HUMAN RIGHTS IN TANZANIA

UPR Info Pre-sessions

Situation in Tanzania; Issue 1

- Implementation of previous recommendations made by Australia, Belgium, Canada, Ireland, Malawi, Mexico, Norway, Slovenia, and Germany – Recommendations No; 147.122, 147.123, 147.124, 147.125, 147.126, 147.127, 147. 128, 147.129, 147.130

- The recommendation was to amend the 1971 Law of Marriage Act to raise the marriage age for girls to 18 years, as ordered by the Court of Appeal of Tanzania in 2019

- The Government of Tanzania has not yet amended the Tanzania Law of Marriage Act of 1971; Sections 13 and 17 of the Act remain in the force despite the 2019 Court of Appeal of Tanzania judgement declaring them discriminatory and unconstitutional for permitting child marriage. Instead, the government continues to collect public opinion on the proposed amendments even though the court has already ruled on the matter.

Recommendations – Issue 1

- The Government of Tanzania to stop the public opinion collection process regarding provisions 13 and 17 of the Law of Marriage Act of 1971, as it is against the law.

- Amend the Tanzania Law of Marriage Act of 1971, to set the minimum age of marriage at 18 years for both girls and boys, in compliance with the Court of Appeal ruling of 2019 - Attorney General v. Rebeca Z. Gyumi, Civil Appeal No.2024 of 2017

Situation in Country Tanzania; Issue 2

- Implementation of the previous recommendation 145.77, made by Bulgaria.
- The recommendation was to review laws and policies to ensure that pregnant girls and young mothers can re-enter the formal education system.
- Since the recommendation, the Government of Tanzania has enacted Education Circular No. 2 (2021) and the 2022 Re-entry Guidelines, which enabled 10,239 pregnant girls to return to school
- The new need is that the re-entry policy is not codified in the Tanzania Education Act

Recommendations-issue2

- Remove discriminatory provisions in the Education Circular No. 2 of 2021 and the 2022 Re-Entry Guidelines that restrict adolescent mothers' access to education, including the mandatory waiting period for re-entry and the exclusion of girls who experience a second pregnancy.
- The Government of Tanzania should further incorporate the School Re-Entry Framework into the Education Act, Cap. 353 R.E. 2023 to provide a legally protected and sustainable guarantee of the right to education.
- In addition, efforts should be strengthened to address stigma and discrimination, increase awareness of the policy, and expand educational, psychosocial, and financial support services to enable adolescent mothers to successfully return to, remain in, and complete their education.

Recommendations issue-2

- Amend education laws and regulations to explicitly guarantee the right of pregnant girls and adolescent mothers to remain in and re-enter school without discrimination, in line with the ACERWC decision.
- Ensure the full and unconditional re-entry and retention of pregnant girls and adolescent mothers in the formal education system by adopting and effectively implementing legally binding policies that prohibit discrimination on the grounds of pregnancy, motherhood, or marital status, in line with the ACERWC decision and the African Charter on the Rights and Welfare of the Child

Thank You

From all the members of Our coalition:

- Plan International Tanzania
- Child Right Forum