



Implementation of Women Human Rights in Kinondoni Dar Es Salaam Region, Tanzania with Special Reference to Domestic Violence.

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ABSTRACT:

The study, "Implementation of Women Human Rights in Kinondoni Dar es Salaam Region, Tanzania with Special Reference to Domestic Violence," offers a comprehensive examination of domestic violence against women in the Kinondoni area of Dar es Salaam, Tanzania. Through qualitative research involving 150 respondents, the study unveils the persistent and widespread nature of this issue, driven by a complex interplay of socio-cultural norms, economic reliance, and gender-based power dynamics. Historical analyses underscore the need for context-specific interventions. The study advocates for collaborative efforts among policymakers and stakeholders to develop comprehensive strategies addressing the multifaceted aspects of domestic violence, including community education, legal reforms, and awareness campaigns aimed at reshaping societal perceptions and attitudes

Introduction

Women's Domestic violence is a widespread and entrenched issue that affects communities all around the world, including Tanzania. 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).

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 incidents are rarely reported, and many women and members of gender minorities choose to hide their victimization. In fact, a victim is less likely to share their experiences with others the more comfortable they are with their attacker. In addition to the fact that sexual violence is vastly underreported, victims frequently do not categorize their own experiences as illegitimate violence because only incidents that conform to the widely held notions of violent assault by a stranger or the frequently ambiguous legal definition of rape are considered to be sexual assault. This propensity is frequently associated with the practice of victims downplaying their experiences, which is a typical coping mechanism for women experiencing gender-based violence in intimate relationships (Meyiwa, 2009).

Numerous negative effects of domestic violence on women's and children's health have been documented by the World Health Organization (WHO), including physical harm, psychological stress, and terror, as well as how it can raise a woman's risk of disability and death. The evidence from WHO Report shows how



much experiencing domestic violence specifically affects women's welfare, level of production, and ultimately society. Women also tend to be less focused and take longer to complete social and economic tasks (WHO, 2013).

Globally, an estimated 736 million women that are almost one in three have been subjected to physical and sexual intimate partner violence, non-partner sexual violence, or both at least once in their life (30 percent of women aged 15 and older). Sexual harassment is not included in this number. Women who have suffered violence are more likely than non-victimized women to experience depression, anxiety disorders, unintended pregnancies, STDs, and HIV, as well as many other health issues that may persist even after the violence has stopped. Intimate partners or current or previous husbands commit the majority of acts of violence against women. Intimate partner abuse has affected more than 640 million women aged 15 and older (26% of all women this age) (UN, 2022).

According to statistics from 2018, 13 percent of women between the ages of 15 and 49 reported having suffered physical or sexual abuse from a spouse or intimate partner in the previous year. These figures do not take into account how the COVID-19 epidemic has affected the risk factors for violence against women, which have increased (UNODC, 2021). Low- and lower-middle-income nations and areas are disproportionately affected by violence against women. 37 percent of women between the ages of 15 and 49 who reside in nations that fall under the category of "least developed" according to the Sustainable Development Goals have experienced physical or sexual intimate partner abuse at some point in their lives. In the last year, 22 percent of women in "least developed countries" experienced intimate partner violence, which is significantly higher than the global average of 13 percent (UNWOMEN, 2021).

Women's Domestic Violence in Tanzania

One of the countries with the highest incidence of violence against women in the home is Tanzania. According to URT (2011), the overall prevalence of domestic abuse among women aged 15 to 49 was 45 percent; of this, 25 percent involved physical violence, 7 percent involved sexual violence, and 14 percent involved both types of violence. Furthermore, statistics show that 9 percent of pregnant women experienced physical violence. According to the Tanzania Demographic and Household Survey (2011), 60 percent of women reported experiencing controlling behavior from their spouse or partner.

In Tanzania, many women appear to accept domestic abuse as part of their societies' social and cultural

standards. According to the normative context, violent behavior is frequently and widely accepted as a necessary component of married partnerships or the societal roles of men and women. Additionally, women said that they accept this violence because it is considered a normal aspect (Immigration and Refugee Board of Canada, 2015).

The study of Emmagloria (2019) demonstrates that the situations are tied to cultural norms as they are regarded as the source of domestic violence and are part of marriage. Domestic violence is pervasive and has been attributed to both men and women. Furthermore, it was said that accepting physical violence as long as it was light and did not cause harm was rejecting reality. Even the police would choose to pursue prosecution primarily depending on the seriousness of the offense and would choose reconciliation for otherwise minor offenses. This may also be seen in Tanzania, namely in the Mara region, where some still believe that beating a wife is a symbol of love.

