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**MASTERS THESIS**

**The Problematic of Women Empowerment in Tanzania**

**From 1984-2008**

**BY**

**Nneka Ifeoma Okafor**

## **Declaration**

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I hereby declare that this dissertation is a result of my own research work except for the literature cited, which served as a source of information. This work is in no way a reproduction in part or in whole of any work ever presented for the award of a degree or published. I further confirm that works by other authors, which were used as references and resource information have been duly acknowledged.

Nneka Ifeoma Okafor

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Signature

## **Dedication**

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This work is dedicated to my beloved husband Mr Obinna Kenechukwu Okafor and my son Bryan Obinna jnr Okafor who stood by me all the way. It shall be well with you.

## **Acknowledgements.**

What Shall I say unto the Lord!

Glory, honor, adoration, exaltation, Excellency, perfectibility, supremacy, and nobility be ascribed unto the Almighty God, who in His infinite love guided me to the successful completion of this work. Enthusiastically, words are inadequate to express my appreciation to Him .Chineke Daalu.

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## **Authorization**

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This work is submitted in partial fulfillment of the requirements for the Degree of Masters of Arts in the School of Politics, Faculty of Humanities, Development and Social Sciences, University of KwaZulu-Natal, Pietermaritzburg 2008

**Approved by:** Dr. Alison Jones

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Signature and Date

## Table of Contents

CHAPTER ONE.....	6
1.1 Introduction.....	6
1.2 Statement of the problem.....	7
1.3 Objective of the research .....	8
1.4 Scope of the study.....	9
1.5 Significance of study.....	9
1.6 Methodology .....	9
1.7 Structure of the study.....	11
CHAPTER TWO.....	14
Constitutional provisions and other government initiatives Addressing the marginalization of women in Tanzania.....	14
2.1 Rationale of the policies of women in Tanzania .....	14
2.2 Educational provision by the government.....	15
2.3 Sharing of power and decision-making.....	16
2.4 The integrated framework for development of women entrepreneurs.....	17
2.5 Domestic violence law and other policies to safeguard women.....	18
CHAPTER THREE.....	21
Realities on the Ground: Disempowerment and Marginalization of Women in Tanzania.....	21
3.1 The Patriarchal foundations of gender inequality.....	21
3.2 Socialization dynamics of gender imbalance in Tanzania.....	21
3.3 Indices of marginalization of Tanzanian women.....	25
3.4 Indices of oppression of and violence against women in Tanzania.....	27
CHAPTER FOUR.....	34
Factors militating against the execution of women empowerment Program in Tanzania.....	34
4.1 Women and tradition.....	34
4.2 Conflict of interest between laws.....	35
4.3 Lack of political will.....	36
4.4 Illiteracy and ignorance .....	36
4.5 Financial constriction .....	37

4.6 Inadequate monitoring mechanism.....38  
4.7 Perception of gender.....38  
Bibliography.....40

## ABBREVIATIONS

AGDI	African Gender and Development
AMFAR	American Foundation for Aids Research
AFROL	African News Agency
CEDAW-	Convention for the Elimination of All Forms Of Violence Against Women
FGM	Female Genital Mutilation
LHRC	Legal and Human Rights Centre.
MCDWAC	Ministry of Community Development, Women. Affairs and Children
MDGS	Millennium Development Goals
OAU	Organisation of African Unity
SADC	Southern African Development Community
SOSPA	Sexual Offences Special Provision Act
TGNP	Tanzania Gender Networking Programme.
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNIFEM	United Nations Development Fund for Women
UNHCR	United Nations High Commissioner for Refugees
UNOG	United Nations Office at Geneva.
USAID	United State Agency for International Development.
WEG	Women's Expert Group
WID	Women in Development



## CHAPTER ONE

### INTRODUCTION

#### 1.1 Introduction

Power observes that the position of women is often considered as a test by which the civilisation of a country or age may be judged. This position, he argues, is one thing in theory, another in law, yet another in everyday life (1975:9). The former secretary of UN Kofi Annan argues that there is no tool for development more effective than the empowerment of women, thereby pronouncing gender equality as critical to the development and peace of every nation. (Internet source 1)

There is a general consensus among scholars, researchers, gender experts as well as national governments and international organizations on the important roles that women have played {Fieldsman 1984; Tanzania Ministry of Community Development, Women's Affairs and Children 1992; Barret 1995} This consensus is based on the realization that women contribute significantly to the development process and they cannot be ignored as a critical resource in development.

Furthermore, Moser indicates that although women are the chief contributors to economic development, they have not been able to benefit directly from the development process (1989:17). This according to Isike and Uzodike is basically rooted in the indigenous and inherent 'tradition' and 'culture' of patriarchy and this sweeping proposition has tended to portray African societies as deeply patriarchal and, African men as irredeemable masculinists with no regard for women (2006:17) ,and particularly in Tanzania, where male-dominated culture and tradition restricts women from their common rights.

It is in this light of male dominance that women in Tanzania encounter problems which have inhibited their attempt to claim their rights together with lack of commitment on the side of the Tanzanian government in pursuing the implementation of its legal obligations enshrined in both the national constitution and international conventions of which Tanzania is a signatory, inhibit the empowerment of Tanzanian women.

## 1.2 Background

Created in 1964, the United Republic of Tanzania is an amalgam of two independent states, the Republic of Tanganyika and the People's Republic of Zanzibar. Neither the Tanzanian Constitution nor the Articles of Union had a bill of rights of any form enshrined in it. It was not until 1984 that both the Constitution of the United Republic of Tanzania and the Constitution of Zanzibar were amended to enshrine a National Bill of Rights, about three years after the OAU had launched the 1981 African Charter on Human and Peoples Rights (Peter 1990: 2). The rights guaranteed in the Bill were suspended for another three years. In 1985, the Tanzanian government ratified the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Constitutional provisions have been made allocating between twenty to twenty-five percent of the parliamentary seats to women. Women are appointed to cabinet and judicial positions. For instance, the composition of the tribunal is seven persons out of whom three must be women (Mvungi 2002). The above seeming efforts notwithstanding, women in Tanzania are still notably disempowered in many aspects of life. The Tanzania Gender Networking Program (TGNP) 2005 report on African Gender and Development Index (AGID), reads in part:

The discrepancy between policy commitments and practices is glaring. While the government has had no problem in signing the international instruments as demonstrated by high scores this variable,... the real problem observed was in the translation of these commitments into plans with sufficient human and financial resources allocation (TGNP 2005: 3).

The persistence of the various indices, the continued denial of women's right to property ownership, the discriminatory educational opportunities, the persistent followership status of women in national and local politics and the near absence of women in the entrepreneurial stratum of the Tanzanian economy, which point clearly to the continuing marginalization of women in Tanzania, suggests an inherent structural and systemic problem. In turn, such generalized problem implies that disempowerment of Tanzanian women goes beyond government legal provisions. A reasonably substantive analysis thus entails an interrogation of the basic social, political and economic structures of Tanzanian societies, some of which are not just inherent in the traditional customary practices of the people but rather are

consequences of national political and economic experiences, which have persisted over time. The solution, therefore, will have to look ultimately beyond palliative applications such as quota allocation to women (Meena 2002:2). As Keller argues, what is needed is much more action directed at dealing with the basic structural and systemic roots of the plight of women, a shift towards a sustainable human development hinged on a transformative qualitative national development paradigm (Keller: 1999: 8).

