



HUMAN
RIGHTS
WATCH

“I Had a Dream to Finish School”

Barriers to Secondary Education in Tanzania





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SUMMARY AND KEY RECOMMENDATIONS

I liked to study so that I could have a wide mind. There was nothing I didn't like [to study]. I had a dream to finish school and go to college, graduate, and work as an accountant.

Like millions of adolescents in Tanzania, Imani, 20, from Mwanza, a region in northwestern Tanzania bordering Lake Victoria, wanted to study as much as she could so that she could graduate, find a job, and support herself and her family. From the age of 14, when she entered secondary school, she traveled more than an hour and a half every morning to get to school:

I was very tired by the time I got to school. I started arriving late all the time. When I would arrive late I would be punished.

Imani's plans changed when she was only 16 years old. She was sexually abused by her private tutor, a secondary school teacher whom her parents hired to teach her during the weekend. When Imani discovered she was pregnant, she informed the tutor. He disappeared.

A nurse would carry out monthly pregnancy tests and check all girls at her school, but Imani skipped school on two occasions when the nurse conducted the tests. On the third month of her pregnancy, school officials found out she was pregnant. "My dream was shattered then," she told Human Rights Watch. "I was expelled from school. I was expelled from [her sister's] home, too."

Like many adolescent girls in Tanzania, Imani tried many ways to get back into education once she had her baby, who, at the time she spoke to Human Rights Watch, was three years old:

I tried [to go back to school]. I went to every [preparatory] program, [and] I went to do the [Form II] national examination. I paid the examination fee to the teachers and teachers left with the money [and did not register her] so I didn't do my exam. This was in 2015.

When Human Rights Watch interviewed her in January 2016, Imani had just started a computer literacy program set up by a small nongovernmental organization in Mwanza to ensure more young women like her can find a way back into education.





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A painting outside Rafiki Social Development Organization's office in Kahama district, Shinyanga. The painting aims to create awareness about sexual abuse of girls on their way to schools, and shows a female student refusing to take money from an adult man, saying "Sidanganyiki" or "I cannot be deceived" in Kiswahili.



Eileen (pseudonym), 21, dropped out of Form II when her school conducted a pregnancy test and school officials and parents found out she was pregnant. In Tanzania, school officials routinely subject girls to forced pregnancy testing as a disciplinary measure to expel pregnant students from schools.



Education has been a national priority for successive Tanzanian governments since independence. Tanzania has one of the world's largest young populations, and its young people are at the heart of its aspiration to become a middle-income country by 2025.

The country's economic and social progress and human development depends, in part, on empowering and educating this unique resource with the skills needed to take forward this nationwide goal. Quality education can lift families and communities out of poverty and increase a country's economic growth. Completing secondary education has been shown to strongly benefit individuals' health, employment, and earnings throughout their lives.

Secondary education, including technical and vocational training, can empower young people with soft skills needed for sustainable development, including citizenship and human rights, and ensure access to essential information to protect their health and well-being. For girls, safe and equal enrollment in secondary education can act as a powerful equalizer, ensuring all girls and boys access the same subjects, activities, and career choices.

Yet, millions of Tanzanian children and adolescents do not gain a secondary education or vocational training. It is estimated that a total of 5.1 million children aged 7 to 17 are out of school, including nearly 1.5 million of lower secondary school age. Education ends for many children after primary school: only three out of five Tanzanian adolescents, or 52 percent of the eligible school population, are enrolled in lower-secondary education and fewer complete secondary education. Formal vocational training is unavailable to many of the children who want it.

Instead of enrolling in school, many children resort to child labor, often in exploitative, abusive, or hazardous conditions, in violation of Tanzanian law, to supplement their family's income. Girls also face many challenges on account of their gender. Almost two out of five girls marry before 18 years; and thousands of adolescent girls drop out of school because of pregnancy.

Until recently, many families did not enroll their children in secondary school because they could not afford school fees and related expenses, often costing more than Tanzanian Shillings (TZS) 100,000 (US\$50) per year.

But in December 2015, Tanzania's new government took a crucial step: it abolished all school fees and "contributions" —additional fees charged by schools to pay for the schools' running costs—previously required to enter lower-secondary schools in the country. According to the government, secondary school enrollment has significantly increased as a result.



A bamboo cane used by a teacher to cane students in a classroom lies on a desk at a secondary school in Mwanza, northwestern Tanzania. Human Rights Watch found that some teachers also beat students with wooden sticks, or with their hands or other objects.

The abolition of school fees is one of the most important actions taken by the government to implement its ambitious education goals. Tanzania's 2014 Education and Training policy aims to increase access to primary and secondary education, and to improve the quality of education. These goals are in line with the Sustainable Development Goals (SDGs), a United Nations initiative which sets a target for all countries to offer all children free, equitable, and quality primary and secondary education by 2030. The goals are also in line with Tanzania's international and regional human rights obligations to realize the right to primary and secondary education for all.

But it is only one of several short- to long-term measures needed to fully realize the right to secondary education for



all children in Tanzania. This report is based on over 220 interviews with secondary school students, out-of-school adolescents, parents and a wide range of education and government stakeholders in four regions of mainland Tanzania. Research for this report was conducted throughout 2016, coinciding with an important year for Tanzania that marks the rollout of free lower-secondary education and greater attention to the government's secondary education plans. It builds on two previous Human Rights Watch investigations about abuses against children and the impact these harmful practices have on secondary education and well-being, conducted in 2012 and 2014 – *Toxic Toil: Child Labor and Mercury Exposure in Tanzania's Small-Scale Gold Mines* and *No Way Out: Child Marriage and Human Rights Abuses in Tanzania*.

A girl shows the marks she sustained on her legs from regular caning by teachers in her school. She told Human Rights Watch: "We have marks in the legs, they hit our hands, they hit us on the head."

This report highlights key barriers to secondary education that prevent many adolescents from completing secondary education, and identifies numerous areas that require the government's action to ensure all children access secondary education equally. In particular, this report points out government policies that specifically discriminate against girls, enabling schools to expel pregnant and married girls from school, robbing them of an education, as well as a policy that allows school officials to subject students to corporal punishment that can take brutal and humiliating forms. These policies deliberately facilitate discrimination and abuse, and stand in sharp contrast to the spirit of the government's efforts to provide universal education.



Frances (pseudonym), 21, struggled to pay for secondary school. She worked as a domestic worker to help pay her school fees: "From 8 a.m. to 2 p.m. I studied, then from 5 p.m. – 11 p.m. I worked [at her employee's home] and I also worked over the weekends ... I got 30,000 shillings [US\$14] per month ... not enough to pay for school." She failed the secondary school exam and dropped out of Form IV.



Below is a summary of Human Rights Watch's findings:

Many Students Still Face Significant Financial Barriers:

Although official fees are no longer levied in schools, many of Tanzania's poorest students are still unable to attend school because of other school-related costs. Their parents or guardians cannot afford to pay for transport to school, uniforms, and additional school materials such as books. When secondary schools are far away, students sometimes stay in private hostels or boarding facilities near school; many poor families cannot afford this. These serve as a significant barrier to children from poor families.

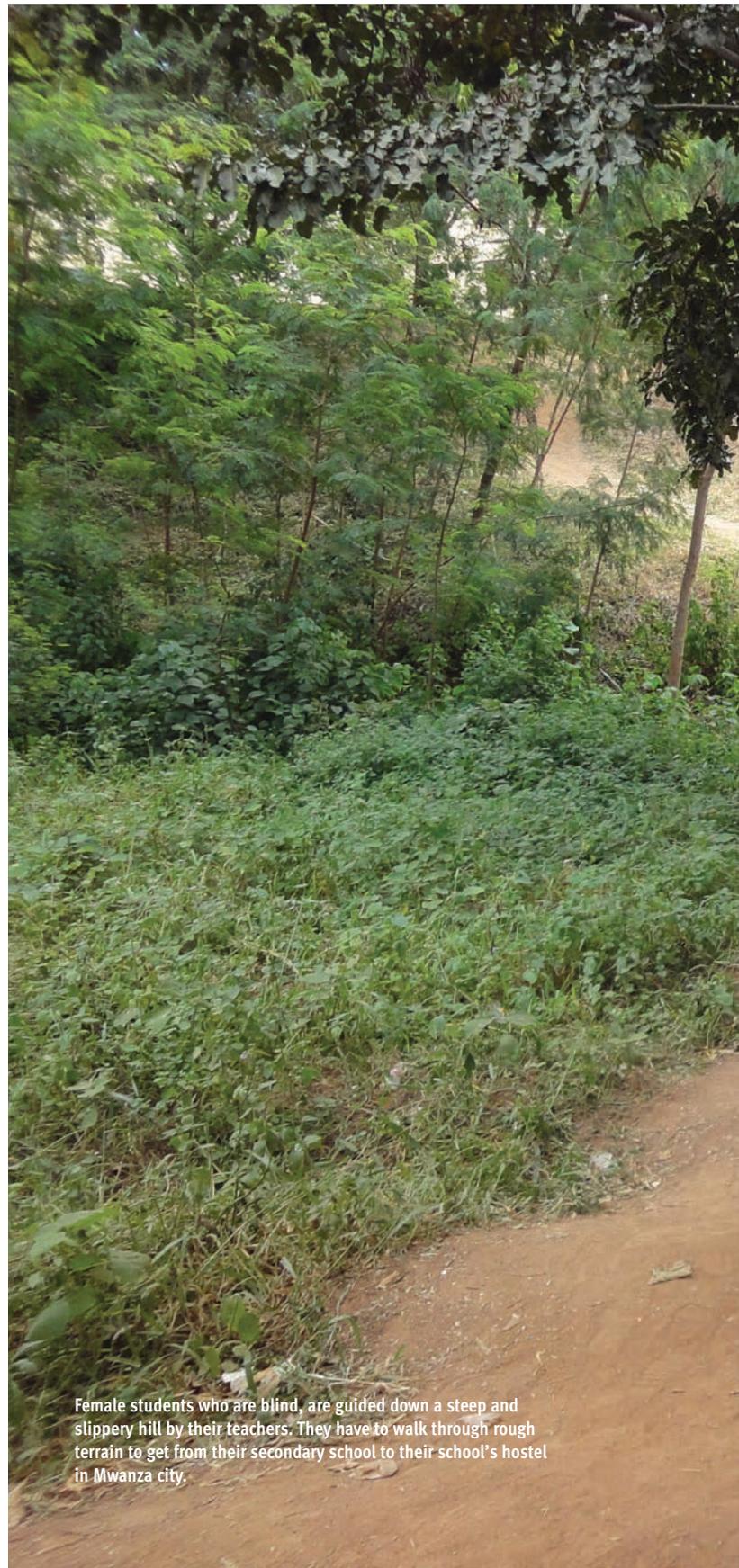
The Abolition of School Fees Has Left Significant Gaps in School Budgets: Schools are not able to fund basic needs they previously paid for with parents' contributions (additional fees charged by schools to pay for running costs), including school construction and renovation, the purchase of learning materials, and hiring of additional teachers.

Primary School Exam Policy Blocks Access to Secondary Education: The government controls the number of students who enter secondary education by relying on the Primary School Leaving Exam (PSLE), an exam at the end of primary school. The government only allows students who pass the exam to proceed on to secondary school and it cannot be re-taken, meaning children who fail cannot continue with formal schooling and often drop out without completing the last year of primary education. Since 2012, more than 1.6 million adolescents have been barred from secondary education due to their exam results.

Infrastructure is Poor and Transportation to Schools is Inadequate: Students in remote and rural areas of the country have to travel very far to get to school, and many do not have access to a community secondary school in their ward. Many secondary schools suffer from a basic lack of infrastructure, educational materials, and qualified personnel. The government has not carried out its plan to build enough safe hostels to accommodate girls close to schools.

Corporal Punishment is Endemic in Secondary Schools: School officials and teachers in many schools routinely resort to corporal punishment, a practice that is still lawful in Tanzania in violation of its international obligations. Many students are also subjected to violence and psychological abuse that amounts to humiliating and degrading treatment. Some teachers beat students with bamboo or wooden sticks, or with their hands or other objects.

Girls Face Sexual Harassment, Discrimination, and Expulsion Due to Pregnancy or Marriage: Less than a third of girls that enter lower-secondary school graduate. Many girls are exposed to widespread sexual harassment by



Female students who are blind, are guided down a steep and slippery hill by their teachers. They have to walk through rough terrain to get from their secondary school to their school's hostel in Mwanza city.



Broken braille machines, formerly used by students who are blind, sit on a shelf at a secondary school's resource center for students with disabilities in Shinyanga, a city in northern Tanzania. Many secondary schools lack the equipment, materials, or pedagogical support needed to make education accessible to all students on an equal basis.





teachers. Many also face sexual exploitation and abuse by bus drivers and adults who often ask them for sex in exchange for gifts, rides, or money, on their way to school. In some schools, officials do not report cases of sexual abuse to police, and many schools lack a confidential mechanism to report abuse. Many, and perhaps most, schools force girls to undergo pregnancy testing in school and expel girls when they find out they are pregnant. Girls who are married are also expelled according to the government's expulsion guidelines. Once out, girls struggle to get back into education because of discrimination and stigma against adolescent mothers, financial challenges, and the absence of a re-admission policy for young mothers of compulsory schooling age. Girls also lack access to adequate sanitation facilities, a particular problem for menstrual hygiene, and often miss school during their monthly periods.

Secondary Education Remains Inaccessible to Many Students with Disabilities: Children with disabilities face many barriers and discrimination in primary education, and very few adolescents with disabilities attend secondary schools across the country. Most secondary schools in Tanzania are not accessible to adolescents with physical or other disabilities, and are inadequately resourced to accommodate students with all types of disabilities. Many lack adequate learning materials, inclusive equipment, and qualified teachers.

The Quality of Secondary Education is Poor: Many schools lack enough teachers to cover all subjects, with worrying gaps in mathematics and science subjects. Students sometimes go without teachers specialized in these subjects for months, and must often find alternative ways to learn these subjects or pay for private tuition, or fail exams as a result. Classes are too large with 70 students on average. In addition, many secondary schools lack adequate classrooms, learning material, laboratories, and libraries. Millions of students are obliged to take two compulsory tests in secondary education, even if they have not had qualified teachers or materials to study for those tests. Many students fail these exams, and often drop out of secondary education prematurely. Once out of school, many adolescents lack realistic options to complete basic education or to pursue technical and vocational training.

Out-of-School Adolescents Have Limited Options To Complete Lower-Secondary Education: The government provides very few realistic alternatives for several million students who do not pass the PSLE or drop out halfway through lower-secondary education, without completing basic education. A return to secondary education is possible if students enroll in private centers to study, but many students lack the financial means and information to



An unfinished science laboratory next to a classroom at a secondary school in Shinyanga region, northern Tanzania. Construction work was put on hold when school officials were no longer allowed to ask parents for financial contributions following the government’s abolition of school fees and “contributions” in December 2015.

pursue this option. Formal vocational training requires the successful completion of lower-secondary education and is costly. Other vocational training courses are limited in quality, scope, and use.



The government's recent commitment to guarantee access to free secondary education provides new hope to hundreds of thousands of adolescents who have been barred from secondary school due to financial and other systemic barriers.

The solutions to many of the problems and barriers outlined in this report are resource intensive, and will require a greater focus on national resources for secondary education. To its credit, over the last decade, the government of Tanzania has demonstrated its political will to implement its education goals, in spite of its resource constraints. The government should, however, develop concrete plans to tackle these remaining barriers over time by adopting measures, in line with national resources and international financial support, to ensure more adolescents access a barrier-free secondary education.

Old female and male latrines at a secondary school in Mwanza, northeastern Tanzania. Safe and adequate toilets and sanitation facilities are a basic component of an acceptable learning environment, but in many secondary schools, toilets do not meet any basic standards. Many students interviewed by Human Rights Watch reported having to use dirty and congested pit latrines.



**SPEAK
ENGLISH**

TAKE LA MINGI
JWEKHA NA
MIDENI OLENDI
MILIWA MIGA
JA MWANZA
TAREHE 22-9-04

FIVB

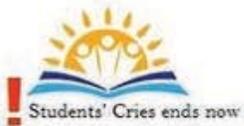
LIBRARY
Room



**SPEAK ENGLISH
NO
ENGLISH
NO
SERVICES**

“Speak English” signs found in secondary schools in Ukerewe, an island on Lake Victoria, and Mwanza, in northwestern Tanzania. Many secondary schools strictly enforce the use of English — a new language for most secondary school students, as Kiswahili is the medium of instruction in primary schools. Many students are not given adequate support to transition from Kiswahili to English, and some reported being punished for not speaking English in class. In 2014, the government adopted a policy to allow the dual use of Swahili and English as languages of instruction in secondary schools.

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Tufanye tuwe #Habari_ya_mujini www.ourcries.com

We are working to end students humiliation and harassment done by individuals in different sector. OurCries have started with public transportation where in Tanzania especially Dar es salaam, students don't have equal rights to good transport, they are usually harassed, abused by bus (daladala) conductors and if given a chance to the bus they are not allowed to seat! seats are for adults.

Report Your Cry Now

School Name:

Sex: Male Female

You want to share your Contacts? Yes If "No" Uncheck the BOX

Your Name:

Phone Number:

Bus Name/Number: E.g. 1234567

Route: E.g. Tumbukushenge

Cry Type:

Your Cry:

Want to upload Evidence? (use jpg, gif) Yes

Upload Evidence:

A snapshot of “Our Cries,” a website and civil society platform launched by Modesta Joseph, a secondary school student at the time, to report widespread abuse against students who travel by bus in Dar es Salaam, Tanzania’s business capital.

© 2015 Our Cries

In keeping with the Sustainable Development Goals, the government should focus on expanding access to secondary education, while also guaranteeing a good quality education to all students, ensuring students are empowered, gain skills, and build specialized knowledge to drive Tanzania forward. To ensure all adolescents gain skills, it should take steps to ensure out-of-school adolescents can more easily get into secondary education or quality vocational training.

To the greatest extent possible given available resources, and with financial support from its development partners, the government should speed up construction and renovation of secondary schools and ensure a good quality of education by placing sufficient numbers of qualified teachers in schools, and increasing learning materials for all students.

The government should also use this momentum to urgently review existing policies which conflict with its obligation to guarantee the right to secondary education, free from discrimination and all forms of violence.

Tanzania should take specific steps to protect the rights of girls and the rights of students with disabilities, ensuring their inclusion in secondary schools. The government should immediately adopt regulations to stop mandatory pregnancy testing of girls and allow pregnant or married girls to continue their education. It should unequivocally ban corporal punishment, and ensure students are safe from sexual harassment and abuse in schools.

KEY RECOMMENDATIONS

TO THE GOVERNMENT OF TANZANIA

Ensure Access to Free Secondary Education for All Adolescents

- Ensure that all schools implement Education Circular No. 5 of 2015, the government’s policy on the removal of fees and contributions and monitor compliance.
- Progressively increase budgets to ensure that schools receive adequate government funds for all education matters, including the construction or renovation of buildings, teacher housing facilities, and learning and teaching materials.
- Progressively increase budgets available for secondary schools to ensure schools can adequately cover financial gaps previously covered through parental contributions, and meet minimum standards of funding for all secondary schools.

Phase Out the Use of Exams as Filter to Select Students for Secondary Education

- Explore all possible options to accelerate plans to phase out the use of the Primary School Leaving Exam (PSLE) to bar students who do not pass the exam from secondary education before the 2021 deadline.
- Immediately change existing policy to ensure students who do not pass the PSLE can repeat Standard 7 to gain basic skills and knowledge before they proceed to Form I.

Increase the Availability of Secondary Schools and Hostels

- To the greatest extent possible given available resources:
 - Build new secondary schools and ensure all secondary schools have adequate classrooms and sanitation facilities. Take steps to ensure all parts of the new buildings, including toilets, are fully accessible to students and teachers with disabilities.
 - Expedite building of safe hostels for female students.

End the Use and Tolerance of Corporal Punishment and Sexual Abuse in Schools

- Abolish corporal punishment in policy and practice, including by revoking the National Education (Corporal) Punishment Regulations of 1979, and adopting a policy and regulations that comply with Tanzania’s international and regional human rights obligations.
- Ensure cases of sexual harassment and abuse, including by bus drivers, teachers, or school officials, are reported to appropriate enforcement authorities, including police, and that cases are duly investigated and prosecuted. Teachers and drivers who are under investigation should be suspended from their job.

End Discriminatory Barriers and Sexual Abuse Against Girls in Schools

- Stop expelling pregnant and married girls from school, and revise Regulation No. 4 of the Education Regulations (Expulsion and Exclusion of Pupils from Schools) of 2002 by removing “offences against morality” and “wedlock” as grounds for expulsion.
- Immediately end pregnancy testing in schools, and issue an official Government Notice to ensure that teachers and school officials are aware that the practice is prohibited.
- Expedite regulations which will allow pregnant girls and young mothers of school-going age back into secondary school, in compliance with the 2014 Education and Training Policy.

Guarantee Inclusive Education for All Students with Disabilities

- Ensure students with disabilities have access to free or subsidized assistive devices, including wheelchairs, canes, or eye glasses, needed to facilitate their movement, participation, and full inclusion in schools.
- Take steps to ensure secondary schools with students with disabilities have an acceptable minimum of books, teaching materials, and inclusive materials for students and teachers with disabilities.
- Take steps to ensure teachers have adequate training in inclusive education. Provide training in counseling for teachers to enable them to support children with diverse disabilities and their families.

Strengthen Quality Education in All Secondary Schools

- To the greatest extent possible given available resources:
 - Ensure teachers are adequately compensated, commensurate with their roles. Provide financial incentives to teachers placed in remote or under-served areas of the country, and provide adequate housing facilities for teaching staff.
 - Ensure all students have access to textbooks and learning materials.

TO INTERNATIONAL DONORS AND UN AGENCIES

- Urge the government to repeal the corporal punishment regulations and end the practice in schools, and provide funding to support large-scale trainings in alternative classroom management for all teaching staff and school officials.
- Urge the government to end the expulsion of female students who become pregnant, and to expedite the adoption of a robust policy that allows re-entry for parents of school-going age.

Methodology

This report is based on research conducted in January, May, and November 2016 in six districts in the Mwanza, Shinyanga, and Tabora regions of mainland Tanzania, as well as two districts of the city of Dar es Salaam.¹ Based on consultations with local and national nongovernmental organizations (NGOs), Human Rights Watch selected these regions due to vast disparities in school enrollment, rates of transition to secondary school, distance to school, the high incidence of child labor, child marriage, and teenage pregnancies, and disparities in access to education between rural and urban populations. This research builds on two separate investigations on child labor and child marriage conducted by Human Rights Watch in these regions in 2012 and 2014, which highlighted the impact of these harmful practices on access to secondary education.

Human Rights Watch conducted individual interviews with 40 children and 45 young adults. Their ages ranged from 11 to 23 years. Sixty-five of them were girls and young women; 20 of them were boys and young men. Seven interviewees had physical, sensory, and developmental/intellectual disabilities. Combined, they attended 14 primary and 30 secondary schools across different regions.

We also conducted eight focus group discussions with 88 secondary school students in four public secondary schools, and 53 out-of-school adolescents and young adults. Adolescents with disabilities participated in focus group discussions. The majority of focus group participants were under 18. In addition, we interviewed 12 parents or guardians.

In this report, the term “child” refers to anyone under the age of 18, consistent with usage in international and Tanzanian law. The term “adolescent” is used to describe children and

¹ The United Republic of Tanzania is a unitary republic comprising mainland Tanzania and Zanzibar. It covers 30 administrative regions. Regions are composed of different administrative levels including districts, councils and wards, and villages. This report focuses on the laws, regulations, policies, and practices specific to mainland Tanzania. The name Tanzania used in the report refers to mainland Tanzania.

young adults from ages 10 to 19, in recognition of students who are older than 18 and still enrolled in secondary education.²

Interviews were conducted in English, Kiswahili, and sign language. Interviews were translated into English by activists and representatives of nongovernmental organizations who accompanied Human Rights Watch researchers. In each case, Human Rights Watch explained the purposes of the interview, how it would be used and distributed, and sought the participant's permission to include their experiences and recommendations in this report. Interviewees gave oral informed consent to participate.

We took great care to interview adolescents and young adults in an appropriate and sensitive manner, and offered anonymity. All interviewees were told they could discontinue the interview at any time or decline to answer any question. All names of adolescents and young people in the report are based on pseudonyms. Students' evidence is referenced by location, and not by school, to further protect their identity.

Human Rights Watch modestly reimbursed the travel expenses of some interviewees who travelled long distances for interviews.

Researchers visited five public secondary schools and one technical and vocational center to interview 20 senior school officials and teachers. We also interviewed eight senior officials and leaders at Tanzania Teachers' Union. Some teachers and senior school officials are referred to anonymously to protect their identity where information provided could result in retaliation by other school officials or local government authorities.

In addition, Human Rights Watch interviewed local and national government officials at the Ministry of Education, Science and Technology; the Ministry of Health, Community Development, Gender, the Elderly and Children; and the President's

² Adolescence is also used to refer to the particular period in human growth and development that occurs after childhood and before adulthood. World Health Organization, "Maternal, newborn, child and adolescent health: Adolescent development," undated, http://www.who.int/maternal_child_adolescent/topics/adolescence/dev/en/ (accessed September 27, 2016).

Office for Regional Administration and Local Government, and communicated by email with government officials.³

Human Rights Watch also interviewed 24 representatives of NGOs, including organizations focused on education and child rights, youth-led organizations, organizations of persons with disabilities, two education experts and practitioners, and seven development partners' representatives.

We reviewed Tanzanian national law, government policies and reports, budget statements and progress reports, government submissions to United Nations bodies, UN reports, NGO reports, academic articles, newspaper articles, and social media discussions, among others. Three NGOs shared data, case studies, and evaluations based on their surveys, programs, and outreach activities in secondary schools.

The exchange rate at the time of the research was approximately US\$1 = Tanzanian Shillings (TZS) 2,200; this rate has been used for conversions in the text, which have sometimes been rounded to the nearest dollar.

³ Prior to 2016, officially called the Ministry of Education and Vocational Training; the Ministry of Community Development, Gender and Children; and the Prime Minister's Office for Regional Administration and Local Government, respectively.

I. Background: Secondary Education in Tanzania

Education has been a national priority for successive Tanzanian governments since independence.⁴ The government's drive to guarantee free primary education for all children resulted in more than 97 percent of children enrolling in primary schools in the late 2000's.⁵ With one of the world's largest young populations under the age of 25, and 43 percent of its population under 15, Tanzania, a low-income country, faces enormous challenges in guaranteeing basic education for all.⁶

Over a decade after the rollout of free and compulsory education, approximately 8.5 million children are enrolled in six years of primary education, representing close to 77 percent of children of primary-school-going age, and 1.87 million adolescents, or 52 percent of the eligible student population, are enrolled in lower-secondary education.⁷ Out of the 5.1 million children who are not in basic education, almost two million, or one in every five children, are not in primary school.⁸ An estimated 1.5 million adolescents, or two in every five Tanzanian adolescents of lower-secondary school age, are out of school.⁹ In 2013, Tanzania

⁴ Yusuf Kassam, United Nations Educational, Scientific and Cultural Organization (UNESCO), International Bureau of Education, "Julius Kambarage Nyerere (1922 -)," *Prospects: the quarterly review of comparative education*, vol. XXIV, no. 1/2, (1994), pp. 247–259, <http://www.ibe.unesco.org/sites/default/files/nyereree.pdf> (accessed September 22, 2016).

