

## 1 INTRODUCTION OF GENDER DEFINITIONS

**Sex:** Sex refers to the biological differences between women and men.

**Gender:** The culturally specific set of characteristics that identifies the social behaviour of women and men and the **relationship** between them. Therefore, gender refers not simply to women or men, but to the relationship between them, and the way it is socially constructed. Because it is a relational term, gender must include women **and** men. Like the concepts of class, race and ethnicity, gender is an analytical tool for understanding social processes<sup>1</sup>

**Gender Analysis:** A systematic way of looking at the different roles of women and men in any activity, institution or policy and at the different impacts of these on women and men. Essentially, gender analysis asks the 'who' question: who does what, has access to and control over what, benefits from what, for both sexes in different age groups, classes, religions, ethnic groups, races and castes. Gender analysis also means that in every major demographic, socio-economic and cultural group, data are separated by sex and analyzed separately by sex. Gender analysis requires understanding the way labour is divided and valued. A gender focus – that is, looking at men and women separately – is needed in every stage of the analysis. One must always ask how a particular activity, decision or plan will affect men differently from women, and some women or men differently from other women and men<sup>2</sup>

**Gender Balance:** This notion refers to numerical equality between women and men. Efforts to promote gender balance include achieving equal representation of women and men on municipal councils, companies, utilities and committees, including numerical equality in activities such as the following:

- Attending meetings and expert groups
- Participating in training events
- Being listed as beneficiaries of project activities
- Participating in community meetings or decision-making bodies
- Being employed as staff in development organizations or in partner organizations

Although gender balance initiatives are a good first step towards promoting gender equality, it should be stressed that achieving gender balance is not the same as achieving

**Gender Equality :** Gender balance refers to *quantitative* participation of women and men, but does not necessarily imply *qualitative* participation of women and men. For example, quantitative participation of women or men in a meeting may be limited in its impact if they do not actively participate in discussions, and having equal numbers of women and men employed in an organization may have little impact on gender equality if they are employed at different levels in the organizational hierarchy.

Ensuring that similar opportunities are available to both women and men. Gender equality means that women and men enjoy equal conditions for realizing their full human rights and potential to contribute to national, political, economic, social and cultural development, and to benefit from

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<sup>1</sup>Status of Women, Canada, 1996.

<sup>2</sup> Adapted from Parker, A. Rani. 1993. Another Point of View: A manual on gender analysis training for grassroots workers: Training Manual. UNIFEM, USA.).

the results. Gender equality is about the equal valuing by society of both the similarities and differences between women and men and their work in social production, as well as in the production of goods and services.

**Gender-blind:** A perspective which does not recognize the differences between women and men. For example, policies, programmes, projects, and institutions can be gender blind if the differences between women and men are not considered even though they are relevant for the issues under consideration. Gender-blind policies, programmes, projects and institutions implicitly reproduce the male norm.

**Gender Equity:** The process of being fair to women and men. The goal of gender equity moves beyond equality of opportunity by requiring transformative change. It recognizes that different measures might be needed for women and men where:

- They express different needs and priorities; or
- Where their existing situation means that some groups of women or men need to be supported by special or additional measures to ensure that they are on a 'level playing field'. This may require specific actions to enable equality of outcomes for women between them, or men between them, or between women and men.

**Gender Mainstreaming:** The process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality<sup>3</sup> [by transforming the mainstream]. It can be seen from this definition that gender mainstreaming as a strategy looks to ensure that the needs and priorities of women and men are reflected in *all sectors* and at *all levels* (from grassroots up to macro-policy development). Therefore, this implies approaching gender equality as a *cross-cutting issue* or *transversal theme* in policy and operational activities, rather than only addressing gender equality in certain sectors.

**Gender Relations:** Constitute, and are constructed by, a range of institutions such as the family, legal systems, or the market. Gender relations are hierarchical relations of power between women and men and tend to disadvantage women. These hierarchies are often accepted as "natural" but are socially determined, culturally-based relations, and as such are subject to change over time.

**Gender-Sensitive:** This term refers to ideas, initiatives or actions that take into account the particularities pertaining to the lives of both women and men, while aiming at eliminating inequalities and promoting an equal distribution of resources, benefits, burdens, rights and obligations to both men and women

**Empowerment:** The process and end-result of improvement in autonomy through various means such as access to knowledge, skills and training. It is the inner will and ability to change a given situation positively. The acquired improvement is then applied to change the social, political, economic, or cultural status of the individual. The process and result of empowerment is a major objective of most capacity-building efforts. Poor women and men cannot be 'empowered', only they can empower themselves.

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<sup>3</sup> United Nations ECOSOC Agreed Conclusions, 1997/2

**Inter-sectional:** A tool for analysis, advocacy and policy development that addresses multiple discriminations and helps us understand how different sets of identities impact on access to rights and opportunities. It is about recognizing that women experience discrimination and violations of human rights not only on the basis of their gender, but also due to other unequal power relations due to their race, ethnicity, caste, class, age, ability/disability, sexual orientation, religion, and a multiplicity of other factors including whether they are indigenous or not.

**Patriarchy:** In its wider definition, refers to social relations which manifest and institutionalize male dominance over women and children in the family, and the extension of male dominance over women in society in general. This implies that men, generally speaking, hold power in all the important institutions of society and that women are deprived of access to such power. Patriarchy is culturally specific and also influenced by changing socio-economic relations in societies. It does not imply that women are either totally powerless or totally deprived of rights, influence or resources.

**Sex-Disaggregated Data:** Also referred to as ‘gender-disaggregated data’, is the collection and separation of statistics and data (for example about education, employment figures, business ownership, etc.) by sex in order to isolate the different figures for men and women and make comparisons between them. This sheds light, for example, on which sectors of society women and men are working in, or which services they use. Sex disaggregated data is a prerequisite for gender-inclusive planning.

