



NNOC

**STAKEHOLDERS COMPLEMENTARY REPORT ON UNIVERSAL PERIODIC
REVIEW FOR TANZANIA; THEMATIC GROUP; CHILDREN**

**Submitted to the Office of High Commission of Human Rights (OHCHR), Geneva,
Switzerland**

by:

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LIST OF ABBREVIATIONS

CDOs	-	Community Development Officers
IGAs	-	Income Generating Activities
LMA	-	Law of Marriage Act (1971)
LSRP	-	Legal Sector Reform Program.
LRC	-	Law Reform Commission.
NGOs	-	Non Governmental Organisation.
OVC	-	Orphans and Vulnerable Children
SOSPA-	-	Sexual Offences Special Provisions Act
TLR	-	Tanzania Law Report.
CJF	-	Community Justice Facilitators
P.P.F.	-	Parastatal Pensions Fund.
LAPF	-	Local Authorities Provident Fund.
CRC	-	The Convention on the Rights of the Child
ILO	-	International Labour Organization
ACRWC	-	African Charter on the Rights and Welfare of the Child.
UN	-	United Nations
NSGRP	-	National Strategy for Growth and Reduction of Poverty
MKUZA	-	Mpango wa Kupunguza Umasikini Zanzibar
MKUKUTA	-	Mpango wa Kukuza Uchumi na Kukuza Uchumi Tanzania
UNICEF	-	United Nations International Children Education Funds

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1.0 GENERAL BACKGROUND

- 1.1 The United Republic of Tanzania (hereafter referred to as 'Tanzania') ratified the UN Convention on the Rights of the Child (CRC) in 1991. It acceded to the *Optional Protocol on the Involvement of Children in Armed Conflict* in November 2004 and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* in April 2003.
- 1.2 Tanzania also ratified the *UN Convention against Transnational Organized Crime* and its two supplementary protocols in May 2006. It ratified the *1999 ILO Convention on the Worst Forms of Child Labour (No.182)* in 2001, the *1973 ILO Convention on the Minimum Age (No. 138)* in 1983, and the *African Charter on the Rights and Welfare of the Child (ACRWC)* in March 2003.
- 1.3 Tanzania is a union of former Tanganyika (now Tanzania Mainland) and Zanzibar, which was effected on 26th April 1964. Whereas Tanganyika gained independence on 9th December 1961 from a UK-supervised UN trusteeship, Zanzibar gained its independence from the UK on 19th December 1963 before the Zanzibar Revolution took place on 12th January 1964.
- 1.4 The United Republic of Tanzania has a total area of 945,087 square Kilometers with an estimated population of 39,384,223, having a population density of about 36 people per square kilometer. The population structure in Tanzania is as follows:
 - 0-14 years: 4.9% (males: 8,666,227; females: 8,624,387);
 - 15-64 years: 53.3% (males: 10,330,727; females: 10,649,507); and
 - 65 years and above: 2.8% (males: 491,252; Females: 622,123).¹
- 1.5 Tanzania, which became a multi-party state in 1992, has Bills of Rights in its Constitutions, which provides for the protection of human rights of 'every person.' However, the Constitutions do not provide specifically for the protection of children rights. The Bills of Rights in the two Constitutions also do not specifically contain some of the economic, Social and cultural rights which also affect children's rights in the context of UN International Covenant on Economic, Social and Cultural Rights (1966).

2.0 COORDINATION OF CHILD POLICIES AND MONITORING THE IMPLEMENTATION OF INTERNATIONAL CHILDREN RIGHTS INSTRUMENTS IN TANZANIA;

2.1 Children issues are coordinated and implemented between several ministries through consultations.

NGOs Observations

2.2 In actual fact coordination issues have brought inequalities on enjoying children rights and affect the uniform administration of children rights in Tanzania. The issue of coordination is further complicated by the fact that Tanzania is having diverse and /or violative laws dealing with children rights.

2.3 There are also coordination problems between Tanzania Mainland and Zanzibar, mainly because Children issues are not Union matters as a result there are different laws governing children issues in Tanzania. For instance while Zanzibar has a programme to re-admit in schools girls expelled because of pregnancies, Tanzania mainland does not have such programme. While Zanzibar on one hand has abolished corporal punishment in school Tanzania mainland on the other hand retains corporal punishment in Schools.

NGOs Recommendation

2.4 As the Commission for Human Rights and Good Governance is a union body, it is recommended that it takes over the coordination of children issues in the State Party.

