



HUMAN
RIGHTS
WATCH

NO WAY OUT

Child Marriage and Human Rights Abuses in Tanzania

SUMMARY AND KEY RECOMMENDATIONS

Pion H., 12, was 10-years-old when her father tried to force her to undergo female genital mutilation (FGM) and marry a much older man. Pion H. resisted the marriage and said she wanted to continue her education. Under pressure from her family to marry, Pion H. went to her schoolteacher for help. The teacher contacted a local organization, NAFGEM, which intervened with her parents and prevented her from undergoing FGM and getting married. She is now enrolled in school. Moshi, Tanzania. August 7, 2014.



SUMMARY

When Matilda H. was 14, her father told her he wanted her to marry a 34-year-old man who already had one wife. He told her that he had already received a dowry payment of 4 cows and 700,000 Tanzanian Shillings (TSh) (US\$435).

Although Matilda had passed her exams and had been admitted to secondary school, her father told her: “You cannot continue with your education. You have to get married because this man has already paid dowry for you.” She pleaded with him to allow her to continue her education, but he refused.

Matilda told us, “I felt very sad. I couldn’t go to school, dowry was paid, and I could not disobey my father. I did not know my husband before.” Matilda said her mother tried to seek help from the village elders to stop the marriage but “the village elders supported my father’s decision for me to get married. I had nothing to do. I had no way out but to allow to get married.”

Matilda’s husband physically and sexually abused her and could not afford to support her. She told us, “My husband was very poor. When I would get sick, he would not even have money to take me to the hospital.”

In Tanzania, 4 out of 10 girls are married before their 18th birthday. A study by the United Nations Population Fund (UNFPA) estimated that 37 percent of Tanzanian women aged 20–24 years were first married or in union before the age of 18, between 2000–2011. Human Rights Watch documented cases where girls as young as seven were married.



Child marriage is deeply embedded in Tanzanian society. In many cultures in Tanzania, girls are generally considered ready for marriage when they reach puberty and marriage is viewed as a way to protect them from pre-marital sex and pregnancy that undermine family honor and may decrease the amount of dowry a family may receive. Cultural practices such as female genital mutilation (FGM) also contribute to child marriage in some communities. Among the Maasai and Gogo ethnic groups, where Human Rights Watch conducted some of its research for this report, FGM is closely related to child marriage and is done primarily as a rite of passage to prepare girls, aged 10–15, years for marriage.

Many Tanzanians regard child marriage as way of securing financial security for themselves and their daughters. The practice of dowry payment by the groom to the bride's family is a key incentive for many families to marry off their daughters. Some girls see marriage as a way out of poverty, violence, or neglect. Child labor in Tanzania may also be associated with a significant increase in marriage at an earlier age, as girls who face abuse and exploitation in their workplaces see marriage as a way to escape their suffering.

Human Rights Watch conducted extensive interviews with girls and women in 10 districts in the Mwanza, Shinyanga, Kilimanjaro, Arusha, Dodoma, and Lindi regions of the Tanzania mainland, and with government officials, community development officers, police officers working at Police Gender and Children's Desks, teachers, ward and village executive officers, health workers, and experts. Human Rights Watch investigated the factors contributing to child marriage, the severe harms and rights

abuses associated with it, and the risks girls face when they resist marriage. We also examined the gaps in the child protection system, the lack of protection for victims of child marriage, and the many obstacles they face in attempting to obtain redress, as well as shortcomings in existing laws and plans to combat child marriage.

By permitting child marriage, the government becomes responsible for the serious harms suffered by girls and women, thus violating many human rights recognized under international law. Girls married as children are usually unable to continue with their schooling and consequently have limited wage-earning prospects due to their lack of education. Girls may experience domestic violence and marital rape, and receive little or no support during their marriages or when they leave. They are forced into adulthood before they are physically and emotionally mature and they struggle with the physical and emotional health effects of becoming pregnant too young. These harmful effects take the heaviest toll on the youngest brides.

