Readership for Learning and Development

Feminist Legislature Documentation and Archiving Research Project

October, 2020

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List of Abbreviations

BAWATA- *Baraza la Wanawake Tanzania*

CSO- Civil Society Organisation

ELRA- Employment and Labour Relations Act

FemAct- Feminist Activist Coalition

FGD- Focus Group Discussion

FGM- Female Genital Mutilation

GBV- Gender Based Violence

GDSS- Gender and Development Seminar Series

GLTF- Gender Land Task Force

IDS- Institute for Development Studies

LA- Land Act

LHRC- Legal and Human Rights Center

LMA- Law of Marriage Act

MOL- Ministry of Land

NALAF- National Land Forum

NLC- National Land Coalition

NOCHU- National Organisation for Children Welfare and Human Rights

RTD- Radio Tanzania Dar es Salaam

SAP- Structural Adjustment Progrmmes

SOSPA- Sexual Offences Special Provisions Act

TAHEA- Tanzania Home Economics Association

TAMWA- Tanzania Media Women's Association

TAWLA- Tanzania Women Lawyers Association

TGNP- Tanzania Gender Networking Programme

TLS- Tanganyika Law society

VLA- Village Land Act

WAT- Women's Advancement Trust

WILDAF- Women in Law and Development in Africa

WLAC- Women's Legal Aid Center

EXECUTIVE SUMMARY

This assignment is part of the Multimedia Feminist Storytelling, Documentation and Archiving Project. Led by SOMA (Readership for Learning and Development) in collaboration with *Wanawake Fahari Yetu- Historia Yetu* Coalition and the Feminist Herstory Platform, the project is a groundbreaking and an innovative step in unearthing and propelling women's forgotten stories of change and co-existence.

This assignment took an explicitly feminist perspective in identifying the key processes, laws, actors, the impact, and the remaining issues regarding the selected feminist legislations. The core objectives underpinning the assignment were: 1) to uncover the hidden internal and external dynamics behind the selected feminist legislations; 2) to understand what it takes to consistently go against the grain for a feminist cause, the toll it takes on individual, and the strategies employed to overcome; 3) to unearth individual women and men who played a role in the legislation process; and, 4) to propose a feminist framework for identification, recognition, profiling and celebration of women change makers.

Four Acts were selected as a focus for this research, namely: 1971 Law of Marriage Act; 1999 Land Act; 1999 Village Land Act; The 1998 Sexual Offences (Special Provision) Act, (SOSPA); and the 2007 Labour and Employment Relations Act. Later, mainly due to time and financial resources, a decision to deep dive into SOSPA and Land Act and Village Act was made. A mix of methodologies were used to collect and capture both primary and secondary information. These methods included: documentary review including Hansards and media archival reviews, focus group discussions and key informant interviews.

A number of factors caused women to engage with the law-making process either proactively by initiating the change or reactively by responding to the started process of change. Although the specific reasons differed from law to law, it came down to the need for women to be part of policy and law-making process, to undo discriminatory practices and the quest to bring equal enjoyment of rights and responsibilities by men and women.

Once engaged in the law-making process, the women behind the laws used a number of different strategies to influence change. Women formed coalitions that brought a number of like-minded organisations together and enabled them to leverage their varied competencies and capabilities by splitting up and taking on different roles. Fundraising to donors was critical, especially as these areas of change pursued by women were less of a priority for donors. The women also conducted a mapping of influential people and invested in scientific research to have the right knowledge and contacts for effective influencing. Lastly, the women undertook petitions, public hearing and created model laws

to showcase to the government, parliament, and other actors on what inclusive and gender sensitive laws could look like if a decision to enact it is reached.

Despite the strength of the coalitions, the women movements faced many challenges, some internal and others external. Within the coalitions there were ideological differences on the best way to influence change as well as the kind of change needed. Additionally, the coalitions were deemed to be elitist, with little linkages between the women in academia and community-level women activists. Externally, the women behind the law faced high levels of patriarchy manifestation, particularly amongst lawmakers packaged as defense of traditions and of religion; deep condescension and patronization on the issues of women's rights and entitlements; explicit attempts to protect male privilege; the need to protect humor and keep tourists; victim blaming and a thinking than women have lesser rights even compared to their children. Most time the Parliamentarians whom women targeted for change could be progressive in supporting certain set of rights and be unprogressive in supporting other set of equally important provisions. The women activists were in general operating in difficult conditions- little resources for awareness campaign, outreach programs and to facilitate decent travel and accommodation. Women behind the law also experienced name calling, threats against their employment and had to endure bureaucratic red tape hindering their access to people and spaces.

These challenges however did not dissuade the women from continuing with their influencing agenda. They developed different strategies in order to overcome the challenges, including: targeting women lawmakers and strengthening the lawmakers knowledge of and empathy towards women issues in the Bills; they also reached out to male champions and used a personalization approach to gain their sympathy; TAMWA in particular was capable of using the media to cover the proceedings of the Bill and to make the issues a matter of public interest; women broke protocols and made regular (uninvited) visits to ministries and parliament; and put survivors at the center of their influencing and used scientific research findings to bring a human face to the tragedies befalling women.

The five laws in consideration in this research were considered progressive at the time they were enacted and can still be considered as such today. However, there were losses against these gains. With the Land Act and Village Land Act, there was progress in terms of attaining the right to equitable distribution and access to land, the right of women to own land on their own and or jointly with their husbands, the protection of family land against mortgage, recognition of customary rights of occupancy, and the promotion of women representation in land dispute resolution and decision-making bodies. However, the law retained that all land is owned by the government, instead of people and it did not do away with discriminatory customary laws especially on issues of inheritance.

In many ways, SOSPA revolutionised how the penal system treated sexual offences and gender-based violence. It led to changes in the Penal Code, the Evidence Act, and the Anti-trafficking Act, amongst others. Progress was made in terms of the issues recognized as offences by the law including human trafficking, sexual harassment, and Female Genital Mutilation (FGM); the strengthening and clarification of the offence of rape; the recognition of power as something capable to aid rape and sexual harassment; the need to protect the dignity of the victim; the definitions and punishments for sexual harassment; gang rape; abuse of minors; attempted rape; just to name a few. However, despite these progressive provisions, the act missed the opportunity to recognize marital rape under the law, did not criminalise FGM for adult women, provided minimum compensation costs, and did not provide for shelter for survivors of GBV and sexual offences.

A number of women, men and organisations took part in influencing for better provisions in the Law of Marriage Act (LMA), Sexual Offences Special Provisions Act (SOSPA), Land Act/ Village Land Act (LA/VLA) and the Employment and Labour Relations Act (ELRA). Some names were more prominently repeated when the question "which women were at the front" was asked. These women together with others, including the men and the organisations, played a formidable role in the passing of the LMA, LA/VLA, SOSPA and ELRA. Their stories of change are, however, nowhere to be traced. A quick search on their names brings a few articles with no concrete profiles and/or biographies. There have been initiatives to identify, profile and recognize women change-makers, but there are no common checklists on how the profiling can be done in line with feminist principles and in the manner that does not further stereotype women.

The last chapter of this research proposes and tests the feminist framework/protocol for identification, recognition, profiling, and celebration of women (those on the forefront and those undercover) behind the transformative laws and/or any other substantive change towards women.

Chapter One

The Women behind the Laws: Introduction and Background of the Research

1.1 Background

This assignment is part of the Multimedia Feminist Storytelling, Documentation and Archiving Project. Led by SOMA (Readership for Learning and Development) in collaboration with *Wanawake Fahari Yetu- Historia Yetu* Coalition and the Feminist Herstory Platform, the project is a groundbreaking and innovative step in unearthing (her) story in law making process in Tanzania through analyzing a selected set of law.

Since independence in 1961, the legislative history of Tanzania has seen a plethora of laws being formulated, amended and discarded-all contributing to building the legal framework that exists today. Despite the existence of several gender/feminist progressive pieces of laws since independence, the portrayal of the role of women in law making processes has been near to non-existence. There are initiatives to profile iconic women by individuals, organisations and institutions but there are no common checklists on how the profiling can be done in line with feminist principles and in the manner that does not further stereotype women. The Multimedia Feminist Storytelling, Documentation and Archiving Project traces the process of the making of the selected feminist legislature through highlighting the power of individual women, the women's movement and how they co-existed and worked along with the men, organisations and institutions in attaining progressive provisions in the laws at issue.

1.2 About the Assignment

1.2.1 The Objectives of the Assignment

The genesis of this assignment was twofold: One, to understand what it takes to consistently go against the grain for a cause, including the toll it takes on individuals involved; and secondly, strategies they employ to mobilize support, and also to identify and profile individuals and women's movement behind these processes and results—those on the forefront and those behind the scenes. The core objectives underpinning the assignment were thus:

1. To uncover the known and hidden internal and external dynamics that have led to the passing of the selected feminist legislature in Tanzania since independence.
2. Unearth the individual women (and men), movements and organizations, who may or may not be in the official records, who played a key role in advocating, creating, and implementing laws that have transformed the economic, political, and social conditions of women in Tanzania.

3. To understand what it takes to consistently go against the grain for a feminist cause, including the toll it takes on individuals involved, and the strategies they employ to mobilize support inside and outside the parliament.
4. Propose a feminist framework for identification, recognition, profiling, and celebration of individual women (those on the forefront and those undercover) behind the transformative laws legislation processes and results. The framework will be used for the purpose of this assignment and beyond.

1.2.2 Identifying the Feminist Legislation

The assignment began by developing the criteria for selecting the legislations for analysis. This was done in consultation with SOMA representatives. The criteria developed were:

1. The feminist or gendered dynamics which kick-started the legislation process.
2. The role of individual(s) or a group of women in the initiation, mobilisation of supporters and strategies used to influence key legislations.
3. The level of liberation and transformation the legislations have had for women and overall gender relations.

Fifteen laws were considered for analysis and were put through the criteria highlighted above. The 15 laws were:

1. The 1971 Law of Marriage Act
2. 1977 Constitution of the United Republic of Tanzania
3. The 1998 Sexual Offences (Special Provision) Act, (SOSPA)
4. The 1999 Land Act
5. The 1999 Village Land Act
6. The 1992 Political Parties Act and its 2019 Amendment
7. Gender and Development Policy
8. The Education Act CAP 353
9. The Labour and Employment Relations Act of 2007
10. The 2009 Public Health Act
11. The 2010 Persons with Disabilities Act
12. The Elections Act Cap 343
13. The 2009 Law of the Child Act
14. The 2010 Elections Expenses Act and
15. The Postponed Proposed Constitution, 2014

Taking into account the dynamics leading to their enactment, the role of women, the impact that the above legislations have had on women, time and financial resources

available, the following laws were unanimously adopted as the research focus by both the researcher and SOMA representatives:

i) 1971 Law of Marriage Act (LMA)
ii) 1999 Land Act and 1999 Village Land Act (LA and VLA)
iii) Education Act CAP 353 and
iv) 2007 Labour and Employment Relations Act(ELRA)

1.2.3 Refocusing Area of Focus

Initial consultations with SOMA Herstory technical reference group and women activists consistently pointed out the significance of SOSPA in:

i. Protecting women and children against rape and sexual harassment
ii. Solidifying the women movement in Tanzania, and
iii. Changing the narrative of engaging the government institutions, i.e. ministries and Parliament by civil society organizations

Consequently, a proposal to replace the analysis of the Education Act CAP 353 with SOSPA was made. Also, due to limited time and resources allocated for this work, it was agreed that in-depth analysis to be limited to the Land Act and its sister Act, the Village Land Act and SOSPA.

1.3 Methods Used to Collect Primary and Secondary Data

1.3.1 Hansard Review: A Bill is discussed in the Parliament before being assented into law. Usually Bills are read three times, with deliberations happening at the third reading. Archives of the National Parliament, University of Dar es Salaam, and the National Archives were visited and Hansards of the respective laws were obtained. Given that some laws are old, not all three sets (first, second and deliberations) were obtained for each law. The obtained Hansards are as follows:

i) The Land Act and Village Land Act): Hansard records for second reading and deliberations conducted in 9th and 10th February 1999 respectively were obtained. Hansards for first reading could not be traced in all the visited archives.
ii) SOSPA: Hansard records for second reading was obtained. Hansard records for first and third reading could not be traced.
iii) Labour and Employment Relations Act: Hansard record was for first reading (11 November 2003) and second reading were obtained. Records for third reading was missing from all the archives.
iv) 1971 Law of Marriage Act; Hansard records for first reading and second reading undertaken on 21st March 1970 and June 1970 were obtained. Hansards for third reading (Deliberation) was not obtained.

1.3.2 Newspaper review: the newspaper of the respective months and years when the laws were read for the first, second and third time were revisited, and relevant information extracted to supplement the information obtained from Hansards and interviews.

1.3.3 Focus group discussion: two focus group discussion were undertaken. The first FGD was with Herstory technical reference group which was specifically set up to provide strategic guidance to the consultant in the delivery of the assignment- and the second with women activists. The first FGD group provided critical support and insights on the list of women, movements and organisations that played key role in pushing for progressive provisions in the LMA, SOSPA, LA/VLA and ELRA. This discussion also pointed out on the need to ensure SOSPA is included as one of the laws to be analysed given its role in protecting women and children against rape, sexual harassment, and general organization of women movement in pushing for change.

The second FGD was with women who took part in influencing the passing of the LA/VLA and SOSPA. These women were guided to share their memories on what happened during the making of the respective laws. This FGD was key in obtaining information on how women organized, collaborated among themselves and beyond, challenges they faced and strategies they used to obtain the desired changes. This FGD also pointed out and reached a decision to replace the Education Act with SOSPA.

1.3.4 Key informant interviews: the conducted FGDs were key in pointing out specific women who were at the front of pushing for progressive provisions contained in the LMA, SOSPA, LA/VLA and ELRA. The plan was to interview at least two women per each law, making a total of 8 interviews. Until the end of the assignment fourteen people (14) were consulted and interviewed at two levels. The first level entailed having discussions on what they remember to be the contribution of women in the making of the selected laws, while the second level discussion was a deep-dive into obtaining information about the women who were perceived to be at the fore front and the dynamics of the roles they played themselves and with others in obtaining the change. The list of the consulted people is attached under Annex One.

1.3.5 Review of literature: this method was employed to review different approaches and alternatives necessary for the development of a feminist *Herstory* approach to capturing the biographies/profiles of women involved in the feminist legislation processes. Literature that was reviewed focused on the following main literary/analytical traditions:

i) Feminist Life History Making
ii) Feminist Literary Criticism
iii) Feminist Intersectional Politics

iv) Life history methods and feminist narrative analysis

A full list of literature reviewed can be obtained in Annex Two.

