



Evaluating the Women's Barriers in Accessing Justice: A Review Study of Tanzania

Nhikilo Elias Joseph^{1*}, Hemant Kumar²

¹Ph.D. Research Scholar, Starex University, India

²Assistant Professor, Department of Political Science, School of Humanities, Starex University, India

Abstract— This paper presents a review on evaluating the women's barriers in accessing justice in Tanzania.

Index Terms— Women barriers in accessing justice, Tanzania.

1. Introduction

The concept of justice has evolved significantly throughout history, influenced by cultural, political, and social changes. Early forms of justice were often tied to retribution and tribal customs. For instance, the Code of Hammurabi (circa 1754 BC) is one of the earliest written legal codes that established a system of justice based on strict laws and penalties (Roth, 1997). This marked a shift from arbitrary rule to codified laws, laying the groundwork for future legal systems. The Enlightenment period in the 17th and 18th centuries brought about significant philosophical advancements regarding human rights and justice. Thinkers like John Locke and Jean-Jacques Rousseau argued for natural rights and the social contract, which emphasized individual freedoms and equality before the law (Pangle & Pangle, 2013). These ideas influenced revolutionary movements worldwide, including the American Revolution (1776) and the French Revolution (1789), which sought to establish more equitable legal frameworks.

The advancement of women's justice in Africa has been significantly influenced by regional human rights instruments, notably the African Charter on Human and Peoples' Rights (commonly referred to as the Banjul Charter) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (known as the Maputo Protocol). These documents provide a framework for promoting gender equality and protecting women's rights across the continent. This discussion will explore their development, implementation, and impact on women's justice in Africa. Adopted in 1981, the Banjul Charter is a foundational document that outlines civil, political, economic, social, and cultural rights for all individuals within African states. Article 18 specifically addresses the rights of women, emphasizing their equal status with men and calling for measures to eliminate discrimination against women. The charter serves as a guiding principle for member states to uphold human rights standards.

The impact of the Banjul Charter on women's justice can be seen through its establishment of a legal framework that

obligates states to respect and protect women's rights. However, despite its progressive stance, implementation has been inconsistent across different countries. Many nations have struggled with cultural norms that perpetuate gender inequality, leading to gaps between policy and practice (Akinyemi & Ojo, 2020).

The Maputo Protocol was adopted in 2003 as an extension of the Banjul Charter specifically focusing on women's rights. It addresses various issues affecting women, including violence against women, reproductive health rights, economic empowerment, and political participation (African Union [AU], 2003). The protocol is notable for its comprehensive approach to addressing both individual rights and systemic barriers faced by women. One significant aspect of the Maputo Protocol is its emphasis on eliminating harmful practices such as female genital mutilation (FGM) and child marriage. Article 5 explicitly calls for states to prohibit these practices through legislative measures. Furthermore, it mandates that governments take appropriate measures to ensure women's access to justice (AU, 2003).

The development of human justice in Tanzania has its roots in the country's colonial past. Under British colonial rule, the legal system was characterized by a lack of representation and significant inequalities. The post-independence era, beginning in 1961, marked a crucial turning point as Tanzania sought to establish a legal framework that reflected its values and aspirations for social justice (Mhando, 2019). The government aimed to create a system that would address historical injustices and promote equality among its citizens. Tanzania's legal framework has undergone several reforms aimed at enhancing human rights and justice. The Constitution of the United Republic of Tanzania, adopted in 1977 and amended multiple times since, serves as the foundation for human rights protection (United Republic of Tanzania, 2020). Key amendments have included provisions for freedom of expression, assembly, and the right to a fair trial. Furthermore, various laws have been enacted to protect vulnerable groups, including women and children (Mhando & Mchome, 2021).

The concept of human justice encompasses the legal and social frameworks that ensure fairness, equality, and protection of rights for individuals within a society. In Tanzania, particularly in regions like Nyamagana District in Mwanza, the

*Corresponding author: eliasjoseph437@gmail.com

development of human justice has been influenced by historical, cultural, and socio-economic factors. The evolution of justice systems in this area reflects broader national trends while also addressing local needs. Historically, Tanzania's legal system has roots in colonial law, which was imposed during the German and British colonial periods. After independence in 1961, the country sought to establish a legal framework that aligned with its socialist ideals. This included the establishment of community courts aimed at resolving disputes at the local level (Mchome & Mhando, 2020). In Nyamagana District, traditional dispute resolution mechanisms coexisted with formal judicial processes.