This report documents the particularly severe impact of child marriage on girls' education. Child marriage undermines access to education – limiting girls' life opportunities and their ability and confidence to make informed decisions about their lives. Girls told Human Rights Watch that their parents or guardians withdrew them from school to marry, and they found it difficult to return to school after marriage. Girls who became pregnant or married were frequently expelled. Tanzanian government policy allows schools to expel or exclude students who enter marriage or commit an offense "against morality," which is often understood to mean pre-marital sex or

Sofia (center), 18, at the Buhangija Vocational Training Centre. Sofia was forced by her mother to marry when she was 14 to a man who beat her and failed to provide financially for her and her children. Sofia currently works to help her mother repay the dowry. Shinyanga, Tanzania. August 4, 2014.



pregnancy. Tanzanian schools routinely conduct mandatory pregnancy tests of girls, a serious infringement of their rights to privacy, equality, and autonomy.

Girls Human Rights Watch interviewed who rejected or tried to resist marriage were assaulted, verbally abused, or evicted from their homes by their families. Others, who were unable to escape marriage, described how their husbands beat and raped them and did not allow them to make any decisions in their homes. A large number also said their husbands abandoned them and left them to care for children without any financial support. Many said they also experienced violence and abuse at the hands of their in-laws.

Many girls also told Human Rights Watch how they felt lonely and isolated, confined to their homes by domestic and child-rearing duties or because their husbands and in-laws restricted their movements. The isolation and abrupt end to childhood that is typically associated with child marriage combined with the physical, verbal, and sexual abuse that married girls suffer, the lack of support when girls seek help from authorities and their families, as well as economic and cultural pressures that prevent some girls from leaving abusive marriages have profound effects on a girl's psychological health. Many girls interviewed by Human Rights Watch said they were unhappy in their marriages and regretted having married early. Some said they had contemplated suicide.

Anita, 19, was forced by her father to leave school and marry when she was 16-years-old. When Anita and her mother objected to the marriage, her father became angry and beat both of them, stating that he had already accepted dowry for the marriage. Moshi, Tanzania. August 7, 2014.

DOWRY



Dowry payment is a major factor driving child marriage in Tanzania. Dowry is negotiated by a man and his family and is paid to a woman's family in the form of money, cattle or other livestock, or a combination of both. Although common in many Tanzanian communities, dowry payments vary depending on ethnic group, family wealth, and other cultural and social considerations, such as the lightness of a girl's complexion or whether she has undergone female genital mutilation (FGM).

Dowry payment is believed by some communities to give a husband and his family "property rights" over the wife. Dowry payment may increase the likelihood of violence against women and girls, who may be unable to leave abusive relationships because they cannot afford to repay the dowry. Dora P. told Human Rights Watch that her husband was physically and verbally abusive, and that whenever she complained, he would reply, "I bought you. Your father has taken my wealth so I own you. Do you think you can go anywhere?"

A boy herds cattle. Cows or other livestock often comprise a part of the dowry payment or bride price. Moshi, Tanzania. August 6, 2014.



FEMALE GENITAL MUTILATION

In Tanzania, female genital mutilation (FGM) is practiced for various socio-cultural reasons depending on ethnic group, including as part of a ritual initiation into womanhood. Among the ethnic groups of the Maasai and Gogo, where Human Rights Watch conducted its research, FGM is closely related to child marriage and is done primarily as a rite of passage to prepare girls for marriage.

A Maasai traditional leader, Laizer Daudi, told Human Rights Watch, “In our land [community], you have to cut a girl before she gets married. Girls are cut between 10–15 years and they get married 2–3 months after being cut. There is a lot of pain when you combine FGM, and the forced marriage of a girl.”

Pion H., 12, was 10-years-old and in her second year of primary school when her grandmother told her she was to undergo FGM and get married:

My grandmother told me, “You must stop school immediately. Get prepared to become a ‘real’ Maasai woman.” I started crying. I was afraid. I knew it [FGM and forced marriage] was going to happen because they told my sister the same thing. She was also 10-years-old when they cut her and forced her to marry a month later.

A girl who has not undergone FGM may be socially ostracized and referred to as “rubbish” or “useless.” If married, her in-laws may force her to undergo FGM. Among the Maasai and Gogo ethnic groups, a girl who has undergone FGM fetches more dowry.

Clara, 17, was forced to undergo FGM at the age of 9. When her family told her she was going to be cut, she tried to run away but was caught and brought back. Kilimanjaro, Tanzania. August 8, 2014.