⁵ Margaret Simwanza Sitta, then-minister for community development, gender and children of the United Republic of Tanzania, "Towards Universal Primary Education: The Experience of Tanzania," *UN Chronicle*, vol. XLIV No. 4, (December 2007), <https://unchronicle.un.org/article/towards-universal-primary-education-experience-tanzania> (accessed September 22, 2016); United Republic of Tanzania, Ministry of Education and Vocational Training, "Education for All (EFA) Report for Tanzania Mainland," November 2014, <http://unesdoc.unesco.org/images/0023/002314/231484e.pdf> (accessed September 22, 2016).

⁶ United Republic of Tanzania, National Bureau of Statistics, "2015: Tanzania in Figures," June 2016, http://www.nbs.go.tz/nbs/takwimu/references/Tanzania_in_Figures_2015.pdf (accessed January 16, 2017), pp. 20 – 21.

⁷ United Republic of Tanzania, "Enrolment in Primary School by Gender and Age 2016," July 30, 2016, <http://opendata.go.tz/dataset/uandikishaji-katika-shule-za-msingi-kwa-jinsi-na-umri-2016> (accessed September 22, 2016), "Enrolment in Secondary Schools by Gender and Age 2016," July 30, 2016, <http://opendata.go.tz/dataset/uandikishaji-katika-shule-za-sekondari-kwa-jinsi-na-umri-2016> (accessed September 22, 2016); UNESCO and Tanzania National team, "Education Sector Development Plan 2016/17 – 2020/21 Tanzania Mainland, Technical Proposal (Final Draft, as of January 2017)," June 2016, copy on file with Human Rights Watch.

⁸ *Ibid.*

⁹ *Ibid.*

ranked 159 out of 187 in the United Nations' global education index, a global measurement tool which measures mean years of schooling and expected years of schooling.¹⁰

Tanzania has maintained similar levels of education spending since 2010. According to international standards, the government should spend at least 20 percent of total national budgets on education.¹¹ In 2015–2016, it spent slightly over 16 percent of its national budget on education, and in 2016–2017 allocated 22 percent of its total national budget to education.¹² Most of the government's education budget covers capital and recurrent expenditures, including teachers' and civil servants' salaries.¹³ The government has invested more in higher education and student loans than in secondary education, though this may change with the rollout of free lower-secondary education.¹⁴

Although external funding has decreased in recent years, a significant proportion of funding is still sourced from donor contributions: in 2014 external aid amounted to over 46 percent of the government's education budget.¹⁵

In 2016, upon announcing the rollout of free lower-secondary education, the government allocated Tanzanian Shillings (TZS) 4.77 trillion (US\$2.1 billion) for its education sector, equivalent to over 22 percent of the national budget.¹⁶ To cover additional expenses incurred with the rollout of free secondary education in the 2016–2017 school year, the

¹⁰ United Nations Development Programme (UNDP), "Human Development Reports, Education index," November 15, 2013, <http://hdr.undp.org/en/content/education-index> (accessed August 26, 2016); See Section VII: "Lack of Quality Education in Secondary Schools."

¹¹ UNICEF, "Education Budget Brief FY 2011/12 – FY 2015/16," November 24, 2016, [https://www.unicef.org/tanzania/UNICEF-TZ-BB-Education-WEB\(1\).PDF](https://www.unicef.org/tanzania/UNICEF-TZ-BB-Education-WEB(1).PDF) (accessed December 12, 2016).

¹² United Republic of Tanzania, "Speech by the Minister for Finance and Planning, Hon. Dr. Philip I. Mpango (MP), introducing to the National Assembly, the estimates of government revenue and expenditure for fiscal year 2016/17," June 8, 2016, <http://www.mof.go.tz/mofdocs/msemaji/BUDGET%20SPEECH%20FINAL%202016.pdf> (accessed October 31, 2015), para. 55.

¹³ Ibid.

¹⁴ UNICEF, "Education Budget Brief FY2011/12 – FY2015/16;" UNESCO, "Education: Funding," undated, <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/education-for-all/funding/> (accessed October 31, 2016).

¹⁵ Policy Forum, "The Paradox of Financing Education in Tanzania, 'The 2014/15 Post Budget Brief,'" Policy Brief 03, (2014), <http://www.policyforum-tz.org/sites/default/files/BriefEducation.pdf> (accessed December 4, 2016).

¹⁶ United Republic of Tanzania, "Speech by the Minister for Finance and Planning, Hon. Dr. Philip I. Mpango (MP), introducing to the National Assembly, the estimates of government revenue and expenditure for fiscal year 2016/17," para. 55.

government allocated an additional TZS 137 billion (\$62 million), sourced from cost-cutting measures and savings within government ministries.¹⁷

However, according to the United Nations Children’s Fund’s (UNICEF) analysis, the government will need to progressively increase its budget allocation to secondary education to adequately fund it.¹⁸ According to the Policy Forum, a national network of organizations working on budget transparency, the government should allocate an additional TZS 852 billion (\$387 million) annually to ensure it covers the full cost of free secondary education in line with a projected increase in students, adequate number of teachers, and infrastructure. This additional funding would cover “the costs of educational delivery without payment of fees or parental contributions, allocation of the budget for inspection, and increase the development of [non-recurrent expenses] budget.”¹⁹

Tanzania’s Education System

Under Tanzania’s Constitution, the government has an obligation to ensure the availability of “equal and adequate opportunities” to enable all persons “to acquire education and vocational training at all levels of schools and other institutions of learning.”²⁰

¹⁷ “Free education circular issued,” *Daily News*, December 14, 2015, <http://dailynews.co.tz/index.php/home-news/45072-free-education-circular-issued> (accessed May 3, 2016); Arthur Chatora, “Tanzania allocates US \$62 million towards free education Magufuli says,” *This is Africa*, February 15, 2016, <http://thisisafrica.me/tanzania-allocates-us-62-million-towards-free-education-magufuli-says/> (accessed May 3, 2016). In August 2016, the government announced an increase of national funding for “free education,” of more than Tanzanian Shillings (TZS) 2 billion (US\$909 million) per month. Pius Rugonzibwa, “Tanzania: More ‘Boom’ for Free Education,” *Tanzania Daily News*, August 19, 2016, <http://allafrica.com/stories/201608190137.html> (accessed September 20, 2016).

¹⁸ UNICEF, “Education Budget Brief FY 2011/12 – FY 2015/16.”

¹⁹ Policy Forum, “Position Statement: Budget 2016/2017,” April 19, 2016, <http://www.policyforum-tz.org/position-statement-budget-20162017> (accessed September 3, 2016).

²⁰ Constitution of the United Republic of Tanzania of 1977, <http://www.agctz.go.tz/index.php/download-documents/constitutions#>, art. 11 (3). A draft constitution, which would include the right to basic education, secondary education, and vocational training, has been under discussion since 2014. A referendum due to take place in April 2015 was postponed indefinitely. Adjoa Anyimadu (Chatham House), “Research Paper: Politics and Development in Tanzania: Shifting the Status Quo,” March 2016, https://www.chathamhouse.org/sites/files/chathamhouse/publications/research/2016-03-18-politics-development-tanzania-anyimadu_1.pdf (accessed September 22, 2016), pp. 3–6; Voice of America (Reuters), “Tanzania Delays Referendum on Constitution,” April 2, 2015, <http://www.voanews.com/a/tanzania-delays-constitution-referendum/2705034.html> (accessed September 22, 2016).

According to Tanzania’s Education Act, all children above the age of seven must attend and complete compulsory primary education.²¹ Under current regulations, any parent or guardian who fails to ensure a child is enrolled in primary school commits an offence, and may be liable to a fine or imprisonment of up to six months.²² Under the Law of the Child Act, children have a right to education, including a right to acquire vocational skills and training, and parents have a duty to ensure children can realize this right.²³

Tanzania’s 2014 Education and Training policy, officially launched in February 2015, has declared 10 years of free and compulsory basic education: six years of primary education, and four years of lower-secondary education.²⁴ The policy also allows the dual use of Kiswahili and English as languages of instruction in secondary schools, removing a prior policy to only teach secondary education in English.²⁵ Secondary school exams, however, are still conducted in English.

Under this policy, children enrolled in the first year of primary education in 2016 will go through 10 years of fully free and compulsory basic education. However, at time of writing, all other children enrolled in primary school must take a compulsory, high-stakes exam at the end of primary school in Standard 7, the final year of primary education for the current cohort of students, in order to proceed to lower-secondary education.

Once in secondary school, students are required to sit through two further national examinations at the end of Form II and Form IV. In addition to secondary schools, folk development colleges (FDCs) and vocational training centers (VTCs) offer vocational training to adolescents and young adults.

²¹ Education (Amendment) Act, *National Assembly*, No. 10 of 1995, <http://www.unesco.org/education/edurights/media/docs/29595900c1028686edf504060e6a17df3eaeaa8d.pdf>, s. 25(1).

²² Primary School (Compulsory Enrolment and Attendance) Rules, G.N. No. 280 of 2002, s. 4 (1)-(2).

²³ Law of the Child Act 2009, *Ministry of Community Development, Gender, and Children*, No. 21 of 2009, http://www.mcdgc.go.tz/data/Law_of_the_Child_Act_2009.pdf, arts. 9(1), 87.

²⁴ The policy also includes progressive rollout of one year of compulsory preschool. Jamhuri Ya Muungano Wa Tanzania, Wizara Ya Elimu Na Mafunzo Ya Ufundi (United Republic of Tanzania, Ministry of Education and Vocational Training), “Sera Ya Elimu Na Mafunzo (Education and Training Policy), 2014 http://www.tanzania.go.tz/egov_uploads/documents/SERA_ya_Elimu_2_sw.pdf (accessed January 16, 2017), pp. 23–24. Translated by Human Rights Watch.

²⁵ The 2014 policy also introduced sign language as a language taught in schools. *Ibid.*, pp. 36–38.

As of March 2016, there were 3,601 government secondary schools in mainland Tanzania, compared with 16,087 government primary schools.²⁶ The Vocational and Training Education Authority of Tanzania owns and manages 28 training centers and 10 vocational training centers, which are only available in major towns across the country.²⁷

Primary and Secondary Levels of Education in Tanzania			
Levels	Grades	Ages	Examinations/Certificates
Basic Education (as of 2016)	Primary (Standard 1 – 7)	Approx. 6 to 12	Primary School Leaving Examination (up to 2021) *Candidates must pass in order to qualify for secondary school
	Lower – secondary (Form I – IV)	Approx. 13 to 17	Certificate of Secondary Education Examination (O-Level) *Candidates must achieve top credits to qualify for higher secondary school, or sufficient credits to enter vocational colleges
Higher Secondary Education & Technical and Vocational Education	Higher – Secondary (Form V – VI)	Approx. 18 to 19	Advanced Certificate of Secondary Education Examination (A-Level) *Candidates must achieve sufficient credits to proceed to university
	Technical and Vocational Training (Levels 1 – 3)	Approx. 17 to 20	Certificate of Vocational Education and Training

Four government entities are largely responsible for implementing Tanzania’s numerous education plans and national objectives:²⁸ the Ministry of Education, Science and

²⁶ There are an additional 1,078 private primary schools, and 1,172 private secondary schools. United Republic of Tanzania, Government Open Data Portal, “List of Registered Primary Schools 2016,” July 2016, <http://opendata.go.tz/dataset/orodha-ya-shule-za-msingi-zilizosajiliwa-2016>, and “List of Registered Secondary Schools 2016,” July 2016, <http://opendata.go.tz/dataset/orodha-ya-shule-za-sekondari-2016> (accessed September 22, 2016).

²⁷ Vocational Education and Training Authority, “VETA Training Centres,” undated, <http://www.veta.go.tz/index.php/en/training> (accessed September 22, 2016).

²⁸ This includes “Tanzania Development Vision 2025,” <http://www.unesco.org/education/edurights/media/docs/061eb2eed52b8f11b09b25a8845436f19d5aeoad.pdf>; Technical Education and Training Policy 1996, 1996,

Technology (MoEST), the Ministry of Health, Community Development, Gender, the Elderly and Children (MoHCDGEC), the President’s Office for Regional Administration and Local Government (PO-RALG), and the Public Services Commission.²⁹ The PO-RALG oversees the implementation of basic education, teacher salaries, and education officials, and coordinates local government activities. The MoEST leads on policy formulation and strategic aspects in the education sector.³⁰

Government Efforts to Accelerate Progress in Secondary Education

The government has undertaken important efforts to improve access to secondary education in recent years and, in 2015, committed towards global goals to guarantee 12 years of free secondary education by 2030.³¹ Most notably, the government took an important first step by abolishing school fees and contributions—additional fees charged by schools to pay for the schools’ running costs—for lower-secondary education in early 2016, in an effort to ensure all young people in Tanzania complete basic education.

Secondary Education Development Programme and Big Results Now

The government has undertaken to expand secondary education, including technical and vocational education, since 2000. Under its secondary education program, launched in 2005, the government said it would build at least one secondary school in every administrative ward to expand availability of secondary education and ensure students could study closer to their homes.³²

http://planipolis.iiep.unesco.org/upload/Tanzania%20UR/Tanzania_technical_education_policy_1996.pdf; “Education Sector Development Programme 2008-2017,” August 2008, <http://www.globalpartnership.org/content/tanzania-education-sector-development-programme-2008-17>; “National Strategy for Growth and Reduction of Poverty (MKUKUTA),” June 2005, http://www.povertymonitoring.go.tz/Mkukuta/MKUKUTA_MAIN_ENGLISH.pdf; Ministry of Education and Vocational Training, “Secondary Education Development Programme I (2004 – 2009),” April 2004, http://www.tamisemi.go.tz/menu_data/Programmes/SEDP/SEDP.pdf, and “II” (July 2010 – June 2015), June 2010, http://planipolis.iiep.unesco.org/upload/Tanzania%20UR/Tanzania_SEDP_2010_2015.pdf, (accessed January 16, 2017).

²⁹ Mwemezi Makumba (Haki Elimu), “Are we effectively investing in education? Monitoring Education Sector’s financing Trend ‘A 2014/2015 post budget analysis Report,’” August 2014, <http://hakielimu.org/files/publications/The%202014%20POST%20BUDGET%20Analysis.pdf> (accessed January 16, 2017), p. 2.

³⁰ Ibid., p. 2; UNICEF, “Education Budget Brief FY 2011/12 – FY 2015/16.”

³¹ UNESCO et al, “Education 2030, Incheon Declaration and Framework for Action – Towards inclusive and equitable quality education and lifelong learning for all,” ED-2016/WS/2, May 2015, <http://www.uis.unesco.org/Education/Documents/incheon-framework-for-action-en.pdf> (accessed August 30, 2016).

³² United Republic of Tanzania, “Education Sector Development Programme (2008–17), August 2008, <http://www.globalpartnership.org/content/tanzania-education-sector-development-programme-2008-17> (accessed August 20, 2016); Ministry of Education and Vocational Training, “Secondary Education Development Programme II (July 2010 – June

The World Bank, one of Tanzania’s strongest development partners, provided over \$300 million to support the government’s rollout of its secondary education policy.³³ In 10 years, the government increased tenfold the number of secondary schools, with a notable increase in secondary school enrollments: from 524,325 students in 2005 to 1.8 million students in 2015.³⁴

In 2013, Tanzania adopted its flagship development and economic growth strategy, Big Results Now Initiative, which aims to transition the country into a middle-income economy by 2025.³⁵ One of the Initiative’s eight priorities focuses on education and has been rolled out through a \$416 million program, \$252 million of which will be provided by the World Bank and other development partners through results-based financing, where funding is disbursed once the government has achieved a number of agreed outcomes.³⁶ According to the Tanzanian government, the aim is to “fast track quality improvements in primary and secondary education to ensure that students are not just going to school but actually learning.”³⁷

The government’s delivery of the Secondary Education Development Programme has suffered significant delays beyond infrastructural delivery, due in part to insufficient financial resources allocated for schools and the lack of rigorous implementation across the country.³⁸

2015), June 2010, http://planipolis.iiep.unesco.org/upload/Tanzania%20UR/Tanzania_SEDP_2010_2015.pdf (accessed August 20, 2016).

³³ Government of Tanzania, Ministry of Education and Vocational Training, “Proposed Secondary Education Development Program II (SEDP II) 2010-2014,” March 2010, http://planipolis.iiep.unesco.org/upload/Tanzania%20UR/Tanzania_SEDP_II_Environmental_Social_Managt_Framework.pdf; “Environmental and Social Management Framework (ESMF),” March 2010, <http://www.unesco.org/education/edurights/media/docs/3e1b3c4a9ac660e5c3528470d366bc316b1591c9.pdf> (accessed August 20, 2016), p. 2.

³⁴ Haki Elimu, “Ten Years of Jakaya Kikwete’s Presidency: Promises, Achievements and Challenges in Education,” November 2015, <http://hakielimu.org/files/publications/Ten%20Years%20of%20Jakaya%20Kikwetes%20Presidency-Final%20%20Report.pdf> (accessed December 5, 2016).

³⁵ United Republic of Tanzania Prime Minister’s Office, Regional Administration and Local Government, “Big Results Now – BRN,” undated, <http://www.pmoralg.go.tz/quick-menu/brn/> (accessed September 3, 2016).

³⁶ World Bank, “How Tanzania Plans to Achieve “Big Results Now” in Education,” July 14, 2014, <http://www.worldbank.org/en/news/feature/2014/07/10/how-tanzania-plans-to-achieve-big-reforms-now-in-education> (accessed September 3, 2016).

³⁷ Ibid.

³⁸ UNICEF, “Education Budget Brief FY 2011/12 – FY 2015/16;” Human Rights Watch interview with John Kalage and Boniventura Godfrey, manager, Haki Elimu, Dar es Salaam, January 18, 2016; Human Rights Watch interview with Professor Kitila Mkumbo, University of Dar es Salaam, Dar es Salaam, May 25, 2016.

In 2016, Tanzania’s Minister of Education, Science and Technology announced the government’s plans to expedite the building of new schools and refurbishing old secondary schools across the country.³⁹ The government also began to pay capitation grants—monthly funds designed to provide schools with additional money to cover running costs per student enrolled—directly to public secondary school bank accounts in a move to reduce corruption in local governments, which previously managed and distributed funding for schools by district councils in their jurisdictions.⁴⁰ Analysis conducted by the Policy Forum shows that secondary schools only received TZS 12,000–15,000 (\$5.5–7) out of the TZS 25,000 (\$11) required in capitation grants. The government also reportedly did not disburse funding to cover infrastructural costs.⁴¹

Free Education in Tanzania

Up until December 2015, the government relied on school fees and parental contributions to cover basic running costs, voluntary or part-time teacher salaries, building repairs, tutoring, and books for teachers and students. Secondary schools charged TZS 20,000 (\$10) in school fees per year.⁴²

In December 2015, upon taking office, President John Magufuli announced the government’s decision to abolish all fees and additional financial requirements up to Form

³⁹ Ministry of Education and Vocational Training, “Hotuba Ya Waziri Wa Elimu, Sayansi, Teknolojia Na Ufundi Mheshimiwa Prof. Joyce Lazaro Ndalichako (MB.) Akiwasilisha Bungeni Makadirio Ya Matumzi Ya Fedha Kwa Mwaka 2016/2017,” (Speech by the Minister of Education, Science, Technology and Vocational Training, Honorable Joyce Lazaro Ndalichako Introducing the National Assembly of Estimates Budget for The Year 2016/2017), Dodoma, May 2016, http://www.parliament.go.tz/uploads/budgetspeeches/1464680317-HOTUBA_WEST_2016_FINAL%20-%202023-05-2016.pdf (accessed December 6, 2016), paras. 50, 99.

⁴⁰ “Capitation grants to be routed via school accounts,” *Daily News*, December 31, 2015, <http://dailynews.co.tz/index.php/home-news/45594-capitation-grants-to-be-routed-via-school-accounts> (accessed May 30, 2016); Ben Taylor, “Free basic education, Education, Issue 113,” *Tanzanian Affairs*, January 1, 2016, <https://www.tzaffairs.org/2016/01/education-11/comment-page-1/> (accessed January 16, 2017); Twaweza East Africa, “A New Dawn? Citizens’ views on new developments in education,” Sauti za Wananchi, Brief No. 30, February 2016, <http://www.twaweza.org/uploads/files/SzW-Education-Feb2016-EN-FINAL.pdf> (accessed May 30, 2016), p. 4; Jessica Mahoney, “Sending Money Directly to School Accounts in Tanzania: Using Experience to Inform Policy,” December 20, 2016, <https://www.poverty-action.org/blog/sending-money-directly-school-accounts-tanzania-using-experience-inform-policy> (accessed January 9, 2017).

⁴¹ Policy Forum, “Position Statement: Budget 2016/2017,” <http://www.policyforum-tz.org/position-statement-budget-20162017> (accessed December 4, 2016).

⁴² United Republic of Tanzania, Ministry of Education and Vocational Training, “Waraka Wa Elimu Namba 11” (2004) (Education Circular Number 11), quoted in “Waraka Wa Elimu Namba 3 Wa Mwaka 2016 Kuhusu Utekelezaji Wa Elimu Singi Bila Malipo,” (Education Circular No. 3 of 2016 on the implementation of abolition of school fee charges), May 2016, <http://www.moe.go.tz/en/publications/send/44-circulars-nyaraka/270-waraka-namba-3-wa-mwaka-2016-elimu-bure> (accessed September 22, 2016), p. 2.

IV, the last year of lower-secondary school, and underscored: “When I say free education, I indeed mean free.”⁴³ The measure was preceded by the new 2014 Education and Training policy, which provides for 10 years of free and compulsory primary and lower-secondary education.⁴⁴

Prior to the start of the 2016 school year, the government issued an education circular instructing all primary and secondary schools officials not to charge school fees or contributions in the new school year.⁴⁵ The abolition of school fees, however, does not extend to folk vocational education or other non-formal education programs for adolescents of school-going age who dropped out prematurely.⁴⁶

International Development Commitments

In 2015, Tanzania endorsed the Sustainable Development Goals, including 15-year commitments to:

Ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes ...

Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all.⁴⁷

⁴³ Ben Taylor, “Free basic education, Education, Issue 113,” *Tanzanian Affairs*, January 1, 2016.

⁴⁴ Jamhuri Ya Muungano Wa Tanzania, Wizara Ya Elimu Na Mafunzo Ya Ufundi (United Republic of Tanzania, Ministry of Education and Vocational Training), “Sera Ya Elimu Na Mafunzo (Education and Training Policy), 2014 http://www.tanzania.go.tz/egov_uploads/documents/SERA_ya_Elimu_2_sw.pdf (accessed January 16, 2017), pp. 23–24. Translated by Human Rights Watch.

⁴⁵ “Free education circular issued,” *Daily News*, December 15, 2015, <http://dailynews.co.tz/index.php/home-news/45072-free-education-circular-issued> (accessed September 3, 2016).

⁴⁶ Human Rights Watch interview with Ms. Paulina Mkonongo, director, secondary education, Ministry of Education, Science and Technology, Dar es Salaam, November 10, 2016.

⁴⁷ United Nations General Assembly, “Transforming our World: the 2030 Agenda for Sustainable Development,” (2015) A/RES/70/1, http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E (accessed December 9, 2015), Goal 4.1 and 4.4.a. The government should also guarantee 12 years of free, publicly funded, inclusive, and equitable primary and secondary education. UNESCO et al, “Education 2030, Incheon Declaration and Framework for Action – Towards inclusive and equitable quality education and lifelong learning for all,” ED-2016/WS/2, May 2015,

By 2030, the government also aspires to ensure equal access to affordable and quality technical, vocational, and tertiary education.⁴⁸ On the same timeline, all youth and a substantial proportion of men and women should have also achieved functional literacy and numeracy.⁴⁹

Social and Economic Barriers Keeping Children Out of Secondary School

Many children of school-going age are confronted with social and economic barriers that impede their access to education, relating to gender, disability, or income. Many children and adolescents are also exposed to human rights abuses and harmful practices, including child labor and child marriage, that make schooling difficult or impossible for them.⁵⁰

In 2015 and 2016, Tanzania became a “pathfinder country” of the United Nations’ Global Partnership to End Violence Against Children, which is rooted in a commitment to ending violence against children by 2030.⁵¹ The government adopted a comprehensive national plan to tackle all forms of violence and harmful practices affecting children and women, including those which disproportionately affect vulnerable children, listed below.⁵²

Vulnerable Children

The government estimates that 74 percent of all Tanzanian children live in “multidimensional poverty,” and that 29 percent live in households below the monetary poverty line.⁵³ Between 2008 and 2012, primary school net attendance among the poorest

<http://www.uis.unesco.org/Education/Documents/incheon-framework-for-action-en.pdf> (accessed August 30, 2016), p. 8, “Target 4.1,” and “Target 4.4.a,” p. 12.

⁴⁸ Ibid., Goal 4.3.

⁴⁹ UNESCO et al, “Education 2030, Incheon Declaration and Framework for Action – Towards inclusive and equitable quality education and lifelong learning for all,” Target 4.6,” p. 19.

⁵⁰ Human Rights Watch, *Toxic Toil: Child Labor and Mercury Exposure in Tanzania’s Small-Scale Gold Mines*, August 2013, <https://www.hrw.org/report/2013/08/28/toxic-toil/child-labor-and-mercury-exposure-tanzanias-small-scale-gold-mines>; *No Way Out: Child Marriage and Human Rights Abuses in Tanzania*, October 2014, <https://www.hrw.org/report/2014/10/29/no-way-out/child-marriage-and-human-rights-abuses-tanzania#78bac8>.

⁵¹ Global Partnership to End Violence Against Children, “Country Level Engagement,” undated, <http://www.end-violence.org/countries.html> (accessed December 5, 2016).

⁵² United Republic of Tanzania, “National Plan of Action to End Violence Against Women and Children in Tanzania, 2017/18 – 2021/2022,” December 2016, http://www.mcdgc.go.tz/data/NPA_VAWC.pdf (accessed January 9, 2016).

⁵³ Multidimensional poverty is defined by a combination of indicators of monetary well-being, children’s well-being, and living standards. United Republic of Tanzania, National Bureau of Statistics, and United Nations Children’s Fund (UNICEF),

20 percent of the population was 67.5 percent, compared with 98 percent across the entire primary school-aged population.⁵⁴

Many children from the poorest households are exposed to the harsh consequences of economic disparities, which invariably impact on their education.⁵⁵ Economic hardship and high deprivation rates force many children into child labor, often in exploitative, abusive, or hazardous conditions including in gold mines, fisheries, tobacco farms, or in domestic work.⁵⁶ Many of these conditions are in violation of Tanzanian law.⁵⁷ Overall, 4.2 million or 29 percent of children aged 5-17 engage in child labor.⁵⁸ Among the most vulnerable children are an estimated 3 million orphans, of whom roughly 1.2 million have lost a parent due to HIV/AIDS.⁵⁹

Child Marriage

Tanzania has high child marriage prevalence rates, with almost two in five girls marrying before 18 years.⁶⁰ Over 37 percent of girls are married by age 18, and 7 percent are married by age 15.⁶¹ In Shinyanga and Tabora, two of the regions with the highest prevalence of

“Child Poverty in Tanzania,” June 2016, <http://www.nbs.go.tz/nbstz/index.php/english/statistics-by-subject/panel-survey-statistics/762-child-poverty-report-2016> (accessed January 9, 2016), p. 2.

⁵⁴ The primary school net attendance among the richest 20 percent was 93.4. Since 2012, net attendance rates have decreased significantly. At the time of writing, wealth-focused statistics were not available for secondary education. UNICEF, “Statistics: United Republic of Tanzania,” data as of 2013, http://www.unicef.org/infobycountry/tanzania_statistics.html (accessed September 5, 2016).

