IMPLEMENTATION OF WOMEN'S HUMAN RIGHTS IN DAR ES SALAAM WITH SPECIAL REFERENCE TO DOMESTIC VIOLENCE: A CRITICAL APPRAISAL

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ABSTRACT

Objectives: This study delves into the implementation of existing laws to control domestic violence done against women in Kinondoni, Dar es Salaam, Tanzania.

Methods: Through qualitative research methods, and interviews with 150 respondents, including victims, policymakers, and community leaders, the study sheds light on the persistent prevalence of domestic abuse driven by socio-cultural norms, economic dependence, and gender power dynamics.

Main Results: Key contributing factors such as gender inequity, cultural beliefs, substance misuse, and lack of awareness were identified, underscoring the complexity of the issue. Stakeholders emphasized challenges in implementing current legal measures effectively, including resource constraints and gaps in protection for victims. In response, the study proposes collaborative efforts among policymakers, stakeholders, and communities to implement education programs, legal reforms, and awareness campaigns aimed at challenging societal norms and perceptions, thus supporting victims within the existing legal framework.

Conclusion: Ultimately, the study highlights the imperative of addressing root causes and providing comprehensive support to victims to mitigate domestic violence and advance women rights in the region.

Keywords: Domestic Violence, Human Rights, Women, Laws, Economic Dependence, Legal Reforms.

RESUMO

Objetivos: Este estudo se debruça sobre a implementação das leis existentes para controlar a violência doméstica contra as mulheres em Kinondoni, Dar es Salaam, Tanzânia.

Métodos: Através de métodos de pesquisa qualitativa e entrevistas com 150 entrevistados, incluindo vítimas, formuladores de políticas e líderes comunitários, o estudo lança luz sobre a prevalência persistente de abuso doméstico impulsionado por normas socioculturais, dependência econômica e dinâmica de poder de gênero.

Principais resultados: foram identificados importantes fatores contribuintes, como desigualdade de gênero, crenças culturais, uso indevido de substâncias e falta de consciência, destacando a complexidade da questão. As partes interessadas salientaram os desafios colocados pela aplicação eficaz das atuais medidas jurídicas, incluindo as limitações de recursos e as lacunas em matéria de proteção das vítimas. Em resposta, o estudo propôs esforços colaborativos entre formuladores de políticas, partes interessadas e comunidades para implementar programas de educação, reformas legais e campanhas de conscientização visando desafiar as normas e percepções sociais, apoiando, assim, as vítimas dentro do marco legal existente.

Conclusão: Em última análise, o estudo destaca o imperativo de abordar as causas básicas e fornecer apoio abrangente às vítimas a fim de mitigar a violência doméstica e promover os direitos das mulheres na região.

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RESUMEN

Objetivos: Este estudio profundiza en la implementación de las leyes existentes para controlar la violencia doméstica contra las mujeres en Kinondoni, Dar es Salaam, Tanzania.

Métodos: A través de métodos de investigación cualitativa y entrevistas con 150 encuestados, incluidas víctimas, responsables de políticas y líderes comunitarios, el estudio arroja luz sobre la prevalencia persistente del abuso doméstico impulsado por normas socioculturales, dependencia económica y dinámica de poder de género.

Resultados principales: Se identificaron factores contribuyentes clave como la desigualdad de género, las creencias culturales, el abuso de sustancias y la falta de conciencia, lo que subraya la complejidad del problema. Las partes interesadas hicieron hincapié en las dificultades para aplicar eficazmente las medidas jurídicas vigentes, incluidas las limitaciones de recursos y las deficiencias en la protección de las víctimas. En respuesta, el estudio propone esfuerzos de colaboración entre los responsables de las políticas, las partes interesadas y las comunidades para implementar programas de educación, reformas legales y campañas de sensibilización destinadas a desafiar las normas y percepciones sociales, apoyando así a las víctimas dentro del marco legal existente.

