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## Fråga-svar

### **Tanzania. Situationen för ensamman kvinnor utan nätverk samt myndighetsskydd för kvinnor som riskerar könsstympning**

#### **Fråga**

Hur är situationen för ensamman kvinnor i Tanzania, särskilt om de bosätter sig på en annan ort där de saknar såväl nätverk i storfamiljen som vänner och bekanta? Kan en kvinna få hjälp och skydd av myndigheterna vid hot om könsstympning?

#### **Svar**

##### **Ensamman kvinnor**

Landguiden (2014):

Samhället är mansdominerat och kvinnor har överlag en underordnad ställning. Grundlagens förbud mot diskriminering av kvinnor upphävs genom att traditionell muslimsk lag (sharia) ska respekteras. Kvinnors rätt till mark och arv upphävs till exempel. Månggifte och brudpris förekommer, och vissa folkgrupper tillämpar kvinnlig könsstympning. Det är inte ovanligt att kvinnor misshandlas och våldtas i hemmet, ibland så svårt att de avlider. Nära en tredjedel av flickorna har upplevt sexuella övergrepp före 18 års ålder, enligt en studie från UNICEF 2011. Ute i byarna är det vanligt att kvinnor både arbetar på fälten och tar hand om familjen, medan det politiska livet domineras av män.

US Department of State (2013):

The law gives individuals the right to use, transfer, and occupy land without distinction of gender and recognizes women's occupancy rights (all land in the country legally belongs to the government), but implementation was difficult because most women were unaware of the law. Historically, rural women have not acted as primary land occupants or managed businesses because of cultural constraints and lack of education. Civil society activists reported widespread discrimination against women in property matters related to inheritance and divorce. This was particularly the case on Zanzibar but also in some parts of the mainland, where activists maintained that judges relied on customary and Islamic law in a discriminatory fashion. Women were especially vulnerable if they initiated the separation from their partners or if their partners died.

Freedom House (2013):

Women's rights are constitutionally guaranteed but not uniformly protected. Traditional and Islamic customs frequently discriminate against women in family law, especially in rural areas and in Zanzibar. Rape continues to be a serious problem, and domestic violence is reportedly common and rarely prosecuted. Nevertheless, women are relatively well represented in parliament, with about 36 percent of seats.

Freedom House (2012):

The Tanzanian government is committed to gender equality. Tanzania has ratified the UN Convention on the Elimination of All Forms of Discrimination against Women, as well as a number of regional human rights treaties that protect women's rights. The government has a standing policy of giving preference in hiring to female candidates when the qualifications of male and female candidates are similar. Additionally, 125 out of 364 parliamentary seats are reserved for women, and the president has prioritized increasing the number of women in key political and administrative positions, such as cabinet and assistant cabinet ministers and regional and district commissioners. [30] Special measures have also been taken to increase female university enrolment. According to the Millennium Development Goals monitor, Tanzania is not on track to meet the goal of improving maternal health, but it has a chance of meeting the goal of promoting gender equality and empowering

women by ensuring equal access to education at all levels by 2015.[31]

In recent years the state has modified laws, including the land act, and worked with community groups to reduce harmful cultural practices that discriminate against women. However, there are still a number of laws that allow for discriminatory practices, especially in marriage, divorce, and inheritance. The Law of Marriage Act (1971) stipulates that women can be married at age 15, while the legal age for men is 18. If customary law is applied, then it is possible for a girl to be betrothed before the age of 15, as long as the marriage is not consummated until she reaches the legal age. Additionally, while men can take more than one wife, women are limited to one husband at a time. Men shoulder almost no legal responsibility for the care of children born out of wedlock. One fairly prevalent harmful cultural practice is female genital mutilation; the LHRC estimates that this affects 15 percent of Tanzanian women. In part due to traditional customs, the LHRC also notes that domestic violence against women is widely accepted.

UN Committee on Economic, Social and Cultural Rights (CESCR) (2012):

The Committee is concerned that women in rural and remote areas face particular hardship and challenges in the realization of their economic, social and cultural rights, and that their situation is aggravated by poverty, illiteracy, difficulties in accessing health and social services and non-participation in decision-making processes. It is also concerned that despite the Land Act No. 4 (1999, amended 2004) and the Village Lands Act No. 5 (1999), rural women still face discrimination regarding ownership of land (art. 3). (s. 2)

Se kapitel *Marriage, Family, Lineage, and Gender Roles* s. 159ff  
Otiso, Kefa M., *Culture and Customs of Tanzania*, 2013,  
<http://books.google.se/books?id=k1omqVGg8EYC&pg=PA159&lpg=PA159&dq=tanzania+%22unmarried+women%22&source=bl&ots=ovq4R-ECLD&sig=DVPZLTr4Gg7ZQ0-u-9v853-p7eU&hl=en&sa=X&ei=i-LyU660HqifygOQ1oDgDg&ved=0CC4Q6AEwAzgK#v=onepage&q=tanzania%20%22unmarried%20women%22&f=false>

Om kvinnors rättigheter i samhället se kapitel 22. *Women* s. 34ff  
Home Office, *Tanzania Country of Origin Information (COI) Report*, 2010-09-03, [http://www.ecoi.net/file\\_upload/1226\\_1283947813\\_tanzania-060910.pdf](http://www.ecoi.net/file_upload/1226_1283947813_tanzania-060910.pdf)

