



IN BRIEF



ANALYSIS OF THE LAWS OF TANZANIA MAINLAND AND ZANZIBAR FROM A GENDER PERSPECTIVE

Photo: UN Women

Gender Equality in Tanzania Mainland and Zanzibar

Despite legal and policy initiatives undertaken by the Government of the United Republic of Tanzania (URT), gender gaps prevail. Closing them will entail coherent political will, institutional leadership, a transformative legal framework, and increased resources.

UN Women in Tanzania conducted a legislative analysis from a gender perspective to provide an in-depth understanding of the current legal framework and the existence of gaps and discriminatory provisions, with the long-term vision of advocating for law reform to enact new laws, repeal or revise discriminatory legislation.

In particular, lawful discrimination is a significant impediment to achieving gender equality. Discriminatory laws hinder the full enjoyment of economic, social, cultural, civil, and political rights. Women and girls left behind by discriminatory laws are often permanently excluded from the benefits of development.

Analyzing Tanzania's legal framework from a gender perspective helps to identify what needs to be done to achieve equal rights for women in the country. This assessment serves as an advocacy tool

At the heart of the gender-based discrimination that women and girls face every day lie discriminatory social norms, preconceived ideas, biased attitudes, and harmful customary practices.

[SIGI Report of Tanzania 2022](#)

to support ongoing government efforts in both Tanzania Mainland and Zanzibar to ensure gender-sensitive legislation.

Both Tanzania Mainland and Zanzibar have implemented policies concerning gender and women's development that provide the government and other stakeholders with direction and guidelines for advancing gender issues socially, culturally, economically, and politically.

The URT is also party to several key international and regional conventions, declarations and action plans that have a bearing on gender equality and women's empowerment. Effective access to justice will additionally optimize the emancipatory and transformative potential of the law. To accelerate action toward gender equality, URT should prioritize reforms related to family and marriage, including customary practices, violence against women and political participation.

A Review of Discriminatory Laws

Several specific laws and sections of laws should be amended in both Tanzania Mainland and Zanzibar to ensure gender equality. The URT Constitution should also be reformed to include a progressive definition of discrimination, addressing both law and practice and serving as a foundation for women’s rights in the country.

In Tanzania Mainland and Zanzibar, at least thirteen (13) and seven (7) laws respectively, should be reformed or repealed. This includes establishing an equal minimum age of marriage for boys and girls, reforming custody procedures, eliminating

gender-biased language in election laws, recognizing unpaid care work and granting equal nationality rights to spouses.

More efforts are required in Zanzibar, where the reform of at least seven laws has the potential to significantly advance gender equality. Provisions related to violence against women should also be made explicit, while the law should protect all girls from teen pregnancy and sexual harassment, all widows and children born out of wedlock and adequately protect persons with disability.

Summary of Recommendations

The analysis provides 76 gender-responsive recommendations across all reviewed legislation. It reveals that a total of two (2) laws should be repealed in whole or in part, 18 laws should be revised or amended, and five (5) new laws should be enacted to bring Tanzania Mainland and Zanzibar’s legislative framework in line with regional and international obligations. Twelve additional policy measures will ensure that these laws fully deliver on women’s rights.

LAWS OF TANZANIA MAINLAND TO REVISE OR AMEND	
LAW UNDER CONSIDERATION	ACTION TO BE TAKEN
The Constitution of the United Republic of Tanzania, 1977	Amend Articles 51(2), 66, 67, 78 and Chapter Two (2), Part I, II and III of the Constitution to promote gender equality in all aspects.
The Law of Marriage Act, 1971	Address and prevent child marriage. Address discriminatory provisions under Section 63, 103(1), (2), 125(2)(c) and 160.
The National Election Act, 2015	Eliminate all gender-biased language and review some discriminatory clauses that might discourage female candidates from contesting for President and parliamentary positions. Review conditions for nominating women members for special seats, which have some discriminatory elements.
The Political Parties (Amendment) Act, 2019	Amend to ensure enforceability of gender equality principles and to stipulate the threshold for women.
The Local Authorities (Elections) Act, 2015	Eliminate all gender-biased language. Amend Sections 9(2), (4) and 10(2), 55, 86A and 87-106 to promote gender equality principles.
The Local Government (District Authorities) Act, 2002	Ensure gender-sensitive language. Revise Sections 4(b), 31, 35 – 62 and 56 of the Act to promote gender equality principles. Spell out gender equality principles in the Ward Committee establishment.
The National Education Act, 2002	Amend the Education and Training Policy (2014), Education Act and the 2002 Educational Regulation No. 4 to include a provision that allows students who drop out of school for various reasons to return.
The Citizenship Act, 1995	Include gender equality principles and amend Sections 6, 11, 19 and 20.
The Births and Deaths Registration Act, 2002	Amend Section 12 to give both women and men the right to give a child a family name.
The Employment and Labour Relations Act, 2004	Recognize unpaid care work and flexible hours for domestic workers. Amend Sections 31-34 of the Act to meet the ILO minimum standard on paid maternity and paternity leave. Remove the term limitation for maternity leave under Section 33(8).
The Penal Code, 2002	Extend protection from female genital mutilation to women above age 18. Incorporate marital rape as a criminal offense under Sections 130-132 of the law.