1.4 Limitations of the Assessment and Mitigation Strategies

A number of limitations and challenges were encountered in carrying out this assignment causing the assignment to take long to accomplish that originally planned. Consequently, number of mitigation strategies had to be implemented to overcome and attain the core objectives of the assignment.

S/N	Limitation/ Challenge	Mitigation/ Adaptation Strategies
1	Challenges in Hansards review. It took two months for Hansards records to be obtained. This was because 1. Staff at National Parliament library went for a voluntary national service training. Hence the library was sparingly opened. 2. Most records from 1970s to 1999 are not properly indexed and labelled and some were mis-recorded. One had to manually search for Hansard of the respective years to find the specific Hansard (some years have more than 100 Hansards which were all supposed to be perused to get to the right Hansard.) 3. Hansard for certain readings were completely missing from records. First reading for Land Act and village Land Act are missing from the record. Second reading for Law of Marriage Act is missing. First and third reading on SOSPA is missing. Third reading of ELRA is missing.	Extend time for Hansard search and review compared to originally planned. The consultant had to rely on personal connections to fast-track access to the Hansards and to ensure that the Research Assistant stays in Dodoma for follow up. Two trips to Dodoma were made for the reviewed Hansards to be obtained. Supplemented the missing Hansard records with newspapers review, literature review and key informants interviews.

2	Challenges on news-papers review. At the National Library the storage/safekeeping of the newspapers is poor due to limited space. The Newspapers are dusty, not readable and others have torn/missing pages. There are some newspapers issues that are not available at all such as Daily News 2003 Jan – June (hence difficult to obtain news around ELRA). Some newspapers have missing weekly issues in some months hence the researcher needed extra time to search all newspapers including the Swahili versions, an exercise which also entailed translation from Swahili to English. The reason for missing copies is because it is either misplaced or somebody took it. The authorities also say some of the printing companies never brought some newspaper issues as required by the law. And finally, some newspapers may have been banned for certain dates hence unavailable for desired information.	Allocate more time on newspapers review to ensure the available news on the targeted laws are captured.
3	Restrictions on number of face-to-face interactions that could be conducted, as a result of COVID-19 preventative measures.	On top of the face-to-face interviews, the digitally supported platforms such as Zoom, Skype and phone-calls were adopted to aid the conduction of interviews and focus groups discussion to ensure safety of both the interviewees and the interviewer.
4	With the election campaigns for 2020 general elections, it was sometimes	It was necessary to do a number of follow ups in order to get the interviews,

	difficult to access the politically connected individuals who took part in the law-making processes of the laws at issue for interviews.	including relying on personal connections.
5	Respondents requiring sitting allowance.	Research would explain that the research involves no allowance, and that participation is voluntary.
6	Limited time and resources allocated for the research. One month was ambitiously located for this assignment.	The researcher and SOMA had to be flexible to extend time for research to three months. Despite that four laws are under review, it was agreed with SOMA that in-depth analysis to be limited to two laws only 1999 Land Act and 1999 Village Land Act and 1998, Sexual Offences Special Provisions Act (SOSPA). Due to time constraints, the Profiles of women behind Land Act, Village Land Act and SOSPA do not carry personal information and do not exhaust all the items proposed under the proposed profiling checklist.

Chapter Two

Ways of Organising, Challenges, and Navigation Strategies

2.1 Introduction

There can be no story of feminist law-making without considering the role of the women and their movement, publicly involved and those behind the scenes, and how they co-existed with other actors such as men, civic organisations, government and related institutions. This chapter therefore interrogates the role of women activists, their movements and the women who were in parliament and as agents of change. The dynamics between civil society activists, political counterparts and other related actors is also discussed. The chapter also takes a look at the challenges that women and their movements faced in the struggle to pass gender progressive laws and the strategies adopted to overcome such challenges.

2.2. Push behind the Bills; Why Women engaged

A Number of factors triggered individual women and their organizations to take part in the legislation of the 1971 Law of Marriage Act (LMA); 1999 Land Act and Village Land Act (LA and VLA), 1998, Sexual Offences Special Provisions Act (SOSPA) and 2007 Labour and Employment Relations Act (ELRA). Generally, the women activists needed to change the fact that most women and youth were sidelined and thus not part of policy/law-making process.

On the LA and VLA, and specifically the women were the backbone of the economy that they did not have control of. Women undertook a significant part of farm work i.e. preparing the farms, seeding, fertilizing, weeding and harvesting, but they could not own or control the land they were working hard on.[1] During harvest time, the husband took over the selling and determined how the proceeds should be used.

The customary land system restricted the ownership and control of land by women. Challenges such as the disposal of land by men without consultation with their spouses, non-participation of women in land disputes resolution, absence of rights in the distribution of land in case of divorce or separation, and absence of rights of women to inherit land upon the death of their husbands were common.[2]

[1] Interview with Gemma Akilimali, Advocacy Lead, TGNP on 9th September 2020. Women are denied access to and control over land. They do not inherit land and work freely on farms owned by men. Women get their income through the sale of surplus food crops.

[2] Ernest MALLYA, 2005, WOMEN NGOS AND THE POLICY PROCESS IN TANZANIA: THE CASE OF THE LAND ACT OF 1999 Department of Political Science and Public Administration, University of Dar es Salaam, African Study Monographs, 26(4): 183-200.

Women activists were also surprised by the mismatch between the proposed Land Bill and the findings and recommendations of the Presidential Commission of Inquiry on Land which was led by Issa Shivji in 1992. Among other things, the Commission noted that women were excluded from land tenure decision-making and ownership.[3] The recommendations were ignored by the government and another land reform survey that called for further liberalisation and commoditisation of land was commissioned.[4] As a result, the proposed Land Bill was drafted in a fashion that met the needs of large-scale foreign investors.

Women feared that the proposed Land Bill was sustaining patriarchy and embracing neo-liberalism policies which were adopted under the guise of Structural Adjustment Programs (SAPs) in conformity with multilateral and bilateral donors' demands. The women felt that the state of affairs if unchallenged would render the natives and particularly women without land and or control of it, sweeping away some of the gains attained during the socialist era.[5]

With regards to the LMA, women wanted to eliminate the discrimination that was caused by different types of marriages and discriminatory traditions towards women which made them unequal partners to men. Issues pertaining to child and spousal maintenance and division of property between a husband and wife after a divorce needed to be regulated. The fact that men could stay with a woman, have kids, build a home with her and later decide he is marrying another woman without recourse to the existing women made many women including Sofia Kawawa stand for the proposed provision on presumption of marriage.

On the other hand, the increase in number of rape cases towards women and children, and other forms of sexual assault reported through the media and through the human rights reports forced women to kick start the process for enacting the SOSPA. The death of Levina Mukassa in 1992- a student of the University of Dar es Salaam who committed suicide after being sexually harassed-, the increase of HIV/AIDS, and the rising incidences of marital rape pushed women to pursue SOSPA. The Penal Code could not effectively protect the women against such acts.

[3] The study also gave an account of the extent to which rural villagers felt, and were insecure in terms of access to and control over land. It examined the underlying causes and the views of the community on how to ensure their land rights.

[4] Mbilinyi and Gloria Shechambo, Struggles Over Land Reform in Tanzania: Experiences of Tanzania Gender Networking Programme and Feminist Activist Coalition Marjorie, available at http://www.agi.ac.za/sites/default/files/image_tool/images/429/feminist_africa_journals/archive/12/fa12_profile_mbilinyi_shechambo.pdf, accessed on 3rd August 2020.

[5] Ibid.

Further, the major issue which led to led to the passing of ELRA was maternity leave especially for mothers who were not married. These women were denied an opportunity to go on maternity leave just because they were not married-only women who conceived within wedlock were given maternity leave at their work place. Women considered this to be a high level of discrimination affecting the welfare of the child and the mother. Paid maternity leave was also a challenge; the women were not given remuneration during the time of maternity. There was also a need for men to take part in taking care of the born child, hence women behind ELRA also influenced for paternity leave to be included in the law.

2.3 How did women behind the progressive laws organize?

Women engaged in the law-making process both proactively and reactively. Proactively by initiating the law-making process (e.g SOSPA), or reactively by inputting into Bills brought forward by the government, as it was the case with LA/VLA, ELRA and LMA. Whether reactively or proactively, women organized as follows:

a) Forming coalitions: For, example during the making of SOSPA, organizations such as Tanzania Women Lawyers Association (TAWLA), KULEANA, Female Doctors Association, Legal and Human Rights Centre (LHRC), and the Tanzania Gender Networking Programme (TGNP) joined hands with the lead organization-TAMWA- in pushing for legislation against rape and sexual harassment. Similarly, after the Land Bill was released, women rights organisations under the leadership of Tanzania Women Lawyers Association (TAWLA) formed the Gender Land Task Force (GLTF)[6] from the bigger network known as the Feminist Activist Coalition (FemAct).[7] The GLTF included women's rights organizations such as the Tanzania Home Economics Association (TAHEA), Women Legal Aid Centre (WLAC), National Organization for Children Welfare and Human Relief (NOCHU), Tanzania Gender Networking Programme (TGNP), Women's Advancement Trust (WAT), Tanzania Media Women's Association (TAMWA), Women in Law and Development in Africa

[6] The coalition was formed in 1996/97 as a result of a consultative women workshop on the draft Land Bill for the Basic Land Act held from 3–5 March 1997 at the Russian Cultural Centre in Dar es Salaam as facilitated by TAWLA. GLTF was to closely to monitor the implementation of the recommendations from the workshop to increase the chances of them being included in the final draft of the Land Bill and subsequently in the Land Act. The coalition became vibrant in 1996 to 1997(Interview with Magdalena Rwebangira, on 5th November 2020). The GLTF demanded the rights of both men and women to own land in commonality as members of the community and that women participate equally with men in the local administration of land tenure reform. Mbilinyi and Gloria Shechambo, Struggles Over Land Reform in Tanzania: Experiences of Tanzania Gender Networking Programme and Feminist Activist Coalition Marjorie, available at http://www.agi.ac.za/sites/default/files/image_tool/images/429/feminist_africa_journals/archive/12/fa12_profile_mbilinyi_shechambo.pdf, accessed on 3rd August 2020.

[7] Started in 1995 by TGNP. FemAct provides space for like-minded, community-based organisations (CBOs) and non-governmental organisations (NGOs) to jointly analyse, articulate, strategise and act to challenge inequality, inequity and the disempowered position of women and other marginalised groups.

(WiLDAF) and the Institute of Development Studies (IDS) from the University of Dar es Salaam. The GLTF started with 15 members but expanded to cover more than 100 members. Contributing to the formation of the GLTF was the demolition of the Women's Council of Tanzania (BAWATA) in 30th June 1997, allegedly for engaging in political activism.[8]

b) Leveraging competencies: Depending on the areas they were good at, women's organisations or individual persons could lead on specific processes such as identification of key groups to influence, conducting of research, and/or engaging with the ministries or parliamentarians. Others were engaged in mobilising community members and working closely with the media.
   i. In both SOSPA and LA/VLA lobby, media advocacy was led by TAMWA. All media available were used, including radio, television, and newspapers.
   ii. Community outreach sensitization sessions were conducted to supplement the role played by media. During the land lobby, this task was led by TAHEA, SUWATA and WLAC. TGNP could support others in undertaking community mobilization activities through its popular platforms, namely Gender and Development Seminar Series (GDSS).
   iii. Review of the Bill and engagement with Law Drafters was led by TAWLA, WLAC and LHRC in both the Land and SOSPA Bill. The aim was to ensure the provisions of the Bills that were against the rights of women were identified, researched on and challenged.
   iv. Parliamentary Lobby was led by TGNP. As the parliament had not introduced public hearing as an official process in law making, parliamentary lobbying was key to getting the parliamentarians buy-in on certain stand points. During both the SOSPA and Land lobby, a group of women organized and visited the capital city Dodoma where the parliament was located to influence them on why gender progressive provisions need to be included in the Bills. Information was shared to the groups of parliamentarians and provided to individual legislators particularly to women MPs, for the purpose of equipping them with data and evidence for the parliamentary debates.
   v. All members of the LA/VLA and SOSPA coalitions were encouraged to undertake fundraising activities to obtain funds to mobilise potential allies,

[8] BAWATA was the first civil society organisation to try and break off from tradition and establish itself as an independent organisation, free from the state and the ruling party. Maina Peter, 2000, Maintaining independence: the struggle of one women's organisation in Tanzania, available at https://www.eldis.org/document/A11424, accessed on 15 August 2020. BAWATA did not last long. The government de-registered it on 30 June, 1997 under grounds that it failed to comply with the provisions in the Societies Ordinance, Cap. 337 of 1954. This NGO was accused by the government of campaigning for the opposition in the 1995 general elections. The government banned it, but there followed a court action that led to the reinstatement of BAWATA.

conduct training amongst themselves and to key actors, and to engage with stakeholders from grassroots to national level. During the SOSPA lobby women were able to get funds from UNICEF to finance a trip to Dodoma where they camped for a week in a bid to influence the parliamentarians to understand the magnitude of rape and sexual harassment problem.

vi. During both the Land and SOSPA lobby, briefings to discuss progress, success, challenges and strategy-making were conducted. As part of continued advocacy and influencing, government officials were also invited to these workshops. During the Land lobby, Thabisa Siwale, who was a member of Parliament, would come to TLGF meetings.

vii. Mapping of influential people outside the Parliament: For example, during SOSPA, women approached media owners and persuaded them to provide to airtime so as they could speak about rape and sexual harassment. They also approached male journalists and supplied them with evidence so that they could write stories. Testimonies from survivors of rape to bring the real stories to the fore were also obtained. Awareness raising sessions also targeted religious leaders and artists. Traditional leaders who were instructing people to rape children and or/women to be healed of HIV/AIDs were also targeted.[9] During influencing for a more gender sensitive Land Act, women identified religious leaders through Christian Service Center and Inter-Faith Organisations and worked with them in influencing others to buy in on the gender land agenda.

c) Undertaking scientific research and analysis: The need to back up engagements with data and research was at the core of women's strategies. Due to an increase in rape cases, TAMWA started a Crisis Resolving Centre, which acted as data collection and evidence building center. The data was then analysed, packaged, compared with other countries, and used as evidence to influence both male and female members of parliament. During influencing for Land Act, the Rural Food Security Policy and Development Group, abbreviated in Kiswahili as KIHACHA-a coalition of organisations and individuals advocating for the right to food, land, and democracy at all levels under the coordination of Prof. Marjorie Mbilinyi[10] supplied research on how gender inequalities affects women land and food security rights. Also, TAWLA had some funding which they agreed together with other GLTF members to undertake class analysis and gender implication of the Land Bill. While making her submission on the Land Act, Hon. Anne S. Makinda congratulated the individual efforts of Hon. Tabitha Siwale for researching and sensitizing others on the

[9] Interview with Leila Sheikh, She was an Executive Director for TAMWA during the process of influencing for SOSPA, on 23rd September 2020.