### **1.3 Objective of the research**

Marginalization of women is rife in Tanzanian. This has manifested in the areas of their inability to own property accentuated by existing patriarchal social underpinnings, domestic violence, underemployment, and many more in the form of limited access to political, economic and social recognition. There are also culturally oppressive barriers to empowerment in the marriage and union customs. The Tanzanian government has acknowledged the existence of these problems. This it did by initiating constitutional amendments in 1984 aimed at dealing with the issues of women oppression. It also took some policy steps like the allocation of certain fixed percentage of political offices and parliamentary representation of women. The government of Tanzania is also a signatory to many international conventions on women. But with all those involvements, women are still discriminated against in Tanzania. The objective of the study therefore includes:

- i. To outline aspects of the plight of Tanzanian women between 1984 and 2008
- ii. To highlight the various constitutional provisions and other legal initiatives which are notionally aimed at redressing the marginalization of women.
- iii. To attempt an explanation for the persistence of marginalization of women even with some legal instruments and government policies notwithstanding.

#### **1.4 Scope of the study**

The research concerns itself with the problematic of women empowerment in Tanzania from 1984-2008. Taking its starting point from when the National bill of rights was enshrined in Tanzania. The work focuses on the difficulty of women in Tanzania with its snag that affects their empowerment and how the states have administered plan to secure equality in the country. Finally, the work examines the challenges and obstacles which inhibit the implementation by the national government to empower women in Tanzania.

#### **1.5 Significance of study**

Generally, the need to research about women empowerment and the issues surrounding it cannot be ignored especially with the grinding poverty of African countries which falls heavily on the shoulder of women. More specifically, the study targets Tanzania in the light of the government's declaredly proactive stance from 1984 onward in regard to the empowerment of women. It is both significant and instructive to compare policy with reality in Tanzania..

#### **1.6 Theoretical framework**

Discussions centered on the plight of women not infrequently generate much passion. While this makes research on gender issues very interesting, there are potential pitfalls in terms of loss of objectivity and theoretical misapplication. This study attempts to avoid such pitfalls by adopting the Gender Equity Framework. This approach emerged during the 1976 to 1985 United Nations Decade for Women and has since become an important framework of analysis in gender and related issues. According to Moser, this theoretical approach, which primarily defines the role of women in the developmental processes of societies as that of "active participants", is the bedrock of the Women in Development (WID) "movement". It seeks to secure equity for women in development processes possibly through government interventions, noting the overwhelming relevance of women at the three levels roles in the society (Moser 1993: 62-63).

However, as useful as the Equity framework may seem, it will not be fully adequate in addressing fundamental issues such as the sources, levels and manifestations of marginalization of women as it prevails in Tanzania, given that it might not unravel

and address sufficiently the real challenges facing ordinary Tanzanian women. This is because the framework tends to emphasize political and public sector participation of women.

A paradigm which seeks to address the across-the-board experiences of women generally in Tanzania becomes imperative. Necessarily, such perspective must consider a bottom-top approach in dealing with the deep-rooted acts of discrimination against women which, in themselves, are as old as not only the Tanzanian society but also many societies around the world. Thus, in specific regard to a bottom-up approach to empowerment, the empowerment framework should also be utilized.

The Empowerment approach presupposes that the marginalization of women and their subordination to men are not just a result of male discriminatory projections but also can be located within the colonial and neocolonial influences on the underdeveloped segments of the global society (Moser 1993: 74). This approach is a consequence of “the emergent feminist writings and grassroots organizational experience of third world women” (Moser 1993:74: Kiondo 1998:11). Moser and Kiondo argue respectively that the problematic of women empowerment, especially in underdeveloped societies, goes beyond the challenges of small elite of urban women to include most importantly a highly marginalized and impoverished majority. They further argue that addressing the problem by simply seeking equity, such as the allocation of a certain percentage of the parliamentary seats to women, ignores the condition of women who occupy the abject poverty rungs. This approach, predominantly deployed by the third world studies of gender inequalities, is premised on analysis of the causes, structures and dynamics of women’s oppression and marginalization that seek to address women’s plight through empowering them by way of greater self-reliance. It envisions an all levels simultaneous contention with the structures and situations affecting women. The challenge of the colonial and the neocolonial imperatives and their implications for third world women have led to efforts to look beyond the equity allocation palliatives of national governments, towards actions that deal with the global economic and political arrangement that tend to perpetuate oppression, arguing in favor of power redistribution within and among societies.

In this study, it is argued that the Tanzanian experience has been that of long years of equity allocation palliatives without a corresponding positive impact on the lives of a majority of Tanzanian women. Accordingly, the empowerment paradigm will be appropriate when analyzing the various gender-related obstacles that confront Tanzanian women, and also when recommending women empowerment options.

## **1.7 Methodology**

This work will be based primarily on library research. Relevant scholarly works in the subject area shall be analyzed employing discourse analysis methodology to dissect the official discourse of government and the reality on the ground. For instance, it will assess the challenges to policymakers of formal policy anchored on constitutional provision which recognizes women's equal right to acquisition, ownership and disposition of property irrespective of gender but which contradicts the customary rule that rejects or views as improper a woman's right to own or dispose property (Berschop, M 2002:129). My sources shall include books and academic journal articles of historical, political, socio-cultural, economic, and gender significance especially as they pertain to Tanzania. Relevant online sources and newspapers shall equally be consulted.

In my quest to provide an answer to the research question on the widespread realities of the plight of women in Tanzania, a whole range of issues including patriarchal ideology, educational stereotype, minimum employment, domestic violence, denial of property ownership, inadequate representation of women in decision making, sexual cleansing, Female Genital Mutilation are assessed.

The question of how the Tanzanian government has addressed the oppression of women requires a detailed breakdown of a wide range of relevant human rights implementation enshrined in both the constitution and the international conventions of which Tanzania is a signatory. This includes analyses of policy papers on gender equality and constitutional initiative as they affect the rights of women.

To address the question of the challenges and obstacles inhibiting government implementation of policies, I utilise academic articles, position papers, and conference

communiqués on gender studies and Women human rights initiatives of various relevant actors.

### **1.8 Structure of the study**

Chapter one: *Introduction*. This chapter is directed at the general focus of the thesis. The introduction will give an overview of the entire work including connections to the other chapters on the basis of which the conclusion would be drawn.

Chapter Two: *Constitutional provisions and other government initiatives addressing the marginalization of women in Tanzania*. This chapter focuses on government responses to the prevailing marginalization of women. This will entail a critical examination of the government's constitutional initiatives and other steps taken by the government between 1984 and 2008 aimed at dealing with the problem of continued marginalization of the women including government's commitment to international conventions that addresses the various unacceptable practices against women.

Chapter Three: *Realities on the ground: Disempowerment and marginalization of women in Tanzania*. In this chapter, I focus on oppression and marginalization of Tanzanian women between 1984 and 2008. Sources will include documented experiences of Tanzanian women both in the hands of the government and those experiences laid on them by the cultural provisions of their society. I shall be relying on the reports of women and rights advocacy groups.

Chapter Four: *Summary and conclusion*. This chapter laces together all the key issues that are discussed in the work. It also assesses the various obstacles and challenges which militate against government implementation of the various laws it has and the international conventions it entered into to deal with the problem of women marginalization and oppression. The chapter pays attention the problem of lack of political will on the side of the government and the resilience of the socio-cultural patriarchalism of the Tanzanian society and summarises the conclusions as generated throughout the work.