## 2 GENDER IN TANZANIA

### 2.1 TANZANIA POLICY & REGULATORY FRAMEWORK

Tanzania has been at fore front in creating a positive legal framework and political context for gender equality<sup>4</sup>

- As a part of the commitment to achieve MDG specifically goal 3 relating to the empowerment of women and improve participation in the private sector :
- **Policy.** The National Development Vision 2025 aims to attain “gender equality and the em powerment of women in all socio-economic and political relations and cultures.” The country adopted a Women and Gender Development Policy (WGDP) in 2000, to ensure gender mainstreaming in all government policies, programs, and strategies.
- **Strategy.** The 2005 National Strategy for Gender Development specifies how gender mainstreaming is to be implemented.
- **Ratification of international instruments.** Tanzania has ratified most major international human rights instruments, including CEDAW, ICESCR and ICRC, and has signed the African Political and the 1997 SADC Heads of States Declaration on Gender.
- **Constitutional reform.** Through a special amendment passed in 2000, discrimination on the basis of gender is prohibited under the Constitution, which also protects the right of women to own land.
- **Legal reform.** Parliament has enacted a number of laws in support of women’s economic and social well-being, including the Sexual Offences (Special Provisions) Act of 1998 and the two Land Acts of 1999, which established that women should be treated equally with men in terms of rights to acquire, hold, use and deal with land. The Employment and Labor Relations Act of 2004 prohibited discrimination in the workplace on the basis of gender, required employers to promote equal opportunities, introduced

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<sup>4</sup> GGA Report pg: information quoted from the World economic forum ( 2006) Gender gap report, URT ( 2002)

- maternity leave, and contained provisions protecting a mother's right to breastfeed and to be protected from engaging in hazardous employment.
- **Gender-responsive budgeting.** Gender budgeting processes are being institutionalized in all ministries, regional and local authorities.
- Tanzania Ranked # 1 globally, out of 115 countries in terms of Women's economic participation
- Governments and civil society articulates the importance of gender equality and numerous policies and strategies in identify the need for continued process.

## 2.2 WOMEN AND MEN IN THE TANZANIAN ECONOMY<sup>5</sup>

While both men and women play substantial roles in Tanzania's economy, women are more active in agriculture than men, specifically in food crop production (primarily maize) and in the Processing of agricultural products. Of 17.8 million economically active people, 16.9 million are considered employed, and of these, women constitute 50.6 %. The unemployment rate is estimated at 5.4 percent of economically active people and, by this definition, 57.5 % of unemployed are women. The overall labor force participation rate of women is – at 80.7 %– slightly higher than that of men (79.6 percent). Since Tanzania is a largely agriculture-dominated economy, the sector absorbs 82 % of the labor force — either as self-employed, unpaid family workers, or those working for wages. By these measures, the concentration of the female labor force in agriculture (84.2 %) is slightly higher than that of men (80.2 %)

## 2.3 INVEST IN INFRASTRUCTURE TO REDUCE WOMEN'S AND GIRLS' TIME BURDENS

To combat this, the United Republic of Tanzania committed itself to enhance women's economic capacity through making credit facilities available to a majority of women. Building and supporting women entrepreneurial skill, improving their management capabilities, increase training and access to technology. NGOs for credit to women have increased since the 4<sup>th</sup> World Women Conference in Beijing. it is estimated that women in Tanzania particularly rural women provide 80 % of labor force in rural area and producing 60 % of food production

## 2.4 GUARANTEE WOMEN'S PROPERTY AND INHERITANCE RIGHTS

Formal legal rights protecting women's ownership of access to land in Tanzania are strong because the economy is predominance of agriculture within the economy<sup>6</sup>

The existence of the National **Land Policy** *guarantee women's access to land and Security of tenure, but still inheritance of clan or family land will continue to be governed by custom and tradition, provided they are not contrary to the Constitution and the principles of natural justice.*" The constitutional right for women to own land is embodied in the **Law of Marriage Act** and the **Land Acts**. With emphasis that occupancy cannot be surrendered in order to defeat the rights of a spouse.□ The **Village Land Act** providing that "any rule of customary law or any such decision in respect of land held under customary tenure shall be void and inoperative and shall not be given effect to by any authority, to the extent to which it denies women, children or persons with a disability lawful access to ownership, occupation or use of any such land." The Act also provides for allocation to women

<sup>5</sup> GGA Report pg: information quoted from the World economic forum (2006)

<sup>6</sup> GGA report Pg 18

of a certain number of places on the **Village Adjudication Committees** and **Village Land Councils** which have decision-making responsibilities concerning occupancy rights and land disputes. By law, both spouses must be registered and mortgages can only

## 2.5 REDUCE GENDER INEQUALITIES IN EMPLOYMENT<sup>7</sup>

The Employment and Labour relation act (2004) passed by parliament, which prohibits discrimination in the work place on basis of gender, sex, marital status, disability, and pregnancy; The female percentage of the economically active population has remained constant over the period at 50.9% in 2001 and 51.3% in 2006. Agricultural activities employ a largest share of the population. However, a larger proportion of females (79.7%) are engaged in this industry compared to males (70.6%). A second largest share of females (6.1%) is employed in private households and trade respectively whereas for males they are mainly employed in the trade industry, In 2000/01, the economically active accounted for 79.6% of the population 10 years and above (80.7% for males and 78.6% for females). By 2006, the percentage of economically active stood at 79.8% (80.7% for males and 79.0% for females).

- In public services there is an increase of women permanent secretaries from 10 in 1998 to 28 in 2004, regional women commissioners from 5 in 1998 to 10 in 2004. In ministerial representation management teams 18% in 2006 compared to 14% in 1998.
- In judiciary there is an increase in women in the decision making positions in 2004 reached 16% of the judges are women.
- Women's incomes were, on the average, half that of men in 2000/2001 (in both the formal and informal sectors), even where they had the same educational qualifications<sup>8</sup>
- Women form 66% of unpaid family helpers. They are 2/3 of those engaged in household duties and less likely than men to be self-employees (with or without employees) Women earn less than men in spite of similar education levels<sup>9</sup>

## 2.6 INCREASE WOMEN'S REPRESENTATION IN POLITICAL BODIES

The government of Tanzania through constitutional amendments of 2000 & 2004 increased the proportion of women in parliaments and local authorities. The government in collaboration with NGO's and development partners conducted a national civics voter's education. Indicators show that There is a positive attitude change of women & men in elected to leadership position. Women constitute 30% of members of Parliament in 2007 compared to 20% in 2005, Women constituted 40% of all Government employees in 2004 but only 24% of senior decision-making posts<sup>10</sup>, Special seats in local authorities increased from 25% in 1995 to 35.5% in 2004. The actual representation of women in local authorities was 35.5 % in 2004.