[10] She worked with University of Dar es Salaam, Institute of Development Studies.

importance of the Bill to women. Hon. Juma J. Akuweti (Chair of the finance committee) appreciated the assistance from the Tanganyika Law Society (TLS) President Mr. Bakilina, and Women Lawyers (TAWLA) for pieces of research and taking time to explain the Bill in detail to the Parliamentarians.

d) Joining the existing initiatives: During the Land Act lobby, scholars including Professor Shivji were aggrieved by the Government's actions to abandon the recommendations made by the Presidential Commission of Inquiry. As a result, they formed the National Land Forum (NALAF) which was organised, under the leadership of HakiArdhi (Land Rights Research and Resource Centre). NALAF sought to influence within the Land Bill making process, the inclusion of the recommendations put forth by the Presidential Commission of Inquiry on Land. With countless challenges along the way, as it will be seen later, the women through the GLTF entered a loose partnership with NALAF-the two became the National Land Coalition (NLC) and worked to challenge neoliberal land reform and defended the land rights of Tanzanian women and men.[11]
e) Public Petitions: On Land Bill for example, NLC was disturbed by the proposition that the land will be kept under custody of the President on behalf of the people. The coalition called for a shift of authority from the President to Parliament, which represent the people. In order to strengthen its voice, the NLC which included members of the GLTF prepared and rolled out a popular petition which was signed by thousands of citizens. The petition was presented to Parliament in an effort to influence halting of the pro-capitalism land reform process.
f) Public hearing: In 1996, HakiArdhi with FemAct members organized a consultation session to discuss the national land policy and examine its implications for women and small-scale producers, especially in rural areas. Women grassroots activists took the lead in undertaking media campaign challenging the government's version of the land bill. Another consultative workshop was organised in 1997 on the draft bill for the Basic Land Act – later the Village Land Act – to develop a more gender-progressive Land Act which was the main aim of the GLTF at this time.[12]

g) Creation of modal laws: Modal laws were a powerful advocacy tools to showcase to the government, parliament and other actors on what a gender progressive SOSPA, LA/VLA could look like. During SOSPA influencing, women lawyers associations such as WLAC, TAWLA and LHRC created a modal law and sent it to

[11]Mbilinyi and Gloria Shechambo, Struggles Over Land Reform in Tanzania: Experiences of Tanzania Gender Networking Programme and Feminist Activist Coalition Marjorie, available at http://www.agi.ac.za/sites/default/files/image_tool/images/429/feminist_africa_journals/archive/12/fa12_profile_mbilinyi_shechambo.pdf, accessed on 3rd August 2020.
[12] Ibid.

the Ministry of Women Affairs for consideration. After two months the government took the Bill to parliament. During Land Bill, under the leadership of TAWLA women analysed each provision of the Bill comparing them with international standards and provided a guide on how such provisions could look like.

2.4 Challenges Women Faced in Pushing for Progressive Laws

In a patriarchal country such as Tanzania, the journey to challenge the status quo and attain progress in women rights, either led by women themselves or together with other sets of actors, is set to face opposition. Making her contribution during the making of LMA, Hon. Mary Nagu who was then Minister for Women and Community Development alluded to the fact that Tanzania is a patriarchal community and thus, any initiative to change the law in favor of the women would feel scary and would be opposed by men.

In influencing for progressive provisions in the LMA, LA/VLA, SOSPA and ELRA, women faced and navigated a great deal of challenges both internally (among themselves) and externally (particularly with stakeholders they worked with).

A. Internal Challenges

1. Challenges in building and running coalition: SOSPA lobby, was the first time that organisations came together to stand for one cause and persue it together. Women rights organisations including TAMWA which led the SOSPA lobby had no prior experience on doing that. During both the LA/VLA and SOSPA lobby, actors had different priorities and even when they could fight together for one broad issue, interests, priorities and ideologies differed as seen below.

2. Ideological, identity and conceptual differences: this was more apparent during the LA/VLA lobby, when NALAF contemplated joining hands with GLTF. They questioned about its connection with FEMACT, wanting to know why they call themselves feminists. NALAF members suggested FEMACT to change its name to remove its association with feminism. The women stood and kept their name and their identity to feminism. They made it clear that if NALAF was not interested to work with GTLF as it is, they were free to carry on without them. Balancing issues of gender, class, and nation/imperialism in a bid to impact the LA/VLA was challenging. NALAF members including some members from GLTF within the NLC were inclined to push for ownership of land by all people especially the rural population and to take away the overall custodianship of the land from the President to the parliament. This faction of the NLC looked at discrimination not only in terms of discrimination against women, but as an intersection of class and gender. On the other side, the majority of the GLTF members wanted to pay specific attention to women land ownership, an agenda that was seen as drifting from the bigger agenda (land ownership by all) by NLC who urged the GTLF to drop it and look at the big picture.

Specifically, TGNP promoted a transformative feminist consciousness and position from the start, in support of both 'communal' and 'gender' demands. They believed the women are not separate from the societies in which they live and should lead in defending the communal land/resource rights. However, the liberal feminist partners among the GLTF members such as TAWLA separated the 'gender question' from the broad question of communal rights and the relationship between the state and the people. They insisted the lobby to carry a specific push for women land rights given the oppressed conditions women were in in terms of land ownership compared to men. Their argument for defending the women angle that the women don't inherit land but men do, was received with backlash that the law at hand was on rather on land issues and that inheritance matters are addressed in other pieces of legislations. The contradiction persisted as NALAF, particularly Professor Shivji, were/was adamant on women/gender issues. Subsequently, both parties agreed to go with both agendas (land for all and land for women). Even with the agreement, the ideological differences kept on emerging. For example, when the final Land Bill was released, a certain faction of NLC thought it was not good enough as it still placed the President as the custodian of the land. This faction of the NLC called the members to boycott and protest. TAWLA refused and communicated their support on the Bill as they considered it progressive in terms of providing for land ownership and the participation of the women in land dispute settlement mechanisms.

During the SOSPA lobby, issues of castration of rape culprits and marital rape brought a great level of contestation among women, men and the general stakeholders. At the end, both items did not make it to the final Act.

3. Elitism: Connected to challenges relating to coalition building, during both the LA/VLA and SOSPA lobby, female activists from academic institutions had a tendency of not engaging directly with the activists on the ground and contribute to attaining the change. They wanted to analyze issues once the ground tasks are completed.

4. Risk to Jobs: Women risked losing their jobs as they fought for progressive laws. For example, during the SOSPA lobby, women journalist were volunteers at TAMWA, some of them were employed and would work for TAMWA after work hours or alongside their own jobs. Given the opposition the women faced in pursuit of change, they chose not to ask for permission when attending meetings and workshops- the decision that came with a negative effect. After coming from Dodoma, where they went to influence members of Parliament to pass the SOSPA Bill, some women were required to explain why they should not be fired for being outside their work stations. During the Land Act lobby, some women such as Magdalena Rwebangila put her private legal practice on hold to serve the TLGF. She remembers her revenue from the law firm going down on those two years of her

engagement in the Land Act lobby but describing it as a proud moment given the outcome of the Act on women.

5. Operating in difficult conditions: Women operated in difficult conditions, as there were limited phones, internet connection, good roads and/or vehicles, which are now days taken for granted. The laws they were pushing for were not sufficiently funded by donors, hence most women volunteered their time and effort. Resources were limited to roll out the campaign and conduct awareness raising, with little to no funds for hotels, food, transport, etc. During the SOSPA lobby, women slept in tents outside the Parliament due to insufficient funds for hotel accommodation after paying parliamentarians who insisted being paid sitting allowances if they were to sit and hear from the women. The funding received from UNICEF catered for stationaries and transportation. Good Samaritans could bring food and water for women both along the way to Dodoma and while in tents camping outside the Parliament.

B. External Challenges

1. Most of external challenges were a manifestation of patriarchy amongst stakeholders:

i. Red tape: Women faced red tape in accessing government institutions. The Parliament and Ministries such as the Ministry of Land (MoL) felt that law-making is entirely its own mandate and CSOs should be engaged to only a limited extent. Most of the MoL officials would not be keen to meet the women activists unless followed for so long. During the SOSPA lobby, it was difficult for women to get access to the Parliament as it was the first time such as move was made. It took five days for women to get permission to talk to the Parliamentarians.

   In addressing these challenges, women choose to break protocols through making regular visits to the ministries and in the Parliament to impact the drafting process. During the drafting of the Land Act, there was a time the drafters moved to Kibaha to hide from the women activists. TGNP heard about their plan and organized GLTF members and followed them to Kibaha. Parliament was also a 'no go' zone for people beside Parliamentarians and the staff. During the SOSPA and Land Act lobby, women behind the laws influenced and got an opportunity to get inside the Parliament and make their submissions.

ii. Shaming the Women: Women who were at the front were called names such as prostitutes and were criticized for allegedly failing to keep their marriages. For example, during the SOSPA lobby, some of the women from the media asked TAMWA why there were bringing private matters to the public. The determination,

passion and vision made the women carry on with their influencing work without worrying about words which were thrown to them. Edda Mtambalike explained that the agenda to liberate Tanzanian women was bigger than them chickening away after being called names. Instead of worrying, the women behind SOSPA saw themselves as a bunch of assertive, committed and astute women who had a shared vision of taking Tanzanian women's rights issues to the next level. During the land lobby, some people accused the women of pushing the agenda of opposition political parties. The women stuck to the agenda, citing their non-partisanship every time they were confronted with such allegation.

2. The big challenge was inside the parliament, as many lawmakers, whether men or women, were a product of the patriarchal society. In addition, they were disciplined in standing by their political party affiliation. Both these elements compounded each other in determining the lawmakers' attitude towards the Bills. Some opposed the laws from the patriarchal point of view, citing tradition, culture, religion, and personal beliefs as reasons for their stance. The manifestation of patriarchy was as follows:

i. Defense of traditions and cultures: legislating for provisions protecting women led to strong calls from members of parliament for traditions and culture to be respected. Under SOSPA, they contended that some provisions go against the country's traditions and cultures and therefore difficult to change, e.g. arranged marriages which mostly do not have consent and betrothal of unborn children, etc, as Hon. Ponsiano Nyami noted in the deliberations. On LMA, members of parliament such as Hon. Mtambo thought that the Bill was going against culture and tradition for propagating equality of a husband and wife. Hon. Col Edmund Mjengwa questioned whether the Bill was not being forced in the country by TAMWA or the US. He cautioned that human rights should not make the country loose its national values.

ii. Defending religions: religions are perceived as a no-go area when making laws. During the making of SOSPA, some contributors perceived the age of marriage for a girl; parental consent on marriage of children below 14; marital rape and separation of a couple and sex thereafter are going against religious laws and teaching. Hon. Hamad Ali Musa made a suggestion that the emphasis should be on creating awareness rather than increasing punishment for perpetrators, whom he claimed would only have committed 'minor offences.' On LMA, contributors such as Hon. Alhaji Nyembo, Sheikh Ibrahim Saadala, Sheik Muhidin Ali Omari, and Mr. Mnondwa were of the view that illegitimate children should not be allowed to inherit the estate of the father, as per the Islamic religion. On SOSPA, one member of parliament, Col Edmund Mjengwa, argued that women are the culprits of all

evils- as shown in the holy books (Pharoahs wife raped Yusuf, Eve and the snake) thus shouldn't be entertained. Others, such as Sheik Muhidin Ali Omari, considered a man as the head and chairperson of the house so there is no need to seek wife's consent if he wants to add another wife. They contend that, the issue of cohabitation for two years should not be taken as presumption of marriage as it is not there in any Holy Book.

iii. Patronizing and Condescending Approaches: Members of Parliament used patronizing strategies to hinder provisions that would protect women. During SOSPA lobby, Hon. Juma Mikidadi argued that harsh punishments may not be the solution if they make the perpetrators kill victims to get rid of witnesses. On criminalizing rape, Hon. Mujuni Kataraia and Hamid Hajji felt that women will make it an agenda to claim rape in order to jail men or get compensation for what was actually consensual. Hon. Luther Dagaa contended that, if women keep demanding and getting more rights, divorces will increase. Contributors such as Hon. Mgana Msindai further argued that the punishments being suggested for rape cases are too severe and do not take into account the state of prisons and the sexual acts happening there. He further stated that, not all who attempt rape have bad intentions, some just get urges that they cannot control.

iv. Protection of Male Privilege: On LMA, Hon Sheikh Ibrahim Saadala and Hon. Kipele argued that men adulterers should be protected from the wrath of their wives. They contended that punishing the husband and mistress engaged in an adulterous affair will break villages. These views were also coming from female members of parliament. Hon. Teddy Louise Kasella-Bantu suggested the provision to be removed but maintain that the husband should be able to accuse his wife of adultery. Hon. Deogratius Mwita thought that some clauses in SOSPA would allow people to maliciously implicate and blackmail men, especially public figures. He gave an example of Bill Clinton-a male political figure who was once accused of sexual misconduct.

v. Need to embrace humor and protect tourists: Hon. Eliachim Simpasa thought that there is a need to embrace humor and keep tourists. He argued that SOSPA provisions on sexual harassment are rigid and will make people too formal with no sense of humor. He feared that it may drive away tourists. Hon. Ndimara Tegambwage added that verbal abuse is some sort of jokes and teasing and people should not worry so much about it.

vi. Victim blaming: Some members of Parliament while contributing on SOSPA Bill thought that women are usually the ones who provoke men by being attractive, dressing inappropriately and being out at night and drinking. Hon. Muhammad Sanya contended that, for insertion to occur there needs to be an erection and women contribute for a man to get an erection. According to Hon. Saleh Juma, women who create the environment for rape should also be included in the rape charge. He added that, women should be respected and adored but not when they are exposing themselves by working in bars. Hon. Luther Dagaa stated that girls always lie about their ages; how will one know they are below 18 before they engage in sex.

