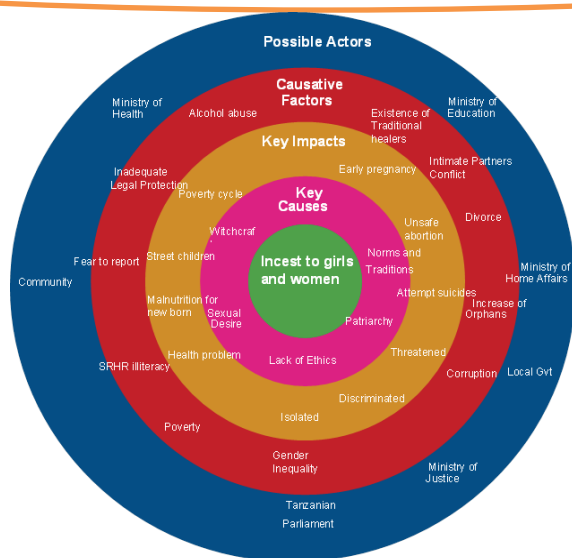




COALITION FOR WOMEN HUMAN RIGHTS DEFENDERS TANZANIA

Documentation and Assessment of Incest and Rape Cases in Relation to Sexual and Reproductive Health and Rights in Tanzania





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Contents

Acknowledgement.....	iv
List of Acronyms & Abbreviations	v
Executive Summary	vi
Introduction	vi
Key Findings	vi
Key Recommendations	viii
1 Introduction	1
1.1 Background.....	1
1.2 Objectives and Scope	2
2 Methodology.....	2
2.1 Sources of Data	2
2.2 Data Collection	3
2.3 Data Quality and Ethical Considerations	3
2.4 Limitations	4
3 Findings and Analysis.....	4
3.1 Documented Cases of Incest and Rape.....	4
3.1.1 Overview.....	4
3.1.2 Court Cases.....	5
3.1.3 Law Report Cases	13
3.1.4 Cases and Incidents Reported by Media	19
3.2 Incest, Rape, and Unsafe Termination of Pregnancy in Tanzania.....	21
3.2.1 Rape and Incest	21
3.2.2 Unsafe Termination of Pregnancy.....	23
3.3 Effects of Incest and Rape on Victims, Family, and the Community.....	25
3.4 Legal and Policy Frameworks on Incest, Rape, and Abortion Applicable in Tanzania	28
3.4.1 International Frameworks.....	28



- 3.4.2 Regional Frameworks 29
- 3.4.3 National Frameworks 30
- 3.5 Stakeholder Opinion on Addressing Incest, Rape, and Unsafe Abortion... 32
- 4 Conclusion and Recommendations 33
 - 4.1 Conclusion 33
 - 4.1 Recommendations 34
- Annexes 38
 - List of Key References 38



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List of Acronyms & Abbreviations

CPA	Criminal Procedure Act
CPC	Civil Procedure Code
CSO	Civil Society Organization
CWHRDs TZ	Coalition for Women Human Rights Defenders Tanzania
GBV	Gender-Based Violence
LHRC	Legal and Human Rights Centre
LGA	Local Government Authority
NGOs	Non-Governmental Organization
R.E	Revised Edition
SRH	Sexual and Reproductive Health
SRHR	Sexual and Reproductive Health and Rights
SWOs	Social Welfare Officers
U.S	United States
UN	United Nations
WHO	World Health Organization
WHRDs	Women Human Rights Defenders



Executive Summary

Introduction

This report is a product of a project that Coalition for Women Human Rights Defenders Tanzania (CWHRDs TZ) is implementing, called “Build Repro Rights Movement in Tanzania,” supported by Gender Links. The project aims to reduce discrimination and stigma as well as legal barriers for safe termination of pregnancies (abortion) and post-abortion care to women and girls in Tanzania. One of the activities under the project is to collect, compile, and document evidence-based information on unsafe abortion resulting from incest and rape cases, hence this report.

The main objective of the study was to document and analyse cases and incidents of unsafe termination of pregnancy resulting from incest and rape to obtain evidence to support advocacy around sexual and reproductive health and rights (SRHR) in Tanzania. This was accomplished by using various sources of data, both primary and secondary, including credible sources such as reports produced by local and international organizations, court cases, fieldwork, and official statistical and other documents produced by domestic stakeholders. Incest cases reviewed and interviews conducted with community stakeholders provided key data and insights that aided the assessment of rape and incest in relation to unsafe termination of pregnancy and SRHR in Tanzania.

Key Findings

Documented cases of incest and rape

A total of 27 cases of incest were documented by the study team from different sources, including courts and the media. These cases were reported in regions such as Manyara, Dodoma, Njombe, Mara, Mwanza, Simiyu, Tabora, Geita, Shinyanga, Katavi, and Ruvuma. One thing the study has observed is that incest cases are rarely reported, which suggests that there might be many more victims of incest in the community. Analysis of these cases revealed the magnitude of the problem of incest and challenges in safeguarding the rights of the victims. Key issues identified in this regard include bail for incest and rape offences, legality of termination of pregnancy under circumstances of rape and incest, community

perceptions, drivers of incest and rape, and care for the victims. For instance, the study found that sexual desires, belief in witchcraft, and the culture of settling criminal matters at home are among the drivers of incest and rape in the community.

Incest, rape, and unsafe termination of pregnancy in Tanzania

The study found that, like in most other parts of the world, incest, rape, and unsafe termination of pregnancy are among the biggest challenges in safeguarding sexual and reproductive health and rights (SRHR) in Tanzania, especially of girls, who constitute the majority of victims of sexual violence. Sexual violence against girls is a big problem in Tanzania. Recent human rights reports indicate that over 5,000 girls are raped each year in Tanzania, including by their own fathers (incest). For instance, in the period of 2015 to 2019, an average of 7,837 incidents of rape of women and girls, overwhelming majority being girls, were reported each year. In Zanzibar, reported girl rape cases increased from 371 in 2016 to 585 in 2022. Reports also show that cases of fathers violating their own daughters through rape and incest, and sometimes even impregnating them, are becoming common in Tanzania, especially Mainland Tanzania. At least 20 cases of incest committed by fathers were reported in the period of 2020 to 2022.

Further, the study was able to establish that incest and rape are among the leading causes of unsafe termination of pregnancy in Tanzania, contributing to severe health and life consequences for women, especially girls and young women. Incest and rape contribute to unintended or unwanted pregnancy, and nearly 4 out of 10 such pregnancies end in abortion in Tanzania. Many women and girls resort to unsafe termination of pregnancy due to the restrictive legal environment.

Effects of incest and rape on the victims, family, and the community

Assessment of the situation of incest and rape revealed several effects of such acts of sexual violence at victim, family, and community levels. These effects include teenage and unwanted pregnancies; unsafe termination of pregnancy; suicide and suicidal thoughts (mental health issues); threats or intimidation of victims; isolation, stigma, and/or discrimination of victims; school dropout, which significantly dents girls' chances at a better life in the future; health complications; and poverty.

Legal and policy frameworks on incest, rape, and abortion applicable in Tanzania

In assessing the legal and policy frameworks on incest, rape, and abortion that are applicable in Tanzania, the study found that while Tanzania's laws do not completely prohibit termination of pregnancy, they do not explicitly allow it in cases of rape and incest, contrary to regional and international human and women's rights obligations. Of particular importance are Tanzania's obligations under the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) of 2003, which requires States to allow victims to choose to terminate pregnancy under various circumstances, including rape and incest.

Key Recommendations

- In line with Tanzania's obligations under various international and regional women's rights conventions, especially the Maputo Protocol, the Government, through the Ministry of Constitutional and Legal Affairs and the Ministry of Health, should move to amend existing laws, starting with the Penal Code [CAP 16], to allow termination of pregnancy under rape and incest circumstances. Victims of rape and incest should be guaranteed this option to protect their mental and physical health and reduce maternal mortality caused by illegal and unsafe termination of pregnancy.
- The Government, through the Ministry of Constitutional and Legal Affairs and the Law Reform Commission (LRC) to consider amendment of penal laws, including the Criminal Procedure Act (CPA), to ensure incest and rape offences are non-bailable. These cases are very sensitive and release of offenders on bail may cause disruption of investigations and cases, including through persuading victims' families to 'settle' cases at home.
- The Government, through the Ministry of Constitutional and Legal Affairs, should enact Gender Based Violence Act, which, among other things, should address issues of rape and incest in relation to SRHR of women and girls.
- The Ministry of Health to develop and implement a standalone SRHR policy to ensure the Government considers and prioritizes SRHR issues in national plans and strategies.
- The Government should increase legal protection for whistleblowers, government officials, and WHRDs dealing with cases of sexual violence such as incest and rape, as they constantly face threats from perpetrators and their families or relatives.
- CSOs to collaborate with the Government to raise public awareness of sexual violence, including rape and incest, and termination of pregnancy, and consequences associated with them. CSOs should also raise awareness of other

SRHR issues and topics to enhance respect and protection of women's and girls' rights.

- CSOs should increase their engagement with girls and young women in the community to specifically sensitize them about different forms of violence, especially sexual violence, and how they can protect themselves from such violence. They should also increase engagement of men to see the best way of enhancing respect and protection of women's' and girls' rights in the community and discuss the dangers of allowing the growing of sexual violence, including rape and incest, in the community.
- The media can be a very useful tool in exposing incidents of rape and incest in the community and for raising awareness and educating community members about these acts of sexual violence and other issues relating to SRHR and women's and girls' rights. Media outlets should increase reporting of such incidents and issues and provide affordable rates for CSOs seeking to use them in raising awareness or conducting SRHR campaigns.
- Community members are encouraged to report all incidents of sexual and other forms of violence occurring in the community, including rape and incest, to the police and other available and relevant authorities and health facilities for legal action and emergency support. They should refrain from 'hiding' perpetrators of such violence, even when they are close family members or relatives.



1 Introduction

1.1 Background

The Coalition for Women Human Rights Defenders Tanzania (CWHRDs TZ) forms a large basis for advocacy and lobbying works conducted by Women Human Rights Defenders (WHRDs) across the country. The type of activities undertaken by the Coalition range from capacity building and advocacy-based research with focus on human rights of marginalized groups to protection of Women Human Rights Defenders (WHRDs) defending human rights of the deprived and marginalized groups in the society.

