



**DOCUMENTATION OF INCIDENT OF VIOLENCE AGAINST WOMEN IN
POLITICS (VAWP) IN TANZANIA: EVIDENCE FROM 2020 GENERAL
ELECTIONS**

DECEMBER, 2020



List of Abbreviations and Acronyms

ADC	Alliance for Democratic Change
BAVICHA	Baraza la Vijana wa CHADEMA
BAWACHA	Baraza la Wanawake wa CHADEMA
CCM	Chama Cha Mapinduzi
CHADEMA	Chama Cha Demokrasia na Maendeleo
COVID 19	Coronal Virus Decease-2019
CSOs	Civil Society Organizations
CWHRDs	Coalition for Women’s Human Rights Defenders
DPP	Director of Public Prosecutions
GBV	Gender-Based Violence
IGP	Inspector General of Police
LHRC	Legal and Human Rights Centre
MNH	Muhimbili National Hospital
MP	Member of Parliament
NEC	National Electoral Commission
NGOs	Non-Governmental Organizations
PA	Public Announcement
RPC	Regional Police Commander
SADC	Southern African Development Community
TACCEO	Tanzania Civil Society Consortium for Election Observation
TEW	Tanzania Elections Watch
TWCP	Tanzania Women Cross-Party Platform
UN	United Nations
VAWP	Violence against Women in Politics

List of Legal Instruments

UN Declaration on the Elimination of Violence against Women, 1993

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979.

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

SADC Protocol on Gender and Development, 2008.

East African Community Gender Policy, 2018.

Constitution of the United Republic of Tanzania [Cap. 2 R.E. 2002].

Political Parties Act [Cap. 258 R.E. 2019].

National Emblems Act, [Cap. 10 R.E. 2002].

Election Expenses Act, 2010.

Political Parties (Code of Conducts) Regulations, G.N. No. 954 of 2019.

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Executive Summary

In 2020, CWHRDS conducted thorough observation in the 2020 Tanzania general election and documented incidences of Violence against Women in Election. The coalition succeeded to establish ten (10) GBV/VAWP incidents which were systematically reported by different media sources as prescribed in the terms of reference between the coalition and consultant engaged. Such incidents were verified, analysed and documented in this report.

This report is divided into four Parts; Part one describes definition of key terms used in this study, the introduction, objective of the documentation, methodology used by the author, scope of work and limitations. Part two provides types of VAWP or GBV experienced by Women aspirants and candidates in the 2020 general elections and case studies documented. Part three explain about the feminist interpretation and analysis of legal frame works of both national and International with regards to creating safe space and security of WHRDS in leadership and political participation. Last part is part four that enumerates the conclusion of the study which ends by providing recommendations to key stakeholders on how to respond to and prevent VAWP in future elections and political processes in Tanzania.

The outcome of the study are ten (10) case studies which were found and documented in this report whereby women candidates experienced Violence especially during nomination processes within political parties, campaign period and on election day. Verbal abuse, beatings, intimidations, attacks and arrests were mentioned as most incidences of Violence against these women political candidates. The consultant was able describe these cases as elaborated below:-

1. In early 2020, three women Members of Parliament from opposition party were attacked by the police and battered, simultaneously being charged on different counts at Kisutu Resident Magistrate Court at Dar es Salaam. However later the charges were withdrawn. Coalition of WHRDs in collaboration with Coalition against Gender Based Violence (MKUKI) followed up on this issue and gave a strong statement condemning this brutality. The coalitions of WHRDs and MKUKI visited the victims visited in hospitals to provide psychological and humanitarians' supports.
2. In Singida, a contestant from CHADEMA party, Nusrat Msang was arrested and held under police custody during period of campaign toward Election Day. She was released by the DPP in late of November, 2020. When she was nominated as MP of special seat together with other 18 women from Opposition party.
3. Esther Matiku a woman candidate and former Member of Parliament from opposition Party of Tarime Constituency was a victim violence who was seriously mistreated through offensive and vehement statements like "Malaya meaning prostitute" being directed to her. The Coalition in turn did give a strong statement against these insults with ultimatums to be done against the culprits.

4. Another perpetrator Bishop Gwajima was also condemned for giving heated statements that he had an obligation of renouncing Bi Kidude of Kawe meaning MP Halima Mdee, comparing her with an elderly woman who has already died. He also gave a statement that CCMs victory for this year was compulsory even if it meant breaking a person's arm.
5. In another instance, a candidate was refused to contest for elections and invaded in her house, her clothes were torn and she was left naked and put under police custody. She was released but others were left in custody. The lady known as Catherine Ruge reported the matter to the IGP who said he would work on the matter but that parties should adhere to the laws of the country to avoid repetition of such incidences.
6. MP Esther Matiku's office was also invaded by police without any explanations as to the reason for that. Her guards were taken and she was pushed aside. Why this GBV against women?
7. In Iringa region: It was reported that a woman Ms. Queen Sendiga presidential candidate for The Alliance Democratic Change (ADC) would conduct campaigns at Iringa Stand. Incidentally, someone else was found to replace her, the incident was reported to the Electoral Commission and to the election returning officer of Iringa Urban, they promised to work on the matter. Later on, some members of CCM went to the place of the incident and caused havoc. They battered the woman's car mirrors and slapped her. To date the reports, have no records of the culprits who committed the offences.
8. MP Halima Mdee during elections of October 2020 found some elections tolls with votes that had already been cast, to her surprise she was attacked and arrested by the police and put her under custody for few days.
9. The Ward councilor elect for CCM, a lady by the name of Fatma Ngozi had won for the post she was vying for in the elections but her and six members of her family were killed by unknown people and their house was burnt to the ground. Police later claimed to have arrested nine people suspected to be connected to the incident.
10. The candidate for the presidency of CCM claimed to have said 'Bring me this light woman and I will make her an MP. This in turn is a segregation statement against women.