## 2.7 COMBAT VIOLENCE AGAINST WOMEN

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<sup>7</sup> **Source:** Analytical Report for Integrated Labour Force Survey (ILFS) 2006, Tanzania Mainland

<sup>8</sup> **URT National Bureau of Statistics** *Household Budget Survey, 2000/01* cited in Mascarenhas, Ophelia 2007 *Gender Profile of Tanzania: Enhancing Gender Equity* Dar es Salaam, TGNP & SIDA, pp. 32

<sup>9</sup> GGA assessment report

<sup>10</sup> **URT, President's Office, Public Services Management** *Women in Decision Making in the Public Service* Dar es Salaam, updated January 2006 for first two items

The government commitment to promote equality and equity between women & men, have put in place several measures to combat violence against women. There is Existence of the National plan of action to combat violence which provides strategies and activities to be implemented by different stake holders (2001-2015) Article 12 of the *constitutional of Tanzania found within the bill of rights, states that [a]ll human rights are born free, and are all equal*. Tanzania has ratified international treaties which prohibit discrimination based on:

- The legal system reviewed to take into account women's right as a human right
- Existence of paralegal services at District and local levels
- Communities knowledgeable of judiciary systems and laws

Despite the above mentioned efforts, discrimination, customary law continue to violate human rights and perpetuate oppression against vulnerable groups in the society. The legal system in Tanzania is a three tiered system consisting of customary, religious and customary statutory law. The co-existence of these systems often contributes to denial of women's rights in Tanzania.

## **2.8 HEALTH & NUTRITION**

The Health and Nutrition falls under Cluster 2 of MKUKUTA: Improvement of Quality of Life and Social Wellbeing with five goals, with goal two being improved survival, health and well-being of all children and women and especially vulnerable groups. Life expectancy at birth has declined from 52 years (1990) to 48 (2000) due to HIV/AIDS and other communicable diseases, poverty, food insecurity and malnutrition, which are determined by productivity levels, accessibility and utilization of food resources, as well as social and cultural factors that affect food intake and hence nutrition levels of men and women.

Infant and Under-five mortality rates seems to have decreased from 2002. In 2006, IMR and U5MR stand at 100 and 63 per 1,000 live births respectively due partly to the Tanzanian Health Sector Reform Programme that introduced cost sharing and free child medical services. This has also a component of Reproductive Health that addresses maternal and infant mortality. But research shows that access to sexual and reproductive health is very limited, especially among the youth – which may be accounts for increased school pregnancies and young age at first birth.

The current maternal mortality rate is 578 per 100,000 (2006) is quite high by any standards. The main causes being poor nutrition of women, poor health of the mothers, poor delivery services especially for women that deliver at home, diseases especially malaria, SIDS/TB, and inadequate access to care after delivery. According to the most recent data from the World Bank (World Bank 2007b), only 43% of births are attended by skilled health staff, which in combination with a total fertility of approximately 5 in 1999 (World Bank 2008) represents a significant and severe risk to Tanzanian women. The Government's National Road Map Strategic Plan to Accelerate Reduction of Maternal and Newborn Deaths (2006-2010) intends to expand skilled attendance at birth and increase the availability of emergence obstetric care services.

According to the Government, all pregnant mothers are to have free access to clinic services but in practice this is not happening as many women are forced to buy delivery kits for themselves. Improving MMR entails accessibility to quality medical care and to trained birth attendants and health workers, provision of free delivery kits to all expectant mothers. Research carried out showed that one delivery kit costs about THS, 0000 only. Improved and accessibility of transport and referral systems for pregnant women will also reduce maternal mortality rate.

The Tanzania HIV/AIDS Indicator Survey of 2003/04 shows that the overall adult HIV prevalence rate in was measured to be 7%<sup>11</sup> The study found that 3% of males and 4% of females aged 15-24 years were infected with AIDS. It also showed that the infection rate is higher in urban areas, with higher rates of over 10% in Mbeya, Iringa and Dar-Es-Salaam regions. Young women are more vulnerable to infection than men because of unequal gender relations making difficult for women to negotiate for safe sex.

The recent 2008 UNAIDS country report indicates that approximately 55% of the adults living with HIV/AIDS are women, a reflection of higher vulnerability of women to HIV infection and lower position or weak status of women in social and sexual contexts. However, access to care and treatment appears to be gender equal,<sup>12</sup> with some 61% adult patients being female, comparable to the 57% women aged 15 – 49 years considered HIV-positive.

The main issue with respect to HIV/AIDS is care and treatment and reliance on 'home based care' provided by women and girls, which overburdens the women and forces girls to drop out of school. It is recommended that all members of families/communities should share in the care and support for PLHAs and other sick family members.

Malnutrition is responsible for 38% under five children to be stunted and 22% to be underweight. Some improvements have been noted among the under-fives.

## **2.9 EDUCATION**

Performance in education has improved compared to the situation back in previous year's reports. Increasing enrolment, improving quality of education, and improvement to gender parity at primary level Affirmative action has led to increased number of female students enrolled at higher learning institutions & universities; learning environment has improved (abolished school fees and increased classrooms)

### ***Primary level.***

- Equitable access to primary education for boys (97.6 %); girls (97%) total 97.3 %, GPI of 0.99 indicators that girls and boys are equally enrolled at primary schools hence led to gender parity at primary level

### ***Secondary education:***

- In 2004 the number of girls completing 'O' and 'A' levels increased from 22,062 in 1998 to 31,116 - compared to 1998. In 2004 - Gender parity (2004) at 'O' level was 52.9% and 47.15 for boys and girls respectively; while at 'A' levels were 65.3% for boys and girls 34.7%.

### ***Higher learning institutions:***

- The UDSM registered an increase of 27% in 2001/2002 to 38% in 2005/06
- Female's enrolment in the Science Faculty increased from 28% to 40% during the same year. Gender equity among the academic staff is lower at 17% females of which 10% are Associate Professors and 13.2% Professors.

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<sup>11</sup> TACAIDS, NBS, ORC Macro, 2005.

