

Human Rights to Education in Tanzania: Evaluation on the Social Structure and Government Policies

Ying Wen

Beijing National Day School, Beijing, China

wenying3368@gmail.com

Abstract. Education is one of the most powerful tools in lifting excluded children and adults out of poverty and is a steppingstone to other fundamental human rights (UNESCO, 2023). Education has played a vital role in Tanzania’s development since independence, but low attendance rates, high drop-out rates, poor performance, and high gender disparities are still prevalent issues in Tanzania schools. According to the United Nations Children's Fund, Tanzania’s peak for granting compulsory education occurred in 2007, achieving a nearly universal access to primary education. However, since then, enrolment of primary school-aged children has been falling. World Bank data demonstrated an estimated 2 million children between the ages of 7 and 13 being out-of-school, and the net intake rate in grade 1 of official school-age population is only 50% in 2017. Almost 70% of children aged 14–17 years are not enrolled in secondary education while only 3.2% are enrolled for the final two years of schooling. This research aims to help define an effective strategy informed by human right through identifying and analyzing the current social trend, government actions, and key laws and policies relevant to the rights to education. The information utilized in this research reflects what is publicly available; it is neither intended to be exhaustive nor to be an authoritative analysis of the situation in the country, but to be a useful tool for reflection on the right to education.

Keywords: Education; Tanzania; Human Rights.

1. Background

Note that the United Republic of Tanzania also includes the semi-autonomous islands of Zanzibar. Zanzibar has the freedom to the self-determination for non-union matters such as education policies and practices. Nevertheless, both mainland Tanzania and Zanzibar are considered for the thoroughness of the research.

Tanzania is an East African country formed as a sovereign state in 1964 through the union of the states of Tanganyika and Zanzibar. It has a population size of 63,588,334 people and a gross domestic product of 67.84 billion USD with primary sector, secondary sector, and tertiary sector accounting for 30.1%, 29.6%, and 39.2% of GDP respectively in 2021 according to the world bank.

Table 1. Net enrollment rate, primary education (% of school age children) (Data from World Bank)

%	2017	2018	2019
Tanzania	85	85	82
World	89	89	Unavailable

The education system in Tanzania is constituted of 2 years of preprimary education, 7 years of primary education, 4 year of lower secondary education, 2 years of upper secondary education, and 3 or more years of tertiary education. Students are taught bilingually in both English and Swahili. Public schools use Swahili in primary education and English from secondary education onwards.

Through years 2017 to 2019, Tanzania’s net enrollment rate has demonstrated a falling trend with a 3% decrease from 85% to 82%. The net enrollment rate of Tanzania is 4% lower than the world average as indicated by the available data. *Table 1* demonstrates the net enrollment rate of primary education as the percentage of school age children.

Another essential factor to consider when judging the quality of education is the dropout rate, revealing the students’ ability to persist to the last grade of education. *Table 2* and *Graph 1* demonstrate the dropout rate and the persistence to last grade of primary education out of the cohort previously enrolled and out of the size of the population of the age group.

Table 2. Persistence to last grade and dropout rate, Primary education (Data from World Bank)

%	2017	2018	2019
Dropout rate	8	15	21
Persistence to Last Grade (% Cohort)	92	85	79
Persistence to Last Grade (% Age Group)	78.2	72.3	64.8