Then comes recommendations which are transformed into action plans of which the authors advised to be done by the coalition of WHRDs Tanzania in response and preventing Violence against women in this year 2021. Some of the actions that the coalition is expected to be worked in reducing VAWP and GBV in elections are;

- To design specific programs for WHRDs in order to build the capacity of political party leaders, religious leaders, community leaders, media personnel, the police force, election management officials and relevant government officials about what constitutes VAWP, its effects and the best ways of circumventing it.
- To advocate for inclusion of VAWP issues in the training material for civic and voters' education in order to raise public awareness on VAWP throughout the electoral cycle.
- To conduct fact findings on issues of VAWP and provide psycho-social and legal support to victims of VAWP by including in the Coalition's strategies the mechanisms for prevention, documentation and intervention on incidents of VAWP, not only during elections, but throughout women's political activities.
- Launch a campaign about positive discrimination in favour of women in politics and ensure strict implementation of laws to prevent VAWP.

However, during this exercise of collect information of incidences of VAW, the Coalition of WHRDs Tanzania suspected that due to limited election observers' participation, restriction of media freedoms, internet shutdown, restrictions on accessing social media during the election, some of vital information about these incidents were not reported especially from the grassroots. Further, resource constraints plus stringent national laws on access to information hindered the author from obtaining sufficient data. This does not however affect the purposed for documentation of GBV/VAWP incidents because the report gives a general picture of how the situation is across the country.

After documentation of the incidents, the Coalition of WHRDs Tanzania suggests that in responding to these incidents, different steps need to be taken by involving Key Strategic stakeholders such as the office of President of the United Republic of Tanzania, the Inspector General of Police (IGP), the National Electoral Commissions, Zanzibar Election Commission, The Office of Registrar of Political Parties, Leaders of Political parties, Women wings of Political Parties, CSOs and Election Observers as well as the WHRDs of Tanzania.

Preface

About CWHRDTZ

Coalition for Women Human Rights Defenders Tanzania (CWHRDs-TZ) is an NGO registered in August 2019 under the Non-Governmental organization (NGOs) Act 2002. The coalition was formed to coordinate women's human rights defenders in the country in order to provide safe spaces, capacity building and support for women human rights defenders, document their struggles in defending human rights of women, own fate, having travelled through various challenges in their working life. The coalition is hosted by Prosperous Health Life Initiative (PHLI) as a secretariat, a women's right local organization. The coalition comprised of both individual and organizational membership whereby as in December 2020 it has more than 35 members who are basically Women Human Rights Defenders in Tanzania.

Main Objective of CWHRDTZ

The main objective of the coalition is to address critical gaps on women's' issues: challenges facing women human rights defenders who are at risks and threats in their struggle to acquire the rights of Tanzanians women, empower them to be able to defend themselves and sustainably support themselves and their families. The coalition also intends to strengthen the secretariat and its members in protection and promotion of human rights. As end result of this is to create safe working environment of WHRDs.

Again, the coalition of WHRDs plans to work closely with different strategic stakeholders including International, regional and local WHRDs and HRDs' organizations, Women Movements and networks and coalitions; individual WHRDs; Development Partners; United Nations and the Government of Tanzania.

Vision

Mission

Part I:

1.0 Introduction

Tanzania conducts its general elections after every five years in compliance with its Constitution.¹ The latest national general election was conducted on 28th October 2020 whereby numerous Tanzanians contested for presidential position, parliamentary seats and Councillorship. Principally, women have opportunity to contest for any of the above posts just like men. However, a study by Uongozi Institute shows that between 1961 and 2015, no women had occupied a top-level leadership position in Tanzania, including the president or vice-president's position, prime minister, chief minister or the attorney general.² The first-ever woman to become the Vice-President in Tanzania is Hon. Samia Suluhu Hassan, who came into power for the first time after 2015 general elections. The possible causes for this state of affairs is not only the general public perception that 'only men' should be leaders, but also GBV/VAWP during elections.

The Constitution was amended in 2005 increasing the national assembly quota for women from 15 percent to 30 percent,³ but the enjoyment of this constitutional right by Tanzanian women is still a nightmare due to various obstacles. The Constitution provides further for the appointment of ten (10) members of Parliament by the President, five of whom must be women.⁴ In an effort to ensure gender inclusion, the Political Parties Act stipulates that 'no political party qualifies for provisional registration unless 'its membership is voluntary and open to all the citizens without discrimination on account of among others, gender and disability'.⁵ Moreover, the Act mandates the Office of Registrar of Political Parties to prohibit violence against women. Despite all these legislations, still in Tanzania women have no equal opportunities to participate in political activities as men.

