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**Report of Implementation Hearing**  
**on Communication No 0012/ Com/001/2019**  
**Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of**  
**Tanzanian girls)**

v

**United Republic of Tanzania**

### **Introduction**

1. The ACERWC delivered Decision No.002/2022, on the merits of Communication No: 0012/Com/001/2019, Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) against the United Republic of Tanzania, in 2022 during its 39<sup>th</sup> Ordinary Session. The Committee found that the United Republic of Tanzania's (the Respondent State) norms and practices regarding the expulsion of pregnant and married girls from school violated their rights under the African Charter on the Rights and Welfare of the Child. Accordingly, it issued 14 recommendations, urging the respondent state to take the necessary measures to remedy the rights violated and protect the rights of the girls affected.
2. As per Section XXI (1) of the Revised Communication Guidelines of the Committee, the Government of Tanzania was requested to submit a report on all measures taken to implement the decision of the Committee within 180 days from the date of receipt of the Committee's decision. The respondent State Submitted a report on implementation on 07 Oct 2024. Subsequently, the applicants to the Communication submitted written reflections on the status of implementation of the Recommendations on 8 October 2024. An implementation hearing was conducted on 9 October 2024, during the 44<sup>th</sup> Ordinary Session of the ACERWC, in line with Section XXII (2)(ii) of the Guidelines for Consideration of Communications and Monitoring Implementation of Decisions to assess the level of implementation of the Committee's decision.

### **Summary of the Implementation Hearing**

3. The implementation hearing was presided over by Hon Robert Namina, and assisted by Hon Aver Gaver. The proceedings of the implementation hearing were



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held in accordance with Section XXII of the Guidelines for Consideration of Communications and Implementation of Decisions by the ACERWC.

4. The proceedings commenced by a presentation of the Respondent State on the measures taken for the implementation of the recommendations of the ACERWC in the decision of the Communication. It was noted that the Government is in the process of prohibiting mandatory pregnancy testing in schools and health facilities which will be taken on board in the ongoing review of the relevant education laws including the Education Act, Cap 353. As the review of laws is a lengthy process, the Government has adopted various measures to prohibit the practice which include; the implementation of Circular No. 2 of 2021 and Re-entry Guidelines of 2022 which allow all dropout students for various reasons including pregnancy to re-enter schools of their choice; Provision of mandatory life skills education based on sexual reproductive health; school girls mothers healthcare services, including prenatal and postnatal care, reproductive health services, and family planning resources, through adolescent friendly health reproductive services windows; the adaption of the National Gender and Women Development Policy (2023); preparation of a Community Dialogue Guideline on Preventing Harmful Practices of Norms and Values in the society (2022); development of Teachers Training Manual on Life Skills based on Sexual Reproductive Health, HIV/ AIDS and Gender Based Violence whereby 4,420 teachers in 10 regions have been empowered to use the manual and implementation of Adolescent Girls and Young Women *Timiza Malengo* Project whose main objective is to help school-based girls to graduate and those who are outside of the education system to be socially and economically empowered to earn a living, among others.
5. The Government further listed the outcomes of the above-mentioned and many other measures that were taken to ensure the implementation of the decision; including the re-admission of 304 school girls due to pregnancy and wedlock dropout students as of 2023; the benefiting of a total of 216,000 girls through *Timiza Malengo* from 2021-2024 and the capacity building and sensitization of community development officers, religious leaders, traditional leaders, civil society organizations, and others on Guidelines for the Prevention of Harmful Practices. Furthermore, it was highlighted that the review of the Education Act will be concluded by the end of 2025, after which all related subsidiary laws will be reviewed accordingly.
6. The applicants to the Communication shared their reflections on the measures taken. The applicants commended the Respondent State for the proactive measures taken in the implementation of the recommendations and proceeded to



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highlight areas for improvement and gaps in implementation. They further listed gaps in the implementation of the recommendations, including the following;

- Inconsistent implementation and lack of awareness of policies: It was noted that despite government claims, policies on mandatory pregnancy testing remain ambiguous, and some schools reportedly continue the practice. Furthermore the Circular and Re-entry Guidelines are inconsistently applied, with some girls unable to re-enroll due to stigma, lack of awareness, or misinterpretation of guidelines. The rural-urban disparity in the implementation of most of the recommendations was also highlighted.
- Lack of binding legal protections: The absence of enforceable laws prevents consistent implementation of protections against expulsion of pregnant girls. While the government has promised revisions, the applicants argue these changes are slow and lack specificity on the immediate actions needed to protect girls' rights.
- Detention and discrimination: Reports of detention of pregnant girls remain unaddressed, with no formal policy changes or enforcement mechanisms to prevent further cases. Statements from some government officials reportedly condone punitive actions against pregnant girls, reinforcing a culture of discrimination.
- Shortcomings in SRHR education and support: Applicants reported SRHR education as under-resourced and insufficient. Cultural resistance in rural areas hampers SRHR instruction, and teachers lack proper training. The applicants also criticized the education policy (2023) for failing to address sex education adequately, leading to inconsistent delivery across schools.
- Barriers to re-entry and support for pregnant girls: Guidelines for re-entry often restrict immediate return to school for pregnant girls, requiring a two-year waiting period post-delivery. This delay discourages re-enrollment and leaves teenage mothers with limited education options. Applicants highlighted issues like designated "re-entry" schools that are far from home, adding to the stigma and logistical challenges for young mothers.
- Insufficient efforts to address child marriage: Although FGM prevention strategies are in place, applicants noted that the government has not amended the Law of Marriage Act (1971) to end child marriage fully, despite court rulings deeming certain provisions unconstitutional.