Although the Tanzanian Government has taken steps to address issues related to sexual and reproductive health and rights that affect women and girls, more work needs to be done, particularly in protecting reproductive rights of women and girls. Women and girls experience unsafe abortion and its complications due to not using safe methods for terminating a pregnancy, a situation largely contributed by unsupportive laws, policies, and societal practices.¹ This documentation report narrates specific cases of rape and incest and their contribution to unwanted pregnancies and unsafe abortion, as well as other intersectional issues in Sexual and Reproductive Health and Rights (SRHR).

From January 2023 to February 2025 the CWHRDs TZ is implementing a project called “Build Repro Rights Movement in Tanzania” under the support of Gender Links. The project is expected to reduce discrimination and stigma as well as legal barriers for safe termination of pregnancies (abortion) and post abortion care to women and girls in Tanzania.

One of the activities under the project is to collect, compile, and document evidence-based information on unsafe abortion resulting from incest and rape cases to guide Women Human Rights Defenders (WHRDs) to advocate for safe termination of pregnancies abortion in Tanzania. The report primarily documents and assesses the reported incest cases in Tanzania in relation to the predicament

¹ Guttmacher Institute, Infographics: Each year one million Tanzanian women have an unintended pregnancy; 39% result in abortion (2016) available at <https://www.guttmacher.org/infographic/2016/each-year-one-million-tanzanian-women-have-unintended-pregnancy>.

of unsafe termination of pregnancy and sexual and reproductive health and rights (SRHR). According to the United Nations (UN), sexual violence 'consists of Sexual violence consists of a range of sexual acts against a child, including but not limited to child sexual abuse, **incest**, rape, sexual violence in the context of dating/intimate relationships, sexual exploitation, online sexual abuse, and non-contact sexual abuse.'² In Tanzania, incest has been defined as a male or female person having prohibited sexual intercourse with a person of opposite sex who may be a granddaughter, daughter, sister, mother, grandfather, brother, or son, while knowing of the existence of such relationship.³

1.2 Objectives and Scope

The main objective of the study was to document and analyse cases and incidents of unsafe termination of pregnancy resulting from incest and rape to obtain evidence to support advocacy around sexual and reproductive health and rights (SRHR) in Tanzania.

Specifically, the study sought to:

- ☞ Identify, document, and analyse cases of rape and incest in Tanzania in relation to unsafe termination of pregnancy.
- ☞ Assess the situation of incest and rape in Tanzania in relation to unsafe termination of pregnancy and sexual and reproductive health and rights.
- ☞ Identify the effects of incest and rape on victims, family, and the community.
- ☞ Examine legal and policy frameworks on incest, rape, and abortion in Tanzania as part of sexual and reproductive health.
- ☞ Seek stakeholders' views on addressing incest and rape and unsafe abortion.

2 Methodology

2.1 Sources of Data

Various sources of data, both primary and secondary, informed the documentation and assessment of incest and rape cases in relation to sexual and reproductive health and rights (SRHR). These include credible sources such as reports produced by local and international organizations, court cases, fieldwork, and official statistical and other reports produced by domestic stakeholders.

² See UN Special Representative of the Secretary-General on Violence Against Children, *What is Sexual Violence?* at <https://violenceagainstchildren.un.org/content/sexual-violence>.

³ See sections 158 & 160 of the Penal Code [CAP. 16 R.E. 2022].



Media reports, especially by media outlets operating at national and community levels, also constituted an important source of data for the assessment.

2.2 Data Collection

The assessment was mainly conducted using document review and interview methods of data collection.⁴ Document review is a data collection method with entails collection of data by reviewing existing documents. In this regard various documents relating to SRHR, incest, rape, and abortion were comprehensively reviewed. These included reports by government institutions; reports by non-governmental organizations (NGOs), both local and international; articles; speeches; domestic, regional, and international human rights instruments; domestic court cases; and media reports. Among other key documents, the report benefited a lot from perusal of case files and law reports. Document review was also essential in triangulating data collected through other methods by providing supplementary data.

Interview method was employed during stakeholder consultations, whereby key stakeholders involved in incest cases, including victims, victims' family members, local leaders, and justice actors were interviewed to obtain their views on incest, rape, and unsafe termination of pregnancy in Tanzania. Interview guides were developed and used to specifically obtain first-hand data regarding incest and unsafe termination from the victims, parents or guardians, Local Government Authorities (LGAs) officials, social welfare officers (SWOs) and police officers. Targeted regions were Ruvuma (Mbinga), Njombe (Njombe Urban), Geita (Geita Urban), Manyara (Kiteto).

2.3 Data Quality and Ethical Considerations

Several steps were taken to ensure quality of data, including training of enumerators and pre-testing of data collection tools. Data collected were also properly managed, cleaned and stored. All ethical considerations were also adhered to before, during and after conducting the study. All interviewees were

⁴ See Bretschneider, P., Cirilli, S., Jones, T., Lynch, S., & Wilson, N., (2017). Document review as a qualitative research data collection method for teacher research. In Sage Research Methods Cases Part 2. SAGE Publications, Ltd., <https://doi.org/10.4135/9781473957435>; Bowen, Glenn. (2009). Document Analysis as a Qualitative Research Method. *Qualitative Research Journal*. 9. 27-40. 10.3316/QRJ0902027.



informed about the assessment and the purpose it serves, as well as their right to withdraw from the exercised at any time, before obtaining their consent to participate in it. The principles of privacy and confidentiality were also observed.

2.4 Limitations

- **Bureaucracy:** In some regions such as Njombe and Geita, it was difficult to timely receive information and reports regarding incest from community members and local authorities. In some areas there were delays in obtaining data from relevant authorities. The Government authorities have many different rules and regulations that needed to be followed to obtain information, especially about sensitive matters in the society such as incest.
- **Inadequate cooperation from stakeholders:** In some areas it was difficult for data collectors to obtain required information due to lack of cooperation or poor cooperation from respective stakeholders, especially from Local Government Authorities (LGA) and court officials. On other hand, the culture of silence is still a key challenge among community members and has contributed to the unwillingness of the family and other members of the community, especially victims and their close relatives, to disclose information related to incest cases or incidents.
- **Illiteracy:** All the incest cases that data collectors came across occurred in the interior villages, where most of the villagers are illiterate in the sense that they did not know how to read and write.
- **Geographical Location:** Poor infrastructure and transport in remote areas limited movement of data collectors to reach the remote areas. Consequently, it took more time to reach some of these areas, hence reducing the time for engaging and meeting various community stakeholders.

3 Findings and Analysis

3.1 Documented Cases of Incest and Rape

3.1.1 Overview

This section discusses the various cases and incidents of incest and rape that were obtained in the course of conducting the assessment of such cases in relation SRHR. These include court cases obtained during fieldwork, law report cases identified through desk review, and cases and incidents reported by the media.



A total of 27 cases of incest were documented by the study team from different sources, including courts and the media. These cases were reported in regions such as Manyara, Dodoma, Njombe, Mara, Mwanza, Simiyu, Tabora, Geita, Shinyanga, Katavi, and Ruvuma.

3.1.2 Court Cases

Through fieldwork, the CWHRDs TZ study team was able to document a total of two cases of incest and interview people familiar with the cases, including victims' family members. These cases are briefly discussed below.

Case 1: Republic versus Jeremiah Chidaka ⁵

Facts of the Case

A 60-year-old man, resident of Kiteto District in Manyara Region, was accused of committing incest against his biological daughter of 15 years of age. He reportedly did this on several occasions, until the daughter got pregnant in August 2022. On the first occasion, he threatened his daughter with a machete and knife and forced her to remove her clothes, before raping her. Afterwards, he continued having sexual intercourse with her, against her will.

The victim, now 16 years old, used to live with her father, stepmother, and siblings, but is currently living in another region in Mainland Tanzania. Narrating her ordeal, the victim told the study team that she was denied an opportunity to go to school, instead stayed at home to do some household chores. She said that she did not remember the date, but it was in early 2022 when she was first subjected to the cruel act of violence by her father. She remembered her father telling her siblings to move to and sleep in the small house, while she remained with him in the main house when her mother had travelled. That is when he made his move and told her to undress, threatening to kill her if she refused or made any noise. When she tried to move away, he grabbed her and forcefully removed her clothes and violated her. She kept quiet and stayed still because she was afraid of her father. She dared not tell anyone about what had happened, including her mother, as her father continued to threaten her. Since that day, the father continued to rape her whenever her mother is away from home.

⁵ Republic versus Jeremiah Chidaka, Criminal case No. 83/2022 District Court in Kiteto.District

As days and months went by, the victim started observing her stomach growing. Her mother noticed and asked her what was wrong with her stomach. Not knowing she was pregnant; she told her mother she was okay. However, the mother got worried as her stomach kept growing, told her stepdaughter that she is actually pregnant, and forced her to say who is responsible for the pregnancy, promising her not to tell her father about it. The victim was afraid of revealing the identity of the man responsible, her father, but the stepmother kept insisting and pushing. During this time, they were also in the process of marrying their daughter to a man in the village, and the stepmother told her they would pin the pregnancy on the fiancé.

Eventually, the victim gave in and told her stepmother, who was shocked to learn that it was her husband and stepdaughter's biological father who was the perpetrator. Angry and confused, she confronted her husband together with the victim, but he denied being responsible, scolded them, and told them to drop the matter altogether.

The next day, the father went away and returned home with some herbal medicine that he claimed is used for abortion and told his daughter to use them. The victim told her stepmother about her father's proposition, who warned her about the possible side effects, which could even lead to death, as she was worried the herbs might be unsafe for inducing abortion. The victim decided not to take the medicine, leaving her father enraged and blurting that he would take her to a witchdoctor for abortion the next day. When she heard this, the victim decided to run away and sought refuge at her uncle's house in a nearby village.

