

Relevant Laws and Policies

A number of national laws, policies and official statements have pronounced themselves on the issue of girls' re-entry to school after giving birth:

- The Child Act (2009), Part II – Rights and Welfare of a Child, states that a person below the age of eighteen years shall be known as a child. There is no qualification included in this clause, thus a child who has given birth continues to be a child.
- The Education and Training Policy (2014) pg 40, Section 3.3, states that all children are entitled to the right to education without discrimination. The same policy (pg 24, Section 3.1.3) defines primary compulsory education as Standards 1 to 7 and Forms 1 to 4.
- The Education and Training Policy (2014) pg 42, Section 3.3.3 commits the government to removing all barriers which prevent pupils from completing school.
- Article 52 (I) (ii) of the ruling Chama cha Mapinduzi's Manifesto (2015), pledges that all girls in primary education who have stopped their studies because of pregnancy will continue with their education.
- High-ranking government officials have supported the idea of girls' re-entry. *'The government has a vision to support young girls to continue with their studies after giving birth while taking appropriate action against those who impregnate them.'* (Paulina Mkonongo – Director of Secondary Education, Ministry of Education – 1 December 2015). *'The government has decided that school girls who get pregnant shouldn't be expelled, they should continue with their education.'* (Ummu Mwalimu, Minister for Health, Community Development, Gender, Seniors and Children – 27 April 2017). *'The government is moving towards allowing young girls who give birth to go back to school.'* (Samia Suluhu Hassan – 6 June 2017)
- A proposal to allow girls back to school was debated in parliament in May 2017. As early as 2009, the Ministry of Education and Vocational Training had prepared guidelines on enabling young mothers' re-entry to school and further consultations were held by the ministry on these guidelines in 2015.
- The Penal Code of Tanzania, Chapter XV – Offences Against Morality, 130 (2) (e), states that a male person commits rape of a woman or girl if he has sexual intercourse with her, with or without her consent when she is under eighteen years of age, unless the woman is his wife who is fifteen or more years of age and is not separated from the man.
- The Constitution of the United Republic of Tanzania, Part II - Fundamental Objectives and Directive Principles of State Policy, 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.

Tanzania has also ratified a number of international treaties and conventions that are relevant to this issue:

- The United Nations Convention on the Rights of the Child: Article 28(a) provides for the provision of free and compulsory primary education for all
- The African Charter on the Rights and Welfare of Children: Article 11(6) states that: State Parties to the present Charter shall take all appropriate measures to ensure that children who become pregnant before completing their education shall have an opportunity to continue their education on the basis of their individual ability.
- The 1990 Jomtien declaration on Education for All (EFA), International Convention on Elimination of All Forms of Discrimination Against Women (CEDAW - 1979) and Dakar Framework of Action 2000 all emphasise the right to education without any form of discrimination.