

THE SITUATION OF GENDER BASED VIOLENCE IN TANZANIA by Dr.Judith N.Odunga

Introduction

Gender Based Violence (GBV) remains a major global challenge with its most ugly face in Africa; Tanzania inclusive.¹

Gender Based Violence has been defined as “any harmful act that is perpetrated against a person’s will and that is socially ascribed (gender) differences between males and females (IASC, 2005). GBV has a greater impact on women and girls, as they are most of often the survivors and suffer of great physical damage than men when victimized (WHO 2005). The term gender based violence is often used interchangeably with the term “Violence against Women” and this is supported by the United Nations General Assembly (UNGA) definition of Violence against women as²

Literature has revealed that the major root cause of gender based violence is discrimination perpetuated by customs, cultural and traditional settings that place women and the girl child at a lower level of social relations.

Types of gender violence (abuse)

Some examples of gender based violence include; **physical violence** such as beating, punching, pushing, grabbing, maiming and killing with or without weapon, FGM etc among others; **psychological violence** includes verbal abuse, scolding, isolating, verbal humiliation, gesture, annoyance, slandering and disgracing; **sexual abuse** includes the following; rape, dishonesty in relationship, forced unprotected sex, touching of private parts of a person without his/her consent, etc; **economic abuse** include lack of voice in economic rights affecting one, working for less pay, failure to own property that one deserves, trafficking of persons, denial of basic necessity e.g. food, denial of education as a basic right, and early marriages. Examples of health

¹ Article one of UN Declaration on the Elimination of Violation Against Women

² Any act of gender based violence that result or is likely to result in physical, sexual, or psychological harm or suffering for women, including threats of such acts, coercion, or arbitrary deprivation of liberty...

abuse (violence) include lack of right to access health delivery in hospitals, denial of funds for attending health services by parent or guardian, etc.³

The Situation of Gender Based Violence In Tanzania.

Gender based violence remains a reality in Tanzania, both mainland and Zanzibar. GBV remains a significant social and a human rights challenge. In Tanzania GBV is pervasive.

CURRENT SITUATION OF GBV IN TANZANIA

The 2010 Tanzania Demographic and Health Survey (TDHS) gathered some information about VAW prevalence in Tanzania. Experiences of physical violence reveals that 39% of women aged 15-49 have experienced physical violence in the previous 12 months. The figures for the proposed focus areas for the scaling up of the National GBV response demonstrate the scale of the problem: Dar es Salaam 31.8% Mbeya 48.8% and Iringa 42.3%. In the majority of cases the perpetrators of sexual violence against women are the current husband/partner with a figure of 48.1%

Attitudes towards Wife Beating

- 39% percent of women aged 15-49 agree that a husband has a rights to beat his wife if he argues with him.
- 18% of women aged 15-49 agree that a husband has the rights to beat his wife if she burns the food.
- 40% of women agree that the husband has the rights to beat his wife if she neglects children.

Physical Violence

- 39% of women aged 15-49 have experienced physical violence since the age of 15 out of them 94% of physical violence was committed by a current or former husband partner.

³ WiLDAF/USAID “ Ulinzi wa Wanawake Dhidi ya Ukatili wa Kijinsia Tanzania, DSM 2011 (quoted from East Africa stakeholders Forum Report) p3

Spousal Violence

- 36% of women aged 15-49 have experienced emotional violence committed by their husbands or partners.
- 39% women aged 15-49 have experienced physical violence committed by their husbands or partners.
- 20% of women aged 15-49 have experienced sexual violence. Out of them 17% have experienced sexual violence by their husband o partners.
- 10% of women aged 15-49 had their first sexual intercourse forced against their will.
- 44% of women aged 15-49 had either experienced physical or sexual violence.

Female Circumcision

- 82% of women aged 15-49 have had female circumcision.
- 92% women believed that the practice of female circumcision should be stopped.

Attitudes towards Spousal Abuse

Approximately 3 in 5 females and 1 in 2 males between the age of 13 and 24 believed it was appropriate for a husband to beat his wife under certain circumstances if she either; goes out without telling him neglects the children argues with him refuses to have sex with him or burns the food.

Despite the fact that GBV prevalence is high in the country the related support services to survivors remain limited. Survivors/victims access to safe houses, legal aid services, health services and psycho-social support remains a challenge.

Main causes of GBV and major contributory factors in Tanzania

Various studies have indicated different causes and nature of GBV in different countries including Tanzania. There are varying factors which influence GBV including, age, gender and geographical locations.

According to research findings by WiLDAF, in Dodoma for instance, the occupants “Gogo, Hehe and Rangi tribes, GBV cases are influenced by the existence of bad customs and traditions of those tribes which subject women to so many family activities such as grazing, fetching water from distance catchment areas, cooking and denying them of the right to education because they are bread winners”.⁴

As for Mbeya region “the main reason leading to the confined practice of GBV are witchcraft beliefs, people’s customs and traditions, lust, widowhood orphanage, lack o f understanding of basic rights as stipulated under the law, jealousy and desire of getting married by the girls.⁵ In Mara and Iringa regions the reasons identified included drunkenness, belief in witchcraft, poverty, bad traditions (especially against persons with disabilities and women, gender discrimination, lack of dormitories which forces students to rent rooms outside their school and end up in immoral sexual temptations (common in wards secondary schools). Other reasons in Mara region are polygamy, AIDs pandemic loss of parents and breakdown of marriages”⁶

In Dar es salaam, the reasons for GBV include, globalization, parents failure to spend time with their children, hard living conditions, lust, women’s overdependence on men, complexity of life and patrilinearism.⁷

International and National measures in GBV alleviation

International Instruments

Good instruments have been designed in an effort to curb GBV at global, regional and national levels. Some of the instruments include the United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) 1979, The African Union (AU) Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (Maputo Protocol) 2003, UN Declaration on the Elimination of Violence Against Women, 1993, Beijing Declaration and Platform for Action 1995, and SADC Protocol on Gender and Development, 1979.

