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International Commitments and the Status of Women in Tanzania

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Abstract

The status of women in Tanzania is conditioned by a variety of determinants arising from the political situation in the country, the level of economic development, cultural traditions and the local customs and beliefs. All of these factors have shaped and have influenced the role of women in the state since ages but they become especially visible at the moment when both, the society and the government started discussion about the policy of equality. On the one hand, this discussion was the result of new approach to the equality policy and on the other hand, it was a an outcome arising from the need of the society. In the 90. of twentieth century, a variety of domestic factors, which shaped the status of women in Tanzania, faced the ideas of changes which were appearing around the world and were mobilizing both, the women's movements and governments to take an action on policy of equality. It was not easy at the beginning, due to the fact, that tradition, customs, history and a variety of patriarchal habits were blocking the changes on the large scale. What is significant also, it is a fact, that the notion of changes came rather from the outside, than was it a grassroots initiative, which is reflected in undertaken activities in this sphere of policy (Geisler, 1995: 546).

Keywords: Status of Women, Tanzania

1. Introduction

The 90s of twentieth century brought both, a new approach to women issues in Tanzania and a variety of international commitments related to the policy of equality. The paper will refer to the role that international commitments have played in shaping the status of women considering the case study of Tanzania. The article refers to the international commitments in mainland Tanzania, excluding Zanzibar. This was dictated by the fact, that the process of shaping the policy of equality in Zanzibar is different from the situation in mainland Tanzania, and could be the subject of a separate study.

The following research questions have been identified:

1. To which areas of policy of equality international commitments related?
2. What were the reasons to sign the international commitments in Tanzania? Was it a pressure of the society or the idea of the government rather?
3. How does the process of implementation of the provisions contained in the international commitments look like?
4. Did the international commitments change the approach to policy of equality in Tanzania?

The analysis will be based on the social constructivism assumptions, as: the normative and the ideational structure (international commitments) shape the identity and behavior of the actors (women) (Wendt, 1987: 335-370). However, the author does not attempt to take a comprehensive explanation of relations between structures and actors, or build assertions about the nature of cause and effect, but only to consider and understand this phenomenon.

The paper will be based on the content analysis of both international commitments and reports on women rights and women status (including: United Nations Convention on the Elimination of all Forms of Discrimination Against Women – CEDAW, Millennium Declaration and Development Goals - MDGs). They will be supported by the field research and interviews that the author have conducted with academic experts on the subject.

2. Changes

The First World Conference on the Status of Women was convened in Mexico City, in 1975. This meeting was the idea of the United Nations which tried to remind the international community that discrimination against women continued to be a major problem in much of the world. After the conference, the General Assembly of the United Nations declared a Decade for Women (1976-1985) what launched a new vision of equality and created new approaches to promotion the role of women by opening a worldwide dialogue on gender equality. The Conference adopted a World Plan of Action, a document that offered guidelines for governments and the international community to follow for the next ten years in pursuit of the three key objectives set by the General Assembly, which was: full gender equality and the elimination of gender discrimination; the integration and full participation of women in development; an increased contribution by women towards strengthening world peace. More of that, the Plan of Action referred to equal access for women to resources such as education, employment opportunities, political participation, health services, housing, nutrition and family planning. The pressure to formulate national strategies, targets and priorities by governments also appeared as a significant success of the conference. All of this actions led to the establishment of the International Research and Training Institute for the Advancement of Women (INSTRAW) and the United Nations Development Fund for Women (UNIFEM) (UN Women, n. d.).

The Conference was the forum of meetings for delegations from 133 states and participants of the international organizations, among which the United Republic of Tanzania was also present. Additionally, the part of the delegation from Tanzania was a member of Credentials Committee (UN Women, n. d.). According to this, one might say, that the involvement of Tanzania in the process of developing gender policy was visible from the beginning, but one should remember, that the engagement of Tanzania at this time meant no more than the participation of representatives of the government. As the result of political restrictions (one party system and its negative influence on shaping civil society), until the end of the late 1970., only 7 NGOs were formed in Tanzania. The ideas of both, creating the community based movements and the nongovernmental organization sector were blocked by governmental obstacles. It prevented the society from the public debate about the gender policy in the state, what was reflected in the indolence of the politicians involved in the process of developing policy of equality (Kiondo and Mtatifikolo, 1999: 5-8).

Nevertheless, the fact is, that after 1975, the process of negotiation, setting objectives, identifying obstacles and reviewing the progress has started, focusing the world attention on the status of women in developing countries. On the one hand, it was a big step for sub-Saharan Africa region, but on the other hand, it was still not enough to face and resolve all of the major problems connected with the gender inequality.