## CHAPTER TWO

### CONSTITUTIONAL PROVISIONS AND OTHER GOVERNMENT INITIATIVES ADDRESSING THE MARGINALIZATION OF WOMEN IN TANZANIA.

#### 2.1 Government commitment to equality and empowerment of women.

According to the government of Tanzania has taken a very strong position on the general principles of equality and human right. Both the constitution of the United Republic and that of the ruling party have enshrined in them the principles of equality before the law. These provisions are on the basis of the fundamental human rights, which imply that these constitutions recognise the existence of gender inequality in the country (Meena: 1996: 3). Mukangara and Koda add that the government is committed to making gender a key aspect in its development policy formulation, programmes and project (1997:63).

In principal, the government supports the achievement of gender equality in all mission offices and programs and also ensures all members to be models for gender equitable relations in carrying out their development programs as well as in their relationships with implementing partners, government officials and members of the wider Tanzanian community (USAID 2006). Positive steps to empower women and bring them to positions of with men have been taken by providing for affirmative action in many areas including education, politics, culture and economics.(Mvungi 2002:15).

Moreover, the 1977 constitution of Tanzania, which was amended in 1984, provides equality between men and women in all spheres of life. (Kaya 2004:160). According to Kiondo, the Tanzanian government is committed to developing the masses of Tanzanian women and acknowledges the importance of integrating women in the development process. As part of this commitment, several initiatives are in place. Apart from the bill of rights, the government of Tanzania has signed several international conventions aimed at protecting the rights of women (Kiondo 1998: 71). As signatory to the Women's Convention in Beijing, Tanzania government committed itself to taking specific measures to eliminate gender discrimination, which article 2 commits all parties to pursue. Article 3 of the same Convention commits all parties in particular in the political, social, economic and cultural



areas, to take appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men. Article 4 calls upon government to take affirmative actions on a temporary basis to accelerate *de facto* equality between men and women. Government also translated this Convention into Kiswahili, which is the national language, so that as many people as possible could understand it (Gabusa).

Also as part of the effort to empower women in Tanzania, the government in 1990, established the Ministry of Community Development, Women Affairs and Children (MCDWAC), which was charged with the responsibility of coordinating and acting as a catalyst to women development policies in the country. In 1992, the ministry formulated the Women In Development (WID) policy, which was to act as the direction to women development activities in the country with the objective of identifying obstacles hindering the participation of women in the development, formulate possible ways of removing them and to initiate workable strategies for the reduction of heavy workload women nationally. (Kiondo 1998:38-39).

## **2.2 Educational provision by the government.**

With respect to education, Article XI of the constitution of the United Republic of Tanzania provides for equality in education and technical training. The Tanzanian government is also a signatory to the UNESCO convention against discrimination in education. The government has also signed and ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women. Article 10 of this convention asked state parties to ‘take all appropriate measures to eliminate discrimination against women’ in order to ensure them equal rights with men in the field of education, which includes same curriculum, examination and standards for teaching and scholarships and elimination of stereotyped content (Meena 1996:4). In addition to the above, the Lagos Plan of Action 1980 placed special emphasis on female education and the role of women in the development process, which Tanzania was a party (Amoako 1997:1). The Government of Tanzania is also a party to the convention on the Rights of the Child (adopted by UN General Assembly in 1989), and the Declaration of the World Summit for all, which underscores the principles of equal rights of girls to education.

The OAU International Conference Assistance to African Children of November 1992, which the Tanzania government was a signatory to, reaffirmed the commitment of the Children summit and the World Conference on Education for African Girls. The World Summit for Children calls for an end to gender apartheid. Tanzania, moreover, took part in the Pan-African Conference on Education of Girls and the Ouagadougou Declaration which, among other things, called upon government “to give priority to equity (and equality) and define a target for improving girl’s education within the framework of national development plans”. (UNESCO/UNICEF: 1993). It is in light of the context outlined above that Meena reviews educational strategies and commitments which the Tanzanian government has undertaken in order to eliminate gender apartheid in the field of education. These include firstly to guarantee access to pre-primary and adult literacy to all citizens as a basic right and secondly, to review educational act no.25 of 1978 to make it an offence to deny a child access to education due to sex, creed, political persuasion or socio-economic status (Menna 1996: 6). Moreover, in 1996, the government passed legislation which permits pregnant girls to continue their education following maternity absences and also enables them to live a normal life in the society devoid of discrimination (AFROL 2000). The Women Expert Group in Adult Education (WEG) was also established to make adult education transformative in order to liberate women in general and change societal attitudes in particular (Lasway and Biswaro 1993: 127).

Despite this commitment, Tanzania is far from achieving gender equality in education. As Meena points out, women participation in education is still extremely low. As a result of late enrolment of children in school, most of the perception of gender roles in the society would have formed by the time a child is enrolled. Such perceptions are shaped by the very social status which the society ascribed to the men and women (Menna 1996: 7).

### **2.3 Sharing of power and decision-making**

According to Kaya in his work, the importance and necessity of women participation in decision-making for sustainable development in Tanzania has been recognised in many circles. For instance, elections are the time when the Government, NGOs and the entire civil society have the chance to put into practice what was pledged in Beijing in 1995 regarding women political empowerment in decision making. The Beijing 4th World Women Conference included the participation of women in decision making as one of its twelve areas

of concern in the Global Platform for Action (GPA). The GPA points out that without women's participation in decision-making, the goals of equality, development and peace cannot be achieved. Thus it proposes that governments commit themselves to establishing gender balance in governmental bodies and committees. Already in 1995, the Tanzanian Government guaranteed 15% of parliamentary seats for women. In 1996, the year following Beijing and the first multi-party elections in Tanzania, the cabinet endorsed and increased it to 20%. In 2002 the constitution provides further that women shall be allocated at least 25% of all the seats. This number of women parliamentarians is meant to ensure full integration of women into political life which is not only to favour the democratisation of politics but also to enable women in Tanzania take full advantage of democracy, which has so much to offer in the promotion of equality. The Tanzanian government have also introduced reserved seats to partially compensate for absence of women in elective office and senior post(Mvugi 2002)

The other strategy used by the government of Tanzania to increase the number of women in decision-making position is The Cabinet Decision no 23 of 1996. Among other issues endorsed for implementation is the increase of women in top government levels where decisions are made such as Board of Directors, Heads of Institutions, and Commissioners as well as membership of national delegations. The other strategy was gender main-streaming the civil service and the creation of a database on women and their qualifications for use by appointing authorities. (Internet source 4) Gender equality has also been elaborated in the country's National Development Vision 2025. This stressed, among other things, the importance of the attainment of gender equality in all socio-economic relations.

The heads of states of countries in the Southern African Development Community (SADC), which Tanzania is a member, as part of its commitment to improving women representation, signed the Declaration on Gender and Development in 1997, committing themselves to a target of 30% representation of women in all political and decision-making structures by 2005. (Internet source 5).

#### **2.4 The integrated framework for development of women entrepreneurs.**

The government of Tanzania also addressed the issue of women entrepreneurship in the Tanzania National Strategy for Growth and Reduction of Poverty. According to Zaken, the popular Ministry of Industry, Trade and Marketing (MKUKUTA) was created with the central purpose of addressing the problem of empowering women entrepreneurs as well as

charting a course that will attract new ones (Zaken 2007:3). Other government policies that were targeted at this problem included the commitment of the Tanzania government to enhancing the economic capacity women through making credit facilities available to a majority of women, building and supporting women entrepreneurial skills development and improving their management capabilities via increased training and access to technology. To this end, government has advised and urged private financial institutions to give credit facilities to women without collateral. More opportunities have been provided women for training in entrepreneurial skills and in simple technology such as food processing and textiles, with the target of training 20% of the women entrepreneur each year. (Internet Source 4).