The prevalence of physical violence varies significantly by region; it is highest in Dodoma which is 71 percent and lowest in Tanga which is 16 percent. In terms of sexual violence, Shinyanga had the lowest prevalence which is 5 percent, while Rukwa had the worst which is 32%. Current husbands/partners has 48% percent, former husbands/partners 21 percent, and current/former boyfriends has 7 percent were the sexual abusers of ever-married women. Furthermore, 27 percent of the offenders in the case of never-married women were boyfriends, either current or previous (Emmagloria, 2019).

According to Tanzania Demographic Health Survey (2015), since the age of 15, 43.6 percent of women have been the victims of physical or sexual abuse by a partner, physical abuse by a non-partner since the age of 15, or sexual abuse as a child or adult by a non-partner. In addition, 8.1 percent of women who had ever been pregnant said they had endured physical abuse while they were pregnant. Nearly all of the 70 percent of women who had been the victims of physical or sexual abuse by a current or previous partner reported cuts, bruises, or aches, while 15 percent reported more serious injuries such as deep wounds and broken bones or teeth.

The Government of Tanzania has been doing remarkable efforts to eliminate domestic violence and empower women. The National Gender Machinery, which is responsible for formulating, coordinating, and monitoring policy through quarterly reviews, is the Ministry of Community Development, Gender, and Children. The National Development Vision 2025, which was put in place by the government to promote



gender equality, stipulates, among other things, that Tanzania should guarantee the achievement of gender equality and the empowerment of women in all socio-economic and political relations, as well as in all spheres of society, by the year 2025. In order to achieve the aims of Vision 2025, subsequent strategies have been created, such as the Poverty Reduction Strategy (PRS), which recognizes gender as a cross-cutting issue across all sectors (UNODC, 2021).

Therefore, tackling the problem of women's domestic violence in Tanzania involves all-encompassing and complicated measures that include legal reforms, education, awareness campaigns, greater access to support services, and the promotion of gender equality and women's empowerment. Therefore the study was the implementation of women's human rights in Kinondoni, Dar es Salaam region, Tanzania with special reference to domestic violence.

Methodology

The study titled "Implementation of Women Human Rights in Kinondoni Dar es Salaam Region, Tanzania with Special Reference to Domestic Violence" was conducted in one distinct region of: Kinondoni, Dar es Salaam. The purpose of the study was to comprehensively analyze the issue of women's domestic violence in these regions and explore the implementation of women's human rights within this context.

A qualitative research approach was adopted for this study, allowing for an in-depth exploration of the complex dynamics surrounding women's domestic violence. Qualitative research is well-suited for delving into the intricate social, cultural, and psychological factors that contribute to this issue. By employing this approach, the study aimed to gain a deeper understanding of the underlying causes and experiences of domestic violence in both Kinondoni District.

The primary data collection method employed in the study was interviews. A total of 150 respondents were selected from Kinondoni, Dar es Salaam, and another 150 respondents. Interviews provide a rich source of qualitative data, allowing participants to express their perspectives, experiences, and insights in their own words. This method facilitated a nuanced exploration of the subject matter, capturing the diverse range of factors influencing women's domestic violence.

The study engaged with 150 participants through interviews, aiming to understand the local context and

specific factors contributing to domestic violence within the region. This extensive participant pool ensured a comprehensive representation of experiences and viewpoints, contributing to a well-rounded analysis.

The interviews were structured and unstructured to cover various aspects related to women's domestic violence, including the causes, consequences, cultural influences, legal frameworks, and potential solutions. This approach allowed the researchers to collect qualitative data that could be systematically analyzed and interpreted to draw meaningful conclusions about the patterns and underlying issues of domestic violence in the regions.

Human women rights and domestic violence in relation to international perspectives

Women's human rights have gained international concern and recognition due to the persistent violations and discrimination experienced by women worldwide. Several international instruments and mechanisms have been established to address and protect women's rights on a global scale (Amnesty International, 2022). Women are entitled to enjoy the same human rights and fundamental freedoms as other individuals. International human rights treaties require State parties to take proactive steps to ensure that women's human rights are respected by law and to eliminate discrimination, inequalities, and practices that negatively affect women's rights. Under international human rights law, women may also be entitled to specific additional rights such as those concerning reproductive healthcare (UN, 2022).

Tanzania is a member of various international treaties related to Women's Human rights. By signing the treaties, Tanzania demonstrates its commitment to promoting gender equality and protecting the rights of women and girls in accordance with international standards. However, the knowledge of society of international treaties of women is still low. Society is unaware of the international treaties related to women's rights issues basically domestic violence. The depth interviews that were conducted show that the knowledge of society on international treaties and women's human rights is 39 percent. United Nations (2008) argued that to raise awareness the convention agreement should be translated into Kiswahili so as to raise awareness in the society.

