverty. Moreover, there is a need to enact laws which will enforce right to economic development, which will compel government authorities including LGAs to support women economic efforts, unlike the current situation whereby, LGAs' support to women and other vulnerable gender groups is haphazardly and discretionarily done. There is also a need for the Bank of Tanzania (BOT) to regulate further interest rates, which according to the findings of this study remained high at an average of 20% throughout the year 2016.

This chapter presents some facts on women's economic rights basing on some of the economic issues namely; poverty eradication efforts; ownership of properties; right to employment; engagement of women in other economic activities including agriculture, fishery and trade; access to financial services; and, access to natural resources, including oil and gas.

3.2 STATUS OF WOMEN'S ECONOMIC EMPOWERMENT: CASE OF NEEC

The 'economic empowerment' in Tanzanian context, is defined under Section 3 of the National Economic Empowerment Act of 2004 (NEEA 2004) to mean *'deliberate and affirmative actions and measures undertaken by the government for the purpose of promoting and enhancing knowledge, skills, economic powers and financial prudence of Tanzanians to enable them to meaningful participate in economic activities, and includes all plans, strategies, policies, and measures taken to achieve that goal, be it public or private sector.'*

Therefore, it is about support to knowledge, skills and finance for to empower and facilitate ordinary citizens to participate in the economic activities. The preamble of this 2004 law clarifies further the concept and right of economic empowerment. It states, among other things, that, such kind of empowerment

(economic) is central means for bringing 'economic growth' and 'social justice' which in return, will promote peace, tranquility and social stability. Indeed, as argued elsewhere in this report, there is an intrinsic link between income poverty, family disputes (e.g VAWC) and access to justice. Therefore, addressing poverty through economic empowerment means a lot in gender rights promotion and protection for women and other vulnerable gender groups.

Several international legal instruments address this concept of economic empowerment in an angle of economic development or social justice. For instance, the Treaty for the Establishment of EAC of 1999 requires member States to promote the empowerment and effective integration and participation of women at all levels of socio-economic development especially in decision making.⁶⁸ On the other hand, the SADC Declaration on Gender and Development of 1997 among other things requires governments to adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors.

Probably in response to those EAC's, SADC's and other international obligations on economic empowerment such as the then Millennium Development Goals (MDGs), which ended in 2015 – and now the Sustainable Development Goals (SDG) of 2030⁶⁹,

Tanzania adopted specific policy, legal and institutional frameworks on economic empowerment. Such frameworks are governed by the National Economic Empowerment Policy (NEEP) of 2004; the NEEA of 2004; and, the National Economic Empowerment Council (NEEC) respectively.

The NEEC is established under Section 4(1) of the NEEA 2004. Its functions are articulated under Section 5 of the said 2004 law, which include an implementation of the NEEP 2004 as its primary function; provide Tanzanians with the opportunity to participate in economic activities; encourage and promote savings, investments and meaningful economic

⁶⁸ Article 121(a) of the Treaty for the Establishment of the EAC of 1999.

⁶⁹ For instance, SDG number 1 is aimed at ensuring that 'all men and women have equal rights to economic resources, as well as, access to basic services, ownership, and control over land and other forms of property, inheritance, natural resources, appropriate new technology, and financial services on and a better income.'

participation of Tanzanians; promote and support business ventures pioneered and run by Tanzanians; and to manage, administer and identify sources of grants and donations for the National Economic Empowerment Fund (NEEF) ⁷⁰, which is styled as 'the *Mwananchi* Empowerment Fund' (MEF). Sub-section 2 of Section 5 of the 2004 law lists at least 15 duties of the council, which include lending some money to individuals or economic groups. The said NEEF is established under Section 16(1) of the 2004 law, and one of its functions is to promote equality in property ownership. The LGAs especially district and municipal councils are also obliged by the laws establishing them to promote socio-economic developments in their constituencies. One of the implementing mechanisms of this responsibility is an allocation of 10% of the budget from own sources of revenues for women (5%) and youth (5%) groups.

The year 2016 marked 15 years of existence of these economic empowerment initiatives (NEEP, NEEA, NEEC and NEEF/MEF). However, this study did not establish any tangible impact of the programs to the livelihoods of the targeted ordinary Tanzanian. None of the individual traders or income generating groups interviewed during the study had mentioned these initiatives as among the supports they depend on. Apparently, NEEC and its governing policy and law are not known to majority of the people ought to have been the beneficiaries. Towards the end of the year, NEEC was heard in the media inviting people to purchase some floated shares. Probably, this could be a good start of making its presence more visible.

Secondly, both NEEP and NEEA do not have specific provisions of women's economic empowerment. Therefore, despite the fact that economic empowerment is a gender issue as argued from the outset of this part of the report, yet such policy and law avoided addressing it that way. This omission has direct implication to the implementation of NEEC or NEEF/MEF activities. That is to say, if gender is not adequately mainstreamed in the governing policy and law, it could be, strategically, difficult for NEEC to reflect it in its implementation plan or even

⁷⁰ Section 5(1)(a) – (d) of NEEA 2004.

⁷¹Example: NEEC's Gender Mainstreaming Guidelines, Promoting Gender Equality and Women Economic Empowerment of 2016. Prepared by the NEEC Gender Guidelines Task Team.

attention of the NEEC's staffs. Some NEEC documents⁷¹ reviewed for this study admit this reality. Paragraph 4.1 (page 23) of the NEEC's Gender Mainstreaming Guidelines, Promoting Gender Equality and Women Economic Empowerment of 2016 states that, *'the Secretariat of NEEC, council members and their key collaborators have limited gender knowledge, a situation which has resulted in coordinating and monitoring of economic empowerment initiatives without paying particular attention to the strategic and practical needs and interests of women and girls. Most of the Programs undertaken by NEEC e.g. Kijana Jiajiri, Bodaboda scheme; [and] MEF Guarantee Framework Agreements with financial institutions and Young graduates fall short of the required gender considerations'* (emphasis supplied).

Hint Point 3.2: Government should support further NEEC; NEEC should merge efforts with other stakeholders including community banks and SACCOS

WiLDAF commends the idea of formulating NEEC's Gender Mainstreaming Guidelines, Promoting Gender Equality and Women Economic Empowerment (Undated). This is something which all institutions with similar mandates on economic empowerment including the LGAs' district and municipal councils; and, the Agricultural Inputs Trust Fund (AITF), TASAF, and the Tanzania Women Bank (TWB) should borrow a leaf from NEEC. The government is also urged to appropriate and disburse sufficient funds for NEEC and NEEF to functions efficiently. Thirdly, WiLDAF urges NEEC to link up its efforts or strategies with financial institutions especially community banks, saving and credit groups (SACCOS and VICOBA) and even pro-women organizations including WiLDAF in order to hasten its plan of reaching out many ordinary citizens in needs of its services. There are community banks such as Meru Community Bank, Arusha with excellent pro-gender economic empowerment package of their services. The study team was informed by the Meru's bank that, they were (as of April 2017) supporting more than 1000 groups most of them being women and youth micro, small and medium enterprises (SMEs or MSMEs).

There is also a need to address the policy challenges articulated in NEEP 2004, which are also found by this and other studies⁷² on the same subject matter. For instance, Paragraph 2.2 of the policy articulates the challenges which the MSMEs face. Note that, MSMEs sector in Tanzania covers non-farm economic activities. Table 3.1 below defines MSMEs in Tanzanian context:

Table 3.1: MSMEs Definition in Tanzania

Category	Employees	Capital Invested in Machinery (TZS)
Micro enterprise	1-4	Up to 5 mill
Small enterprise	5-49	5 mil to 200 mill
Medium enterprise	50-99	200 mill to 800 mill
Large enterprise	100+	Over 800 mill

Source: Mori, N./ ILO (2014).⁷³

The challenges facing MSMEs include lack of knowledge and experience caused by, among other reasons, inhibitive customs and traditions; lack of reliable markets and in ability to penetrate competitive markets. Moreover, Paragraph 2.1 seems to highlight the root cause of all such challenges to be '*lack of effective participation of ordinary Tanzanians into modern economy*' of which, WILDAF in chapter one of this report also highlighted as one of the economic policy gaps. The subset reasons of that challenge include lack of capital (due to lack of saving culture and valuable collaterals – Paragraph 4.3.1); limited entrepreneurship and experience in managing business; and, lack of credit.

Moreover, Paragraph 4.2.2.1 states that some of the laws, rules and regulations are not in line with the spirit of the economic empowerment – of the poor majority. There is also an issue of marketing articulated under Paragraph 4.7.1 of NEEP 2004. That, SMEs are not benefiting from productive markets due to poor packing of their commodities; lack of market information; high production costs; and lack of facilitation to access profitable markets within and outside the country. As such, they end up

⁷² For instance: Joekes, S. (1999): 'Gender, Property Rights and Trade: Constraints to Africa Growth', In, Keneth King and Simon Mcgrath (eds.) Enter prise in Africa – Between Poverty and Growth. IT Publications: London. Page 51; and, Chijoriga, M., & Cassimon, D. (1999): Micro Enterprises Financing: Is there a Best Model?, in Rutashobya L. K and Olomi, D. R (eds), African Entrepreneur ship and Small Business Development, Dar es Salaam, DUP (1996) Ltd. Page 2.

⁷³ Mori, Neema (2014) Women's Entrepreneurship Development in Tanzania: In sights and Recommendations. ILO, Geneva. Page 16.

grabbing small business opportunities as situation allows.⁷⁴

At least 75% of the interviewed female traders for this study in Dar es Salaam mentioned lack or insufficient of capital as main obstacle. At least 90% of women IGA groups were operating with a capital of less than 50% of the required amount. This was also reported by media. For instance, the chairperson of women artisanal mining group termed as 'Tujitume Group' of Chunya district, Mbeya region, said that, her group had only TZS 1.5 million⁷⁵ while the actual capital needed was TZS 15 million. Therefore, it was to fundraise more than 90% of the required capital base.



Picture: Women in petty business, Hanang urban, Arusha. Field Photo, December 2016.

Presence of such challenges and ineffective policies or strategies to address them, has continued to marginalize MSMEs, especially women, from mainstream economy. This situation has adverse effects to macro economic

⁷⁴ Also, the National Strategy for Gender Development (NSGD) of 2005 lists also similar challenges for women to engage in economic activities, which include presence of legal framework; macro and micro policies which are not also gender sensitive to consider gender factors such as level of women's education, traditional and reproductive roles affect productivity and development of women; lack entrepreneurial skills; management problems; inadequate capital and security, which contribute to low productivity, persistence poverty and low social status; and, high or complicated procedure to initiate (formal) economic activity (Paragraphs 1.4 and 2.1.6 of NSGD of 2005).

⁷⁵ Reference: Hawa Mathias, 'Wachiumbaji Wanawake Walilia Mtaji.' Mwananchi (Newspaper), 5th January 2016. Page 12.

development as well. For instance, the government or LGAs would have collected more taxes or development levies from MSMEs if these groups' business ventures were flourishing. The 2015 study by Kipobota on women's extra-legal practices in market informal trades in Dar es Salaam⁷⁶ found that, at least 70% of urban residents in Tanzania were earning living through informal petty economic activities. Therefore, a fraction of less than 30%, even if it is a big business, cannot easily support national economy in sustainable manner. As Diop (2015)⁷⁷ argues, the sustainable development cannot be achieved or sustained if majority of the population is excluded from the development processes.

Hint Point 3.2: Need of pro-women economic policies which guarantee economic benefits for a large section of society and control of economic resources

WiLDAF subscribes to this opinion and therefore, urge the government to adopt economic policies, which will first, mainstream gender issues particularly women's specific economic needs; and, secondly, ensure a large section of the society is facilitated (being technological, skillful, etc) to work productively. Thirdly, to address one of the key challenges articulated in NEEP 2004, namely, ownership, possession and control of economic resources, especially land. ILO (2012) mentioned control of resources one of prerequisite factors for women's economic emancipation (ref.: ILO (2012) 'Empower Rural Women-end Poverty and Hunger: The Potential of African Cooperatives.' Re-accessed it on 11th May, 2017 from: http://www.ilo.org/public/English/employment/ent/coop/Africa/download/coopafrica_leafet_wd2012.pdf). That will ensure them not only a means of production, but also a mechanism (collateral) for accessing loans from commercial banks and other financial institutions.

It is established by this study that, absence of such policies cause women to be marginalized even in formal economic activities. For instance, according to the 2014 integrated labour

⁷⁶ Kipobota, Clarence (2015) Challenges and Opportunities of Integrating Business' Extra-Legal Practices into Policy Framework: A Case of Women Food Vendors in Ilala Municipality, Dar es Salaam. Msc. PPA Dissertation, Ardhi University.

⁷⁷ Diop, Ngone (2015) Gender equality and sustainable development: Achieving the twin development goals in Africa. UNECA, Brief for GSDR 2015. Page 1.

survey's results, which were released in November last year, 2015, unemployment rate was higher among women at 12.3% compared to 8.5% for men. Moreover, women generally earn less than men; and that, women spend on average 4 times as much time on unpaid care work as men. This situation deprives them of time for valuable pursuits like generating an income, gaining new skills, and participating in public life.

Probably, the handy or feasible way of reaching out women's economic empowerment efforts would have been the support to them of 10% from LGAs' own revenue sources as indicated above. A common challenged observed by this study in all district and municipal councils was lack of 'sufficient budget allocation' to finance the women and youth groups (5% each). Insufficient funds were said to have been caused by shrinking revenue collections due to failing trade activities in many parts of the country (financial crunch) in 2016; presence of so many priorities which all needed earnest attention; and, absence of strong CSOs movements on the ground to inform women's groups of the presence of this opportunity, to advocate for allocation and disbursement of such funds.

There were a few (less than 30%) out of about 20 councils consulted which had at least supported some groups. One of such councils, which could be cited as best practice is the Kahama District Council (KDC). This study was informed that KDC at least 160 women and youth groups were supported financially by this council under the 10% of the budget allocated for community development support projects. The groups included the Songambebe and Upendo groups from Busoka ward; the Subira-Twaweza from Mwendakulima ward; the Mshikamano group from Sagene ward; the Mama-na-Mwana group from Nyahanga ward; the Vijana na Maendeleo group from Nyihongo ward; the Bodaboda-Igomelo from Manunga ward; the Faraja group from Nyasubi ward; and, the Kapu-la-Mama from Mhungula ward. According to the council's social welfare department, a total of 41 groups were supported in 2013/ 2014 FY; while, in 2014/ 2015 and 2015/ 2016 FYs had a total of 10 and 116 groups supported respectively. Table 3.2 below indicates more amounts of money and support to each gender group.

Table 3.2: Kahama District's Women and Youth Groups Supported by KDC 2013-2016

Financial Year	Number of Groups	Amount (TZS)		No. of Women Groups	No. of Youth Groups
2013-2014	29 ⁷⁸	29,000,000		15 (36.6%)	14 (63.4%)
2014-2015	10	10,000,000		8 (80.0%)	2 (20.0)
2015-2016	116	Women	Youth	60 (51.7%)	56 (48.3%)
		95,631,000	102,000,000		
		(48.4%)	(51.6%)		
Total % Percentage	155	236,631,000		83 (53.5%)	72 (46.5%)

Source: Kahama District Council's Social Welfare Department, December 2016.

An average of TZS 1,000,000 per each group was given to each group between 2013/2014 and 2014/2015 FYs; while, an average of TZS 1,700,000 was granted during the 2015/ 2016 FY. However, such impressive KDC's efforts are, being frustrated by several setbacks including failure of some of the groups to repay the loans; and, attempts to recover the loans from the groups are barred by some of politicians, who induce the groups not to repay the loans. As a result, the fund is not revolved for other groups to benefit from it. Despite such setbacks, WILDAF is of the view that, such efforts demonstrated by KDC should be replicated to all district and municipal councils. Moreover, there is a need to link this 10% budget allocation development scheme with other funds such as NEEF as suggested earlier.

The Arusha Municipal Council also allocated TZS 589.8 million from its July to November 2016 revenue collections to support women and youth IGA groups.⁷⁹ However, it was not certain how much and how many groups were actually supported from this fund. There is a need to publish on board financial records of the number, names and locations of the IGA group supported by each LGA. It is also important that, such services (LGA's supports to IGA groups) are announced and people are encouraged to apply.

⁷⁸ This total number was not clear. Therefore, it should not be entirely relied on in referring this report.

⁷⁹ Filbert Rweyemamu, 'Shilingi Milioni 589 Zawezesha Vijana, Wanawake.' Mwana nchi (Newspaper), 4th January, 2017. Page 2.

3.3 EFFECTS OF POVERTY TO WOMEN AND STATUS OF ERADICATION EFFORTS

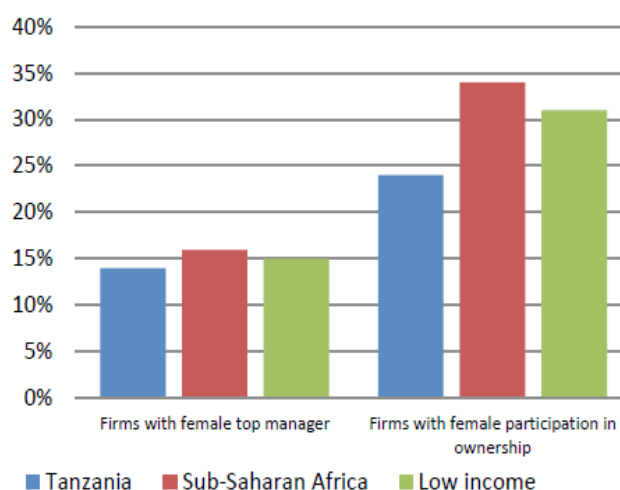
3.3.1 General Trend of Poverty and Eradication Efforts

The struggles towards poverty eradication or reduction are aimed at improving individual and social livelihoods of the people, who are currently living in poverty, and a good number of them in abject poverty as the household budget survey's statistics quoted above indicate. The UN Universal Declaration of Human Rights (UDHR) of 1948 provides that, *'everyone has the right to a standard of living adequate for health and well-being, including food, clothing, housing and medical care and necessary social services.'*⁸⁰ Inadequate standards of living normally expose economically poor people to myriad of challenges. The most affected gender groups are women and children due to their level of vulnerabilities attributed to socio-economic backgrounds. Such groups are compelled to opt for horrible lifestyles, including being homeless ('street') children; prostitutes; or being trafficked to urban or overseas areas.

That situation, of gender disparity in poverty, is attributed to inequalities in accessing economic resources and opportunities. For instance, as shown in this chapter, females are more likely to be employed in productive job opportunities or highly paid managerial positions than males. The 2013 Enterprise Survey⁸¹ reported that 24% of firms had women participation in ownership in Tanzania, which is lower than the sub-Saharan Africa's average at 34%. Tanzania has also a lower score in terms of firms with women in top management as Figure 3.1 below explains further.

⁸⁰ Article 25(1) of UDHR, 1948.

⁸¹ Quoted in: LO/ FTF Council's Analytical Unit, 'Labour Market Profile 2016, Tanzania and Zanzibar.' Danish Trade Council for International Development and Cooperation, Copenhagen, Denmark. Page 18.

Figure 3.1: Women in Management and Ownership, 2013 ⁸²**Figure 14: Women in Management and Ownership, 2013**

Source: World Bank & IFC, Enterprise Surveys: Tanzania Country Profile 2013.

Moreover, women who are engaging in informal sector, including family income generating activities, do not have control of the income earned. The 2015 UN women report ⁸³ revealed that, about one in three married women (at least 30%) from developing regions has no control over household spending on major purchases, and about 1 in 10 (being 10%) married women is not consulted on how their own cash earnings are spent. More findings on women's employment status are presented below in this chapter.

The basic needs approach is used to measure 'absolute poverty' in Tanzania (Mainland). This approach considers the absolute minimum resources necessary for long-term physical well-being in terms of consumption of goods. Poverty lines are then defined as the amount of income required to satisfy those needs. On the other hand, the food poverty line (another indicator of absolute poverty) is the level at which households total spending on all items is less than they need to spend to meet their needs for food. It is also often referred to as the extreme poverty line. Individuals who fall below this level are classified as extremely poor. ⁸⁴

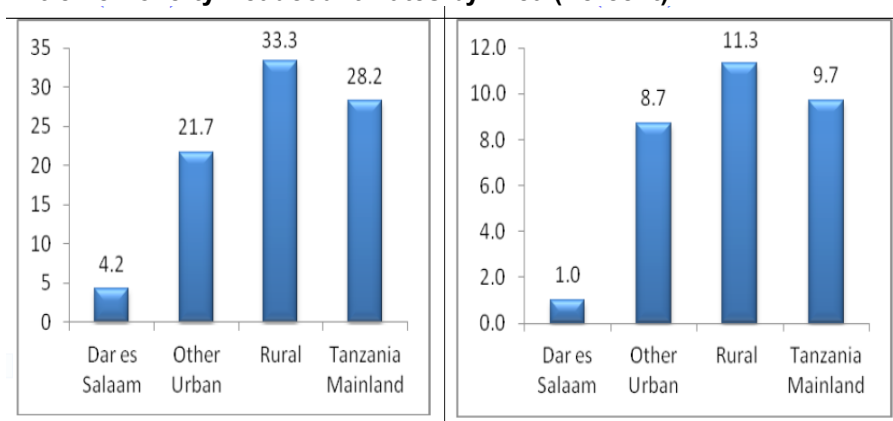
⁸²As presented in: LO/ FTF Council's Analytical Unit (2016), op cit.

⁸³ UN, 'The World's Women 2015 Trends and Statistics.' Page xiv.

⁸⁴ NBS (2013) Key Findings 2011/12 Household Budget Survey Tanzania Mainland. November, 2013. Page 3.

According to the same source cited in above footnote, the levels indicated by the recent household budget survey of 2012, are TZS 36,482 (USD 16.4) per adult per month as the basic needs poverty line; and, TZS 26,085 (USD 11.8) per adult per month as food poverty line in Tanzania. Therefore, if the two poverty lines are used to assess extent of poverty amongst Tanzanians, at least 28% of them will or current fall below the basic needs poverty line; and that, 9.7% falls below the food poverty line. Figure 3.2 below shows poverty headcount rates by area in percentage (left hand side figure); and, extreme poverty headcount rates by area in percentage (right hand side figure).

Figure 3.2: (L) Poverty Headcount Rates by Area (Percent); and, (R) Extreme Poverty Headcount Rates by Area (Percent)



Source: NBS (2013) Key Findings 2011/12 Household Budget Survey Tanzania Mainland. Page 4.

That is, at least 33% of the rural residents were living below basic needs poverty line, as compared to 4.2% of Dar es Salaam residents; and, 21.7% of other urban areas. However, the proportion of those who lived in 'extreme' poverty was lower (1% for Dar es Salaam, nearly 9% in other urban places; and about 11% of the rural population). As for part of Zanzibar, the 2009/2010 Zanzibar Household Budget Survey has shown that poverty rate increases with household size which implies that female headed households are more likely to be poor compared with male headed households.

According to the same source, the proportion of males and female headed households ⁸⁵ in URT in 1988, 2002 and 2012

⁸⁵ NBS & Office of Chief Government Statistician Zanzibar, 'Basic Demographic and Socio-Economic Profile, Tanzania and Zanzibar.' April, 2014. Page 34.

were 70:30%; 70.2:29.8%; and, 68.9:31.1% respectively.

3.3.2 Human Trafficking and Smuggling of Immigrants as Income Poverty Issue

Legal Framework on Human Trafficking

Tanzania has specific legal framework on trafficking in persons, but not the policy framework on the same. The legal framework is generally governed by the Trafficking in Persons Act of 2008⁸⁶ and it's implementing organs⁸⁷. Before an enactment of this 2008 law, human trafficking cases were dealt with the general criminal law (Penal Code, Cap. 16), which did not expressly address this issue. Therefore, dealing with such offence (trafficking in persons) was really a challenge, according to anonymous State Attorney in Dar es Salaam, consulted for this study in December 2016.

An enactment of the said anti-trafficking law was, apparently, in response to several international laws on the same endorsed by UN and African Union (AU). The laws include the Convention against Transnational Organized Crime of 2000; the Protocol against the Smuggling of Migrants by Sea and Air, Supplementing the Convention Against Transnational Organized Crime of 2000; the Protocol to Prevent, Suppress and Punish Trafficking in Persons of 2000;⁸⁸ the African Charter on the Rights and Welfare of the Child (ACRWC) of 1999; the Convention on the Rights of the Child (CRC) of 1989; and, CEDAW of 1979 (cited above). Article 29 of ACRWC prohibits, among other crimes, abduction, the

⁸⁶It is Act No. 6 of 2008. This law was operationalized almost immediately after its enactment – in June 2008. There are also regulations made under this law, namely; the Anti-Trafficking in Persons (Prevention, Protection and Treatment) Regulations of 2015; and, the Trafficking in Persons (Centres for Protection and Assistance to Victim of Trafficking in Persons) of 2015. The aim of these regulations is to facilitate effective enforcement of this law. There is also the National Anti-Trafficking in Persons Action Plan (2015–2017); and, the Standard Operating Procedures (SOPs) for Protecting, Assisting and Referring Trafficked Children and Safe Family-Reunification Guidelines for Child Victims of Trafficking in Tanzania of 2016. The SOPs, which were jointly formulated by IOM – Tanzania Office, were launched for implementation on 19th October, 2016. The SOPs' title suggests the aim of this guideline.

⁸⁷Including the Police Force; the Immigration Department; the National Anti Trafficking in Persons Committee; the Secretariat of the said committee.

⁸⁸Note, Tanzania ratified this ten years ago (in 2006).

sale of, or trafficking of children for any purpose or in any form. Articles 34 and 35 of CRC seem to be more explicit and detailed, as they prohibit all forms of sexual exploitation such as child prostitution, child pornography, the sale or traffic of children or other unlawful sexual practices. The CEDAW, under Articles 6 and 16, requires State parties to this convention to take all appropriate measures including legislation to suppress all forms of trafficking in women and, exploitation of prostitute women.

Human Trafficking



Picture: Some forms and purposes of human trafficking (Internet Source).

As it is stated earlier, Tanzania has made quite remarkable steps not only to ratify these treaties (international laws), but also, to domesticate a large section of such treaties' contents or principles. This study's observation can be evidenced by evening considering the meaning of 'trafficking in persons.' Section 4(1) of the said 2008 Tanzanian law does not offer specific definition on trafficking; rather, it states incidents which can constitute an offence of trafficking in persons. The incidents mentioned include the recruitment, transportation,



transferring, and harboring of persons for any purpose, be it under the training or apprenticeship, pretext of employment, phonograph, prostitution, sex tourism, forced labor, sexual exploitation, slavery, and involuntary servitude or debt bondage. Moreover, Section 6(2) defines 'severe trafficking' offenses to include trafficking involving children or disabled victims (PWDs), adoption for sexual or labor exploitation, and offenses committed by crime syndicates, groups of two or more

persons, religious leaders or other authority figures. The Tanzanian definition on trafficking in persons by Tanzanian law is comparatively detailed that the one provided for under the international treaties mentioned earlier – as they define 'trafficking in person to include (mean) an illegal transport of people for the purposes of labor exploitation and sexual exploitation as well as different forms of bonded labor.



Hint Point 3.3: Need to comprehensively address 'smuggling of immigrants' in legal framework

The study noted that, the 2008 anti-trafficking law is silent on 'smuggling of immigrants' but, it mention 'people smuggling' as part or element of 'exploitation. Such offence is mentioned under Section 3(3) of the Anti-Money Laundering Act of 2006 (Act No. 5 of 2006). The smuggling of immigrants is governed by the Protocol against the Smuggling of Migrants by Sea and Air, Supplementing the Convention against Transnational Organized Crime of 2000 at the international level. Article 3(a) of this protocol defines 'human smuggling' as an act of 'procuring, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.' Despite the fact that this study did not came across any incident in which 'smuggling of immigrant' incident occurred but failed to be handled, still, there is a need to address it in Tanzanian legal framework in line with the this 2000 protocol. WiLDAF is of the view that, since Tanzania is part of the world's globalization policy, incidents of smuggling of immigrants would start to emerge or being manifested. Already, there are several incidents occurring with 'smuggling' elements, such as the arrest of Ethiopian nationals in different parts of the country, who are normally cross Tanzania on their way to southern Africa. Therefore, the government is urged to have specific law or comprehensive provisions in existing laws which will address this offence.

Sources and Magnitude of Human Trafficking

The UN Office on Drugs and Crime (UNODC)'s 2016 report⁸⁹ mentions Sub-Saharan Africa (SSA) as a region of origin for trans-regional trafficking flows. The report states that, the victims from SSA have been detected in or repatriated from about 55 countries outside the region, including some 20 countries in Western and Southern Europe. Moreover, about 3% of the victims, according to this 2016 report, detected in Western and Southern Europe were citizens of East African

⁸⁹UNODC, 'Global Report on Trafficking in Persons 2016. UNODC Research, UN Publication, Sales No. E.16.IV.6, New York, USA. Pages 115 and 116.

countries, which include Tanzania. According to the 2016 Global Slavery Index (Report),⁹⁰ the region, SSA, is said to account for approximately 13.6% of the world's total enslaved (trafficked) population.

The 2013 Plan International report on (among other issues) child trafficking⁹¹ indicated that, Kenya was '*more attractive as a destination for trafficked children*' in East Africa. In that destination, trafficked children are allegedly engaged in various activities such as commercial sex, domestic work and agriculture, all of which expose them to risks. Furthermore, the said 2013 study found that, girls were most preferred because they can be used as domestic servants and commercial sex workers. However, no statistics of the magnitude or trend of the problem was indicated. The 2014 Global Slavery Index (Report)⁹² named Tanzania as a leading in East Africa for having more than 350,000 people trafficked within and outside the country.



Picture: That, human trafficking is a slavely mode.

⁹⁰ Global Slavery Index Report, 2016. Accessed on 9th May, 2017 from: <http://global.slaveryindex.org-assets.s3.amazonaws.com/downloads/GSI-2016-Full-Report.pdf>

⁹¹ Plan International (2013) A Study on Review of Progress of Recommendations from Previous Studies done towards Elimination of Child Marriage, Child Labour and Child Trafficking in Eastern and Southern Africa. International Research and Development Actions (IRDAC). Page 12.

⁹² Global Slavery Index Report, 2014. Re-accessed on 9th May, 2017 from: http://d3mj66ag90b5fy.cloudfront.net/wp-content/uploads/2014/11/Global_Slavery_Index_2014_final_lowres.pdf

⁹³ Global Slavery Index Report, 2016 (cited above).

On the other hand, the latest 2016 Global Slavery Index (Report)⁹³ showed that, around 341,400 people trafficked in Tanzania. This could, the other words, be said that, around 0.6% of the country's population of more than 45 million as chapter one of this report shows, are being trafficked annually. The 2015 edition of this report indicated that, more than 700,000 people in Tanzania were becoming victims of human trafficking annually. That number, which was stated by the then Vice President of Tanzania, was twice to what the 2014 and 2016 global slavery indexes estimated. It seems that, more concrete studies on the situation of trafficking in human are needed for Tanzania.

Current Tanzanian Situation of Human Trafficking

The USA Embassy 2016 Traffic in Persons Report (Tanzania)⁹⁴ mentions Tanzania as a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Moreover, report states that, an internal trafficking is more prevalent than transnational trafficking. Such (internal) trafficking is, characteristically, facilitated by victims' family members, friends, or intermediaries offering assistance with education or securing employment in urban areas; and that, the most vulnerable gender groups on this trend are impoverished children from the rural interior. Indeed, as other empirical studies found, income poverty is one of the attributing factors to trafficking especially from the rural areas to urban; or, rural and urban to overseas especially Asian countries.

At the national level, the URT and International Organization for Immigrant (IOM) report of 2016,⁹⁵ which refers several recent studies on trafficking in persons mentions Dar es Salaam, Zanzibar and Arusha cities as 'main destinations of internal trafficking' of the children (mainly trafficked in pretext of domestic workers) whom majority of them come from Iringa, Mwanza, Singida, Mbeya, Arusha, Shinyanga, Dodoma, Tanga and Kagera regions.

⁹⁴Source: Office to Monitor and Combat Trafficking in Persons, accessed on 22nd May, 2017 from: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258875.htm>

⁹⁵URT & IOM, 'Dynamics of Trafficking in Persons in Tanzania.' Study Report of 2016. Supported by European Union (EU) and U Tanzania – Delivering As One.



Picture: Some of the purported to be prostitutes in urban areas (JamiiForum's File Photo).

The leading regions of trafficking persons were mentioned to be Iringa followed by Kilimanjaro, Morogoro, Singida and Dodoma. Moreover, the study team for this report at hand was informed by the villagers in Kasulu district, Kigoma region in December 2016 that, there were a good number of refugees especially from Nyarugusu refugee camp, located in Kasulu district, who were being 'trafficked' or 'smuggled' to work for gain or even married outside the designated camp(s). A retired teacher of one of the Kasulu urban primary schools told the study team that, his uncle is married to a Burundian refugee. The uncle managed to *'like snatch her about five years ago when there was a move to repatriate the refugees to Burundi ... most of these (refugees) people did not like to go to their home countries. Therefore, they were, desperately, looking for means of remaining in Tanzania ...'*, said the senior teacher.

Same as the above quoted 2013 Plan International study, the WiLDAF's 2015 edition of this report also indicated that, human trafficked were taken away to other countries or continents and forced to work in farms, mines or domestic help. Furthermore, it was estimated that, 70% of all women trafficked are sexually exploited.

The anti-trafficking efforts in Tanzania, which include prosecution of trafficking cases by the police, directorate of public prosecution and attorney chambers; intensive monitoring by the Immigration Department within the Ministry of Home Affairs; trainings on

trafficking e.g now being incorporated in the Tanzanian police training curriculum (according to one anonymous respondent to this study); and, awareness rising especially by a few CSOs such as the WoteSawa Child Domestic Workers Organization; KIWOHEDE; Kivulini Organization; LHRC; and, WiLDAF which advocate for numerous women's rights including campaign against trafficking in persons and decent domestic working, seem to yield some positive results. For instance, basing on the global slavery indexes cited earlier in this chapter, the 2016 estimations of person who are being trafficked annually in Tanzania were slightly below the 2014's estimations. This suggests that, trafficking in persons was reduced by around 2.5% between 2014 and this year, 2016.



Picture: CSOs and Government's campaign strategies on girls Empowerment (against, among other things, trafficking).

That slight, but impressive improvement, according to WiLDAF's analysis can be linked by improved law enforcement especially from December 2015 when the new phase governance under H.E Dr. John Magufuli, the president of URT came into power. Moreover, the difference might be influenced by the type of assessment method use and extent of the same. Be it as it may, WiLDAF is of the view that, having such huge number of (more than 340,000) persons trafficked annually, is a serious problem to warrant more strategic and immediate interventions

to address the challenge. Some of the proposed solutions, as it is discussed further elsewhere in this chapter are (i) enhancement of investigation and prosecution of these cases – as control mechanisms; and, (ii) supporting economic empowerment initiatives especially in the rural areas – as preventive measures.

The said improvement did not reflect positively into the Tanzanian's position to the global slavery index. For instance, the 2014 Global Slavery Index (Report) cited above ranked Tanzania at 33rd position (out of 167 countries) in the world on the list of notorious countries regarding 'modern slavery' (trafficking); while, the 2016 similar index (report) ranked Tanzania at the 19th position out of the same number of countries surveyed. Therefore, the country dropped by 14 (42.4%) positions down the line to the countries with poor records in dealing with trafficking in 2016. This suggests that, despite the dropping number of persons who are being trafficked by 2.5% as said above, some other countries (with better positions) did better than Tanzania to rectify the situation. Table 3.3 below summaries such ranks of East African countries for comparative analysis purposes:

Table 3.3: Estimated Proportion of Population in Modern Slavery (Human Trafficking) – East African, 2016

E.A Countries [Alphabetically]	Rank (out of 167 Countries)	Estimated % of Population in Modern Slavery	Estimated Number in Modern Slavery	Population Size
Burundi	19 th	0.638	71,400	11,179,000
Kenya	31 st	0.410	188,800	46,050,000
Rwanda	19 th	0.638	74,100	11,610,000
South Sudan	6 th	1.130	139,400	12,340,000
Tanzania	19 th	0.638	341,400	53,470,000
Uganda	20 th	0.626	244,400	39,032,000

Source: Extracted from Global Slavery Index (Report) 2016, Table 1, Pages 27 – 29.

According to the table above, apart from Kenya, most of other East African countries were ranked at between 19th and 20th positions down the rank to countries with worst practices in human trafficking ('modern slavery'). The countries, which had lowest incidents of trafficking in 2016, included (not listed in any order), Ireland, Norway, Denmark, Sweden, USA, France, United Kingdom (UK), Canada, German, Switzerland and Belgium. Both were at the highest rank, 52nd position on the index. On the other hand, countries which had highest incidents of trafficking included North Korea, Uzbekistan, Democratic

Republic of Congo (DRC), Sudan, Iraq, Somalia, Afghanistan, and Libya (below 10th position). The African countries with lowest estimated percent of population in trafficking in 2016 were Mauritius (0.165%); Equatorial Guinea (0.295%); Gabon (also, 0.295%); and, Ghana (0.377%)

This study established that, 'trafficking in human' (termed to them as '*usafirishaji haramu wa binadamu*' in Kiswahili language) is known as a criminal offence and immorality by most of the participants interviewed. At least 65% of the total sampled individuals for this study (see chapter one of this report), knew it as a crime. But, almost all of them linked it to 'smuggling' or 'stealing' of persons, especially 'Ethiopians', 'Somalis' and children.



Picture: A total of 82 ethiopian refugee survivor of human trafficking apprehended in Tanzania (Internet Source, undated).

This level of understanding of human was almost similar to all FGDs conducted in sample regions. The URT and IOM 2016 study on trafficking in persons ⁹⁶ found that, 73% (of their 584 respondents) in Tanzania reported to be aware of the trafficking in person, and that, at least 84% of them knew it as a crime while 5.3% said it is not a crime; 6.5% were not sure; and, 3.6% did not know anything about it.

⁹⁶It is already cited above (URT & IOM, 'Dynamics of Trafficking in Persons in Tanzania.' Study Report of 2016. Supported by European Union (EU) and U Tanzania - Delivering As One. Page 84).

Surprisingly, despite those high levels of knowledge about the criminality of trafficking in human, still it is highly practiced as indicated in statistics quoted above. A respondent at Kahama, Shinyanga region, who resides in Ngara, Kagera region, told the study team for this report that, her district was one of the major sources of child domestic workers in Tanzania because of the prevalence of income poverty hitting the district. A further discussion with her revealed some more factors including sending out the girl children as a 'fashion' by some of the parents; and, inability to support children to pursue secondary school education. However, she admitted that, with the current free-education policy, it was increasingly becoming difficult to secure girls for urban domestic working purposes. This is due to the fact that, most of them were now joining secondary schools. Moreover, the URT and IOM 2016 study cited earlier mentioned some more reasons and frequency of responses per each purportedly to be attributing factors to trafficking in persons. Table 3.4 below explains more.

Table 3.4: Purported Causes of Trafficking in Persons in Tanzania - 2016

Cause	Number (%)
Poor socio-economy	560 (74.1)
Family disintegration	194 (25.7)
Support for a family	74 (9.8)
Deceived	40 (5.3)
Hiding	23 (3.0)
Look for a better living	13 (1.7)
Other	10 (1.3)

*The respondents provided multiple answers

Source: URT & IOM, 2016.⁹⁷

Therefore, economic factors, mainly family income poverty was mentioned to be the main pushing factor for occurrence of trafficking in persons; followed by family problems. Only 1.7% 'volunteered' to be 'trafficked' according to that (URT and IOM) study in order to earn a better living. This study at hand established from media survey that, there were hundreds of Tanzanian girls who were 'deceived' or 'liked' to go overseas (especially Arabic states). Such girls were being mistreated

⁹⁷ URT & IOM, 'Dynamics of Trafficking in Persons in Tanzania.' Study Report of 2016. Page 18.

in many ways, including physical assaults, denial of their remunerations and even murdered.

The 2015 edition of this report indicated that, more than 50% of trafficked persons in Tanzania were women and young girls. Suggested reasons for this situation are indicated above and include such gender groups were needed by traffickers for commercial sex, including sex tourism⁹⁸, and, for being engaged as domestic workers. Moreover, the 2015 edition of this report referred to some studies which found that, about 80% of the girls trafficked to urban areas (e.g Arusha) were forced into prostitution. The study at hand heard same incidents especially in Dar es Salaam. A young lady at Mwananyamara – Kwakopa area, Dar es Salaam, who is a barber shop attendant, told this study in 2016 that, she came in Dar es Salaam from a village near the Mkapa Bridge, Rufiji district, Coastal region about two years ago. Her friend, also a barber shop attendant, was sending some pictures in her phone showing how town-life was good. She said:

I therefore told my grandmother about my plan to go to the city for a better life. She refused as my uncle's wife was not a good person, and I did not have anywhere else to relocate while looking for my own room. But, my friend assured me that she would host me ... she had a room, which is shared by four girls, and more others spend like a day or two in each week especially during night hours. She started going with me to a barbershop where she was working along Meeda bar road so that I can learn scrubbing and pedicure treatments of customers. I am fast a learner. It took me hardly a month to master everything. One of the boys shaving there quitted his job. He then pursued me to his new barbershop. There was a salary like TZS 100,000 per month paid by the head of

⁹⁸Sex tourism' is defined under Section 3(a) of the Anti-Trafficking in Persons Act of 2008 to mean 'any program organized by travel or tourism related establishment or an individual, which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists.' A separate study is needed to come out with concrete facts of an existence of this practice in Tanzania. However, available unverified stories heard during this study in Mtwara, Arusha and Mwanza (especially Ukerewe Island) suggests presence of such practices.



barbershop's operation. This money was not paid systematically. Therefore, I would go three or four months without a full salary ... the head boy of the barber shop always threatened that, I will be fired if I nag him; after all, being there, was an opportunity for me to network with rich male customers. Indeed, I have been receiving some tips, but also, to satisfy the men sexually who offer such tips ... I am always off every Tuesday. Therefore, this is the day to meet two or three of my customers in the guest houses ...

The lady's testimony on how she was induced to come to the city, and found herself exposed to some forms of prostitutions represents thousands or millions of other girls who pass through similar experiences in Tanzania. As reported last year, there have been some efforts, mainly, cracking down, ambushing and arresting the commercial sex workers in Dar es Salaam. This is due to the fact that, prostitution is a criminal offence under the Penal Code, Cap. 16; and, the Law of the Child Act of 2009. Child prostitution is also prohibited under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography of 2000.

The law enforcers' cracking down, arrest and prosecution of commercial sex workers have never ended (or even mitigated) the problem. According to the same lady interviewed, a number of commercial sex workers is increasing and taking a new form every time. For instance, prostitution is now widely practiced in services such as barber shops, gyms, pubs and hotels. An attack to jobless in Dar es Salaam during the year 2016 did not end up with commercial (female) sex workers only. The Regional Commissioner (RC) ordered removal of vagabonds and wanted to initiate a door-to-door man hunt of jobless persons in this city. The President of Tanzania instructed not to play gambling games such as 'pool-table' during working hours. There is no any indication to suggest any successes achieved after implementing those orders.



Hint Point 3.4: Needed Multidimensional approaches to end trafficking in person incidents

WiLDAF is of the view that, such incidents still occur because the law enforcers and government officials are dealing with 'effects' (managing crisis) instead of 'root causes' of the same. There is a need to support rural development especially agriculture and urban development especially business ventures. The government should exercise leadership by implementing economic empowerment mechanisms such as NEEC, AITF, TASAF and others mentioned earlier in this chapter, and subsequent parts of this report. Secondly, there is a need to sensitize parents or general communities especially in rural areas on the presence of adverse effects of sending off their children to the cities without sufficient information on where and how they are going to engage in urban or overseas life. Thirdly, there is a need to increase awareness of the anti-trafficking laws. The 2014 study on implementation of anti-trafficking law indicated that, low or lack of knowledge about the existence of anti-trafficking in persons law or offences renders non-reporting of incidents of human trafficking; and that, results into having a few cases reported most of them being the ones related to cross boarder human trafficking offences. As it was suggested by WiLDAF in 2015 that, both members of the public and law enforcers need legal awareness on trafficking in persons. This is due to the reality that, sometimes some of the law enforcers treat trafficking cases as illegal immigration matters despite the fact that these are two different cross-border offences. Thirdly, there is a need to improve further law enforcement by supporting (financially and technically) anti-trafficking committee and its secretariat as well as police and immigration officers. The judicial officers should also be trained to understand this law. A magistrate at Musoma Mara, told the study team that, she has never heard of this law in her professional life. Apparently, most of the judicial officers have not yet been oriented on this law. Fourthly, the government should, apart from the strategic plan and SOPs mentioned above,

formulate the anti-trafficking policy in order to, among other reasons, guide budget allocation of anti-trafficking initiatives. Lastly, there is a need to devise or improve further inter-country enforcement of anti-trafficking laws e.g within East African block which is mentioned to be one of the major sources and destination of trafficked persons. It is high time for the East African Legislative Assembly (EALA) to come up with a common treaty on this and related matters [Note, the 2014 study mentioned above is: Meela, Anna (2014). The Anti-Trafficking in Persons Act, 2008: It's Effectiveness in Combating Human Trafficking Offences in Tanzania. LW 719, Graduate Essay for the Fulfilment of LL.M Taught Programme. University of Dar es Salaam, Tanzania].

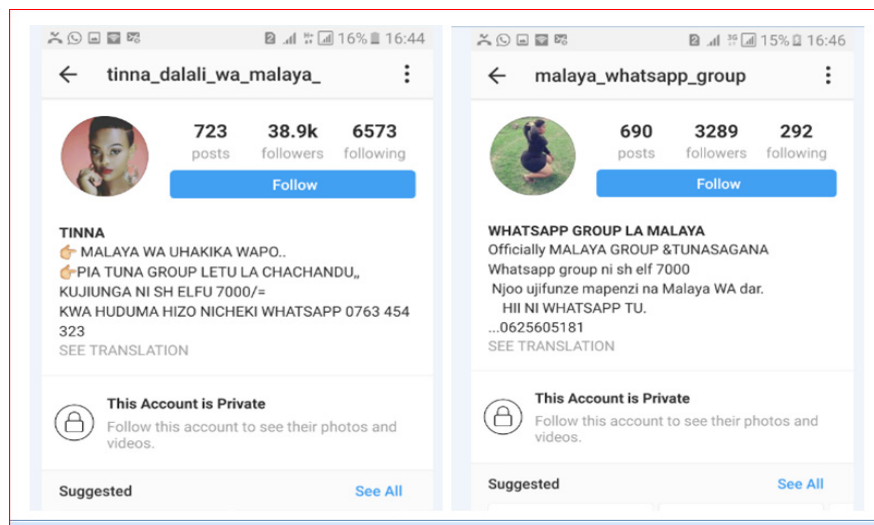
The immediate sub-section presents a case study of prostitution practices in Ukerewe Island, Mwanza region and how internal trafficking in person is being practiced.