## **2.5 Domestic violence law and other policies to safeguard women**

The government of Tanzania has also frowned on the high prevalence of domestic violence in the country such as wide spread domestic and sexual violence, including rape. The Marriage Act of 1971 makes a declaration against spousal battery (AFROL). In 1998 the government enacted the Sexual Offences Special Provision Act which amended the criminal laws of the country; introducing severe sentences against persons convicted of sexual offences to safeguards the integrity of women and children (Mvungi, 2002:54; Keller, 1999).

Moreover, in 2001 the government adopted the National Plan of Action to combat violence against women and children (2001-2015) and in May 2008, endorsed and flagged-off a national campaign of “Say No to violence Against Women” in Dar es Salaam (CEDAW 2008:6). In view of the perceived need for increased awareness of gender violence, the government through the assistance of the police put in place the Tanzania Police Female Network on Violence against Women and Children. The government was also in the process of reviewing all laws related to the optional protocol on the sale of children, child prostitution and child pornography under the main land penal code, as amended, and The Zanzibar Sexual Offences Special Provisions Offences Act of 1998 (UNOG 2008). Concerning the issue of discrimination against women on property ownership, the government has amended the law, including proposals on customary and other practices that prevented women from inheriting land and property in the Land Act and Village Land Act of 1999 (Gabusa).

The government of Tanzania is also up against the issue of FGM. As a consequence of the Beijing Conference, it established Women's Sexuality Rights, which includes Women's rights to have control and decide freely and responsibly on matters related to their sexuality. These are issues that focus on sexual and reproductive health, freedom from coercion into sexual activities, sexual discrimination and violence. (UNOG). The Tanzanian Sexual Offences Special Provisions Act, as amendment 1998 to the Penal Code, specifically prohibits FGM. Section 169A (1) of the Act provides that anyone having custody, charge or care of a girl who causes her to undergo FGM commits the offence of cruelty. The penalty for this offence is imprisonment up to fifteen years, a fine up to 300,000 shillings or both. The law also provides for the payment of compensation by the perpetrator to the victim of the offence. (UNHRC 2008). The government also signed the African Charter on the Rights and Welfare of the Child in October 1998 in which Article 21 of the states that: "States Parties to the present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular: (a) those customs and practices prejudicial to the health and life of the child...".

Government recognises violence against older women as a national problem and is aware of the violent consequences of witchcraft accusations nationally. This was included in the 2003 National Policy on Ageing (NPA) with punishment against any culprit. Tanzania has also ratified the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Article 22 of this Charter commits States to protecting older women from violence and abuse, whereby States Parties undertake to ensure the right of elderly women to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity. Tanzania attended the Second World Assembly on Ageing and endorsed the Madrid International Plan of Action on Ageing (MIPAA) in 2002. MIPAA recognises that older women face greater risk of physical and psychological abuse due to discriminatory societal attitudes and non-realisation of the human rights of women. Some harmful traditional and customary practices result in abuse and violence directed at older women are often exacerbated by poverty and lack of access to legal protection. The Madrid Plan provided recommendations to contribute towards the elimination of all forms of neglect, abuse and violence of older persons and the creation of support services to address elder abuse. These include to:

- 1: Abolish widowhood rites that are harmful to the health and well-being of women

- 2: Enact legislation and strengthen legal efforts to eliminate elder abuse
- 3: Eliminate harmful practices involving older persons
- 4: Minimise the risks to older women of all forms of neglect, abuse and violence by increasing public awareness of, and protecting older women from, such neglect, abuse and violence (Help Age International 2008).

Tanzania is also a party to the 1951 convention relating to the status of refugees which it ratified in 1983. It also has international legal obligation to guarantee that women refugees receive equal protection under the law, by among other things, ensuring that police and court officials investigate, prosecute and punish perpetrators of domestic and sexual violence against women refugees (Human Right Watch 1999).

Other initiative undertaken by government to advance women as a target group includes the establishment of a legal aid clinic to assist women on legal matters, the creation of Gender Advisory Board in the Bureau of Statistics to ensure timely and reliable statistics on situation of women so as to eliminate stereotypes and consolidate movement towards attaining full equality (Mrutu 1993:15-160).

In 2000 the Tanzanian Government adopted the Policy on Women's Development and Gender. All government ministries are now required to main-stream gender considerations into their operations. At the operational level, the Sub-programme on Women and Gender Advancement has been developed. The programme places special emphasis on the enhancement of women legal capacity; economic empowerment and poverty eradication; women political empowerment and decision-making and access to education, training and employment (Bell,E 2003:27) The Tanzanian Ministry of Community Development, Women Affairs and Children (MCDWAC) put together a document with recommendations for incorporating gender into the Poverty Reduction Strategy (PRS) process (Government of Tanzania, MCDWAC 2001).

Recently, Tanzanian president Jakaya Kikwete at a ceremony in the State House on 24<sup>th</sup> July 2008 as part of the Global Call to Action Campaign, initiated by the Danish Government in March 2008, pledged to commits its government to gender equality and empowerment of women (Internet Source 6). To complement all the above activities, publicity was promoted

by using the mass media in sensitizing and making the public aware of the legal provisions (Internet Source 6).

It would seem that the government of Tanzania has taken a proactive stance in the matter of empowering women, beginning with the significant constitutional amendment in 1984. This study now moves to investigate realities on the ground in an effort to analyse the success or otherwise of government initiatives.

## CHAPTER THREE

### REALITIES ON THE GROUND: DISEMPOWERMENT AND MARGINALIZATION OF WOMEN IN TANZANIA.

#### 3.1 The Patriarchal foundations of gender inequality

Keller (1999: 8) argues that gender relations in Tanzania are structured by patriarchal ideology. In this state of affairs, men assume a dominant position. Men exercise power, control over and ownership of means of livelihood, leaving women with little or no power to exercise control over their lives and at the same time possessing no ownership rights to property. As Keller further argues, this experiential reality, a capacity limiting situation for women, has been explained and justified through promoting an ideology of men's superiority over women. This is a patriarchal ideology, in which men are deemed as having more social value and worth than women. Tanzanian forms of patriarchy, which originally structured gender relations in diverse ethnic groups, have undergone many changes. Colonialism and the imposition of capitalist relations introduced European patriarchal ideas, that for example men should "work" (breadwinners) and that women should ensure household maintenance (house wives). (Keller 1999: 8-9).

According to White, as a product of Victorian social mores, most European men did not view women of any race as equal to men. Their racial bigotry compounded their low opinion of African women as they quickly replaced African versions of patriarchy with their own. (White 2008: 144). The colonial effort to keep African women in rural areas and in private, domestic domains by allowing African men the opportunity to remain petty chiefs in their homes contributed greatly to an andocentric colonized mentality and patriarchal practices among African men. (White 2008: 145). Lazreg (1994: 139) points out that the opportunities of African women to express and act on their gender specific grievances are drastically hampered by their isolation from public spaces as legal minors and their related absence from early meetings and decisions regarding the leadership of revolutionary organizations. Thus socio-cultural and political processes during colonization are intimately tied to how nationalisms are constructed. They shape the degree of commitment to gender equity and gender specific political education during pre-war mobilization, the liberation war itself, and



gender-relations after it (1994: 145). As a result, argues White, nationalism is gendered and often harbours a distinctly patriarchal thrust and corresponding agenda. (White 2008: 145). Moreover, the gendered psychological effects of the “androcentricization of inferiority” among colonized men also occurred and this psychological process created extremely distorted patriarchal aspects of men’s colonized mentalities that involved the fusion of European and African male authority over African women through “African customary law”. (White 2008: 160). This law invariably favoured fathers, husbands, and sons over mother, wives and daughters; it was also a collaborative means of promoting European interests, appeasing an otherwise antagonistic group of powerful African men by allowing them some familiar degree of control over African women. (2008: 144). In her paper, *Patriarchy, Capitalism and the Colonial State, in Zimbabwe*” Elizabeth Schmidt also argues that African women subordination is not solely the result of policies imposed by foreign capital and colonial state. Rather, indigenous and European structures of patriarchal control reinforced and transformed one another evolving into new structures and forms of domination. (Schmidt 1991: 734).