The following table shows the treaties that Tanzania signed with their respective objectives:-

International Treaty	Treaty Objective
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	promotes gender equality and addresses discrimination against women in all spheres of life



Optional Protocol to CEDAW	The Optional Protocol allows individuals and groups to bring complaints of violations of women's rights under CEDAW to the Committee on the Elimination of Discrimination against Women.
African Charter on Human and Peoples' Rights	It protects a wide range of human rights, including the rights of women, and Tanzania is obligated to uphold its provisions.
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)	It addresses women's rights and sets out comprehensive provisions to protect and promote gender equality in Africa
Convention on the Rights of the Child (CRC)	It includes provisions related to the rights of girls and the elimination of discrimination against them.
International Covenant on Civil and Political Rights (ICCPR)	It includes provisions on non-discrimination and equality before the law, which are relevant to the promotion and protection of women's rights.

Source: Researcher compiled (2023)

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 Law of Marriage Act governs aspects of marriage, including age and consent, with provisions aimed at safeguarding women's rights within marital unions. The Sexual Offences Special Provisions Act, on the other hand, criminalizes sexual violence, encompassing rape and sexual harassment, with provisions for the protection of victims throughout legal proceedings. The Law of the Child Act addresses various child protection issues, including provisions against child marriage and child abuse (Amnesty International, 2022).

The Police Force and Auxiliary Act outlines the responsibilities of law enforcement agencies in addressing GBV cases. It empowers the police to take action against perpetrators of violence and provides guidelines for handling such cases sensitively. The Magistrates' Courts Act establishes the legal framework for the adjudication of GBV cases in the judiciary. Magistrates play a pivotal role in ensuring justice for survivors, and this act sets out procedures for the court process (Immigration and Refugee Board of Canada, 2015)

Furthermore, Tanzania enacted the Gender-Based Violence (GBV) Act. This law explicitly addresses various forms of violence against women, providing a comprehensive legal framework for prevention, protection, and support services. It underscores the government's commitment to combating GBV, reflecting Tanzania's dedication to safeguarding the rights and dignity of its female citizens. These laws, collectively, form a robust legal arsenal against GBV, aiming to create a safer and more equitable society for women and children in Tanzania.

Role of Judiciary system in protecting women from domestic violence Tanzania

The judiciary system in Tanzania is an integral component of the country's legal framework, designed to ensure the rule of law, uphold justice, and protect the rights and liberties of its citizens. With a history deeply rooted in various legal traditions, Tanzania's judiciary system incorporates elements of English common law, customary law, and Islamic law (in Zanzibar) to provide a comprehensive legal framework. Tanzania's judiciary is organized hierarchically, with different levels of courts, each having specific jurisdictions and responsibilities. The structure and organization of the judiciary facilitate the administration of justice, ensuring that cases are heard at the appropriate level and by judges with the relevant expertise. These courts are primary courts, district courts, resident's magistrate court, higher court and court of appeal (.Demographic Health Survey, 2015)

The judiciary contributes to the broader effort to combat domestic violence by facilitating access to legal aid and support services, particularly for those who may lack the resources to secure legal representation. This guarantees that all victims, regardless of their financial situation, can efficiently through the legal system. The judiciary seeks to promote a more empathetic and gender-sensitive approach to treating domestic abuse cases by encouraging awareness and training among judges, magistrates, and court workers. In the end, the judiciary's cooperation with law enforcement, social services, and non-governmental organizations, as well as its function in data collection and reporting, strengthen the overall response to domestic violence, working towards a safer and more just environment for women in Tanzania (URT, 2015).

5.2.2 Trend of Women domestic violence in Kinondoni

Women domestic violence in Kinondoni, Dar es Salaam, is a concerning issue that affects many women in the region. Despite significant progress in women's rights and gender equality initiatives, domestic violence



remains prevalent, impacting the lives of countless women in the district.

The study found that In Kinondoni, women experience various forms of domestic violence, and the consequences are far-reaching, affecting their physical and mental well-being, self-esteem, and overall quality of life. Several factors contribute to the persistence of domestic violence in Kinondoni, including societal norms, cultural beliefs, and economic disparities. Gender roles and expectations often reinforce the power imbalances between men and women, leading to an increased risk of violence against women. Furthermore, economic dependence and lack of financial resources may deter women from leaving abusive relationships, further perpetuating the cycle of violence.