3.3.3 Prostitution as Poverty Issue: Case of Ukerewe Island's Fishing Engagements

As it is stated earlier in this chapter, an engagement in prostitution (commercial sex) is either one's choice; or, as a result of peer pressure, or poverty. The study for this report did not secure quantitative data on the compelling factors for engaging into commercial sex as this was not part of the study package. The 2001 ILO's study on child prostitution in Tanzania⁹⁹ mentioned at least three factors compelling children to engage in prostitution. Such factors were (i) poverty of their families; (ii) lost of moral ethics (laxity of families and community members at large); (iii) use of girls as private entertainers (exploitation) in guest houses, casino, pubs, brothels, and brew shops; and, (iv) trafficking. WiLDAF is concerned that this trend is on increase basing on the eye-bow analysis and a tale of the Mwananyamala's young lady quoted above. It is no longer done 'secretly' as it seems that, some of the females and males consider it as a fashion. This study came across several social media (Instagram posting and YouTube clips) advertising men to 'buy' women or women to be 'connected' to rich person; or, even unsatisfied married

⁹⁹ ILO (2001) Children in Prostitution: A Rapid Assessment.' ILO's IPEC, Tanzania. Pages ix and x.

couples to do some on-line shopping and get a partner to satisfy him or her sexually. Examples of such social media sites are pictured below:



Instagram's snapshots: The 'prostitutes' agent' (Left); and, the 'prostitutes' whatsapp group' (Right).¹⁰⁰

WiLDAF does not subscribe to an idea of regularizing commercial sex in Tanzania as there are still so many important priorities and best options including focusing on women empowerment. However, it (WiLDAF) is concerned of the associated gender issues out of this business or trend in Tanzania. The issues include, right to education for girls engaged as sex workers; dignity of females; and, a possibility of spread of HIV/ AIDS. For instance, on this last issue of concern, the government owned newspaper, DailyNews,¹⁰¹ indicated in May 2016 that, 54% of girls of the survey areas (including Dar es Salaam) say they do not use condoms regularly when entertaining their customers.

¹⁰⁰ Note that, these kind of advertisements and business are illegal and immoral in Tanzania. WiLDAF re-share them for purposes of alerting law enforcers, parents and guardians to take appropriate measures against such behaviours.

¹⁰¹ Sosthenes Mwita, 'Tanzania: Child Prostitution Head for Bleak Future.' Daily News (Newspaper), 19th May, 2016.



The finding observed that, the situation shows that safe sex education is inadequate and ineffective among prostitutes. As for children, the same source indicates that, young children aging between 7 and 17 were also in this business. The 2015 edition of this report discussed in details on the 'dignity' aspect especially among the girls. It was revealed that, the sex workers were cramping themselves in small rooms 'ghetto', which were shared by several of them. Moreover, some of them are being mistreated by their 'customers' such as paid low or denied of any pay or even being raped or assaulted in other forms.

❖ *Case Study: Ukerewe Island in Fishing and Prostitution Engagements*

The Ukerewe district council is one of the districts of Mwanza region. Other districts of this region are Ilemera, Nyamagana, Magu, Kwimba, Sengerema and Misungwi. The council (Ukerewe) is an Island, a large one in Lake Victoria with about 530 KM¹⁰². The Island, Ukerewe is nearly 50 KM from Mwanza. Ferrying to this place normally takes an average of 4 hours. The Island is comprised of 38 small islands including Ukora, Mafuba and Bwiru, which all together make a total of 24 wards¹ and several villages. Some of such islands (at least 15 of them) are inhabited by human beings; and some are for fishing activities (temporary shelters) only.

¹⁰² The wards include Nansio (district council capital town); Nakatunguru; Kakerege; Bukongo; Bukanda; Igalla; Bwiro; Ilangala; Ngoma; Irungwa; Bwisya; Namilembe; Nduruma; and, Muriti.





Picture: Ukerewe Island/ District Council (Source: Google Data).

Ukerewe Island has a total of 345,147 people, of whom 175,868 (51%) are females (basing on the national population census of 2012). The study for this report picked up the Igalla ward, within which Kamasi village and Gana hamlet are found. Other hamlets within Kamasi village are Isizu, Nyamwege, Burugi, and Ivinga. The Gana hamlet is the potential and busiest fishing site in this village. Because of this, it attracts a lot of visitors in it, some being fishermen, business men, and entertainers. The 'entertainers' are predominantly females, from urban areas like Nansio and even from areas across the Lake Victoria like other districts within Mwanza region.

The 'entertainment' industry in Gana hamlet is owned by some local business tycoons, who normally bring in beautiful ladies for entertaining male fishermen as 'geisha' (sexual entertainers) from various wards and villages or townships within and outside Ukerewe. The tycoons bring such ladies 'legally' as they obtain entertainment license from the district council at Nansio on the pretext that, they are engaging in traditional dances commonly known as '*dogoli*' and '*mazinduke*.' Such dances normally occur during dark fishing seasons when the fishing activities are booming up to due easy availability of fish in the lake.

The study established that, tradition dancing seems to be most preferred income generating activity especially during the said season because (i) generally, the fishing activities are male-dominated; and, (ii) dancing has quicker and 'easy' money than other fishing related activities for women. Non-dancing fishing

activities for women include scouring and washing of fish once they are brought onshore by the fishermen or owners of the fishing canoes. However, due to high competition to engage in this activity (being major income generating activity for women in Island), securing a work is not easy. The study team was informed that, for a lady to win this 'tender' of cleaning up fishes before they are being ferried to Nansio and elsewhere (to the market), a lady job-seeker must offer both sex and monetary bribes to the 'deal-holder.' The monetary bribe is as higher as TZS 25,000 per one 'tender.' In return, despite all these disgracing offers, a lady given tender would earn between TZS 25,000 and TZS 50,000 as her total wage for a work done. *'Therefore, you can end up offering sex to a man in return of nothing ...'*, lamented one of the lady respondent at Gana hamlet in December 2016. As an alternative way to that situation (little earning), some ladies are compelled by the circumstance to engage in multiple sexual relationship with different canoe's owners or operators in order to maximize the earning. *'You may go to bed (sex intercourses) with three or more fishermen in a day in order to win their favors, but again, this does not warrant winning the tender or being paid ...'*, added the same lady interviewed by the study team. It was learn that, this is a case because such agreements are illegal and lacked formal contract. This is also same scenario even for a few women who are being 'employed' as cooks for fishermen especially during the full-moon seasons.

Therefore, coupling with other factors such as low legal rights awareness, an aggrieved female cannot seek any legal redress. It is very unfortunate that no any CSOs were found operating in these kinds of isolated areas.

As said earlier, engaging in 'specialized' prostitution under the pretext of traditional dancing becomes the best option for the females despite of being prohibited under the laws and cultural norms of Tanzania. The study established that, prostitution was rampantly practiced in such as way that members of this community did not consider it as a problem to them. *'We are used to it ... it is common here, probably everyone is selling her body ...'*, said a middle-aged lady. This category of 'income generating' for women, is more 'reliable' in terms of earning income – being paid. The wage for a sex work offered is not fixed. The determinant factors of amount of money to be paid by a male sex customer are (i) level of satisfaction in sex intercourse; (ii) the beauty of the sex worker (subjective to male customer's taste); (iii) level of education e.g a form four sex worker is more

expensive (prestige factor); (iv) power of negotiating the price of sex; (iv) the freshness (newness in this area) of the sex worker e.g being new in Gana hamlet; (vi) fishing season (pick and low seasons); use of condom; and, (v) an area where the intercourse will take place (which is normally in the local guest houses or bushes around). The prostitution's pricing list in this place, Gana, Ukerewe was found to be as shown in Table 3.5 below.

Table 3.5: Some of Prostitution Pricing Lists and Criteria, Gana Hamlet, Kamasi, Ukerewe Island

Number	Type of Sex	Common Prices in TZS	
		Full-Dark Seasons ('Bujibuji')	Full-Moon Seasons ('Mbalamwezi')
1	'Chomolea', which means a one round sex intercourse (for testing). Then, once a person is satisfied the price could be higher than common prices in the area.	TZS 6,000. [Fishermen have lots of money during this season].	TZS 3,000. [Fishermen do not have lots of money during this season].
2	Without condom in public places which do not have sufficient privacy – which passerby can actually pip in.	TZS 50,000 – TZS 150,000. [Per one intercourse].	TZS 10,000 – TZS 25,000. [Per one intercourse].
3	With condom in places with privacy.	TZS 10,000 – TZS 25,000.	TZS 4,000 - TZS 9,000.

Source: WILDAF's Survey in Ukerewe, December 2016.

The study was informed further that, a number of sex workers in this place, Gana, have been steadily increasing over period of time in such a way that, the only 'luxurious' guest house in the area known as 'Titanic House' (pictured below), is fully booked by some middlemen and then, sell out the booked rooms at higher prices during the last time when the demand for such rooms is higher. This is also a business strategy of inducing fishermen coming onshore to 'buy' a sex worker, because it is part of the 'package' of the room. That is, a fisherman has to 'buy' one sex worker in order to get a look. This situation happens because of scarcity of houses to rent or alternative rest houses.



Picture: The notorious guest house in Gana, Kamasi village, Ukerewe Island.

The study established that, Gana hamlet is famous in this kind of lifestyle (fishery and prostitution) in Ukerewe because, (i) it is closer to Nansio township more than other fishery islands. Therefore, it is more accessible. The transport fare to and from Nansio is only TZS 3,000; (ii) it is a commercial centre, fishing and trading altogether; (iii) no social institutions which would have addressed problems associated with (unsafe) commercial sex and other gender issues stated above. For instance, all hamlets in Kamasi village depend on only one primary school, which is located at Kamasi town, about 45 KM from Gana and other hamlets. There is also only one dispensary; no police station or post or a court of law (e.g to deal with human traffickers). The nearest secondary school is at Nansio. Therefore, children have to cross water every day to access education; and, (iv) low awareness due to absence of CSOs' outreach services in this and similar areas.

The study team noted another important factor, probably the root course of everything (in relation to family income poverty). It was realized from FGDs with some of the females at Gana that, most (at least 50%) of 11 females who participated in FDGs claimed that, they were forced to unruly lifestyles – which resulted into prostitution because their families did not accord them sufficient protection. *'I lived with my grandmother throughout my life in Bariadi ... she was getting old and helpless. Therefore, I had to try alternatives in Mwanza urban. I worked as domestic worker*

at my very young age. But, things did not work out the way I thought. I heard about business opportunities in this island, so I came to try ...', said a middle aged lady during one of the two FDGs in Gana, Ukerewe.

Hint Point 3.5: Lessons from Ukerewe Island – Needed multiple approaches to address prostitution as effect of poverty

There are at least five lessons gathered from Ukerewe's fishery-prostitution incidents. The lessons are; (i) prostitution business target mostly young and (business) inexperience females because of their vulnerability; (ii) lack of alternative economic empowerment initiatives exposes females to options which are both illegal, immoral, humiliating as well as exploitative in nature; (iii) there is an intrinsic link between absence of social services (e.g access to education and security), family care and prostitution especially for young females. Therefore, in addressing this challenge, programs should focus also on family care – which is currently rarely addressed by pro-women CSOs in Tanzania; (iv) sexual intercourse is often without protection because of lack of awareness and greediness of money; and, (v) trafficking in human is practiced through a network of human traffickers, pimps, relatives and friends. Therefore, it is not easy to address it by just arresting and trying or jailing the traffickers. WiLDAF urges the Ukerewe district leadership and the central government to address the situation.

Similar experience on fishery and prostitution was heard in Mtwara urban during this study in December 2016. Head of fishing department of Mtwara municipality told the study team that, fish turnout was decreasing in the offshore of this region (Mtwara) due to a number of reasons include illegal fishing procedures. Therefore, fishermen and traders are compelled by the circumstance to search for these resources (fishes) from nearby areas including Kilwa (Lindi region), Songosongo, Mafia Island (Coastal region) and even Msumbiji (neighboring country) along Indian Ocean. Trekking such long distances has some gender implications. For instance, a common woman (petty fish trader) needs like TZS 400,000 as an initial or running capital. She needs also transport fair and extra cash for accommodation and meals. In most cases '*wanatafuta mtu wa kurahisisha maisha kule waendako kwa njia ya ukimada au umalaya ...*' ('they find a person to support their lives where they are going through prostitution ...', he said. Moreover, there are fishermen

who go 'dango' (fishing camps, which are isolated islands found in high-sea). Those are followed by women who go there to dry fish and cook for those men. This normally happens during low fish catch seasons (January to March) when there is north wind blow. The high fish catch seasons is between April and October (Southern wind blow). They can spend three months together in *Dango*. This situation promotes prostitution and family disunity, all of which are issues of concern in gender perspective.

Fishing as an economic activity is dominated by males as said earlier. According to Mtwara municipal fishing officer, all fishing methods (namely, using net or foot-fishing ('*mtando*' style - fishing in offshore low water) are predominantly done by men. In 2016, there were only 2 out of about 200 vessels licensed which were own by women. In most cases, women are engaged in selling raw or flied fishes on the streets or having small stalls in the markets. In this way, their income is relatively low. Efforts to scale up their engagement in fishing business in Mtwara urban are generally hampered by lack of sufficient capital and technology as well. For instance the Mama Samaki Group (MASAG), which was comprised of 25 women in Mtwara urban, failed to operate their business even after being supported by a solar energy cooling container (by the Danish Society for a Living Sea, Denmark) because they lacked TZS 10 million to install appropriate solar panels and another 11 million as initial capital for this project. On 27th July, 2016, the leadership of MASAG wrote a letter to 'who whom my concern' seeking for financial support. However, as of December 2016 when this study was conducted in Mtwara, no any support, including from government was extended to them. Therefore, they remained to be stagnant and unable to recruit more members.

3.3.4 Poverty and Child Domestic Working

According to the WoteSawa Young Domestic Workers Organization's reports and other documents,¹⁰³ child domestic working is mainly attributed to economic hardships and lack of proper parental care of the places where the children coming to the cities are originating. The 2014 ILO's report¹⁰⁴ showed that,

¹⁰³ Example: Wotesawa's Strategic Plan 2015-2020.

¹⁰⁴ Laurinda Luffman (for SOS Children's Village) 'Ending Child Domestic Labour in Tanzania and Worldwide', re-accessed online via: <http://www.soschildrens.org.uk/news/archive/2013/06/ending-child-domestic-labour-in-tanzania-and-worldwide> on 30th March, 2017. The author further states that, an estimated 10.5 million children are working as domestic laborers across the world today, many in circumstances tantamount to slavery.

over two-thirds (about 75%) of these young domestic workers are below the legal minimum working age or are exposed to slave-like conditions in their work. The estimates based on localized studies presents 80% of child and youth domestic workers are girls aged between 10 and 18 years. According to WoteSawa's experience¹⁰⁵, such situation is likely to expose them to exploitation, sexual, physical, verbal abuses as well as exposing those children to greater risk of delinquency, including drug abuse and prostitution.

This study at hand came across several cases whereby child domestic workers were abused in many ways. For instance, the Police Gender and Children Desk (PGCD) in Mwanza shared one of such incident, that they were handling a case of a girl, aging 11 years, who was working as a domestic worker at Buzurugwa area, Nyamagana district. The girl was raped by her boss, who was in fact, a sergeant prison officer in Mwanza. Apparently, due to ignorance or fear of being dealt with by the wife of the alleged rapist, the girl did not disclose her pregnancy status. However, a neighbor noticed it and reported it to PGCD. After a thorough investigation including questioning the girl, she admitted to have been impregnated by the boss. The response of the girl was witnessed by the wife of alleged rapist. Investigation of this case did not take long before being frustrated by a seemingly conspiracy of both the girl, the wife and alleged rapist to 'end' out of legal process, as when the police officers wanted to collect more evidence, no one was there to offer any support. Instead, when the police officers visited the crime scene, they found pieces of abortion certificate. Even after this piece of evidence, still the trio refused to collaborate. The police officer investigating the crime started to receive kind of intimidating text message to discourage her from pursuing a case further. All these obstacles rendered investigation and prosecution of this case impossible. It was, ultimately, dropped.

¹⁰⁵ WoteSawa 'Challenges Facing Child Domestic Workers: Case of Lake Victoria Regions of Kagera and Mwanza, Tanzania. Study Report of March 2012. Page 6.



Picture: Children begging around in Dar es Salaam (Internet Source, undated).

Incidents of rape are on the increase in some of the study areas. For instance, the fresh data collected from Mwanza's PGCD indicated that, there were only 78 rape cases received in 2015 (for all the districts of Mwanza). Such cases hiked quite tremendously in 2016, whereby, a total of 203 (being an increase of 61.6%) were recorded. Early marriage (also kind of rape) cases recorded for 2015 were only 23, while in 2016, such kind of cases were 222, being an increase of 89.6% just within a year. Child maintenance or custody related cases recorded in 2015 were 59, while in 2016 they increased by 54.3% to be 129 in total.

Analytically, such kind of statistics could not be used as conclusive opinion on an increase or decrease of such offence because, the trend (positive or negative) might be influenced by so many factors including level of engagement in gender rights issues by the stakeholders (e.g. an increased awareness and assertiveness of the community to report on GBV and VAWC cases, etc). Rate of prosecution and conviction of GBV and VAWC cases is relatively low. Taking an example of rape cases reported in the past two years in Nyamagana police station, statistics shared show that, out of the total of 73 rape cases, only 13 (17.8%) were concluded at trial/ conviction level; while 47 (64.4%) were pending in court, and the remaining either dropped down or were being pending for investigation.

The WoteSawa argues that, there are efforts to rectify the said situation in order to create a better living condition, dignity and development of children working as domestic workers or preventing them from engaging in harmful domestic working in Tanzania. Such efforts include ratification of the international

instruments on child rights.¹⁰⁶ The country, Tanzania, has also enacted pro-child rights laws and policies which address child rights cited elsewhere in this report. However, such efforts have not been good enough to end numerous challenges on child domestic working in the country. Some of the attributing factors to this failure are weak law enforcement; lack of specific or comprehensive legal framework on child domestic work, which is also partly caused by failure of the government of Tanzania to ratify and domesticate the ILO Convention No. 189 on Decent Work for Domestic Workers of 2011.

As such seeking legal redress (access to justice) becomes a big challenge. Moreover, the pathway to justice is relatively complex and uncertain to them. This situation discourages the victims (children and young domestic workers) from reporting violations to the justice machinery as they feel defenseless and inferior. It is further established that, WoteSawa and only a few other pro-child rights organizations do offer some forms of legal assistance to these victims. On the other hand, some employers of the children and young domestic workers (CYDWs) take into granted this situation to undermine the very obvious labour rights of their employees. For instance, the WoteSawa's 2013 baseline survey revealed that, less than 0.5% of 438 CYDWs interviewed had formal contracts; and that, over 40% of the said children suffered physical abuse and other cruel and degrading treatment. At least 60% of them did not attend school (were illiterate).

¹⁰⁶ The treaties include the Convention on the Rights of the Child of 1989; the African Charter on the Rights and Welfare of the Child of 1990; and, the ILO Convention No.182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 1999.

Hint Point 3.6: Enactment and Further Amendment of Labour Laws is Needed

WiLDAF subscribes to the WoteSawa's observation and recommendation that, lack of specific and comprehensive law on child domestic work makes it entirely informal. However, the Employment and Labour Relations Act of 2004 makes some provision (e.g Section 7 indicated in one of the project's outcomes) on 'child labor' (which does not necessarily include child labour). Therefore, the 2004 law does not offer sufficient protection to CYDWs. On the other hand, the law is poorly implemented. For instance, the government has, so far, failed to recruit and deploy enough labour officers. There have also been inadequate efforts to raise legal rights and duties awareness to children (workers) and employers in order to sensitize compliance of the law. The government is urged to rectify the situation by (i) enacting a comprehensive law on domestic workers, or specifically address it in the existing legal framework on child rights or employment rights; and, (ii) ratifying all the remaining ILO conventions especially the ILO 189 convention on child labour of 2011.

The study established further that, there were weak legal and social mechanisms of protecting children from abuses, including being exploited as domestic workers in the homes or casual workers or commercial sex workers in the streets, mining areas, restaurants, and elsewhere. From the discussion with the LGAs, police and other stakeholders in December 2016, during the study, it was noted that, in most cases, children who are not employed as domestic workers are normally opting for a free-life in the street. Currently, the government of Tanzania can offer only retention homes or centers (formerly remand homes) under the Law of the Child Act of 2009. Such homes are designated for child 'criminals.' Most of alternative settlements (shelters) are generously sponsored by CSOs. For instance, the WoteSawa organization had a total 42 children (aging between 8 and 17 years) who were either referred to them by LGAs in Mwanza or fled mistreatments from their employers. In Kahama, Shinyanga, there were two famous alternative shelters namely the Muvuna Orphanage Center and Peace Orphanage Center. Such centers seemed to have been overwhelmed by high demand of shelter services due to an increased in number of GBV and VAC cases.

For instance, the Kahama police records secured in March 2017 indicated that, there were 1,177 such cases recorded between January and December 2016. Prosecution of cases relating to children (juvenile cases) was noticed to be an issue of concern in all sampled regions except Dar es Salaam.

The police officer in Mtwara said that, she was not aware of 'how' and 'where' to deal with such cases. She was also not aware of the 2009 child law and its regulations. It seems that, more efforts are needed to among other things create a pool of specialized judicial officers, law enforcers and prosecutors on handling juvenile cases. It is also urged that, some of the districts or primary courts be upgraded as juvenile courts (special chambers or sessions).

3.4 WOMEN'S ACCESS TO AND MANAGEMENT OF LAND AND OTHER RESOURCES

3.4.1 Access to and Management of Land

The international legal instruments cited earlier in this chapter, including the SDG 2030, generally require countries around the world to undertake reforms in order to guarantee women equal rights to economic resources including an access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws. The main message here being gender inclusiveness in land ownership, control, management and benefits into legal and policy frameworks.

The FAO's publication¹⁰⁷ indicated that, without specific attention to gender inclusiveness, important segments of society may be excluded from the benefits of land administration, management, and development schemes. In deed, according to WiLDAF, this is particularly important especially at this time whereby, studies referred earlier indicate that, more than 70% of persons who are active in rural agriculture (peasantry) are women.

¹⁰⁷ FAO Corporate Document Repository; Gender Access to Land. Accessed it on 16th May, 2017 from; <http://www.fao.org/docrep/005/Y4308E/y4308e05.htm>



Picture: A lady farmer in Rungwe, Mbeya region (Field Photo, December 2016).

Despite the fact that land ownership, control and utilization is the main determinant factor for rural women to realize their rights to economic development, the current land tenure system still widely excludes women from the same (land). The common Sections 3 of the Land Act of 1999 and the Village Land Act of 1999 mainstream the land policy principles, one of which being equality of men and women to land ownership. It is now (2016) more than two decades and about two decades since when the land policy and the two land legislation were promulgated in Tanzania.

Notable successes on this move have been happening on the ground. The 2015 edition of this report indicated that, at least 60.9% of the 407 respondents to WiLDAF's 2015 study did not own any piece of land; while, 25.6% claimed to be sole owners of the lands; and, 9.3% possessed the lands in a joint ownership form. At least 75% of those who said they were not owning any land were females. Only 43% of those who said to own land titles under their names were females. The 2016 did not come with surprising findings on that as only 44.7% of persons (out of almost the same number of respondents) who said they were owning land under their names were female.¹⁰⁸

The recent study by ActionAid had the same finding. That,

¹⁰⁸ Note, this slight change of 1.7% between 2015 and 2016 on status of women's land ownership under their names can be regarded as an improvement in land ownership in 2016. However, it can not be relied on making conclusion as new regions were added in 2016's study. WiLDAF calls for a specific and comprehensive study on this matter in order to come out with the national statistics.

only a few women (21%) were owning land in its study area, Singida region. Moreover, ActionAid found that, households led by women owned between 0.5 and 2.5 acres of land and this is linked to inability to produce sufficient food.¹⁰⁹

Save reserved areas and commercial lands under investments, the rest of village land's portion in Tanzania is under customary right of occupancy (CRO),¹¹⁰ which is traditionally under male ownership, especially for the clan land. This is due to the fact that, customary norms are still very strong in rural areas¹¹¹. It should be noted that under many customary systems, women's rights to inherit land (as main method of land ownership in rural areas) are restricted, and they are vulnerable to dispossession on divorce or widowhood¹¹². As of 2016, bad laws such as the Customary Law Declaration Order of 1963¹¹³ which discriminates against women's rights to inheritance were still enforceable in Tanzania, a situation which renders current legal framework on property ownership to hand in balance between giving and taking some women's property rights at the same time.

¹⁰⁹ Gasper Andrew, 'Only 21% Women Own Land.' The Citizen (Newspaper), 21st June 2017. Page 6.

¹¹⁰ Note: Section 7 of the Village Land Act of 1999 recognizes CROs as valid way of land ownership in Tanzania.

¹¹¹ Carpano, F. (2010) Strengthening Women's Access to Land: The Tanzania Experience of the Sustainable Rangeland Management Projects. Re-aAccessed on 22nd May, 2017, from: http://www.ifad.org/English/land/women_land/womenAndLand_Tanzania_report_enf.pdf

¹¹² AfDB (2015) Empowering African Women: An Agenda for Action. African Gender Equality Index 2015. African Development Bank: Abidjan. Page 12.

¹¹³ G.N No. 279 of 1963. Note, this is set of codified customary rules derived from various tribes. This order provides for rights and duties associated with marriage, divorce and inheritance. It contains some provisions which discriminate against a widow from inheriting or benefiting or owning the estates of her deceased husband even if such estates were matrimonial assets which were jointly acquired by the widow and her husband. Moreover, some provisions of the Order deny a widow of the parental rights to take care of her own children. The same paragraphs oust of the rights of the widow over custody of her children. The Paragraph 1-53 of the second schedule to this Order provide for the rule of inheritance which is basically discriminatory. Paragraph 74 states that a husband shall pay maintenance to his former wife only if the husband was a cause of the marital breakdown. Paragraph 71A covers issues relating to divorce. It states that upon divorce, a peasant wife is entitled to only ¼ shares of agricultural crops in the year of her divorce. This assumes that divorced women would re-marry or be taken care by their family. Therefore, the Order does not recognize a joint ownership of property during the subsistence of marriage. There are so many other bad provisions of this Order. These are just a few of them.

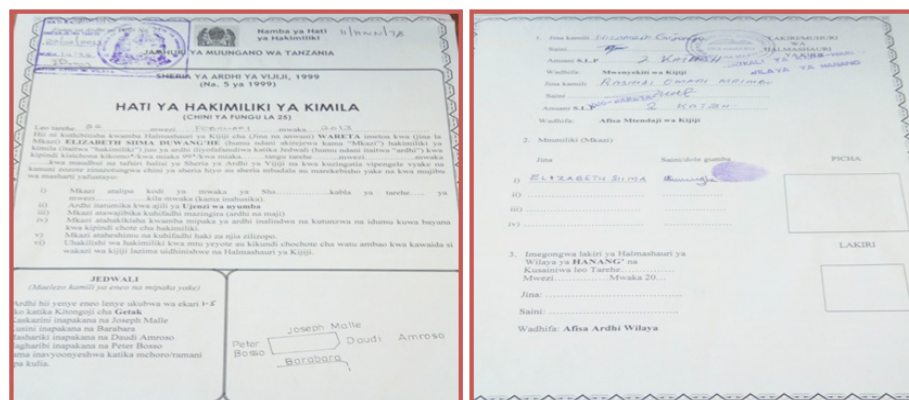
The study for this report also found that, ownership of the property through inheritance by women is curtailed by presence of some cultural norms which allow widows to be 'inherited' by their in-laws instead of them to inherit the estates of their deceased husbands. This was found to be common in Mara and some parts of Arusha region. For instance, the study team was informed in March 2017 at Katesh, Arusha that, both Iraqi and Barbeig ethic groups have this norm highly practiced to date, especially in remote areas. According to the FGDs' respondents, the Masng'wenda (a 'widow' in Barbeig's language) is 'inherited' almost immediately after the death of her husband; and that, if the age allows, she is supposed to bear a child for a new 'husband' who has 'inherited' her. The new 'husband' has to come from within deceased husband clan. Apparently, this is why a widow or woman could not easily inherit properties of her deceased husband or parents.

That behavior seems to remain rampant in many parts of the country. The victims are not only widows, but also women in general. For instance, a lady, Ms. Minza Migengemalo (39 years), resident of Misisi village, Sazira ward, Bunda district, Mara region, had her farms 'confiscated' by her fellow villagers after the death of her parents.¹¹⁴

In Mara, a widow is supposed to be 'cleansed' by sleeping (having sexual intercourse) with the relative of deceased husband. Both of these practices justify continuation of 'possessing' the widow and therefore, she cannot inherit from her deceased husband's estates. However, the land left by the deceased husband, generally utilized by the widow and her children as means of livelihood. It is very unfortunate that, such degrading treatments (of 'inheriting' a widow) are suctioned under the current legal framework of customary rights. For instance, Paragraphs 62 to 70 of the Customary Law Declaration Order of 1963 provides that a widow can be inherited by a relative of the deceased husband.

One of the most reliable ways of ensuring land rights (ownership, management, control and benefits) for women is through titling in their names or co-titled with their husbands. The 2015 edition of this report indicated that, the number of CROs' title deeds issued was about 373,655 or 2.2% of the expected CROs' title deeds.

¹¹⁴ Ahmed Makongo, 'Mwanamke aomba Msaada Tamwa.' Mtanzania (Newspaper), 3rd January 2017. Page 9.

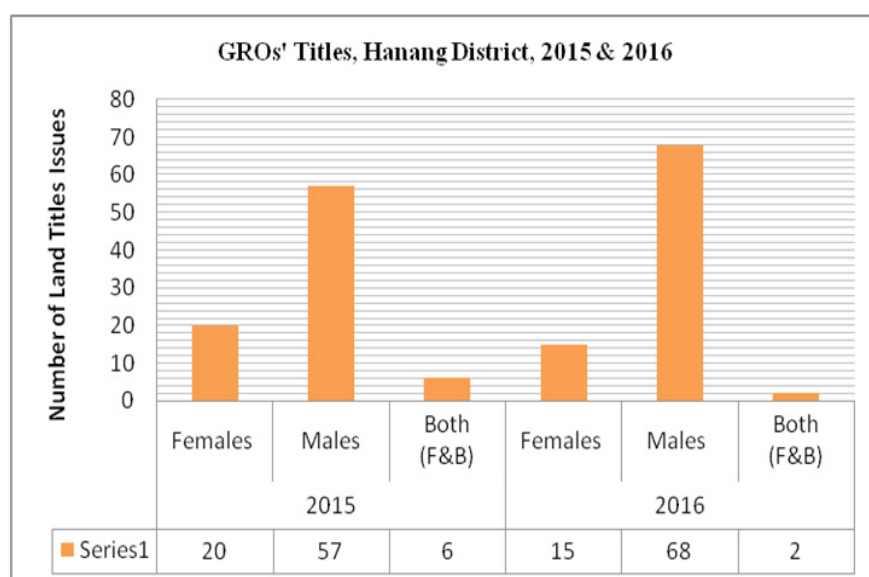


Picture: Example of CRO's Title Deed Granted in one of the Villages in Hanang, Arusha.

The statistics presented above was interpreted to mean that, (probably) 90% of the rural residents did not have CROs' title deeds, which could have given women rights to own land on their names. More updated national data on this were not secured in 2016. Moreover, record keeping on this seemed to be an issue of concern in all districts and village councils consulted in 2016. The records from Hanang district council, Arusha region, in December 2016 showed that, only 74 CRO's title deeds were issued between 2013 and 2016, of which, 13 (being 18%) were owned by women in their own names, 17 (being 22%) were owned by men in their own names, and the remaining 45 (being 60%) were co-owned by women and men¹¹⁵. As for the graded right of occupancy (GRO)'s land titles in this district, the records showed that, a total of 168 GRO's land title deeds were granted in 2015 (81 of them) and 2016 (87). Out of those 168 titles, 35 (being 20.8%) were granted to women under their names only; 125 (being 74.4%) were granted to men under their names only; and, the remaining 8 (being 7.8%) jointly between women and men. Figure 3.3 below shows the trend for each year (2015 and 2016) of GRO titling in Hanang district (council).

¹¹⁵ Note that, further verification of these records was sought after the field work. Therefore, users of this report are advised to cross-check with the Hanang District Council if they had updated their records after this study in March 2017 before entirely relying on the same.

Figure 3.3: Status of Land Titles Granted to Females and Males in Hanang District, 2015-2016



Source: Land Department, Hanang District Council, Arusha, March 2017.

The Hanang District Council's records on both CRO and GRO's land titling for women showed that, only average of 19.1% of women in this district owned land on their own names. This could be a reality to most of the districts and villages in other places in Tanzania, a situation which suggest further efforts to ensure equal ownership of land between men and women as common sections of the land laws provide. In some places, like Isongole ward, Rungwe district, Mbeya region women's ownership to land was below 10%. For instance, out of 22 women randomly interviewed in this ward, only 2 (being 9.1%) said that, they owned land as their 'own' property. According to FGD in this ward, the Safwa tribal norms are restrictive for women to own land (as it is a case for almost all tribes in Tanzania). However, there are emerging changes against such norms for peri-urban areas of this ward and other places in Tanzania due to increased gender rights awareness and intermarriages – which come in with new perceptions on women's rights.

The field statistics of the study for this report indicated that, less than 10% of the pastoralist women interviewed in December 2016 at Arusha and Manyara regions owned land under their names. The 2015 edition of this report indicated that, around 40% of women interviewed said that, they owned land under

their names. However, that was an overall statistic for all sampled regions. It seems that, some of the tribes especially which practices traditional pastoralism, individual ownership of land is an alien concept especially for women. This is due to the fact that, a large part of pastoral land is inherited from forefathers; and, in most cases, it is male family members who are given priority to inherit it. This practice was still highly practiced in pastoral societies at the time of this study.

Granting of CROs' land title deeds presupposes presence of villages which are surveyed and therefore, issued with village land certificates¹¹⁶ (VLCs) for them to be able to grant CRO's title deeds. This is also a case for urban areas. That, a title deed cannot be granted in the unplanned (non-surveyed) areas. WILDAF is concerned that, a pace to survey and plan both rural and urban lands has been relatively low. For instance, as of June 2016, only 15% of all land in Tanzania was planned and surveyed. That means, only 15% of the land could be owned through formal land titles (CROs' and GROs' land titles). During the 2015/2016 financial year, the Ministry of Lands planned to issue a total of 40,000 land titles. However, as of June 2016, this Ministry managed to prepare only 20,246 titles (roughly 50% of the target during the year). At least 10,891 customary land titles were issued during the year 2016 apparently from 1,150 village land certificates. This could mean that, so far, only about 10% of the villages in Tanzania are surveyed and issued VLCs.

¹¹⁶ URT, Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, Mhe. Willam V. Lukuvi (MB.), Akiwasilisha Bungeni Makadilio ya Mapato na Matumizi ya Wizara kwa Mwaka wa Fedha 2016/2017, Mei 2016, Dodoma (Budget Speech of the Minister, Ministry Lands and Human Settlements for 2016/ 2016 FY, May 2016, Dodoma).

Hint Point 3.7: Sufficient funds for survey, planning and land titling are needed

WiLDAF subscribes on the reality that, an absence of planned and surveyed land denies the citizen and government as well some economic opportunities including failure to use the land as collateral for capital acquisition in commercial banks. The government too loses a lot of income from this situation. On gender perspective, these challenges expose women and other vulnerable groups to a danger of being denied of their rights to land. For instance, despite efforts by the government, especially through the current Minister for Lands, Mr. William Lukuvi, still a good number of people especially in the rural areas are denied of their lands by the urban tycoons. There is an increase of urban-rural land exploration and hoarding trends. These people take into granted presence of high level income poverty among rural population to induce them to sell their land for little money. In Busokelo district, Mbeya, for instance, an acre of land is said to be sold at only TZS 100,000. This is a case in so many other places at the moment. A lot of urban people are flocking there because the district is potential for cocoa farming. Therefore, WiLDAF urges the government to allocate sufficient funds for survey, planning and land titling. Moreover, other stakeholders are urged to sensitize more women to apply for land ownership in their names or jointly with their spouses.

On the other hand, land management systems were still inadequate in 2016. For instance, only 66 (being 35.1%) out of 188 district and municipal councils have so far (as of June 2016) managed to formulate land allocation committees. The ward (land) tribunals were operational in all districts sampled for this study. However, some of them were not properly constituted as the law requires. For instance, representation of women in such tribunals was not systematic in Mtwara's; Mbeya's; Mwanza's; and, Shinyanga's ward land tribunals according to general discussion with the respondents¹¹⁷. As for the district land and housing tribunals (DLHTs), which are supposed to be established in all 188 district and municipal councils, only 50 (26.6%) have established as of June 2016 according to the

¹¹⁷ The next year's edition of this report will come out with more concrete information on this as a national assessment on it was on going at the time of publication of this report.

Minister of Lands' budget speech document (page 31) referred earlier.

The DLHTs received a total of 14,342 as new cases lodged by April this year, 2016. Moreover, in the same period, there were a total of 32,375 pending land cases in these tribunals, of which 18,785 (58.1%) were adjudicated and concluded, and 13,590 (41.9%) were still pending in these tribunals. WiLDAF is of the view that, disposition of those cases would have been more effective if the tribunals were established in all districts as it was anticipated. The deficit of 73.4% of DLHT is big enough to warrant immediate intervention especially due to the fact that, land is the major source of livelihood in rural areas.



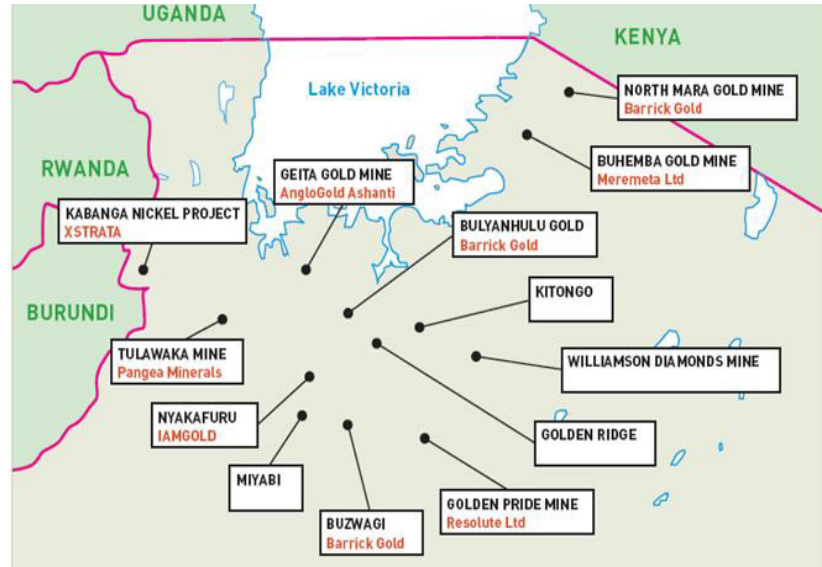
Picture: Deputy Minister for Lands (4th Left), Ms. Angelline Mabula (MP), looking at a pile of case files at Kinondoni's DLHT, Dar es Salaam. Inadequacy resources for these tribunals tend to over constrain available resources and make it impossible to deliver justice in time by some of these tribunals and normal courts of law (Media Source).

Sufficient budget allocation to support such institutions is one of the viable solutions. The study learn from the 2016/ 2017 Land Ministry's budgetary speech that, this Ministry had approved TZS 72.36 billion during 2015/2015 financial year, whereby, TZS 14.26 billion was allocated for salaries; TZS 54.64 billion for other charges (uses); and, TZS 3.46 billion for development projects (land tenure support program). However, it is a concern that, as of April 2016, when the financial year was about to end, only 59% of the said TZS 72.36 billion was actually released for use. The deficit of 41% could mean a lot to development projects of this key Ministry.

3.4.2 Access to and Management of Other Resources: Case of Oil, Gas and Minerals

The management of natural resources in developing countries is an increasingly important driver of sustainable economic growth. In 2011, exports of oil and minerals from Africa, Asia and South America were worth over USD 1.4 trillion.¹¹⁸ As for Tanzania in particular, this study found that, Tanzanian mining output totaled USD 1.8 billion in 2014 or 3.7% of the country's GDP.¹¹⁹ The Bank of Tanzania's February 2016 Monthly Economic Review showed that mineral exports accounted for USD 1.4 billion of the total value of Tanzania's exports in 2014, which is equivalent to around 27%).¹²⁰ Tanzania has several mining potential areas, which were currently being operational. Such sites include North Mara Gold Mine (NMGM), Mara region; Geita Gold Mine (GGM), Geita region; and, Williamson Diamonds Mine, Shinyanga. As the map below shows, such sites are scattered almost all over the country, to make the country one of the richest mineral deposit land in the world.

Figure 3.4: Some of the Mining Sites in Tanzania



¹¹⁸ Akina Mama wa Africa, (2014) 'An in - depth research on Oil & Gas Extraction Industry in East Africa: An African Feminist Perspective.'

¹¹⁹ Tanzania Invest, 'Tanzania Economy – Mining.' Accessed on 27th May, 2017 from: <http://www.tanzaniainvest.com/economy>

¹²⁰ The gold extraction represents more than 90% of the country's mineral exports. According to the Tanzania Chamber of Minerals and Energy, gold production

Source: United Nations University, 'Tanzania - From Mining to Oil and Gas.' June 2016.

The above quoted figures of mineral contribution to GDP do not include natural gas (and oil), which have recently been discovered in Tanzania especially in Mtwara and Lindi regions. According to the various sources the natural gas reserve is estimated to be more than 50 trillion cubic feet. The gas discoveries so far known about are on a scale far larger than anything ever seen in gold and diamond mining. Early estimates from just one of the 20 or more major companies currently licensed to explore for oil and gas, suggest that the foreign direct investments (FDI) from their project alone could top USD 5 billion in the single peak year of construction. This is some five times larger than the maximum annual FDI seen in any of the years of the gold resurgence.

¹²¹ Currently, there were only two commercialized natural gas projects in Tanzania namely Songo Songo, operational since 2004, and Mnazi Bay, operational since 2006. ¹²²

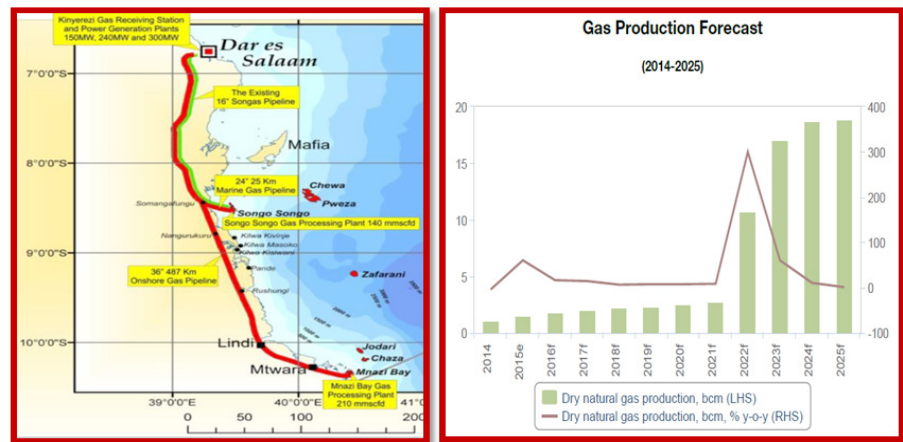
The natural gas will be explored, extracted and processed (e.g at Mnazi Bay and Songosongo gas processing plants) from Mtwara and then, being transported to Dar es Salaam (Kinyerezi receiving and power station) for reserving and distribution to the market. The production and profitability of gas is expected to increase over years as Figure 3.5 (L) below shows.

in Tanzania stands at 40 tons per year which makes it the 4th largest gold producer in Africa after South Africa, Ghana, and Mali. While Tanzania's gold production increased by more than 700% over the past 25 years, from 5 to 40–50 tons per year, South Africa's production of gold decreased from over 500 tons in 1990 to 140 tons in 2015 (Source: Tanzania Invest – cited above).

¹²¹ United Nations University, 'Tanzania - From Mining to Oil and Gas.' June 2016.

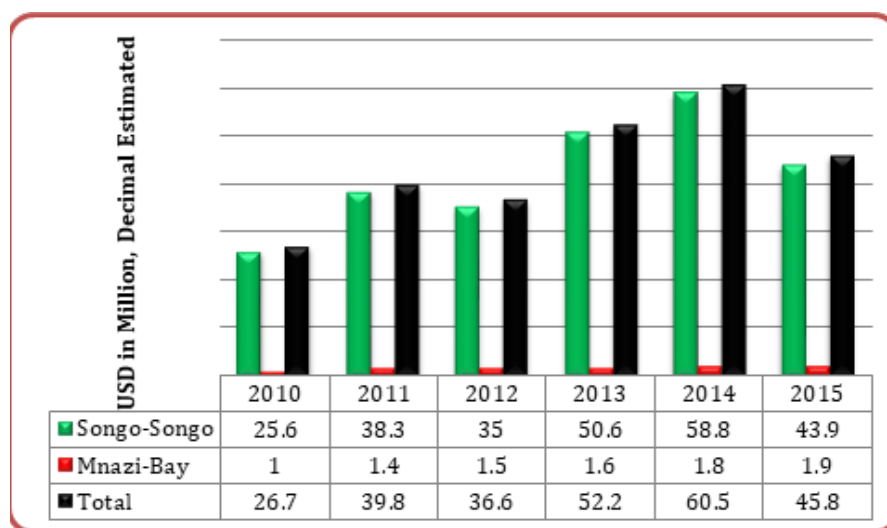
¹²² Peng, D. and Poudineh, R., 'Sustainable Electricity Pricing for Tanzania.' July, 2016. Oxford Institute for Energy Studies, Oxford University. Page 7.

Figure 3.5: (R) Gas Pipeline from Mtwara to Dar es Salaam; and, (L) Gas Production Forecast



Source: Business Monitor International Research, 'Tanzania Oil and Gas Report Q4 2016, Includes 10-Year Forecasts to 2025.'

The contribution of only 3.7% of mining sector to country's GDP as indicated above has, for a long time been disputed by both economists, civil rights groups, including WILDAF, and the 2008 Judge Mark Bomani's Presidential Inquiry Commission (further discussed below). Likewise, the discovery of the natural gas is regarded as a robust to the national economy; but, insignificant to some of the ordinary citizens especially in Mtwara where it originates as the figure above indicates. According to the recent NBS 2015's updates (Tanzania in Figures, cited earlier) on revenue generated from Mtwara's and Lindi's gases, a total of USD 261,497,468 revenues was received from gas sales from Songosongo (Kilwa district, Lindi region) and Mnazi Bay (Mtwara Rural district, Mtwara region) between 2010 and last year, 2015. Figure 3.6 below clarifies more on the revenues and years between the two sources of gas.