Women often encounter significant barriers when seeking justice. In many societies in the world, traditional gender roles dictate that women should be submissive and dependent on male figures, which can discourage them from reporting crimes or seeking legal recourse (UN Women, 2020), laws regarding marital rape are absent in several nations, leaving women without legal protection against abuse by their spouses (HRW, 2018), the costs associated with legal fees, transportation to courts, and other related expenses can be prohibitive for women living in poverty (UN Women, 2020), cultural stigmas surrounding issues such as domestic violence and sexual assault further exacerbate this problem, as victims may fear social ostracism or victim-blaming (WHO, 2013), psychological burden can deter them from coming forward due to fear of not being believed or facing further victimization during the legal process (HRW, 2018), many regions lack shelters for abused women or counseling services that could help them cope with their experiences and navigate the legal system effectively (UN Women, 2020) and corruption within law enforcement agencies and judicial systems poses a significant obstacle for women seeking justice, for example some cases, police officers may dismiss reports from women or demand bribes for processing cases (HRW, 2018).

In many African societies, deeply entrenched patriarchal norms often dictate women's roles and limit their access to justice. Cultural beliefs may prioritize male authority, leading to the marginalization of women in legal matters. For instance, in some communities, women are discouraged from reporting domestic violence due to fears of social stigma or retaliation (UN Women, 2020). This cultural context creates an environment where women feel powerless and unsupported when seeking justice. Women in Tanzania often encounter socio-cultural obstacles that impede their access to justice. Traditional norms and gender roles can discourage women from reporting crimes or seeking legal assistance. For instance, societal expectations may prioritize family reputation over individual rights, leading women to remain silent about abuses (Mbilinyi, 2017). Additionally, cultural beliefs regarding women's roles can perpetuate the idea that they should not challenge male authority or seek intervention from the legal system (Mugisha & Mhando, 2020).

However, many countries have revised their laws to provide better protection for women against violence and discrimination. For instance, the introduction of laws that criminalize domestic violence has been a significant step

forward. According to the United Nations (UN) Women (2021), over 150 countries have enacted legislation addressing domestic violence, which has helped create a more supportive legal framework for victims. Additionally, some jurisdictions have established specialized courts or units within existing judicial systems that focus on gender-based violence cases. These courts often provide a more sensitive environment for women, with trained personnel who understand the complexities surrounding gender issues (World Bank, 2021). Despite of these initiatives, yet women in Nyamagana District face numerous barriers that hinder their ability to seek legal redress. This evaluation will explore various dimensions of these barriers, supported by relevant literature.

2. Objectives

The study is guided by the following specific objectives:

- To identifying the social barriers facing the women in accessing justice;
- To identifying the economic barriers facing women in accessing justice; and
- To analyze the legal obstacles facing women in accessing justice.

3. Identifying the Social Barriers Facing the Women in Accessing Justice

In many African societies, deeply entrenched patriarchal norms often dictate women's roles and limit their access to justice. Cultural beliefs may prioritize male authority, leading to the marginalization of women in legal matters. For instance, in some communities, women are discouraged from reporting domestic violence due to fears of social stigma or retaliation (UN Women, 2020). This cultural context creates an environment where women feel powerless and unsupported when seeking justice.

Similarly, women in Tanzania face significant socio-cultural barriers that impede their access to justice. Traditional norms often prioritize male authority and decision-making, which can discourage women from seeking legal recourse. In many communities, cultural beliefs dictate that women should remain submissive and not challenge male figures, including family members and community leaders (Mbilinyi, 2018). This cultural context creates an environment where women may fear social ostracism or retaliation for pursuing justice. Women who seek justice often face intimidation or violence as a consequence of their actions. Reporting crimes such as domestic violence can expose them to further harm from perpetrators (UN Women, 2020). The fear of retaliation discourages many women from pursuing legal action against abusers or offenders.

Approximately 12 million girls are married before they turn 18 each year. Early marriage often results from various factors, including poverty, cultural traditions, and lack of education (UNICEF, 2021). In many societies, marrying young is seen as a way to secure economic stability or social status. However, early marriage can have detrimental effects on young people's health and well-being. Girls who marry early are more likely to

experience complications during pregnancy and childbirth, which can lead to higher maternal mortality rates (WHO,2020). Additionally, early marriage often curtails educational opportunities for girls, perpetuating cycles of poverty and limiting their future prospects (Malhotra et al., 2011).