[left] Maasai women stand inside the NAFGEM center in Simanjiro. Sarah Elifuraha (right) said that girls undergo FGM in preparation for marriage: "In the Maasai community, a girl who is cut is respected because she is considered mature and has faced a rite of passage. That's why she is cut, in order to be married." Simanjiro, Tanzania. August 9, 2014.

[below] Rehema is 13-years-old and attends primary school. She said her parents planned for her to undergo FGM, but she has resisted with the help of a nongovernmental organization. Kilimanjaro, Tanzania. August 8, 2014.



A wide-angle photograph of a dirt road stretching into the distance. The road is flanked by dry, brownish vegetation and small bushes. In the background, a range of mountains is visible under a sky filled with heavy, grey clouds. The lighting suggests either early morning or late afternoon.

A road leads to Simanjiro, where many Maasai communities are found. August 8, 2014.

CHILD LABOR

Among girls, child labor is associated with a significant increase in the probability of marriage at an earlier age. A 2008 World Bank study looking at the consequences of child labor in rural Tanzania noted a link between child labor and child marriage, stating that “the more children work, the more likely they are to marry at an earlier age.” Girls who face abuses in their workplaces may see marriage as a way to escape their suffering. Girls in work are also frequently exposed to sexual exploitation and abuse, and sometimes enter relationships with boys or men in return for food or other support, or because they are pregnant.

Human Rights Watch interviewed 20 girls who said they married early to escape child labor. In Tanzania, child domestic work is common and widely accepted as a way to contribute to the family’s income. It may also be viewed as part of a girl’s preparation or apprenticeship for future married life. Due to weak government regulation of child work, girls face many abuses, including physical and sexual abuse, and often receive little or no pay.

Witness, age 19, was 14 years old and in her final year of primary school when her step-father chased her away from home because she was “mature” enough to look after herself. Witness married shortly after finding a job as a waitress. Moshi, Tanzania. August 6, 2014.



Children watch a video at an outreach event held by Agape AIDS Control Program, a nongovernmental organization working to end child marriage. Shinyanga, Tanzania. August 4, 2014.

ADOLESCENT PREGNANCY



Tanzania has high rates of teenage pregnancy. According to the 2010 Tanzania Demographic and Health Survey, “44 percent of women are either mothers or are pregnant with their first child by age 19.”

Girls lack access to sex education and accurate information about contraception. They also have limited access to reproductive health services and lack the power to negotiate safe sex with men who usually entice them with money, gifts, and promises to educate or marry them.

The Tanzanian government has failed to ensure the provision of comprehensive sexuality education in primary and secondary schools, despite a “life skills” program—incorporated into existing subjects, such as biology, civics, languages, and work skills—that includes information on sexuality and family planning. Tanzania mainland lacks a national sexuality education curriculum, meaning there is no clear guidance for schools or teachers on what the subject covers and how it should be taught.

DOMESTIC VIOLENCE

Most of the girls and women interviewed by Human Rights Watch said that they experienced violence during their marriage.

Patricia J., 17, married an 18-year-old man when she was 15, hoping to escape poverty at home. Her husband paid a dowry of 70,000 TSh (\$44). She eventually left the marriage and is staying with a friend:

My husband used to beat me almost every day. One day he came home and started making noises and threatening me saying he will burn me. I asked him why and he said, "Your father took my money because he is poor." He told me to spread my legs open. I refused. He went outside the house and came with burning charcoal. He forced my legs open and pushed the burning charcoal into my vagina. I was helpless. All I could do was cry.

Girls sometimes attempt to leave abusive husbands and return to their own families, hoping to receive help, but girls interviewed by Human Rights Watch who tried to return to their families said that they are often told that all married women must tolerate abuse, and are then forced to return to their husbands.

Rose was married when she was 16 and now has two children. Her husband would beat her often and force her to have sex with him. Rose said she contemplated suicide in order to escape the marriage. Moshi, Tanzania. August 6, 2014.



Jacinta, 15, was excluded from school after authorities found out that she was pregnant. She said her teachers took her to a medical clinic to undergo a pregnancy test. She subsequently gave birth prematurely and her baby did not survive. August 5, 2014.

BANNING GIRLS FROM EDUCATION



In Tanzania, marriage usually ends girls' education. Married or pregnant pupils are routinely expelled or excluded from school. Although not an official policy, Tanzanian schools also routinely conduct mandatory pregnancy tests and expel pregnant girls.