Figure 3.6: Revenues Received from Gas Sales from Songo Songo and Mnazi Bay Years 2010 – 2015 (in Million USD)

Source: Constructed in this form, NBS, 'Tanzania in Figures 2015.' Para 13.2, Page 67.

It is stated that, although the revenue from gas industry in these two sources has increased over period of time, income paid to the hosting districts (Kilwa and Mtwara rural district councils) does not match the increase¹²³. Statutorily,¹²⁴ the district councils could receive only 0.3% of the total revenue from the investments located in their areas of jurisdictions. However, there was no indication that (i) the money is remitted; or, (ii) it is remitted in full and annually; and, (iii) the income received is utilized for the benefits of local councils' development projects including support to women and other vulnerable groups. Doubtfully, all these seem to raise some concern. For instance, a women group possessing a fish cooling container as they business in Mtwara urban¹²⁵ has failed to operationalize it due to lack of capital to install appropriate electrification system. It was alleged that, the Municipal Council did not support them despite repeated request due to lack of sufficient funds for community projects.

Some of the community members concerns on natural gas were that, there will be no direct benefits to the people who 'host.' The decision to construct a pipeline in 2013 sparked a lot of chaos

¹²³ Louis Kolumbia, 'Lack of Transparency in Natural Gas Production Seen as a Hurdle.' The Citizen (Newspaper), 2nd June, 2017. Page 4.

¹²⁴ Under the provisions of the Local Government Finances Act of 1982.

¹²⁵ This group is discussed further in other parts of this chapter.

and civil commotion. Some of Mtwara's residents disputed it on the feeling that, piping gas from their region could have denied them economic opportunities including employment and trading.



Picture: 'Gas not going out of Mtwara', a banner of demonstrators reads about five years ago.

However, their move to resist this decision did not succeed. The military deployment onto the streets scared 'silenced' them. No further socio-economic dialogues on this followed. As a result, most of the people remained with grievances including the ones who alleged to have their crops destroyed to give way for gas pipeline. Such complaints were still fresh at the time of this study in Mtwara. Some scholars ¹²⁶ have argued that, the evidence to date particularly in developing countries shows that the discovery and exploration of high valued natural resources including oil have plunged oil-producing countries into anarchy and conflict. This is not anticipated to happen in Tanzania. However, there would be accumulated dislike of investment concession, the situation which would render it difficult for corporate companies to operate in Tanzania if the grievances were not handled properly.

¹²⁶ For instance, Akosua, D. (Undated) The Impact of Oil and Gas Discovery and Exploration on Communities with Emphasis on Women, Legon. Ghana.

Some literature reviewed in 2016¹²⁷ indicated that, countries with large endowment of natural resource, such as oil and gas, may perform worse in terms of economic development and good governance than do countries with fewer resources. This is due to the fact that, despite the prospects of wealth and opportunity that accompany the discovery and extraction of oil and other resources, such endowments may impede rather than promote balanced and sustainable development. For instance, the price of land and other commodities hiked twice or thrice in Mtwara immediately after the announcement of discovery of the natural gas in early 2010s.

According to one Mikindani area lady, the sudden trend brought some economic gluttony in such a way that, her husband decided to take them to rural areas and altered their matrimonial house to be a commercial guest house. *'But, later on, I think in July 2015, he sold the house to someone else without even our knowledge after seeing that, the business was no longer booming up ... we are now back to zero as we are renting a very old and small house here'*, said the lady in December 2016.

There are legal and policy frameworks on oil, gas and minerals in Tanzania. Such frameworks are comprised of several laws and sectorial policies, including (randomly combine) the Petroleum Act of 2008; the Petroleum (Exploration and Production) Act of 1980; the Mining Act of 2010; the Energy Act of 2005; the Energy and Water Utility Regulatory Authority (EWURA) Act of 2001; the National Energy Policy of 2003; and, the National Natural Gas Policy of Tanzania of 2003. Save for the 2010 and 2013 mining law and gas policy respectively, the rest of those laws and policies are generally silent on the direct participation of ordinary citizens into the oil, gas and mineral subsectors.

The 2010 mining law provides for licensing artisanal (small scale) miners to engage in mining activities. There are several mining sites allocated by the government of Tanzania for artisanal mining. Such sites include in Kishapu district, Shinyanga region; Kilosa in Morogoro region; Merelani, Manyara region; Mpwapwa, Dodoma region; and, Manyoni, Singida region. Same business challenges highlighted earlier in this chapter face small scale miners. The challenges include:-

¹²⁷ For instance, Moshi, Humphrey, 'Opportunities and Challenges for the Extraction of Natural Gas in Tanzania: The Imperative of Adequate Preparedness. ESRF Discussion Paper Number 48. Page 3.

- (i) Access to credit from commercial banks, especially for women because of lack of valuable assets such as land to be used as collateral. A banker in Geita told the study team that, they offer loan to 'fully institutionalized' small scale minors and not for smallest ones;
- (ii) Lack of equipments and technology;
- (iii) Lack of skills;
- (iv) Lack of market information. It is the middle persons who determine the grade and price of the mineral produced by small scale minors; and,
- (v) Conflicts between small and large scale miner especially in Merelani, Manyara region – to unclear boundaries.

Recent statistics show that, men were dominating almost all economic sectors. For instance, dominance of men in the mining and quarrying sector was 80%; in the construction sector was 97%; in the transport and communication sector was 95%; and, in the electricity, gas and water sector was 82%. Chapter two of this report indicates women's representation in administrative positions.

Furthermore, a large part of women who are engaged in mining and quarrying activities were found by this study to have been working in mining's side activities such as cooking and supply of food in mining areas; and, informal quarrying activities (of the residue stones) outside the mining sites.



Picture: Women crushing stones in search for mineral residues nearby a mining company, Kahama (Field Photos, December 2016).

Such kind of activities normally earn women small amount of money as business income or wage for crushing the stones. A lady pictured above said that, she earns between TZS 5,000 and TZS 7,000 per day for crushing the stones. Her role is just to crush the stones and not to process anything coming from the

stones. The amount to be paid depends on the 'good-heart' of the stone owners; and, the size of stone piles to be crushed. The tools used for this work are quite rudimentary and unfriendly. There is no any protection gears supplied to these casual workers. Therefore they use bare hands and sometimes cover their feet with plastic bags to mitigate risks of being injured.

On the other hand, children are engaged as pits diggers especially of thin holes where an adult cannot get in. Children are also engaged to collect and carry sands as well as washing sand as a way of filtrating mineral particles as a picture below shows.



Picture: Children at Mwakitolyo village, Kahama, employed in small scale mining activities.

That too is done in risky ways as there is a possibility of being injured or contaminated by harmful chemical substances such as mercury which are used to purify sands in order to get minerals. The children told the study team in December 2016 that, some of the common diseases facing them are skin and respiratory diseases. *'It is too dusty here ... and the dust has chocking smell. You may cough throughout the day to night ...'*, said one of the boys. Moreover, children who work in mining sometimes miss class sessions or even dropout of school. A retired primary school teacher at Mwendakulima ward, Kahama, Shinyanga told the study team during this same period that, the mining activities have brought to them a health care centre, water wells, and a primary schools at their ward *'which is a very positive trend! But also, has increased the rate of school dropouts, health problems*

and family disunity altogether on the other hand ... therefore, it is tricky to me responding the positive or negative sides of mining activities here', said the old man.

Moreover, the social interaction and 'modernized' life style, plus an increased life standards in the mining areas was said to be a cause of sexual assaults, including engaging in commercial sex which is highly demanded by male mining workers who were in the mining camps without their families. The risk of HIV and AIDS prevalence could be high in such circumstances. There was also some indication of human trafficking to the mining areas, especially girls to work as attendants to the pubs and as commercial sex workers.

The perception of the retired primary school teacher of Mwendakulima as indicated above represents the feelings of so many other community members. That, despite the efforts by the mining companies to create jobs and support community development projects, still some of the community members did not have positive perception on them. Instead, some of the people felt increased standard of living which they are unable to sustain. There are also unsolved land conflicts between the villagers and the mining companies following acquisition of their (villagers') land in favor of mining investments. This is a case in all mining sites sampled for this study.

On the other hand, the National Natural Gas Policy of 2013, is more explicitly of gender issues. Paragraph 3.2, particularly, sub-paragraph 3.2.3 of this policy covers gender mainstreaming and HIV/ AIDS in natural gas economic subsector. The said provision articulates a problem by stating, inter alia, that:

The government provides equal opportunities to all citizens of the country. However, most of such **opportunities** are usually dominated by men. Active participation of female in the natural gas industry is thus encouraged. Natural gas industry development is likely to have different **impacts** on women, men, children and vulnerable groups. The use of natural gas for cooking in households relieves female from wasting time searching for firewood and indirectly improves health due to better kitchen environment that is free from smoke and soot.

As for HIV/ AIDS and other infectious diseases in the natural gas industry, this policy articulates that natural gas projects will attract the concentration of people looking for employment and other related activities, a situation which would escalate HIV/ AID infections.

The policy's objective on gender in this policy is *'to support activities in the natural gas industry based on gender issues and addressing HIV and AIDS and other infectious diseases.'* The policy statements on the same are that, the government shall; (i) ensure that all programs related to natural gas value chain including education and training opportunities are based on gender equality and equity; and, (ii) work with international oil and gas companies to facilitate provision of preventive, curative and promotional education on HIV and AIDS and other infectious diseases to stakeholders in the natural gas industry.

The active natural gas projects as of 2016 were the one carried on-shore and in shallow-water at Mnazi Bay and Songosongo as said above. There were processing plants and pipelines connected from these sites to Dar es Salaam as indicated before. This study visited Mnazi Bay and found that, everything was conducted in the fence. There was no indication of local communities' involvement in natural gas value chain activities, which are also not known. A few years ago, the Minister for Mineral and Energy was quoted by the media insisting that an ordinary citizen including prominent cooperate companies cannot secure an investment concession in natural gas projects because this business is 'too complicated' and 'very expensive.' Therefore, he advised the local investors to focus on business which were less complicated such as 'processing juice.'

Therefore, despite the fact that the policy invites local communities to access opportunities in natural gas value chain, it is unfortunate that:

- (i) Such opportunities are not yet known including the policy itself;
- (ii) No any sensitization by the government or any other institutions on the availability of such opportunities, if any;
- (iii) There is no any linkage between an ongoing natural gas exploration or processing and local economic activities.

This is why, after early 2010s, when the good news about discovery of natural gas was shared to the public, the business activities in Mtwara boomed up for a short while (2010-2013) and started to slow down from 2014 to the present, 2016; and,

- (iv) The natural gas economy is centralized at the national level. Therefore, LGAs which host gas projects in Lindi and Mtwara do not have direct benefits from such projects. This is a case even for other extraction projects.¹²⁸

The 2015 edition of this report quoted a finding of a certain study on impact of natural gas' discovery in Mtwara and Lindi Regions which revealed that, at least 73% of the respondents of that study were in social tension (uncertainty of their fate) due to the recent discovery of the commercially viable natural gas. According to the 2015 study, there were conflicts between the local communities and government authorities attributed to unfulfilled promises of government for instance about displacement without (sufficient) compensation of their land; the highly disputed gas transfer from Mtwara to Dar es Salaam; and, lack of information or education on natural gas projects. This study did not observe that tension in 2016 at Mtwara; instead, a despair that, the natural gas will be of no consequence to them.

Probably the most direct benefits of natural gas for women could be the supply and application of low cost natural gas as an alternative fuel for cooking and heating. If this happen, will definitely relieve women from trekking long distance in search of firewood especially in rural areas. This will also save forests, which are currently depleting by an average of 350,000 hectares annually. It should be noted that, 90% of Tanzania's energy requirement is currently supplied from traditional

¹²⁸ However, some of the mining companies have been offering around TZS 200 million per year as 'development levies' to LGAs. Some of them have also contributed quite significantly to the community projects including support to women groups as it is a case for GGM, Geita. For instance, GGM supports tailoring projects by supplying sewing machines. It has also supported girls' education, for instance through construction of the Nyankumbu Girls Secondary School in Geita. The sister companies in Kahama and North Mara has also made tremendous social contributions including construction of tarmac road in Kahama town; construction of schools in Nyamongo and Kewanja villages, Tarime, Mara region; construction of a dispensary at Nyangoto village, Tarime, Mara region and so many other projects.

¹²⁹ URT, 'Natural Gas Utilization Master Plan 2016 – 2045.' Final Draft. Page 12.

fuels, mostly biomass involving firewood and charcoal.¹²⁹ It is not certain as to when such gas will be available to everyone in Tanzania. This study observed that, a 30 Kg of gas tank for domestic use was sold at an average of TZS 50,000 in 2016 and that, supply of such gas was predominantly in urban areas. That price is an average of TZS 1,500 per a day. Apparently, a common household, even in Dar es Salaam could not afford that. This is why, charcoal business in the city, as it is a case in rural areas, is still booming.



Picture: Gas and charcoal as sources of energy are booming business in urban areas. However, rural areas predominantly depend on biomass energy.

As it is well argued by other studies the maze of activities generated by extraction industry (including natural gas) may, to some extent, lead to the empowerment of women, if disaggregated by gender.¹³⁰ However, this much depends on how the policy is being implemented. The IMF challenges the government make sure that the fiscal revenue flow from the natural gas is managed in a way that genuinely benefits the country and its citizens (both current and future generations).¹³¹

¹³⁰ Akina Mama wa Africa, (2014) 'An in - depth research on Oil & Gas Extraction Industry in East Africa: An African Feminist Perspective.' Page 19.

¹³¹ IMF, 'Fiscal Implications of Off Shore Natural Gas.' Washington D.C. May 2014. Pages 3, 10 and 14.

Hint Point 3.8: Policy and legal frameworks on extraction industry should specifically provide for the direct benefits of women and other host communities

WiLDAF is of the view that, there is a need for the policy and legal frameworks on extraction industry in Tanzania to specifically mention how the communities will directly benefit from the gas and mining projects. It is important that these natural resources should benefit everyone in Tanzania (fair sharing of 'national cake'). But also, it is imperative to have a mechanism whereby, host communities especially women, will benefit directly to some of the value chain activities relating to these resources. This is (i) for sustainability purposes of such resources; and, (ii) a way of 'compensating' the host communities for their lost lands and other social injustices caused by the investments in their areas. There is a room for the natural gas policy to be amended to incorporate viable implementation strategies, which are missing at the current version of the document.

The issue of compensation to the host communities where mining activities are going to take place was also highlighted in Judge Mark Bomani's report of 2008.¹³² The report recommended for tightening-up of the existing systems for compensating villagers who lose access to land as a result of mining activity. The report showed further that, significantly compensation revenues can provide the basis for helping the beneficiaries to fund new types of business activity. However, this would require policies and programs whereby systems for, example, MSMEs promotion are well integrated with the needs of both the local communities and the mining companies. Such arrangements could help to ensure that the new businesses can become a part of a new development dynamic in mine-affected areas.

3.5 ENFORCEMENT OF EMPLOYMENT AND LABOR RIGHTS FOR WOMEN

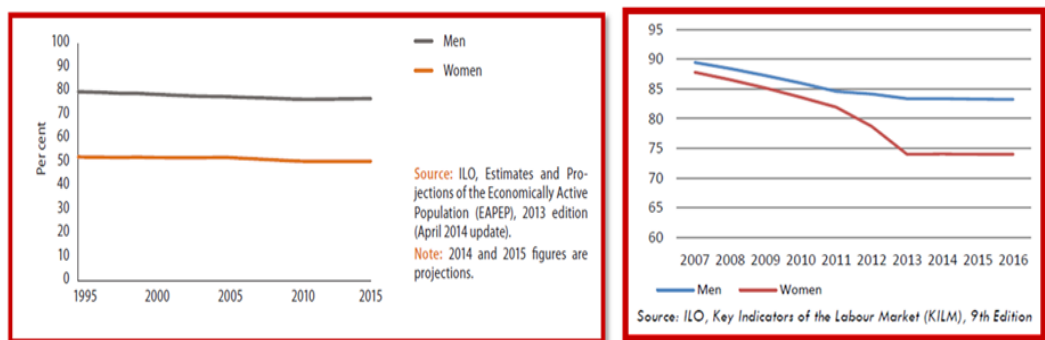
According to the UN World's Women Report of 2015,¹³³ globally, men are much more likely than women to participate in the labor force. In 2015, 77% of men and 50% of women of working age were in the labor force. As it is indicated in Figure 3.7 below,

¹³² URT (2008) Report of the Presidential Committee to Review and Advise Government on Management of the Mineral Sector. April 2008. Dar es Salaam.

¹³³ UN, 'The World's Women 2015 – Trends and Statistics.' Department of Economic and Social Affairs. UN, New York, 2015. Page 89.

women's labor force participation rate remained steady at 52% from 1995 to 2006, declined to 50% in 2010, and is projected to remain at that level in 2015.

Figure 3.7: Estimated Global (and Tanzanian) Labor Force Participation Rate, Persons Aged 15+ Years, by Sex, 1995 to 2015 (and 2007 to 2016) – in Percentage



The global picture on women's level of involvement in labour force reflects a reality in Africa and Tanzania in particular. According to the LO/ FTF Council's Analytical Unit (2016), which is recited in full below, the labour force participation rate in Tanzania has been on a declining trend during the last decade. It is stated further that, this has particularly happened among women that fell from 88% in 2007 to 74% in 2016 while men from 90% to 83%, respectively as the right hand side figure above shows.

Therefore, this has widened the employment gender gap significantly from 1.7% in 2007 to 9.7% in 2016. Chapter two of this report has indicated that, an overall percentage of women's employment in political and other related leadership positions in Tanzanian public sector remained below 40% over past 20 years. This seems to be a case even for women's engagement in private sector.

The attributing factor to this situation as WiLDAF's 2014 and 2015 editions of this report suggested was discriminatory cultural norms, which among other things, overstrain women with multiple tasks to perform, most of which are of no economic values; also, limiting women from accessing productive assets especially land; and, controlling income earned. As is established by several studies referred to elsewhere in this report, Tanzanian women do play multiple economic and social roles including being mothers, part of labour force, decision makers at least at household level as well as community responsibilities such as being members of income generating activities (IGAs) groups and political parties. As it is indicated in chapter two of this report, most of SACCOS and VICOBA are headed by women for reasons stated in that chapter.

According to Fox (2016)¹³⁴ women often face trade-offs between these roles. He clarifies further that, women who frequently give birth and have large families will have a greater burden of household chores per day, limiting their opportunities to undertake productive work such as being employed to have assurance of monthly salaries and other employment benefits. The same study indicates that, time spent by women in household chores has not diminished even an increase of income in both rural and urban areas. One reason to that situation, according to Fox may be that public delivery of a key service that could reduce the burden of chores – a source of safe water nearby, or even piped into the home were still inadequate.

It is stated further that, girls who marry and start families early lose out on opportunities to deepen their skills and therefore, limit themselves from being employed at senior positions. Apparently, this is why most of none agricultural activities (profitable ones) are predominantly occupied by men, while agriculture (peasantry), which less profitable in Tanzanian context is dominated by women as Table 3.6 below shows.

¹³⁴ Fox, Louise (2016) Gender, Economic Transformation and Women's Empowerment in Tanzania. DfID and ODI's SET. UK. Page 3.

Table 3.6: Employment by Sector and Sex – ILFS' of 2006 and 2014

Sector(s)	Male			Female			All	
	2006	2014		2006	2014		2006	2014
	%	%		%	%		%	%
Agriculture, forestry and fishing.	72.7	64		80	69.9		76.5	66.9
Mining and quarrying.	0.9	1.7		0.1	0.4		0.5	1.1
Manufacturing.	3.4	3.6		1.9	2.6		2.6	3.1
Construction.	2.1	4		0.1	0.1		1.1	2.1
Wholesale and retail trade.	9.3	12.4		6.1	12.8		7.6	12.7
Transportation and storage.	2.9	5		0.2	0.2		1.5	2.6
Accommodation and food service.	1.1	1.4		2.8	6.5		2	3.9
Administrative and support service.	1.9	1		0.3	0.3		1.1	0.6
Education.	1.6	2.1		1.2	2.1		1.4	2.1
Health and social work activities.	0.5	0.7		0.7	1		0.6	0.8
Other.	3.6	4.1		6.7	4.1		5.2	4.1
Total:	100	100		100	100		100	100

Source: URT's Integrated Labour Force Surveys (ILFS) of 2006 and 2014 ¹³⁵.

The figures presented above are self explanatory. On the other hand, the 2014 ILFS indicated that, the rates of unemployment (basing on the sample size of about 2.3 million respondents of this survey) was higher among women than men in all age groups and in both Dar es Salaam city, other urban areas and rural areas as well. Apparently, most of unemployed women are engaged in unpaid care and domestic work. For instance in Dar es Salaam, the women's unemployment rate was 73.4% (being 388,568 women out of 529,420 total sample); while in other urban areas, the women's unemployment rate was 65.3% (being 369,792 women out of 566,134 total sample); and, the women's unemployment rate in rural areas was 52.7% (being 630,348 women out of 1,196,231 total sample). The overall women's unemployment rate was 60.6% (being 1,388,744

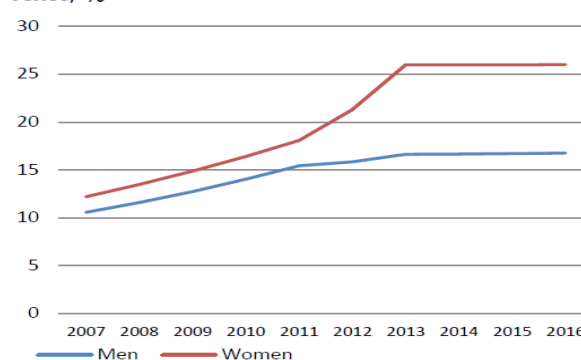
¹³⁵Note that, the 2014 is the latest ILFS. Its results were released in November 2015.

women out of 2,291,785 overall total samples). The rate of women's unemployment rate is slight lower in rural than urban areas because they are the major actors in agricultural activities. Another 2016 study ¹³⁶ indicated that, during the last decade, the country's (Tanzania's) total employment rate has been on a decreasing trend, but stayed flat since 2013. It has since then followed the Eastern Africa average rate. Youth experienced a very high employment rate declining trend from 80% in 2007 to 65% in 2016, gliding below the region's average. Moreover, it is stated that, around 850,000 young people enter the Tanzanian job market annually, but only 50,000 to 60,000 (being around 6.5% on average) formal sector jobs are created each year. With more than 66% of the population (most of whom being females) under 25 years of age, this job shortage will keep rising in Tanzania.

Another growing concern on employment is an increased trend of inactive labor force in Tanzania. According to the study (LO/ FTF Council's Analytical Unit, 2016) referred above, 1 of 5 (being 22%) of the working-age population (WAP) and 35% of the youth population (15-24 years old) were inactive on the labour market in 2016. As Figure 3.8 below shows, that trend is higher on part of women than men – for obvious reasons stated earlier on.

Figure 3.8: Percentage of Inactivity Rate Trend in Tanzania, 2007-2016

Figure 5: Inactivity rate trend in Tanzania, 2007-2016, Sexes, %



Sources: ILO, Key Indicators of the Labour Market (KILM), 9th Edition

Note: Copied from: LO/ FTF Council's Analytical Unit, 'Labour Market Profile 2016, Tanzania and Zanzibar.' Figure 5, page 11.

¹³⁶ LO/ FTF Council's Analytical Unit, 'Labour Market Profile 2016, Tanzania and Zanzibar.' Danish Trade Council for International Development and Cooperation, Copenhagen, Denmark. Page 10.

Basing on the women employment trends indicated above, the declining of employment in Tanzania and East Africa at large, logically, affect women more than men because they (women) are already fewer than men in all economic sectors.

The women's rights to employment are enumerated extensively by several international legal instruments and other treaties including SDG 2030. Such instruments include CEDAW of 1979 (cited earlier); the Maputo Protocol of 2003; the SADC Protocol on Gender and Development of 2008; and, the ILO No. 111 on Discrimination (Employment and Occupation) Convention of 1958. The common issues on women's right to employment are rights to equal opportunities; fair remuneration; and, job security particularly during maternity leave. Goal 5 of SDG 2030 calls for, among other things, recognition and value of women's unpaid care and domestic work through social protection policies.

Hint Point 3.9: Needed a policy to address the value of women's unpaid care and domestic work

The current legal framework on women or labor rights in Tanzania does not address this issue of unpaid care and domestic work. However, the judicial interpretation of the Law of Marriage Act of 1971 (Cap. 29) on the division of matrimonial properties normally consider women's domestic routine work as 'contribution towards acquisition of matrimonial properties', of which, a woman is entitled equal share upon divorce. WiLDAF urges the government to address unpaid care and domestic work in the socio-economic policies for instance, by ensuring that the current social security scheme is linked to women's engagement in agriculture or petty trade and find a mechanism of ensuring that, such women are included in the social protection schemes. Another entry on this can be to encourage women economic empowerment initiatives through support to their existing IGAs or encouraging them to initiate new ones.

Article 25 of the Constitution of Tanzania provides for the right to work (including employment) to everyone. The said provision infers this right as a measure of human 'dignity.' This could be interpreted to mean that, an employment or work facilitate a person to earn a better living against poverty and advent effects of the same including GBV against women. This right can be enjoyed only if there is no discrimination. The statistics indicated above suggest presence or prevalence of discrimination against women in all employment sub-sectors.

Article 1 of the ILO's Discrimination (Employment and Occupation) Convention of 1958 defines 'discrimination' at work place to mean *'any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.'* Article 13 of the Constitution of Tanzania of 1977 (cited earlier) prohibits any forms of discrimination, including on basis of sex or gender. Moreover, Section 7 of the Employment and Labour Relations Act of 2004¹³⁷ requires every employer to ensure equal opportunity is promoted in an employment¹³⁸. Section 7(4) of this 2004 employment law enlists discrimination scenarios to include health status, disability and sex. Discrimination on the basis of HIV and AIDS status is prohibited under various provisions of the HIV and AIDS (Prevention and Control) Act of 2008;¹³⁹ while, the Persons with Disabilities Act of 2010¹⁴⁰ prohibits the same on the basis of disabilities.

The general trend on this as observed in 2016 basing on empirical studies and consultations with several respondents, shows that, discrimination at work places was generally decreasing due to (i) increased awareness of gender rights; (ii) adoption of gender policies in workplaces; and, (iii) proven aptitude of women's ability to handle issues, especially in finance sector. The study team's discussion with some of the farmers' groups in Arusha noted that, the finance sections of 3 out of 5 groups interviewed, were headed by female 'accountants' because they were 'trustworthy' and 'good financiers.' The owner of one of micro-credit companies in Dar es Salaam had the same view, that, he preferred employing women to manage his company's account department because *'they are more reliable and very careful persons.'*

That perception has not yet rang roundly into the ears of the majority of employers in both public and private sectors. The 2015 edition of this report quoted a study finding which indicated that, only 5.5% of the sampled corporate companies in Mainland Tanzania had female workers who were either 50% in total or slight above that percentage. Therefore, 94.5% of the companies

¹³⁷ Act No. 6 of 2004.

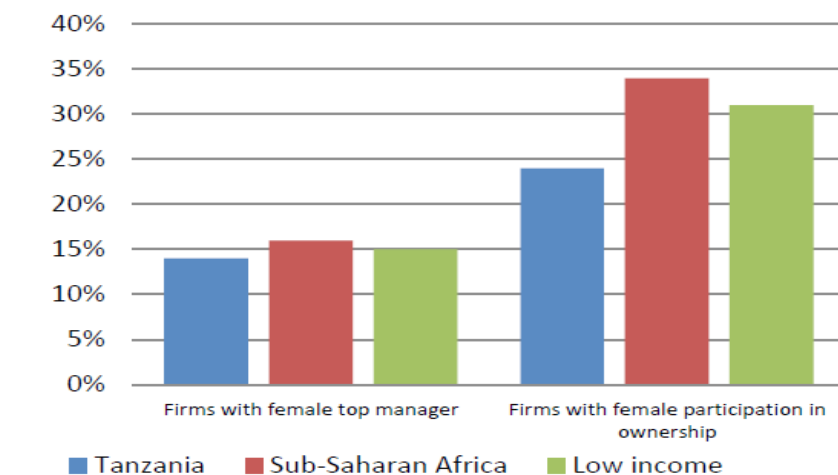
¹³⁸ Moreover, employers are obliged to eliminate discrimination in any employment policy or practice.

¹³⁹ Act No. 28 of 2008.

¹⁴⁰ Act No. 2 of 2010.

sampled had less than 50% female workers. The LO/ FTF Council's Analytical Unit's 2016 study (already referred above) on this matter showed that, less than 15% firms in Tanzania were headed by female directors; and that, less than 25% of firms in this country had female participation in ownership of the same. As Figure 3.9 below shows, this trend was slight below the SSA's generalized or average trend.

Figure 3.9: Women in Management and Ownership of Firms in Tanzania



Copied from: LO/ FTF Council's Analytical Unit, 'Labour Market Profile 2016, Tanzania and Zanzibar.' Figure 5, page 17.

On the other hand, a few of women in formal employment opportunities do face a number of mistreatments including sexual assaults, denial of maternity leaves, unequal remunerations, segregation to inferior positions closely associated with the social gender roles or stereotypes which determine what role 'should' be performed by women and men. For instance, out of 23 government and private institutions (including commercial banks; hotels; engineering companies; law firms; and travel agents) which were randomly observed on this issue during the study in December 2016, 19 (being 82.6%) of them had either a female alone or female and male front desk attendant(s) or receptionists. Key positions such as loan department were male-headed in 5 (71.4%) out of 7 commercial bank branches randomly observed in some of sampled regions.

Enforcement of the employment law is also an issue of concern. The study noted that, there was an emerging trend of some of the private companies to grant and deduct days spent by women as leaves during their maternity conditions. Some of the employers

do deduct part of women's salaries when they take maternity leave. A lady worker in one of the hotels in Mtwara urban told the study team that, at least 30% of her April and May 2016 salaries was deducted because she did not go to work after giving birth to twin babies. *'The manager told me that, the portion of salary deducted was for paying for a girl who replaced me during my absence ... [t]herefore, we had to share the cost of engaging a new staff. I received just like half of my salary during that period. I don't know what other deductions were meant for ...'*, she said. This is a serious problem especially for females who work as domestic workers in Tanzania. The next edition of this report will discuss more on this.

Section 33(1) of the 2004 employment law states that, the female employees are entitled to maternity leave upon giving notice to employer at least 3 months before expected date of birth, supported by medical certificate. The duration of the maternity leave is 84 and 100 days for single and twin babies respectively. Therefore, a growing trend of some of the employers to deny women of their maternity leave is prohibited under the law.¹⁴¹

Hint Point 3.10: Needed effective labor law enforcement

WiLDAF reiterates its previous recommendation that, the law enforcers and trade unions should ensure that, they monitor implementation of the labour and employment laws in every workplace in order to ensure among other things, that women related rights are accorded the attention needed for the female workers to engage in an employment in equal treatments like male workers.

¹⁴¹ Note that, the paternity leave, according to Section 34(1)(a) of the same law (the Employment and Labor Relations Act of 2004), is granted to male employees who have fathered a new born baby. It is supposed to be for a minimum of 3 days.

3.6 WOMEN IN AGRICULTURE, PASTORALISM, FISHING AND TRADE

3.6.1 Women in Agriculture

The recent statistics show that, agriculture contributes about 24.1% of GDP and 30% of the country's export earnings. At micro-economic level, this sector employs about 75% of the (national) total labour force in Tanzania, whereby food and cash crops account for about 70% of rural income ¹⁴³. At least 94% of the rural households and more than 70% of the urban population respectively earn their living through agriculture and informal petty trade activities in Tanzania.

The main drivers of rural agriculture, as said earlier in this chapter, are women. The latest (2014) findings of ILFS ¹⁴³ of Tanzania indicate that 72.8% of the households (rural and urban on average) in Tanzania Mainland have at least one member with agriculture income. The wage employment was more prevalence in urban areas and it accounts for at least 50 of urban household depending on it. Table 3.7 below explains more.

Table 3.7: Number and Percentage of Households with at Least One Member with Income from Specified Sources by Area, Tanzania Mainland, 2014

Source of Income	Dar es Salaam		Other Urban		Rural		Total	
	HHs	%	HHs	%	HHs	%	HHs	%
Wage employment	680,986	54.0	1,091,860	39.5	915,410	14.8	2,688,256	26.3
Self employment	800,108	63.4	1,700,035	61.5	2,103,225	34.0	4,603,368	45.1
Agriculture	86,607	6.9	1,514,248	54.8	5,833,365	94.3	7,434,220	72.8
All Household	1,261,196	100.0	2,764,094	100.0	6,186,983	100.0	10,212,273	100.0

*HHs stands for Households

NB: Calculation is based on multiple responses to source of HH income.

Source: ILFS, 2014.

Moreover, according to the statistics on the percentage distributions of households by main source of income¹⁴⁴, selling of food crops is regarded as main source of income (40.6%); followed by income from business (12%); wage labour

¹⁴² The National Agriculture Policy of 2013. Pages 1 and 2.

¹⁴³ URT, 'Integrated Labour Force Survey 2014 – Analytical Report.' Tanzania Mainland, November 2015. Page 21.

¹⁴⁴ REA, 'Energy Access Situation Report, 2016. Tanzania Mainland.' February 2017. Page 34.

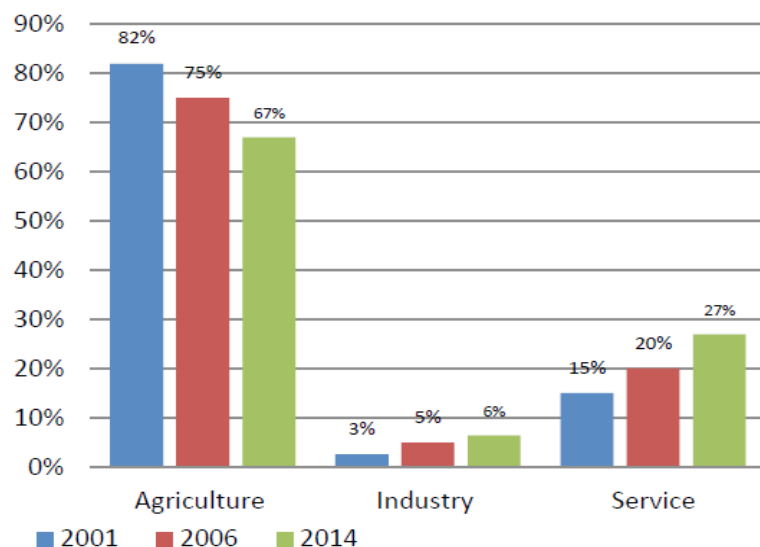
(10.1%); selling of cash crops (9.5%); other sources of income (7.4%); financial support (2.9%); selling local brews (0.9%); and, selling of firewood (0.3%).

The fact that agriculture is a source of living for more than 94% of the Tanzanian rural households, it is a sufficient ground for the government to make proper arrangements in order to scale it further. However, this seems to be a non-concern at the moment. For instance, agricultural sector was allocated with only 3.4% of the national budget for the development projects during the 2016/ 2017 FY. This unhealthy situation fails the extension officers to reach out farmers in the villagers and other supports; and also, it is contrary to the international obligations on agricultural development. For instance, the Maputo Declaration on Food and Agriculture in Africa of 2003 (in which Tanzania is a part) requires that, countries in Africa should allocate at least 10% of public expenditure for agriculture in order to support or facilitate agricultural productivity. However, public spending on the sector remained very low in the Tanzanian case as reflected in the 2014/2015 and 2015/ 2016 FYs, whereby Tanzania allocated less than 8% of its national budget to the agricultural sector.

That trend has adverse implications to the development of the sector at micro and macro levels. A district council's agriculture, extension and irrigation officer of one of the councils in Mbeya region told the study team in December 2016 that, his department received about 10% of the budgeted amount for all activities planned by his department in 2015/ 2016 including extension services. The cooperative department of Arusha municipality said that, they were only six staff to manage (e.g pay support visits) to more than 200 cooperative unions in the council. The study also noted with concern that, almost all agricultural primary and secondary cooperative unions such in Arusha (ARCU), Kilimanjaro (KNCU), and Kyera (KYECU) were not operating well. The KYECU had so far a capital to purchase only 1% of cocoa produce. The KNCU and ARCU were shambling and unable to compete well with the private sector in purchase of coffee from farmers. As a result, most of the farmers were becoming unwilling to continue with farming. Besides, farmers have been struggling alone to grow crops and manage the farms. In most cases, the government officials emerge at the time such farmers take their produce to the market. All district and municipal by-laws on agriculture reviewed during this study,

focused on collection of levies from the farmers' products in the market and not supporting them. As a result of these and other setbacks, a good number of people continued quitting agriculture over period of time as Figure 3.10 below shows.

Figure 3.10: Employment by Aggregate Sector in Tanzania, 2001-2014



Source: ILO, Key Indicators of the Labour Market (KILM), 9th Edition

Note: Copied from: LO/ FTF Council's Analytical Unit, 'Labor Market Profile 2016, Tanzania and Zanzibar.' Figure 5, page 11.

Therefore, an employment in agriculture dropped by 15% just within a decade since 2001. Basing on the same figure above, it seems that most of who quit agriculture tends to migrate in urban areas and engage in service provision sectors such as hotels and telecommunications. The effects of that situation can be reflected also by considering the decreased agricultural outputs especially of the food crops as Table 3.8 below shows. For instance, maize and sweet potatoes productions dropped by 12.3% and 6.6% respectively between 2014 and 2015 seasons.

Table 3.8: Production of Food Crops (Tonnes), Tanzania Mainland

Crop	2011	2012	2013	2014	2015	Change (%) 2014/15
Maize	4,341	5,104	5,174	6,734	5,903	-12.3
Paddy	1,461	1,170	1,307	1,681	1,937	15.2
Wheat	113	109	92	167	72	-56.9
Sorghum	1,119	1,052	1,041	1,246	1,007	-19.2
Cassava	1,549	1,821	1,943	1,664	1,962	17.9
Beans/Legumes	1,632	1,827	1,641	1,697	1,808	6.5
Bananas	1,048	842	1,307	1,064	1,195	12.3
Sweet Potatoes	1,710	1,418	1,259	1,167	1,090	-6.6

Source: Ministry of Agriculture, Livestock and Fisheries

Such decrease, as it is discussed further in other parts of the report, can have adverse implication to food security at household level (e.g food poverty line indicated earlier) and increased prices of food in the market as it was a case in 2016. For instance, the price of a kilo of maize flour hiked by almost 25% from TZS 1,500 in December 2015 to round TZS 2,200 in December 2016 according to the business traders at Afrikasana Market, Kijitonyama, Dar es Salaam.

It (failing rural agriculture) can also be a reality that, an increased in number of trafficked girls as indicated above, could be linked with the stead failing of agriculture in rural areas.

Some studies on agricultural developments ¹⁴⁵ have found that, deterioration of this sector (as an engine of growth, poverty reduction and economic empowerment) is partly caused by lack of direct support to women, who represent a crucial resource in agriculture and the rural economy through their roles as farmers, and laborers. Therefore, efforts by governments to achieve their goals for agricultural development, economic growth and food security will be strengthened and accelerated if they build on the contributions that women make and take steps to alleviate these constraints.

Some of the current government's efforts on agricultural developments include formulation of policies, strategies, plans, laws and establishment of pro-agriculture financial institutions such as the Tanzania Agricultural Development Bank (TADB); the Tanzania Investment Bank (TIB); and, for women, the Tanzania Women Bank (TWB). There are also enabling legal environments for farmers to mobilize themselves into financial groups such as SACCOS, VICOBA and community banks. The study for this report consulted a number of these groups in Arusha (e.g Meru Community Bank) and found that, they had loan schemes for small farmers – but, most of the farmers were still unaware or hesitant to access such services as it is further discussed below.

¹⁴⁵ Example: SOFA Team and Cheryl Doss, (2011); The Role of Women in Agriculture. Accessed it on 16th May, 2017 from: <http://www.fao.org/docrep/013/am307e/am307e00.pdf>

The policies, strategies, plans and laws formulated to support agricultural developments include the Agricultural Sector Development Strategy (ASDS) of 2001; the Agricultural Sector Development Program (ASDP) of 2003 which was an implementing mechanism of ASDS of 2001; the National Agriculture Policy of 2003; the Agricultural Marketing Policy of 2008; and, the Agricultural Inputs Trust Fund Act of 1994.

The ASDS of 2001 was developed to provide guidance for implementation of the country's agricultural development plans. The ASDP of 2003 was a mechanism through which financial support from the central government was channelled to the district level to support extension services and subsidized agricultural inputs. However, such initiative (ASDP) was no longer being implemented as it used to be in the past, because there was little support coming from the central government to support district based agricultural efforts. The Agricultural Inputs Trust Fund Act of 1994 establishes the Agriculture Inputs Trust Fund (AITF).¹⁴⁶ The AITF is mandated to, among other things, offer loans for importation and distribution of agricultural inputs. However, none of more than 100 farmers interviewed during this study had an idea of existence of this fund.



Picture: Some subsidized tractors in the past (File Photo).

¹⁴⁶ Under Section 3 of the Agricultural Inputs Trust Fund Act of 1994.

The National Agriculture Policy of 2003 extensively articulate issues relating to agricultural development. Specific objective number five provides for an enhancement of quality products in order to improve competitiveness of agricultural products. Paragraph 3.5 is on extension services, saying that, such services are crucial for competitiveness for commercial agriculture in the domestic and global markets. Paragraph 3.9 directs use of modern inputs (fertilizers, agrochemicals, seeds, and farm machinery) as pre-requisite for achieving sufficient agricultural production; Paragraph 3.14 is on agro-processing.¹⁴⁷

The agricultural financing is covered under Paragraph 3.15 of this 2013 agriculture policy. The policy states under this provision that, public and private sector agricultural financing in Tanzania is inadequate. As a result, Tanzanian agriculture is characterized by smallholder producers who are unable to borrow from financial institutions due to lack of collateral. Strategies on this include strengthening of the financial institutions and financial intermediaries such as rural or community banks, SACCOS, and VICOBA) to make them responsive to agricultural development financial needs. The policy states further that, the government in collaboration with other actors will facilitate accessibility of finance to farmers and other actors in the agricultural sector focusing on the financial needs of women and youths to foster social equity.

As it is hinted above, financial support to agriculture especially small scale farmers was not noticed by this study. Instead, farmers continued to use traditional and rudimentary methods such as hand hoe instead of mechanized agriculture. There were also confusions among farmers on proper fertilizers, seeds and seedling to apply due to uncontrolled private companies supplying such inputs.

The records on number of farmers' groups supported by TADB and TIB were not secured during the study for this report. The Deputy Minister for Finance told the parliament in May 2016

¹⁴⁷ The policy articulates that, majority of crops in the country are marketed in raw form with little or no value addition. According to this policy, the factors which hinder agro-processing in Tanzania include limited supply of rural energy; inadequate raw materials; inappropriate machinery and technology; and limited skills. One of the policy strategies to overcome this situation is for the government to facilitate importation and production of machinery for agro-processing that meet required standards.

that, the TIB had issued farmers across the country with credit facilities worth over TZS 550 billion until December 2015.¹⁴⁸

It was not certain how many female small scale farmers benefited from such facilities and as said before, there was no indication of access to such facilities to the rural farmers consulted by the study for this report in December 2016.

Moreover, the TZS 50 million for each village, which was promised during the 2015 campaign by the ruling party's presidential candidate, was yet to be disbursed to the villages as of December 2016. Some of the current leaders for example the Shinyanga's District Commissioner (DC) continued to sensitize people to mobilize for this fund¹⁴⁹ – but did not indicate when it (this fund) would be finally made available after being waited for more than two years now.

Hint Point 3.11: Agricultural schemes such as ASDS, ASDP, TADB and TIB should be effectively implemented by the government; and also, disburse TZS 50 million promised to be paid to every village

WILDAF is of the view that, more realistic strategies are needed in order to ensure that such schemes mentioned above reach out small scale farmers especially in rural areas. It is proposed that, (i) the government should allocate sufficient funds and operationalized ASDS/ ASDP as it used to be in the past; (ii) amend the National Agriculture Policy of 2013 to include implementing strategies for each problem articulated and also to articulate women issues in agriculture as highlighted in this sub-section; (iii) use SACCOS, VICOBA and community banks as liaison centres for TADB, TIB and TWB in order to improve accessibility of services of these two agricultural banks; and, (iv) honor the promise of disbursing TZS 50 million to every village in order to support village and individual development projects.

3.6.2 Women in Pastoralism

As for women in traditional livestock keeping (pastoralism), the experience shows that, in all pastoral societies, especially the Maasai, Barbaig and Sukuma, ownership and control of livestock especially cattle are in the hands of male members of the family or clan. This also include all income accrued from the sale of

¹⁴⁸ Felister Peter, 'TIB Development Bank Issues Farmers with Credit Facilities.' The Guardian (Newspaper), 10th May 2016. Page 4.

¹⁴⁹ Suleiman Shagata, 'Women Entrepreneurs argue to Improve Capital.' DailyNews (Newspaper), 22nd March 2016. Page 5. This media quoted Ms. Josephine Matiro, Shinyanga DC saying that, the fifth phase government has promised TZS 50 million to every village and streets as the loans to entrepreneurs. Therefore, she reminded the people to form groups so that they can secure loans which can help them to increase their capital.

livestock. However, males are traditionally required to buy food and other family necessities back home from the auction after market day. According to the 2015 Kipobota's study (for PINGO's Forum),¹⁵⁰ the pastoral Maasai women are allowed to own and manage small livestock such as goats, sheep and chicken. They also control milk. These are items which, nowadays, can be sold without much restriction from their husbands. According to the same study, they (pastoral women) have also a total discretion to decide on the expenditure of the income from the sales of such petty animals and products. In most cases, they use the income for purchasing domestic utensils and own ornaments or clothes. Others use the income to open up own income generating activities such as selling of milk tea or yoghurt and other items at livestock market places as the picture below shows:



Picture: Pastoral Women selling milk tea and soda at Longido livestock market (Kipobota/ PINGO's Forum, September 2015).

Some other studies on pastoralism and gender development¹⁵¹ have found that, livestock, as an asset, has a huge potential to reduce gender asset disparities commonly found in households in most developing countries, Tanzania is inclusive. It cannot be necessarily actual 'ownership' of the livestock; rather, a mere 'possession' with freedom to manage the income e.g from milk and livestock by-products could be important economic empowerment strategy for women in pastoral community.

The Barbaig women in Katesh, Hanang district, Arusha, told the study team in December 2016 that, in their tribe, it is women who normally take care of cows and all other livestock including

¹⁵⁰ Kipobota, Clarence (2015) Socio-Economic Contributions of Pastoralism as Livelihood System in Tanzania: Case of Selected Pastoral Districts in Arusha, Manyara and Dar Es Salaam Regions. PINGO'S Forum, Arusha. Pages 33 – 35.

chickens. They do also help men to drive the animals to the urban based and other markets for sale. At the market, women leave men to negotiate and sell the animals, while they do other things like selling of vegetables, animal drugs, clothes and locally made animal feeds.