⁵⁵ FHI360 and Education Policy and Data Center, “Most Vulnerable Children in Tanzania: Access to education and patterns of non-attendance,” 2012, https://www.fhi360.org/sites/default/files/media/documents/Tanzania_Vulnerability.pdf, (accessed September 22, 2016); United Republic of Tanzania, National Bureau of Statistics, and UNICEF, “Child Poverty in Tanzania,” p. 55.

⁵⁶ United States Department of Labor, Bureau of International Labor Affairs, “Tanzania: 2015 Findings on the Worst Forms of Child Labor,” 2015, <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/tanzania> (accessed January 9, 2016); Human Rights Watch, *Toxic Toil*.

⁵⁷ United Republic of Tanzania, “The Law of The Child (Child Employment) Regulations,” G.N. No. 196 of 2012, <http://www.ilo.org/dyn/natlex/docs/SERIAL/96139/113528/F1782966342/TZA96139.pdf>.

⁵⁸ International Labour Organization (ILO) and Tanzania National Bureau of Statistics, “Tanzania National Child Labour Survey 2014, Analytical Report,” February 2016, http://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/---ilo-dar_es_salaam/documents/publication/wcms_502726.pdf (accessed September 22, 2016).

⁵⁹ UNICEF, “Statistics: United Republic of Tanzania,” data as of 2013, http://www.unicef.org/infobycountry/tanzania_statistics.html (accessed September 22, 2016).

⁶⁰ United Nations Population Fund (UNFPA), et al, “Child Marriage Fact Sheet,” August 2014, http://tanzania.unfpa.org/sites/default/files/resource-pdf/Child%20Marriage%20fact%20sheet%20English%202014_o.pdf (accessed January 16, 2017).

⁶¹ Girls Not Brides, “Child Marriage Around the World: Tanzania,” undated, <http://www.girlsnotbrides.org/child-marriage/tanzania/> (accessed September 22, 2016).

child marriage and teenage pregnancies, nearly 60 percent of 20- to 24-year-old women are married by the age of 18.⁶² In these regions, 23 percent of adolescents aged 15-19 are pregnant or already have children.⁶³

Child marriage has a direct impact on girls' education. One study estimates that 97 percent of married girls of secondary-school-age are out of school, compared to 50 percent of unmarried girls.⁶⁴ Not only are girls often forced to leave school by their own families; Tanzania's school expulsion regulations also prescribe the automatic expulsion of school-going girls who enter wedlock.⁶⁵

Tanzania's laws tolerate early marriage. The 1971 Law of Marriage Act allows girls to marry at age 15 with parental consent, or at age 14 with a court's consent. As early as 1994, Tanzania's Legal Reform Commission recommended amending the Act to raise the minimum age of marriage to 21 years for both boys and girls.⁶⁶

In January 2016, Msichana Initiative, a girls' rights nongovernmental organization, challenged the Act in court.⁶⁷ In a landmark decision, the Tanzanian High Court ruled unconstitutional sections 13 and 17 of the Tanzania Law of Marriage Act, and directed the Attorney General to amend the law and raise the eligible age for marriage for boys and girls

⁶² UNFPA et al, "Child Marriage Fact Sheet," August 2014.

⁶³ Ibid.

⁶⁴ FHI 360 and Education Policy and Data Center, "Most Vulnerable Children in Tanzania: Access to education and patterns of non-attendance," p. 11.

⁶⁵ Government of the Republic of Tanzania, Education (Expulsion and Exclusion of Pupils from Schools) Regulations, G.N. No. 295 of 2002, art. 4(C).

⁶⁶ The Commission's recommendations were struck down by the then-minister for justice and constitutional affairs. USAID Health Policy Initiative, "Advocating for a Change to Tanzania's Legal Age of Marriage: Efforts Under the Health Policy Initiative," June 2013, http://www.healthpolicyinitiative.com/Publications/Documents/1534_1_Law_of_Marriage_Report.pdf (accessed September 22, 2016), p. 3.

⁶⁷ Girls Not Brides, "High Court judgment in Tanzania rules age of marriage laws discriminatory and unconstitutional," July 13, 2016, <http://www.girlsnotbrides.org/high-court-tanzania-child-marriage/> (accessed September 5, 2016); Law of the Child Act 2009, *Ministry of Health, Community Development, Gender, Elderly and Children*, http://www.mcdgc.go.tz/data/Law_of_the_Child_Act_2009.pdf (accessed September 5, 2016), arts. 161–162.

to 18 years.⁶⁸ In August 2016, Tanzania’s Attorney General George Masaju unexpectedly appealed against the High Court ruling.⁶⁹

⁶⁸ *Rebeca Z. Gyumi v The Attorney General*, High Court of Tanzania, Miscellaneous Civil Cause No. 5 of 2016, Judgment, July 08, 2016, http://las.or.tz/wp-content/uploads/2016/07/REBECA-Z.-GYUMI-vs-A.G_Misc-Civil-Cause-No.5-of-2016.compressed.pdf (accessed September 5, 2016).

⁶⁹ Rosina John, “Govt to appeal against ruling on minimum age of marriage,” *The Citizen*, August 3, 2016, <http://www.thecitizen.co.tz/News/Govt-to-appeal-against-rulling-on-minimum-age-of-marriage/1840340-3328348-4kns7pz/index.html> (accessed September 5, 2016).

II. Tanzania's International Legal Obligations

Right to Secondary Education

Education is a basic right enshrined in various international and regional treaties ratified by Tanzania, including the United Nations Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the African Charter on the Rights and Welfare of the Child, and the African Youth Charter.⁷⁰

In implementing their obligations on education, governments should be guided by four essential criteria: availability, accessibility, acceptability, and adaptability. Education should be available throughout the country, including by guaranteeing adequate and quality school infrastructure, and accessible to everyone on an equal basis. Moreover, the form and substance of education should be of acceptable quality and meet minimum educational standards, and the education provided should adapt to the needs of students with diverse social and cultural settings.⁷¹

Under international and regional human rights law, all persons have a right to free, compulsory, primary education, free from discrimination.⁷² All persons also have the right to secondary education, which includes “the completion of basic education and

⁷⁰ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, acceded to by Tanzania on June 11, 1976, art. 13; Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Tanzania on June 10, 1991, art. 28; African Charter on the Rights and Welfare of the Child (ACRWC), OAU Doc. CAB/LEG/24.9/49 (1990), entered into force November 29, 1999, ratified by Tanzania on March 16, 2003, art. 11; African Youth Charter (AYC), (2006), entered into force August 8, 2009, ratified by Tanzania on December 20, 2012, art. 13.

⁷¹ United Nations Committee on Economic, Social and Cultural Rights, “General Comment No. 13, “The Right to Education (Art. 13),” E/C.12/1999/10 (1999), [http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/d\)GeneralCommentNo13Therighttoeducation\(article13\)\(1999\).aspx](http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/d)GeneralCommentNo13Therighttoeducation(article13)(1999).aspx) (accessed August 10, 2016), para. 6 (a)–(d).

⁷² ICESCR, arts. 13 and 2; See also United Nations Economic and Social Council, “Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, submitted in accordance with Commission on Human Rights resolution 1998/33,” E/CN.4/1999/49, January 13, 1999, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G99/101/34/PDF/G9910134.pdf?OpenElement> (accessed May 11, 2016).

consolidation of the foundations for life-long learning and human development.”⁷³ The right to secondary education includes the right to vocational and technical training.⁷⁴

State Parties have to ensure that different forms of secondary education are generally available and accessible, take concrete steps towards achieving free secondary education, and take additional steps to increase availability such as the provision of financial assistance for those in need.⁷⁵ Governments should also encourage and intensify “fundamental education” for those persons who have not received or completed the whole period of primary [or basic] education.⁷⁶ According to the UN Committee on Social, Economic and Cultural Rights, the expert body that interprets the ICESCR and provides guidance to states in their efforts to implement it, the right to fundamental education extends to all those who have not yet satisfied their “basic learning needs.”⁷⁷

The right to education entails state obligations of both an immediate and progressive kind. According to the Economic, Social and Cultural Rights Committee, steps towards the ICESCR’s goals should be “deliberate, concrete and targeted as clearly as possible towards meeting the obligations.” The Committee has also stressed that the ICESCR imposes an obligation to “move as expeditiously and effectively as possible towards that goal.”⁷⁸

⁷³ UN Committee on Economic, Social and Cultural Rights, “General Comment No. 13, “The Right to Education (Art. 13),” E/C.12/1999/10 (1999), [http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/dGeneralCommentNo13Therighttoeducation\(article13\)\(1999\).aspx](http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/dGeneralCommentNo13Therighttoeducation(article13)(1999).aspx) (accessed August 10, 2016), para. 11–12.

⁷⁴ Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), art. 26; ICESCR, art. 13(2)(b); CRC, art. 28. Technical and vocational education and training refers to all forms and levels of the educational process involving, in addition to general knowledge, the study of technologies and related sciences and the acquisition of practical skills, know-how, attitudes and understanding relating to occupations in the various sectors of economic and social life. Convention on Technical and Vocational Education 1989, adopted November 10, 1989, No. 28352, art. 1 (a). For further information, see also: Convention on Technical and Vocational Education, November 10, 1989, art. 3.

⁷⁵ ICESCR, art. 13(2) (b); CRC, art. 28(1)(b); African Charter on the Rights and Welfare of the Child, art. 11(3) (b); African Youth Charter, art. 13 (1) and art. 13 (4) (b).

⁷⁶ ICESCR art. 13 (d). According to the 1990 World Declaration on Education for All, “sound basic education is fundamental to the strengthening of higher levels of education and of scientific and technological literacy and capacity and thus to self-reliant development.” Basic education “should be provided to all children, youth and adults... [and] should be expanded and consistent measures must be taken to reduce disparities.” World Conference on Education for All, World Declaration on Education For All and Framework for Action to Meet Basic Learning Needs, Jomtien, Thailand, March 1990, <http://unesdoc.unesco.org/images/0012/001275/127583e.pdf> (accessed September 28, 2016), art. 3 (1)-(2).

⁷⁷ UN Committee on Economic, Social and Cultural Rights, “General Comment No. 13, “The Right to Education (Art. 13),” para. 23.

⁷⁸ UN Committee on Economic, Social and Cultural Rights, “General Comment 3, The nature of States parties’ obligations (Fifth session, 1990),” U.N. Doc. E/1991/23, para. 2 and 9.

The Economic, Social and Cultural Rights Committee has also maintained that access to secondary education should not be dependent on a student's apparent capacity or ability, and should be distributed throughout the state in such a way that it is available on the same basis to all.⁷⁹ There is wide support for the notion that assessments should be used by States to demonstrate that they have fulfilled their obligation to ensure all children complete primary education of good quality, and that they are given access to good quality secondary education.⁸⁰

Governments should guarantee equality in access to education as well as education free from discrimination. According to the Committee on Economic, Social and Cultural Rights, discrimination constitutes “any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise [of rights] on an equal footing.”⁸¹

In addition to removing any forms of direct discrimination against students, governments should also ensure indirect discrimination does not occur as a result of laws, policies, or practices which may have the effect of disproportionately impacting on the right to education of children who require further accommodation, or whose circumstances may not be the same as those of the majority school population.⁸²

United Nations Educational, Scientific and Cultural Organization’s Convention against Discrimination in Education—ratified by Tanzania in 1979—also articulates strong obligations on governments to eliminate any form of discrimination, whether in law, policy, or practice, which could affect the realization of the right to education. Under the Convention, states are obligated to develop policies that “tend to promote equality of opportunity and of treatment in education in the matter of education and in particular [t]o

⁷⁹ UN Committee on Economic, Social and Cultural Rights, “General Comment No. 13, “The Right to Education (Art. 13),” para. 13.

⁸⁰ UN General Assembly, Report of the Special Rapporteur on the right to education, Kishore Singh, “Assessment of the educational attainment of students and the implementation of the right to education,” A/HRC/26/27, May 2, 2014, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/26/27 (accessed August 10, 2016), paras. 79, 81.

⁸¹ UN Committee on Economic, Social and Cultural Rights, “General Comment No. 20, “Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights),” E/C.12/GC/20 (2009), <http://www.refworld.org/docid/4a60961f2.html> (accessed May 20, 2016), para. 10 (b).

⁸² *Ibid.*

ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent.”⁸³

African regional human rights standards also set out specific measures to protect women and girls’ education. The Maputo Protocol on the Rights of Women in Africa specifically places obligations on governments to eliminate all forms of discrimination against women, guarantee them equal opportunity and access to education and training, and protect women and girls from all forms of abuse, including sexual harassment in schools.⁸⁴ The African Youth Charter—ratified by Tanzania in 2012—includes an obligation to ensure girls and young women who become pregnant or married before completing their education have an opportunity to continue their education.⁸⁵

Quality of Education

It is widely understood that any meaningful effort to realize the right to education should make the quality of such education a core priority. The Economic, Social and Cultural Rights Committee has maintained that beyond their access obligations, governments need to ensure that the form and substance of education, including curricula and teaching methods, are “acceptable” to students. The Committee explained that acceptability hinges on a range of different factors, including the notion that education should be of “good quality.”⁸⁶ The aim is to ensure that “no child leaves school without being equipped to face the challenges that he or she can expect to be confronted with in life.”⁸⁷ According to the UN Committee on the Rights of the Child, an education of good quality “requires a

⁸³ United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention Against Discrimination in Education adopted December 14, 1960, entered into force May 22, 1962, ratified by Tanzania on January 3, 1979, art. 4.

⁸⁴ Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, September 13, 2000, CAB/LEG/66.6, entered into force November 25, 2005, ratified by Tanzania on March 3, 2007, art. 12 (1) (a) and (c).

⁸⁵ African Youth Charter (2006), entered into force August 8, 2009, art. 13 (1) and art. 13 (4) (b).

⁸⁶ UN Committee on Economic, Social and Cultural Rights, “General Comment No. 13, “The Right to Education (Art. 13),” para. 6 (c).

⁸⁷ UN Committee on the Rights of the Child, “General Comment No. 1, “The Aims of Education (article 29),” CRC/GC/2001/1 (2001), http://www2.ohchr.org/english/bodies/crc/docs/GC1_en.doc (accessed August 18, 2016), para. 9.

focus on the quality of the learning environment, of teaching and learning processes and materials, and of learning outputs.”⁸⁸

Under the Convention Against Discrimination in Education, state parties are obligated to “ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent.”⁸⁹

Right to Inclusive and Accessible Education

The Convention on the Rights of Persons with Disabilities (CRPD) promotes “the goal of full inclusion” in all levels of education, and obliges State parties to ensure children with disabilities have access to inclusive education, and that they are able to access education on an equal basis with others in their communities.⁹⁰ Children with disabilities should be provided with the level of support and effective individualized measures required to “facilitate their effective education.”⁹¹

The CRPD obliges governments to ensure that “reasonable accommodation of the individual’s requirements is provided” and that “persons with disabilities receive the support required, within the general education system, to facilitate their effective education.”⁹² The CRPD defines reasonable accommodation as any “means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with other of all human rights and fundamental freedoms.”⁹³

⁸⁸ Ibid., para. 22.

⁸⁹ UNESCO Convention against Discrimination in Education, art. 4(b).

⁹⁰ Convention on the Rights of Persons with Disabilities (CRPD), adopted December 13, 2006, G.A. Res 61/106, U.N. Doc A/RES/61/106, entered into force May 3, 2008, ratified by Tanzania on November 10, 2009, art. 24.

⁹¹ CRPD, art. 24(2) (d), (e).

⁹² Ibid., arts. 24(c) and (d) respectively.

⁹³ Ibid., art. 2.

Under the CRPD, Tanzania is also obliged to ensure that schools are accessible to students with disabilities.⁹⁴ This entails both an obligation to ensure that facilities are physically accessible to students, and an obligation to ensure that the education schools offer is itself accessible as well. This includes, for example, the need to ensure that schools have teaching materials and methods accessible to students who are blind or have hearing disabilities.⁹⁵ Tanzania is obliged both to develop accessibility standards to guide the design of new facilities, products, and services and to take gradual measures to make existing facilities accessible.⁹⁶

Protection from Violence, including Sexual Violence, Corporal Punishment and Cruel and Degrading Forms of Punishment

States should take all appropriate legislative, administrative, social, and educational measures to protect children from all forms of physical and mental violence, injury or abuse, neglect or negligent treatment, maltreatment, or exploitation, including sexual abuse.⁹⁷

The CRC requires all States to “take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity.”⁹⁸ The Committee on the Rights of the Child has defined corporal or physical punishment as “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light.”⁹⁹

⁹⁴ *Ibid.*, art. 9.

⁹⁵ UN Committee on the Rights of Persons with Disabilities, “General Comment No. 4 (2016) Article 24: Right to inclusive education,” CRPD/C/GC/4 (2016), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/4&Lang=en (accessed January 16, 2017), paras. 13-26.

⁹⁶ *Ibid.*, para. 24.

⁹⁷ CRC, art. 19 (1). See Global Initiative to End All Corporal Punishment of Children and Save The Children, “Towards non-violent schools: prohibiting all corporal punishment, Global report 2015,” May 2015, <http://www.endcorporalpunishment.org/assets/pdfs/reports-thematic/Schools%20Report%202015-EN.pdf> (accessed September 28, 2016), pp. 4-5.

⁹⁸ CRC, art. 28 (2).

⁹⁹ UN Committee on the Rights of the Child, “General Comment No. 8 (2006): The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts.19; 28, para. 2; and 37, inter alia),” CRC/C/GC/8 (2007), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f8&Lang=en (accessed September 28, 2016), para. 11.

The African Charter on the Welfare and Rights of the Child obliges States to take “all appropriate measures to ensure that a child who is subjected to school or parental discipline shall be treated with humanity and with respect for the inherent dignity of the child.”¹⁰⁰

The UN special rapporteur on torture, and other cruel, inhuman or degrading treatment or punishment has warned states that corporal punishment is inconsistent with governments’ obligations to protect individuals from cruel, inhuman, or degrading punishment or even torture.¹⁰¹ The international prohibition of torture and other cruel, inhuman or degrading treatment or punishment, relates not only to acts that cause physical pain but also to acts that cause mental suffering to the victim.¹⁰² Children and pupils in teaching institutions should be protected from corporal punishment, “including excessive chastisement ordered as ... an educative or disciplinary measure.”¹⁰³

In 2011, the African Committee of Experts on the Rights and Welfare of the Child urged all African states to adopt measures to eliminate violence in schools.¹⁰⁴ In 2015, the Committee on the Rights of the Child and the East African Community Legislative Assembly called upon the government to end corporal punishment in schools, and repeal or amend legislation to prohibit corporal and physical punishment in all settings.¹⁰⁵

¹⁰⁰ African Charter on the Rights and Welfare of the Child, art. 11 (5).

¹⁰¹ UN Commission on Human Rights, “Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1995/37 B,” E/CN.4/1997/7, January 10, 1997, <https://daccess-ods.un.org/TMP/5068366.52755737.html> (accessed September 28, 2016), para. 6.

¹⁰² UN, Human Rights Committee, “General Comment No. 20: Article 7 (Prohibition of torture or other cruel, inhuman or degrading treatment or punishment),” A/44/40, (1992), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fGEC%2f6621&Lang=en (accessed September 28, 2016), para. 5

¹⁰³ *Ibid.*, para. 5.

¹⁰⁴ African Union, African Committee of Experts on the Rights and Welfare of the Child, “Statement on Violence Against Children,” 2011, <http://www.endcorporalpunishment.org/assets/pdfs/reference-documents/ACERWC-statement-on-VAC-2011-EN.pdf> (accessed September 28, 2016).

¹⁰⁵ Committee on the Rights of the Child, “Concluding observations on the combined third to fifth periodic reports of the United Republic of Tanzania,” CRC/C/TZA/CO/3-5, March 3, 2015, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTZA%2fCO%2f3-5&Lang=en (accessed September 28, 2016), pp. 7–8; East African Community, East African Legislative Assembly, “Report of the Committee on General Purposes on the Oversight Activity on the Legal Framework and Implementation of Policies on the Rights of the Child in the EAC Partner States, 22nd – 26th February 2015,” August 2015, <http://www.eala.org/uploads/Report%20of%20the%20oversight%20activity%20of%20rights%20of%20the%20child%20of%20in%2019%2008%2015.pdf> (accessed September 28, 2016), p. 13.

Protection from Child Marriage and Child Labor

The African Charter on the Rights and Welfare of the Child states that, “Child marriage and the betrothal of girls and boys shall be prohibited.”¹⁰⁶ This Charter explicitly requires governments to take effective action, including legislation, to specify the minimum age of marriage as 18 years.¹⁰⁷

The Committee on the Rights of the Child has taken a clear position on 18 as the minimum age for marriage, regardless of parental consent, and repeatedly addressed the need for countries to establish a definition of a child in all domestic legislation that is consistent with the provisions of the CRC.¹⁰⁸

Tanzania’s laws tolerate early marriage. Girls may marry at age 15 with parental consent, or at age 14 with a court’s consent. In 1994, Tanzania’s Legal Reform Commission recommended amending the Act to raise the minimum age of marriage to 21 years for both boys and girls.¹⁰⁹

The CRC also obliges States to protect children from economic exploitation, and from performing work that is hazardous, interferes with a child’s education, or is harmful to the child’s health or physical, mental, spiritual, moral, or social development.¹¹⁰ The Minimum Age Convention and the Worst Forms of Child Labor Convention describe what types of work amount to child labor, depending on the child’s age, the type and hours of work performed, the impact on education, and other factors.¹¹¹ Tanzania’s laws prohibit all forms

¹⁰⁶ African Charter on the Rights and Welfare of the Child, art. 21 (2). Prohibitions on child marriage and non-discrimination are also included in the Maputo Protocol. At least 13 international and regional instruments extend protections from child marriage. African Child Policy Forum, “Provisions of International and Regional Instruments Relevant to Protection from Child Marriage,” May 2013, <http://www.girlsnotbrides.org/wp-content/uploads/2013/06/International-and-Regional-Standards-for-Protection-from-Child-Marriage-June-2013.pdf> (accessed September 28, 2016).

¹⁰⁷ African Charter on the Rights and Welfare of the Child, art. 21 (2).

¹⁰⁸ Committee on the Rights of the Child, “General Comment No. 4, Adolescent Health and Development in the Context of the Convention on the Rights of Child,” CRC/GC/2003/4, (2003), <http://www.ohchr.org/Documents/Issues/Women/WRGS/Health/GC4.pdf> (accessed September 28, 2016), paras. 16, 20, and 35 (g).

¹⁰⁹ The Commission’s recommendations were struck down by the then-Minister for Justice and Constitutional Affairs. USAID Health Policy Initiative, “Advocating for a Change to Tanzania’s Legal Age of Marriage: Efforts Under the Health Policy Initiative,” June 2013, http://www.healthpolicyinitiative.com/Publications/Documents/1534_1_Law_of_Marriage_Report.pdf (accessed September 22, 2016), p. 3.

¹¹⁰ CRC, art. 32.

¹¹¹ International Labour Organization, “ILO Conventions and Recommendations on child labour,” undated, <http://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index.htm> (accessed September 28, 2016).

of exploitative and harmful labor and work that interferes with children’s education. Children under 14 years of age cannot be employed.¹¹²

¹¹² The Law of The Child (Child Employment) Regulations, G.N. No. 196 of 2012, <http://www.ilo.org/dyn/natlex/docs/SERIAL/96139/113528/F1782966342/TZA96139.pdf>.

III. Barriers to Accessing Secondary Education

The Tanzanian government's abolition of school fees has removed one of the most significant barriers to children's access to secondary education. Yet a range of other barriers still prevent many students from accessing secondary education or limit their ability to do so. This includes financial barriers that affect students from very poor families, the long distance many must travel to reach school, as well as an exam which forces children to drop out of school. The Tanzanian government should develop more ambitious strategies to expedite its plans to tackle many of these barriers.

Costs of Education in Secondary Schools

Impact of the Abolition of School Fees

Prior to January 2016, school fees constituted the most onerous barrier to secondary education for many of the adolescents interviewed by Human Rights Watch. A nationwide survey of nearly 1,900 respondents conducted by Twaweza, a nongovernmental organization (NGO), found that 89 percent of parents contributed financially to public education.¹⁴³ In many cases, an inability to pay resulted in school officials forcing students to go home until schools could collect enough money to pay the school bill.

Forty-nine adolescents interviewed by Human Rights Watch dropped out permanently due to the cost of secondary education. Adolescents from poor households, those with sick or deceased relatives, and girls have been particularly affected. Abasi, a 17-year-old boy from Nzega, told Human Rights Watch:

From Form I my parents tried to pay for school fees and other contributions but it was a huge economic hardship to the family. It increased in Form II. Eventually they failed to pay the school fees, the exam fees. The teachers

¹⁴³ Twaweza East Africa, "A New Dawn? Citizens' views on new developments in education," Sauti za Wananchi, Brief No. 30, February 2016, <http://www.twaweza.org/uploads/files/SzW-Education-Feb2016-EN-FINAL.pdf> (accessed May 30, 2016), p. 3.

were chasing me home. For a whole week, every morning the teachers would chase me away and [so] I decided to drop out and find another life.¹¹⁴

Prior to 2016, public secondary schools charged Tanzanian Shillings (TZS) 20,000 (US\$9) and boarding schools TZS 40,000 (\$18) as official school fees.¹¹⁵ In addition, students' families were sometimes charged TZS 5,000–10,000 (\$2–5) as payment for security, TZS 50,000 (\$23) for desks, as well as smaller charges for uniforms, pens, exercise books, meals, exams, and transport.¹¹⁶

Some students told Human Rights Watch that teachers would sometimes cane them when they could not pay contributions requested by them, or would not allow them to enter classrooms unless they paid fees.¹¹⁷ Seventeen-year-old Theodora, in Nzega, dropped out of school when she was no longer able to pay for contributions:

They [teachers] would tell us to go home ... It always was in the morning. I missed many days that way. It affected my studies because if you were chased away for not making the contributions, the class continues. I missed a lot of topics ... the teachers would insult us for not making contributions, they would say it's the parent's responsibility to pay.¹¹⁸

¹¹⁴ Human Rights Watch interview with Abasi, 17, Nzega, Tabora, January 25, 2016.

¹¹⁵ United Republic of Tanzania, Ministry of Education and Vocational Training, "Waraka Wa Elimu Namba 11" (2004) (Education Circular Number 11), quoted in "Waraka Wa Elimu Namba 3 Wa Mwaka 2016 Kuhusu Utekelezaji Wa Elimu Singi Bila Malipo," (Education Circular No. 3 of 2016 on the implementation of abolition of school fee charges), May 2016, <http://www.moe.go.tz/en/publications/send/44-circulars-nyaraka/270-waraka-namba-3-wa-mwaka-2016-elimu-bure> (accessed September 22, 2016), p. 2.

¹¹⁶ Human Rights Watch interview with Imani, 20, Mwanza, January 21, 2016; Human Rights Watch interview with Juma, 22, Mwanza, January 21, 2016; Human Rights Watch interview with Zahra, 19, Mwanza, January 21, 2016; Human Rights Watch interview with Sophia, 20, Mwanza, January 21, 2016; Human Rights Watch interview with Mercy, 20, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Sarah, 20, Mwanza, January 23, 2016; Human Rights Watch interview with Paulina, 17, Nzega, Tabora, January 25, 2016; Human Rights Watch interview with Abasi, 17, Nzega, Tabora, January 25, 2016.

¹¹⁷ Human Rights Watch focus group discussion with five male students, public secondary school, Mwanza, January 21, 2016; Human Rights Watch interview with Busara, 17, Kahama district, Shinyanga, January 24, 2016.