Another World Conference on Women took place in Copenhagen, in 1980. The participants met to review and appraise the 1975 World Plan of Action and they concluded, that despite the fact that significant progress has been made, the signs of disparity were beginning to emerge between rights secured and women's ability to exercise these rights. The Conference in Copenhagen showed political tensions referred to the discrepancy between legal rights and women's ability to exercise these rights. The participants pointed to: "lack of sufficient involvement of men in improving women's role in society; insufficient political will; lack of recognition of the value of women's contributions to society; lack of attention to the particular needs of women in planning; a shortage of women in decision-making positions; insufficient services to support the role of women in national life, such as co-operatives, day-care centres and credit facilities; overall lack of necessary financial resources; lack of awareness among women about the opportunities available to them" (United Nations, 1980). To face the problems, the Copenhagen Program for Action was created. The document called for, among other things, stronger national measures to ensure women's ownership and control of property, improvements in women's rights to inheritance, child custody and loss of nationality and an end to stereotyped attitudes towards women (United Nations, 1980).

The atmosphere of enthusiasm accompanying the Conference in Mexico City gave place to the discussion about the facts and particular actions. It became clear that the idea of changes is not enough and chances of success of changes depend on various actors, such as: governments, politicians, NGO sector, etc. To address this concern, the Conference in Copenhagen pointed to the need to strengthen an action on policy of equality on the following areas: "ratification and implementation of CEDAW; enact legislation guaranteeing women the right to vote, to be elected or appointed to political office, and to exercise public functions on equal terms with men; legislation to accelerate full and equal participation of women and to eliminate existing inequalities between women and men; provision of counseling and legal aid for women for effective legal protection; distribute information about apartheid and racism and its effects on women in sub-Saharan Africa in particular, and involve all women in efforts to eradicate apartheid and racism, and to promote and maintain peace; reject as inhuman all policies that perpetuate apartheid, racial segregation, or any other ideologies based on theories that racial groups are inherently superior or inferior; sever all ties with apartheid regimes and widely distribute information on the effects of apartheid" (United Nations, 1980).

As it has been mentioned above, representatives of the government of Tanzania participated in both, the Mexico City Conference on Women and the Copenhagen Conference on Women. However, the most significant moment for developing the gender policy in Tanzania was in 1985, when the Third World Conference on Women took place in Nairobi. This meeting ended the UN Decade for Women and devised a new course of action for the advancement of women. The delegations return with the feeling that they should take a significant action on women issues in sub-Saharan Africa, that they should follow the examples of other countries around the world. The Nairobi Conference set international standards to require the participants in a public sphere in the state what gave a new look at capabilities of changes in the policy of equality for women's movements in Tanzania (Tripp et al., 2012: 398-399).

It was visible also, that participants were especially interested in the subject of violence against women, which they felt had not been given the attention it deserved. More of that, the Conference was focused on finding ways to strengthen the role of women in peace and development initiatives. Another important step to strengthen the policy of equality was the adoption of the Nairobi Forward Looking Strategies, provides the provisions on the policy of equality, such as: constitutional and legal steps to eliminate all forms of discrimination against women; tailor national strategies to facilitate the participation of women in efforts to promote peace and development; gender empowerment in regard to health, education and employment (United Nations, 1985). The fact, that despite the differences dividing representatives, a member states were able to find a common ground and adopt the Nairobi Forward Looking Strategies is one of the greatest achievements of the Conference. More of that, the Conference was

mandated to search new ways of overcoming obstacles for achieving the objectives such as: equality, development and peace. To measure the progress achieved the participant pointed following areas: the constitutional and legal measures, the equality in social participation and the equality in political participation and decision-making (United Nations, 1985).

The Conference in Nairobi revealed that women movements have significant voice in process of shaping the policy of equality. After the conference, the sector of women's movements began to emerge more frequently on the global scene, taking an action on equality, peace and development, as well as, establishing a mechanisms for women's equal participation and equitable representation at all levels of the political process and public life and formulating a laws, programmes and policies to enable employees of both sexes to harmonize their family and work responsibilities. The Conference highlighted the subject of violence against women once again. The participants summarized the Decade for Women and they stated, that the issue on violence did not dry out. The conference was a starting point for both, the next meetings and deepening the changes on policy of equality (United Nations, 1985).

International trends aimed at strengthening the policy of equality have been reflected on African ground. The process of establishing the African Union was accompanying by a variety of ideas of equality between women and man. African Women's Committee on Peace and Development lobbied for the inclusion of these issues in the Act of the African Union's founding and collaborated with African Centre for Gender and Development, United Nations Economic Commission for Africa, the African Regional Economic Communities and the African Women's Development Fund to create both, a department for gender issues and a specialized technical committees for gender equality in African Union's structure. These arrangements opened a new era in gender mainstreaming in the African Union, what would not have happened if women activists had not been mobilized for years (Tripp, et al., 2012: 399).