> *'Kama ni mtu kubakwa, abakwe barabarani njiani au mahali ambako hapahusiki, lakini anakwenda kubakwa baa alifuata nini baa... mimi naomba sheria hii mwanamke yoyote atakayebakwa kwa sababu ya kulewa au kuleweshwa pombe huyu ni halali yake'*- Hon. Edson Halinga.

vii. Children have better rights than their mothers: Members of parliament appeared to be convinced that children have better rights than their mothers. During the passing of the Land Act, the Minister of Land said that the law recognized the rights of all children born in the marriage and suggested that if the widow contracts another marriage, the estate of the deceased husband should remain with the children. On SOSPA, they claimed that a harsher punishment is needed when one rapes a child but required more evidence when it comes to women to ensure that a man is not being wrongly accused. Hon. Charles Kagonyi argued that not all rape is the same, therefore maximum sentence for raping a woman should be 2-3 years (as also suggested by Hon. Muhammad Sanya) or life imprisonment while child rape should be punished by the death penalty. On the LMA, Hon. Mtambo proposed that the widow should not inherit the husband's estate when there is no children, the estate should instead be inherited by a relative of the husband. It was also feared that the provision will promote wives to kill their husbands in order to inherit the estate.

viii. Defending law as a tool of oppression: lawmakers contended that it shouldn't be the role of the law to make women powerful. On LMA, Hon. Mustapha Nyang'anyi argued that the need for spousal consent before marriage will make women more powerful than their husbands because the woman would have the right to agree or disagree. Also, Hon. Mtambo suggested that the government or the court should be responsible to issue consent to a husband who intends to marry another wife and not the wife herself because that will give her power to agree or disagree. On

the presumption of marriage, Hon. Mtambo suggested its removal suggesting women will use it to acquire property from men.

ix. Progressive in some aspects of the law and unprogressive in other aspects of the law: Within the respective laws, there were some contributions by both men and women parliamentarians that were progressive in some aspects and unprogressive in other aspects. For example, Hon. Teddy Louise Kasella-Bantu wished for men who rape children to be castrated rather than just jailed; she demanded that when it comes to rape, it shouldn't matter if one is a first-time offender, they should all be jailed and not just caned. The same contributor then opposed marital rape. Another contributor- Hon. Edson Halinga- argued that all school-going students should be considered as children irrespective of their age and they should be protected from rape. He then went ahead and argued that women who are raped while drunk deserve it. On LMA, Hon. Mtambo agreed on the minimum age fixed for marriage and the issue of presumption of marriage but opposed the issue of consent by the wife saying its un-African and it will be a source of marital conflict and dissolution of marriages. The same person supported the Bill on the aspect of capacity to marry, suggesting that both parents must have equal right to issue consent to their children who are married under age. On the aspect of distribution of matrimonial property, however, he suggested that the property be distributed by considering the joint effort between husband and wife. Another MP, Hon. Wilson Masilingi, argued that all perpetrators above the age of 15 should be prosecuted as adults because rapists are rapists; he then further argued that those who are raped after getting drunk should not be considered victims.

2.5 Strategies Used to Navigate Patriarchy

A number of key strategies were adopted by women, their organistions and allies to deal with patriarchal views and obtain key gains. These included:

a) **Female Parliamentarians Targeted Advocacy**: women activists found contacted women law-makers who were few at that time. The years between 1995-1999 when both SOSPA and LA were enacted, women made 16.73 per cent of the whole parliament. Despite their small number, the women activists thought it was important for women parliamentarians to understand the negative and positive sides of the Bills, key provisions to advocate for retaining and or removal. Women activists also appealed to women law-makers from their position as women, mothers and how best they could leverage their positions as parliamentarians to cause change. This strategy paid off and is vividly seen in the contribution by female

members of parliament who provided counter-arguments for unprogressive viewpoints raised by other parliamentarians as follows:-

How a woman looks doesn't welcome rape or harassment: On SOSPA, for example, Hon. Fatma Said Ali and Sophia Simba delivered resonating arguments that even if a woman is dressed nicely, applied make up and looks attractive, it is not a green light to be raped. Hon Fatma, urged men to open their eyes and see that there are attractive and well-dressed men but women don't rape them.

> *'katika kutongoza mwaga sera yako. Lakini usinikwinde… nikikupa mgongo ridhika nenda kajaribu kwingine'* Hon. Fatma Said

Highlighting the decay in moral values and addressing a fallacy that in the past, rape and child abuse were not prevalent: Making her contribution in Parliament, Hon. Fatma Said Ali gave her experience working at the Public Service Department where secretaries created an association to address the escalation of sexual harassment incidents against them.

Bringing experience to the fore: Hon. Fatma Said, also provided references from her constituency where children were being sexually abused. She urged the MPs to pass the Bill as those children and their mothers depend on it.

Addressing the argument that the Bill was being rushed or being externally influenced. Hon. Sophia Simba called upon MPs to move away from thinking that the SOSPA Bill was rushed or was pushed due to external forces. She insisted that the Bill was timely.

Calling for proper training: Hon. Sophia also called for effective training to police and other relevant stakeholders on how to deal with women's issues so that they don't return home women victims and tell them to sort the issues domestically.

Calling for stronger punishments: Hon. Tabitha Siwale hesitated to support the Bill because of the section that require defilement of girls under 15 years to be punished with not less than 20 years. She suggested rewording of the section so as stronger minimum punishment are provided. She referred to human rights reports and quoted examples on defilement of minors.

Not turning a blind eye on female perpetrators of rape: Arguing for SOSPA, Hon. Thabisa Siwale refused to defend the women just for the sake of defending them, she urged for the law to punish female perpetrators of rape and admitted

that they do exist. She cited incidences from the media reports and human rights reports.

Defending first wives: On LMA, women MP champions defended the need for the first wife consent before a husband marries another wife due to many incidences where men desert their wives as soon as they take on a second wife. Hon. Fatima Haji argued that women go an extra mile to build their homes from scratch with their husbands, hence it is the right and respectful thing for women to be consulted. Hon. Fatima Haji requested men to respect their wives and if they want to marry more wives they should consult or divorce their first wives in order to avoid stressing them.

Protection of matrimonial properties: Hon. Baraka suggested the law to include a section to protect properties accumulated from the first marriage when a man decides to marry the second wife to avoid the situation where the first wife is left without her rights and entitlements.

Protecting women's role in the development agenda: When contributing on LMA, Hon Machibya opposed those who said women do not work and that their role is to be jealous of their husbands. She stated that women role in protecting their families and their contribution to the developmental agenda need to be respected and not looked down on.

Advocating for marriage age to be increased: While most of the contributors concurred with 14 years as minimum age for girls to marry, Hon. Ng'winamila appealed for the age to be increased to 16 years for girls and 18 years for boys.

Protecting widow's rights: Hon. Ng'winamila also protected the right of the widow to have an option to refuse to remarry the relative of the deceased husband. She also urged the Government to dig deeper on discriminatory traditions and customs and abolish them if equality is to be realized.

Custody of the children upon divorce: Hon. Baraka adviced for the law to consider and provide clarity on who remains with the children in case of divorce to avoid unnecessary quarrels among divorcing parents.

On the Land Act, women supported the removal of discriminatory laws which barred women and girls from owning and inheriting the land. Hon. Teddy Kassela-Bantu gave an example of a Chagga woman who get married to a Chagga husband and unfortunately the husband dies. Under chagga culture, the widow will remain in the land *(kihamba)* of her deceased husband until she dies. However, if the Chagga woman marries a Sukuma man and the husband dies, the widow will

be returned to her parents land in Chagga land and the relatives of the deceased husband would take the children and the property. Anna Makinda supported the need for the Government to own land in order to curb land grabbing.

b) Use of Male Parliamentarians Champions: Between the year 1995 to 1999 when SOSPA and LA/VLA were deliberated, men made the majority of parliamentarians (73 percent). Women activists conducted both joint and one-to-one meetings with them. While women parliamentarians were collaborative as seen above, women activists perceived that men parliamentarians were more welcoming and understanding that women parliamentarians. The women connected the laxity of women parliamentarians as caused by the fact that most of them were from special seats thus their allegiance was more to a party than to women issues. Women activists strived to know the men who are already progressive and supportive of Bills and make them champions in order to attract more parliamentarians to buy their agenda.

With men, women activists used personalization strategy. For example, during the LA, they urged male parliamentarians to think of the fact that their wives, mothers, daughters and or any of their female relatives will continue not to own, inherit, have control of land while they have the power to change the situation. On SOSPA lobby, women behind the laws told men to reflect and think of women and children who are raped as their own children, mothers, or wives.

As a result, some men parliamentarians became supportive of the Bills as follows:

A call for men to respect themselves for the law to respect them: Hon. Khalid Suru agreed with all proposals in the SOSPA Bill and insisted that Tanzania and the Parliament should keep the respect of men who keep their own respect. He called for strong measures to be taken against men who rape. Dr. Ibrahim Msabaha required criminal action to be taken to anyone who prevents the Bill.

Parliament is for all, including women: Hon. Semindu Pawa argued that women should be allowed to air their challenges, and that an institution such as the Parliament should be at the forefront to listen and legislate for women-friendly laws. He argued that women have the right to be treated with dignity, safety and security and a right to live and be free.

Men organising grassroots mobilization meetings in defence of women and children's rights. Hon. William Shelukindo organized meetings with the elders in his constituency; he called for their support on the Bill as a way to protect children

against rape. He compared child rape to murder and argues that it should be treated as such.

A call not to hide rape and sexual harassment: Continuing to support SOSPA, Hon. William Shelukindo called for whoever hides rape incidents to be charged. He referred to incidences where parents hide the rape incident or rapist especially if it happens within family settings. Hon. William Shelukindo wanted those who hide rape to be taken to court too.

Cases involving children should be handled with trained magistrates: Hon. William Shelukindo also advocated for special magistrates to handle cases involving children as great care is needed.

Calling for popularization of the laws after they are enacted; Hon. William Shelukindo further proposed that once the Bill is enacted and finalized into the law it should be translated and shared with citizenry for wide understanding.

A right of both wife and husband to be provided with marriage certificate; Hon. Tenga suggested the Bill to make it mandatory for the marriage certificate to be issued to both spouses (husband and wife) as they are equal partners and each needs their own certificate for safe keeping.

On the Land Act, Gemma Akilimali named Hon. Juma J. Akuweti who was the chair for Land Committee as progressive and understanding on issues of women land ownership. Gemma also describes Dr. Wilbroad Slaa as being an instrumental parliamentarian from the opposition party, CHADEMA. She remembers how Dr. Slaa accommodated the women in his room and provide them with strategies to engage other parliamentarians. He told the women not to target every parliamentarian or be eager to speak to the whole parliament. He then pinpointed strategic and influential parliamentarians the women could meet, engage and make them champions. Similarly, MPs such as Hon. Juma J. Akuweti and Mh John Cheyo called for discrimination in law of marriage and inheritance to be removed.

Hon. Xaveria F. Nchimbi called for discriminatory customary laws regarding women, youth and people with disability on land ownership not to be perpetuated by the law. Hon. Stephen M. Kahumbi argued that the Land Bill should complement the judiciary in extending protection to women who are excluded from inheriting landed property after the death of their husbands. Hon. Mgana I. Msindai and Dr. Ibrahim Msabaha submitted that the land issue is a constitutional issue as per Article 24 of the Constitution which provides for the right to own property and also provides for the right to equality before the Law. They called for the Bill to take into consideration issues of gender equality. Dr. Wilbroad Slaa called for investors

who have lands, but have not developed it for long time, to return it to the government. Athuman Janguo was of the view that investors should not be lessed land for more than 50 years.

When the Bill was discussed in the Parliament, following massive influencing work by women organisations, Dr. Gideon Cheyo, the then Minister of Lands and Housing Development, said that the Land Bill will ensure women own and are able to sell and have control over the land and that discriminatory provisions will be removed.[13]

Male champions supported ownership of land by children born out of wedlock and suggested the amendment to the LMA which disinherits them. Prof Juma M. Mikidadi advised immediate family to include: a mother, father, sister, brother, husband, wife, children who were born in the marriage and those who were born outside the marriage. Prof. Damion M. Mwaga called for awareness raising to members of the community on equality in land ownership.

Hon. Joel N. Bendera suggested for all customary laws which discriminate against women and youth from owning land to be abolished, and advised the following:

i) Members of the village committees and courts to be equally represented by both sexes.
ii) Under customary right of occupancy, a family has to be recognized as husband, wife and all their children.
iii) Women and youth groups should be prioritized in land ownership for their development.

c) Use of Media: TAMWA was instrumental in covering the proceedings of the law making processes through newspapers, radio and television in both the LA/VLA and SOSPA. This made citizens, parliamentarians and other institutions perceive the issues of land and rape against women and children as matters of public interest. In his contribution on SOSPA, Hon. Semindu Pawa thanked the newspapers for adequately reporting on rape issues against women and children. He made reference to statistics on cases, convictions and argued that the LHRC report should be distributed to all MPs. Hon. Ndimara Tegambwage thanked the pressure groups and the media for raising awareness on SOSPA. Edda Sanga explains the role she played in asking her employer (RTD) to allow live coverage of the proceedings between women activists and parliamentarians on issues of rape and sexual harassment. During LA/VLA, TAMWA will solicit for media sessions for women

[13] Daily News, February 10, 1999

activists to undertake media advocacy on why land ownership for women mattered.

d) Capitalizing in power of the citizens: SOSPA and Land Bill came just a few years before the 2000 elections. This provided a strategic entry point for women activists to push parliamentarians to act. For example, during the SOSPA lobby, Edda Sanga, while making her closing remarks in a meeting with Parliamentarians, informed them that they were live through RTD and that their voters have heard all they said in favour or against the Bill. Edda urged them to support the Bill and that it they don't, the women activists would mobilise voters in their constituencies not to vote for them in the coming elections. Mathias Chikawe, the then member of parliament, described Edda's statement as something that terrified the male parliamentarians who made their contribution without knowing that they were live through RTD.

e) Survivor Centered Approaches: women activists perceived that members of parliament are going to be difficult to accept just stories. They therefore worked with rape and sexual harrassment survivors who were willing to share their stories and brough them to Dodoma. Most of the MPs thought they would be traumatized by stories from rape survivors refusing them to give testimonies. Parliamentary leadership informed women that it is not in the parliamentary ways of working to allow testimonies from the victims.