Participation in elections both as voters and candidates, is a crucial step towards realising the women empowerment goal. Although Tanzania has come a long way in providing for political participation of women, legislation and enforcement have not sufficiently addressed meaningful women's inclusion in the political system of the country. Consequently, their participation has hitherto remained limited. Although perpetrators of GBV/VAWP during elections are not the police alone, there have been complaints that the police use excessive force and extra-judicial actions against election contenders, including women.⁶ To establish the magnitude of VAWP problem, this report documents specific incidents of GBV/VAWP during 2020 Tanzania general elections with a view to exploring issues calling for intervention and future responses by the CWHRDs, other Women's Rights Organizations and activists.

¹ Art. 42 (2), Art. 76 (1), Constitution of the United Republic of Tanzania [Cap. 2 R.E. 2002].

² Uongozi Institute 'Women and Political Leadership: Facilitating Factors in Tanzania' http://uongozi.or.tz/wp-content/uploads/2018/02/Women-and-Political-Leadership_online.pdf
http://uongozi.or.tz/wp-content/uploads/2018/02/Women-and-Political-Leadership_online.pdf

³ Art. 66 (1) (b), the Constitution, Cap. 2.

⁴ *Ibid*, Article 66 (1) (e).

⁵ S. 9 (1) (c), Political Parties Act [Cap. 258 R.E. 2019].

⁶ Amnesty International (2020), Tanzania: Repression Mars National Elections, www.hrw.org. Accessed on 25th November 2020.

1.2 Rationale for the Study

In October 2020, Tanzania conducted its general elections. There were numerous claims from stakeholders within the country and international communities regarding some election malpractices such as intimidation of election contenders, election violence, human rights abuses, NEC partiality, election campaign suspensions, limiting election observers' participation, restricting media freedoms, internet shutdown, restrictions on accessing WhatsApp, Twitter, Instagram and suspension of bulk short messaging over the election period. Several statements were issued before, during and after the elections to condemn these contraventions. The Coalition for Women's Human Rights Defenders (CWHRDs), being one of the Tanzania's elections stakeholders, was concerned with the fact that women who contested for presidency, parliamentary seats and councillorship positions in Tanzania during 2020 elections increasingly became victims of election violence.

Having the mandate to coordinate women's human rights defenders in the country, to provide safe spaces, capacity building and support for women human rights defenders, plus documenting WHRDs struggles in defending human rights of women, CWHRDs engaged informants to collect some information thorough media and conversation with some women aspirants / candidates and establish an evidence-based documentation of GBV/VAWP incidents which occurred during the 2020 general elections in order to establish the magnitude of the problem, respond to VAWP incidents and prevent the same from recurring in future. The author was thus required to conduct deskwork review /online review of existing reports, analyze information obtained from the review and document the said incidents.

Women aspirants (candidates) are increasingly becoming victims of election violence in Tanzania. These women, from different political parties are undergoing physical and verbal violence including sexual assaults, intimidation, beaten, verbal abuses, their campaign materials including cars are destroyed and their campaign team members are also physically abused, arrested /detained. In order to address Violence Against Women in Politics/elections (VAWP) incidences, the coalition is planning to establish evidence-based documentations by documenting the incidences of VAW in Politics/Election (VAW). The documentation of the incidences will provide magnitude of the incidences/problems which will give us a way of responding and preventing election VAW in future. Thereafter, coalition of WHRD Tanzania seeks to respond to incidences of violence against women who have contested for parliamentary and councillorship positions on Tanzania multiparty elections conducted on 28th October, 2020. The documentation will be done through; collection of information – desk review, social media/online and physical interview with some political contestants, data analysis and documentation, reviews and validation of the compiled document. The secretariat of the coalition will lead the validation process with the assistance of steering committee of the coalition by preparing the validation meeting and giving any guidance if need arises.

It is against this rationale that, requires the coalition to document the incidences of Gender based Violence occurred during the 2020 Tanzania general election in both Tanzania Mainland and Zanzibar in order to establish evidence-based information for coalition advocacy work against gender-based violence of WHRDs. In addition to that, documenting of incidences of VAW experienced by women candidates of political election in 2020 is the key objective of the coalition. One of the objectives of the Coalition of WHRDs Tanzania is to document struggles of women human rights defenders. Women Politicians are part of the movement and

as human rights defenders of political arena. Therefore, the documentation will assist in advocacy interventions of the coalition to assist in creating safe space for women to engage and participate in political processes and acquire leadership position they aspired.

1.3 Situational analysis of 2020 Tanzania Election days

As stated above, Tanzanian citizens went to the polls on 28th October 2020 to elect a new president, members of parliament and local councilors. The elections were the 6th since the country resorted to multi-party democracy in 1992. Numerous Tanzanians contested for various political positions mentioned above, but participation of women as voters, candidates, returning officers, election observers or party members was generally low. There could be several factors for lack of effective participation of women in 2020 general elections, but the obvious reason is gender-based violence or violence against women in politics (VAWP) which have been committed to women candidates not only in the 2020 general elections, but also in the previous elections.⁷ VAWP is violence that occurs within the political processes but that specifically targets women, their supporters or members of their families. VAWP is used to reinforce traditional social and political structures by targeting women leaders who challenge patriarchy and the prevailing social expectations and norms. VAWP has been defined as the connotation of any act of violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women politicians, including threat of such acts, coercion or arbitrary deprivation of liberty in public or private life.⁸

1.4 Objectives of the Assignment

The purposes for documenting GBV/VAWP incidents are:

- To show the magnitude of the problem.
- To recommend to various actors on appropriate steps to be taken.
- To respond to the incidents and prevent the same from recurring in future.