3. International Commitments

Since the late 90. Tanzania has ratified most major international human rights instruments, including Convention of Elimination of all Forms of Discrimination Against Women (CEDAW), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Rights of the Child (ICRC), SADC Heads of States Declaration on Gender and Development (Ellis et al, 2007: 2-5) and Millennium Declaration and Development Goals (MDG). Other relevant international commitments include: Convention on the Political Rights of Women, Beijing Declaration and the Beijing Platform for Action, Cairo Declaration on Population and Development – ICPD, Universal Declaration on Democracy, United Nations Security Council (UN-SC) Resolution 1325 (2000) and Resolution 1820 (2006) (United Nations, n. d.). Most of this conventions guaranteed the strengthening of the status of women and the elimination of discrimination. The provisions contained in the documents related to the following areas: aligning the rights of women and men; the fight against discrimination; ensuring equal access to health care and education for women and men; equality before the law; increasing the participation of women in economic and political sphere; strengthening the role of women in peace building and development of democracy. It is worth to note that even if some of this postulates were implemented successfully it does not mean that it was implemented effectively everywhere around the country. The most significant disproportion between rights of women and men are visible in rural areas, where access to both health care, education is rather poor and it is poor for girls especially. The situation in big cities like Dar Es Salaam or Dodoma looks better at the first sight but when one would go deeper inside the problem, one would see that women in cities face the discrimination in access to both, higher education and high-level professions. It is even more complicated due to the fact that data have changed depending on the social and economic status or the district of the city (Afrobarometer, n. d.).

CEDAW was adopted by the UN General Assembly in 1979. The document is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what

constitutes discrimination against women and sets up an agenda for national action to end such discrimination. According to the Convention, discrimination against women is understood as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field" (CEDAW, 1979). CEDAW sets international standards for the protection of the rights of women in all spheres of life. The basic rule was the fight against the discrimination, but provided, that this requirement can not be carried out only by enacting legislation. Regulations require that steps should be taken to enable women to exercise their full rights, which they are entitled. Ratification of the Convention was one of the first important steps to ensure the same rights and responsibilities for women and men, and to bring an equal sign between both of them. CEDAW confronted the domestic law of the country with the ideas of changes and prompted a discussion about the policy of equality. It also initiated a debate on the role of women in the development process of the whole country. In addition, on the basis of Art. 17 of the CEDAW, the Committee on the Elimination of Discrimination against Women was established. One of its main tasks was to oversee the implementation of the CEDAW's regulations by the state. (CEDAW, 1979).

One might say that the Convention was only one of the variety of international commitments adopted, but one should be aware that by accepting the Convention, states committed themselves to undertake a series of measures to end discrimination against women in all forms, including: incorporate the principle of equality of men and women in their legal system; abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women; establish tribunals and other public institutions to ensure the effective protection of women against discrimination; ensure elimination of all acts of discrimination against women by persons, organizations or enterprises. On the basis of Art. 5 of the CEDAW, states committed to take an action to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (CEDAW, 1979). It is significant point according to the fact, that in many sub-Saharan African countries "tradition", understood as a variety of customs and beliefs (Deegan, 2009:96-98), is often against the changes and becomes some kind of excuse in the implementation of the policy of equality. Art 5. of the CEDAW draws the attention of governments to deal with this problem.

SADC Heads of States Declaration on Gender and Development was signed in 1997, by a president of Tanzania - Benjamin William Mkapa. The document confirmed that gender equality is a fundamental human right and established the institutional framework for regional cooperation and collective action in this sphere. The following initiatives have been identified: establishment of a policy framework for a mainstreaming gender in all SADC activities; putting into place an institutional framework for advancing gender equality; establishment of a Standing Committee of Ministers responsible for Gender Affairs in the region; cooperation between governmental and NGO sector; establishment a Gender Focal Point, which the task was to ensure that gender is taken account in all initiatives and is placed on the agenda of all ministerial meetings; establishment of a Gender Unit in the SADC Secretariat. The Declaration referred to the provisions of CEDAW, the Nairobi Looking Forward Strategies and Beijing Declaration and Platform for Action and pointed to the need for intensified action (Gender and Development Declaration, 1997).

Project Millennium Declaration and Development Goals was adopted in Tanzania in 2000. Objective 3. MDGs implies, inter alia, the promotion of gender equality and raising the social status of women through the elimination of inequalities in access to primary education, as well as, increasing the level of female employment in non-agricultural sector and the increase in quotas. The provisions of the MDGs also point to the need for changes in medical care and increase access to health care for pregnant women and young mothers. Although works on adapting the policy of the state to the program of MDGs

has been continued since 2010, the World Bank projections indicate that Tanzania will only achieve a number of objectives from the list of MDGs and Objective 3 will not be among them, by 2015 (World Bank, n. d.).