<sup>12</sup> PHDR, 2006 data cited in 2007

## 1. Violence against Women in Tanzania

*"I know it is not easy given the longstanding cultures, traditions and idiosyncrasies of men in our society. But we cannot give up nor should we resign to failure. We should keep on fighting till success."*

President of the United Republic of Tanzania, J.M. Kikwete, comment on attainment of MDG3 goals, 2008.

### 1.1 Summary

Violence Against Women (VAW) persists all over the world and is still one of the most unrecognized human rights violations. Generally it is defined as any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.<sup>13</sup> VAW has many causes and consequences and puts both individual woman and the entire society at a deficit.

In Tanzania VAW is widespread and takes different forms. Women experience physical, sexual and psychological violence throughout their lives. Approximately 48% of Tanzanian women report having ever experienced physical or sexual violence by their partner. 29% of women had suffered injuries as a result of the violence.<sup>14</sup> At some stages in their lives women are more vulnerable to certain forms of violence.<sup>15</sup> Especially young girls are at risk of the negative effects of traditional practices like early marriage, FGM and sexual abuse. Infection with HIV/AIDS or early pregnancy can be consequences. Women in their reproductive phase are at a higher risk of facing domestic violence, which is common in Tanzania. The violence has great psychological and physical impact. Acts of violence against women occur within the family, the general community and are perpetrated or condoned by the State.

Although there are many different underlying causes of VAW, the strong influence of cultural believes that keep the patriarchal structured gender roles in place seems to be of great influence on the current situation. Because of this, violence is and remains to be seen as normal under certain circumstances by both men and women.

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<sup>13</sup> United Nations (1993). *General assembly resolution 48/104*.

<sup>14</sup> WHO (2005). *Multi-country study on women's health and domestic violence against women*.

<sup>15</sup> OXFAM-GB (2007). *Violence against women: Kenya, Uganda, Tanzania*.



VAW is on the agenda of the Government, CSOs and Development Partners. As it is a problem with many causes and consequences the current focus on mainstreaming of gender within all ministries will contribute to the eradication of violence in the long term. The Ministry of Community, Development, Gender and Children (MCDGC) developed *the National Plan of Action to Combat Violence against Women and Children (2001 – 2015)* to specifically focus on VAW. So far the plan has only been implemented fragmentally. A more coordinating role of MCDGC is necessary for the plan to be effectively implemented by 2015. A great number of both Tanzanian and international CSOs are active on issues related to VAW. The development partners are actively supporting CSO initiatives and using dialogues with the government to raise the importance of combating VAW. But, taking the strong influence of cultural believes into consideration, to accelerate the process of eradicating violence it is also necessary that women, supported by the broader (inter)national initiatives, stand up and move the community systems and society. To change their position more and more women, living in both small communities and larger urban centres, have to know and say that violence is not normal and they will no longer accept it.

## **1.2 Goal: insight in the different forms of violence against women in Tanzania**

The goal of this study is to give an overview of all different forms of violence against women and girls in Tanzania.

## **1.3 Design of the study**

After giving an overview of general forms of violence, more specific forms that women especially face at certain stages of their lives are described. Multiple potential risk factors and causes at the individual, relationship, community and state level are being discussed. Consequences of the violence are mentioned. The roles of the Government of Tanzania, and MCDGC in particular, CSOs and Development Partners in combating VAW are discussed.

## 2. The different forms of Violence Against Women in Tanzania

Violence Against Women (VAW) in Tanzania takes many different forms. The violence experienced by women is often different from other types of violence. Women are, for example, at a higher risk of injury and death by people they know or have a relationship with while men have a higher risk of being killed by a stranger. Although the violence affects women and girls in both urban and rural areas, women from rural districts are significantly more likely to experience intimate partner violence than those from urban districts.<sup>16</sup> Factors contributing to this rural-urban difference are the stronger influence of the often patriarchal structured community, less knowledge about women's rights, less access to information from the media, a higher illiteracy rate and less economic independency among rural women compared to women in urban areas.

It also has to be noted that although Tanzania is officially one nation, the tribe of origin is still an important part of the identity of most Tanzanians. There are major differences in cultural traditions between tribes. As a consequence certain forms of violence are more present among tribes living in certain parts of Tanzania, as is for example the case with female genital mutilation.

### 2.1 Definitions: Gender Based Violence and Violence Against Women

Gender Based Violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person's will, and that is based on socially ascribed gender differences between males and females. Generally the risk of facing acts of GBV is higher for women and girls than for men and boys. Especially the subordinate status of women increases their vulnerability to violence. So although in this study the focus is only on acts of GBV against women it is important to note that men and boys may also be victims.<sup>17</sup> Violence Against Women then is defined as any act of GBV that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.<sup>18</sup>

### 2.2 Overview of the general forms of VAW

Both women and girls can face different forms of violence throughout their lives. They can be perpetrated either by a women's partner, family member or person within the general community. Often violence is condoned by the state. The following different forms of violence can occur in all phases of a woman's life:

- *Physical violence* includes beating, hitting, slapping, burning or choking a person. In a 2009 study 56,2% of women living in the Lake Zone regions of Tanzania report having faced physical violence.<sup>19</sup> Physical violence against girls, and children in general, is often perpetrated by the person who is responsible for caring for them, such as a parent or a caretaker.<sup>20</sup>
- *Sexual violence* includes forced sex (rape), refusal to practice safe sex or forcing a person to do sexual acts against their will. Sexual violence, sexual abuse and rape

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<sup>16</sup> Kivulini (2009). *Domestic Violence against Women in the Lake Zone, Tanzania: Prevalence and Responses of Local Government Authorities*.

<sup>17</sup> IASC (2005). *Guidelines for Gender-based Violence interventions in Humanitarian Settings*.

<sup>18</sup> United Nations (1993). *General Assembly Resolution 48/104*.

<sup>19</sup> Kivulini (2009). *Domestic Violence against Women in the Lake Zone, Tanzania: Prevalence and Responses of Local Government Authorities*.

<sup>20</sup> LHRC (2008). *Tanzania Human Rights Report*.

are frequently reported in Tanzania.<sup>21</sup> For example, 47,8% of women living in the Lake Zone regions report having ever faced sexual violence.<sup>22</sup> Sexual violence is used at home, but also at work, in schools, and in public places.