Picture: Women stand aside after driving the cattle to the market for sale at Katesh Town, Hanang District (field photo, December 2016).

Therefore, they (women) are part of livestock value chain activities; and, according to one of the ladies interviewed at Katesh livestock market ('Mnadani'), roles of women in livestock value chain, have been increasing over years. *'In the past, we were not allowed even to count or cross-check if all animals were in the shed ...but, now, we can even help men to drive these animals to here at the market, and sometimes, helping my husband to carry the money obtained ... moreover, sometimes we are allowed to sell calf, especially if it is sick and retain the money ... things are really changing ...but, I think it will take time to end all **braanti** (kind of discrimination) against women as this is a long existed taboo in our tribe ...'*, said the Barbaig lady.

3.6.3 Women in Fishery

Substantial part of women situation in fishing industry is covered in previous parts of this chapter. The study generally found that, as it is a case for other economic activities, women in fishing industry were playing a passive and unproductive side of this economic activity. As such, it was unsubstantially not easy for them to emancipate them economically through engaging in fishery's value chain. That is notwithstanding the reality that,

women are said to constitute a high proportion of workers in this industry (e.g in subsistence aquaculture, artisanal and industrial processing, equipment maintenance and trading and retail of fresh fish).

The study ¹⁵² indicated that, at least 47% of the 120 million people who earn money directly from fishing and processing are women - worldwide. In agri culture, this figure is 70%. On the other hand, there are very few women in leadership positions. That is while women make up 85% of the workforce in jobs such as gutting, filling cans or other processing, it is rare for women to be in top management positions; a fact that is not the result of a lack of qualifications but rather invisible barriers and discrimination as it is a case for agriculture and livestock keeping economic activities discussed earlier.

This study confirmed that, fishery value chain activities are also influenced by traditional gender roles and stereotype; and also, other none traditional roles such as capital. For instance, ownership of the fishing boats or traditional canoes is predominantly on men. According to the regional records ¹⁵³, there were a total number of 103,540 fishers, of whom 103,125 (being 99.6%) were males and only 415 (being 0.4%), were females in Mwanza region. However, a number of persons involved in scrubbing and cleaning up of fishes off shore were women by almost 90%. This study at hand found that, engaging directly in fishing example was paying almost ten times more than engaging in scrubbing and washing of fishes. For instance, a fisherman who drives safe a boat or canoe with fishes from Lake Victoria, could earn between TZS 100,000 to TZS 200,000 or more than that depending on the fish cargo managed to bring for the boat-owner; while, a woman engaging in scrubbing and cleaning of fish off shore could hardly earn TZS 20,000 per a day.

¹⁵¹ Such as: AGP-Livestock Market Development Project (2013) Agricultural Growth Project - Livestock Market Development. Value Chain Analysis for Ethiopia. USAID: Ethiopia.

¹⁵² WWF, 'The Role of Women in the Fishing Industry.' Accessed it on 16th May, 2017, from: <http://www.fishforward.eu/en/project/the-role-of-women-in-the-fishing-industry/>



Picture: Women in fishing activities, Dar es Salaam.

Securing a license for a fishing canoe or a boat to work in Lake Victoria has some conditions which seem to be stringent for women. The study team was informed by one of the officers in Ukerewe district council that, one of the terms and conditions is for an applicant of license is to have at least 3 licensed individual fishers already in his or her control. Such individuals are normally males commonly known as '*chokara*' or '*wajeshi*' to mean, 'brave boys.' Some of the women interviewed in this district said that, mobilizing youths to be under the control of the female 'boss' was awkward because traditionally women do not own such fishing gears. '*... [I]n short, the youth will mock at you my sister ... that is a new thing here. May be in future days*', one of the lady told the study team member.

The second obstacle in relation to licensing of fishing activities, the district council's officers at Ukerewe said that, fish procession (scrubbing and washing) commonly termed as '*uchakataji*' needs more than one license or permit, namely; collective permit for the '*uchakataji*' and, another one known as transport permit. The '*uchakataji*' is the main fishing activity for women. Therefore, imposing double permit for a value chain activity like that could mean imposing heavy fishing activity compliance standards for women, who have already multiple tasks to handle as indicated above. Apparently, some of the women have been carrying out such activities without permits. However, that is risk as doing that is contrary to the applicable laws. Transportation of fish and its products outside Ukerewe or Mwanza, which seems to be more suitable fishing activity for women, needs a start-up capital of between TZS

4,000,000 and TZS 5,000,000; the Leseni ya Mazao ya Uvuvi (fish products license), and some formalities from Tanzania Revenue Authority (TRA), Tanzania Foods and Drugs Authority (TFDA), Business License from the district or municipal councils and other regulatory authorities. The costs for complying with all these regulatory authorities could be as high as TZS 200,000 and the annual renewal fees could be around TZS 100,000 of a small scale fishing licensed person.

The last important gender issue observed in fishing industry was on increased prices of fish and fish products due to the decrease of such products in Lake Victoria and the Indian Ocean (Mtwara). Previous parts have already captured how the fishermen trek long distances in search of fish especially during moony seasons. The associate effects of this situation include increased incidents of commercial sex and family disunity as emerging trends in all fishing communities sampled for this study. The dwindling fish stocks force the fishermen to explore new fishing islands or places and stay there for months. This situation also affects food security and hikes family budget to be spent for alternative foods which are traditionally not grown in Ukerewe and other fishing areas.

Hint Point 3.11: LGAs should collaborate with other stakeholders to facilitate technologies and fish farming for women groups

The 0.4% of women who are engaged in fishing value chain activities in Lake Zone, and may be elsewhere in Tanzania is relatively small especially due to the fact that, communities living along water masses such as lakes and ocean usually depend on the same as means of livelihood. Any old man in Ukerewe isle called Lake Victoria as his 'farm' and 'road' to other places, to imply that, he and his community depend on this lake for survival. Therefore, an importance of fishing activity cannot be overemphasized. WiLDAF suggests that, LGAs should collaborate with the central government, commercial fishing companies such as Vic Fish, Nile Perch and others, plus research institutions and commercial banks to support women starting off shore fish farming in groups. Moreover, for women who wish to engage in other value chain activities of this industry, should also be supported to scale up their businesses. Institutions like SIDO can be engaged to support women in adoption of current fishing activities' technologies.

3.6.4 Women in Urban Trade

As for urban women traders, Paragraph 2.2.2.4 of the Human Settlement Development Policy of 2000 (Tanzania) says that, they account to more than 60% of urban unemployment dwellers. Owing to a huge number of rural women who quit agriculture, the estimation could be more than 70% in 2016. Again, owing to the highest level of unemployment among women as indicated earlier, most of them (at least 70%) are engaged in informal low scale business ventures ¹⁵⁴. The huge dependence on informal activities in urban areas has several dimensions (gender policy implications), including the reality that, the informal sector is the primary source of employment for urban women – which is mainly caused by lack of better options (e.g failure of agriculture in rural areas) as Paragraph 2.2 of the NEEP of 2004 (Tanzania) also articulates.

The challenges facing urban women petty traders are same as the ones already discussed above under the economic subsection of this chapter. The challenges include:-

- (i) unequal access to financial services;
- (ii) heavy costs of complying with formal standards;
- (iii) inability to start and run enterprises due to the expectations and demands of their traditional reproductive roles;
- (iv) non-inclusion into the trade development processes;
- (v) presence of regulatory frameworks which are not gender sensitive; and,
- (vi) the freedom to manage and use whatever they get from their exhausted efforts.

Therefore, they rarely keep surplus for future benefits.

¹⁵³ This was shared to WiLDAF's study team by the Regional Fishery Department, Mwanza region, March 2017.

¹⁵⁴ Kipobota, Clarence (2015) Challenges and Opportunities of Integrating Business' Extra-Legal Practices into Policy Framework: A Case of Women Food Vendors in Ilala Municipality, Dar es Salaam. Msc. PPA Dissertation, Ardhi University.

The 2014 study by Mori (for ILO) on women entrepreneurship development in Tanzania,¹⁵⁵ discussed in details those and other challenges facing women entrepreneurs, especially ones engaging in business ventures as micro and small traders ¹⁵⁶ in this country. According to that study, some more challenges facing women in trade were:-

- (i) Traditional reproductive roles and power relations: That, (as said earlier in this report), women have to divide their time and energy between their traditional family and community roles and running the business. Moreover, some of cultural norms limit women's rights to property which could be pledged as collateral for loans.
- (ii) Laws and regulations affecting MSMEs: That, laws and regulations affecting businesses (including licensing procedures) were generally designed for relatively larger businesses and are therefore difficult for micro enterprises (mostly women owned) to comply with. This was also explained in details in the 2015 edition of this (WiLDAF's) report.
- (iii) Corruption and bureaucracy: That, women entrepreneurs find it difficult dealing with corrupt officials such as tax and municipal officials especially when these found out their businesses had some problems like lack of a business license or delay in paying taxes.
- (iv) Limited access to business services and facilities: Such as premises, loan levels suited to business needs, technical and management training, advice and marketing.
- (v) Access to market and competition: That, markets where women are mostly present are markets with fierce competition and price sensitivity. This also led to fake, counterfeit and contaminated products to appear in the market (raw materials, water, chemicals, feed, spares, equipment, etc) negatively affecting the quality and reliability of the supply chain, and thus indirectly undermining their credibility and demand for their products.

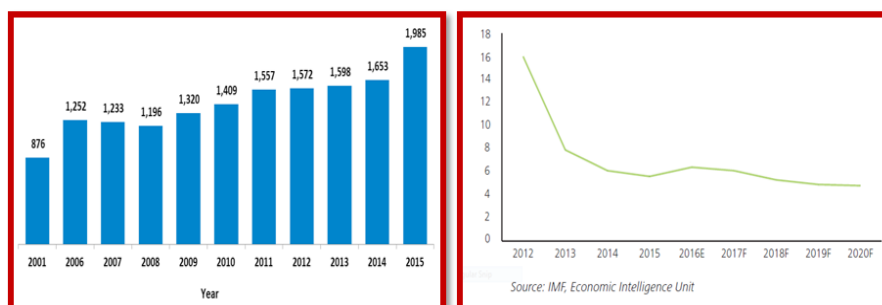
¹⁵⁵ Mori, Neema (2014) Women's Entrepreneurship Development in Tanzania: In sights and Recommendations. ILO, Geneva.

¹⁵⁶ See the definition of MSMEs above.

The 2016 business situation seemed to be more challenging on part of women (as well as large business enterprises). Failure of medium and large trades had direct impact to some of women's petty trades such as food vending, beverages, and clothes in all major cities. A business person at Ilala Boma, Dar es Salaam, who buys and sells second hand clothes in bunches, said that, the business 'was not moving in 2016' the way it used to in the past. Some of her clients were women groups. He did not see those two groups going to his shop anymore. One of the groups' members told him that, they decided to take a rest for a while because their business was not good anymore. That, they will try again during Easter Season in 2017.

The value of the shilling against dollar continued to deteriorate over period of time. The exchange rate in 2016 was on average of TZS 2,200 for 1 USD from TZS 1,985 for 1 USD of last year, 2015. The deterioration of TZS against USD doubles twice within past ten years. Moreover, the inflation rate stood at around 6.5% in 2016. Figure 3.11 below shows trends of these economic challenges.

Figure 3.11: Mean Exchange Rate 2001-2015 (TZS to 1 USD) & Tanzania's Inflation Rate (%)



Source: Bank of Tanzania

The BOT records from 1950 (collected from pieces of reports) show that, TZS against USD was only TZS 7.14 per 1 USD between 1950 and 1959; improved further to TZS 7.03 per 1 USD between 1960 and 1969; and then around TZS 7.14 per 1 USD from 1970 to 1978. The two digits started in 1980s due to deteriorated economy in those years, whereby, the exchange rates between 1980 and 1985 was between TZS 8.28 and 17.47 per 1 USD. By 1990, the rate was already at TZS 195. Five years later (in 1995) it was TZS 575 and in 2000, was TZS 800 per 1 USD. The stead increase continues upwards as the Figure

above shows from 2001 to date. That mean, the shilling against dollar had dropped by 99.7% of the 1961 value.

As explained before such deteriorations in economy had an impact on women's petty trades as well. Most of the traders and customers were cash-strapped, a fact which subdued spending in economic activities. There was a widespread cry in 2016 over the tight liquidity situation. As argued earlier, the slow business trend affecting large or medium traders, affected petty traders, commuter motorcyclists ('*Bodaboda*') and everyone in a particular trade's value chain. The cash crunch managed to reduce the inflation rate (to be not above 6.9%) in 2016. However, on the other hand, some sectors especially trade were hurt for the reduced consumer spending. A lady at Sinza area, who had borrowed some money from one of the micro-finance companies at Green Acres House, Kijitonyama, Dar es Salaam, told the study team in December 2016 that:

We were five of us forming our group, which we used it (the group) as security for repayment of the money borrowed from the said company ... We did this way together for about three years without any problem. But, things did not go well from Easter period. Two of our members quitted our group without finalizing their installments with the bank (microfinance institution). Therefore, we, as guarantee to each other, had to find them. We managed to get hold of one of the two at Kiwalani area where she was staying with her uncle ... she had closed her business (selling of bed sheets) long time ago because customers were not paying her money. I am also in a critical business situation. I am assisted by my sister's daughter to make some of the monthly installments to the lender as it is like I am doing nothing now ... no business, no income! I just borrow from this hand, and pay to that hand ... really; things are on my neck ...!

The said tight liquidity in economy of women MSMEs and others would have been mitigated by support to credit to private sector according to one economist consulted in Dar es Salaam. However, most of the commercial banks, including the larger ones, suspended loan services and may keep such services for a few selected customers – definitely not small traders who do not own valuable collaterals such as titled land plots. In fact, there was a concern that, some of the commercial banks would fail to operate from early 2017 due to a large number of loan defaulters ('bad debts').

The economic empowerment initiatives such as those stated in NEEP 2004; presence of Tanzania Women Bank (TWB); and others, did not, once again had any (noticed) tangible impacts to the women petty traders like this Sinza lady. Instead, there was a concern that, TWB was not performing well and it had suspended lending some money to its customers due to an increase in number of defaulters. This was according to an anonymous official of TWB.

At Nyarugusu Refugee Camp, Kasulu, Kigoma region, the study observed that, most of the economic activities include trades within the refugee camp were regarded as women's and girls' roles. This is partly influenced by the traditional norms of the tribes of the refugees (Congolese and Rwandees); and, learnt practices – which are now becoming refugees' gender norms at this camp. A male refugee claimed that, *'it was the refugee leadership and their regulation which perpetuated presence of such practices (of overburdening women), because the refugees' household subsistence allowance is paid to the adult woman of the household and not a man. Therefore, this gives men a leeway to escape family responsibilities ...'* However, further assessment of this situation at this refugee camp came out with the finding that, this was, to a large extent, perpetuated by polygamous practices and family separations, which force women to be bread winners of their families.

The study found that, for Congolese, it is normal for a man to marry even 8 wives who are then, treated as 'sources of income' for themselves and their husband. Therefore, such wives have to trade in order to earn a living. Some of them normally divorce and end up raising their children as single parents. The most viable economic activity in the refugee camp is petty trading.



Pictures: Petty trading inside the Nyarugusu refugee camp, Kasulu, Kigoma region (Field Photo, March 2017).

It was established that, the Nyarugusu refugees camp has a gender rights guideline termed as 'SPHERE', which was supported by the UN High Commission for Refugees (UNHCR). The main purpose of this guideline is to reinforce protection and promotion of gender equality in the camp and it is applicable to all refugees' influx in the camp. The cultural norms of Bembe tribe direct that, whatever property or money earned and brought at home automatically becomes a 'husband's property.' An enforcement of that guideline seems to demand more efforts and alternative strategies because despite its presence, majority of Bembe people still pay much loyalty to their cultural norms, some being harmful as this one, which denies women ownership or control of matrimonial properties and income. It was learnt that, for a woman to have control of her income, for example, from trade, she would have to divorce first. It is also an issue of concern that, upon divorce, sharing of jointly acquired matrimonial properties is always a serious wrangle.

Women petty traders' access to profitable and formal markets was also an issue of concern in 2016. The petty traders continued to depend on informal market structures which limited them from being expanding. Formal markets including international ones such as Sabasaba trade fair organized annually on the 7th of July did not generally involve many women to engage as traders.

3.7 ACCESS TO CREDIT AND OTHER FINANCIAL SERVICES

It is said that, ¹⁵⁷ there has been a rapid credit growth in Tanzania over the past two years (2015-2016). The same source indicates

¹⁵⁷ IMF, 'United Republic of Tanzania: Selection of Some Macro-financial Issues.' IMF Country Report No. 16/255. July 2016. Page 16.

that, the private sector credit had expanded at 20% or higher on a nominal basis during this period and especially from 2014. The growth primarily is from loans to the trade sector, personal loans, other services and manufacturing. Furthermore, the NBS 2015 report ¹⁵⁸ indicated that, although there was a slight slowdown the growth in finance sector was attributed to a slight increase in the level of deposits from TZS 14.8 trillion in 2014 to TZS 16.8 trillion in 2015. Lending increased from TZS 11.7 trillion in 2014 to TZS 14.3 trillion in 2015.

Such growths are obviously attributed to an increase of borrowers. This study noted that, micro-credit institutions have been mushrooming in Dar es Salaam and other major towns because of the demand needs and 'good business' especially due to high interest rates charge. It was observed that, the interest rates charged by the microfinance or credit institutions ranged between 18% and 30% of the principal sum borrowed – depending on the 'urgency' and repayment schedule of the loan. Most of the women income groups were required to pay on weekly basis. Therefore, if it happens that a woman fails to do business in a particular week; her colleagues in the group will try to '*kumbeba*' (give her a push) and if that is not possible, then, the lender would discretionary confiscate personal belongings of the defaulter like television or sofa sets. There were some allegations that some of the group members (borrowers) were 'detained' by being locked in the loan office's chambers when some of them failed to turn out on the date fixed for remitting an installment. The detention is 'enforced' until when the missing member of the group turn out with some money needed for repayment of loan's installment. This was heard in December 2016 at Nzega district, Tabora. The loan's interest rates imposed by the financial institutions seemed to be unbearable all over the country as a media survey for this report indicates. ¹⁵⁹

The SDG 2030 number 1 is on equal rights to economic resources, to ensure that all men and women have access to, among other things financial services on and a better income. Article 35 of the Beijing Declaration and Platform for Action of 1995 obliged all countries around the world (Tanzania inclusive) to ensure

¹⁵⁸ Deloitte, 'Tanzania Economic Outlook 2016 – Story Behind Numbers.' Page 9.

¹⁵⁹ For instance, it was reported that, women vegetable sellers at Morogoro municipality requested the government and financial institutions to reduce the interest rates imposed to small traders because such rates ranging from 18% to 30% were unbearable Reference: Ashura Kazinja, 'Wauza Mboga Walalamikia Mikopo.' Mtanzania (Newspaper), 1st August 2016. Page 10.

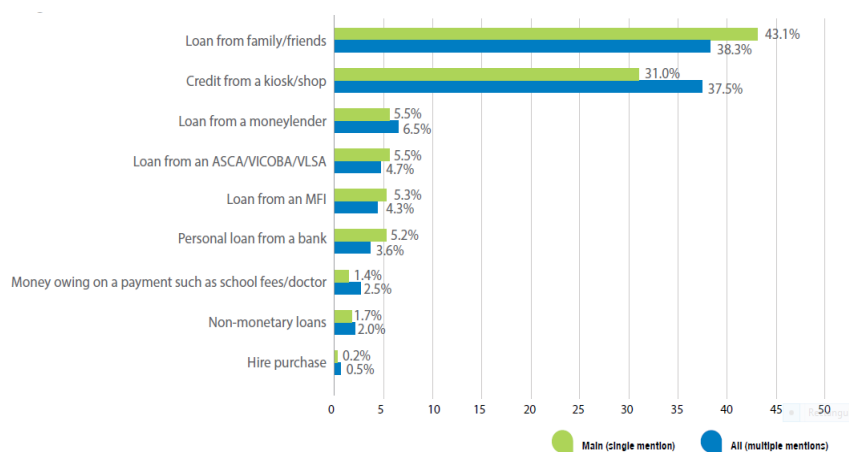
women's equal access to economic resources, including, credit as a means to further the advancement and empowerment of women and girls. Furthermore, Article 122(c) of the Treaty for the Establishment of the East African Community of 1999 calls for elimination of all laws, regulations and practices that hinder women's access to financial assistance. The NEEP 2004 cited earlier, does not make specific provisions for women as special gender group. But, as said before, it generally articulates and proposes to address financial challenges as part of economic empowerment strategies for Tanzanian MSMEs.



Picture: Some of the prominent commercial banks in Tanzania.

Despite such efforts and said growths, only 10.6% of the small business owners in Tanzania had access to formal financial services, while 66.4% were totally excluded from accessing formal financial services in 2014¹⁶⁰ as Figure 3.12 below indicates further.

Figure 3.12: Sources of Loans



Source: FSDT, 'Financial Capability Tanzania – Baseline Survey Findings.' BOT, November 2014. Page 25.

¹⁶⁰ FSDT, 'Financial Capability Tanzania – Baseline Survey Findings.' BOT, November 2014. This is notwithstanding the fact that, 37% of net income of banks comes from SMEs.

According to the FSDT 2014 report (cited above), obstacles for MSMEs to access financing, and for women in accessing banking, include; (i) lack of awareness; (ii) lack of confidence; (iii) family resistance; (iv) lack of collateral for borrowing; (v) informality of enterprises (that is lack of sufficient documentation); and, (vi) operational inefficiencies. All these have been extensively discussed earlier in this chapter. The same report indicates (at page 15) that, 67.8% of the respondents said that, they did not want to apply for a loan because it was too expensive (feared that they might fail to repay); 23.5% said they did not know where and how to get it; 19.9% said they just did not want it; while 7.7% said that, their partners or spouses or families would not allow them to apply for a loan.

As it was stated in the 2015 edition of this report, Tanzania does not have a specific law which guarantees women access to financial resources such as soft loans or grants. Instead, there are established banking and financial institutions which are purely commercial or profit oriented entities. A number of micro-credit institutions are also operating all over the country especially in urban areas but as purely business entities. The only good hope are government schemes such as NEEC, NEEF and AITF discussed above; and, women's self initiatives such as SACCO and VICOPA.

Hint Point 3.12: Financial services should be expanded; interest rates be controlled.

WiLDAF reiterates its recommendations that, NEEC and other similar initiatives should widen their coverage all over the country so that more women could access its services. Moreover, BOT should intervene on the current unruly ways of imposing high interest rates even for economically poor women. Thirdly, there is also a need to enforce pro-women budgetary plans and legal reforms in order to put the policies mentioned above into practices. Lastly, there is a need for sensitizing women to increase saving culture. The 2014 report by FSDT cited above indicated that, at least 39% of SMEs operators, most of them being women, were saving or 'hiding' cash at home; 12.4% in their mobile phones; 14.8% had fixed deposit at a bank; 7% relied on informal saving schemes/ groups; 6.3% were giving their main saving to someone else for safekeeping; and, 2.6% used SACCOS to save their monies. The easiest way for them is to save in SACCOS and VICOBA. Therefore, district and municipal cooperative departments are urged to strengthen the operation of these groups. There are best practices to show that, well managed SACCOS could be scaled up to commercial banks if well managed and facilitated. Most of the community banks such as Mwanga Community Bank, Mufindi Community Bank and Meru Community Bank; as well as other SACCOS such as Mwalimu SACCOS under Teachers' Union graduated from being SACCOS a few years ago to commercial banks.

The VICOBA and similar schemes are regarded as strategies to mitigate economic hardship which adversely affect women in their families. However, according to the chairperson of the Tanga based Diana Women Empowerment Organization (DIWEO), survival of such schemes or groups depends much on the support from the development partners and the government. According to DIWEO's chairperson, supports to VICOBA were more predominantly offered by development partners than the government.¹⁶¹

¹⁶¹ Dege Masoli, 'Serikali Isikwepe Kusaidia Wahitaji.' Nipashe (Newspaper), 11th January 2016. Page 9.

3.8 WOMEN'S RIGHT TO ENERGY

The sustainable development goal number 7 of SDG 2013 provides for access to affordable, reliable, sustainable and modern energy for all. It states, *inter alia* that, by 2030, countries around the world will have to (i) ensure universal access to affordable, reliable and modern energy services; (ii) substantially increase the share of renewable energy in the global energy mix; and, (iii) double the global rate of improvement in energy efficiency. The National Energy Policy of 2003 targets to provide modern energy to over 85% of Tanzanians living in the rural areas.

WiLDAF is of the view that, access to energy, which is part of the right to infrastructural development, is a gender issue. This is due to the fact that, its availability or absence tends to adversely affecting women than men especially in rural areas. As the 2015 edition of this report pointed out, this is particularly a case because traditionally, women are 'managers' of kitchen affairs, as such assurance of energy for cooking is imperative as it this would give them time for other productive activities; and, of course, a preventive strategy against some forms of GBV such as sexual assaults they normally experience in the course of fetching firewood from remote areas.

Despite that reality and notwithstanding notable efforts by the government to enhance electricity supply, the energy sector in Tanzania is currently still characterized by low electricity access rates. This situation gives a leeway for use of alternative sources of energy especially use of traditional biomass in the forms of firewood and charcoal. As it is further explained below, the use of these alternative sources of energy accounts for around 90% of the total energy use.¹⁶² Charcoal is the single largest source of household energy in urban areas and (roughly estimated, assuming primitive kilns (stoves)) represents 20% of total energy use. It was found in 2012 that, the proportion of households in Dar es Salaam using charcoal has increased and was above 70%. Approximately half of Tanzania's annual consumption of charcoal was taking place in Dar es Salaam, amounting to approximately 500,000 tons.¹⁶³

¹⁶² AfDB and CIF (2015) Renewable Energy in Africa, Tanzania Country Profile. Cote d'Ivoire. Page 13.

¹⁶³ Bauner, D. et al (2012) Sustainable Energy Markets in Tanzania, Report I: Back ground.' Stockholm Environment Institute (SET), Sweden. Page 6.

Note that, this trend has direct implication to environmental sustainability. For instance, the average annual loss in forest cover attributed to charcoal production is estimated at 100,000–125,000 hectares, with 20–50 million tons a year in increased carbon dioxide emissions (depending on whether fuel-wood is removed from forests or other woodlands).¹⁶⁴

The number of electricity users countrywide is about 1.5 million people for a population of over 45 million. Only about 19% of the Tanzania's settlements use electricity for lighting (not necessarily for cooking or business uses). Rural electrification for lighting currently stands at about 6% only (without inclusion of government efforts through REA). Table 3.9 below gives more details.

Table 3.9: Percentage Distribution of Households by Source of Energy for Lighting, Tanzania Mainland

Source of Energy for Light- ing	Tanzania Mainland (%)	Rural (%)	Urban (%)
Electricity (TANESCO)	18.9	5.4	46.2
Kerosene (Wick Lamps)	40.6	50.7	20.1
Kerosene (Lantern/ Chimney)	17.8	15.3	22.7
Firewood	2.0	2.8	0.3
Solar	1.4	1.7	1.0
Candles	1.3	1.0	2.1
Acetylene	2.7	2.8	2.3
Generator/ Private Source	0.3	0.3	0.4
Torch/ Rechargeable Lamps	14.9	19.9	4.8
Number of Households	9,026,785	6,054,641	2,972,144

Source: NBS (2015) Basic Demographic and Socio-Economic Profile Volume IIIB.¹⁶⁵

The Tanzania Electrical Supply Company Limited (TANESCO)'s capacity to connect electricity per annum is around 7.5%.¹⁶⁶

However, there is rural electrification program under the Rural Energy Agency (REA), which is said to have connected hundreds of villages already to electricity. Note that, REA was created in 2005 in order to improve electrification processes in Tanzania.

¹⁶⁴ AfDB and CIF (2015), Ibid.

¹⁶⁵ Copied from: URT (2015) Environmental Statistics of 2014. NBS: Dar es Salaam. Page 83.

¹⁶⁶ URT and EU, (Undated) 'Empowering Tanzania – Energy for Growth and Sustainable Development.' Page 3.

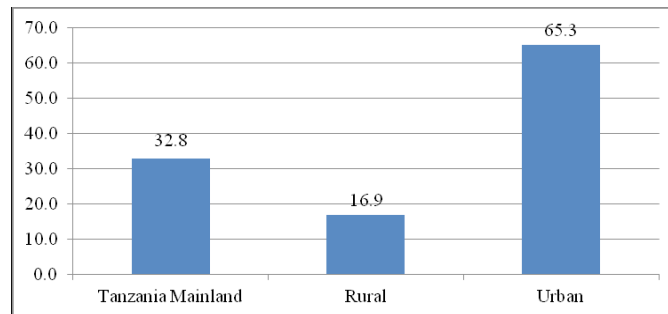


Picture: A house connected to electricity in one of the Kongwa's villages, Dodoma (Internet Source).

According to the REA's energy access report of this year 2016¹⁶⁷, there has been a significant improvement of electricity connection at household level in both rural and urban areas of the Tanzania Mainland since 2011. The report indicates that, in 2011, there were only 6.1% rural households connected to electricity of any form. The percentage of rural connection was improved to 7.4% in 2012 (due to an increased various sources of energy such as grid, solar energy and private entity or individual electricity generated from owned sources). The rate shoot quite tremendously in this year 2016, whereby, according to the same report referred to above, 32.8% of all households in Tanzania Mainland were connected to electricity of any form within rural areas. Figure 3.13 below shows progress in urban setting as well.

¹⁶⁷ REA, 'Energy Access Situation Report, 2016. Tanzania Mainland.' February 2017. Page 40.

Figure 3.13: Percentage Distribution of Households Connected to Electricity of Any Form by Place of Residence, Tanzania Mainland, 2016



Source: REA, 2016.¹⁶⁸

That means, 67.2% of Tanzania Mainland's households were not yet connected to electricity as of 2016; while, slight above one-third (34.7%) of urban households were not yet connected to electricity during the same year, and a quite big number (83.1%) of rural households were not yet connected and therefore not using electricity in 2016.

Hint Point 3.13: Pro-gender sensitive electricity connections and supplies highly recommended

WILDARF is of concern that, the pace to connect electricity in households has been relatively slow despite recent progress as revealed above. Peng, D. and Poudineh (2016: 17), cited in this chapter state that, electricity was first used in Tanzania (by then Tanganyika) in 1908 when a railway company installed the first power generator in what was then Germany's East African colony in Dar es Salaam. TANESCO was established in 1975. This could mean that, the country has taken a total of 108 years for only 32.8% of Tanzanian households (national average) to be connected to electricity (1908-2016); at least 40 years of that same trend since when TANESCO was operationalized to enhance supply of electricity in Tanzania. In other words, more than 83% of rural population (mostly women), have been waiting for electricity for more than a decade since when it was installed in Tanzania for the first time. The pace of connection, especially through REA and discovery of natural gas is promising; but, a gender sensitive approach to all these processes is really encouraged. For instance, to give priority and subsidized connection charges to all female-headed households.

¹⁶⁸ REA, 'Energy Access Situation Report, 2016. Tanzania Mainland.' February 2017. Page 40.

Moreover, it is an issue of concern that, the reported electricity connection progress is uneven over regions in Tanzania. It is only Dar es Salaam and Njombe regions which had at least 50% of households connected to electricity. According to the same 2016 REA report, Dar es Salaam has 75.2% while Njombe region has about 51%. The regions with less than 20% households connected to electricity include Kigoma (only 16.2%); Songwe (only 15.9%); Geita (only 14%); Shinyanga (only 12.8%); Simiyu (only 11.5%); and, the least connected region being Rukwa (only 8.7%).

The most critical gender issue in energy is on a need of energy for cooking. The 2015 edition of this reported indicated how use of firewood in the Lake Zone tends to 'incriminate' or 'victimize' women into killings due to beliefs or allegations of being witches due to their red eyes – caused by persistence use of smoky firewood. Initiatives such as 'Developing Energy Enterprises Project' (DEEP) East Africa, which was supported by EU from 2007 and use of solar energy, are highly recommended especially for rural women in the villages where REA projects are not targeted at the moment. The DEEP project was capacitating women to make energy saving stoves for personal use and sale. An impact of that project was not immediately secured. But, definitely, it was a very useful project to borrow a leaf.

According to AfDB (2015),¹⁶⁹ the domestic energy, especially in rural areas, has a strong gender component. It is argued that, an access to modern energy services greatly improves the well-being of women and contributes to gender equality and poverty reduction. It was also learnt that, due to this reality, REA was at its final stage of finalizing the gender strategy in order to improve the integration of gender considerations into project development, implementation and evaluation in its interventions.

Moreover, on practical side of it, electricity has some financial and bureaucratic connections which, in gender perspective, adversely affect most of common females due to their level income and being pre-occupied by other gender-related responsibilities discussed earlier in this chapter. Again, on this, the above named 2016 REA progress report on electrification in Tanzania Mainland, indicated that, the proportion of households

¹⁶⁹AfDB and CIF (2015) Renewable Energy in Africa, Tanzania Country Profile. Cote d'Ivoire. Page 13.

with electricity connection was slightly higher among male headed households than female headed households, especially in rural based households. For instance, in Kagera region, only 4.3% of female headed households (against 19.2% of males), were connected to electricity. Manyara region has 6.8% against 9.8% females' and males' households respectively in rural areas. In Songwe region, at least 7.3% of rural male headed households were connected by electricity, but none (0%) of female headed households were connected. Table 3.10 below shows more regions and status of female and male headed households' connections to electricity.

Table 3.10: Percentage Distribution of Households Connected to Electricity by Region,

Place of Residence and Sex, 2016

Region	Total			Rural			Urban		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Dodoma	23.5	27.2	12.0	16.9	20.9	3.9	60.0	62.2	53.3
Arusha	39.7	39.7	39.8	25.1	27.1	16.7	67.4	67.4	67.5
Kilimanjaro	42.6	41.4	45.7	32.4	31.1	35.8	76.7	75.8	79.2
Tanga	30.5	28.5	35.3	19.3	20.3	16.7	67.8	63.5	73.7
Morogoro	24.3	25.3	21.8	11.8	12.1	10.9	52.4	57.8	40.5
Pwani	32.8	36.3	22.1	22.5	25.9	11.7	51.8	55.9	40.0
Dar es salaam	75.2	73.5	79.8	-	-	-	75.2	73.5	79.8
Lindi	20.0	21.9	13.5	18.0	20.5	9.1	28.0	28.8	26.1
Mtwara	33.0	34.8	27.5	24.1	26.5	15.0	60.3	64.6	51.6
Ruvuma	31.8	30.5	37.5	23.2	23.4	21.6	55.2	55.7	54.3
Iringa	39.5	39.0	41.0	29.5	30.5	25.8	66.7	67.2	65.8
Mbeya	34.1	35.1	30.5	12.9	14.7	6.1	68	68.4	66.7
Singida	22.3	23.2	17.5	15.0	16.8	4.3	77.6	89.7	56.3
Tabora	21.8	23.1	17.7	13.9	16.0	7.5	65.0	63.6	68.8

Source: An Extract from REA, 2016.

The Mtwara urban women group which owns a fish cooling container (mentioned earlier), told the study team that, they had failed to operate the cooling container as their income generating project because it costs more than TZS 30,000 per day. Efforts to secure some relief from TANESCO have, so far, did not yield positive results. Therefore, they decided to try fundraising from alternative sources of income in order to purchase solar panels, which cost not less than TZS 10 million. A lady at Momero district, said that, she wished to start milk-selling businesses by collecting milk from villagers, refrigerate, locally pack in to bottle and then distribute it. *'I have been doing this, selling to the (district) council's staff and elsewhere for a long time. I tried electricity connection. I was informed that, basic*

connection charges were around TZS 360,000. But, I will have also to contribute a pole to hand the wire from the distant source of electricity ... I postponed this process till when I secured more more ...', said the Maasai lady, who resides at Dakawa area, Mvomero, Morogoro region.

At Nyarugusu refugee camp, Kasulu, Kigoma, the study team was informed in March 2017 that, the restriction to move beyond 4 KM limit from the camp's boundaries (for search of firewood) was still enforceable. However, the camp administration had started to supply gas (in small gas tanks) to refugees' households under the support of the Community Environmental Management and Development Organization Tanzania (CEMDO).¹⁷⁰ Such gas tanks are supplied free of charge to all households. The IRC's gender department and PGCD of Nyarugusu camp claimed that, there were some indications that GBV incidents were declining as a result of this project, especially by considering the trend of reported cases to these institutions (statistics were not readily available). It is unfortunate that, some of beneficiaries do sell out the gas supplied to them to others (including host communities) and, therefore, revert into firewood use.



Pictures: (Left) women with gas tanks on their head from the collection centers; (Right) women who still use firewood in Nyarugusu refugee camp, Kasulu district, Kigoma region.

¹⁷⁰ This organization was implementing the Kigoma Environmental Management Project at the Nyarugusu refugee camp, Kasulu, Kigoma. It started its engagements in this camp in 2013.

¹⁷¹ UNHCR introduced firewood project whereby they delivered firewood to the camps, the aim was to reduce the rape incidents and sexual violence committed against women and girls while they collected firewood and later minimize environmental degradation and to prevent conflicts over resources between refugees and host community. Despite the fact that this arrangement is unfriendly to environment, there was a considerable decline in sexual and physical violence against women in Dadabu refugee camp.

The supply of free-gas tanks to refugees' households is commendable plan and a better one compared with what the Kakuma and Dadabu refugee camps in Kenya were doing.¹⁷¹

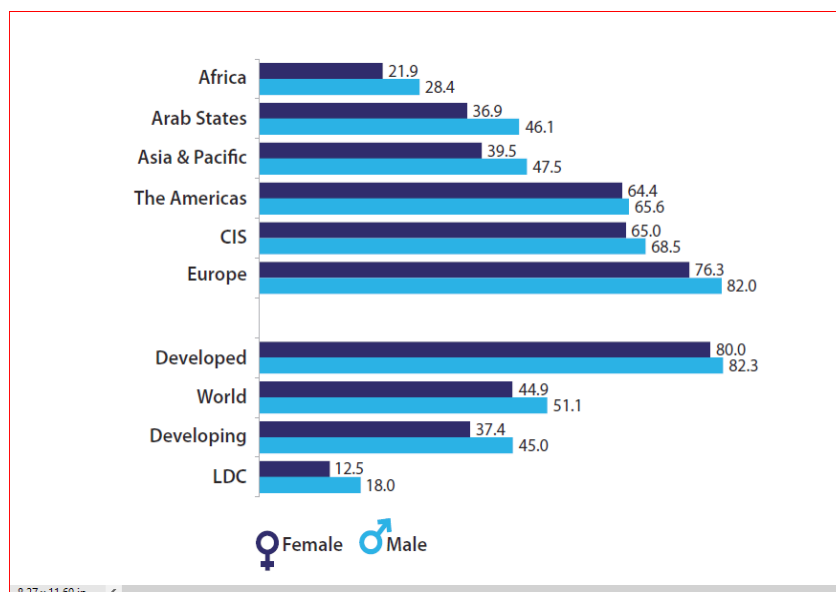
However, its sustainability is daunting with uncertainty especially when the current support decides to withdraw support. As such, WiLDAF urges different stakeholders especially the private sector to support the refugee camps in Tanzania to implement such kinds of energy schemes; because, (i) trekking long distances in search for firewood, exposed women into sexual assaults by some of the host community members and their fellow refugees; and, (ii) such kind of scheme needs a lot of money. Some of the viable solutions apart from the current one under CEMDO support is the use of solar power. Secondly, there is a need to reflect this kind of initiative in the camp's annual budget. There is also a need to control sale of gas tanks outside or even inside the refugee camps.

3.9 WOMEN'S ACCESS TO AND USE OF ICT

It is stated that,¹⁷² 7 billion people (95% of the global population) live in an area that is covered by a mobile-cellular network. However, by end 2016 only 3.9 billion people (being 53%) of the world's population was not using the Internet. In the Americas, about one third (30%) of the population is offline; while almost 75% of people in Africa are non-users; and, only 21% of Europeans are offline. In Asia and the Pacific and the Arab States, the percentage of the population that is not using the Internet is very similar (that is, 58.1% and 58.4%, respectively).

Same source above indicates that, internet penetration rates are higher for men than for women in all regions of the world as Figure 3.14 below shows:-

¹⁷² ITU, (2016) 'ICT Facts and Figures 2016.' International Telecommunication Union (ITU), ICT Data and Statistics Division. Geneva, Switzerland. Pages 1 and 2.

Figure 3.14: Internet Penetration Rates – Global Data, Gender, 2016

Source: ITU, 'ICT Facts and Figures 2016.' Page 3.

It is further stated by ITU (2016) that, the global Internet user gender gap grew from 11% in 2013 to 12% in 2016. The gap remains large in the world's Least Developed Countries (LDCs) - at 31%. In 2016, the regional gender gap is largest in Africa (23%) and smallest in the Americas (2%).

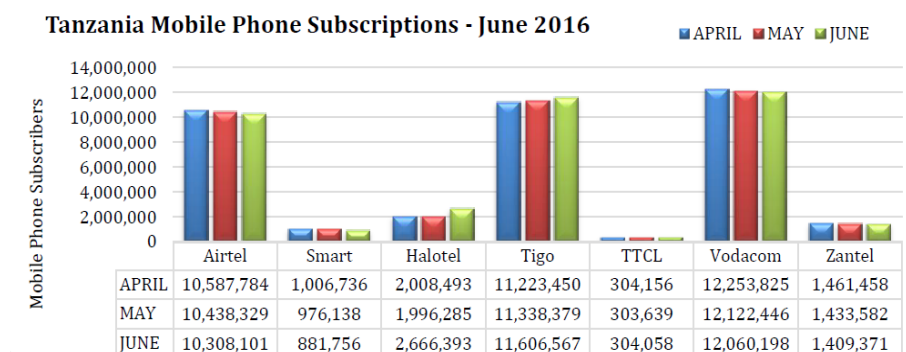
According to the URT's Integrated Labor Force Survey Report of 2014, page 26 (cited earlier), 69.2% of households in Tanzania Mainland owned cell phones as of November 2015 when this report was released; while, 60.4% of Mainland's households owned radio; and, only 23.1% of households in Tanzania Mainland, owned television (TV). The percentage of population owning such information and communication facilities (phone, radio and TVs) is relatively low in rural areas. According to the said 2014 report, 57.3% of the rural households as compared with 83.9% of urban households owned cell phone; 52.7% of the rural households as opposed to 68.7% of urban households owned radio; and, only 7.1% of the rural households as opposed to 39.7% of urban households owned TV sets.

Furthermore, according to the Tanzania Communication Regulatory Authority (TCRA)'s records of June 2016,¹⁷³

¹⁷³This information is referred from the second source, namely: Sedoyeka, E., 'Tanzanians Online – Current Trends 2016', in, International Journal of Computing and ICT Research, Vol. 10, Issue 2, December 2016, pp. 90 – 107.

Tanzania had over 39 million subscribers in total basing on the subscribers of the seven (mobile) phone operators as Figure 3.15 below shows.

Figure 3.15: Tanzania Mobile Phone Subscription by June 2016.



Source: TCRA, June 2016. Copied from, Sedoyeka, E (2016: 92).

Moreover, the country had over 17 million registered mobile money users and same number of internet connectivity as of June, 2016. Sedoyeka (2016: 93) argues that, with the rise of mobile money usage, the telecommunication sector has rivaled banking sector on volumes of money transfer and has now become a reliable means of money transfer to most part of Tanzania, including areas with no electricity or banks. This is also discussed above in this chapter basing on WiLDAF's findings.

That tremendous connectivity to mobile phone use in Tanzania seems to leave behind women; as, according to the same source Sedoyeka (2016: 105) **only 11% of women** participants in mobile phone use including being connected with cellular coverage as of June 2016. No reasons have been stated in this publication to explain why there were a few women in cellular phone ownership and usage. However, this could be linked to inability of women to purchase these gadgets. Some of the telecommunication companies demonstrated a gender based approach in their services by offering free-of-charge mobile phone sets to women. For instance, Tigo Tanzania offered a total of 200 phones to economically poor women in order to boost up their economic activities in Rufiji (Coast region) and Kilwa (Lindi region) districts in January 2016.¹⁷⁴

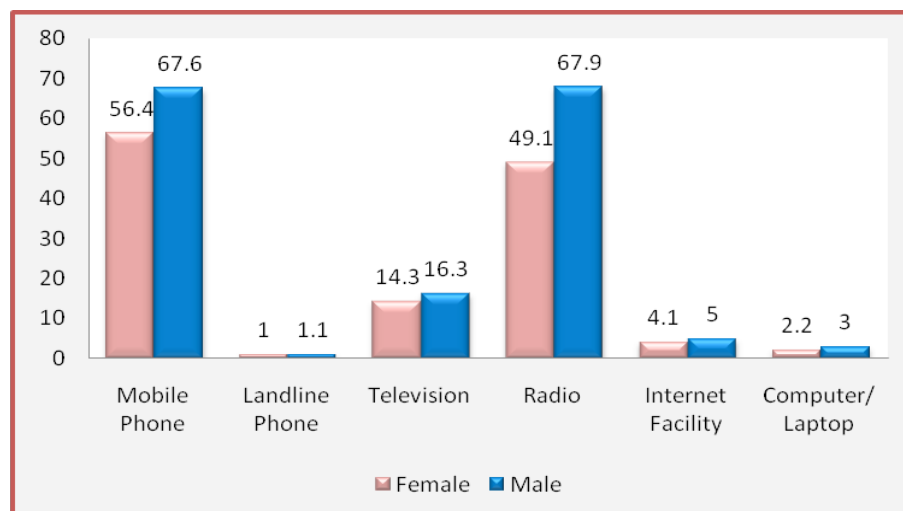
¹⁷⁴ Gustaph Hule, 'Simu za Mkononi Mkombozi wa Wanawake Rufiji na Kilwa. 'Mtanania (Newspaper), 7th January 2016. Page 11.



Picture: Ms. Mary Thomas (left), Tigo's social service manager, handles a mobile phone to Ms. Habiba Mtigino (right) of Umwe village, Rufiji district, Coast region, Tanzania one of 200 phones offered by Tigo to poor women. Between the two is Dr. Flora Myamba, from REPOA.

The related earlier findings by the 2012 national census established that male headed households owned phones, radios, television, and computers more than female headed households (49.1%) as shown in Figure 3.16 below:

Figure 3.16: Percentage (%) Distribution of Ownership of ICT's Related Assets by Private Households and Sex of Household Head



Source: Constructed from: NBS, Census Report 2012.