According to Halim, (1998: 97) patriarchy is no historical contingent to the culture; it is intrinsic to the social make-up of societies, well grounded by reason of culture. Even during war times, women combatant were counted for nothing in the eyes of the enemy combatants and this situation seems to repeat itself whenever women attempt to be involved in what is classified as a man’s place. (Halim 1998: 97). This attitude is also evident in the domain of politics and economic engagements. In politics there are only a few female representative involved in decision making and administration. On the economic front, women are most often confined to the domestic sphere from which they can never escape absolutely. In fact, women with a salaried job must combine it with their domestic activities and this makes it rare for them to reach the top. On the symbolic front, perpetuated by tradition and the way children are brought up, the valued and prized activities are those carried out by men. (Oliver and Walsh 2004: 66).

This consequential fusion of a philosophy of male superiority and female inferiority continues to structure gender relationships and is still changing today as Tanzania is drawn into the global economy. This patriarchal structure of society enables men to

use and abuse their power. (Meintjes, Pilly and Turshen 2001: 39). The establishment of state bureaucratic structures and modernization through a few rises in employment opportunities for women and the appointment of women into leadership positions on the surface appear to have solved the gender question. But clearly, men have continued to be associated with leadership and women with followership. Men control the political landscape and often co-opt women primarily as entertainers or praise singers. In Tanzania, many bureaucratic practices provide cover for the official assertion of the superiority of the males over females, whereby the police deny women the right to surety an application for bail, even when the legal provisions which regulate bail practices stipulate that “any fit and proper person” can stand-in. Women and girls face multiple layers of vulnerabilities - biological, cultural, social and economic. Driven by desperation and despondency, they often found themselves engaging in high-risk activities.

### **3.2 Socialization dynamics of gender imbalance in Tanzania**

Tanzanian discourse on sexuality frames men as dominant, in charge, sexually-potent, survivalist and violent. It also encourages the socialization of males as head, lords and masters over women in all spheres. Women are compelled to conform to social norms through fear and threat of socialization. Women are trivialized, made to be interested only in inconsequential aspect of their existence like romance, wives, mothers and domestic workers, and are unable to influence anything that will put them in a positive light .(Mtambalike 1996: 234; Stannard 1991:15).

According to Koda and Shayo, the root cause of this gender imbalance are the socialisation process as well as the patriarchal property relations where many Tanzanian girls and boys grow up in households and communities that treat them differentially and unequally where boys learn that they have greater social value as permanent members of the family and the society, and girls do not have such rights (Koda and Shayo1994: 6). All Tanzanian societies have proverbs on gender relationship. Women are symbolically annihilated and this annihilation is “akin to the real annihilation” of women in society. Women carry condemning labels such as “manungayembe, Shang Indi, kibaiskeli cha geto” (a ghetto bicycle), “Jamvi la wageni” (a guest mat) (Mtandao July 2001; Ijumaa June 15-21: 2001).

In the northern part of Tanzania, women are referred to as an “implement or object” and in the Southern part, and they describe a woman as a “walking stick which is always replaceable” (Keller 1999: 8). These statements, sentiments and condemning names do not only describe women, but also reflect deeply rooted attitudes about gender relations; they are not highly valued because they are replaceable, this being a strand that runs through the historical experience of the Tanzania women in gender relations that is shaped by its patriarchal ideological dispositions (Laghorn and Parker, 1986:37). To be a woman is basically an occupation status, is to keep the house hold in a way that male world runs smoothly without problem. A woman is known as a sack made to endure as long as she lives in her husband’s house (Backer, 1979). She is also the possession on first her father’s household and on marriage, of her husband’s in whose family she remains the most inferior person until she bears a son (Young 2000: 21). The resultant synthesis of this ideology of patriarchal attitude of male superiority and female inferiority is a driving force for the oppression and marginalization faced by women in Tanzania and which usually plays out in high prevalence of violence and discrimination against them. (Keller1999:8).

Despite an improvement in the overall government social engagement on gender issues relating to women since 1984, women have experienced continuing and possibly increased violence, discrimination and insecurity resulting notably from the wide gap between enunciated policies aimed at eliminating them and the initiation of practical actions towards achieving those. Women leave with violence as an ever-present threat and this has continued to a major problem in Tanzania (Internet Source 7).

### **3.3 Indices of marginalization of Tanzanian women**

Women in Tanzania still face educational denial. According to Ruth Meena, (1996: 1) education is the most powerful tool for social, economic and political integration, and also promotes respect for the human person. It is an intrinsic worth for all human beings and indispensable in achieving other rights to the human person, including rights to economic wellbeing and good health. Where the right to education is guaranteed, other rights are greatly enhanced. It is a right that has an enabling function in relation to the attainment of other rights (Backer, 2004:143). To Archard

(1993: 43), education is not just as it is popularly referred to as “preparation for life” but it is life itself. This denial of access to education against the Tanzanian women, argues Meena, (1996: 4) represents the worst case in Africa. Of the about six thousand two hundred (6200) student at tertiary level of education, eighty-six percent (86%) are males and only fourteen percent (14%) are females, with seventy percent (70%) male and thirty percent (30%) female enrolment in science (Meena 1996:4). This evidences existing educational gender inequalities, plays out in the socio-economic and cultural norms and attitudes that particularly assign and sustain a highly discriminatory and subordinating position to the women in the Tanzanian society. It clearly highlights to a great extent the existing measure of marginalization of women in the scheme of things while at the same time throws a light on the difficult future for the Tanzanian women in the competitive socio-economic and political landscape.

Meena further points out that educational stereotyping do reinforce existing oppressive gender relations and perpetuates women subordinate status in the society (1996:3). The school curriculum is gender stereotyped and particularly infused with the biases which groom female out of higher education, therefore, determining their future position and participation at the periphery in the labour market. To make matter worst, there are very few women curriculum developers and fewer women to make important inputs as the contents and targets of the Tanzanian educational process. According to McClosky, women in Tanzania who failed to reach secondary school were much more likely to have a violent partner and barriers to girl’s education, therefore creates the conditions for later exposure to intimate partner violence (2005:17).

According to Meintjes, Pillay and Turshen, in entrepreneurial economy or opportunities for employment, patriarchal ideology about gender relations is also embedded. As economic power often determines a woman’s responses to violence and a woman’s lack of economic power is mainly expressed through her remaining in an abusive and dangerous situation. (2001: 42) .Woman is better represented in the non-formal sectors because most jobs in this sector do not require certification. Entry into all jobs, even at the lowest level in the formal sector requires the possession of minimum educational qualifications. Given women’s relatively low level of education in Tanzania, the non formal labour market with no educational entry

requirements has become their main channel for earning their living. Their work is largely unrecognised, undervalued and under-employed if not totally unpaid. (2001: 42) .Meena pointed out that the low level of female participation in economic activities in Tanzania has been attributed to the fact that the society considers it improper for a woman to engage in employment outside her home, being confined to her considered best suited involvement at domestic roles which include cooking, bearing children and looking after the husband and the children. It is of interest to note that while girls are in the majority in domestic option, and cooking, traditionally a female dominated role, women still constitutes a minority in the hotel industry. Hence, when cooking or other chores are given monetary value, males tend to dominate them (1996:38).Moreover, the terms on which women and men compete for employment are set by wider social relations, including cultural, economic and political arenas. These include the assumption that a woman's primary commitment should be to care for a family at home, playing her role in the reproductive sphere, while depending on a male provider for cash needs ([www.arushamunicipal.go.tz](http://www.arushamunicipal.go.tz)).