Om kvinnors utsatthet i samhället se *Gender-Based Violence (GBV)* s. 75ff  
Open Society Institute (OSI), *Tackling the Dangerous Drift*, Juni 2013,  
<http://www.refworld.org/docid/53aa89b54.html>

## **Könsstämpning**

US Department of State (2013):

Harmful Traditional Practices: The law prohibits female genital mutilation/cutting (FGM/C); however, some tribes and families continued to practice it as part of their tradition. According to a UNICEF survey, between 1997 and 2011, approximately 15 percent of women ages 15-49 were mutilated, and 3 percent of women had at least one daughter who was similarly mutilated. According to the survey, the average age of FGM/C victims was less than 10 years. Approximately 20 of the country's 130 tribes practiced FGM/C, which was most prevalent in the mainland regions of Mara, Kilimanjaro, Dodoma, Manyara, Mbeya, Morogoro, Dar es Salaam, Arusha, and Singida.

Statutory penalties for performing FGM/C on girls under 18 range from five to 15 years' imprisonment, a fine of TZS 300,000 (\$187), or both. Prosecutions were rare. Many police officers and communities were unaware of the law, victims were often reluctant to testify, and some witnesses feared reprisals from FGM/C supporters. Some villagers reportedly bribed local leaders not to enforce the law in order to carry out FGM/C on their daughters. The media reported that others conducted the procedure in hiding, even on babies, to avoid detection by the law.

During the year police raided a FGM/C ceremony in Same District and arrested 12 women who were accused of participating in the FGM/C ceremony involving 21 girls and their parents. The investigation was ongoing at year's end.

The government continued to implement the 2001-15 National Plan of Action for the Prevention and Eradication of Violence Against Women and Children, which enlisted the support of practitioners and community leaders in eradicating FGM/C. For instance, it initiated a three-year program to eradicate FGM/C by 2016 in the Mara Region, one of the most affected areas.

According to Deputy Minister for Community Development, Gender, and Children Ummy Mwalimu, the government put in place an effective strategy to end

FGM/C in Tarime through education on the harmful effects of the practice, targeting young girls, traditional elders, parents, and FGM/C practitioners.

United Nations Convention on the Rights of the Child (2013):

201. In implementing Article 24, paragraph 3 and in the context of the Committee's recommendations, the State Party has strengthened its legislative measures regarding Female Genital Mutilation (FGM), which includes the Sexual Offences Special Provisions Act (1998) that prohibits FGM of girls under the age of 18 years, the Law of the Child Act and the Zanzibar Children's Act that both prohibit harmful traditional practices to children.<sup>82</sup> Also the State Party has conducted awareness raising campaigns to combat and FGM and other traditional practices harmful to the health, survival and development of children, especially girls. This is being implemented through dialogues aiming at encouraging community-wide renouncement of the practice. (s. 58)

28toomany (2013):

The Tanzanian parliament has also passed the Sexual Offences Special Provisions Act (SOSPA) in 1998, amending the Penal Code, to prohibit FGM of girls under the age of 18. However, this does not include women over the age of 18 years and there is no minimum sentence. There has been some enforcement of the law, but overall the number of reported cases is low. NGOs such as the Legal and Human Rights Centre have investigated complaints of FGM leading to prosecutions. (s. 61)

Thomas Reuters Foundation (2013):

Women's rights activists say the Tanzania government must enact tougher laws to deter FGM, which they see as a violation of human rights.

The country's Sexual Offences Special Provisions Act of 1998 prohibits FGM from being performed on girls younger than 18, but it does not provide any protection for women once they pass that threshold age.

Critics say enforcement of this legislation is difficult due to insufficient knowledge of the law among the people, as well as victims' reluctance to testify against community members for fear of reprisal from those who practice it.

UN Committee on Economic, Social and Cultural Rights (CESCR) (2012):

18. The Committee is concerned that, in spite of the criminalization of the practice of female genital mutilation (FGM), it remains highly prevalent in rural areas, and that knowledge among women of the related risks is very low (art. 10). (s. 3)

Center for Reproductive Rights (2012):

In Tanzania, the Sexual Offences Special Provisions Act of 1998 prohibits performing FGM on girls under the age of eighteen.<sup>184</sup> The Government of Tanzania has also developed a National Action Plan to Combat FGM (2001-2015) to further address the problem.<sup>185</sup> Despite these measures, the practice still persists due to various reasons, such as lack of enforcement of the law<sup>186</sup> and the perception of the community that FGM is necessary to prepare to women for marital and family relationships.<sup>187</sup> According to the 2010 TDHS, 15% of women in Tanzania have undergone FGM, which is only a slight improvement from 18% prevalence recorded in the 1996 TDHS.<sup>188</sup> The prevalence of FGM is more than double in rural areas than urban areas (17.3% and 7.8% respectively) with the highest proportions of women that are circumcised being located in the Northern and Central zones.<sup>189</sup> (s. 13)

Immigration and Refugee Board of Canada (2008):

The Sexual Offences Special Provisions Act, 1998 (SOSPA) prohibits female genital mutilation (FGM) from being performed on girls, which it defines in Article 3 as "female person[s] of the age of under eighteen years" (Tanzania 1 July 1998, Art. 21), but it does not provide protection to females aged eighteen years or older (LHRC Jan. 2008, 64; UN 27 Feb. 2003, Para. 620; US 11 Mar. 2008, Sec. 5).

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Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

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