Conclusión: En última instancia, el estudio destaca el imperativo de abordar las causas profundas y proporcionar un apoyo integral a las víctimas para mitigar la violencia doméstica y promover los derechos de las mujeres en la región.

Palabras clave: Violencia Doméstica, Derechos Humanos, Mujeres, Leyes, Dependencia Económica, Reformas Legales.

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1 INTRODUCTION

The study highlights the persistent issue of domestic violence against women in Dar es Salaam. It underscores the importance of understanding the complex factors driving this phenomenon through qualitative research. By interviewing 150 respondents from the region aiming to uncover the socio-cultural, economic, and gender dynamics contributing to domestic violence. The research seeks to provide insights into the entrenched nature of this issue and advocate for comprehensive interventions tailored to the specific contexts within the region. Ultimately, the study aims to inform policymakers, stakeholders, and communities about the urgent need to address domestic violence against women by regulating the new rules and regulation to support the implementation of the existing laws as including the mother Law of the United Republic of Tanzania and subsequently pave way for meaningful change.
Human Rights are the most important rights vested to each human being on the world. These Human rights include every act which made an ordinary person to live include the right to stay free from Domestic violence. Women Domestic Violence, also sometimes referred as "Intimate partner violence", means a pattern of behavior in any relations that is used to obtain or maintain control over a family partner.

Women Domestic Violence, means to any pattern of abusive behavior within a relations where one partner seeks to obtain or maintain power over the other. It can manifest in various mode among them is physical, emotional, psychological, sexual, and economic abuse, and occurs across diverse cultural, socioeconomic, and demographic backgrounds.

Rights of the Women refer to the entitlements and freedoms as claimed by women of all ages in various societies worldwide. These rights among others include the right to life, liberty, education, work, fair wages, healthcare, and protection from violence and discrimination.

The study delineates the pervasive issue of women violence in Dar es Salaam by encompassing various forms of abuse as physical, sexual, and financial abuse. Despite efforts to address this issue, women continue to face significant challenges, impacting their development, safety, and well-being. The study insists the violation of women rights globally, reflecting a broader pattern of gender inequality. It discusses the historical context of gender-related violence, rooted in societal norms and power dynamics (Easteal, 2015; UN, 2014; Dickstein, 2010; Easteal, 2015; Rico, 1992; Meyiwa, 2009; Ellsberg, 2005; Braney, 2010; WHO, 2013; UNODC, 2021; UNWOMEN, 2021; Haarr, 2021).

In Tanzania, domestic violence against women is prevalent, with statistics indicating high rates of physical and sexual abuse perpetrated by spouses or partners. Cultural norms often normalize such violence, contributing to its acceptance within society. Regional variations in the prevalence of sexual violence highlight the complex nature of this issue. Despite the pervasive nature of domestic violence, victims face significant barriers to reporting incidents, including cultural, social, and familial pressures. Efforts by the Tanzanian government to address domestic violence include legislative measures such as the Law of Marriage of 2002, which addresses violence against married women, and the Sexual Offenses Provisions Act (1998), criminalizing different forms of gender-based violence (URT, 2011; Emmagloria, 2019; Amnesty International, 2015; Immigration and Refugee Board of Canada, 2015). The government's commitment to gender equality is reflected in initiatives such as the National Gender Machinery and the National Development Vision 2025, which aim to improve gender
equality and women empowerment across all sectors of society (Immigration and Refugee Board of Canada, 2015).

The problem of women violence in Tanzania is pervasive, with women facing various forms of abuse perpetrated by partners or members of family within their homes. This issue threatens women basic rights, physical and mental health, and their ability to live far from violence. In Tanzania, domestic violence is exacerbated by deeply ingrained gender inequality and cultural practices that perpetuate women subordination, despite existing laws and policies aimed at protecting women rights. Large rates of physical and sexual abuse against women are reported in Tanzania, leading to serious injuries and long-term consequences for victims.