¹¹⁸ Human Rights Watch interview with Theodora, 17, Nzega, Tabora, January 25, 2016.

Similarly, when students who could not afford exam fees were not allowed to sit for exams, officials automatically stopped them from progressing to the next level of secondary school.¹¹⁹

In addition, parents have unofficially supplemented teachers' low salaries by meeting the often compulsory costs of remedial training or private tuition offered by teachers. Interviewees reported paying between TZS 10,000 and 20,000 (\$5 and 9) per subject for after-school private tuition. This type of private tutoring by teachers has been common and sometimes compulsory, according to many students interviewed by Human Rights Watch.¹²⁰

The government's decision to abolish all official school fees and additional financial contributions, including private tuition, as of January 2016 opened the doors to many adolescents whose parents or guardians could not afford to pay school fees for secondary school. Thus, it tackled one of the main barriers keeping children out of secondary school.

School officials interviewed by Human Rights Watch reported a significant increase in Form I enrollments because of fee-free secondary education.¹²¹ At a school in Mwanza, the acting headmaster noted attendance had improved: "because of [the] policy, more children [are] coming to school, previously a lot of students had a problem with fees and uniforms."¹²²

Senior government officials at the Ministry of Education, Science and Technology (MoEST) reported enrollment initially doubled in some schools, though in many cases the highest increase was seen in primary schools.¹²³ Exact numbers were not

¹¹⁹ Human Rights Watch interview with Imani, 20, Mwanza, January 21, 2016; Human Rights Watch interview with Emmanuel, 23, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Mariamu, 20, Dar es Salaam, January 30, 2016.

¹²⁰ Most children who previously paid for this type of tuition told Human Rights Watch they no longer received any after-school tuition in 2016, except if they found a private teacher independently. Human Rights Watch focus group discussion with 12 female students, public secondary school, Mwanza, January 21, 2016; Human Rights Watch interview with Bernard, 19, Shinyanga, January 26, 2016; Human Rights Watch interview with Fatma, 16, Shinyanga, January 26, 2016.

¹²¹ Human Rights Watch interview with deputy headmaster, primary school, Mwanza, January 20, 2016; Human Rights Watch interview with headmaster, secondary school, Ukerewe, January 22, 2016.

¹²² Human Rights Watch interview with acting headmaster, Mwanza, May 26, 2016.

¹²³ Fees had already previously been abolished in primary schools, but parents still paid a wide range of financial contributions until December 2015. Human Rights Watch interview with Venance Manori, assistant director, cross-cutting issues, and Mr. Salum Salum, principal education officer (secondary), Ministry of Education, Science and Technology, Dar es Salaam, May 24, 2016.

available at time of writing. In August 2016, the government issued a warning to school officials not to exaggerate enrollment figures in order to get more funding for schools.¹²⁴

Agnes, 16, a former child domestic worker in Mwanza, felt positive about the new policy:

I thank the president for making secondary education free, but apart from [also] providing materials, [the] government should provide education [raise awareness] to encourage parents to send children to school, especially girls.¹²⁵

Financial Barriers Affecting Poor Students

Education is free, but not that free ... now there's no problem with school fees but how to help those who can't afford everything else?

—Sandra, 19, who currently attends a tailoring center in Kahama district and dropped out in Form II, Kahama, January 2016

Even after the abolition of school fees, the cost of smaller items such as uniforms, learning material, or food keeps many of the poorest students from accessing secondary education. Adult relatives or guardians with low incomes are sometimes unable to pay such costs.¹²⁶ Many families do not have access to additional social protection funding to cover these costs.¹²⁷ To the extent possible given the resources at its disposal, the government should adopt a short- to medium-term plan to ensure vulnerable adolescents can stay in school, including through targeted financial support for poor families with adolescents.

Emmanuel Samara, a teachers' union representative from Mara region, one of the country's poorest provinces with low secondary school enrollment, said:

¹²⁴ Schools receive monthly capitation grants which include a fixed amount of money per student enrolled in the schools. "Tanzania: Stop Telling Lies, Schools Warned," *The Citizen*, August 26, 2016, <http://allafrica.com/stories/201608260117.html> (accessed September 20, 2016).

¹²⁵ Human Rights Watch focus group discussion with 28 child domestic workers, Mwanza, January 23, 2016.

¹²⁶ Human Rights Watch interview with Rachel, 17, Kahama district, Shinyanga, January 24, 2016; Human Rights Watch interview with Sandra, 19, Kahama district, Shinyanga, January 24, 2016.

¹²⁷ Human Rights Watch phone interview with Pedro Guerra, child protection specialist, United Nations Children's Fund (UNICEF), Dar es Salaam, October 28, 2016.

Free means [refers to] school fees but there are a lot of contributions that parents are supposed to make. With the poverty level especially in my region, I don't know if many parents will manage. We are talking about parents living on under US\$1 a day, who have no ability to buy lunch. They are living on one meal a day, they have a lot of kids they cannot feed.¹²⁸

In Dar es Salaam, Khadija, 16, has been unable to take up her placement in Form I because of other costs. She explained to Human Rights Watch researchers:

School started from 11 January but for me not yet, because my parents are not [able to] purchase school uniforms, bag, and materials. [They] told me to wait until they get the money ... we need TZS 75,000 (US\$34).¹²⁹

Saida, 14, who was getting ready to enter Form II in Kahama, said: "I need support to pay for materials to go back to secondary school."¹³⁰

Bernard Makachia, who leads an organization providing skills and livelihoods to young mothers, explained how girls sometimes end up trading sex to meet education-related costs:

Over 20 percent of girls say poverty led them to [have sex]. But poverty [in their case] means [having no] money for transport, lunch, small pocket money, uniforms, shoes, [and to pay for] other financial demands [in education].¹³¹

Many Students Left Out of Education

The government's abolition of school fees in January 2016 meant that many of those who could not get a secondary education before are now going to secondary school. However,

¹²⁸ Human Rights Watch interview with Emmanuel Samara, Mara region representative, Tanzania Teachers' Union, Morogoro, January 20, 2016.

¹²⁹ Human Rights Watch interview with Khadija, 16, Dar es Salaam, January 30, 2016.

¹³⁰ Human Rights Watch interview with Saida, 14, Kahama district, Shinyanga, January 24, 2016.

¹³¹ Human Rights Watch interview with Bernard Makachia, executive director, Education for Better Living, Mwanza, January 21, 2016.

hundreds of thousands of Tanzanian students who left school before 2016 because they could not afford fees have no realistic way to re-enter the system. The government should adopt a strategy to provide basic education to these students by making them eligible to return to secondary school to resume and complete basic education.

Make-or-Break Exam as Barrier to Access Secondary Education

Every year, hundreds of thousands of Standard 7 students sit the Primary School Leaving Examination (PSLE), a compulsory exam they need to pass in order to reach lower-secondary education.¹³² Education experts argue that students are often ill-prepared to take this national exam not because of their own limitations but due to the poor quality of education in many primary schools across the country, poor student-to-teacher ratios, as well as the limited support provided to students with disabilities or those experiencing learning barriers.¹³³

Hundreds of thousands of students do not pass the PSLE every year. Since 2012, more than 1.6 million adolescents have been barred from secondary education due to their exam results.¹³⁴ Formal education ends for children who do not pass the exam because children

¹³² The National Examinations Council of Tanzania defines the Primary School Leaving Examination (PSLE) as, “a selection test which enables the government to select form one entrants for its schools. Students who get selected and those who are not, receive certificates.” The National Examinations Council of Tanzania, “Primary School Leaving Examination,” undated, <http://www.necta.go.tz/psle> (accessed September 22, 2016).

¹³³ Prof. Suleman Sumra and Dr. Joviter K. Katabaro (The Economic and Social Research Foundation), “Declining Quality of Education: Suggestions for Arresting and Reversing the Trend,” Background Paper No. 9, ESRF Discussion Paper 63, 2014, <http://www.thdr.or.tz/docs/THDR-BP-9.pdf> (accessed September 5, 2016), pp. 3-14; Arun R. Joshi and Isis Gaddis (World Bank Group), “Preparing the Next Generation in Tanzania: Challenges and Opportunities in Education,” 2015, <http://documents.worldbank.org/curated/en/531071468187781204/pdf/97256-PUB-PUBLIC-Box391441B-9781464805905.pdf> (accessed September 5, 2016), p. 5; Jussi Karakoski and Kristina Ström, “Special Needs Education in Tanzania, A Fact-finding Mission Final Report 10.1.2005, Commissioned by and submitted to the Ministry for Foreign Affairs of Finland,” January 2005, <http://formin.finland.fi/Public/download.aspx?ID=14227&GUID=%7B536C2E76-0615-4771-A230-6066422D44EE%7D> (accessed November 30, 2016), p. 19. Human Rights Watch interview with Fredrick Msigallah, CCBRT Advocacy Unit, Dar es Salaam, January 18, 2016; Human Rights Watch interview with Sr. Sylvia Emanuel, Lecturer, Human Rights Centre, St. Augustine University of Tanzania, Mwanza, May 27, 2016.

¹³⁴ Percentages rounded up. Data partly analysed by Human Rights Watch, based on government data. United Republic of Tanzania, Government Open Data Portal, “Primary Schools Leaving Certificate Examination Performance Ranking,” August 23, 2015, <http://opendata.go.tz/dataset/upangaji-shule-za-msingi-kutokana-na-ufaulu> (accessed September 28, 2016); The National Examinations Council of Tanzania, “National Overall Performance In PSLE - 2012 Examination,” http://41.188.136.75/BRN/PSLE/PSLE%20PERFORMANCE/2012/PSLE2012_PERFORMANCE.pdf, “PSLE Performance 2013,” http://41.188.136.75/BRN/PSLE/PSLE%20PERFORMANCE/2013/PSLE2013_PERFORMANCE.pdf and “PSLE Performance 2014,” http://41.188.136.75/BRN/PSLE/PSLE%20PERFORMANCE/2014/PSLE2014_PERFORMANCE.pdf (accessed September 28, 2016); The National Examinations Council of Tanzania, “PSLE Schools Ranking 2015,” <http://www.necta.go.tz/brn> and “PSLE Performance 2015,” http://41.188.136.75/BRN/PSLE/PSLE%20SCHOOLS%20RANKING/2015/PSLE2015_RANKING.pdf (accessed September 28, 2016).

are not given another opportunity to repeat the PSLE, or to re-sit Standard 7.¹³⁵ The government uses the PSLE solely as a tool to select children that are allowed to enter secondary school, instead of using it as an assessment tool to assess students' performance and tackle learning barriers and poor quality instruction affecting students.¹³⁶

Research conducted by Human Rights Watch in 2013 and 2014 found that many children who did not pass the PSLE were at high risk of working in exploitative conditions in gold mines, and many were married off at a very young age.¹³⁷

In 2016, Human Rights Watch met seven adolescents who worked as child domestic workers, gold miners, farmers, or got pregnant after failing the PSLE. They were denied an opportunity to re-enroll in school to re-take the PSLE.

Adelina, 17, found the PSLE exam difficult and did not pass the exam in 2013, which resulted in her dropping out of school and working in gold mining, age 15:

After I failed the Standard 7 exam, I was farming, I was also working in hotels and then I went to [the] mine to crush stones.¹³⁸

The PSLE itself has been fraught with challenges and noncompliance at the school level. A 2009 evaluation found that the exam was regularly jeopardized through cheating, numerous instances of fraud committed by invigilators, teachers, and parents, and challenges in grading the exam.¹³⁹ Students reported cheating in the exam due to the

¹³⁵ Human Rights Watch interview with Richard Temu, program officer, Uwezo, Dar es Salaam, January 19, 2016.

¹³⁶ Haki Elimu, "What is Quality Education? A Research Report on Citizens' Perspective and Children's Basic Skills," May 2008, <http://hakielimu.org/files/publications/What%20is%20Quality%20Education.pdf> (accessed August 30, 2016); Tanzanian Child Rights Forum and Human Rights Watch, "Letter by HRW and TCRF to Tanzania Minister of Education, Access to Secondary Education," March 28, 2014, <https://www.hrw.org/news/2014/03/28/letter-hrw-and-tcrf-tanzania-minister-education>.

¹³⁷ Human Rights Watch, *Toxic Toil: Child Labor and Mercury Exposure in Tanzania's Small-Scale Gold Mines*, August 2013, <https://www.hrw.org/report/2013/08/28/toxic-toil/child-labor-and-mercury-exposure-tanzanias-small-scale-gold-mines>; *No Way Out: Child Marriage and Human Rights Abuses in Tanzania*, October 2014, <https://www.hrw.org/report/2014/10/29/no-way-out/child-marriage-and-human-rights-abuses-tanzania#78bac8>.

¹³⁸ Human Rights Watch interview with Adelina, 17, Nzega, Tabora, January 25, 2016.

¹³⁹ The National Examinations Council of Tanzania and UNICEF, "Evaluation of the Conduct of Primary School Leaving Examination (PSLE) in Tanzania Mainland," March 2009, [http://www.unicef.org/evaldatabase/files/NECTA_\(2009_03_xx\)_-_Evaluation_of_the_conduct_of_Primary_School_Leaving_Examination_\(PSLE\)_in_Tanzania_Mainland.pdf](http://www.unicef.org/evaldatabase/files/NECTA_(2009_03_xx)_-_Evaluation_of_the_conduct_of_Primary_School_Leaving_Examination_(PSLE)_in_Tanzania_Mainland.pdf) (accessed September 28, 2016).

shortage of placements in secondary education, the fear of being punished for poor performance, and their poor preparation.¹⁴⁰

According to Richard Temu, a project officer at Uwezo, an education nongovernmental organization focused on learning assessments in East Africa, poor quality of education is a major problem: “Forty percent [of students] are not ready to join secondary school—they won’t learn anything—they’re not taught to read or write [in primary school].”¹⁴¹

The government plans to phase out the PSLE by 2021, when the generation of children presently in Standard 1 reach Standard 7.¹⁴² This generation will be the first to automatically enroll in secondary education regardless of grades or assessments. For the next five years, however, pupils will still have to undergo the PSLE and those who fail will be barred from entering secondary school.

Clarence Mwinuka, an official in the MoEST, explained that the exam is being phased out in five years rather than immediately in order to prevent an influx of new students: “The idea is to have slow implementation—do we have enough classes? Enough teachers? The intention is there, but we can’t go ‘wholesale.’”¹⁴³

The UN special rapporteur on education recommends that States use national assessments to demonstrate that they have fulfilled their obligation to ensure all children complete primary education of good quality, and that they are given access to good quality secondary education.¹⁴⁴

¹⁴⁰ Ibid., p. 23.

¹⁴¹ Human Rights Watch interview with Richard Temu, January 19, 2016. According to Uwezo’s analysis, children are not acquiring the foundational skills of literacy and numeracy consistent with the official primary school curricular requirements. Uwezo, “Are Our Children Learning? Literacy and Numeracy Across East Africa,” 2013, <http://www.uwezo.net/wp-content/uploads/2012/08/2013-Annual-Report-Final-Web-version.pdf> (accessed October 31, 2016).

¹⁴² Jamhuri Ya Muungano Wa Tanzania, Wizara Ya Elimu Na Mafunzo Ya Ufundi (United Republic of Tanzania, Ministry of Education and Vocational Training), “Sera Ya Elimu Na Mafunzo (Education and Training Policy), 2014 http://www.tanzania.go.tz/egov_uploads/documents/SERA_ya_Elimu_2_sw.pdf (accessed January 16, 2017), pp. 23–24. Translated by Human Rights Watch.

¹⁴³ Human Rights Watch interview with Clarence Mwinuka, senior basic education officer, Ministry of Education, Science and Technology, Dar es Salaam, May 24, 2016.

¹⁴⁴ UN General Assembly, Report of the Special Rapporteur on the right to education, Kishore Singh, Assessment of the educational attainment of students and the implementation of the right to education, A/HRC/26/27, May 2, 2014, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/26/27 (accessed August 10, 2016), paras. 79 and 81.

As discussed above, the Tanzanian government has committed to phasing out PSLE passage as an entry requirement to secondary school by 2021. In the interim, the government should take immediate steps to ensure that students who fail the exam are not simply forced out of school. Children who fail the PSLE should be allowed to study Standard 7 in public primary schools, and supported to re-take the exam. The government should also use the PSLE as an assessment tool to ensure children have gained basic skills and knowledge, and that they are adequately prepared to enter secondary education.

Poor School Infrastructure

Schools visited by Human Rights Watch were in poor shape and lacked adequate classrooms, libraries, and adequate sanitation facilities, especially for girls and children with disabilities. They also usually do not have functioning laboratories for science instruction, and are not equipped to accommodate students with disabilities. This is the case despite the government's commitment to equip 2,500 schools with functioning laboratories, to retrofit or modify half of secondary schools to accommodate students with disabilities, and to provide adequate sanitation facilities in 500 schools.¹⁴⁵

Prior to 2016, the government's own school-level financing program depended on at least 20 percent of community contributions to drive the expansion of secondary schools.¹⁴⁶ Following the abolition of all fees for schools, schools have been instructed to stop asking parents for contributions to pay for any improvement of the infrastructure, new learning materials, and the hiring of additional teachers, as was previously the practice. In four schools, Human Rights Watch researchers observed uncompleted buildings, meant to be used as science laboratories, next to old school buildings. School officials told Human Rights Watch that construction work started with funds raised from parental contributions. Construction was halted in December 2015, when the government

¹⁴⁵ Ministry of Education and Vocational Training, "Secondary Education Development Programme II (July 2010 – June 2015), June 2010, http://planipolis.iiep.unesco.org/upload/Tanzania%20UR/Tanzania_SEDP_2010_2015.pdf (accessed August 20, 2016).

¹⁴⁶ United Republic of Tanzania, "Education Sector Development Programme (2008–2017)," August 2008, <http://www.globalpartnership.org/content/tanzania-education-sector-development-programme-2008-17> (accessed October 10, 2016).

announced the official removal of fees and contributions, but schools have not received funding to complete construction projects.¹⁴⁷

Senior school officials in three schools told Human Rights Watch that new capitation grants do not include additional budget lines to cover these expenses. This has left them without the resources needed to purchase goods or build infrastructure needed in the school. In Mwanza, an acting headmaster told Human Rights Watch:

There are shortages ... we are failing to ensure a conducive learning environment. For example, [there] are not enough tables and chairs, blackboards ... [we have a] shortage of [rooms for] classes.¹⁴⁸

In May 2016, the MoEST announced further plans to renovate and rehabilitate several secondary schools and issue laboratory equipment.¹⁴⁹ In order to put its commitment to free secondary education into practice, the government needs to explore all possible avenues to dedicate more resources to building new schools and improving school infrastructure. The government should factor these additional costs into medium- and long-term planning and budgeting to ensure the secondary education policy is fully effective and free.

Inadequate Transportation

Many students have to travel long distances to get to school, impacting on their attendance and performance in school.¹⁵⁰ Thirteen students interviewed by Human Rights

¹⁴⁷ Human Rights Watch interview with Sigareti Lugangika, headmaster, Nyakurunduma Secondary School, Mwanza, January 21, 2016; Human Rights Watch interview with Martin Mweza, acting head teacher, Mwawaza secondary school, Shinyanga, January 25, 2016; Human Rights Watch interview with Marxon Paul, headmaster, Shinyanga Secondary School, Shinyanga, January 26, 2016.

¹⁴⁸ Human Rights Watch interview with senior school official, Mwanza, May 27, 2016.

¹⁴⁹ Ministry of Education and Vocational Training, “Hotuba Ya Waziri Wa Elimu, Sayansi, Teknolojia Na Ufundi Mheshimiwa Prof. Joyce Lazaro Ndalichako (MB.) Akiwasilisha Bungeni Makadirio Ya Matumzi Ya Fedha Kwa Mwaka 2016/2017,” (Speech by the Minister of Education, Science, Technology and Vocational Training, Honorable Joyce Lazaro Ndalichako Introducing the National Assembly of Estimates Budget for The Year 2016/2017), Dodoma, May 2016, http://www.parliament.go.tz/uploads/budgetspeeches/1464680317-HOTUBA_WEST_2016_FINAL%20-%2023-05-2016.pdf (accessed August 24, 2016), paras. 50, 99.

¹⁵⁰ Arun R. Joshi and Isis Gaddis (World Bank Group), “Preparing the Next Generation in Tanzania: Challenges and Opportunities in Education,” 2015, <http://documents.worldbank.org/curated/en/531071468187781204/pdf/97256-PUB-PUBLIC-Box391441B-9781464805905.pdf> (accessed December 5, 2016), pp. 39–46; Gervas Machimu and Josephine Joseph

Watch walked more than one hour to get to school; others walked up to 20 kilometers or cycled between 20-25 kilometers, leaving their homes early in the morning.¹⁵¹ Most of the students interviewed by Human Rights Watch said they spent their days at school tired because they had walked long distances.¹⁵²

In Ukerewe and surrounding islands, for example, there are only 22 public secondary schools serving 26 wards. Four wards do not have a public secondary school.¹⁵³ According to local education activists interviewed by Human Rights Watch near Nansio, Ukerewe's main city, the long distance to school, and the need to depend on ferries with unpredictable times, is one of the reasons why adolescents frequently drop out of school.¹⁵⁴

In predominantly rural and remote regions like Shinyanga, where some students reported travelling up to 25 kilometers by bicycle, distance is also a significant barrier and disincentive for some students.¹⁵⁵ Martin Mweza, acting head teacher at a secondary school in Shinyanga, noted that many of the students at his school walked up to 10 kilometers, which constituted a significant obstacle for many.¹⁵⁶

Minde, "Rural Girls' Educational Challenges in Tanzania: A Case Study of Matrilineal Society," *The Social Sciences*, vol. 5, issue 1 (2010), <http://www.medwelljournals.com/fulltext/?doi=sscience.2010.10.15> (accessed December 5, 2016), pp. 10–15; Deogratias Mushi, "Tanzania: Ward Schools Need Better Ways to Address Pregnancy," *Tanzania Daily News*, August 8, 2015, <http://allafrica.com/stories/201508100438.html> (accessed December 5, 2016).

¹⁵¹ Human Rights Watch interview with Yasinta, 17, Shinyanga, January 26, 2016; Human Rights Watch interview with Fatma, 16, Shinyanga, January 26, 2016; Human Rights Watch focus group discussion with 12 female students, public secondary school, Ukerewe, January 22, 2016; Human Rights Watch interview with Beatrice, 17, Shinyanga, January 26, 2016; Human Rights Watch interview with Mercy, 20, Igombe, Mwanza, January 21, 2016; Human Rights Watch interview with Bernard, Shinyanga, January 26, 2016; Human Rights Watch interview with Gerald, 18, Shinyanga, January 26, 2016; Human Rights Watch focus group discussion with five male students, public secondary school, Mwanza, January 21, 2016.

¹⁵² Food provided in schools was paid for through contributions. Schools stopped providing food in January 2016 as a result of the government's fee-free decree. In May 2016, the Ministry of Education, Science, Technology and Vocational Training, issued official guidance for schools to restore food services and canteens in schools. Human Rights Watch interview with Martin Mweza, acting head teacher, Mwawaza secondary school, Shinyanga, January 26, 2016.

¹⁵³ Human Rights Watch focus group discussion with nine parents, members of Friends of Education (Haki Elimu), Ukerewe, January 22, 2016.

¹⁵⁴ Ibid.

¹⁵⁵ Human Rights Watch interview with Fatma, 16, Shinyanga, January 26, 2016; Human Rights Watch interview with Aisha, 16, Shinyanga, January 26, 2016.

¹⁵⁶ Human Rights Watch interview with Martin Mweza, acting head teacher, Mwawaza secondary school, Shinyanga, January 26, 2016.

Children who arrive late told us they are often punished by their teachers for not complying with the school's regulations.¹⁵⁷ Elsa, 18, walked 12 kilometers to get to school: "but walking two hours very fast. Most of the time, I'm late ... sometimes [I am] punished. With strikes or [I am asked to] slash [cut] grass."¹⁵⁸

Under a government measure to improve transportation for students, private drivers are required to charge students a discounted rate. However, bus owners do not receive subsidies or compensation for students' reduced fares.¹⁵⁹ Some students told Human Rights Watch that, as a result, bus drivers sometimes refuse to stop to pick up school children.¹⁶⁰

Many students in Dar es Salaam, for example, complain that bus drivers and passengers physically abuse them by pushing and beating them, and in some cases, insult them.¹⁶¹ The level of abuse against students who travel by bus in the city prompted Modesta Joseph, a secondary school student at the time, to create "Our Cries," a website where students can report all types of abuse and send student-led petitions to the Surface and Marine Transport Regulatory Authority.¹⁶²

¹⁵⁷ See Section IV: "Corporal Punishment and Humiliating Treatment."

¹⁵⁸ Human Rights Watch interview with Elsa, 18, Shinyanga, January 26, 2016.

¹⁵⁹ Human Rights Watch interview with Richard Mabala, executive director, TAMASHA, Dar es Salaam, January 20, 2016; Kizito Makoye, Thomson Reuters Foundation, "Hear 'Our Cries': new app helps Tanzanian students fight abuse on buses," February 12, 2016, <http://news.trust.org/item/20160212140343-adjhd> (accessed August 30, 2016).

¹⁶⁰ Human Rights Watch focus group discussion with five male students, public secondary school, Mwanza, January 2016.

¹⁶¹ Abraham Ntambara, "Unreliable Transport A Problem For Students in Dar es Salaam," August 23, 2013, <https://wewriteforrights.wordpress.com/2013/08/22/unreliable-transport-a-problem-for-students-in-dar-es-salaam/> (accessed December 5, 2016); Johannes Mugoro, "Transport problem for student and their effects on attendance in schools in community secondary schools in Dar es Salaam city, Tanzania," (Masters thesis, Open University of Tanzania, 2014), <http://repository.out.ac.tz/757/> (accessed December 5, 2016).

¹⁶² Our Cries, "Reported Cries," undated, <http://www.ourcries.com/ViewCries.php> (accessed August 30, 2016).

IV. Corporal Punishment and Humiliating Treatment

We're beaten very hard. If they beat you today, then you're only going to feel better in two days. Every teacher beats students according to her wish. One teacher can beat you up to 15 times if they so wish.

—Rashidi, 18, Mwanza, January 21, 2016

The use of corporal punishment is a routine, and sometimes brutal, part of many students' everyday reality in Tanzanian schools. A report produced by the African Child Policy Forum shows that over half of Tanzanian girls and boys who experienced physical abuse were punished by a teacher.¹⁶³ The Tanzanian government should take immediate steps to eliminate or combat all forms of violence in school.

Corporal Punishment as State-Sanctioned Practice

School officials and teachers routinely resort to corporal punishment—that is, any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light.¹⁶⁴ Senior political leaders, including President John Magufuli and the former deputy Minister of Education and Vocational Training, have repeatedly encouraged the use of corporal punishment in schools.¹⁶⁵ In March 2016, addressing a large crowd, President Magufuli stated: “I am wondering why they stopped caning in schools. I was also caned and that’s why I am standing here today.”¹⁶⁶

¹⁶³ African Child Policy Forum, “The African Report on Violence Against Children,” 2014, <http://africanchildforum.org/files/AfricanReprotVAC.pdf> (accessed December 3, 2016), p. 21.

¹⁶⁴ Committee on the Rights of the Child, “General Comment No. 8 (2006): The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia),” CRC/C/GC/8 (2007) http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=_CRC%2fC%2fGC%2f8&Lang=en (accessed September 21, 2016).