1.5 Methodology

Currently, there is no an internationally agreed indicators and data collection methods to measure VAWP incidents or prevalence. Depending on objectives of each study, different research techniques have been used to suit the needs. Data for conducting this study has largely been obtained through deskwork review with dialogue discussions with members of CWHRDs Steering Committee, some women Parliamentary candidates in 2020 general elections, women human rights defenders and activists. The author reviewed international and regional legal instruments relevant to women, national legislation and related policies, study reports and documents on GBV generally and those with a specific focus on VAWP in Tanzania in particular. Findings of the study were presented at a one-day stakeholders' workshop attended by members of the CWHRDs Steering Committee, some women candidates of parliamentary seats from various political parties, participants from various NGOs and CSOs to review and

⁷ See for example TWCP, VAWE Report, 2015.

⁸ Ertürkin, Y., (2009) UN Special Rapporteur on Violence Against Women.

inputs this document. Comments and views from participants of the workshop have helped shape this report.

1.6 Scope of Work

Scope of this study was to document the incidences of Gender based Violence occurred during the 2020 Tanzania general election in both Tanzania Mainland and Zanzibar in order to establish evidence-based information for coalition advocacy work against gender-based violence of WHRDs. However, the cases shown in the study restricted in Tanzania Mainland due to some limitations encountered during the exercises. The limitations are elaborated clearly below. One of these is the limited funds and time to address VAWP issues in Zanzibar given the strict deadlines that were to be met. The other is the fact that there are comparatively very few studies and reports on the theme relating to the state of affairs on the VAWP in Zanzibar. Therefore, the study was confined to specific incidents of VAWP in Tanzania 2020 general elections with a few references to GBV generally, only for highlighting background to the problem.

1.7 Limitations

Due to limited election observers' participation in 2020 general elections, restriction of media freedoms, internet shutdown and restrictions on accessing social media during the election, some of vital information about GBV/VAWP incidents went unreported especially from rural areas/the grassroots. Further, resource constraints plus stringent national laws on access to and publication of information prevented the author from obtaining sufficient data for the report. Moreover, another limitation was the limited funds and time to address VAWP issues in during the period of election. The other is the fact that there are comparatively very few studies and reports on the theme relating to the state of affairs on the VAWP in Zanzibar. Therefore, the study was confined to specific incidents of VAWP in Tanzania 2020 general elections with a few references to GBV generally, only for highlighting background to the problem. This has, however not affected the quality of the report and purposes for documenting GBV/VAWP incidents because sources of data obtained were so reliable that they give a general picture of how the situation was across the country.

Part II:

2.0 Case Studies and Findings

This section presents the findings of the presence and the magnitude of VAWP during the 2020 general elections in Tanzania. It is important to point out that VAWP may be in the form of physical violence, psychological violence or sexual violence. Any of these forms can be perpetrated by women's members of the family, local communities to which women politicians belong, within political parties which sponsor their members for various political positions or they may occur on media, both print and social as well as in cyber space. This study documents claims of intimidation and violence against women contenders in Tanzania 2020 general elections as highlighted and reported by numerous media sources at various times throughout the election period and immediately after the elections. The incidents have been presented in chronology order according to the elections' cycle in which each incident occurred, but they all posed a threat on women's participation, protection and insecurity during 2020 general elections as evidenced hereunder.

Case Study One.

On 13th March 2020, former CHADEMA's Member of Parliament, Ms. Halima Mdee (Kawe), Ms. Ester Bulaya (Bunda Urban), and Special Seat's member of parliament Ms. Jesca Kishoa were admitted to hospital after police beat them. Ms. Mdee and Ms. Bulaya were admitted to the Aga Khan Hospital, while Ms. Kishoa was admitted at the Amana Hospital in Dar es Salaam. Police and Prison Services Guards attacked the three members of parliament while at Segerea Maximum Security Prison, where they went to accompany the party's national Chairman, Mr. Freeman Mbowe, then in remand prison, having failed to pay the fine immediately after he was convicted on charges of sedition and unlawful assembly.¹ Ms. Mdee and Ms. Bulaya were thereafter charged with trespassing the prison. The two, alongside 13 other CHADEMA members, were arraigned at the Kisutu Resident Magistrate's Court in Dar es Salaam on 23rd March 2020, and faced seven criminal charges. The charges related to the incident which took place at Segerea Prison and they included disobedience of lawful order, unlawful assembly, and malicious damage to property, using abusive language to prison officers, and assault.

Case Study Two.