Apparently, costs of purchasing and running (maintaining) the cellular phones could be attributing factors limiting women from accessing, owning and using ICT's related materials. Moreover, in some places, especially rural areas, all family communications are male-dominated; and, therefore, 'no need' female members of the family to own the same. For instance, one of FGDs for this study in Bagamoyo district was disrupted by rain. Since it was not easy to reorganize another one due to time pressure, the study team asked the women participants of that group to give their phone numbers so that they can make further follow-up of the issues remained to be discussed. Three (3) of the nine (9) women in the group offered their husband's mobile phone numbers because they did not own mobile phones.

Probably, with the inception of the Universal Communications Service Access Fund in recent years, access to ICT especially in rural areas will be increased and therefore, benefit more women. But, there is also a need to address the escalating charges imposed by the mobile phone networks and taxes-per-transaction imposed by the government. The year 2016 witnessed intensified competitions between the telecommunication companies each trying to lure customers on its side. The companies have moved from selling airtime to 'bundle' packages, which mostly range from TZS 500 and TZS 10,000 per day, week or month. This seems to be an attractive approach to milk a lot of money from users. Moreover, charges imposed on e-money transfer transactions are on average of between 10% and 15% of the principal sum transacted. Both sender and receiver do pay those charges. A lady food vendor in Ilala, Dar es Salaam, told the study team in December 2016 that, she decided to keep her money at home because *'the one or two thousand they charge from my e-money transaction is actually like half of my net profit I earn in a day ...'*, she said when responding to a question on common ways she uses to save her money.

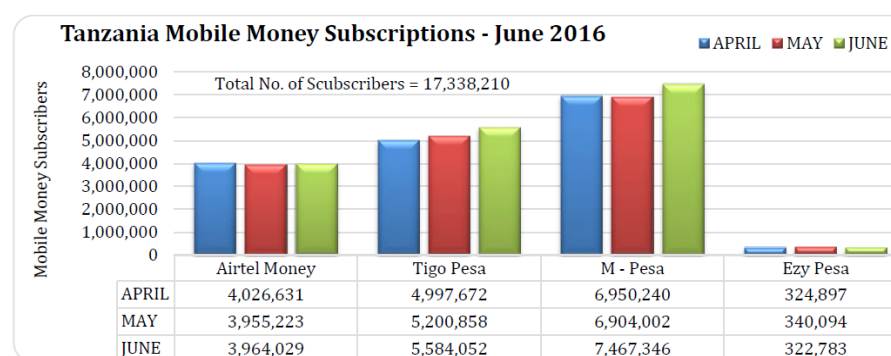
The Treaty for the Establishment of the East African Community (EAC) of 1999 requires member states to create or adopt technologies which will ensure the stability of employment and professional progress for women (workers) in order to promote the effective participation of women in the trade and development activities.¹⁷⁵

¹⁷⁵ Article 121(d) and (e) of the Treaty for the Establishment of the East African Community of 1999.

This EAC's obligation is not adopted in Tanzanian policy and legal framework on ICT. There are only a few mentions of gender and women in the National Information Communications and Technologies Policy of 2003 (ICT Policy). The Policy Statement number 5 of the National Information Communications and Technologies Policy of 2003 articulates that, *'ICT deployment is to be especially inclusive and to proactively take into account gender and disadvantaged groups.'* Objective number 3.4.2 (f) of the same policy states that the policy is aimed at giving *'special attention to providing new learning and ICT access opportunities for women and youth, the disabled and disadvantaged, particularly disenfranchised and illiterate people, in order to address social inequities.'*

There is nowhere in that 2003 ICT policy where ICT is linked to gender, women and development as 1999 EAC treaty directs. WiLDAF believes that, linking ICT with gender development, particularly women's income generating activities is inevitable. For instance, previous parts of this chapter had already indicated that, most of women petty traders preferred saving their money in mobile phones that in saving groups (e.g SACCOS and VICOBA) and commercial banks. Moreover, as said earlier, over 17 million people in Tanzania are registered mobile money users as of June, 2016 as Table 3.11 below shows such users per each of the current mobile phone network.

Table 3.11: Tanzania Mobile Money Subscriptions as of June 2016



Source: TCRA, June 2016. Copied from, Sedoyeka, E (2016: 93).



The Tanzania Development Vision 2025 mentions information technology (IT) as one of the drivers of national economic development in Tanzania; while, the National Strategy for Gender and Development of 2005 states, among other things, that information, education and communication mechanisms should be strengthened and established in urban and rural areas in order to facilitate knowledge and experience sharing in matters relating to gender equality. It is high time this is done now in order to facilitate rural population, especially women to connect and make use of technologies in order to advance themselves including accessing health care tips.

Hint Point 3.14: Needed policy reform on ICT to reflect gender and women specific needs

There is a need of transforming the IT into a more gender sensitive format so that more women especially in the rural could access and use it. For instance, the contents of the mobile phones should be changed into Kiswahili language. Moreover, the government and other stakeholders should make use of a wide spread IT as shown above to empower women socially and economically. If internet connections and the price of smart phones could be subsidized especially for rural women, they would be able use it for personal benefits. Some of the mobile phone companies have introduced health insurance, credit and saving through mobile phones. Such kinds of initiatives are highly recommended. Therefore, the current National ICT 2003 should be amended to reflect all these recommendations.



CHAPTER FOUR

WOMEN'S SITUATION IN SOCIAL AND CULTURAL RIGHTS

... [T]he realization of women's ... social and cultural rights can itself be transformative, not only in ensuring that women's immediate material needs are met, but also in fundamentally reshaping unequal power relationships between women and men. Indeed, certain rights are especially transformative from the standpoint of women's empowerment, including ... rights to education, livelihood and health. ¹⁷⁶

4.1 INTRODUCTION TO SOCIAL AND CULTURAL RIGHTS

4.1.1 Essence of Social and Cultural Rights for Women

The quotation above suggests that, realization of the women's social, cultural and other rights is a transformative tool for women empowerment, including achieving equality between them (women) and men. The social rights covered in this chapter, include the rights to education, health, water, food security and matrimonial rights. ¹⁷⁷ Moreover, in order to understand well such specific rights for women, a comprehensive analysis of cultural norms is included in this chapter – not as a separate paragraph; but, as a crosscutting issue and basis of discussion especially on understanding factors behind discrimination against women in

¹⁷⁶ Global Initiative for Economic, Social and Cultural (2017), 'Advancing Women Economic, Social and Cultural Rights.' Accessed it on 11/5/2017: from <http://globalinitiative-escr.org/strategic-priorities/advancing-womens-economic-social-and-cultural-rights/>

¹⁷⁷ Note that, the food security and matrimonial rights are new cultural rights, introduced in this 2016's edition. WiLDAF will continue expanding women's rights jurisprudence in Tanzania every year.

realization of those social rights. Most of the women face an array of barriers to achieving their full potential, from restrictive cultural practices to discriminatory laws and highly segmented labor markets.¹⁷⁸ All these are analyzed below.



Illustrations: Depicting that, women's dilemma begins at their early childhoods. Socio-economic, cultural and even formal systems do not offer sufficient support for them to grow up and come to their full potentials (Cartoons by Marco Tibasima for the Human Rights Watch Report, 2017).

¹⁷⁸ This finding was quoted from: AfDB (2015) Empowering African Women: An Agenda for Action. African Gender Equality Index 2015. African Development Bank: Abidjan. Page 5.

The chapter maps out recent efforts exhausted for realization of such social rights against the international and national standards on the same. The international standards relevant to social and cultural rights include the Convention on Elimination of All Discrimination Against Women (CEDAW) of 1979; the International Covenant on Economic, Social and Cultural Rights of 1966 (ICESCR); the Protocol to the African Charter on Human and Peoples' Rights of Women in Africa (Maputo Protocol) of 2003; the Convention on the Rights of Persons with Disabilities of 2006 (CRPD); the UNESCO Convention Against Discrimination in Education of 1960; and others cited earlier.

The CEDAW's approach against discrimination includes eradication of all harmful traditional or cultural norms, which are unfavourably applied against women and other vulnerable groups including children and persons with disabilities (PWDs). The ICESCR requires member States to ensure the equal rights of men and women to the enjoyment of economic, social and cultural (ESC) rights.¹⁷⁹

The CRPW generally prohibits discrimination against PWDs, including women with disabilities (WDs), who are adversely affected by discrimination more than other women without disabilities.

The national legal and policy frameworks on social and cultural rights seem to embody and comply with some of the international obligations indicated above. For instance, some of the cultural rights such as the right to personal security and freedom to religion are enshrined in the current Constitution of Tanzania of 1977 under Articles 16 and 19 respectively. However, basic rights such as rights to quality education, health care, food security and water are not included in the bill of rights and duties of the current Constitution of Tanzania. That means, such rights cannot be enforced as constitutional or even legal rights in Tanzania especially under the current legal system.

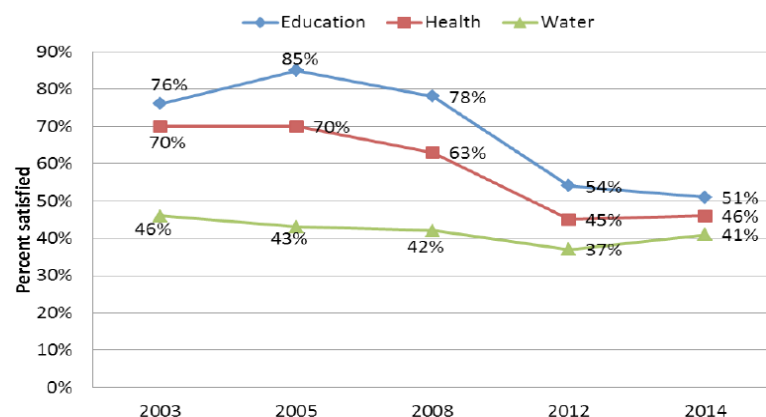
Apparently, an absence of mechanisms to enforce such rights causes poor delivery of services and therefore, grievances on part of service users. For instance, based on the findings from the Afro-barometer public opinion surveys, which is copied in Kessy and Mahali (2016:12),¹⁸⁰ the critique of government

¹⁷⁹ Article 3 of the ICESCR of 1966.

¹⁸⁰ Kessy, F. and Mahali, R. (2016) Water, Sanitation and Hygiene Services in Tanzania: Access, Policy Trends and Financing. THDR 2017: Background Paper No. 11, ESRF Discussion Paper 72. ESRF.

performance in terms of service delivery seems to have increased in recent years compared to the first half of the last decade. Figure 4.1 below explains more.

Figure 4.1: Satisfaction with Government Management of Social Service Delivery, 2003–2014



Source: Katera (2015).

Source: Copied from Kessy and Mahali (2016:12).

It is further argued by the same source (Kessy and Mahali, 2016) above that, there is a very strong relationship between poor assessment of social service delivery and high dissatisfaction with economic condition among Tanzanians. A great majority of those who believe that the government is handling social services insufficiently also say that the current economic condition is poor. For instance, 72% of respondents of who felt that the government is handling the delivery of water insufficiently also felt that the current economic condition of the country is poor. Apparently, that is due to the reality that, access to those social services has direct link to individual development, especially to the persons such as women who are directly affected if such services (especially water and health care) are not made available.

4.1.2 National Laws and Policies of Social and Cultural Rights

As for national laws covering some aspects of social and cultural rights, it is observed that, there are no specific laws which cover the rights to health care services and food security in Tanzania. Other aspects of social and cultural rights as

indicated above, are addressed in pieces by several laws including the HIV and AIDS (Prevention and Control) Act of 2008;¹⁸¹ the Customary Law (Declaration) Order, 1963;¹⁸² the Law of Marriage Act of 1971;¹⁸³ the Probate and Administration of Estate Act, Cap. 445; the Law of the Child Act of 2009;¹⁸⁴ and, the Persons with Disabilities Act of 2010.¹⁸⁵

Other laws include the National Education Act of 1978; Education Fund Act of 2001; the Vocational Education and Training Act of 1994; the University Act of 2005; the Water Resources Management Act of 2009;¹⁸⁶ the Water Supply and Sanitation of 2009;¹⁸⁷ the Public Health Act of 2009;¹⁸⁸ the Tradition and Alternative Medicine Act of 2002;¹⁸⁹ the Tanzania Food, Drugs and Cosmetics Act of 2003;¹⁹⁰ the Nurses and Midwives Registration Act of 1997;¹⁹¹ the Mental Health Act of 2003;¹⁹² the Pharmacy Act of 2002;¹⁹³ and, the Tanzania Food and Nutrition Act of 1973.¹⁹⁴

However, all those laws do not have provisions on specific rights of women. Besides, some of them, especially the 1963 and 1971 customary and marriage laws have some provisions (discussed elsewhere in this report), which adversely affect women.

¹⁸¹ Act No. 28 of 2008.

¹⁸² G.N No. 436 of 1963.

¹⁸³ Cap. 26 of the Laws of Tanzania.

¹⁸⁴ Act No. 21 of 2009.

¹⁸⁵ Act No. 9 of 2010.

¹⁸⁶ Act No. 11 of 2009.

¹⁸⁷ Act No. 12 of 2009.

¹⁸⁸ Act No. 1 of 2009.

¹⁸⁹ Act No. 23 of 2002.

¹⁹⁰ Act No. 1 of 2003.

¹⁹¹ Act No. 2 of 1997.

¹⁹² Act No. 21 of 2008.

¹⁹³ Act No. 7 of 2002.

¹⁹⁴ Act No. 24 of 1973.

Hint Point 4.1: Needed legal reforms to make all social rights as constitutional and legal rights

WiLDAF reiterates its previous recommendation that, such rights (education, health, water and food security), among others, should be included in the Constitution of Tanzania through an amendment if the pursuit of a New Constitution has been hanged up. As an alternative, existing sectoral laws or a new one to be enacted, on such rights should be amended to reflect women's specific issues in those rights. Beside, once again, WiLDAF urges the government and the Parliament to repeal the 1963 Customary Law Declaration Order as it overtly undermines the rights and welfare of women especially in areas of inheritance and matrimonial relationships.

The policy frameworks on social and cultural rights are comprised of several sectorial policies, which contain some policy statements relating to those rights. The policies (and strategies) include NEEP of 2004; the National Trade Policy of 2003; the Agricultural Marketing Policy of 2008; the Rural Development Strategy of 2001; the Community Development Policy of 1996; the SME Development Policy of 2002; the National Microfinance Policy of 2000; the National Strategy for Gender Development of 2005; the Public Service and Incentive Policy of 2010; the Primary Health Service Development Program (PHSDP) of 2007 – 2017; the National Water Policy of 2002; the Water Sector Development Programme (WSDP) 2007–2025; and, the National Health Policy of 2003.

Generally, such frameworks mention (i) the presence of harmful traditional practices and customs; and, (ii) level of women's education and traditional roles as main obstacles to an access to social and cultural rights as well as productivity and development of women, and specifically an enjoyment of equal rights to all gender groups, in particular women.¹⁹⁵ However,

¹⁹⁵ For instance, Paragraph 2.2 of NEEP of 2004 states that, presence of inhibitive traditions as halt an engagement to economic activities of women; Paragraph 4.4.2 of the National Trade Policy of 2003 states disadvantaged groups are severely constrained by limitations in their accessibility to key production assets due to some harmful traditional norms. Paragraph 2.1.6 of the National Strategy for Gender Development of 2005 mentions level of women's education, traditional and reproductive roles as some of the factors affecting the productivity and development of women. Paragraph 4.11(b) of the Agricultural Marketing Policy of 2008 mentions gender inequality an obstacle to agricultural marketing systems. The same is mentioned under Paragraph 3.3.2 of the Rural Development Strategy of 2001; Paragraph 3.2.5 of the National Microfinance Policy of 2000; and, Paragraph 5.7.2 of the SME Development Policy of 2002.

none of them propose for practical solutions to overcome the challenges ascertained. The implementation of those policies and laws have been halted by several factors some being, lack of implementation strategies which reflect real situation on the ground; budget (almost all these policies do not have costed plan of actions); and, generally lack of political will on part of decision makers.

The coming sections of this chapter narrates some facts and illustrations on deliverance and accessibility of social rights, particularly rights to health care, education, water, food security and matrimonial rights.

4.2 RIGHT TO QUALITY HEALTH CARE SERVICES

4.2.1 Health Care as Human Rights – International and Local Legal Standards

The right to quality health care services entails accessibility to, availability and affordability of health care services on one part; and, women's ability to make decisions on their health related wellbeing such as fertility control, contraception, and family planning. The World Health Organization (WHO) and the Office of the High Commissioner for Human Rights (OHCHR)¹⁹⁶ has widened the scope of health rights interpretation to include all range of factors (underlying determinants) that can help a human being to live a health life. Such factors include presence of safe drinking water; adequate sanitation; adequate nutrition; housing; health-related education and information; and, the gender equality.

Such health rights' components are transcribed in a number of international pro-women's rights instruments as well as national policies and laws mentioned earlier in this chapter.

At national level, such health rights' components are addressed in several policy and strategies as issues to focus on in (budgetary) planning, but, not necessarily enforceable legal rights. A reason on this situation is due to the fact that Tanzania does not have a specific and comprehensive law of health rights. The Public Health

¹⁹⁶ WHO and OHCHR (Undated) 'Right to Health.' Fact Sheet Number 31. Geneva. Page 3.

Act of 2009 covers 'public' or 'external' health systems,¹⁹⁷ which has nothing to do with issues relating to child or maternal health. However, the National Health Policy of 2003 covers such health rights issues quite extensively. The only challenge though is that, policy cannot, in Tanzanian context, be enforceable because a policy is a mere administrative and not legal document.

At an international level, the right to health (for women) are well articulated in a dozen of treaties and declarations, all of which have been ratified and adopted by Tanzania. Article 14 of the Maputo Protocol of 2003 obliges the state parties to ensure that the right to health of women, including sexual and reproductive health is respected and promoted. Sub-article 1 of Article 14 clarifies the women's right to health to include:-

- (i) The right to control their (women's) fertility;
- (ii) The right to decide whether to have children, the number of children and the spacing of children;
- (iii) The right to choose any method of contraception;
- (iv) The right to self-protection and to be protected against sexually transmitted infections, including HIV/AIDS;
- (v) The right to be informed on one's health status and on the health status of one's partner; and,
- (vi) The right to have family planning education.

Article 12(1) and (2) of ICESCR call for State parties to recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health by, among other things, reducing infant mortality rate for the health development of the child; preventing, treatment and control of epidemic, endemic, occupational and other diseases; and, creation of conditions which would ensure to all medical services and attention in the event of sickness. Articles 10 to 16 of CEDAW, 1979 also provide for the right to health for women, including adoption of (national) programs or plans to promote this right.

¹⁹⁷ Section 3 of this law defines 'public health' to mean, 'a national health, community health and individual health, which is primarily aimed at increasing the well-being of the population by providing essential public health services to all citizens of Mainland Tanzania.'



Picture: Ministry of Health has a primary responsibility to coordinate all medical services (as way of promoting health rights).

The African Union's (AU) Abuja Declaration of 2001, directed use of budgetary allocation as one of the viable mechanisms towards realization of the right to health. Through this declaration, the AU countries, including Tanzania, solemnly agreed that, they would hike the annual budget in health sector, and keep it to a minimum of 15% of the total national budget in each particular FY. It was thought that, having that portion of budget allocated for health, would have facilitated presence of improved health care facilities, human resources, and therefore, (i) enhanced service provisions; and, as a result, (ii) enhanced health well-being of people in need of services.

4.2.2 Trend of on Implementation – Challenges of Health Sector Budgetary Allocation

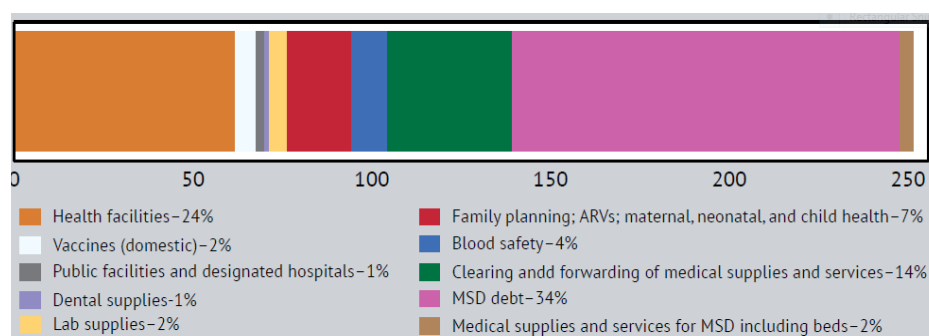
At least 16 years had elapsed in 2016 since when the African Union's (AU) Abuja Declaration of 2001 was incepted. The government of Tanzania had never reached out the target of 15% of the national budget allocation for health sector at any time, despite an increase of population size as indicated in chapter one of this report, and presence of more complicated health care needs.

For instance, the government allocated TZS 963 billion in its national budget during 2009/2010 FY for health budget; which was hiked to TZS 1,821 billion in 2015/2016 FY (being an increase of 52.9% with a time span of seven FYs). However, despite such

an increase, the percentage of health sector budget to the total national budget was only at an average of 11.3% in 2015/2016 FY. As for current (2016/2017) FY, the government had allocated TZS 2,055 billion to the health sector, which is equivalent to an increase of TZS 234 billion (being 11.4% above 2015/2016 FY's total health sector budget). Despite this increase, the 2016/2017 budget allocation for health sector was only 9.5% of the national budget, being a decrease of 1.8% from the last FY. The 9.5% of the 2016/2017 health sector budget allocation is equal to 63.3% of the 2001 Abuja Declaration target's target of having 15% of the total national budget allocated to health sector. Therefore, the government of Tanzania will still have to curb a gap of about 37% in order to attain the said declaration's target (of 15%). The implication of low budgetary allocation on women is discussed below.

The main budget lines for health sector in Tanzania are curative, preventive and pharmaceutical services. The last one (pharmaceutical services) bear a lot of gender-health rights issues such as health facilities, vaccines, family planning, maternal health, and medical supplies, which are all mentioned as crucial components making up the right to quality health care for women. Figure 4.2 below shows sub-allocations of the pharmaceutical services' budget of the Ministry of Health's development vote for 2016/2017 FY.

Figure 4.2: Disaggregation of Ministry of Health's Development Vote, Pharmaceutical Services, 2016/2017



Source: Copied from: Lee, B., *et al* (2016: 5) – cited in full below.

From the figure above, sources¹⁹⁸ show that, at least TZS 251 billion out of total 2016/2017 health sector budget, was allocated for the pharmaceutical services, whereby payment of medical store Department (MSD)'s depts had a lion share of 34%, while family planning issues, supply of ARVs, maternal services, and child health had only 7% of the total allocation of pharmaceutical services.

The allocation of TZS 251.5 billion to pharmaceutical services, if the figures are correct, could mean to represent about 13% of the total health care budget during this FY. The prioritization criteria to the said budget lines were not immediately secured as of December 2016. However, only one-third of the national budget is usually spent for development projects or programs.

Low budgetary allocation for health sector development programs, especially those (programs) with direct impacts to women and children and other vulnerable groups, has adverse implication to health care deliverance especially in rural areas in terms of availability of resources, awareness and information on health tips. For instance, according to the URT's Demographic and Health Survey and Malaria Indicator Survey (TDHSM) of 2015/2016, only 35% of rural women were using any method of family planning, and only 31% of such women were using modern methods of family planning. Table 4.1 below provides more relevant indicators extracted from TDHSM of 2015/2016.

¹⁹⁸ Especially a publication by: Lee, B., Dutta, A., and Lyimo, H., 'Analysis of the Government of Tanzania's Ministry of Health, Community Development, Gender, Elderly and Children Budget, Fiscal Year 2016/17.' HP+ Policy Brief, October 2016. Page 5. Accessed it on 23rd May, 2017 from: http://www.healthpolicyplus.com/ns/pubs/2040-2065_tanzaniareport.pdf

Table 4.1: Selected Pharmaceutical Related Services' Indicators – 2015/2016

Indicators	Residence		
	Tanzania (National)	Urban	Rural
Family Planning (among Married Women Age 15-49 Years)			
Current use of any method of family planning (%)	38	46	35
Current use of a modern method of family planning (%)	32	35	31
Total demand for family planning (%)	61	66	58
Demand satisfied by modern methods (%)	53	54	53
Childhood Mortality (deaths per 1,000 live births)			
Neonatal mortality	25	43	24
Infant mortality	43	63	47
Under-five mortality	67	86	75

Source: Extracted from, TDHSM of 2015/2016, Page 20.

Data on maternal death gathered from some of the sampled study areas and media for this report suggest that, the improvement of maternal health care services in Tanzania has not been even and systematic across the country. For instance, the Ukerewe district, Mwanza region had a ratio of 124 deaths per 100,000 live births in 2016; while, Rungwe district, Mbeya region, had only 51 death per 100,000 live birth in the same year, 2016. Furthermore, the Tunduru district, Ruvuma region has reduced maternal death from 133 per 1,000 pregnant women in 2013 to only 55 per the same number in 2015.¹⁹⁹

On the other hand, the Nyarugusu refugee camp, had no any maternal death for the year 2016. Instead, there were a few child mortalities. For instance, in November 2016, there were 191 new born and under-five children on camp's records, where by only 1 (being 0.5%) died. December 2016 had 248 new born and the under-five, out of which, only 4 (being 1.6%) died.

A large part of health care service provision in this (Nyarugusu refugee) camp was coordinated by the International Rescue Committee (IRC) and UNHCR. Close follow-ups of maternal health issues in this refugee camp, could be one of the factors to this quite positive trend on women's health rights. The rest of health care providers could borrow a leaf from IRC, UNHCR and other partners (such as Kasulu District Council, WHO and Red-Cross)

¹⁹⁹ Joyce Joliga, 'Vifo vya Wajawazito vyapungua.' Mwananchi (Newspaper), 17th September 2016. Page 7.

in this refugee camp on how they managed to address maternal issues despite very challenging refugee camp's situations (for instance, absence of nearby referral hospital).

It should be noted that, pro-women health care budget is highly recommended by WiLDAF because, as it is argued in other studies (Example: WHO, 'Health Topic – Gender.' Access it on 19th April, 2017 from: [http:// www.who.int/topics/gender/en/](http://www.who.int/topics/gender/en/)), differences and specific vulnerabilities such of women and girls must be identified and addressed in health programs and policies in order to make progress towards health for all.

4.2.3 Some Progresses Noticed - Positive and Negative Trends

There have been some positive progress towards reducing under-five mortality as the 2015 edition of this report indicated in details by comparing by then situation against several years back. However, according to USAID (2016)²⁰⁰ progress has been slower in terms of maternal and neonatal deaths as, currently, the maternal mortality rates²⁰¹ remained high at 556 deaths per 100,000 live births.

Same report by USAID indicated that, the situation was perpetuated by presence of health care challenges such as inadequate quality of services, lack of access to emergency obstetric care, limited ability of women to independently access health services, and direct causes such as postpartum hemorrhage.

As for the health care facilities and resources (especially health care workers), according to the URT's recent survey (February 2016)²⁰² the number of health workers, especially clinical personnel, is increasing. However, as this report points out, rural

²⁰⁰ USAID, 'Maternal and Child Health Tanzania.' October 2016.

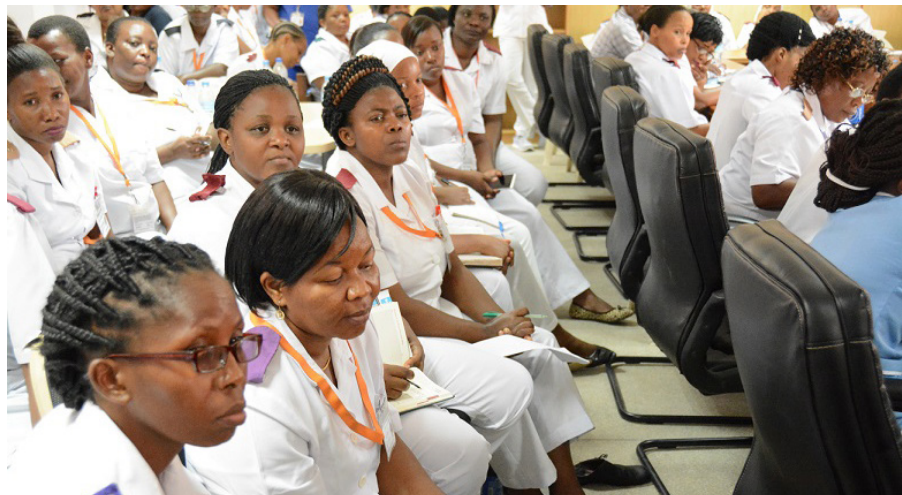
²⁰¹ Note, '*Maternal mortality*' refers to deaths occurring to women of reproductive age due to causes related to pregnancy and child birth. Such deaths can occur during pregnancy, during delivery or within a period of 42 days after delivery due to complications associated with child bearing (Source: URT, 'Mortality and Health.' NBS (Mainland) and Office of Chief Government Statistician (Zanzibar). July 2015. Page 13).

²⁰² URT, 'Tanzania Service Provision Assessment Survey 2014-2015.' Ministry of Health, NBS, Office of Chief Government Statistician (Zanzibar) & ICF International (USA). Published in February 2016. Page 13).

areas still face major shortages and many primary health facilities do not have enough qualified staff, resulting in an inefficient use of resources. As for health workforce supply, the report shows that, there were a total of 66,348 medical workers in Tanzania, of whom 926 (or 1.4%) were medical specialists.

The medical doctors were 1,157 (1.7%); dental specialists and officers 104 (0.2%); assistant medical officers 1,710 (2.6%); clinical officers and assistants 6,496 (9.8%); pharmacists 707 (1.1%); nursing officers and assistants 2,843 (4.3%) and 4,861 (7.3%) respectively; enrolled nurses and midwives 13,848 (20.9%); medical attendants 19,379 (29.2%); and, support staff 3,460 (5.2%). The referred report did not indicate to reflection of these numbers against the real needs of the people basing on the current population size. However, a simple logic could tell that, the human resource capacity gap is so huge in the health sector.

The under-financing and limitations of enforcing the said 2010 Public Service and Incentive Policy were mentioned by this report as being some of the attributing factors to the shortage of health workers.



Picture: Nurses in a meeting (Michuzi blog, undated).

As for availability of health care facilities, some reports indicated that, there have been some achievements realized in the health sector for the past years on this aspect. For instance, according to Policy Forum (2016),²⁰³ in the last financial year,

²⁰³ Policy Forum, 'Position Statement, Budget 2016/ 2017,' 16th April 2016. Accessed it on 25th May, 2017 from: <http://www.policyforum-tz.org/position-statement-budget-20162017>

the government managed to construct and renovate several health care facilities including the completion of a specialized the Benjamin Mkapa Ultramodern Hospital as a specialized facility in Dodoma. Moreover, TZS 5 billion was allocated during the 2016/2017 to finance blood banks in Kigoma, Mwanza, Simiyu, Mara and Geita regions; renovation of health facilities in 5 new district hospitals; installing a digital radiation system in 2 referral hospitals and 7 regional hospitals.



Picture: Benjamin Mkapa Ultramodern Hospital, Dodoma.

Furthermore, a total of TZS 4 billion was said to be allocated to purchase medical supplies and constructing preventive system in Muhimbili National Hospital. At least TZS billion was allocated for purchasing of medical supplies for the Ocean Road Cancer Institute, the Muhimbili Orthopedic Institute (MOI), the Bugando and Kibong'oto hospitals according to the same source, Policy Forum (2016).

Despite such tremendous improvements which took place during the year 2016, it seems that more efforts were needed to address a challenge of deficit in health care facilities. According to the latest available data obtained by this study, there were at least 6,878 total health care facilities in Tanzania, of which, more than 5,913 (being 86% of the total facilities) were dispensaries; more than 711 (being 10% of the total facilities) were health care facilities; and, more than 254 (4% of the total facilities) were hospitals. These figures suggest lack of proximity of health care services including maternity. Apparently, this is why maternal deaths were still higher in rural areas than urban as statistics in coming parts of this report could verify.

Again, that is a big step taken by the government of Tanzania. However, the proportionality of those numbers basing on the geographical coverage in terms of villages (dispensaries); wards (health care); and districts (hospitals) suggests a huge shortage. The 2015 edition of this report showed that, Tanzania Mainland had a total of 25 regions; 135 districts; 181 district or municipal councils; 555 divisions; 3,990 wards; 12,310 villages; 64,804 hamlets; and, 3,939 streets. Then, basing on numbers of villages, wards and districts against dispensaries, health care facilities and hospitals (respectively), the deficit for each of these facilities were above 50% as Table 4.2 below (reproduced²⁰⁴ from the 2015 edition of this report) indicates.

Table 4.2: Number of Administrative Units against the Number of Health Care Facilities - Tanzania

Heath Facilities	Level of Operation (Generally)	Number of Facilities	Administrative Units	Estimated Coverage (Basing on Generalized Trend)
Dispensaries	Mostly village level	5,913	12,310	51.9% deficit
Health Centres	Mostly ward level	711	3,990	82.2% deficit
Hospitals	Mostly district level	254	135 (or 181)	188.1% (or 140.3%) over

Source: WILDAF, 'Women's Rights Situation' (Report), 2015.

That situation was tested to be real on the ground during the study for this report. For instance, Gana village, which is a small island within Ukerewe district, Mwanza region, did not have any kind of health care facility in December 2016 when the study was carried out. Instead, residents of this place were forced by the circumstance to sail for over 30 minutes across the water only to access a dispensary at Kamasi village. Going to Kamasi is through a canoe as it is also an island within the same district. Specialized or advanced health care services especially for maternity were available to Nansio, the urban ward where Ukerewe district hospital is located. Going there for Kamasi and

²⁰⁴ Because more updated data were not available as of May 2017 despite a very thorough search and perusal of numerous reports. The words 'at least' and 'more than' have been used intentionally to suggest that, there might be more than such numbers. However, no big difference is anticipated due to the size of budget allocations for 2015/2016 and 2016/2017 FYs.

Gana villagers costs TZS 5,000 per person and it is through a canoe. The district medical officer told the study team that, this district, which is an island within Lake Victoria, has other small 38 islands within its boundaries. Out of those small islands, 15 were habitable and several people were living in there. However, only 9 (60%) of habitable small islands had dispensaries.

The Rungwe district, Mbeya region, had a total of 48 health care facilities according to the district medical officer. Out of those 48, two (2) were hospitals; 4 health centers; and, 42 dispensaries. This district has at least 99 (plus some more not being registered). Therefore, basing on that reality, the deficit of dispensaries in Rungwe district can be around 60%. As for the health centers, the deficit could be 86.2% as the district has a total of 29 wards (each ward is expected to have at least 1 health centre as explained earlier).

Obviously, due to time, resources, and lack of proximity of services, some women opt for traditional maternal services, including use of unlicensed and unskilled midwives as well as traditional medicine ('herbs'). For instance, according to the government media source of March 2016,²⁰⁵ about 90% of pregnant women in Mpanda District, Katavi region, applied traditional medicinal herbs to reduce labour pains, a situation that increases maternal deaths in the area.

According to the said TDHSM of 2015/2016, at least 45% of the rural births were not assisted by skilled health care providers. Table 4.3 below explains more on this.

Table 4.3: Percentage of Births Delivered in Formal Health Care Systems – 2015/ 2016 Indicators

Indicators	Residence		
	Tanzania (National)	Urban	Rural
[Maternal and Child Health]			
Birth delivered in a health care facility	64%	86%	54%
Birth assisted by a skilled health care provider	63%	87%	55%
Children age 12-23 months who have received all basic vaccinations	75%	82%	73%

Source: Extracted from, TDHSM of 2015/2016, Page 20.

²⁰⁵ Peti Siame, 'Pregnant Women Rely on Herbs in Katavi.' DailyNews (Newspaper), 3rd March 2016. Page 5.

The figures presented above correspond quite well with the situation of some of the sampled areas for this report's study. For instance, according to the Ukerewe district medical officer, 44% of women in this district gave birth either at their homes or traditional midwives. The consequences of this situation include prevalence of child mortalities. The nature of child mortalities include stillbirths (died from the womb); neonatal; and, the under five mortalities. As Table 4.4 below shows, an improvement from this situation in Ukerewe and Rungwe districts has not been easy, apparently due to budget deficiency to adopt anti-mortality measures.

Table 4.4: Nature and Situation of Child Mortality in Ukerewe and Rungwe Districts, 2015-2016

District & Region	Nature of Child Mortality	Year	
		2015	2016
Ukerewe, Mwanza	(Fresh) Stillborn/ stillbirth	141	167
	Neonatal Mortality Rate (0- 27 Days)	44	30
	Under five mortality rate 1- 5 years)	77	75
Rungwe, Mbeya	(Fresh) Stillbirth	87	42
	Massachusetts Stillbirth		69
	Neonatal Mortality Rate (0- 27 Days)	57	12
	Under-five mortality rate 1- 5 years)	11	22

It is learned further that, level of individual or income poverty is one of the main obstacles for the rural based women to access optional health care services, for example from the private hospitals or other facilities found in distant places. The household budget survey referred to in the previous chapters of this report had indicated, among other things, that more than one-third (30%) of rural population was living below food poverty line. Therefore, it is really a difficult decision to trade off between needed essential services like food, health care and education for children.

The TDHSM of 2015/2016 found that, two-thirds (70%) of women in Tanzania report at least one problem in accessing health care. The most common problems are getting money for advice or treatment (50%) and distance to the health facility (42%). The 2015 edition of this report indicated that, only 6.9% of the respondents spent less than 15 minutes to access health centres. Proximity was more on dispensaries whereby, 41% of the respondents said to have spent around 15 minutes to access a dispensary. The 2016 situation was almost the same, whereby,

only 6% and 43% spent same duration to access health centre and dispensaries respectively. Table 4.5 below gives more details.

Table 4.5: Proximity Status of Health Care Facilities and Time Spent to Access the Facilities

Durations [Urban & Rural Respondents]	Dispensary		Health Centre		District Hospital		Regional Hospital	
	2015	2016	2015	2016	2015	2016	2015	2016
15 Minutes	41	43.2	6.9	6	1	3	6.4	5.9
30 Minutes	27.8	24	21.6	15.3	21.6	24.6	15.7	12.2
60 Minutes (1 hour)	3.4	4.1	5.9	3.8	9.8	8	5.4	7.8
More than 1 hour	22.1	19.9	26.5	23	34.4	29.1	32.9	30.6

Source: WiLDAF, Study on the Status of Women's Rights (Field Data), 2015 and 2016.

The same report estimated that a total annual health-related expenditure per household in Tanzania was TZS 48,332 in 2015/2016 as a national average, whereby by, in urban areas, the expenditures were estimated to be TZS 62,861 per annum, and for rural the expenditures were TZS 40,362 per annum. The health-related expenditures are higher for households in Zanzibar (68,702 TZS). The wealthiest households spend more on health-related expenditures than the poorest households (TZS 80,620 versus TZS 38,342).

The said 2015/2016 report does not suggest any implication of low or high expenditures per household. Probably, one of implication could be that, income poverty limits expenditure in public health, which in return, causes low access to quality health services especially for health care services which are not subsidized by the government.

4.2.4 Implementation of Health Insurance Schemes: A Case of CHF

There are several health care schemes introduced by the government as a way of addressing such challenges. The schemes, according to WiLDAF's own analysis, include a policy on free medical treatments for pregnant women, children (under-five), elderly and PWDs; mobile health care services; linking government health care services with private hospitals (to address the proximity challenges); and, an introduction of community

health (insurance) fund (CHF). There are also ongoing efforts by some of the social security funds to incorporate maternal health as one of their packages. All these are commendable efforts.

The most viable one is CHF ²⁰⁶. This scheme was initiated in 2001 ²⁰⁷ through the Community Health Fund Act of 2001.

Section 5 of this law mentions the objectives of the CHF, namely, (i) mobilization of financial resources from the community for provision of health care services to its members; (ii) provision of quality and affordable health care services through sustainable financial mechanism; and, (iii) improvement of health care services management through decentralization by empowering the communities in making decisions and by contributing on matters affecting their health.



Picture: A CHF's advertisement placed on the wall of one of health care facilities in Tanzania. It directs people to join CHF by registering themselves in their villages or streets.

This study has established that, the generality of the 2001's legislation on CHF has been localized into LGAs' structures through formulation of by-laws on the same. For instance, Kishapu district council, Shinyanga region has formulated the Kishapu District Council (Community Health Fund) Regulations

²⁰⁶ 'CHF' in Tanzanian context can be defined to mean a voluntary pre-payment scheme which offers households opportunity to acquire a health card after paying annual contribution (which is an average of TZS 10,000 per annum in most of sampled districts for this study). The CHF card is renewed every year – on voluntary basis.

²⁰⁷ Act No. 1 of 2001.

of 2008.²⁰⁸

However, noticeable challenges, according to this study's observations included lack of awareness and sensitization of the CHF's availability; dissatisfaction of its (CHF's) services; and, coverage of this scheme (in terms of benefits offered and level of health care facility to access services through this scheme). An old man at Mtwara urban said that, he was contributing like TZS 10,000 per annum since 2013 for this fund in his village of origin at Lindi rural district. However, *'...almost all the time I wanted to use this service, I was told that, no medicine, or the service I sought was outside the insurance coverage ... I wanted some lotion as I have albinism ...'*, he said.



The October 2013 media clip illustrating some challenges of health insurance, including absence of medicine and accessibility.

The TDHSM of 2015/2016 has found that only 1 (10%) in 10 women and men had some type of health insurance coverage in Tanzania during the said year (2015 and 2016). The most common type of insurance is mutual health organization/ community based insurance like CHF (4% of women and 5% of men). There is a possibility that this number will go down if

²⁰⁸ G.N No. 257 of 2008.

²⁰⁹ The Special Seat parliamentarian for Ruvuma region, Ms. Jacqueline Msongozi (CCM) demonstrated a highly commendable practice in 2016 because she paid at least TZS 20 million to as health insurance support to 24,000 women in the region so that they (women) can easily access health care services – because some women do not afford paying health insurance fees due to poverty (Reference: Clara Matimo, 'Songea Mbunge CCM awalipia Bima ya Afya Wanawake 2000.' Mtanzania (Newspaper), 17th October 2016. Page 5).

community members continue withdrawing from the insurance funds due to alleged poor services and inability to pay premiums (annual fees).²⁰⁹

WiLDAF urges LGAs to launch sensitization programs on the need to join CHF; but also, at the same time, monitor efficiency of service delivery of CHF. There is also a need to sensitize more the community members on a need to use formal health care facilities. For instance, the study team noticed from the discussions with some refugees at the Nyarugusu refugee camp, Kasulu, Kigoma region (in March 2017) that, refugee women, especially, the Congolese were prohibited by their male partners or cultural norms to go to health care facilities available in the camp because they pay much allegiance to traditional services including use of informal midwives. In Kahama, Shinyanga region, the study team was informed that, most of patient normally go to hospital as 'last option' after failing to be cured through alternative medicines. For instance, according to the Kahama district council's records, at least 8% of pregnant women delayed to seek specialized medical care in 2016.

Other challenges relating to maternal health as studied from the media review in 2016 included:-

- (i) Poor infrastructures especially road networks from rural areas to specialized urban-based health care facilities. On 16th May 2016, the Mwananchi newspaper (page 25) reported that, villagers of Mwalala village, Bariadi district, Simiyu region, requested the government to improve the roads in order to save the lives of pregnant women.
- (ii) Over congestions of maternal wards due to limited space even for referral hospital. For instance, it was reported by media that, some of the pregnant women or mother who have delivered were sharing same beds in Arusha's Mount Mery Hospital. The Prime Minister saw three women sharing one bed in this hospital's maternal ward.²¹⁰

²¹⁰ Mussa Juma, 'Msongamano Wodi ya Wazazi Wamkera Waziri Mkuu.' Mwananchi (Newspaper), 5th December 2016. Page 3.



Picture: Women in Temeke Hospital (Dar es Salaam)'s maternity ward (internet source, undated).

- (iii) Inadequate blood banks for pregnant women. For instance, in January 2016, the Shinyanga's regional medical officer (RMO) told the media²¹¹ that, at least 85% of pregnant women and 35% of the under five children in Shinyanga region were died due to lack of sufficient blood (banks) to meet the current needs. According to the same source, the region's capacity to collect blood was only 4,000 units per annum while the actual demand was 13,500.²¹²

4.3 RIGHT TO QUALITY EDUCATION

4.3.1 Essence and State's Obligations on the Right to Education

An access to education is the gender empowerment tool. The Goal 4 of SDGs 2030 states, *inter alia*, that obtaining a quality education is the foundation to improving people's lives and sustainable development. The economic policies discussed in the previous chapter of this report mentioned lack of

²¹¹ Suzy Butondo, 'Upungufu wa Damu Waua Wajawazito na Watoto Shinyanga.' Mwananchi (Newspaper) 4th January 2016. Page 30.

²¹² Note that, the media article had confused some figures. Therefore, anyone who wants to rely on this particular statistics has to consult the Shinyanga regional hospital for further clarity. This study did not receive a response to its inquiry up to the time when this report was concluded.

entrepreneurship skills, exposure and therefore, confidence, as some of the attributing factors to women's failure to engage in productive economic activities.

According to WiLDAF's experience, there is like hood that an uneducated woman will stay at home and do unpaid work than educated ones. According to the World Bank (WB), ²¹³ girls' education goes beyond getting girls into school. It is also about ensuring that girls learn and feel safe while in school; complete all levels of education with the skills and competencies to effectively compete in the labor market; learn the socio-emotional and life skills necessary to navigate and adapt to a changing world; make decisions about their own lives; and contribute to their communities. The WB further states that, the girls' education is '*a strategic development priority.*' Some of the benefits of educating a girl (woman) indicated by the WB's publication cited above are:-

- (i) ability to live healthier life than uneducated ones;
- (ii) able to participate more in the formal labor market;
- (iii) earn higher incomes;
- (iv) have fewer children;
- (v) marry at a later age; and,
- (vi) enable better health care and education for their children.

The 2015 AfDB report²¹⁴ indicated that, each year of additional schooling for girls reduces infant mortality by 5-10%, and the children of mothers with five years of primary education are 40% more likely to live beyond the age of five and 43% less likely to be malnourished. Women with primary education have on average fewer children, use more productive farming methods and, as nonagricultural workers, receive higher wages.

There is also a close connection between level of education and prevalence rates of domestic violence or, specifically, violence against women (VAW). For instance, the TDHSM of 2015/2016

²¹³ The World Bank, 'Girl's Education.' Accessed on 18th May, 2017 from: <http://www.worldbank.org/en/topic/girlseducation/overview#1>

²¹⁴ AfDB (2015) Empowering African Women: An Agenda for Action. African Gender Equality Index 2015. African Development Bank: Abidjan. Page 18.

found that, 86% of women age 15-49 have heard of Female Genital Mutilation (FGM). This survey report indicates at page 15 that, the knowledge of FGM increases steadily with women's level of education, from 71% of women with no education to 97% of women with secondary or higher education. The coming parts of this chapter discuss this issue in details.