¹⁶⁵ In 2013, then-Deputy Minister for Education and Vocational Training Philipo Mulugo publicly linked the absence of corporal punishment and the decline of discipline in schools, as he reportedly advocated for the use of caning. “Tanzania: Public Schools to Continue Using Corporal Punishment,” *Tanzania Daily News*, April 9, 2013, <http://allafrica.com/stories/201304090024.html> (accessed May 3, 2016); Henry Lyimo, “Tanzania: Ministry Sets Guidelines on Corporal Punishment,” *Tanzania Daily News*, June 14, 2014, <http://allafrica.com/stories/201406161113.html> (accessed May, 3 2016); Elisha Magolanga, “Abolish the cane in schools, activists urge govt,” *The Citizen*, June 13, 2013, <http://www.thecitizen.co.tz/Business/Abolish-the-cane-in-schools--activists-urge-govt/-/1840434/1882514/-/view/printVersion/-/qt740j/-/index.html> (accessed May 3, 2016); “Rais Magufu Ashangaa Viboko Kufutwa Shuleni,” March 29, 2016, video clip, YouTube, <https://www.youtube.com/watch?v=AsQq56-KiiM> (accessed June 6, 2016). Video translated by Human Rights Watch.

¹⁶⁶ *Ibid.*

Contrary to its international human rights obligations, Tanzania has national regulations on corporal punishment, including guidance on the use of caning in schools.¹⁶⁷ The regulations permit corporal punishment for “serious breaches of school discipline,” and “grave offences committed...inside or outside the school...deemed by the school authority to have brought or [sic] capable of bringing the school into disrepute.”¹⁶⁸

School officials are allowed to apply punishment “by striking a pupil on his hand or on his normally clothed buttocks with a light, flexible stick but excludes striking a child with any other instrument or on any other part of the body.”¹⁶⁹

Heads of schools are authorized to administer corporal punishment. Punishment cannot exceed four strokes. Where heads of schools’ delegate authority to another teacher, this must be in writing.¹⁷⁰ The regulations also include a mandatory requirement that a female pupil only receives punishment from a female teacher, or failing this, the head of school.¹⁷¹ In all cases, schools administering corporal punishment must keep a record of each instance.¹⁷²

According to the same regulations, disciplinary action can equally be taken against a student who refuses to accept corporal punishment—who may be excluded from school—or a head of school or school authority who violates these regulations.¹⁷³

The instances of corporal punishment reported to Human Rights Watch indicate a widespread use of corporal punishment which exceeds the legal limit of the government’s current regulations.

¹⁶⁷ Pursuant to article 60, National Education Act of 1978, Education (Corporal Punishment) Regulations, G.N. No. 294 2002. Copy on file with Human Rights Watch.

¹⁶⁸ Education (Corporal Punishment) Regulations, reg. 3 (1).

¹⁶⁹ *Ibid.*, reg. 2.

¹⁷⁰ *Ibid.*, reg. 4(1).

¹⁷¹ *Ibid.*, reg. 4 (2).

¹⁷² *Ibid.*, reg. 5 (1).

¹⁷³ *Ibid.*, regs. 6 and 7; actions can be taken under the Expulsion and Exclusion of Pupils from Schools Regulation 2002 and the 1989 Teachers’ Service Commission Act.

Human Rights Watch asked senior school officials or teachers whether they reported the number of times they resorted to caning in their classrooms. One teacher who spoke anonymously said: “We’re advised that [when] students [are] caned above two [it should be] reported to the headmaster. It’s documented that you should do so, but ... I may ... cane more than four times and I don’t report them.”¹⁷⁴ A senior school official explained that his school does not follow the regulation: “To be honest, we don’t have a book record on corporal punishment.”¹⁷⁵

In its 2005 report to the Committee on the Rights of the Child, the government deemed “justifiable the application of caning of unruly students in schools as falling outside the scope of corporal punishment.”¹⁷⁶ In response, the Committee called upon the government to repeal or amend legislation to prohibit corporal and physical punishment in all settings and “reiterated with concern that corporal punishment, including caning, remains widely practiced.” It particularly highlighted its serious concern for the application of corporal punishment as “justifiable correction.”¹⁷⁷

In 2015, the East African Community Legislative Assembly also called on Tanzania to ban corporal punishment in schools.¹⁷⁸

¹⁷⁴ Human Rights Watch interview with secondary school teacher, Mwanza, May 26, 2016.

¹⁷⁵ Human Rights Watch interview with senior school official, Mwanza, May 26, 2016.

¹⁷⁶ Committee on the Rights of the Child, “Consideration of reports submitted by States parties under article 44 of the Convention. Third to fifth periodic reports of States parties due in 2012. United Republic of Tanzania,” CRC/C/TZA/2-5, November 4, 2013, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FTZA%2F3-5&Lang=en (accessed April 28, 2016).

¹⁷⁷ Committee on the Rights of the Child, “Concluding observations on the combined third to fifth periodic reports of the United Republic of Tanzania,” CRC/C/TZA/CO/3-5, March 3, 2015, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FTZA%2FCO%2F3-5&Lang=en (accessed May 3, 2016), pp. 7–8.

¹⁷⁸ East African Community, East African Legislative Assembly, “Report of the Committee on General Purposes on the Oversight Activity on the Legal Framework and Implementation of Policies on the Rights of the Child in the EAC Partner States, 22nd – 26th February 2015,” August 2015, <http://www.eala.org/uploads/Report%20of%20the%20oversight%20activity%20of%20rights%20of%20the%20child%20%20of%20in%2019%2008%2015.pdf> (accessed May 3, 2016), p. 13.

Widespread Use of Corporal Punishment

Children drop out because of the stick.

—Sandra, 19, Kahama district, January 2016

Almost all adolescents and students interviewed by Human Rights Watch were subjected to corporal punishment at some point of their school experience, and most secondary school students reported experiences with corporal punishment. The common use of corporal punishment is documented in a 2011 study on violence against children conducted by the United Nations Children’s Fund (UNICEF). It showed that both girls and boys in Tanzania commonly experienced being whipped, kicked, punched, or threatened with a weapon by teachers.¹⁷⁹

According to the African Child Policy Forum, “The frequency of abuse by teachers in Tanzania is alarmingly high: 78 per cent of girls and 67 per cent of boys who reported abuse by teachers said they had been punched, kicked, or whipped more than five times.”¹⁸⁰ Secondary school students and teachers who spoke with Human Rights Watch said that in their schools, children are routinely beaten with sticks—bamboo or wooden sticks, which are often visible in class. In some cases, students reported being beaten by teachers using their hands or other objects. Female and male teachers reportedly hit students irrespective of their gender or disability.

Some students reported being hit in the buttocks, while female students reported being hit in the buttocks and breasts.¹⁸¹ Lewis, a 20-year-old student with albinism who is in Form III at a secondary school in Shinyanga, told Human Rights Watch, “They [teachers] hit you with sticks on [the] buttocks. You lie down and they hit you in front of the class. For example, if you have not completed your notes.”¹⁸²

¹⁷⁹ United Nations Children’s Fund (UNICEF), U.S. Centers for Disease Control and Prevention, and Muhimbili University of Health and Allied Sciences, “Violence Against Children in Tanzania: Findings from a National Survey 2009,” August 2011, http://www.unicef.org/media/files/VIOLENCE_AGAINST_CHILDREN_IN_TANZANIA_REPORT.pdf (accessed May 3, 2016), p. 109.

¹⁸⁰ African Child Policy Forum, “The African Report on Violence Against Children,” 2014, <http://africanchildforum.org/files/AfricanReprotVAC.pdf> (accessed December 3, 2016), p. 21.

¹⁸¹ Human Rights Watch focus group discussion with 12 female students, public secondary school, Mwanza, January 21, 2016; Human Rights Watch focus group discussion with 15 male students, public secondary school, Ukerewe, January 22, 2016.

¹⁸² Human Rights Watch interview with Lewis, 20, Shinyanga, January 27, 2016.

Fatma, 16, said: “Teachers hit students ... if you fail to explain [the class subject], they beat you ... with sticks and even slap [you].”¹⁸³ Three weeks into her new school year, Aisha, 15, reported being hit with sticks “just once in the last few weeks.”¹⁸⁴ Sandra, 19, who dropped out of Form II in 2014, told Human Rights Watch: “When I was slapped, I felt I had the teacher’s hand marked on my face.”¹⁸⁵

Many children were beaten or caned for being late, after walking for up to two hours to get to school, the secondary school closest to their home.¹⁸⁶ Ana, 17, dropped out of Form I when she became discouraged with the long distance to school and the consequences of being late: “[You got] more than 16 canings if you were late. [I was] scared to [be] beaten, but if you were going to be absent then they would beat you [as well].”¹⁸⁷

Jacklen, 17, told Human Rights Watch:

Punishment is given when you’re late, and you find that the teacher punishes you. You can be given [corporal] punishment or cutting grass while others are in class. Or mopping toilets [floor] without mops ... we use grass as brooms [to mop the toilet floor].¹⁸⁸

Leocadia Vedasius, a secondary school teacher at a school visited by Human Rights Watch on Ukerewe Island, said she often resorts to corporal punishment to exercise authority in classrooms of up to 60 students: “You create fear—if they see you, they feel very uncomfortable in class. Some students create problem[s] in class—you have to do something to get them to do good. [But] if they fail, we have to explain. Sometimes we have too many students ... the quickest and easiest means is to use corporal punishment.”¹⁸⁹

¹⁸³ Human Rights Watch interview with Fatma, 16, Shinyanga, January 26, 2016.

¹⁸⁴ Human Rights Watch interview with Aisha, Shinyanga, January 26, 2016.

¹⁸⁵ Human Rights Watch interview with Sandra, 19, Kahama district, Shinyanga, January 24, 2016.

¹⁸⁶ See Section III: “Barriers to Accessing Secondary Education: Poor School Infrastructure.”

¹⁸⁷ Human Rights Watch interview with Ana, 17, Mwanza, January 23, 2016.

¹⁸⁸ Human Rights Watch interview with Jacklen, 17, Shinyanga, January 26, 2016.

¹⁸⁹ Human Rights Watch interview with Leocadia Vedasius, Ukerewe, January 22, 2016.

A number of teachers who spoke anonymously shared their reasons for resorting to corporal punishment. One teacher explained: “Sometimes you have to use caning materials to get them into shape.” Another teacher told Human Rights Watch he hits “[children] in the buttocks—I use it to put pain into the human body—I prefer to use caning materials when you call someone and someone runs away from you.” For another teacher, “You may speak [and] speak but nothing [happens] —so then you apply [use] caning materials.”¹⁹⁰

One teacher linked his use of corporal punishment to current poor learning environments:

Here, learning is rote learning— [I use the] chalkboard, and impart [the lesson]. I have to force students to learn. [What I mean is] we have no sports or recreation. The headmaster says there’s no money for this ... this [school] doesn’t have a library, there are no books. The student-to-teacher learning process [is not good].¹⁹¹

While most school officials and government officials interviewed by Human Rights Watch condoned the use of punishment, one teacher was against corporal punishment, saying: “I don’t think it [punishment] works. Misconduct has increased despite beatings and punishment. The consequences with beating a child ... with anger, you exceed the advisable limit and the child suffers dramatically. When we beat them, we cause anxiety.”¹⁹² Scientific evidence shows that a child’s brain is significantly affected by exposure to violence during childhood, and most vulnerable to trauma in the early years of a child’s life, as well as during adolescence, when adolescents mature emotionally and acquire advanced skills.¹⁹³

According to Eric Guga, Tanzania Child Rights Forum’s executive director, corporal punishment and violence are embedded in the school culture and “everyone’s trying to justify [the abuse],” and not enough efforts have been taken to provide teachers with an

¹⁹⁰ Human Rights Watch focus group discussion with secondary school teachers, Mwanza, May 27, 2016.

¹⁹¹ Human Rights Watch interview with secondary school teacher, Mwanza, May 27, 2016.

¹⁹² Human Rights Watch interview with secondary school teacher, Mwanza, May 27, 2016.

¹⁹³ Hilary K. Mead, Theodore P. Beauchaine, and Katherine E. Shannon, “Neurobiological Adaptations to Violence Across Development,” *Development and Psychopathology*, 22(1) (2010), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2813461/pdf/nihms114576.pdf> (accessed January 16, 2017), p. 19.

alternative way of managing classrooms or to participate, engage, and teach in different ways. The problem, according to Guga, is that most school regulations stipulate rules for children's behavior, but there are no clauses or rules for teachers.¹⁹⁴

At one secondary school in Mwanza, eight female students showed Human Rights Watch researchers fresh injuries and bruises on legs and thighs. Salma, 15, told Human Rights Watch, that girls often suffer additional humiliation when beaten while menstruating:

They use a stick as punishment, in the bottom and back. We have to bend over like this. ... During periods it's worse ... when they beat us using the stick, they keep on hitting, sometimes our cloth [sanitary] pads come out and the bleeding stains our clothes.¹⁹⁵

In the same school, female students said they were regularly hit on the breasts by female teachers. “[They] undervalue girls and humiliate [us],” said Renata, 15, who had suffered this punishment.¹⁹⁶

According to some students, teachers also resort to humiliating practices or scathing personal insults.¹⁹⁷ Martha, 15, and Jacklen, 17, told Human Rights Watch that students are often forced to jump squats or asked to kneel down and walk on their knees with hands on their backs. “I feel bad. When I fail a test it also happens,” said Jacklen.¹⁹⁸

¹⁹⁴ Human Rights Watch interview with Eric Guga, executive director, Tanzania Child Rights Forum, Dar es Salaam, January 29, 2016.

¹⁹⁵ Human Rights Watch focus group discussion with 12 female students, public secondary school, Mwanza, January 21, 2016.

¹⁹⁶ Ibid.

¹⁹⁷ Human Rights Watch interview with Editha, 16, Mwanza, January 22, 2016; Human Rights Watch focus group discussion with 15 female students, public secondary school, Ukerewe, January 22, 2016; Human Rights Watch interview with Felicity, 18, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Theodora, 17, Nzega, Tabora, January 25, 2016.

¹⁹⁸ Human Rights Watch focus group discussion with 15 female students, public secondary school, Ukerewe, January 22, 2016; Human Rights Watch interview with Jacklen, 17, Shinyanga, January 26, 2016.

V. Barriers, Discrimination and Abuse Against Female Students

The Tanzanian government's laudable efforts to guarantee free secondary education to all children stand in sharp contrast to its failure to reverse policies that allow and even encourage schools to discriminate against female students and tolerate impunity for sexual harassment and abuse against female students.

Adolescent girls are often at a particular disadvantage: many are expected to take care of sick relatives, or may drop out to work as child domestic workers, and some families prioritize boys' education.¹⁹⁹

Net attendance rates for girls decrease significantly when girls are 13 to 14 years old, around the time when most are enrolled in Forms I and II.²⁰⁰ Although there is near gender parity in Form I enrollments, less than a third of girls who complete primary schooling end up completing lower-secondary school.²⁰¹

Many schools routinely force girls to undergo pregnancy tests and expel girls who are found to be pregnant, give birth, or get married, often bringing a permanent and premature end to their efforts to secure an education. In March 2016, the United Nations Committee on the Elimination of Discrimination Against Women found many of these measures discriminatory, and urged the Tanzanian government to take swift action to bring an end to all of these practices.²⁰²

¹⁹⁹ Oyin Shyllon (World Bank Group), "Addressing Tanzania's Gender Inequality Challenge in Secondary Schools," June 2015, http://elibrary.worldbank.org/doi/abs/10.1596/978-1-4648-0590-5_ch3 (accessed January 17, 2017), pp. 27–31; Human Rights Watch interview with Florence, 18, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with April, 21, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Petra, 23, Kahama district, Shinyanga, January 24, 2016.

²⁰⁰ Oyin Shyllon (World Bank Group), "Addressing Tanzania's Gender Inequality Challenge in Secondary Schools," p. 31.

²⁰¹ *Ibid.*, p. 32.

²⁰² United Nations Committee on the Elimination of Discrimination against Women, "Concluding observations of the combined seventh and eighth periodic reports of the United Republic of Tanzania," March 9, 2016, CEDAW/C/TZA/CO/7-8, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTZA%2fCO%2f7-8&Lang=en (accessed January 17, 2017), para. 31.

Female students in many schools must contend with the efforts of male teachers to sexually harass, assault, or draw them into coercive sexual relationships—a problem that has persisted because school and government authorities have consistently failed to hold teachers accountable for it.

Exclusion of Pregnant Girls and Adolescent Mothers

At the school there was a nurse who would come from the hospital to check [test] for pregnancy. They checked me and found out I was pregnant. They touch your stomach. They did it to all the girls every month. Then they wrote a letter to my parents to tell them I was pregnant and they had to go to the school. There they gave them a letter that I was expelled from school. I was three months pregnant.

—Imani, 20, Mwanza, January 21, 2016

When girls become pregnant, they are often expelled or drop out of school because they or their parents also feel they have to stop going to school.²⁰³

In Igombe, a remote village in Mwanza region, Mercy, 20, pointed out that, “They take all the girls to the hospital and one by one they test them [for pregnancy]. If a girl is pregnant and they find out, she will be expelled from school.”²⁰⁴ Sophia, 20, dropped out of Form III when she got pregnant, “because there was a rule in the school that if you find yourself pregnant, you have to stop going to school.”²⁰⁵

The expulsion of pregnant girls from schools is permitted under Tanzania’s education expulsion regulations, which state that “the expulsion of a pupil from school may be ordered where ... a pupil has ... committed an offence against morality” or “entered into

²⁰³ Center for Reproductive Rights, “Forced Out: Mandatory Pregnancy Testing and the Expulsion of Pregnant Students in Tanzanian Schools,” September 2013, <https://www.reproductiverights.org/document/tanzania-report-forced-out-mandatory-pregnancy-testing-expulsion> (accessed May 20, 2016); Human Rights Watch, *No Way Out: Child Marriage and Human Rights Abuses in Tanzania*, October 2014, <https://www.hrw.org/report/2014/10/29/no-way-out/child-marriage-and-human-rights-abuses-tanzania>.

²⁰⁴ Human Rights Watch interview with Mercy, 20, Igombe, Mwanza, January 23, 2016.

²⁰⁵ Human Rights Watch interview with Sophia, 20, Mwanza, January 21, 2016.

wedlock.”²⁰⁶ The policy does not explain what crimes against morality are but school officials often interpret pregnancy as such an offence.²⁰⁷

Senior education government officials defended the view that pregnant girls do not belong in school and may exert negative influence on other girls, but added that there are non-formal education programs for young mothers.²⁰⁸ According to Dr Leonard Akwilapo, deputy permanent secretary of the Ministry of Education, Science and Technology (MoEST), “Our [rules] don’t allow pregnant girls to be in school ... it is our customary law.”²⁰⁹

Teenage pregnancy is very common in Tanzania. According to the 2015-2016 Tanzania Demographic and Health Survey, one in four women aged 15–19 are mothers.²¹⁰ Most girls interviewed by Human Rights Watch knew girls who had dropped out of school due to pregnancy. For example, Eileen, a teenage mother herself, estimated that around 20 girls in her Form II class had babies.²¹¹ Jessica, 19, from Igombe, recalled:

From Form I to Form III many [girls] dropped out because of pregnancy. I remember eight who dropped [out] because of pregnancy or got married, and six stayed at home with [babies].²¹²

Leocadia Vedastus, a secondary school teacher in Ukerewe Island, described how many girls agree to sex in order to get transport to school, and then drop out when they get pregnant. She said:

²⁰⁶ Education (Expulsion and Exclusion of Pupils from Schools) Regulations, art.4 (b)-(c).

²⁰⁷ Human Rights Watch, *No Way Out*.

²⁰⁸ Human Rights Watch interview with Venance Manori, assistant director, cross-cutting issues, and Mr. Salum Salum, principal education officer (secondary), Ministry of Education, Science and Technology, Dar es Salaam, May 24, 2016.

²⁰⁹ Human Rights Watch interview with Dr. Leonard D. Akwilapo, deputy permanent secretary, Ministry of Education, Science and Technology, Dar es Salaam, November 10, 2016.

²¹⁰ United Republic of Tanzania, Ministry of Health, Community Development, Gender, Elderly and Children et al, “Tanzania Demographic and Health Survey and Malaria Indicator Survey 2015-2016,” December 2016, <https://www.dhsprogram.com/pubs/pdf/FR321/FR321.pdf>, pp. 10–11.

²¹¹ Human Rights Watch interview with Eileen, 21, Ukerewe, January 22, 2016.

²¹² Human Rights Watch interview with Jessica, 19, Igombe, Mwanza, January 21, 2016.

If they [girls] come from far away, they meet a man with a car [or] a motorbike, then they give them a lift and ask for sex. Teen pregnancy is a big problem. Where I teach, about five girls stopped attending because of pregnancy.²¹³

The Center for Reproductive Rights, an international nongovernmental organization, estimates that Tanzanian schools routinely expel over 8,000 girls every year from school as a result of pregnancy.²¹⁴ Many schools do not note the reasons for expulsion in attendance record books, according to school officials interviewed by Human Rights Watch.²¹⁵

Nineteen-year-old Rita, from Kahama district, told Human Rights Watch the fear of expulsion led her to leave school when she became pregnant:

I [became] pregnant in the middle of Form II. I was 17. Teachers found out I was pregnant, they didn't chase me away [then] but I decided to drop out. I found out that no student is allowed to stay in school if they are pregnant ... I dropped out because of that policy.²¹⁶

In 2015, the Committee on the Rights of the Child expressed concern at the lack of explicit legal provisions prohibiting the expulsion of girls because they become pregnant. The Committee called on the government to take immediate measures to ensure the continued enrollment of girls who become pregnant, and to support and assist girls in their re-enrollment and continuation of education in ordinary public schools.²¹⁷

²¹³ Human Rights Watch interview with Leocadia Vedastus, Ukerewe, January 22, 2016.

²¹⁴ Kizito Makoye, "Tanzania rolls out sex education to curb teenage pregnancies," *Thomson Reuters Foundation*, November 4, 2015, <http://uk.reuters.com/article/uk-tanzania-sex-education-idUKKCN0ST10020151104> (accessed April 4, 2016); Center for Reproductive Rights, "Punishing Pregnancy: The Expulsion, Forced Drop Out, and Exclusion of Pregnant Students, Section 4 in "Forced Out: Mandatory Pregnancy Testing and the Expulsion of Pregnant Students in Tanzanian Schools," September 2013, http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/crr_Tanzania_Report_Part2.pdf (accessed May 20, 2016), p. 80.

²¹⁵ Human Rights Watch interview with Sigareti Lugangika, headmaster, Nyakurunduma Secondary School, Mwanza, January 21, 2016; Human Rights Watch interview with Martin Mweza, acting head teacher, Mwawaza secondary school, Shinyanga, January 25, 2016; Human Rights Watch interview with Mercy, 20, Igombe, Mwanza, January 23, 2016.

²¹⁶ Human Rights Watch interview with Rita, 19, Kahama district, Shinyanga, January 25, 2016.

²¹⁷ UN Committee on the Rights of the Child, "Concluding observations on the combined third to fifth periodic reports of the United Republic of Tanzania," CRC/C/TZA/CO/3-5, March 3, 2015, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTZA%2fCO%2f3-5&Lang=en, (accessed May 21, 2016), paras. 62-63.

Compulsory Pregnancy Checks in Schools

In Tanzania, secondary schools routinely subject girls to forced pregnancy testing, as a disciplinary measure to expel pregnant students from schools.²¹⁸ Many girls interviewed by Human Rights Watch were regularly subjected to urine pregnancy tests in schools or taken to nearby clinics to get checked by nurses or health practitioners.²¹⁹ On occasion, some girls and school officials reported that school officials physically examine students themselves by touching their abdomens.²²⁰

Current and former students told Human Rights Watch that once schools get the results, they notify parents through letters or text messages, and then expel girls.²²¹ Imani, 21, now the mother of a 3-year-old, was expelled when she was about to complete Form II: “They checked me and found out I was pregnant. [...] Then they wrote a letter to my parents to tell them I was pregnant ... they had to go to the school. There they gave them a letter that I was expelled from school. I was three months pregnant.”²²²

Pregnancy testing constitutes a serious infringement of girls’ right to privacy, equality, and autonomy, and deters girls from continuing to go to school. Compulsory testing often leads girls to drop out of school to avoid any humiliation or stigma.²²³ Sometimes, parents also force their pregnant daughters to leave their homes. Jessica, 19, lost many female classmates who dropped out between Form I and III because they were pregnant: “Schools chased them away, others [were chased] by parents ... they went to the streets.”²²⁴

²¹⁸ Although Tanzania’s laws or policies do not prescribe the use of pregnancy testing in schools, Human Rights Watch’s findings in 2014 show that the Ministry of Education and Vocational Training’s 2013 School Improvement Toolkit, encourages schools to conduct regular pregnancy “check-ups.” Ministry of Education and Vocational Training, “School Improvement Toolkit, Practical Guide for Head teachers and Heads of School,” July 2013. Copy on file with Human Rights Watch. Human Rights Watch, *No Way Out*; Center for Reproductive Rights, “Forced Out: Mandatory Pregnancy Testing and the Expulsion of Pregnant Students in Tanzanian Schools,” p. 56.

²¹⁹ Human Rights Watch interview with Martin Mweza, acting head teacher, Mwawaza secondary school, Shinyanga, January 25, 2016; Human Rights Watch interview with Mercy, 20, Igombe, Mwanza, January 23, 2016.

²²⁰ Human Rights Watch interview with Faraidi Mebua, principal, Nzega training centre, Nzega, Tabora, January 25, 2016.

²²¹ Human Rights Watch interview with Eileen, 21, Ukerewe, January 22, 2016; Human Rights Watch interview with Imani, 20, Mwanza, January 21, 2016.

²²² Human Rights Watch interview with Imani, 21, Mwanza, January 21, 2016.

²²³ Onyema Afulukwe (Center for Reproductive Rights), “RH Reality Check: Forced Pregnancy Testing: Blatant Discrimination and a Gross Violation of Human Rights,” August 2012, <http://www.reproductiverights.org/press-room/louisiana-africa-pregnancy-test-teens-girls-schools> (accessed March 6, 2016).

²²⁴ Human Rights Watch interview with Jessica, 19, Igombe, Mwanza, January 23, 2016.

Difficult Return to School After Pregnancy

Many girls who become pregnant do not return to school after the birth of their child, or even when they have had a miscarriage, because they fear the stigma associated with teenage pregnancy or they are refused re-admission.²²⁵ Once implemented, the MoEST's re-entry policy may help to ensure school officials do not turn down young mothers who want to go back to school.

A nationwide study conducted in November 2016 shows that communities support girls' re-entry: 62 percent of citizens interviewed believe that girls who get pregnant in school should be allowed back into school after delivery.²²⁶ But even if they could, many young mothers lack the support mechanisms at home or access to early childhood programs to ensure their children are taken care of and to be encouraged to resume their education.²²⁷

Sawadee dropped out of Form III when she got pregnant. Without her family's support she struggles to find a way back into school:

Within three months, [my] parents discovered I was pregnant. ... They chased me away from home. I was 16 at the time. My school chased me away because I was pregnant ... I lost my dream—where can I go? I'm in a dilemma now—where to go?²²⁸

Government officials told Human Rights Watch that the ministry is in the process of developing “draft re-entry guidelines” to allow adolescent mothers to return to schools up to two years after giving birth, potentially letting girls choose the school they would like to

²²⁵ Center for Reproductive Rights, “Forced Out: Mandatory Pregnancy Testing and the Expulsion of Pregnant Students in Tanzanian Schools,”; Human Rights Watch focus group discussion and individual interviews with 25 young women, Education for Better Living, Mwanza, January 21, 2016; Human Rights Watch focus group discussion with 12 female students, public secondary school, Mwanza, January 21, 2016; Human Rights Watch interview with Imani, 20, Mwanza, January 21, 2016; Human Rights Watch interview with Juma, 22, Mwanza, January 21, 2016; Human Rights Watch interview with Eileen, 21, Ukerewe, January 22, 2016; Human Rights Watch interview with Angela, 17, Kahama district, Shinyanga, January 24, 2016.

