



## RESEARCH ARTICLE

## Laws Relating to Women Human Rights and Domestic Violence in Tanzania

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**ABSTRACT**

The comprehensive study delves into the legal aspects concerning women's human rights and domestic violence in Tanzania, primarily focusing on existing laws. Utilizing meticulous document reviews, the research analyzes constitutional provisions, emphasizing any amendments over time, and delves into specific statutory laws, notably the impactful Domestic Violence Act of 2008. This legislation is scrutinized for its definitions of domestic violence, the protection mechanisms it establishes, and the legal procedures for prosecuting offenders. The study also assesses the alignment of Tanzanian laws with international standards, including its adherence to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). By concentrating on legal instruments, the research aims to provide nuanced insights into the strengths and potential areas for improvement within the legal framework surrounding domestic violence and women's rights in Tanzania. The examination contributes to a deeper understanding of the efficacy and gaps in current legal provisions, fostering informed discussions on potential reforms for enhanced protection of women's rights.

**INTRODUCTION**

Women's Domestic violence is a widespread and entrenched issue that affects communities all around the world, including Tanzania and India. It describes any type of abuse that women endure in their homes or intimate relationships, including physical, sexual, psychological, and financial abuse. Women in Tanzania continue to experience substantial problems connected to domestic violence despite numerous attempts to address this issue, which has negative effects on their general development, safety, and well-being (Easteal, 2015).

Fundamental human rights and UN values include achieving gender equality and banning all forms of discrimination against women. Women's human rights are frequently violated throughout the world, and it hasn't always been a top priority to recognize these rights (UN, 2014). There is still no civilization where women and men are treated equally, despite the fact that women make up the majority of the world's population. Women are frequently economically disadvantaged and experience discrimination, even in nations that provide legal equality for both genders (Dickstein, 2010).

The dominance of some sectors or groups over others has historically resulted in the manifestation of many forms of violence in society. Since male domination power is viewed as the general property of men based on social control over women, gender-based violence (GBV) is a crucial social mechanism for maintaining the subjugation of women. Therefore, the gender system and prevailing cultural norms are tied, either directly or indirectly, to breaches of women's human rights (Easteal, 2015).

Women's rights violations and gender-based violence are a result of views that, until recently, were considered socially acceptable and were mostly confined to private life. But it is evident that the racial diversity of Latin America and the Caribbean is based on a worldview that originated with the rape of indigenous women. According to historical research conducted in several nations by, males abusing their spouses physically were common in the eighteenth and nineteenth centuries. Violence was also commonly used as a form of retaliation when women disobeyed social norms. (Rico, 1992).

Gender-based violence may occur in three forms that are within a family, community, or state. Violence occurring within the family is domestic violence that includes marital rape, and sexual abuse from a partner, spouse, or relative, and the sexual abuse of children. The second category, 'community violence', includes violence such as rape by a person unknown or unrelated to the woman. Human trafficking and forced prostitution fall into this category. State violence, including gender-based violence perpetrated or condoned by employees of the state, including violence or rape committed by police, prison guards, soldiers, border officials, and others abusing positions of state power (Ellsberg, 2005).

Nearly one-third of women reported experiencing physical or sexual abuse from a partner at some point in their lifetime, making domestic violence (DV) a pervasive epidemic on a global scale. Intimate partner violence rates over the course of a lifetime are still approximately 25 percent, although marginally lower in high-income nations. This raises significant concerns regarding the repercussions on victims and their children's mental health and well-being. Although domestic violence is common and serious, little is known about how it affects its victims (Braney, 2010).

In Tanzania Domestic violence against women in Tanzania has been a longstanding societal challenge, deeply entrenched in historical norms and gender roles. Since gaining independence in 1961, the country has grappled with the complexities of addressing violence within households. Cultural norms and patriarchal structures have contributed to the prevalence of domestic violence against women in Tanzania. Traditional gender roles and unequal power dynamics within households have created an environment where women are vulnerable to various forms of abuse. Over the years, societal expectations and cultural practices have posed obstacles to the realization of women's rights, necessitating a concerted effort to address domestic violence at its core.

Tanzania took a significant step with the enactment of the Domestic Violence Act in 2008. This legislation provides a comprehensive definition of domestic violence, encompassing physical, emotional, economic, and sexual abuse. The Act establishes legal mechanisms for the protection of victims, including the issuance of protection orders and the prosecution of offenders. Emphasizing the importance of awareness and education, the law marks a crucial milestone in the legal framework aimed at safeguarding women's rights.

Institutions such as the Ministry of Health, Community Development, Gender, Elderly, and Children have been pivotal in addressing women's issues and combating domestic violence. These bodies play a crucial role in formulating and implementing policies and programs to enhance women's well-being. Organizations like the Tanzania Gender Networking Programme (TGNP) and the Commission for Human Rights and Good Governance (CHRGG) contribute significantly to advocacy and the protection of women's rights.