Legal Action

Upon arrival at her uncle's village, the victim told him about her predicament. The uncle called a family meeting, during which the victim re-told her story. A decision was then made to report the matter to the village chairperson, who then ordered the traditional militia guards (*Sungusungu*) to go and arrested the accused father. After being arrested, he was brought to the chairperson, who started to interrogate regarding the incest and rape allegations as well as impregnating his own daughter. The father admitted that the allegations were true, acknowledging that he had been having sexual intercourse with his daughter until she became pregnant. Following this confession, the chairperson ordered



the transfer of the accused father to the custody of the police station in their ward. He was accompanied to the police station by the victim's uncle and was taken into a cell, while the daughter was taken to be tested for pregnancy. After confirming the girl was pregnant (six months), the police went on to interrogate her father, who, for the second time, confessed to committing incest against his daughter and impregnating her.

After the confession at the police station, the accused father requested to speak to the victim's uncle and pleaded with him to 'drop' the charges against him so that they can settle the matter at family level. The uncle reportedly agreed on the condition that the perpetrator compensates him Tshs. 300,000 that he had spent as the result of the case and also pay his clan a cow and Tshs. 1 million as a fine for his actions. The accused agree to pay the compensation and fine. However, after their conversation, they were both informed that since the crime had been committed in another village, the accused person would have to be transferred to another police station, which covers the village. He was eventually transferred to another police station on the same day, where he was charged and taken to court on 7th September 2022. Based on his confession and plea of guilty, the court convicted and sentenced him to 30 years in prison as per section 158 (1) (a) of the Penal Code Cap 16 RE 2022, and Section 228 (2) of the Criminal Procedure Act Cap 20 RE 2022.

Interviews with Community Stakeholders

Apart from the victim, the study team was able to interview several community stakeholders regarding the case, including the victim's mother, the village chairperson, a prosecutor, and a state attorney. They were able to share their views as follows:

The Victim's Mother

The victim's mother had this to say regarding the case:

"I felt very bad when I heard that my daughter was impregnated by her own father. It is something which I sometimes feel like a nightmare, but I had to accept it because there was nothing I could do. I never thought of making her abort the pregnancy because that is a sin and it is against our customary practices, as whoever does that ends up dying because that act is a curse in



our tribe. I know I am poor, but I will do my best to take care of my grandchild.”

She then went on to say:

“What I want is for the Government to help us to get child maintenance out of the wealth that the offender has left behind, including cows, goats, and farms, which are all currently under the care of the eldest child who is now living at the house of his father. The eldest children have abandoned their sister because they claim that she is the reason their father is in prison, hence they won’t help her with anything. However, it is my prayer that my husband dies in prison and never comes out as he might kill me and my daughter.”

The Village Chairperson

The Chairperson of the village where the incest incident occurred, said ***“Incidents of incest have been pervasive in our village, and this has been contributed by sexual desires, tribalism, and illiteracy among the villagers. Parents have been having sexual intercourse with their children as a way of preventing their children from being married off to men from tribes that they don’t like, while some have been doing so due to sexual desires and lack of knowledge about the law on incest and its punishment.”*** He strictly discouraged and condemned such acts and behaviour by fathers.

Prosecutor

Another interview was conducted with a prosecutor who has been dealing with similar cases of incest. His biggest wish was amendment of law to allow abortion in circumstances of rape and incest and such amendments, according to him, should cover the following aspects:

- Amendment of the law to allow termination of pregnancy on circumstances of rape and incest and the decision to either keep the pregnancy or abort should be left entirely to the girl (victim). Doing so will help to reduce the number of street children who have decided to run away from home due to hardship of life or being abandoned by their parents. A mother may decide to abandon her own child out of hate and psychological distress caused by the fact that the child reminds her of the misery incident of being raped or subjected to incest.

- Severe punishment to be given to the perpetrators of rape or incest, especially life imprisonment, so that it can be a lesson for others and to enhance safety and security of the victim.
- Education about incest, rape, and other acts of sexual violence and punishments for such acts should be provided to the community members, especially those residing in rural areas, so that they can understand the consequences of committing such acts of crime. This may also lead to avoidance of social practices, norms, and behaviors that perpetuate incest and rape.
- To ensure that compensation from incest and rape cases goes to the victim, but also to be very keen in setting mechanisms on how the offender who has been convicted is still able to pay compensation to the victim, considering that most of the offenders are poor.

State Attorney

The State Attorney said that incest cases have been common in their community of pastoralists, especially in the village where the incest incident had occurred. He noted that this act is not only shameful on the part of the father and his family, but is also against African culture and values, and that experience shows that this occurs due to two main reasons, namely witchcraft belief and sexual desires. In the case at hand, he said, the reason for the father committed incest is his sexual desires, which drove him to violate his own daughter.

Additionally, the State Attorney noted that it is also true that the girl who has been impregnated by her own father is likely to be affected psychologically and may even decide to do harmful things to herself or her unborn baby. However, in his opinion, amendment of the law to allow safe termination of pregnancy in incest and rape case will not solve the problem, but rather women and girls might use that as an opportunity do abortion by claiming that they have been raped or subjected to incest while in fact it was not the case.

Republic versus Alexander Reuben Mdendemi⁶

Facts of the Case

In this case, a 54-year-old man, resident of a village in Mbinga District, Ruvuma Region, was accused of committing incest against his 17-year-old daughter by

⁶ *Republic v. Alexander Reuben Mdendemi*, Criminal Case No. 36/2022 at the Mbinga District at Mbinga District Court on 6th June 2023.



raping her. The incident occurred in July 2021 when the victim visited her father in his village to help him with farming activities. At that time, she was living with her mother and siblings in another village following parental separation.

The victim said that when she arrived at her father's house, he told her that there were some witches who were 'causing trouble' at night and the that the only way he could keep them at bay and ensure they do not bother or attack her is by having sexual intercourse with her. While she was very surprised by her father's remarks, she did not give it much thought and went to bed that night. However, a few hours later her father got her into his room, forcibly stripped her, and then raped her, while threatening her. He told her that if she uttered any word about the matter the 'spirits' would get angry and kill her. Afraid, she decided to keep quiet, and said her father raped her again on another occasion, making it two times that he violated her.

Months after she returned to her mother's village, her mother found out that she was pregnant and asked her who was responsible for it. However, the victim did not reveal the identity of the perpetrator, her own father, for fear that she could die. It was not until when she gave birth that she decided to tell her mother the truth, that the baby's father was her own father.

Legal Action

After being told by the victim about what her father did and that he is the one responsible for the pregnancy, the mother reported the matter to the police station (District level) on 15th April 2022, whereby a case file with registration number MBI/IR/605/2022 was opened. The father of the victim was thereafter arrested and taken to court. According to the victim's mother, the police and court officials were very cooperative throughout the process of filing the case. Her bravery was contributed by the fact that she was aware of the laws and that it is illegal to have sexual intercourse with blood relatives, as per the Penal Code, and that on conviction one could face long-term imprisonment. The case was filed at Mbinga District Court on 6th June 2022 as Case No.36 /2022. However, during the case hearing, the Court indicated that there was lack of sufficient evidence against the accused person and ordered a DNA paternity test to be conducted to determine whether the accused father is the genetic parent of the child. As per section 98 (a) of the CPA [CAP 20 R.E 2019], the Court released the accused on bail pending completion of investigation.



Interviews with Community Stakeholders

Victims' Mother

According to victims' mother, her husband's actions of committing incest against his own daughters could be motivated by his superstitious beliefs and ambition to attract more clients as a witchdoctor. She noted that she was ready to cooperate with the police and other government law enforcement organs to ensure her husband is re-arrested and held accountable for his crimes. ***"This time I won't forgive him"***, she said.

Regarding allowing safe termination of pregnancy in cases of rape or incest, she said that her faith does not permit abortion, as no one is allowed to kill a human being, regardless of whether they are unborn or born. She also demonstrated little knowledge about SRHR and post-abortion care.

Police

Commenting on compensation to the victims of rape and incest, a police officer (Inspector of Police) who investigated the case said the Government and society at large get satisfied if the offenders are severely punished and the victims get what is termed as justice. But normally the victims are forgotten or not given priority in these kinds of cases, and as a result they continue to face multiple challenges after incest incident has had occurred. The law should spell out the amount of compensation the victims of rape and incest are entitled to, so that they can cover costs, medical treatment, mental health counselling, and economic support.

Media Personnel

One of the media professionals said that one of the key challenges in addressing incest and rape is the fact that in some communities, family members view forgiveness as a key component of the healing process of the victim, which drives the victims to remain silent to 'protect' their families. Another one mentioned that the media has a huge role to play to expose such incidents and enlighten the community about SRHR issues, including encouraging community members to report such incidents wherever and whenever they occur, regardless of who is responsible. The interviewed media professionals added that the media can also play the role of reporting about corruption in the justice system, which has been

a big thorn in cases of violence against women and girls, including incest and rape cases, causing miscarriage of justice, as the perpetrators pay their way out of police and court so that the dispute can be 'resolved' at home.

Pastor

During an interview with the study team, a pastor in the region mentioned that crimes such as incest and rape are evil, and their occurrence is contributed by decreasing or missing of fear of God, hence moral decay. He stated that the society needs to be reformed to restore faith and morality, while also noting that incest cases are also contributed by divorce or separation and superstitious beliefs. The pastor further remarked that nowadays many people do not attend places of worship, hence religious leaders need to increase preaching, including at household level, to attract more people to these places. In his opinion, the use of public meetings such as village assembly, ward, and district meetings to create public awareness on moral issues can also help to reach even more people who do not attend places of worship.

CSO Officials

A CSO official from SMAUJATA, an independent campaign group against GBV operating in Mbinga District, said most GBV cases are underreported due to secrecy within the families, given the preference to 'settle cases or disputes' at home. He noted that contributing factors include corruption, threats, and a misconception that reporting such cases brings shame to the family, hence should be discouraged. The community-based organization has drafted proposed by-laws to arrest the parents who hide the suspects and submitted them to the Mbinga District Commissioner for adoption. The CSO official also noted that women human rights defenders (WHRDs) face a lot of hostility within the community when addressing and campaigning against GBV, including incest and rape cases, calling for better legal protection for the defenders. The organization is ready to work with CWHRDT on litigation to create better working environment for WHRDs in the country.