²²⁶ Twaweza East Africa, “Reality Check – Citizen's views on education in a fee free era,” Sauti za Wananchi, Brief No. 37, November 2016, <http://www.twaweza.org/uploads/files/SzW2016-TZ-Education-EN-FINAL.pdf> (accessed November 30, 2016).

²²⁷ Human Rights Watch interview with Sawadee, Mwanza, January 21, 2016; Human Rights Watch interview with Helen, Mwanza, January 21, 2016; Human Rights Watch interview with Eileen, 21, Ukerewe, January 22, 2016; Human Rights Watch interview with Bernard Makachia, executive director, Education for Better Living, Mwanza, January 21, 2016; Human Rights Watch interview with Rebeca Gyumi, executive director, Msichana Initiative, Dar es Salaam, January 29, 2016.

²²⁸ Human Rights Watch interview with Sawadee, Mwanza, January 21, 2016.

attend.²²⁹ A draft policy was finalized in June 2015, and awaits endorsement by senior MoEST officials.²³⁰ However, nongovernmental organizations point out with skepticism that such guidelines have been under discussion since 2013.

Eileen, 21, who now has a three-year-old son, was told she would be allowed back into school, but she was still waiting for her request to be processed at time of interview. In January 2016, the head teacher of a school in Ukerewe Island told her to pay him money to enroll in the school:

I've been following up with another [secondary] school but I haven't got any information from them. When you have money you have a chance. You have to pay the headmaster Tanzanian Shillings (TZS) 40,000 – 50,000 (\$US18-23), but still the procedure is long. You have to find someone [an education official] to sign a letter. The headmaster keeps promising me.²³¹

Agnes Mollel, who runs a shelter in Arusha for adolescents who have run away from home as a result of abuse, had to go through many layers of officials to ensure that a girl who is deaf and was raped in school and became pregnant was allowed back after giving birth: “I had to call them [many times]. I called the school, I spoke with the headmaster, and [with] the Ministry of Education.”²³²

²²⁹ Human Rights Watch interview with Venance Manori, assistant director, cross-cutting issues, and Mr. Salum Salum, principal education officer (secondary), Ministry of Education, Science and Technology, Dar es Salaam, May 24, 2016; Human Rights Watch interview with Dr. Leonard D. Akwilapo, deputy permanent secretary, Ministry of Education, Science and Technology, Dar es Salaam, November 10, 2016; Human Rights Watch interview with Ms. Paulina Mkonongo, director, secondary education, Ministry of Education, Science and Technology, Dar es Salaam, November 10, 2016.

²³⁰ Human Rights Watch interview with Margaret Mliwa, director, Restless Development Tanzania, Dar es Salaam, January 18, 2016; Human Rights Watch interview with John Kalage and Boniventura Godfrey, manager, Haki Elimu, Dar es Salaam, January 18, 2016; Human Rights Watch interview with Eric Guga, executive director, Tanzania Child Rights Forum, Dar es Salaam, January 29, 2016; Human Rights Watch interview with Ms. Paulina Mkonongo, director, secondary education, Ministry of Education, Science and Technology, Dar es Salaam, November 10, 2016.

²³¹ Human Rights Watch interview with Eileen, 21, Ukerewe, January 22, 2016.

²³² Human Rights Watch interview with Agnes Mollel, founder and director, Huruma Care Development Arusha, Dar es Salaam, January 18, 2016.

Sexual Exploitation and Harassment Against Girls in Schools

There are teachers who engage in sexual affairs with students—I know many [girls] it has happened to ... If a student refuses, she is punished. Sometimes teachers have a tendency that if he seduces and she refuses, [he] will ask different questions so that if the student can't answer, he'll punish her. I feel bad ... even if you report the matter it won't be taken seriously. It makes us feel unsafe. Three girls dropped out because of teachers and sex in 2015.

—Joyce, 17, Shinyanga, January 26, 2016

Sexual abuse and harassment against girls are widespread in Tanzanian schools and on the way to school.²³³

Human Rights Watch interviewed several adolescents and young women who have been subject to sexual harassment or the efforts of adult male teachers to persuade or coerce them or their classmates into sexual relationships. Most of them said they do not report these abuses because they do not know how to do so, do not trust that their concerns will be addressed, or they fear retaliation from teachers.

The United Nations Children Fund's (UNICEF) survey on violence against children found that roughly 1 in 10 girls experienced childhood sexual violence perpetrated by a teacher, while a small percentage of boys reported sexual violence in schools was predominantly perpetrated by friends or classmates.²³⁴

Rape is a criminal offence under Tanzanian law, and covers any person in a position of authority who uses their power to threaten or coerce a girl or a woman into engaging in

²³³ African Child Policy Forum, "The African Report on Violence Against Children," 2014, <http://africanchildforum.org/files/AfricanReprotVAC.pdf> (accessed December 3, 2016), pp. 28 -29; United Nations Children's Fund (UNICEF), U.S. Centers for Disease Control and Prevention, and Muhimbili University of Health and Allied Sciences, "Violence against Children in Tanzania: Findings from a National Survey 2009," August 2011, https://www.unicef.org/media/files/VIOLENCE_AGAINST_CHILDREN_IN_TANZANIA_REPORT.pdf (accessed December 3, 2016).

²³⁴ UNICEF, "Adolescence in Tanzania," September 2011, http://www.unicef.org/tanzania/TANZANIA_ADOLESCENT_REPORT_Final.pdf (accessed May 3, 2016), p. 44.

sexual intercourse.²³⁵ Sexual harassment is defined as “unwelcomed sexual advances by words or actions used by a person in authority, in a working place or any other place,” while sexual exploitation refers to instances where a person takes advantage of his influence or relationship over a child to procure sexual intercourse or any form of sexual abuse.²³⁶

Beatrice, 17, who is currently in Form II in Shinyanga, told Human Rights Watch:

Girls are being impregnated in the school ... some are teachers and some are villagers. Last year one of my friends was impregnated. The teacher is still here. He’s doing it to other girls.²³⁷

Lucia, 16, who dropped out of school before she entered Form I and now works as a child domestic worker in Mwanza, said:

One teacher tried to convince me to have sex so I didn’t want to go to Form I to experience that ... I felt bad ... I decided to drop out of school and stop wasting my parents’ money.²³⁸

Sada, 16, told Human Rights Watch that some teachers at her secondary school in Mwanza asked her and fellow students to have sexual relationships with them: “I was so confused when the teacher did that. We fear it, we are scared—we tell each other when it happens.”²³⁹

According to Richard Mabala, executive director of a youth nongovernmental organization (NGO), there is a widespread culture of sexual abuse and gender-based violence in

²³⁵ Sexual Offences Special Provisions Act, *Parliament of the United Republic of Tanzania*, 1998, <http://parliament.go.tz/polis/uploads/bills/acts/1457516075-ActNo-4-1998.pdf>, section 130. Under Section 131 (2) a person attempts to commit rape if he manifests his intention *inter alia* by (a) threatening the girl or woman for sexual purposes, (b) being a person of authority or influence in relation to the girl or woman applying any act of intimidation over her sexual purposes, and (c) making any false representations to her for the purposes of obtaining her consent. On file with Human Rights Watch. Any person found guilty of committing rape is liable to imprisonment of not less than 30 years, while any person guilty of grave sexual abuse is liable to imprisonment of not less than 15 years, or a minimum of 20 years of sexual abuse is committed against a person under 15 years of age. Sexual Offences Special Provisions Act, 1998, section 131 (1) and (2) (a)–(b).

²³⁶ *Ibid.*, section 138 (3), 138B (l) (d).

²³⁷ Human Rights Watch interview with Beatrice, 17, Shinyanga, January 26, 2016.

²³⁸ Human Rights Watch interview with Lucia, 16, Mwanza, January 23, 2016.

²³⁹ Human Rights Watch focus group discussion with 8 female students, public secondary school, Mwanza, January 21, 2016.

schools, exacerbated by impunity and the absence of a robust sexual harassment policy.²⁴⁰ Teachers, as public servants, must observe the code of conduct for Public Servants and avoid all types of conduct which may constitute sexual harassment, including rape, sexual battery, molestation, or sexual assault.²⁴¹ In 2015, the Committee on the Rights of the Child expressed serious concern regarding the lack of disciplinary or criminal investigation of teachers for professional misconduct.²⁴²

The government's 2017/18–2021/22 National Action Plan on Protection of Children and Women recognizes the high levels of violence against children in schools, as well as the phenomenon of “sextortion” in schools;²⁴³ and affirms that “every child and adult in educational settings must be able to participate in their learning without the fear of violence.”²⁴⁴ In parallel, Tanzania's new Teachers' Service Commission plans to launch a national code of conduct to ensure teachers abide by child protection standards.²⁴⁵

Sexual Exploitation on the Way to School

School is far, [and we] need to have money to use the school bus to be quickly at school. But parents don't have the money for everyday use. We walk to school. When we're late to school, we get punished. That's why it's easy to get convinced by others [men] on the way to school—for money, transport. Also [there is] poverty: We come from home but there's no breakfast, no lunch. So men convince us that they'll give us food and money, and they have sex with us so we get pregnant.

—Jane, 17, dropped out of Form II when she became pregnant, Mwanza town, January 2016

²⁴⁰ Youth consulted for TAMASHA's study recommended addressing sexual harassment in schools as a priority issue and taking action against teachers who violate the code of ethics. Human Rights Watch interview with Richard Mabala, executive director, TAMASHA, Dar es Salaam, January 20, 2016; TAMASHA, “Youth consultations for DFID,” August 2015, pp. 9, 24-28, copy on file with Human Rights Watch.

²⁴¹ United Republic of Tanzania, “Code of Ethics and Conduct For the Public Service – Tanzania,” 2005, [https://www.agidata.org/pam/Legislation.axd/Tnazania\(2005\)codeofethicsandconductforthepublicservice%5BEN%5D.pdf](https://www.agidata.org/pam/Legislation.axd/Tnazania(2005)codeofethicsandconductforthepublicservice%5BEN%5D.pdf) (accessed October 31, 2016), para. 6.

²⁴² UN Committee on the Rights of the Child, “Concluding observations on the combined third to fifth periodic reports of the United Republic of Tanzania,” CRC/C/TZA/CO/3-5, March 3, 2015, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/TZA/CO/3-5&Lang=En (accessed October 31, 2016), para. 40.

²⁴³ The government defines “sextortion” as situations where individuals “extort [ing] sexual favors in return for rendering public services.” United Republic of Tanzania, “National Plan of Action to End Violence Against Women and Children in Tanzania, 2017/18 – 2021/2022,” December 2016, http://www.mcdgc.go.tz/data/NPA_VAWC.pdf (accessed January 9, 2016), p. 1.

²⁴⁴ *Ibid.*, p. 28.

²⁴⁵ Human Rights Watch interview with development partner, Dar es Salaam, November 10, 2016.

Many students face a long daily trip to school without access to safe and reliable transportation. This leaves girls at high risk of sexual exploitation and abuse by bus drivers, shopkeepers, and other adults who offer them money, goods, or services in exchange for sex.²⁴⁶

Renata, 15, told Human Rights Watch:

Public bus drivers are not interested to take students [because] we pay a different price [lower fare]—so drivers prefer adults. Conductors build [sexual] relationships with students to [offer us] a better price—if [we have] no relationship with the driver then we come late.²⁴⁷

Richard Mabala, director of Tamasha, a youth-focused nongovernmental organization, said: “Girls end up befriending drivers, leading to sexual abuse. Girls look for lifts, and have sexual relationship with drivers.”²⁴⁸

Parents often opt to pay for students to stay in privately-run hostels or private houses, closer to secondary schools in their ward, where they rent cheap rooms. Yet, these arrangements continue to expose many female students to risks of sexual exploitation or abuse.²⁴⁹

Most female and male students, teachers, and parents interviewed by Human Rights Watch agreed that girls should be able to live in safe hostel facilities in order to reduce the risks associated with walking long distances to schools, in particular sexual abuse and

²⁴⁶ Human Rights Watch focus group discussion and individual interviews with 25 young women, Education for Better Living, Mwanza, January 21, 2016; Human Rights Watch interview with Jessica, 19, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Joyce, 17, Shinyanga, January 26, 2016; Human Rights Watch interview with Margaret Mliwa, country director, Restless Development Tanzania, Dar es Salaam, January 18, 2016; Human Rights Watch interview with Lightness Kweka, Girls Support Girls campaigner, Tanzania Youth Vision Association, Dar es Salaam, January 20, 2016.

²⁴⁷ Human Rights Watch focus group discussion with 12 female students, public secondary school, Mwanza, January 21, 2016.

²⁴⁸ Human Rights Watch interview with Richard Mabala, executive director, TAMASHA, Dar es Salaam, January 20, 2016.

²⁴⁹ Human Rights Watch interview with Mandile Kiguhe, gender coordinator and head of gender department, Tanzania Teachers’ Union, Morogoro, January 20, 2016; Human Rights Watch focus group discussion with nine parents, members of Friends of Education (Haki Elimu), Ukerewe, January 22, 2016; Human Rights Watch interview with Lightness Kweka, Girls Support Girls campaigner, Tanzania Youth Vision Association, Dar es Salaam, January 20, 2016.

teenage pregnancy.²⁵⁰ The government has announced plans to build more hostels to house girls near schools to avoid risky and costly transport.²⁵¹

Lack of Reporting and Accountability

Female teachers sometimes tell us: ‘You’re the one who approached the teacher!’

—Sada, 15, Mwanza, January 21, 2016

The Tanzanian government lacks a clear policy and procedures for reporting, investigating, and punishing incidents of sexual abuse, exploitation or rape in schools.²⁵²

According to the Sexual Offences Provisions Act, complaints of sexual harassment must be made by the alleged victim within 60 days of the offence.²⁵³ Yet, reporting sexual harassment or abuse is not easy for girls. Many girls told Human Rights Watch that they do

²⁵⁰ Human Rights Watch focus group discussion with five male students, public secondary school, Mwanza, January 22, 2016; Human Rights Watch interview with Jessica, 19, Mwanza, January 23, 2016; Human Rights Watch focus group discussion and individual interviews with 30 female students, Mwanza, May 27, 2016; Human Rights Watch interview with Lightness Kweka, Girls Support Girls campaigner, Tanzania Youth Vision Association, Dar es Salaam, January 20, 2016; Human Rights Watch interview with Mwandile Kiguhe, gender coordinator and head of gender department, Tanzania Teachers’ Union, Morogoro, January 20, 2016.

²⁵¹ Human Rights Watch interview with Boniventura Godfrey, manager, Haki Elimu, Mwanza, May 25, 2016; Tanzania Education Authority, “Supported Project: March 2003 – January 2011,” undated, <http://www.tea.or.tz/index.php/afsspro/read> (accessed August 30, 2016); Deogratias Mushi, “Tanzania: Need to Address Problems Facing Girls in Ward Schools,” *Tanzania Daily News*, May 24, 2015, <http://allafrica.com/stories/201505251047.html> (accessed August 30, 2016); Melanie Lindman, “Dormitory expansion in Tanzania is slow but keeps girls in school,” *Global Sisters Report*, March 29, 2016, <http://globalsistersreport.org/news/ministry/dormitory-expansion-tanzania-slow-keeps-girls-school-38851> (accessed August 30, 2016).

²⁵² UNICEF, U.S. Centers for Disease Control and Prevention, and Muhimbili University of Health and Allied Sciences, “Violence Against Children in Tanzania: Findings from a National Survey 2009,” August 2011, http://www.unicef.org/media/files/VIOLENCE_AGAINST_CHILDREN_IN_TANZANIA_REPORT.pdf (accessed October 31, 2016); Dr. Kate McAlpine, “Legislation, responsibilities and procedures for protecting children in Tanzania: What does it mean for people wanting to build safe schools?” May 30, 2015, https://www.academia.edu/14192594/Legislation_responsibilities_and_procedures_for_protecting_children_in_Tanzania_What_does_it_mean_for_people_wanting_to_build_safe_schools (accessed October 31, 2016); UNICEF and Under The Same Sun, “Sexual abuse cases reported in assessed schools and centres hosting internally displaced children with albinism and other children with disabilities – A report to the Ministry of Education and Vocational Training (MoEVT),” May 26, 2011, <http://www.underthesamesun.com/sites/default/files/ABUSE%20AT%20CENTRES%20-TANZANIA%20-%20Text%20and%20Tables%20combined.pdf> (October 31, 2016).

²⁵³ Sexual Offences Special Provisions Act, *Parliament of the United Republic of Tanzania*, 1998, <http://parliament.go.tz/polis/uploads/bills/acts/1457516075-ActNo-4-1998.pdf>, section 138 (5).

not feel they are able to report sexual abuses in schools. Mariamu, 20, who graduated from Form IV in Dar es Salaam, said:

One teacher always tried to have relationships with girls ... if you resisted, he would be very hard, he could [take] revenge ... I was scared about teachers ... [I was] scared of telling the school administration ... they would probably not sack him, they would say it was our mistake ... girls face problems in school but don't have anywhere to report or anyone to tell their problem.²⁵⁴

Teachers and trainers are obliged to report evidence or concerns of abuse to an appropriate social welfare officer.²⁵⁵ Schools usually appoint teachers to act as 'guardians,' whose role is to hear complaints and report abuse, including sexual abuse or misconduct taking place in schools.

School reporting structures are currently inefficient, according to Ayoub Kafyulilo, education officer at UNICEF, particularly where a school guardian may be abusing children or ignoring their complaints.²⁵⁶ Eric Guga, director of Tanzania Child Rights Forum, insists that schools must not wait for government guidelines to investigate rape allegations. They must abide by the Penal Code and the Law of the Child Act, and, "teachers who rape or assault children should be prosecuted, not just reprimanded."²⁵⁷ Representatives of Tanzania's Education Network, a national advocacy network representing education stakeholders, also recommended re-introducing the Ministry of Education, Science and Technology's (MoEST) old guidance and counseling program in schools, a large-scale program supported by UN agencies to appoint qualified counsellors in schools across the country.²⁵⁸

²⁵⁴ Human Rights Watch interview with Mariamu, Dar es Salaam, January 30, 2016.

²⁵⁵ Law of Education Act, 1995, section 59 (A) (1), amended by Law of the Child Act 2009, art. 169.

²⁵⁶ Human Rights Watch interview with Ayoub Kafyulilo, education officer, UNICEF, Dar es Salaam, May 25, 2016.

²⁵⁷ Human Rights Watch interview with Eric Guga, executive director, Tanzania Child Rights Forum, Dar es Salaam, January 29, 2016.

²⁵⁸ Human Rights Watch interview with Cathleen Sekwao, executive coordinator, and Nicodemus Eatlawe, program manager, Tanzania Education Network (TENMET), Dar es Salaam, November 11, 2016.

Lack of Adequate Sanitation Facilities and Menstrual Hygiene Management

We had a girls' toilet but they were old, [and] not clean. There was no water but we used paper. No flushing or handwashing. Some [girls] wouldn't use the toilets but used other places instead. There was an unfinished building so most girls would go there with a paper bag of pads and then throw the used ones away. Sometimes when I had my period I would stay home.

—Sophia, 20, dropped out of Form III in 2015, Mwanza, January 21, 2016

Safe and adequate toilets and sanitation facilities are a basic component of an acceptable learning environment, but, in many secondary schools, toilets do not meet any basic standards.²⁵⁹ Adequate facilities for sanitation and handwashing reduce the risk of waterborne illnesses, diarrhea, and communicable diseases.²⁶⁰ Adequate sanitation and menstrual hygiene management also increase adolescent girls' retention and participation in schools.²⁶¹

In 2012, the government adopted a five-year strategic plan to upgrade water and sanitation in schools, noting that enhancing the provision of adequate safe water, sanitation, and hygiene facilities improves academic performance, school attendance, and overall health of school children.²⁶² In 2016, it issued national guidelines to

²⁵⁹ SNV World, UNICEF, and WaterAid, "School WASH in Tanzania, Improving WASH in Schools: Improving the Quality of Education," undated, <http://www.wateraid.org/~media/Publications/school-wash.pdf> (accessed September 27, 2016).

²⁶⁰ The human right to water entitles everyone to have access to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic use. The human right to sanitation entitles everyone to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially, and culturally acceptable, and that provides privacy and ensures dignity. UN General Assembly, "The human right to water and sanitation," Resolution 64/292 (2010), A/Res/64/292, <http://www.un.org/es/comun/docs/?symbol=A/RES/64/292&lang=E> (accessed October 31, 2016).

²⁶¹ Arun R. Joshi and Isis Gaddis (World Bank Group), "Preparing the Next Generation in Tanzania: Challenges and Opportunities in Education," 2015, <http://documents.worldbank.org/curated/en/531071468187781204/pdf/97256-PUB-PUBLIC-Box391441B-9781464805905.pdf> (accessed December 5, 2016), pp. 39–46.

²⁶² United Republic of Tanzania, Ministry of Education and Vocational Training, "National Strategic Plan for School Water, Sanitation and Hygiene (SWASH) 2012 – 2017," 2012, <http://www.unesco.org/education/edurights/media/docs/39d043c2367b728dd6580cc173bb4ce26e2f80f7.pdf> (accessed August 24, 2016). The government's second national strategy for growth and poverty reduction includes a specific target to ensure schools have adequate sanitation in schools by 2015. United Republic of Tanzania, Ministry of Finance and Economic Affairs, "National Strategy for Growth and Reduction of Poverty II," July 2010, <http://www.povertymonitoring.go.tz/Mkukuta/Mkukuta%20English.pdf> (accessed August 24, 2016), p. 160.

guarantee minimum water, sanitation and hygiene requirements in schools.²⁶³ Venance Manori, a senior MoEST official, acknowledged the need to provide adequate sanitation in schools, but noted that “menstrual hygiene management depends on foreign money ... we don’t have a budget for that.”²⁶⁴

Most of the students interviewed by Human Rights Watch reported having to use dirty and congested pit latrines.²⁶⁵ In one school outside Nansio, Ukerewe’s major city, girls and boys had to share the same toilet. A teacher told Human Rights Watch: “We have one toilet. It’s improper that girls and boys are sharing that space. It’s a foolish age and we send them to the same toilets. We don’t have space for girls’ monthly needs.”²⁶⁶

The abolition of school fees and parental contributions has also affected efforts to improve sanitation facilities. In Mwanza, secondary school parents contributed money to build a new separate toilet for girls, at a distance from boys’ pits, prior to January 2016. However, as parental contributions stopped coming after the abolition of fees and with no additional government funds, the new toilet was sealed off and remained out of use when Human Rights Watch researchers visited the school in January and May 2016.

Good menstrual hygiene management requires adequate access to water, accessible, private, and hygienic sanitation facilities so that girls can dispose of or change sanitary protection materials, waste management in schools, and access to hygiene information, including in accessible formats.²⁶⁷

²⁶³ United Republic of Tanzania, Ministry of Education, Science and Technology, “National Guideline for Water, Sanitation and Hygiene for Tanzania Schools,” July 2016, <http://moe.go.tz/index.php/en/publications/send/36-guidelines-miongozo/227-swash-guideline-2016> (accessed December 13, 2016).

²⁶⁴ Human Rights Watch interview with Venance Manori, assistant director, cross-cutting Issues, Ministry of Education, Science and Technology, Dar es Salaam, May 24, 2016.

²⁶⁵ Human Rights Watch interview with Beatrice, 17, Shinyanga, January 26, 2016; Human Rights Watch focus group discussion with 12 female students, public secondary school, Mwanza, January 21, 2016; Human Rights Watch focus group discussion with five male students, Mwanza, January 21, 2016; Human Rights Watch interview with Sophia, 20, Mwanza, January 21, 2016; Human Rights Watch focus group discussion with 14 female students, public secondary school, Ukerewe, January 22, 2016; Human Rights Watch interview with Yasinta, 17, Shinyanga, January 26, 2016; Human Rights Watch interview with Oscar, 18, Shinyanga, January 27, 2016.

²⁶⁶ Human Rights Watch interview with teacher, public secondary school, Ukerewe, January 22, 2016.

²⁶⁷ Sarah House, Th rese Mahon, and Sue Cavill (Water Aid et al), “Menstrual hygiene matters: A resource for improving menstrual hygiene around the world,” 2012, <http://www.wateraid.org/what-we-do/our-approach/research-and-publications/view-publication?id=02309d73-8e41-4d04-b2ef-6641f6616a4f> (accessed September 27, 2016), pp. 48–50.

Female students reported multiple challenges when attending school while menstruating. Many girls told Human Rights Watch they use cloths that may leak or be difficult to keep hygienic because they do not have money to buy sanitary pads, and sometimes miss school because they do not have adequate facilities to manage their menstruation in school.

Rebeca, 17, now in Form IV in a secondary school in Ukerewe, told Human Rights Watch:

Sometimes [having your period] it's a challenge and [it] stops girls from going to school. If you sit for too long, you can find that blood appears on your skirt. Boys laugh at you. We discuss this with friends. They can give you a sweater to cover your skirt; then you ask the teacher to let you go home.²⁶⁸

Enabling good menstrual hygiene requires that girls have access to information, but many girls interviewed by Human Rights Watch had no trusted school officials or teachers to talk to. Lack of information about menstruation can reinforce stigmas and taboos around periods. Sada, 15, told Human Rights Watch:

I didn't learn about menstruation in biology or sciences, I'm expecting to learn this year, but not in-depth. There's no nurse in the school ... no one to talk about periods. Some girls don't come to school ... the boys laugh at us but sometimes if I feel uncomfortable, I tell a teacher.²⁶⁹

Stigma around menstruation can make girls feel ashamed or disempowered in school. Teachers' behavior towards menstruating girls is sometimes insensitive. Salma, a Form II student in Mwanza, shared: “[if] we ask for permission to leave [the class], they announce [our periods] publicly in class.”²⁷⁰ As a result, teachers are often not told why girls stay home: “[We're] not open about it, when we tell [the] teacher we cheat ... I'll say I'm sick,” Rebeca said.²⁷¹

²⁶⁸ Human Rights Watch focus group discussion with 14 female students, public secondary school, Ukerewe, January 22, 2016.

²⁶⁹ Human Rights Watch focus group discussion with 12 female students, public secondary school, Mwanza, January 21, 2016.

²⁷⁰ Ibid.

²⁷¹ Human Rights Watch focus group discussion with 14 female students, public secondary school, Ukerewe, January 22, 2016.

Ensuring menstruation is not a barrier for girls' education requires more than infrastructure investment or even provision of hygiene products. Girls need access to adequate information about the process of menstruation and options for good menstrual hygiene management.