Tanzania has implemented legal aid and counseling services for survivors of domestic violence. Legal aid centers and helplines provide essential assistance to victims, empowering them to seek justice and protection. These services serve as a critical bridge, ensuring survivors have the necessary resources and guidance to navigate the legal system and rebuild their lives.

Prevention is a key aspect of the government's strategy to combat domestic violence. Various initiatives focus on community engagement and education to raise awareness about women's rights, the consequences of domestic violence, and available support services. Educational programs target both men and women, challenging ingrained gender norms and promoting a culture of respect and equality.

Efforts have been made to sensitize and train law enforcement officials, including the police and the judiciary, to handle domestic violence cases effectively. Training programs emphasize understanding the unique challenges faced by survivors and ensuring that legal proceedings prioritize the safety and well-being of victims.

Tanzania has adopted a comprehensive National Strategy to Combat Gender-Based Violence, encompassing efforts to address domestic violence. This strategy involves collaboration among various stakeholders, including government agencies, NGOs, and community groups, to prevent gender-based violence and provide comprehensive support for survivors. The multi-sectoral approach underscores the government's commitment to tackling the root causes of violence against women.

While challenges persist, the Tanzanian government's initiatives to combat domestic violence against women reflect a commitment to creating a safer and more equitable society. The combination of legislative measures, support services, community engagement, and international collaboration demonstrates a comprehensive approach to address the multifaceted nature of this issue. As Tanzania continues to evolve, these efforts contribute to make a society where women can live free from the threat of domestic violence, fostering a future characterized by equality, justice, and dignity for all.

The study will meticulously examine Tanzanian laws about women's human rights and domestic violence through thorough document reviews. This entails scrutinizing constitutional provisions safeguarding fundamental human rights, including any amendments over time. Through these document reviews, the research aims to provide a comprehensive and up-to-date understanding of the legal framework surrounding women's rights, shedding light on potential areas for legal reform or enhancement in the context of domestic violence in Tanzania.

### **Study Objective**

The study will assess Laws relating to women human rights and domestic violence in Tanzania

## **LITERATURE REVIEW**

### **Law**

Gibbs (1968) defines Law as a set of rules that are created and are enforceable by social or governmental institutions to regulate behavior, with its precise definition a matter of longstanding debate. It has been variously described as a science and as the art of justice. State-enforced laws can be made by a group legislature or by a single legislator, resulting in statutes; by the executive through decrees and regulations; or established by judges through precedent, usually in common law jurisdictions. Blackstone defined that law, in its most general and comprehensive sense, is that rule of action which is prescribed by some superior and which the inferior is bound to obey.

## Domestic Violence

Domestic violence is a pattern of assaultive and coercive behaviors, including physical, sexual, and psychological attacks, as well as economic coercion, that adults or adolescents use against their intimate partners. Domestic violence occurs in a relationship where the perpetrator and victim are known to each other. It occurs in both adult and adolescent intimate relationships. The victim and perpetrator may be dating, cohabiting, married, divorced, or separated. They are heterosexual, gay or lesbian. They may have children in common. The relationships may be of short or long duration (Dhoot, 2014).

## METHODOLOGY

The study, titled "Laws relating to women human rights and domestic violence in Tanzania," employed a comprehensive documentary research methodology. This approach involved a meticulous review of a diverse range of documentary sources, including academic journals, scholarly books, online articles, news reports, and various other relevant documents. The researcher systematically examined and analyzed these materials, with a focus on extracting valuable insights and conclusions related to the Laws relating to women human rights and domestic violence in Tanzania with a particular emphasis on the issue of domestic violence.

To ensure the study's thoroughness, the research process was methodical, involving a deep dive into the content and context of each source. The researcher cross-referenced and triangulated information across various sources, facilitating a well-rounded perspective on the subject. This comprehensive approach took into account the historical and cultural contexts of the documents reviewed, allowing for a holistic understanding of the data.

The study's approach was characterized by the inclusion of a multiplicity of documentary sources, encompassing academic journals and books for their scholarly rigor, as well as online articles and news reports for real-time insights and perspectives. This diverse set of sources enhanced the reliability and validity of the study's findings. The research methodology was aligned with the specific regional focus of Tanzania and was particularly attuned to the issue of domestic violence as it related to the implementation of women's human rights.