Pictures: Educated females can be champions of their own destiny. Left – WILDAF and its partners invited the Minister of Justice during the launch of previous edition of this report. This was an advocacy strategy. Right – some of the young women activists discussing how to pursue the government to amend the Law of Marriage Act of 1971 following the High Court decision which annulled marriage of young children. The name of the case is cited in this report.

The right to (quality) education is provided for under various international and national instruments including laws, policies, declarations and plans. For instance, Article 17(1) of the African Charter on Human and Peoples' Rights of 1981 states that,

'every individual shall have the right to education.' Article 11(2) of the African Charter on the Rights and Welfare of the Child of 1990 describes nature of education suitable for (an African) child. It says, the education should be directed to, among other things, promote and develop personality, talent and abilities to fullest potential; fostering respect of human rights and freedoms; strengthening positive African morals; preparing a child for responsible life in free society. Provisions of other instruments also indicate the same.²¹⁵

The localization of this right to education into national level has not been comprehensive in terms of the contents and enforceability. For instance, the current Constitution of Tanzania does not recognize it as one of the fundamental rights, which are contained from Articles 12 to 29 of that 1977 Constitution of Tanzania. Instead, Article 11 makes some provision on it. Sub-article one of this Article obliges the State to *'make appropriate provision for realization of person's right to self education.'* Sub-article two of the same provision states that, *'[e]very person has the right to **self education**, and every citizen shall be free to pursue education in a field of his choice to the highest level according to his merit and ability'* [emphasis added].

A literal interpretation of this provision can indicate that, the State exonerates itself from taking direct responsibilities to facilitate one's education. But, as stated in 2015 edition of this report, there are several policy, legislative and administrative or institutional efforts taken by the government to, not only improve quality of education especially of primary and secondary schools, but also, to ensure that both girls and boys attend and attain highest level of their education. The policies and laws include, the Education and Training Policy of 2014; the Development Vision 2025; the Education Act, 1979;²¹⁶ the Universities Act of 2005;²¹⁷ the Higher

²¹⁵ Example, Article 24 of CRPD of 2006 calls for inclusive education system for PWDs. Article 10 of CEDAW of 1979 requires State parties to take appropriate measures to eliminate discrimination against women in the field of education, including adult and functional literacy programs. Article 12 of the Maputo Protocol of 2003 also provides for the same. Article 12(1)(b) and (e) add new directives to State parties, namely (i) to eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination; and, (ii) to integrate gender sensitisation and human rights education at all levels of education curricula including teacher training.

²¹⁶ Cap. 353 of the Laws of Tanzania.

²¹⁷ Cap. 346 of the Laws of Tanzania.

Education Students' Loans Board (HESLB) Act of 2004;²¹⁸ the Education Fund Act of 2001;²¹⁹ the Law of the Child Act of 2009;²²⁰ and, the Law of Persons with Disabilities Act of 2010.²²¹

The country, Tanzania, is also part of the commitments made under the Dakar Declaration on Education for All of 2000; and, the SDG 2030, which *inter alia*, targets to ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes.

4.3.2 Some Achievements: Case of Implementation of Free Education Policy – HakiElimu's Analysis

The situation on the ground suggests that, the government did further improvement in the promotion of the right to education in 2016. As said before, the free-education policy, namely the Education and Training Policy of 2014, started to be implemented effectively in January 2016.²²² The implementation of this policy had positive and adverse effects according to various media reports and a study on impact of this policy, which was conducted by HakiElimu,²²³ a local CSO which advocates for right to quality education.

According to the various sources referred into the said analysis report of HakiElimu, a policy on free education is aimed at relieving parents and guardians from schools fees and other direct costs that households paid for their children in primary and secondary school levels. The anticipation was that, an abolishment of school fees and other direct costs would make facilitate enrolment of children in schools. It was indicated that, similar policy worked out quite well in Uganda, Kenya and elsewhere especially by improving enrolment of most disadvantaged children, including girls.

²¹⁸ Act No. 9 of 2004.

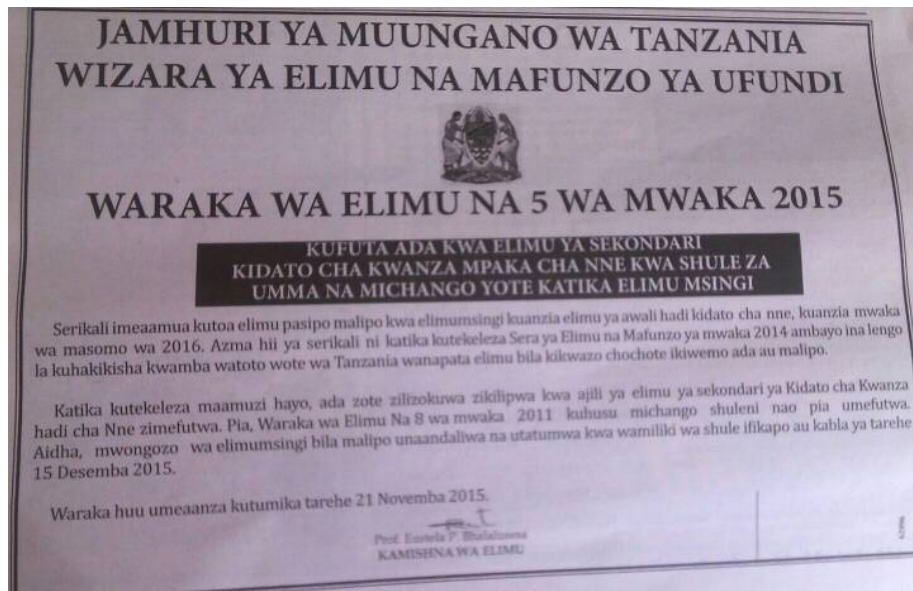
²¹⁹ Act No. 8 of 2001.

²²⁰ Act No. 21 of 2009.

²²¹ Act No. 9 of 2010.

²¹² Note, other achievements in education sector include continued offering of loans to some of the higher learning students; supply of desks to all schools in Tanzania. All regions reported to have been able to curb the desks' deficit in their areas of jurisdictions; and, construction and renovation of schools.

²²³ HakiElimu, 'The Impact of the Implementation of Fee-Free Education Policy on Basic Education in Tanzania:



Picture: The Education Circular of November 2015 on Free Education.

The same report on impact of free education policy shows that, in order to kick start implementation of this policy, a total of TZS 18 billion was set aside and disbursed to schools in 2015; and some more funds, TZS 137 billion, was allocated to implement this policy between January 2015 and June 2016. The initial implementation of the policy was not smooth. There was some confusion on the scope of 'free education.' Some parents misunderstood this to mean completely free education, including school uniforms, exercise books, pens, mid-day school meals, and medical expenses. However, school meals were clarified in May 2016 by the government that school administrations and parents should agree on best ways of handling this.

Generally, HakiElimu found that, the enthusiasm demonstrated by the parents and children, to take advantage of free education was relatively high. It was found that, children who were previously excluded from school because of inability to pay fees flocked in schools. For instance, according to the same study, an overall, the enrollment in the surveyed primary schools increased by 41% from 3,278 in 2015 to 4,989 in 2016 whereas in secondary schools the increase was only 0.3%. Absenteeism is also reported to be low after the implementation of this policy. However, on the other side, this situation (increased number of students in schools) overstretched available resources especially classrooms and number of teachers to manage the packed classrooms.



Pictures: Pupils are enthusiastic to learn - but crowded, apparently due to free education (Source: Muungwana blog and IPP media).

Apparently, little or no preparations (planning) were made before implementing this policy to ensure that, an implementation of this policy will not adversely affect the running of the school. Therefore, it seems that, the policy was operationalized without considering the institutional capacities of the schools.

The second observation according to HakiElimu's analysis was on financing of the free education program. It was observed that, the government committed to provide TZS 10,000 per each primary

school pupil, of which 4,000 shillings were to be retained by the government for the purchase of textbooks. For each secondary school student, government committed to provide 25,000 as capitation grant and 20,000 as fee compensation. Such funds were generally disbursed; but, (i) based on the previous records without reflecting the current influx of children who had joined or resumed studies after being induced by free education scheme; and, (ii) were less than real needs of particular schools. For instance, according to the same reports by HakiElimu, nearly all head teachers (95%) of the selected schools sampled for their study had reported that the amount of capitation grants received was less than expected to meet the school needs.



Picture: One of the well furnished public schools in Tanzania. To maintain this quality needs sufficient funds for school's administration.

Moreover, some schools failed to manage their income generating activities such as farms or making some arrangement like hiring specialized teachers (due to scarcity) because generous contributions from parents have been prohibited since when this policy came into being. These too, stressed the management of the school to the effect of compromising with quality of education offered.

The implementation of this policy has, in some places, increased girls' enrolment in schools. The report does not clarify further about this finding. But, according to WiLDAF's experience, male children are normally given first priority in everything including access to education especially when a household has to trade

off between sending some of the children to school or allocating financial resources for other priorities.

That observation came quite clearly during FGD in Kishapu, Shinyanga region, and Katesh, Hanang, Arusha region when WiLDAF conducted a study for this report in December 2016. A barbaig lady told the study team that, they are six in their polygamous family, four of them are females. The second and forth children are boys and they are the only ones who at least attained secondary school level of education. One of the males in a para-veterinary officer in Katesh. *'My father said boys are our guardians and protectors of our clan's name and properties ...but, girls have other life outside the land of our family ...[t] herefore, education is immaterial for us female ...'*, said the lady pastoralist.

4.3.3 Some Positive Trends on Enrolment Rates: Case of Hanang District, Arusha Region

A remark made by the Barbaig lady (quoted above) seems to have been taken by event. The study for this report found that, despite the fact that Hanang district is predominantly occupied by Barbaig ethnic group, which are indigenous pastorlists in nature (who value more cattle keeping than sending children to school), enrolment rates of male and female children to primary and secondary schools have been high in recent years. The statistics availed to the study team by the Hanang District Council in March 2017 showed that, enrolment rate for nursery school increased by 10% from 95% in 2015 to 111% in 2016; by 27% from 100% during the same year, 2015 to 127% for primary schools - after the announcement of the implementation of the free education policy in December of 2015. There were balanced enrolments between boys and girls at all these levels. That was a case for secondary school level as well. Enrolment rates to secondary school level of education were attributed by, among other things, improved performance of standard seven examinations; and, willingness of the parents to allow their children especially girls to continue with secondary education.

The statistics showed that, a total of 3,387 students passed their standard seven examinations from government schools and enrolled for secondary schools. Out of those who passed, 1,882 (being 55.6%) were female students; and, the remaining 1,505 (being 44.4%) were male students. As for private schools, a total of 76 students passed their standard seven examinations,

of whom, 42 (being 55.3%) were female students; and, the remaining 34 (being 44.7%) were male students. Therefore, girls outshined boys in all levels of enrolment. It is further stated by the (Hanang) district council that, girls' enrolment in all levels of education has been unvaryingly increasing.



Picture: Barbaig girls, a good number of them are now attending schools.

According to FGDs' members, factors behind this positive trend for female children in education included; (i) introduction of free education policy; and, (ii) increased awareness on importance of education. The changed attitude towards girls is much influenced by community radios, mainstream media, social media, and interactions with other people especially in animal auctions at Katesh town. *'There are also some positive feedbacks from Barbaig females who are educated. Like our parliamentarian is a lady, she was trusted to be a minister. My neighbor's daughter is a doctor and she works with the white men company. She has bought some iron sheets for his step father, a retired protestant priest ...'*, said a lady, in a FGDs at Katesh town, December 2016.

It was learned that, despite those positive trends, especially in addressing gender parity in education among Barbaig pastoral community in Hanang district, there were still some challenges, which, if not tackled strategically, would reverse the progress of the right to education. Such challenges include absenteeism, school dropout, and quality of education, especially to improve performance to the high scale level.

The Hanang district council's statistics showed that, the school drop-out in secondary schools was around 10% and 12% for primary schools. Attributing factors to such dropouts included:

- (i) A need for children's manpower for domestic chores including cattle rearing (grazing) especially during draught seasons (May to October), where, some of the families tend to migrate from one place to the other in search of pastures (nomadic lifestyle);
- (ii) Pregnancies;
- (iii) Urbanization, whereby, some children were engaged in petty business ventures such as sale of fruits or ferrying passengers with commuter motorcycles ('bodaboda') at bus stands; and,
- (iv) Unconducive learning situation such as being overcrowded and '*cramped into small classrooms*', in the words on one of the parents in Mtwara urban. Apparently, presence of such challenges tends to influence performance (standard seven national examinations). For instance, despite the fact that records suggest steady improvements in performance of standard seven in Hanang district during past five years, still, the rate has never reached out two-third (70%) as Table 4.6 below shows:

Table 4.6: Performance of Standard Seven Examinations – Hanang District

Year	Percentage (%)
2012	49.29
2013	32.72
2014	35
2015	44
2016	64

Source: Hanang District Council, March 2017.

In mining areas such as Geita region, Kahama and Kishapu (Shinyanga regions), the school dropouts were attributed by presence of 'specific-work-for-children' such as washing mineral sands and crush of stones. This situation was notice to be a case in all study areas sampled.

The study for this report found that, parents who were benefiting from their children's labour in the mining areas especially in Kahama; and, those who were not happy with the performances of their children, were not 'motivated' to send their children to schools even if the fees are abolished.

Hint Point 4.2: Needed multiple approaches in the implementation of free education policy

WiLDAF is of the view that, effective implementation of free education policy requires multiple approach, example, of addressing other associated challenges (apart from fees and other expense) which kept children out of schools as discussed above. For instance, without disbursing sufficient funds for schools' management, books and other learning materials would not be made (adequately) available; or, without constructing more classrooms, the learning environment would continue to be a challenge; or, without addressing issues associated with climate change, especially in regions which practice traditional pastoralism, some of the pastoral community children would continue missing classes especially during dry seasons. All these and other factors would compromise with quality of education and therefore, the performance of children. As a result, some of the parents would be discouraged from sending their children to school. There is also a need to engage with parents in order to iron-out some misconception or illusion about practicability of free education policy.

The dropouts at secondary school level were attributed to other factors apart from those already indicated above according to the findings of the study for this report. For instance, Hanang District Council said in March 2017 that, there were 514 Form one (secondary school) students were not yet reported to their respective schools at the time of this study. The speculated reasons of this situation included lack of proximity to secondary schools in this district, and that, most of secondary schools were not boarding (did not have dormitories). For instance, the Gisambalani Secondary School is located more than 10 KMs from the Masusi village, which does not have nearest secondary school as yet. Accessing it will demand a child to walk 20 KMs from home to school and back home every day. A child living at Matangirimo village, would have to trek almost similar distance to access a nearest Sinopi Secondary School. This district, Hanang, has total of 33 secondary school out of which only

2 (being 6.1%) were designated as boarding schools; and only 1 (being 0.8%) boarding primary school out of a total of 124 primary schools in the district. Apart from discouraging or scaring girls from going to school, this kind of situation could expose girls to a risk of being sexually abused.

Lack of boarding schools is a challenge for girls and children with disabilities; and even boys in pastoral societies as they expose girls to sexual harassment and exploitations which make them end up as young mothers. As of December 2016, a government's position on whether or not to allow pregnant girls or child-mothers to resume class sessions after giving birth was not clear. Therefore, majority of girls (no actual statistics secured) who dropped schools due to pregnancy did not continue with their studies.

4.3.4 Some Positive Trends on Girls' Performances: Case of Rungwe District, Mbeya Region

Apparently, due to some efforts explained earlier, some of the study areas had demonstrated higher number of girls enrolled and passed primary and secondary school examinations. One of such study areas, with best practices on that is Rungwe district, Mbeya region. For instance, the records availed to the study team by the District Council in March 2017 showed that, more girls than boys were registered for the standard seven's National Examinations' Council of Tanzania (NECTA) in 2015 and 2016. It was also the same trend for a number of students who actually turned out for examination; and, proportion of those who passed the examinations. Table 4.7 below gives more details on this.

Table 4.7: Registration for National Examination – Male and Female Students, Rungwe, Mbeya Region, 2015- 2016

Note: M = Male Students, F = Female Students, and % = Percentage																
Year	Registered for NECTA				Attended Exams				Failed to Attend				Passed			
	M	%	F	%	M	%	F	%	M	%	F	%	M	%	F	%
PRIMARY SCHOOL																
2 0 1 6 Class	3074	45.1	3736	54.9	3024	45.0	3703	55.0	50	60.2	33	39.8	1920	46.2	2227	53.7
2 0 1 5 Class	2860	44.9	3513	55.1	2794	44.6	3472	55.4	No Record				1707	46.2	1987	53.8
SECONDARY SCHOOL																
2 0 1 6 Class	2055	46.8	2337	53.2	2005	46.9	2266	53.1	50	41.3	71	58.7	No Records			
2 0 1 5 Class	1480	49.3	1518	50.6	1458	49.6	1483	50.4	18	31.6	39	68.4				

Source: Rungwe District Council, March 2017.

The table above indicates that, there was an increase of students registered for standard seven NECTA's examinations between 2015 and 2016 by a margin of 0.2% for male students; but, dropped by the same percentage, 0.2% for female students during the same period. The number of students who attended standard seven examinations increased by 0.4% for male students; and by 0.6% for female students between the same years. A total of 83 students in this (Rungwe) district, did not attend primary school national examinations in 2016, of who, 60.2% of them, were males, and 39.8% were females. The level of passing standard examinations in 2016 was higher on part of female students (53.8%), than male students (46.2%). It seems that, level of awareness on the importance of education for females is high in Rungwe district. Further studies on this would come out with other attributing factors to this situation.

As for reasons of dropouts or failure to attend national examinations in this (Rungwe) district, pregnancy was one of reasons; but, not the main one in 2016. According to the district council, reasons for the 33 female students who did not do NECTA's examinations this year, 2016 were; pregnancy (15.2%); absenteeism for more than six months (81.8%); and, death 3.0%).

As for Ukerewe district's (Mwanza region) case, school attendances and level of completion showed negative trends on part of female students. As Table 4.8 below shows, only 16.7% of the female students dropped out from primary schools between 2008 and 2014; but, about 55% of the female students dropped out in recent years (2010 – 2016). The completion level of female students stood at 64.5% in between 2008 and 2014; but, dropped by about 16% between 2010 and 2016 – to be less than 50% as the table below shows further.

Table 4.8: Status of Enrolment, Dropouts and Completion Levels (Primary School), 2010-2016, Ukerewe District, Mwanza Region

Note: M = Male Students, F = Female Students, and % = Percentage												
Year	Enrollments				Dropouts				Completion Levels			
	M	%	F	%	M	%	F	%	M	%	F	%
Class 2010-2016	4776	50.2	4743	49.7	865	45.2	1,050	54.8	3911	51.4	3693	48.6
Class 2008-2014	4984	49.9	5008	50.1	2510	83.3	503	16.7	2474	35.4	4505	64.5

Source: Ukerewe District Council, March 2017.

Fishing activities and family poverty were said by government officials and community members to be the main attributing factors to that situation. Both female and male children are attracted by fishing related activities, where, they generally earn TZS 2,000 per day. The Ukerewe District Council was trying its best to rectify the situation. Through the ward education officers, it managed to sensitize a number of parents to take their children to school. Statistics presented above could verify this. Moreover, the district council has continued to improve quality education, for instance, by ensuring that, there is sufficient number of teacher to match with a steady increase of enrolled primary school students. Statistics obtained from this council showed that, there were 1,234 primary school teachers for 78,281 students who were in schools in 2009. A teacher-students ratio was therefore 1:63. The ratio continued to improve as 1:59 in 2011 (1,346 teachers for

79,933); 1:53 in 2012 (1,517 teachers for 79,815); 1:52 in 2014 (1,522 teachers for 78,544); and, 1:48 in 2015 (1,685 teachers for 81,182).

There is a need to engage multiple approaches and various stakeholders in order to address challenges facing girl children in accessing education in this island (Ukerewe district). Standardized education management applicable elsewhere in Tanzania could not necessarily fit in Ukerewe or Mafia islands due to their geographical setups. As explained before, some of the villages in these islands are quite isolated with extremely poor social services, situation which could discourage qualified teachers from going to work in those places. Therefore, a salary package for teachers allocated to those places should be bigger than others of the same level of education and experience.

4.3.5 Incoherent Education System in Refugee Camps: Case of Nyarugusu, Kasulu, Kigoma Region

The refugees' rights and welfare are, at international legal framework, governed by the UN Convention Relating to the Status of Refugees of 1951; and, it's Protocol Relating to the Status of Refugees of 1967²²⁴. Other specific Conventions on the rights of women, children, PWDs or other gender groups can also be interpreted or enforced to include rights of such groups even if they are in refugee or asylum status.

Article 22 (1) of the 1951 Refugee Convention directs that, *'the contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.'* Moreover, sub-article 2 of Article 22 of the same Convention requires contracting States to *'accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.'*

A Qualitative Study.' March, 2017. Note, there was also a twin report covering numerical data on the same study, which can hereby be referred to as: HakiElimu, 'The Impact of the Implementation of Fee-Free Education Policy on Basic Education in Tanzania: A Quantitative Study.' March, 2017.

²²⁴ Note, the protocol was adopted by the UN General Assembly's Resolution 2198 (XXI) of 1967.

The 'contracting State' means a country which accepts to receive refugees in its soil. Tanzania is a signatory of those treaties. It (Tanzania) domesticated such treaties in 1966 through the Refugee Control Act of 1966. That law was, later on, repealed and replaced by the Refugees Act of 1998²²⁵ in order to, among other things, render refugees' definition and protection in line with international instruments mentioned above. The right to education was included in this 1998's legislation. There is also in place the National Refugee Policy of 2003.

Section 31(1) of the Refugees Act of 1998 provides that, 'every refugee child shall be entitled to primary education in accordance with the National Education Act of 1978 and every refugee adult who desires to participate in adult education shall be entitled to do so in accordance with the Adult Education Act of 1978' [emphasis supplied]. As such, access to post primary education is not covered as a duty ('facilitation') by the government of Tanzania under this law. Rather, according to Section 31(2) of the same law that a modality of it will depend on the regulations to be made by the Minister of Home Affairs in consultation with other relevant Ministers. Probably, the National Refugee Policy of 2003 is more comprehensive on this matter. Paragraph 16 of the policy generally indicates that, education of refugees will be provided in accordance with the curricula used in their countries of origin; and, as for post primary education, the government of Tanzania will encourage international community through UNHCR and other agencies to establish schools and institutions in the camps.

Indeed, the study for this report observed that, children in Nyarugusu refugee camp were attending class sessions. An Anonymous source told the study team in March 2017 at this camp that, there were 12 primary schools and 4 secondary schools in the 7 zones (like villages or wards) in this camp. Each zone had at least 1 primary school. However, secondary schools existed in only 4 zones. It was stated that, the requirement is that, in every 5,000 people, there must be 2 primary and 2 secondary schools. However, due to resource constrains, it was not easy to comply with such standards. There were 32,000 refugee children

²²⁵ Act No. 9 of 1998.

in schools, of whom, 24,000 (being 75%) were primary school students; and 8,000 (being 25%) were secondary school. The gender parity between male and female students was said to be well balanced.

It was established further that, IRC and UNHCR were the chief supporters and promoters of education rights in this camp. There was no any indication of government of Tanzania's direct contribution as implied by the law. Therefore, the highly propagated 'free-education' policy is, unfortunately, not covering refugee camps' students despite the fact that, they are relatively fewer as indicated above.

Some of gender associated challenges in education system in this camp were:-

- (i) School dropouts, which was higher among female students than males. Some of the attributing factors mentioned by some of the (sampled) refugees themselves were pregnancy and early marriage. That, it is like a 'jinx' or 'curse' in Congolese culture for a girl to attain at the age of 22 without being married. A need of marriage pressure piles up if the girl reaches 26 years without being married. Therefore, some of the school girls were compelled by the norms to rush into marriage before the 'deadline' (set between 22 and 26 years of age). A number of actual school dropouts were not obtained; but, according to the said source, this matter was increasingly becoming an issue of concern in the camp.
- (ii) Absence of post secondary education (colleges or universities). There was a concern that even if students pass their secondary school examinations, she or he cannot pursue further education especially in Tanzania. In most cases, those who perform well in secondary schools are retained as 'teachers' at the camps. These teachers receive a range of TZS 50,000 and TZS 100,000 per month. Therefore, for them, becoming 'teachers' is a last option they can take. In most cases, graduated boys prefer to be *bodaboda* (motor cycle) commuter drivers within the camp. However, there were some plans to engage the Open University of Tanzania (OUT) to offer distance learning programs for the refugees. WiLDAF encourages such kinds of initiative and advise that, (i) there should be a link between OUT and third country or country of origin

in case a refugee pursuing university courses at OUT is resettled and repatriated; and, (ii) vocational training centers such as VETA to follow the way. Short courses could be more practical for female refugees due to the nature of environment.

- (iii) Inability for pregnant girls to continue or resume studies after giving birth. Even though UNHCR has introduced or challenges a new policy that if a student conceives she can suspend her studies for a while, and resumes after delivery, an experience shows that, most of such girls do not go back to schools. There is social norm that, once a person becomes a mother, she will have to devote all of her time taking care of the baby. Ironically, this is not applicable for punitive fathers of the children born by those dropped out girls. Eventually, the young mothers end up becoming young wives.

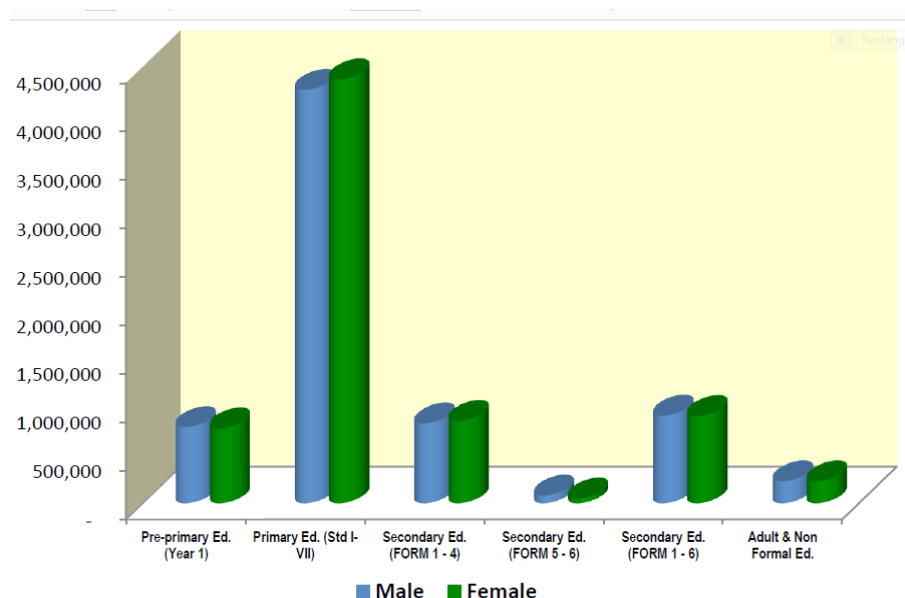
4.3.6 Selected Performance Indicators on General Trend of Females' Access to Education in 2016

The 2015 edition of this report indicated that, the gross enrolment ratio for primary schools was 104.9%, the same for girls. Ratio of girls to boys in primary education was 1:1; while that in secondary education was 0:9; and in tertiary education was 1:5.²²⁶ Only, a one-third of the university students are females as it is explained in details below. Moreover, the said 2015 report found that, the proportion of primary school children with disabilities enrolment was around 0.36%. This proportion is low due to low community response in sending pupils with disability to school. Female primary school pupils with disability constitute only 41% of the group – a situation which further complicates the fate of women with disabilities in Tanzania.

As for 2016, the government of Tanzania released a report on education statistics for the year this year (2016).²²⁷ The report shows that the enrolment rates of students in all basic education levels was balanced in terms of sexes as Figure 4.3 below indicates.

²²⁶ John Mhala, 'Mwinyi: Pelekeni watoto wa kike shule.' Habari Leo, 26th January, 2015. Page 25.

²²⁷ URT, 'Pre-Primary, Primary and Secondary Education Statistics in Brief 2016.' President's Office, Regional Administration and Local Government.

Figure 4.3: Enrolment of Learners in Basic Education Sector by Level and Sex, 2016

Source: URT, 'Pre-Primary, Primary and Secondary Education Statistics in Brief 2016.' Page 23.

According to the report, there were a total of 1,562,770 pupils enrolled at the pre-primary (nursery) level of education (for both government and private schools) in 2016, of whom 775,027 (being 49.6%) were females and the remaining were males. As for primary school level, there were a total of 8,639,202 students enrolled in schools in 2016, of whom, 4,373,488 (being 50.6%) were females. Moreover, a total of 1,806,955 students were enrolled for Forms 1 to 6 in 2016, of which 901,059 (being 49.9%) were females.

The trends show that, females out-numbered males in Forms 1 to 4 education levels, whereby, there were a total of 850,826 (being 50.8%) female students against only 824,767 (being 49.2%) male students. However, the percentage of female students for Forms 5 and 6 levels of education dropped down tremendously to only 38.2% (being 50,233 out of total 131,362 students), compared to males, who were 67.8% (being 81,129 out of the same total number, 131,362 students). Reasons for such huge gender parity gap in high level of secondary school is not explained in any of the literature reviewed or discussions conducted during the study for this report in December 2016 to March 2017. Therefore, specific studies on this are highly recommended.

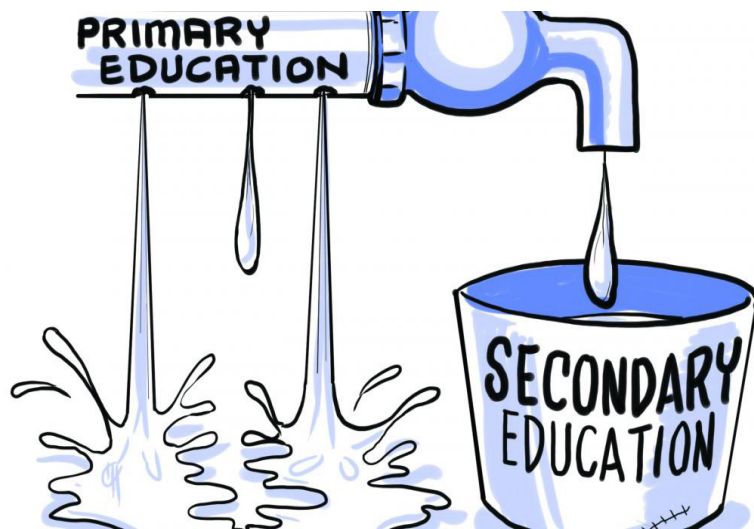


Illustration: Dropouts at primary schools could be a reason for fewer (girl) students at secondary school level (Source of Picture, Tibasima/HRW Report 2017).

WiLDAF has noted with concern that, the percentage of females in education continues to drop down against male students at the level of higher learning especially the university level. According to the 2015 literacy report of the government of Tanzania (basing on the 2012 national census statistics), ²²⁸ there were 34 government and non-government universities and university colleges in Tanzania with a total enrolment of 166,484 students, of whom only 36.4% were females and the rest, 63.6% were male students. Out of these (166,484) students, ²²⁹ 74.4% were undergraduate students of whom, only 35.8% were females, and the rest of undergraduate students (64.2%) were males.

²²⁸ URT, 'Literacy and Education Monograph 2015 – Population and Housing Census 2012.' Volume IV. Page 12.

²²⁹ The enrolment rate in universities reached 218,259 during 2013/ 2014 academic year, which was at least 177% increase. However, universities' female students still constituted only 36% despite the reported increase (reference: Kapinga, O. and Amani, J., 'Determinants of Students' Academic Performance in Higher Learning Institutions in Tanzania.' Journal of Education and Human Development, December 2016, Vol. 5, No. 4, pp. 78-86 [Published by American Research Institute for Policy Development]).



Picture: Graduates of one of colleges in Tanzania.

Apparently, there would be some changes happening in more recent years. But, no tremendous changes were expected because university level's intake and gender parity much depends on the graduates from Form 6. Therefore, if the females' enrolments and retentions at lower grades of education are not observed, that will, automatically affect enrolment at high learning levels.

It should be noted that, gender parity in education at all levels, has direct implication to the promotion and protection of the rights of girls and women in Tanzania as argued in previous and an outset of this chapter. For instance, as indicated in chapter one of this report, the literacy rate was high among male (83%) as compared to females (73%). This trend adversely affect women especially when they want to seek formal or well paying jobs in the labor markets. Chapter two of this report discusses this in details.

As for female with disabilities in particular, an October 2016 study on education and females with disabilities found that, many women with disabilities were left at home rather than being enrolled in school because of cultural factors.



The two girls namely Maria and Consolata Mwakikuti are twin girls with disability (their bodies bonded into one body mass). They recently graduated high school from the Udzungwa Secondary School, Kilolo district, Iringa region.

It is further stated that, a girl or woman with a disability is less likely to attend school and more likely to be kept at home doing domestic home chores.²³⁰ It is indicated that, less than 1% of children with disabilities were enrolled for formal education in Tanzania. Basing on the findings indicated above, the assumption could be that, less than 50% of this 1% is female with disabilities. Furthermore, the said October 2016 study has an analysis which suggests that, at least 90% of children with disabilities do not go beyond primary schools. For instance, according to this study, although the universities achieved higher enrolment (as indicated above in this chapter), the number of women, particularly those with disabilities, does not look promising even at the University of Dar es Salaam (UDSM), which is the largest and oldest university in Tanzania. The university (UDSM) had enrolled only 249 students with disabilities between 1978 and 2013, whereby only 49 (being 19.7%) were female students with disabilities; and the remaining 200 (being 80.3%) were males.

²³⁰ Matonya, Magreth (2016) Accessibility and Participation in Tanzanian Higher Education from the Perspectives of Women with Disabilities. Academic Dissertation. Jyväskylä Studies In Education, Psychology and Social Research 568. University of Jyväskylä. Pages 66 to 69.

4.3.7 Situation of Higher Education: Access to HESLB Students' Loans - Media Survey

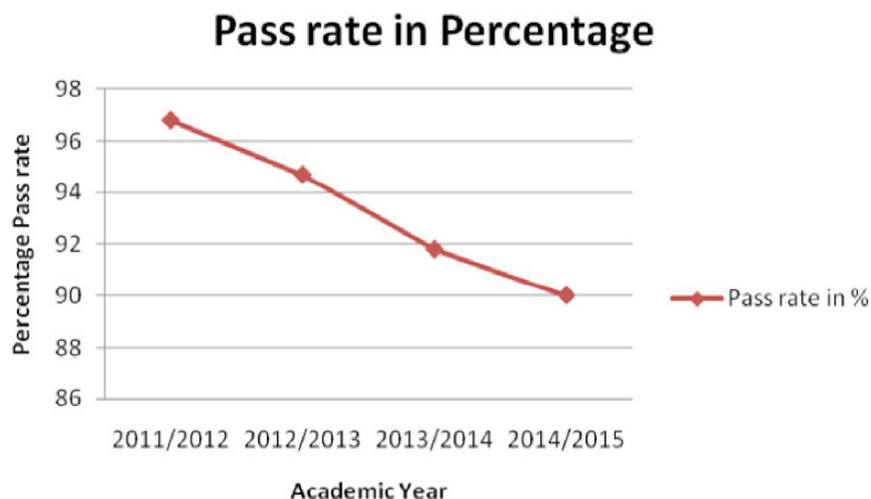
Access to higher learning institutions (in terms of increased number of universities) has improved over period of time, especially within past two decades. According to Tanzania Commission of Universities (TCU),²³¹ which is the regulatory authority of university education in Tanzania, there were 49 universities (comprising of 12 (24.5%) public universities; 21 (42.9%) private universities; 2 (4.1%) public university colleges; and, 14 (28.6%) private university colleges). That means the university level of education is dominated by private sector (71.4% of all universities) in Tanzania. The good news is that, such universities are now scattered in all regions of Tanzania. For instance, the OUT has branches in almost all regions according to WILDAF's observation.

The improved accessibility of higher education has matched well with (i) the quality of education offered; (ii) labour market demands or self-employment skills; and, (iii) welfare of higher learning institutions. The employment status of university and other professional graduates is covered in chapter two of this report. An assessment of the quality of education by universities offered is outside the context of this study. The most important gender issue here is the welfare of the students, especially female students. On this, there are so many issues which were covered in the 2015 edition of this report including sexual harassment. Most of those issues remained unsolved in 2016. Therefore, the 2015 findings and recommendations are still the same.

The uncertainty of university life seems to affect students' performance especially by considering recent performance trends of some universities as the 2016 study by Kapinga and Amani (cited above). According to these scholars, the pass rate has been declining for the past four years. For example, the pass rate stood at 90% in the 2014/2015 academic year (AY) compared to 91.8% in the 2013/2014 AY, 94.7% in the 2012/2013 AY and 96.8% in the 2011/2012 AY. Figure 4.4 below shows clearly the trend.

²³¹ TCU, 'List of University Institutions in Tanzania as of 22nd February, 2016.' Accessed it online on 29th May, 2017 through: <http://www.tcu.go.tz/images/documents/RegisteredUniversity.pdf>

Figure 4.4: Universities' Pass Rate for 2011/2012 – 2014/2015 Academic Years



Source: Kapinga and Amani (2016:80), Figure 2.

The most important factor determining the welfare of higher education students, especially in Tanzanian context, is financing of the studies and daily subsistence especially of female and PWDs who appear to be more vulnerable when they miss financial support. This is an issue due to the fact that, majorities of higher education students are coming from poor family backgrounds as statistics quoted earlier in this report indicate.

The Citizen Newspaper recently carried a survey²³² on this – to ascertain the situation of the high learning students' access to government loans, which are coordinated by the Higher Education Students' Loans Board (HESLB). This survey revealed that, two out of three students who applied for the loan in 2016/2017 did not secure it. It is the finding that, such situation has continued to deteriorate in recent years.

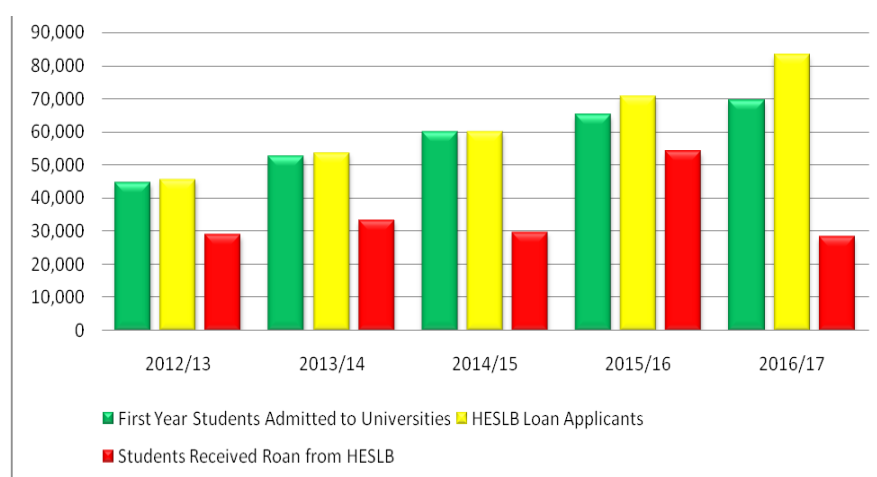
The inadequate financing of higher learning students has compelled a number of students especially from poor families to drop out or postpone their studies; and that, some of the students who dared to continue with their studies without the loan or other reliable source of finance ended up living in anguish

²³² The Citizen, 'Special Report - Students Despair as More Miss Out on Education Loans.' 15th May, 2017. Accessed it online through: <http://www.thecitizen.co.tz/News/Students-despair-as-more-miss-out-on-education-loans/1840340-3927324-cw6o1ez/index.html>

lifestyles. This media survey and WiLDAF's study at hand found that, some young girls have been forced by the circumstance to engage in 'commercial sex' for economic survival. A young man, University of Dodoma (UDOM)'s student, told a member of the study team that, *'wale waheshimiwa pale mjengoni ni kama mashemeji zetu ... wanawatumia sana hawa wadada ... wengine sasa wanafanya ngono ya jumla, na wasichana wanakubali tu ...!'* (*those honorables at the house²³³ are like our inlaws ... they use these ladies ... some of them do demand group sex, and the girls just accept it ...*)

The citizen survey indicates that, the number of HESLB beneficiaries at (UDOM) has dropped to 16,758 in 2016/17 academic year from 23,786 in previous year (that being a decrease of 29.5%). Moreover, a total of 1,105 students have postponed studies at UDSM due to financial reasons, including 1,082 first year students in 2016/17 academic year according to the same source. Figure 4.5 below shows a trend of loan allocation to higher education students in the past five years.

Figure 4.5: Trend of Loan Allocation to Higher Education Students 2012/13 – 2016/17



Source: Re-constructed from the Citizen, May 2017.

²³³ Note, the 'mjengoni' is a Swahili language jargon used to imply big statutory institution transacting its business in Dodoma town. It is unethical to name it here because the respondent's story needed real facts to collaborate it. However, it is widely known in Dodoma that, said 'honorable' of the 'mjengoni' were really in immoral engagement with the university students, taking their (girls' economic hardships) for granted.

The figure above indicates that, there were 45,651 HESLB loan applicants in 2012/13 academic year (AY). However, only 28,906 (63.3%) students received the loan. In 2014/15 AY, loan applicants were 60,085, but only 29,731 (49.5%) received the loan. A year before, that is 2013/14, at least 62% of the loan applicants received the loan from the board. In 2015/16 AY, the applicants were 70,718. Those who received the loan were 54,012 (76.4%). As of March 2017, only 28,354 (34.1%) of the loan applicants received loan from HESLB out of 83,225 applicants. Therefore, an average of 57.1% of the loan applicants received the loan from HESLB between 2012/13 and 2016/17 FYs. The percentage of loans received is also an issue of concern.

The Citizen Newspaper quotes the government saying that, the funds for HESLB are for 'needy' Tanzanian students only and not for 'everyone' applying for it. Moreover, it is the government's stand that, education financing is exclusively the responsibility of parents or guardians. A protest to this stand implicated some students in criminal offence in the past. For instance, according to the LHRC report,²³⁴ in 2009, five (5) students of UDSM were arrested by the police on the allegation that, they were ring-leaders of the protest to demand loans from HESLB. They were prosecuted in court for 'unlawful assembly.' The case was lodged in the Kisutu Resident Magistrate's Court in Dar es Salaam as Republic vs. Antony Machibya and 4 Others²³⁵

The HESLB is established under the Students Loans Board Act of 2004.²³⁶ This law mandates HESLB to coordinate, give and receive loans to and from the students pursuing advanced diplomas and degree studies in Tanzania and abroad. The criteria for eligibility for loan are stipulated under the guidelines for granting students' loan. The main criterion being that, an applicant should be a 'needy' person. The *HESLB's Revised Guidelines and Criteria for Granting Student Loans Starting 2006/2007 Academic Year*, defines 'needy student' to mean *'the one who is an orphan, disabled or has disabled poor parents, is from a poor single parent family, is from marginalized and disadvantageous group and/or is from a low income threshold family earning national minimum wage or below.'*

²³⁴ LHRC, 'Tanzania Human Rights Report of 2009.' Page 52.

²³⁵ Criminal Case No. 20/2009.

²³⁶ Act No. 9 of 2004. Commenced operation in July 2005.

WiLDAF is of the view that, if this definition of 'needy person' was still applicable in 2016, then, majority of loans' applicants were unfairly denied of the loans from HESLB in 2016/2017. A person with albinism, who works with one of the disabled persons organizations, told the study team that, he had to travel to Dar es Salaam in order to consult HESLB's head of management to show a course why he was eligible for the loan. Despite being a person with disability (albinism) and notwithstanding the fact that he comes from a very poor family, his request was turned down. He then had to opt for other sources to finalize his studies at Tengeru College, Arusha region. Therefore, there is a need to consider loan applications basing on this or more improved definition, unlike the current situation, where most of the applicants were disqualified for loans without sufficient grounds.

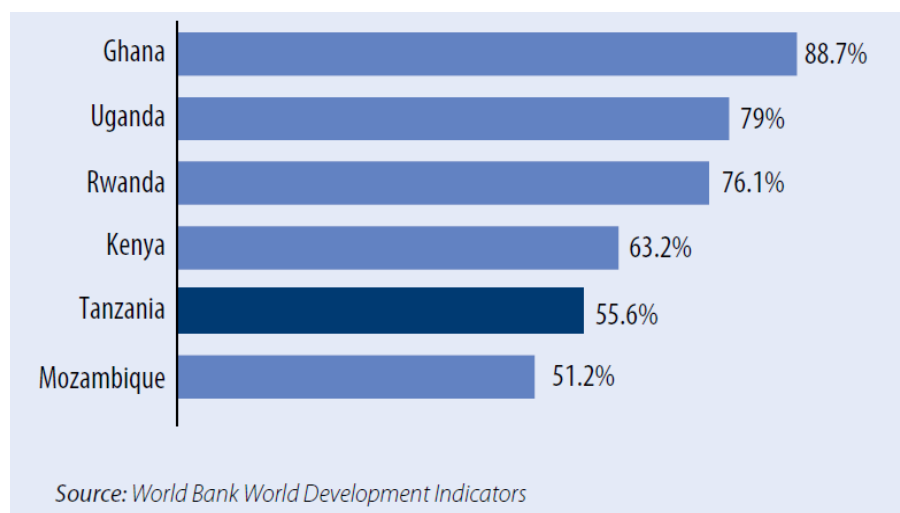
Hint Point 4.3: A number of accesses to education issues remained unsettled to empower female child

Despite such commendable improvements in education sector, especially in terms of institutional reforms and bringing gender parity between female and male children in education, still a number of issues need further improvements, including; (i) enhancing girls enrolment or continuity from high school levels onwards; (ii) improve enrolment of children with disabilities by, among other things, ensure that inclusive education and friendly learning environment for these children are created; (iii) hasten adoption of post secondary school education system for refugee girls and children in general; (iv) address the indirect costs which parents are still charged by some of the schools or, alternatively, open up formal dialogues between school administrations and parents on how best will free education policy be implemented; (v) prevent child marriage and allow female children to continue with their studies after delivery; (vi) re-consider HESLB's loan criteria for the benefit of high education students, especially females who are currently less than 40% in higher learning institutions; (vii) ensure that, teachers, especially in remote rural areas are motivated to work in challenging environment for the benefits of rural population; and, (viii) ensure that, free education policy is being implemented along with improving learning environments.

4.4 RIGHT TO CLEAN AND SAFE WATER

It is stated that, clean and safe water, adequate sanitation facilities and safe hygiene practices in households, schools and health facilities are fundamental to women's and children's health (and education as well).²³⁷ According to 2015/2016 TDHS report, which was released in 2016, at least 6 (being 61%) in 10 households in Tanzania have access to an improved water source – as the national average data. Among urban Mainland Tanzania's households, 86% have access to an improved water source, compared to 48% of rural Mainland households. An average of 61% (or 55.6% estimated in 2014²³⁸) is lower than some of other SSA and East African countries as well as Figure 4.6 below shows.