Lack of Access to Comprehensive Sexual and Reproductive Education

Providing students and out-of-school adolescents with comprehensive information on sexual and reproductive education enables adolescents to protect their health, well-being, and dignity.²⁷² In 2013, Tanzania adopted regional commitments to ensure quality comprehensive sexuality education and youth-friendly sexual and reproductive health services by the end of 2015.²⁷³

Many girls and young women interviewed by Human Rights Watch pointed out that they have very limited access to quality sexual and reproductive health education in school.²⁷⁴ Rita, cited above, added: "I didn't have the information [sexual education] about pregnancies and what would happen."²⁷⁵

Girls often lack access to the information and resources they need to learn about, and fully understand, sexuality and reproduction. Adolescent mothers who spoke with Human Rights Watch admitted not knowing they could fall pregnant the first time they had sexual intercourse. In at least three cases, these girls accessed reproductive information through local health clinics or nongovernmental programs only once they were pregnant.²⁷⁶

²⁷² United Nations Population Fund (UNFPA), "Comprehensive sexuality education," updated September 30, 2016, <http://www.unfpa.org/comprehensive-sexuality-education> (accessed December 13, 2016).

²⁷³ United Nations Educational, Scientific and Cultural Organization (UNESCO), "Ministerial Commitment on comprehensive sexuality education and sexual and reproductive health services for adolescents and young people in Eastern and Southern Africa (ESA)," December 7, 2013, <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/HIV-AIDS/pdf/ESACCommitmentFINALAffirmedon7thDecember.pdf> (accessed December 13, 2016).

²⁷⁴ Human Rights Watch interview with Theresa, 19, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Rita, 19, Kahama district, Shinyanga, January 25, 2016; Human Rights Watch, *No Way Out*.

²⁷⁵ Human Rights Watch interview with Rita, 19, Kahama district, Shinyanga, January 25, 2016.

²⁷⁶ Human Rights Watch interview with Eileen, 21, Ukerewe, January 22, 2016; Human Rights Watch interview with Rita, 19, Kahama district, Shinyanga, January 25, 2016; Human Rights Watch interview with Angela, 17, Kahama district, Shinyanga, January 25, 2016.

According to Theresa, 19:

They didn't teach us about sexual education in Form I and Form II ... reproductive health [was] taught when in Form III so before that you're not aware. But even those who are taught in Form III and Form IV [they] still get pregnant, so it's a topic or subject but [it is] still not [in-depth] enough.²⁷⁷

Sexual and reproductive health education is not a stand-alone subject in the 2010 secondary school curriculum, and was only suggested as a cross-cutting topic for counseling services in the 2007 curriculum.²⁷⁸ Teachers may choose to cover some aspects in science subjects, for example HIV/AIDS transmission or basic aspects of reproduction, but some students indicated they are only taught when they reach Form III, when a significant number of students have already dropped out due to pregnancies.²⁷⁹

The government should include age-appropriate, comprehensive, and inclusive sexual and reproductive health education, including in accessible formats such as braille or easy-to-understand formats, in both primary and secondary school curricula, for all students.²⁸⁰ According to the Committee of the Rights of the Child, content should be “based on

²⁷⁷ Human Rights Watch interview with Theresa, 19, Igombe, Mwanza, January 21, 2016.

²⁷⁸ Kitila A. Mkumbo, “Content analysis of the status and place of sexuality education in the national school policy and curriculum in Tanzania,” *Educational Research and Review*, Vol. 4 (12) (2009), <http://www.academicjournals.org/journal/ERR/article-full-text-pdf/4B11D834171>, pp. 616–625; Ministry of Education and Vocational Training and Tanzania Institute of Education, “Curriculum for Ordinary Level Secondary Education in Tanzania,” 2007, <http://tie.go.tz/docs/CURRICULUM%20FOR%20SECONDARY%20EDUCATION.pdf> (accessed August 23, 2016), pp. 37–38; UNESCO, UNFPA, et al, “Young People Today. Time to Act Now. Why adolescents and young people need comprehensive sexuality education and sexual and reproductive health services in Eastern and Southern Africa,” 2013, <http://unesdoc.unesco.org/images/0022/002234/223447E.pdf> (accessed December 12, 2016), pp. 102–103.

²⁷⁹ Human Rights Watch interview with Jessica, 19, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Eva, 18, Igombe, Mwanza, January 23, 2016.

²⁸⁰ UN Committee on Economic, Social and Cultural Rights, “Concluding observations on the initial to third reports of the United Republic of Tanzania, adopted by the Committee at its forty-ninth session (12 – 30 November 2012), E/C.12/TZA/CO/1-3, December 13, 2012, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FTZA%2FCO%2f1-3&Lang=en (accessed September 27, 2016), para. 24; UNFPA, “Comprehensive Sexuality Education: Advancing Human Rights, Gender Equality and Improved Sexual and Reproductive Health,” December 2010, <http://www.unfpa.org/sites/default/files/resourcepdf/Comprehensive%20Sexuality%20Education%20Advancing%20Human%20Rights%20Gender%20Equality%20and%20Improved%20SRH-1.pdf> (accessed December 12, 2016).

scientific evidence and human rights standards and developed with adolescents.”²⁸¹
Schools should have education programs that provide full information on sexual and reproductive health. They should also provide safe spaces where girls can discuss sexual and reproductive health issues, including pregnancy, with staff trained to counsel girls.

²⁸¹ Committee on the Rights of the Child, “General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence,” CRC/C/GC/20 (2016), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f20&Lang=en (accessed December 12, 2016), para. 61.

VI. Barriers Faced by Students with Disabilities

Tanzania's Persons with Disabilities Act of 2010 affords persons with disabilities the same right to education and training in inclusive settings as other citizens, and provides strong protections from discrimination in learning institutions.²⁸² Moreover, it stipulates that children with disabilities should attend an "ordinary public school," and should be provided with the appropriate support or necessary learning services.²⁸³

In practice, however, children with disabilities face very high levels of discrimination in primary and secondary school and within the wider community.²⁸⁴

Across the country, children with disabilities are twice as likely to never attend school as children without disabilities, and progress to higher levels of education at only half the rate of children without disabilities.²⁸⁵ Very few adolescents with disabilities attend secondary schools. In 2011, the United Nations Children's Fund (UNICEF) estimated that only 0.3 percent of boys and 0.25 percent of girls enrolled in secondary schools have disabilities.²⁸⁶ The government's most recent data shows that, in 2012, only 5,495 students with disabilities were enrolled in secondary schools; and in 2013, enrollment decreased to

²⁸² Persons with Disabilities Act, *Parliament of the United Republic of Tanzania*, Act No. 9 of 2010, <http://parliament.go.tz/polis/uploads/bills/acts/1452071737-ActNo-9-2010.pdf>, arts. 27 (1), 28.

²⁸³ *Ibid.*, art. 27 (3).

²⁸⁴ According to the Legal and Human Rights Centre, "A person with disability is seen as a person with no contribution to the society and he/she is there to be assisted ... Cultural and traditional norms could be blamed for this societal attitude for they consider disability as a form of punishment and curse. As a result, even the policy makers have been influenced by this attitude in creating policies related to welfare of people with disabilities." Legal and Human Rights Centre, "Tanzania Human Rights Report 2015: Tanzania Mainland," 2016, <http://www.humanrights.or.tz/userfiles/file/TANZANIA%20HUMAN%20RIGHTS%202015.pdf> (accessed September 27, 2016), p. 154; Harriet Kiama, "Tanzania: Inspiring Disabled Children with Inclusive Education," *Tanzania Daily News*, February 3, 2015, <http://allafrica.com/stories/201502040373.html> (accessed September 28, 2016). Twaweza's 2014 survey on citizens' views on disabilities found that one in three citizens know children with disabilities of primary school-age who are not in primary school. Twaweza, "Protecting the rights of everyone – Citizens' views on disabilities," Sauti za Wananchi, Brief No. 17, November 2014, <http://www.twaweza.org/uploads/files/PeopleWithDisabilities-EN-FINAL.pdf> (accessed September 27, 2016).

²⁸⁵ Light for the World, "Snapshot of Special Education Needs and Disability – Inclusive Education for Children with Disabilities in Tanzania," undated, copy on file with Human Rights Watch.

²⁸⁶ United Nations Children's Fund (UNICEF), "Education equity and quality – Children with disabilities," undated, http://www.unicef.org/tanzania/6911_10810.html (accessed September 27, 2016).

5,328.²⁸⁷ In both years, there were significantly fewer female students with disabilities enrolled in secondary education.²⁸⁸

Inclusive education focuses on ensuring the whole school environment is designed to foster inclusion, not segregation or integration. In inclusive settings, children with disabilities should be guaranteed equality in the entire process of their education, including by having meaningful choices and opportunities to be accommodated in mainstream schools if they choose, and to receive quality education on an equal basis with, and alongside, children without disabilities.²⁸⁹

Seven students with disabilities interviewed by Human Rights Watch accessed primary education through special schools, where they only learned alongside other students with disabilities.²⁹⁰ Many children with disabilities who do access primary education enroll in a limited number of primary special schools across the country. Some primary and secondary mainstream schools have segregated special needs units catering to children with different disabilities.²⁹¹

Students enrolled in special schools that usually cater to children with physical and sensory disabilities often follow the mainstream national curriculum, and sit the Primary School Leaving Exam (PSLE) in Standard 7 on the same basis as students without disabilities enrolled in ordinary public schools.²⁹² According to officials responsible for special needs

²⁸⁷ Data analysed by Human Rights Watch and verified with the Ministry of Education, Science and Technology (MoEST) Special Needs Education unit. United Republic of Tanzania, “Government Open Data Portal, “Number of Students in Secondary Schools with disability by Region, 2012 and 2013,” August 24, 2015, <http://opendata.go.tz/dataset/idadi-ya-wanafunzi-wa-shule-za-sekondari-wenye-ulemavu-kwa-mikoa> (accessed September 28, 2016).

²⁸⁸ *Ibid.*

²⁸⁹ See Ministry of Education and Vocational Training, “National Strategy on Inclusive Education 2009 – 2017,” March 27 2009, http://www.ttu.or.tz/images/files/INCLUSIVE_EDUCATION_STRATEGY_2009-2017.pdf (accessed September 28, 2016).

²⁹⁰ Special schools cater to children with disabilities only, and may often be referred to as “special needs education” schools. They often provide therapies, services, and adapted materials for children with disabilities, or have specialized staff who work with children with particular types of disabilities.

²⁹¹ Light for the World, “Snapshot of Special Education Needs and Disability – Inclusive Education for Children with Disabilities in Tanzania,” undated, copy on file with Human Rights Watch; Human Rights Watch interview with Mr. Adamson Shambatano, acting director, Special Needs Education unit, Ministry of Education, Science and Technology, Dar es Salaam, November 10, 2016.

²⁹² According to the MoEST, arrangements are made for students who are blind or have low-vision, who are given an additional 10 -20 minutes per exam. Exam papers are available in Braille or enlarged print. United Nations Educational, Scientific and Cultural Organization (UNESCO) International Bureau of Education, “United Republic of Tanzania: Regional Seminar “Poverty Alleviation, HIV and AIDS Education and Inclusive Education: Priority Issues for Inclusive Quality Education

education at the Ministry of Education, Science and Technology (MoEST), very few children with moderate to severe intellectual disabilities and autism pass primary education, partly because they enroll in special schools where the curriculum focuses on obtaining life skills and vocational training. Grayson Mlanga, from the MoEST, told Human Rights Watch: “Many are not part of academic life ... many have been labelled as slow learners.”²⁹³

Secondary schools in Tanzania are insufficiently equipped or well-resourced to accommodate children with all types of disabilities, despite the government’s comprehensive inclusive education plan.²⁹⁴ Only 75 out of 3,601 public secondary schools have special needs units and specialized teachers, according to the MoEST Special Needs Education unit.²⁹⁵

In one secondary school in Ukerewe Island, Sigareti Lugangika, the school’s headmaster told Human Rights Watch: “Never in my three years [at this school], and previously in my seven years at another school in Mwanza ... we never had children with disabilities. Normally, children with disabilities go to a [primary] special school [only]. They can’t come to a normal secondary school.”²⁹⁶

Currently, only 27 secondary schools are deemed to be inclusive of students with disabilities because they have specialized units and special education teachers and most provide boarding facilities for students with disabilities. These schools accommodate children with physical disabilities, with albinism, as well as students who are blind or deaf, and those with mild forms of intellectual disability, who have qualified for secondary education.

in Eastern and Western Sub-Saharan Africa,” July 2007, http://www.ibe.unesco.org/fileadmin/user_upload/Inclusive_Education/Reports/nairobi_07/tanzania_inclusion_07.pdf (accessed October 10, 2016).

²⁹³ Human Rights Watch interview with Grayson Mlanga, Special Needs Education Unit, Ministry of Education, Science and Technology, Dar es Salaam, May 24, 2016.

²⁹⁴ The government defines inclusive education as: “a system of education in which all children, youths and adults are enrolled, actively participate and achieve in regular schools and other educational programmes regardless of their diverse backgrounds and abilities, without discrimination, through minimisation of barriers and maximisation of resources.” Ministry of Education and Vocational Training, “National Strategy on Inclusive Education 2009 – 2017,” March 2009.

²⁹⁵ Human Rights Watch interview with Mr. Adamson Shimbatano, acting director, Special Needs Education Unit, Ministry of Education, Science and Technology, Dar es Salaam, November 10, 2016.

²⁹⁶ Human Rights Watch interview with Sigareti Lugangika, headmaster, Nyakurunduma Secondary School, Mwanza, January 21, 2016.

Students are placed in these schools from all regions in the country. This requires children to live separately from their families, often many hours away from their families and communities. Oscar, an 18-year-old Form III student with physical disabilities who attends a boarding school in Shinyanga that is nearly 500 kilometers away from his region, told Human Rights Watch:

Many parents don't come to get [students]. Parents haven't come to see us. [You] see parents when you go home for holidays ... four times per year at most, [or] in June and December.²⁹⁷

Lack of Accessible Schools

None of the schools visited by Human Rights Watch had accessible infrastructure; and in most, rough terrains mean students on wheelchairs are not able to move around, and students who are blind or have low vision could suffer injuries. Schools also lacked accessible learning materials to ensure students with disabilities are fully accommodated in their classrooms.

An inclusive secondary school in Mwanza, which has students who are blind or have low-vision, as well as a smaller number of students with physical disabilities, is spread across a few steep hills. Boarding students have to climb and descend to travel between their school and their hostel. Students with disabilities reported falling and injuring themselves repeatedly. Students with albinism must always be accompanied by teachers or school officials to protect these students from any targeted attacks.²⁹⁸

Shinyanga's secondary boarding school registered 99 students with disabilities out of 1,035 at the beginning of the academic year. Marxon Paul, its headmaster, told Human Rights Watch: "The school wasn't [originally] planning to accommodate students with disabilities. The building is not conducive for them."²⁹⁹

²⁹⁷ Human Rights Watch interview with Oscar, 18, Shinyanga, January 27, 2016.

²⁹⁸ Human Rights Watch focus group discussions and individual interviews with 30 female students, public secondary school, Mwanza, May 27, 2016.

²⁹⁹ Human Rights Watch interview with Marxon Paul, headmaster, Shinyanga Secondary School, January 27, 2016.

Oscar, 18, mentioned previously, has difficulties accessing toilets and classrooms in both school and in the boarding facility as a student with prosthetic legs who uses crutches:

Toilets are a problem. There are latrines. I can use them [crouching, taking his prosthetic legs off and placing his hands in his shoes to avoid touching the ground] but [it's] very difficult ... other students with physical disabilities ease themselves in the bush—they use the forests when there's no teacher. The toilets in this school are so dirty [but] they will get many diseases if they go to the bush.³⁰⁰

In addition, many schools lack the equipment, materials, or pedagogical support needed to make education accessible to all students on an equal basis. This is exemplified by the situation of students Human Rights Watch interviewed who are blind or have low-vision, including students with albinism with low-vision. Nasser, an 18-year-old Form IV student who is blind and studies at a boarding school in Shinyanga, described his frustration:

There are no Perkins brailler, no textbooks at all. [The] machines we're supposed to use ... are not functioning. It stops us from doing homework and exercises well. I get notes every two weeks or one month later [than the rest of his class]. It makes me lag behind in terms of excellence in academics—by the time I receive my notes, I'm already two or three subjects behind.³⁰¹

Lewis, a Form III student with albinism enrolled in the same boarding school as Nasser, told Human Rights Watch:

Sometimes teachers are not considerate especially when you say you need assistance ... for example, you go to the teacher in need of [an] exercise book to re-copy books properly or to get clarification ... and they're refusing ... Sometimes you feel discriminated ... other times life at school is difficult.³⁰²

³⁰⁰ Human Rights Watch interview with Oscar, 18, Shinyanga, January 27, 2016.

³⁰¹ Human Rights Watch interview with Nasser, 18, Shinyanga, January 27, 2016.

³⁰² Human Rights Watch interview with Lewis, 20, Shinyanga, January 27, 2016.

According to Alfred Kapole, chairperson of an umbrella organization representing people with disabilities in this region: “Teachers [are] claiming, that because there are students with disabilities ... they need special materials ... but [there are] no funds. Schools don’t have the extra funds to pay for these things.”³⁰³

In a boarding school in Shinyanga Human Rights Watch learned that teachers operate with very few inclusive resources, and some teachers feel this places many of their students with sensory disabilities at a loss. Marxon Paul, the school’s headmaster, said the government does not provide extra funding for students with disabilities.³⁰⁴

³⁰³ Human Rights Watch interview with Alfred Kapole, chairperson, Shivyawata Mwanza, Mwanza, May 27, 2016.

³⁰⁴ Human Rights Watch interview with Marxon Paul, headmaster, Shinyanga Secondary School, Shinyanga, January 27, 2016.

VII. Lack of Quality Education in Secondary Schools

Due in part to Tanzania's significant growth in enrollment, the public education system is struggling to deliver quality education at primary and secondary levels.³⁰⁵ In recent years, the government has acknowledged this very significant challenge and has committed to strengthening the quality of education, particularly in primary schools.³⁰⁶ Many hundreds of thousands of students currently study in substandard conditions and are tested on subjects that are often not taught regularly in their schools.³⁰⁷

Secondary schools in Tanzania—particularly those in remote areas—suffer from an acute shortage of qualified and well remunerated teachers.³⁰⁸ As a result, subjects such as mathematics and science are sometimes not taught at all, and class sizes are large. Students also lack adequate learning material and support in switching from Kiswahili to English as language of instruction.³⁰⁹

³⁰⁵ United Nations Children's Fund (UNICEF), "Adolescence in Tanzania," September 2011, https://www.unicef.org/tanzania/TANZANIA_ADOLESCENT_REPORT_Final.pdf (accessed August 23, 2016), pp. 22, 26; Haki Elimu, "Position Paper on The Education and Training Policy 2014: Will the '2014 Education and Training Policy' Prepare Tanzanian Children to Face Challenges of the 21st Century?" October 2015, http://www.hakielimu.org/files/publications/HakiElimu_Education_PostitionPaper_2014.pdf (accessed August 23, 2016), p. 12; Uwezo Tanzania, "Are Our Children Learning? Literacy and Numeracy in Tanzania 2014," 2015, <http://www.twaweza.org/uploads/files/UwezoTZ-ALA2014-FINAL-EN.pdf> (accessed August 23, 2016).

³⁰⁶ United Republic of Tanzania, "Education Sector Development Programme (2008 – 2017)," August 2008, <http://www.globalpartnership.org/content/tanzania-education-sector-development-programme-2008-17> (accessed August 23, 2016); World Bank Group, "Program-For-Results Information Document (PID) Concept Stage – Big Results Now in Education Program," 2014, <http://documents.worldbank.org/curated/en/130791468309353015/pdf/860910PIDoP1474860Box385162BooPUBLIcO.pdf> (accessed December 5, 2016).

³⁰⁷ Haki Elimu, "Position Paper on The Education and Training Policy 2014," p. 11; TAMASHA, "Youth consultations for DFID," 2015, pp. 24–26, copy on file with Human Rights Watch.

³⁰⁸ Joyce Lazaro Ndalichako and Aneth Anselmo Komba, "Students' Subject Choice in Secondary Schools in Tanzania: A Matter of Students' Ability and Interests or Forced Circumstances?" *Open Journal of Social Sciences*, 2 (2014), http://file.scirp.org/pdf/IJS_2014082509082694.pdf (accessed August 24, 2016); Haki Elimu, "Restoring Teacher Dignity, Volume II: Teaching Materials and Housing," November 2011, http://hakielimu.org/files/publications/Restoring%20Teacher%20Dignity%20II_1.pdf (accessed November 30, 2016); "Teachers shortage hurting Tanzania," *The Citizen*, October 14, 2014, <http://www.thecitizen.co.tz/News/national/Teachers-shortage-hurting-Tanzania/1840392-2485582-100c88lz/index.html> (accessed November 30, 2016).

³⁰⁹ TAMASHA, "Education: schooling or fooling?" undated, <http://www.twaweza.org/uploads/files/Education%20Tamasha.pdf> (accessed December 6, 2016); Twaweza, "Kiswahili and English in Tanzanian Schools: Creating Class Divides and Decreasing Educational Standards," July 13, 2011, <http://www.twaweza.org/go/kiswahili-and-english-in-tanzanian-schools-creating-class-divides-and-decreasing-educational-standards> (accessed December 6, 2016).

Key components of a good learning environment—a sufficient number of qualified and motivated teachers, available and accessible learning materials, adequate classroom and sanitation facilities, and inclusive education—were absent in most schools visited by Human Rights Watch.³¹⁰

Pass rates for annual secondary exams in Form IV show that only a small minority of children are achieving satisfactory grades that allow them to continue on to higher secondary education or vocational training.³¹¹ In 2010, barely 50 percent of students passed the Form IV examination or the Certificate of Secondary Education Examination.³¹² In 2015, only 25 percent of candidates attained sufficient marks to proceed on to higher secondary education; 26 percent of student candidates, amounting to over 175,000 adolescents, failed the Form IV exam.³¹³

Poor Teaching Quality

We're lacking math teachers. It affects us because we're here for learning. This year, we have a Form III mock exam, so if the [teacher] doesn't come here to teach us, we're going to fail.

—Farida, 17, Shinyanga, January 2016

Lack of Qualified Teachers

One of the biggest factors affecting quality education is the acute shortage of qualified teachers.³¹⁴ According to the Tanzanian Teachers' Union, over 50,000 teachers are needed

³¹⁰ Many of these components are set out in government guidelines, including in: Ministry of Education and Vocational Training and Tanzania Institute of Education, "Curriculum for Ordinary Level Secondary Education in Tanzania," 2007, <http://tie.go.tz/docs/CURRICULUM%20FOR%20SECONDARY%20EDUCATION.pdf> (accessed August 23, 2016), p. 27.

³¹¹ Right to Education Project, "Learning Outcomes Assessments: A Human Rights Perspective," February 2013, http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE_Learning_Outcomes_Assessments_HR_perspective_2013.pdf (accessed August 23, 2016).

³¹² UNICEF, "Adolescence in Tanzania," September 2011, p. 26.

³¹³ "Tanzania: Slight Drop in Form Four Exam Performance," *Tanzania Daily Star*, February 19, 2016, <http://allafrica.com/stories/201602190909.html> (accessed August 23, 2016).

³¹⁴ Legal and Human Rights Centre, "Tanzania Human Rights Report 2015: Tanzania Mainland," 2016, <http://www.humanrights.or.tz/userfiles/file/TANZANIA%20HUMAN%20RIGHTS%202015.pdf> (accessed September 27, 2016), p. 96; TAMASHA, "Education: schooling or fooling?" undated, <http://www.twaweza.org/uploads/files/Education%20Tamasha.pdf> (accessed December 6, 2016).

to fill the gap in secondary schools.³¹⁵ As a result, many students, particularly those in remote areas, are learning in difficult conditions. They have no qualified teachers in a number of core subjects like mathematics, science, and English.³¹⁶ Schools also suffer from teachers' absenteeism: at least 20 students from Form I to Form IV said some teachers do not show up to their classes on a regular basis.³¹⁷

Most teachers interviewed by Human Rights Watch have not had in-service training, and have therefore not been taught new pedagogies, alternative discipline, or subject knowledge in line with changes to the curriculum. One history teacher had not been trained during his 11 years as a teacher.³¹⁸ In a secondary school in Mwanza city, which accommodates students with disabilities, 2 out of 13 special needs teachers had had training in sign language, but no other teachers had received additional training in inclusive education or sign language.³¹⁹

Large class sizes

In 2010, secondary schools had an average class size of over 70 students, far above 40 students, the standard set by the government.³²⁰ Most students interviewed by Human

³¹⁵ Education International, "Tanzania: Significant move to curb teacher shortage," January 16, 2013, https://www.ei-ie.org/en/news/news_details/2428 (accessed December 6, 2016).

³¹⁶ Human Rights Watch focus group discussion with five male students, public secondary school, Mwanza, January 21, 2016; Human Rights Watch interview with Eva, 18, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Jessica, 19, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with James, 20, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Joseph, 14, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Gerald, 18, Shinyanga, January 26, 2016; Human Rights Watch interview with Caroline, 15, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Stanley, 20, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Jumla, 17, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Mohamed, 22, Igombe, Mwanza, January 23, 2016; Human Rights Watch with Theodora, 17, Nzega district, Tabora, January 25, 2016; Human Rights Watch interview with Yasinta, 17, Shinyanga, January 26, 2016.

³¹⁷ A study conducted by Uwezo showed that absenteeism among secondary school mathematics and English teachers was at crisis levels in 2014. Many teachers in secondary schools also fail to teach their scheduled lessons while at school. Uwezo, "How Teachers Absenteeism Greatly Effects Education," March 17, 2014, <http://www.uwezo.net/how-teachers-absenteeism-greatly-effects-education/> (accessed August 23, 2016); Human Rights Watch focus group discussion with 14 male students, public secondary school, Ukerewe, January 22, 2016; Human Rights Watch interview with Mariam, 19, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Joyce and Farida, 17, Shinyanga, January 26, 2016; Human Rights Watch interview with Prosper, 15, Shinyanga, January 26, 2016; Human Rights Watch with Fatma, 16, Shinyanga, January 26, 2016; Human Rights Watch interview with Leyla, 15, Dar es Salaam, January 30, 2016.

³¹⁸ Human Rights Watch interview with teacher, public secondary school, Mwanza, May 26, 2016.

³¹⁹ Human Rights Watch focus group discussion with nine teachers, public secondary school, Mwanza, May 27, 2016.

³²⁰ Ministry of Education and Vocational Training and Tanzania Institute of Education, "Curriculum for Ordinary Level Secondary Education in Tanzania," 2007, <http://tie.go.tz/docs/CURRICULUM%20FOR%20SECONDARY%20EDUCATION.pdf> (accessed August 23, 2016), p. 23.

Rights Watch studied in crowded classrooms. For example, in the village of Igombe, Caroline, 15, told Human Rights Watch she studies Form II alongside 78 students, while Joseph, 14, shares a Form III classroom with 80 students.³²¹

As a result of large class sizes, teachers told Human Rights Watch that they find it hard to provide individualized support.³²² Many students also indicated they have not been provided with books and learning materials to ensure they can grasp and reinforce what they learn.³²³ A World Bank report links the lack of adequate attention and support for students and the lack of early identification of students with learning needs to “extremely high failure rates” in both primary and lower-secondary education.³²⁴

Lack of mathematics and science teachers

In August 2016, the Minister of Education, Science and Technology announced that science subjects are now compulsory for all Form I to Form IV students.³²⁵ Yet, schools visited by Human Rights Watch fail to guarantee minimum instruction of these subjects.

Six schools visited had no permanent mathematics and science teachers. A secondary school in Mwanza town, with 569 students registered in January 2016, has 29 full-time teachers. Among them, four teach English, 10 teach history, five teach science; and only one teaches mathematics for all the school, except when the school pays a contract

³²¹ Human Rights Watch interview with Caroline, 15, Igombe, Mwanza, January 23, 2016; Human Rights Watch interview with Joseph, 14, Igombe, Mwanza, January 23, 2016.