The Persons with Disabilities Act, 2010	Include provisions that account for and provide specific rights to women and girls with disabilities.
LAWS OF ZANZIBAR TO REVISE OR AMEND	
LAW UNDER CONSIDERATION	ACTION TO BE TAKEN
The Zanzibar Elections Act, 2018	Ensure gender-sensitive language. Review some discriminatory clauses that might discourage female candidates from contesting for President and parliamentary positions. Review conditions for nominating women members for special seats, which have some discriminatory elements.
The Zanzibar Children’s Act, 2011	It is recommended that the Zanzibar Children’s Act is amended to incorporate other rights of children as per the CRC, including the right for a mentally or physically disabled child to enjoy a full and decent life in conditions that ensure dignity, promote self-reliance and facilitate the child’s active participation in the community.
The Employment Act, 2005	Include in the Act measures to recognize and value unpaid care and domestic work, as well redistribute unpaid care work for the benefit of women, the girl child and the welfare of families.
The Penal Act, 2018	Amend the law to incorporate marital rape as a criminal offense under Part 13 of the Act.
The Kadhi’s Court Act, 2017	Ensure appeals of Kadhi’s court decisions are subject to constitutional equality provisions, and that the referral system is linked to the statutory courts.
The Persons with Disabilities (Rights and Privileges) Act, 2006	Include provisions that account for and provide specific rights to women and girls with disabilities in line with CEDAW.
LAWS OF TANZANIA MAINLAND TO REPEAL	
LAW UNDER CONSIDERATION	ACTION TO BE TAKEN
The Local Customary Law (Declaration) Order, 1963	Repeal entirely. Overall, the Local Customary Law (Declaration) Order of 1963 is an ancient law that does not fit the current context and should be repealed and replaced with a uniform law of inheritance that takes into consideration gender equality. Under the current legislative framework, customary, statutory and Islamic laws can all govern issues of inheritance.
LAWS OF ZANZIBAR TO REPEAL	
The Spinsters and Single Parent Children Protection Act, 2005	Repeal entirely. Repeal the Spinsters and Single Parent Children Protection Act, 2005 to ensure gender considerations and develop a new law considering other existing laws covering the same themes, for instance issues of maintenance, which are also covered in the Zanzibar Children’s Act, 2011.
ENACT NEW LAWS: TANZANIA MAINLAND	
LAW UNDER CONSIDERATION	ACTION TO BE TAKEN
Inheritance law	Enact a gender-sensitive inheritance law that looks at property distribution.
Gender-based violence legislation	Enact legislation that addresses and penalizes all gender-based violence, which also unifies existing laws.
Constituency development fund legislation	Enact gender-sensitive constituency development fund legislation supporting equitable distribution of funds.
ENACT NEW LAWS: ZANZIBAR	
Gender-based violence legislation	Enact legislation that addresses and penalizes all gender-based violence, which also unifies existing laws.
Family and inheritance legislation	Enact a law that guides family and inheritance matters for practicing Muslims.
POLICY AND OTHER MEASURES GENERAL RECOMMENDATIONS (URT)	
LAW UNDER CONSIDERATION	ACTION TO BE TAKEN
Temporary special measures	Increase awareness on women’s rights and women’s participation in decision-making at all levels.

Judicial decision-making	Continuous capacity building of judiciary, including Kadhi's on gender justice.
Protection for survivors and persons reporting violence	Take steps to increase awareness-raising on violence against children and put in place adequate mechanisms for reporting violence cases, including protecting identities of persons who report such cases.
Legal aid and legal literacy	Ensure legal literacy/sensitization, provide legal aid and psychosocial support.
TANZANIA MAINLAND	
The National Election Act, 2015	Transition from a first past the post electoral system to an equality-based proportional representation electoral system.
The Political Parties (Amendment) Act, 2019	Enforce the gender equality and social inclusion principles in the Political Parties (Amendment) Act. Invest in gender-responsive data availability, disaggregated by sex, age and disability.
The National Education Act, 2002	Ratify and comply with the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child. Address social stigma associated with teenage pregnancy.
Employment and Labor Relations Act, 2004	Put systems in place to ensure all employers have and implement an employment policy that states how the workplace will provide equality in employment in the labour market.
The Persons with Disabilities Act, 2010	Adopt a new disability policy in line with the UNCRPD principles.
ZANZIBAR	
The Persons with Disabilities (Rights and Privileges) Act, 2006	Ensure enforcement of the rights and protections provided for persons with disabilities.



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