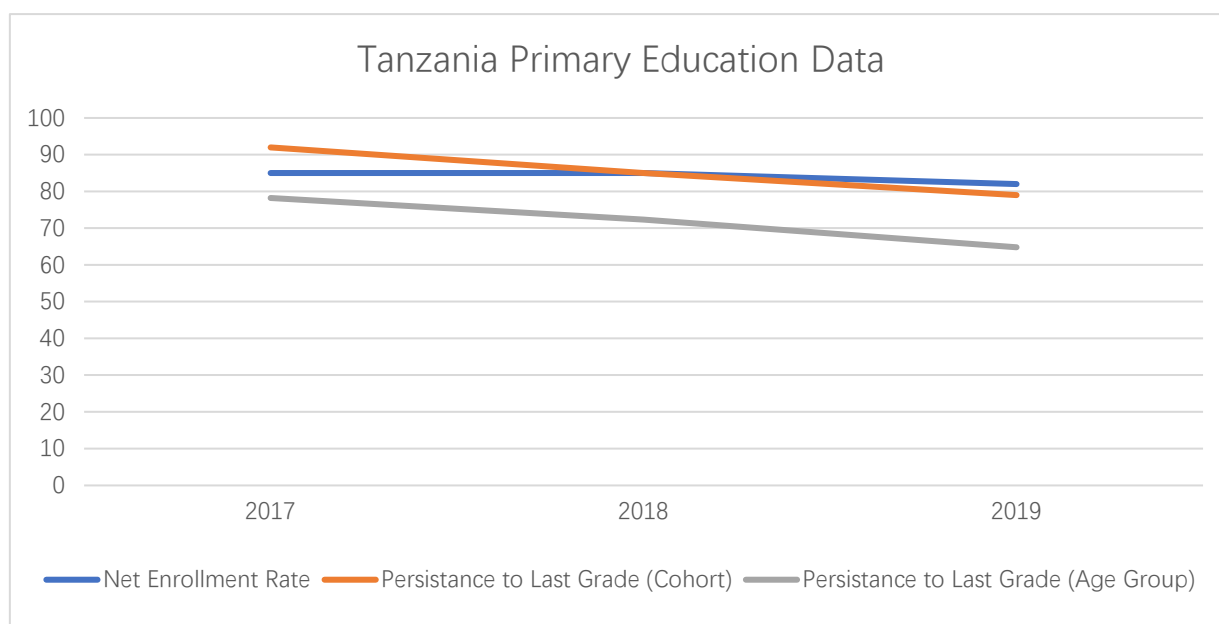


Figure 1. Tanzania Primary Education Data (Data from World Bank)

With a lower than world average enrollment rate, Tanzania schools also face the challenge of extremely high and continuously rising dropout rate. Through years 2017 to 2019, the dropout rate rises 13%, from 8% in 2017 reaching 21% in 2019. This means that out of every five children enrolled, one child dropped out before persisting to the last grade of primary education. More severely, out of the total school age population, only 64.8% are able to persist to the last grade of primary education, leaving more than 30% of students without the basic qualification of primary education.

Under the systematic issue facing compulsory education in Tanzania, the concern encountered by the secondary education turned out even worse. With only around 30% lower secondary school enrollment, the dropout rate reaches one-fourth to one-third of the enrolled population as indicated by *Table 3*. In 2018, the upper secondary enrollment barely reached 2%.

The high dropout rate and decreasing enrollment with the advancement of education level faces various challenges, while five major challenges can be identified from the United Nations Educational, Scientific and Cultural Organization data.

Table 3. Secondary School Dropout Rate (Data from World Bank)

%	2017	2018	2019
Dropout rate	26.9	29.6	34.2

Firstly, Tanzania education faces severe equity challenges by wealth and income. School age children from the wealthiest households are three times more likely to be enrolled by primary education by school age children from the poorest households. The magnitude of impact of the inequity is widespread. According to Maliti 2018, in average, 28.2% of Tanzanians remain poor, while rural areas reached a poverty rate of 33.3%. School age children's opportunities to access education is directly relevant to their wealth status, revealing a systemic inequality impacting a great magnitude of school aged children and hinders social mobility.

Secondly, Tanzania education possess discrimination regarding children's disability status. According to the United Nations Educational, Scientific and Cultural Organization, while an estimated 7.9% of Tanzanians are living with disabilities, less than 1% of children in pre-primary, primary, and secondary school have mental or physical disability. This left about 83.7% of disabled people in Tanzania without access to the basic education, a rate much higher than the general out-of-school rate.