LGA Officials

The issue of better legal protection for human rights defenders was also raised during an interview with LGA officials. They noted that exposing incidents of rape, incest, and other acts of GBV requires courage because of various threats, including from victims' families.

Citing the example of the case at hand, one of them said after the accused person was released on bail, escaped, and started sending threatening text messages to his wife and all people who were following or working on the case, including local government officials, threatening to kill them.

Interviewed LGA officials further noted that incest cases are very sensitive and serious, hence deserve to be included in the list of non-bailable offences. This shall not only protect the victims, but also the human rights defenders pushing for justice for the victims.

In their opinion, release of accused persons on bail leads to disruption of cases and jumping from a bail, hence creating an opportunity for them to persuade families to settle cases at home or impose threats.

Another case involving Alexander Reuben Mdendemi

Alexander Reuben Mdendemi, who was accused of incest and released on bail in the case discussed above, reportedly committed another act of incest against his other daughter, the first victim's younger sister aged 13 years old. The incident was said to occur during the emergency holiday that the Government granted to schoolchildren during the Covid19 pandemic. Astounded to hear that her other daughter has also been impregnated by her husband and amid fear and confusion, the mother decided that the pregnancy must be terminated to keep her daughter in school. She decided to prepare a mixture of ashes, salt, and water, which is believed to induce abortion, and told her daughter to drink it. After drinking the liquid, the second victim experienced a vaginal discharge, which was taken to be proof of abortion. This case was not reported and taken to the court because by time they realized it was him, he had already jumped bail and his whereabouts were unknown.

3.1.3 Law Report Cases

In Common Law, which is system of law in use in Tanzania, law report means a published record of a judicial decision that is cited by lawyers and judges for their use as precedent in subsequent cases.⁷ Review of cases published in the Tanzania law reports enabled further documentation and analysis of court cases

⁷ See Britannica, *law report*, at <https://www.britannica.com/topic/law-report>.

relating to incest and rape. Review of these cases facilitated better understanding of the magnitude of the problem in Tanzania and the extent to which the Judiciary has dealt with it. These cases are briefly discussed below.

Republic v. Ally Shabani Nzige⁸

Facts of the Case

The judgment originated from the decision of the Resident Magistrate's Court of Arusha at Arusha Criminal Case No. 12 of 2018 delivered on 18th day of January 2018. In that criminal case, the appellant was charged with, tried, and convicted of an offence termed "incest" contrary to section 158 (1) (a) of the Penal Code Cap 16 [Revised Edition, 2002]. He was eventually sentenced to a term of thirty (30) years imprisonment. It was alleged by the prosecution side that on 12th May 2017, at Themis ya Simba Village within Arumeru District and in Arusha Region, the appellant did have prohibited carnal knowledge with his own daughter (the victim), aged eleven (11) years.

On the material date, at night hours and places aforementioned, the appellant and the victim were at the appellant's residential house while the victim's mother was attending bereavement ceremony of her relative. The appellant called the victim in his room under the pretense that the victim would remove a thorn from his leg, and the victim positively responded to her father's calls. Upon the victim entering the room of her parents, the appellant forcibly removed her clothes and forced her to lie on the bed. He then raped her. Having ravished the victim, the appellant then asked her to go outside. Distraught, the victim decided to go to their neighbor, a ten-cell leader, whom she found together with his wife. While crying, she narrated the incident to the wife of ten cell leader. The ten-cell leader then picked the victim and with his wife and went straight to the hamlet chairperson and asked them to listen to the victim. She repeated narrating what was done to her by her biological father. The ten-cell leader, his wife, and hamlet chairperson, and one other person decided to take the child to her mother, and then the matter was reported to police. The appellant was subsequently arrested, and the victim was medically diagnosed by a medical practitioner.

⁸ Republic v. Ally Shabani Nzige, Criminal Appeal Case No. 18 of 2020, originating from Resident Magistrate's Court of Arusha Criminal Case No 12 of 2018



Appellate Court Decision

The High Court dismissed the appeal and upheld the trial court conviction and the sentence against appellant based on the ground that the defense of appellant did not carry weight.

Republic v. Evance Hatibu Beno⁹

Facts of the Case

The judgment originated from the decision of the Resident Magistrate's Court of Morogoro in the Criminal Case No. 216, delivered in 2017. In that criminal case, the appellant was charged with, tried, and convicted of an offence termed "incest" contrary to section 158 (1) (a) of the Penal Code Cap 16 [Revised Edition, 2002]. He was then sentenced to a term of thirty (30) years imprisonment. It was alleged by the prosecution side that on 24th July 2017, at Maskati Village in Mvomero District, Morogoro region, the appellant did have prohibited carnal knowledge with his own daughter (the victim), aged nine (9) years old.

On the material date, during the night hours of 24th July 2017, the appellant was alleged to have carnal knowledge with his daughter in a banana farm. Two people with a torch claimed to have seen appellant in the act of doing sexual intercourse with his daughter. They allegedly started shouting and calling people to come and see the incest incident. Upon hearing the shouting, the appellant ran away into farmland. The victim's grandmother reported the incident to the village chairperson, while the victim was taken to Village Executive Officer, who gave them a letter to report to the hospital for medical checkup. Later, the appellant was arraigned in court, charged with the offence of incest by male.

Upon hearing the evidence of both parties, the trial court was satisfied that the prosecution case was established and proved to the standard required by law, and consequently convicted the appellant and sentenced him to thirty (30) years in prison. Having so sentenced, the appellant found his way to the Court of Appeal for justice.

Appellate Court Decision

The appellate court, the High Court of Tanzania, dismissed the sentence against appellant on the ground that the trial court failed to establish whether the crime

⁹ Republic v. Evance Hatibu Beno, Criminal Appeal Case # 70 of 2022 Originated from judgment of Resident Magistrate Court of Morogoro at Morogoro Criminal Case No 216 of 2017.

of incest was committed, because the medical examination did not prove beyond reasonable doubt that there was penetration to show that incest by male was committed.

The appellate court also raised several issues that need to be considered when dealing with incest and rape cases. One of the issues was the trial court's failure to establish proper age of the victim. According to the presiding judge, although the punishment of 30 years was proper for the victim of 13 years old, the evidence proved that the victim was born on 7/03/2008 and the incident occurred on 24/07/2017, when the victim was nine (9) years old.

According to the Judge, considering deeply the facts and grounds of appeal, he found certain issues to be indisputable, such as the relationship between the victim and the appellant. That the appellant is the biological father of victim. Equally important to note is that the victim was still in primary school, a standard six pupil. However, the age of the victim was found to be questionable as the victim herself managed to mention correctly the birthday, month, and year of birth, that is 07/3/2008. In her testimony, the victim boldly testified that she was 13 years old on the eventful date. Above all, a clinical officer testified that a 10-year-old girl was brought before her for examination.

According to the Judge, the date, month, and year of birth of the victim is highly questionable. "In our jurisdiction, the issue of age in sexual offences is fundamental, because it determines the punishment of the accused."

The Judge also challenged qualification of the medical officer who conducted examination of victim. "It is a concern of this court, that nowadays, we have seen shoddy opinions on sexual offences, involving medical experts", he said. "At most we receive expert opinions from clinical officers who, in my considered view, are not experts. Their opinions do not help our courts to determine the real issue in question. In this appeal, the question is not answered by the clinical officer if at all there was penetration of the vagina of the victim to constitute an offence of incest by male." He went on to say, "I would therefore encourage responsible institutions to introduce rules on experts to opine for the court use. This will help to clear any doubt on the qualifications of a person opining his opinion for the court use. In respect to this appeal, it is unknown if the alleged slight bruises on top of the victim's vagina constituted to penetration. In totality and on the



circumstances of this appeal, together with the medical opinion that the victim was still virgin, and lack of cogent evidence to constitute incest by male, meaning there was no penetration, which is the most important element to constitute incest by male.”

Based on the issues and concerns raised by the Judge above, the appellate court consequently quashed the conviction of the appellant and set aside his 30-year jail term imposed by the trial court. He thereafter ordered immediate release of the appellant, unless otherwise, held on account of any other lawful cause.

of incest and rape cases to set clear standards for the required information and expertise to avoid Judiciary decision to set free perpetrators of incest and rape on the ground of unclear medical opinions.

Republic v. Jackson John¹⁰

Facts of the Case

This judgment originated from the decision of the Sengerema District Court (accused), Criminal Case No. 175, delivered on 3rd December 2020. In that criminal case, the appellant was charged with, tried, and convicted of six incest of male counts under section 158(1) of the Penal Code [Cap. 16 R.E. 2019]; and rape under section 130 (1) (2) of the Penal Code. He was eventually sentenced to a term of thirty (30) years of imprisonment for 1st, 2nd, 3rd and 4th counts and twenty (20) years of imprisonment for 5th and 6th counts. It was alleged by the prosecution side that between September 2019 and May 2020, the appellant had sexual encounter with his own three daughters, two aged 15 and another 12 years.

The appellant, a peasant and resident of Ngweli - Majengo Mapya, in Sengerema District, lived with his three daughters, in a two-bedroom house. While his daughters were sleeping in a double-decker bed in their bedroom, and the appellant was sleeping in a bedroom-cum living room. It all started with the first daughter, who was woken up by her father at 22:00 hours on 15th January 2019, and ordered to accede to his demand of having sexual intercourse. After the first encounter, the accused repeated this evil exploit for countless times.

¹⁰ Republic v. Jackson John, Criminal Appeal Case # 30 of 2021 Originated from the District Court of Sengerema at Sengerema, Mwanza Region Criminal Case No 175 of 2020.



He then turned on to second daughter, whose sexual encounter allegedly occurred on 21st September 2019, while the third daughter's turn was on 9th May 2020. News of the father's alleged wrongdoing was reported to police station, culminating in his arrest on 23rd of October 2020, before his arraignment on 2nd of November 2020.

The first daughter (15-year-old) said this in her testimony before the court:

"We were only two, me and my father, my young sisters were in Mwanza with our aunt. The house has two rooms, one bedroom and a sitting room. We use one bedroom; I sleep on the upper decker and my father on lower decker. It is a double decker. My father forced me to sleep in that room. While asleep, I saw my father kissing me and then forced me to have sex with him, if I denied he would kill me. He raped me until I started bleeding a lot. He started touching me and pressing my breasts. He took off my clothes and raped me on the upper decker. He inserted his penis into my vagina. I felt too much pain. I saw blood coming from my vagina. He raped me many times, I cannot count how many.... I saw my father raping my younger sisters also."