- *Psychological violence* includes insulting, threatening, intimidating, shouting, isolating or humiliating a person. In the Lake Zone regions 85% of women reported having experienced some form of psychological violence. The most common form of psychological violence was being insulted by their partner.<sup>23</sup>

### 2.3 Overview of the different, specific forms of VAW

There are more specific forms of violence that Tanzanian women especially face at certain stages of their lives. The classification used is not static and it is not the case, for example, that acts of violence that are mentioned to take place especially in early adolescence do not occur in the reproductive phase.

#### ***Prenatal***

- *Physical violence during pregnancy.* Between 7% and 12% of women reported that they were beaten during pregnancy. About 20% of women reported that the beating got worse during their pregnancy.<sup>24</sup>

#### ***Infancy***

- *Circumcising of newborns.* As a consequence of the legislation on Female Genital Mutilation (FGM) which prohibits FGM to be practised with girls under the age of 18, in some rural areas such as Singida and Dodoma regions, midwives circumcise newborn girls to avoid detection. The act can lead to serious health problems such as damage to the bladder, infections and excessive bleeding which can even lead to death.<sup>25</sup>

#### ***(Early) Adolescence***

- *Early forced marriage of young girls.* Early forced marriages of young girls are widespread in Tanzania.<sup>26</sup> Often, as a consequence of being forced into marriage at a young age, these girls also experience marital rape, forced sex or physical abuse in their lives.<sup>27</sup> It is also known that they often do not complete their education or become pregnant at a young age.<sup>28</sup> Government data for example show that, in the last five years, 28,590 school girls out of which 11,599 were from secondary and 16,991 from primary school could not complete their education due to pregnancy.<sup>29</sup>
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- *Sexual abuse of young girls.* About 15% of young girls report that their first sexual experience was forced. The younger a woman is when having her first sexual experience, the more likely it is that this experience was forced. Young girls are regularly being forced into sex by their husbands, persons in the community or by

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<sup>21</sup> Ibid.

<sup>22</sup> Kivulini (2009). *Domestic Violence against Women in the Lake Zone, Tanzania: Prevalence and Responses of Local Government Authorities.*

<sup>23</sup> Ibid.

<sup>24</sup> WHO (2005). *Multi-country study on women's health and domestic violence against women.*

<sup>25</sup> LHRC (2008). *Tanzania Human Rights Report.*

<sup>26</sup> Amnesty International (2009). *International report Tanzania.*

<http://www.unhcr.org/refworld/docid/4a1fadba4b.html%20&%20country%20report>

<sup>27</sup> Mhoja (2005). Research was done in Arusha, Mara, Morogoro and Shinyanga region.

<sup>28</sup> LHRC (2008). *Tanzania Human Rights Report.*

<sup>29</sup> TAMWA (2009). *The Government ought to provide dormitories and food to control school pregnancies.* Press release, 16<sup>th</sup> of August 2009.

their teachers. If they refuse sex with a teacher they are threatened with, for example, either failing their exams or poor grades.<sup>30</sup>

- *Trafficking of young girls.* Trafficking involves the recruitment and transportation of persons, using deception, coercion and threats in order to place and keep them in a situation of forced labour, slavery or servitude.<sup>31</sup>

In Tanzania the prevalent type of trafficking is domestic. The majority of registered victims so far are young children, out of which 73% are girls. The majority of victims are from rural areas. They are often taken away by a recruiter that is known by the family. Often promises of education and paid jobs in the urban areas are made.<sup>32</sup> In reality, most girls end up as child domestic workers (CDW) or are forced into prostitution. Female CDWs are often forced into sex by the household males.

- *Female Genital Mutilation.* FGM is defined as all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for cultural or other non-medical reasons. Although, as mentioned before, practising FGM is prohibited by law to girls under the age of 18, FGM is still being practiced in Tanzania. It is especially common in rural areas. It is estimated that about 18% of women in Tanzania have been genitally mutilated. In some areas, for example Karime and Tilosa, it is estimated that the percentage of girls who have been genitally mutilated is a lot higher, approximately 85%. Approximately 100% of the Maasai women are estimated to undergo mutilation in the Arusha region.<sup>33</sup>

### ***Reproductive***

- *Domestic violence.* Domestic violence is the most common type of violence experienced by women globally.<sup>34</sup> It is defined as any act of physical, sexual, psychological and economic harm that affects any member of the family in the house due to power dynamics. Especially women, girls and children are affected. Approximately 48% of Tanzanian women have ever experienced physical or sexual violence by their partner. 29% of women had suffered injuries as a result of the violence.<sup>35</sup> Sexual violence includes marital rape, which is not prohibited by law. Economic violence includes not allowing a woman to work, taking all of her earnings or not allowing her to participate in financial decision-making.<sup>36</sup> The economic situation of women has worsened. For instance, income inequality in rural areas seems to be higher than the national average of 34%. Poverty is feminizing and increasing among female-headed household. It was reported that an increasing amount of women and girls who sought support indicated they experienced economic violence.<sup>37</sup> Many other women do not seek help for any

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<sup>30</sup> Batha (2008) Girls being raped for grades. <http://www.alertnet.org>, 10<sup>th</sup> of October 2008. Mentioned in: LHRC Tanzania Human Rights Report (2008).

<sup>31</sup> Unifem. Facts and figures on Violence Against Women. [http://www.unifem.org/campaigns/vaw/facts\\_figures.php?page=5](http://www.unifem.org/campaigns/vaw/facts_figures.php?page=5)

<sup>32</sup> Iman Mani (2009). *Looking for new strategies to tackle human trafficking.* Daily news, 6<sup>th</sup> of October 2009

<sup>33</sup> LHRC (2007). *Human rights report.* FGM is particularly practiced in the regions of Arusha, Dodoma, Kilimanjaro, Kigoma, Manyara, Mara and Morogoro.

<sup>34</sup> UN.