2.6 Other facilitating factors

a) Supportive government and progressive leaders: Political will is paramount for any successful Bill influencing. The making of SOSPA and LA/VLA were all graced by President Benjamin Mkapa under '*ukweli na uwazi*' slogan. After passing SOSPA, President Mkapa receive two awards namely Gender Justice Award and IPDC Award for Good Government Practice. During the making of SOSPA, there was evidence of some level of political will from the government. Minister Bakari Mwapachu spoke on sexual and physical violence and mentioned its psychological, emotional, and social effects. He informed the parliamentarians that legislating against rape is a human rights issue and it is about adhering to international standards. He proposed stronger legal sanctions and effective court processes in addressing rape and sexual harassment cases.

b) Role of International Processes: Global or regional processes have great influence on milestones that can be achieved in the law-making process. The attendance of Tanzanian women to the 1985, Third World Conference on Women in Nairobi and in the 1995 Forth, World Conference on Women in Beijing ignited

the need to push for change and address rampant gender-based violence against women especially discrimination on land ownership and sexual harassment in the county. After Beijing, a 'Bring Beijing Home' campaign was started to push the government for its implementation. Minister Bakari Mwapachu made reference to the SADC conference on prevention of Violence Against Women and the main conclusions made at that conference as a catalyst for the passing of SOSPA. Members of parliament requested for the implementation and respect of international conventions particularly those under the then OAU (currently AU), the Universal Declaration of Human Rights and national laws such as the constitution and that they are taken into consideration during the drafting of SOSPA.

c) Grassroot engagement: evidence shows that there was considerable engagement with communities and grassroots activists during both the LA/VLA and SOSPA Bills. For example, during her submission in parliament, Hon. Hilda Kibacha applauded the responsive minister and the committee for involving the grassroots people and CSOs during the law-making process. Community awareness took place through various means including workshops, trainings with the members of the parliament, paralegals, and religious organization representatives. The annual gender festival (which was organized by TGNP), the National Land symposium and the Gender and Development Seminar Series (GDSS) were critical.

2.7 Key lessons

1. Women realized that struggling for women's rights is a long-term issue requiring an ongoing movement building through consistent working on the underlying ideological clarity and built-in sustainability and succession plan.
2. The importance of documenting experiences that have brought gains in women's rights movement. The women activists felt that they kept on working and did not take time to document the processes of engagement. Little about what happened from the start to end of the SOSPA and LA/VLA lobbying is systematically documented.
3. Spaces for celebration of achievements was overlooked. When the Land Bill was passed and assented into law, women activists were too tired to celebrate any of the gains, only women in the parliament celebrated. It is remembered that the lack of a celebratory mood was due to the fact that the NLC felt that the GLTF had sold out the interests of the people for the sake of 'gender-issues' hence a confusion on whether to celebrate or not, and if yes, then to what extent.

Chapter Three

Taking Stock: Counting Gains and Losses

3.1 Introduction

The women behind the laws came together, strategized, researched, divided roles, engaged with different stakeholders, faced and navigated myriad of challenged as the Bills were taken through the first, second, third reading and later being passed by the Parliament. The passed Bills were assented into the laws after being signed by the presiding President. This chapter looks closely on key gains and losses contained in the passed and assented LA/VLA and SOSPA in comparison to the demands the women had.

3.2 Gains: Land and Village Land Act

The LA establishes principles and rights that help provide legal safeguards for women's land rights, including:

a) Rights to equitable distribution and access to land. Section 3 (2) of LA and VLA calls for land ownership, use or any dealings to be based on equality and non-discrimination principles to every individual in Tanzania regardless of sex or gender roles.
b) Protection of family land against mortgage: Section 114 of the LA, protects family property against mortgage. It requires if the mortgaged property is a family property then the mortgage will only be valid if there is signature of the wife or wives consenting to the mortgage transaction. Section 114 protects spouses (including women) from dubious dealing by one of them. That a mortgage including a customary mortgage of a matrimonial home will be valid only if any document or Form No. 41 used in applying for such a mortgage is signed by both spouses. Section 161(3) of the LA requires that before disposition by way of sale of the family land, it is the responsibility of the buyer to ascertain if the seller has a wife or wives and that disposition consent have been obtained from them.
c) Rights of women to own land jointly with their husbands: Section 161 of LA provides for the joint occupancy between spouses. If the matrimonial land is under a name of a husband and the wife or wives have put their efforts in utilizing the land for production, she/they gets equal rights to own the land even though her name is not written in the title deed or certificate of customary right of occupancy.
d) Equal consideration of men and women interests: Section 23(2)(c) of the VLA requires the Village Council to consider women's land requests on the same ground as men when conducting customary land allocation.
e) Protection against traditions that discriminates women: Section 20 (2) of VLA requires that any rule of customary law which denies women, children or persons

with disability lawful access to ownership, occupation or use of the village land shall not be given effect and shall be void and in-operative.

f) Rights of women representation in land adjudicating machinery: Section 167 of the LA provides for machinery for dispute settlement involving Land. Section 53(2) of the VLA provides that the Village Adjudication Committee will be formed by not more than 9 members, not less than 4 members shall be Women. Section 60(2) of the VLA provides that the Village Land Council shall be composed of 7 members, not less than 3 must be women. Any meeting is not valid until the women corum is achieved.

g) Other women considerations under the VLA:
   - The formation of the area planning committees such as the urban, district and village councils suppose to include at least a quarter of all members.
   - In surrendering[14] or re-granting[15] land under customary tenure, the rights of women must not be compromised.

3.2.2 Losses: Land and Village Land Act

The LA and VLA provide much-needed progress in realizing women's rights and set a legal foundation for transforming gender relations in land ownership. However, there are limits to this progress, as indicated below:

a) Ownership of land: The land is still owned by the government instead of the people.
b) Customary Law: Tanzania recognizes both customary and legal tenure. Issues of customary law continue to discriminate against women on issues of inheritance. This keeps women in a vulnerable position. In some traditions, women continue to have no rights to own family land but only have a right to use it.
c) Customary Title Deeds: The government provides to the people customary title deeds-a process that has received support from CSOs and Development Partners. However, many women are still unaware of the value of the piece of paper they are given. More efforts are needed for women to recognize the energy they put in the land so as they can claim to have control over what the land produces and the land itself.

Generally, the effect of women engagement in the Land Laws through the public debates, advocacy and influencing slowed down the land reform process (it took three years for Bill to be passed), forcing the government to adopt alternative strategies, including passing separate bills on mining and public land. Finally, the women successfully engaged with the

[14] Section 35 ibid
[15] Section 36 ibid

Bill drafters; ensured that the land cannot be sold without the permission of a spouse; that women have the same rights to own and purchase land as men and the village land committees overseeing land transactions include women. On the losses, many of the broad NFL demands were not met, including shifting ultimate land authority from the President to Parliament. Communal rights to land remained marginalised to the priorities of the 'public interest'. The NLF felt that the GLTF had sold out the interests of the people for the sake of 'gender-balance' provisions.

3.3 Gains: Sexual Offences Special Provisions Act (SOSPA)

Some of the progressive elements and outcomes of the law are:

a) Strengthening and clarifying the offence of rape: Section 130 of the Penal Code was repealed the offence of Rape under Section 130 of SOSPA was introduced. Rape was extended to include in circumstances a wife who has separated with her husband; when consent is obtained by force, threats or intimidation or while a woman was intoxicated or of unsound mind. Rape is also extended in cases where it happens with or without a girls consent when she is under 18 years of age.

   In order to protect the survivor and their dignity, Section 130 (4) (a) of SOSPA recognizes that penetration however slight is enough to prove the offense of rape. Similarly, Section 130(4)(b) of SOSPA provides that, in rape cases, evidence of resistance is not necessary to prove that intercourse was done without consent in order to protect the innocent victims who decides not to resist out of fear of being hurt or to be killed.

   The SOSPA introduced punishment of rape under Section 131 to include life imprisonment; minimum punishment of thirty years; corporal punishment together with compensation to the victim of rape. For most criminal offences, the victims are not compensated but under this law, the victim is redressed for the suffering, trauma and humiliation.

b) Provisions on gang rape: The amendments also introduced the new Section 131A which provides for the punishment of Gang rape (rape committed by more than one persons). Everyone involved will be imprisoned for life if found guilty.

c) Provisions on attempted rape: The introduction of SOSPA repealed Section 132 of the Penal Code and replaced it with the offence of attempted rape which attracts life imprisonment punishment.

d) Provisions against sexual exploitation: Section 138B, Subsection 1 (a) of SOSPA makes it an offence for any person who knowingly cause any child to remain in any premises, for the purposes of causing such child to be sexually abused or to participate in any form of sexual activity. The Act stipulated the penalty for those

acts to be conviction to imprisonment for a term of not less than five years and not exceeding twenty years.

e) Provisions on grave sexual abuse: Section 138C stipulated the offence of grave sexual abuse to include any act of sexual gratification which cannot amount to rape under Section 130 done without consent onto another person, using genitals, other body parts or instruments. It also provides circumstances where force is used or consent has been obtained by intimidation or threat of death or of hurt or while that a person was in unlawful detention and with the consent of the other person where such consent has been obtained at a time the other person was of unsound mind or was in a state of intoxication. Section 138C (2) provides for the punishment for any person found guilty of grave sexual abuse to be imprisonment for a term of not less than fifteen years and not exceeding thirty years, with corporal punishment, and shall also be ordered to pay compensation. However, if the grave sexual abuse has been committed to a child the punishment is imprisonment for a term of not less than twenty years and not exceeding thirty years and shall also be ordered to pay compensation.
f) Provisions on sexual harassment: Section 138D of SOSPA provides for acts which amount to sexual harassment to include sexual assaults or use of criminal force, or by use of words or actions. These must also cause sexual annoyance or harassment to another person. The Act provides the punishment which is conviction to imprisonment for a term not exceeding five years and/or to a fine not exceeding two hundred thousand shillings, and potentially also compensation.
g) Other Offences which degrade the dignity of the woman or girl: such as procuring defilement, unnatural offences, incest, incest by females, cruelty to children, including female genital mutilation. All the offences have been given heavy penalty/ punishment to deter other members of the society from committing the same and to promote respect to each individual member of the society regardless of their sex.
h) Recognizing the position of power as source of rape and sexual harassment: Section 130 (3) of SOSPA provides for person who can be liable of rape as, amongst others: a person in a position of authority and who takes advantage of his official position; being a traditional healer, takes advantage of his position and commits rape on a girl or woman who is his client for healing purposes; anyone in senior management of a custodial institution, hospital etc, who takes advantage of a patient/ anyone under custody/etc.
i) Rape of minors: Section 131 provided the punishment of life imprisonment for anyone who commits the offence of rape to a girl child who under the age of 10.
j) SOSPA amends several laws including the Penal Code, the Evidence Act, the Anti-trafficking Act making special provisions in those laws with regard to sexual and

other offences to further safeguard the personal integrity, dignity, liberty and security of women and children.

3.3.2 Losses: SOSPA

SOSPA is visibly progressive and a watershed moment for the fight against GBV, FGM, sexual harassment and abuse, etc. Nevertheless, there were some lost opportunities and some regressive elements coming out of this law, including:

a) Marital Rape: the law purposefully fails to cover marital rape in its definition of potential rape. There was fear that it would general be abused my women in marriages.
b) FGM: Failure to cover Female Genital Mutilation in its totality as it left out women as potential victims and only referred to children. This allows some communities to wait until female children become adults and mutilate them.
c) Provision of shelter: The Law fails to direct the Ministry responsible to establish safe home or shelter for the survivors of rape, sexual harassment, trafficking, and GBV in general, in order to make them feel safe and provide psychosocial counselling or post trauma reliefs.
d) The compensation to victims of rape is extremely low (200,000 Tsh) and does not effectively redress the victim.

Chapter Four

Profiling Front liners and those Behind the Scenes

4.1 Introduction

A number of women, men and organisations took part in influencing for gender progressive provisions in the LMA, SOSPA, LA/VLA and the ELRA. But some names are repeated when the question "which women were at the front" is asked. This included the likes of Sofia Kawawa, Thabisa Siwale, Tumaini Silaa, Gemma Akilimali, Mary Rusimbi, Marjorie Mbilinyi, Demere Kitunga, Leila Sheikh, Edda Sanga, Maria Shaba, Zainabu Vulu, Fatma Aloo, and others. Organisations such as TAMWA, TGNP, TAWLA, WLAC, LHRC, Women Advancement Trust and coalitions such as FEMACT and GLTF etc are also mentioned.

These women together with others, including men and organisations, played a formidable role in the passing of the LMA, LA/VLA, SOSPA and ELRA. Their stories of change are, however, not systematically documented. Physical and online searches do not bring anything significant about them, the available information is in piecemeal and in an un-harmonised manner. A quick search of their names brings few articles, with no concrete joint or individual profiles and/or biographies.

There have been initiatives to identify, profile and recognize women change-makers, albeit with no official framework for recognizing and profiling them. The profiles or biographies of women change makers should be distinct from the patriarchal way of profiling where the attention is drawn on one person while many other people, organizations and movements played key roles. Also, while stories of the women change makers need to be available in different formats, guidance on information to be contained in the profiles is paramount so that gender stereotypes are not perpetuated along the way.

In this chapter, a guiding framework for identification and profiling women change makers is made. The proposed framework is inspired by the resources available on:

i) Feminist Life History Making
ii) Feminist Literary Criticism
iii) Feminist Intersectional Politics
iv) Life history methods and feminist narrative analysis

Profiles on women behind SOSPA and LA/VLA are provided as an example of how the framework can be used. The proposed framework can later be used to profile the women,

organizations and movements behind LMA, ELRA, other laws and women who caused changes in even other aspects law.

4.2 Proposed Framework for Identification and Profiling women.

In pushing for any change, women engage, influence, attain and celebrate differently. Thus, the recognition of women change makers should reflect the unique manner through which women engaged, organized, mobilized and realized change. In sectors where patriarchy reigns, the contribution of women in change making is always looked down upon. They are often marginalized and if recognized, the recognition is done in a patriarchal way.

To write a feminist biography of past and present women, a set of criteria is suggested. The framework intends to capture complex dynamics and nuanced stories of the women, their organizations and movements. It moves away from stereotypes that women are 'problems to be solved' to portraying women as capable people with their own priorities, agenda, ways of engagement. The practice of profiling one individual and have others mentioned in their stories is patriarchal and should be avoided in a feminist profile system. The framework covers key stages to be followed in identification of women change makers, then provides guidance on information that need to be collected, where to collect it, and how to frame it in the profiles.