About one in three women worldwide has experienced either physical or sexual violence in their lifetime (WHO,2021). Domestic violence is rooted in gender inequality and societal norms that condone such behavior. Victims often face barriers to seeking help due to fear of retaliation, stigma, or lack of resources (Heise et al., 2019). The consequences of domestic violence extend beyond immediate physical injuries; they can lead to long-term mental health issues such as depression and anxiety (Campbell et al., 2002). Furthermore, children who witness domestic violence may experience emotional and behavioral problems that affect their development (Kitzmann et al., 2003).

FGM is practiced in various cultures around the world but is most prevalent in parts of Africa, the Middle East, and Asia. The reasons for FGM include cultural beliefs about purity and modesty, social pressure to conform to community standards, and misconceptions about hygiene (Yoder & Wang, 2013). The practice can lead to severe health complications such as chronic pain, infections, complications during childbirth, and psychological trauma (WHO, 2020). Efforts to eliminate FGM involve education campaigns aimed at changing societal attitudes toward the practice.

Education plays a crucial role in addressing these issues. The Tanzanian government, in collaboration with various NGOs, has implemented awareness campaigns aimed at educating communities about the negative impacts of early marriage, domestic violence, and FGM. For instance, initiatives like the “Girl Empowerment Project” focus on empowering girls through education while informing communities about their rights (World Bank, 2021). Schools have also been utilized as platforms to disseminate information regarding gender-based violence and harmful practices.

4. Identifying the Economic Barriers Facing Women in Accessing Justice

Economic disparities between men and women hinder women’s empowerment. Women often have less access to economic resources, which limits their ability to influence political decisions or participate actively in civic life. Economic dependency on men can also discourage women from asserting their rights (IMF, 2021).

Economic constraints significantly hinder women’s ability to access legal services. Many women in Africa face financial instability, which can prevent them from affording legal representation or even transportation to courts (World Bank, 2021). The lack of economic resources limits their capacity to navigate the judicial system effectively and can lead to a reliance on informal dispute resolution mechanisms that may not provide equitable outcomes.

Also, economic constraints significantly affect women’s ability to access justice in Tanzania. Many women lack financial resources necessary for legal representation or court

fees, which can deter them from pursuing justice (Kilonzo & Mvungi, 2020). The economic dependency on male family members further exacerbates this issue, as women may be unable to challenge decisions made by their partners or families regarding legal matters.

Another critical barrier is the lack of awareness among women regarding their rights and available legal resources. Many women are unaware of the laws protecting them or how to navigate the judicial system (UN Women, 2021). Educational initiatives aimed at informing women about their rights could empower them but are currently insufficiently implemented.

Women’s economic empowerment is a critical area where progress has been made, due to democratic governance structures that support equal opportunities. Women’s labor force participation has increased globally; however, disparities remain (WEF, 2023). Various initiatives also have been implemented to support women’s entrepreneurship and access to financial resources. For instance, the Women’s Entrepreneurship Development Programme aims to enhance women’s skills and access to credit (ILO, 2021). Reports indicate that women-owned businesses are increasingly contributing to Tanzania’s GDP, showcasing their vital role in economic development through initiatives such as microfinance programs have empowered women economically by providing them with access to credit and resources necessary for entrepreneurship.

5. Analyzing the Legal Obstacles Facing the Women in Accessing Justice

A significant barrier for women is the lack of awareness regarding their legal rights and the available avenues for seeking justice. Many women are not informed about laws that protect them from violence or discrimination (AU, 2019). This lack of education perpetuates cycles of abuse and injustice as women may not recognize when their rights have been violated or how to pursue legal recourse.

The judicial system itself can pose barriers for women seeking justice. Courts may be male-dominated environments where female voices are marginalized or dismissed (IJRC, 2021). Additionally, there can be a lack of female judges or law enforcement officers who understand gender-specific issues, further alienating women from the justice process.

Legal reforms have played a crucial role in enhancing women’s rights and empowerment globally. Many countries have enacted laws that promote gender equality and protect women from violence and discrimination. For instance, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has been ratified by 189 countries as of 2023 (UN Women, 2023). This international treaty obligates states to eliminate discrimination against women and promote their full participation in public life.

The establishment of legal frameworks aimed at protecting women’s rights has been pivotal in promoting gender equality in Africa. The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol) is one such instrument that obligates member states

to eliminate discrimination against women and promote their rights (AU, 2003). This protocol has influenced national laws and policies across various countries, leading to improved legal protections for women.

