

United Republic of Tanzania

(19th session)

206.The Committee considered the combined second and third periodic reports of the United Republic of Tanzania (CEDAW/C/TZA/2-3) at its 394th and 395th meetings, on 1 July 1998 (see CEDAW/C/SR.394 and 395).

Introduction by the State party

207.In introducing the reports, which covered the period from 1990 to 1996, the representative of the United Republic of Tanzania informed the Committee that, since the first report in 1990, the country had changed from a one-party system to a multi-party democracy, with the first democratic elections being held in 1995, and that political reforms had provided great scope for the participation of women's non-governmental organizations.

208.The representative noted ongoing economic reforms, including structural adjustment programmes, which had adversely affected women, *inter alia*, because of their low incomes and levels of education, and had impeded their ability to compete in the free market.

209.The representative informed the Committee that the National Women's Machinery had been elevated to two full-fledged Ministries, namely, the Ministry of Community Development, Women's Affairs and Children, on Tanzania mainland, and the Ministry of State, Women and Children in Zanzibar, and not just one Ministry on the mainland. She noted that the constitution upheld the principle of equality, but that the definition of "discrimination" did not include "sex" as a ground of discrimination. However, the Government was considering amendments to the constitution, which would provide an opportunity to incorporate "sex" as a ground of discrimination.

210.The representative outlined steps to reform laws that discriminate against women, noting that several laws, including some customary laws, had been identified as contradicting human rights principles. Amendments had been made to the laws relating to sexual offences and new laws had been introduced relating to trafficking in women, the exploitation of prostitution and criminalizing the practice of female genital mutilation. Consideration had also been given to amending laws relating to women's rights to land. The representative noted that the multiple sources of law, including statutory, customary and religious laws, impeded implementation of the Convention in some areas. In this regard, she noted that the Law of Marriage Act recognized polygamous marriages.

211.The representative informed the Committee of steps that had been taken to inform the public of women's rights, including the publication of a booklet on women's rights, and the translation of the Convention into Kiswahili, the national language of the United Republic of Tanzania. The Beijing Platform for Action was also being used as resource material to educate women and girls about their rights. Non-governmental organizations had been active in sensitizing the general public and government officials to violations of women's rights.

212.The representative informed the Committee that affirmative action measures had been implemented in the areas of political participation and decision-making, employment and education. She noted that the drop-out rate of girls at school remained high, and that access to secondary and advanced levels of education for girls was low.

213.The representative indicated that, although violence against women, including sexual assault and harassment and domestic violence, remained serious problems, few statistics had been collected. Young girls were particularly vulnerable to sexual abuse, as men believed there was less risk of contracting HIV/AIDS from them, among other reasons. Traditions and customary practices, including female genital mutilation, affected implementation of the Convention.

214.The representative informed the Committee that the deterioration of women's health was attributable to poor hygiene, heavy workloads, undernourishment, frequent births and to the fact that high levels of poverty and maternal mortality rates

had increased sharply. Family planning programmes in the United Republic of Tanzania had been successful and measures had been taken to improve public awareness of HIV/AIDS.

215.The representative stated that a women's development fund had been established in 1994, in order to mobilize resources, provide loans, act as a guarantee fund, create employment and income generation and offer business advisory services for women.

216.The representative informed the Committee that approximately 80 per cent of the population in the United Republic of Tanzania live in rural areas. Government policies to provide basic services such as safe water, health facilities, appropriate technologies and good infrastructure had been impeded as a result of the economic difficulties facing the country. In addition, special attention had been given to the role of women in the management of the water supply and sanitation. However, the traditional irrigation system remained male dominated.

217.The representative concluded by emphasizing difficulties caused by lack of resources, noting that the high level of foreign debt servicing, combined with the low levels of international aid, meant that there were few resources to implement programmes, including those for the advancement of women.

Concluding comments of the Committee

Introduction

218.The Committee congratulates the Government of the United Republic of Tanzania for the submission of its combined second and third periodic reports. It notes that the reports complied to a large extent with its guidelines concerning the form and content of periodic reports. The Committee appreciates the delegation's oral presentation, which covered most of the questions asked by the Committee's pre-session working group.

219.While expressing its appreciation for the high-level delegation, including the Principal Secretary to the Ministry of Community Development, Women's Affairs and Children, and her candid oral presentation, the Committee regrets that the report lacks sufficient information and statistics and thus fails to deliver a complete picture of the progress made in the implementation of the Convention since the country compiled its initial report, which had been considered in 1990.

Positive aspects

220.The Committee commends the initiative of the Government in elevating its national machinery from a department to a full-fledged ministry, which had produced a policy which supported women's rights.

221.The Committee welcomes the enactment of a new law which criminalizes female genital mutilation as a concrete step towards eliminating violence against women and the girl child.