The second daughter (15-year-old) told the court:

"On that day, while we were asleep, my father called me to the lower decker and forced me to take off my clothes. I obeyed; he started raping me. He inserted his penis into my vagina. He held my legs wide and proceeded to rape me. His penis penetrated into my vagina. After finishing I started bleeding and also sperm were coming into my vaginaI also saw my father raping my young sister. I also saw my father raping my other sister and laid her on the floor and having sex with her."

The third daughter (12-year-old) said:

"On 09/05/2020 around night I was asleep, my father called me, I went there, and he forced me to take off my clothes. I obeyed and he forced his penis into my vagina. I was asleep with my two sisters. They saw everything. He laid me down, took off my pants and took off his also, widened my hips and inserted his penis into my vagina. I felt too much pain. I started crying in pain."

After the trial proceedings that saw the prosecution marshal attendance of five witnesses, and one defense witness (accessed), the trial court found the accused guilty as charged. He was convicted of three incest counts and sentenced to thirty (30) years in prison, and of three rape counts and sentenced for another twenty (20 years) in prison for. Protesting his innocence, the appellant preferred an appeal.

Appellate Court Decision

The appellate court dismissed the appeal and upheld sentences passed by the trial court against appellant. However, the appellate Judge ordered rectification on the sentences to remove rape counts as rape and incest cannot go together. According to the law, incest by males is an offence that is provided for under section 158 (1) and (2) of the Penal Code [Cap. 16 R.E 2019] which states: **"(1) Any male person who has prohibited sexual intercourse with a female person, who is to his knowledge his granddaughter, daughter, sister or mother, commits the offence of incest and is liable on conviction- (a) if the female is of age of less than eighteen years, to imprisonment for a term of not less than thirty years. (2) It is immaterial that the sexual intercourse was had with the consent of the woman."** The Judge remarked that joining rape and incest in a single charge sheet is not proper, as where incest occurs, the allegations of rape play second fiddle to that of incest. Taking into consideration the fact that counts touching on rape have been expunged, it leaves the sentence in respect of incest which is substituted with a fitting sentence of 30 years.

3.1.4 Cases and Incidents Reported by Media

CWHRDs TZ understands and appreciates the role the media plays and can play in reporting and exposing incidents of violence against women and children, including sexual violence in the form of rape and incest. Media reports provide an important source of information in understanding what is happening on the ground, conducting fact-findings, and gathering information to support advocacy initiatives. The study team was also able to document at least 22 cases of incest, reported by the media in various regions across Tanzania, including Manyara, Pwani, Lindi, Dodoma, Njombe, Mara, Mwanza, Kilimanjaro, Katavi, Geita, Mbeya, and Pemba. These cases are listed below.

N.	Region	District	Link
1	Manyara	Kiteto	https://www.youtube.com/watch?v=mnjMtjCEGac
2	Pwani	Kibaha	https://www.youtube.com/watch?v=hxkWf1B4a1A
3	Lindi	Lindi	https://www.youtube.com/watch?v=uSxqHIJ-x3Y

4	Dodoma	Dodoma	https://www.youtube.com/watch?v=4SwOY7dk5PM
5	Njombe	Njombe	https://www.youtube.com/watch?v=wFXM8sOj_40
6	Mara	Musoma	https://jambocommunication.co.tz/ahukumiwa-jela-miaka-30-kwa-kubaka-mtoto-wake/
7	Mwanza	Nyamagana	https://www.eatv.tv/news/current-affairs/ahukumiwa-jela-maisha-kwa-kumbaka-mtoto-wake
8	Iringa	Kilolo	https://radiotadio.co.tz/nurufm/2023/01/24/ahukumiwa-jela-miaka-30-kwa-kumbaka-dada-yake/
9	Pwani	Kibaha	https://www.mwananchi.co.tz/mw/habari/kitaifa/ba-ba-ahukumiwa-miaka-40-jela-kwa-kuzaa-na-binti-yake-4228414
10	Kilimanjaro	Siha	https://www.mwananchi.co.tz/mw/habari/kitaifa/ahukumiwa-miaka-60-jela-kwa-kumpa-ujauzito-shemeji-yake--4207840
11	Kilimanjaro	Moshi	https://www.youtube.com/watch?v=duINk8qFcm4
12	Mwanza	Mwanza	https://www.youtube.com/watch?v=X94CWbLS6yQ
13	Pwani	Kibaha	http://jambotz8.blogspot.com/2013/04/maajabuhaya-baba-afanya-mapenzi-na.html
14	Mbeya	Rungwe	http://darubinitz.blogspot.com/2013/04/baba-afanya-kizimbani-kwa-kufanya.html
15	Simiyu	Meatu	http://genswahili.blogspot.com/2015/06/mke-afumaniwa-akifanya-mapenzi-na-mtoto.html
16	Shinyanga	Shinyanga	http://dar24.com/pombe-yaleta-mauaji-baba-afanya-mapenzi-na-mke-wa-mwanee/
17	Ruvuma	Nantumbo	http://darubiniyangu.blogspot.com/2012/08/mtoto-afanya-mapenzi-na-mama-yake-kwa.html
18	Pemba	Kaskazini Pemba	http://maswayetu.blogspot.com/2016/05/mkuu-wa-mkoa-afumaniwa-akifanya-mapenzi.html
19	Katavi	Mpanda	https://www.jamiiforums.com/threads/katavi-afungwa-miaka-30-kwa-kufanya-mapenzi-na-mtoto-wake.2064433/
20	Tabora	Nzega	https://www.huheso.co.tz/2022/07/jela-miaka-30-kwa-ubakaji-wa-mtoto-wake.html
21	Geita	Geita	https://www.mwananchi.co.tz/mw/habari/kitaifa/ba-ba-adaiwa-kumbaka-mwanaye-wa-miaka-minne-2963664
22	Geita	Geita	https://www.jamiiforums.com/threads/geita-baba-ambaka-bintiye-wa-kambo.1887331/



3.2 Incest, Rape, and Unsafe Termination of Pregnancy in Tanzania

Globally, incest, rape, and unsafe termination of pregnancy are among the biggest challenges in safeguarding sexual and reproductive health and rights (SRHR), especially of girls, who constitute the majority of victims of sexual violence.

3.2.1 Rape and Incest

According to the World Health Organization (WHO), Violence against women – particularly intimate partner violence and sexual violence – is a major public health problem and a violation of women's human rights, and globally, about 1 in 3 (30%) of women worldwide have been subjected to either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime.¹¹ The World Bank (WB) estimates that worldwide, 6% of women and girls aged 15 to 49 years have been subject to sexual violence from a non-partner at least once since age 15.¹² Additionally, as many as 150 million girls worldwide are said to be raped or subject to sexual violence each year, usually by someone in their family circle.¹³ In the United States of America (U.S.A) it has been reported that females aged 16 to 19 years are 4 times more likely than the general population to be victims of rape, attempted rape, or sexual assault.¹⁴

In Africa, Tanzania inclusive, the most recent estimates on prevalence of sexual violence in Africa, provided by the African Development Bank (ADB) in 2019, indicate that prevalence of sexual violence that varies from 10% to 40%, which is among the highest in the world.¹⁵ Majority of these cases are reported in Sub-Saharan Africa, where Tanzania is also located. In comparison with adult women, girls and young women experience higher rates of sexual violence, contributing

¹¹ See World Health Organization, *Violence against women: Key Facts*, 9 March 2021, at <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>.

¹² See World Bank, *Violence against women and girls – what the data tell us*, 1 October 2022, at <https://genderdata.worldbank.org/data-stories/overview-of-gender-based-violence/>.

¹³ See Maria Zafar, *16 Shocking facts about violence against women and girls*, Islamic Relief, 7 December 2022, at <https://reliefweb.int/report/world/16-shocking-facts-about-violence-against-women-and-girls>.

¹⁴ See RAINN, *Victims of Sexual Violence: Statistics*, at <https://www.rainn.org/statistics/victims-sexual-violence>.

¹⁵ See THE BORGAN PROJECT, *Organizations Ending Sexual Violence in Africa*, at <https://borgenproject.org/sexual-violence-in-africa/>.



to their higher risk of unwanted pregnancy and unsafe termination of pregnancy.¹⁶

LHRC's Tanzania Human Rights Reports have shown that sexual violence, especially in the form of rape, is the most common form of violence against girls in Tanzania and has been increasing significantly in the past five years, while there are still fears of underreporting. For instance, in the period of 2015 to 2019, an average of 7,837 incidents of rape of women and girls, overwhelming majority being girls, were reported each year.¹⁷ Since then, the number of reported cases of girls raped across Tanzania has never been below 5000 each year,¹⁸ including most recently in 2022.¹⁹ In Zanzibar, reported girl rape cases increased from 371 in 2016 to 585 in 2022, while from 2020 to 2022, an average of 551 girl rape incidents were documented by police each year.²⁰ Most of these incidents have been reported in regions such as Dar es Salaam, Arusha, Kilimanjaro, Tanga, Dodoma, Morogoro, Njombe, Mwanza, Ruvuma, Lindi, and Iringa.²¹

According to the 2022 edition of the report, among the perpetrators of sexual violence act of rape against girls are fathers, which brings into question the issue of incest.²² The report notes that girls are exposed to this most extreme type of sexual violence for various reasons, including belief in witchcraft or superstition in general, and in some cases they do become pregnant. The report further cautions about underreporting of different forms of violence against women and girls, especially sexual violence, which is usually perpetrated by people closest to the victims, usually at home.

¹⁶ See Ipas Africa Alliance for Women's Reproductive Health and Rights & African Union Commission, *Interpreting and Implementing Existing Abortion Laws in Africa 2013*, at <https://www.sexrightsafrika.net/wp-content/uploads/2016/06/African-abortion-laws-compendium-from-the-African-Union-December-2013.pdf>.

¹⁷ See LHRC (2021), Tanzania Human Rights Report 2020, at <https://humanrights.or.tz/en/resources-center>.