The study aims to investigate the issue of women human rights and domestic violence from an national perspective, focusing on the prevalence, and consequences of such violence in Tanzania. Additionally, it seeks to assess the role of the Tanzania Judiciary in safeguarding women rights, particularly in the area of domestic violence. By examining legal frameworks, judicial procedures, and case studies, the research intends to evaluate the effectiveness of existing mechanisms in protecting women from violence and promoting gender equality within the Tanzanian context.

The study on human rights and domestic violence holds significant societal value by informing policy and legal reformers to enhance victim safety and perpetrator accountability. Fostering community awareness and engagement to address social disintegration and isolation caused by domestic violence. Understanding and mitigating the public health implications of domestic violence on victims' physical and mental well-being, advocating for human rights and social justice by opposing gender-based disparities and supporting equal rights opportunities and empowering women by recognizing their agency and promoting their active participation in society.

2 THEORETICAL REASONING

The theoretical reasoning behind the study lies in understanding the dynamics of domestic violence done against women within the socio-cultural context of Kinondoni, Dar es Salaam, Tanzania. Drawing from theories of gender inequality, cultural anthropology, and legal studies, the study aims to explore how existing laws are implemented to address domestic violence and cover women rights. It considers the influence of socio-cultural norms, economic factors, and gender power dynamics on the prevalence and perpetuation of domestic abuse. By
employing qualitative research methods, the study seeks to uncover the underlying factors contributing to domestic violence and assess the effectiveness of legal frameworks in providing support and recourse to victims. Through this theoretical lens, the study aims to inform interventions and policies that address the root causes of domestic violence and promote women empowerment and safety within the community.

The theoretical framework for understanding women human rights and domestic violence encompasses feminist theory, intersectionality theory, human rights theory, legal pluralism theory, and the ecological framework. Feminist theory examines power dynamics and gender inequality, emphasizing the need to challenge societal norms perpetuating violence against women. Intersectionality theory shows how factors as race, class, and sexuality interconnect with gender in shape experiences of violence. Human rights theory asserts fundamental rights and freedoms, while legal pluralism theory acknowledges the coexistence of formal and informal legal systems. The ecological framework considers multiple levels of influence on domestic violence. These perspectives collectively inform strategies to control and prevent violence against women (Supreme Court of India, 1997; United Nations General Assembly, 1993; United Nations, 1979; Kijo-Bisimba, 2010; Jagadeesan, 2018).

2.1 WOMEN HUMAN RIGHTS AND DOMESTIC VIOLENCE WITH RESPECT TO THE GLOBAL PERSPECTIVES

Women human rights and domestic violence are globally recognized issues addressed through international frameworks and conventions. The UN Declaration on the Elimination of all forms of Violence against Women acknowledges violence against all women in the world as a human rights violation (United Nations General Assembly, 1993), while the Convention on the Elimination of Forms of Discrimination against Women (CEDAW) mandates states to combat gender-based discrimination, including violence (United Nations, 1979). Scholarly works such as Sheehy "Domestic Violence as a Human Rights Violation" and Meyersfeld's "Domestic Violence and International Human Rights Law" explore domestic violence within the context of human rights law, advocating for legal remedies and state obligations to prevent and address such violence (Sheehy, 1996; Meyersfeld, 2011). Cook's "The Women Human Rights of " provides a comprehensive overview of women human rights development and underscores the ongoing challenges in achieving equality and freedom from violence (Cook, 2003). These resources collectively emphasize the importance of international legal
frameworks and continued advocacy efforts to combat domestic violence and uphold women human rights worldwide.

The paramount issue of women human rights and the efforts made by Tanzania to combat domestic violence within their societies (Protection of Women from Domestic Violence Act, of 2005 and 1998). The country has recognized the urgency of addressing gender-based violence and have enacted significant legal measures and programs to protect women and ensure their rights are upheld. In Tanzania, the Domestic Violence Act of 1998 has been a crucial instrument in addressing gender based violence and protecting woman from domestic abuse. By acknowledging the vital role of the judiciary and the need for sensitivity and support within the legal system, the chapter seeks to contribute to the collective effort of creating a safer and more equitable environment for women in Tanzania.