Figure 4.7: Regional Comparison in % of Population with Access to Improved Water Source (2014)



Copied from: URT & UNICEF.²³⁹

That is, Tanzania was (is) trailing behind Uganda, Rwanda, and Kenya by 23%, 20.1% and 7.2% respectively of having a large proportion of population with access to improved water sources.

²³⁷ UNICEF, 'Children and Women in Tanzania, Volume I Mainland,' (Undated). Page 4.

²³⁸ URT & UNICEF, 'Water and Sanitation Budget Brief FY 2011/12–FY 2015/16.' A leaflet (Undated). Page 7.

²³⁹ Ibid.

Regarding the proximity of water sources, the 2015/2016 TDHS report found that, in 40% of Tanzanian households take 30 minutes or longer to obtain drinking water. The WiLDAF's 2015 and 2016 surveys especially in northern parts of the country (Manyara and Arusha regions) had almost same findings as Table 4.9 below shows:-

Table 4.9: Time Spent by Rural Women to Fetch/ Access Water Points, Manyara and Arusha Regions – 2015 and 2016

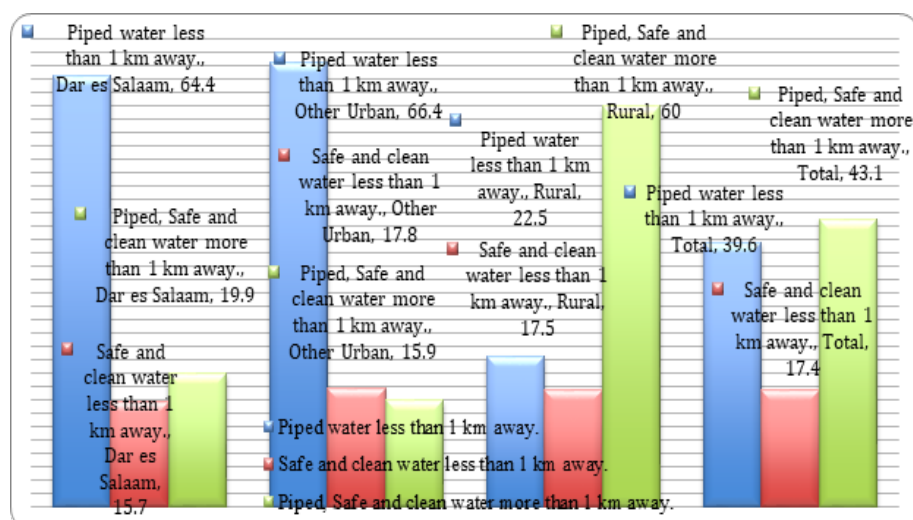
Duration to the Water Point [E.g Well or River or Pipe]	Percent (%)	
	2015 (Simanjiro, Manyara) N=64	2016 (Hanang, Arusha) N=51
Minutes 15-30 (Half an Hour)	12.5	9.1
Minutes 30-60 (One Hour)	18.8	24.6
Minutes 60+ (More than 1 Hour)	68.8	66.3
Total	100.0	100.0

Source: WiLDAF, Studies on the Status of Women's Rights (Field Data), 2015 and 2016.

From the table above, at least 41% of rural women in Simanjiro district, Manyara region, took more than 30 minutes to access a water point (traditional well, in Maasai called '*orkesmeti*') or a seasonal river) in 2015; and, more than 43% of rural women in Hanang district, Arusha region used same duration in 2016 to access water points, which were mainly traditional wells and rivers.

The latest integrated labour force survey of 2014 (cited earlier), revealed that, at least 60% of the rural residents trekked more than 1 KMs to access piped, safe and clean water points. While only 17.4% trekked less than a kilometre to access safe and clean water points (not necessarily piped). The situation on this, as it is a case for other social services, was better in Dar es Salaam and other urban areas as Figure 4.8 below explains further.

Figure 4.8: Households by Distance to the Sources (Points) of Drinking Water and Area (in Percentages)



Source: Re-constructed from: NBS, Integrated Labor Survey of 2014 (Table 3.7).

The field data collected by WiLDAF's study for this report indicated that, most of the rural areas visited especially in northern part of Tanzania (Arusha and Manyara), and some parts of Shinyanga, especially Kahama district, some villagers had to trek for hours to access an unreliable water source. For instance, the Kahama's Mwakitolyo villagers, trek more than 5 KMs to access river stream water, which is seasonal. That mean, one will have to walk a total of 10 KMs for a return trip with a single bucket of water on her head. In order to satisfy water use for whole family (of an average of 5 family members), a woman will have to take two or three trips. In order to save time for other domestic chores, normally, children, some being younger than ten years are sent to fetch water. Boys can manage to use bicycles or handcart, which lessen a workload. But, girls usually carry buckets on their heads.



Picture: A 9 year child in Kahama helps her mother who was sick to fetch water during the class hours, December 2016 (Field Photo).

An engagement of children in such tedious, time consuming and risky chores logically deny them of their right to education. This kind of situation tends to mitigate the zeal brought about the implementation of free education policy. There are also health related challenges such as typhoid; incidents of rape; and other forms of GBV especially when women delay executing some of the household chores for their male partners. Paragraph 4.7 of the National Water Policy of 2002 states, *inter alia*, that:-

Diseases associated with lack of safe water and poor hygiene and sanitation are major causes of sickness and death in the country. **Lack of access to safe water, sanitation and hygiene education is one of the root causes of poverty as it is the poor, especially women and children, who suffer most due to poor living conditions, diseases and foregone opportunities.** Hygiene education greatly improves the health impact of water and sanitation interventions, whereas providing water alone has minimal impact [Emphasis supplied].



At national level (macro-economic development) an economic study conducted for Tanzania has shown that impacts resulting from poor sanitation and hygiene cost the Tanzanian economy TZS 301 billion (US\$ 206 million) per year, the equivalent of 1% of annual GDP. Investment in water and sanitation will lead to important cost savings in other sectors, especially the health sector, as well as other productive gains, such as in the tourism sector.²⁴⁰

The UNICEF's children and women report²⁴¹ indicates that, diarrhoea and acute respiratory infections – which cause 40% of under-five deaths worldwide – are closely linked to poor water quality, sanitation and hygiene. In addition, one-quarter of neonatal deaths are due to infection and diarrhoea, and sepsis is a leading cause of maternal mortality, all of which are affected by use of unclean water and poor hygiene at delivery and postpartum.²⁴²

WiLDAF's observation in some of the schools, for example in Ukerewe, Mwanza region; Mtwara urban; Hanang, Arusha region; Dodoma urban; Rungwe, Mbeya region; Kishapu, Shinyanga region; and at Nyarugusu refugee camp, Kasulu, Kigoma region noticed this to be a serious issue of concern. An anonymous education officer at Mtwara urban said that, some of the menstrual girls normally remain home due to lack of proper sanitary towels and unsanitary toilets at schools. *'It can probably take her 3 or 4 days in a month to end her period. Every wise teacher understands this situation. Therefore, if you take an average of 3.5 days per month, times a number of academic months in a year, a finding could be that, a spends at least 38 days out of class sessions per a year ...'*, said the education officer.

²⁴⁰ Kessy, F., and Mahali, R. (2016) 'Water, Sanitation and Hygiene Services in Tanzania: Access, Policy Trends and Financing.' THDR 2017: Background Paper No. 11, ESRF Discussion Paper 72. Page 2.

²⁴¹ UNICEF, 'Children and Women in Tanzania, Volume I Mainland,' (Undated). Page 4.

²⁴² Same report clarifies further that, water supply and sanitation issues threaten even children's right to education. For instance, according to that report, 4 (at least 80%) in 5 schools in Tanzania do not have functional hand-washing facilities; and, that 3 (at least 60%) in 5 schools do not have an on-site water supply. Moreover, 9 (at least 90%) in 10 children and caregivers do not wash their hands with soap after using the latrine or cleaning a baby or before preparing and eating food.



Pictures: Worst (left picture) against best practices for girls and children with disabilities toilets (middle and right pictures respectively).

Other upcountry villages do access contaminated water sources. For instance, the allegations of water pollutions to rivers Mara and Mori in Tarime district against one mining companies in Mara region, was found by this study to be on same course. An anonymous district official of this district told the study team that, they were still waiting for the result of Minister's committee, which was assigned with a duty to assess whether or not the mining company at the area was contaminating water sources with harmful chemicals as villagers alleged. A follow-up study of December 2016 to Kishapu district, Shinyanga region ascertained that, same water challenges existed at the time of the study for this report. For instance, river Tungu has remained to be major source of water for domestic and other use. Water level of this river normally goes deep down and sometimes disappears during dry seasons.

As for sanitations, the above named 2015/2016 report shows that, in rural areas on the Mainland, the majority (86%) of households have unimproved sanitation facilities, while in urban Mainland areas, only 23% of households have unimproved facilities.

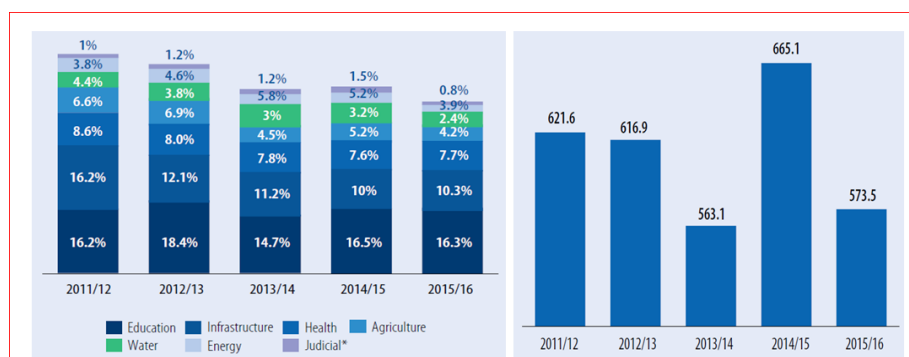
This situation happens that way despite the fact that there are numerous laws, policies and plans to address the challenge, including the National Water Sector Development Programme (WSDP) of 2006 – 2025; the Water Supply and Sanitation Act of 2009;²⁴³ and the National Water Policy of 2002. Section 4(1) of the 2009 water supply and sanitation law provides that, *'the objective of the law is to promote and ensure the right to sustainable water supply and sanitation services for all purposes.'* The National Water Policy of 2002 sets a goal for an accessibility of water supply within 400 meters away from household. Such policies

²⁴³ Act No. 12 of 2009.

and law seem to subscribe well with the SDGs 2030, particularly, Goal 6, which provides for a need for access to adequate and equitable sanitation and hygiene for all.

One of the attributing factors to this situation could be insufficient budget allocation for water sector in Tanzania. For instance, it is stated that, this (water) sector's budget allocations have been significantly declining between 2011 and 2016. For instance, only 2.4% of the national budget was allocated for this sector's development in 2015/ 2016 FY. Such percentage is equal to TZS 573.5 billion as a twin Figure 4.9 below clarifies further.

Figure 4.9: (L) Trends in the Shares of Priority Sectors in the Total Budget; (R) Trend in the Budgetary Allocation to the Water Sector (TZS Billion)



Source: URT & UNICEF, 'Water and Sanitation Budget Brief FY 2011/12–FY 2015/16.' A leaflet (Undated). Page 3.

There is also a challenge of delaying release of resources to the water sector. For instance, according the same source cited above, by the end of FY which ended in June 2014, the Ministry of Water and Irrigation received only half of the funds approved in the 2013/ 2014 budget. Moreover, the Ministry spent only 44% of the approved estimates. About half of the funds released in that FY, were made during the last quarter,²⁴⁴ the situation which suggests delay of expenditure of those funds and water development projects as well.

Positive side of water supply and access was noticed during the study for this report in some areas including Rungwe district and Nyarugusu refugee camp, Kasulu district, Kigoma region. It was observed that, each zone in this camp had at least one water tap. In Tukuyu urban, Rungwe district, there was a water tap at almost after every 10 households.

²⁴⁴ URT & UNICEF, 'Water and Sanitation Budget Brief FY 2011/12–FY 2015/16.' A leaflet (Undated). Page 6.



Picture: (L) Nyarugusu women; and, Tukuyu lady fetching water to a nearby water sources, March 2017.

Despite the fact that safety of water could be an issue of concern, but having water sources closer to the households save women's time. This could be a reason why most of Tukuyu women do engage in market business more than other upcountry districts sampled for this study. WiLDAF urges the government to widen funding base of water development projects in order to relieve women from heavy domestic responsibilities they are carrying on their shoulders at the moment.

4.5 FOOD SECURITY AND NUTRITIONAL RIGHTS

4.5.1 Food Security as Human and Gender Right

Food, food security and nutrition are human and gender rights. They are also socio-economic and political issues of concern. This is due to their importance to not only individual survival, but also, national development. The Food and Nutrition Policy for Tanzania of 1992 states under paragraph 2 that, *'availability of adequate food to meet nutritional requirements from the household level to the national level is necessary for health and development of society.'*

The under-nutrition, which is manifested through protein-energy malnutrition (PEM), nutritional anemia, iodine deficiency disorder (IDD) and vitamin A deficiency, are said by this policy to be main food and manutritional problems in Tanzania. This sub-part of report quotes the 2015/2016 TDHS report (below) which maps out progress towards improvements of all these challenges.

The 'availability of adequate food' means food security, which is the mechanism of enforcing the right to food. Same policy, under paragraph 3, defines 'food security' to mean:-

[a]vailability and accessibility to adequate food at all times and to all people especially children and other special groups which are easily affected by lack of adequate food supply for example small children, pregnant and lactating women, the sick and the elderly.

This is, indeed, a balanced definition, as it comprehensively taking into consideration gender issues in food and nutrition. Article 15 of the Maputo Protocol of 2003 is on the right to food security. The said provision directs States parties to '*ensure that women have the right to nutritious and adequate food.*' Some of the appropriate measures proposed are to (i) provide women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food; and, (ii) establish adequate systems of supply and storage to ensure food security.

The rest of international treaties address food and food security as part of the right to adequate standard of living. For instance, Articles 25 and 11 of UDHR of 1948 and ICESCR of 1976 respectively state that everyone has the right to a standard of living, including adequate food.²⁴⁵ The CEDAW of 1979 states (at its preamble) that, in situation of poverty women have the least access to food, among other services mentioned earlier. Article 12 (2) of CEDAW mentions adequate nutrition during pregnancy and lactation as part of appropriate services (basic rights) needed for women.

There is no specific legal framework on the rights to food or food security and nutrition in Tanzania. Such rights are transcribed as policy issues under the above named policy and other public programs including the Tanzania Development Vision 2025. This vision envisages, inter alia, having a high quality livelihood for all Tanzanians through the process of strategies which ensure realization of food self-sufficiency and food security (among other things).

²⁴⁵ Other components forming right to standard of living, According to Article 25 of UDHR of 1948, are clothing, housing, medical care, social security (in an event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control).

4.5.2 General Situation on Availability of Food in 2016

Situation on the ground especially for the year 2016 indicates that, generally rural women do exhaust a lot of energy to put food on the table for the whole family. A lady told the study team at Katesh, Hanang district, Arusha region that, *'there are only a few months to enjoy having food in our baskets at home ... a large part of the year is struggle, to make the ends meet ...'* The lady sells mud-ports at the overt market (which is primarily designated as primary livestock auction) and take back home a kilo or two of sugar, beans and other food stuffs. This is routinely done in every week.

Actual statistics on state of hunger among individual households in 2016 were not secured. The country's top leadership had already ruled out that, 'there is no hunger' in Tanzania. Therefore, it was not easy for LGAs to report on the same. However, there were some indications that, a good number of people, including urban dwellers such as in Dar es Salaam were either eating a single meal or eating unbalanced diet. A cart pusher at Mwenge area, Dar es Salaam, was seen exchanging harsh words with one of the passerby because his piece of roast maize, purported to be his only meal for the night, was dropped down on the ground. A piece of maize is sold at around TZS 500. A fury state of affair exposed by the cart pusher suggested that, that piece was his 'valuable food.'

The latest HBS report (2011/2012) indicated that, an overall food poverty in Tanzania Mainland, which is measured by food poverty line²⁴⁶ was estimated at 9.7% as national average; and, 11.3% as rural prevalence rate against 8.7% of urban areas. According to the same report, the basic needs poverty line was TZS 36,482 per adult equivalent per month and food poverty line was TZS 26,085 per adult equivalent per month. Using these two poverty lines more than a quarter (28.2%) of the Tanzanian population fall below the basic needs poverty line.

Basing on 9.7% of food poverty prevalence rate, it could mean that, approximately 5 million Tanzanians were considered food poor. The key issues of food insecurity at family level are unpredictability in the availability of food and unaffordability of

²⁴⁶ Note, 'food poverty line' is the level at which households total spending on all items is less than they need to spend to meet their needs for food. It is also often referred to as the extreme poverty line. Individuals who fall below this level are classified as extremely poor.

the same. For instance, the price of almost all basic food in Tanzanian context, namely maize floor, rice, tomato, sugar and potatoes, hike by at least 30% or 50% during the year, especially by considering the Dar es Salaam's common markets. For instance, a kilo of sugar went higher to around TZS 3,500 from only TZS 2,000 during the last two quarters of the year. That was also a case for maize floor ('sembe').



Media clip: A divasted lady with empty basket, wonders how she could afford 'sembe' (maize floor). At the same time, fuel price waits to 'haunt' her.

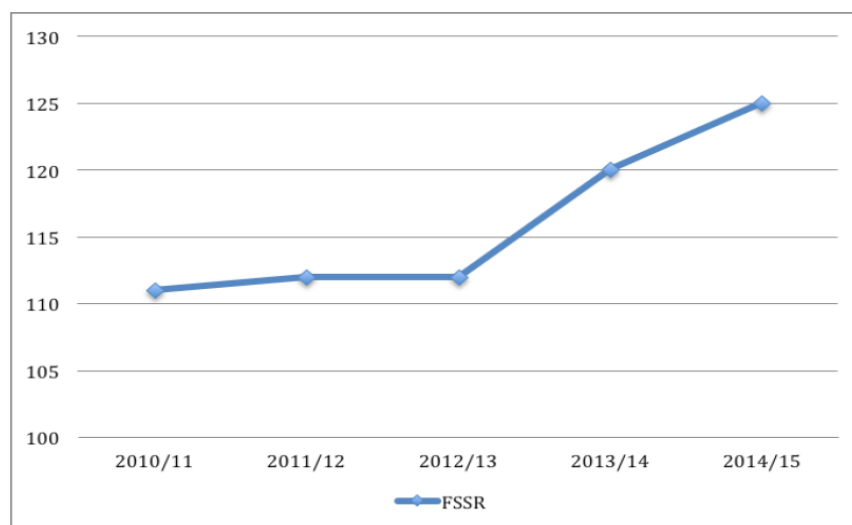
It is stated that,²⁴⁷ high food prices are a way of life in Tanzania, particularly in food deficit areas of the country. According to the same source, this is caused by the high cost of transport between food surplus and food deficit areas and poor functioning of the Strategic Grain Reserve, which is supposed to act as a buffer against higher prices. Moreover, another factor is the limited production and storage of food at the household level. However, the government through it February 2016 report,²⁴⁸

²⁴⁷ Davids, C. and Maliti, E., 'Tanzania Situation Analysis: In Support of UNDAP II.' April, 2015. Page 42.

²⁴⁸ URT, Midterm Review of the Implementation of the Istanbul Programme of Action for LDCs for the Decade 2011-2020 Tanzania Country Report.' February, 2016. Page 31.

indicated that, the country (Tanzania) was able to raise the food self-sufficiency ratio (FSSR) from 111 percent in 2010/11 to 125 percent in 2014/15, which is above the set target of 120 percent as it is indicated in Figure 4.10 below.

Figure 4.10: Tanzania Food Self Sufficiency Level Performance, 2010/11 - 2014/15



Source: MAFSC Statistics 2013 and Budget speech 2014/15

Note, this is copied from: URT, February 2016.²⁴⁹

Same government source indicates that, the reasons for such achievements were due to the increase in food crop production from 10.771 million tonnes in 2010/11 to staggering 16.015 million tonnes in 2013/14 crop season. It is further argued that, increased level of stocking by the National Food Reserve Agency (NFRA) has also contributed to ensuring food sufficiency in the country. However, as Table 4.10 below shows, the NFRA's food stocks in 2016 decreased compared to last two seasons (2014 and 2015).

²⁴⁹ Ibid.

Table 4.10: National Food Reserve Agency (NFRA) Stock, 2011 - 2016

Period	2011	2012	2013	2014	2015	2016 ²⁵⁰	Changes in 2016 vs 2015 ²⁵¹
January	220,035	166,796	72,170	-	495,561	125,668	- 74.6%
February	226,281	142,906	60,739	214,157	454,592	88,414	-80.6%
March	224,355	123,312	46,153	199,472	452,054	68,727	-84.8%
April	215,662	105,245	36,982	195,246	433,547	64,825	-85.0%
May	191,419	78,125	26,802	194,175	406,846	63,341	-84.8%
June	165,216	65,985	27,494	189,494	356,814	61,838	-82.7%
July	139,404	61,469	71,141	182,200	290,694	49,632	-83.6%
August	155,348	75,489	175,609	195,791	268,515	59,832	-77.7%
September	200,053	91,021	224,295	300,592	265,076	86,545	-67.4%
October	194,090	98,544	235,817	427,000	253,655	90,905	-64.2%
November	188,702	105,734	234,145	460,295	238,134	90,900	-61.2%
December	179,488	89,951	232,963	466,584	184,065	89,692	-52.3%

Source: NFRA Statistics 2015/16.

An overall average of food stock decrease between 2015 and 2016 was estimated to be 68% basing on the above calculations. The decrease could be associated with prolonged draught in 2016; and, same challenges facing agricultural sector as it has been discussed in details in chapter two of this report. Additionally, many households in Tanzania are said to be food insecure because they lack the resources to produce or purchase sufficient food for their households.²⁵²

It should be noted that, the production of food crops is adversely affected by the same challenges. WiLDAF has noted with concern that, production of those crops was becoming lower compared with 2014 season, even for traditional food crops such as maize and potatoes as Table 4.11 below shows (self-explanatory).

²⁵⁰ The 2016 statistics were copied from the LHRC's 2016 Tanzania Human Rights Report, Page 92.

²⁵¹ WiLDAF's own analysis.

²⁵² UNICEF, 'Children and Women in Tanzania, Volume I Mainland,' (Undated). Page 70.

Table 4.11: Production of Food Crops (Tones), Tanzania Mainland

Crop	2011	2012	2013	2014	2015	Change (%) 2014/15
Maize	4,341	5,104	5,174	6,734	5,903	-12.3
Paddy	1,461	1,170	1,307	1,681	1,937	15.2
Wheat	113	109	92	167	72	-56.9
Sorghum	1,119	1,052	1,041	1,246	1,007	-19.2
Cassava	1,549	1,821	1,943	1,664	1,962	17.9
Beans/Legumes	1,632	1,827	1,641	1,697	1,808	6.5
Bananas	1,048	842	1,307	1,064	1,195	12.3
Sweet Potatoes	1,710	1,418	1,259	1,167	1,090	-6.6

Source: URT, 'Tanzania in Figures 2015.' NBS, June 2016. Page 35.

Decreasing in food production risks poses a potential risk of inability of people to feed themselves, and therefore, becoming food insecure. That too (food insecurity), causes other problems such as hunger and malnutrition, which adversely affect women more than men. This is due to the fact that, this gender group (women) play critical roles in the food system, in the production, processing, preparation, consumption and distribution of food, as well as in its distribution.²⁵³ Moreover, they are mothers who need more nutrients especially when they are pregnant.

4.5.3 Food Insecurity as Gender Rights Concern: Summary of TDHS 2015/2016 Report

The effects of food insecurity are indicated above – basing on the Food and Nutrition Policy for Tanzania of 1992. Various reports²⁵⁴ links food insecurity with associated health challenges for women and children such as malnutrition and anemia. For instance, the UNICEF report referred to in this paragraph indicates that, little progress has been made in reducing chronic malnutrition. It states that, about 4 (40%) out of 10 children in Tanzania are stunted. The TDHS 2015/2016 as it is further clarified below, indicates that, about 34% of children under the age of five are stunted. This situation makes Tanzania the third highest rate of stunting in Africa and its causes the country to (indirectly) lose over TZS 650 billion (being 2.7% of GDP) revenues each year.

²⁵⁵

²⁵³ Davids, C. and Maliti, E., 'Tanzania Situation Analysis: In Support of UNDAF II.' April, 2015. Page 40.

²⁵⁴ Including: UNICEF, 'Children and Women in Tanzania, Volume I Mainland,' (Undated). Page 4.

²⁵⁵ Syriacus Buguzi, 'Save Tanzania Over Sh 650 billion Annually.' The Citizen (Newspaper), 21st June, 2017. Page 4.

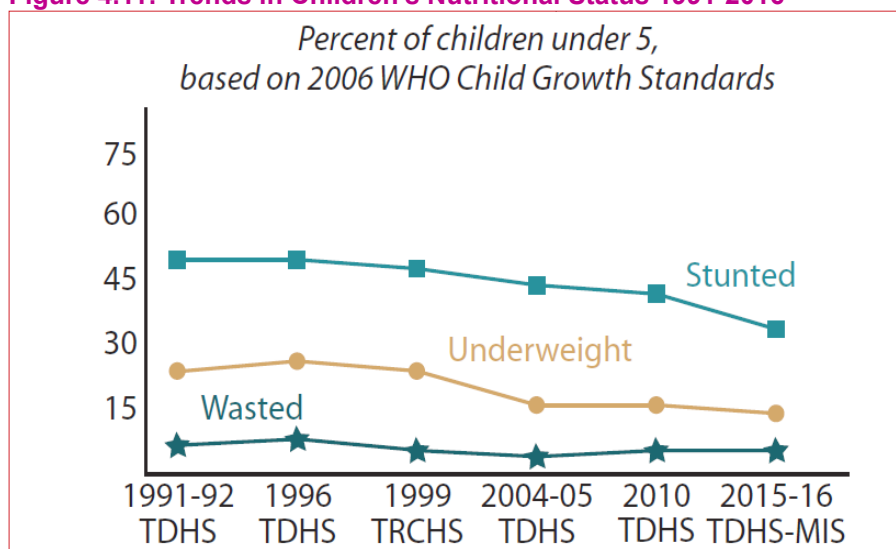
Due to this situation, such children are denied of the opportunity to develop to their full mental and physical potential. Moreover, according to the Citizen (cited above), poor nutrition leads to poor health in a family, which in return, cause the family members to carry the financial burden of seeking for health care and therefore, loose several days unproductively.

The TDHS 2015/2016 report (at pages 10 and 11) gives details on the feeding practices, which in the context of this report generally mean or embodied in right to food security. Therefore, since these are rather medical (technical) issues, WILDAF subscribes directly to the findings on the same as presented in the report, which was released mid of 2016.

As for children's and women's nutritional status, being main indicators of food insecurity, the report states that, 1 (being 30%) in 3 children under five are stunted (chronic undernutrition) or too short for their age. Stunting is more common among children who were very small at birth (51%), those with a thin mother (40%) and those from the poorest households (40%).

○ *Malnutrition among Children and Women*

The TDHS 2015/2016 report suggests that, stunting level or rate differed from one region to the other, whereby, most marginalized regions had more challenges that Dar es Salaam and other better off regions. For instance, the prevalence rate was only 15% in Dar es Salaam while, Rukwa region had 56% of stunting prevalence rate. Moreover, wasting (too thin for height), which is a sign of acute malnutrition, is far less common (5%) in Tanzania. As for underweight, the report indicated that, 14% of children are underweight or too thin for their age. However, ongoing efforts to rectify the situation seem to yield fruits as statistics show that, twenty five years ago (1991/ 1992) there were 50% of children in Tanzania stunted. However, as Figure 4.11 below shows, the situation has improved to 34% in 2015/ 2016.

Figure 4.11: Trends in Children's Nutritional Status 1991-2016

Source: TDHS 2015/2016 Report, Page 10.

On the other hand, women's nutrition status basing on the same report is generally fine. For instance, 1 (10%) in 10 of women in Tanzania are thin (BMI below 18.5). Comparatively, 28% of women are overweight or obese (BMI above or equal to 25.0). Overweight and obesity increases with education and household wealth. Women in urban areas (42%) are twice are likely to be overweight or obese than women in rural areas (21%). The report shows that, overweight and obesity as health challenges among Tanzanian women has more than doubled in the past 25 years, from 11% in 1991/1992 to 28% in 2015/2016.

○ **Anaemia among Children and Women**

It was found by the same report that, overall, 58% of children are anaemic. This is an improvement compared with 1991/ 1992 situation, whereby at least 72% of the children by then, were anaemic.

Moderate anaemia is the most common form of anaemia among Tanzanian children (30%). Anaemia is highest in children age 9-11 months and those whose mothers have no education. One of the most affected regions is Shinyanga, which has at least 70% of children who are anaemic. Mild anaemia is the most common (33% of women). Linking between economic empowerment and access to social justice in general, this report found out that,

anaemia in women decreases as education and household wealth increase. This is argued extensively in previous parts of this report.

○ **Breastfeeding and Complementary Foods**

The TDHS 2015/2016 report states that, breastfeeding is very common in Tanzania with 98% of children breastfed at some point. Half (51%) of children were breastfed within the first hour of life; while, 14% of ever-breastfed children received a prelacteal feed before initiating breastfeeding, contrary to standards like of WHO, which recommends that children receive nothing but breast milk for the first six (6) months of life. Fifty-nine percent of children under six months are exclusively breastfed.

For the use of iodised salt²⁵⁶, which is also an indication of food security as the policy cited above shows, the TDHS 2015/2016 report indicates that, 80% of households have iodised salt; and that, presence of iodised salt is higher in urban households (94%) than in rural households (75%). This too had gender-and-poverty dimensions as the report indicates that, the presence of iodised salt in the household increases with wealth, ranging from 69% in the poorest households to 96% in the wealthiest households.

Hint Point 4.4: A need to address food security as legal rights and link it with macro-policies

WiLDAF suggests that, right to food and nutrition should be addressed as gender rights under existing or new laws to be amended. This is due to the fact that, there is a direct link between such rights, individual development and survival, as well as national development. It is also high time to strengthen institutional frameworks on these rights such as the Tanzania Food and Nutrition Centre (TFNC), NFRA and LGAs so that they can not only supply food and supplements, but also guide common people on how they can reserve food and eat balanced diet. There is also a need to link food security issues with ongoing climate change, gender development and macro-economic reforms.

²⁵⁶ Iodine is an important micronutrient for physical and mental development. Fortification of salt with iodine is the most common method of preventing iodine deficiency (Ref. TDHS 2015/2016 report, page 10).

CHAPTER FIVE

STATUS OF THE ENFORCEMENT OF WOMEN-RELATED RIGHTS

There is a need to look beyond legal measures ... Looking alone at the existence of laws protecting women, the availability of legal aid and counsel and at the process of adjudication and enforcement as a frame for access to justice for women victims of violence would be limiting ... It would fail to account for the structural inequalities between men and women, the systemic and historic disadvantaged position of women, the culture of impunity in cases of violence against women, and the prevailing gender bias and system of patriarchy that continue to persist in the judicial system and in society.²⁵⁷

5.1 SCOPE AND OBLIGATION TO AN ENFORCEMENT OF WOMEN'S RIGHTS

As it is argued in the preamble of this chapter, an enforcement of women's rights is more than having good law, effective law enforcers and enforcement procedures because women's rights as gender issue are entrenched deeply into cultural norms of various tribes in Tanzania. Therefore, it would happen that, a bigger number of violence against women (VAW) are prosecuted, tried and jailed, but, VAW prevalence rates still remain high. As such, WiLDAF is of the view that, an enforcement of women's rights should go beyond traditional law enforcement procedures of arresting, interrogating, detaining, prosecuting, and jailing those who commit VAW. Rather, the enforcement should consider also factors causing VAW, among other gender issues discussed in previous chapters of this report.

²⁵⁷ OHCHR, (Undated) 'Understanding Women's Access to Justice: A Briefer on Women's Access to Justice.' Accessed it on 2nd June, 2017 from: <http://www.ohchr.org/Documents/HRBodies/CEDAW/AccessToJustice/WomensLegalAndHumanRightsBureau.pdf>

As such, an effective enforcement of women's rights, as argued in previous editions of this report, depends on a number of factors, some being:-

- (i) Firmness of legal framework.
- (ii) Good practices especially on part of the law enforcers.
- (iii) Presence of pro-women programmes or plans.
- (iv) Good gender policies.
- (v) Effective engagement of all women's rights stakeholders.
- (vi) Informed and sensitized community, which will be ready to participate in law enforcement as witnesses or monitors of VAW.
- (vii) To have pro-women laws as it was discussed in the previous chapters of this report.

Article 15(1) of CEDAW of 1979 provides for women equality with men before the law. Article 8 of the Maputo Protocol of 2003 is more comprehensive on women's access to justice right. It states that, Women and men are equal before the law and shall have the right to equal protection and benefit of the law. The said provision mentions six appropriate measures for realization of women's access to justice rights. Such measures are (i) effective access to judicial and legal services including legal aid; (ii) support to local and international access to legal services' initiatives; (iii) adoption of pro-women educational and other structures; (iv) gender sensitivity in law enforcement; (v) representation of women in judicial and other law enforcement organs; and, (vi) reforms of discriminatory laws and practices against women.

To make all these rights more specific, the head of States (Tanzania inclusive) within great lakes (Eastern Africa) adopted for use the Declaration of the Heads of State and Government of the Member States of the International Conference on the Great Lakes Region (ICGLR) of 2011. Article 8 of the said declaration required the concerned Ministries to establish and strengthen special courts, session and procedures to fast track sexual and GBV cases (SGBV) in the police and the judiciary (with adequate financing, facilities and gender sensitive officers within 12 months after the summit session. The 12 months were due in December 2012. Today, 2016, is half a decade since when

Tanzania subscribed to this resolution. However, the obligation has not been met by Tanzania as of December this year, 2016.

Other pro-women international laws are extensively covered in previous chapters of this report. Therefore, there is no need to reproduce them here.

5.2 STATUS OF RATIFICATIONS, DOMESTICATION AND IMPLEMENTATION OF INTERNATIONAL TREATIES

It is established that, some key pro-women treaties cited and referred to in this report, has been ratified by Tanzania as of December 2016. The key and relevant treaties on women's rights or issues which have not been ratified to date include but not limited to:-

- (i) The fifty Seven (57) ILO conventions²⁵⁸ including:-
 - a) ILO Convention No. 97 on Migration for Employment Convention (Revised) of 1949.
 - b) ILO Convention No. 189 on Decent Work for Domestic Workers of 2011.
 - c) ILO Convention No. 102 on Social Security (Minimum Standards) of 1952.
 - d) ILO Convention No. 118 on Equal Treatment (Social Security) of 1962.
 - e) ILO Convention No. 172 on Working Conditions (Hotels and Restaurants) of 1991.
 - f) ILO Convention No. 177 on Home Work of 1996.
 - g) ILO Convention No. 181 on Private Employment Agencies of 1997.
 - h) ILO Convention No. 183 on Maternity Protection of 2000.

²⁵⁸ According to ILO, Tanzania has not yet ratified a total of 57 ILO's treaties. A full list of treaties which Tanzania has not yet ratified can be obtained from:
http://www.ilo.org/dyn/normlex/en/f?p=1000:11210:0::NO:11210:P11210_COUNTRY_ID:103476

- (ii) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights of 2013.
- (iii) Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure of 2011.
- (iv) UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) of 1987.
- (v) International Convention for the Protection of all Persons from Forced Disappearance of 2010.
- (vi) International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 2003.

WiLDAF believes that, despite the fact that human rights treaty ratification had been studied as a matter of international politics rather than as a cause that brings about changes at the domestic state and society level,²⁵⁹ still be a State party to a particular treaty compel the country to adopt and implement best practices proposed by the treaty or its enforcement mechanism, such as the treaty monitoring bodies (TMBs); or, giving its individual people a lee way of opting for dispute settlement mechanisms available at international level. The protocols indicated above were aimed at doing that.

Ratification is also a sign of respect to internationally agreed human rights standards, which is important not only for the wellbeing of the people, but also national development. For instance, treaties on environmental or social or gender justice, if adhered to, could keep the country safe from environmental pollutions and ensure effective or equal participation of all gender groups into socio-economic activities. Therefore, WiLDAF urges the government to fulfill its international obligations by ratifying all those and other treaties after considering their relevancy to the national welfare.

As for fulfillments of other obligations directed in the ratified treaties or resolutions of UN General Assembly, the study has established that, the country was on back-and-forth movements. For instance, despite being one of the earliest countries to

²⁵⁹ Oxford University, 'The Domestic Effects of International Human Rights Treaty Ratification.' Undated online source, accessed on 2nd June 2017 from: <https://www.conted.ox.ac.uk/about/the-domestic-effects-of-international-human-rights-treaty-ratification-in-the-me>

ratify the Convention on the Rights of Persons with Disabilities (CRPD) of 2006 (ratified it in 2009), yet, the country has failed to submit both initial and State's party (periodical) report as of December 2016.



Picture: One of the UNGAS meeting (Source: UN).

Article 35 of CRPD of 2006 requires member States, Tanzania inclusive, to submit an initial report within two years and periodical report within three years to the UN Committee on the Rights of PWDs.²⁶⁰ However, despite its promptness of ratifying this convention and going further to become one of the first African countries to domesticate it through the Persons with Disabilities Act of 2010,²⁶¹ Tanzania was yet to do so (reporting to the committee) as of 2016; and, therefore the reporting on this has remained long overdue for at least five (5) years.

Ironically, as it is established by the Foundation for Civil Society (FCS)'s 2016 study report, other countries, including those which are normally considered to have poor human rights records managed to submit their initial reports within time as Table 5.1 below shows.

²⁶⁰ Such committee is established under Article 34 of CRDP of 2006.

²⁶¹ Act No. 9 of 2010.

Table 5.1: The Reporting Status to CRPD's Committee - East Africa Countries as of 2016

State Party	Type of Document	Due Date	Date of Submission
Tanzania	State Party's Report	10 th Dec. 2011	Not Submitted
Uganda	State Party's Report	25 th Oct. 2010	22 nd Jan. 2013
Rwanda	State Party's Report	15 th Jan. 2011	17 th April 2015
Kenya	State Party's Report	19 th June 2010	3 rd April 2012
Kenya	Reply to List of Issues	29 th June 2015	30 th June 2015

Source: OHCHR, 2016.²⁶²

According to the same source (FCS: 2016), other African countries which have fulfilled well their CRPD's reporting obligations include Algeria; Ethiopia; Gabon; Morocco; Senegal; South Africa; Sudan; and, Tunisia. Therefore, it is only Tanzania and Burundi in East Africa which have not yet fulfilled their reporting obligations to date.

On the other hand, in May 2016, Tanzania lodged its second human rights report to the Human Rights Council under the Universal Periodic Review (UPR) mechanism, which requires each country, member to UN, to submit progress report on human rights implementation in its country after every five years. The last time Tanzania submitted such report was in 2011. Therefore, it has been on time. Upon submission of the UPR report in May 2016, the said council issued a total of 227 recommendations, of which, Tanzania declared to accept only 130 (being 57.3%), and differ 24 (being 10.6%) recommendations for further consideration. The government managed to implement at least 50% of the 2011's UPR recommendations. Such recommendations implemented include an adoption of the National Human Rights Plan of 2013-2017. However, some of the key recommendations such as ratification of the CAT of 1987; abolishment of death penalty; improvement of law enforcement; proper handling of juvenile suspects or offenders; improvements of water and education sectors²⁶³ were not yet implemented by the government in 2016.

The LHRC report (2016: 167-168) indicates several recommendations made by CSOs during UPR process in 2016. Such recommendations included, (i) enactment of law to ensure equal participation of women in all political and administrative

²⁶² OHCHR, 'Deadline for the Submission of Documentation.' Re-accessed on 3rd June, 2017 from: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx

²⁶³ LHRC, 'Tanzania Human Rights Report of 2016.' Pages 158, 165 and 166.

positions; (ii) enactment of non-discriminatory laws on inheritance in order to protect women's rights; (iii) fully implementation of CEDAW; and, (iv) enacting specific law on domestic violence. All these, and several other pro-gender rights recommendations were proposed by WiLDAF in its 2014 and 2015 editions of this report, and several other study reports published for several years now. As such, WiLDAF recommends for implementation of all these recommendations as highlighted in several sections of this report.

Since the preparation and submission of periodic reports to TMBs at UN and AU levels, as well as follow-ups of concluding recommendations, has been an issue of concern on part of Tanzanian government, it is proposed that, a specific unit on international human rights obligations should be created or if available, then should be empowered. Paragraph 2.4.31 of the National Human Rights Plan of 2013-2017 also proposes the same. That, there is a need to establish 'focal point' or 'focal points' within government which will be *'responsible for monitoring implementation for purpose of reporting to the relevant international or regional treaty bodies.'* The National Human Rights Plan of 2013-2017 proposes several offices to be 'focal points' in this respect. Such offices proposed are, (i) the Ministry of Foreign Affairs and International Co-operation; (ii) the Attorney General's Chambers; (iii) the National Assembly and its various Standing Committees; and, (iv) the Commission for Human Rights and Good Governance (CHRAGG).

WiLDAF thinks that, this too could render monitoring of human rights obligation impossible or a bit unmanageable especially at coordination level. As an alternative to that arrangement, it is proposed that, only CHRGG should be chief coordinator - to handle or coordinate this obligation on behalf of URT. The CHRGG's governing law²⁶⁴ gives this watchdog institution wide power, which could include monitoring of international human rights obligation on or for the government of Tanzania. For instance, Section 6(1)(l) of the 2001 CHRGG law, mandates the commission to:-

²⁶⁴ Namely, the Commission for Human Rights and Good Governance Act of 2001 (Act No. 7 of 2001).

Promote ratification of or accession to treaties or conventions on human rights, harmonization of national legislation and monitor and assess compliance, within the United Republic, by the government and other persons, with human rights standards provided for in treaties or conventions or under customary international law to which the United Republic has obligations.

Such statutory mandates have not been given to any other institution in Tanzania. This is why, in WiLDAF's views, it is imperative to strengthen the institutional and operational capacities of CHRGG so that it can effectively take this law. The CHRGG can, within its office, designate a specific unit to monitor Tanzania's obligations to treaties on the rights of special groups such as women, children and PWDs.

5.3 LAW ENFORCEMENT: CONSIDERATION OF THE INSTITUTIONAL AND LEGAL FRAMEWORKS

The study established that, two major developments on the enforcement of VAW and related cases happen during the year 2016. The first development was the High Court of Tanzania,²⁶⁵ Dar es Salaam's registry's decision to declare Sections 13 and 17 of the Law of Marriage Act of 1971 as unconstitutional because they allow marriage of a child less than 18 years. The second development was a completion of the Bill to enact the Legal Aid Act of 2017²⁶⁶ which was passed into law in 2017 at the time when the study for this report was being undertaken.

Moreover, it was established that, the police, through its women wing (TPF-Net) managed to establish the gender and children desks (PGCDs) to all districts in Tanzania, to make availability of such desks accessible everywhere especially at district level. An

²⁶⁵ In a case of: Rebeca Gyumi vs. Attorney General, Miscellaneous Civil Cause Number 5 of 2016.

²⁶⁶ Act No. 1 of 2017.

updated statistics of a number of such desks was not secured, but, it is estimated that, at least 450 desks have been established countrywide. This too, is a commendable effort.

The High Court, while deciding on that case, ordered the government to effect amendment of such provisions within a year from July 2016. However, as of December 2016, no any amendment process was initiated. The next edition of this report will report on whether this will be done before July 2017. There was some initiation on part of the government to appeal against the decision of the High Court. However, such appeal was effected up to the time when this report was finalized. Amendment of the Law of Marriage Act of 1971 has been one of the campaign agenda of WiLDAF for a number of years. The 2014 and 2015 editions of this report also made some analysis and recommendations on the same. The government is urged to amend the law instead of appealing in order to safeguard the rights and welfare of Tanzanian children.



Picture: A young mother feeds her baby (Internet source).

The 2014 edition of this report indicated that, 4 (being 40%) out of 10 girls are married before their 18th birthday especially in rural areas; and that, 37% of Tanzanian girls aged 20-24 years were

first married or live in union before the age of 18. The statistics provided alerts that, still the issue of early marriages is a problem in a country and measures are to be taken to curb down this situation and that, so many girls are denied of their right to education or health growth as a result of early marriages.

As for the Legal Aid Act of 2017, it was assented by the President of Tanzania on 21st February 2017. The law is enacted to regulate and coordinate the provision of legal aid services to indigent (poor) persons, to recognize paralegals and repealing the Legal Aid (Criminal Proceedings) Act of 1969. The 'legal aid services' is defined under Section 3 of this law to include the provision of legal education and information, legal advice, assistance or legal representation to indigent persons. The 'paralegal' is defined to mean, *'a person who is accredited and certified to provide legal aid services after completing necessary training in relevant field of study approved or recognized by this Act (law).'*

Recognition of paralegal services is a huge milestone because they have been playing a vital role to facilitate fellow members of the community accessing justice especially in rural areas where presence of qualified lawyers is currently very limited (only around 6,000 practicing advocates for the population of about 50 million people). Currently, there are several human rights organizations which offer legal aid services through graduate lawyers or community based paralegals. Most of such organizations are supported by WiLDAF, FCS and the Legal Service Facility (LSF). WiLDAF's supports at least five community based organizations (CBOs) in Shinyanga, Mbeya, Dar es Salaam, Lindi and Mtwara regions. The FCS and LSF as local grant making organizations, support thousands of CBOs. For instance, as of 2016, LSF was able to fund basic legal aid services for legal empowerment in all 168 districts of Tanzania.²⁶⁷

²⁶⁷ LSF, 'Strategy for 2016-2020 Increasing Access to Justice for All, In Particular for Women - A Strategy towards Promotion and Protection of Human Rights through Legal Empowerment.' October 2015. Page 14.



Picture: A lady paralegal attends her client (Source: LSF, 2016).

Public funding of legal aid cases especially of civil in nature has been a challenge for years. However, the legal aid law comes with a solution. Sections 27 and 33 of this law guarantee a party to the case to obtain legal aid services when, inter alia, *'his means are insufficient to enable him to obtain legal service.'* This is discretionary decided by the presiding judge or magistrate. The legal aid provider, upon request, can be refunded costs incurred through the judicial fund.

This is commendable step. However, representation of legal aid service providers at primary courts and lower judicial tribunals is not addressed by this law. Section 20 of the legal aid law stipulates nature of services which can be offered by paralegals. Representation, example, to primary courts as WiLDAF and other organizations have been recommended is not one of such services which could be offered by paralegals. Therefore, despite the fact that most of the gender related cases such as inheritance, matrimonial and VAWC are normally lodged at primary courts – because of physical proximity, representation of lawyers and paralegals is still prohibited under current legal framework.