Thirdly, Tanzania education demonstrates gender disparities and inequality regarding marriage and pregnancy status. Before 2021, early marriage and pregnancy keep girls out of school. Adolescent pregnancy led to almost 3,700 girls dropping out of primary and secondary education in 2016. Although law prohibiting girls under early marriage and pregnancy out of school has been abolished in 2021, girls still face severe social stigmatization, inadequate treatment, and stereotypic perceptions from all relevant groups involved in education including family members, teachers, classmates, and the society in general.

Fourthly, Tanzania education undergoes concern with education quality. According to the World Bank, the pupil-to-qualified-teacher ratio is 169:1 in public primary school and qualified teachers are highly concentrated in urban and sub-urban areas, hindering rural children from accessing primary education. In addition, even if children attend schools, they often cannot achieve foundational learning outcomes such as literacy, numeracy, and life skills. Results from the 2014 primary school leaving examinations in mainland Tanzania revealed that only 8% of Grade 2 pupils could read properly, 8% could perform basic mathematical calculations, and less than 0.1% showed an adequate level of academic grit, self-confidence, and problem-solving skills. Low education quality rises many concerns. For example, even graduated students are likely to be unable to effectively handle jobs with high skill requirements. In addition, the public may be concerns over the usefulness of education, and keep children, especially those raised by low-income households, from accessing and continuing education.

Fifthly, children in Tanzania have poor preparation towards primary education. Most children, especially those in rural areas, enter primary school without basic preparation due to the lack of access to early stimulation, poor nutrition, and the low quality of and lack of opportunity to access preprimary education.

2. Existing Framework

Tanzania has ratified international treaties and regional documents and implemented national laws and policies targeting the human rights to education. Relevant actions and potential loopholes can be evaluated with various indicators.

On the international level, Tanzania has ratified most important treaties and conventions that guarantee equal rights to education. The treaties have provisions relevant to education, non-

discrimination, and access to justice. By ratifying them, Tanzania legally commits to guarantee the provisions.

The United Republic of Tanzania has ratified the UN International Covenant on Economic, Social and Cultural Rights (ICESCR) on 11 June 1979. ICESCR Article 13(1) states that the States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms. Article 13(2)(b) states secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all. Article 13(2)(d) states fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education. However, Tanzania's poor access to secondary education, high dropout rate and lower than world average primary school enrollment rate demonstrated the provision to be inadequately enforced.

Tanzania is a party of the UNESCO Convention against Discrimination in Education on 03 January 1979. UNESCO Convention against Discrimination in Education, according to UNESCO, highlights states' obligations to ensure free and compulsory education, bans any form of discrimination and promotes equality of educational. Article 1(1) states that the term "discrimination" includes any distinction, exclusion, limitation, or preference based on race, color, sex, language, religion, political or other opinion, national or social origin, economic condition, or birth of depriving any person or group of persons of access to education of any type or at any level or limiting any person or group of persons to education of an inferior standard. Article 4(b) states to ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent.

In addition, Tanzania has ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 20 August 1985, the Convention on the Rights of Persons with Disabilities (CRPD) on 10 November 2009, and ratified the UN Convention on the Rights of the Child (CRC) on 10 June 1991. Although different forms of education are still observed to be present, actions including the abolishment of law banning education for married or pregnant girls, demonstrating a positive trend.

However, Tanzania has yet to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communication procedure, both of which allow individuals to make formal complaints to the relevant UN treaty body.

On the regional level, the United Republic of Tanzania has ratified the African Charter on Human and Peoples' Rights, including the Protocol of the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

Tanzania also ratified the African Charter on the Rights and Welfare of the Child, proclaiming the rights to education in article 11. It establishes that every child shall have the right to an education and States Parties shall take all appropriate measures with a view to achieving the full realization of this right. African Youth Charter further reinforces the right to adequate youth development, education, and skills development, emphasizing in article 11(1) every young person shall have the right to education of good quality.

On the national level, Tanzania's right to education is mainly enforce through legislations and the constitution.