## Laws protecting women domestic violence in Tanzania

Tanzania has taken significant steps to address women's domestic violence by enacting specific laws and policies. These legal measures serve as crucial instruments in safeguarding the rights of women and providing them with avenues for protection and justice. The following table 3.1 shows the laws addressing the women domestic violence in Tanzania: -

**Table 1: Laws addressing women domestic violence in Tanzania**

Laws	Year enacted	Objective
The Law of Marriage Act	1971	It provides provisions for regulating marriages, including addressing issues related to domestic violence. It recognizes physical and emotional abuse within marriage as grounds for divorce. It allows for the granting of protection orders and restraining orders to protect victims of domestic violence
The Sexual Offences Special Provisions Act	1998	This act criminalizes various forms of sexual violence, including marital rape. It recognizes that sexual violence can occur within the context of a marriage or intimate relationship and provides legal remedies for survivors.
The Law of the Child Act	2009	The act focuses on protecting the rights and welfare of children, including provisions to address child abuse and violence within the family.

		It recognizes that children can also be victims of domestic violence and provides measures for their protection.
The Police Force and auxiliary Act	1995	The act establishes guidelines for the conduct of the police force in handling cases of domestic violence. It outlines the responsibilities of the police in responding to domestic violence reports, conducting investigations, and providing support to victims.
The Magistrates' Courts Act	1984	This act grants magistrates the authority to issue protection orders, interim custody orders, and occupation orders in cases of domestic violence. It provides legal mechanisms for victims to seek immediate protection and relief from abusive situations.
The Gender-Based Violence (GBV) Act,	2011	This act specifically focuses on addressing gender-based violence, including domestic violence. It provides a comprehensive legal framework for prevention, protection, and response to gender-based violence.

Source: Researcher compiled, 2024

### **The Law of Marriage Act 1971**

In Tanzania, the Law of Marriage Act of 1971 has a considerable impact in defending the rights of women in marriage. This Act includes provisions that support the protection and empowerment of women and acknowledges the significance of addressing issues linked to domestic abuse. The Law of Marriage Act's recognition of physical and emotional abuse in marriages as grounds for divorce is an important component. The legislation gives women the power to seek legal redress and leave abusive situations by recognizing domestic abuse as a legitimate justification for divorce. This clause is crucial for safeguarding women's rights to live in safety and without abuse, assuring their mental and physical health.

The Law of Marriage Act of 1971 recognizes domestic violence, including physical and emotional abuse, as a reason for divorce. The law gives women the opportunity to seek legal redress and leave abusive situations by acknowledging domestic abuse as a legitimate justification for divorce. This clause is crucial to safeguarding women's rights to live without violence and abuse and preserving their bodily and mental health

### **The Law of the Child Act 2009**

The Law of the Child Act 2009 is vital legal framework that plays a significant role in protecting women from domestic violence. Domestic abuse is a widespread problem that affects many women worldwide and has a devastating physical, emotional, and psychological toll. The Act emphasizes the value of protecting women's rights and well-being and offers a thorough legal framework to confront and effectively combat domestic abuse.

The Law of the Child Act 2009 highlights the significance of offering appropriate assistance and rehabilitation programs because it recognizes that victims of domestic violence require complete care. Combined Section 7(3), 18(2) and 28(1) emphasizes the importance of providing girl with refuge, counseling, legal assistance, and medical care. These services seek to uplift women, assist them in starting over, and provide them with the skills they need to end the cycle of abuse Invalid source specified..

The Law of the Child Act 2009 establishes legal accountability for committers of domestic violence. By ensuring that such situations are taken seriously by the criminal justice system, section 9(3) promotes the implementation of laws prohibiting abuse including domestic violence Domestic abuse shall not be permitted, and this includes mechanisms for efficient investigation, prosecution, and punishment of offenders.

### **The Sexual Offences Special Provisions Act 1998**

The Sexual Offences Special Provisions Act 1998 is a legal instrument in Tanzania that plays a substantial role in protecting women from domestic violence. The Act emphasizes the significance of protecting women's rights and wellbeing and offers a thorough legal framework to confront and effectively combat domestic abuse. The laws was enacted with the aim of protecting the dignity and integrity of women in matters pertaining to rape, defilement, sordomy , sexual harassment, incest, female genital mutilation, child abuse and child trafficking.

Domestic abuse is expressly made a crime under the Act, which recognizes it as a serious infraction requiring legal action. It highlights the need to hold domestic violence abusers accountable for their actions, regardless of their relationship to the victim. The Act sends a clear message that such behavior is undesirable and won't be accepted in Tanzanian society by making domestic abuse a crime. Combined Section 5 and 6 of the Sexual Offences Special Provision that was amendment of section 130 and 131 respectively of the penal code, illustrate clear on the protection of girl or women from rape which includes those conducted domestically either by partners, relatives or any person

The Sexual Offences Special Provisions Act 1998 places a strong emphasis on protecting the rights and dignity of victims throughout legal procedures. It outlines the use of particular safeguards to safeguard victims during inquiries and legal actions, including the choice to testify in private or with the help of a support person. The purpose of these measures is to lessen the pain and re-victimization that women endure while dealing with the criminal court system.