In another occasion, on 6th July 2020 the police at Singida arrested Nusrat Hanje, the Secretary General of CHADEMA's national youth wing known by its acronym 'BAVICHA' who was in the youth campaign event after having sang the national anthem. After the arrest, Nusrat and six other party members were detained and arraigned to the court where they were charged with eight counts including, illegal assembly, ridiculing the national flag and the national anthem and conducting themselves in a way which was likely to cause breach of peace.¹ Initially Nusrat and her colleagues were denied bail. They appealed to the High Court of Tanzania at Dodoma which granted them bail on 26 August 2020. The police continue to detain them in violation of the court order. They were later on 23rd November 2020 released by the Director of Public Prosecutions (DPP) on the ground that the Republic had no longer had an interest to continue with their prosecution. It should be noted that Tanzania does not criminalize contempt or ridicule of the national anthem, although the National Emblems Act makes it an offence for any person to insult the national flag or coat of arms

Case Study three

*on 31st August 2020, CCM chairperson for Tarime District, one Daudi Ngicho used obscene language on stage during election campaign rally, calling CHADEMA parliamentary candidate for Tarime Urban **Esther Matiko** a "**Prostitute.**" On 16th October 2020, the Coalition for Women Human Rights Defenders (CWHRDs) issued a statement denouncing all the negative remarks against women contenders in 2020 general elections, saying they constitute GBV. The CWHRDs demanded 10 remedial actions from various stake-holders.*

Case Study Four

*On 5th September 2020, while at the mid of election campaigns for Kawe constituent, bishop **Josephat Gwajima** insulted **Ms. Halima Mdee**, a counterpart contestant for the same parliamentary constituent. He referred Halima Mdee as, "**Bi. Kidude**" in the presence of the Vice President, Samia Hassan Suluhu and other famous women politicians. Literally, Bi. Kidude is not an insult since it is the name of a famous Tanzanian musical legend who is now the deceased. However, when the name Bi. Kidude is used out of its original context, it connotes a shameless extremely old woman, who tells lies. Gwajima said in that election rallies that his party (CCM) had given him only one obligation; to fight the 'Bi. Kidude' of Kawe. He said, if one wants to enjoy some delicious chips with eggs, then he must be prepared to break some eggs. So, CCM's success must cause some injuries to some other persons. He went on saying that, if it takes breaking someone's leg, let it be broken, and if it takes someone to collapse and faint, let her faint to ensure that CCM wins in 2020 general election. The statements were received with a loud laughter from the crowd, including renowned women political leaders who sat on the high-table. It should be observed that, while the name Bi. Kidude is not inherently an insult, the context in which it was used by Gwajima constituted not only defamation, but also a purely psychological violence against a woman in politics. It should also be remembered that, at the time of the said insults, Mdee*

was among the CHADEMA high officials and the retired honourable member of parliament for ten continuous years.

Case Study Four

On 5th September 2020, while at the mid of election campaigns for Kawe constituent, bishop Josephat Gwajima insulted Ms. Halima Mdee, a counterpart contestant for the same parliamentary constituent. He referred Halima Mdee as, "Bi. Kidude" in the presence of the Vice President, Samia Hassan Suluhu and other famous women politicians. Literally, Bi. Kidude is not an insult since it is the name of a famous Tanzanian musical legend who is now the deceased. However, when the name Bi. Kidude is used out of its original context, it connotes a shameless extremely old woman, who tells lies. Gwajima said in that election rallies that his party (CCM) had given him only one obligation; to fight the 'Bi. Kidude' of Kawe. He said, if one wants to enjoy some delicious chips with eggs, then he must be prepared to break some eggs. So, CCM's success must cause some injuries to some other persons. He went on saying that, if it takes breaking someone's leg, let it be broken, and if it takes someone to collapse and faint, let her faint to ensure that CCM wins in 2020 general election. The statements were received with a loud laughter from the crowd, including renowned women political leaders who sat on the high-table. It should be observed that, while the name Bi. Kidude is not inherently an insult, the context in which it was used by Gwajima constituted not only defamation, but also a purely psychological violence against a woman in politics. It should also be remembered that, at the time of the said insults, Mdee was among the CHADEMA high officials and the retired honourable member of parliament for ten continuous years.

Case Study Five

Ms. Catherine Ruge who was a parliamentary candidate for Serengeti had complained about physical attack and sexual harassment when she visited the returning officer's office to follow up on her request to have her campaign schedule altered so she can attend medical treatment. According to her, she had suspended her election campaigns from 28th September this year due to illness. She explained that after recovering from her illness, on 2nd October, she wrote a letter to the returning officer in Serengeti requesting for some changes on her campaigning schedules, but she received no feedback. On 8th October this year, CHADEMA leaders followed up on the letter but they received no response, so she decided to go there for follow up. She narrates, "...As I sat on the bench in the office, I was suddenly attacked by police and detained. They even tore my clothes during the incident. They later released me on bail, but other five party members and leaders remained in custody." The story was, however, rebutted by the concerned returning officer for Serengeti Constituent, who said she called the police after the party officials forced their way into her office. The Officer claimed that she had an earlier meeting with CHADEMA officials and agreed on a new schedule. She stated, "I told them that such matters were supposed to be handled by the returning officer and the parties' secretary-general or campaign managers, and not aspirants, but they refused to comply with the election regulations, so I had to call the police." Ms. Ruge reported the matter to the Inspector General of Police (IGP) who promised that his team will take the claims seriously and investigate the incident, but still demanded responsibility from political leaders to observe the law when they conduct their activities.