222.The Committee welcomes the efforts made by the Government to review and revise existing national laws in accordance with the Convention.

223.The Committee also welcomes the active involvement of non-governmental organizations and women's groups in advancing the status of women in the United Republic of Tanzania and encourages the Government to develop further its partnership with these groups.

Factors and difficulties affecting the implementation of the Convention

224.The Committee notes the current economic situation of the United Republic of Tanzania and the burden posed by servicing its foreign debt.

225.The Committee is of the view that traditional practices and the existence of a multiplicity of laws hinders the advancement of women. It also notes the problems associated with stereotypical roles of women and men.

Principal subjects of concern and the Committee's recommendations

226.The Committee is concerned that the constitution of the United Republic of Tanzania did not explicitly define gender discrimination.

227.The Committee urges the Government to consider, as a matter of priority, incorporating a definition of discrimination in accordance with article 1 of the Convention as a ground of discrimination in the constitution.

228.The Committee regrets that the report does not sufficiently examine obstacles to the elimination of discrimination against women and the advancement of the status of women in society. This is necessary in order to formulate effective strategies. The Committee suggests that the Government may need to re-examine its policies and programmes for the implementation of the Convention and the advancement of women. Further, the Committee regrets that the report does not include information on the impact of policies and programmes that had been successfully implemented since the time of the submission of the initial report.

229.The Committee expresses concern at the fact that the prevailing customary laws and religious laws which sometimes supersede the constitution are discriminatory towards women. In particular, the Committee notes that several groups in the United Republic of Tanzania are entitled to practise polygamy. The Committee points out that customary laws and religious laws continue to govern private life and notes the critical importance of eliminating discrimination against women in the private sphere.

230.The Committee recommends immediate action to modify customary laws and religious laws to comply with the constitution and the Convention. It also requests more information on measures that had been taken or would be taken as follow-up to the Customary Law Declaration of 1963. It recommends that the Government organize awareness-raising campaigns for the general public, as well as training courses to sensitize policy makers, the judiciary and law enforcement officers and seek assistance from United Nations agencies in the region for such activities.

231.The Committee notes with concern that, although legislation is in place to ensure equality between women and men in the United Republic of Tanzania, in reality, women's human rights were often violated. The Committee points out that, although some temporary special measures have been introduced to ensure the participation of women in policy-making, the number of women in the Parliament and local authorities is still very small. The Committee further notes that more women than men are confined to low-paid, insecure jobs with no legal protection.

232.The Committee strongly recommends that the Government take concrete action, including temporary special measures, to redress the situation.

233.The Committee notes with serious concern the problem faced by Tanzanian women with regard to violence against women, especially domestic violence, which is condoned by customary laws.

234.The Committee strongly recommends that violence against women in all its forms be criminalized, that law and practice to achieve this objective be developed and effectively enforced and that shelters for women who have been subjected to violence be established and adequately resourced.

235.The Committee is concerned with the disadvantaged situation of rural women who comprise the majority of the rural population, and the majority of workers in rural areas. The Committee further notes that customary and religious laws are

practised and accepted more widely in rural areas and, *inter alia*, often prevent women from inheriting and owning land and property. Food taboos, which are more prevalent in rural areas, are a serious concern to the Committee, as they are not only harmful to the health of women, including mothers, but also impact on the health of future generations.

236.The Committee recommends that laws of inheritance and succession be formulated so as to guarantee rural women their rights of inheritance and ownership of land and property. It also recommends that a programme be introduced to educate rural women about their rights and that steps be taken to remove all traditional practices, including food taboos, which are harmful to the health of women.

237.The Committee notes with concern that the infant and maternal mortality rate is still high, despite the efforts made since the time of the country's initial report.

238.The Committee recommends that the Government make vigorous efforts to address this serious problem and seek assistance of the World Health Organization (WHO), UNICEF and other relevant United Nations agencies.

239.The Committee notes the establishment of a women's development fund. The Committee requests that detailed information on the mandates, budget and projects of the fund be included in the next report.

240.While it recognizes that collection and analysis of data might have financial implications, the Committee points out that more detailed information should have been obtained and included in the report. The Committee deeply regrets that the report lacked more explicit information, including statistics on issues such as the exact types of punishment for those committing violence against women; the new, expanded definition of rape; forms of female genital mutilation that are practised in the United Republic of Tanzania; the situation of trafficking in women and girls; revisions made to educational materials in order to include a gender perspective; the situation of HIV/AIDS and women in the United Republic of Tanzania.

241.The Committee notes the large number of refugee women currently resident in Tanzania and requests further information on the situation of refugee women and any Government programmes in place to address their needs.

242.The Committee requests the wide dissemination in the United Republic of Tanzania of these concluding comments in order to make the people, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women, and further steps that are required in this regard. It also requested the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations, and the Beijing Declaration and the Platform for Action.