In Tanzania, several laws and legal frameworks play a crucial role in covering women from domestic violence and make sure their rights and well-being are upheld. The Law of Marriage Act of 1971 recognizes domestic violence, including physical and emotional abuse, as grounds for divorce, empowering women to seek legal redress and leave abusive situations. Similarly, the Law of the Child Act 2009 provides comprehensive support and encouragement programs for victims of violence, emphasizing the importance of offering refuge, counseling, legal assistance, and medical care to uplift women and end the cycle of abuse. The Sex Offences Special Provisions Act 1998 explicitly criminalizes domestic abuse and ensures the protection and dignity of victims throughout legal procedures. Additionally, the Police Force and Auxiliary Act 1995 empowers law enforcement to combat domestic violence by holding perpetrators accountable and issuing protection orders on behalf of victims. The Gender-Based Violence (GBV) Act 2019 further addresses gender-based violence by granting survivors legal protection, support, and justice, including the imposition of protective orders by the court. Finally, while not specific to domestic violence, the Magistrates' Courts Act 1984 establishes the jurisdiction and powers of courts to handle domestic abuse cases, ensuring victims have access to legal redress and protection orders. These laws collectively contribute to safeguarding women rights and combating domestic violence in Tanzania.
2.2 THE CONTRIBUTION OF TANZANIA JUDICIARY IN PROTECTING THE WOMAN HUMAN RIGHTS IN REFERENCE TO DOMESTIC VIOLENCE

The judiciary of Tanzania plays critical roles in safeguarding women rights, especially in the realm of domestic violence. The Judiciary portray a crucial role in safeguarding women human rights in the context of domestic violence through interpretation and enforcement of laws, as well as delivering justice to victims. Applying Landmark cases in the court such as "Vishaka v. State of Rajasthan and Others" (1997) have set precedents in addressing sexual harassment in the workplace, highlighting the judiciary's commitment to protecting women rights (Supreme Court of India, 1997). Additionally, legislation such as the Law of Marriage Act of 1971 and the Sex Offenses Special Provisions Act of 1998, provide avenues for addressing domestic violence and gender-based violence, demonstrating the judiciary's commitment to upholding women rights (United Republic of Tanzania, 1971, 1998). Literature such as "Gender Violence and the Law in Tanzania" by Helen Kijo-Bisimba: A Policy Analysis" by Sindhuja Jagadeesan offer insights into the legal landscapes and challenges faced by the judiciaries in both countries, underscoring their pivotal roles in protecting women rights and combating domestic violence (Kijo-Bisimba, 2010; Jagadeesan, 2018).

Several international instruments and mechanisms have been established to address and cover women rights on a global scale (Amnesty International, 2022). In international human rights legislations, women can also be entitled to specific rights such as the ones regarding healthcare (UN, 2022). International human rights conventions restrict discrimination on any basis particularly of gender and also require countries to ensure the protection of women rights in all areas from property ownership and freedom from domestic violence, to equal access to education and equal participation in government (UN, 2014).

The intersection of women human rights and domestic violence from an international perspective, highlighting the commitments made by Tanzania through various international agreements. Notably, both countries have signed the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), emphasizing their dedication to promoting gender equality and controlling violence against women (UN WOMEN, 2022). Additionally, the chapter discusses significant international frameworks like the Beijing Declaration and Platform for Action, which further underscores the commitment of both nations to advancing women rights (Women National Commission, 1995). By aligning with these agreements and frameworks, India and Tanzania demonstrate their commitment to empowering
women, eliminating discrimination, and creating a society free from violence and discrimination (Raghuvanshi, 2020; UN WOMEN, 2022).