Further clarification was given by the Respondent State on the reflection of the applicants and the questions and concerns raised by the Members of the ACERWC.



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## Outcome of the Implementation Hearing

7. The Committee notes with appreciation the various measures undertaken by the Respondent State in implementing the recommendations of the decision. It also commends the exemplary cooperation of the Respondent State and the Applicants to the Communication, towards enhancing the protection of the rights of affected Tanzanian girls and working toward the implementation of the recommendations. Taking into account the report of the Respond State on implementation of the Recommendations in the Decision; the submissions of the Respondent State in the implementation hearing and the reflection of the Applicants during the implementation hearing, the Committee highlights the following issues that require the attention of the Respondent State;
- i. Incomprehensive measures to address the recommendation of the ACERWC; particularly with regards to the Circular issued by the Respondent State, 'Education Circular Number 02 of the Year 2021 on School Re-entry for Primary and Secondary School Student's Dropout for Various Reasons'.
  - ii. The absence of a comprehensive and binding law that prohibits mandatory pregnancy testing in schools and health facilities, and the expulsion of pregnant and married girls from schools.
  - iii. Lack of uniformity in the implementation of the circular and various related guiding documents. While some schools comply to prohibition of mandatory pregnancy testing and expulsion on grounds of pregnancy and marriage, others practice it. It was also noted that there is a significant rural-urban disparity in the implementation of the recommendations, with significantly limited level of implementation in rural areas.
  - iv. Inadequacy of measures to implement the recommendations, especially in rural areas and the persistence of social norms that reinforce discrimination and violence against girls.
  - v. Lack of sufficient financial resources and personnel necessary to implement support programs for re- admitted girls, provide psychosocial services, and expand sexuality education, hindering the effective and timely implementation of the recommendations

## Guiding Recommendations

The Committee encourages the Respondent State to strengthen and continue the various steps being taken to ensure the full implementation of all the recommendations in the decision, in cooperation with the relevant stakeholders including the applicants and with active participation of the affected children. Furthermore, the Committee recommends the Respondent State to take particular attention and undertake the following measures;



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- i.** Ensure the timely amendment of the Education Act, Cap 353 and all relevant subsidiary acts, in line with the recommendations and with the overall rights and obligations under the African Charter on the Rights and Welfare of the Child.

    - Ensure a clear, binding and explicit the prohibition mandatory pregnancy testing in schools and health facilities, with established penalties for non-compliance.
    - Ensure that pregnant and married girls have the right to re-entry without restrictions or delays and remove the two-year re-entry limit; address expulsion grounds tied to wedlock.
  - ii.** Expand essential support services, such as psychosocial counselling and alternative education pathways, to ensure that girls returning to school after setbacks are not only welcomed back but also equipped for long-term success.
  - iii.** Strengthen child-friendly reporting and referral mechanism, with sufficient funding to support survivors of sexual violence, child marriage, and discrimination. Furthermore, equip police, healthcare, and school staff with clear guidelines to ensure compliance and prevent the detention of pregnant girls.
  - iv.** Accelerate Efforts Against Child Marriage and Gender-based Violence Amend the Law of Marriage Act (1971) to eliminate legal provisions permitting child marriage, in alignment with court rulings.
  - v.** Enhance the implementation of the recommendations in rural areas with targeted interventions and capacity building for stakeholders in rural communities.
  - vi.** Address stigma and expand sensitization efforts and in particular, conduct regular sensitization programs for teachers, community leaders, and healthcare providers, focusing on non-discriminatory support for re-entering students and fostering an inclusive school environment. Ensure that re-entry options are available at all schools to reduce stigma.
  - vii.** Utilize gender transformative approaches in the sensitization and awareness creation endeavours to transform social norms towards the elimination of harmful practices that disproportionately affect girls with a focus on child marriage and gender-based violence.
  - viii.** Strengthen and continue partnerships with civil society organizations and local communities in sensitizing the public and overcoming barriers. Furthermore, take measures to expand SRHR education nationwide, ensuring teachers are properly trained and that the curriculum covers essential topics for all students.
- 8.** The Committee notes with appreciation the willingness of the State Party to submit periodic reports on the implementation of the recommendations, and accordingly, invites the State Party to submit a progress report on the implementation of the recommendations within one year from the date of receiving of this document.