

# TANZANIA COUNTRY SPOTLIGHT

In this Spotlight, the main focus is on child marriage.

Child marriage or early marriage is defined as “Any marriage carried out below the age of 18 years, before the girl is physically, physiologically, and psychologically ready to shoulder the responsibilities of marriage and childbearing.” (*The Inter-African Committee on Traditional Practices Affecting the Health of Women and Children 2003*)

Child marriage endangers the emotional and physical wellbeing of girls by prematurely forcing them into sexual activity and exposing them to systematic sexual violence. An appreciation is growing globally of the reality of child marriage as a serious human rights violation that undermines the enjoyment of the full range of fundamental rights and liberties to which children are entitled. Child brides are pushed out of childhood and forced into extremely exploitative conditions which compel them to perform adult roles despite having the capacities of children and, in fact, still being children, in all respects – developmentally, biologically, physically, psychologically and emotionally.

The international community has recently recognized the detrimental effects of child marriage in delaying global sustainable development. Building on the Millennium Development Goals (MDGs) framed in 2000, the *Transforming Our World: The 2030 Agenda for Sustainable Development* document was adopted in September 2015 by the United Nations to help eradicate poverty and achieve sustainable development by 2030. Among its 17 Sustainable Development Goals (SDGs) and 169 associated targets include target 5.3, ‘Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation’, under Goal 5 ‘Achieve gender equality and empower all women and girls’. The universal framework commits all countries to make measurable efforts to end child marriage by monitoring progress on its implementation and ensuring accountability towards citizens, including children.

## Current status of child marriage in Tanzania

- ◆ Tanzania has one of the highest child marriage prevalence rates in the world.
- ◆ About 37% of the women aged 20-24 were married/in union before age 18. Data shows a 4% decline in this figure since 2004. <sup>1</sup> Tanzanian women on average get married more than five years earlier than Tanzanian men.
- ◆ 22.8% of girls aged 15 to 19 in Tanzania had children or were pregnant in 2010, while the adolescent fertility rate (the number of births per 1,000 girls aged 15-19) was 129, giving Tanzania the highest adolescent fertility rate in the world.<sup>2</sup>
- ◆ 24% of young women and 6% of young men aged 15-24 living in Zanzibar are already married.
- ◆ Contraceptive use is lowest and unmet need for contraception is highest among girls who are married early. In Tanzania, only 12% of married girls aged 15-19 are using modern methods of contraception compared to 24% of married women aged 20 – 24 years.

Which girls are most likely to get married as children? <sup>3</sup>

- ◆ Child marriage in Tanzania occurs more frequently among girls who are the least educated, poorest and living in rural areas:

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<sup>1</sup> TDHS 2012

<sup>2</sup> World Bank

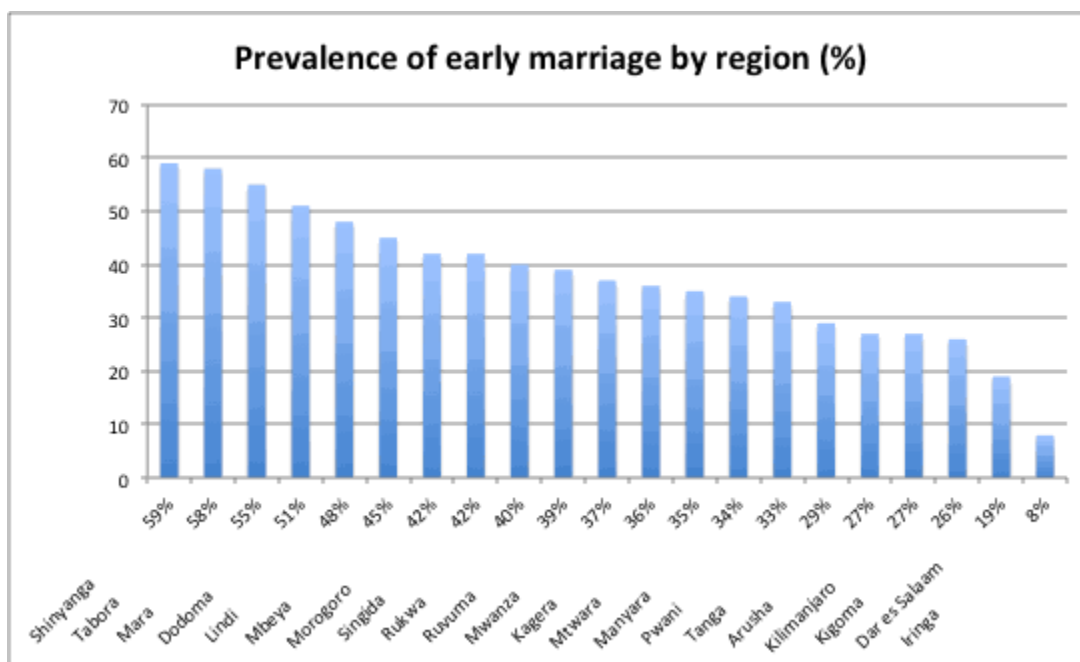
<sup>3</sup> TDHS Key Findings on Gender 2010

◆ Women with no education get married on average at age 17.7 years versus 23.1 years for women with secondary or higher education. 61% of women aged 20-24 with no education and 39% with primary education were married or in union at age 18, compared to only 5% of women with secondary education or higher.