4. Conflict or a gap

The National Assembly and the government of Tanzania worked intensively on the modification of legal system in 90. This phenomenon was associated with the process of liberalization of both, the political and economic sphere in the state. The liberalization process was initiated after accepting the terms and conditions for Structural Adjustment Programs (SAPs), which were prepared by the International Monetary Fund and the World Bank. The main aim of SAPs was to reduce the fiscal imbalance and strengthening market mechanisms in developing countries. After accepting the changes associated with SAPs Tanzanian authorities have started to implement economic, political and legal reforms and as a result the government signed a variety of international commitments (Mercer, 1999: 248). Over time, however, it turned out that some of new provisions are against the domestic law or the principles of the common law. Although the common law is in opposition to the official law, it is often seen as an overriding in a court. The common law is based on respect for the principles of patriarchal society and more of that, it is treated as part of the tradition and culture of Tanzania, which makes it harder to eradicate (Report on the Law Succession, 2002).

According to a variety of provisions of international agreements, the government of Tanzania started modification in law sector in 90. The authorities introduced changes aimed to strengthening the policy of equality. The Land Law Act and The Village Act put a sign of equality in the right for inheritance between men and women (TAWLA, n. d.). National Employment Services Act promoted employment policy and established the prohibition of discrimination on grounds of sex (Tanzania Employment and Labour Relations Act No. 6, 2004). Sexual Offences Special Provisions Act (SOSPA) referred to the definition of the concept of violence and established criminal penalties for this type of crime. The document also codified the concept of sexual harassment - including verbal harassment, the problem of prostitution, trafficking in women and girls circumcision. SOSPA also pointed to the need for the granting of financial compensation to the victims of these crimes in the judicial process (Sexual Offences Special Provisions Act, 1998). Although all of these documents forbided discrimination against women, their provisions were rarely applied in reality. In practice, the courts referred to the common law, which stands in opposition to equality and ruled in favor of men. The situation is present until now in Tanzania.

According to this, one might ask about the source of the problem and about the reason for which the processes of the implementation of the provisions of international commitments take so long? The answer is, that it is because of a conflict or/and a gap between the international and domestic law. As the result, the legal and administrative constraints have a negative effect on the policy of equality. More of that, cultural factors and tradition, establish by the common law, still strongly influence the ability of Tanzanian women to realize their potential and to strengthening gender policy in the state.

5. Conclusion

A variety of international commitments refers to the following spheres of policy of equality: equalizing the rights of women and men in the state; aligning the rights of women from the cities and rural regions; fighting against the violence and all kinds of the discrimination; ensuring equal access to health care and education for women and men; ensuring equality before the law; changing the domestic legal system; increasing the participation of women in economic and political sphere of the state; strengthening the role of women in peace building and development of democracy; etc. Consequently, the international

commitments refer to various areas of policy of equality depending on the needs, regions, society and authorities.

It is difficult to judge what was the main reason to sign the international commitments in Tanzania. Due to the fact, that a wave of changes on women issues was the international phenomenon, reflected in various conferences on women in this time, one might say, that the idea of signing this types of agreements came from the pressure of the society. According to this approach, one might say that the society get the knowledge and tools to make the authorities to make what they want. However, the problem is, that researchers point out sometimes, that the concept of “society” which were created in European world, is difficult to implement on African issues (Baker, 2004:46). Consequently, according to this approach, the idea of changing the policy of equality or even the idea of starting the discussion about the equality between women and man in Tanzania, could come from the government, as from the only one entity able to take an action in this field.

The process of implementation of the provisions contained in the international commitments is difficult and face different obstacles. It causes that various of signed agreements become inefficient, ineffective or simply useless. One of the main problem is contradiction between international obligations and both, domestic legal system and common law. On the one hand, the solutions come slowly but on the other hand, the provisions of many international commitments have been implemented successfully since the 90.

Research has confirmed that the international commitments play a role in both, shaping the status of women in Tanzania and changing the approach to policy of equality. On the one hand, it mobilizes the political sphere and strengthens the activity of NGO sector and society, but on the other hand, it is often not adequate tool for the implication of changes in the country and it causes nothing more than discussions. The author’s own experience, gained while visiting Tanzania and conducting interviews with academics, tends to share additional observations on the phenomenon on international commitments. A variety of international agreements is often seen as a collection of paradoxes, which creates a phenomenon called “a spaghetti bowl effect” (The Economist, 2009). Inconsistencies between international obligations and domestic law makes the international commitments nothing more than a “bowl” of various definitions, approaches and legal guidelines for the policy of equality with no clear idea how to implement it effectively.

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