While many African countries have ratified international treaties aimed at promoting gender equality, the implementation of these laws remains weak. There is often a gap between legislation and practice, with insufficient enforcement mechanisms in place (HRW, 2022). This inadequacy means that even when laws exist to protect women's rights, they may not be effectively applied in real-world scenarios.

The legal framework supporting women's empowerment in Tanzania has evolved significantly. The National Gender Policy was established to promote gender equality and empower women across various sectors (UNDP, 2019). Additionally, laws such as the Sexual Offences Special Provisions Act (1998) and the Law of Marriage Act (1971) have been amended to provide better protection for women's rights and address issues such as domestic violence and child marriage

6. Democracy and Women's Empowerment

Women's empowerment in democracy is essential for achieving gender equality, social justice, and sustainable development. It ensures that women have equal opportunities to participate in decision-making processes, influence at all levels. Women's empowerment is a multifaceted process that involves increasing women's access to resources, opportunities, and decision-making power across various spheres of life, including social, economic, and political domains. The relationship between women's empowerment and democracy is significant; as women gain more rights and representation, democratic processes tend to become more inclusive and effective.

However, in many countries in the world women face violence during election, for example, threats, harassment, and physical violence against female candidates are prevalent during election periods, creating a hostile environment that discourages women from entering politics (Ng'wandu, 2019). For example, women who experience violence may be less likely to engage in political activities or pursue leadership roles due to fear and trauma (UN Women, 2020). This violence can manifest in various forms, including domestic abuse, sexual harassment, and human trafficking, all of which undermine women's autonomy and ability to participate fully in society.

One of the most direct effects of women's empowerment on democracy is the increase in women's political representation. When women are empowered to participate in politics, they can influence legislation and policies that address gender-specific issues such as reproductive rights, domestic violence, and equal pay. Studies have shown that countries with higher percentages of women in legislative bodies tend to have more progressive laws regarding gender equality (Krook & O'Brien, 2012). This increased representation not only benefits women but also enhances the overall quality of governance by bringing diverse perspectives into decision-making processes. Additionally, empowering women also plays a crucial role in reducing

gender-based violence (GBV), which undermines democratic values such as equality and justice. When women have access to legal resources and support systems, they are better equipped to challenge GBV. Societies that prioritize women's empowerment tend to implement stronger legal frameworks against violence, contributing to a culture of accountability (Heise *et al.*, 2019).

Furthermore, one of the most notable achievements in women's empowerment in Tanzania is the establishment of legal frameworks aimed at promoting gender equality. The adoption of various policies and laws, such as the Gender Equality Act (2010) and amendments to electoral laws that penalize Violence Against Women in Elections (VAW-E), has created an environment conducive to women's participation in politics. These reforms have not only provided legal protection for women but also encouraged more women to engage actively in political processes (Lugangira, 2024).

Despite these positive effects, challenges remain in fully realizing the potential of women's empowerment for democracy. Cultural norms and institutional barriers often hinder women's participation in political processes. In many regions, patriarchal structures continue to dominate decision-making arenas (Inglehart & Norris, 2003). Addressing these barriers requires comprehensive policy interventions aimed at promoting gender equality at all levels.

7. An Analysis of Women's Participation in Tanzanian Politics

Women's political participation in Africa has seen significant developments over the past few decades, although challenges remain. The representation of women in political decision-making roles is crucial for achieving gender equality and ensuring that women's interests are adequately represented in governance. As of 2021, women constituted only 24% of parliamentarians across Africa, with 25% representation in lower houses and 20% in upper houses (WPP Africa Barometer, 2021). Local government has been identified as a potential training ground for women; however, they still only make up about 21% of councillors in the countries for which data is available. This indicates that while there have been strides towards increasing women's representation, substantial gaps persist. As of the 2022 Census, women constituted approximately half of Tanzania's population; however, their representation in political offices has historically been low. For instance, in the 2020 parliamentary elections, only 26 women were elected out of 264 total seats (Lugangira, 2024). This statistic highlights the underrepresentation of women at both local and national levels. Despite this, there have been recent legislative changes aimed at improving women's participation.

In Tanzania, women's participation in politics has been significantly influenced by various legal initiatives aimed at promoting gender equality and empowering women. These initiatives are rooted in both national legislation and international commitments that seek to enhance women's representation and involvement in political processes.