3.0 CIVIL RIGHTS AND FREEDOMS

A. NAME AND NATIONALITY

(i) Birth registration

3.1 Birth registration is compulsory for all born in Tanzania regardless of whether they are citizens, non citizens or refugees. However, only 19% of births are registered, with only 7% of children being granted birth certificate.

3.2 Key constraints to birth registration in the mainland including lack of public awareness of the importance of birth registration and the process by which births are registered; and the significant cost implications for services that is ostensibly free. Other factors include the registrar general's office lack of capacity, equipment and materials necessary to make the system work; and there is lack of policy and legislative mandate to ensure accountability and coordination. In addition there is lack of law enforcement to make the registration compulsory.

NGOs observations

- 3.3 NGOs observe that the percentage of births and death registered is still very low as compared to the population of the State Party.
- 3.4 NGOs further observe that there is lack of the enforcement mechanisms to ensure smooth and effective birth and death registration.
- 3.5 NGOs also observe that there is no mechanism to make birth and death registration free for those who can not afford the cost as such poor families can not register and get the respective certificates.

NGOs Recommendations

- 3.6 NGOs recommend that the State Party to allocate more resources to raise the number of birth and death registration. This will include awareness raising campaigns.
- 3.7 NGOs further recommend that the State Party to put in place mechanisms that will ensure births and deaths from poor families are registered to include waiver of registration fees to them.

4. PROTECTION AGAINST CHILD ABUSE AND TORTURE

- 4.1 Article 13 of the *Constitution of the United Republic of Tanzania* prohibits torture, inhuman and/or degrading punishment or treatment to every person (including children).
- 4.2 Children are miserably mistreated and physically abused in various forms such as rape and beatings. Girls are discriminated and are at higher risk of sexual abuse. There are also rampant problems of forced marriage and the practice of Female Genital Mutilation/Cutting (FGM/C) in the communities. For example, the study and public hearing of 2005 by the Commission for Human Rights and Good Governance in Tanzania on child abuse carried out in 11 regions of the country in response to the UN Secretary-General's study on violence against children revealed 307 cases, of which 29% were related to sexual abuse, 26% to violence and physical abuse, 32% to child neglect or negligent treatment of children and 13% to emotional abuse. These are high levels of abuse in the country and facilitate, to a large extent, the presence of street children.
- 4.3 Corporal punishment is institutionalized in schools and in the criminal justice system. This is due to the fact that the administration of juvenile justice is largely based on archaic law that addresses delinquency by seeking to punish child offenders rather than promoting rehabilitation and diversion measures.

NGOs Observations

- 4.4 NGOs observe that the State Party has no political will to ensure that there is a reliable mechanism for collecting and maintaining/keeping official statistics on overall child abuse in Tanzania showing serious and widespread problems of neglect, violence, abuse, torture and exploitation of children, including the worst forms of child labour.
- 4.5 NGOs observe that lack of a specific law and/or programmes aimed at improving the rights and welfare of the child in the State Party is the main cause for the prevalent sufferings of children in the State Party as detailed in the data reported in the State Party report.
- 4.6 NGOs further observe that by admitting that the institutionalization of corporal punishment in schools and in the criminal justice system is due to the fact that the administration of juvenile justice is largely based on archaic law that addresses delinquency by seeking to punish child offenders rather than promoting rehabilitation and diversion measures, the State Party has demonstrated that it lacks political commitment to reform different laws relating to children that do not align well with the ACRWC's prohibition of corporal punishment in schools (Article 11) and in the criminal justice system (Article 17).

NGOs Recommendations

- 4.8 NGOs recommend that the State Party has to exhibit political will to ensure that there is a reliable mechanism for collecting and maintaining/keeping official statistics on overall child abuse in Tanzania showing serious and widespread problems of neglect, violence, abuse, torture and exploitation of children, including the worst forms of child labour.
- 4.9 NGOs further recommend that the State Party should reform the laws institutionalizing corporal punishment in schools and in the criminal justice system as the same are archaic. A realistic time frame for this law reform process should be set up and made public providing space for consultations.
- 4.10 NGOs further recommend that the State Party should put in place programmes for enhancing public awareness campaigns for getting rid of FGM in the framework of the Sexual Offences [Special Provisions] Act.

5.0 HEALTH AND WELFARE

A. MALARIA

- 5.1 An insecticide-treated net (ITN) has been endorsed and Tanzania National Vouchers Scheme has been introduced to provide discount vouchers to all pregnant women attending antenatal clinics. As a result, the proportion of households owning bed nets has increased from around 25% in 1999 to 46% in 2004. This has necessitated approximately 31% of children under five to sleep under mosquito nets.
- 5.2 Zanzibar is considered as a high malaria-transmission area with around 50% of children having had malaria infection before attaining their first birthdays.