Policies and programs in Tanzania to address women domestic violence include the National Plan of Action and to End Violence against Women and Children (NPAAWVC) 2017/18 – 2021/22, focusing on prevention, protection, and support services (UNICEF, 2016). Challenges include limited awareness, resource allocation, social norms, and legal system issues. The Women and Gender Development Policy of Tanzania 2000 promotes gender equality and addresses domestic violence indirectly. Challenges include awareness, implementation, cultural norms, and access to justice. One-stop Centers provide integrated services for survivors, including medical care, counseling, and legal aid, streamlining support processes (Gwera, 2021). Challenges include resource allocation and accessibility.

3 RESEARCH METHODOLOGY

The research employs a multi-faceted approach to investigate women human rights and domestic violence in Tanzania. Firstly, an interview was conducted to 150 respondents and later a comprehensive literature review was conducted to gather existing knowledge and establish a theoretical foundation. The study encompasses scholarly articles, reports, and legal documents to identify key concepts, theories, and gaps in the current literature. Secondly, a legal analysis was undertaken to evaluate the alignment of domestic violence laws and policies in the country with international human rights standards. This analysis involved a detailed examination of relevant legislation, court decisions, and policy documents to assess the legal framework's effectiveness in addressing all domestic violence and protecting women rights.

3.1 MEASURE

To gather data on women experiences with domestic violence and their perceptions of human rights protections, semi-structured interviews and surveys was conducted with 150 respondents in Tanzania. These interviews and surveys employed open-ended questions to elicit rich qualitative data on participants’ experiences, attitudes, and challenges related to domestic violence and human rights. Additionally, a review of legal documents, court records, and policy documents to provide supplementary quantitative data for the legal analysis. Detailed documentation of domestic violence cases will also be undertaken to analyze judicial responses.
and outcomes, providing valuable insights into the effectiveness of legal mechanisms in addressing domestic violence.

3.2 DATA ANALYSIS

The collected data underwent rigorous qualitative analysis to derive meaningful insights and inform evidence-based recommendations. Qualitative data from interviews have been analyzed using thematic analysis to identify recurring patterns, themes, and nuances in participants’ narratives. Finally, a comparative analysis was conducted to compare findings from Tanzania with international standards and best practices, enabling the formulation of contextually relevant recommendations for policy and practice in the country.

4 RESEARCH RESULTS

Table 1
*Women Human Rights Implementation concerning domestic violence, based in Dar es Salaam*

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Number of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awareness of Women Rights</td>
<td></td>
</tr>
<tr>
<td>Aware</td>
<td>90</td>
</tr>
<tr>
<td>Not Aware</td>
<td>60</td>
</tr>
<tr>
<td>Experience of Domestic Violence</td>
<td></td>
</tr>
<tr>
<td>Experienced</td>
<td>75</td>
</tr>
<tr>
<td>Not Experienced</td>
<td>75</td>
</tr>
<tr>
<td>Support Services Utilization</td>
<td></td>
</tr>
<tr>
<td>Sought Help</td>
<td>40</td>
</tr>
<tr>
<td>Did Not Seek Help</td>
<td>110</td>
</tr>
<tr>
<td>Satisfaction with Support</td>
<td></td>
</tr>
<tr>
<td>Satisfied</td>
<td>30</td>
</tr>
<tr>
<td>Not Satisfied</td>
<td>10</td>
</tr>
<tr>
<td>Neutral/No Response</td>
<td>110</td>
</tr>
</tbody>
</table>

Source: from field data 2023
The table presents data on various aspects related to women rights and domestic violence among 150 respondents. Approximately 60% of the respondents are aware of women rights, while an equal proportion (50%) have experienced domestic violence. However, only around 27% of individuals have sought help from support services, suggesting potential barriers to accessing assistance. Among those who sought help, 75% expressed satisfaction with the support received, while 25% reported dissatisfaction. Notably, a significant portion of respondents did not provide a clear response or were neutral regarding their satisfaction with support services, highlighting the need for further exploration into the reasons behind this ambivalence. Overall, the data underscores the importance of addressing issues related to awareness, access to support services, and satisfaction with assistance in combating domestic violence and upholding women rights.