The Constitution of the United Republic of Tanzania, adopted in 1977 and amended several times, provides a

foundational legal framework for gender equality. Article 13 emphasizes the right to equality before the law, which serves as a basis for advocating women's rights in various sectors, including politics. The constitutional provision mandates that all citizens have equal rights and opportunities to participate in public affairs, thereby laying the groundwork for women's political engagement (URT, 1977).

In addition to constitutional provisions, specific legislative measures have been enacted to bolster women's participation in politics. The Political Parties Act of 1992 encourages political parties to promote gender equality within their structures. This act requires parties to ensure that women are represented in decision-making positions, thus fostering an environment conducive to female political participation (Political Parties Act No. 5 of 1992).

Furthermore, the National Election Commission (NEC) has implemented policies aimed at increasing women's representation during elections. For instance, the introduction of a quota system mandates that at least 30% of candidates nominated by political parties must be women. This quota system has been instrumental in increasing the number of women elected to local councils and parliament (NEC, 2020).

Tanzania is also a signatory to several international treaties that advocate for gender equality and women's rights. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified by Tanzania in 1985, obligates the government to take appropriate measures to eliminate discrimination against women in all areas, including politics. Additionally, the African Union's Protocol on the Rights of Women in Africa emphasizes the need for member states to adopt legislative measures that promote women's participation in decision-making processes (AU, 2003).

8. Evaluating Barriers in Accessing Justice in Tanzania

Access to justice is a fundamental human right, yet women in Tanzania face numerous barriers that hinder their ability to seek legal redress. Evaluating these barriers involves examining various socio-economic, cultural, and institutional factors that contribute to the challenges women encounter in the justice system.

9. Socio-Economic Barriers

One of the primary barriers identified is socio-economic status. Women in Tanzania often experience economic dependency on male family members, which limits their ability to pursue legal action. Many women lack financial resources to afford legal representation or even transportation to courts. This economic disadvantage is compounded by high levels of poverty among women, particularly in rural areas where access to basic services is limited (Mchome, 2022).

10. Cultural Norms and Gender Roles

Cultural norms play a significant role in shaping women's experiences with the justice system. Traditional gender roles often dictate that women should prioritize family and domestic responsibilities over personal rights and legal matters. This

cultural expectation can discourage women from seeking justice for issues such as domestic violence or property disputes. Furthermore, societal stigma surrounding victims of violence can lead to feelings of shame and isolation, further deterring women from reporting crimes (Kibanda & Mhando, 2023).

11. Institutional Barriers

Institutional barriers also significantly impact women's access to justice. The Tanzanian legal system has been criticized for its inefficiency and lack of responsiveness to women's needs. Courts are often under-resourced, leading to long delays in case processing. Additionally, there is a shortage of female law enforcement officers and judges, which can create an environment where women feel uncomfortable or unsupported when seeking help (Mwanakombo & Msuya, 2023).

Moreover, there are gaps in legal knowledge among women regarding their rights and available legal protections. Many women are unaware of laws designed to protect them from violence or discrimination due to inadequate outreach and education efforts by governmental and non-governmental organizations.

12. Conclusion

In conclusion, it can be stated that the barriers that hinder women's access to justice in Tanzania are deeply entrenched in various socio-cultural, economic, and institutional factors. Traditional gender roles, economic constraints, and a lack of legal awareness create significant obstacles for women seeking justice. The weak enforcement of laws, particularly due to insufficient training and resources, further exacerbates these challenges. Additionally, geographical barriers, especially for women in rural areas, limit their access to legal services, while discrimination within the justice system and fear of retaliation from perpetrators contribute to women's reluctance to report crimes. Together, these barriers form a complex web that restricts women's ability to fully exercise their legal rights and pursue justice, underscoring the need for comprehensive reforms and targeted interventions to address these issues.

13. Recommendations

To improve women's access to justice in Tanzania, several actions should be taken, such as

1. Community education programs should raise awareness about women's rights and legal options, involving both men and women.
2. Financial support or subsidies for legal aid can help overcome economic barriers.
3. Strengthening the enforcement of laws protecting women's rights requires better training for law enforcement and judicial personnel.
4. Establishing mobile courts and legal aid clinics in rural areas can help overcome geographical barriers.
5. Additionally, engaging men in advocacy can shift cultural norms and encourage a more supportive

environment for women's rights.

These combined efforts would create a more accessible and fair justice system for women in Tanzania.

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