Human Rights Watch interviewed several girls who were expelled from school because they were pregnant. Others said they stopped attending school after finding out they were pregnant because they feared expulsion.

Sharon J., 19, was expelled when she was in her final year of primary school: "When the head teacher found out that I was pregnant, he called me to his office and told me, 'You have to leave our school immediately because you are pregnant.'" A head teacher at Farkwa Secondary School said, "When we find a pregnant pupil in school, we call a school board meeting where we agree to expel the pupil."

The practice of expelling pregnant girls is not explicitly mandated by law or policy, but the government has done little to stop it and the consequent denial of girls' right to education. School and government officials frame the practice of expelling pregnant girls as part of an effort to prevent adolescent pregnancy, and as a disciplinary measure.



Angela, 15, holds her newborn baby girl in a hospital in Tanzania. Unmarried and living with her parents, she hopes to continue with her studies and one day become a nurse. Shinyanga, Tanzania. August 4, 2014.

KEY RECOMMENDATIONS

To the President of Tanzania

- Publicly support setting a uniform, internationally recognized minimum marriage age of 18 for both boys and girls in Tanzania.
- Publicly call on education authorities to end the exclusion of married and/or pregnant girls from school.

To the Ministry of Education and Vocational Training

- Revise the Education and Training Policy to include a provision that allows both married and pregnant students to continue with their education.
- Increase access to post-primary education by taking all possible measures to ensure that children can access secondary education irrespective of their Primary School Leaving Examination results. In particular, take measures to allow children who fail to retake the exam, and to seek admission in public schools.

To the Ministry of Constitutional and Legal Affairs

- Take the necessary steps to enact a comprehensive domestic violence law. The law should criminalize sexual violence in marriage.

To the Ministry of Community Development, Gender, and Children

- Create a national action plan to combat child marriage, in accordance with international good practices, with input from women's and children's rights groups, health professionals, and other service providers; coordinate efforts among all relevant ministries; seek sufficient resources to implement the plan.

To United Nations Agencies and International Donors

- Urge the government of Tanzania to end the exclusion from school of married and pregnant pupils and adolescent mothers, and to provide re-entry opportunities for married girls and young mothers of school-going age.

Agatha, 11, was 7-years-old when her father tried to force her into marriage. A policeman intervened and took her to a local organization. With their help, Agatha is now at school. Moshi, Tanzania. July 31, 2014.





A portrait of Maasai leaders who are committed to ending FGM and child marriage in their community. Simanjiro, Tanzania. August 11, 2014.



Four out of every 10 girls in Tanzania marry before they reach age 18. Some are as young as 7. Child marriage in Tanzania is driven by poverty and the payment of dowry, child labor, adolescent pregnancy, child abuse and neglect, as well as limited access to education and employment opportunities for women and girls.

No Way Out: Child Marriage and Human Rights Abuses in Tanzania, is based on in-depth interviews with 135 girls and women in Tanzania. The report documents the detrimental impact of child marriage including the impact on girls' education, the increased exposure to sexual and reproductive health risks, and domestic violence by husbands and extended family members. It also shows how child labor and female genital mutilation are pathways to child marriage.

Tanzania lacks a uniform minimum marriage age of 18 for both boys and girls. Gaps in the child protection system, the lack of protection for victims of child marriage, and the many obstacles girls and women face in obtaining redress compel them to endure the devastating and long-lasting consequences of child marriage.

Human Rights Watch calls on the Tanzanian government to enact legislation setting 18 as a minimum marriage age and to take immediate measures to protect girls and women from child marriage and other forms of violence to ensure the fulfillment of their human rights, in accordance with Tanzania's international legal obligations.

(above) Aisha was 17 and in her third year of secondary school when her father forced her to marry a 45-year-old man, who regularly beat and raped her. Aisha became pregnant shortly after the marriage. She had complications during delivery and could not walk for a month. Girls and younger women are more susceptible to obstructed labor which is one of the leading causes of maternal mortality globally.

(front cover) Tigisi, now twelve years old, was forced by her father to marry at the age of nine. He wanted to receive dowry and thought she was mature enough to get married. Her mother, who was against the marriage and wanted her daughter to continue her studies, sought help from her school teachers and NAFGEM, an organization that supports girls. Naomi is now at boarding school with the support of NAFGEM.

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