³²² Human Rights Watch interview with Leocadia Vedasius, Ukerewe, January 22, 2016; Human Rights Watch interview with teacher, public secondary school, Mwanza, May 26, 2016; Human Rights Watch focus group discussion with nine secondary school teachers, public secondary school, Mwanza, May 27, 2016.

³²³ Human Rights Watch focus group discussion with five male students, public secondary school, Mwanza, January 21, 2016; Human Rights Watch interview with Esther, 14, Shinyanga, January 26, 2016; Human Rights Watch interview with Farida, 17, Shinyanga, January 2016; Human Rights Watch interview with Lewis, 20, Shinyanga, January 26, 2016; Human Rights Watch interview with Nasser, 18, Shinyanga, January 26, 2016.

³²⁴ World Bank Group, “Program-For-Results Information Document (PID), Concept Stage – Big Results Now in Education Program,” 2014, <http://documents.worldbank.org/curated/en/130791468309353015/pdf/860910PIDoP1474860Box385162BooPUBLICo.pdf> (accessed December 5, 2016).

³²⁵ Nestory Ngwega, “Tanzania: Minister Declares Science Subjects Now Compulsory,” *Tanzania Daily News*, August 7, 2016, <http://allafrica.com/stories/201608080145.html> (accessed September 27, 2016); Adonis Byemelwa, “Tanzania: Make Science Compulsory but Motivate Teachers,” *The Citizen*, August 21, 2016, <http://allafrica.com/stories/201608220144.html> (accessed September 27, 2016).

teacher to help. The school has no physics teacher. Yet, the school gets no additional budget lines to hire a science teacher.³²⁶

Prior to 2016, most schools relied on parental contributions to pay contract or hire volunteer teachers, often Form VI school graduates, to teach these subjects.³²⁷ With the no-fee policy in place, these schools are no longer able to fundraise from parental contributions. Since January 2016, the government has not hired more permanent teachers or added budget lines to schools' monthly capitation grants to allow schools to hire temporary teachers.³²⁸ In a rural school in Shinyanga, Martin Mweza, acting head teacher, told Human Rights Watch in January 2016 that:

Because of free secondary education we cannot pay that teacher anymore—it was the science teacher. Last week, we had a parents' meeting—we spoke to them about math [shortage of teachers] but they [parents and teachers] couldn't find a solution. So no math is taught at the school.³²⁹

Victoria, 18, in Form IV, resorted to pay for a private teacher to teach her science subjects. She pays Tanzanian Shillings (TZS) 15,000 (US\$7) per month.³³⁰ But most students interviewed are not able to afford basic costs related to education.³³¹

Beatrice, 17, was shifted to a different subject stream in 2016, due to the lack of a qualified science teacher: “My dream was to learn science subjects but because there are no science teachers I was moved to the arts subjects, learning history, civics, and geography. I don't feel good about [having] no science subjects.”³³²

³²⁶ Human Rights Watch interview with Sigareti Lugangika, headmaster, Nyakurunduma Secondary School, Mwanza, January 21, 2016.

³²⁷ Human Rights Watch focus group discussion with 14 female students, public secondary school, Ukerewe, January 22, 2016; Human Rights Watch interview with Janeth, 18, Nzega, Tabora, January 25, 2016.

³²⁸ Human Rights Watch interview with Martin Mweza, acting head teacher, Mwawaza secondary school, Shinyanga, January 26, 2016; Human Rights Watch interview with senior school official, Shinyanga, January 26, 2016; Human Rights Watch interview with acting Headmaster, Nyakurunduma Secondary School, Mwanza, May 26, 2016.

³²⁹ Human Rights Watch interview with Martin Mweza, acting head teacher, Mwawaza secondary school, Shinyanga, January 26, 2016.

³³⁰ Human Rights Watch interview with Victoria, 18, Shinyanga, January 26, 2016.

³³¹ See Section III: “Costs of Education in Secondary School.”

³³² Human Rights Watch interview with Beatrice, 17, Shinyanga, January 26, 2016.

Many children and adolescents told Human Rights Watch they sit examinations without sufficient knowledge of their subjects. Prosper, 15, now enrolled in Form II, could not finish the physics and chemistry syllabus because there was no teacher.³³³

Eva, 18, who took the science strand in Form III and Form IV alongside 42 other students and failed her exams, said: “At the time, they didn’t have any science teacher ... they came at the last point before the examination.” Eva has waited for over two years for her family to be able to gather funding for her to re-sit secondary school.³³⁴

No Support for Students’ Transition to English as Instruction Language

All secondary school students interviewed by Human Rights Watch were taught in English, a new language for most. Those schools strictly enforced the use of English as sole medium of instruction without providing any support to assist pupils with the transition from Kiswahili to English.

Caroline, 15, in Igombe village, struggled with the transition into English as the only medium of instruction in her school:

[It] was very difficult because I was always speaking Kiswahili and that was very difficult to overcome. I would like the government to use English in primary to remove the difficult conditions we face in Form I.³³⁵

Like most students interviewed by Human Rights Watch, Joseph, 14, found the language transition in secondary school difficult:

From primary all subjects were in Kiswahili then to secondary, it was so difficult ... It would be nice if people learnt in Kiswahili because I’m not sure children fail because they don’t know, but because they don’t have enough vocabulary to understand questions.³³⁶

³³³ Human Rights Watch interview with Prosper, 15, Shinyanga, January 26, 2016.

³³⁴ Human Rights Watch interview with Eva, 18, Igombe, Mwanza, January 23, 2016.

³³⁵ Human Rights Watch interview Caroline, 15, Igombe, Mwanza, January 23, 2016.

³³⁶ Human Rights Watch interview with Joseph, 14, Igombe, Mwanza, January 23, 2016.

Some students reported being punished when they resorted to Kiswahili. In Jumla’s case,

I spoke Kiswahili to the Kiswahili teacher. According to the school, we are not allowed to speak Kiswahili in school. I met my teacher out of class and spoke to him. He hit me on the buttocks. It happens daily, not to me personally [because] now I try to speak English always to avoid this.³³⁷

Even the teachers themselves are often not conversant in English. According to Prospro Lubuva, head of Educational Training at Tanzania Teachers’ Union:

We need more training at secondary schools in English, even in the university it’s needed. Sometimes instructors aren’t even conversant and they teach in a language that they are not conversant in ... There is a great, great need for teachers in secondary school to get in-service training in English.³³⁸

According to the Ministry of Education, Science and Technology (MoEST), 2,485 secondary school teachers have been trained to enable them to teach English, representing only 2.8 percent of teachers in public secondary schools.³³⁹

Insufficient Textbooks and School Materials

Textbooks and learning materials are in short supply in secondary schools across Tanzania.³⁴⁰ In Esther’s case, Form II teachers at her school in a rural district of Shinyanga

³³⁷ Human Rights Watch interview with Jumla, 17, Igombe, Mwanza, January 23, 2016.

³³⁸ Human Rights Watch interview with Prospro Lubuva, head of educational training, Tanzanian Teachers’ Union, Morogoro, January 20, 2016.

³³⁹ As of March 2016, government data shows that 88,695 teachers teach in government secondary schools. Ministry of Education and Vocational Training, “Hotuba Ya Waziri Wa Elimu, Sayansi, Teknolojia Na Ufundi Mheshimiwa Prof. Joyce Lazaro Ndalichako (MB.) Akiwasilisha Bungeni Makadirio Ya Matumzi Ya Fedha Kwa Mwaka 2016/2017,” (Speech by the Minister of Education, Science, Technology and Vocational Training, Honorable Joyce Lazaro Ndalichako Introducing the National Assembly of Estimates Budget for The Year 2016/2017), Dodoma, May 2016, http://www.parliament.go.tz/uploads/budgetspeeches/1464680317-HOTUBA_WEST_2016_FINAL%20-%202023-05-2016.pdf (accessed August 24, 2016), para. 111; United Republic of Tanzania, Government Open Data Portal, “Number of Teachers in Secondary Schools 2016,” July 30, 2016, <http://www.opendata.go.tz/dataset/idadi-ya-walimu-katika-shule-za-sekondari-2016> (accessed September 29, 2016).

³⁴⁰ UNESCO, Global Education Monitoring Report, “Every Child Should Have a Textbook,” policy paper 23, January 2016, <http://unesdoc.unesco.org/images/0024/002433/243321E.pdf> (accessed August 24, 2016); Legal and Human Rights

do have books, but she doesn't have textbooks: "In my class, no one has a book. Only in Form I, I saw people with books."³⁴¹

Teachers and representatives from Tanzania's Teachers' Union alike complained about the lack of teaching materials, textbooks, and basic technology.³⁴² In a secondary school in Mwanza, Human Rights Watch was told: "[There is a] lack of teaching tools like an overhead projector, a laptop ... we are relying on paper."³⁴³ Schools also lack laboratory equipment for science.³⁴⁴

Centre, "Tanzania Human Rights Report 2014," 2015, <http://www.humanrights.or.tz/downloads/THRR%20REPORT%20-%202014.pdf> (accessed August 24, 2016), pp. 122-124; Joyce Lazaro Ndalichako and Aneth Anselmo Komba, "Students' Subject Choice in Secondary Schools in Tanzania: A Matter of Students' Ability and Interests or Forced Circumstances?" *Open Journal of Social Sciences*, 2 (2014), http://file.scirp.org/pdf/JSS_2014082509082694.pdf (accessed August 24, 2016), pp. 53-54; "Spectre of poor quality education stalks Tanzania," *The East African*, May 18, 2013, <http://www.theeastafican.co.ke/news/Spectre-of-poor-quality-education-stalks-Tanzania/2558-1856356-ecugcb/index.html> (accessed August 24, 2016).

³⁴¹ Human Rights Watch interview with Esther, 14, Shinyanga, January 26, 2016.

³⁴² Human Rights Watch interview with Leonard Haule, advocacy department, Tanzania Teachers' Union, Morogoro, January 20, 2016; Human Rights Watch interview with Peter Mpande, Katani region representative, Tanzania Teachers' Union, Morogoro, January 20, 2016; Human Rights Watch focus group discussion with nine secondary school teachers, Mwanza, May 27, 2016.

³⁴³ Human Rights Watch interview with Sigareti Lugangika, headmaster, Nyakurunduna secondary school, Mwanza, January 21, 2016.

³⁴⁴ Human Rights Watch focus group discussion with 14 male students, public secondary school, Ukerewe, January 22, 2016; Human Rights Watch interview with Elsa, 18, Shinyanga, January 26, 2016; Human Rights Watch interview with Beatrice, 17, Shinyanga, January 26, 2016; Human Rights Watch interview with Prosper, 15, Shinyanga, January 26, 2016; Human Rights Watch interview with Yasinta, 17, Shinyanga, January 26, 2016; Human Rights Watch interview with Gerald, 18, Shinyanga, January 26, 2016.

VIII. Lack of Adequate Educational Alternatives for Children Who Drop Out

If I would have any support, I would be happy to go back to school—but no one can support me.

—Felicity, 18, dropped out of Form I in 2014, Igombe, January 23, 2016

The education system provides very few realistic alternatives for many thousands of students who are pushed out of school because of fees, because they fail the Primary School Leaving Exam (PSLE), or for other reasons.

Those who want to complete secondary education despite failing the PSLE, like girls who are expelled from school after becoming pregnant or those who dropped out of school to work, have to self-study or register and pay fees that can amount to around Tanzanian Shillings (TZS) 500,000 (US\$227) annually for tuition in private colleges. Students pursuing this route will complete a course that condenses the entire four-year lower-secondary school curriculum in two years.³⁴⁵

Access to good vocational training is difficult and costly too.³⁴⁶ Adolescents who leave secondary school prematurely lack the accreditation and studies needed to pursue an official vocational education and skills training degree.

Instead, adolescents who have dropped out may enroll for short vocational courses and get a basic certificate of skills. While folk development centers provide students with basic knowledge and technical skills to be self-employed and self-reliant, they do not equal a full vocational and training degree, which is only provided in fully certified Vocational

³⁴⁵ Human Rights Watch interview with Angel Benedict, executive director, Wotesawa, Mwanza, May 27, 2016.

³⁴⁶ TAMASHA, “Education: schooling or fooling?” undated, <http://www.twaweza.org/uploads/files/Education%20Tamasha.pdf> (accessed December 6, 2016); World Bank Group, “Program-For-Results Information Document (PID) Appraisal Stage – Education and Skills for Productive Jobs,” March 22, 2016, <http://documents.worldbank.org/curated/en/968821468165276476/pdf/PID35202-PGID-P152810-Initial-Appraisal-Box396254B-PUBLIC-Dislosed-5-17-2016.pdf> (accessed December 13, 2016).

Education and Training Authority (VETA) centers.³⁴⁷ But even entry to folk vocational schools is not straightforward for many. Students should be fluent in English and must pay fees amounting to TZS 60,000 (\$27) for official government colleges, which exclude many additional costs, or as high as TZS 600,000 (\$273) for nongovernmental colleges.³⁴⁸

Some adolescents interviewed by Human Rights Watch were only able to enroll in technical and vocational programs through nongovernmental organizations, which offer scholarships and assist students by handling administrative barriers. Human Rights Watch interviewed 11 adolescents, former child laborers, who enrolled in a folk vocational college through Rafiki SDO, a nongovernmental organization in Tabora region.³⁴⁹

This situation is in stark contrast to government claims that “those who fail are absorbed by vocational schools.”³⁵⁰ According to Venance Manori, a senior official in the Ministry of Education, Science and Technology’s (MoEST) secondary education unit, “It’s the policy of the country—every district will have at least one vocational school.”³⁵¹

Many adolescents do not have access to information on the pathway to vocational education. April, now 21, dropped out when she was 15 years old because her father “believed in boys’ education, rather than girls,” and set up a small business selling toiletries, but she lacks information on her educational options:

I don’t know where I would start—whether Form I and Form II ... no one in my family could give me the information I need,” she shared. “Even if I’m not going to start Form I ... [I would like] any school where I can get skills.³⁵²

³⁴⁷ Ministry of Community Development, Gender, Children and the Elderly, “Folk Development Colleges,” undated, http://www.mcdgc.go.tz/index.php/colleges/fdc/folk_development_colleges_provision/ (accessed August 17, 2016); Human Rights Watch interview with Fabio Siani, senior program officer employment and income, Swiss Embassy, Dar es Salaam, May 25, 2016.

³⁴⁸ Vocational Education and Training Authority, “Procedures for Joining Vocational Education and Training Centres in Tanzania,” November 2015, <http://www.veta.go.tz/assets/uploads/dc7ae-Brochure-3-Namna-ya-kujiunga-na-vyuo-Kiingereza.doc> (accessed August 17, 2016); Human Rights Watch interview with Gerald Ng’ong’a, executive director, Rafiki SDO, Kahama district, Shinyanga, January 24, 2016.

³⁴⁹ Human Rights Watch interview with Wendy, 16, Nzega, Tabora, January 25, 2016.

³⁵⁰ Human Rights Watch interview with Venance Manori, assistant director, cross-cutting issues, and Mr. Salum Salum, principal education officer (secondary), Ministry of Education, Science and Technology, Dar es Salaam, May 24, 2016.

³⁵¹ Ibid.

³⁵² Human Rights Watch interview with April, 21, Igombe, Mwanza, January 23, 2016.

Many vocational training schools are also not inclusive of students with disabilities, according to Alfred Kapole, Shivyawata's representative in Mwanza.³⁵³ According to Mr. Adamson Shimbatao, from the Ministry of Education, Science and Technology Special Needs Education Unit, there are only two government training colleges accessible to people with disabilities, in Temeke, a district in Dar es Salaam, and Mtwara, the capital city of a region in southeastern Tanzania.³⁵⁴

³⁵³ Human Rights Watch interview with Alfred Kapole, chairperson, Shivyawata Mwanza, Mwanza, May 27, 2016.

³⁵⁴ Human Rights Watch interview with Mr. Adamson Shimbatao, Special Needs Education Unit, Ministry of Education, Science and Technology, Dar es Salaam, May 29, 2016.

Recommendations

Ensure Access to Free Secondary Education for All Adolescents

Government of Tanzania

- Progressively increase budgets to ensure schools receive adequate government funds for all education matters, including the construction or renovation of buildings, teacher housing facilities, and learning and teaching materials.
- Progressively increase budgets available for secondary schools to ensure schools can adequately cover financial gaps previously covered through parental contributions, and meet minimum standards of funding for all secondary schools.
- Ensure folk development colleges are progressively made free of fees and contributions.
- Design a fee-free program for out-of-school adolescents to complete lower-secondary education and access formal and vocational programs.

Ministry of Education, Science and Technology

- Ensure that all schools implement Education Circular No. 5 of 2015, the government's policy on the abolition of fees and contributions, and monitor compliance.
- Adopt a robust reporting mechanism to ensure all secondary schools regularly monitor students who are out of school for prolonged periods of time or drop out of school altogether, and report reasons for truancy.
- Implement school feeding programs in schools with high enrollment of students from low-income households.

Phase Out the Use of Exams as Filter to Select Students for Secondary Education

Ministry of Education, Science and Technology

- Explore all possible options to accelerate plans to phase out the use of the Primary School Leaving Exam (PSLE) to bar students who do not pass the exam from secondary education before the 2021 deadline.

- Immediately change existing policy to ensure students who do not pass the PSLE can repeat Standard 7 to gain basic skills and knowledge before they proceed to Form I.

Increase the Availability of Secondary Schools

Government of Tanzania

To the greatest extent possible given the availability of resources:

- Accelerate progress to meet basic objectives of the Secondary Education Development Programme II, including by building new secondary schools and ensuring all secondary schools have adequate classrooms and sanitation facilities. Take steps to ensure all parts of the new buildings, including toilets, are fully accessible to students and teachers with disabilities.
- Expedite building of safe hostels for female students.

Guarantee Safe and Affordable Transportation

Minister of Works, Transport and Communication

- In consultation with school officials, students, communities, and relevant local government officials, design better transportation plans for students who travel more than one hour to get to school.
- Introduce compulsory trainings and awareness programs on protection from sexual exploitation and abuse for bus or motorcycle drivers to maintain their driving licenses. Work with local community groups, nongovernmental organizations, students, and district officials to design such programs.
- To the greatest extent possible given the availability of resources:
 - Introduce a partial or fully subsidized transport program for students in urban areas, and ensure bus drivers are compensated or incentivized to pick up student passengers.
 - Progressively introduce transport subsidies programs for teachers, such as the local government authority's joint initiative with the bus owners association of Dar es Salaam, in other towns and cities across mainland Tanzania.

End Corporal Punishment and Sexual Abuse in Schools

Ministry of Education, Science and Technology

- Abolish corporal punishment in policy and practice, including by revoking the National Education (Corporal) Punishment Regulations of 1979, and adopting a policy and regulations that comply with Tanzania’s international and regional human rights obligations.
- Communicate a strong public message that corporal punishment is prohibited.
- Take steps to help ensure cases of sexual harassment and abuse are reported to appropriate enforcement authorities, including police, and that cases are duly investigated and prosecuted.
- Ensure all schools have adequate child protection policies in place, including protocols and school regulations for teachers and students alike.
- Ensure all schools have adequate protection mechanisms, such as protection protocols and codes of conduct for teachers and students alike. Ensure students can anonymously report corporal punishment, sexual abuse, harassment, or any form of intimidation by students and teachers; and head teachers or senior school officials report any cases to local mechanisms, including the police.
- Provide child protection trainings for head teachers and senior school officials.
- Allow student or youth clubs in secondary schools to suggest the best mechanism to address child protection concerns in schools.
- Adopt a nationwide code of conduct for teachers and school officials.
- Include mandatory training on alternative forms of class management and teacher discipline in all teacher trainings. Ensure teachers are adequately trained in alternative forms of class management, and ensure teachers are provided with sufficient materials and tools to adequately manage large classrooms.

End Discriminatory Barriers and Sexual Abuse Against Girls in Schools

Ministry of Education, Science and Technology

- Stop expelling pregnant and married girls from school, and revise Regulation No. 4 of the Education Regulations (Expulsion and Exclusion of Pupils from Schools) of 2002 by removing “offences against morality” and “wedlock” as grounds for expulsion.

- Immediately end pregnancy testing in schools, and issue an official Government Notice to ensure that teachers and school officials are aware that the practice is prohibited.
- Add sexual and reproductive health education as a stand-alone subject in the secondary school curriculum, adequately train teachers to teach it impartially, and ensure students can access impartial information in schools. Guarantee that sexual and reproductive health education and information is accessible to students with disabilities and is available in accessible formats such as braille or easy-to-understand formats.
- Expedite regulations which will allow pregnant girls and young mothers of school-going age back into secondary school, in line with the 2014 Education and Training Policy. Ensure that pregnant and married pupils who wish to continue their education can do so in an environment free from stigma and discrimination, by allowing female students to choose an alternative school, and monitor schools' compliance.
- Expand options for childcare and early childhood development centers for children of teenage mothers so that they can attend school, together with the Ministry of Health, Community Development, Gender, the Elderly and Children.
- Expand access to vocational training opportunities for married women and girls in all districts, and inform the public about the existence of these programs.
- In partnership with relevant ministries, develop modules and teaching materials for teachers to know how to treat and teach in classrooms the issue of menstruation, in a manner that is respectful to girls' privacy and development.
- Oblige school officials to report cases of students who are at risk of child marriage to relevant enforcement authorities.
- Develop child protection trainings for school guardians, particularly on how to report sexual abuse and harassment in schools, and appropriate guidance and support for students who have been abused.
- Adopt comprehensive guidelines for reporting, investigating, and punishing sexual abuse in schools. Require all schools to collect data on reports of sexual harassment and violence. This data should be collated nationally and published annually.

Ministry of Health, Community Development, Gender, the Elderly and Children

- Expand access to and ensure quality, adolescent-friendly reproductive health information in accessible formats such as braille or easy-to-understand, and services

in all districts. Ensure information and awareness campaigns are accessible to and inclusive of girls and young women with disabilities.

- Dissuade health care providers from participating in mandatory pregnancy testing of girls in schools or any other setting.
- Support efforts to end the mandatory pregnancy testing of school girls and their expulsion from school.
- Strengthen the capacity of communities and local government actors to protect the most vulnerable children, including children at risk of child marriage and child labor, and ensure their access to child protection services.

Guarantee Inclusive Education for All Children with Disabilities

Government of Tanzania

- Ensure annual budgets reflect the government’s commitment to inclusive education.
- Ensure secondary schools with high numbers of students with disabilities have additional budget lines to purchase materials, Perkins brailers, and other equipment needed to ensure education is accessible to those students on an equal basis with others.
- Ensure new buildings are built in full observance of universal design measures, guaranteeing full accessibility to students and teachers with disabilities.

Ministry of Education, Science and Technology

- Tackle social and financial barriers affecting enrollment of children with disabilities in preschool and primary education.
- Take steps to ensure secondary schools with students with disabilities have an acceptable minimum of books, teaching materials, and inclusive materials for students and teachers with disabilities.
- Take steps to ensure more teachers have adequate training in inclusive education. Provide training in counseling for teachers to enable them to support children with diverse disabilities and their families.
- Take steps to increase the number of teachers who are proficient in sign language.

- Ensure students with disabilities have access to free or subsidized assistive devices, including wheelchairs, canes, or eye glasses, needed to facilitate their movement, participation, and full inclusion in schools.
- Collect data on the enrollment, drop-out, and pass rates of children with disabilities and disaggregate data by type of disability and gender.

Strengthen Quality Education in All Secondary Schools

To the greatest extent possible given the availability of resources:

Government of Tanzania

- Increase capitation grants to include provision for learning materials and essential equipment in all secondary schools.
- Ensure teachers are adequately compensated, commensurate with their roles, and provide financial incentives to teachers placed in remote or under-served areas of the country. Provide adequate housing facilities for teaching staff.
- Implement and resource the government’s poverty reduction strategy, MKUKUTA II, target to ensure schools have adequate sanitation in schools, paying particular attention to safe sanitation facilities and adequate menstrual hygiene management.

Ministry of Education, Science and Technology

- Prioritize placing teachers in all subject areas in under-served schools, and adopt urgent measures to ensure all schools are able to teach English, science subjects, and mathematics, in addition to other core subjects.
- Ensure primary school students are adequately taught in, and are proficient in, the medium of instruction they will be exposed to in secondary schools; where this is not the case, ensure secondary schools provide extra support to students whose English language skills are inadequate.
- Where secondary schools choose to teach the curriculum in English, take urgent steps to ensure all teachers have an acceptable standard of English and are qualified to teach in English.
- Ensure teachers receive regular in-service training and provide them with formal opportunities to update or acquire specific subject knowledge.

Support the Government of Tanzania in its Efforts to Fully Realize the Right to Secondary Education

To International Donors and United Nations Agencies

- Support the government’s efforts to provide universal access to free and inclusive lower-secondary education.
- Support the government’s sanitation and menstrual hygiene management priorities.
- Support the government’s open data initiative to ensure transparency and accountability in national secondary education enrollment data, outputs, and quality indicators.
- Consider taking steps to ensure that programs set up to increase access to education for adolescent girls include financial measures to increase availability of safe hostels for female students and provide transport subsidies for female students who travel long distances.
- Support the wider provision of inclusive education. Consider funding the government, disabled peoples organizations, and nongovernmental organizations’ programs to support children with disabilities to realize their right to inclusive education.

Urge the Government to Repeal Laws and Policies That Violate the Right to Secondary Education and Other Child Rights

To International Donors and United Nations Agencies

- Urge the government to repeal the corporal punishment regulations and end the practice in schools, and provide funding to support large-scale trainings in alternative classroom management for all teaching staff and school officials.
- Urge the government to end the expulsion of female students who become pregnant, and to expedite the adoption of a robust policy that allows re-entry for parents of school-going age.
- Urge and support the Tanzanian government to introduce a comprehensive sexuality education curriculum in primary and secondary schools that complies with international human rights standards; implement this curriculum as an examinable, independent subject.

Urge the Government of Tanzania to Comply with its International and Regional Obligations

African Union

- Enjoin Tanzania to:
 - End the use and tolerance of corporal punishment in schools, including by drawing on examples of bans and measures taken by other African states.
 - End the discrimination of pregnant and married students and students who are parents from schools, and encourage the government to ensure all girls and young women can go to secondary school.

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“I Had a Dream to Finish School”

Barriers to Secondary Education in Tanzania

In December 2015, the Tanzanian government abolished school fees and additional financial contributions for lower-secondary education, removing an important financial barrier for many adolescents. While enrollment numbers have increased as a result, more than 40 percent of adolescents are out of lower-secondary education in the country, and very few adolescents complete secondary school.

Based on interviews with more than 220 students, teachers, officials and other stakeholders, *“I Had a Dream to Finish School”* highlights key barriers to secondary education that prevent many adolescents from completing secondary education, and identifies numerous areas that require the government’s action to ensure all children access secondary education equally. The report documents government policies that specifically discriminate against girls, enabling schools to expel pregnant and married girls from school, robbing them of an education, as well as a policy that allows school officials to subject students to corporal punishment that can take brutal and humiliating forms. These policies deliberately facilitate discrimination and abuse, and stand in sharp contrast to the spirit of the government’s efforts to provide universal education.

While the government of Tanzania has invested significant resources in education, it needs to do far more. Human Rights Watch calls on the Tanzania government to urgently remove policies that lead to widespread violations of the right to education, develop and implement plans to overcome remaining barriers for adolescents left out of school, and focus on strengthening the quality of education in under-served schools across the country.



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More than 120 Form II students prepare to sit their mock exams in a secondary school in Mwanza, northwestern Tanzania.