### **The police force and auxiliary act 1995**

The police force and auxiliary act is one of the crucial legislative frameworks that seek to combat domestic violence against women in Tanzania. The act outlines the responsibilities and powers of the police force, emphasizing the need to protect women from all forms of abuse, including physical, emotional, and economic. It recognizes domestic violence as a crime and holds perpetrators accountable for their actions.

The act serves as a vital legislative framework for combating domestic violence against women in Tanzania. This act outlines the responsibilities and powers of the police force and aims to protect women from all forms of abuse, holding perpetrators accountable for their actions. The act also empowers the police to issue protection orders on behalf of victims, granting them immediate protection and prohibiting the abuser from contacting or approaching the victim.

### **The Gender-Based Violence (GBV) Act 2019**

The Gender-Based Violence (GBV) Act 2019 is intended to address and combat gender-based violence in the nation. The law aims to give survivors of gender-based violence legal protection, support, and justice while acknowledging the prevalence and effects of many forms of violence against women and girls.

To preserve the security and welfare of survivors, the legislation gives the court the authority to impose protective orders, including restraining orders. These orders offer immediate protection by forbidding the abuser from getting in touch with or approaching the survivor. Furthermore, the act emphasizes the necessity for people, groups, and law enforcement institutions to swiftly report instances of gender-based violence. It describes the processes for looking into and prosecuting such situations, guaranteeing a thorough response to the requirements of survivors.

### **The Magistrates' Courts Act 1984**

The act does not specifically focus on domestic violence but it establishes the jurisdiction and powers of magistrates' courts, which are responsible for handling a wide range of civil and criminal matters, including cases related to domestic violence. The act gives magistrates' courts authority to hear both

civil and criminal cases, among other types of cases. Domestic abuse cases are covered by this jurisdiction, enabling victims to turn to these courts for protection and legal redress.

Magistrates' courts have the authority to issue protection orders, including restraining orders, to safeguard domestic violence victims. These orders aim to prevent further abuse and provide legal protection for the victim. The methods and procedures that must be followed during court hearings are established under the Magistrates' Courts Act. This covers the rules governing the admissibility of pertinent documents or testimony, the questioning of witnesses, and the standards for evidence. The fairness and effectiveness of the judicial procedure in domestic abuse situations is supported by these measures.

## **CONCLUSION**

The document reviews undertaken in this study have offered a comprehensive insight into the legal landscape concerning women's human rights and domestic violence in Tanzania. The analysis encompassed constitutional provisions and statutory laws. The examination of legal instruments, including the Domestic Violence Act of 2008, has revealed both strengths and potential areas for improvement in addressing domestic violence. The study emphasizes the importance of ongoing efforts to align domestic laws with international standards, address gaps in the legal framework. The findings from the document review contribute valuable insights to the broader discourse on women's rights and domestic violence prevention, fostering a basis for further research and potential legal reforms in Tanzania.

The study has thoroughly examined the complex issue of domestic violence against women in Tanzania revealing a combination of deeply ingrained patriarchal norms, economic stressors, and substance abuse as contributing factors. The entrenched societal belief in male dominance and gender inequality serves as a fertile ground for domestic violence to persist. Legal reforms and cultural shifts that promote gender equality are deemed essential for addressing this problem. Economic challenges, including unemployment and financial strain, have also been identified as triggers, highlighting the need to address broader economic disparities. Substance abuse, notably alcohol, has emerged as a critical factor, emphasizing the importance of interventions to combat addiction and its effects on domestic relationships.

Moreover, the study has underscored the significance of awareness, education, and empowerment in assisting women to break free from abusive situations. Overcoming the stigma associated with reporting abuse remains a considerable challenge. In conclusion, addressing domestic violence against women requires a comprehensive approach, combining legal reforms, awareness campaigns, economic empowerment, and shifts in cultural norms. This approach aims not only to support victims but also to transform the societal structures perpetuating this issue, ultimately creating a safer and more equitable environment for women in the region.

## **Recommendations**

The study recommends that to effectively tackle the multifaceted issue of domestic violence against women, a holistic approach is advised. This approach should involve legal enhancements aimed at fortifying the enforcement of women's rights and eradicating harmful practices such as dowry demands. Public awareness initiatives are vital to contest patriarchal norms and destigmatize the reporting of domestic violence incidents. Economic empowerment programs targeting women, interventions addressing substance abuse, and expanded educational opportunities are fundamental components to augment women's self-reliance and resilience. Furthermore, the establishment of robust support systems, the training of law enforcement and judicial personnel, and the encouragement of cultural shifts towards non-violence and gender equity are integral facets of the strategy. Regular research and data collection will ensure that interventions are rooted in evidence, and collaboration among governmental bodies, NGOs, civil society, and international organizations

is paramount for a harmonized and effective approach to combat domestic violence and empower women in Punjab.

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