Case Study Six

In 14th October 2020, a group of Police Officers who did not introduce themselves raid the office of Tarime Urban's member of parliament Esther Matiko, and manhandled her and her bodyguard. Video clips recorded during the incident show police attempting to arrest Ms. Matiko's bodyguard. In the brawl, one police officer was captured on video groping Ms. Matiko from the back. Throughout the altercation, Ms. Matiko was heard demanding that the police explain reasons for the arrest and the charges against her bodyguard, but proved futile.

Case Study Seven

Ms. Queen Sendiga who was a Presidential candidate for Alliance for Democratic Change (ADC) party was attacked, slapped and her public announcement (PA) car was damaged by unidentified persons around Iringa bus stand where she was heading to conduct election campaigns on 16th October 2020. The reports show that around 4:00 pm on the material day, Ms. Sendiga was on the way to Igumbilo bus stand for election campaigns where another CCM candidate for councillorship for Kitanzini - Miyomboni Ward was also holding his election campaigns. Sendiga contended that according to her campaign schedules, she was supposed to hold campaign meetings at Iringa on that date but on arrival at Iringa on 16th October morning, she found posters showing that CCM candidate for councillorship of the above Ward would be campaigning at the same time and place as hers. She reported the confusion to the Electoral Commission and to the Election Returning Officer for Iringa Urban. Before she got any response, she was suddenly surrounded and attacked by a group of youth who started to smash her PA car and destroyed the car's front window. When she tried to question as to why they have destroyed PA car, they slapped her and pushed her away while beating other members of the campaign team severely. When the RPC of Iringa was contacted to explain the steps taken against the mob, he replied that he was not aware of any such incident and that he was hearing about it for the first time from the newspaper reporter.

Case Study Eight

Moreover, on 10th November 2020, a newly elected CCM Councilor and her granddaughter died in the house, while four other family members died as they were undergoing treatment¹ The incident happened at Kikongo in Kibaha rural, Coastal Region whereby the Ward Councilor-elect for CCM, one Fatuma Ngozi and her two grandchildren had died after her house was set on fire by unidentified persons. The Police in Coast Region confirmed the incident and added that they had arrested nine people in connection with the deadly fire set at the house of a newly-elected Councilor in Kibaha District. Coast Regional Police Commander said that a woman and eight men were arrested basing on intelligence information that the law enforcers had collected. The incident occurred in 10th November 2020 when the fire killed a total of six people from the same family. The Councilor-elect, Ms. Fatuma Ngozi and her granddaughter died on the spot while the other four died desperately while receiving treatment at Tumbi Hospital and later at Muhimbili National Hospital (MNH) where they were transferred on referral. The police said they had arrested the suspects at different times and up to 17th November 2020, they had managed to question all of them and they were planning to take them to the court as soon as possible for further legal actions. He, however did not disclose the names or identities of the suspects because doing so would affect the ongoing investigations which was still on going. Thus, the perpetrators are so far not known but there are indications that the killing was associated with political activities of the late Ms. Fatuma. The RPC appealed to the public within and outside the region Coastal region to continue reporting to the police any information regarding the incident.

Case Study Nine

On 28th October 2020, the East African Newspaper reported that the Police in Dar Es Salaam had arrested CHADEMA parliamentary candidate for Kawe, Ms. Halima Mdee just a few hours before voting began. According to the report, Mdee, who was also a chairperson for the opposition party's women's wing known by its Kiswahili acronym as BAWACHA, was arrested and detained in Kawe Police Station when she questioned the legitimacy of some votes which had been cast by the time she visited Tarafani polling station. After the enquiry, Mdee was then arrested and detained for questioning on further allegation that there had been an argument between her and the Police at the polling station. Mdee was later released from Kawe Police Station.¹

Case Study Ten

Lastly, when Dr. John Joseph Pombe Magufuli (presidential candidate for CCM) was wrapping up his campaigns in Dar Es Salaam, made some remarks regarding a female candidate for Temeke constituency by saying, “Bring for me this woman. She is white and beautiful. If she requests something from me, I will heed her request quickly than I would do to the black woman’s request.” The statement was received with mixed feelings among Tanzanians, others commenting that the woman is needed in the Parliament for Presidential desires, not for citizen’s representation. Others felt that if you are a black woman in Tanzania, then you are politically disadvantaged. An incident of a similar nature occurred in the last week of September 2020 when the 19 special seat female members of Parliament for CHADEMA sworn in as MPs. The story on social media went like, “The COVID 19 have taken their oaths as MPs”. These remarks amount to GBV/VAWP and they have to be condemned immediately after they are uttered.

Part III:

3.0 Legal Framework, Gender Analysis and Interpretation.

There is sufficient evidence of persisting gender insensitivity in Tanzania's political culture and it is for this reason that many women fear entering the world of politics. Gender discrimination and the fear of violence reduce women's ability to make an effective contribution in the political field. Yet, dialogue on this issue has been restricted to the discussions of women's basic right to participate in politics and the essence of their political voices. There has been little documentation and discussion about women's experience in the political sphere. VAWP has not only been overlooked at the national level, but it has been excluded from most international human rights instruments including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979. CEDAW is silent about VAWP. It only obliges State parties to ensure elimination of discrimination against women in political and public life and ensure women's right to vote in all elections, guarantee women's participation in the formulation and implementation of government policy and to hold public office so as to perform all public functions at all levels of government.⁹