<sup>35</sup> WHO (2005). *Multi-country study on women's health and domestic violence against women.*

<sup>36</sup> Raising Voices (2004). *Rethinking Domestic Violence: A Training Process for Community Activists.*

<sup>37</sup> Kivulini (2007). *Poverty and violence against women.*

sort of violence. One of the reasons for this is that they consider the violence used by their partner to be normal.<sup>38</sup>

### ***Old age***

- *Violence against elderly women due to allegations of being witches.* The believe in witchcraft is widespread in Tanzania.<sup>39</sup> Women who have been labelled as witches are vulnerable to experiencing harassment or murder. Approximately 2582 elderly women were killed in the past five years on suspicion of being witches.<sup>40</sup> The killings took place in different parts of Tanzania, but most women were killed in the Mwanza region.<sup>41</sup> In particular, older women with red eyes are targeted.<sup>42</sup>
- *Circumcision of elderly women.* Another consequence of the believe in witchcraft is the circumcision of elderly women. They sell parts of their genitalia off to miners. Although reports so far state that most women undergo the circumcision voluntarily it still has detrimental effects to their health.<sup>43</sup>

## **3. Main risk factors and causes of Violence Against Women**

To understand the causes and consequences of VAW the ecological framework is often used. The framework implies that there are many potential risk factors for facing violence at four different levels:

1. the individual level,
2. in the relations with partners, family and/or friends,
3. the norms and circumstances in the community, and
4. the larger society in which not only the legal and policy frameworks are important, but also the way in which gender roles are defined.

Risk factors in Tanzania at these four different levels are being discussed.

### **3.1 The individual level: facing violence as a girl**

At the individual level young girls being abused, facing violence or getting married at a young age have a higher risk of facing violence later in their lives. As described in the previous chapter all of these factors are common in Tanzania. Young girls that are part of a violence ridden family also have a heightened risk of facing violence. Knowing that at least 48% of Tanzanian women report having ever experienced a form of domestic violence, being a witness of violence within the family is probably common for children.

Having little education is another factor of influence. Although the percentage of children that are enrolled in school is on the rise, the quality of the education is often poor due to capacity issues. There is a deficit in teachers, lack of schoolbooks and other necessary equipment. This contributes to poor school performances. It is also often the case that girls do not go to secondary school or do not finish their education

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<sup>38</sup> Kivulini (2009). *Domestic Violence against Women in the Lake Zone, Tanzania: Prevalence and Responses of Local Government Authorities.*

<sup>39</sup> Maia Green (2005) *Discourses on inequality.* Anthropological Theory 247.  
Mentioned in: LHRC Tanzania Human Rights Report (2008).

<sup>40</sup> LHRC (2009). *Semi-annual report.* Mwanza region leads (698 murders), followed by Shinyanga (522), Tabora (508), Iringa (256), Mbeya (192), Kagera (186), Singida (120) and Rukwa (103).

<sup>41</sup> LHRC (2009). *Semi-annual report.*

<sup>42</sup> LHRC (2008). Response to LHRC opinion survey by interviewees in Bariadi and Msawa districts, Shinyanga region, January to November 2008. Mentioned in: LHRC Tanzania Human Rights Report (2008).

<sup>43</sup> LHRC (2008). *Tanzania Human Rights Report.*

due to early pregnancy. Lately a lot of attention has been given to this issue in the media.<sup>44</sup>

HIV/AIDS and GBV are also known to heavily influence each other. Forced sex can increase the risk of HIV transmission through intercourse, abrasions and cuts if the partner is infected with HIV/AIDS. It was found that in Tanzania HIV positive women are over two and a half times more likely to have experienced violence by their partner than HIV-negative women.<sup>45</sup>

Alcohol abuse, substance abuse and being disabled are also known to heighten the risk of facing violence. Especially the abuse of alcohol by men is common in certain communities.

### 3.2 The relationship level: power disbalance

Gender inequity is the norm in the patriarchal society of Tanzania.<sup>46</sup> Although households headed by women and gender equality within relationships are on the increase, especially in urban areas,<sup>47</sup> most of the time men are still the head of the family. Men are the main breadwinners. Women mostly take care of the family, the household and the livestock and have little influence on decision making. Because of this male dominant structure men are in control of women, the wealth of the family and all decision-making. This pattern causes high interpersonal disparities in status and power.<sup>48</sup>

Partly due to modernisation the position of the family is changing. Family ties can become looser and individualisation is increasing, especially in urban areas. Also, parents do not always act in the best interest of their children because of cultural beliefs or other influential factors including poverty. This for example forces some parents to traffic their daughters or let them marry at a very young age to receive dowry.

Often dowry is paid by a man to the family of a woman or girl in order to take her as his wife. The downside of this traditional practice is that in some cases a woman will not be seen as equal to the man and she can be treated like a good owned by the buyer. Examples are known of women who faced violence, either by her husband or her family, when she decided to divorce her husband. This is the case because often the dowry will have to be refunded upon separation. Because of this the woman won't have a free choice to step out of (an abusive) marriage.<sup>49</sup>

Another factor of influence is economic stress that men can experience when they can not generate enough income. Economic stress is a risk factor for violence against women as men can release their anger by victimizing their wives.

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<sup>44</sup> *For some parents, educating girls is right of way.* The Guardian, 2<sup>nd</sup> of November, 2009.

*JK warns against dubious tender awards.* The Guardian, 3<sup>rd</sup> of November, 2009.

<sup>45</sup> Mamal et al (2002). Mentioned in: Kivulini Annual Report (2006).

<sup>46</sup> USAID (2008). *Gender Based Violence in Tanzania: an assessment of policies, services, and promising interventions.*

<sup>47</sup> TGNP (2007). *Gender profile of Tanzania.*

<sup>48</sup> Unifem (2009). *The tragic reality of violence.* Facing the facts of violence against women and the MDGs.

<sup>49</sup> OXFAM-GB (2007). *Violence against women: Kenya, Uganda, Tanzania.*

### 3.3 The community level: male dominance and traditional practices

As mentioned above Tanzania is an essentially patriarchal society. This pattern is also reflected within communities. The influence of communities is very strong and often traditional norms and attitudes are centred on male domination. In most communities men dominate power, ownerships, have control over productive resources and are the decision makers. Women continue to have unequal access to these factors, have little influence and are expected to obey the decision makers.<sup>50</sup>

According to statements of different CSOs working in rural areas the decrease of communal responsibility and the increase of modern influences that lead to more individualism are contributing heavily to the existence of violence. In the Sukuma culture for example, when a woman was hit by her husband it used to be a case of the community as a whole. Using violence against a woman was absolutely taboo. The community would hold not only the perpetrator responsible, but also his parents and the rest of his family. Nowadays, when an incident like that happens 'neighbours often close their doors and pretend not to hear anything'.<sup>51</sup> In addition, in the same Sukuma culture it used to be very normal for pregnant women to stay at home instead of doing hard labour in the field or get precedence at the water point.