The proposed framework is as follows:

1. Identification Stage **1.0 Checklist for Identification of Female Change Maker**
i. Build an interest on a change that happened in any area or aspect and that has had great impact on women lives.
ii. Get the timeline of when the change happened.
iii. Look for the recognized individuals especially those people who are said to have been behind the change.
iv. Get their stories.
v. Ask them who else was there in the pursuit for change.
vi. Ask deliberate questions on the role of women in causing the change.
vii. Ask how they organized and mobilized as individual and or through organizations or movement.
viii. Ask them for reference of other people you could talk to.
ix. Dig deeper on questioning about the role of women.
x. Note down the names of female change makers, organizations and or movements consistently mentioned.
xi. Undertake documentary review to find out what is known about them.

xii. If the bearers of the names are still living, look for them and hold interview with them and their family members.

xiii. Conduct media archival research to find what the news mood was like at the time change was happening.

xiv. If the change pertains law making process, conduct hansard review to find out how the women engaged with power structures and how such powers responded to them.

xv. Start analyzing the information obtained and make a decision how you are going to profile the women change makers.

2.0 Information to Collect and Use in a Profile

2.1 Who was she? Obtain and portray her many hats

Was she a leader, professional, mother, wife, widow, grandmother, activist, daughter, employee etc at the time she was pushing for change. Appreciate how everything she was contributed or hindered her quest for change and how some parts of her life flourished or suffered as she pursued the change.

2.1 What change she caused and what makes her stand out

Capitalize on her agency, be sure to collect information that portray her as a person capable of identifying her needs, setting her own priorities and agenda, design courses of action, and mobilise for collective action towards change. Clearly articulate her role in pushing for change in predominantly patriarchal settings, i.e. how she tackled patriarchal gates to attain change.

i. Did she proactively initiated the change or reactively engaged on the emerging issue?

ii. Depict her creativity and uniqueness in ensuring change is attainable.

2.3 Depict the intersectional social justice agenda or lack of it

Capture the intersection of the issues she pursued i.e. was she grappling with discrimination caused by gender inequalities, race, identity, class etc. Feminists in public arenas tend to support a broad social justice agenda rather than a narrow set of gender issues.

2.4 Political ideology and affiliation

Portray her political ideology and affiliation on women's rights movement, i.e., was she pursuing change from a known political ideological perspective? Was she from CSO/movement, Government and/or academia? How did her affiliation make it easy or hindered the realization of the change she attained?

2.5 Track her record on pushing for women's rights

Briefly touch on her journey of working for change. Was it the first time that she was engaging in causing change, and if so, what pushed her? Has she been the renown women's right advocate before and even after causing that particular change?
2.6 Structures/institutions of powers
Depict how she engaged with structures/institutions of powers as patriarchy is embedded within institutions of powers such as laws and law-making institutions and government institutions.
2.7 Sisterhood
Depict her position within the wider support and network of her sisters. Show the extent to which sisterhood was used to resist patriarchy and challenges that it faced. In a particular change avoid profiling one woman but make one profile containing all women behind the change and the roles they played in attaining that change. This will ensure that co-players do not just get mentioned in another person's profile, but each significant players gets her share of recognition. Be sure to scratch further to recognize all the women i.e those who were urban or rural centred, educated or uneducated, abled and those with disabilities.
2.8 Ecosystem
It is not only the sisters/women who support and make changes happen. There are many other actors. Show the extent to which a wider collective action of women, men, organisations, movements, government and the related institutions contributed to the change.
2.9 Political context
Political arena has a strong bearing on how change happens. Open and democratic civic/political space tend to be more palatable and welcoming for both men and women when pushing for any change, unlike a constrained/shrunk political space. Be sure to make an account on how the political space facilitated or hindered the change that women rallied behind.
2.10 Avoid masculine rationality
The patriarchal system of analysis and documentation tends to emphasise masculine rationality, such as efficiency and objectivity. A feminist approach to writing the stories of women should refrain from normalizing male norms and values and using those as a benchmark for assessing or describing the woman. The feminist approach should be able to articulate emotions such as passion, fear, anger, tears. It should also be able to focus on the effectiveness of the process in terms of progress towards gender equality on top of the efficiency of the process in terms of time, resources, etc.
2.11 Challenges and survival strategies
Depict all ideological and patriarchal challenges the women behind the change faced and strategies they used to navigate the challenges.

2.12 Showing the impact of the change and the remaining issues
i. Depict the attained change in line with what the situation was before and showcase why the attained change is significant to women. ii. Show the impact of the process and the change attained in strengthening women movement and how it affected how women engaged and impacted similar processes. iii. Depict the impact of the process and the change in causing institutional transformation, such as how institutions such as ministries and Parliament changed their behavior and attitude towards future similar issues brought before them. iv. In line with the attained success, state the remaining issues, recognize the current initiatives to address them and appeal to other women activists to continue to with the push to attain the remaining change.
2.13 Validate the Information
Once you have complete information on the content of a profile, be sure to take it back to those you interviewed for final check of its validity and endorsement.
2.13 Formats
Embrace the emotion and creativity that is part of women's struggles and explore different formats that do justice to the passion, nuance, and complexities of women's realities. The assumption that profiles should only be presented in written format is problematic. Explore spoken word and oral traditions, visual and tactile formats, drama and movies, etc.
2.14 Dissemination/ Distribution Strategies
Ensure the final products of profiles/biographies are distributed through women friendly channels.

Disclaimer: The below exemplarily profiles have not exhausted the items provided in this proposed framework mainly due to time constraints. Those who will find the framework useful should strive to adhere to all the items for maximum impact.

Profile of Women behind the Passing of SOSPA

"Bringing the Private to Public"

In 1997, TAMWA was celebrating its 10 years since it was established in 1987 after the zeal obtained from the first and second World Conferences on Women in Mexico and Nairobi in 1975 and 1985 respectively, and the passing of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979. In the meeting between Maria Shaba, Leila Sheikh and Zainabu Vulu (all in their late 20's then), they agreed to go an extra mile to end the harassment, rape and intimidation against women as part of the 10 years celebrations. The death of Levina Mukassa-a University of Dar es Salaam female student who committed suicide 1990 due to sexual harassment- made TAMWA choose not to be complacent. Leila, Zainabu and Maria thought that as journalists they had done enough media coverage of the stories of women horrors through their flagship style of journalism(Bang) and the evidence from scientific researches and the Crisis Resolving Centre(CRC). They agreed it was time to knock the doors of the law makers and cause substantive change in the laws. The three women perceived that the laws were tainted with many loopholes and were less effective to render women the protection they needed against rape and harrassment.

Although they did not have any political affiliation and barely had any experience in Parliamentary engagement, Edda Sanga- the then TAMWA Chairperson- believed parliamentary engagement was the only way to bring about sustainable change. The Penal Code was not addressing gender-based violence, and it was impossible for women to prove that rape or violence in any form had been done against them.

Leila, Maria and Zaibabu divided roles. Leila, who had just taken over the leadership of TAMWA from Fatma Aloo, wrote proposals, led in fundraising and did put together the parliamentary engagement strategy, while Zainabu and Maria would deal with mobilization to obtain buy-in from stakeholders.

TAMWA became the primary vehicle for pushing forward the agenda on GBV and legislative change. TAMWA looked and brought other womens rights organisations on board to support the movement. The strategy was to educate and mobilise under the famous TAMWA mantra- 'do not agonize, organize.' In the end, 25 women rights organisations came together to support, strengthen voices and speak as one. Maria Shaba and Zainabu Vullu met the women in the Police Force and those in the medical profession. They also met with witchdoctors through their association and with other traditional leaders. Religious leaders, owners of media houses, and other women-based organizations were also consulted and brought to the movement. These consultative meetings obtained viewpoints on the dynamics of rape as a problem and how it should be tackled from different angles. The women police raised issues on the need to have specific gender desks

to attend to women issues while women in the medical profession wanted the Police Form No.3 to be reworked and be able to facilitate effective capturing of rape evidence. The witchdoctors provided incidences of men being told to rape women or children if they want to get rich or get healed from HIV/AIDS. In some circumstances, women were made to sleep with witchdoctors as a route to success, getting a child or being cured from HIV/AIDS. Most of the engagement with stakeholders were done secretly to avoid backlash due to strong patriarchy roots.

Together with women lawyers especially those from TAWLA and WLAC, key demands for addressing harassment and rape against women and children were drafted to include the need to have gender desks in each police station; the amendment to P.F3; the need for a people's tribunal; cases involving children to be dealt *in camera* and the need for one piece of legislation to offer proper definition of rape, address issues of sexual harassment, female genital mutilation and the related matters. A big meeting was conducted at the then Kilimanjaro Hotel with various Members of Parliament, starting off what would be a comprehensive lobbying of law-makers.

The movement relied on different strategies to create awareness and pressure for change. Through TAMWA and the other organisations, media was used to disseminate heartfelt and researched stories; grassroots meetings were held in villages across the country; and good practices were brought in from other countries. Also, women activists had just been back from Beijing and were fired up to make change happen. Women such as Gertrude Mongella, who was central to the Beijing Conference and at ensuring that the Beijing Platform is implemented at home, offered her support. She marched with TAMWA to the University of Dar es Salaam in calling for an end to harassment against women. TAMWA also lobbied media houses such as Uhuru and Daily News for sessions where rape and sexual harassment issues could be discussed. Through fundraising, *Sauti ya Siti* magazine which started on 8th March 1988 was produced to cover specific issues on violence against women and children.

The women behind SOSPA acknowledge number of challenges that faced them. Bringing individual women and their organisations together was not always easy, because it was the first time for the few existing women right organisations to come together in a coalition. It was difficult to have everyone understand and carry the agenda with equal weight. The obstacles facing the women continued to mount. Also, the women who were employed were often told by their bosses that their jobs were at risk if they continued with the activism, the bosses claimed that the women activists were pushing for rights not in the Bible or the Quran. The women were further criticized for being bad influence on other women, that they were a 'a bunch of frustrated women' and home wreckers. Instead of worrying, the women behind SOSPA saw themselves as assertive, committed and astute

women with a shared vision. At other times they were accused of wanting to introduce a foreign agenda to Tanzania, against the country's traditions and culture. The SOSPA lobby was not the first time the women were facing these challenges. Edda Sanga recounts when she returned from Nairobi in 1985, she started working on a piece of research concerning wife battery. She collected a lot of insights, information, and evidence that wife battery indeed existed in Tanzania. However, her boss at RTD, he refused to air the content because it was perceived to be a 'bedroom matter' and that it did not suit the taste of Tanzanians both male and female.

With the issues and demands for law reform at hand, Maria and Zainabu searched for an appointment with the Parliament. According to Anna Makinda, who was an MP then, the practice of official public hearings of the Bill by the parliament had not started, therefore lobbying through individual MPs, parliamentary committees and/or the whole parliament was the only way. The appointment was obtained but with a requirement that each parliamentarian would be paid 25,000 Tsh as a sitting allowance. With strong mobilization from Maria and Zainabu about 120 people including journalists, women from other CSOs and artists had prepared to go to DODOMA. Getting funding to support the movement and actions was a challenge. Not many donors were ready to support the cause. Women had to deprive themselves of many comforts such as sleeping in tents in order to fight for their rights. During this period, Asseny Muro was working with UNICEF as a gender focal person. Asseny helped to raise funds through UNICEF to support TAMWA. The funds were used to pay for stationary and to transport women from all corners of the country to Dodoma. The idea was to have women representing different perspectives and lived experiences and realities from grassroots to national level in Dodoma to support the cause. Red Cross International provided sleeping tents and first aid kits. Transportation companies provided buses to and from Dodoma and College of Business Administration agreed its dormitories to be used as lodging space for the women change makers.

TAMWA used the available media outlets by then (radios and newspapers) to inform the community about the planned meeting with parliamentarians in Dodoma. Leila Sheikh remembers how they would meet ordinary people both men and women, waiting to wave for them at each bus station as they were heading to Dodoma. These Samaritans came with bread and water as part of their contribution to the change being pursued.

The women behind SOSPA slept in Dodoma in tents for days, waiting to be allowed into the parliament. They went with women and children survivors of abuse so they can share first-hand experiences with the MPs, but the survivors were not given permission to speak in parliament. The MP threatened not to attend the meeting if testimonies were to be part of the meeting. The women said if they don't want to hear from them they will go to air their concerns at Saturday's Nyama Choma (barbecue) market. This stance together with

the fact that the women had already obtained strong buy-in from other members of parliament such as Sinde Warioba, Mark Bomani and the then Minister of Legal Affairs Bakari Mwapachu made the MPs change their minds although they insisted that the testimonies should not be part of the process. Leila Sheikh recalls the contribution of Mark Bomani who agreed to escorted the women activists to Dodoma to meet the Parliamentarians.

All parliamentarians except six who gave excuses, attended the meetings with women change makers. The women appealed to the Parliamentarians that the women need to have peace in their homes, public transport, markets and in their jobs. They softened the MPs by telling them that women and children need and deserve their help. The MPs started making jokes against the women's proposals and submission. They told them to go provide shoes to Masai people if they really need to help people rather than bringing private bedroom matters to the public. It was a Saturday and the MPs were keen to finish the meeting with the women and quickly go for Barbeque market which happens in Dodoma on every Saturday of the week.

The comments from the parliamentarians were insulting and degrading. Maria Kam, who was the meeting chairperson tried to calm the parliamentarians down in vain. Maria Rusimbi remembers how Makongoro Nyerere woke up and persuaded parliamentarians to listen, he told them to act and not to wait until they the MPs themselves are raped. Edda refused to accept insults and ridicule from parliamentarians. At the time, she was head of programmes at RTD and she had asked her Director to allow live coverage of the meeting with MPs. In her concluding remarks, Edda brought the MPs back into line by telling them that they have been live on air and the women are listening to the insults and jokes they are making. Since it was few years before the 2000 general election, Edda capitalized on the fact that women were- and still are- the majority of voters and the fact that votes mattered-at least by then. Edda threatened the parliamentarians that the women will mobilise their fellow women everywhere asking them not to vote again for the MPs in attendance if the Bill will not pass. This helped change the tone of the discussions and allowed for a more serious and dignified engagement to take place. After the women presented their issues, Pili Mtambalike recounted Minister Mwapachu's final remarks, where he agreed to work towards ensuring there is a gender desk in each police station, amending the P.F3, that the people tribunal is put in place, cases involving children to be done *in camera* and the initiation of a SOSPA Bill.