¹⁸ Ibid; LHRC (2022), Tanzania Human Rights Report 2021, at <https://humanrights.or.tz/en/resources-center>.

¹⁹ See LHRC & ZAFAYCO (2023), Tanzania Human Rights Report 2022, at <https://humanrights.or.tz/en/resources-center>.

²⁰ Ibid.

²¹ Tanzania Human Rights Reports 2020, 2021, & 2022 (*supra*).

²² Tanzania Human Rights Report 2022 (*supra*).

Review of LHRC's human rights reports of 2020 to 2022 showed that cases of fathers violating their own daughters through rape and incest, and sometimes even impregnating them, are becoming common in Tanzania, especially Mainland Tanzania. In 2020, LHRC documented at least 5 reported incidents of girls who were raped by their fathers, increasing to 7 in 2021 and 8 in 2022. For instance, in January 2020 a resident of Bunda District, was accused of raping his own child, a standard seven pupil. The child told police that at first her father told her he would give her Tshs. 5000 if she agreed to sleep with him and when she refused, he got into her room and raped her while blocking her mouth with his hand so that she would not scream. She said that this was a second time her father did this to her and that the first time he told her he would kill her if she told anyone.²³ In February 2021, Police in Mbeya arrested a 53-year-old resident of Itende Ward, for raping his two daughters and impregnating one of them. He would usually threaten them not to make any noise.²⁴ In 2022, incidents involving fathers as perpetrators of sexual violence against their own daughters were reported in regions such as Mbeya, Rukwa, Lindi, Dar es Salaam, Kilimanjaro, Katavi, Shinyanga, and Ruvuma.²⁵ For instance, in Dar es Salaam, Kigamboni District Court sentenced a 45-year-old man to 30 years in prison after finding him guilty of raping his 11-year-old stepdaughter. He reportedly did that repeatedly between 2021 and February 2022 when the child's mother had gone to work or was asleep at night.²⁶ Human rights reports have also documented several incidents of girls raped and impregnated by strangers in the period of 2020 to 2022.

3.2.2 Unsafe Termination of Pregnancy

Globally, millions of women are said to suffer various health consequences because of unsafe termination of pregnancy and is more common in countries where there are restrictive abortion laws.²⁷ Based on the 2012 estimates by the WHO, approximately 22 million unsafe abortions occur worldwide, resulting into 47,000 deaths each year, which equals to 13% of maternal mortality and makes it

²³ See Tanzania Human Rights Report 2020 (*supra*).

²⁴ See Tanzania Human Rights Report 2021 (*supra*).

²⁵ See Tanzania Human Rights Report 2022 (*supra*)

²⁶ *Ibid.*

²⁷ Sedgh G, Singh S, Shah IH, Ahman E, Henshaw SK, Bankole A. Induced abortion: incidence and trends worldwide from 1995 to 2008. *Lancet* 2012 Feb 18;379(9816):625–32. pmid:22264435.



the third largest cause of maternal mortality.²⁸ Percentage of maternal deaths caused by unsafe termination of pregnancy is said to be much higher in Africa, especially among young women, who account for 60% of all maternal deaths from such cause.²⁹ In Africa, only 1 out of 4 abortions are performed safely, meaning they are performed by a qualified medical provider in an appropriate environment by medical standards.³⁰ Consequently, maternal mortality ratios are very high in most African countries, including in Sub-Saharan Africa – where there are estimated 533 maternal deaths per 100,000 live births or 200,000 maternal deaths a year.³¹

In Tanzania, the situation of unsafe termination of pregnancy is also critical. For instance, a study conducted by researchers from Tanzania's National Institute for Medical Research (NIMR) and the Muhimbili University of Health and Allied Sciences (MUHAS), in collaboration with the Guttmacher Institute from New York, United States of America, revealed that women across Tanzania obtained just over 405,000 induced abortions in 2013, for a national rate of 36 abortions per 1,000 women age 15–49 and a ratio of 21 abortions per 100 live births.³² The study was the first-ever nationally representative study measuring the incidence of abortion in Tanzania, seeking to respond to the express needs of advocates working to promote reproductive health in Tanzania.³³ It concluded that unsafe abortion is a major driver of maternal mortality, while acknowledging the Government's commitment to improving maternal health in the country.³⁴

²⁸ See Ipas Africa Alliance for Women's Reproductive Health and Rights & African Union Commission, *Interpreting and Implementing Existing Abortion Laws in Africa 2013*, at <https://www.sexrightsafrika.net/wp-content/uploads/2016/06/African-abortion-laws-compendium-from-the-African-Union-December-2013.pdf>.

²⁹ Ibid.

³⁰ See safe ENGAGE & PRB, *FACT SHEET: Applying the Maputo Protocol Can Reduce Unsafe Abortions*, at <https://www.prb.org/wp-content/uploads/2019/12/maputo-protocol-fact-sheet-safe-engage.pdf>.

³¹ *Satang Nabaneh*, The Status of Women's Reproductive Rights in Africa, *Völkerrechtsblog*, 09.03.2022, doi: [10.17176/20220309-120935-0](https://doi.org/10.17176/20220309-120935-0).

³² Keogh SC, Kimaro G, Muganyizi P, Philbin J, Kahwa A, Ngadaya E, et al. (2015) Incidence of Induced Abortion and Post-Abortion Care in Tanzania. *PLoS ONE* 10(9): e0133933. <https://doi.org/10.1371/journal.pone.0133933>

³³ Ibid.

³⁴ Ibid.

In recent years, as recent as 2022, sexual violence against girls (rape) and teenage pregnancy have been said to be high.³⁵ For instance, over 6,000 child pregnancy incidents, reported in various regions, including Kigoma, Pwani, Mwanza, Katavi, Rukwa, and Arusha in 2022.³⁶

According to the World Health Organization (WHO), the former increases the risk of the latter.³⁷ The 2013 study on abortion, highlighted above, also found that at least one million Tanzanian women had an unintended pregnancy each year, with 39% of them ending in abortion.³⁸ Additionally, as also highlighted above, the rate of teenage pregnancy in Tanzania is high, which puts girls at higher risk of resorting to unsafe termination of pregnancy due to the restrictive legal environment. This environment is elaborated below in the discussion about legal and policy frameworks.

3.3 Effects of Incest and Rape on Victims, Family, and the Community

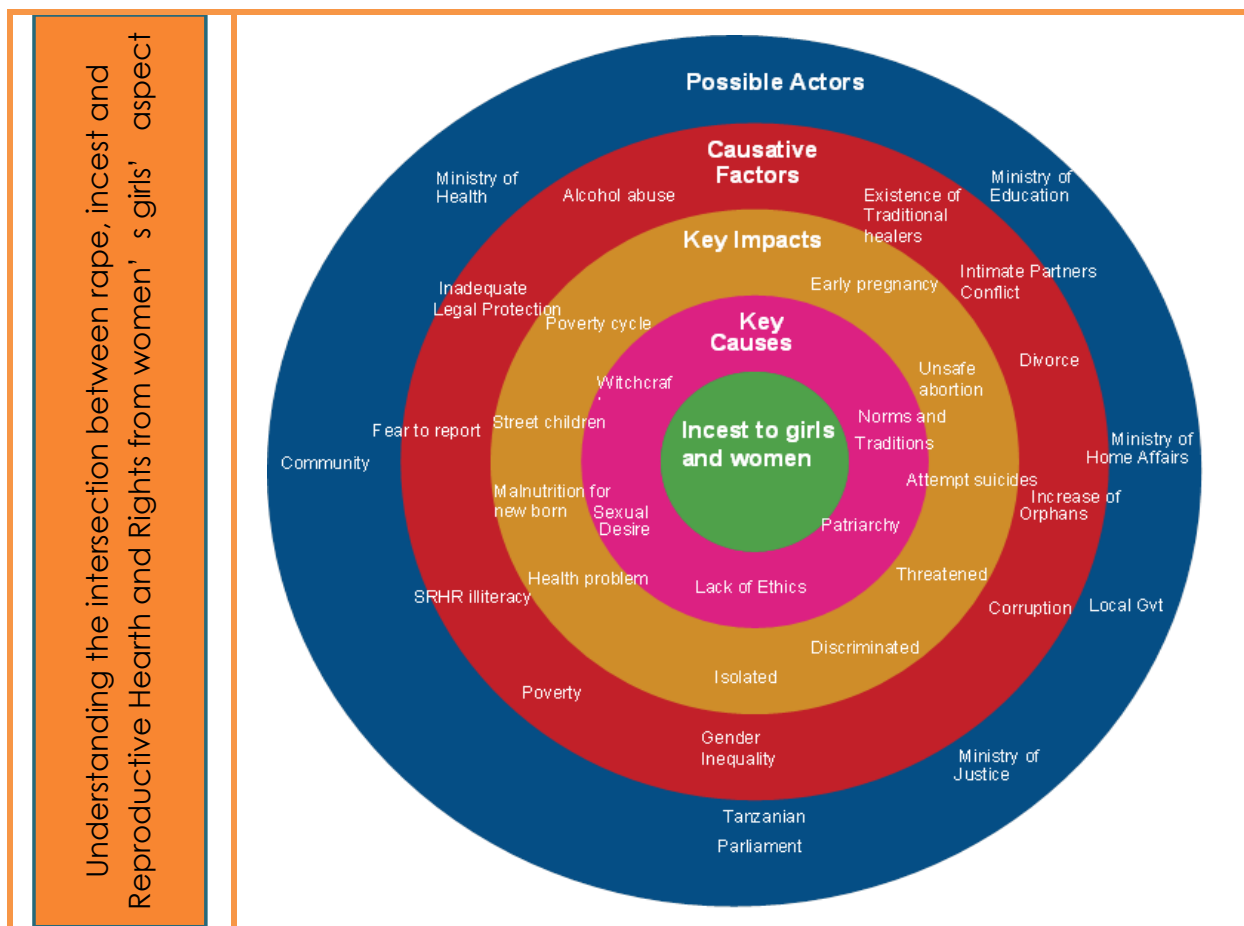
Through fieldwork and document review, the study identified several effects of incest and rape on the victims, family, and the community at large. These effects are summarized in the diagram and further elaborated below.