At the regional level, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), 2003 contains no provisions concerning VAWP. The Protocol only requires State parties to ensure women's participation without discrimination in all elections and ensure women's representation in equal terms with men at all levels of electoral processes.¹⁰ SADC Protocol on Gender and Development, 2008 contains provisions on gender-based violence (GBV). It obliges State parties to enact and enforce laws prohibiting all forms of GBV and ensure that perpetrators of GBV are tried by courts of competent jurisdiction.¹¹ The Protocol requires State parties to take appropriate measures to discourage traditional norms, social, economic, cultural and political practices which legitimize and exacerbate the persistence and tolerance of GBV with a view to eliminate them.¹²

Tanzania has taken several steps to bridge gender gaps in the country. For example, the Women and Gender Development Policy (2000) and its Strategy, 2005 strive to ensure that women feature in all key public positions, with at least 50 per cent representation in decision making organs. In the same vein, the Parliament has increased the number of women in the Parliament to at least 30 per cent.¹³ The government has also manifested its commitment by joining global efforts to bridge the gender gap by ratifying a number of international and regional legal instruments that call for the elimination of discrimination against women as enumerated in this report. While gender equality in political life has significantly grown in the past few decades

⁹ Art. 7, CEDAW, 1979.

¹⁰ Art. 9, Maputo Protocol, 2003.

¹¹ Art. 20, SADC Protocol on Gender and Development, 2008.

¹² *Ibid*, Art. 21.

¹³ Art. 66 (1) (b) & 78, Constitution, [Cap. 2 R.E.2002].

in the country, women in politics are still experiencing rising levels of harassment, intimidation, physical and sexual violence. This violence has become a major obstacle to women's political participation and thus democracy.

As a way of addressing VAWP in Tanzania, the CWHRDs is responding to these incidents by establishing evidence-based documentation, recommendations and action plan to curb these incidents. This study of VAWP incidents shows the magnitude of the problem which gives a clear way of responding and preventing the problem in future. VAWP is GBV and a human rights violation which deters women's political participation. Although it is difficult to identify 'political violence' as distinct from other types of violence, it is clear that VAWP targets women because of their gender so as to discourage them from being or becoming politically active.

VAWP causes insecurity to women candidates, decreases their participation in political affairs, it diminishes the principles of equality, destroys democratic structures, distorts the image of women involved in politics and frustrates the national and international efforts to increase women's participation in politics. As shown in the documented VAWP incidents, women who participated in Tanzania 2020 general elections faced threats, arbitrary arrests, assault, character assassination, verbal harassment and emotional violence during different stages of the elections.

Although any person may submit to the Office of the Registrar of Political Parties complaints concerning a conduct, speech or statement which may lead to hatred or discrimination on the basis of religion, tribe, gender, colour or ethnicity,¹⁴ reporting of these acts by women has not been easy due to women's culture of silence and fear of appearing weak. Victims of VAWP incidents during 2020 general elections could invoke the procedures stipulated under the Political Parties Code of Conducts to obtain the remedies for the violations. However, the complaints are required to be submitted to the Registrar of Political Parties in writing within seven days from the date of the occurrence of the violation.¹⁵ Moreover, the Registrar has powers to compel any person who has violated the Political Parties Code of Conducts to appear before the Political Parties Ethics Committee by issuing summons in writing or by publication in a newspaper.¹⁶

Thus, even where no complaints have been submitted to him, to ensure gender equality in politics the Registrar who is the supervisor of political activities in the country, could summon the perpetrators of VAWP as identified by the media and deal with them according to the law. The only hardship could be in a situation where the complaints are directed to the office of the Registrar because the Registrar is the Chairperson of the Political Parties Ethics Committee. As such, the Regulations provide that where the Registrar is the complainant, the Committee has to appoint a temporary Chairperson from among its members to chair the hearing.¹⁷ The regulations are silent on how to handle the misconduct where the Registrar is alleged to be the perpetrator. Studies show that reasons for VAWP include, patriarchal mind-set among the

¹⁴ Rule 8 (c), the Political Parties (Code of Conducts) Regulations, G.N. No. 954 of 2019.

¹⁵ *Ibid*, Rule 12(1) (d).

¹⁶ *Ibid*, Rule 12(3).

¹⁷ Rule 12 (1) (c), the Political Parties (Code of Conducts) Regulations, 2019.

Tanzanians, women are perceived to be submissive to men, lack of implementation of laws on equality, lack of support from police and the judiciary, low political education and decline in moral values.¹⁸ It is also possible that prevalence of VAWP and women's resistance to report these incidents are contributed by the fact that even a few reported cases are not taken seriously by the authorities, mainly when there is no apparent physical violence.

The current legal framework that guides political parties and elections including the Tanzania Constitution of 1977 as amended, the Political Parties Act and the Elections Act, do not have strong gender provisions. For instance, the Elections Expenses Act of 2010 provides for peace and security¹⁹ during elections, but it is silent about VAWP. Moreover, the Political Parties Act²⁰ provides that no political party qualifies for provisional registration unless its membership is voluntary and open to all the citizens of Tanzania without discrimination on account of gender, disability, etc., and the election of its leaders at the general elections is open to both men and women, but this is not sufficient to combat VAWP. Failure of the legal framework to prohibit VAWP constitutes legislative discrimination towards women for not considering gender when preparing or drafting legislation regulating political activities in the country. Legislation at all levels should be gender-sensitive and allow women to participate freely in all stages of the elections.