Leila Sheikh remembers how overwhelming and excited she was after Minister Mwapachu's speech. She cried joyfully. She remembers Maria Kam who was the Parliamentarian and a Chairperson of the session, who came to congratulate and kiss her. She also remembers the warm hug Nora Bugili gave her. To Leila, the meeting was a great

success even at a personal level, as at the time, she was struggling to get a divorce from an abusive marriage while taking care of her sick mother.

The women came back from Dodoma and continued to work on SOSPA Bill. The role of WLAC, TAWLA and LHRC became paramount as they engaged in drafting the Bill along with the Ministry of Gender and Community Development and the Ministry of Legal and Constitutional Affairs. Six months after, the women went back to Dodoma to speak to the MPs as the Bill was taken to parliament. Pili Mtambalika remembers how women camped outside the Parliament for three days as the Bill was being tabled, discussed and enacted. She recalls RTD doing a live coverage of the parliamentary deliberations citing an increased awareness of the media house bosses on women and children issues.

It was not easy to pass the Bill as most of the contributors viewed its provisions as against ' culture, tradition, and religions, and that it was bad for tourism as it takes away the community sense of humor (they called it *sheria ya kukonyeza* impliying that most of prohibited actions are done for humor). Most parliamentarians defended children and wanted harsh punishment against those raping children but believed that most women welcome rape by how they wear and places they visit (victim blaming). In general, some parliamentarians were progressive in supporting some parts of the Bill and unprogressive in other parts. The continued engagement with male and female champion parliamentarians, use of media, grassroot mobilization, scientific research, and some level of political will brought awareness to parliamentarians, eventually they supported and passed the Bill.

In 1998, the SOSPA Bill was passed and later assented by President Benjamini Mkapa into law. Eventually, the private became public, the voiceless received a voice. Leila Sheick explains that SOSPA is a revolutionary legislation as it is the first legislation globally to criminalize Female Genital Mutilation. It recognizes the victim/survivor of sexual violence crimes by allowing victim/survivor to be the chief complainant while the Republic is co-complainant in cases of sexual violence. SOSPA also contained clauses for compensation of victims/survivors of sexual violence and sexual violence offender can be jailed up to thirty years. Under SOSPA, cases of sexual violence are proceeded *in camera*, to protect the dignity of the victim/survivor. The issue regarding corroboration has been taken in account. Finally, issues of incest, child rape, proper definition of rape and matters pertaining traditional healers who dupe women and rape them have been addressed. Anna Makinda pinpoints the role of SOSPA in giving people courage to speak, condemn, and to bring the rape perpetuators to justice. A student from UDSM was the first to be held liable for rape after SOSPA, he was imprisoned for life. Pili Mtambalike notes that perhaps the enactment of SOSPA was the highest point of TAMWA's work on striving for women and children justice in the country.

On the other hand, however, there were factors and actors that helped support the success in Dodoma and elsewhere. The movement and TAMWA in particularly had good rapport with the government through Edda Sanga and other women who were working with RTD which was a government institution. There were also a number of supportive women MPs- Anna Abdallah and Mary Nagu - who even continued with the internal influencing once the women lobby had left parliament. Anna Makinda argued that it was important for women parliamentarians to continue influencing the men parliamentarians who were the majority forming about 76 percent of the Parliament by 1995-2000. Women in academic institutions such as Asha-Rose Migillo also played a formable role in supporting TAMWA towards the enactment of SOSPA. President Benjamin Mkapa knew and loved the *Sauti ya Siti* magazine before he became President, therefore it was easy for him to sign the SOSPA Bill into law when he was President. Political will was there in some aspects of women rights, but there was an acute absence of it on other issues. Marital rape, for example, was hard to influence most MPs on. Most Parliamentarians told the women lobby that the time was not yet ripe for marital rape to be regulated.

The enactment of SOSPA and the process behind it is generally seen as the birth of the women movement in Tanzania through which strong coalitions such FEMACT was born and caused changes to a number of laws which held women back. It was also the first time where civil society - parliamentary engagement was practiced in Tanzania, most importantly by women. SOSPA success stemmed from the vision, leadership and commitment driving TAMWA and the bigger coalition. According to many of the women involved, the fact that it was driven purely by passion, on a voluntary basis with no monetary compensation available to those who took the front role contributed to its great success. It was a genuine agenda by the women, for the women, with no donor push behind it. The movement also recognized the lost opportunities- there was inadequate documentation of the process for future reference, and in some ways there was also a failure to galvanise the momentum and carry forward with other women issues.

Fast-forward about 22 years later, the women think that SOSPA is outdated and needs amending. Compensation to survivors of rape needs to be increased to cover for physical damage, emotional and trauma. The current 200,000 Tsh discretionary compensation is not sufficient. Also, a 60 days time-limit for instituting cases pertaining to offences covered after the occurrence of the incidence need amending. On prostitution, both men and women should be arrested and made liable for the offence. Leila calls for a full Domestic Violence Act to cover bit and pieces of issues pertaining to gender-based violence and sexual harassment in all aspects.

Profile on Women Behind the Passing of Land Act and Village Land Act

"*We just wanted women to settle and have peace in the land that they do the most work on*" – Gemma Akilimali

The Land Act (and its sister legislation, the Village Land Act) was arguably the next major piece of feminist legislation after the enactment of SOSPA in 1998. Whereas SOSPA was a triumph in creating a unified voice amongst women, the processes around the Land Act was a test in feminist ideological maturity and strength of civic society organisations. The fact that women were generally not represented in law-making process and the mismatch between the Proposed Land Bill and the findings/recommendations of the Presidential Commission of Inquiry on Land led by Issa Shivji in 1992, ignited the women desire to take active part in the Land Act law-making process. The Commission's findings noted that women were excluded from land tenure decision-making and land ownership.[16] The government ignored the recommendations and commissioned another land reform survey that called for further liberalisation and commoditisation of land.[17] As a result the Proposed Land Bill was drafted to meet the needs of large-scale foreign investors.

Women activists felt the Land Bill was a rare opportunity to change the fact that women were the backbone of the economy that they did not have control of. The customary land system made women undertake a substantial part of farm work, i.e. preparing the farms, seeding, fertilizing, weeding and harvesting, but they could not own or control the land.[18] During harvest time, the husband take over the selling and determined how the proceeds should be used. The disposal of land by men was done without consultation with their spouses and children; non-participation of women in the distribution of the fruits of their labor on the land; absence of rights in the distribution of land in case of divorce or separation and; absence of rights of women to inherit land upon the death of their husbands were common.[19]

[16] The study also gave an account of the extent to which rural villagers felt, and were insecure in terms of access to and control over land. It examined the underlying causes and the views of the community on how to ensure their land rights.

[17] Mbilinyi and Gloria Shechambo, Struggles Over Land Reform in Tanzania: Experiences of Tanzania Gender Networking Programme and Feminist Activist Coalition Marjorie, available at http://www.agi.ac.za/sites/default/files/image_tool/images/429/feminist_africa_journals/archive/12/fa12_profile_mbilinyi_shechambo.pdf, accessed on 3rd August 2020.

[18] Interview with Gemma Akilimali, Advocacy Lead, TGNP on 9th September 2020. Women are denied access to and control over land. They do not inherit land and work freely on farms owned by men. Women get their income through the sale of surplus food crops.

[19] Ernest MALLYA, 2005, WOMEN NGOS AND THE POLICY PROCESS IN TANZANIA: THE CASE OF THE LAND ACT OF 1999 Department of Political Science and Public Administration, University of Dar es Salaam, African Study Monographs, 26(4): 183-200.

With the Proposed Land Bill, women feared that the Bill would sustain the traditions and patriarchal system that has been against women's control of land. They further perceived that the Bill was advancing neo-liberal policies adopted under the guise of Structural Adjustment Programs (SAPs) in line with multilateral and bilateral donors' demands which would be more harmful to women land ownership. The women felt that the state of affairs if unchallenged would render the natives an particularly the women without control of land sweeping away gains attained during the socialist era.[20]

To unify and strengthen the women voices in ensuring the Land Act was inclusive of women issues and beneficial for all groups, women rights organisations under the leadership of Magdalena Rwebangila and Tumaini Silaa from Tanzania Women Lawyers Association (TAWLA) formed the Gender Land Task Force (GLTF). The Taskforce was formed in 1996/97 as a result of a consultative women workshop on the draft Land Bill for the Basic Land Act held from 3–5 March 1997 at the Russian Cultural Centre in Dar es Salaam, facilitated by TAWLA. GLTF closely monitored the implementation of the recommendations from the workshop to increase the chances of the recommendations being included in the final draft of the Land Bill and subsequently in the Land Act. The Task force included women's rights organizations such as the Tanzania Home Economics Association (TAHEA), Women Legal Aid Centre (WLAC), National Organization for Children Welfare and Human Relief (NOCHU), Tanzania Gender Networking Programme (TGNP), Women's Advancement Trust (WAT), Tanzania Media Women's Association (TAMWA), Women in Law and Development in Africa (WiLDAF) and the Institute of Development Studies (IDS). The GLTF started with 15 members but expanded to cover more than 100 members. Contributing to the formation of the GLTF was the demolition of the Women's Council of Tanzania (BAWATA) in 30th June 1997, allegedly for engaging in political activism.[21]

While in coalitions, women identified and leveraged their competencies. Depending on the areas they were good at, organisations or individual persons could lead on specific processes. Media Advocacy was led by TAMWA to ensure many people are aware about the implication of Land Bill on women and the community at large. Community Outreach Sensitization sessions were conducted to supplement the role played by media and it was

[20] Ibid.

[21] BAWATA was the first civil society organisation to try and break off from tradition and establish itself as an independent organisation, free from the state and the ruling party. Maina Peter, 2000, Maintaining independence: the struggle of one women's organisation in Tanzania, available at https://www.eldis.org/document/A11424, accessed on 15 August 2020. BAWATA did not last long. The government de-registered it on 30 June, 1997 under grounds that it failed to comply with the provisions in the Societies Ordinance, Cap. 337 of 1954. This NGO was accused by the government of campaigning for the opposition in the 1995 general elections. The government banned it, but there followed a court action that led to the reinstatement of BAWATA.

led by TAHEA, SUWATA and WLAC. TGNP also undertook community mobilization activities through its popular platform namely Gender and Development Seminar Series (GDSS). Review of the Bill, legal analyses and engagement with law drafters was led by TAWLA, WLAC and LHRC. The aim was to ensure the provisions that were against the rights of women to own and control land are identified, challenged and new provisions are suggested. As the parliament had not introduced public hearing as an official step in law-making process, parliamentary lobbying was key to getting the parliamentarians buy-in on the women proposals. As such, lobbying of the Parliament and other government institutions such as Ministry of Land and Ministry of Constitutional and Legal Affairs was allotted to TGNP. All GLTF members were encouraged to undertake fundraising activities to obtain funds to mobilise potential allies, conduct training amongst themselves and engage with stakeholders from grassroots to national level. Briefings to discuss progress, success, challenges and strategy-making were conducted. As part of continued advocacy and influencing, government officials were invited to these workshops. During Land lobby, Thabisa Siwale who was a member of Parliament would come in TLGF meetings

On the other hand, scholars including Professor Shivji were aggrieved by the Government's actions to abandon the recommendations made through the Presidential Commission of Inquiry. As a result, they formed the National Land Forum (NALAF) which was organised, under the leadership of HakiArdhi (Land Rights Research and Resource Centre). NALAF sought to influence within the Land Bill making process, the inclusion of the recommendations put forth by the Presidential Commission of Inquiry on Land. With countless of challenges along the way, the women through the GLTF entered into a loose partnership with NALAF and the two became the National Land Coalition (NLC) and worked to challenge neoliberal land reforms and defended the land rights of Tanzanian women and men.[22]

At this stage the ideological, identity and conceptual differences manifested. When NALAF contemplated of joining hands with GLTF, it questioned about GLTF connection with FEMACT. NALAF members suggested FEMACT to change its name to remove its association with feminism. The women stood and kept their name and their identity to feminism. They made it clear that if NALAF was not interested to work with GTLF as it is, they were free to carry on without them.

Balancing issues of gender, class and nation/imperialism in a bid to impact the LA/VLA was also challenging. NALAF members including some members from GLTF within the NLC inclined on pushing for ownership of land by all people and taking away the overall

[22]Mbilinyi and Gloria Shechambo, Struggles Over Land Reform in Tanzania: Experiences of Tanzania Gender Networking Programme and Feminist Activist Coalition Marjorie, available at http://www.agi.ac.za/sites/default/files/image_tool/images/429/feminist_africa_journals/archive/12/fa12_profile_mbilinyi_shechambo.pdf, accessed on 3rd August 2020.

custodianship of the land from the President to the parliament. This faction looked at discrimination not only in terms of discrimination against women, but as an intersection of class and gender. On the other side, the majority of the GLTF members wanted to pay specific attention on women land ownership, an agenda that was seen as drifting from the bigger agenda (land ownership by all) by NLC who urged GTLF to drop it and look at the bigger picture.

Demere Kitunga-a mother of four who just joined and started TGNP information department- was appointed a TGNP representative in the NLC. She recalls her role in trying to promote a transformative feminist consciousness, in support of both 'communal' and 'gender' demands. She and the TGNP believed that women are not separate from the societies in which they live and should lead in defending the communal land/resource rights alongside theirs. She reiterated her concern on how the liberal feminist partners among the GLTF members such as TAWLA separated the 'gender question' from the broad question of communal rights and the relationship between the state and the people. TAWLA and other liberal feminist organizations insisted for the lobby to carry a specific push for women land rights given the oppressed conditions women were in in terms of land ownership compared to men. Their argument that women don't inherit land but men do was received with backlash from the NLC that the Bill at hand was on land and that inheritance matters are addressed in other pieces of legislations.

The contradiction persisted as NALAF particularly Professor Shivji was adamant on women/gender issues. Later, both parties agreed to go with both agendas (land for all and land for women). Even with the agreement, the ideological differences kept on emerging. For example, when the final Land Bill was released, a certain faction of NLC thought it was not good enough as it still placed the President as the custodian of the land. This faction called the members to boycott and protest. TAWLA refused and communicated their support on the Bill as they considered it to be progressive in terms of providing for land ownership and the participation of the women in land dispute settlement mechanisms. Generally, both the GLTF and NLC coalitions were hard to manage. Actors had different priorities and even when they could come together for one broad issue, interests, priorities, and ideologies differed.