⁴ WiLDAF comprehensive study on efficiency of the enforcement of the Penal Code, Cap 16, Against Gender Based Violence in Tanzania (Dar es salaam, Mbeya, Iringa, Dodoma and Mara region,) 2012 p.21-22

⁵ Ibid op cit p. 22

⁶ Ibid op cit p.22

⁷ Ibid

Article 4 of the United Nations Declaration on the Elimination of Violence Against Women of 1993 directs the state to condemn violence against women and not to involve any custom, tradition or religion with respect to its elimination.

The SADC Protocol on Gender and Development of 1997 in its article 4(2) requires states to implement legislative and other measures to eliminate all practices which negatively affect the fundamental rights of women, men, girls and boys, such as their right to life, health, dignity, education and physical integrity.

Tanzania is a signatory to the instruments mentioned above.

National Legal and Policy Framework Against GBV

The Constitution of the United Republic of Tanzania has enshrined the principle of gender equality inserting the Bill of Rights and Duties, articles 12 and 13 of the Constitution for example state that all human beings are born free, equal and are equally entitled to the recognition and respect of their rights.

More legislation like the Land Act, the Village Land Act, 1999 portray the equality aspect. The Sexual Offences Special Provisions Act, 1998 (as incorporated into the Penal Code), criminalized various forms of sexual offences such as rape, sexual assault, sexual harassment, female genital mutilation (for females below 18 years of age) and sex trafficking.

However, the law does not recognize marital rape as a crime. The Penal Code like most laws in the country does not address the psychological torture or mistreatment. Neither does it cover spousal battery despite prohibiting assault.

The Law of Marriage Act, 1971 despite prohibiting corporal punishment, like the Penal Code, it does not criminalize marital rape. It further fuels gender based violence by allowing child marriage (at 15 years of age with parental consent).

The Law of the Child Act, Apart from the legal frameworks, the government through various ministries has come out with policies that guard against gender based violence. One of such policies is the Women Gender and Development Policy of 2000 which aims at ensuring that gender equality is embraced in all plans, strategies and development undertaking in every sector

and institution; the National Development Vision 2005 which envisages poverty reduction and improving the country's income to middle level, MKUKUTA strategy which also aims at eradicating poverty, hunger, disease, ignorance, environment destruction and discrimination against women by 2025.

Other key policies for GBV

Other key policies from GBV include the National Guidelines for the Health Sector Prevention of and response to GBV, which states the role and responsibilities of the Ministry of Health and Social Welfare and other stakeholders in the planning and implementation of comprehensive GBV services, the National Management for the Health Sector which provides a framework for standardized medical management of GBV cases and aim at strengthening referral linkage between the community and services providers.

Role of CSOs

Various CSOs such as Women in Law and Development in Africa (WiLDAF), Tanzania Media Women Association(TAMWA), Tanzania Women Lawyers Association(TAWLA), Legal and Human Rights Centre (LHRC), Women's Legal Aid Centre (WLAC), Kilimanjaro Women Information Exchange and Consultancy Organization (KWIECO), Tanzania Gender Networking Program (TGNP), Kivulini Women Organization, Anti-Female Genital Mutilation Network (AFNET), ABC Foundation, Kiota Women Health Development Organization (KIWOHEDE), to mention only a few, have done a tremendous job in the campaign to prevent and respond to gender based violence through media campaign education and training, legal aid services, publication and dissemination of GBV materials, coordination, etc.

Despite all the above discussed efforts, GBV is still pervasive and persistent in Tanzania.

Challenges towards curbing GBV

Some challenges in combating gender based violence include but are not limited to:-

- Attitudes, norms and behaviors that are deep-rooted in the families, homes and communities and institutionalized at all levels and consequently producing a culture of social acceptance of gender violence, especially violence against women.

- Some aspects of violence against women are socially sanctioned and justified as inevitable way of managing conflict and view as a normal way of life.
- Fear of further violence prevents victims/survivors from taking action to prevent or respond to GBV and have a visible stand that can be supported by neighborhood or authorities.
- The majority of women remain in violence relationships because they fear parting with their homes, property and children.
- Economic dependency locks women in a circle of violence.
- Lack of guts and decision making power leave women tied up in violence.
- No specific law which prohibits explicit GBV. It has been regarded as normal criminal offences – Penal Code Cap 16. This is against the International human rights instruments in particular article 20 of the SADC Protocol (1997) which requires SADC countries to enact specific law of GBV; the ICGLR Declaration of 2012 which requires countries to have a specific court for sexual and GBV offences.
- The police gender and children are not given full support by the government.

Conclusion

Despite efforts by the government and other stakeholders like CSOs, community leaders, police and individuals, GBV is still pervasive and persistent. More efforts need to be condensed towards the evil. It is high time that different stakeholders take their right position in addressing GBV. The government for example should repeal all bad laws that fuel GBV. Good policies that are in place should be made more effective. The CSOs should continue to educate the public on the evils of GBV. The community leaders should rally behind citizens to ensure that GBV is no longer a private affair in their localities.