The constitution of the Tanzania guarantees the right to access education and contains a provision on non-discrimination based on sex. However, the constitution of Zanzibar does not enshrine the right to education. Constitution of the United Republic of Tanzania of 1977 as amended in 2005 states in Article 11(2) that every person has the right to access education, and every citizen shall be free to

pursue education in a field of his choice up to the highest level according to his merits and ability. Article 11(3) states that the government shall make efforts to ensure that all persons are afforded equal and sufficient opportunity to pursue education and vocational training in all levels of schools and other institutions of learning. Article 9(6) of Constitution of Zanzibar of 1984 states that government shall direct its policy toward ensuring that every person has access to adequate health care, equal opportunity to adequate education for all and that Zanzibar culture is protected enhanced and promoted.

For legislation, according to the Education Act of 1978 enacted in Mainland Tanzania, education is compulsory from the age of 7 years in primary education. Legislations applied in Tanzania include Education Act No. 25 of 1978, amended in 1995, Law of the Child Act of 2009, and Children Act of 2011. In addition, these legislations enshrine the right to education for all girls and women. However, the legislation targeting discrimination on the basis of gender only apply to children and do not target all members within education. The legislation enacted in Mainland Tanzania also does not guarantee free education.

The minimum age of employment by law is 14 years in Mainland Tanzania and 15 years in Zanzibar. The legal age for marriage is 15 years for girls and 18 years for boys. In November 2021, Tanzania published a circular to lift the ban on pregnant and parenting girls returning to school. The government accords the right to pupils that have had to drop out of school for various reasons to return to the formal education system.

3. Suggestions

The violation of human rights to education in Tanzania is a systemic issue determined by multiple factors both resulting from policies framework and long-lasting stereotypes. Tanzanian government shall apply multi-dimensional approach to enforce human rights in education. Some potential strategies include increasing government emphasis on educational development, amendment of legislations that directly or indirectly violate the human right of education, enhance access to preprimary education, and improve the law enforcement system to be made more accessible and fairer to the public.

An important approach to human rights in education is to increase government emphasis on educational development, which includes improving professional training and increasing central finance. In Tanzania, there’s lack of government attention and central spending allocated to the sector of education. According to the World Bank, expenditure on education as % of government expenditures is low and constantly falling.

Table 4. Expenditure on education as % of Government Expenditure (% of GDP)

	2017	2018	2019	2020
% Of Govt. Spending (Tanzania)	4.4	3.7	3.6	3.2
% Of Govt. Spending (U.S.)	4.1	4.2	4.1	4.3

In 2017, the spending on education as government expenditure in Tanzania is 4.4% of GDP compared to 4.1% of GDP in the U.S. However, in 2020, Tanzania’s government expenditure on education dropped to 3.2% compared to 4.3% in the U.S. A strategy to improve the human rights on education in Tanzania is to allocate more fund in providing high quality lectures, learning resources, and professional training.

According to the International Trade Administration, Tanzania has implemented relevant policies through the Tanzania’s Development Vision 2025 and the National Strategy for Growth and Reduction of Poverty (NSGRP). One of the initiatives is the government effort to support enrollment

in public primary and secondary schools by providing free education to students so that no one is left uneducated. Despite the actions taken by the government to improve education in the country, there are still additional strategies and initiatives with the potential to mitigate the problem such as increase training for competent teachers, providing free learning material, and enforce class infrastructure to match with modern technologies.

In addition, since education is a continuous process of development and exploration, access to preprimary education is essential in rising education quality for compulsory education to foster a structural change in the general perception towards education quality. Rising public awareness and access on preprimary education is highly necessary.

According to UNESCO, in Mainland Tanzania, there's no legal that guarantees the free or compulsory nature of preprimary education, only making preprimary education available with low quality but not enforcing or requiring enrollment. Section 35 A. of Education Act No. 25 of 1978, amended in 1995 states every child of not less than five years of age shall be eligible for enrollment for pre-primary education for a period of two years. In Zanzibar, the government abolished the parent contribution at preprimary level, however no legal provision has been identified to this effect.