One of the most prominent members of the coalition was Gemma Akilimali, who played a key mobilization role. Fellow women describe her as a committed person with a strong personality and one who stands for the marginalized. Gemma is the first graduate from her village of Haubi, Kondoa. Gemma was married with six children, and she was working with the Open University of Tanzania as an Examination Officer before joining TGNP. Richard Mabala spotted her mobilization skills in one of the meetings he was facilitating. Mabala was attracted with the fact that Gema had led her fellow women and men in

Tabata (where her residence is located) to address water and road issues through engagement of the government. He referred Gemma to Mary Rusimbi who was then the Executive Director and to other TGNP members. Gemma was interviewed with TGNP and got a job as Advocacy Officer-a job which made her resign from her government role at the Open University of Tanzania.

When she joined TGNP, the process of ensuring the Land Bill was gender sensitive and favorable to all groups had just started. Gemma took over the mobilization role both at the community and at the national level, i.e. with lawmakers and policy-makers. Gema tirelessly visited each of the relevant government offices, from ministries to Members of Parliament. She persevered even when, according to her, she was told that "*ofisi zina wenyewe*" ('these offices have their owners', i.e. you are not welcomed!). Her fellow women refer to her as a door(s) opener. The Parliament and Ministries such as the Ministry of Land (MoL) felt that law-making is entirely its own mandate and CSOs should be engaged to only a limited extent. Gemma recounts that most of MoL officials would not be keen to meet the women activists unless followed up for so long. Parliament was also a no-go zone for people beside Parliamentarians and the staff. Gemma and fellow women choose to break Protocols through making regular visits to the ministries and in the Parliament to impact the drafting process. There was a time drafter moved to Kibaha to hide from the women activists. Gemma heard about the plan and organized GLTF members and followed them to Kibaha. As they came from dinner the drafters were astonished seeing themselves surrounded by the women activists. Gemma recalls how some people accused the women activists for pushing the agenda of opposition political parties. The women stuck to the agenda, citing their non-partisanship every time they were confronted with such concern.

Gemma remembers a number of myths and misinformation about women land ownership that had to be debunked. People clinged onto their traditions and customs and at times, the conversation had to take a shift from women and land ownership to gender issues and why the equality and equity of men and women is important. Even among the women themselves there were some who didn't buy-in into the women land ownership agenda. More work was then dedicated to religious leaders who were identified through the representatives from Christian Service Center and Inter-Faith Organisations. The aim was to change people's mindset towards women land ownership so they could influence their followers. Gemma recounted that, amongst different community outreach programmes, one of the ways that community engagement was done was through the TGNP's GDSS. The seminars involved many topics on land to bring about the awareness on controversial issues and debunk the myths. Many people attended and then went back to disseminate lessons to the groups they represented in the communities. As a result, many activists emerged from the GDSS platform. Gemma's husband, Bonaventura Akilimali, was a proud

supporter of her activism and the reasons she carried on. Due to her formidable role in local and national level mobilization and influencing, Gemma has been promoted to a member of TGNP on top of being in the secretariat.

Tumaini Silaa and Magdalena Rwembangira from TAWLA were also instrumental within the GLTF. They conducted legal research, interpreted the provisions of the Bill and its legal implication on women rights to fellow taskforce members. Tumaini and Magdalena were able to seek and bring evidence from other countries and extrapolate its relevance to the proposed Land Bill in Tanzania. They worked closely with the Land Act drafters and supplied them with researches and good practices on women land rights. Magdalena Rwebangila reminisces how she had put her private legal practice on hold to serve the TLGF. She remembers her revenue from law firm going down during the two years she engaged in the Land Act lobby. She, however, describe it as a proud moment given the outcome the Land Act has had on women. Magdalena remembers her contribution on the issue of representation in the land dispute resolution committees. The Bill proposed that such committee should be called elderly committee *(Baraza la Wazee).* She argued that the word "Wazee" will bring discrimination to women and young people as they will be not represented in the committee. She requested the word "Wazee" to be replaced with a neutral word. Hon. Nchimbi supported her argument and as a result the committees were named as land dispute resolution committees. Magdalena recalled how government officials from Ministry of Land were transformed as a result of taking part in joint study on women land rights. After visiting the study areas, the government officials who were once patriarchal changed their mindset and became supportive of women land rights agenda. Finally, Magdalena remembers Marystella Longwe-the then Land Commissioner for her support and assistance in ensuring the Land Bill works for women.

Similarly, the Rural Food Security Policy and Development Group, abbreviated in Kiswahili as KIHACHA- a coalition of organisations and individuals advocating for the right to food, land, and democracy under the coordination of Prof. Marjorie Mbilinyi[23] played a vital role in supplying informed research on ways gender inequalities affect women land and food security rights. Prof. Marjorie was and is still passionate about women and class rights, she chose early retirement from the University of Dar es Salaam to work for TGNP.

Once the law went to parliament, engagement with members of parliament became the main focus. The women met with MPs, answering their questions, and providing them with researched pieces of analyses. The women also met with parliament as a whole, then with the Land Committee, and then with individual MPs. The women used the personalization strategy to appeal to the members of parliament. They could tell them to

[23] She worked with University of Dar es Salaam, Institute of Development Studies.

imagine if it is their mother, daughter or wife discriminated agains land ownership and inheritance, how would they feel? The women then informed the MPs that the power is in their hands.

One of the women who provided invaluable support for the women's engagement with government and the parliament was Thabisa Siwale. Dr. Hellen Kijo Bisimba recalls Thabisa to have emerged from being a strict head mistress at Korogwe Girls School to one of the first women appointed by the President in 1975 as MPs and later as Cabinet Ministers in the post-independence government. Thabisa had been a Minister for Education and later Minister for Land and then remained a normal parliamentarian. Her passion to see women own and inherit land and have voice on the means of production led her to register an NGO-Women Advancement Trust-WAT which has gained the reputation of defending women land and housing rights in Tanzania and beyond. Bibi Titi Mohamed[24] remembers the contribution of Thabisa in restoring her house which was nationalized when she was in jail for treason offences in the 1970's.[25]

Women in the land movement paint Thabisa as a beautiful woman, passionate, vocal, aggressive and militant person. Even though there were few women, but when Thabisa spoke in the Parliament she was heard because of her strong and authoritative voice. She had worked on the sector for a long time and thus had a lot of data. With her background as a teacher and as a Minister, she played a mentorship role to other women who were behind the Land Act. She had strong links with the government and the Parliament. With her as a champion, it made it easy for the women land agenda to be accepted. According to Anna Makinda who was the MP then and supported the need for the Government to own land in order to curb land grabbing remembers Thabisa's role in mentoring and guiding the women activists on who to meet, who to avoid, and what to say. She described her contribution as valuable given that the official public hearing of the Bills by the parliament had not started, therefore lobbying through individual MPs, parliamentary committees and or the whole parliament was the only way-and Thabisa was key in leading the women activists achieve that.

While making her submission in the Parliament, Hon. Anne Makinda congratulated the individual efforts of Hon. Tabitha Siwale for researching and sensitizing others on the

[24] Bibi Titi Mohamed was a pioneer of women participation in the struggle for independence in Tanganyika. At the beginning of her political career she convinced a large number of women to join the struggle. As leader of TANU's women wing, she was responsible for recruiting women and convincing them to endorse the ideas and policies of TANU. Bibi Titi Mohamed: Tanzania's "Mother of the Nation" available at https://www.dw.com/en/bibi-titi-mohamed-tanzanias-mother-of-the-nation/a-52448380#:~:text=After%20127%20days%20of%20trial,and%20her%20former%20party%20friends, accessed on 12th October 2020.

[25] Susan Gerger, 1997, Women: Gender and Culture in the Making of Tanganyikan Nationalism, 1955-1965, ISBN 0 7619 5151 2.

importance of the Bill to women. Hon. Juma J. Akuweti (Chair of the finance committee) appreciated the assistance from the Tanganyika Law Society President Mr. Bakilina, TGNP and Women Lawyers (TAWLA) for well undertaken pieces of research and taking time to explain the Bill in detail to the Parliamentarians.

Women parliamentarians also supported the removal of discriminatory laws which barred women and girls from owning and inheriting the land. Hon. Teddy Kassela-Bantu gave an example of a Chagga woman who get married to a Chagga husband and unfortunately the husband dies. Under chagga culture, the widow will remain in the land *(kihamba)* of her deceased husband until she dies. However, if the Chagga woman marries a Sukuma man and the husband dies, the widow will be returned to her parent's land in Chagga land and the relatives of the deceased husband would take the children and the property.

Gemma Akilimali named Hon. Juma J. Akuweti, who was the chair for Land Committee, as progressive and understanding on issues of women and land ownership. While making his remarks in the Parliament, Hon. Juma J. Akuweti called for discrimination in law of marriage and inheritance to be removed. Gemma also describes Dr. Wilbroad Slaa an instrumental parliamentarian although he was from the opposition political party, CHADEMA. She remembers how Dr. Silaa accommodated the women in his room and provide them strategies to engage with other parliamentarians. He told the women not to target every parliamentarian or be eager to speak to the whole parliament. He pinpointed to strategic and influential parliamentarians the women could meet, engage and make them champions.

Speaking in the Parliament, Hon. Xaveria F. Nchimbi called for discriminatory customary laws regarding women, youth and people with disability on land ownership not to be perpetuated by the law. Hon. Stephen M. Kahumbi argued that the Land Bill should complement the judiciary in extending protection to women who are excluded from inheriting landed property after the death of their husbands. Hon. Mgana I. Msindai and Dr. Ibrahim Msabaha submitted that the land issue is a constitutional issue as per Article 24 of the Constitution which provides for the right to own property and also provides for the right to equality before the Law. This being the case they called for the Bill to take into consideration issues of gender equality. Dr. Wilbroad Slaa called for investors who have lands, but have not developed it for long time, to return it to the government. Hon. Athuman Janguo was also of the view that investors should not be leased land for more than 50 years.

Following massive influencing work by women activists, the then Minister of Lands and Housing Development Dr. Gideon Cheyo, promised that the Land Bill will ensure women

own and are able to sell and have control over the land. He promised that all the provisions that will be discriminatory will be removed.[26]

Male champions supported ownership of land by children born out of wedlock and suggested the amendment to the Law of Marriage Act which disinherits a child born out of wedlock. Prof Juma o. M. Mikidadi was of the view that immediate family should include: a mother, father, sister, brother, husband, wife, children who were born in the marriage and those who born outside the marriage. Prof. Damion M. Mwaga called for awareness to members of the community on why equality in land ownership is paramount. Hon. Joel N. Bendera suggested for all customary laws which discriminate women and youth from owning land to be abolished and made number of progressive suggestions on how Land Act could promote the equality of men and women.

iv) Members of the village committees and courts to be equally represented by both sexes.
v) Under customary right of occupancy, a family has to be recognized as husband, wife and all their children.
vi) Women and youths should be prioritized in land ownership for their development.

At the end, the women activists contributed to the transformative changes in the Land Act/ Village Land Act. The Acts established several principles and rights that help provide legal safeguards for women's land rights today. The effect of women engagement in Land Bill through the public debates, advocacy and influencing slowed down of the land reform process (it took three years for Bill to be passed), forcing the government to adopt alternative strategies, including passing separate bills on mining and public land. The Acts are progressive in terms of stipulating the right to equitable distribution and access to land, the right of women to own land on their own or jointly with their husbands, the protection of family land against mortgage, recognition of customary rights of occupancy, and the promotion of women representation in land dispute resolution and decision-making bodies. However, the law still retained that all land is owned by the government, instead of people and did not do away with discriminatory customary laws especially on issues of inheritance.

Generally, the women activists built stronger relationship with each other and with the government. They gained a better understanding how the government and its institutions functioned. Unfortunately, some of these lessons were not capitalized on. The women activists felt that they kept on working and didn't take time to document the processes of

[26] Daily News, February 10, 1999.

engagement. Less about what happened from the start to end of LA/VLA lobby is documented. Spaces for celebration of achievements was also not there. When the Land Bill was passed and assented into law, women activists were too tired to celebrate any of the gains, only women in the parliament celebrated. It is stated that, non-existence of jubilation mode was mainly due to the fact that the NLC felt that the GLTF were bribed by the World Bank and sold out the interests of the people for the sake of 'gender-issues.' This perception brought confusion on whether to celebrate or not, and if yes, to what extent. The women regret for not sufficiently follow up on the implementation of their achievements and similarly, for not going back to the communities to tell them was achieved. Mary Rusimbi who was the TGNP Executive Director then wish that female academician could engage directly with the activists on the ground in attaining the change. She though that, their tendency of waiting until the lobby was over only to start following women activists for interviews was less effective. Women activists call upon the upcoming activists to continue address the remaining challenges on women land ownership especially those caused by customary laws. They urge them to learn, unlearn and relearn from their engagement strategies.

Final Remarks

After passing SOSPA and Land Act and Village Land Act, President Mkapa received two awards namely Gender Justice Award and IPDC Award for Good Government Practice. Most of women behind SOSPA, Land Act and Village Land Act notes that the current government is disinterested with women affairs and that the country have regressed in terms of promotion, provision and protection of women rights. They also note that, the current women activists are faced with attention seeking, donor influence, lack of passion and the fact that they do women rights movement as a career and not for employment. They further share that, the current women's rights organizations do advocacy and influencing on their own and for their own credit putting donor interest ahead of theirs. Their act of coming together is less genuine with each one hiding their agenda and fear to share results. Misogyny and attacks against women are on the rise and civic space is hindering and dragging back the strides obtained on women rights sphere, but nothing is actively seen to be done. They call the current women activists to step up the defense for women's rights to address the current gaps in SOSPA, Land Act and Village Land Act and in other laws.

Annex One: List of the Interviewed People

1. Analilea Nkya-Founder and former Executive Director, TAMWA
2. Leila Sheikh- Founder and former Executive Director, TAMWA
3. Fatma Aloo- Founder and former Executive Director, TAMWA
4. Demere Kitunga- Executive Director, SOMA Mkahawani
5. Mary Rusimbi-Executive Director, Women Fund Tanzania Trust
6. Marjoe Mbilinyi- Ex- Executive Director TGNP
7. Mathias Chikawe-Former Member of Parliament, Minister and Ambassador
8. Anna Makinda-Former Parliamentarian and First Female Speaker of the National Assembly, Tanzania
9. Edda Sanga- Founder and former Executive Director, TAMWA
10. Maria Shaba
11. Magdalena Rwebangila- Chairperson, Tanzania Gender Land Task Force and TAWLA member
12. Pili Mtambalike- Founder, TAMWA
13. Hellen Kijo Bisimba- Ex-Executive Director, LHRC
14. Gemma Akilimali-Advocacy Specialist, TGNP

Annex Two: Selected References

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