The study revealed a concerning domestic violence done against women in the Kinondoni region of Dar es Salaam, Tanzania, with socio-cultural norms, economic dependence, and gender power dynamics identified as key drivers of abuse. Through qualitative research methods, interviews with 150 respondents shed light on the persistent nature of domestic violence and the various factors contributing to its prevalence. Gender inequity, cultural beliefs, substance misuse, and lack of awareness emerged as significant contributors to the problem. Despite legal frameworks in place, the findings suggest a gap between policy and implementation, highlighting the need for comprehensive interventions to address root causes and provide support to victims. The results underscored the importance of collaborative efforts among policymakers, stakeholders, and communities to implement education programs, legal reforms, and awareness campaigns challenging societal norms and perceptions.

5 ANALYSIS

The analysis of the study reveals the multifaceted nature of domestic violence acts against women in the Dar es Salaam region of Tanzania. It underscores the complex interplay of cultural, socioeconomic, and gender-based factors contributing to the prevalence of domestic abuse. Despite the existence of international agreements and legal frameworks aimed at protecting women rights, there is a significant gap between policy and implementation, indicating systemic challenges in addressing this issue effectively. The persistence of domestic violence across generations highlights the need for comprehensive and sustainable approaches to tackle root causes and promote gender equality.
6 DISCUSSION OF RESULT

The findings of this study underscore the urgent need for action to deal with the pervasive problem of domestic violence done against women in Tanzania. While the country has demonstrated commitment to women rights through the ratification of international agreements, the reality on the ground suggests a disconnect between policy intentions and practical outcomes (CHRAGG, 2016; MOHCDGEC, 2023; NCW). The discussion emphasizes the importance of holistic strategies that encompass community education, legal reforms, and economic empowerment initiatives to create meaningful change (Ahmad, 2013; Batra, Renu, & Thomas, 2016). It also highlights the role of governmental and civil society efforts in driving policy implementation and fostering a culture of gender equality and respect for women rights (CHRAGG, 2016; NCW; MOHCDGEC, 2023). Ultimately, the study calls for collaborative and sustained action to address the root causes of domestic violence also to create safer environments for women in Tanzania.

7 CONCLUSION

The study delves into domestic abuse and women rights in Kinondoni, Dar es Salaam, highlighting persistent patterns of violence rooted in cultural norms and socioeconomic factors. Despite commitments to women rights through international agreements, effective implementation remains a challenge. Legal frameworks exist, but the underlying causes persist, necessitating comprehensive remedies including community education, legal reforms, and women economic empowerment. Urgent, sustained action is needed to create environments free from violence and discrimination.

7.1 LIMITATION OF THE RESEARCH

One limitation of this study is the potential for response bias in the qualitative data collection process. Despite efforts to ensure confidentiality and encourage honest responses, participants may have been reluctant to disclose sensitive information about their experiences with domestic violence. Additionally, the sample size of 150 respondents, while providing valuable insights, may not fully capture the diversity of experiences and perspectives within the community. Moreover, as with any qualitative research, the findings are context-specific and
may not be generalizable to other populations or settings. Further research could address these limitations by employ larger sample sizes, diverse data collection methods, and longitudinal designs to explore changes over time.

7.2 RECOMMENDATIONS AND FURTHER RESEARCH

The recommendations aim to combat domestic violence and promote gender equality in Dar es Salaam, Tanzania, through various measures such as mass education programs, legal reforms, support services establishment, stakeholder training, economic empowerment initiatives, curriculum integration, collaboration, and media advocacy. Additionally, further studies are proposed to compare legal systems' effectiveness, explore intersectional factors, understand victims' experiences, and examine policy implementation challenges. These efforts collectively seek to address the entrenched issue of domestic violence and advance gender equality in both regions.
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