◆ Household wealth influences the prevalence of child marriage. Girls from the poorest 20% of households are more than twice as likely to be married/ in union before age 18 than girls from the richest 20% of the households.

◆ Women aged 20-24 and living in rural areas are almost twice as likely to be married/in union before age 18 than their urban counterparts. This urban-rural divide has remained at roughly the same level since 2004.

◆ Child marriage is most common among women in Shinyanga, Tabora, Mara and Dodoma regions, with over 50% prevalence. Women in Shinyanga are more than seven times as likely to be married before 18 compared with those in Iringa where the prevalence is only 8%.



(Source: All data from TDHS 2010, compiled by UNFPA - Tanzania 2013)

### What are the drivers of child marriage?

◆ A 2008 survey on child marriage carried out by Children Dignity Forum found that child marriage was driven by factors including **the desire of a girl's parents to get a dowry, especially when they are poor, and a lack of knowledge about the impact of child marriage.** <sup>4</sup>

◆ Other drivers of child marriage include **harmful traditional practices** such as setting of bride price and the practice of female genital mutilation (FGM). FGM is used as a rite of passage into adulthood, a signal that a girl is ready to marry. A girl from a practicing community is not considered ready for marriage until she has undergone FGM. The national prevalence of FGM is currently 14.6%.

◆ **Gender inequality** lowers a girl's and woman's ability to make decisions related to her education and health and also when and who to marry. In Tanzania, married women have less control over their lives than married men do. Two out of five married women **do not participate in decision-making regarding**

<sup>4</sup> <http://www.trust.org/item/20130607145831-3dur7/>

**their own health care.** In Mara region only 8% of women participate in household decision making, while in Kilimanjaro region the figure is 64%.

## **What are the consequences of child marriage?**

Child marriage affects educational attainment, causes violence and greatly influences disempowerment of young girls. Discriminatory and vague government education policies and practices facilitate child marriages, seriously undermining girls' education and opportunities. Many Tanzanian schools have mandatory pregnancy testing. The government also allows schools to expel or exclude married students or students who commit offenses "against morality," widely understood to include pre-marital sex or pregnancy.<sup>5</sup>

According to UNICEF's State of the World's Children report for 2015, in Tanzania, girls' participation rates in primary school are quite high with a 98% enrollment rate and an 82% attendance, but these statistics drop dramatically at secondary school with girls having an enrollment rate of 26% and an attendance rate of 24%. The report also shows that 7% of children are married by age 15, and it jumps to 37% by age 18. Many of these girls drop out of school due to marriage, and many others due to pregnancy. Tanzania has not formally reviewed the Education Act (1978) to prohibit the expulsion of pregnant school girls or to provide an alternative for them (UN HRC 2011b). Over the last decade, 55,000 Tanzanian girls are estimated to have been expelled from school for being pregnant.<sup>6</sup> In addition, girls perform worse on examinations than boys because they reportedly have many more domestic responsibilities and less time to study at home.

Child marriage puts girls and women at greater risk of sexual and gender-based violence. The 2014 Human Rights Watch report "No Way Out: Child Marriage and Human Rights Abuses in Tanzania" found that girls who rejected or tried to resist marriages said their families assaulted and verbally abused them or threw them out.<sup>7</sup> Those unable to escape marriage said their husband's beat and raped them and did not allow them to make any decisions in their homes or about their lives. Their husbands abandoned them and left them to care for children without any financial support. In some cases, girls experienced violence and abuse at the hands of their in-laws. Girls from the Maasai and Gogo ethnic groups said they were forced to undergo FGM to prepare them for marriage.

In summary, here are the key consequences of early marriage:

### **Increased experience of domestic and sexual violence.**

Girls married early are more likely to experience violence, abuse and forced sexual relations.

### **Increased Maternal health and infant health risks**

Girls who marry and give birth before their bodies are fully developed are more at risk of maternal mortality and morbidity.

### **Greater exposure to HIV/AIDS.**

In Tanzania, married girls between the ages of 15-24 are more likely to be HIV positive than unmarried

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<sup>5</sup> Child Rights Situation Analysis, Save the Children in Tanzania 2014

<sup>6</sup> US Department of State 2014.

<sup>7</sup> The report is based on in-depth interviews with 135 girls and women in 12 districts in Tanzania, as well as with government officials, local activists, and international agency personnel.

counterparts (2.5% / 2.0%). 15-24 year old girls who are divorced separated or widowed are 11.3% HIV positive.<sup>8</sup>

### **Teenage Pregnancy**

Teenage pregnancy and motherhood are more common among young women living in rural areas and those from poorer families in Tanzania. Overall, 23% of women age 15- 19 are pregnant or already have children.