Rwebangira notes that a particularly heavy burden is evident in the rural Tanzanian communities where the majority of the women live and work. According to the 1988 population census, women account for seventy-five percent (75%) of the active population engage in agriculture, producing ninety percent (90%) of the food requirement of the country (1996:9). But their contribution does not reflect in their social respect and treatment. They are still looked down on, marginalized, violated and discriminated against. Structural, economic and cultural factors, all tends to reinforce each other and where there is a negative combination, the woman is usually at distinct disadvantage.

With respect to politics, it is arguable that the keys to political success are high level of education and salaried employment. The deep-rooted patriarchy ideology is also an impediment to Tanzanian women participation in politics. Their exclusion from participation in public life is explicit: they are kept ignorant of men's activities in politics (Nelson 1979: 44). Worst still, as majority of women remain illiterate, their access is hindered as they remain ill-equipped for the challenges that national politics demands (Hannan 2000: 5). The experience of women in politics has often over the years manifested as one of exclusion, inequality and utter neglect in a country where

political participation of women has been a long and chequered history (Usha 1998: 1). According to Malhotra, the marginalization of Tanzanian women at the educational and employment level, therefore, obviously carries over to and critically reflects the political superstructure level where their participation is low, where women are to be seen and not heard. Though women in recent times in Tanzania have been given certain positions like special seats in parliament representation and in local government, such numbers have resulted from a manipulated and perverted selection process and they do not bring up gender issues because most of them have been appointed by men in pursuit of the cosmetic gender equity while neglecting the need to empower women generally (Malhotra 2004:236). This therefore makes a mockery of the systems.

### **3.4 Indices of oppression of and violence against women in Tanzania**

Women in Tanzania have also been faced with the problem of widespread domestic and sexual violence, including rape and wife battering. Such violence appears to be socially legitimized and accompanied by a culture of silence and impunity. (CEDAW: 2008: 6). Tanzania is reported to be one of several low-income countries with a high rate of domestic violence. This has been the most common human rights issue in Tanzania, and one of the least discussed and confronted, so widespread in the country (WHO: 2006). Studies on Tanzania show that 60-70 percent of women were beaten by their husband or partners and that in more than half of these instances the beaters use weapon (Agosin, M 2002: 136). It is acceptable for a husband to threaten his wife as he wishes since she is deemed a property to him simply because he paid the dowry ([www.irinnews.org](http://www.irinnews.org)). Husbands believe they are entitled to sex with their wives at anytime and even to have sex outside marriage. (Terry 2007: 139). This onslaught of violence seems to be unstoppable in Tanzania. In her research on Tanzania, Laura McCloskey found that fertility variables were associated with violence against women. Women who had difficulty conceiving were more likely to experienced increased rates of violence and the violence even increases with the number of children. Women with five or more children were at the highest risk of experiencing partner violence (McCloskey 2005: 13). As Agosin points out, women are at greater risk when they attempt to leave an abusive relationship. There seems to be no cultural,

family, social or even legally mitigating pressure against these acts against women. (Agosin 2002: 138).

Bride price/dowry hinders women from leaving or taking a divorcing in an abusive relationship. Many women lack their financial resources to pay back the dowry paid to their fathers, a prerequisite to divorce according to customary laws. This is they are often financially dependent on their husband due to their marginalized position economically which is reflected in their lack of access to resources. This encourages them to remain in the abusive relationship out of economic incapacity. (Mushobozi and Litha 2008: 3).

The Tanzanian government alternatively refuses to intervene to protect women and punish their barterers or does so haphazardly in ways that make women feel culpable for violence. SOSPA for example has remained silence on specifically addressing domestic violence (CEDAW 2008). Yet this despicable violence is just one of many injustices against women. It has come to assume very much a part of existential reality of the Tanzanian women. Violence against women is thus underreported and those reported are shabbily treated and settled out of court ( CEDAW: 2008: 6).

Implicit to this plight, is a global health crisis of epidemic proportions and often a cause and consequences of HIV and AIDS (WHO Geneva 2005). It has been established that violence against women has a relationship with HIV and AIDS. Violence places a serious health burden on women and their children amplified through its putative connection to the rising tide of HIV in the country. (McCloskey 2005:3). It increases female vulnerability to HIV by making it difficult or impossible for women to abstain from sex, to get their partners to be faithful or to use condom. (Baylies 2000: 12). Violence or the fear of violence also makes it difficult for women and girls to disclose their HIV status or to access essential AIDS services because their husbands and partners physically attacked, threatened and intimidated them even when they know they have been infected. Numerous studies from around the globe show the growing links between violence against women and HIV/ AIDS (Amfar 2005: 3). These studies demonstrate that HIV infected women are more likely to have experienced violence and that those that are still facing violence from their husbands or partner are at higher risk for HIV. Studies on Tanzania indicate that the

risk for HIV among women who have experienced violence may be up to three times higher than among those who have not. A Horizon report found that HIV infected women in Tanzania were significantly more likely to have experienced physical or sexual violence with their current partners (WHO 2004: I; UNIFEM 2007).

Nevertheless, domestic violence is not viewed as a crime in Tanzania and government officials are usually reluctant to refer such cases to court. Counselling services instead are sometimes, efforts that simply focus on reconciling the two parties, ignoring the victim's need for justice. This is a half measure which falls short of dealing with substantive issue of the violation of the rights of the women involved, and is not sufficient to bring an end to violence against women. (HRW 1999).

Pertinently, there are groups and communities whose domestic laws run counter to state laws. A good example is the Zanzibari law which subjects unmarried pregnant women to two years imprisonment despite the 1996 law to permit pregnant women to socialize freely in the society and even allow them to continue education following maternity absences. The Tanzanian government has really not confronted this kind of sub-system provision that violates fundamental rights of women as stipulated by the state laws (AFROL 2000).

Girl-Child labour is also another aspect of violence that occurs persistently in Tanzania. A 1998 study funded by the International Labour Organization (ILO) reported a growth in child prostitution in Tanzania. Female children are forced into prostitution by parents or guardians in need of extra income and reportedly senior government officials are involved in the practice and there is no law prohibiting girl-child prostitution or trafficking (AFROL 2000).

Women's control over property, especially land, is restricted and sanctioned by the traditional communities. Their rights to own, inherit, manage and dispose of property are under constant attack from customs, laws and individuals, including government officials who believe that women do not deserve or cannot be trusted with property. This denial of women's rights, especially of land ownership, disregards the fact that they are the backbone of both the subsistence and cash economy of Tanzania. They provide more than seventy percent (70%) of the labour in agricultural production and



over eighty percent (80%) in food crop production and processing (Tanzanian Land Alliance 1999: 1), yet are not considered producers of wealth because they do not own land. All rights are vested in the man or husband. Women have no right to land and if divorced or widowed, they would have to leave the settlement. The right of inheritance and respect for duties are completely ignored. (Mascaranhes and Mbilinyi 1983:98). This dependency, and systematic denial of control over land, exposes women to violence and exploitation, both from the males they depend on or their male relatives when they are widowed. Widows, divorcees and orphans are often forced into isolation and destitution. (Chirayath 2006:4).