Nowadays in many communities both men and women stay silent about family matters as they are seen as a private affair. Women are not expected to take their husbands or community members to court. Instead, they often suffer silently. Other reasons for women to stay silent about the violence are to protect their children and their marriage, the fear of being ridiculed upon by community members or the fear of being excluded from the community.<sup>52</sup>

The occurrence of traditional practices or traditions is another risk factor. Although it has to be emphasized that not all traditional practices or traditions are negative in itself or in their effect. Anyhow, the practicing of the traditional practice of FGM can have devastating effects on a girl's health and general well-being. In many regions in Tanzania the practice of FGM is strongly supported within the community. It is often performed because it is believed to mark a girl's transition from childhood into adulthood and is accompanied by celebrations and ceremonies. Other reasons why FGM is still practiced are young peoples fear of non-acceptance of family and peers if they refuse, believes about hygiene, need to control a woman's sexual behaviour, getting a higher bride price and religious beliefs.<sup>53</sup> Another example of a tradition that is not negative in its intentions but can be in its consequences is 'chagulaga'. The Sukuma tradition of chagulaga often occurs after a large gathering. A number of young men surround a young woman and chase her until she chooses one of the young men for a romantic meeting. Traditionally, this has been a formal marriage market for parents to find husbands for their daughters and it gave girls the opportunity to choose their own husband. Nowadays however young men break the rules of the tradition by acting extremely aggressive and sometimes raping the girl.

Finally, also high poverty, high unemployment rates and VAW are highly influencing each other at the community level. Women are especially prone to these circumstances.

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<sup>50</sup> USAID (2008). *Gender Based Violence in Tanzania: an assessment of policies, services, and promising interventions*.

<sup>51</sup> Comment by a Kivulini staff member, EKN fieldtrip, 2009.

<sup>52</sup> Stella Barozi (2009). *So many covenants signed on women's rights, applying them is another matter*. The Guardian.

<sup>53</sup> LHRC (2002). *A report on the findings of the research into the practice of FGM in Tanzania*.

### 3.4 The society and state level: gender roles and laws

At the society and state level both gender roles, inadequate policies and gaps in the law system play a vital role in women facing violence. Both covenants signed at different levels and gaps in the national law system are being discussed.

#### *Society level: gender roles*

Gender is defined as the socially defined differences between men and women. These differences about the roles, responsibilities, right and identities of men and women are rooted in widely shared beliefs, norms and ideas in society. These beliefs, norms and ideas reflect and influence gender roles, men's and women's positions in society and the respective status of these positions. Gender roles are socially determined from birth. As boys in Tanzania are regarded to become the breadwinners later in their lives, families usually invest more in boys than girls. Girls should get married, take care of the family rather than working outside the home and let her family benefit from the dowry paid for her.<sup>54</sup> As a consequence girls, more often than boys, do not finish their school and are economically dependent on men. As a consequence of this social pattern that is deeply rooted in the Tanzanian society men have more power than women and can make most of the decisions. Because of this power imbalance women have a heightened risk of facing violence. It is a widely shared belief that domestic violence and rape are normal under certain circumstances. They are being met with acceptance by both men and women. 20% to 54% of women note that men have the right to beat their wives under certain circumstances, for example when she disobeys him.<sup>55</sup> Due to their inferior position women are often blamed for causing or provoking violence. In part due to this blame, women are ashamed to their family and community, do not seek treatment or support and keep silent.

#### *State level: women's rights on international, regional and national level*

Women can be classified as a vulnerable group. Covenants and plans on protecting women's rights that also address VAW have been signed at international, regional and national level.

At the international level Tanzania has signed the following covenants on women's rights:

- *The Convention on the Elimination of All Forms of Discrimination against Women.* CEDAW was ratified by Tanzania in 1985. Implementation of the Convention is monitored by a UN Committee on the Elimination of All Forms of Discrimination against Women on the basis of regular reporting.<sup>56</sup> The convention requires governments to ensure that women are not discriminated against in both public and private life.
- *Beijing Platform for Action.* Tanzania is committed to implementing of the Beijing Platform for Action (BPA). The BPA declared that VAW has an impact on all aspects of development, equality and peace and is a violation of a woman's fundamental rights and freedoms.<sup>57</sup>
- *MDG 3.* Tanzania is committed to achieving the Millennium Development Goals. MDG 3 promotes gender equality and the empowerment of women.

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<sup>54</sup> TGNP (2002). *Changing gender roles in Tanzania.*

<sup>55</sup> Kivulini (2009). *Domestic Violence against Women in the Lake Zone, Tanzania: Prevalence and Responses of Local Government Authorities.*

<sup>56</sup> UN (2007). *Convention on the Elimination of All Forms of Discrimination against Women*

<sup>57</sup> Kivulini (2008). *Strategic plan.*



At regional level Tanzania the problem of VAW has been addressed in:

- *Southern African Development Community (SADC) Declaration*. By signing the SADC declaration, Tanzania, as a member of the SADC, reaffirms the commitment to the CEDAW and BPA. The declaration includes statements on rights of women and children and the commitment to take urgent measures to prevent and deal with the increasing levels of violence against women and children.
- *Maputo Protocol*. The Maputo Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa was ratified by Tanzania in 2007.<sup>58</sup> The Maputo Protocol guarantees comprehensive rights to women including the right to social equality with men, the right to control their reproductive health and it has a focus on ending FGM.

At national level the following policies and plans which include statements about VAW have been created:

- *The National Strategy for Growth and Reduction of Poverty (MKUKUTA)*. MKUKUTA I includes statements to improve the quality of life and increase the protection of rights of the poorest and most vulnerable groups and to eradicate domestic and sexual violence.<sup>59</sup> MKUKUTA II is currently drafted.
- The Tanzanian government has adopted a *National Plan of Action to Combat Violence Against Women and Children (2001 – 2015)*. However so far, the plan has only been implemented fragmentally.