Loopholes in law as a serious cause of concerns regarding human rights in education shall be corrected. Although Tanzania has legal framework that guarantees compulsory education, it's limited to primary education and is consist of a lot of exceptions. Child marriage is a prevalent issue and rises disparities among genders. While the minimum age of marriage for boy is 18 years, marriage act sets the minimum age of marriage for girls at 15 years, but judicial consent allows for the age to be lowered to 14 years. In October 2019, the Tanzania Supreme Court of Appeal upheld the 2016 ruling by the Constitutional Court against child marriage, directing the government to raise the legal age of marriage to 18 years within a year but no modification in the marriage act has been adopted yet (UNESCO, 2021). Such policies need to be continuously called for amendment in ensuring equity and equality to access education.

Employment also remains a major issue. Law of the Child Act of 2009 Section 12 states that a person shall not employ or engage a child in any activity that may be harmful to his health, education, mental, physical, or moral development. In Mainland Tanzania, compulsory education ends at the age of 14 years and the minimum age of employment is 14 years, so the minimum age of employment is aligned with compulsory education. However, being lawful to employ children right after primary education provides another alternative that may be more attractive to some families. Since children are still under the protection of legal guardians, parental choices may violate the preference of children. It is encouraged to increase the years of compulsory education till graduating lower secondary school, while simultaneously increasing the minimum age of employment to 16 years.

Finally, improvement in law enforcement system would also be an important change. In the United Republic of Tanzania, law enforcement has consistently been a systemic Issues hindering social progress and the enforcement of human rights conditions. Due to the bureaucratic structure and the rate of scheme involvement in court cases, people lack confidence and are reluctant to turn to the Tanzanian justice system as a means of resolving domestic cases regarding the violation of human rights. Thus, it's encouraged for the government to improve the monitoring and punishment effort or suggest reform of the current legal system so human rights can be enforced in an effective and efficient manner.

References

- [1] Human Right Watch (2022) Tanzania: Court to Rule on Education Ban for Pregnant Students [online] available at: <https://www.hrw.org/news/2022/06/26/tanzania-court-rule-education-ban-pregnant-students>.
- [2] International Trade Administration (2021) Tanzania Education Overview [online] available at: <https://www.trade.gov/market-intelligence/tanzania-education-overview>.
- [3] Maliti, E. Inequality in Education and Wealth in Tanzania: A 25-Year Perspective. Soc Indic Res 145, 901–921 (2019) available at: <https://doi.org/10.1007/s11205-018-1838-y>.

- [4] Organization of African Unity (1981) African Charter on Human and Peoples' Rights [online] available at: <https://treaties.un.org/doc/Publication/UNTS/Volume%201520/volume-1520-I-26363-English.pdf>.
- [5] Right to Education Project (2015) Rights to Education Country Factsheet United Republic of Tanzania [online] available at: https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE_Country_Facsheet_Tanzania_January_2015.pdf.
- [6] UNESCO Institute for Statistics (2023) Education Sustainable Development Goals [online] available at: <http://sdg4-data.uis.unesco.org/>.
- [7] United Nations (1966) International Covenant on Economic, Social and Cultural Rights [online] available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.
- [8] United Nations (1976) International Covenant on Civil and Political Rights [online] available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.
- [9] United Nations (1979) Convention on the Elimination of All Forms of Discrimination against Women [online] available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.
- [10] United Nations (1989) Convention on the Rights of the Child [online] available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.
- [11] United Nations (2006) Convention on the Rights of Persons with Disabilities [online] available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.
- [12] United Nations Children's Fund (2023) Education for the United Republic of Tanzania [online] available at: <https://www.unicef.org/tanzania/what-we-do/education>.
- [13] United Nations Educational, Scientific and Cultural Organization (2021) República Unida de Tanzania puntuación por indicador [online] available at: <https://es.unesco.org/dataset/649>.
- [14] United Nations Educational, Scientific and Cultural Organization (2023) The right to education [online] available at: <https://www.unesco.org/en/right-education>.
- [15] World Bank (2021) Tanzania Education [online] available at: [data. Worldbank.org](https://data.worldbank.org/).