Women have no say in divorce cases. A man can decide unilaterally to divorce his wife and the woman leaves the relationship with nothing (www.un.org). This age-long practice has not changed over the years. Women still face violence and social stigma if they attempt to claim property. The complex mix of factors underlies women's property rights violation in Tanzania, particularly discriminative laws and customs. There are no government programs specifically aimed at preventing and remedying such violation. (HRW 2000). While noting the adoption of the Land Act No. 4 of 1999, as amended in 2004, the Village Lands Act No. 5 of 1999 that tends to deal with the discriminatory customary regarding women's rights to land and that of access to the Courts in land disputes (Land Disputes Settlements Act No. 2 of 2002), women still often lack effective access to and enforcement ownership of land despite the existence of these seemingly enabling laws. There is also concern that the amended land laws do not address the issue of discriminatory inheritance rights against women, while the limited knowledge which women have as to their property rights and their lack of capacity to exploit those provisions all combine to effectively put a wedge on their emancipation from oppression, sustaining and pushing harder still the inherent gender discriminatory practices in Tanzania. Mysteriously, this has forced women to "marry" another woman in order to bear a son for inheritance purposes (Kayo, 2003).

Widowhood profoundly affects the status of women in Tanzania in a very significant way. They face discrimination which undermines their security. Customary laws deny widows the right to inherit common assets which were left behind by a deceased husband. Widows can be inherited by their deceased husband's brother and must

abide by the laws or risk being ostracised and left without income and assets at a time of trauma and bereavement. Widows in Tanzania face harmful rituals like widow sexual cleansing. In performing this ritual, a widow is made to have sex with either the deceased husband's brother, relation the village cleanser. This is done before she is taken in marriage by the brother or any other relation of her deceased husband (Von Struensee 2004). Studies show that this widow inheritance custom has contributed to the spread of HIV and AIDS in the Tanzania (Gausset, 2001: 512).

In Tanzania, women face citizenship right problems. Under the Citizenship Act of 1965, foreign women married to a Tanzanian man were entitled to registration as a citizen. This right was not accorded to a male foreigner marrying a Tanzanian woman. A woman, therefore, does not have the right to pass on her nationality to her spouse. This is a clear case of status differentiation on the basis of gender. The Citizenship Act of 1965 has been repealed and replaced by the Citizenship Act of 1995 with no serious measures to deals with this discriminatory practice. (UNHRC 1998).

Another glaring instance of violence against women in Tanzania is the practice of female genital mutilation (FGM). It is a deep rooted cultural practice in Tanzania which permeates local cultures. According to Terry, FGM is targeted at controlling women's sexuality (2007:50). This serious violation of women's rights has been internationally condemned. There is a global effort to bring an end to this custom which is recognised as a harmful to women (LHRC: 2000: 3). Many countries have legislated against this practice. Again, a number of international organizations have made its elimination a priority. This practice is not only a case of human rights violation but also meant to undermine women's dignity. Uncircumcised women are seen as undesirable and threat to the social order. There is social pressure on girls' mothers and other female relatives to get girls circumcised. This practice violates women's sexual rights and even threatens their very right to life with consequences like severe pain, shock, alteration of genital region, recurring urinary-tract infection, and difficult menstrual periods. Furthermore, the practice results in the spread of HIV/AIDS and even causes death in some circumstances.

Gender based violence against elderly women in Tanzania is prevalent. Old women are faced with intimidation, isolation, abuse and/or killing resulting from allegations

of witchcraft. Despite laws against this practice, old women have continued to experience this violation. The context in which accusation of witchcraft are made is complex. Deep seated cultural belief, the low status of women, poverty and the need to apportion blame and seek redress for negative occurrences, such as death in the family or crop failure, all contribute to a culture in which those allegations and subsequent violence is tolerated (Help Age: Apr.2008).

In Tanzania, according to Nelson, economic difficulties have also contributed to the increasing instances of labelling old women witchcraft as ground to evicting them from their homes and even killing them for the little property in their possession. (Nelson 2002:1094). Exact statistics are hard to come by, as many go unreported but it has been estimated that as many as more than 1000 people lose their lives annually in Tanzania to witchcraft related violence. (Duff 2005). Old women are also excluded from HIV and AIDS programmes as recipients of prevention and care information or as at the risk group of HIV infection since surveillance data for people over 49 years is not analysed or disaggregated by age and sex. (Help Age 2008).

Another example of gender-based violence is violence against women refugees in Tanzania. This particular violation has received enormous attention globally. For decades, the Tanzanian government has generously opened its borders to hundreds of thousands of refugees, especially from Burundi. This has been at a great price as it is a heavy burden on the country's limited resources and infrastructure. But over the years, incidents of violence against women refugees in Tanzania have become a recurring phenomenon. These women are confronted daily by violence in the camp. There is widespread rape and other sexual and domestic abuses which have left many of these women physically battered, psychologically traumatized, fearful for their lives. It looks as though these women refugees simply escaped one type of violence from their country to another type of violence and abuse in Tanzania. It was reported that the Tanzanian government has failed to address this particular issue in a timely and effective manner despite ample evidence that women's lives were in danger in the general camp community (HRW 1999). UNHCR has reported that there is an absence of an appropriate policy guiding staff on how to respond to domestic violence in refugee camps. This is a serious problem that has far reaching consequences beyond Tanzania.

According to Magdalene Rwebangira, discriminatory treatment of and practices against women denies them a creative role in empowering themselves economically, socially and politically. They equally discourage them from taking initiatives on their own behalf, remaining unsure of the extent of the protection of their interests in economic terms as it concerns the accruable financial and material benefits of their labour. Although there are NGOs in Tanzania dealing with women's rights in one way or the other, they are very weak. Their activities equally lack proper coordination. They are yet to transform into a strong lobby that needs to be taken seriously by the political leadership of Tanzania. (Rwebangira 1996: 9).

## CHAPTER FOUR

### CONCLUSION: FACTORS MILITATING AGAINST THE EXECUTION OF WOMEN EMPOWERMENT PROGRAMMES IN TANZANIA

Despite the welcome effort of the Tanzanian government to improve secure equality for women under its own constitution and the commitment to the Beijing Platform for Action, the international blue print for gender equality and equity, The Southern African Development Community(SADC) Gender and Development Declaration, Its regional mirror and the Convention on the Elimination of all forms of violence Against women (CEDAW), attitudinal and other obstacles continue to inhibit women's empowerment program me in Tanzania. This is perhaps best illustrated in the following other.

#### 4.1 Women and tradition

The first impediment I have considered is patriarchal ideology which has continued to be a major constraint in the effort to eliminate all forms of violence against women (NGO 2004). According to Keller in his work "Towards Equality in Tanzania: A profile on Gender Relations" who argued that patriarchal ideology is the root cause of gender-based discrimination in Tanzania, which is expressed in the application of so-called customary law and practices to situations where these have no meaning (1999:35). Marginalization of women is really rooted in culture which men have used to justify and fuel the marginalization of women in all aspect. This indigenous and inherent tradition and culture of patriarchy has been implicated as the source of a hindrance to empowerment of women in Tanzania which are yet to be deconstructed in Tanzania as customary laws and other legislation that discriminate against women and are incompatible with the convention remain in force in Tanzania (CEDAW 2008:4,Godiksen 2007). These socio cultural practices and the fundamentalism constitute serious challenges to the implementation of critical area of concern relating to discrimination and gender violence. Traditional customs that subordinates women remains strong in urban and rural areas and local magistrates often uphold such practices (Preice, Hawkins and Ezekiel 2003)). According to Rutazaa, the constitution of Tanzania states that all are equal before the law, However, as it is stated clearly that in matters concerning family situation and marriages, the court must consider the customs of parties involved before determining issues, like child custody, division of properties and

inheritance. The existing norms are customary practices are big obstacles to women as where statutory law and customary law differ; women often lose (2005:26)

#### **4.2 Conflict of interest between laws**

According to Von Struensee, This issue is further complicated by a three-part legal system consisting of customary, religious, i.e., Islamic law, and statutory law. The uncertainty and confusion surrounding this three-part system compounds existing exploitative practices of marginalization against women in Tanzania (Von Struensee, 2004:1). This persistence of unfavorable cultural norms, practices and traditions perpetuates discrimination against women which the state has not taken a sustained and systematic action to modify or eliminate these negative cultural values like property inheritance and ownership which is based on current patterns of inheritance which are extremely patriarchal and often excludes women from inheriting. This discussion is a delicate one, and is a major obstacle in achieving gender equality as they form part of deep-rooted values that are not easily challenged (Godisken 2007).