³⁵ Tanzania Human Rights Report 2022 (*supra*).

³⁶ *Ibid*.

³⁷ See World Health Organization (WHO), *Adolescent Pregnancy*, 2 June 2023, at <https://www.who.int/news-room/fact-sheets/detail/adolescent-pregnancy#:~:text=Adolescent%20pregnancy%20is%20a%20global,levels%20between%20and%20within%20countries>.

³⁸ Incidence of Induced Abortion and Post-Abortion Care in Tanzania (*supra*).



Understanding the intersection between rape, incest and Reproductive Health and Rights from women's girls' aspect

There are many incest effects in the community as well as those affecting women and girls specifically. They range from social, psychological, economical and even emotional. These can categorically be summarized as follows:

- **Teenage and/or unwanted pregnancy:** Most of incest cases, including those detailed in this report, involve girls below 18 years of age, who are not supposed to carry pregnancy due to their tender age. However, the increase of incest in Tanzania is one of the factors for early and teenage pregnancy.
- **Unsafe Abortion:** Every year, 1 million Tanzanian women and girls are faced with unintended pregnancies, 39% of which result in abortions.³⁹ Out of the 405,000 abortions that occur yearly, the vast majority are unsafe

³⁹ Guttmacher Institute, Infographics: Each year one million Tanzanian women have an unintended pregnancy; 39% result in abortion (2016) available at <https://www.guttmacher.org/infographic/2016/each-year-one-million-tanzanian-women-have-unintended-pregnancy>

procedures⁴⁰ and 40% result in complications that require medical treatment. Unsafe abortion is the third leading cause of maternal deaths in Tanzania as 19% of maternal deaths in Tanzania are due to unsafe abortion complications. Pregnancies resulting from rape and incest lead to unsafe abortion to avoid family mischiefs, stigma and discrimination. In most incidents of incest, the victims have themselves or through parents' convincing attempted unsafe abortion, using traditional herbs and other forms of unsafe termination of pregnancy such as a mixture of ashes, salt, and water, leaves of cassava, use of spokes of bicycles to insert into vagina, resulting into maternal deaths and morbidity to young women and throwing of infants. The cases of *Republic versus Jeremiah Chidaka* and *Republic versus Alexander Reuben Mdendemi* discussed above, are a good example in this regard, and this tells us that regardless of whether the law allows abortion in cases of incest of rape or not, women and girls or parents of victims of rape and incest will always seek to terminate pregnancy and will do so in ways which are unsafe when, like it is the case in Tanzania, the law prohibits medical abortion in such cases.

- **Suicide:** Some victims have attempted suicide and others have died due to the nature of incidents, which lead to other social and psychological effects.
- **Threats:** One of the biggest effects of incest is threats usually directed towards the victims, from both the perpetrators (fathers) and relatives after the case has been reported to police or filed in the court of the law. The threats also target WHRDs at the community level, as well as WHRD organizations attempting to ensure that victims achieve justice. Incest incidents lead to grand discrimination of victims by relatives as well as THE community, seeing her as a sinner who is not required in the community as she might spoil it.
- **Isolation, Stigma and Discrimination:** As a result of discrimination, a victim may either isolate herself or be isolated by her peer groups – mostly fellow students, if she goes to school, or isolated by her blood relatives and entire family and clan, which can see her as a curse if continues to stay in the family.

⁴⁰ Guttmacher Institute, Press Release: Unsafe Abortion is Common in Tanzania and is a Major Cause of Maternal Death (2016) available at <https://www.guttmacher.org/newsrelease/2016/unsafe-abortion-commontanzania-and-major-cause-maternal-death>

- **School dropout:** There are several factors which can drive victims of incest and rape to drop out of school, including discrimination, isolation, pregnancy, and hard life, especially after family breakup.
- **Health challenges:** Most incest victims are girls of a tender age, whose bodies are not ready for pregnancy. It is likely that these girls may face difficulties during childbearing leading to serious health complications such as fistula. Development of mental health problems to the victims of incest and rape due to trauma and depression can also occur.
- **Malnutrition for the newborn:** Malnutrition may arise because incest victims become mothers when they are not mature enough to take care of babies. Most of them are also illiterate, with no knowledge of good balanced diet. This might also be a result of poor income of the family as incest leads to family breakup, and in case of imprisonment of father who is breadwinner, the family may even be challenged to obtain food for the newborn.
- **Street children:** Incest victims may decide to abandon their newborns due to the nature of pregnancy. The abandoned newborns may lack care and end up as street children.
- **Poverty cycle:** Incest may create a poverty cycle in the family as well as the society as it may lead to family breakup, conviction, and imprisonment of fathers who are bread winners, school dropout, and increase of street children. All these factors may create a cycle where the family or society is unable to escape from poverty.

3.4 Legal and Policy Frameworks on Incest, Rape, and Abortion Applicable in Tanzania

Incest, rape, and abortion are all issues related to sexual and reproductive health and rights (SRHR). This means that the legal framework on these issues includes those on SRHR.

3.4.1 International Frameworks

At international level, there are various treaties and declarations that protect women's rights, including SRHR. The most important instrument in this regard is the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979, which requires countries to take measures to eliminate discrimination against women and girls in all areas and promotes women's and girls' equal rights. Other key human rights instruments at international level which protect women's and girls' fundamental rights, including the right to life, include

the Universal Declaration of Human Rights (UDHR) of 1948; International Covenant on Civil and Political Rights (ICCPR) of 1966; the International Covenant on Economic, Social, and Cultural Rights (ICESCR) of 1966; the UN Convention on the Rights of Persons with Disabilities (CRPD) of 2006; and the UN Convention on the Rights of the Child (CRC) of 1989.

3.4.2 Regional Frameworks

Regionally, the most important human rights instrument that protect women's rights, including sexual and reproductive rights, in Africa is the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), that was adopted in 2003. Tanzania ratified this convention in 2007.⁴¹ One of the key provisions within the Maputo Protocol are those protecting women's sexual and reproductive health and rights. The Protocol recognizes the right to African women and girls to terminate pregnancy under various circumstance, including rape and incest.⁴²

Article 14(2) (c) of Maputo Protocol

2. States Parties shall take all appropriate measures to:
c) protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, **rape, incest**, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.

Other key conventions that protect women's and girls' rights, including right to health and SRHR include African Charter on Human and Peoples' Rights (Banjul Charter) of 1981, the African Charter on the Rights and Welfare of the Child

⁴¹ See LIST OF COUNTRIES WHICH HAVE SIGNED, RATIFIED/ACCEDED TO THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA, at <https://au.int/sites/default/files/treaties/37077-sl-PROTOCOL%20TO%20THE%20AFRICAN%20CHARTER%20ON%20HUMAN%20AND%20PEOPLE%27S%20RIGHTS%20ON%20THE%20RIGHTS%20OF%20WOMEN%20IN%20AFRICA.pdf>.

⁴² See Article 14 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), 2003.



(ACRWC) of 1990, and the SADC Protocol on Gender and Development of 2008. Key policy documents on SRHR in Africa include the Maputo Plan of Action 2016 – 2030 on Universal Access to Comprehensive Sexual and Reproductive Health Services in Africa and the Agenda 2063 ‘The Africa We Want.’ The African Commission has also reiterated one of its General Comments the right of African women to access maternal health services and safe abortions in cases of sexual violence, incest, and emergency medical situation.⁴³

3.4.3 National Frameworks

Domestically, key legal and policy documents on incest, rape, and abortion include the Constitution of the United Republic of Tanzania of 1977 and the Penal Code [CAP 16, R.E 2022]. The Constitution contains a bill of rights, which recognize various fundamental rights for women, including right to life, right to equality, right to dignity, right to non-discrimination, right to personal security, and right to equality before the law.⁴⁴ Safeguarding these women’s rights partly depends on ensuring their enjoyment and realization of sexual and reproductive rights, including right to safe termination of pregnancy in cases of rape and incest.

The Penal Code contains provisions on incest, rape, and termination of pregnancy under CHAPTER XV (OFFENCES AGAINST MORALITY).⁴⁵ Both rape and incest (incest by males and incest by females) are criminalized under the Penal Code,⁴⁶ attracting a punishment of 30 years to life in prison.⁴⁷ Abortion is also illegal under the Penal Code,⁴⁸ unless it is done to preserve a mother’s life.⁴⁹

Section 150 of the Penal Code [CAP 16, R.E 2022]

⁴³ See The Status of Women’s Reproductive Rights in Africa (*supra*).

⁴⁴ See Articles 12 & 13 of the Constitution of the United Republic of Tanzania, 1977.

⁴⁵ See Sections 130, 131, 131A, 132, 140, 150, 158, 160 & 160A of the Penal Code [CAP 16, R.E 2022].

⁴⁶ *Ibid*, Sections 130(10 & (2), 158 (1), & 160.

⁴⁷ *Ibid*, Sections 131(1) & 160A.

⁴⁸ Sections 150, 151, & 152 of the Penal Code.

⁴⁹ *Ibid*, section 230.



Any person who, with intent to procure miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatsoever, is guilty of an offence and is liable to imprisonment for fourteen.

Section 230 of the Penal Code [CAP 16, R.E 2022]

A person is not criminally responsible for performing, in good faith and with reasonable care and skill, a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life if the performance of the operation is reasonable, having regard to the patient's state at the time and to all the circumstances of the case.

