



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: AA/Follow-up/Tanzania/54

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined fourth to sixth periodic report of Tanzania at the Committee's forty-first session, held in June – July 2008. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/TZA/CO/6). You may recall that in the concluding observations, the Committee requested Tanzania to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 112 and 122 of the concluding observations.

The Committee welcomes the follow-up report received in July 2012, although it was received with a two-year delay, under the CEDAW follow-up procedure (CEDAW/C/TZA/CO/6/Add.1). At its fifty-fourth session, held in February 2013 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 112** of the concluding observations “to place high priority on completing the process of full domestication of the Convention; to accelerate its law review process and to work effectively with Parliament in ensuring that all discriminatory legislation is amended or repealed to bring it into compliance with the Convention and the Committee's general recommendations; to raise the awareness of legislators about the need to give priority attention to such reforms in order to achieve de jure equality for women and compliance with the State party's international treaty obligations; to set a clear time frame for such reforms, including the passage of the proposed amendments to the Marriage Act of 1971, inheritance laws as well as the Law on the Custodian of Children; and to seek technical support from the international community in regards to the above mentioned”: While taking steps to amend the Marriage Act of 1971 and inheritance laws, the State party failed to take steps to amend the Custodian of Children and other discriminatory laws. It also failed to provide a clear timeframe for the finalization of the law review process in order to achieve de jure equality for women and compliance with the State party's international treaty obligations. The Committee considers that the recommendation has been **partially implemented**.

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of the United Republic of Tanzania
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The Committee recommends that the State party provide, **by December 2013**, additional information on actions taken to complete the process of full domestication of the Convention, including by amending the Marriage Act of 1971, inheritance laws and the Law on the Custodian of Children and set a clear time frame for the finalization of the law review process in order to achieve de jure equality for women and compliance with the State party's international treaty obligations.

Regarding the recommendation made **in paragraph 122** of the Concluding Observations “to implement existing legislation prohibiting the practice of female genital mutilation and to adopt new legislation, as necessary, to eliminate this and other harmful traditional practices affecting all women; to prohibit female genital mutilation in all instances, including in respect of women over 18 years of age, address the recent practice of female genital mutilation being performed on new-born baby girls, and strengthen the enforcement of the 1998 Act to ensure that offenders are prosecuted and adequately punished”: The State party indicated that perpetrators of FGM are punished through the enforcement of the Penal Code Cap. R.E 2002 on Sexual offences. It also referred to the adoption in 2009 of the Law of the Child (Act No. 21) providing that a person shall not subject a child to torture or other cultural practices which dehumanize or are injurious to the physical and mental wellbeing of a child and which provides that the offender shall be liable to a fine not exceeding five million shillings or imprisonment for a term not exceeding six months or to both. The State party also mentioned a reduction of FGM practices from 18% in 2005 to 15% in 2010. However, while it referred to the reduction of FGM practices, the State party failed to provide information on the measures taken to: a) effectively enforce the existing legislation in order to reduce the practice of FGM; b) ensure that offenders are prosecuted and adequately punished; and c) address the practice of FGM being performed on newborn baby girls. The State party also failed to adopt legal provisions which impose adequate punishment for those who perform FGM and which criminalize the practice of FGM on women over 18 years of age. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to strengthen its awareness-raising and educational efforts, targeted at both women and men, with the support of civil society, to eliminate the practice of female genital mutilation and its underlying cultural justifications”: The State party indicated the existence of intensified education, training and awareness raising programmes and campaigns focusing on the elimination of FGM. The State also referred to awareness-raising through media advocacy, in the forms of radio, television and cinemas. The State party further indicated the organization by the Government of the Zero Tolerance day to FGM each year on 6 February. The Committee considers that the intensification of education and awareness-raising is an important step in the direction of eliminating the practice and changing the underlying cultural justification. The Committee considers therefore that the recommendation has **been implemented**.

Regarding the recommendation “to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood”: While the State party has plans to establish alternative sources of income for those who perform female genital mutilation, it has not yet taken measures in this regard. The Committee considers that the recommendation has **not been implemented**.

The Committee recommends that the State party provide, **by December 2013**, additional information on actions taken to:

- 1) Effectively enforce the existing legislation in order to reduce the practice of FGM; adopt legal provisions which impose adequate punishment and which criminalize the practice of FGM on women over 18 years of age; ensure that offenders are prosecuted and adequately punished; and address the practice of FGM being performed on newborn baby girls; and
- 2) Devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood



The Committee looks forward to pursuing its constructive dialogue with the authorities of Tanzania on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in cursive script that reads "Barbara Bailey". The signature is written in dark ink on a light-colored, slightly textured paper background.

Barbara Bailey
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women