

Gender Based Violence

Submitted by: Legal Human Rights Centre (LHRC) & The Advocates for Human Rights

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Summary: Tanzania has partially implemented legislation addressing the prevalence of gender-based violence (GBV), female genital mutilation (FGM), and barriers to equitable healthcare and education. Despite the judgement of the Court of Appeal declaring child marriage unconstitutional, no legislative amendments have been enacted to align the law with the Court's decision and child marriage remains insufficiently addressed in practice. Weak implementation and accountability mechanisms allow for harmful practices and discrimination to prevail, compounded by socio-cultural norms. Inadequate training among educators and frontline actors reinforce stereotypes that prevent victims from reporting. Legislation currently does not address emerging technology's role in facilitating GBV, requiring new standards of legal processing and reporting mechanisms.

Tanzania's existing legislation fails to address the fundamental causes of early marriage and FGM that prevent women from practicing their fundamental rights.

- Despite the Sexual Offenses Special Provisions incorporated in the Penal Code criminalizing FGM, over 250 cases have been recorded nationwide in the past three years. The continued prevalence of this practice is sustained by deeply entrenched sociocultural norms, including pressures related to marriageability, social acceptance, and community status.
- The Law of Marriage Act permits girls to legally marry from the age of 14, perpetuating child marriage practices; since 2022, 11.9% of girls aged 15-19 have been married, often due to pregnancy or socioeconomic factors.
- One in four girls drops out of school due to pregnancy, while restrictive re-entry policies hinder their return to education, permitting re-enrolment within two years of leaving school and at the beginning of the new academic year. In addition, parenting girls experience discrimination and stigma from peers and teachers.

Despite efforts to strengthen the quality and access to healthcare and sanitation, instances of obstetric violence and unaffordability persist.

- An estimated 73% of women experience at least one form of disrespect and abuse during childbirth, most commonly verbal and physical abuse, including being slapped, hit, or yelled at during labor and delivery.
- Long travel distances to health facilities, overcrowded conditions compromise hygiene standards, and shortages of medicine, medical supplies, and healthcare workers hinder women's access to quality health care.

- Women and girls face poor menstrual hygiene conditions due to the high cost of menstrual products and limited access to clean water, compels them to resort to use nonhygienic options for menstrual management.

Although Tanzania has strengthened its anti-GBV response, gaps in implementation, accountability, and technology-facilitated gender-based violence (TFGBV) persist.

- Despite a 112% increase in cyberviolence 2023, many victim-survivors do not report incidents due to fear of retaliation, social stigma, and mistrust in authorities' ability to respond. Inadequate training on TFGBV-sensitive standards contributes to the misclassification of complaints, poor case management, and delayed responses.
- Existing legal frameworks, including the Cybercrimes Act (2015) and the Electronic and Postal Communications Act (Revised 2022) remain insufficient to address evolving forms of TFGBV, including image-based abuse, digital harassment, online stalking, sextortion, and AI-generated sexualized context.
- Safeguards against online abuse remain inadequate due to the absence of cyber-specific protection orders and expedited removal mechanisms, compounded by court delays that impede timely remedies for victim-survivors.
- The national curriculum does not systematically incorporate digital safety, cyber hygiene, online harassment awareness, or gender-responsive online safety modules, contributing to limited knowledge of harmful online behaviours and available reporting mechanisms and survivor services.

Recommendations

- Repeal the Law of Marriage Act to end early and forced marriage, ensure marriage is limited to adults aged 18 and older with full and informed consent and strengthen community-informed prevention efforts.
- Increase investment in maternal health services, especially in rural and underserved areas, by ensuring consistent availability of essential medicines, equipment, and emergency obstetric supplies, while strengthening health worker training and public awareness to prevent obstetric violence and promote respectful maternity care.
- Amend the Education Act to guarantee pregnant learners' and adolescent mothers' right to remain in or return to school, while strengthening, implementation and stigma-reduction training to ensure safe learning environments.
- Amend Section 169A of the Penal Code to comprehensively criminalize all forms of FGM, while expanding community awareness campaigns, social protection, and economic support in high-prevalence areas to address financial drivers, reduce stigma against uncut girls, and protect girls at risk.
- Remove VAT and other taxes on menstrual hygiene products and strengthen access to clean water, sanitation, and hygiene services to ensure safe and dignified menstrual hygiene for girls.
- Enact amendments to the Cybercrimes Act to explicitly define and criminalize image-based abuse, online stalking and harassment, sextortion, digital impersonation, and AI-sexual exploitation.
- Implement mandatory TFGBV and digital evidence training for justice actors and establish accessible, confidential reporting mechanisms, including online portals and helplines to improve reporting and case handling.
- Enact a law to address gender-based violence.
- Establish cyber-specific protection orders and expedited content removal procedures for online abuse, while expanding accessible digital literacy and cyber-safety campaigns to prevent TFGBV.