Mazrui argues that the issue of triple heritage of law which consists of indigenous/customary law, Islamic law, and the legal and judicial systems which came with western acculturation also contributes greatly to the issue militating against women empowerment (Mazrui 1989:252). The last of these is what constitutes largely, if not exclusively, state law, the “competing” notion of justice and fairness are constructed around this triple heritage, and all these laws are viewed primarily as a lived experience subtly expressing itself in the day- to-day perception of people and, probably more sharply, in conflicting situations like women’s property inheritance and right to land ownership (Shivji 2000:39). These laws are not only in contradiction but are also locked in struggle and each undoubtedly proving its capacity to become dominant by the logic of force (2000:60) which makes empowerment more difficult. Gopal and Salim also argue “that inadequacy of legal services has held back the empowerment of women in Tanzania as it is one thing to have legal rights and another to enjoy them which is the accessibility and the enforcement which is lacking as there are conflict with women’s legal rights as spelled out in statutory and international human rights and traditional values”. (1998:73).

### **4.3 Lack of political will**

Lack of political will on the side of government is another crucial factor that hinders the execution of its women empowerment program as often the move from policy formulation and commitment of effective implementation represents in many ways the most important challenge facing the movement for women's empowerment and gender equality.

Lack of political will as argued by Rutazaa Aginatha, has made the government of Tanzania to delay actions that would amend various laws which are discriminatory against women while for example women continue to experience loss of properties and legal rights when their husbands die, the government is making only limited efforts to resolve the inconsistencies between the statutory law and customary law. There is no serious step taking to incorporate the domestic legal frame work (Rutazaa 2005:26).

Although the Tanzanian Government ratified the convention in 1985 without any reservations, the convention has still not been domesticated as part of the United Republic of Tanzania. As without full domestication, the convention is not a part of the national legal framework and its provisions are not justifiable and enforceable in the courts (CEDAW 2008:3). Andrea Brown also argues that the attitude towards legislation on the part of government also poses a problem as he identified lack of uniformity in the Tanzanian constitution which have not been fully recognized as superseding customary or Islamic laws, both of which continue to discriminate against women in some vital areas of their empowerment like inheritance and property rights (Brown 2001:75). NGO have argued that despite the recommendation on equitable inheritance in every forum where women's right is discussed, government "is dragging its feet" on the issue (Keller 1999:12).

Brown notes that Stagnation of the reform process is also an obstruction to the execution of women empowerment in Tanzania as the Tanzanian state government does not respond to the presence of women groups which represent women's interest as an important component of consolidation which was at first a government initiated program to develop a strong civil society but at a long run the government is unwilling to proceed further with this reform (2001:92). The Government of Tanzania often makes vague reference to issues concerning women groups.

#### **4.4 Illiteracy and ignorance**

According to Gopal and Salim, legal illiteracy is another constraint which affects women, the lack of functional and sufficient knowledge of the relevant laws, particularly of statutory laws. Unawareness of rights is common amongst Tanzanian women, many women are not aware of their rights especially under the law of Marriage Act and as such they are often conned by unscrupulous grabbers (Gopal and Salim 1998:74).

Women in Tanzania are also faced with Ignorance of the human rights by the women and the society. According to Amoako, at the Gender and Law conference at Addis Ababa, ignorance has been detrimental to the welfare of many women, particularly rural and urban poor women, who believe that their countries' legal systems are either irrelevant to their lives or constitute systems which reinforce constraints and inequities. This is because, in many cases, they are not aware of nor do they understand the provisions and they do not have some level of assertiveness and empowerment to be able to pursue judicial remedies.

Moreover, even when the provisions are supposed to promote and protect women's rights, there is often a wide gap between de jure and de facto -- between passage and implementation. For instance If a woman farmer, newly widowed, has land taken away from her by her husband's relatives or his community, or a woman entrepreneur seeks credit to begin or expand her productive work and is denied because she is a woman, or if she is beaten at home and is told, by the police, to try not to upset her husband, how much faith can she have in equality before the law? (Amoako,1997).

#### **4.5 Financial constriction**

Inadequate funding for the implementation of the National plan of action for the emancipation of women have also been a very critical set back to the empowerment of Tanzanian women (CEDAW 2008:6). As there cannot be any meaningful progress in any project without fund as inadequate financial resources makes it impossible for work to be done. This has made gender initiative non attractive and worthwhile and has made activities such as micro-credit schemes for entrepreneurs and micro finance scheme at low interest rates far from implementation (Keller 1999:35). As such, the economic empowerment of women is hampered as this is the biggest problem which women faces, in the view of the fact that the more economically women are empowered, the more confident they become in articulating their thoughts and more productive they becomes in their actions, less dependency on men by strengthening their economic autonomy and give them means to



pursue various activities which will result in their getting involved in taking decisions for the family, the society, the country and world along with their counterparts that is men (Kali 2008).

#### **4.6 Inadequate monitoring mechanism**

Another constraint is the lack of monitoring tool to assess progress on the national plan of action which comprises both data and information on both discrimination and violence against women. The government failed to create a reporting mechanism to ensure that there is a regular follow-up and review of progress in the implementation of the National Gender Policy and assessing the performance rather the government of Tanzania has depended on soliciting donor interest than on government commitment to the provision of adequate resources for the progress of action (Keller 1999:34).

#### **4.7 Perceptions of gender**

The issue of who makes the policy also amount to immense constraint to women empowerment, as the vast majority of policy makers are men. The feeling of patriarchy is always set in as they are yet to be convinced of how they will benefit in creating space for women (Keller 1999:31-32). Thus “drag their feet” in making any policy in favour of women. In addition to this, is the concept of gender which also constitutes a problem, as gender in Tanzania is still thought to be synonymous with “women”, and gender equality is confused with the now outnumbered concept of “integrating women in the development process” there by it is misunderstood as a “women’s issue” rather than a development issue. Men’s perception of gender roles are not taken into account (1999:35). According to Godikson Lene, a development worker in Tanzania, he argued after his research there is a challenge in making men interested in gender issues to change the existing power balance (Godikson 2007).

In conclusion, this study has shown that various categories of law exist within Tanzania and they have conflicting approaches where discriminatory practices against women’s right which can be more prominent in customary and less so in statutory laws as it is written, where the former is highly patriarchal and the latter written to incorporate the other system. The inconsistencies are inevitable and the chances that women will gain access to equal protection before the law are limited.

In Tanzania, there are various statutory laws, international conventions, declarations and other activities regarding women's rights, which is a step in the right direction but what remains is to resolve the inconsistencies between the statutory and traditional laws being practiced in Tanzania.

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