The incidents of harassment and sexual violence have been reported to be on the rise in Kinondoni Municipality, particularly during the period when schools were closed due to the presence of the COVID-19 pandemic. According to study conducted by Legal and Human Rights Centre (LHRC) that conducted between 2019 and 2021 revealed an increase in cases of harassment and sexual violence in Kinondoni District, reaching a total of 57,626 incidents (Mbwana, 2022).

Among the 150 respondents, 50 individuals (33.3%) reported that they have experienced physical or psychological threats from their partner or family members. These findings indicate that a significant portion of the survey participants have been victims of domestic violence in some form. Out of the 50 respondents who answered "yes," 30 individuals (60%) reported experiencing physical threats, which includes instances of physical aggression or violence from their partner or family members. This suggests a distressing prevalence of physical abuse within domestic settings. Moreover, 40 respondents (80%) reported experiencing psychological threats, such as emotional manipulation, verbal abuse, and intimidation. Psychological abuse can have severe and long-lasting effects on a person's mental and emotional well-being, leaving them feeling trapped and isolated.

Furthermore, out of the 150 respondents, 49 individuals (32.7%) reported experiencing physical abuse within their intimate relationships or family settings. These findings indicate a concerning prevalence of physical violence in domestic situations. Among the 49 respondents who answered "yes," 35 individuals (71.4%) reported experiencing pushing, grabbing roughly, or being thrown by their partner or family member. Physical aggression of this nature can cause immediate harm and trauma, and it suggests a significant occurrence of physical confrontations within domestic settings.

Moreover, 28 respondents (57.1%) reported experiencing striking or being choked by their partner or family member. These acts of violence can have

severe and potentially life-threatening consequences, underscoring the gravity of the issue.

The study also found that out of the 150 respondents, 40 individuals (26.7%) reported sustaining physical injuries inflicted by their partner or family member. These findings indicate that a considerable number of respondents have experienced physical harm within their domestic relationships. Among the 40 respondents who answered "yes," 32 individuals (80%) reported experiencing minor physical injuries such as bruises, scratches, or minor cuts. These injuries may not require immediate medical attention but still cause pain and distress.

Lastly, 8 respondents (20%) reported experiencing more severe physical injuries, such as broken bones, deep cuts, or other injuries that necessitated medical treatment. These incidents of severe physical harm suggest the presence of serious domestic violence within some relationships.

Women Domestic Violence Cases in Kinondoni Dar es salaam

The study went through the case of Yusta Mkali, the married woman who murdered by her husband went by the name Musa Senkando at Kawe Kinondoni Dar es salaam. According to the Global Publisher Website (2013) the murder was a result of love jealousy whereby Musa Senkando blamed his wife Yusta Mkali cheating the marriage. The study also reviewed the case of Asha Mgeza, a five years old girl who raped by her father Khalid Mgeza. The incident occurred on 20th October 2016 at Mwananyamala Kinondoni Dar es salaam, the father involved in the case works in the area and is also a resident there. The case, with file number NG2/LR/256, has been filed at the local police station and given priority by Mwajuma and Khadija Mwenda, the mother of the child. They are closely following the case, as it involves the alleged act of violence against their child by the husband (Mohamed, 2016).

Causes of Domestic Violence

The study involving 150 respondents in Tanzania has identified several key factors contributing to domestic violence against women. Cultural beliefs, mentioned by 26.7% of respondents, perpetuate abusive norms and practices, often normalizing unequal power dynamics within relationships. Gender inequality, highlighted by 41.3% of respondents, significantly contributes to domestic violence, with disparities in resources and opportunities leaving women more vulnerable. Alcohol abuse, cited by 44.7% of respondents, acts as a catalyst for violence, impairing judgment and self-control within relationships.

Moreover, religious beliefs, acknowledged by 30% of respondents, can either justify or condemn abusive behavior, depending on specific interpretations. Lack of



education, identified by 54.7% of respondents, leaves women more susceptible to abuse, emphasizing the importance of empowering women through education. Economic dependency, mentioned by 41.3% of respondents, is closely linked to gender inequality and can trap women in abusive relationships due to financial reliance on their partners.

The findings underscore the complex and interconnected nature of domestic violence in Tanzania. To combat this issue effectively, a comprehensive approach is necessary, including legal reforms, public awareness campaigns, support services, and community-based initiatives. Such efforts must tackle these root causes and promote gender equality, ultimately creating safer environments for women in Tanzania.