NGOs Observation

- 5.3 NGOs are concerned that given the prevalence of poverty facing many parents in the State Party, it is very difficult for most poor and vulnerable children to afford the ITN despite the discounted vouchers.

NGOs Recommendations

- 5.4 NGOs urge the State Party to improve its efforts on combating poverty to its citizens so as to enable all parents to have the financial capacity to shoulder all costs relating to, inter alia, affording to have mosquito nets that will help in effectively combating malaria.
- 5.5 NGOs also urge the subsequent State Party Report to contain data from all parts of the Union so as to clearly indicate the level of implementation of its efforts aiming at reducing transmission of malaria children in the State Party.
- 5.6 As a short-term mechanism, NGOs further urge the State Party to ensure that, as a way of improving the condition and efforts made in combating malaria, children and pregnant mothers in very poor families and geographically identified regions with high mosquito breeding sites be provided with free long term treated mosquito nets and insecticides as some of them cannot afford buying insecticide treated nets despite discounts. Women attending antenatal clinics should be educated on malaria and preventive measures, which task can also be done through radio programmes.

B. HIV/AIDS

- 5.7 Currently, the national prevalence of HIV is estimated at 5.7%, whereby disaggregated data reveals that prevalence is relatively low amongst 15-19 year olds.
- 5.8 The State Party has also reported that only 33% of young men and only 41% young women have comprehensive knowledge on HIV/AIDS, with

very few young men and women receiving life skills training for prevention of HIV; and access to condoms is inadequate.

NGOs Observations

- 5.9 As observed by the Committee on the Rights of the Child in its concluding observations CRCC/C/TZA/CO/2 dated 21/06/2006 page 11, the prevalence of HIV in the State Party is still very high (5.7%), especially among young women in the child bearing years. Furthermore, the percentage of young men (23%) and young women (41%) with comprehensive knowledge of HIV/AIDS and life skills training for prevention of HIV /AIDS is still very minimal and that the number of HIV/AIDS infected adults and children accessing antiretroviral medications are still limited.
- 5.10 NGOs also observe that currently there are no efforts put in place by the State Party to ensure that awareness on HIV/AIDS amongst the young people is incorporated in the primary school curricula as well as in family upbringing.

NGOs Recommendations

- 5.11 NGOs recommend minimizing mother to child transmission and increase the provision of ARVs and formula feeding for infants. Use of condoms should be promoted and condoms made readily available while reproductive health education and HIV/AIDS information should likewise widely be disseminated.
- 5.12 NGOs also recommend that the State Party should encourage behavioral change among the vulnerable groups such as young men and women.
- 5.13 In addition, NGOs urge that information relating to mother-to-child transmission should be widely disseminated and that all the suggestions in this aspect and many others can be worked upon as the state party in its report confirms to have enough funding to respond to HIV/AIDS.

6.0. SPECIAL PROTECTION MEASURES

A. CHILDREN IN SITUATIONS OF EMERGENCY

(i) Refugee, Returnee and Displaced Children

Treatment of Returnee Burundian Refugee Children

NGOs Observation

- 6.1 NGOs also are concerned with the lack of information on how refugee children (including unaccompanied ones) were dealt with when the State Party repatriated back home all Burundian refugees when it closed down

all refugee camps in Ngara and Kibondo Districts in 2007/2008.

NGOs Recommendation

- 6.2 NGOs urge the State Party to provide information on how the State Party dealt with children's rights when it carried out the repatriation process of all Burundian refugees back home when it closed down all refugee camps in Ngara and Kibondo Districts in 2007/2008.

(B) CHILD SEX TOURISM

- 6.3 There is increasing incidents of child sex tourism, which involves vulnerable children and adversely affects their growth and development.

NGOs Observations

- 6.4 NGOs observe that sex tourism is increasingly emerging in the State Party, particularly along the Indian Ocean's beach hotels where some tourists are interested in having sex intercourse with children (both male and female). There are hot spots for sex tourism in Zanzibar and South Beach (Kigamboni) in Dar es Salaam which are known to host tourists who are in sexual spree tourism.
- 6.5 NGOs are greatly concerned that owing to lack of seriousness on address sex tourism, the State Party does not have actual figures/statistics on the scale, causes and impact of sex tourism to the basic rights and fundamental freedoms of children in the State Party.

NGOs Recommendation

- 6.6 The State Party is urged to take serious measures aimed at curbing the involvement of children in the hazardous sex tourism industry to protect them from the attendant adverse implications upon them.