### **Isolation and psychological trauma**

Child brides are unable to cope with married life because at their young age they are not well prepared to handle family matters.

### **Child marriage denies girls their right to education and causes reduced opportunities to receive a complete education**

Many girls drop out of school due to marriage, and pregnancy. Child brides drop out of school to devote their time to house chores and child rearing – if they were in school in the first place.

### **Child marriage has negative implications for economic prosperity and development**

Because of child marriage, girls miss the skills, knowledge and employment prospects that would enable them to lift their family out of poverty and contribute to their country's economic development and prosperity.

### **Policy spotlight: what is being done to end child marriage in Tanzania?**

Tanzania's laws permit child marriage for girls and do not provide adequate protection from domestic violence. The Marriage Act of 1971 sets the marriage age at 18 years for boys, but at 15 for girls with parental consent, 14 if approved by the courts. Existing laws are contradictory and sometimes vague, failing to consistently define who is a child. The government has yet to review the Marriage Act to provide protections against child marriage, despite indicating it would do so. In addition, government national plans of action to address violence against women and children do not lay out comprehensive strategies to curb child marriage.

In addition, Customary Laws run parallel to Statutory Laws. The Local Customary Law (Declaration) Order, GN 279 of 1963 allows each ethnic group to follow and make decisions based on its customs and traditions. Minimum age of marriage is not provided in the constitution.

Tanzania's draft constitution unfortunately provides no minimum age for marriage. The Constituent Assembly, tasked with writing a new constitution, missed an opportunity to include a uniform minimum marriage age in its October 2014 final draft.

**The Government of Tanzania** has shown its commitment to ending child marriage through the promotion of girl's education at all levels. This is reflected in the efforts to increase access to secondary education, including through re-entry of pregnant girls to school to prevent child marriage. In June 2014 the cabinet passed the Education and Training Policy that explicitly allows the admission of girls to school after they have given birth. The policy does not address the position of married girls, although it states that girls who drop out due to "other reasons" should also be readmitted.

The Government of Tanzania has made important legal and policy reforms in the area of girls' and women's human rights. The Sexual Offences Special Provisions Act, adopted in 1998, criminalizes rape,

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8 THMIS 2011-2112

sexual exploitation of children, and FGM, and sets the age of sexual consent at 18 years. The government has developed national plans to combat violence against women and children. In October 2014, the Tanzanian Constituent Assembly adopted the final draft of the proposed new constitution that includes a provision defining a child as every person below the age of 18. The final draft, however, fails to explicitly set a uniform minimum marriage age of 18 for both boys and girls.

### **What are partners doing?**

**UNFPA** Tanzania through UN Delivering as One supports national partners such as Ministry of Community Development, Gender and Children and Tanzania Media Women Association, Tanzania Gender Networking Programme, and Children's Dignity Forum, to conduct evidence based advocacy and awareness raising through journalist trainings, investigative journalism, national surveys, and community based participatory action research, all focusing on gender based violence and particularly ending FGM and child marriage.

**Children's Dignity Forum**, (CDF) a children's rights organization based in Dar es Salaam, has worked towards raising awareness to the public on child rights violations, particularly child marriage and female genital mutilation including through girls' clubs; influencing laws, policies and decision making with regards to the promotion and protection of children rights.

**Tanzania End Child Marriage Network** is a network with more than 25 civil society organizations with the purposes of ending child marriage in Tanzania. The main objective of the network is to raise awareness of the harmful impact of child marriage by encouraging open, inclusive and informed discussions at the community, national and international level.

**Save the Children** jointly with the local communities developed the **BABA BORA (Good Father Campaign) which focuses on stronger male engagement in fighting violence and gender equality to prevent Violence against Children (VAC) in the first place.** It is a proactive and positive approach to engaging and involving men and boys in changing behavior towards children, especially girls, in the home, school and community. Violence against children is the main focus, but BABA BORA is also about gender equality. Apart from policy change through the campaign on child marriage, Save the Children will continue working on VAC and developing men-inclusive practices and promoting fathers' roles to ensure rights for children are respected.

### **What needs to be done?**

Although child marriage rates in Tanzania have decreased in recent years, they remain unacceptably high.

The Tanzanian Government planned to review the Marriage Act, based on recommendations by the Tanzanian Law Reform Commission and will finalize a government paper for public consultation after the constitutional review process.

**The government to steer a comprehensive reform of marriage, including setting the minimum marriage age at 18. It should enact a domestic violence law to make sexual violence in marriage a criminal offense and develop a national action plan to prevent and address the consequences of child marriage.**

**The government should put an end to pregnancy testing in schools, allow both pregnant and married students to remain in school, and take all possible steps to ensure all girls remain in school to complete their education.**