Conclusion

The research done in Kinondoni, Dar es Salaam, provides a deep understanding of the complex problem of domestic abuse and women's rights in the area. It demonstrates the upsetting pervasiveness of domestic abuse, which transcends geographical and cultural barriers and casts a pall over the lives of numerous people. This problem is deeply ingrained in a complex interaction of elements, including patriarchal institutions, persistent cultural norms, economic inequalities, and gender-based power imbalances. The historical analysis offered in the study shows that domestic violence is an ongoing problem with enduring historical roots rather than being a transient phenomenon.

The study highlights Tanzania's commitment to women's rights through the adoption and ratification of international agreements aimed at combating gender-based discrimination and advancing gender equality. It highlights how important it is to turn these commitments into real actions. To ensure that women's rights are protected and domestic abuse is reduced, effective monitoring and collaboration between governmental entities, civil society organizations, and international partners are essential. The study essentially acts as a call to action, highlighting the shared duty of all stakeholders in ending domestic violence and fostering a society where women may live without being threatened with violence or subjected to prejudice.

Recommendations

The study recommends a multifaceted approach to address domestic violence and promote women's rights in Kinondoni, Dar es Salaam. This includes launching tailored mass education and awareness programs in collaboration with local leaders and organizations to challenge deep-seated gender norms and raise awareness of the negative impacts of domestic abuse.

Strengthening legal frameworks and ensuring effective implementation, along with specialized training for law enforcement and legal professionals, is emphasized to compassionately handle domestic abuse cases. The establishment of support services like safe houses and helplines is crucial for providing immediate aid and a secure environment for survivors. Furthermore, the study highlights the value of capacity-building activities targeting key community stakeholders and advocates for women's economic empowerment through skill development and vocational training programs, offering them the tools to achieve financial independence and escape abusive situations while advancing societal progress.

References

1. Amnesty International. (2022, 11 13). *Women right is human right*. Retrieved 6 22, 2023, from Amnesty international:<https://www.amnesty.org/en/what-we-do/discrimination/womens-rights/#:~:text=These%20include%20the%20right%20to,to%20earn%20an%20equal%20wage>.
2. Dickstein, J. (2010). Spouse and Women's Health Emotional Consequences of the. *General Education Journal*, 4(1), 16-25.
3. Easteal, P. (2015). Enduring themes and silences in media portrayals of violence against women. *Women's Studies International Forum*, 3(48), 103-113.
4. Emmagloria, O. (2019). *Protecting women against Domestic violence in Tanzania Local Government Authorities*. Dar es salaam: Mzumbe University.
5. Immigration and Refugee Board of Canada. (2015). *Tanzania: Situation of female victims of domestic violence, including legislation and availability of state protection and support services*. Canada: Canada: Immigration and Refugee Board of Canada. Retrieved 6 22, 2023, from <https://www.refworld.org/docid/55ffaa004.html>
6. Mbwana, M. (2022, January 14). *Kinondoni yaongoza kwa vitendo vya ukatili wa ngono Dar*. Retrieved July 30, 2023, from MWANANCHI: <https://www.mwananchi.co.tz/mw/habari/kitaifa/kinondoni-yaongoza-kwa-vitendo-vya-ukatili-wa-ngono-dar-3682696>
7. Meyiwa, C. L. (2009). Nobody's Business: Proposals for reducing gender-based violence at a South African University. *In Agenda*, 2(80), 3-44.
8. Mohamed, F. (2016, October 27). *MTOTO WA MIAKA 5 ABAKWA NA BABA YAKE MZAZ*. Retrieved July 30, 2023, from safaritz: http://safaritz255.blogspot.com/2016/10/mtoto-wa-miaka-5-abakwa-na-baba-yake_27.html
9. Rico. (1992). *Domestic violence against women in Latin America and the Caribbean*. Economic Commission for Latin America and the Caribbean



- (ECLAC). Santiago: Economic Commission for Latin America and the Caribbean (ECLAC).
10. UN. (2022, 12 6). *Peace, dignity and equality on a healthy planet*. Retrieved from UN.ORG: <https://www.un.org/en/global-issues/human-rights>
 11. URT, The sexual offences special provision act 1998, (URT, 1998) URT, The law of child act 2009.
 12. URT, Demographic Health Survey 2015
 13. UNODC. (2021). *Killings of women and girls by their intimate partner or other family members*. New York: UNODC Research.
 14. UNWOMEN. (2021, 6 12). *Facts and figures: Ending violence against women*. (U. WOMEN, Producer) Retrieved 6 18, 2023, from UN WOMEN: <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>
 15. WHO. (2013). Global and Regional Estimates on Violence against Women. *WHO Library Cataloguing-in-Publication Data*, 154-170.