As highlighted above, while the Maputo Protocol allows abortion under various circumstances, including rape and incest, in Tanzania medical abortion is only allowed in the case of preserving a mother's life. This is contrary to the country's obligations under the Protocol, and we can therefore conclude that the national legal framework is not fully in line with the regional and international frameworks, specifically with regards to termination of pregnancy in cases of rape and incest. The biggest difference and concern is the fact that unlike under key women's rights instruments in Africa such as the Maputo Protocol, women and girls in Tanzania are not allowed to safely medically terminate pregnancy in cases of rape and incest. However, as stated above, Tanzania has ratified the Maputo Protocol and is therefore obligated to ensure that the domestic laws allow abortion in such circumstances. Tanzania is equally obligated to protect women's rights under various other regional and international obligations regardless of whether it has incorporated relevant provisions in domestic laws, according to

the Vienna Convention on the Law of Treaties of 1969.⁵⁰ Various decisions of Tanzania courts, including the Court of Appeal of Tanzania, have also been said to support application of key international human rights instruments such as the UDHR, ICCPR, CEDAW, and the Banjul Charter, by virtue of Article 9(f) of the Constitution of the United Republic of Tanzania.⁵¹

According to the Ipas Africa Alliance for Women's Reproductive Health and Rights and the African Union Commission, restrictive legal policies are among the biggest factors behind unsafe abortion in Africa.⁵² Restrictive and unclear laws and policies on termination of pregnancy therefore risk Tanzanian women and girls' lives and reproductive health on a daily basis. Women and girls lack access to safe options to terminate pregnancies. This also has a larger impact on their families, society, and the country at large, including by creating a great burden on the public health care system due to the considerable cost of treating patients who performed unsafe abortions and its complications.⁵³

3.5 Stakeholder Opinion on Addressing Incest, Rape, and Unsafe Abortion

Analysis of documented cases of incest and interviews with key stakeholders at community level, victims' mothers, village leaders, and justice actors, has revealed that there is a mixed opinion on allowing termination of pregnancy in cases of incest and rape, as well as the associated risk of unsafe abortion. For instance, in one of the cases discussed above, a prosecutor said his biggest wish to is to see the law in Tanzania is amended to allow termination of pregnancy under circumstances such as rape and incest, believing it would significantly reduce the rate of unsafe abortion and by extension maternal mortality.⁵⁴

⁵⁰ See Center for Reproductive Rights, *A Technical Guide to Understanding the Legal and Policy Framework on Termination of Pregnancy in Mainland Tanzania*, at http://reproductiverights.org/sites/crr.civicactions.net/files/documents/crr_TZ_Briefing_Paper.PDF.

⁵¹ Ibid.

⁵² Ipas Africa Alliance for Women's Reproductive Health and Rights & African Union Commission, *Interpreting and Implementing Existing Abortion Laws in Africa 2013*, at <https://www.sexrightsafrika.net/wp-content/uploads/2016/06/African-abortion-laws-compendium-from-the-African-Union-December-2013.pdf>; See safe ENGAGE & PRB, *FACT SHEET: Applying the Maputo Protocol Can Reduce Unsafe Abortions*, at <https://www.prb.org/wp-content/uploads/2019/12/maputo-protocol-fact-sheet-safe-engage.pdf>.

⁵³ WHO, Factsheet: Preventing unsafe abortion (2019), available at <http://www.who.int/mediacentre/factsheets/fs388/en/>.

⁵⁴ Interview with a prosecutor in the case of *Republic versus Jeremiah Chidaka* (*supra*).

However, there is no divided opinion regarding punishment for rape and incest, as nearly all interviewed stakeholders insisted on severe punishment for the offenders.

On the other hand, one of the state attorneys who were interviewed cautioned that while legally allowing termination of pregnancy may be appealing, women and girls might take advantage and claim they have acquired pregnancy through rape or incest, even when this is not the case.⁵⁵ While this fear is valid, review of documented cases, media reports, and other documents has revealed that victims and their parents will always seek to terminate pregnancy in cases of rape and incest regardless of the legal status for various reasons, including concealing family shame, poverty, and enabling girls and young women to continue with education.

However, the study has found that most of interviewed stakeholders were leaning towards harmonization of domestic legal framework with regional and international women's rights frameworks, allowing termination of pregnancy in cases of rape and incest. Majority of them, including LGA officials, also, recommended incest and rape cases involving fathers to be non-bailable.

4 Conclusion and Recommendations

4.1 Conclusion

The assessment has found that incest and rape cases are common acts of sexual violence against girls in Tanzania and have serious health and other consequences on the victims. The study findings have demonstrated the magnitude of the problem, which is exacerbated by the fact that there is no avenue for medical (safe) abortion for victims of rape and incest under Tanzanian laws, contrary to various human rights standards and principles, including the Maputo Protocol and the principle of the best interests of the child.'

One of the key findings of the assessment of incest and rape cases in relation to unsafe abortion and sexual and reproductive health and rights at large is that victims of rape and incest and/or their parents are very likely or will always most likely seek to terminate pregnancy resulting from such acts of sexual violence, regardless of whether the law allows it or not. This shall always increase the risk of

⁵⁵ Interview with a state attorney in the case of **Republic versus Jeremiah Chidaka** (*supra*).

health complications and ultimately maternal mortality. Studies have also established that unsafe termination of pregnancy is among the leading causes of maternal mortality in Tanzania.

4.1 Recommendations

4.1.1 Government, Parliament, & Judiciary

- **Law:** In line with Tanzania's obligations under various international and regional women's rights conventions, especially the Maputo Protocol, the Government, through the Ministry of Constitutional and Legal Affairs and the Ministry of Health, should move to amend existing laws, starting with the Penal Code [CAP 16] to allow termination of pregnancy under rape and incest circumstances. Victims of rape and incest should be guaranteed this option to protect their mental and physical health and reduce maternal mortality caused by illegal and unsafe termination of pregnancy. Harmonizing domestic laws with regional and international laws to ensure safe termination of pregnancy in cases of rape and incest shall also contribute to Tanzania's attainment of key goals and targets under the Sustainable Development Goals (SDGs).
- **Punishment:** The Government and the Judiciary to ensure severe punishment is imposed on offenders convicted of rape and incest, in line with the law, so that it can be a lesson for others. This move shall also help to enhance safety and security of the accused persons.
- **Bail:** The Government, through the Ministry of Constitutional and Legal Affairs and the Law Reform Commission (LRC) to consider amendment of penal laws, including the Criminal Procedure Act (CPA), to ensure incest and rape offences are non-bailable. These cases are very sensitive and release of offenders on bail may cause disruption of investigations and cases, including through persuading victims' families to 'settle' cases at home.
- **Compensation:** The law should provide and ensure that compensation from incest and rape cases goes to the victim of the offense, but also be very keen in setting mechanisms to enable the offender who has been convicted and imprisoned pay compensation to the victim. Compensation granted to victims should be fair and timely.

- **Definition of incest:** The Government, through the Ministry of Constitutional and Legal Affairs, should consider amending the definition of incest under the Penal Code to include prohibited sexual intercourse with step-fathers, step-mothers, step-sons, and step-daughters.
- **PF3:** The Tanzania Police Force to regularly sensitize the community about filling of Police Form no. 3 (PF3) and ensure this is done promptly give room to medical practitioners to capture accurate information without giving them room for a guesswork. Efforts should also made to ensure PF3 can be filled online, including via a smartphone.
- **PF3:** The Judiciary to ensure that PF3 is not the deciding factor in cases of incest, in line with the principles of natural justice. Lack of or gaps in PF3 should not significantly affect the outcome of the case.
- **Taskforce:** The Ministry of Health should create a task force for non-professionals, in line with the ministry guidelines, to allow nurses and other Community Health Workers to assist victims of incest and rape cases in areas where there are no medical experts to fill the PF3.
- **GBV law:** The Government, through the ministry of Constitutional and Legal Affairs, should enact a stand-alone Gender Based Violence Act, which, among other things, should address rape and incest issues in relation to SRHR of women and girls in Tanzania.
- **Awareness:** The Government, through the Ministry of Constitutional and Legal Affairs, the Ministry of Health, and the Commission for Human Rights and Good Governance (CHRAGG) to raise public awareness of sexual violence, including rape and incest, and termination of pregnancy, and consequences associated with them.
- **SRHR Policy:** The government should develop a national Sexual and Reproductive Health and Rights Policy to prioritize SRHR issues that affect the reproductive of women and girls in the countries.

- **Legal protection for WHRDs:** The Government should increase legal protection for whistleblowers, government officials, and WHRDs dealing with cases of sexual violence such as incest and rape, as they constantly face threats from perpetrators and their families or relatives.

4.1.2 CSOs

- **Awareness:** CSOs to collaborate with the Government to raise public awareness of sexual violence, including rape and incest, and termination

of pregnancy, and consequences associated with them. CSOs should also raise awareness of other SRHR issues and topics to enhance respect and protection of women's and girls' rights.

- **Training:** Institutions and organizations such as Commission for Human Rights and Good Governance (CHRAGG), the Tanzania Law Society (TLS), CWHRTD, and others should provide necessary training for the justice actors at district and village levels to equip them with better knowledge and skills of addressing incest and rape cases so that they can ensure a fair trial.
- **Girl and men engagements:** CSOs should increase their engagement with girls and young women in the community to specifically sensitive them about different forms of violence, especially sexual violence, and how they can protect themselves from such violence. They should also increase engagement of men to see the best way of enhancing respect and protection of women's and girls' rights in the community and discuss the dangers of allowing the growing of sexual violence, including rape and incest, in the community.

4.1.3 Religious Leaders

- **Preaching and speaking out:** Religious leaders should regularly preach and speak out against about sexual violence, especially rape and incest, which are partly contributed by witchcraft beliefs and are among the causes of unwanted pregnancies and unsafe termination of such pregnancies. Prevalence of such acts, which are evil the eyes of God, is an indication of declining fear of God, which means religious leaders have a lot of work to do in the community.

4.1.4 Media

- **Exposure and education:** The media can be a very useful tool in exposing incidents of rape and incest in the community and for raising awareness and educating community members about these acts of sexual violence and other issues relating to SRHR and women's and girls' rights. Media outlets should increase reporting of such incidents and issues and provide affordable rates for CSOs seeking to use them in raising awareness or conducting SRHR campaigns.
- **Corruption:** The media should also play the role of reporting and exposing corruption in the justice system to ensure the perpetrators bribe their way out of court and victims achieve justice.

4.1.5 Community Members

- **Reporting:** Community members are encouraged to report all incident of sexual and other forms of violence occurring in the community, including rape and incest, to the police and other available and relevant authorities. They should refrain from 'hiding' perpetrators of such violence, even when they are close family members or relatives.
- **Cooperation:** Community members should also cooperate with police and other justice actors in investigation and prosecution of sexual offences, including rape and incest. They should refrain from attempting to 'settle' such cases at home and protecting the offenders, while ignoring the victims.

Annexes

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