Secondly, legal aid services, according to Section 3 of this law includes, *'the provision of legal aid **education and information**, legal advice, assistance or legal representation to indigent persons'* [Emphasis supplied]. The legal aid education is

regarded by WiLDAF as being 'preventive measure' while, legal representation is generally a 'control measure.' The public funding scope is, unfortunately, limited to legal aid representation only under this law.

Hint Point 5.1: A need to have 'National Legal Aid Policy' and an amendment of the legal aid law

Therefore, other core components of legal aid services have remained unsupported under this law. The implication of this omission could be that, such services (education) will continue to be on shoulders of private institutions. It could be not easy or feasible to amend this law at this moment; but, it can be practical if these two issues are addressed in the policy. As such, WiLDAF recommends for the formulation of the National Legal Aid Policy, in order to guide budgetary frameworks of public funding to legal aid.

As for institutional reforms, apart from an increase in number of PGCDs, the 2016 study noted that, further improvements of PGCDs were highly needed as most of the desks still lacked specific chambers, equipments such as computers and printers as well as petty cash for the desks' attendants to support VAW, VAWC and GBV victims or survivors when they go to the desks to seek legal redress.



Picture: The Chang'ombe's PGCD is one of the well functioning desks in Tanzania.

Basing on discussions with some anonymous desks' attendants in all regions sampled for the study of this report, in most cases, such cases are heard in finger-print or OC-CID rooms. When a child or lady is in need of food or transport fare or shelter come, to handle such a person becomes a 'personal responsibility.' There are incidents whereby fellow police officers will have to contribute from their personal savings just to help such victims or survivors. Indeed, desks officers are doing unrecognized 'charity' but statutory responsibility.

Hint Point 5.2: Needed specific funds to support police gender desks and one stop centers

WiLDAF, once again, urges the government, through the Ministry of Home Affairs to allocate specific budget line for the management of these very important desks. In the same tone, there is also a need to establish one stop centers (OSC) to all regions or even districts in Tanzania. The OSC are recently devised mechanisms of handling GBV cases under one roof – coordinated approach, which is comprised of a police officer, medical officer and social welfare officer. Currently, there were less than 10 OCS countrywide in Amana Hospital (Dar es Salaam); Mnazi Mmoja Hospital (Zanzibar); Regional Hospitals (Shinyanga and Mwanza); Iringa Police Hospital (Iringa); and a few other places. Ten OSCs is equal to about only 30% of all regions of Tanzania Mainland and Zanzibar.

Secondly, the government of Tanzania committed itself to implement the resolutions by ICGLR of 2011. Section 8 of the ICGLR declaration on the establishment of specific courts, sessions and procedures on GBV cases by December 2012, was not yet implemented as of December 2016. Instead, adjudications of such cases are done through mainstream judicial mechanism, a situation which makes some of the women to shy away from pursuing their cases. A lady, at Musoma town, who owns a mobile phone booth at Musoma main market, told the study team that, she was once assisted by an organization located at Anglican Church building in Musoma. However, she decided not continue with her sexual assault case against her cousin because every time she attended a court session at one of the primary courts, the room was '*so crowded with men and everyone*' including the media. Of course, for court with sufficient magistrates and court rooms, normally such kinds of cases are heard in camera (privately).

The sufficiency of judicial officials especially the magistrates and judges is worked on in a positive way according to the Minister of Constitutional Affairs and Justice's Budgetary Speech for the 2016/2017 FY. A total of 989 judicial officers were recruited during the last FY, of whom 248 (being 25.1%) were resident magistrates. That number has boosted up a grant total of judicial officers by 13.9% if compared with a total number of 6,143 judicial officials in 2015. However, despite that increase, which is aimed at improving access to justice, the deficit of such officers in general still stands at 1,556 (being 17.9%) of the required number of staffing, which is 8,688 as a target to have been reached in 2016. However, the deficit gap has been narrowed by 11.1% from what prevailed in 2015. Obviously, the Judicial Service Commission can continue narrowing this deficit gap if the government injects more funds for judicial development.

There is also a need to address challenges associating with judicial infrastructures, working tools, salary increments of the judicial officers. This is due to the fact that, access to justice is more than having a bigger number of adjudicators or court rooms; but also, motivated officers to deliver justice according to the laws. There is also very important to reinstate previous arrangement whereby judicial officers were offered some specialized trainings example on how to handle VAWC, juvenile justice cases or cases involving PWDs. Specific budget on this should be allocated for the 2017/ 2018 FY. A magistrate in Mtwara urban said that, this is not a case nowadays. Therefore, they (magistrate) really struggle sometimes to adjudicate some of the cases. *'I was just hearing a case involving a child, I heard that there are juvenile courts rules released this or last years ...but, I do not have such rules ...! Sometimes we use judicial wisdom to handle such kind of cases ...'*, said the anonymous Magistrate in December 2016 while being interviewed by the study team.

Finally, WiLDAF reiterates its recommendations on law reforms, that, laws with discriminative provision against women should be amended or replaced with new laws. Some of the recommended areas for reforms are:-

- (i) The Penal Code ²⁶⁸ as amended by Sexual Offences Special Provisions Act of 1998 does criminalize Female Genital Mutilation (FGM) to persons below 18 years. The law limits

²⁶⁸ Cap. 16 [R.E 2002].

access to justice to women when FGM is conducted to any person above 18 years. The position of the law should criminalize FGM in totality without age limitation.²⁶⁹

- (ii) The Customary Law (Declaration) Orders of 1963²⁷⁰ denies widows the right to inheritance. Equally other orders perpetrate domestic violence against women. Other bad provisions of this law are indicated in the previous parts of this report.
- (iii) The Probate and Administration of Estate Act,²⁷¹ allows for application of Customary Declaration Orders under section 92. The Customary Declaration orders deny in most cases inheritance rights to women (widow) and girls. The cited section limits scope of its application on matters of inheritance in primary court when customary laws are applicable. Thus it gives room for abuse and denies access to justice by women (widow) and girls to inherit.
- (iv) The Citizenship Act, Cap.²⁷² 356 is discriminatory to women by its refusal to allow Tanzanian women to extend citizenship to a spouse who is a foreigner. A woman does not have the right to pass on citizenship to children while a man is allowed under these cases if he marries a foreign woman.
- (v) The Law of Marriage Act of 1971²⁷³ allows a female below 18 years to be married whereas it denies a male person below 18 to marry. The government should implement the decision of the High Court on this of July 2016 before July 2017.

5.4 STATUS OF IMPLEMENTATION OF EXECUTIVE MEASURES ON WOMEN'S RIGHTS

A link between economic empowerment, gender rights, development and access to justice is well covered in previous chapters of this report. It has already been indicated that, denial of access to social services such as education and health, tends

²⁶⁹ Section 169A.

²⁷⁰ GN. No. 297 of 1963.

²⁷¹ Cap. 352 [R.E 2002].

²⁷² Cap. 356.

²⁷³ Cap. 29.

to limit women from pursuing other rights including the right to development and therefore, access to justice. There are several incidents as indicated in the 2015 edition of this report which showed that, most of women tend to drop VAWC cases along the way because of cost (financial constrain).

In order for women to seek legal redress through formal judicial systems, they have to be assured of alternative means of survival apart from depending on male partners, who are perpetrators of VAWC. Therefore, effective law enforcement of women's rights goes beyond presence of good procedural laws, facilities or other judicial resources.

This reality is captured by some of the international instruments. For instance, Article 35 of the of the SADC Protocol of Gender and Development of 2008 mentions the enforcement of the gender-rights measures to include having specific budget on gender issues; plans; facilities; specialized officers; referral mechanisms; and the like. Moreover, Article 3 of the Declaration of the Heads of State and Government of the Member States of the ICGLR of 2011 calls for institutional support to law enforcers and judiciary in handling of sexual and cases.

There is a need of ensuring that, there is an alignment of the pro-gender rights policies and laws in order to have enforcement of such laws reflected in the budgetary frameworks. On the other hand, the pro-women rights policies (mentioned in previous sections) should be reformed to include implementation strategies of each of the problem articulated, and, ensured that, each one of them include costed action plan as well as a specific law to enforce it.

Secondly, there is a need to harmonize existing policies and institutions relating to promotion and protection of women's rights in order to, among other things, ensure that, specific and adequate budget is allocated from the national budgetary framework to finance pro-women policy and administrative activities. For instance, gender groups such as elderly, PWDs, children and women are currently covered by two different ministries. Gender issues such as education and health, which are handled by different ministries, are usually not informing to each other at budget level. For instance, some of health related challenges including malnutrition or cholera have to do with level of education (among other reasons).

Therefore, it can be more strategic if the budget is designed in such a way that, a logic approach in addressing these challenges is adopted in framing up the budget. There is also a need of adopting or effectively enforcing a gender-budget guideline to ensure that gender issues are specifically, systematically and comprehensively reflected in the national budgets.

Lastly, there is a need for the government to support public awareness and sensitization programs on women rights and procedures for seeking legal redress. The 2015/ 2016 TDHS report shows that, at least 50% of women who have experienced physical or sexual violence do seek help to stop the violence. However, most of them prefer using informal ways. The most common sources of help for these women are the woman's own family (56%) and her husband or partner's family (42%).

5.5 STATUS OF IMPLEMENTATION OF UN'S STRATEGIC DEVELOPMENT GOALS (SDGS) 2030

As it is well stated in various sections of previous chapters of this report, Tanzania is part of the global commitment on SDGs 2030. It (Tanzania) unreservedly subscribed to all targets indicated in SDGs one year ago. It is not yet certain as to what extent has the SDGs' targets have been localized into the local policy frameworks and major public plans such as the five year development plan which is currently being implemented. WiLDAF believes that, effective implementation of SDGs will depend on the extent to which they are localized or domesticated in the country so that, they can be budgeted for. The localization needs both policy, legal and institutional reforms especially if existing frameworks are not reflecting SDGs' targets. The just ended MDGs were institutionalized within the Ministry of Finance and the government published annual progressive reports on the implementation of the same. This practice is highly recommended.

In January 2016, the UN Women deputy director was quoted by media²⁷⁴ saying that, SDGs call for an integrated action by government, development partners, private sector and CSOs to address the multitude of SDGs in a synergistic manner through cross-cutting policy solutions. The said director, Yannick

²⁷⁴ Reporter, 'SDG 5: Achieve Gender Equality and Empower All Women and Girls.' The Guardian (Newspaper), 6th January, 2016. Page 7.



Tanzania Women's Rights Situation 2016

Gremarec, observed further that, implementation of SDGs also requires innovations in technology and financing for development. This is something which the government of Tanzania can do. It is proposed that, the government should come out with the national guidelines on the implementation of SDGs, which will, among other things, provide directives on how SDGs' targets will be mainstreamed into national policies and plans (even laws) and also, the financing of the same.



CHAPTER SIX

SUMMARY OF MAIN FINDINGS, GENERAL RECOMMENDATIONS AND CONCLUSION

6.1 SUMMARY OF MAIN FINDINGS – TREND ON WOMEN'S RIGHTS IN 2016

The general trend for the year 2016 shows that, some of the fundamental rights affecting women, were being improving further. Such rights include the rights to health, education, and other social services including access to energy and use of ICT. But, generally, challenges still outweigh successes. For instance:-

6.1.1 General Country's Economic Situation – 2016

The general country's economic situation for this year, 2016, indicated some improvements in investment sector which resulted into more revenue collections and therefore, macro-economic growth (GDP) to an average of 7% in 2016, above only 3% in 1980s and early 1990s. However, macro-economic development has not been sufficiently trickled down to change the livelihood status of ordinary citizen, especially women in both urban and rural areas. For instance, the number of people living in absolute poverty has steadily increased from 11.5 million 1991 to 13.2 million 2012, which could be more in 2016 basing on the trends of figures indicated in the Household Budget Surveys. Moreover, Tanzania remained far behind in attaining its MDGs' target of decreasing poverty incidents to 19% by last year, 2015. It is also unlikely that Tanzania would fail to attain SDGs if strategic efforts to improve community livelihoods are not adopted.

6.1.2 Women's Rights to Leadership Positions – 2016

As for women's rights in leadership positions, it was found among other things that, the progress towards achieving Beijing Platform for Action's women (political and other) leadership targets, faced a more negative trend in 2016 than previous years especially by considering recent appointments of women to some of the

key public service positions. For instance, representations to the positions of permanent and deputy permanent secretaries were to an average of 20.5% and 29% in 2004 and 2014 respectively. However, the women's percentage to those positions dropped down to 20% in 2016. Moreover, only 15.4% of RCs were women; while, only 26.6% DCs; 14% DEDs; and, 12 of head of government institutions such as regulatory authorities were women in 2016. On part of head of law enforcers, only 4% of the regional police commanders (RPCs) in 2016 were women. As for an employment in private sector, it is established that only 5.5% of the sampled corporate companies in Mainland Tanzania had female workers who were either 50% in total or slight above that percentage; and that, less than 15% firms in Tanzania were headed by female directors; and that, less than 25% of firms in this country had female participation in ownership of the same.

6.1.3 Women's Rights to Economic Development – 2016

On part of the economic empowerment of women, it was established that no new pro-women economic policy initiatives were adopted or effectively implemented during the year. The sectorial policies such as on economic empowerment, trade, agriculture, micro-finance and employment still lacked sufficient implementation plans such as costed plans of actions. LGAs' mandatory 10% budget allocation for women and youth was effectively implemented in favour of such groups in a few district councils only. Other initiatives such as the Mwananchi Empowerment Fund did not adequately reflect gender concern as the Economic Empowerment Council's documents indicated. As a result, at least 33% of the rural residents were living below basic needs poverty line; more than 340,000 persons trafficked in and outside Tanzania annually, of who, majority are young girls. At least 70% of all women trafficked are sexually exploited mainly as 'commercial sex workers.' Incidents of trafficking not only violate girls and women's rights, but also tarnish the image of Tanzania. For instance, according to the 2016 Global Slavery Index (Report), Tanzania was cited at 19th position (out of 167 countries) in the world on the list of notorious countries regarding 'modern slavery' (trafficking). The trade as economic subsector was hit by poor circulation of cash. This affected commercial banks as well. For instance, only 10.6% of the small business owners in Tanzania had access to formal financial services, while 66.4% were totally excluded from accessing formal financial services.

6.1.4 Women's Rights to Social Services – 2016

○ *Right to Energy*

Social service provision slowly improved especially on access to energy. For instance, rural connection to electricity was improved, whereby 32.8% of all households in Tanzania Mainland were connected to electricity of any form in 2016. REA and personal initiatives such as use of solar energy were attributing factors to this situation. The general national trend showed that, 67.2% of Tanzania Mainland's households were not yet connected to electricity as of 2016. The proportion of households with electricity connection was slightly higher among male headed households than female headed households, especially in rural based households. For instance, in Kagera region, only 4.3% of female headed households (against 19.2% of males), were connected to electricity. Manyara region has 6.8% against 9.8% female and male households respectively in rural areas. In Songwe region, at least 7.3% of rural male headed households were connected by electricity, but none (0%) of female headed households were connected.

○ *Right to Health*

Regarding access to health, despite recent improvements as indicated in this report, a number of doctors were relatively low. For instance, there were a total of 66,348 medical workers in Tanzania, of whom 926 (or 1.4%) were medical specialists; and, 1,157 (1.7%) as medical doctors; and, 104 (0.2%) dental specialists. Recent accessed statistics indicated that, there were at least 6,878 total health care facilities in Tanzania, of which, more than 5,913 (being 86% of the total facilities) were dispensaries; more than 711 (being 10% of the total facilities) were health care facilities; and, more than 254 (4% of the total facilities) were hospitals. The deficit for each of these facilities was above 50% (dispensary 51.9% deficit and health centres 82.2% deficit). Such deficits have adverse effects to women's and children's access to health rights. For instance, at least 45% of the rural births (against less than 15% of urban births) were not assisted by skilled providers. Moreover, at least 82% of urban children age 12-23 months receive all basic vaccinations (for rural children on this is 73%). Health insurance coverage is low, whereby only 1 (10%) in 10 women and men had some type of health insurance coverage in Tanzania.

○ **Right to Education**

On part of education, gender parity in primary level of education is on positive side, and that enrolment rates' target is higher than 90% in most areas in Tanzania. The enthusiasm demonstrated by the parents and children, to take advantage of free education was relatively high in 2016. Children who were previously excluded from school because of inability to pay fees flocked in schools. The enrolment in the surveyed primary schools (by HAKIELIMU) increased by 41% in 2016. However, it was hiked only 0.3% in secondary schools. Absenteeism is also reported to be low after the implementation of this policy. WiLDAF's study found that, some districts had more than 100% enrolment rates at primary schools in 2016. For instance, the Hanang district's enrolment rate for nursery school increased by 10% from 95% in 2015 to 111% in 2016; and by 27% from 100% during the same year for primary school. However, such increases did not match with improvement of teachers' salaries, and schools' institutional capacities including classrooms and learning materials.

○ **Right to Food Security - 2016**

It is found, among other things that, among urban Mainland Tanzania's households, 86% have access to an improved water source, compared to 48% of rural Mainland households. Overall food poverty in Tanzania Mainland was estimated at 9.7% as national average; and, 11.3% as rural prevalence rate against 8.7% of urban areas. Therefore, basing on 9.7% of food poverty prevalence rate, it could mean that, approximately 5 million Tanzanians were considered food poor. The climate change is increasingly becoming a threat to food security. Production of food decreased in 2016 and affect national food reserve. Stunting level or rate among children as a result of poor feeding and health services differed from one region to the other, whereby, most marginalized regions had more challenges than Dar es Salaam and other better off regions. For instance, the prevalence rate was only 15% in Dar es Salaam while, Rukwa region had 56% of stunting prevalence rate. Moreover, wasting (too thin for height), which is a sign of acute malnutrition, is far less common (5%) in Tanzania. As for underweight, the report indicated that, 14% of children are underweight or too thin for their age. However, ongoing efforts to rectify the situation seem to yield fruits as statistics show that, twenty five years ago (1991/1992) there were 50% of children in Tanzania stunted.



○ **Right to Justice – 2016**

One landmark pro-gender rights case was heard during the year, July 2016. The High Court of Tanzania declared unconstitutional all Law of Marriage Act of 1971's provisions which sanctioned marriage of persons below 18 years. The long waited legal aid law (Legal Aid Act of 2007) was passed into law at the time when this report was finalized. Number of judicial officers was also increased by at least 10%. But, other resources, especially Court rooms and working equipments were still inadequate. Some of the specialized courts such as District Land and Housing Tribunals were so far being established to less than 30% of the required number. Moreover, an international obligation to form specific court or session for GBV related cases was not yet being implemented by Tanzania. Implementation of other international obligations relating to human rights treaties which Tanzania has ratified was still an issue of concern. For instance, the government accepted to implement only some of UPR recommendations; filing of initial and progress reports to the UN committee of the rights of PWDs was remained long overdue as of December 2016; and, the country, Tanzania, had not yet ratified and domesticate a number of pro-women treaties.

6.2 GENERAL RECOMMENDATIONS

The specific recommendations for most of the major findings in each chapter and sub-chapters are indicated in the main text of this report. Therefore, below are general recommendations, which are directed to all gender-rights stakeholders including the State's organs, CSOs, development partners and community members at large. It should be noted that, some of the recommendations in 2014 and 2015 editions of this report have been reiterated here because, they were still reflecting the 2016 situation, and have not been implemented as yet:-



- (i) There is a need for the government to balance domestic revenue collections with the actual expenditures especially for public development projects (which receive around 30% only of the national budget every year). Inadequate budget allocation to key social services such as education, health, water and energy has been one of the attributing factors to the occurrence of most of VAW's incidents.
- (ii) Specific intervention strategies or guidelines are needed to localize UN's SDGs 2030 into Tanzanian context in order to implement them at the national level.
- (iii) A need to adopt policy and legal reforms in order to incorporate all recent gender issues emerging such as the impacts of climate change and increased economic hardship at micro-development levels. Other emerging gender issues, which are not currently addressed in relation to gender rights such as food security, access to energy, water, and ICT are indicated in the main text of this report.
- (iv) There is also a need of harmonizing policy and legal enforcements. Currently, there is a huge gap between policy and legal frameworks of women and gender rights in general.
- (v) The government to adopt institutional reform to ensure minimum number of women representation in public service leadership positions at local and central government. Currently this is done quite haphazardly at the wish of the appointing authorities. There should be also a specific mention of women with disabilities (who have relevant qualifications).
- (vi) Stakeholders to continue advocating for domestication of all key women-rights international instruments in their entirety by, among other things, amend all laws which contradict such rights and obligations.

6.3 CONCLUSION

This report presents qualitative and quantitative evidence based information collected from a dozen of credible sources of data, including government departments and UN agencies. It is a third edition which maps out and compiles some major progresses on women's rights as happened in 2016. The findings are intended to be utilized by all stakeholders in order to address all areas which need further improvements.

The general trend for 2016 shows that, there were more emerging efforts to address some of the women's rights issues. More progress is noticed on education and energy sector. The increased enrolment especially in primary schools due to an implementation of free education policy can be taken as one of the key successes in this sector. Accessibility of energy, water and health services for women, was also improved; but, mainly in urban areas as main text of this report illustrates with evidences. Leadership positions in both public and private sector shrunk or remained constant instead of improving.

Some of the strategic recommendations made to rectify such and other situations in favour of women's rights are; (i) an increased budget allocation for women-related to development programs; and, (ii) taking legal, policy and institutional frameworks' reforms to rectify the situations. The best approach is to use gender sensitive lens in order to see all gender related issues into those frameworks. This report clearly highlights such issues.

REFERENCE

Publications Including Internet Sources

- AAUW, 'Barriers and Bias, Status of Women Leadership.' AAUW, Washington DC, March 2016.
- AfDB (2015) Empowering African Women: An Agenda for Action. African Gender Equality Index 2015. African Development Bank: Abidjan.
- AfDB and CIF (2015) Renewable Energy in Africa, Tanzania Country Profile. Cote d'Ivoire.
- Akina Mama wa Africa, (2014) 'An in - depth Research on Oil & Gas Extraction Industry in East Africa: An African Feminist Perspective.'
- Akosua, D., (Undated) The Impact of Oil and Gas Discovery and Exploration on Communities with Emphasis on Women, Legon. Ghana.
- Bauner, D. *et al* (2012) Sustainable Energy Markets in Tanzania, Report I: Background.' Stockholm Environment Institute (SET), Sweden.
- Carpano, F., (2010) Strengthening Women's Access to Land: The Tanzania Experience of the Sustainable Rangeland Management Projects. Re-aAccessed on 22nd May, 2017, from: http://www.ifad.org/English/land/women_land/womenAndLand_Tanzania_report_enf.pdf
- Chijoriga, M., & Cassimon, D. (1999): Micro Enterprises Financing: Is there a Best Model?, in Rutashobya L. K and Olomi, D. R (eds), African Entrepreneurship and Small Business Development, Dar es Salaam, DUP (1996) Ltd.
- Davis, C. and Maliti, E 'Tanzania Situation Analysis: In Support of UNDP II, April 2015.
- Deloitte, 'Tanzania Economic Outlook 2016: Story Behind the Numbers.'

- Diop, Ngone (2015) Gender Equality and Sustainable Development: Achieving the Twin Development Goals in Africa. UNECA, Brief for GSDR 2015.
- FAO Corporate Document Reposition; Gender Access to Land. Accessed it on 16th May, 2017 from; <http://www.fao.org/docrep/005/Y4308E/y4308e05.htm>
- Fox, Louise (2016) Gender, Economic Transformation and Women's Empowerment in Tanzania. DfID and ODI's SET. UK.
- FSDT, 'Financial Capability Tanzania – Baseline Survey Findings.' BOT, November 2014.
- Global Initiative for Economic, Social and Cultural, 2017, 'Advancing Women Economic, Social and Cultural Rights.' Accessed it on 11th May, 2017: from <http://globalinitiative-escr.org/strategic-priorities/advancing-womens-economic-social-and-cultural-right/>
- Global Slavery Index Report, 2014. Re-accessed on 9th May, 2017 from: http://d3mj66ag90b5fy.cloudfront.net/wpcontent/uploads/2014/11/Global_Slavery_Index_2014_final_lowres.pdf
- Global Slavery Index Report, 2016. Accessed on 9th May, 2017 from: <http://globalslaveryindex.org-assets.s3.amazonaws.com/downloads/GSI-2016-Full-Report.pdf>
- HakiElimu, 'The Impact of the Implementation of Fee-Free Education Policy on Basic Education in Tanzania: A Qualitative Study.' March, 2017.
- HakiElimu, 'The Impact of the Implementation of Fee-Free Education Policy on Basic Education in Tanzania: A Quantitative Study.' March, 2017.
- ILO (2001) Children in Prostitution: A Rapid Assessment.' ILO's IPEC, Tanzania.
- ILO (2012) 'Empower Rural Women-end Poverty and Hunger: The Potential of African Cooperatives.' Re-accessed it on 11th May, 2017 from: http://www.ilo.org/public/English/employment/ent/coop/Africa/download/coopafrica_leafet_wd2012.pdf

- IMF, 'Fiscal Implications of Off Shore Natural Gas.' Washington D.C. May 2014.
- IMF, 'United Republic of Tanzania: Selection of Some Macro-financial Issues.' IMF Country Report No. 16/255. July 2016.
- IRA (2016) Tanzania National Elections Gender Assessment, October 25, 2015.
- ITU, (2016) 'ICT Facts and Figures 2016.' International Telecommunication Union (ITC), ICT Data and Statistics Division. Geneva, Switzerland.
- Joeke, S. (1999): 'Gender, Property Rights and Trade: Constraints to Africa Growth', *In*, Keneth King and Simon Mcgrath (eds.) Enterprise in Africa – Between Poverty and Growth. IT Publications: London.
- Kapinga, O. and Amani, J., 'Determinants of Students' Academic Performance in Higher Learning Institutions in Tanzania.' Journal of Education and Human Development, December 2016, Vol. 5, No. 4, pp. 78-86 [Published by American Research Institute for Policy Development].
- Kessy, F. and Mahali, R. (2016) Water, Sanitation and Hygiene Services in Tanzania: Access, Policy Trends and Financing. THDR 2017: Background Paper No. 11, ESRF Discussion Paper 72. ESRF.
- Kipobota, C., (2015) Challenges and Opportunities of Integrating Business' Extra-Legal Practices into Policy Framework: A Case of Women Food Vendors in Ilala Municipality, Dar es Salaam. Msc. PPA Dissertation, Ardhi University.
- Kipobota, C., (2015) Socio-Economic Contributions of Pastoralism as Livelihood System in Tanzania: Case of Selected Pastoral Districts in Arusha, Manyara and Dar Es Salaam Regions. PINGO'S Forum, Arusha.
- Laurinda Luffman (for SOS Children's Village) 'Ending Child Domestic Labour in Tanzania and Worldwide', re-accessed online via: <http://www.soschildrensvillages.org.uk/news/archive/2013/06/ending-child-domestic-labour-in-tanzania-and-worldwide> on 30th March, 2017.

- Lee, B., Dutta, A., and Lyimo, H., 'Analysis of the Government of Tanzania's Ministry of Health, Community Development, Gender, Elderly and Children Budget, Fiscal Year 2016/17.' HP+ Policy Brief, October 2016. Page 5. Accessed it on 23rd May, 2017 from: http://www.healthpolicyplus.com/ns/pubs/2040-2065_tanzaniareport.pdf
- LHRC, 'Tanzania Human Rights Report of 2009.'
- LHRC, 'Tanzania Human Rights Report of 2016.'
- LO/ FTF Council's Analytical Unit, 'Labour Market Profile 2016, Tanzania and Zanzibar.' Danish Trade Council for International Development and Cooperation, Copenhagen, Denmark.
- Lous. H *et al* (2005) Linking Community Empowerment, Decentralized, Governance and Public Service Provisions Though a Local Development. SP Discussion Paper No. 0535.
- LSF, 'Strategy for 2016-2020 Increasing Access to Justice for All, In Particular for Women - A Strategy towards Promotion and Protection of Human Rights through Legal Empowerment.' October 2015.
- Matonya, M., (2016) Accessibility and Participation in Tanzanian Higher Education from the Perspectives of Women with Disabilities. Academic Dissertation. Jyväskylä Studies In Education, Psychology and Social Research 568. University of Jyväskylä. Pages 66 to 69.
- Mori, N., (2014) Women's Entrepreneurship Development in Tanzania: Insights and Recommendations. ILO, Geneva.
- Moshi, H., 'Opportunities and Challenges for the Extraction of Natural Gas in Tanzania: The Imperative of Adequate Preparedness. ESRF Discussion Paper Number 48.
- National Economic, Social Rights Initiative: Economic and Social Rights. Accessed on 15th May 2017, from <https://www.nesri.org/human-rights/economic-and-social-rights>
- NBS & Office of Chief Government Statistician Zanzibar, 'Basic Demographic and Socio-Economic Profile, Tanzania and Zanzibar.' April, 2014.

- NBS (2013) The 2011/12 Household Budget Survey: Key Findings. NBS: Dar es Salaam.
- NBS, '2015 Tanzania in Figures.' June, 2016.
- OECD (2013) 'Transforming Social Institutions to Prevent Violence against Women and Girls and Improve Development Outcomes.
- OECD, 'Background Report. Conference on Improving Women's Access to Leadership. 8th March, 2016.
- Office to Monitor and Combat Trafficking in Persons, accessed on 22nd May, 2017 from: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258875.htm>
- OHCHR, (Undated) 'Understanding Women's Access to Justice: A Briefer on Women's Access to Justice.' Accessed it on 2nd June, 2017 from: <http://www.ohchr.org/Documents/HRBodies/CEDAW/AccessToJustice/WomensLegalAndHumanRightsBureau.pdf>
- OHCHR, 'Deadline for the Submission of Documentation.' Re-accessed on 3rd June, 2017 from: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx
- Oxford University, 'The Domestic Effects of International Human Rights Treaty Ratification.' Undated online source, accessed on 2nd June 2017 from: <https://www.conted.ox.ac.uk/about/the-domestic-effects-of-international-human-rights-treaty-ratification-in-the-me>
- Peng, D. and Poudineh, R., 'Sustainable Electricity Pricing for Tanzania.' July, 2016. Oxford Institute for Energy Studies, Oxford University.
- Plan International (2013) A Study on Review of Progress of Recommendations from Previous Studies done towards Elimination of Child Marriage, Child Labour and Child Trafficking in Eastern and Southern Africa. International Research and Development Actions (IRDAC).
- Policy Forum, 'Position Statement, Budget 2016/ 2017.' 16th April 2016. Accessed it on 25th May, 2017 from: <http://www.policyforum-tz.org/position-statement-budget-20162017>

- REA, 'Energy Access Situation Report, 2016. Tanzania Mainland.' February 2017.
- Sedoyeka, E., 'Tanzanians Online – Current Trends 2016', in, International Journal of Computing and ICT Research, Vol. 10, Issue 2, December 2016, pp. 90 – 107.
- SOFA Team and Cheryl Doss, (2011); The Role of Women in Agriculture. Accessed it on 16th May, 2017 from: <http://www.fao.org/docrep/013/am307e/am307e00.pdf>
- Strachan, A. (2005) Women in Politics and Public Sector in Tanzania. Helpdesk Research Report. GSDRC.
- Tanzania Invest, 'Tanzania Economy – Mining.' Accessed on 27th May, 2017 from: <http://www.tanzaniainvest.com/economy>
- TCU, 'List of University Institutions in Tanzania as of 22nd February, 2016.' Accessed it online on 29th May, 2017 through: <http://www.tcu.go.tz/images/documents/RegisteredUniversity.pdf>
- The World Bank, 'Girl's Education.' Accessed on 18th May, 2017 from: <http://www.worldbank.org/en/topic/girlseducation/overview#1>
- Traidcraft & Shivyawata 'Scoping Study on the Opportunities and Challenges for Economic Empowerment of Persons with Disabilities in Coffee and Cocoa Value Chains in Tanzania. A Case of Kilimanjaro, Arusha, Tanga, Morogoro And Mbeya Regions. April 2017.
- UN Women, 2015, 'Progress of the World's Women 2015-2016: Transformation Economics Realizing Rights. United State of America: UN Women. Accessed it on 19th April, 2017 from: http://progress.unwomen.org/en/2015/pdf/UNW_progressreport.pdf
- UN, 'The World's Women 2015 – Trends and Statistics.' Department of Economic and Social Affairs. UN, New York, 2015.
- UN, United Nations Focus, 'Women in Politics: Still the Exception?' November, 1989. The Report of the UN Department of Public Information.
- UNECA (2014) Five Years after Beijing Assessment Report.

- UNECA, Assessing Political Empowerment of Women, Re-accessed from: <http://www.uneca.org/publications/assessing-political-empowerment-women> on 17th April, 2017.
- UNECA, Participation of Women in Public and Political Decision-making, accessed on 11th May, 2017 from: <http://www1.uneca.org/Portals/awro/Publications/33Participation%20of%20Women%20in%20Public%20and%20Political%20Decision-making.pdf>
- UNICEF, 'Children and Women in Tanzania, Volume I Mainland,' (Undated).
- United Nations University, 'Tanzania - From Mining to Oil and Gas.' June 2016.
- UNODC, 'Global Report on Trafficking in Persons 2016. UNODC Research, UN Publication, Sales No. E.16.IV.6, New York, USA.
- URT & UNICEF, 'Water and Sanitation Budget Brief FY 2011/12–FY 2015/16.' A leaflet (Undated).
- URT (2008) Report of the Presidential Committee to Review and Advise Government on Management of the Mineral Sector. April 2008. Dar es Salaam.
- URT (2015) Environmental Statistics of 2014. NBS: Dar es Salaam.
- URT and EU, (Undated) 'Empowering Tanzania – Energy for Growth and Sustainable Development.'
- URT and IOM, 'Dynamics of Trafficking in Persons in Tanzania.' Study Report of 2016. Supported by European Union (EU) and U Tanzania – Delivering As One.
- URT, 'Gender Dimension Monograph, the 2012 Population and Housing Census,' Volume IV, 2015.
- URT, 'Integrated Labour Force Survey 2014 – Analytical Report.' Tanzania Mainland, November 2015.
- URT, 'Literacy and Education Monograph 2015 – Population and Housing Census 2012.' Volume IV.

- URT, 'Midterm Review of the Implementation of the Istanbul Program of Action for LDCs for the Decade 2011-2020. Tanzania Country Report.' February, 2016.
- URT, 'Mortality and Health.' NBS (Mainland) and Office of Chief Government Statistician (Zanzibar). July 2015.
- URT, 'Pre-Primary, Primary and Secondary Education Statistics in Brief 2016.' President's Office, Regional Administration and Local Government.
- URT, 'Tanzania Service Provision Assessment Survey 2014-2015.' Ministry of Health, NBS, Office of Chief Government Statistician (Zanzibar) & ICF International (USA). Published in February 2016.
- URT, Basic Demographic and Social-Economic Profile of 2014
- URT, Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, Mhe. Willam V. Lukuvi (MB.), Akiwasilisha Bungeni Makadilio ya Mapato na Matumizi ya Wizara kwa Mwaka wa Fedha 2016/2017, Mei 2016, Dodoma (Budget Speech of the Minister, Ministry Lands and Human Settlements for 2016/2016 FY, May 2016, Dodoma).
- URT, Maadalizi ya Uchaguzi wa Serikali za Mitaa. Re-accessed on 23rd May, 2017 from: <http://www.pmoralg.go.tz/noticeboard/tangazo-1021-20141128-Maandalizi-Uchaguzi-wa-Serikali-za-Mitaa-Waridhisha/>
- URT, Midterm Review of the Implementation of the Istanbul Program of Action for LDCs for the Decade 2011-2020 Tanzania Country Report.' February, 2016.
- URT, Population Distribution by Age and Sex Report, September, 2013.
- USAID, 'Maternal and Child Health Tanzania.' October 2016.
- WHO and OHCHR (Undated) 'Right to Health.' Fact Sheet Number 31. Geneva.
- WHO, 'Health Topic – Gender.' Access it on 19th April, 2017 from: <http://www.who.int/topics/gender/en/>
- WiLDAF, Women's Rights Situation of 2015.

- World Travel Guide, Tanzania Weather, Climate and Geography, re-accessed it on 7th April 2017 from: <http://www.worldtravelguide.net/tanzania/weather-climate-geography>
- WoteSawa 'Challenges Facing Child Domestic Workers: Case of Lake Victoria Regions of Kagera and Mwanza, Tanzania. Study Report of March 2012.
- WWF, 'The Role of Women in the Fishing Industry.' Accessed it on 16th May, 2017, from: <http://www.fishforward.eu/en/project/the-role-of-women-in-the-fishing-industry/>

Local Newspapers

- Ahmed Makongo, 'Mwanamke aomba Msaada TAMWA.' Mtanzania (Newspaper), 3rd January 2017.
- Ashura Kazinja, 'Wauza Mboga Walalamikia Mikopo.' Mtanzania (Newspaper), 1st August 2016.
- Clara Matimo, 'Songea Mbunge CCM awalipia Bima ya Afya Wanawake 2000.' Mtanzania (Newspaper), 17th October 2016.
- Dege Masoli, 'Serikali Isikwepe Kusaidia Wahitaji.' Nipashe (Newspaper), 11th January 2016.
- Edson Sostenes (TAMWA), 'Vyombo vya Habari Viliminya Sauti za Wanawake Uchaguzi Mkuu.' Mtanzania (Newspaper), 30th December 2016.
- Felister Peter, 'TIB Development Bank Issues Farmers with Credit Facilities.' The Guardian (Newspaper), 10th May 2016.
- Filbert Rweyemamu, 'Shilingi Milioni 589 Zawezesha Vijana, Wanawake.' Mwananchi (Newspaper), 4th January, 2017.
- Gasper Andrew, 'Only 21% Women Own Land.' The Citizen (Newspaper), 21st June 2017. Page 6.
- Gustaph Hule, 'Simu za Mkononi Mkombozi wa Wanawake Rufiji na Kilwa.' Mtanzania (Newspaper), 7th January 2016.
- Hawa Mathias, 'Wachiumbaji Wanawake Walilia Mtaji.' Mwananchi (Newspaper), 5th January 2016.

- John Mhala, 'Mwinyi: Pelekeni watoto wa kike shule.' Habari Leo, 26th January, 2015.
- Joyce Joliga, 'Vifo vya Wajawazito vyapungua.' Mwananchi (Newspaper), 17th September 2016.
- Louis Kolumbia, 'Lack of Transparency in Natural Gas Production Seen as a Hurdle.' The Citizen (Newspaper), 2nd June, 2017.
- Mussa Juma, 'Msongamano Wodi ya Wazazi Wamkera Waziri Mkuu.' Mwananchi (Newspaper), 5th December 2016. Page 3.
- Peti Siame, 'Pregnant Women Rely on Herbs in Katavi.' DailyNews (Newspaper), 3rd March 2016.
- Reporter, 'Special Report - Students Despair as More Miss Out on Education Loans.' The Citizen (Newspaper), 15th May, 2017.
- Shomari Binda, 'Bulaya Amstaafisha Siasa Wassila.' Mtanzania (Newspaper), 19th November, 2016.
- Sosthenes Mwita, 'Tanzania: Child Prostitution Head for Beak Future.' Daily News (Newspaper), 19th May, 2016.
- Sosthenes Mwita, 'Tanzania: Child Prostitution Head for Beak Future.' Daily News (Newspaper), 19th May, 2016.
- Suleiman Shagata, 'Women Entrepreneurs argue to Improve Capital.' DailyNews (Newspaper), 22nd March 2016.
- Suzy Butondo, 'Upungufu wa Damu Waua Wajawazito na Watoto Shinyanga.' Mwananchi (Newspaper) 4th January 2016. Page 30.
- Syriacus Buguzi, 'Save Tanzania over Sh 650 billion Annually.' The Citizen (Newspaper), 21st June, 2017.

Laws and Regulations of Tanzania

- Agricultural Inputs Trust Fund Act of 1994.

- Anti-Money Laundering Act of 2006.
- Anti-Trafficking in Persons (Prevention, Protection and Treatment) Regulations of 2015.
- Citizenship Act, Cap. 356.
- Commission for Human Rights and Good Governance Act of 2001.
- Community Health Fund Act of 2001.
- Constitution of the United Republic of Tanzania of 1977.
- Court (Land Disputes Settlements) Act of 2002.
- Customary Law (Declaration) Order of 1963.
- Economic and Organized Crime Control Act, Cap. 200.
- Education Act, 1979.
- Education Fund Act of 2001.
- Election Act, Cap. 343.
- Election Expenses Act of 2010.
- Employment and Labour Relations Act of 2004.
- Energy Act of 2005.
- Energy and Water Utility Regulatory Authority Act of 2001.
- Higher Learning Students Loans' Board Act of 2004.
- HIV and AIDS (Prevention and Control) Act of 2008.
- Kishapu District Council (Community Health Fund) Regulations of 2008.
- Labor Institutions Act of 2004.
- Law of Marriage Act of 1971.
- Law of Persons with Disabilities Act of 2010.
- Law of the Child Act of 2009.
- Legal Aid Act of 2017.



- Local Government (District Authorities) Act of 1982.
- Local Government (Urban Authorities) Act of 1982.
- Local Government Authorities (Elections) Act, Cap. 292.
- Local Government Finances Act of 1982.
- Mental Health Act of 2003.
- Mining Act of 2010.
- National Defence Act of Cap. 192.
- National Economic Empowerment Act of 2004.
- National Education Act of 1978.
- Nurses and Midwives Registration Act of 1997.
- Penal Code, Cap. 16.
- Persons with Disabilities Act of 2010.
- Petroleum (Exploration and Production) Act of 1980.
- Petroleum Act of 2008.
- Pharmacy Act of 2002.
- Political Parties Act, Cap. 258.
- Probate and Administration of Estate Act, Cap. 445.
- Public Health Act of 2009.
- Refugee Control Act of 1966.
- Refugees Act of 1998.
- Sexual Offences Special Provisions Act of 1998.
- Tanzania Food and Nutrition Act of 1973.
- Tanzania Food, Drugs and Cosmetics Act of 2003.
- Tax Revenue Appeals Act, Cap. 408.
- Tradition and Alternative Medicine Act of 2002.
- Trafficking in Persons Act of 2008.



- Universities Act of 2005.
- Village Land Act of 1999.
- Vocational Education and Training Act of 1994.
- Water Resources Management Act of 2009.
- Water Supply and Sanitation Act of 2009.
- Written Laws (Miscellaneous Amendment) Act of 2016, Act No. 6 of 2016.

National Policies, Strategies, Plans and Guidelines

- Agricultural Marketing Policy of 2008.
- Community Development Policy of 1996.
- Education and Training Policy of 2014.
- Food and Nutrition Policy for Tanzania of 1992.
- National Agriculture Policy of 2013.
- National Economic Empowerment Policy of 2004.
- National Energy Policy of 2003.
- National Health Policy of 2003.
- National Microfinance Policy of 2000.
- National Natural Gas Policy of Tanzania of 2003.
- National Refugee Policy of 2003.
- National Trade Policy of 2003.
- National Water Policy of 2002.
- Public Service and Incentive Policy of 2010.
- Small and Medium Enterprises Development Policy of 2002.

National Strategies, Plans and Guidelines

- Gender Mainstreaming Guidelines, Promoting Gender Equality and Women Economic Empowerment of 2016.
- National Anti-Trafficking in Persons Action Plan (2015–2017).
- National Human Rights Plan of 2013-2017.
- National Strategy for Gender Development of 2005.
- National Water Sector Development Program of 2006 – 2025.
- Natural Gas Utilization Master Plan 2016 – 2045.
- Primary Health Service Development Program of 2007 – 2017.
- Rural Development Strategy of 2001.
- Standard Operating Procedures for Protecting, Assisting and Referring Trafficked Children and Safe Family-Reunification Guidelines for Child Victims of Trafficking in Tanzania of 2016.
- Tanzania Development Vision of 2025.
- Trafficking in Persons (Centres for Protection and Assistance to Victim of Trafficking in Persons) of 2015.
- Water Sector Development Program of 2007–2025.

International Laws and Declarations

- African Charter on Human and Peoples' Rights of 1981.
- African Charter on the Rights and Welfare of the Child of 1990.
- African Union's Abuja Declaration of 2001.
- Beijing Declaration and Platform for Action of 2005.
- Convention against Transnational Organized Crime of 2000.
- Convention on Elimination of All Forms of Discrimination against Women of 1979.

- Convention on the Political Rights of Women of 1952.
- Convention on the Rights of the Child of 1989.
- Convention Relating to the Status of Refugees of 1951.
- Dakar Declaration on Education for All of 2000.
- ILO Convention No. 102 on Social Security (Minimum Standards) of 1952.
- ILO Convention No. 118 on Equal Treatment (Social Security) of 1962.
- ILO Convention No. 172 on Working Conditions (Hotels and Restaurants) of 1991.
- ILO Convention No. 177 on Home Work of 1996.
- ILO Convention No. 181 on Private Employment Agencies of 1997.
- ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 1999.
- ILO Convention No. 183 on Maternity Protection of 2000.
- ILO Convention No. 189 on Decent Work for Domestic Workers of 2011.
- ILO Convention No. 97 on Migration for Employment Convention (Revised) of 1949.
- International Conference on the Great Lakes Region Regional High Level Consultation of Ministers in Charge of Justice and Gender on Kampala Declaration on Sexual and Gender Based Violence, in Grand Hotel, Kinshasa 28th July 2012.
- International Convention for the Protection of all Persons from Forced Disappearance of 2010.
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 2003.
- International Covenant on Civil and Political Rights of 1966.
- Maputo Declaration on Food and Agriculture in Africa of 2003.

- Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure of 2011.
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography of 2000.
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights of 2013.
- Protocol against the Smuggling of Migrants by Sea and Air, Supplementing the Convention against Transnational Organized Crime of 2000.
- Protocol Relating to the Status of Refugees of 1967.
- Protocol to Prevent, Suppress and Punish Trafficking in Persons of 2000.
- Protocol to the African Charter on the Rights of Women of 2003.
- SADC Declaration of on Gender Equality of 2008.
- Treaty for the Establishment of East African Corporation of 1999.
- UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment of 1987.
- UNESCO Convention Against Discrimination in Education of 1960.
- Universal Declaration of Human Rights of 1948.

Judicial Cases (of Tanzania) Referred

- Rebeca Gyumi vs. Attorney General, Miscellaneous Civil Cause No. 5 of 2016.
- Republic vs. Antony Machibya and 4 Others, Criminal Case No. 20 of 2009.



Tanzania Women's Rights Situation 2016





ISBN 978-99-87-9246-6-0



Mikocheni "A" area, off Chwaku street Block F, Plot No.635
P.o.Box 76215 Dar es Salaam, Tanzania
T:+255 22 270 1995
wildaf_tanzania@yahoo.com
info@wildaftanzania.org
www.wildaftanzania.org