¹⁸ Tanzania Women Cross-Party Platform (TWCP) (2016), Violence Against Women in Elections: Evidence from 2015 Tanzania General Elections, IRI (2016), Tanzania National Elections Gender Assessment: October 25th 2015 and UN Women (2014), Violence Against Women in Politics: A Study Conducted in India, Nepal & Pakistan.

¹⁹ S. 29, Election Expenses Act, 2010.

²⁰ [Cap. 258 R.E. 2019]

Part IV:

4.0 Conclusion and Recommendations

4.1 Conclusion

The study has established ten (10) case studies of incidents of VAWP which occurred during the 2020 Tanzania general elections. As stated earlier, these are mere case studies because given the environment in which the elections were conducted, it is obvious that more incidents of a similar nature occurred, but were not reported. Numerous factors have been explored as the causes of VAWP, but it is evident from the study that one of the main challenges to women's effective participation in politics in Tanzania is the legal framework. Most of the political party constitutions, manifestos and other governing documents do not support women's participation in practice. On their surface, these documents give the impression that everyone has an equal chance to participation but, Tanzanian practice has shown that there are several issues that prohibit women's effective participation in politics as indicated in the documented case studies.

4.2 Recommendations to the Relevant Authorities and the Way Forward

After the study, the author suggests several recommendations so as to reduce VAWP:

SN	RESPONSIBLE INSTITUTE	ACTION TO TAKE
1	Recommendations to the President of the United Republic of Tanzania	<ul style="list-style-type: none">•Publicly commit that the government will respect, protect and promote rights of women in politics before, during and after the elections.•Publicly pronounce that the government will not tolerate any violence against women in politics.•Openly condemn all threats, intimidation, harassment and attacks committed against women in politics during 2020 general elections.
2	Recommendations to the Inspector General of Police (IGP)	<ul style="list-style-type: none">• Ensure prompt, thorough, transparent and effective investigation of any allegations of violence and abuses of women in politics and bring suspected perpetrators to justice.• Ensure the immediate and unconditional release from police custody, any woman in politics detained for any act associated with her participation to the 2020 general elections.• Openly commit to ensure that the police will observe and respect international human rights standards related to the use of force, crowd control and policing, including the UN Basic Principles on the Use of Force

		<p>and Firearms by Law Enforcement Officials, and the UN Code of Conduct for Law Enforcement Officials.</p> <ul style="list-style-type: none"> • To facilitate the Gender desk in the Police force in expanding its activities to include a systematic follow-up of VAWP including setting up a toll-free hotline telephone number where people can report cases of VAWP as they occur in various places and take immediate actions against the perpetrators.
3	Recommendations to the NEC and the Registrar of Political Parties	<ul style="list-style-type: none"> • Conduct independent, thorough, transparent and effective investigations into allegations of misconduct which lead to violence against women in politics and hold accountable any NEC Official suspected to be responsible for such violations. • Ensure full and effective respect for the rights of women candidates, their supporters, as well as voters generally at any stage of election processes. • Allow independent observers to freely report incidents of violence against women in politics during any election. • Conduct effective and timely resolution of conflicts related to VAWP to inculcate more confidence in women to participate in political activities. • To initiate review and amendment of electoral legislations in order to include aspects of VAWP as part of specific offenses.
4	Recommendations to all Political Parties and Candidates	<p>Commit to promote respect for the rights of women contenders in a way that preserves their dignity as women before, during and after elections, including the right to be nominated to contest for various positions sponsored by the party without fear of reprisals.</p> <p>Political parties to put in place specific mechanisms intended to detect and prevent VAWP in order to expand women’s space and opportunity to effectively participate in politics.</p> <p>Political parties should conduct an awareness campaign to their members and supporters regarding VAWP and its negative consequences to women’s empowerment.</p> <p>Candidates to observe the national laws when conducting their political activities.</p>

5	Recommendations to CSOs and Election Observation Groups	<p>Cooperate with any willing victim of VAWP as identified in this report to help her prosecute perpetrators in the courts of law for them to learn a lesson and send a message to the public that Tanzania has zero tolerance on any incident of VAWP.</p> <p>Include gender parity components in election observation guide and make public the findings, including any failure of the authorities to observe the rights of women politics during any election.</p> <p>Include coverage of VAWP issues in areas where there are widely reported patterns of complaints or where there is history of electoral violence.</p> <p>Put pressure through explicit and proper channels, on the authorities to respect, protect, promote and fulfil the rights of women in politics throughout their political activities.</p>
6	Advocacy Areas by the CWHRDs	<p>To design specific programs in order to build the capacity of political party leaders, religious leaders, community leaders, media personnel, the police force, election management officials and relevant government officials about what constitutes VAWP, its effects and the best ways of circumventing it.</p> <ul style="list-style-type: none"> ▪ To advocate for inclusion of VAWP issues in the training material for civic and voters' education in order to raise public awareness on VAWP throughout the electoral cycle. ▪ To conduct fact findings on issues of VAWP and provide psycosocial and legal support to victims of VAWIP not only during elections, but throughout women's political activities. ▪ Launch a campaign about positive discrimination in favour of women in politics and ensure strict implementation of laws to prevent VAWP.

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