### ***State level: national legislation on GBV***

At national level there is legislation on anti-discrimination against vulnerable groups which is contained in the main source of law for Tanzania, the *Constitution of Tanzania*. The constitution explicitly prohibits discrimination on the basis of gender. There are certain laws that contradict the anti-discrimination legislation that is written in the *Constitution* and give possibility to discriminate against women and girls under certain circumstances. These gaps are believed to heighten a woman's risk of facing violence.

- For example, *The Law of Marriage Act* states that a marriage can be either monogamous or polygamous. For men it is allowed to be married to more than one woman, but the law prohibits women to be married to more than one man. The same law also states that a man cannot be married before the age of 18, while a woman cannot be married before the age of 15. In the *Penal Code* it is even written that it is not an offence to marry or give permission to a marriage for girls under the age of 15 if this is in accordance with the custom of the tribe or religion. There is no specific law or penal code that explicitly prohibits spousal abuse. *The Law of Marriage Act* only states that 'no person has any right to inflict corporal punishment on his or her spouse'. It is unclear what exactly is meant by corporal punishment. The *Penal Code* on sexual violence applies to non-consensual sexual intercourse between man and a girl or woman whereby the girl or woman is either not the man's spouse or the man's separated spouse. Unfortunately no penalties on rape within the marriage are included in the *Penal Code*.
- The 2008 *Anti-Trafficking in Persons Act* prohibits domestic and international trafficking of persons. Penalties on the offences covered by this act do not apply when trafficking is for the purpose of labour.

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<sup>59</sup> Kivulini (2009). *Domestic Violence against Women in the Lake Zone, Tanzania: Prevalence and Responses of Local Government Authorities*.

- To combat violence against children the government has been working on the enactment of the *Children's Bill*, an omnibus that addresses children's rights, since many years. The law has been enacted at the end of 2009.
- To combat sexual violence the government enacted the *Sexual Offences Special Provisions Act (SOSPA)* in which the *Penal Code* was amended. One of the issues considered in the *SOSPA* is FGM. FGM is appointed as an offence of cruelty to children. Any person who carries out or causes FGM to be carried out to a girl under the age of 18 commits a crime. As mentioned before, the law does not apply to women above the age of 18.<sup>60</sup> According to research on FGM people in the Kilimanjaro and Arusha regions are not aware of the *SOSPA*. In Dodoma and Singida the majority of people are aware of the act, but regard it as unfair as they view FGM to be an acceptable tradition in their tribe.<sup>61</sup> The *SOSPA* also states that it is an offence to intentionally assault or use criminal force to sexually harass another person. Sexual harassment includes intending to insult the modesty of any woman, utter any word, make any sound or gesture or exhibit any object in such a way that the words or sounds can be heard or the gestures or object can be seen by the woman. 'Gross indecency' is also marked as a criminal offence. It is defined as any sexual act without having actual intercourse, this can include masturbation, indecent physical contact or indecent behaviour without any physical contact. Punishment is higher when this crime is committed to pupils of primary and secondary school.<sup>62</sup> Thirdly, also grave sexual abuse is prohibited by the *SOSPA*. The punishment is higher when this crime is committed to any person under the age of 15. Lastly, when rape is committed by one or more persons, they should be sentenced for life for committing gang rape.
- A person's right to own land and property is governed by the provisions of the *Land Act* and the *Village Land Act*. Although under the *Constitution of Tanzania* both men and women are entitled to own land and property, women in the rural areas are often still unable to realise the right to own land and other property due to a lack of awareness of these *Acts* or customary attitudes. Especially discriminatory inheritance practices are a major barrier to female land ownership as widows do not have the right to inherit property on the death of their husband under customary or Islamic law.<sup>63</sup>

So, although laws addressing women's rights exist on different issues, the underlined existing gaps in the law system are a major risk factor for women to face violence as some acts, like rape within marriage, are not prohibited by law.

### ***State level: co-existence of state, Islamic and customary law***

Besides above mentioned state laws, Islamic and customary laws exist in Tanzania. In fact, the three law systems co-exist. As described above inheritance issues, for example, are differently judged depending on which law is applied. This is the case for other issues concerning women as well.

Customary law should in fact be applied in the case of a matter between two members of the same community, members of different communities that follow the same customary law or cases about status or inheritance. Islamic law should be applied for all cases concerning marriage, divorce, guardianship, inheritance, wakf and

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<sup>60</sup> LHRC (2008). *Tanzania Human Rights Report*.

<sup>61</sup> LHRC (2002). *A report on the findings of the research into the practice of FGM in Tanzania*.

<sup>62</sup> Novatus Rweyemamu (2009). *Youth should beware of sexual offences*. The African, 25<sup>th</sup> of August.

<sup>63</sup> LHRC (2008). *Tanzania Human Rights Report*.

similar matters in relation to members of a community that is following the Islamic law.<sup>64</sup>

As a result of this co-existence women have to go ‘forum shopping’ to find out which system serves their claim best. Most women in the rural areas rely on customary judicial institutions particularly due to the fact that there are physical, social and economic barriers in accessing state institution. In addition women are often not familiar with the state law.<sup>65</sup> In most cases customary law does not serve women interest and it is believed to be outdated and to suppress women and children.<sup>66</sup> Under customary law, for example, children are referred to as ‘properties’ and if they are born out of marriage they belong to the maternal grandfather. Women do not have any rights over their children as upon separation the children are the father’s property. Under customary law it is also possible for a girl’s father and the father of her prospective husband to arrange a marriage between her and this man.<sup>67</sup>

#### **4. The role of different stakeholders in addressing VAW**

There is a lot of attention for violence against women in Tanzania. This is reflected in for example the media attention and the amount of Civil Society Organisations (CSOs) working on the topic. The actions of different stakeholders in combating and addressing VAW, the Government of Tanzania, CSOs and Development Partners are being discussed.

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<sup>64</sup> LHRC. *Justice watch*.

<sup>65</sup> KIT (2008). Gender and access to justice in sub-Saharan Africa. Report on the KIT-CALS conference 29-30 October.

<sup>66</sup> KIT (2008). Gender and access to justice in sub-Saharan Africa. Report on the KIT-CALS conference 29-30 October.

<sup>67</sup> Stella Barozi (2009). *So many covenants signed on women’s rights, applying them is another matter*. The Guardian.